

HOUSE OF ASSEMBLY

HANSARD
OF MEETING

HELD ON 16 DECEMBER 1971

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Eighteenth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Thursday the 16th December 1971 at 6.00 p.m.

PRESENT:

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

GOVERNMENT:

The Hon Major R J Peliza, Chief Minister
The Hon M Xiberras, Minister for Labour and Social Security and Housing
The Hon Major A J Gache, Minister for Commercial Economic Development
The Hon J Caruana, Minister for 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, CMG, QC, Attorney General
The Hon A Mackay, CMG, Financial and Development
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 M K Featherstone
The Hon I Abecasis
The Hon Lt Col J L Hoare

ABSENT:

The Hon E J Alvarez, OBE, JP (who had notified his inability to attend due to illness.)

IN ATTENDANCE:

P A Garbarino, Esq., ED, Clerk to the House of Assembly

PRAYER

Mr Speaker recited the prayer.

OATH OF ALLEGIANCE

The Hon the Financial and Development Secretary took the Oath of Allegiance.

HON CHIEF MINISTER:

Mr Speaker I would like to take this opportunity to welcome our friend the Hon Mr Alistair Mackay to this House. He has got a wonderful record of service in the capacity that he is now undertaking here in Gibraltar. He was a member of the UK Treasury and Supply Delegation to Washington in 1951-54. After having entered Her Majesty's Treasury in 1944 he was seconded to the Foreign Service Inspectorate and was there between 1957 and 1959. He was Financial Adviser to the British High Commissioner in India between 1963 and 1966 and he served as Under Secretary in Her Majesty's Treasury from 1966 to 1971. I am sure the he will put his experience and knowledge to the service of the Government and to the people of Gibraltar and I would very much like to welcome him to this House. (Tapping on the table)

HON SIR JOSHUA HASSAN:

Mr Speaker, I would like to associate myself on behalf of the Members of the Opposition to the welcome given to Mr Mackay and we look forward to his contribution with his vast experience, to the affairs of this House and to the interests of Gibraltar.

ION CHIEF MINISTER: Mr Speaker another person who must be welcomed is Mr Paul Garbarino who is now the new Clerk to the House. Mr Paul Garbarino also has a wonderful record of service. He served as Clerk of the City Council between 1946 and 1965 and Minutes Clerk between 1965 and 1968 with duties of a somewhat similar nature to the work he is now undertaking. He also was Administrative Assistant in the City Engineers Department in 1968/69 and Assistant Secretary from the 20th May 1969 and served with us as Clerk of the Council of Ministers ever since we took office. Right through he has been of tremendous assistance to the Government and he has now undertaken a very distinguished post where he owes loyalty to all the Members of this House and I have no doubt that he will be able to discharge his new duties with the same efficiency and success as he has done in the past and I would like to welcome him. (Tapping on the table)

ION SIR JOSHUA
ASSAN: Mr Speaker I would like to associate myself with these happy remarks. I have known Mr Garbarino for many years both from his service in the Council and later on when he was made Clerk of the Council of Ministers when there was an administrative change that made this necessary. We have also seen recently how much he was liked by the Press for the work he did as Press Officer and I am sure we are all very lucky to have Mr Garbarino with us and I am sure he will enjoy the work as much as we will enjoy making him work. (Tapping on the table)

ION CHIEF MINISTER: Mr Speaker, I am rising once again and this time it is to thank Mr Joseph Ballantine who was as you know the Clerk of this House until Mr Garbarino took over. During his time here I have no doubt we have all appreciated how hard he worked to enhance the position of the Members of the Legislature and how well he got on with the Commonwealth Parliamentary Association and his other duties and I think he served this House with great impartiality and he is really an example for those who are going to follow him and I would like to thank him. (Tapping on the table)

ION SIR JOSHUA
ASSAN: Mr Speaker, I do want to associate myself most sincerely with all the remarks made by the Chief Minister. When Mr Ballantine took office he very soon acquainted himself with the procedure of the House and has been most helpful to all members of the House. He was as the Chief Minister said, particularly helpful and able in dealing with delegates and members of the Commonwealth Parliamentary Association visiting Gibraltar in organising visits and in doing excellent work. It is one of those happy occasions where he is saying goodbye to us in this House but we know he will be continuing to render very good service to the Administration of Gibraltar.

MR SPEAKER:

I want to join in the words of welcome expressed both by the Chief Minister and the Leader of the Opposition, both to the Hon Mr Alistair Mackay and to our new Clerk Mr Paul Garbarino. I also wish to express my very sincere thanks to Mr Joe Ballantine for the excellent and efficient manner he has carried out his duties and has also personally looked after me during his term of office. (Tapping on the table)

MINUTES

The Minutes of the Meeting held on the 18th November 1971 which had previously been circulated were taken as read and confirmed.

