

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Tenth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Wednesday the 21st day of October, 1970, at 10.00 a.m.

PRESENT:

Mr Speaker.....(In the Chair)
(The Hon A J Vasquez OBE, MA)

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 Housing and Public Works
The Hon W M Isola – Minister for Tourism and Municipal Services
The Hon Miss C Anes – Minister for Medical and Health Services
The Hon L Devincenzi – Minister for Education and Recreation
The Hon R H Hickling, CBE, QC – Attorney-General
The Hon E H Davis CMG, OBE – Financial and Development Secretary

The Hon P J Isola, OBE

OPPOSITION:

The Hon Sir Joshua Hassan CBE MVO QC JP – Leader of the Opposition
The Hon A W Serfaty, OBE, JP
The Hon A P Montegriffo, OBE
The Hon E J Alvarez, OBE, JP
The Hon I Abecasis
The Hon M K Featherstone
The Hon Lt Col J L Hoare

IN ATTENDANCE:

J T Summerfield Esq – Clerk of the House of Assembly

PRAYER

Mr Speaker recited the prayer.

OATH OF ALLEGIANCE:

The Hon R H Hickling made the prescribed affirmation.

MR SPEAKER:

I should like to welcome Mr Hickling and I am sure that the House will benefit at all times from his expert assistance and advice, which, I am sure will be needed from time to time.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 7th July, 1970, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID

The Hon the Chief Minister laid on the table the following document:

The Census Order 1970.

Ordered to lie.

The Hon the Minister for Labour and Social Security laid on the table the following documents:

- (1) The Family Allowances (Qualifications) (Amendment) Regulations, 1970.
- (2) The Social Insurance (Insurability and Special Classes (Amendment) Regulations 1970.
- (3) The Conditions of Employment (Annual and Public Holidays) (Amendment) Order 1970.
- (4) The Conditions of Employment (Retail Distributive Trade) Order 1970.

Ordered to lie.

The Hon the Minister for Information, Post, Trade and Industries laid on the table the following documents:

- (1) The Post (Amendment) Rules, 1970.
- (2) The British Commonwealth and Foreign Parcel Post (Amendment) (No. 2) Regulations 1970.

Ordered to lie.

The Hon the Minister for Tourism and Municipal Services laid on the table the following documents:

- (1) The Recreation Grounds (Amendment) Rules 1970.
- (2) The Traffic (Parking and Waiting) (Amendment) (No. 2) Order 1970.
- (3) The Traffic (Taxi Fares) Regulations 1970.

Ordered to lie.

The Hon the Minister for Medical and Health Services laid on the table the following documents:

- (1) The Animals and Birds (Amendment) Rules, 1970.
- (2) The Animals and Birds (Amendment) (No. 2) Rules 1970.

Ordered to lie.

The Hon the Attorney-General laid on the table the following document:

The Gibraltar Regiment (Amendment) (No. 2) Regulations 1970.

Ordered to lie.

The Hon the Financial and Development Secretary laid on the table the following document:

The Estimates of Revenue and Expenditure for the fifteen months ending on the 31st March 1971.

Ordered to lie.

QUESTIONS AND ANSWERS

STATEMENT BY THE CHIEF MINISTER

When I first spoke in this House I stated clearly that this Government was fully committed to a policy of higher wages and higher productivity. Productivity has now become a household word and I am very glad to say that practical effect is now being given to our policy.

In the statement I made when the 1970 Wage and Salary Structure Report was published, I reviewed the continuing process which is taking place in the rationalisation of incomes in Gibraltar and placed particular emphasis on the third stage envisaged in the Interim Report, that is, the introduction of schemes designed to provide the incentives and the opportunities for the worker to increase his weekly earnings. I then said that I hoped to be able to make a statement on progress in the House of Assembly after the summer recess. I am pleased to be able to do so and show that initial progress has

been made and that it now seems possible for such schemes to be tried and introduced in many Departments, both for industrials and non-industrials. This is a source of satisfaction in that the theories expounded by the Manpower Mission can be translated into practical results if there is cooperation between employers and employees, Unions and management. To this end the Government is initiating processes which will bring understanding between Unions and management and result in greater earnings for the workers and savings to the Government.

I would remind the House that in my statement of the 2nd July, I said that productivity schemes cannot be introduced without a full examination of the facts and figures on the one hand and the practical, economic feasibility of implementation on the other. I would like to make this point once again. I do not need to remind the House that this Government's policy is to pay higher wages through higher productivity but I should like to re-state, what is perhaps not always fully realised, that greater earnings can come only as a result of real increasing productivity. It follows that no productivity scheme can be introduced unless we are certain that it will achieve its object and that the pay-out of public funds is fully justified by a real return in terms of hard work and practical results. Good management must realise this and must also realise that unless they themselves play a progressive part in bringing this about the scope will be limited. Indeed this entails as much a new and enterprising attitude on the part of management as an equally new and ambitious outlook on the part of groups and individual workers as team-work is an essential factor in productivity bargaining.

Mr Marsh is now engaged in the preparation of the 1970 Final Productivity Agreements Report which he forecast in his Interim Report. I would remind the House that, speaking of this third stage, he said that "experiments with productivity bargaining ought to be accompanied, ideally by the end of 1970, with the development of machinery adequate to regulate this form of collective bargaining in the Gibraltar situation." I should now like to inform the House of the progress that has been made in carrying out these experiments and in developing the required machinery.

The purpose of the experiments is to find the methods by which productivity can be applied with maximum benefit to the workers and most effective results to Government and the community as a whole. Many methods can be applied and the choice must necessarily depend on the nature of the work. Of one thing I can assure you: that this Government, which is dedicated to bring about a higher wage and higher productivity society, will leave no stone unturned to ensure that productivity schemes, which will include formal productivity agreements, productivity schemes, job price contracts, task work, piece work, efficiency bargaining and others will be extended to all Government Departments where any such schemes or combination of schemes can be introduced.

In the Public Works Department, productivity schemes introduced so far consist of jobs price contracts, task work and piece work. The tasks involved include the laying and renewal of mains, paving, roof and wall construction,

roadworks, repairs to catchment areas and production of stone bricks, kerbs and channel blocks. Foremen have recently been authorised to arrange piece work on small jobs. Courses for Foremen to ensure standardisation of procedures and methods will shortly be instituted at the Construction Training Centre. A certain amount has also been done in the Telephone Department and it is hoped to introduce similar arrangements in the Electricity Department. The advantages are, in varying degrees, that the work is done more quickly, the Government saves money, less labour is required and the workers earn more.

It is thus obvious that as productivity bargaining is extended to cover more and more groups in our labour force there will be a visible improvement in the rate of work of the labour force as a whole. This will enable us to rely increasingly on Gibraltar's labour resources and to diminish our dependence on labour from abroad. Another advantage of this process already pointed out by Beeching is that, as earnings rise, our capacity to recruit will improve and this in turn will make Gibraltar more self-sufficient in labour.

To prove the point I would like to quote one simple example in which 6 men were involved. Although in this particular example the Government did not save any money, the work, which was calculated to take 3 weeks, was done in one week, thus saving 12 man-weeks, and the average earnings of the workers involved was £30 instead of £9.6s. 6d.

I should like to quote other examples. In the Cleansing Section of the Public Works Department a 10/- productivity bonus is offered daily to each worker in the Destructor on condition that all the refuse produced each day, which had previously been accumulating, is burnt that same day. The result has been achieved. It is interesting to note, incidentally, that one of the reasons why this has become necessary is that a greater quantity of both trade and domestic refuse is being produced, a sign of and a problem of a prosperous community. A pilot flushing scheme, involving 4 sweepers, was introduced on the 16th October and is designed to ensure that all districts are swept and flushed daily in spite of the shortage of flushers. The bonus in the case is £2 per week, a percentage increase on the basic wage of 20%. Consultants have recently endorsed our proposals for introducing mechanisation to improve our street cleansing service and arrangements have been made to order this equipment which will help to make more efficient use of our existing labour force. A mobile sweeper is being ordered in the first instance.

I said in my previous statement that it is not always possible to provide the same opportunities for the non-industrial grades but that the Government had every intention of taking positive action in this field. Here again a number of schemes have been introduced or are in hand. The first scheme was concerned with the work of this House. The delay which would have arisen if the tapes for the lengthy debates at the last meeting of the House of Assembly had been transcribed in the normal way would have been too great. The tapes were accordingly shared out between four stenographers who will each receive approximately £20 for carrying out the work outside office hours. Other schemes, basically similar but with some variations, have been or are

being introduced in the Treasury, the Housing Section, the Post Office Savings Bank and the Secretariat. A productivity agreement has been made with the Porters in the Medical Department. Eight porters are now doing the work previously performed by ten. They now earn 39/- per week more than before, an average percentage of 14.8% on the basic wage, and the Government has made an initial saving of £270 per annum. A similar scheme is being negotiated with the Secretariat Messengers where again as the result of cuts in manpower, pay could increase by some 25%, Government will save over £1,000 a year and the work will be carried out more effectively and efficiently. Similar arrangements for Prison Officers and Port Department seamen are being worked out for approval by the Government and negotiation with the staff concerned.

In the field of mechanisation an electrical receipting/analytical machine is being purchased from U.K. at a cost of some £2300 to replace the manually operated machine at present in use in the Municipal Department's Collection Office. This will entail a re-organisation of the office which will lead to a considerable reduction in clerical staff (possibly as many as 8 out of 20) with an initial salary saving of about £3000 per annum.

I think this House will agree that far from the Beeching policy having degenerated from a dream into chaos, as the President of the Chamber of Commerce has so rashly stated in London, the Government has painstakingly been evolving the necessary machinery and is succeeding in defeating the Spanish attempt to cripple Gibraltar by withdrawing over one third of our labour force.

The machinery for the introduction of these schemes is being kept as simple as possible. Heads of all Government Departments have been requested to submit schemes for consideration. These are looked at by a small ad hoc committee which ensures that liaison is maintained with Mr Marsh, the Treasury and the Establishment section. The schemes are then submitted for the Government's approval and for the allocation of funds and finally, the proposals are put to the Staff Associations for negotiation. It is hoped that Unions and Staff Associations will come forward with schemes for consideration. This would be very much welcomed by this Committee.

The Government is also continuing with its programme of visits by members of the staff of the Coventry Management Training Centre for whose assistance we are most grateful. The departments looked at during such visits include the Medical and Education Departments, the Stores, the Housing Section and the Secretariat, and the indications are that considerable savings and improved earnings will ensue. A list of further tasks has been sent to the Training Centre and we look forward to further visits which, eventually will lead to our being in a position to improve the overall efficiency of Government Departments and, by reductions in the numbers of staff employed, enable the remainder to increase their earnings.

A further step in this direction has been taken by the decision to appoint a Training Officer who, it is hoped, will also carry out Organisation and Methods

functions, and a request for recruitment has already been forwarded to London. This appointment will make it possible, in yet another way, to increase the efficiency of the Government machine, and expand the scope of productivity schemes with which will be linked higher earnings.

In order to ensure that productivity agreements are arrived at in a manner satisfactory to both parties the Government has also instituted courses in collective bargaining. One such course was held last month for the staff side and was not successful. I should like to thank Mr Len Wines and Mr William Conboy for their assistance in this connection. Further courses are being organised.

We shall do our best to implement productivity agreements, efficiency bargaining and other productivity schemes as these become feasible, as is being done, and we are confidently aiming at such schemes being generally introduced by the second half of next year but their success will very much depend, as I said at the beginning of my statement, on the attitude of mind of employees and management and of course, in certain cases, on the possibility of finding a method suited to the kind of work being performed.

Productivity incentives, in the extensive way that this Government is trying to carry them out, are a very complicated matter and time must necessarily be taken if the objective enunciated is going to be achieved since it is not impossible, through miscalculation or the adoption of the wrong methods, for schemes to turn out to be counter-productive. For the present, therefore, however much advice we may seek from experts, since we are in the initial stages of such a revolutionary approach to work, it will involve much trial but I hope not too much error and consequently the progress cannot be as fast as this Government would like it to be. However, the first indications are promising and the best I can say at this stage is that the Government feels optimistic.

HON SIR JOSHUA HASSAN:

Doesn't the Chief Minister think, after all the particulars that he has given – that we shall have to look at carefully – that it would be a good omen and a good beginning to Marsh's proposals on higher productivity, if it were possible to bring about the reasonable settlement at Joint Industrial Council of the Industrial worker's claim over the Marsh award?

HON CHIEF MINISTER:

Mr Speaker, nothing would please me more than to see this matter of the Marsh award settled. I said here, when I made my statement, that this was the platform from which we are going to launch the productivity schemes. It is a great regret that this has not been the case so far generally, but of course I am hopeful and as far as the Government is concerned, through their

representatives in J.I.C., everything will be done to bring this to a happy conclusion.

MR SPEAKER:

Perhaps this would be a convenient time to adjourn for the lunch recess.

The House adjourned at 11.15 a.m. and resumed at 2 p.m.

STATEMENT BY THE MINISTER OF EDUCATION AND RECREATION

As I promised the House at a previous meeting I would now like to inform Hon Members what the position is with regard to both the holding of a selection test and the comprehensive system of education.

Obviously I am very much aware that pupils, teachers and parents would like to know whether there will be any form of selection for secondary school this school year. I therefore consider it important that an announcement should be made at this stage to make the position clear for everybody.

In view of the above I wish to announce that the transfer of a child from Primary to Secondary Schools in September, 1971, will be on a selective basis and that arrangements are being made for pupils in the last year of the Junior School to take two verbal reasoning tests and that the result of these will be used in determining the allocation of pupils to their new Secondary Schools.

Meanwhile I would like to remind the House that very active and positive steps are at present being taken in order to accelerate the introduction of a comprehensive system of education as soon as possible. If it is found that this can be achieved for implementation in September, 1971, then of course it will not be necessary to use the results of any selection procedure taken this school year.

I should like to take this opportunity of saying that although children in the last year of the junior schools will be taking selection tests this year, it is not desirable for there to be unnecessary preparation and practice for these tests either in the schools or at home.

It is more important that the curriculum provided for these pupils should be on as wide and on as informal a basis as possible.

I therefore hope, for the sake of the children, that too much emphasis will not be given to selection by teachers or parents.

With regard to going comprehensive I would like to confirm most emphatically that this Government is truly and gladly committed to this system of education

and I am hopeful that with British Government support I shall be able to announce an implementation date by January next year.

Thank you.

MOTIONS

Amendment to the Second Schedule to the Licence and Fees Ordinance.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, the purpose of the first motion standing in my name is to regularise the situation which has actually been going on since the 40-hr week was implemented last July. The hours of business of the Government Cranes at Waterport Wharf are set out in the Second Schedule to the Licensing and Fees Ordinance and an amendment thereto is consequential on the introduction of the 40-hour week. Under Section 52 of the Ordinance, the Governor may, with the prior approval of the House of Assembly, amend the Schedule. The motion standing in my name does exactly this. I accordingly move, Sir, that in the exercise of the powers conferred upon it by Section 52 of the Licensing and Fees Ordinance, this House approves that the Governor may amend the Second Schedule to the Licensing and Fees Ordinance with effect from the 29th June 1970, by substituting sub-paragraph (c) of para. 4 of part 2 of item 8 thereof as follows:

“(c) Cranes at Waterport Wharf

Mondays to Fridays (both days inclusive) 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.”

Sir, I commend the motion to the House.

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

The motion was accordingly carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE DETAILED IN THE ESTIMATES OF REVENUE AND EXPENDITURE FOR THE FIFTEEN MONTHS ENDING ON THE 31ST MARCH 1971.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, in rising to move in the terms of the motion standing in my name I would ask your leave to read my speech since inevitably it recites a number of figures.

During the course of the proceedings in this Chamber which started on the 17th December last I informed Honourable Members that it was my intention, during the course of 1970, to ask the House to vote supplementary provision for three month's expenditure based on the present budget. This would first enable us to adjust our Financial Year to the same period as the United Kingdom, that is to say from the 1st April to 31st March; second, be in keeping with our Income Tax Legislation; third, be welcomed by the sectors of the Community to have to plan tariffs 12 months ahead, for example the Tourist Industry; and last Sir, but perhaps not least, obviate the need, during the traditionally festive season, for measures which, at the best of times, are seldom palatable.

To achieve my purpose, Sir, and in order to satisfy all the canons for proper financial control, it has been necessary to take the Estimate for 1970, as they were approved last December, and make the necessary alterations under every Head of Expenditure, as well of course as of Revenue. The result is shown in the document tabled earlier in the proceeding which sets out the following: First of all the personal emoluments in each department as a block vote, reflecting establishment as approved by the House, except where a reduction has been achieved, for example in the Police, or where an increase has already been approved by the House, for example in the Labour Department. The Revised Estimates incorporate as supplementary provision, the cost of implementing the Marsh Report but take no account of the effects of any negotiations still in progress following representations made. And secondly, other charges in every department in full. This is to ensure that each sub-head of expenditure, with the supplementation provided, receives specific approval. In the majority of cases, the increase is of the order of 25% to take account of the additional 3 months involved after providing for increased rates of wages. There are some exceptions where the increases are greater and these will be referred to in due course during the Committee Stage. There are yet other instances where the increases are due simply to increased costs.

The opportunity has been taken Sir, to recuperate items already approved by the House during the course of 1970 under Supplementary Schedules, which are duly shown. Items which have been pending the approval of the House since the last meeting, to which a specific reference will be made in Committee, and expenditure which is chargeable to Her Majesty's Government's special grant of £100,000 for 1970. And since the accounts for 1969 have now been closed, it has been possible to include at pages b and c at the beginning of the Revised Estimates, the usual statements of assets and liabilities as at 31st December, 1969, as well as a revised forecast of how Gibraltar's finances should stand at the 31st of March of 1971, and it is Sir, with the latter that I should like to deal first.

When presenting the Budget last December Sir, I estimated that the General Revenue Balance at the end of 1969 would stand at £696,000. I added, and I quote, "I hope that I am proved wrong and that we will go well into the £700,000 mark". As Hon Members will see the actual figure was £743,000. The improvement was due to a number of reasons. In the first place the

revenue on the Government side fortunately exceeded expenditure by some £153,000, this was partly offset by an excess of expenditure over revenue on the year's working of the Municipal Department of some £75,000. The resulting mixed surplus of £78,000 helped to reduce the final adjustment in respect of the deficit of £387,000 on the incorporation of the City Council accounts into the Government account, to a combined mixed deficit of £308,000 instead of the overall £351,000 which had been estimated. In simpler terms, which require Sir, a comparison between the documents tabled today and last December, revenue was actually £147,000 better than expected, but this was offset by an increase in expenditure of £104,000.

I turn now, Sir, to the position as I think it will be at the end of March, 1971. On the expenditure side the total bill for 15 months operation is estimated to be nearly £5,600,000. That includes a contribution to the Improvement and Development Fund, which last December was put at nearly £100,000, but has now been doubled to take account of capital works on the Municipal Department side. These are mainly connected with the completion and occupation of The Haven and the new distiller. On the revenue side I think, Sir, that all things being equal, we should collect first over £5 $\frac{3}{4}$ m, the estimate being based on the actual receipts for 8 months and 7 months estimated on the actual. We should thus, Sir, finish the period with a surplus of some £183,000, bringing the General Revenue Balance once again to the more respectable figure of £926,000.

But, Sir, that surplus must be analysed closely in order not to allow ourselves to be carried away into the realms of fantasy or to be deluded into a false sense of security, and I say that, Sir, purposely.

The revenue figures are bolstered up by two main factors. In the first place we have credited to revenue £84,000 of Her Majesty's Government's special grant of £100,000 for 1970, of which £16,000 have still to be claimed. Against this amount, we have charged certain items of expenditure all of which are noted in the estimates and to which I will refer in the committee. Those items will have to be paid for by Gibraltar next year and the year after, because that was the understanding on which the money was given. There will then be no corresponding revenue entry. Secondly, because of the extension of the financial year we will be collecting some £125,000 from the Ministry of Defence in January, 1971 in respect of rates covering the period to the 31st December 1971, in other words the 15 months period will include 2 annual rate payments by the Ministry, which will need of course to occur in the future. There are too, Sir, other small bonuses to be taken into account: the expenditure we incur in sending sponsored patients to the United Kingdom for medical treatment is being waived this year by Her Majesty's Government as a special concession; payment for some motor car licences will, no doubt, be received before the end of next March in respect of the ensuing 12 months period; and the same applies to other licences payable in January where the 15 months will include two annual payments. There is also the fact that the revenue figures for the Municipal Department are still based on the old system under which revenue is credited in full at the time that bills issue, that is something which I hope will be rationalised by next March.

The House will, I am sure, appreciate that in the light of these factors, the surplus shown will not occur in the next 12-months period, in fact, we may well have to dip into reserves, at least to the extent of meeting a commitment for which Her Majesty's Government gave us the special grant this year. Moreover, it should be noted that except for the Municipal Department, no significant contribution is being made from General Revenue to the Improvement and Development Fund as was envisaged when that fund was set up some years ago. The fund, as the House is aware, is meant to finance works of a non-recurrent nature which were previously met from the appropriate heads of expenditure in the annual estimates.

That Sir, is the picture of the recurrent side. As I have said earlier the attention of the House will be invited to specific points of detail relating to various heads when we are in committee.

On the capital side, the House will observe that the opening balance on the 1st of January 1970 was £138,000, or some £35,000 less than anticipated. This was due to payments outstanding from Her Majesty's Government and an increased rate of expenditure. After taking account of the works to be carried out between now and the end of next March, the expenditure to be incurred rises from £1 ¼ m to £1 ¾ m in respect of which we shall be receiving nearly £1,700,000. The remainder will have to come from the Fund itself, the closing balance of which at the 31st of March 1971 should stand at some £50,000. There are, however, commitments on the Fund which will be soon disposed of what, I regret, Sir, is a most inadequate amount. That Sir completes the picture.

I have refrained from going into great details because I do not regard the present exercise as being other than regulational to obtain approval for supplementary provisions. What I am asking the House to do is to approve expenditure for an additional 3-months period and to sanction expenditure incurred whilst the House is being in recess. In other words, Sir, I have not regarded this as a mini or indeed a midi-budget session, it cannot be that at all, because the document on the Table is what the House approved last December, duly amended and brought up to date. And before I sit down Sir, I would like to make one comment. It must be of some satisfaction to the House that looking at expenditure over 15 months, with 2/3rds of the period gone, it should be possible to forecast a not unreasonable ending. (It is in fact, even if I say so myself, a not unsatisfactory position to be in, because it shows that we have been able to keep up with our commitments). I hope, Sir, that with continued good management the position will be maintained. Thank you Sir. I now move Sir, that the House should go into Committee to consider the Estimates, Head by Head.

This was agreed to and the House went into Committee.

House in Committee.

MR SPEAKER:

Before we consider the Estimates of Expenditure I would like to say that if members agree, it is proposed to call out the number and title of each Head, the number and title of each subhead, were it occurs, the inclusive number of items. Members wishing to discuss any item may use their right to speak, otherwise I will pass the item. As you have all been able to appreciate, the estimates of expenditure are rather bulky and this procedure will save time of the House.

Head I. Audit, Head II. Cemetery, Head III, Ecclesiastical were agreed to.

Head IV. Education.

HON M K FEATHERSTONE:

Sir, under item 8 there is an adjustment for the share of the running expenses of the Dockyard and Technical College and there is a note that says that this includes the adjustments for rents claimed ... Do we have to stand Sir, when we are in Committee?

MR SPEAKER:

Yes, it has been the practice in the past.

HON M K FEATHERSTONE:

I'm sorry Sir, it includes an adjustment for rent claimed by the Ministry of Defence for past years. How many years does this include Sir?

HON L DEVINCENZI:

Sir, I believe it was agreed in principle in 1967 that the Gibraltar Government would share the expenses incurred in the Dockyard Technical College with the Ministry of Defence. Apparently no specific provision had been made for the private rents being paid by the lecturers but in 1967 it was accepted in principle that the rents of lecturers should also be taken into account when sharing the costs. We have now been presented with a bill for £1200 which goes back, I think, as far as 1954/55. Perhaps the Financial and Development Secretary will confirm that.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It goes back to 1953.

