

HOUSE OF ASSEMBLY

HANSARD
OF MEETING

HELD ON 18 NOVEMBER 1971

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Seventeenth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Thursday 18th November 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
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 Miss C Anes, Minister for Medical and Health Services
The Hon W M Isola, Minister for Tourism and Municipal Services
The Hon L Devincenzi, Minister for Education and Recreation
The Hon R H Hickling, CMG, QC, Attorney General
The Hon C J Gomez, OBE, Financial and Development Secretary (Acting)

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 L Ballantine Esq., Clerk to the House of Assembly

PRAYER:

Mr Speaker recited the prayer.

MINUTES:

HON CHIEF MINISTER:

Mr. Speaker, at the last meeting of the House Mr. Howard Davis occupied the seat of Financial and Development Secretary. He did so for the last time because not long afterwards he was appointed Deputy Governor and I think this is a matter that can well be dealt with now, because it arises, I should say, out of the minutes.

I should like to place on record, first of all, our appreciation of the capacity for work that Mr. Davis has shown not only during his six years as Financial and Development Secretary but also since he joined the service in 1936, in the many posts he has so successfully occupied. I think that his six years as Financial and Development Secretary were probably amongst the most challenging years of his outstanding career, especially because in this capacity, his responsibility was much interwoven with the policies of the Government with which he has served and which therefore required from his exceptional abilities to safeguard the economic viability of Gibraltar whilst cooperating with the Elected Members in pursuance with their policies.

Speaking for the term that we have worked together I can say that I have found the Financial and Development Secretary most helpful in providing the Government with

facts, figures and views that have enabled us to pursue the economic policy that is proving advantageous for the people in Gibraltar and is enabling the standard of living to rise, notwithstanding all the difficulties we are encountering because of the savage restrictions imposed by Spain and taken to inhuman extremities by the closure of the frontier, the withdrawal of Spanish labour and the stoppage of the Algeciras Ferry. For his contribution in making our policy effective and efficient to Gibraltar we are most grateful.

Secondly I wish to place on record congratulations to Mr. Davis on his appointment as the first Gibraltarian Deputy Governor. (Hear, hear) This is a memorable achievement and I am sure that the whole House will join us in congratulating him and wishing him every success.

I should now like to say a few words about Mr. Charles Gomez. He retired some years ago but like a lucky lottery number he keeps turning up in this House. Mr. Mackay, the new Financial and Development Secretary is due to arrive in Gibraltar on Saturday and I would like to take this opportunity once more to thank Mr. Gomez for the way he has placed his great knowledge and expertise at the service of this House whenever required to do so, and also as a backroom boy whose work, even to this day, extends to the late hours of the evening.

I hope that sometime, and I hope it will be a long time hence, I shall have another occasion on which to express, at greater length, the gratitude that Gibraltar also owes to this loyal and devoted Civil Servant. (Tapping on table)

HON SIR JOSHUA HASSAN:

Mr. Speaker, I would like to associate myself with the congratulatory remarks made about Mr. Howard Davis, but not with the political considerations that the Chief Minister thought fit to put into a matter which was not directly relevant. I have known Mr. Davis since he was a Junior Assistant Secretary in the Secretariat and until he reached the post of Financial and Development Secretary and I fully endorse, from practical experience, the remarks about his ability and capacity for work. I think Gibraltar is very lucky to have a Civil Servant of that stature. Of Mr. Gomez, I think we have said other things about him before and as the Chief Minister says, he keeps on coming back. We hope he

comes back as a spectator, I think he deserves a rest, after all the figures that he has moved about, and all the juggling that he has done with Estimates and so on - in the right sense of course!! We all wish him very well in his well earned retirement.

MR. SPEAKER:

I associate myself with the words of appreciation both for Mr. Gomez's and Mr. Davis's work in this House, and I thank them both for helping me to become a veteran of this House, having been the youngest member for a few months, and wish them all the best in the future.

The Minutes of the Meeting held on the 22nd July 1971 which had previously been circulated were taken as read and confirmed.

DOCUMENTS LAID:

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

The Conditions of Employment (Retail Distributive Trade) (Amendment) Order 1971.

Ordered to lie.

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

(1) The 1970 Annual Report of the Registrar of Building Societies.

(2) The Merchant Shipping (Tonnage) Order 1971.

(3) The Merchant Shipping (Pilot's Board) Rules 1971.

Ordered to lie.

The Minister for Public Works and Housing laid on the table the following document:

The Landlord and Tenant (Forms) (Amendment) Regulations 1971.

Ordered to lie.

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

(1) The Seashore (Amendment) Rules 1971.

(2) The Traffic (One Way Streets) (Amendment) (No.2) Regulations 1971.

(3) The Traffic (Parking & Waiting) (Amendment) Order 1971.

(4) The Traffic (Parking & Waiting) (Amendment) (No.2) Order 1971.

(5) The Traffic (Parking & Waiting)(Amendment)(No.3) Order 1971.

Ordered to lie.

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

(1) The Hospitals (Fees and Charges)(Amendment)(No.3) Rules 1971.