COMMUNICATIONS FROM THE CHAIR

MR SPEAKER:

I would like to inform the House that I have received two letters which I would like to read. The first one is from Lt Col J J Porral, the Commanding Officer of the Gibraltar Regiment and it reads as follows:

"Dear Mr Speaker

On behalf of all ranks the Gibraltar Regiment, I request you kindly to convey to all the Members of the House our sincere thanks for their unanimous resolution granting the Freedom of the City to our Regiment. May I also thank you in your capacity as Mayor for having carried out the Conferment Ceremony, as indeed for the presentation of the symbolic scroll and its magnificent casket which we shall always treasure. Believe me Sir, this great honour that has been bestowed upon us by the People of Gibraltar through their Representatives, is most deeply appreciated by us who form Gibraltar's own Regiment.

Yours sincerely

John Porral

Lt Col Commanding, The Gibraltar Regiment."

I have also received a letter from Major M J E Adams, Officer Commanding, 1st Fortress Squadron, Royal Engineers. It reads:

"Dear Mr Speaker

On behalf of all the Royal Engineers in Gibraltar, I would like to ask you to convey to the Chief Minister, the Leader of the Opposition and the Hon P J Isola, OBE, and all the Members of the House of Assembly, our deep appreciation for the obvious goodwill reflected in the speeches, and the attitude of the Members on Thursday evening on the occasion of the motion to give the Corps the Freedom of the City next year when we held our Bicentenary Celebrations. The great honour for the Corps of receiving the Freedom of the City of Gibraltar was only equalled by the goodwill of the People of Gibraltar reflected in the speeches in the House of Assembly when voting on the motion.

Yours sincerely

Mike Adams."

I have specifically read these two letters because I feel sure that the Members wish them to become part of the record of the House.

DOCUMENTS LAID:

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

The Elections (1972) Supplement to 1968 Register of Electors Notice 1971.

Ordered to lie.

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

(1) Supplementary Estimates No.4 of 1971/72.

(2) The Decimal Currency Act 1969: Order under Section 16(1).

Ordered to lie.

QUESTIONS AND ANSWERS

STATEMENT BY MINISTER FOR COMMERCIAL ECONOMIC DEVELOPMENT

Careful thought has been given since I took office to the feasibility of developing the Port of Gibraltar as a container transshipment terminal and to the possibility of containerising our import cargo.

2. In order to form an assessment of transshipment traffic 27 principal shipping companies of various nationalities trading to and from the Far East and Australia were approached late in 1969. They were asked whether they would expect to have any use for the Port of Gibraltar. No positive response was received except from a shipping company in Liverpool but only with regard to facilitating the discharge of their cargo for Gibraltar.

3. At the same time the Captain of the Port visited senior shipping directors in London including one connected with the Far East Freight Conference and the big container Consortia. Available information was also studied regarding requirements for containerisation including a detailed paper presented to an Economic Commission for Asia and the Far East (ECAFE) Port Seminar prepared by the President of the Maritime Services Board of New South Wales. It was established that for a container berth of 600-700 feet in length, which would be the minimum length we would need for transshipment purposes, we would require approximately five acres of cleared land exclusive of roadway and offices, and a Wharf Apron, approximately 125 feet in width would also be required for the operation of a transporter crane, an area which we do not have at the Western Arm. It is also generally accepted that a container terminal would need to handle the better part of a million tons per year in order to be a viable economic proposition. Furthermore the money required just to simply service the capital tied up in the provision of a container transport crane would amount to some thousands of pounds per year. This, of course, is only one element, albeit an important one, of a container transshipment facility.

4. In addition with no hinterland and no manufacturing industries of our own a prospect for the development of direct trade manifestly did not exist.

5. From these brief facts it became clear that the creation of a container transshipment terminal would need reclamation of vast areas (which may not even have been feasible) and the investment of huge sums of money with little if any potential positive economic return.

6. Although the development of the port as a container transshipment terminal was discarded, study continued as to the viability of providing facilities to enable our own supplies to be imported in containers. Containerisation has obvious advantages to carriers who wish to containerise their fleets and thus reduce the time spent by their ships

at Gibraltar from days to hours, but it does not necessarily hold out any advantages to the consignee who is interested in the minimum landed costs, or to the ultimate consumer: the housewife who is interested in obtaining her purchases at the lowest price. In 1970 two of the leading container ports in England, Felixstowe and Preston, were visited in order to obtain first hand knowledge of the necessary equipment and handling methods and the many problems involved in the sequence of operations. As a result of these visits I convened two meetings in August 1970 which were attended by representatives of shipping and local port users. At the second meeting it was decided to obtain the consensus views of local consignees, including the Services, and to attempt an assessment of the approximate tonnage of container traffic which could be expected. A look at our import tonnage figure is sufficient to show that the provision of container handling facilities would possibly be economic only if all general cargo were to be imported in this manner and the facilities provided in the form of the most basic equipment and on a common user basis. Our published statistics include bulk cargoes which would never be containerised and these amount to a considerable percentage of our imported tonnage. A major handicap is the fact that in no case would the full advantage of containerisation - door-to-door from exporter to consignee - be available. Owing to the small parcels of many commodities a large proportion of the total container traffic would have to be packed at the port of export, or at an associated depot, which increases handling costs enormously and may well offset any claimed freight savings. In all cases the containers would have to be stripped within the port area on arrival in Gibraltar and much of the goods placed in storage sheds owing to the lack of storage space available to consignees in the town. This is similar to what happens in Gibraltar at present, except that now we do not have to unpack containers. By this time it had been ascertained that only two shipping companies were generally interested in attempting to get all their cargo containerised in standard 20 ft. containers i.e. Ellerman, Papayanni Lines of Liverpool and the Medtrade Lines from Felixstowe and the Continent. It became fairly obvious at this stage that the total cargo to be transported in these containers, assuming that all of the cargo which was promised to be containerised would in fact be so packed, would only amount to approximately 11,000 tons per annum. The only practical and reliable method of handling these standard containers was found to be by using a derrick crane. Investigations then showed that the most suitable crane in the light of experience of port authorities consulted in the UK would be a Henderson Derrick crane. The cost of purchasing and erecting such a piece of equipment in Gibraltar would amount to approximately £60,000. I am advised that an across-the-spectrum average weight of goods carried in standard 20' containers amounts to 10 tons. Assuming a discharge rate of 8 lifts per