HON M K FEATHERSTONE:

I was going to say, shouldn't this be statute barred. Isn't it a reflection on the people, who in the past, have been running the Education Department, that this colossal bill should suddenly be presented to us today?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The principle, as the Minister has said, was accepted by the Gibraltar Government in 1967. I agree that it is a colossal Bill, we have been arguing this for the past nine, ten or twelve months, but unfortunately, since the principle has been accepted there is no option but to pay up.

HON SIR JOSHUA HASSAN:

But how could they justify taking so long to make this claim?

HON CHIEF MINISTER:

Mr Speaker, I know this has obviously been a source of great unpopularity as far as my Government is concerned. But when we came into Government we said we would accept all the commitments of the previous Government. I think we have got to honour this, and although it is a huge sum I do not think it is fair that this should be shouldered by the present Government, which is just trying to do what I think is done in any democracy which has a British approach to Government. Since this was a commitment of the previous Government, we can't just shrug it off.

HON SIR JOSHUA HASSAN:

I don't think anybody is suggesting shirking it off, but it can happen to the present administration in the future. The point is, what reasons have been given and would have been given to the previous Government if it had been done two years ago, if it covers such a long period, and we would have expected an explanation which I am sure has been given. What we know, as we would have wanted to know in Government is, what reason has been given, if this commitment was accepted, for not having billed the Government for the share which we have to pay. This is as simple as that. No question at all of trying to burden anybody, except the fact that the bill was not presented for payment.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This, Sir, is what is known in official circles as, an oversight on the part of the department concerned. Unfortunately it was not the Gibraltar Government's oversight, it was the Ministry of Defence's oversight.

HON LT COL J L HOARE:

Having been an oversight, can you not apply the statute of limitation which limits arrears to six years?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Honourable and Gallant member is going to suggest that because of an official oversight we should disclaim responsibility, I am afraid that I could not oblige the Government to do.

HON CHIEF MINISTER:

Mr Speaker, I think that my Government could not contemplate doing such a thing, and I think that even the Leader of the Opposition, in this case, will agree with me.

HON SIR JOSHUA HASSAN:

I don't think the question is meant to imply that we are not legally responsible or morally responsible, but as I understand it, there have been negotiations over this matter, no doubt in an attempt to reduce the amount that has to be paid because of the time that it has taken. This is exactly what we mean, that if it has been presented so late, of course there was some argument, moral or whatever, it is not intended in the sense of statute barred in legal terms, of not paying it, this is what we mean.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can assure the Honourable and Learned Leader of the Opposition, Sir, and he knows me sufficiently well to know, that I would never advise the Government to cough up if I could possibly wriggle out of it.

HON LT COL J L HOARE:

Mr Speaker, when I mentioned the statute of limitations, perhaps this caused a bit of misunderstanding. What I really implied by this was a limitation of retrospection. When one Government department makes a mistake, it

generally agrees to accept a limitation on the amount of retrospection and if you go back to 1953 from 1970 is it a very long time. In fact they are reaping the benefit of their mistakes and it is an accepted axiom that when you deal with these items you take part of the blame by limiting the amount of retrospection.

HON L DEVINCENZI:

Mr Speaker, I beg to differ that they are reaping the benefit of the mistake – not that I was very enthusiastic when faced with the bill. Nevertheless I would suggest that because of the fact that they have not been collecting the money over the years, they have been the losers, since money nowadays is certainly not worth as much as it would have been had they been collecting every year. I also understand that they are not charging any interest.

HON LT COL HOARE:

May I ask for a little enlightenment, Mr Speaker, on item 27 – Financial Aid to Youth Council. The previous approved estimates was for £2,900, the present one is for £3,000, an addition of merely £100. But the Youth Organisations to whom this grant is passed on will have to meet liabilities for five quarters instead of four quarters. Is it proposed to make a further grant to these organisations, necessitating a further supplementary or how does Government intend to deal with this problem?

HON L DEVINCENZI:

Mr Speaker, now and again the Honourable and Gallant Colonel Hoare brings up a good point, this is one of them. It is in fact a good point and I am pleased to say that since these estimates only take into account money that will actually be spent during the last quarter, and as a rule money for sporting and cultural organisations are usually given out around July, certainly after March, it was not considered advisable to provide for this in these Estimate. Nevertheless when people are asked to submit their requirements next year, they will be invited to ask for a period of fifteen months to cover the three months loss.

HON LT COL J L HOARE:

This will of course cover the item in the long run, but it won't help those organisations who live on a shoe-string, to meet their actual commitments during the fifth quarter of this particular year. You have already paid this year's grants?

HON L DEVINCENZI:

Yes.

HON LT COL J L HOARE:

Which are budgeted to cover expenses of these clubs up to the end of December. After that they live on credit, they don't budget because they don't know what they are going to get. No, willy nilly they are having to budget with no extra sum. Is there thought of giving them any additional relief for this extra quarter, or are they going to be allowed to fend for themselves and then make it up during the following year? It is a difficult problem trying to finance these youth organisations I can assure you.

HON L DEVINCENZI:

Mr Speaker, I do not know whether I have made myself clear or whether the Honourable and Gallant Col. Hoare has not quite understood. I do take the point, but again as they were given their grants in July, in effect this should cover them until the following July. I do realise there is this gap, but as far as the effective money is concerned it would not affect them.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, may I satisfy the Honourable and Gallant Member who may think it is some devious process of the Financial Secretary to do somebody out of something, there is no intention of this. When budgeting for 1971-72, a full fifteen months expenditure will be taken into account, in other words the expenditure to be covered between 71-72, for example, Societies will put in for relief from rates, we will take account of a full fifteen months period in budgeting between the 1st January 1971 to the 31st March 1972.

HON SIR JOSHUA HASSAN:

What it really means is that if they have been living on credit they would have to live on three months more credit for the time being.

HON CHIEF MINISTER:

Mr Speaker, perhaps it is time for me to butt in because we have the future, prosperity and activities of the Youth Organisations very much at heart indeed. I hope that next year we shall be able to increase the contribution of the Government to the Youth Clubs. There is no question at all of depriving these clubs of one single halfpenny. The fact is that in practice the money is dished out round about July, therefore the time in the budgeting and the time

in the actual giving out of money, does not quite coincide. The fact is, any way, whether it is July, June or May that it would be after the 1st of April. It would be erroneous, therefore, and I think that then the Honourable and Gallant Colonel Hoare would object that we should put a figure in our Estimates today which we in fact are not going to spend because the money will not in fact be dished out – if I can put it as bluntly as that – until after the 1st April. Therefore it is quite unnecessary to put it in these estimates because in practice it will not work. When we come to the following year's estimate, which I hope will be round about March sometime, we will see that provision is made, and I hope more generously than we have been able to do this year. The impression of our accounts today show that we are not so badly off, after all and therefore the prospects for the future is good. I do hope the Hon and Gallant Gentleman can take my word for that.

HON LT COL J L HOARE:

Mr Speaker, I am not going to belabour this point because it is a matter of how you look at it. What I really wanted to bring to notice is that clubs and organisations, who already live on a hand to mouth existence, who have pledged their credits at the beginning of the year until they get their grants in July – it is no good thinking that they don't start spending their money until July, they start spending from the 1st January – will have to appease their creditors for three more months.

HON M XIBERRAS:

I think that apart of the reasonable point that the Honourable and Gallant Gentleman has made is that people will not know what they are getting and therefore will not be able to budget in advance. However, the point is fully met because budgeting, or putting in for money by clubs of which I have a little bit of experience as well, takes place in the first quarter. So far as the budgeting is concerned, or by putting in is concerned, the time will be the same. The actual time of the year will be the same and as regards the getting of the money, or being told how much they are going to get, the time of the year will also be the same. I think that should satisfy him on both points.

HON LT COL J L HOARE:

Obviously my point has not got across.

HON SIR JOSHUA HASSAN:

I think the point could be met if in fact next year the grant were to be made immediately after the budget, earlier than normal, say in April, June or May.

HON CHIEF MINISTER:

That Sir, is I think a very good suggestion provided that the whole machinery can start earlier if there is no problem. In fact this may be one of the advantages that we may get by having shifted the budgeting from December to March, which is an innovation of this Government, and I am glad to see that already we are showing that with this new idea some improvement can be carried out in the way that we can help the Youth Clubs.

HON L DEVINCENZI:

Sir, this is again a very good suggestion, the trouble is, Sir, that lots of clubs apply rather late and although it is laid down that they should not do so, they do and one hesitates not to take them into consideration. This really causes delays.

HON M K FEATHERSTONE:

Item 11 Sir. Where is the £1000 increase on the examination expenses, why is that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

You pay far more in the first quarter than in the remainder of the year.

HON M K FEATHERSTONE:

Item 24 Sir, School Broadcasts, there is no increase whatsoever. Is it again that this time you pay later in the year or is it that there are no more school broadcasts?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No expenditure above this figure is being incurred.

Head IV Education was agreed to.

Head V Electricity Undertaking, was agreed to.

Head VI Fire Service Department was agreed to.

HON LT COL J L HOARE:

Mr Speaker, the last time, which is unnumbered is presumably No. 8 – Furniture. I understood that this became the responsibility of the Department of the Environment, to give it its current name. I expect this is the same or is it merely that the (b) annotation has been omitted.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The expenditure Sir is shown under actual expenditure of 1969. There is no corresponding entry to 1970 or to 1970/71, in other words it is the responsibility of the Department of the Environment.

HON LT COL J L HOARE:

But you have taken the trouble of annotating (b) against item 4 – Gardens but not this one.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Because it was estimated in the 1970 estimates. No estimate was put in against Furniture in the 1970 estimates.

HON LT COL J L HOARE:

Furniture is no longer our responsibility?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is so Sir.

Head VII – The Governor was agreed to.

Head VIII – Judicial was agreed to.

Head IX – Labour and Social Security.

HON M XIBERRAS:

Sir, I'd like to single out points from these items. The first is No. 2 – Supplementary Benefits, where there was over provision – something like £105,000. I would like to say that we are not concerned with saving money in an area where money is particularly needed and in fact I can say, that despite

the increase in supplementary benefits which was welcomed by the House earlier on in the year, it is Government's intention to examine the rates for supplementary benefits and to adjust them insofar as this is financially possible. The second point concerns Family Allowances, this is item 10. This again takes into account the increase voted by the House earlier in the year. Item 14 Accommodation for Labour. I should like to take the opportunity of pointing out that the situation about accommodation for labour is a pretty serious one and even though Government provides the best accommodation for labour in either the public or in the private sector it is intended to spend more money on that accommodation as I announced in my statement of accommodation earlier in the year. We hope that within the limitation imposed by a tremendous problem in which we need some 800 beds just to clear the backlog of people living in poor accommodation at the moment, within these limitations, as I say, it should be possible to create, at least at Casemates, something which is rather better than what is there at present. Even though, I repeat, we have taken the lead in Government as regards accommodation of labour from abroad. If the money cannot be found from the small profit that is made from this Hostel of 10/-d a week per person, then I shall be approaching my Honourable Friend, the Financial and Development Secretary, for more money for this purpose. Finally Sir, item 15 – Holiday for the Elderly, we are committed to send as many people in receipt of Supplementary Benefits as are willing to go but the item only shows expenditure for one visit. This is due partly to the weather, which had set in before we could do much about things, but the success of the first trip has encouraged us to go forward and to meet the commitments again. Separate provision would have to be made if this trip takes place before April, otherwise it will be made in the budget for the following year. So briefly, my comments are on supplementary benefits, which the Government hopes to raise again, on Family Allowances, the extra expenditure is that incurred by the increases in rates approved by the House; accommodation for labour something to try to solve the tremendous problem of accommodation for labour. May I say that the private sector could help a lot if they responded to the statement which I made in the House about accommodation for labour, offering them certain terms in exchange for Government help, as regards site or as regards finance – and finally the holidays for the elderly.

HON LT COL J L HOARE:

May I ask regarding the charges of accommodation which is mentioned in your speech. I take it that this rate, which is 10/-d a week at the moment, will be kept under review and will be adjusted if necessary according to rises in pay because, after all, rents are related to wages.

HON M XIBERRAS:

Sir, this is not a matter which comes directly under me, but I would like to have the opportunity to pass some comments. The position on contract is that the Moroccan Government demands of people who import Moroccan

labour into Gibraltar that they should come here on a 10/0d accommodation contract or in the terms of the contract to make it a bit clearer the maximum charge for the accommodation should be 10/0d. I will not comment on whether this is or is not a realistic figure at the moment. The Honourable and Gallant Member is aware of the implications of this. However, may I say that given the shortage of accommodation in Gibraltar, and apart from the shortage of accommodation, several people, who are exploiting the situation, are charging well over the contract. This is a matter which I view very seriously. We are taking steps to try and remedy the situation in both directions. The question of the renegotiations of the contract is a very delicate one and one which I would ask the Honourable and Gallant Member not to press me on. On the other hand, the question of who should pay for the extra cost of the accommodation, whether it should be the worker directly or whether this accommodation should be subsidised by the employer to meet the terms of the contract, until this is revised, is a different matter. I would like at this stage to assure Associations and Groups who have an interest in immigrant labour that the Government is very well aware of the limitations under which Moroccan and other workers are living here in Gibraltar. However, I would ask them to appreciate that the number of people who left Gibraltar at the time of the withdrawal, and who did not occupy accommodation here since they travelled in and out of the place, was a tremendous number. In a place where there is already a housing shortage, shortage of space, and what not, however how quickly one proceeds overall it has to appear to be a slow progress, but we are doing as much as is possible to try to better the standards of accommodation for immigrant labour. I would like this message to go out from the House. I am now in regular consultation with some Associations from Gibraltar, the YCW and the Moroccan Association, and intend to meet them every Saturday to discuss the problem of, in this case, the Moroccan labour.

HON SIR JOSHUA HASSAN:

I will certainly do nothing to press the question of the revision of the contract because I know how long the other one took, I know that this is delicate, but surely when there is to be a revision it will have to be looked at on the whole, because if the basic rates and the total earnings of people have gone up considerably over the period since it was first negotiated, surely the contributions which they must make will also have to be more realistic.

HON M XIBERRAS:

Sir, earnings have gone up certainly, however, the charge is governed by a number of things, not only what the worker is able to pay, but what the accommodation is worth too. I should mention that it is my hope to bring legislation to the House, a licensing law for workers hostels which will set new standards whatever the nationality of the workers concerned. But again another caveat, and that is that we cannot afford to implement both new conditions very quickly otherwise the workers might find themselves without a

place in which to live here, because accommodation would obviously become more limited.

Head IX Labour and Social Security was agreed to.

Head X Public Works – Government

HON J CARUANA:

I would like to single out one part, that is part 6, Training of Apprentices, just to add that although £220 has already been voted previously in supplementary provision, this is still not enough to cover the greater number of apprentices, which I am glad to say is very encouraging, and the Trainees at the Industrial Training Centre – the new training centre at Landport Ditch. The vote has therefore been increased from the original £1870 to £5,000. I would like to add here that the Industrial Training Centre, is also open to the private sector which should make good use of the training facilities for apprentices and unskilled persons.

Head X – Public Works – Government was agreed to.

Head X – Public Works – Municipality was agreed to.

Head XI – Public Works Annually Recurrent – Government was agreed to.

Head XI – Public Works Annually Recurrent – Municipality.

HON J CARUANA:

A few elaborations here since the festivities are almost upon us now. Extra vote under 4(a) Festivity Illuminations, a little more money has been made available for improvement of the Christmas lighting for Main Street. Under Item 35 the running expenses mainly refers to the running expenses of the distiller and it is not at this moment anticipated that any increase will be required, in the running costs that is, owing to a reduction in the price of oil. If I may jump now to item 71(a), which is on page 28, the purchase of motor vehicles, this provision has been made in order to purchase a tipping lorry and a drop side truck which were deferred from last year in view of the hard pressed budget estimate. I would like to add that the mobile road sweeper mentioned in the Chief Minister's statement is not included at this stage since this was a very recent development.

HON LT COL J L HOARE:

Mr Speaker, first of all item 12. I am really asking for information. The Tarik Bathing Pavilion is costing us £2,131, the income is £455. I take it that there is still a need for this. If there is, then of course the question does not arise as it is a service that ought to be given. There is a great disparity and this has to be. The other point I would like to touch on was what the Honourable Minister for Housing and Public Works said on item 71, Purchase of Motor Vehicle. I think he was talking about a side tipping lorry. Why is this then under that head, which deals with the Electricity Undertaking account? Is this only going to be used for electrical works? I think it is possibly in the wrong place. For Electricity, not for general purposes, for the road? Right. I am satisfied.

HON J CARUANA:

Yes, I think the point to mention here is the amalgamation or centralisation of the Transport Division in Government, which has been taking place during the last few months, I might say with satisfaction, very successfully. The whole motor transport of Government is being centralised and this is probably why this item now appears under the general heading of Public Works, because the garages come under Public Works. All vehicles will be pooled in one central Garage.

HON LT COL J L HOARE:

I did not put this as a criticism, merely as an inquiry whether it was in fact wrongly stated. It is as simple as that.

HON P J ISOLA:

Can I ask the Minister I think I heard him talk about Festivity Illuminations, item 4. This I suppose is with regard to the Christmas season. He also mentioned the running expenses of Distillation Plant. Is that the water Distillation Plant he was referring to?

HON J CARUANA:

The desalination plant in fact.

HON P J ISOLA:

Can I ask what item it is?

HON J CARUANA:

Page 26. Item 35.

HON P J ISOLA:

I will be asking about the Distillation Plant in connection with the Improvement and Development Fund, but did I hear the Minister correctly when he said that it is not envisaged that there will be any increase in the running expenses. Was he saying this was his tongue in his cheek?

HON J CARUANA:

No, it is perfectly bona fide expression, that because of the reduction in oil prices we don't envisage an increase in the running cost of the distiller this year, but this has nothing to do with any other aspects which might arise from the Distiller. We are dealing with the running cost, not the overall financial implications of the distiller.

HON P J ISOLA:

The point I want to raise on Distillation Plant, Mr Speaker, is I think more properly raised when we go to the Improvement and Development Fund, in which I see some rather sharp rises in capital expenditure which I'd like to hear a bit more about.

Head XI Public Works Annually Recurrent – Municipality was agreed to.

Head XII Public Works Non Recurrent – Government.

HON M K FEATHERSTONE:

Sir, Item 5 House of Assembly Improvements, is it envisaged that these will be done by March 1971?

HON SIR JOSHUA HASSAN:

I see there is no increase for the extra three months!

HON CHIEF MINISTER:

Because it all depends how fast we progress with the productivity schemes which the Government is planning. I will assure the House that we will do our best to try and see if this can be done, but I think we all agree that leaking

roofs are more important than that one at the moment. This is, unfortunately, the situation in Gibraltar, we have to give attention to those things that apply to the general public rather than this House.

HON SIR JOSHUA HASSAN:

Is it the intention to do this by direct labour, or are there specifications being prepared to put the work out to tender?

HON CHIEF MINISTER:

I think that in the case of this House and obviously because of the nature of the work, this will probably have to go to tender, but there are so many people tendering for so many things which again are of great importance to Gibraltar, that I think we may have to defer this for a few months. I think I can assure the other side of the House that we have this very much to heart; it is important to enhance the House of Assembly; we know the importance of this place in the Government of Gibraltar and we are not giving it second place.

HON A W SERFATY:

Mr Speaker, can I ask whether the extension of the Airport building has been shelved?

HON J CARUANA:

Mr Speaker I don't think this is the time, I mean this is a question which is more pertinent to a specific question at question time, where perhaps you might care to ask what are the Government's priorities in the development programme and then in that context one could answer the question more intelligently.

HON A W SERFATY:

I think we were told that this extension was going to be carried out this year.

HON CHIEF MINISTER:

Mr Speaker this is part of the Development Programme of Gibraltar and at the moment I think we are discussing the items under the Heads that you have mentioned. If we do come to that we shall be delighted to go into that. I think it is more related to the Development Programme of Gibraltar than under the Head we are tackling now.

Head XII Public Works Non Recurrent – Government was agreed to.

Head XII Public Works Non Recurrent – Municipality.

HON LT COL J L HOARE:

I would like to verify items 68, 69 and 70, on pages 35 and 36. I think once again that this has merely gone into the wrong pigeon hole. This particular section is headed Telephone Service Account, and from it one would, therefore, gather that item 68, which is Repairs of Damages Caused by Landslide in the Watercatchment area in the Alameda Gardens, and the tree planting and fencing on the East side, and the purchase of circuit breakers, are chargeable to the Telephone Services Account. I think this is probably just a mistake.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can assure the House Sir, that there is no intention to mislead. These were late items which were included and in order not to start renumbering in every case – as the House may see in some cases we had to go on 58 a, b, c, d, e and f – and in order not to start re doing the whole thing, these items were included at the end.

HON LT COL J L HOARE:

That is what I thought they are late supplementary items.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

They are wrongly classified to the extent that they are not under the appropriate group, but they are still Public Works Non Recurrent.

Head XII Public Works Non Recurrent – Municipality was agreed to.

Head XIII Law Officers – Attorney-General was agreed to.

Head XIV House of Assembly and Council of Ministers was agreed to.

Head XV Medical.

HON MISS C ANES:

There are several items I would like to comment on under this Head. Item 17, Specialist Treatment of Patients in UK. With effect from the 1st April 1970 and until the 31st of March 1971, the amount spent on this service, which still

involves the need to assess people as to their capacity to pay wholly or in part, are recoverable from HMG. Any contributions received are of course to be paid to HMG.

Item 24. Night Dispensing Service. This is a new service introduced during the course of the year, the expenses of which are offset by charges credited to revenue under Head 9(1).

And Item 25. Purchase of Mini Van. This is an item deferred from the 1970 Estimates.

HON LT COL J L HOARE:

In item 4, a new item, is there any indication what the income is, or the revenue as you call it, from this service. Just as a guide, not as a criticism?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, the last time I looked at it, which is not so very long ago, it was self supporting.

HON LT COL J L HOARE:

Thank you.

Head XV Medical was agreed to.

Head XVI Miscellaneous Service – Government was agreed to.

Head XVI Miscellaneous Service – Municipality.

HON LT COL J L HOARE:

Mr Speaker, please, on item No. 6 Audit of Accounts. The Municipality is the only section of the Government which makes this contribution. Is this logical? Could it be reviewed next time Estimates are produced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This, of course, is only a continuation of the Estimates which the House considered in 1970 and to that extent therefore I do not think that I should effect any substantial alterations in pattern. By the time the Estimates come to the House in March 1971, this should, I hope, have been absorbed.

HON SIR JOSHUA HASSAN:

The other item that would probably fall on the same plate would be the one we have just dealt with, Fees for Pathological Work in the City Council Laboratory.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Quite.

Head XVI Miscellaneous Service – Municipality was agreed to.

Head XVII Pensions was agreed to.

Head XVIII Police.

HON LT COL J L HOARE:

Sir, item No. 12, annotated (c), provides for the erection of traffic signs in connection with the proposed re-routing of buses. Is this the item which was dealt with in this morning's questions? Thank you.

Head XVIII Police was agreed to.

Head XIX Port.

HON MAJOR GACHE:

Mr Speaker, there are three items I would like to single out in view of several remarks made by my Friend the Financial and Development Secretary. These are Item 10, Admiralty: Rent and Berthing Charges, Item 14. Running of Passenger Tender Service and Item 15. Gibraltar Licensed Pilots: Subsidy.