(2) The Food Hygiene (General)(Amendment) Regulations 1971."

Ordered to lie.

The Attorney General laid on the table the following documents:

(1) The Consular Relations (French Republic) Order 1971.

(2) The Supreme Court (Amendment) Rules 1971.

(3) The Legal Aid and Assistance (Reciprocating States) Notice 1971.

(4) The Fugitive Offenders (Designated Commonwealth Countries) Order 1971.

(5) The Laws of Gibraltar Notice 1971.

(6) The Elections Order 1971.

Ordered to lie.

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

(1) Supplementary Estimates No.3 of 1971/72.

(2) The Price Control (Frozen Meat)(no.2)Order 1971.

(3) The Exchange Control (Authorised Depositories)(Amendment) Order 1971.

(4) The Exchange Control (Authorised Dealers)(Amendment) Order 1971.

(5) The Exchange Control (Definition of Scheduled Territories) Order 1971.

(6) The Exchange Control (Definition of Scheduled Territories)(No.2)

Order 1971.

(7) The Gaming (Fees) Order 1971.

Ordered to lie.

QUESTIONS AND ANSWERS

STATEMENT BY THE CHIEF MINISTER

The Common Market

Sir, as already announced and as a result of the resolution passed in Parliament Britain will be joining the Common Market on the 1st January 1973. Automatically, on that day Gibraltar too will form part of the European Economic Community under Article 227 (4) of the Treaty of Rome which reads as follows:

"The provisions of this Treaty shall apply to the European territories for whose external relations a member state is responsible."

This, we consider, keeps Gibraltar in pace with Britain in its movement towards a more secure and a more prosperous Europe after many years of difficult and protracted negotiations. As already made public I sent a telegram to the Secretary of State for transmission to the Prime Minister. The telegram reads as follows:

"MY COLLEAGUES AND I ARE OVERJOYED AT THE MOMENTOUS AND HISTORIC DECISION THAT GREAT BRITAIN SHOULD ENTER THE EUROPEAN ECONOMIC COMMUNITY WHICH MEANS SO MUCH TO THE PEOPLE OF GIBRALTAR. WE SHOULD LIKE TO OFFER OUR CONGRATULATIONS ON THE OUTSTANDING SUCCESS ACHIEVED AFTER LONG AND DIFFICULT NEGOTIATION AND TO REITERATE OUR WARM APPRECIATION OF THE WORK DONE TO MAKE OUR OWN ENTRY POSSIBLE. AS IN THE PAST GIBRALTAR STANDS READY TO PLAY ITS PART IN EUROPE WITH BRITAIN. I SHOULD BE GRATEFUL IF YOU WOULD CONVEY OUR FEELINGS TO THE PRIME MINISTER ON BEHALF OF THE PEOPLE OF GIBRALTAR."

The Secretary of State replied as follows:

"MY THANKS TO YOU AND YOUR COLLEAGUES FOR YOUR WARM MESSAGE OF CONTRATULATIONS ON LAST WEEK'S DECISION IN WESTMINSTER. THIS WAS A MAJOR STEP TOWARDS THE CREATION OF A MORE UNITED EUROPE, IN WHICH BOTH BRITAIN AND GIBRALTAR HAVE AN IMPORTANT PART TO PLAY. I AM GLAD WE HAVE BEEN ABLE TO LOOK AFTER YOUR INTERESTS. WE SHALL CONTINUE TO DO SO. I SHALL CERTAINLY CONVEY YOUR FEELINGS TO THE PRIME MINISTER."

It is not my intention in this statement to elaborate on the advantages of going into the Common Market with Britain except to state that the special economic position of Gibraltar has been taken into account and that therefore we shall not be subject to the Common External Tariff although in other respects Gibraltar will have to harmonise its laws as required by the Treaty of Rome. This House can expect legislation to this effect to be presented during the coming year. The general position of Gibraltar in the European Economic Community was explained to all members of the Legislature by Mr. Ford, a high official of the Foreign Office, in December 1970 and there was no disagreement with the general position that would follow if Britain joined. There has been no departure from that position and therefore the Government assumes that this House will unanimously welcome Britain joining the European Economic Community and also Gibraltar's own entry into the Community with Britain under Article 227(4) of the Treaty of Rome.

One of the objects of making this statement today is that I wish to place on record our feelings on this great issue. The meaning and significance of Britain's entry into Europe, and our own, are perhaps not universally recognised. Yet not only will Gibraltar immediately benefit from belonging to a larger unit but there are even greater advantages in the long term both for Gibraltar itself as a community and also, in a much wider context, for humanity as a whole.

The establishment of the European Economic Community is a step of immense historical importance and, seen against the background of the constant warfare in Europe over the last few centuries and more particularly of the last two wars which involved the whole world, a surprising step forward. If the United Nations have not yet succeeded in achieving the ideals of their Charter one reason surely is to be found in the fact that its member states are still too individualistic and too separated among themselves. It may be that, in time, those ideals will be achieved but, in the meantime and until greater world-wide unity is possible, every move towards a grouping of countries for economic or other cooperative purposes is a move towards that greater unity, world-wide cooperation and the abolition of war.