hour this would amount to 80 tons of cargo discharged per hour and the total utilisation of the crane would therefore amount to approximately 140 hours per year. At a reasonable crane hire rate of £20 per hour this would yield a revenue of only £2,800. This would be insufficient to cover the servicing of the capital cost of the equipment without allowing for operating and maintenance charges.

7. Some of the information I have given the House so far is contained in the Annual Report of the Port Department for 1970. In fact reference to the lack of viability in containerisation given in the Report has been reproduced in Lloyd's list for 15 September, 1971, and in the Financial Times Special Report on Gibraltar dated 6th October 1971, in an article by Mr Joseph Garcia - "Need to revive tourism receives high priority."

8. The last views to be received were those of the consignees which were expressed in a letter from the Chamber of Commerce dated 12 January this year. In their letter the Chamber of Commerce confirmed the views expressed above and contained in the Annual Report of the Port Department for 1970.

9. Accordingly I cannot recommend to this House that Government expenditure with regard to the provision of facilities for handling standard 20 ft. containers can be justified on the grounds of viability at the present time. However this is not to say that there is not a limited use for non-standard containers of a size which can be handled by existing equipment. For example, a proportion of Services' cargo is regularly landed in this manner in 7½' Chacons. Other lines send certain commodities, especially frozen goods, in containers but in these cases the containers are stripped or partially stripped on board ship.

10. There is general agreement that the best prospect for an increase in efficiency of cargo handling at Gibraltar lies in maximum palletisation, in the packaging of cargo when practicable in the largest crates that are able to be discharged by ships' derricks, in the greater use of mobile handling equipment on shore and in increasing as far as possible the proportion of cargo that is landed directly on shore and removed immediately by consignees.

11. With regard to this matter the Government has already made the Transit Shed at the Western Arm available for stripping containers and we are in the process of making available a decongestion area at Waterport to ease sorting and handling. This facility should be available in the very near future.

12. A problem we have had to face in connection with the transport of containers within the port area was the 12 ton restriction on the Viaduct. This has now been resolved and it has been possible to raise the weight limit to 30 tons.

HON A W SERFATY: Mr Speaker, a very long speech which must have taken the Minister a long time to prepare and I must congratulate him for it. But coming down to earth, nobody thought that this side of the House wanted to or thought it necessary or viable to convert the port of Gibraltar into a container transshipment area. I may have not been clear in my question but I was referring to the non standard container and there is where the Hon Minister could do his best as I am beginning to see that he is doing something about it to develop this kind of thing. If I remember rightly in his speech the Honourable Minister said that there will be no economy in the use of small non standard containers and there I did not want... I know I may be out of order, if I start making a speech Mr Speaker.

MR SPEAKER: You are entitled to make a preliminary statement before putting a question.

HON A W SERFATY: What I really had to say is that I am not in agreement with that because

HON MAJOR A J GACHE: May I put the Honourable Member at ease

MR SPEAKER: Order! If the Hon Member wishes to cede way, by all means.

HON A W SERFATY: I certainly do, Mr Speaker.

HON MAJOR A J GACHE: What I said was that we did not consider that it was economically viable to go ahead with providing facilities for containers of 20 ft and 40 ft. We are certainly going ahead with providing facilities for the small containers of the 5 ft even the 10 ft and of course, the non standard containers of that size. Thank you.

HON A W SERFATY: That is what I really was aiming at, and I am quite satisfied provided you go on with the necessary speed.

STATEMENT BY MINISTER FOR TOURISM AND MUNICIPAL SERVICES

TELEPHONE SERVICE

At an earlier meeting of the House, I said that arrangements were being made to publish a new telephone directory in the autumn of this year.

Unfortunately, difficulties have been encountered with the printing, apart from which it was found impossible to complete the draft on time due to staff difficulties and delays by subscribers in supplying the required information.

The draft has now been completed and is in the hands of the printers. Printing is due to start at the beginning of the year but due to heavy commitments they may take anything from four to six months to complete the task. Arrangements are also being made to publish a new directory at two-year intervals in the future.

The new telephone equipment to be installed in the new Haven building which will increase the capacity of the exchange by 2000 lines, 55% of its existing capacity, is now beginning to arrive.