All those three items, as you can see from footnote (c), are partly chargeable to Her Majesty's Government's Special Grant for 1970. In actual fact the party should be removed, because in the case of Item 10 all but £265 are being charged to the special grant; in the case of Item 14 the whole of it, £10,900 has been charged to the special grant; and in the case of Item 15, all but £50 has been charged to the special grant. You also heard my Hon Friend the Financial and Development Secretary state that although certain items were being covered by the special grant, this would not be the case next year. The charges under item 10 are under negotiations, at the moment, and we hope that they will be reduced if not waived altogether. With regard to item 14, the running of the passenger tender service, the Government has decided to put the Tender up for sale. Before deciding this, we took varied things into consideration, including an idea which appeared earlier this year in

the newspaper Vox, that we should use this to run trips to M'Diq and possibly to Tangier. We could not go ahead with this for two reasons; firstly because the "Mons Abyla" was not capable of doing this and considerable expenditure would have been involved in order to have made it possible; and the second and more important one was the fact that when the Government bought this tender in May 1968 there were certain conditions in the sale agreement, one of which was that if the Government decided to sell it, it would have to be offered to Messrs M H Bland and Co. Ltd., from whom it was bought; also that if the Government decided to charter the vessel to a commercial operator for utilisation at the Gibraltar Bay, it would have to give the Company, i.e. M H Bland & Co Ltd., or Messrs Mackintosh and Co Ltd., the first option to accept the charter. If the Government had decided to use the "Mons Abyla" in the way suggested by Vox the Government would not have been able to run it themselves but would have had to put it to charter. In that case the option would be given to the people who sold the "Mons Abyla" to the Government. However, we have now decided to sell it.

When the Mons Abyla was purchased from Blands in 1968 for £17,000, 16 ships were served and running the expenses that year, apart from the £17,000 were £766. In 1969 the expenditure started to rise, because no sooner had the "Mons Abyla" been bought than ships started to come alongside the quay and only eight ships were served. I told the House in December that this year we had bookings for three ships, these bookings came down to two and those two were for the 30th July and the 21st of September – two Italian ships, the Rafaelo and the Michael Angelo – and they too decided in the end to come alongside. The result is that we have no bookings for this year. We waited until September and we asked Messrs M H Bland whether they wanted to exercise their option under the agreement to buy the ship – they had the first option – they did not exercise it, neither would I have done. We have now put it up for sale. That is all Mr Speaker.

Head XIX Port was agreed to.

Head XX Post Office and Savings Bank was agreed to.

Head XXI Prison.

HON M XIBERRAS:

Sir, here I may be accused by the Hon and Learned Leader of the Opposition belonging to a mutual – what was the phrase – patting other people in the back. In fact I am going to do it once again, and I hope that this time the Hon and Learned Leader of the Opposition does not smile. That is because I think everybody will appreciate the tremendous change that has taken place in the prison as regards the average number of prisoners there and I would like to thank the staff of the Prison for putting up with extremely difficult conditions, which Government has found very difficult to relieve, involving, as it were, transfers and building a new prison and whatnot. Tremendous difficulties with a great shortage of staff. The staff at the prison has done a first class job. I

would particularly like to single out the Principal Officer, who in the absence of the Superintendent of the Prison for personal reasons connected with illness, has at a very advanced stage carried the brunt of that prison when there were about four or five times the number of prisoners normally to be found in our prison. I am sure the House will join me in thanking the staff, and the Principal Officer in particular. (Tapping on table).

HON SIR JOSHUA HASSAN:

Sir, it may not be directly arising out of this, but I think we have a general interest to keep down the population in the Prison, both insofar as delinquency arises and insofar as the treatment arises, and it seems to me that we are giving free board and lodging to a number of people who would probably have worse board and lodging elsewhere, if they did not commit some of the offences for which they are sent to prison.

HON M XIBERRAS:

Sir, this is so. I would gladly give the Hon and Learned Leader of the Opposition, an analysis of the prison population and perhaps one might draw the conclusions he has drawn just now. However, I am in consultation with the Prison Board regularly, the Prison Board's duties are not to get rid of Prisoners, but to see that their rights are protected. On the other hand I am the Minister responsible for the Prison in which capacity the views put by the Hon and Learned Leader of the Opposition have been taken into account by Government as a whole.

HON SIR JOSHUA HASSAN:

Sir, I would like to say that the Prison has for many years enjoyed a wonderful reputation. One of the biggest spivs in England who spends a little time there some time ago said that it was a home from home.

Head XXI Prison was agreed to.

Head XXII Public Debt Charges – Government was agreed to.

Head XXII Public Debt Charges – Municipality was agreed to.

Head XXIII Revenue – Government was agreed to.

Head XXIII Revenue – Municipality was agreed to.

Head XXIV Secretariat – Government was agreed to.

Head XXIV Municipality – Municipality was agreed to.

Head XXV Telephone Service was agreed to.

Head XXVI Tourist Office.

HON W M ISOLA:

I would just like to bring three points to the notice of the House. Under Item 5, the increase in the vote is required to meet the additional cost incurred as a result of the expansion of the advertising campaign. We are also running a considerable increase in printing expenditure, both for the new range of "Where to eat, where to go, where to stay" brochures and for the provision of material in the French language – these are fact sheets for distribution in Morocco. Under Item 19 the increase includes public relation fees, expenses in the joint promotion advertising not brought to account in 1969. An increase of £15,000 will also be required to be voted in next year's Estimates. Part of this vote is ...

HON A W SERFATY:

Mr Speaker, an increase of how much?

HON W M ISOLA:

£15,000.

HON A W SERFATY:

On what?

HON W M ISOLA:

I am sorry I did not quite hear you.

HON A W SERFATY:

I am sorry, I just want to hear properly what the Minister is saying.

HON W M ISOLA:

I will begin again shall I? The increase includes public relations fees, under Item 19, expenses in the joint promotion and advertising not brought to account in 1969, an increase of £15,000 would also be required to be voted in next year's Estimates. Part of this vote is chargeable to this Special Grant.

On item 23, this increase covers the cost of publishing a book of "Flowers and Walks in Gibraltar" as well as mini plans. This amount should be offset ...

HON A W SERFATY:

As what Mr Minister?

HON W M ISOLA:

Mini plans. Little plans for Gibraltar. (Laughter) This would be offset in due course by sales.

HON A W SERFATY:

I was going to ask the Hon Minister can he tell us whether the winter advertising campaign at the end of this year will be increased? Does the £15,000 provide for summer and winter advertising? Because I think I am right in saying that this year £5,000 have been spent on winter advertising. Can I know how much is going to be spent next year, next time?

HON W M ISOLA:

I think my Hon Friend was away from Gibraltar when I had a press conference. The position for next year is as follows: we are going to spend next year the sum of £40,000 in the summer campaign, this will cover the period, shall we say, from about April to about October. Out of those £40,000, £15,000 of that will be given to us for a joint campaign by BEA and the three Tour operators. They are giving us £15,000 for this joint campaign, and the Government is putting in another £15,000, that makes it £30,000. On last year's advertising, we spent £15,000 on direct advertising of which £10,000 will be spent to make the £40,000 for the summer campaign. This year we spent in the winter campaign £5,000, the results coming in are quite promising. We have, therefore, in reserve a further £5,000 for next year's winter campaign. If this campaign proves successful the Government will then consider whether it will be worthwhile, in view of the results of this year's campaign to increase the winter campaign.

HON A W SERFATY:

No allowances have yet been made on an increase in the winter campaign, on the next winter campaign?

HON W M ISOLA:

The answer really is, at present, no. I am really awaiting the results of this year's, which at present is encouraging.

HON A W SERFATY:

Doesn't the Minister think that the expenditure of £4,000 on a little book on flowers is really scandalous?

HON W M ISOLA:

Actually if my Hon Member will wait until he sees the book, it is quite nice, in colour (Laughter) ...

HON A W SERFATY:

I understand that it is going to take about 20 years to get this money back.

HON W M ISOLA:

I don't think it will be 20, but it might take 7 or 8. (Laughter) The trouble was, actually, if I might explain on this particular point, 20,000 copies have been ordered. That would appear to be an enormous amount, but the answer really is quite simple. 10,000 copies cost £3,500 so for another £500 more we ordered a further 10,000. I thought that was reasonably good business.

HON SIR JOSHUA HASSAN:

Might it not be cheaper to order another 20,000. (Laughter).

HON A W SERFATY:

Just one more item Mr Speaker and that is: I would like to make a plea to the Minister to consider the question of the staffing of the London Office. I don't know whether he is aware that for some days on end the office is closed; there are only two persons and it is obviously clear to me – I have visited London twice in the last five weeks – that we should have three persons in the office. I mean, the office is really closed for hours on end, because there is not enough staff.

HON W M ISOLA:

Mr Speaker, Sir, I have been to London myself quite often, I have never actually seen the office closed. There are two persons there, they start at 9.30 and they finish at 5.00, they take it in turns to go out for lunch. At no present moment I am pursuing the whole question of the Tourist Office in London, perhaps if my Hon Friend would care to see me afterwards I could put him in a clearer position as to what I have in mind at present.

HON A W SERFATY:

I shall be very pleased to have any information before any firm decisions are taken so that we have an opportunity from the opposition to give our views on the matter.

HON W M ISOLA:

I shall be delighted to have my Hon Friend giving his views to Government.

HON P J ISOLA:

Mr Speaker, Sir, I know how interested the Minister for Tourism is in Tourism, I also know how very interested the shadow Minister for Tourism is in Tourism, but there are others of us who obviously must look with some alarm at the increasing rate of expenditure in the department. But anyway, that is a matter which is policy and I think we are all agreed to do all we can for tourism. But could I ask the Minister on Item 19: I notice that the approved estimate for 1970 is £35,400 and that the estimate from 1970 to 1971, including the first three months working, now rises to the enormous figure of £78,140. Could I ask the Minister if I am right in saying that this Government is asking the House to vote something like an additional £44,000 for advertising, public relations and field sales?

HON A W SERFATY:

That is chicken feed, Mr Speaker.

HON P J ISOLA:

I am not asking the Shadow Minister.

HON A W SERFATY:

I have a right to give an opinion.

MR SPEAKER:

Order, order.

HON P J ISOLA:

Is the position that this Government, which has been accused of doing nothing for Tourism, proposes to spend an additional £44,000 in advertising, public relations and field sales, thus doubling the figure for 1969, when my Hon Friend was Minister?

HON LT COL J L HOARE:

Before he answers that, will the Hon Minister tell us how much of that is in fact going to be recoverable or chargeable to HMG's special grant?

HON W M ISOLA:

I might just answer my friend over there. (Laughter) The position is this: I think that the House will recall my speech in October 1969, in which I stated how very conscious this Government was on Tourism and how interested this Government was in pushing the field of tourism as much as possible, and also the advertising in Morocco and in England for the first time the winter campaign. I am pleased to inform the House that on the statement of Policy I made on Tourism as far back as October 1969 I have pursued this means to an end. Because the Government is fully conscious of how much Tourism plays in the economy of Gibraltar – we are very conscious of that – we have stepped up our budget in advertising and in promoting Gibraltar.

On the question which the Hon and Gallant Member asked me on how much of this will be charged to the Special Grant, I am afraid that perhaps the Financial and Development Secretary might ...

HON FINANCIAL AND DEVELOPMENT SECRETARY:

£20,500.

HON P J ISOLA:

I haven't received an answer to my question. Are we in fact being asked to vote an additional £44,000 to what we were asked to vote in December when the budget came before the House?

HON W M ISOLA:

Yes that is correct. One also has to bear in mind that in the Revised Estimates we are also voting up to the 31st of March 1971, which brings in another three months.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

And also Sir, of course, that as the Minister said, I would remind the Hon Gentleman on my right, that what the Minister said earlier in the proceedings was, that the figure included an amount which was in respect of expenditure not brought into account in 1969.

HON P J ISOLA:

Can I have that figure? Do you know what that figure was? I am just working out a few.

HON W M ISOLA:

£7,637.

HON CHIEF MINISTER:

Mr Speaker I don't want to give the impression that this Government is just concerned in spending money in bringing tourists which in the end may cost more to bring the tourists than what we are going to get out of the Tourist trade, well I don't think it is shameful, I don't think even the shadow minister would like us to do business in which we are going to lose money in the deal. This is what I am trying to say.

HON A W SERFATY:

It can never happen.

HON CHIEF MINISTER:

Well I hope so, but all I am saying is that in our calculations, and you can see the figure is far above what in fact is the true position, for advertising Gibraltar includes £15,000 which are coming in for the year to come because we have to spend it now; part of the money which was not paid in 1969 which is being brought into account; and other incidences which go to form that global figure of £78,000. We must not give the impression, at this stage, that it is the intention of the Government to spend this money every year, this need not be

so, or in fact is it going to be so this coming year. This is not quite the picture. And it would I think be leading the other side of the House, even the Shadow Minister, up the garden path, if he thought that this is in fact the money that is being spent because it isn't.

HON A W SERFATY:

On a point of order, Mr Speaker, if this money is not going to be spent then we are being led up the garden path by the Government. I would like assurances that this money is going to be spent.

HON CHIEF MINISTER:

This includes not just one year it includes 15 months. This is what I am trying to make clear, that the figure is not for one year. I just do not want to give the impression that this is necessarily the amount of money that this Government is going to spend every year in advertising. Nor do I want to give the impression that this Government is putting Tourism above everything else, because this is not so. In our elections campaign we made it very clear that we were going to take a realistic view of Tourism in Gibraltar and this is in fact what we are doing. There is no question of this Government not being interested in Tourism, we are very interested in Tourism, for more than one reason. Not just on the point of view of the money that tourism will bring to Gibraltar, but also for the social benefits that one gets from seeing people from outside coming to Gibraltar and the contact that the people of Gibraltar will have with outsiders. It is not just an economic point of view, I would like to make this clear, because perhaps there have been comments made, perhaps in this House and outside this House, one, that we are not for Tourism, another that we are all for Tourism, and I would like to clear the people's minds that we are looking into this in a sensible, practical way. Tourism is not the be-all and end-all of Gibraltar. There are many other factors in our economy which perhaps are even more important than Tourism, and therefore I don't want to give the wrong impression in this House, or people to run away with the impression because they see a figure of £78,000 there, that this is necessarily going to be the amount that this Government is going to spend every year on Tourism advertising, or that in fact we have discarded all the other factors that go to build our present, and I would say, healthy economy because all we are going to concentrate on is Tourism. This is why I rose now, Mr Speaker, to try and clear the minds both of this House and of Gibraltar as a whole so that, although we think that Tourism plays a part, an important part, and we are backing it up to the hilt, as you can see, it is an important part but there are also very other important parts that we have got to take into consideration.

HON A W SERFATY:

On a point of clarification, Mr Speaker, and I think this will help the Chief Minister, one of the things that inflates this figure, and we have not been told so by the Hon Minister or by the Hon Financial and Development Secretary is that this figure includes two periods at the beginning of one year which is when a lot of money is spent on advertising for the summer, not from April to October as the Hon Minister said, but the summer advertising is done in December and January and that is why this seems unduly high. I think this explanation is helpful.

HON P J ISOLA:

I am glad the Hon Member does think it does seem unduly high. (Laughter) Let me assure the Chief Minister that I am not at all opposed to this expenditure, but I think it is important that some explanation should be given to what is, to my mind, an extremely impressive amount and – if I may speak – an impressive amount on the part of the Government and it surprised me, because judging from what certain august personages have been saying about Government policy on Tourism in certain publications, I am surprised to see that the Government is doing so much. In fact what counts is the money. (Tapping on table).

HON M K FEATHERSTONE:

Sir, I am quite willing to risk the accusation of swallowing camels; could I strain at the nut of item 7, and get away from these thousands of pounds, and ask how much of the £550 is attributable to the unforeseen repairs of the office car. This will save a lot of speechifying if we can get back to the Estimates – it is 7 and there is a note (e) which says unforeseen repairs to office cars, £550 is the estimate: how much is applicable to these unforeseen repairs?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is an estimate of what the department thinks it is going to spend on running expenses, not only in repairs, but in petrol and what not. I am afraid that if you are going to ask me if I am able to forecast when exactly the vehicle is going to break down or what exactly is going to be wrong with it? I don't think you are asking me that; are you?

HON M K FEATHERSTONE:

No, but you put a special quotation (e) which says unforeseen repairs to office car, it would appear that something is known, I would like to clarify that.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry I had not realised that you were referring to the actual annotation. I am sorry. No, the position on this car is that it is now ... I think it dates back to the Shadow Minister's day (Laughter) and it is a bit old in the tooth... I mean the car, sorry. In fact we may well have to replace it and the Head of the Department considers that there will be unforeseen repairs. Rather than ask for supplementation later we are being wise virgins.

HON M K FEATHESTONE:

I have got out what I wanted, that you will probably have to replace the car, thank you.

Head XXVI – Tourism was agreed to.

Head XXVII – Town Planning was agreed to.

Head XXVIII – Contribution to the Improvement and Development Fund.

HON SIR JOSHUA HASSAN:

Item number 2 appears to have been doubled, more than just 25%.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is based on actual forecast expenditure. If the Hon and Learned Leader will refer to the Improvement and Development Fund he will see that the estimate given for the completion of the Haven is of the order of £24,000 over and above what was estimated at the beginning of the year and that the estimate in respect of the Desalination Plant is £52,000 over and above what we estimated last December.

HON P J ISOLA:

Is it proper now to raise matters under the Improvement and Development Fund or is this the next one; the Expenditure. I think it says here ...

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is the contribution that goes from Revenue into Expenditure and becomes an expenditure item, the process and workings of the Improvement and Development Fund are explained in greater detail in the Appendix.

HON P J ISOLA:

Can I raise it now?

MR SPEAKER:

This is the time to raise it.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well either here or in the Appendix.

Head XXVIII Contribution to the Improvement and Development Fund, was agreed to.

Improvement and Development Fund.

HON P J ISOLA:

Mr Speaker, Sir, I would like to ask with regard to sub-item (c) of (h), the purchase and installation of a sea-water Distillation Plant, the original estimate for which was £350,000, the expenditure to 31st December 1969 was £352,000 but there was an estimate approved by the House in respect of the installation, I presume, of this plant at £16,400 at the time of the Estimates. Now we are being asked to approve further expenditure of £52,000. Can I just ask whether in fact the plant is working and producing water, and if it is, what is the need for this additional expenditure of £52,000, which raises the original estimate by £71,000. There must be some explanation.

HON A W SERFATY:

It was the question of the water inlet, surely.

HON J CARUANA:

Not quite. There are one or two ancillary bits of equipment which are very necessary to attach to the Distiller at this stage, which are very expensive. One is the ... system whereby hardened plastic balls are shot, under compressed air, through the pipe system to force out the sludge which accumulates there. There is another very expensive bit of equipment which is a degassing tower whereby hydrogen sulphide is extracted from the equipment regularly. These two items are very essential because we have already experienced substantial deterioration of the piping system. After only three months operation, lots of pipes have eroded and there is the possibility of others eroding fast.

HON P J ISOLA:

Do I understand the Minister correctly, have these ancillary parts, have had to be provided as a result of the plant not working properly, or were they originally estimated for? That is the first question. If they have had to be provided since, can he give us some explanation why this was so. The Minister has also referred, and this I think is a little alarming, to the substantial deterioration in the piping of the Distillation Plant. What does this mean? Does this mean that the plant may be useless within a period of time, or is this a normal thing to expect in a desalination Plant? It is a bit worrying.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Hon Gentleman will allow me, the position is, as I understand it, that at the moment the plant is functioning at something like 85% of capacity and the volume of water that it is producing is within the limits of what one would have expected any plant to have produced in the circumstances; that is the first point. The second point is, that due to reasons, which it is impossible to get at, and circumstances which are rather difficult to locate, and as the Minister said H₂S has appeared within the tubes, and sludge has appeared within the tubes. The sludge is believed to be partly due to the intake, not quite but partly, the H₂S is something that is baffling the scientists at the moment. It has, therefore, been necessary to bring out the people who advised on the plant who were here about a fortnight ago, and who as soon as the rainy season starts will take off several tubes from the plant, send them to the United Kingdom for expert analysis to see whether the alloy, the composition of the tube, can be strengthened in such a way that it will stand up either to the H₂S or to the sludge. But unfortunately it has been necessary, so far, to estimate for a further expenditure of £52,000 some of which has already been incurred, and I must warn the House that it may well be necessary to vote some further money in the future. But I would not like to endorse what the Hon and Learned Member said that the plant would be useless. Certainly not, it is producing water at the present time at 85% of capacity, so far. What will happen in 6 months time, or 3 months time, depends on the result of the expert's analysis.

HON P J ISOLA:

Does that mean then that even after spending the additional £52,000 for this extra equipment – and I have not been answered whether it was made necessary because the plant was defective or not – even after incurring this expenditure, it may still not be alright, and we may still have to incur further expenditure. Can I ask the Financial and Development Secretary, perhaps I should not ask this question, but is the Government protected, are the contractors in this?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The matter has been under examination very closely to see whether there was any remedy. It is still under examination and I would not like to give an answer categorically at this stage on that question. As to whether the equipment that has had to be bought is because the plant was defective, I would not say that. When the plant was acquired it was not envisaged either that sludge would develop or that H₂ S would appear.

HON SIR JOSHUA HASSAN:

Sir, for the benefit of those who are alarmed about this, it is not the first time that erosion and the effect on huge machinery in Gibraltar that deal with sea-water has baffled scientists. I remember in the course of my time in the Council, a number of very expensive pumping equipment which really became like fly paper as a result of the corrosion of water, and experts trying to evaluate the fact that sea water, in this part of the world, apparently has got certain qualities that erode beyond scientific research up to a point. I remember that in one particular case a representative of the Design Centre and the Meteorological Research Centre in the United Kingdom came out precisely to advise the City Council on these matters, which no scientist can foresee until it has happened in a particular plant.

HON P J ISOLA:

I am grateful for all these explanations but can we be reasonably assured that all this additional expenditure, and all the expenditure with regard to the Distillation Plant, will not be proved to be in vain.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Since I put that same question, Sir, to the advisor from the consultants when he came out here, as I said earlier, last month or this month, the answer I was given was that we could be assured.

Improvement and Development Fund was agreed to.

HON LT COL J L HOARE:

Before we go on Mr Speaker, there is an item of information that I would like, if at all possible, which isn't included in the accounts, and that is: can an estimate be given of the anticipated deficit on the Housing Account. In December we were given a figure of £261,000. What is it likely to rise to in respect of five quarters?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I am afraid I couldn't give an estimate at this stage. The whole question of the deficit which the Housing account incurs is, as I think I have repeatedly said in this House, a double exercise. Whatever deficit is incurred in the account is actually reflected in the Estimates. It takes a considerable amount of working to get out and that exercise has not been done because I have not regarded this, as I said before, either a mini, midi or maxi.

HON LT COL J L HOARE:

I said it was included in the large Estimates last year.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It was in the main Estimates, it will be again in the next main Estimates.

HON LT COL J L HOARE:

And finally, may I just make one more comment. I am completely fascinated by the fact that the telephones for the Audit Department are going to cost us, I think £24 whereas those of the Cemetery are going to cost us £50. There must be a logical explanation. Is it because one is more talkative than the other, or is it a question of numbers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I assume Sir, and if the Hon Member had raised that earlier, I might have been able to find out, before we reached the end. I take the point, but if I am not mistaken the answer to that, Sir, is presumably that the telephone service to the Cemetery is linked to the Caretakers Quarters as well, and there must be an extension to the Quarters in addition to the ... I don't know to whom else it is extended, and I wouldn't like to say. (Laughter)

HON LT COL J L HOARE:

Will he agree, Mr Speaker that it is fascinating?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will find out and give the Hon and Gallant Gentleman a written answer, Sir.

HON LT COL J L HOARE:

Thank you.

HON SIR JOSHUA HASSAN:

I think that before the Financial and Development Secretary resumes, I would like to pay tribute to him for the way he has presented this extension to the Budget and the way that the matters have developed and the explanations that have been given by him and by Ministers. (Tapping on table).

RESUMPTION

The House resumed.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to report that the Revised Estimates of Expenditure for 1970/71 have been considered in Committee and agreed to without amendment, and I now move that they be passed.

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

The motion was accordingly carried.