The Preamble to the Treaty of Rome states that the parties of the Treaty, and I quote now "Are determined to establish the foundations of an ever closer union among the European peoples; that they are resolved to ensure by common action the economic and social progress of their countries by eliminating the barriers which divide Europe, that they have affirmed as the essential objective of their efforts the constant improvement of the living and working conditions of their people s; that they have recognised that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition; that they are anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing

the differences existing between the various regions and the backwardness of the less favoured regions; that they desire to contribute, by means of a common commercial policy to the progressive abolition of restrictions on international trade; that they intend to confirm the solidarity which binds Europe and overseas countries and desire to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations, that they are resolved to strengthen the cause of peace and liberty by thus pooling their resources and calling upon the other peoples of Europe who share their ideal to join in their efforts; and that they have accordingly decided to create a European Economic Community.

By any standards the general objectives set out in this Preamble are inspiring. If the emphasis is on the development of economic activities it is because economic interest is one of the most powerful factors in international relations - either for division and conflict or, as in this case, for general cooperation and political unity - and also because from this basis of economics will inevitably flow the closer relations, in all other spheres, to which the Treaty itself refers.

The more detailed objectives of the Treaty of Rome are set out in Article 3. These include as well as the more specifically economic objectives, the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital; the adoption of a common policy in the spheres of agriculture and transport, the approximation of the laws of Member States to the extent required for the proper functioning of the Common Market; the creation of European Social Fund in order to improve the possibilities of employment for workers and to contribute to the raising of their standard of living; and the association of overseas countries and territories with a view to increasing trade and to promoting jointly economic and social development.

The tasks entrusted to the Community will be carried out by an Assembly, a Council, a Commission and a Court of Justice all of which are prescribed under the Treaty.

The cynic may regard the objectives of the Treaty of Rome with scorn. The idealist may regard them as the solution to all problems. This House would I think be failing in its appreciation of the great historical and human implications of the move to a more united Europe, retaining our ideals and implementing them realistically, if I were not, on behalf I hope of the whole House, to record our recognition of this process and express our warmest welcome and satisfaction.

HON. SIR JOSHUA HASSAN:

Mr Speaker, the Chief Minister is gradually becoming an expert in Europe. I was told in Belgium a few weeks ago there were only 3 or 4 people in the world who knew exactly the full implication of the Treaty of Rome. Perhaps in a short while the Chief Minister may be one of them.

We did have Mr. Ford here and we heard him and it was quite obvious whether one is overjoyed or one is just hopefully expectant about all the good things that will come about from Britain entering the Common Market, that there was no place for Gibraltar outside the Community if Britain enters. And indeed it has been very good to see that in respect of the other territories, who in this very House in the Regional Conference of the CPA had qualms about their position - the Isle of Man, Jersey and so on - Britain has been able to obtain very satisfactory conditions for them. This is in accordance with the principle which is always being established that Britain looks after the territories for which she is responsible, in the best way possible. On the other hand it was sad to be in the House of Commons the day before the last debate, when all the top people with the exception of the Prime Minister and the Leader of the Opposition - was on the Friday - and to see people so honestly and so sincerely divided on a matter of this importance. It is sad because it shows that there are people conscientiously on both sides of that House with certain doubts and that is why since we are in, and there is no question about it that we want to be in if Britain is in, we hope that it will bring all the benefits that one hears are likely to come. There would certainly be no future for Gibraltar to be out of it if Britain is there. So I do, subject of those remarks, which are not intended in any way to minimise the importance of the event but perhaps looking at it with a little more dispassion than it is looked at by other people, as in fact happened in England even to the extent of going the other way, we do adhere and welcome Britain's entry.

When the Chief Minister said we are to expect a lot of legislation I had to think quickly and find out what is going to happen in the legislation about which we hear so much is going to go into the House of Commons, and how long, whether it will be in time here for next year or not, having regard to the indications made. We shall certainly follow the pattern of the legislation that is required in England to the extent that it applies to Gibraltar and I know at least some people will have to do a lot of homework, not least of them those who earn their living by looking at law books.

HON. CHIEF MINISTER:

Mr. Speaker I am most grateful for the contribution of the Hon Member, the Leader of the Opposition, and I am so glad that although at the beginning there were thoughts of the merits and demerits of

of joining the Common Market, they now realise that the merits are much more favourable than the demerits. In fact he has gone to the extent of saying that there is no other way. Whilst I would not like to say that we are idealists, I can assure you that we are not enemies either in this House, and I am sure as far as I can see, that this House as we present the legislation - and I don't know exactly how much will be required for us to get through this House - the House will cooperate in getting it through in order that we keep in line with what is obviously, without any shadow of doubt, I have no doubt myself, is the right move. As far as Europe is concerned, that we should get together to become stronger, become more cooperative, pool our resources, and improve our conditions both as a standard of living in the prosperous sense and our security in the form of defence.

STATEMENT BY THE MINISTER FOR LABOUR & SOCIAL SECURITYCensus of Gibraltar 1970

Mr. Speaker this statement - and this is an afterthought - is not unrelated to what the Chief Minister has just said.