The installation is expected to take approximately 12 months and should therefore be completed by the end of 1972 when the waiting list for telephones will be eliminated. Work on the development of the external plant and wiring installation of subscribers' premises has been in progress for several months.

This extension of exchange equipment is over twice as large as any previously undertaken. It is hoped that this time ample spare equipment will remain after those on the waiting list are connected so that it will be possible to meet applications for new connexions virtually on demand for some time.

HON LT COL J L

HOARE:

Has the Minister considered, now he is mentioning all these improvements in the telephone service, of coming to an arrangement with the Services Authorities so that one can dial direct without having to go through the various exchanges? The Services between themselves have this, ~~and~~ ^{at} ^{when} ^{to} it is most frustrating the moment one gets on a services phone or vice versa, that ~~they have got to~~ ^{one has} ^{through} go to one or two telephone exchanges which very often results in the person having to hang up because it takes so long. Will he please investigate the possibility therefore of having all exchanges within Gibraltar inter-dialling?

HON W M ISOLA:

Mr Speaker, Sir, this has been looked into in the past and it has not been found practical but I will certainly take up Col. Hoare's suggestion and look into the matter again. But ~~it~~ this way, no approach has been made ~~by~~ the Services for this matter to come along with us, but I will certainly make the necessary investigations.

HON LT COL J L

HOARE:

Mr Speaker, this is one that I pressed from the other side, when I was on the other side and the reply given to me was that they were rather afraid that military members would have telephone calls ^{to} ~~from~~ England and get away with it without being booked. — I think ~~that~~ ^{hope into dialling} is quite impossible ~~and it~~ is something which is worth looking into.

HON W M ISOLA:

There are certain things as security, and I believe the Services like to have their own telephone service connected amongst themselves. This happens, let us be basic, in England. In the Dockyards in England they have their own telephone exchange.

HON LT COL J L

HOARE:

Yes, Mr Speaker, but I don't want to get into the technicalities of the services telephone exchange. But there are such things as scramblers on security lines.

HON SIR JOSHUA

HASSAN:

I want to raise a point on the statement. Two points; all, he does not make it clear because it speaks about starting an installation, but presumably the fact that part of the extension is being installed will not be a reason for delaying the publication of the directory which is now on commission. That is the first point. And the second point is, that it gives here the impression that when the installation is finished there are going to be 2000 lines available. Is that correct? Or is it provision for 2000 lines as they are required?

HON W M ISOLA:

On the question of the lines, it is a good question. There will be provision for 1000 lines at present, but of course provision is being made for 2000. At present on the waiting list at the end of November there were 600 people. By the time the external line plant is completed in November 1972 there will be 600 applications leaving 400 lines free. When these are taken up there will be another 1000. I am sorry, would you be good enough to repeat the first part of your question?

HON SIR JOSHUA

HASSAN:

The first part of the question was that the getting on with the present directory will not be in any way delayed by the fact that we have an extension in hand.

HON. W M ISOLA: The idea is to have at present a new telephone directory right now with subscribers as at present. When the provision for the 1000 lines is taken up it is hoped to have a supplement to the telephone directory which is being printed now.

HON SIR JOSHUA HASSAN: The other point is, if in fact 1000 lines are going to be installed 55% of its existing capacity should be probably 22½%.

HON W M ISOLA: Sorry, provision for 2000 lines which will increase the telephone capacity by 55%. Now, obviously, in the present if people now start coming in wanting more telephones we will be able to provide not only 1000 but more.

HON SIR JOSHUA HASSAN: Yes, but the money we have voted here for the new telephone exchange is for 1000 lines.

HON W M ISOLA: That is correct Sir.

HON SIR JOSHUA HASSAN: Right.

MOTIONS

Supplementary Estimates No.4 of 1971/72.

HON FINANCIAL
AND DEVELOPMENT
SECRETARY:

Mr Speaker, Sir, I have the honour to move that this House resolves itself into Committee to consider the Supplementary Estimates No.4 of 1971/72 in detail.

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

HOUSE IN COMMITTEE

Items 1 and 2 were agreed to and passed without amendment

Item 3. II. Public Works Annually Recurrent

HON J CARUANA:

Mr Speaker, I would just like to add very briefly and point out to the House this item of painting of Crown Properties and with particular reference to a vote being asked for the painting of some of the blocks in Laguna which lead on to Devil's Tower Road and this is an attempt to beautify the approaches in the general context of the Clean City Campaign going on at present.

HON LT COL J L
HOARE:

Do I take it then that in the next year ^{there} you will be painting ^{of} the other blocks? It is no good just painting the front and leaving the back dirty.

HON J CARUANA:

Mr Speaker, most of the blocks are not in fact, scheduled for painting; these are the ones which are exposed to the severe winds prevailing in Devil's Tower Road. Those on the inside are not so delapidated as those in front. If the Honourable Member is observant he will notice they are the brown blocks and the green blocks. We are painting the green blocks as the brown blocks are in pretty good shape. Next year we will look at any deficiency which might arise.

This item was agreed to and passed without amendment.