Improvement and Development Fund.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, as the House already knows, approval of the Estimates is given in two ways. In the case of the recurrent side of it, approval is given by the Appropriation Bill, to which we will be coming later on in the proceedings; in the case of the Improvement and Development Fund it is necessary for the House formally to resolve that the expenditure may be incurred. Accordingly, Sir, I move that this House approve the expenditure of £1,772,754 from the Improvement and Development Fund for the 15 months ending on the 31st March 1971 for the purposes set out at pages 63 to 72 of the Estimates of Expenditure of 1970/71. Sir, I commend the Motion to the House.

Mr Speaker then invited discussion on the motion, there being no response, Mr Speaker then put the question which was resolved in the affirmative.

The motion was accordingly carried.

BILLS

FIRST AND SECOND READING

The Statistics Ordinance 1970.

The Hon the Minister for Labour and Social Security moved that a Bill for an Ordinance to provide for the collection, compilation, analysis and publication of certain statistical information and for matters relating thereto 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 M XIBERRAS:

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

Sir, some meetings ago I made a statement about statistics in this House and referred both to the desirability of a statistics Ordinance, and to the allied question, though not the same question, the census which has now completed its first stage and the results are being analysed.

Sir, the Bill before the House was published on the 3rd September 1970 and I should explain that it was the intention of the Statistician and of the Government that this Bill should cover the Statistician's work in connection with the Census. There was, therefore, some need to move things quickly so that the Census could be held, for the first time, not under the existing Census Ordinance but under the new Statistics Ordinance which would guarantee certain things, such as confidentiality, to a greater extent than the present Census Ordinance, which is an eminently serviceable document, but which it was considered at that time, might just as well come under the general heading of statistics. Sir, the Bill was based on legislation in another British territory and was incorporated practically in total as the Bill now before the House. Since then several points have arisen which the Government has considered and on which, at a later date in the proceedings, I hope to offer some amendments. I would first like, without boring the House, to put on record, as these things must be, why we should have a statistics Bill. I would like to say very briefly that Statistics have become necessary in all modern states whatever the political complexion. Whether one is talking about the United States, a Capitalist country or a Scandinavian Socialist Country, still you have a tremendous amount of statistical information asked or demanded of the public, of firms and so on. It is true that statistics have been considered

a part of the socialisation, shall I say, of politics and is considered to be something to do with socialist or progressive parties throughout the world, but this is not necessarily the case since in many decidedly Capitalistic countries Statistics Ordinances exist and statistics play a great part in the formulation of Government policy. This Sir, is very necessary since most Governments now have an increased responsibility for what was once considered the private affairs of citizens. If one is to plan expenditure of a very detailed kind for big sections of the community, it is important to have the necessary assessments of economic and social needs of the community. And though Gibraltar is a small state admittedly we nevertheless aspire to the same degree of socialisation, the same degree of advancement, as other bigger States and so I think that the Statistic Ordinance is not only not out of place but very desirable. In any issue of this kind Sir, it is necessary to balance the freedom of the individual on the one hand, and the need of the community on the other, but to do this is an awareness of how far a community has developed at any particular point. I would suggest, Sir, that some of the controversy that has arisen about this Bill has been due to the application of a nineteenth century liberal conscience to the situation in the 20th Century. I am not talking of people who have made specific suggestions for the amendment of the Bill, among whom I can count my Hon and Learned Friend the Hon P J Isola, but other innuendos which seem to derive from a desire to preserve certain liberties which it has been impossible and undesirable to preserve in this day and age. I think Sir, that by the time I finish speaking, we will not have offended against the principle of individual freedom such as it should be viewed in the 20th Century.

I should emphasize Sir, that even though statistics, as an instrument in the hands of Government for economical and social planning are useful, they can also be extremely helpful to what we call here the private sector, to industry and so on, if there is a proper feed-back of information and if the information is relevant to the needs of the private sector. I would like just to mention two examples, the first is the question of hotel development and the Honourable Mr Serfaty will no doubt agree that in fact statistics have been collected by the Tourist Department for some time, though not under a Statistics Ordinance, and there has been considerable dispute about the figures of hotel occupancy and so on. Things which can only be settled by reference to criteria which are accepted by all the sides taking part in the argument. Up to now one has had the wasteful process whereby my Honourable and Learned Friend the Minister of Tourism says that hotels are occupied to this extent and the Hotel Association says, no we cannot get this kind of occupancies, and so on. Another example is in my own experience the question of the Shop Assistants, where some people claimed that Shop Assistants were paid way above the minimum wage other people claimed that all Shop Assistants were paid way below the minimum wage. In this case a 68% survey carried out by the statistician established the earnings of the shop assistants such as they were and this led to a successful completion of negotiations between the Shop Assistants and the Chamber of Commerce, and eventually with the Regulation of Wages and Conditions of Employment Board. Apart from these uses there is also the reminder in Beeching which says, "while much has been done to collect information about insured manpower and its use, the

situation in Gibraltar calls for a particularly high standard of information about the general status and occupation of the whole population over school leaving age. A Central Statistics Office is contemplated and this should help to ensure that full information about the use of manpower is speedily available." I assume Sir, the Central Statistic Office was contemplated by the last administration.

As in the labour field, so in other fields there is a need for other information of a statistical nature, and I am sure that, used with judgement this Ordinance and these procedures will contribute to an ordinary national running of this community. The Bill has, Sir, as its main object first to establish a Statistics Office – and I have just quoted Beeching on this – secondly, to provide for the appointment of Government Statistician, and it is with pleasure that I note, Sir, that one of the people going off for training this year, in fact training to become an economist/Statistician; thirdly, to define the duties of the office of statistician and of the Statistics Office for the compilation and analysis of information, and fourthly to make sure that the statistician is working confidentially, the use he makes of his statistics is only that allowed by the Ordinance and by his own good judgement. I must state that so far, I have seen two Statisticians in action, and from what I can gather, they have in no ways offended the public themselves and they have been discreet to a T.

Let me enter some general comments on the Bill Sir. May I say that respecting as I do the liberty of the individual, it is nevertheless important to make the Bill effective, and good enough for the complicated things that have to be done by these Statisticians. If one enters into a field that one is cognisant with, the labour field, it is important that the statisticians work should be used to the utmost. If there is a labour survey, the presentation of these facts should be not simply as facts on labour but also other aspects of the community, other characteristics of the community can be derived from these figures. For instance, general standards, well being, the strength of the economy, one takes the numbers involved and the average earnings and what not, and so the Bill of the Ordinance would have to be broad enough in scope so as not to ham-string the Statistician. I think, Sir, I should repeat the point that whatever the final form of this Ordinance it is essential to bear in mind that statisticians can only operate with the cooperation of the public, and the Governor had this very much in mind from the very beginning. One employment survey has been carried out already, I have seen the statistician at work – he happens to live next to my office – he is extremely polite in the way he goes about things, he does not exceed his brief and this is only common sense. Because if you rub people the wrong way, then people would find ways and means of not cooperating with the Statistician. So whatever the terms of the Bill under which he works the statistician has to be prudent and has to use his judgement and his tact.

On the other hand it is necessary to have confidentiality, not everybody is convinced that a Statistician is prudent and therefore one has to put it down in law as one does in the case of Income Tax, that it is an offence for the Statistician to divulge any information unless in a manner which has been

authorised by the Ordinance. This, Sir, should be a reassurance for the public who provided the information.

Sir, the opposition to the Bill, or the comments that have been made against the Bill, as it stands now, have derived from about four sources. First, from members of the Bar Association, and their argument has been that the Bill, as it stands, is an intrusion into the privacy of the individual which is unjustified and perhaps against the Constitution insofar as the Constitution protects the rights of the individuals. I like this kind of objection Sir, especially based on the Constitution, because I can see it as a bona fide objection and I am willing to trim my sails accordingly when I am told this by distinguished gentlemen. I had a very long, and I hope, successful meeting which was brought about again, partly through the mediation of the Hon Learned Mr Peter Isola, and I think that most of the points that worried the Bar were at least touched on. I have submitted copies of certain amendments I hope to bring forward at a later stage, to the Leader of the Bar, and I do not think that there will be any violent opposition on all except one of the points to which I will refer later, and there I do not think the Opposition will be violent.

The next thing, Sir, is the uneasiness at the scope and likely application of the Bill, and the administrative expenses involved. This I would personify in the Chamber of Commerce, whom I have also seen after I saw the members of the Bar, and who have agreed that the amendments which I hope to produce later on are reasonable and they have no objection, even on the point that was left outstanding with the Bar Association. I am grateful for the cooperation of this particular Committee of the Chamber of Commerce, and may I interject here that this is the kind of activity which I think the Chamber of Commerce should dedicate its energy to rather than other kinds of activities.

There have also been insinuations of authorisation Government or at least dirigiste kind of Government from certain quarters. It is not at all the intention of this Government to do this, if this Government has appeared in certain eyes to be pressing rather quickly on certain matters may I point out that, unfortunately, these things have to be done rather quickly are those which have been affected in some ways by the withdrawal of Spanish labour. Since the blow was sudden and a big blow I think that the remedy must equally be quick. There is no intention at all, Sir, to be authoritarian and I think, Sir, that the amendments which I shall be moving later on will prove that this was not the case. On the other hand, Sir, I should not stand for an attitude of "this sort of thing was not done in my days", "it is not necessary", "what do you think you are playing at". An attitude which might mask certain interests, trying to protect themselves from what legitimately might be the action of the Government in the interests of the community as a whole. I do not think that to throw a smoke screen about the question of statistics, and to plead an intrusion into the privacy of the individual, should in any way mask economic interests or things which should be clear to the community. I think, Sir, that I need not mention some situations where this procedure might have been adopted and I would like to draw particular attention, with the Chief Minister's permission, to a letter written to him by the Shipping Association, whom I did not see because the letter was insulting of members of the Government, it

was couched in terms of bad taste and which, I think, got its desserts in the reply of the Chief Minister. We are perfectly able to cooperate and willing to cooperate with people who have reasonable points to make. But people who fly off the handle and start, perhaps knowing better, throwing smoke screens about to defend their own particular interest, that is a different situation entirely and here the Government will not give way.

As I stated Sir, the representations started with my Honourable and Learned Friend Mr Isola who drew my attention to the question of the Constitution. We have seen Mr S Benady, Mr J Triay, Mr A V Stagnetto representing the Bar Association, Mr S Canepa and Mr Hoare from the Chamber of Commerce. We cannot I think, be accused of not having consulted these interests. Also I am aware, Sir, that in these days of Government and Opposition, it is impossible to go through with a Bill without offering to comply in some way with the wishes of the Opposition when these are reasonable and reasonably expressed.

I would now like to run through very quickly, Sir, the substance of the amendments which I hope to move at a later stage, and I say quickly because there are a number of them. What the Government has done with this Ordinance is, not to narrow its scope or its potential scope, but to assure people by the procedure which is going to be adopted, that there will be ample opportunity to test public opinion and to seek the views of this House before any particular exercise is entered into. The House will remember that a similar procedure was adopted with the Industrial Training Ordinance where we had levies which applied to various industries subject to annulment by resolution of the House. The procedure here will be, roughly, I say again Sir, to do away with the specified matters in the First Schedule of the Bill as it stands now; to insert a paragraph in the present Clause four which, apart from what it says in Clause four, something like "to obtain the information necessary for the appreciation of economic and social trends; to put under paragraph five something like this, "that before any statistical exercise is begun the Government should state the method by the statistics in respect of that particular exercise are going to be collected, to prescribe the forms of return, etc. and to provide generally for the carrying of such order into effect." It is my view, Sir, that this in no way emasculate the Ordinance, in no one makes it less affective, the Ordinance can still be used to cover a variety of situation and it is because they are legion that the list in the first schedule appears to be very long and because of their inter relatedness, any of these things can be carried out, but before any of the exercises are undertaken, the House will have ample opportunity to debate both the object aims and methods to be used in the exercise. There is also another important amendment, and that is that the Statistician will work to the Council of Ministers rather than to the Governor-in-Council, according to the amendment which I hope to move. This is because most of the subjects which are to be touched by the Statistician are likely to be defined domestic matters, and it is thought, I think very rightly, that they should come under Council of Ministers rather than Governor-in-Council. There are a number of typographical errors, apart from these points, which will also be corrected.

I think those are the basic changes which the Government intends to make. I should mention perhaps two others, the first is that we are conscious that the clause which deals with the powers to enter premises could give grounds for offence and this has been withdrawn entirely. This is nothing new in fact it was taken out of the Industrial Training Ordinance, which was based on Fiji legislation, and that was scrapped, I believe, before we came to this House. There are two other points Sir, which I will not labour the House with at this particular stage.

Returning then to the main theme of the speech I am making, I should make another point. The Government must be in a position to direct the Statistician onto the work that he has to do. He is a paid Government servant, and obviously the Government is able to identify, or should identify, the areas which it wishes the Statistician to cover. But, at the same time, and I hope the gentlemen of the Shipping Association are listening to this, the Government will only get returns from the Statistician in the way in which it is normal to give returns to any member of the public. That is in statistical form, the Government will not be able to go into the Statistician's office and require information in respect of any individual. The Government is as bound by the provisions on the form of publication of statistics as is the general public. This is very important that it should not be insinuated, though it has unfortunately been insinuated by the Shipping Association, that members of the Government with business interests, will be, according to the Ordinance, in a position to make use of this information for their private gain. A point to which I take the greatest exception only, if only, because the Ordinance provided explicitly against this.

Sir, I now come to the point I mentioned when we were talking about the members of the Bar and their representations, and that is the monopolies clause and especially it provides to Clause 7. I said the Chamber of Commerce accepted my views on this matter and roughly the point is this, that in big countries it is necessary to protect any person which is in a monopoly-type situation – or perhaps two persons in a monopoly-type situation – from publication of statistics obtained from their firms so that you can not identify the individual firms concerned. I have borne in mind what has been said in the representations made to me that Gibraltar is a small place, on the other hand Gibraltar is a small but a modern place and we need the kind of Government which is produced in other countries. Therefore Sir, I think it is necessary to allow the Statisticians power to be able to look into certain monopoly situations in Gibraltar which are of vital importance to Gibraltar. May I give as two examples, the Airport, and the Port. These are two areas where there are a few or one company operating and it is very important that these two areas should be well documented, whether it is a question of the number of people in an aeroplane or the tonnage in a Port or things of this kind. I think it would be unfair to the rest of the people not in a monopoly situation to allow those in a monopoly situation to have the privilege of not being subject to statistical analysis. I think that this is an important principal and if this clause were to be omitted or changed then we would be backing a monopoly situation and dealing unfairly with the rest of the community.

On the question of administrative costs, sir, may I say that with the proceedings to be adopted now, the Government must judge to what extent it can burden the community with exercises of this sort. I have received a number of complaints about the employment survey, the six-monthly employment survey which is being carried out. I appreciate that any survey which is carried out does involve administrative expense, or trouble at least, but again this is one of the demands of the labour situation. It is proposed that these employment surveys will be carried out regularly every six months until we are able to establish a trend, and if the working population were more stable than it is then perhaps exercises like the Census would suffice, but it is a changing situation which must be followed and plotted carefully. But the Government will have to bear in mind how many of these exercises are undertaken at any one time and this can be a factor which can be brought by the Opposition if the Government tends to want to do too much.

In general, Sir, to finish up may I say that the amendments I have pointed out make clear that Government's intentions were entirely honourable in this project, that there is no attempt to bulldoze a Bill which will go against the Constitution. I am grateful for what has been pointed out to me and I hope that the amendments which I shall be submitting, with your permission Sir later on will carry this Bill through, not only because we have a majority, Sir, but because it has the unequivocal support of this House.

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

HON M K FEATHERSTONE:

Yes Sir. I am very happy to have been reassured by the Honourable Minister for Labour that Government's intentions in this Bill were honourable and that there was no intention to bulldoze through anything, because, Sir, the first sight of the Bill made me very worried indeed. I don't know quite where this Bill originated, perhaps thinking as I often do mathematically, I would say, in algebraical terms, it was the brain child of Mr X. Although Sir, it does seem that at one fell swoop if this Bill in its original form were to have gone through everybody in Gibraltar would have been pigeon holed by Government, freedom of the individual, even in the 20th century, would have been completely thrown to the winds. Perhaps Sir, the author of this Bill might have been a Mr George Orwell and, Sir, I cannot subscribe in the slightest to the theory that in the 20th century the liberty of the individual has any need to be curtailed. I think perhaps, Sir, in these days when computers are taking over so much of our lives, the liberty of the individual should be even more protected. This, Sir, of course is not a wild sort of allegation, it is so much the thought of politicians in Britain Sir, that they have at the moment under study a Data Surveillance Bill. I think it is the Younger Commission that is looking into it, an all party commission – and the Right of Privacy Bill. It seems Sir, that they are very worried in England about the liberty of individuals in this 20th century. We now seem to learn, Sir, that this Bill originated in Fiji. Well Fiji has recently been given independence so perhaps they may change all their

Bills. But I cannot think, Sir, why if we have, and I think we do have, need for a Bill providing for statistics, why we should go to so small a place as Fiji so different in set up to Gibraltar, when we had at hand all the advantages of similar types of legislation in the United Kingdom. I don't wish to subscribe, Sir, to the saying that there are lies, damn lies and I feel that to have statistics is an essential in modern life, but, Sir, the basis of statistics, I think, could follow the pattern of one of the Bills, the major Bill on statistics in the United Kingdom, which is the Statistics of Trade Act 1947. This is a law Sir. This Act in its preamble say, "it is an Act to enable certain Government departments to obtain more readily the information necessary, etc., etc.," This implies of course sir, that the information can be obtained anyway, this is simply to obtain it more readily. I could give you a simple example.

I am sure you own a motor car. If I were Government, I could find out whether you did, Sir, by looking down the list in the Municipal Department or in the Police to find a motor car was registered under your name. This is no secret, Sir, therefore it would be reasonable if any Statistics Ordinance to include such a question. Do you own a motor car? You are not giving anything away of your liberty by saying "yes I do" or "No I don't". Government can already find this out, you are assisting them to obtain this more readily. Now, Sir, in Britain there are many Acts which deal with the statistics, they turn up in such things as Forestry or Markets and Fairs – there you have statistics on cattle coming into it. Import Duties, but there are only two big Acts which deal with statistics Sir, one is the Census Act and the even bigger one is the Statistics of Trade Act and if both of these, Sir, one of the most important clauses, and I am happy to see that Government has appreciated this importance, is that any amendment to this Act must be done, in the case of the United Kingdom, by Her Majesty by Order in Council. But, Sir, he cannot do this amendment unless both Houses of Parliament, pray that such amendment be made. I am glad to hear Sir, from the Honourable Minister of Labour, that the original clause in this Bill which worried me very much and which gave all powers to the Governor-in-Council to amend the Schedule – I will not use the word willynilly – but at the desire of Government without consultation at all from this side of the House has now apparently been given second thoughts, so that not only any amendment but putting in to the Schedule of items, must be aired in public and where better than through the House Sir. I am also pleased to hear, Sir, that the whole of the First Schedule is going to be taken out in the amended Act, Sir, because I think there were certain most disturbing matters in this First Schedule. Just to quote a few Sir, Personal Consumption and Expenditure, this surely, Sir, is an intrusion in the liberty of the individual. However much Government needs statistics I feel that they have no right to ask how a person spends his money, they may have a right to note how he earns it, but not surely how he spends it. He may wish to spend his money on alcohol, race horses, or cinemas, whatever he wishes, that is his affair, why should Government stick their nose into it. Another thing Sir, which they had in this schedule; they had income, earnings, profits and interests. Sir, details of income go to the Income Tax Office, which is a very watertight department and Government cannot obtain details from it. This Sir, would be an instance in which Government could not "more readily" obtain information. So it would seem Sir, they should not obtain this information at all, other than through

their Income Tax department, which is as I said, watertight and this of course is the procedure with all the Statistics Act in Britain.

I don't want to go too long about the Bill as it stands, Sir, because it does appear that there are going to be very considerable amendments. It is a pity we have not been given them all, more so when apparently they had been given to another member of the public, I mention the Leader of the Bar Sir. But I would mention Sir, that this Bill, as originally thought out, seemed to give me the impression, I may of course be wrong Sir, that once again we have had this Government thinking of penal approach, if you did not give the information required then you would be liable to imprisonment for one year, or to a fine of £100. Sir, in the British Acts there is no question of imprisonment whatsoever, there are fines, a second fine and then you can come up for summary conviction. Once again Sir, it seems here that Government wishes to put in legislation which may swell the number of people imprisoned. I thought that the idea was to decrease it. I agree, Sir, with the Honourable Minister, that the present Statistician or at least I only have personal experience with one of the gentlemen doing statistics here, has been most helpful, most charming in his approach, and I would give him my fullest confidence. But Sir, these people are not always here for ever, we may get other people who perhaps if given very wide powers might abuse them. It must surely be the duty of this House, Sir, to see that the width of the powers given must again be compatible with the freedom of the individual to give the information concerning his private affairs. I would, just as I have commented on statistics in the United Kingdom, made the comment that Government, as it has given second thoughts in this Bill, should not allow items to be included until they have been through this House, as far as the schedule is concerned. It might be a good idea for Government to continue on the same line of thought with the Census Ordinance Sir, because in this present census they have put in many points which go far beyond what may be required in Britain, Sir, not because there is no objections to these but once again anything could be put in at the present moment by Governor-in-Council, and it might be better to follow the principle with the Census Ordinance also Sir, that any new items on which Government requires information relating to the census should first be tabled in the House and passed by the House and that this House should then ask the Governor-in-Council, or Council of Ministers to put it into effect. Thank you Sir.

HON P J ISOLA:

Sir, I think that the House must be perfectly and fully assured that the approach the Minister proposing this Bill was shown in this House, and before coming to this House, must leave any person in no doubt at all, that the intentions behind the Bill were entirely and completely honourable, that is the intention of providing a very necessary service in the 20th century, a Statistics Department with the consequent surveys that there must be in it. I would like to state, that when I spoke to the Minister on the Bill, as I saw when it was drafted, which frankly disturbed me, he was very, very ready and very, very willing to consider any amendment that would render the purposes of the Bill

practical without offending the intrusions that there appeared to be in the Bill as before the House, and doing away with the objections to some clauses which were not really necessary for his purposes. And in this, as was already mentioned in the debate, the Statistician here was perfectly happy to cooperate. The procedure that he proposes to follow, I think, is a good one, it is a practical one, that will enable the House to keep some control on the surveys that are carried out. But, I think we would be deluding ourselves if we are to think that because there will be all these amendments and there will be no surveys. It is quite obvious there is a need for a Statistics Department in Gibraltar, there is a need for us to know how we stand on a great number of things. We have the example of this current year, where there has been a tremendous coming and going as to whether the hotels are full or whether the hotels are not full, whether there is tourism in Gibraltar or whether there is not tourism in Gibraltar, and the situation has been very confused indeed. The reason for this to my mind, is the absence of good sensible statistics. On the one hand we have been told that the hotels are half empty and on the other we find that all the flights from London for the last three months have come full, that no one could get on a plane to Gibraltar and that we have had extra flights throughout August and September announced at very few days notice. Who's right? Who's giving the right information? The Government Office? The newspaper or the hotels or whoever it may be? There is a need in a modern community or a Statistics Department and I am glad to see that the Opposition share the Government view on this and that we all agree that we should have a Statistics Department and I am glad to see that the Opposition share the Government view on this and that we all agree that we should have a Statistic Office. I think there has been a good explanation by the Minister of how he proposes to apply the Bill, how he proposes to amend it, and I think we should all be grateful to him for the way he has met, or is going to meet, the genuine fears of the House, on the matter. But there was throughout the Honourable Mr Featherstone's speech, slight hint, rather more than a slight hint, of a penal attitude of Government, of a dictatorial attitude of the Government and that he was standing in defence of the liberty of the subject, as he sees it. Well of course we know that the Editor-in-Chief of a certain newspaper has waged a campaign against this Bill. This Bill must not go through, this Bill must not go through, the last one of course was in its present form, and this I think conforms to the attitude taken by the Honourable Mr Featherstone in this House. But I would like to make one observation on this love of the Honourable Member for the liberty of the subject, and his desire to protect persons from being asked questions about personal consumption and expenditure, and this business of the freedom of the individual has gone on throughout his speech. I never remember Mr Speaker, the Editor-in-Chief of a certain newspaper complaining about infringement of the liberty subject when a certain bill was passed in the predecessor of this House preventing the free movement of labour and worker's in employment. That was a jolly big intrusion into the liberty subject, a jolly big intrusion into the freedom of the individual. I never saw a campaign in a certain newspaper "this bill must not go through". You can forgive me Sir, if I smile, when the Honourable Mr Featherstone speaks so much about the freedom of the individual. The Honourable Mr Featherstone forgets that it is this Government that freed the worker from control of employment. So far from being the Government that

oppresses the individual, it is the Government that freed the individual from control, and he should not forget this. I think that is all I have to say on the Bill and I hope that all those who have built this Bill up as something terrible and something horrible will be reassured that the intentions of the Government are to provide a machinery that will be of benefit for the future welfare of the people of Gibraltar, that will be of benefit in Social Planning and economic planning for Gibraltar, and I am glad to see that the Opposition is taking a sensible attitude on the Bill.