There are various reasons for making a statement on the Gibraltar Census to the House of Assembly. The first and obvious one is that the House voted funds sometime ago for the compilation of the Census and it is therefore right that the House should be informed officially of the result achieved. Members will also be interested to know how the information afforded by the Census dovetails into the various statistical exercises which have been authorised by the House from time to time or which already form part of Government procedure. Since there has been, in the last year, a sharp increase in Government's statistical activity, this statement might serve as an indication of the importance which members on this side of the House attach to the information which is coming to hand and to its relevance to the decision making process and the planning of economic and social policies.

Although it is not the purpose of this statement either to deal in a detailed fashion with the copious information available from the Census or to enter into controversy about the deductions of political import which undoubtedly can be made from it, I am sure that a brief mention of certain major facts would be welcomed by the House. Otherwise the intention is to indicate the usefulness of the document and to sketch out purposes to which the information can be put.

Before starting on any of this, however, I would like to express as Minister responsible for the Census, the Government's and no doubt the Opposition's appreciation of the first class job done by the Chief Statistician of the Overseas Development Administration, Mr. H. A. Fell also of course the Census Commissioner for the Gibraltar Census. More than just producing what I can confidently call one of the most comprehensive and thorough Censuses in Europe, Mr. Fell has contributed, from a vast reservoir of personal experience, to the establishing of an effective statistics organisation in Gibraltar. Without this organisation it would not have been possible to make use of so sophisticated a document. I would also like to take this opportunity of thanking Mr. Fell's staff, including our present statistician, his predecessor, the enumerators and coders, the Computer Centre in Norwich (where the information was processed), and very especially, the householders of Gibraltar on whose response the whole success of the operation was basically dependent.

The Census Report is divided into 4 sections: a. General, b. Demographic, c. Manpower and d. Housing. The first 2 sections mentioned

are those generally associated with the Census in Gibraltar, but it is the Manpower & Housing Tables (67 in all) which makes this Census so important in Gibraltar's present circumstances. In fact members will recall that it was agreed to advance the Census a year because manpower statistics were urgently needed, following the massive withdrawal of Spanish labour. Housing data is also of immediate interest because we suffer from a shortage of accommodation.

In general terms, the Census presents a picture of a healthy community (life expectancy of males 70.7 years & females 72.5), with a birth-rate of 14.2 per 1,000 population, a death rate of 9.6 giving a growth rate of 4.6 overall. The most recent figures for Malta, Spain and Portugal show a shorter life expectancy than Gibraltar. The figures also show, however, that Gibraltar's population is going through a period of change, in which a predominant factor is the increase in the number of resident foreign workers. The total number of workers from abroad in Gibraltar on the 5 October 1970 was 2,554, a figure that has increased since then, but which today still falls short, by some 30% of the number of workers from abroad in Gibraltar before the Spanish withdrawal. In this fact as in others it is encouraging to see how well the people of Gibraltar have adapted themselves to the worst of all Spanish restrictions.

By comparison with the Gibraltar of 10 years ago, the present community is bustling and active, the number of women in employment has increased from 499 in 1967 to 2,071 Gibraltarians, and this takes no account of other British female residents. Proportionally, twice as many pensioners work in Gibraltar compared with the UK: and we know from other sources that the number of unemployed is only about 20 on average. However, the stress and strain of modern living, it can be deduced, has come to Gibraltar of a sudden, yet if the indications provided by the Census which are supplemented and confirmed by other Government statistics, are to be believed, Gibraltar is a much more prosperous place for the vast majority of the people than it used to be.

As appendix 10 of the Census Report shows, however, whereas the level of economic activity of Gibraltarian men compares favourably with the UK, the economic activity of Gibraltarian women is some 30% below the United Kingdom figure. The Census shows that it is in the age range 45 to 60 that the difference is greatest.

Statistics, especially those relating to manpower, show that Gibraltar is at the crossroads between a developing and a developed community. The policies adopted by this House at this stage, whether it is on the control of labour from abroad, industrial training, productivity, employment of women and so on, will determine which path

is taken. Ideally we would all like to avoid the up-rooting which results from profound social changes; but it would be inconsistent and unrealistic to expect European social standards without at the same time accepting the challenge of increasing our economic activity, improving our method of production and creating by and large the sort of society which can keep pace with Europe. This is particularly the case in view of our imminent entry into the European Economic Community on which the Chief Minister has just addressed the House.

In a general way, the increase in the resident population shown by the Census, whatever its causes, and the knowledge that more goes on inside Gibraltar today than when the Spanish frontier was open provoke a number of thoughts: social problems - for example, the collection of refuse, a task made the more difficult as consumer spending and standards of living improve; then again, the provision of social services capable of dealing with a larger resident population. In this connection I should mention that we are already thinking of a comprehensive health service to keep pace with the Health Centre now being built at Casenates.