Item 4. XII. Public Works Non Recurrent.

HON J CARUANA:

Mr Speaker, again I would like to point to the House the purchase of a second mobile sweeper in view of the fact that the first one we received has been working very satisfactorily and doing a very efficient and quick job. We intend to buy this second one to introduce more efficiency and quicker cleansing of our streets. Another attempt, another step in the ladder of the Clean City Campaign. (Hear, hear)

HON M K FEATHERSTONE: I was just going to ask as this is costing a little more. Will this be a little more versatile? The last one I believe, got in and out of cars. Will this one also wash the engine down as well? (Laughter)

- HON LT COL J L HOARE: May I ask the Minister if he will ensure when this thing arrives, this new second machine, he gives it its trial run round Flat Bastion Road round the air raid shelter. If ~~he~~ ^{it} cleans that up it is a jolly good buy.
- HON SIR JOSHUA HASSAN: I am rather intrigued. I would like to know why this mechanical machine always carries a sweeper with a broom next to the driver?
- HON J CARUANA: It is a very interesting thing. The machine is now working from one end of Gibraltar to the other and the second one will break up the districts and there might not be any need for that so therefore there must be sweepers at strategic points who will assist the sweeper so that they don't have to get on and off the pavements continuously since it is being overworked at present.
- HON LT COL J L HOARE: May I come back with just one more please, Mr Speaker? On item 35. May I have some details please of what is covered by this second phase of the Camp Bay project? I mean £11,000. Can you give some indication of what is involved?
- HON J CARUANA: Yes, Mr Speaker at the last House of Assembly at Supplementary Estimates time, I think I informed the House, and I assured the Hon and Gallant Member opposite that this work would be carried out. In fact it was carried out earlier than I had anticipated at that particular House of Assembly Meeting and the work which this money is intended to do is, we hope, to make that part of Camp Bay safe of loose rocks, and to clear the whole area and also to put into good order whatever damage has been caused by the rock falls.
- HON LT COL J L HOARE: Now we proceed to Item 37, which is a new caravan parking site extension, £3,500. May I ask how many caravans this new site is supposed to cover? That will be Item No.1, and Item No.2, what revenue do we expect to get from it on an annual basis?
- HON J CARUANA: Yes Mr Speaker, this caravan site is also one of those sections in Gibraltar, a sore spot, picked up and tackled. If the House will recall this area had been braided up by rusty, old, corrugated iron for many, many years and it was very unsightly and, in fact, a shame on the **touristic** approach in Gibraltar, so we set upon improving this and at the same time clearing the areas behind this hoarding. The House will recall the area was used as a dump for scrap, old cars and old washing machines etc. All this area was covered and is now usefully utilised partly as a caravan park specifically for 8 caravans; secondly, further back there is a store for stock piling of aggregates; thirdly it is still used by the Department as a Public Works depot and specifically

what the Government intends to do in the not too distant future, is to clear the caravans from the old caravan site in the front and move them back to this new caravan site ~~so that we can~~ again open the front to residents. I would say that apart from one or two passes to people in transit, the people who are attempting to stay behind in Gibraltar, nobody is supposed to be living in that area at the moment, though there are caravans parked in there, ~~but~~ they should not be inhabited. If they are, they would be on a very, very, short term basis - two to three weeks time. So therefore from a revenue point of view, the Government at this stage is not getting anything but the Government has been tackling the problem of caravans. We have cleared caravans from Waterport area which was another reason for building this caravan site. Luckily, we did not have to use this and the number of caravans have dwindled down significantly. We have cleared Waterport and yet this site is empty. At the same time in another House of Assembly meeting, I think money was voted for the purchase of the Iris Hut at Rosia Bay which was bought specifically for the purpose of garaging uninhabited caravans and those caravans which are there now uninhabited in time will be moved to that area and this is part of the chess game I play to eliminate this unsightly shanty type effect from our Rock.

HON LT COL J L
HOARE:

He still has not answered my question. How many caravans will be berthed there? ~~And you~~ ^{he} said eight? I did not hear it. And secondly when ~~he~~ ^{he is} says full, what income do we expect to get from it? We are spending money and therefore one expects to get money back for it.

HON W M ISOLA:

Sir, on the question of the Revenue side, may I inform the Hon and Gallant Member of the Opposition that on the other side of the road revenue has always exceeded the expenditure. We hope that the actual revenue from the eight caravans will eventually pay for the expenditure here:

HON LT COL J L
HOARE:

I am sorry, this ~~will~~ ^{still} is not the answer I want. What ~~are we~~ ^{is it} producing or expect to produce in pounds and pence? It is no ~~good~~ ^{one damn} telling me that we will get the money back as, of course, this ~~is~~ ^{is not} the only cost to be recovered in rent. This ~~is~~ ^{expenditure} merely direct ~~heads~~ ^{costs}. ~~You have~~ ^{one has} ~~got~~ ^{to include} the value of the ground, the services, the rates and everything else which is included when one is assessing rents. I understand (but it is unofficial) that the charge will be something in the region of £2 a week. If there are eight caravans, this is £16 a week, 50 weeks a year. This comes to £800. This is the sum that I was after. It is as simple as that.