HON SIR JOSHUA HASSAN:

The patronising ending words are not, in any way recognised as a compliment. I would like to dispose of something that has been said by the last speaker before I go into the merits of what I have to say. And that is, that the biggest red herring that has been thrown across this floor, and there has been many in the last twenty years, is this one about using as a comparison the emergency legislation for six months enacted in an emergency situation with this Government, though they were very angry and very opposed to it didn't have the courage to repeal, but reaped the full benefits for their own administration until it died of natural death. To compare that with the attempt that there has been at this Bill, despite all the soft words that have been said today, of an intrusion into the liberty of the individual, there is no comparison, in fact it is ridiculous, it is childish, and not worth commenting on any more. But let me say that the attitude of the Opposition is that we agree to a Statistics Bill, but we do not agree to this present Bill. We are going to vote against it on Second Reading, because I think the way the Minister has gone about it is very wrong. The Government have made a very grave and serious mistake and they have tried to cover it up with sweet words about the reasonableness even of the Chamber of Commerce. This time when it suits them and this is a thing which we deplore. If this Bill has got provisions which, as has been pointed out and advised, are contrary to some of the provisions of the charter of human rights in the Constitution, then the Bill should have been withdrawn and a new Bill brought in. Not that we should be told that when the time comes they shall produce this amendment or the other. This is so fundamental. I am going to ask if in fact they want, as the Minister said towards the end of his speech, if he in fact wants that this Bill should have the concurrence of this House, I am going to invite him to withdraw this Bill, to bring the new one and we will support it, subject to any amendments that we may make when we see the Bill. How on earth can we support a Bill as it is now, on the assumption that certain proposals, that have not even been tabled, are going to be put forward. This has been a great and grievous mistake of the Government and they have not got the courage to admit it. They have done it in a hurry, they have probably not really considered it. They have done it in a hurry, they have probably not really considered it, and perhaps if the Honourable Lady member will cease reading the newspaper, which is one of the most improper things to be done in the House, I can continue speaking. You were reading the paper, Mr Speaker, I must call on you to tell the Minister not to read the paper whilst there is a member ... lack of the elementaries of courtesy, if you are tired you can read it next door.

HON CHIEF MINISTER:

Mr Speaker, with all due respect, but how does the Leader of the Opposition know that what the Minister is reading has not got something to do, in fact something which may well have come out of the paper, with what is taking place now in the House.

HON SIR JOSHUA HASSAN:

Oh, it is absolute rubbish. She is just passing the time by reading the paper. Perhaps she did not read it this morning, that wonderful communiqué.

HON MISS C ANES:

As a matter of fact I did not read it.

HON SIR JOSHUA HASSAN:

Right, therefore she was reading it, so no amount of help from the Chief Minister will save her on this occasion.

HON MISS C ANES:

I have not committed a crime.

HON SIR JOSHUA HASSAN:

Mr Speaker, I say that the way this Bill has been presented, the way it has been patched up, the mistakes that have been made, is most improper and unworthy of the Government that seeks to get the support of this part of the House to this Bill. This is most improper and we will oppose the Bill all along its length. Now, let me say that the Bar does not owe any gratitude to the Honourable Mr Isola for having arranged the meeting because the Bar was up in arms against this Bill and the Bar met for the purpose, except that Mr Isola, being a member of the Government side and a member of the Bar offered to be there, but it was quite clear that he was there at the initiation of the Minister and not at the invitation of the Bar. The Bar appointed its own delegation and it is what that delegation said that matters. The other point I wish to make, Mr Speaker, is that as Honourable Minister has said, not only apparently has he given a copy of the amendments to the Leader of the Bar, which the Leader has not circulated, but also to the members of the Committee of the Chamber of Commerce, and here we are today, as members of the House, being told of certain amendments that are going to be brought, which have already been circulated to people who are not members of the House, yet we are the people who are being asked to approve these amendments. I think this is a

very improper way of going about his business by the Minister for Labour and shows very little respect for the standards of this House and for the fact that the Opposition has got a very important part to play in this matter. Of course it has been done in a hurry, but the Government does not print a Bill without knowing its full consequence. Or is it that they do print Bills without having gone through this policy agreement that is required. When they go quickly, they retreat in disorder and are prepared to give way in all the things that are being objected about. If these are so obvious and they have been so readily agreed why were they in the Bill in the first instance. This is most improper and the Government have tried to sugar coat the whole thing by saying that they have readily agreed to the representations that have been made. Of course the Bill is repugnant in many respects and no attempt to bulldoze it will satisfy us. Incidentally, I have heard the Honourable Minister say on several occasions that at a later stage in these proceedings he will be proposing amendments. I hope he is not referring to the proceedings of this House today, because if that were the intentions our consent would be required for that, and we would not readily consent. He could hardly expect us to agree to proposals or to amendments that have not even been tabled and bulldoze the Bill to see what the proposals are, we want to see what the proposals are, we want to study them, but I say in any case the Bill as it stands before the House today is repugnant to the dignity of Gibraltarians an unnecessary intrusion into their privacy and we shall vote against it. Of course we support a Bill on statistics, of course it is required for certain respects, we have said that all along, but not in the shape in which it has been presented and not in the way in which it is proposed to be amended. So, Mr Speaker, the Opposition will vote against the second reading of the Bill and if it is the attitude of the Government is to bulldoze the Bill in this way, then they can expect little cooperation from us in the Committee Stage at a later time.

I would invite the Honourable Minister, and it would help in expediting it if next time he were to withdraw the Bill as it is drafted and produce a new Bill we could go through all its stages. I think it will be more in keeping with what he has been saying and would show more the sincerity of this remark and not that he has made the amendment under great pressure of public opinion.

MR SPEAKER:

May I say that for the purposes of Standing Orders, Standing Order 60 says that notice has to be given to the Speaker 24 hours before and that no notice has been given. I don't feel it is the intention of Government to ...

HON SIR JOSHUA HASSAN:

I did not give it as good, but the way it was presented it looked as if it was an attempt for this to be done at this session.

MR SPEAKER:

No, no notice has been given as required under the rule.

HON SIR JOSHUA HASSAN:

I am grateful Mr Speaker.

HON CHIEF MINISTER:

The Honourable and Learned Leader of the Opposition has given the impression this afternoon, by the words he has been using, that he is more interested in scoring debating points than in being practical and helping Gibraltar in getting on with putting its house in order, from the point of view of getting our economics right, in helping with producing the right question for the Government to be able to proceed with an economic development advancement. This is in fact what we are discussing here, not whether this Bill is an atrocity, because it has been clearly made known by the Minister, who I don't think is lying in any manner or form, that the intentions are to have this Bill amended so that it conforms to the principles that everybody in Gibraltar, and particularly this Government so much worships. Although he says that my Honourable Friend Mr Isola produced a red herring on the question of the control of employment Bill, I don't think this is so at all. It would have been a very easy matter for this Government to have seen the Bill voted in again. I think we had every justification to have done so. It took quite a lot of thinking before this Bill could be allowed to lapse because when we came into power we found ourselves in a very difficult situation with regard to labour. I am sorry to say that everything that we are doing now to try and make Gibraltar self sufficient in labour was not done before our time although they knew perfectly well what the intention of the Spanish Government was clearly to withdraw Dock Labour either slowly or suddenly. Although there might have been a contingency plan, there was no systematical approach to see that that Bill, of which the Honourable and Learned Leader of the Opposition said was a red herring, was not a red herring at all. It was the consequence of not having planned carefully and thinking ahead towards the liberty of the individual. Secondly, it also shows that the interest that this Government took in removing that Bill, in allowing it to lapse as soon as possible, is a clear indication that this Government has got the liberty of the individual very much at heart and I don't think the finger can be pointed at us in any other way. It is clear that every action we have taken, in the way that we have liberalised committees in the Government itself, in extending the franchise to the young people of eighteen years of age, and in the way that we have released the committees from one individual and spread them out to other individuals, that we are interested in seeing that the freedom of the individual is respected, not just with lip service, but in fact. Not just at the bottom but at the top as well. It is perhaps even more important at the top than down below, because if there is freedom in control, then you find that the freedom of the individual is safe-guarded. So this is not a red herring at all, it

is very relevant to the question we are discussing here today. Now as to the point whether we had to do this thing in a hurry. I agree that it had to be done fairly first. Of course it had. This is the baby that we have inherited, the statistics bill is as important today as it was 10 years ago. If you look back at when it was legislated in Britain you will see that this is not a new phenomenon. This is important in any advanced society. It is not socialisation, it is organisation. It is necessary that the Government should know exactly where the Government is going. Unfortunately, when we came in no statistics were available. We are entirely in the dark, therefore, it is most important that this Bill should go through as quickly as possible. It so happens that Gibraltar is a very small community, and because we are a small community we are limited in our resources. We cannot have a number of people drafting law, the normal situation in Gibraltar, I think, from time immemorial has been that you invite people who are supposed to be in the know to produce legislation. It is a normal procedure to adopt this from other British territories and this has been the way in which this has been done. There are printing difficulties, there are many difficulties in Gibraltar that are not found in bigger society. These are the problems that we are faced with, but at the same time it is important that this should be done without delay. This is what we have done. Not the question of giving to any individual. Now the Bill is out, now we get representations, no one can say that the Minister responsible for this has not given it his full consideration and attention, this has been gone into very thoroughly, very carefully and I think it has already been admitted by those who have made representations, we are ready to meet their representations. We are very much alive to the fact that these amendments would have had to be carried out, we are still alive to this and we say so, we are going to carry them out, we are inviting the opposition to come forward with their amendment. No one is stopping them. It appears by the attitude adopted that the Government was just not allowing any amendments to come forward. They could have produced their amendment already if they had so felt. No one could have stopped them.

HON SIR JOSHUA HASSAN:

We have not reached that stage.

HON CHIEF MINISTER:

No there is no point at all in having to reach that stage. My point is that there is no need to enforce any more delay on this question. I think the opposition should realise the importance of getting through this Bill without delay, and if this is so there is no need to go and print a new one. The important thing is to produce such amendments as will meet their own requirements and I can assure that the Minister would be eager to see them, consider them and if necessary to introduce them.

In the past we have been told that this Government is entrenched in its views and does not give way to suggestions from outside. Now apparently it is the

other way round, it appears now that we have been too easy with the Chamber of Commerce, too easy with the Bar, too easy with the organisations which come forward and make representations. It looks as if the Government can never win. If we are prepared to listen to amendments then why are we giving way so quickly; if in fact we believe that the amendments to the Bill should not be introduced, why are we so adamant in our views. This is not constructive opposition if I may say so, Mr Speaker, this is purely destructive and nothing else but playing to the gallery. I say this Bill is essential, this Government will see this Bill through, we invite the Opposition to come along with constructive amendments, they are very welcome in the same way as everybody else has done, and I am sure that the Minister will say so in his own words, will be only too pleased to welcome suggestions from the other side of the House.

HON M XIBERRAS:

Sir, I believe I have the right to speak again. Sir I think that ...

HON A W SERFATY:

Mr Speaker, we have seen the Honourable Minister Mr Xiberras handling a couple of pages, at least two or three pages of amendments that the Hon Mr Peter Isola has suggested. I would have thought that in an important matter like this the Hon Minister would have had the courtesy, to have circularised these alterations among members of the Opposition. This would perhaps have made a great change on this. I would have thought it would have been an elementary courtesy for us to have received these proposed alternatives, at the appropriate time before we came here.

HON J CARUANA:

Mr Speaker, what the members of the Opposition are overlooking is a simple and fundamental fact. The purpose of this discussion is to accept the principle of the Bill, the Minister has explained what has transpired since the publication of this Bill and what has transpired has been a very natural and desirable reaction to the publication of the Bill. People have come forward and placed their opinions on records. Some of their opinions have no doubt been taken heed of, others have been discussed and may have been agreed. The comments from the other side, when they were invited by the Chief Minister to put forward their amendments, was that we had not yet reached that stage. I do not therefore see why the Hon Mr Serfaty has to say that the Minister has been discourteous in not forwarding the amendments because in fact we have not reached that stage. What the Minister has in fact done is to give a summary of what has transpired, in a very full and extensive way, since the Bill was published. He has given an indication to the Opposition on what type of amendment has already been considered and agreed upon and I think this is the way the House should work. As the Chief Minister has said, the

Opposition is quite able, I don't know about willing, but quite able at the proper time, and perhaps even at this stage, to start discussions on amendments to the Bill.

HON SIR JOSHUA HASSAN:

Mr Speaker, may I have a word of personal explanation, please. The point is the implication that we are voting the principle and the amendments come later, I must explain this quite clearly. It is normal, when the proposed amendments may or may not be of a small nature, but when it comes to the root of the whole matter we cannot be expected to vote on the principles of the Bill which is going to be so seriously affected and which have so many objections now.

HON J CARUANA:

Mr Speaker, on a word of explanation, the Honourable and Learned Leader of the Opposition has already stated very clearly that he will welcome a Statistic Bill. If he welcomes a Statistic Bill, he ought to welcome the principle of this statistic bill and make his representations when the amendments have been discussed in full.

HON LT COL J L HOARE:

Mr Speaker I don't want to prolong this, but it seems to be a little naive, to say the least, that here we are presented with a copy of this Bill to browse over, to analyse, to see the pros and cons, which we know now is not going to be anything like the Bill which is going to be coming up later. If we can see this, now, why could we not have been given the amendments so that we could see what it was all about? Not a little piece now – which in fact will be thrown out of the window in no time – but to see what the whole thing is about and then we can really discuss it, and think about it. Therefore, it is relevant in this particular instance. In any case, we should have had a copy of the amendments so that we could know what it was all about.

HON M K FEATHERSTONE:

Sir, on a point of clarification, I am not sure now what we are going to vote on. Are we going to vote on this Bill Sir, or are we going to vote on a principle whether there should be a Statistics Bill? The answer is to vote on whether the Bill, as it stands, is going to receive a Second Reading. Would you explain that to the Hon Mr Caruana, Sir.

HON ATTORNEY-GENERAL:

Might I suggest that the question to be put is clearly set out in the Order Paper, that we are concerned only with the question of whether a Statistics Bill, in the long title set out in the Order Paper, is to be voted, Sir, not this particular form and substance including schedules. It is just a question Sir, of principles and no more at this stage. And I had hoped, Sir, that when you had reassured the Honourable Leader of the Opposition that no notice has been given of any variations to the Order Paper, that he would have appreciated that we are not at this point concerned with the Committee Stage of the Bill. The question therefore, Sir, is explicitly that set down on the Order Paper.

HON SIR JOSHUA HASSAN:

I fully appreciate that Mr Speaker, but it would not have been the first time in the life of this legislature that, at the last moment, notice has been given that all the stages will be taken, with the rather nebulous indication to a later stage in the proceedings. I think, I was at least entitled to clarify this in my own mind.

MR SPEAKER:

On the point of order, and for the purpose of explaining, whilst appreciating the point that the Honourable the Attorney General has made, no Bill can be discussed in this House of Assembly unless it has been printed and unless it has been published in the Gazette and well, whilst any Bill which is under the consideration of the House must of course be open to amendments and whilst appreciating it is a Bill which has been discussed for the second reading one must accept that the Bill is the one presented which might bear any resemblance at a later stage due to amendments.

HON M XIBERRAS:

Sir, of the four Honourable Members of the Opposition, who have spoken, I would like to concentrate on the remarks passed by the Honourable Mr Featherstone and the speech of the Honourable and Learned Leader of the Opposition. May I first say, Sir, that without being authoritarian to the extent of wishing to deprive Mr Featherstone of a right to literary allusions, I take the greatest acception to his alluding and insinuating with his phrase "full swoop", that any particular person in the Civil Service was responsible for the drafting of this Bill. I have scrupulously avoided mentioning anything in that respect. I missed, unfortunately, the pun on Orwell, I suppose along with Paisley and many of the other literary figures, or political figures, he takes up his copious knowledge on all subjects, a knowledge which, I think, blinds him to the real substantial issues before the House.

HON M K FEATHERSTONE:

Sir, I am willing to be corrected, I think, it was George Orwell who wrote in 1984 and I would also suggest, on a point of clarification, that if Parliamentary debates are read by the Honourable Minister he would find that all sorts of allusions and allegations are made similar to the ones that I used.

HON M XIBERRAS:

Yes Sir, and having read 1984, much more willingly he said the Bill was authoritarian. But he doesn't, he skirts around the cesspool Sir, but never puts his foot in it, oh no. What he has done, Sir, is to draw attention to a census which has gone forward, which is in the public interest. He has not actually said that the census was a bad thing, he has not actually said that the public was imposed upon, but he has made his little remark in typical Featherstonian style. He has had to do this.

HON M K FEATHERSTONE:

On a point of clarification, Sir ...

MR SPEAKER:

Order. Will you please make notes of your points on clarification because otherwise we will not be able to have a coherent debate.

HON M XIBERRAS:

As I said Sir, in true Featherstonian style, he has laid his little bomb and then run away. He is going to defend the rights of the people who have been assaulted by this Bill. Mind you, I much prefer, much enjoy the tone of his remarks than the tone adopted by the Honourable and Learned Leader of the Opposition, but more of that later, Sir. The point is, Sir, that in the United Kingdom you have several Bills or several Acts which deal with several branches of statistic. As with the Industrial Training Ordinance it is not economical to have a separate Bill for each Branch of statistics here. The purpose of this Bill was to go as far in the collection of statistics in Gibraltar as one is allowed to go according to the whole conglomeration of United Kingdom Acts on the subject and I am assured, this time I do mention the name, Sir, by Mr Fell that the things under the First Schedule are done in other countries, including America, trying to establish trend in consumption. Of course one can conveniently paint the picture of Government inspectors going around this way and that and prying into other people's business, of course. But when we hear on the radio, on television, "Italians spent most of their money on this and most of the money on that", well everyone wonders how the Statistics had been acquired. This reminds me Sir, and I am sure Mr

Featherstone will appreciate this historical allusion, to the Excise Bill. "No slavery no Excise", when Walpole was trying to build up a Civil Service. Similarly, here, one gets the impression that all the wide garments of liberal infective has been brought to bear upon this House. Liberal infective on the part of the Honourable Mr Featherstone, you know, this is a great intrusion into the privacy of the individual, this is a this, this is a that, the reference to 1984 and you are an Orwell, people of Gibraltar, watch it, the hot Government is just behind the door etc. Is this, Sir, the intention of the Government? I would suggest that the attitude that the Opposition has chosen to adopt with this Bill is a very convenient one, politically, for them. Of course we are trying to bring about something new in Gibraltar. Whoever dared to go up to a house and ask for a certain information, except once every ten years. Well, we have dared, and we think it is in the interest of the community to do this, and this is the sole reason why we do it. I get no pleasure from figures myself, Sir, the Honourable Mr Featherstone gets much more pleasure from figures than I do. I don't even see the figures Sir. (Laughter) I am glad to see a smile on the other side Sir. A moment ago, we were in high indignation blasting the Government out of office, now we have smiles of appreciation.

Sir, may I also add that the Statistician tells me that there is a process of codification of Statistics law in the United Kingdom, there is no reason why we should not be in advance of this. I accept, Sir, that the amendments proposed to this Bill, have been substantial. I do not like the insinuation by the Honourable Mr Featherstone, later repeated by the Honourable and Learned Leader of the Opposition, that I was trying to keep the Opposition out of this. My suggestion Sir, is that the Opposition itself tried to keep itself out of it. There is a record, Sir, of consultation for which I have even been criticised by my Honourable and Learned Friend Mr Isola, for having dared to consult a member of the other side in my office about a matter before the House. Nevertheless, I have gone ahead and I have done this. I have told Mr Isola that consultations of this kind do in any way minimise the importance of this House. And may I add, Sir, that I gave a full list of the people who showed an interest in the Bill. I have not actually shown these Groups or Associations the amendments which are going to be carried out in the final form, that is, I have not produced a paper showing the exact thing that I am going to put forward, together with an explanation of why these amendments are going to be carried out. The Honourable Mr Abecasis, as a member of the Gibraltar Trades Council, is aware that full consultations were held with that Body, and not, may I add, with the Opposition officially, on the Industrial Trade Ordinance. There were lengthy meetings, Sir, there were redrafts of the Ordinance and they were submitted to the people who showed an interest in the Bill. Moreover, Sir, I am perfectly well aware that members of the Opposition do visit the Financial Secretary when they have any points to raise on budgets. This is all constructive and all very good, but deliberately to let the fire smoulder and then come here and with great ado try to put the fire out, that is a different story, Sir, and I think I am entitled to impute a different motive to the operation.

Sir, may I clarify this, and that is that perhaps in all my good intentions, I did not actually say that I was introducing amendments at the Committee's stage.

I am advised that this is the normal place for amendments to be placed, and I had every intention, in my magnanimity, after the second reading from the principle of the Bill had been discussed, to offer the amendments to the Opposition at the earliest opportunity after this. I could have read them out, I have them here Sir. What I have done is, I said not, to labour this House. I have gone through the main amendments I have put them forward clearly, they have not even been discussed by the other side, they have not been argued, they have not been touched upon, which shows that the other side probably came here with a closed mind. They were not attempting to discuss the principle of the Bill, all they were going to do was to have a go at the person proposing the Bill and then say "we are going to vote against it", so that the result will come out in the Gibraltar Post, and the whole statistical exercise will come to nothing. Well, Sir, this is not the purpose of the exercise as far as I am concerned it is to get an effective Bill through as quickly as possible. If the Opposition wish to filibuster they can go ahead and do so. Of course they can go ahead and do so, they can stand for the right of the individual, but I would suggest to them, that the longer they filibuster, the longer they argue, if they are to argue, the clearer their motives are going to become. It is going to become increasingly a question not of whether this Bill is right or wrong, because my amendments will be put forward, discussed and the Bill will appear sensible. It will be a question of delaying this Bill on what the Honourable and Learned Leader of the Opposition has called, a matter of principle. May I turn now to this Honourable Gentleman who has made these remarks about me, and I speak deliberately in these terms. "That I have no respects for the standards of this House", "That it was a great and grievous mistake"; "that I should, if I have any honour in me-perhaps these are not the words – I should do away with this Bill and bring another Bill", all this in the interest of this House. Well Sir, first of all, I am sorry to hear the Honourable and Learned Leader of the Opposition speak in such terms about me. Secondly, I can assure him that if he called my words "sugar coated" words before, he also knows himself that I can be just as cutting when I have to be. And I am currying on this one, sir, because this is one of the few occasions when the Honourable and Learned Leader of the Opposition has got on any kind of a high horse and this high horse has been the high horse of principle which is the refuge of those who cannot oppose things of substance. This is when in fact the Honourable and Learned Leader of the Opposition has come up and said I am going to stand four squares before, behind what I say. Jolly good. A pity it was not done at Budget time or at other times. There are the views which I must put forward in view of the attitude taken by the Honourable and Learned Leader of the Opposition. It will be interesting to see reports in a certain sector of the press, the Gibraltar Evening Post, after this, I bet I could pick up today the phrases which are going to appear in one paper and will not appear in the others, I think I could do this. I think perhaps, "a grave grievous mistake" and "no respects for the standards of the House", if I may steal a scoop from this particular paper, is what is going to happen.