The Census also underlines our difficulties in the area of housing and accommodation. It is obvious that not only is there a need to build more and more flats for Gibraltarian families, but also to improve the facilities available in existing dwellings. Just over 4% of houses do not have flush toilets, 15.3% have no ~~po~~able water, 3.3% have no cooker or stove, 33% no bath or shower. The current development programme should go a long way towards alleviating the position. However, there is also the great difficulty of accommodating workers from abroad. And it would be well to realise that planned economic expansion is not possible unless there is, accompanying it, an expansion of the accommodation available for these workers, and eventually for their families. It is Government's policy to match manpower supply with manpower needs for reasons other than this one. But even if this were not so, it is clear from the Census that part-timers and persons doing 2 regular jobs are, especially in view of the accommodation situation, performing a very useful service. However, according to the Census only 5.82% of the working population have 2 or more regular jobs. Other Government sources show up a higher figure (about 10%), but this is not far different from UK standards. In this respect the epithet "the 2 job society" is not deserved and serves only to strengthen the case of those who would import labour willy-nilly. (Tapping on table) To sum up the manpower statistics, the labour force consists of Gibraltarians (66%) ~~Other British~~ (12%) and non-British (22%). This shows that our dependence on foreign labour is substantially less than it used to be, but quite considerable as regards our unskilled men and particular trades.

The Census is rich in information about industry and occupation . It would be quite possible to talk for a very long time on the details. On this occasion it is enough to say that the exact requirements for each occupation in any industry can now be planned, which will be of immense benefit to the Government's programme of Industrial Training. Not only do we know how many people are working in every single occupation but also their nationality, educational level and academic qualifications. We also know the size of the work forces employed in each industry. This together with other information available to the Government will enable us to judge the moneymaking and money-earning industries; to what degree Gibraltar is dependent on "defence spending" and on "tourism".

The Census is the corner stone on which to build an economic picture, which will include accurate figures for the following things: Gross National Product, per capital income, per capital disposable income and National Accounts in general. The regular Employment Surveys (which provide average figures on earnings, hours, overtime, part-time employment); the housing surveys, especially those carried out in connection with the proposed Viaduct housing development; the tourism statistics and those on trade; the special surveys, especially those carried out in key areas like the Hotel & Catering Trade or the Retail & Distributive Trade; the Statistics Ordinance, which provides the legal framework for these activities; and above all the Government Statistics Office are all part of a general effort to provide Gibraltar with first class information on which to base discussion, planning and decisions.

The worst thing that could happen to the Census is that it should be forgotten. A concerted effort is therefore being made to "sell" the wealth of material available, to individuals, organisations and institutions responsible for the running of the community. It is earnestly hoped that Hon. Members, the information media, management both in the Private and the Public Sectors and Unions will use the facts that will become available, so that statistics can become household words and part of the language of politics. (Tapping on table)

STATEMENT BY THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Progress Report on the Government Productivity
and Training Unit.

Mr. Speaker: on June 3rd the House voted the sum of £11,820 in Supplementary Estimates for the purpose of setting up a Government Productivity & Training Unit, which, as I explained at the time, was essential if the Government policy of improving the productivity and efficiency of Government Services in the first place and the community's by extension were to stand a chance of success. Whilst welcoming the proposal and indeed helping to provide the funds, Hon Members opposite were anxious to see that the Unit would be effective. The suggestion was made that the House should be informed of progress within six months of that date. In the absence of a question on the subject to-day, I have thought it appropriate to make a fairly comprehensive statement of the Unit's activity in the last 6 months.

By way of introduction, may I remind the House, that roughly speaking, the Unit has the following main branches; Organisation & Methods, Civil Service training, Work Study and Industrial Training - all working to the Productivity and Training Manager. In view of the time required to recruit and train local officers in very new techniques, an organisation and methods Consultant was engaged from Coventry Management Consultants for a period of 5 months: the same was the case in the Industrial Training Branch, where an Industrial Training Officer from UK was engaged for 6 months. This statement is concerned with the work of the Unit as a whole including the 2 Consultants who for the period in Gibraltar worked within the Unit.

May I also remind the House that, as stated by the Chief Minister at the time of the Second Marsh Report (Re-structuring), productivity was on the move even before the Unit came into existence. Among the Agreements concluded during this period were those for Messengers at Secretariat, Postmen, Porters in the Medical Department, Prison Officers, Street Sweepers/Flushers and Refuse Destructor Personnel. Payment by result schemes for Government clericals were initiated and generally speaking the idea of productivity agreements had not only taken root but was beginning to show results. The Marsh III Report (productivity agreements) was published in January and it is this document that provides the guide-lines within which the Unit will be able to consolidate on what had already been done and move out in different directions.

Though productivity agreements are an important means of bringing about greater efficiency, it should be realised that training, re-organisation

by management, and the adoption of new methods to meet new circumstances are often equally effective and perhaps more enduring. The Unit is concerned with all of these and because methods are now co-ordinated and systematic I am confident of the Unit's eventual success. I am under no illusions myself that the Unit's task is an easy one - there is no magic formula. At the same time I have heard no argument against the desirability of increasing our efficiency or against the method the Government has chosen to do it.

May I first deal with the recruitment and training of the Productivity and Training Unit Staff (I now refer to Gibraltar officers).