HON CHIEF MINISTER: Mr Speaker, I think that the idea of producing this new caravan site is not really a commercial venture, in the interest of recovering the money at all. If necessary we have to put money to be able to clear the streets of Gibraltar and other areas of Caravans which are accumulating and put an end to this sort of haphazard parking of caravans, which I think is unsightly and undesirable here in Gibraltar, because we have not got the room, and the problem therefore arose how to tackle this as gently as possible. We had to find a place to park caravans either empty or occupied, and this has been the difficulty but the eventual aim is to clear the present caravan site and allow that site which I think is a very good site for the use of the people of Gibraltar generally. So we did not look on this as a commercial venture, as I said before, to recover the money we are spending on it, but more as a social move to the benefit of Gibraltar generally. Now, what revenue we get out of that, I assure you, we shall do our best but I think the Honourable Member will agree that there is a limit to what we can charge the caravans in rents there.

HON A W SERFATY: May the Minister of Public Works bear in mind when the existing caravan site is moved to the other side of the road, that there are certain areas in that site which are subject to rock fall. If I remember rightly this information was available to the Development Committee of the last Government.

HON J CARUANA: This will be borne in mind, and I am sure it has already been taken to account and no caravans will be parked in the danger areas. One small point of interest, Mr Speaker. I would like to add, that I am very grateful in fact, to the Boy Scouts, a group of youngsters who are, I would say, attempting to paint the wall being erected there. I think it is a great effort they are putting on. They are boys of ages 12 to 13, who are doing everything possible to paint that stretch of wall.

HON LT COL J L MOARE: I am pleased to hear that, because I have an interest in them. But may I remind the Hon Minister that they are not Boy Scouts. Nowadays they are Scouts. (Laughter)

MR SPEAKER: May I remind Hon Members that we took a vote on this item about a quarter of an hour ago and perhaps we might go on to the next item. This item was agreed to and passed without amendment.

Items 5 to 7 were agreed to and passed without amendments.

Item 8. XXV. Telephone Service 15. Purchase of Private Branch Exchange.

HON LT COL J L
HOARE:

Mr Speaker do I understand that ^{stem} in this 15., - \$1254 - ~~this~~ is a second private automatic branch exchange, which is being used, because we passed the money on the last occasion for one?

HON W M ISOLA:

This is correct, Sir. This is the second one.

HON LT COL J L
HOARE:

And I see here, it is said ^{the cost is} to be offset. Does that mean that we get the value back immediately?

HON W M ISOLA:

No Sir, we do not get back the value immediately. We get this back over the course of the year, and what happens is that when one orders a PBX they have to agree to take it for a minimum period. Normally, it is about five years.

HON LT COL J L
HOARE:

My uncertainty was the use of the word offset. To me this means completely offset, if it does not say anything to the ^{contrary} difference. But that is not the case. You are charging rental. Thank you.

16. (new) Telephone Service

HON M K FEATHERSTONE: How many actual telephones are involved in this?

HON FINANCIAL &
DEVELOPMENT
SECRETARY:

Mr Speaker eight are involved. Eight telephones in the private homes of eight members of the staff of the telephone service where the telephones are necessary because they have got to be on call at all times.

HON LT COL J L
HOARE:

To add to that, may I have an assurance that these individuals pay part of the cost of these telephones if they use them for their own private purposes?

HON FINANCIAL &
DEVELOPMENT
SECRETARY:

The answer Sir, I understand, is that the position is that officers on salaries up to a certain point have the telephones installed free. Officers with salaries above a certain point are required to pay half of the rental.

Item 9. XXVI. Tourist Office

HON A W SERFATY:

Sir, under 23, should not the affected booths have been insured against fire and why did the Government have to pay? It is stated that part of this excess expenditure was due to the outbreak of fire at the fair ground.

HON SIR JOSHUA
HASSAN:

Does this mean that the fire was a Sundry festival? (Laughter)

HON W M ISOLA:

Out of the £1956, the House will recall that years ago the City Council used to pay a contribution of £1000 to the fair so that brings down that figure. At the next Budget we will actually include this £1000. So in actual fact really, assuming we did have a City Council, the actual cost would have been £956. This increase is made up, not actual as a result of the fire itself. Wages have increases substantially. The unfortunate fire of the fair ground involved an element of quite a considerable amount of overtime to get the fair back to its proper level by that evening. The higher cost of materials this year - I don't know whether to laugh or not - an increase in the number of fireworks purchased (Laughter) and also the award of a higher cash prize for float.

HON LT COL J L
HOARE:

I notice there are a number of items under sub head XXVI. Cost of Living Addition. In the last meeting we dealt with expenditure for this very purpose, cost of living, under Head 11 and 12 so now we have covered three Heads. Can I have some indication of when the further Heads, which are affected by this cost of living addition from the 1st April, are likely to come?