Sir, I have explained that there is absolutely no attempt to bulldoze this Bill through the House and may I make the point again, particularly in respect of the Honourable and Learned Leader of the Opposition's speech, that he himself has approached members of the Government before a Bill or a

measure has been put forward. He has expressed views on particular Bills, or particular measures to be put, and that most of the members on the other side, the Honourable Mr Alvarez knows that I am willing to consult anybody – I will not give way to things I do not consider to be right – but I will give way when something is shown to be wrong. I do not say that we have not made mistakes on this particular Bill, but mistakes are one thing, another is a “great and grievous mistake”. In these days of inflation, Sir, that kind of language is most inflationary, this is the kind of language which makes this House lose respect. If one has “loss of respect”, and “great and grievous”, and “shut up” in one’s lips, and that sort of thing, then you are not making a very good contribution to the respect and awe in which this House should be held.

Sir, now back to the concrete issue, we have heard one view, Sir, and I am in no way trying to question the authority, Sir, from my Honourable and Learned friend the Attorney-General. We have had a ruling from you, Sir, and I accept that ruling. However, I think Sir, it would be difficult to draw the line between what is substantial and what is not substantial, I think, it is indeed marvellous of the Honourable and Learned Leader of the Opposition to be able to draw upon a reservoir, a fund, of parliamentary experience to draw this particular line, I think it is marvellous Sir. I think it is marvellous that we should do this on this occasion. But Sir, I would not myself dare to draw this line. After all, Sir, he has not even discussed the proposals which I had clearly made. A procedure that was proposed by the other side in relation to the Industrial Training Ordinance. One that was alluded to by the Hon Mr Featherstone, that of making inclusions into the schedule subject to the place at of this House. Now, that is not a wild procedure Sir; nor is the Bill, in the way in which I had given a clear indication of how I intend to amend it; nor is that objectionable, Sir, because the Honourable – perhaps Learned in another context – Mr Featherstone, knows that the Census Ordinance is precisely this type of Bill, the type of Bill which the Government intends to move at the Committee Stage. He himself has said Sir, in respect of the Census Ordinance, that he hopes that we will consider adding something like “the information will be subject to the good will of this House”. It is the same kind of Bill Sir, I have seen them both. The one which will result, after my amendments at the Committee Stage, and the one he has suggested for a Census Ordinance. Certainly Sir, I am very hesitant to cooperate with him and to try to safeguard the rights of individual as regards the Census Ordinance, as Mr Featherstone sees them. If he is going to be so uncooperative as to vote against this Bill, for one reason or another, at this particular stage. May I add, Sir, that other important points raised by the Hon Mr Featherstone was the question of fine and imprisonment. The Bar Association in fact did bring the point to me, and my Honourable and Learned Friend did bring the point to me, and this is another amendment. And before we get voices from the other side, what else is there? I am quite willing to run through all the amendments, and at least they can be given the credit of knowing what is substantial and what is not. So, Sir, to finalise this, if Honourable Members in the Opposition consider my first speech on behalf of the Bill as sugaring the pill, then Sir, we will go through with this Bill in the spirit in which we have now come to. They can vote against, we can vote for it, and we shall all remember all the while, in judging our various amendments

and our various resolutions and so on, exactly what we are talking about, what is our aim, whether our aim is to try to thrash Government on a particular issue, or to try to get through a piece of legislation which, as my Honourable and Gallant Friend the Chief Minister, said, is a necessary piece of legislation. I think that the point that has been made about the Control of Employment Ordinance should be clear. My view is that the Ordinance was necessary. I do not share the view of the Honourable and Learned Leader of the Opposition that it was a shame that we could not withdraw it before the Ordinance lapsed. If it was a shame, Sir, then by the same token, it was shame to pass it, because if it was a question of circumstances being difficult I can assure the Honourable and Learned Leader of the Opposition that things were practically as difficult when they passed this, except that they did not know what was going to happen. But neither did we when we allowed the Ordinance to lapse, and that we did so against the timely advice of a number of important employers, and we did so only because we could have the salaries review just after the Bill lapsed. As the Honourable and Learned Leader of the Opposition will remember, the Bill lapsed on, I think, the 11th of December, and just before that there was a meeting in the Chief Minister's Office, in which the first interim proposals by Marsh were put to the Unions and to the Employer's Associations.

I think, Sir, that it will become increasingly obvious, both to the public and to themselves, that they are going to flog this one for political reasons. If the Honourable and Learned Leader of the Opposition had come up with "now, now, you should not do this, young man", then I would certainly accept this sort of thing, this is what this thing perhaps merits. But to stand on his high horse – I think there is a great danger of his over balancing, he is not used to trying to climb up so high these days and displaying his political colours quite that ostentatiously – but if the matter is going to be treated in that way, Sir, I wonder, Sir, how the Opposition will be able to reconcile their voting against the Second Reading and then submitting amendments, as they have said they are going to submit. You have said that you are going to submit amendments, you are going to vote against the Second Reading to show your principals, but then you are going to try to alter the Bill anyway. I think this is the attitude. I think the Attorney-General's interpretation of the Bill to be quite a valid one, a little bit of goodwill and less questioning on the other side. They have made their political points, of course they have, they have made it very clear. They think that this is wrong, if you are being so interested in the freedom of the individual, maybe you could have called me up and said "well, we do not think that is this very good, if you are going to carry on we are going to vote against this." This is not a matter of principle, it is not a matter of principle that we should send people to people's houses, that is not a matter of principle at all. What is a matter of principle is that we should have an effective Statistics Ordinance, that is the matter of principle. You can make aside comments if you wish, certainly. We have criticised the Opposition, the Opposition have been allowed to interfere at certain stages of the game, these are perhaps little tricks of the trade, but when you start saying things like "a great and grievous mistake", and "most improper" and things of that kind, then Sir, I am afraid that either one switches off or one reacts in the way that I have reacted now.

Returning to the Bill, Sir, I would commend the Bill to the House with the thought that it is the substance of this Bill and the substance of the amendments, which I have clearly described the House, that one should vote on, not only now but at the Committee Stage and at the third Reading. Thank you Sir.

MR SPEAKER:

For the benefit of the House as a whole, we have heard requests to interrupt speakers on all sorts of grounds; on a point of clarification and on a point of personal explanation. I would like to bring to the notice of the House the Rule which allows a member, under Rule 46(8) to do the following “A member who has spoken to a question proposed to the Assembly may again be heard, if the President so permits, to explain some part of his speech which has been misunderstood”. That is why I allowed the Chief Minister to give an explanation previously, but when so speaking he shall not introduce any new matter” on those conditions I will be delighted to hear you, Mr Featherstone, and any other member of the House, of course.

HON M K FEATHERSTONE:

Thank you Sir for the privilege once again to “skirt the cesspool” which, it appears, the Honourable Mr Xiberras not only fell in but appears to enjoy wallowing in. What I said, Sir, on the present Census Order, as it was applied, I think, I was not here Sir, Tuesday 6th of October, I said, this is quite alright, I have nothing whatever against this Sir, I simply suggested to Government, as later the Honourable Mr Xiberras admitted, that for the future, before they incorporate new things, and I mention that this one incorporated many more things than are included in the normal census in the United Kingdom, before they incorporate new things it should have the approval of this House. I never said a word against what was in this, in fact I supported it Sir.

HON M XIBERRAS:

Sir, I am grateful to the Honourable Mr Featherstone for this. I hope that the Press, or rather the Gibraltar Evening Post, takes that in as well as all the other skirting remarks he has made about the Census. There are a lot of people working very hard on the Census, about seventy people or eighty in all. It is a big exercise and a big Census, and the last person in Gibraltar to try to undermine this sort of thing, unless for a very good reason, should be a member of this House.

HON M K FEATHERSTONE:

Not undermine it, Sir, as I said Sir. If he is not happy with the newspaper he should write to the newspaper.

HON CHIEF MINISTER:

The trouble is Mr Speaker, that some newspapers do not publish letters.

HON SIR JOSHUA HASSAN:

On a point of statistics, I wonder if we could have how many times the Gibraltar Evening Post has been mentioned today.

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

The Bill was read a second time.

The Hon M Xiberras gave notice that the Committee Stage and Third Reading of the Bill would be taken at the next meeting of the House.

This was agreed to.

The Museum and Antiquities (Amendment) Ordinance 1970.

The Hon the Minister for Tourism and Municipal Services moved that "A Bill for an Ordinance to amend the Museum and Antiquities Ordinance 1966" be read a first time.

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

The Bill was read a first time.

SECOND READING

HON W M ISOLA:

Sir, I have the honour to move that the Bill be now read a second time. This is a very short and simple Bill which is designed mainly to make certain changes to section 80 of the Ordinance which deals with the Museum Committee. The number of members is increased from eight to at least nine, in order to enable the scope of representation to be enlarged. Under the present Ordinance members are appointed to serve for a period of three years, but under the amendment proposed in the Bill, they may be appointed for varying periods thus allowing greater flexibility. The Bill also provides that the Chairman of the Committee shall be elected by the Committee and that

the Committee may regulate its own procedure. Any member of the Committee, who without leave of the Committee, is absent from three consecutive meetings of the Committee shall cease to be a member, although he may be reappointed. Sir, I commend the Bill to the House.

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

There being no response Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

The Hon the Minister for Tourism and Municipal Services gave notice that the Committee Stage and Third Reading of the Bill should be taken at the next meeting of the House.

This was agreed to.

The Gaming (Amendment) Ordinance 1970.

The Hon Financial and Development Secretary moved that a Bill for an Ordinance to amend the Gaming Ordinance (Cap. 64) 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 FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I beg to move that the Bill be read a second time. The Bill replaces, Sir, an earlier draft which was given a first and second reading by the Legislative Council as long ago as the 23rd of December, 1966. That Bill however, was not proceeded with because of the need to consider a number of submissions made by parties who might be affected thereby. The present Bill follows very closely the earlier edition, except in a number of points to which I will be referring later on. As I told the House, Sir, in December 1966, the Government Lottery, which makes a very substantial contribution towards the Revenues of Gibraltar, has been severely affected by the ever increasing competition from a proliferation of raffles, tombolas, housie-housie, football, pools, horse race betting and other forms of gambling. Frequently too Sir, this is to the detriment of the local economy as the money stated does not remain in Gibraltar. I also explained then, Sir, that the Gaming Ordinance had allowed Football Clubs to hold weekly sessions of housie-housie to enable them to meet the rather heavy expenses of maintaining a football team or teams, as well of course as the rent for their premises and so on, but since

then Sir, some of those clubs have ceased to run football teams, whilst many others, which are wholly unconnected with sports, also hold regular tombola sessions to engross their funds without making any contribution at all to Revenue. The position is no better, Sir, than when the Bill first came to the House, and it seems to me that the time has come to place the whole matter on a sound footing. Such parties as made representations on the previous Bill were heard and full consideration was given to the points raised by them. One of the major points, Sir, related to football pools and a number of suggestions were made to tax such pools. All those suggestions have been explored in consultation with the local agents and the parties concerned. As a result it has been decided not to proceed with the original idea but to insist on the requirement that a licence should be obtained and a fee paid therefor. The Bill seeks to control all forms of gaming in Gibraltar, other than the Government Lottery, by requiring that this should be possible only under a licence granted by the Financial and Development Secretary and subject to the payment of such fees as may be prescribed and to the conditions set out in the schedule. The order prescribing fees must be laid before the House of Assembly at the next meeting following the making of the Order under the proposed new Section 13, which is recited in Clause 8, which such an Order may be annulled by a resolution of the House. It is proposed that licences for small lotteries run by Charitable Institutions, or incidental to an entertainment, or by way of gift coupons in connection with a trade or business where there are no money prizes, should be issued free.

Under Clause 4, Sir, the proposed sub-section 4 to section 5 is new and is intended to give statutory sanction to the agreement concluded at the time the International Sporting Club was licensed. A suggestion made at the time the earlier Bill was being considered that the provisions of the Shop Hours Ordinance should not apply to betting shops is being given effect to the proposed new section 5b in Clause 5.

In conclusion, Sir, I would repeat what I said on the previous occasion, that the Bill should serve to regulate the extent of gambling in Gibraltar, avoid that we should become another gambling resort, protect the Government lottery, and it is to be hoped, produce some additional revenue. In due course, Sir, when we reach the Committee Stage, I will move that the Bill should not come into operation until such date as the Governor may, by notification in the Gazette, appoint. Sir, I commend the Bill to the House.

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

There being no response Mr Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

The Hon Financial and Development Secretary gave notice that the Committee Stage and Third Reading of the Bill would be taken at the next meeting of the House.

The Application of English Law (Amendment) Ordinance 1970.

The Hon the Attorney-General moved that a Bill to amend the application of English Law Ordinance be read a first time.

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

The Bill was read a first time.

SECOND READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Application of English Law (Amendment) Bill, be read a second time. It is perhaps invidious on my part, Sir, to address this Assembly for the first time and invite it to adopt English Laws when I have in another place suggested it might be a good idea to look a bit closer to Gibraltar for precedents. However, Sir, that is one of the ironies of politics, even for an ex officio member, such as myself. The objects and reasons I think, Sir, set out the merits and principles of the Bill and I assume Sir, that is all I am inviting the House to approve at this moment. In brief, the Bill seeks to make three English Acts of Parliaments part of the law of Gibraltar. The first, and most important of these, is, I think, the Civil Evidence Acts of 1968 and I hope that you will forgive me, Sir, and Honourable Members will indulge me, if I turn to my notes on the English Acts. The Civil Evidence Act of 1968 was designed to give effect to certain recommendations of the United Kingdom Law Reform Committee. It provides, in civil proceedings at any rate, for hearsay evidence to be admissible in accordance with the Act or by agreements; it makes first hand oral or documentary hearsay evidence generally admissible, subject to rules of court, it provides that a witness's previous statement, if proved, is to be evidence of the facts stated in it; it provides for the admissibility in evidence of certain documentary reports as evidence of facts stated; it provides for the admissibility of statements produced by computers – I tremble to mention the subject in this August Assembly, but there are limitations, in fact, introduced even to the admissibility of statements produced from computer. The acts also provides for the admissibility of evidence as to the credibility of the maker of all statements admitted under several sections of the Act and it gives statutory recognition of certain rules of admissibility of hearsay evidence which have been admitted by the common law. That, briefly is part I of the Act. Part II reverses the rule laid down in a 1943 case by making a conviction by a Court in the United Kingdom, or by a Court Martial be it held in the United Kingdom or Overseas, admissible as evidence in subsequent civil proceedings, that the person so convicted committed the offence; further, a finding that a person has been guilty of adultery in any matrimonial proceedings, other than those in a Magistrate's Court, or an adjudication of paternity in affiliation proceedings, also becomes admissible in subsequent civil proceedings. The

Act also makes a previous conviction, conclusive evidence that the person convicted committed the offence of which he stood convicted – I hope you are all following me on this in any action liable or slander. Sir, this principle is only related to defamation proceedings. The Act also extends the privilege against self incrimination of a husband or wife; it extends professional privilege to patent agents in proceedings, and it abolishes one or two obsolete privileges which are set out in the Act. So all in all, the Civil Evidence Act, which I am inviting the House to adopt here as part of the Law of Gibraltar, is designed to bring the law of evidence into conformity with modern concepts. I myself would have preferred to see a comprehensive code of evidence offered to this House rather than this piecemeal effort which will leave the Law of Evidence of Gibraltar still to be deduced from a number of separate items of legislation. However, as a step towards an ultimate codification of the law, I would recommend the adoption of the United Kingdom Civil Evidence Acts. It is a little more complex than perhaps this confusing summary has suggested, but I think I have in fact outlined its main points.

The other two Acts, whose adoption I propose here, deal with rather more specialised topics, they are both very short measures and I deal with the shorter one first. This is, the Variation of Trusts Acts 1958, this again is a product of the Law Reform Committee in England and it confers on a Court a wide power, mainly on behalf of infants to varied Trusts, so in effect it enlarges the jurisdiction which the present Trustees Ordinance confers on the Courts in Gibraltar. The other Act, the Maintenance Agreement Act, consists only of two substantive sections and it is based upon recommendations of the Royal Commission on Marriage and Divorce. Under the Acts, Maintenance and Separation Agreements in writing between the parties to a marriage will be binding on these parties, even although they contain provisions restricting the rights of either party to apply to the Court for a Maintenance Order, although such restricting provisions would themselves be void – it shows you how ingenious we lawyers can be. Further, the Supreme Court or a Magistrates Court, is given power to vary the financial provisions in maintenance agreements, or to insert financial provisions in maintenance agreements which do not already contain them. Power is given to vary agreements which do not make proper provision for a child of a marriage, and also power is given to alter the agreement after the death of one of the parties thereto. So, the Act is in practice grafted on to the Maintenance Ordinance, as it were, which is part of the Laws of Gibraltar.

Now, Sir, these three Acts, whose adoptions I propose here, are the products of intensive law reform in the United Kingdom. I cannot say that I personally favour legislation by reference in this fashion, but in this case we are dealing with Laws which, I think, could correctly be termed as of an adjectival or procedural nature, which are in practice of more concern to lawyers in the Courts perhaps than to the general public, so I think their adoption would do no harm and probably indeed work to much good. After all, the smallest good deed, or such is my information, is better than the grandest of good intentions. So, I therefore recommend the Bill, and the three Acts, to the House as measures worthy of their support.

In conclusion I would like to assure the House that I will endeavour, in future, although I cannot guarantee it, not to give Honourable Members indigestion by bundling up three English Acts of Parliament and present them to this House in one concentrated capsule, like this. (Tapping on table).

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

HON SIR JOSHUA HASSAN:

Sir, I would like, first of all, to congratulate the Honourable Attorney-General on his maiden speech in this House. I think it gives an indication that we are to expect interesting interventions, and if he takes seriously, as I am sure he will, the question of the codification of the law, he will have more than a body of people grateful to him. Not only the lawyers, but even the legislature will be happy to know that they can find a law in any particular place without having to mooch about any endless books produced by the Civil Servants and others which sometimes have difficulty following a busy life. It is true that this very small piece of paper is making a very great contribution to the procedural law of Gibraltar in a very simple way, but having regarded to the other matter that the Government have got in hand, and the fact that this has been recommended in this way by our own Law Revision Commission or Committee, I think on this specific ones we can safely go ahead. When we come to things like the Theft Act, I think it will be very dangerous to have the Act applied without taking note of the particular circumstances of Gibraltar. I am particularly proud to speak in support of this Bill because when the Commission was appointed the Chief Justice circularised members of the Bar for suggestion for the Commission and I suggested the two small Acts which are now on the Schedule – the Maintenance Agreement Acts 1957 and the Variation of Trusts Acts 1958. I think the Variation of Trusts Acts 1958 have been ably described by the Attorney-General, and so has the other one, but perhaps I should mention why I thought it was very important that this one should come, and that is a thing which one gains in practice. That is, that there are people who entered into a deed of separation many many years ago, when the value of money was so much more, and the Maintenance, for example had been fixed at £30 a month in 1928, as one has seen, or in 1932. The husband becomes more wealthy and the wife becomes much poorer and because they did not dispute the point of separation, but went into an agreement to separate, they agreed to a figure which at that time looked reasonable to both parties, otherwise neither of them would have signed it, the wife is forever condemned to the depreciation of the value of the money. Without this amendment the wife can never ask for one penny more, not for medical expenses, not for illness. If she has a husband who is not conscientious enough to say “Well the cost of living has gone up, I am going to increase it” but says “No, there is a maintenance agreement, you signed it, you are going to stick to that” this Ordinance, by introducing that Act into our laws will give very much solace to a number of people – I do not think there are many – who have a long standing separation where the maintenance was fixed many years ago and is really very poor. I support the Bill heartily.

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

The Bill was read a second time.

The Hon Attorney-General gave notice that the Committee Stage and Third Reading of the Bill would be taken at the next meeting of the House.

This was agreed to.

ADJOURNMENT

The Hon the Chief Minister moved the adjournment of the House until Thursday the 22nd October 1970 at 3.00 p.m.

This was agreed to.

The House adjourned at 6.35 p.m.

THURSDAY, THE 22ND DAY OF OCTOBER 1970

RESUMPTION

The House resumed at 3.00 p.m.

SUSPENSION OF STANDING ORDERS

HON CHIEF MINISTER:

Sir, I have the honour to move the suspension of Standing Order No. 30 in relation to this Bill. It is necessary, I think, to get permission understanding Order No. 29, which means we were unable to distribute the printed copies but we have distributed the stencilled copies.

The Elections (Amendment) Ordinance 1970.

The Hon Chief Minister moved that a Bill for an Ordinance to amend the Elections Ordinance (Cap. 48) be read a first time.

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

The Bill was read a first time.

SECOND READING

HON CHIEF MINISTER:

Sir, I have the honour to move that this Bill be now read a second time. It is a very simple Bill, the object of which is to ensure that people who qualify for voting under the Ordinance will be able to do so by having their names registered in the Supplement that has to be published. This requires a qualifying date which, for the purpose of this Ordinance, will be the 30th November. The idea is that this will have to be done this year and I think it will have to be done again for 1972 following the same procedure. In 1973 the register will, I think, be ready and it is the intention when this happens, perhaps even before then, to try and compile all the amendments that have been introduced into this Ordinance into a properly codified one.

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

There being no response Mr Speaker put the question which was resolved in the affirmative.

The Bill was read a second time.

The Hon Chief Minister proposed that the Committee Stage and 3rd Reading of the Bill should be taken at a later stage in the meeting.

The 1970/71 Appropriation Ordinance 1970.

The Hon Financial and Development Secretary moved that a Bill for an Ordinance to appropriate an amount not exceeding five million five hundred and ninety thousand pounds to the service of the fifteen months ending on the 31st day of March 1971 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 FINANCIAL AND DEVELOPMENT SECRETARY:

I beg to move that the Bill be read a second time. As I informed the House yesterday, part of the process of approving expenditure was dealt with yesterday by the House, a resolution in respect of the Improvement and Development Fund. The purpose of this Bill is to give statutory authority in relation to recurrent expenditure. I do not think, Sir, I need say any more than that, except perhaps to draw the attention of the House to the fact that the

1970 Appropriation Ordinance itself is being repealed by Clause 5 in order to make sure that we do not have a double authority. Sir, I commend the Bill to the House.

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

HON CHIEF MINISTER:

I would like to say a few words because I think this is quite a momentous occasion for Gibraltar in that over £6,000,000 are being authorised for expenditure. This is at a time when Gibraltar is at its worst possible circumstances, completely isolated from Spain, the ferry between Gibraltar stopped, the labour withdrawn, to over one third and it's encouraging to see that we have been able to authorise the expenditure, on the revised estimate alone, of over £5,000,000, and we have been able to do this without any fears that taxation need go up, at least until the end of March, 1971. I think this gives the lie to those prophets of doom who have been propagating that Gibraltar is about to go bankrupt. This of course is far from the truth and I am glad that even the Opposition has been able to support this, because it will show to those who believe that by the continuation of the present restrictions they can bring Gibraltar to her knees, that this is nowhere near that situation today. I hope that the press and local new services will give maximum publicity to this. It shows that, notwithstanding all the difficulties being imposed, intended to strangle Gibraltar economically, they are nowhere near succeeding. Although the Financial Secretary, quite rightly is not over optimistic, and one expects that he should be a sort of Jeremiah, it is interesting to see that his qualifications, this perhaps gives a glimmer of hope for the future too, are always in the double negative. "Not unreasonable indeed". "Not an unsatisfactory position". Knowing the Financial Secretary, I think one can be very happy to see that they are not really the great words of warning that this House has been so used to hearing from him in the past I therefore hope that the Bill will go through with the full support of the Opposition and that the world at large knows that here we are, 20,000 people making available over £6,000,000 which comes to about £220 per head of population, which I think is quite a good figure to spend and also a good figure to be able to contribute. This include women and children as well. Some families will of course, draw quite a big sum out of that. I think it is really an occasion for us to smile and congratulate Gibraltar on its efforts. (Tapping on the table).