1. The Construction Training Officer has attended a five weeks Training Officers Course at Portsmouth Polytechnic suitable to his duties.
2. The Civil Service Training Officer has already attended an Instructional Technique Course organised by the Ministry of Defence (Civilian Training) which has provided him with modern instructional techniques to enable him to lecture to a wide variety of Civil Service Grades mainly the Clerical and Secretarial.
3. The Industrial Training Officer has attended a 2 weeks Instructors Course run by the Hotel and Catering Industry Training Board at Coventry. He is at present at Slough College of Technology on a 7 weeks' Training Officers Course which will enable him to tackle a wide variety of training situations.
4. The Organisation and Methods Officer has attended a course on job evaluation techniques at the Coventry & District Engineering Employers Association Management Centre. He is at present on a 3 week's O & M Course at the same establishment.
5. The Work Study Officer has not yet been sent for training as it is advisable to await the arrival in Gibraltar of the Senior Work Study and the Work Study Officers recruited in the UK to assist us during the interim period. It is anticipated that his training will in fact take place in the Spring of 1972 when he will do a Work Study Practitioner's Course.

During the induction and pre-training period the following work has been carried out -

WORK STUDY:

- (a) Preliminary report on the transport of the Public Works Department.
- (b) Preparation of existing organisational Charts for Industrial and non-industrial grades in major Government Departments.

- (c) Survey of furniture at Secretariat with a view to improving standards.

The following exercises are well under way:

- (a) Possible productivity agreements for grave diggers.
- (b) Investigation of time keeping procedures for industrial grades in Public Works Department.
- (c) The introduction of more efficient ways in the maintenance of street lighting.
- (d) The reducing of labour content in the laying of electrical cables.

ORGANISATION AND METHODS:

The Organisation and Methods Consultant, Mr. F. G. Streets, has during his 5 months in Gibraltar carried out the following valuable work:

- (a) Job Evaluation of the Titular Grade.
 - (b) Investigation of productivity agreements for Refuse Collectors.
 - (c) Review of the Clerical Grades covering all Government Departments.
- The Trainee Organisation and Methods Officer who joined the Unit on October 6 has carried out an exercise on "The Renewal Procedure of Work Permits for Labour from Abroad in the Department of Labour and Social Security".

INDUSTRIAL TRAINING:

The Industrial Training Consultant, Mr. D. C. Nott, completed, before he left in October, a Manpower Survey of the Hotel and Catering Industry together with a survey of training needs in that industry. His Report, which is excellent, has been presented to the Industrial Training Board and is at present being considered by the Hotel Association. All indications show that, subject to minor amendments, the recommendations made are realistic and generally acceptable by the bodies mentioned. The Industrial Training Consultant also prepared a preliminary survey of training needs in the Retail Distributive Trade. The local Industrial Training Officer who joined the Unit on September 17 is at present carrying out a survey of training needs at Crafts and Operator level in the Motor Trade in Gibraltar as part of his training.

The Construction Training Officer will shortly be commencing a survey on the needs of the private sector of the Construction Industry. This is of course additional to his normal duties as a Training Officer at Landport.

Subject to approval by the Industrial Training Board surveys on training requirements on the following industries are contemplated:

Servicing and maintenance of electrical, mechanical
and domestic appliances;

Printing and type-setting;

Ship repair;

Wholesale and importing trade.

CIVIL SERVICE TRAINING:

The Civil Service Training Officer who was appointed on 28 June has carried out an examination of the training needs of the Service with the help of the Establishment Officer and Heads of Departments. A comprehensive series of courses for all grades has been programmed, training material prepared, a good lecture room provided and I am glad to report that formal training started on 15 November with a course for Stenographers and Typists.

Considering the difficulties involved in starting from scratch, I am very well satisfied with what has so far been done. The more difficult task of implementation of many of these schemes remains. Implementation cannot be rushed both because these matters are complex and because at all times we are dealing with the human element.

In ending, may I return to the subject of Productivity Agreements. May I first welcome the announcement that the Department of the Environment has submitted a comprehensive Productivity Agreement for their employees to the Union. In the case of Gibraltar Government the difficulties of drawing up comprehensive agreements are great, given the very wide variety of activity carried out by the different Government Departments. The Productivity and Training Unit as a whole has been heavily involved in consultation with Heads of Departments in order to draw up proposals for agreements suitable to the Government as an Employer and to Unions and Associations. The intention is to include as many employees in any one agreement as is compatible with their functions. Being aware however, of the difficulties that would be created by too piece-meal an introduction of these agreements the Unit is endeavouring to find as much common ground between individual Government Departments of different disciplines as possible. I can assure the House that steady and definite progress is being made towards the objective i.e. productivity agreements, set out in the 3rd Marsh Report which in principle is accepted by Government. (Tapping on the table)

HON. A. P. MONTEGRIFFO:

Mr. Speaker, there are a few points I would like to ask the Minister. I think he cited various examples of productivity agreements already reached. Can the Minister say, in the case for example of Porters and Flushers, whether this has brought about greater efficiency like for example, cleaner streets and in the other case whether the hospital today is better manned with a lesser number of porters?