HON FINANCIAL &
DEVELOPMENT
SECRETARY:

Mr Speaker, I do not think I can answer that question. I would say just this, that the practice that I have found here and which I endorse is that the House is approached for supplementary provision, or as and when the Departments find that they need more funds to enable them to go on paying the salaries of their staff, together with the cost of living allowance which was approved after the Estimates were passed last year and the provision was made. Now the departments come, and we come, to this House, for provision only when it is clear that the department will need more funds and cannot meet the cost of living allowance by means of savings on its staff vote. I hope this has answered the question.

This item was agreed to and passed without amendment.

Item 10 was agreed to and passed without amendment.

RESUMPTION

The House resumed.

HON FINANCIAL &
DEVELOPMENT
SECRETARY:

Sir, I now move that the votes detailed in Supplementary Estimates No.4 of 1971/72 be approved.

Before putting the question Mr Speaker 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 READINGS

(1) The Contract and Tort (Amendment) Ordinance 1971.

The Hon the Minister for Commercial Economic Development moved that a Bill for an Ordinance to amend the Contract and Tort Ordinance and to make amendments consequential thereon be read a first time.

Mr Speaker then put the question which was resolved in the affirmative. The Bill was read a first time.

HON MAJOR A J
GACHE:

Sir, Honourable Members will be aware of the fact that I am no lawyer. However the subject of Contract and Tort is a Defined Domestic Matter, and one falling within my capacious portofolio. Therefore, I rise to move that the Contract and Tort (Amendment) Bill be read a second time. The objects and reasons of this measure are set out in the explanatory memorandum at the foot of the Bill, and I will therefore draw the attention of members to the contents of that memorandum. In brief the Bill seeks to reform our local law on the lines of recent English reforms on two subjects. One, matrimonial affairs, and the other, the law on misrepresentation. This, of course, should not apply to political manifestos. Honourable Members will remember the immortal advice of Punch to the young man contemplating matrimony summoned up in a single word. "Don't". (Laughter) As a result of the reform proposed by the new part 11 to the Ordinance, the hazard of matrimony will, I hope, be relieved. In olden times, sacrifices were made at the altar and the custom is still, I believe, continued. A happy marriage takes time. A girl gets married, a man becomes married, just as he becomes bald, or dare I say plump. But with the reforms proposed by the bill, the lot of engaged couples will, I hope, be made more clear than it is today and the future, of course, of their lives made the easier. I will draw the attention of Honourable Members in particular to the last section of the new part 11 under which savings from housekeeping money will in the absence of agreement to the contrary, be treated as belonging to the husband and wife in equal shares. At present such money saved by the wife strictly speaking belongs to her husband. Well, Sir, let us see if we can lay down an equitable rule on this point, particularly now that so many women are in employment, and contribute to their homes. The other provision of this part seeks to do away with the concept of women as property and new section 34 will overcome UK misrepresentation Act of 1967. In particular, the new Section 38 confers a new right to damages - for the present law does not give a right to damages for loss resulting from a misrepresentation, unless it is fraudulent or contained in a contractual term. While on this subject; it might be helpful to Hon Members to know that I am at present studying the Trade Descriptions Act of 1968

of the United Kingdom with a view to the introduction here of a measure on similar lines. This, however, is likely to take some little time, and in the interim the adoption of the UK Misrepresentation Act takes us a little further on the road to fair dealings and fair contracts. At the beginning of this year at a meeting with the Integration with Britain Party when I came down from the rooftops onto a bicycle, I referred to integration as a bicycle which if you did not move forward you fell off. Well tonight, Mr Speaker, I wish to refer to the law as being like a wheelbarrow. It stands still unless someone pushes it along. I believe the bill now before the House will push this law along and I hope will improve our law and assist in our progress. I therefore commend it to the House. (Tapping on the table)

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

HON A P MONTEGRIFFO: Mr Speaker, I agree with the principle but I don't know whether I can agree with the merits, for the very simple reason that I don't think any legislation can bring about happier engagements or happier marriages. It is a question of people's attitudes. But there is one point in which I am sure the bill will not succeed, and that is in convincing the wife that the money for housekeeping is shared equally by both. (Cries of hear, hear)

HON SIR JOSHUA
HASSAN:

Mr Speaker, I welcome the bill. When I saw the bill on the Order Paper and I saw that it was going to be presented by the Minister for Commercial Economic Development, I wondered whether he had also been given the portfolio of matchmaking and marriage counsellor, in addition to his many other duties. (Laughter). I was rather surprised that it was his aegis, of course, I can see that misrepresentation comes directly under his responsibility in view of the fact that he told the people of Gibraltar he was going to be a Minister in Gibraltar and live in London, but anyhow, I can see that even from the point of his practical portfolio, misrepresentation is one which is very much his concern and I was very glad to hear him say that he is thinking about the Trade Descriptions Act, because this is very essential. Now easy it will be in respect of its implementation in Gibraltar because of labelling and so on, is a matter which of course, I am sure is being considered. Now this small contribution to bring up the law to standards in England is terribly helpful for most of us who have to spend our lives arguing, because laws change in England and if they don't change here, for one thing we have no text book to be guided by, and therefore it is very welcome. It has been hailed in England, the first part, as one more of the measures of emancipation of women in so far as a servant or as an item of property as the Minister has said. It will have its growing pains when it is introduced into Gibraltar, particularly this question of the housekeeping money, but generally one will welcome a Bill of this nature.