HON SIR JOSHUA HASSAN:

Sir, I don't want to enter into a controversy except that I do not like the words "even the Opposition have agreed to it". That being said, we have certain reservations as to the future of the outlook of the economy generally which I think we would have to debate at the future time, but certainly we have no hesitation in not only supporting the extraordinary expenditure which has been

authorised in the course of yesterday's Committee Stage, but the general principle at the innovation of introducing the budget as from March. For one thing, it will save the bad omen this being given before Christmas.

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

The Bill was read a second time.

The Hon Financial and Development Secretary gave notice that the Committee Stage and Third Reading of the Bill would be taken at a later stage in the meeting.

This was agreed to.

SECOND READING

The Regulation of Wages and Conditions of Employment (Amendment) Bill of 1970.

HON M XIBERRAS:

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

Sir, as the House will remember, with the agreement of the Opposition, only the First Reading of this Bill was taken at a previous meeting. A Second Reading was not taken because I wanted to have the opportunity of consulting the Labour Advisory Board which was in the process of being reconstituted. This I have now done in two very long meetings, very fruitful meetings, which I am going to take as more or less the basis of my introduction of this Bill.

Sir, the Bill has two main purposes, first to provide a contract of service for workers in the private sector, and secondly to extend, according to the years of continuous service of the employee with the same employer, the period of notice due to him. I draw the attention of the House, first of all, to the contract of service as published in the Bill and run quickly through the Headings and make some comments on them. The first is that the contract of service will state the nature of the employment. This is important from the point of view of defining the job which is to be done. If I may take as an example the shop assistant, the actual duties of a shop assistant can be defined under the head, and by agreement between employers and employees, the general definition or job description of any shop assistant can be arrived at. I think this is important because in the past there has been a certain amount of dispute as to what, say, a shop assistant or any other class of worker should do. Secondly, the scale of rate of remuneration or the method of calculating remuneration. This again, is an important point which goes rather further than the UK Contract of Employment Act, and I should make it clear that it is not

compulsory to have a scale of earnings, but obviously the very fact that there is provision on the contract for a scale, or for a rate of remuneration, commission in the case of shop assistants, will, I hope, encourage Unions and Managements to work out a scale of earnings and not just a flat rate. I hope that employers take advantage of this to offer something of a career pattern for the people that they employ and we do not have this thing of the employee having to go and knock at the employer's door every time he wants to rise. Thirdly, the condition under which increments, if any are payable, I'm sorry, perhaps most of my comments under (B) applied to (C) there, but I shan't repeat them. Going back to (B) the scale or rate of remuneration, the method of calculating is important, particularly in respect of commissions which must appear in writing for which there is a separate provision in the Bill. Under (D) the intervals at which remuneration is paid, that is, whether weekly or monthly, or by some other period, that is self explanatory; (E) the terms and conditions relating to hours of work, including the terms and conditions relating to normal working hours. Again, I think it will be a source of satisfaction to the employees, and a source of reassurance for the employer, that the exact hours of work are put down in a contract of service to which the employee has been a party and which the employer can check on and go by. Many of the disputes arising, over-time questions and things of the kind, would be, I think, eliminated if this Bill is successful; (F) the terms of conditions relating to holidays and holiday pay. Earlier in the proceedings of this meeting an Order was tabled providing for 2 ½ weeks holidays for people in the private sector, an extension of the agreement already in use with the Official Employers. That is, of course, the minimum that would be applied after this year in the private sector, but there is nothing to stop negotiations for further holidays. The problem in the private sector is that people get payments in lieu of holidays, a practice with which I am not particularly in agreement and I hope that this being put down in a contract of service, again shared by the employer and the employee, will encourage people to realise that at least the 2 ½ weeks during the year a person should take a holiday. The second bit of (F) incapacity to work due to sickness or injury, including any provisions for sick pay. I am aware that some of us in this House would wish to go further on this and actually make stipulations about sick pay and the like over and above any that might exist, and the purpose of this contract is that it should be made clear to the employee exactly what sick leave, sick entitlement, he is eligible for. Again I think that much friction will be eliminated by the clarification of position before the contract is signed. Then there is the question of pension and pension schemes. Again, even though we have contributory social insurance scheme we cannot determine what the pensions payable to any employee will be, but it will be an encouragement to make employers think that even in the private sector people are entitled to pensions and that superannuation schemes etc., can be brought in to make the conditions of services more attractive. A point to which I referred in the Estimates when I said that the general level of pensions was somewhat low, not only in the private sector but also in the public sector, and in the UK Departments. (G) The length of notice which the employee is obliged to give and entitled to receive to determine his contract of employment, and this I shall come to later when dealing with the second purpose of the Bill, the extension of the period of notice proportionate to the amount of time which the employee has spent

with the same employer. I should make it clear at this stage that the contract applies to employees who work a regular 21 hours a week and who earn less than £1,500 a year. I should also make clear that as regards open contracts, that is contract in which the determination of the employment is not stated, minimum conditions stated in the Ordinance would apply. In fixed term contract, I think that perhaps this is open to some debate, the point of people giving a period of notice less than the minimum, would not arise since the contract is for a fixed term and one does not necessarily provide for a period of notice, or one could say does not normally provide for a period of notice for a fixed contract.

Turning now, Sir, to the second major part of this Bill, it's the extended period of notice, I'll remind the House that an employee gives one week, or one month, in any circumstances according to whether he is weekly or monthly paid. Actually the Bill says "paid less often than once a fortnight", at least once a fortnight. Then, on the other hand, the employer has a graded system of giving notice or payment in lieu – I'm grateful for the musical background Sir, it reminds me of my days in Scotland. An employer, in the case of weekly paid employees, would give in the case of an employee who has done less than two years with that firm, one week's notice. In the case of an employee who has done between two and five years, two week's notice. In the case of the employee who has done between five and eight years ...

HON A W SERFATY:

Five to eight years, not two to eight.

HON M XIBERRAS:

I'm sorry Sir, I should perhaps have opened up by saying that there were a number of typographical errors which I referred to at the First Reading of the Bill.

HON A W SERFATY:

The Hon Minister has just said two to eight, and it is five to eight.

HON M XIBERRAS:

I thank the Honourable Member. The case between five and eight, the Honourable Member will correct me if I'm wrong this time, between five and eight years, four week's notice, or payment in lieu. In the case of an employee between eight and ten years, eight week's notice. Ten years or over, 13 week's notice. The case of monthly paid employees; under 8 years service, 1 month's notice; between 9 and 10 years service, 2 months notice; over 10 years, 3 months notice or payment in lieu. The section of the Bill

which refers to payment in lieu is to be found under Section 6, page 5. Sir, in the case of fixed term contract, looking at Section 7(a), fixed contracts which are broken by either the employer or employee, either the employer or the employee would get half the wages due for that particular employment. There is a fine point there, which was raised in the Labour Advisory Board, and that is, is this pre-judging contract law or decisions of the courts. As a matter of fact, this means in other words, that the employee or the employer might get more money than half the wages due for that employment. This Bill seeks to amend the Regulation of Wages and condition of Employment Ordinance and it is characteristic of the parent Ordinance, that we should have a rule of thumb whereby employers or employees can be compensated for a loss of the worker or for the loss of employment and I would not like to change this particular clause because, though it benefits the worker in this case, if one has to go to court to claim earnings then the courts, I feel, are still less accessible to the worker than they are to the employer by and large. It would be good for the Department of Labour and Social Security to have this Clause which has been used effectively already in the case of workers from abroad. Turning to Section 8 now, Sir, commissions, which I referred to briefly earlier. In these cases of disputes, which results in the employee losing his job, commissions would be calculated over a period of three months previous to the break in service.

Sir, this part of the Bill will strengthen the need or the requirement that commissions should form part of the contract. If the employee abandons his job without notice there is no liability to the employer, in other words, if a man leaves his job, then, of course, he has broken the contract and is not entitled to any kind of notice or payment in lieu. It is a good thing that workers should realise this and, even when there are quarrels between employers and employees, that at least they should bide their time and give the required period of notice. Sometimes, this does not happen. We draw the attention of the House to Section 9(2), which gives Trade Union membership protection. This might be the subject matter of future legislation, perhaps, but, for the time being, it has happened in the past, Sir, that people have been dismissed for belonging to a Trade Union, I have at least two examples of this and it is a good thing to have written into the law that Trade Union membership is protected specifically.

I refer to the meetings of the Labour Advisory Board, Sir, and I would like to raise a number of points raised by the Employers Representatives at those meetings. I might say that I'm grateful for the fact that the Employees Representatives fully supported and defended the Bill in the Labour Advisory Board, and I'm grateful for that. The Employers, on the other side, had a number of objections which again they set out in a most coherent way. I would group these under the following headings. The first is, that the Bill goes much further than the UK Contracts of Employment Act, that a contract would be given in the United Kingdom only after 13 weeks of continuous employment, whereas here it would be after six days of continuous employment, for a job to last more than 8 days. I think this is the correct thing. The answer to this is, I think, to be found in the parent Ordinance, from which I was not willing to retreat and that is that a statement of conditions of

service has to be given, in any case, during the period which is now restated in the Bill. Secondly, that the statement required by the Bill is more detailed than in the UK, and here it was pointed out that Trade Union representation is not as large here in Gibraltar, particularly in the private sector, as it is in the UK, regrettably, and that therefore individual workers need more protection. As I made clear in referring to those separate points, obviously these are pretty basic things which normally a worker in the UK would have spelt out, either through his Union or some form of agreement or other. I do not think that they are all that extraordinary, all that much of an imposition. Next, that in UK, the agreement of an employee to a change in the contract of service is usually done, I think the process is, exposit facts, that is, after the employer has decided on it, whereas this law says that you have to give notice to the employee and therefore implies that the employee will give his agreement, or act as he sees fit, before the contract is changed. The limit placed on the probationary period of employment I have already referred to, are kept from the parent Ordinance. The periods of notice are more favourable to the employee than in the United Kingdom, the reason for this, I explained to those members of the Board, was that it was the intention of this Bill to go some way towards meeting the requirements, both of the contracts of employment and the Redundancy Payment Act in the UK I realise, and I told the Board, that this does not go all the way, but I think it does go a good part of the way. Eventually, it was, I believe, accepted by those members of the Board after they had failed to produce alternative proposals.

The second general heading was that the Bill, especially as regards the period of notice was in favour of the employee, at the expense of the employer. Well, I have just dealt with that, an extra point is, of course, that the employer, by and large, has much more stable source of income than the employee, who is dependent on the employer and generally speaking, if the balance is to be tilted, I feel that the balance should be tilted in favour of the employee, whose existence is a bit more precarious than that of the employer.

The third general heading was that the Bill does not apply to the Government of Gibraltar, or to the UK Departments in Gibraltar. This I understand is a major point, if looked at in the abstract. In practice, however, because we have J.I.C. machinery, and we have association for the Industrial Workers in the Government Departments, the conditions of service are clearly set out for employees before they join. I have, by the way, asked the Establishment Officer to produce, a reprint of the condition of service as soon as possible after the merger negotiations are completed. They are as bit tatty or even not existent, at present. But by and large it is, I think, much more necessary to deal with the private sector than with the Official sector as regard the matter. Of course there is no reason why, as good employers both the Gibraltar Government and the United Kingdom Departments should not follow the principles set out in this Bill, and indeed, I do hope that as points are brought up by the Unions, this will be done. There is no harm at all in the private sector being perhaps a little ahead, in some respects of the official sector.

To sum up Sir, as regards Section 22, sub-clause 1, 2, 3, 6 & 7 these are more or less, a strengthening of the provisions already existing in the parent

Ordinance. I have dealt with the two major parts of the Bill, I think. It is up to the employers now, as I mentioned in my statement earlier, and to the employers to safeguard their interest within this legislation, I should deal with part-time workers now. The UK Contract of Employment Act has the same limitations of 21 hours continuous work a week. We wondered whether this was a suitable thing for Gibraltar and in fact, in a survey, the first Employment Survey, which is done by the Statistician we had an idea of how to distinguish between the steady part-timer and the chap who worked on and off and how many hours the steady part-timer would do, how many people would do, more or less, over 21 hours, and it does happen to coincide with this, with 21 hours, so it was kept and was confirmed by this information. This means that people in part-time employment, doing more than 21 hours work, will need a contract of service. It was represented to me that this might lead to conflicting loyalties, but I do not think this is the cause of conflicting loyalties but the situation of part-time jobs itself. I argued that it would not be obviously right for a worker to enter into two contracts of service – sometimes it might be impossible to do three – when loyalties were going to conflict, but that, if you have a man doing regular part-time job for more than 21 hours, the employer is entitled to know exactly what service the worker is going to give him for the salary that he is paying. This would form part of a contract of service and rather than confusing the situation this would tend to clarify it. Again an appeal here that people should be aware that they have obligations to more than one employer now, the situation being what it is, and that they should not enter into conflicting agreements with several employers.

Sir, it is the intention of the Bill that those at present in employment should benefit from the Ordinance and for this I intend to move at the Committee Stage, that a period of two months be given for all the workers in Gibraltar, doing 21 hours earning less than £1,500, to get a contract of service. It is a major operation and one which needs to be planned and for which the Director needs a certain amount of discretion. I might mention, in passing Sir, that the move to get the workers from abroad under contract is now under way, I'm glad to say, and that slowly this will be extended. No worker from abroad comes in now without a contract of service from, in fact the 1st of October. It has taken some time, it is a laborious process, and therefore I shall be moving this amendment, with the leave of the House at a later stage.

This Bill redeems in the first place an election pledge, something which appeared in the I.W.B.P. manifesto. It creates the paper in which Unions and employers, one would wish to say Employers' Associations, can write in the conditions of employment of the employees affected by the Bill. In conjunction with any negotiations that take place between Employers' Association and Unions, we can build up, I hope, together with the contract of service, a pattern of wages for the private sector. This is something which has been lacking for some time. The rates paid sometimes vary quite considerably, even though the same job is done and often even employers come up and say "well what should I pay this sort of man for this particular job?" In the United Kingdom we have a Wages Council which do not particularly work at the last report, they are rather clumsy, claims get referred to the Wages Council late and in a survey published in the Observer,

members may have noticed that those whose negotiations take place through Wages Council seem to be right at the bottom of the list of earnings. It was my intention at one stage, Sir, to introduce something of a kind of Wage Council to do the Regulations of Wages, and Conditions of Employment Board, but I'm having second thoughts about this, and what I'm trying to do is to spur on the Unions to complete comprehensive agreements in the private sector which will be at least a reflection of that in existence in the public sector.

I think the negotiations of the Shop Assistants can be taken as an example of this, where a structure, with increments and so on, is beginning to emerge. This Sir, is also incorporated in the I.W.B.P. programme, which is to create the same conditions in the private sector of Gibraltar as exists in the private sector, or public sector in the United Kingdom and to offer workers the same sort of protection. This, I suggest Sir, is a good step forward towards that aim. This Bill protects the worker in the private sector, this is the aim of the Bill, and I should make it clear that this is the purpose of the Bill, just as it was the purpose of the parent Ordinance. I might mention, Sir, that it gives the employer the opportunity of retaining his workers, because of the graded period of notice which will induce the worker into steady employment and also, because through the use of fixed term contracts by offering the right conditions, an employer might be able to create career pattern for an employee, and in these days where there is some movement of labour from one job to another, perhaps the employers, without abusing the provisions, and I shall be watchful of this, will be able to benefit themselves and at the same time create the career pattern which is certainly lacking, by and large, in the private sector. Finally Sir there are some difficulties over implementations. I think it is no secret that parts of the Regulation of Wages and Condition of Employment Ordinance, as it stands now, are very difficult to implement. I think several factors, new factors, would make this Bill easier to implement.

I have already appealed on Radio and TV, that Union should be aware of the Bill coming out, and it is the Union and the Employers' Associations who should push to get these contracts of service out to their workers, and I do so again now. Sir, I have appealed also to the Chamber of Commerce to tackle this type of issue as well and I have been promised their support. There is of course, my own department, which will do everything possible to see that everybody has a contract of service. Apart from this, I think there is a certain consciousness now about contracts, a new awareness about contract, since the Moroccan workers came in with a contract of their own and people are conscious nowadays of the need for a contract.

Finally, we intend later on to submit to the House an approved form of the contract which we hope to make as neat and tidy and impressive as possible, with as much space between headings as possible, so that the contract will be more or less uniformed and will be in a form which is respected both by the workers and the employees. Some firms, I should say, Sir, already have contracts, for instance, Stevedoring Company have contracts for their employees. These contracts would not obviously be validated by this Bill so

long as they conform to the minimum requirements of this Bill. There was one more point, Sir, which I cannot recall, but it might come up in discussion. Thank you Sir.

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

HON A P MONTEGRIFFO:

Mr Speaker, force majeure kept me away from the House yesterday. I hope, if I use the word “even” in the context I am going to mention it in, the Government Benches will have no objection if I say that I hope that even they missed me. Be that as it may Mr Speaker, I’ve just got up from bed to bring the House tidings of good news; I’m not bringing a heavenly message, far from it, heavenly messages, are too complicated and controversial, otherwise those engaged in the ecumenical exercise would be out of their jobs. My message is clear and concise. The Opposition supports and welcomes the Bill. But Sir, there are one or two things I would like to say, one of them, specially by way of clarification, and the other one to warn the House being perhaps an older dog in the range myself, not to pin too much hope that legislation as such will change attitude and ways of people. The contract of employment does not more than confirm what the employer is actually doing and if the employer is a bad employer, and the worker is a bad worker, in the sense that they do not want to unite and fight for their rights, then it would have defeated the good motives that the Minister for Labour has stated in recommending this Bill to the House. There are two things that can change the condition, the law of supply and demand, which is abhorrent as far as the Opposition is concerned, or strong Unions and the determinations of workers to get together and fight for their rights. Then, when we get the contracts we shall have been able to obtain contracts which in accordance with elementary principles of social justice. Now, Sir, the other point, which is a point of clarification. That is, in sub-paragraph 3 of paragraph 1 in the object and reasons. It does say that no-one who is earning £15,500 etc is bound by this Bill, neither are those persons who are members of the employers family. Going back to page 3, Clause 2 sub Clause 6(a) (b) & (c), defines the people who are excluded, but it doesn’t say anything about members of the employers family, whereas in the objects and reasons this is so, and I wonder whether this was the intention and is not being cooperated in the exclusion, or whether it is intended to exclude the members of the employers family from the exclusion.

HON P J ISOLA:

Sir, I thank the Hon Member for this.

HON M XIBERRAS:

Sir, I thank the Honourable Members of the Opposition for agreeing to this Bill, I thought they would, even though it does seem to interfere a little with the freedom of the individual, but I think it would be wrong to underestimate the value or importance of this Bill, as the Honourable Mr Montegriffo mentioned, I think it is not just a Bill that confirms what has been happening in the past, far from it, it is a Bill which requires Employers to put down the terms of Employment in writing. That is important in the event of dispute, if there is no dispute then the Bill is not required, but in the event of dispute, there will be no doubt as to the condition on which employers or employees agree to be employed by employers. This would obviously work, I think, or must work inevitably towards an improvement in employer – employee relations generally. It does weigh with bitterness as to interpretation, i.e. what were the conditions when people were first employed. Then there is a very substantial amendment to the law, and I would have thought of very great importance to employers, and that is the notice that is required before an employee can have his contract of service terminated. This, of course, goes for security and stability for employees in their employment – and I'm glad to hear that periods of notice are generally agreed on all sides of the House – I think it is fair and right that somebody, who has been employed a considerable length of time by an employer, should have the lengthy notice set down in this Ordinance, 3 months notice for instance. I would have thought good employers would conform to this, but it does give security to employees and of course interferes with the freedom of employers.

There is Sir, another part of the Ordinance which I think makes a very important change in the law, and that is the proposed amendment to Section 22, of the principal Ordinance, which is Clause 3 of this Ordinance. The Minister when moving the Second reading, said that you could not dismiss an employee merely because he was at the time a member of the Trade Union. This of course is of great importance for members of Trade Unions, but there are also other grounds on which an employee cannot be dismissed which makes some substantial amendment to the law, that is the employee's lack or loss of ability, skill or efficiency. That is no longer a ground for dismissal the employer has to give the proper notice. That again is quite a substantial change in the law and I think a right one. If a man employs somebody, everything goes reasonably well and then for some unfortunate reason the employee has lost his confidence or his ability or skill, well the law says, you just cannot throw him out, you have got obligations towards him, you terminate his contract with a notice laid down in this Ordinance. And the third ground, that you can't dismiss the employee no longer enjoying the employers confidence, well, of course, that is one that would not, I think, justify dismissal of common law anyway, but here it is put as a statutory provision. So that, Sir, this Bill, far from being a minor amendment to employer/employees condition, far from being just a piece of paper which won't work unless the employers and employees agree that it should work, this is far from being such a document or such a Bill, this is a Bill that substantially affects the law relating to employment, the law relating to contracts of service, as we know it in Gibraltar, substantially amends the affects the periods of notice which must

be given to by employees and substantially affects the grounds on which employees may be dismissed. It makes the law perfectly clear on that point. So, from all those grounds, this does seem to me to be a Bill of major importance and one which must be very pleasing to all of us, one that all sides of the House find themselves in agreement with it. I welcome the Bill.

HON SIR JOSHUA HASSAN:

The previous Speaker is so fond of singing the praises of the Government of which he is now a supporter, to the detriment of the previous Government which he supported, that he has forgotten to do his homework. For all this great singing of praises that he has given about this wonderful section that no longer can an employee say that he has lost his confidence in his employer or his employee, how can an employee say that. No longer can he say that lack of imperative or loss of skill, ability and so on. This is all in the Ordinance which we passed in 1954 before he had any chance of getting into this House, or before he tried, anyhow, to get into this House. There it is exactly, in the Regulations of Wages and Condition of Employment Ordinance, in particular the section that he has so pompously tried to praise this Government for introducing. True, all laws are after 16 years in the Statute Book, all laws require amendments, and all laws require improvement. Whatever I say in no way belittles the efforts and the subject that has been praised by my Hon. Friend Mr Montegriffo, but let us keep a proper sense of proportion about these things and don't let us think that the world started when this Government came into being. The world was in existence long before then and many things were done, and if the Hon Speaker who has just finished cares to look at his volume of the law, Volume 7 Chapter 130 page 13, he will find that this is a complete reproduction of the other one, particularly into the exemptions that are concerned. There it is "notwithstanding the foregoing provisions of this section" – in fact I haven't compared it but when it is so pompously dealt with I think I should try and see exactly which are the small words, except that the Sub sections are differently numbered because there are more – "notwithstanding the foregoing provisions of this Section an employer may dismiss an employee or an employee may abandon the service of an employer, without giving notice and without any liability to make payment provided in subsections (6) and (7) – except that it is sub section (5) and (6) of that section – if there is good and sufficient cause for such dismissal or abandonment of service. An employer shall not be entitled to set up as a good and sufficient cause:

- (a) that the employee at the time of dismissal was a member of the Trade Union; (nothing new)
- (b) that the employee's lack, loss or impairment of skill, ability or efficiency makes the fulfilment of the contract of service impossible; or
- (c) that the employee no longer enjoys the employers confidence. Whether this subsection has been reproduced in total in order to alter the number of subsections to which it refers because there are other

new subsections – for neatness – is one thing, but to pompously try and give credit to this Government for something which has been there for 16 years, well, it just shows the limit to which some people will go to praise themselves. (Tapping of table).