HON. M. XIBERRAS:

Sir, some of the productivity agreements are, of course, forced on one by circumstance. For example, the question of sweepers becoming flushers also. I remember that at one time - my Hon. Friend on my left, Mr. Caruana will correct me if I am wrong - there were about four flushers available to the Government. Obviously in this case, where the productivity agreement is £2 a week, this is of benefit both to the workmen concerned and to the Government. I would say that by and large this productivity agreement, which has just been reviewed, has proved satisfactory. In the case of the hospital, again I have heard no adverse report about this agreement. If I may take a case in point where one has to review the agreement every time, it is the case of Prison Officers, who on average get something like £3.15 or so a week, on a productivity agreement, and though efforts have been made to recruit staff to look after the higher prison population, this has not proved possible. In this case we are constantly looking at the situation to ensure that the productivity agreement does not run away with us. In other words, that we have enough staff to man the prison whatever increased earnings may have resulted had we not taken on increased staff. Again in the prison it is on the borderline, I would say, from bringing about too much of a strain on the staff involved. However, the strain is not a consistent one, the numbers drop after a couple of weeks, and then one has to look at the situation again.

So by and large my answer to the Hon. Member is that I have had no complaint from Heads of Department that they could get extra staff but that they were not doing so because of the existence of a productivity agreement. Furthermore in all cases the Government has saved some money and in all cases obviously the workmen have got substantial increases in pay.

HON. A. P. MONTEGRIFFO:

But we must not of course forget the efficient running of any service.

The other question is a more disturbing one. We have heard about the productivity agreement for cemetery diggers and I would like to ask

the Government whether this is due to the fact that they want to dispose of us quicker? (Laughter)

HON. M. XIBERRAS:

If the Honourable Member listened to my statement on the Census, he should have no fear that there is over productivity in that direction.

STATEMENT BY THE MINISTER FOR LABOUR & SOCIAL SECURITY

Supplementary Benefits Scheme

Sir, mercifully this is a much briefer statement, (Laughter) and has to do with Supplementary Benefits.

Sir, on Thursday 22 July, I informed the House of the substantial increases it was proposed to introduce in the rates of Supplementary Benefits. On that occasion I limited myself to describing the main increases proposed but I also stated as follows:-

"Since the level of Supplementary Benefits has risen very considerably over a fairly short period of time, it has been decided to carry out a full review of the Supplementary Benefit Scheme itself in order to bring all **its** aspects up to date."

I am glad to say that this has now been done, and since the Supplementary Benefits Scheme is not statutory, I thought it would be of interest to the House and to the general public if I now outlined the principal amendments made to the scheme.

The increases are as follows:

The allowance for a blind applicant has been increased from 40 pence to 60 pence and for the partially sighted from 20 pence to 30 pence. A similar increase as for the blind has been introduced for applicants suffering from tuberculosis of the chest.

The maximum rent allowance has been increased from 50 pence to £1 and other discretionary allowances have been dealt with as follows: the allowance for extra nourishment has been left at 25 pence but with discretion to pay up to 50 pence in special cases; domestic assistance allowance has been increased from 25 pence to 50 pence but the discretion to increase has been raised from 50 pence to £1; the allowances for bed-ridden applicants has been left at 25 pence but again discretion is now given to pay up to 50 pence; the long term allowance, for persons living on their own has been increased from 15 pence to 20 pence.

Turning now to the income to be regarded when assessing applications:

In the case of blind applicants the first £3 of any earnings are now disregarded and any excess over the £3 is deducted from the assessment; previously as much as 3/4 of all earnings

in excess of 50 pence were regarded for assessment purposes. A similar advantage has been given to all other applicants who are now allowed the first £2 of their earnings instead of regarding $3/4$ of the excess over 25 pence.

When considering savings, investments, gratuities and other capital assets held by an applicant, the amount which is allowed without abatement of Benefit has been increased from £200 to £400. And the ceiling of such assets which debars the applicant from Benefit altogether has been raised from £400 to £600. (Tapping on the table) Still speaking of assets, the rate at which these are run down for the purpose of subsequent assessments has been doubled, to the advantage of the applicant.

Complicated though the foregoing may sound, the practical advantages of those changes can be seen from the fact that whereas in 1969 the maximum entitlement of any family on Supplementary Benefit was £6, today it is £10. (Hear, hear) This answers a question raised by the Hon. A. P. Montegriffo at the time when I announced the impending increases in the main rates of benefit under the scheme. I should add that once the amended scheme had been drawn up in my Department, I discussed it with Hon Member opposite who agreed generally with it and indeed was good enough to suggest one further amendment to clarify a particular point.