Mr Speaker then put the question which was resolved in the affirmative.
The Bill was read a second time.

HON ATTORNEY GENERAL: Sir, I beg to give notice that the Committee Stage and Third Readings of this Bill should be taken to the next meeting of the House.

This was agreed to.

HON ATTORNEY GENERAL: Sir, I beg to move that this House should resolve itself into Committee to consider the next five bills on the order paper clause by clause.

This was agreed to and the House went into Committee

HOUSE IN COMMITTEE

The Adoption of Children (Amendment) Ordinance 1971.

The Bill passed the Committee without amendment.

The Military Service (Repeal and Consequential Provisions) Ordinance 1971.

The Bill passed the Committee without amendment.

The Cemetery (Amendment) Ordinance 1971.

The Bill passed the Committee without amendment.

The Criminal Offences (Amendment) Ordinance 1971.

Clauses 1 to 6 were agreed to and stood part of the Bill.

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

HON ATTORNEY GENERAL: Sir, I beg to move a small amendment in the second schedule in the terms which I have, I hope, circulated to the Honourable Members.

The amendment I would propose is that in the second schedule in the reference to the Criminal Justice Administration Ordinance Chapter 36, bearing under the second schedule of page 78, there be inserted the following words: "In subsection (3) of section 43 (Evidence by Certificate)" the words "Section 114 or 120 or subsection (2) of section 134 of the Criminal Offences Ordinance or " be deleted.

That amendment simply cures what will be an erroneous cross reference in the Criminal Justice Administration Bill, which I unfortunately noticed only after the bill was printed, Sir.

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

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

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

The Income Tax (Amendment)(No.2) Ordinance 1971.

The Bill passed the Committee without amendment.

RESUMPTION

The House resumed.

HON ATTORNEY GENERAL: Sir, I have the honour to report that the Adoption of Children (Amendment) Bill; the Military Service (Repeal and Consequential Provisions) Bill; the Cemetery (Amendment) Bill; the Criminal Offences (Amendment) Bill; and the Income Tax (Amendment)(No.2) Bill have been considered in Committee and agreed to with one minor amendment to the Criminal Offences (Amendment) Bill, and I now move that they be read a third time and passed.

HON SIR JOSHUA

YASSAN:

Sir, I would just like to say a few words on the question of the Adoption Bill. I did say at the last meeting that I had one or two amendments in mind to propose here, and I had a word with the Chief Minister and the Attorney General. There was some provision though we had not really taken much, at least I had not, though I am dealing with that Ordinance every day in my work, taken much notice of, but it is not as good as we might have wanted, and there has been a subsequent amendment in the United Kingdom that would make the section which I was concerned more workable. But it requires the ordinance generally which is the 1926 Ordinance, which has not been amended except for a few things, requires a little more specific looking into and provide for certain contingencies and rather than have an amendment in substitution, it is something that with time, one could look at profitably. I certainly would be quite happy to have a word with the Attorney General about it and see whether the Law Revision Committee could look into it. As to provisional orders and things like that, there is a gap now in that legislation which in present circumstances, is more noticeable than before, and that is why I have not put in any of the amendments, as I said before. I just like to say that for the record.

HON ATTORNEY GENERAL: Sir, I would like to welcome the interest shown by the Honourable and Learned Member in this particular subject on which he has, I know, wide and deep experience in Gibraltar. The present Ordinance is based on a 1949 Act of Parliament and in England, certainly, there have been a number of reforms effected in this legislation since that time. I shall, therefore, be only too happy to get in touch with him with a view to putting before this House such improvements in the law as we, and the Law Revision Committee may consider necessary.

HON CHIEF MINISTER: Mr Speaker, I welcome the interest that the Hon and Learned Leader of the Opposition has always taken on this and also, of course, the Attorney General. This is very much a matter of course, which is my responsibility under Defined Domestic Matters and I shall certainly listen to the advice and suggestions given by the Leader of the Opposition and also, of course, the advice that, in the strictly technical sense, the Attorney General will offer to the Government generally.

The Bills were read a third time and passed.

ADJOURNMENT

HON CHIEF MINISTER: Mr Speaker, before I move the adjournment of the House - I hope it will not be necessary to hold another meeting before the year is out - I would like to say that 1971 has been marked by the political heat generated in this House, and the warm conviviability that has existed in the ante room as you yourself know Sir, and in this spirit of temporary political peace and goodwill, I would like to wish you Sir, the Loyal Opposition and the Honourable Friends to the Government, a Very Happy Christmas and a Bright New Year. (Tapping on the table)

HON SIR JOSHUA HASSAN: So many have been included by the Chief Minister that I would like to associate myself with his remarks without mentioning them all. (Tapping on the table)

MR SPEAKER: May I, before the adjournment, also wish all Honourable Members a Happy Christmas and a most Prosperous New Year. (Tapping on the table)

HON CHIEF MINISTER: Sir, I have the honour to move that this House do now adjourn sine die. Mr Speaker then put the question which was resolved in the affirmative. The House adjourned sine die. The adjournment was taken at 8.20 p.m.