HON CHIEF MINISTER:

Mr Speaker, first of all I think that a distinction must be made between the Hon Mr Peter Isola and the Government. He is not a member of the Government and therefore it is not the Government praising itself, it is a member of this House praising the Government which is a very different thing altogether. I think the pomposity may well be on the other side on this occasion. I would like to say that in this case even the Opposition has to agree with this Bill, because it sounds very much, by the way that the Leader of the Opposition was speaking, that he was the one who was trying to belittle the Bill. There is no doubt from the exposition that the Hon Minister for Labour and Social Security that he described in great detail to this House that there is a lot to be said for the Bill that has been passed, which I think that an Opposition which represents a Labour Party would have given a bit of a song and dance to the occasion. Because, I think it is a great thing for Gibraltar and it is part of the Worker's Charter that this Party stated in its manifesto before the elections. Indeed we have progressed quite a way in that respect and I think that although there are things that we have carried on from previous Government, and they have been introduced in this law, and rightly so, we are not belittling the good work that the Association for the Advancement of the Civil Right has done in the past, this is not the object of this Government and we don't every try to do all that. We give praise where praise is due and if we have copied part of that law I should say that the Hon and the Learned Leader of the Opposition should be very pleased to say so and not try and create division on a law that I think should be passed by all. This is what I'm trying to point out, that here is an occasion where we are all in agreement, and I can't see why they should start trying to run down the Government by referring to a member of this House who is not even in the Government and who has, on many occasions gone out of his way to say so. Here we have now a very good piece of legislation, which I think is going to be very useful, which regularise matters that before was left very much in the hands of employers and employees. Now we are going to have a proper contract of employment, certainly giving much more time for changes in the contract; dismissal would not be possible as it could have been before at a shorter time and those are improvements that have to be recognised. I do hope that this is made quite clear and that the good work that this Bill is obviously intended to produce in the future is not belittled in any way by words that really have no connection at all with the real substance of the law.

HON SIR JOSHUA HASSAN:

Mr Speaker, on a point of personal explanation. I think the Chief Minister, with respect, must have been looking at papers and not listening to what I

said, because I particularly prefaced my remarks by saying “without in any way belittling the merits of the Bill”, and I went on to show that subsection (8) was exactly the same.

HON J CARUANA:

If anything this Bill has come to a lot of people many years delayed. I know of many persons who have been in private employments for over 15, 17 and 20 years and have retired at the age of 65 without getting a pension on a single week. With respect, this Bill would have given them some form of compensation if after 20 years they had been dismissed at the age of 65, or retired at the age of 65 – and I know of some cases where this has happened – they would have received, after 10 years of service no less than 30 weeks’ notice or money in lieu. Is the Opposition denying that there are people in Gibraltar who have reached retirement and have been retired or dismissed after many years of service, who haven’t received a gratuity? In this respect, I think that this Bill has come to some people a bit too late. However, it is welcomed now because in one form or another it assures some of the older employees some form of redundancy pay if they have to be dismissed at short notice.

HON A W SERFATY:

Mr Speaker, the Hon Minister who has just spoken is talking through his hat, if I may say so with the respect. If somebody wants to retire at 65, or an employer wants to retire somebody at 65, all he has to do according to this, is to give him three months notice when he is 64 years and 9 months so that this does not protect a man who is leaving at 65, let’s face it.

HON P J ISOLA:

Mr Speaker, may I on a personal point of explanation say ...

MR SPEAKER:

If it is something that you want to clarify on what you have said previously.

HON P J ISOLA:

Mr Speaker, I do apologise if inadvertently I have misled the House on these particular two sections due completely, I assure the House that this has been inadvertent, and I do not, Mr Speaker, object in any way to being corrected, even by an embittered Honourable and Learned Leader of the Opposition.

HON M K FEATHERSTONE:

Mr Speaker, far be it for me to correct the Honourable and Learned Mr Isola, but if he had taken the principal Ordinance he would have found there were several sections which had been copied almost word for word. I can see here Sir, Section 21(1) "Every employer, within the first six days of the contract which is to run for more than eight days etc." shall give a contract. You have the question of persons who obtain their wages by commissions, exactly the same word for word. A great deal of this has been copied. This does not, as has already been said, Sir, detract from the merits of this, this is an excellent Bill, this goes further. This is what legislation should be. The only thing that this side of the House would like, and to some extent the Honourable Chief Minister has acknowledged that, the Government to acknowledge is that this law is not a great brain child of themselves, this is an extension of something that was already there, a worthy extension, an extension that we support wholeheartedly. But they must not, Sir, try to confuse the public, blind the public, that they are the only people who have thought out something good for the worker. And when we have the futile explanations of the Honourable Mr Caruana, saying that this is going to give a measure of superannuation, will as my friend the Honourable Mr Serfaty has said, that is destroyed in two minutes. If he kept his red herrings in his own pocket and did not throw them out of this House, Sir, we would get on very much better.

HON M XIBERRAS:

Sir, I know that time is short and I wouldn't like to continue this, but one thing is certain, and that is that no one seems to be able to agree how important the Bill is. I can assure very briefly, first the Hon Mr Featherstone, that I've pointed out the number of clauses which were taken forward, this is an amendment to the Regulation of Wages and Conditions of Employment Ordinance. It could have been produced at a separate Bill, Contracts of Employment but we decided that it was much neater to put it into the Regulation of Wages and Conditions of Employment Ordinance. On the other hand, Mr Featherstone should not be allowed to get away with the idea that this is just a continuation, there is something which is different in essence, in approach, especially as regards people notice, the difference as between one week's notice and three month's notice, that is the difference. Also in principle, that the employer gets one week's notice and the employee gets 13 weeks, that is a different concept. As regards the statement again there is a different concept entirely. The statement of employment required by the Department is different to a number of clauses in the Bill, I won't point hem out in detail, where now the employee is made a party to that contract and continues to be a party even when change takes place. Now, that is also a different concept, also the number of things that the statement must contain is far more comprehensive and particularly suited to this day and age. The worker does feel considerably freer than he did some time ago. This brings me Sir, to the law of supply and demand has been practically decided already by the Control of Employment Ordinance, which takes me back to the statement which I have just made. I do not think, Sir, that this should be

underestimated, nor should it be inflated. I think it is an important piece of legislation, and everybody should say “here here” from this side and that side. So, Sir, with just one final word, I hope that this House does not object to the Committee Stage and Third Reading of this Bill being taken today. And, therefore, Sir, I beg to propose the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

MR SPEAKER:

Before we do that we will propose the Second Reading of the Bill.

HON A P MONTEGRIFFO:

Sir, may I, I would like to clarify a particular point which has not been clarified. The question of the employer’s family.

HON M XIBERRAS:

Sir, it was the intention, and I apologise for the slip, not to include members of families. I think, if I remember rightly, that there are a number of types of employees would not be bound – it slips my memory just for the moment – in some other law in the United Kingdom. In the United Kingdom, I think it was, which we were intending to copy and I am almost certain I am right in saying, that members of the family would in fact not be under an obligation to have a contract. I would not like to make this categorical, I shall clarify the matter, if I may, and note the member’s suggestions on this and try at the Committee Stage, if possible, to clear it.

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

The Bill was read a second time.

The Hon the Minister for Labour and Social Security proposed that the Committee Stage and Third Reading of the Bill would be taken at a later stage in the meeting.

This was agreed to.

COMMITTEE STAGE AND THIRD READINGS

The Hon the Attorney General moved that the House should resolve itself into Committee to consider the next 3 Bills on the Order Paper, clause by clause.

This was agreed to.

(1) Regulation of Wages and Conditions of Employment (Amendment) Bill 1970.

HON SIR JOSHUA HASSAN:

May I suggest that this be taken at the end so as to give the Minister time to be given to that matter.

This was agreed to.

(1) The Elections (Amendment) Ordinance 1970.

Clauses 1 – 3 were agreed to and stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

(2) The 1970/71 Appropriation Ordinance 1970.

Clauses 1 – 5 were agreed to and stood part of the Bill.

The Schedule was agreed to and stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

MR SPEAKER:

I am quite willing to give a recess, a short recess of about five minutes, if members are not prepared to tackle the next Bill.

HON CHIEF MINISTER:

The only thing is that we shall have to adjourn at a quarter to five, because I have another appointment which I have to keep.

MR SPEAKER:

I see that the Honourable Minister for Labour and Social Security is not here, we are going to go to the Committee Stage for this particular Bill, now. Will you call the Bill Mr Clerk.

HON CHIEF MINISTER:

I will have to move at quarter to five.

(3) The Regulation of Wages and Conditions of Employment Ordinance
(Cap. 139).

Clause 1

HON ATTORNEY GENERAL:

Sir, I think that the words "which will come into force on a date to be notified by the Governor in the Gazette" should be added at the end of this clause.

This was agreed to and the clause as amended stood part of the Bill.

Clause 2

HON ATTORNEY GENERAL:

Sir, I would like to move two amendments to the new clause 21 proposed by clause 2 of the Bill. The first is to correct a typographical error by inserting the word "any" before the word "contract" in line 2 of subsection (1) of the proposed new section 21; the second amendment is to insert after the words "eight days" appearing in the third line of subsection (1) of section 21, the words "or in the case of employees already under contract of service, the date of coming into force, the Regulations of Wages and Conditions of Employment (Amendment) Ordinance 1970 within two months of such date".

HON SIR JOSHUA HASSAN:

Sir, I was going to say that I was going to make some remarks on this but I was going to leave it until the Minister returned. He is here now and what I would like to say on this one is, that I would be pleased to note that the Minister said that the Department would prepare a form of employment, a model for this kind of contract, and I think if possible at the beginning, thought should be given to the question of having the form readily available in the Department to encourage people. In practice we find this with Revenue and Excise Licences, if you can get the forms, even on payment, it gives them the feeling that they have the right form even though the text is the same as any other. If they produce a model and they have it available in the Department, particularly at the beginning, I think it would be very helpful if they were distributed and the Department looked after this aspect for a little time and give guidance to doubting employers. This will do away with people having to consult lawyers about it.

HON M XIBERRAS:

Sir, may I thank the Honourable and Learned Leader of the Opposition for this suggestion, it is one. I think I referred to in my open remark. I actually have a

draft here of the form of the contract. I said there would be big spaces between the heading and I shall bring this to the House in due course. There's one problem which we have to try to avoid here, and that is, the question of registration of Gibraltarians. We want to avoid giving the impression that Gibraltarians are registered, a point which was raised by the Unions. I also think that I am right in saying that both Mr Canepa of the Chamber of Commerce and Mr Mor for the Unions were going to appear on television once the contract form is adequately printed. Sir, I am rather at sea as to what stage we are in now. The point raised by the Honourable Mr Montegriffo had been cleared, the law I was thinking of was the obvious one of the Contract of Employment Act in the United Kingdom, which did exclude certain people, but as far as the Regulation of Wages and Conditions of Employment Ordinance is concerned the definition of family was not quite the same as that in the Contracts of Employment Act in the United Kingdom, but I am glad that the cooperation between both benches has produced the following amendments which, I think I am right in saying Sir, I now put on the table. This is Clause 2 Sir.

MR SPEAKER:

Perhaps we could first take the amendment which is before the House, which has been proposed by the Honourable the Attorney General.

HON ATTORNEY GENERAL:

I move that the following additional amendment to Clause 2 be made. This is an amendment prompted by an acute observation from a member of the Opposition. It is an amendment to sub-section (6) in the proposed new Section 21 – this is mid-way down page three. I move that a new paragraph (d) be added to subsection six in the following terms ...

“(d) an employee who is the father, mother, husband, wife, son or daughter of the employer.”

I will read that again Sir, paragraph (d) to be added to subsection (6) of the new Section 21 the following words: “an employee who is the father, mother, husband, wife, son or daughter of the employers.”

HON M K FEATHERSTONE:

With due respect to the Hon Attorney General, would it not be a little tidier if the amendment were to state that the “full stop” at the end of (c) could become a “semi-colon” and the word “or” inserted and then (d) as explained by the Honourable Attorney General.

HON ATTORNEY GENERAL:

It would indeed Sir, I did not seek to trouble the House with these typographical corrections which normally the Attorney General I gather is expected to do and frequently has to do, I believe, before this Bill finally appears as an Ordinance, but I am grateful to the Honourable Member for making these exacting points.

This was agreed to and the Clause as amended stood part of the Bill.

Clause 3

HON ATTORNEY GENERAL:

Sir, I would like to move two amendments to this Clause. I think both of them are prompted by typographical errors. The first amendment consists in inserting the word "continuous" before the word "employment" in each of sub paragraphs (ii), (iii), (iv) and (v) of paragraph (a) of subsection (3) of the proposed new Section 22. I suspect the adjective "continuous" should never have been omitted from these paragraphs and we are now seeking to put it right.

The second amendment consists of substituting the figure "5%" to the figure "2" in sub-paragraph (iii) of paragraph (a) of subsection (3) of the proposed new Section 22, Sir, again to correct a typographical error.

Clause 4

The Long Title was agreed to and stood part of the Bill.

RESUMPTION

The House resumed.

HON ATTORNEY GENERAL:

Sir, I have the honour to report that the Regulation of Wages and Conditions of Employment (Amendment) Bill; the Elections (Amendment) Bill and the 1970 Appropriation Bill, have been considered in Committee and agreed to with certain amendments, and I now move that they be read a third time and passed.

This was agreed to and the Bills were read a third time and passed.

HON CHIEF MINISTER:

Sir, before moving the adjournment, I would like to say a few words of appreciation to the Clerk of the House, who will be retiring, but even before that the Minister for Housing and Public Works would like to clarify one or two points arising out of the questions of yesterday, which I think the Honourable Mr Abecasis would appreciate.

HON J CARUANA:

Mr Speaker, I understood yesterday that if the Honourable Mr Abecasis gave me some information on some correspondence which he alleged have not been answered at all, I would endeavour to investigate this and report on the findings. Mr Speaker, the Honourable Member opposite alluded to a letter of the 19th. On investigation I find that no less than four letters were received by me from the Honourable Member opposite on the same date. All these letters but one had been acknowledged and are being proceeded in the fullness of time. The exception is one which is not related at all with a housing problem but involves a problematic question about an application for a garage. The Honourable Member opposite also alleged that a case with medical certificate had not been acknowledged or heard about. I would like to say that only one of his cases had a medical certificate enclosed which by the way, had any relevance to the questions put in the first instance on what the advisory Committee or the Allocation Committee had done. This case with the medical certificate went to the Housing Advisory Committee, as I pointed out yesterday, on the 16th September, which was barely a month from the date on which the letter was received, since there was no meeting of the Advisory Committee before the 16th September. This case has been considered, it has been re-assessed, it has been double checked and since the Department is now about to introduce an up to date version of the pointage system and they are going through the whole thing, the result should be communicated to the person when the other considerations are taken into account in order that they will get a full picture of what their position is. I think the house will bear with the Housing Section, and especially the Advisory Committee which has been in operation for some time and the Allocation Committee which took office in March. They have a very laborious task in hand and the procedures on housing are indeed at times tiresome. One should note that this case, the one with the medical certificate, has been acted on within a month. Acknowledgement of the letter was in fact made on the 28th August and we know that that letter was received on the 19th, so in fact it was nine days from the receipt of the letter that the case was acknowledged. Mr Speaker, there was also an allegation yesterday in the House that all cases were not answered and I took great exception at the tone in which this was made, because it lowers the position of the Housing Section, which one is trying to improve as much as possible. This is a Department which has been without a Minister for many years until we took office. It has been abandoned for quite a long time and if now we are taking a little longer to answer letters, may I say that in the past these were not answered at all.

Mr Speaker, on the 21st August 1969 a new system of logging correspondence received was introduced and 1,700 letters have been received between August 1969 and August 1970. All of these letters has been logged, acknowledged, answered, processed or interviews given as the case may be. I think that it is only fair for me to come out in defence of the Department and of the Committees one of which has dealt with 237 cases involving social problems, medical problems, the other one, in barely 10 months, has had eleven meetings, considering that a lot of its members have been on holiday or otherwise occupied, considering that some of the members are giving their free time to the Committee, I was very satisfied that these Committees are doing everything in their power to bring the Housing Section into the 20th Century. Mr Speaker, I thank you.

HON I ABECASIS:

Mr Speaker, the Honourable Minister for Public Works and Housing has tried to give me an answer to the questions I put yesterday, but I am not fully satisfied. First of all I would like to say that I did not minimise the efforts done, by both the Housing Advisory Committee and the Housing Allocation Committee. Before I became a member of this House I was a Civil Servant and I worked precisely in the Housing Section so I know the amount of work that is done in that particular office. But what has upset me Mr Speaker, is that correspondence is unnecessarily delayed. I quoted an example yesterday of a letter addressed to the Minister by an individual on the 12th June appealing to the Minister, because he wanted to appeal against a decision taken in his particular case. Since this gentleman did not get a reply from the Minister, I wrote myself on the 19th August, together with three other letters, asking the Minister to allow this elementary on basic principle, of appealing against a decision taken by the Department. On this particular instance, there has been no reply so far. Neither the gentleman in question nor myself, have had a reply. On the question of correspondence I am afraid that there is always a delay. Both from the ordinary applicant for housing and very specially from myself. I take a great interest to listen to all complaints that are brought to my notice and there are very many, because I meet people almost every day, both in the offices of the Transport and General Workers Union and in the Gibraltar Labour Party and AACR. I know of people who have requested an interview with the Minister, for example, a chap who wrote on the 9th of September was told on the 30th September, 21 days later, that the Minister would not be able to see him until March, 1971. It is because of this situation that I am worried and I want to try and see these people who are eager to find out more about their applications are given, I won't say hopes if they haven't got any, but at least are given satisfactory replies within a reasonable time. As to the allegation that there was no Minister or that correspondence was not answered, I should state that I was not a member of the previous Government, I take not responsibility for what happened before. Duty is to look after the people who have come to see me and I will bring it up every time that I think it necessary.

HON J CARUANA:

I thank the Honourable Member opposite for stating his position, I still think that he is persisting in attempting to say that letters are not answered by the Department and I think I have conclusively proved that the Department is moving like it has never moved before on the question of correspondence and I would not like to belabour this House with any further explanation. I think that what I have said is self explanatory. As to this other letter which he has alleged was addressed to me, Mr Speaker, very briefly, the Hon Member rightly quoted that an appeal was made to me on the 19th August. He received a reply from the Housing Section on the 19th September, acknowledging his communication, the case was a very complicated one since they were asking for an appeal against the Housing Allocation Committee and they were asking the Housing Advisory Committee to look into this Appeal against the Housing Allocation Committee. The decision, I am advised, might have to be a Ministerial one by Council of Ministers as to the merits or demerits of this case which concerns an ex-Government Officer who went to Great Britain and gave up his accommodation then returned. It is a very complicated matter and the verdict given by the Housing Allocation Committee was a very fair one. We will have to consider whether the appeal will stand or not. I think I have shown, substantially, the efforts, the great efforts that are being made in the Department to deal with correspondence expeditiously. As regards appointments, I think that the Honourable and Learned Leader of the Opposition knows the pressure which bears upon the Minister for Housing on appointments and that since the merger may I add, the Department, which I have the honour to handle is now spending well over £2m., including the development programme, and I have many other matters to deal with other than interviews. Thank you Mr Speaker.

HON SIR JOSHUA HASSAN:

Mr Speaker, I did not want to bring further controversy but I am glad to see that after having said that there was no Minister, he did mention me and the interviews, so there was some kind of a Minister, however incompetent. There is, however one point which has arisen out of the answer given by the Minister which I will dispose of now and thus avoid my having to write to the Chief Minister, because he has disclosed a state of affairs which, although I don't want to make an issue of it now, perhaps this is the best opportunity to draw the attention for the Chief Minister to it. I had my Honourable Friend's file with me for this purpose but because of this session he took it away, and that is that the Minister should see that the Shadow Minister does not have his letter acknowledged by Civil Servants, this is not the practice in Westminster. However busy a Minister is, a Member, never mind a Shadow Minister, any member in the House of Commons gets a direct reply from the Minister and I have seen on the file of my Hon Friend, a number of letters acknowledged by a Civil Servant. This is undesirable, both in the practice of this House, and from the fact that it could lead to a Shadow Minister or a Member dealing with a Civil Servant over a matter which clearly the Minister should deal with. I am not asking the Chief Minister to make any statement now or to reply or

anything at all, but since he has mentioned the fact that the Honourable Member received an acknowledgement from the Department, it has disclosed that the Minister has not even acknowledged direct the letters from the Shadow Minister and this is a matter which, in the best Westminster pattern which we want to follow, it is essential. I have seen letters, as the Chief Minister has seen himself, from Sir Alec Douglas Home, from the Secretary of State, replying directly to any member who raises the matter. It is one of the privileges of Westminster I think we should follow.

HON CHIEF MINISTER:

I have no doubt that if this has not been done, it has been an oversight because obviously there is no intention to belittle the position of any member of this House. I am sure that we are all unanimous on this, on this side of the House and I doubt whether this will happen again if it has happened before.

Mr Speaker, as I mentioned before, I would like to say how grateful the Government is to Mr John Summerfield for the excellent work that he has been doing here as Clerk of the House of Assembly. He is, in fact, I think the first Clerk of the House of Assembly as it stands today. He started his career in the civil service at the age of fifteen, and through very hard work and, I think, a conscientious attitude towards his duties to the public and the Government, he rose steadily up the ladder of responsibility in the Gibraltar Civil Service. I will not go through a history of what he did there, but all I can say is that then he became a very loyal servant of the legislature and I think he disassociated himself from the actual Civil Service, which, I think, is a tradition. So that he was really a Civil Servant, but in a sense he was a servant of the House, and a servant of all the Members of the Assembly and in the short time that I have known him at his work – perhaps he never had an opportunity of serving in the Legislative Council I do not know, but if he did then he was also the Clerk of that House as well. Not only had he given all of us excellent advice but also I think, in his other capacity of the Secretary of the Commonwealth Parliamentary Association, he has proved himself extremely popular with all the members of the CPA, who came to Gibraltar. Soon after the Opening of the House of Assembly he dealt with a delegation which came from England. He then organised and accompanied the Delegation that went to the Isle of Man and finally he organised, very successfully, the Regional Conference that was held here. His name appeared not very long ago in the newsletter of the CPA, and I have had words of praise, directly and indirectly, from nearly all the members of the CPA who visited Gibraltar in one capacity or another. In fact there is a very nice letter from Mr Peter Kerr, who happens to be in Gibraltar at this moment, the Parliamentary Under Secretary for Defence. Not only that, but also the Clerks of other Houses have written in praising the marvellous work that Mr John Summerfield has done for the legislature in Gibraltar, and I think, for the name of Gibraltar as a whole, with all the representatives, not only of the British Isles, but also of the Commonwealth. I would like to thank him and also wish him well in his retirement. (Tapping of table).

HON SIR JOSHUA HASSAN:

Mr Speaker, I would like to associate myself fully even with what the Chief Minister has said on this matter. Mr Speaker, I have had the privilege of having seen Mr Summerfield at work as the Clerk in the Magistrate's Court, when I used to practice in that Court regularly, and I am sure that his training there was eminently suitable for the post in this House, because of his judicial detachment and approach to these matters. The Chief Minister has spoken about his period prior to the House of assembly, well, his service has not been long but, if I said tempestuous that might not be the word, but certainly intensive, since very shortly after he took office as the Clerk of the Legislative Council he had to deal with many difficult and technical matters. I am sure we will miss him greatly because his advice has been judicial, detached, friendly, sympathetic, understanding and above all, wise and I am sure that we all wish him well in his retirement. He had a little do like this when he left the Magistrates' Court, I do not know whether he will have a third one wherever he goes after this, but I do feel that we will miss Mr Summerfield, efficiency and his advice when he leaves us. (Tapping of table).

MR SPEAKER:

I also wish to join in the words of appreciation which have been expressed today to Mr John Summerfield. Whilst the House as a whole will undoubtedly be the loser by my retirement, I would like to say that I in particular will feel his absence greatly. During my short term in office, Mr Summerfield, in his quiet and determined manner, has always been willing and indeed very eager, to give me his sound advice and the benefit of his experience, both of which, needless to say, I have always found invaluable. On his retirement it is only left to us to wish him as many years of well deserved happiness with his wife and family. (Tapping of table).

ADJOURNMENT

The House then adjourned sine die.

The adjournment was taken at 4.50 p.m.