One further amendment which has since been decided upon and approved for implementation concerns those recipients of Supplementary Benefit who are also drawing small pensions from the official employers. As the Scheme stood, any increases in the superannuation pension was deducted from the supplementary benefit payable, so that in effect the persons concerned were not better off at all. What is therefore being done is that - at least for so long as the present rates of Benefit remain unchanged - only half of any increase in service pension will be regarded as income to be set off against the Supplementary Benefit entitlement. Both the increases I announced on 22 July and the improvements which I have just dealt with have in fact been in operation since 1 October 1971. This rounds off the series of increases which the Government has introduced over the last 2 years in Supplementary Benefits and I am glad to say that public reaction to them has been very good. (Tapping on the table)

HON. A. P. MONTEGRIFFO:

Mr. Speaker, this has a relevance to something that happened previously in this House, and I don't want to create more controversy but I must say that I have at all times been kept in the picture. I was even informed beforehand about the latest amendment which the Minister has announced today and for that I am very grateful both to him in particular, and to his department. I am sure that if we had more of these exercises, instead of a lot of bickering - I think the word bickering was mentioned before - we would all be able to make some sort of contribution at a stage when it is less *kujekt* to take any entrenched positions.

Another point I would like to ask about, and it escaped my mind when I was given the figures, is that the amount to be disregarded only applied to Service Pensions, apart from other things, but not to pensions which are drawn from the Social Insurance. Am I right? That any pension of Social Insurance will not have the amount disregarded?

HON. M. XIBERRAS:

Sir, if I may comment on the second point first. The House heard from me on another occasion that the question of contributory pension is one which is subject to actuarial review. The question is being very actively considered by my department and I hope that in due course I shall be able to bring proposals to the House. However, this particular amendment concerns Official Department Pensions, that is Gibraltar Government, Department of the Environment and the Ministry of Defence because these increases have either taken place or will take place after today. Therefore, we have included only these in the amendment and we have said: "for as long as the supplementary benefit scheme continues".

The point about this is, that even though one looks sympathetically at the case which I mentioned of a man losing the increase in this superannuation Pension when he really needs it, i.e. when he is on supplementary benefit, one must be completely sure not to be unfair on other applicants who may be just over the qualifying line and therefore are not eligible for any supplementary benefits at all. We have examined these cases and about 17 cases might be involved in this sort of situation. We have therefore, decided to make this adjustment on humanitarian grounds to the people involved i.e. the Pensioners of Official Employers.

The Contributory Pensions, of course, we will have to talk about when these are amended. I don't think a similar problem arises. I would not say however that it is a principle that is capable of being extended too far.

HON. A. P. MONTEGRIFFO:

I appreciate the difficulty that might be involved if you tried to apply to all. But would we not get a case, or cases, where people are drawing a pension from the Social Insurance of £3.50 if I am right, or £3.35 for a married couple, who are not getting much more from public assistance, or getting less than a man who may be drawing £4 a week from a Service Pension, and because the first £2 have been disregarded, he might be better off than the other one?

HON. M. XIBERRAS:

Sir, this might well be the case, and I emphasised that the motive behind this amendment was that of not appearing to be unfair to people who had just received an increase. The person on Contributory Pensions knows what his increase has been. If I may quote a case which has a bearing on this. The case of four elderly persons on Supplementary Benefits; three of them unemployed and overaged; one of them overaged but employed as a Shop Assistant. The Shop Assistants get an increase in wages and all four have their entitlement reduced because the increase in wages has taken place for one of them. This is perfectly within the law, but it just strikes the people who are involved, because they are on Supplementary Benefits, as unfair, because they are expecting an increase and they get absolutely nothing. Even so, the amendment, I stress, is not to my mind, one capable of very broad application. The increase which is actually given to the person is 50% of the increase in fact that he has got from his superannuation Pension, so, therefore, even though one could perhaps pick legal holes in this, this is not a statutory scheme and therefore we feel that on humanitarian grounds there is some sort of justification for pushing this forward.

HON. A. P. MONTEGRIFFO:

Thank you.

MOTIONS

1. Conferment of the Honorary Freedom of the City on the Corps of Royal Engineers.

HON. CHIEF MINISTER:

Sir, I have the honour to move the motion standing in my name which is:

"That the Honorary Freedom of the City of Gibraltar should be conferred upon the Corps of Royal Engineers on the occasion of the 200th Anniversary of the raising in Gibraltar of the first Soldier Artificer Company as a Regimental Unit in the British Army; in recognition of the long and close association between the Corps of Royal Engineers and Gibraltar; and as an expression of the gratitude of the people of Gibraltar for the valuable assistance which the Corps of Royal Engineers have at all times rendered to the City of Gibraltar."

(Tapping on table)

Gibraltar is a monumental landmark in the Regimental History of the Corps of Royal Engineers. It was here in Gibraltar that on the 6th March 1772, now nearly two centuries ago, the first company of Soldier Artificers was created by Royal Warrant. Major General W Potter in his history of the Corps of Royal Engineers, Vol.2 Chapter 3 page 132 states:

"The origin of the Companies of Royal Engineers is to be traced to the Corps of Military Artificers created at Gibraltar. Prior to that year the extensive works required to place the fortress in a state of defence had been carried out, partly by artificers and labourers furnished from workmen sent expressly from England or hired on the spot."

These facts are also established by original documents in our Government such as the proposal for raising a company of Soldier Artificers made by the then Governor and Commander in Chief of Gibraltar General Cornwallis, signed at Gibraltar on the 18th May 1771 at the suggestion of Lt. Col. W. Green, who became the first Commanding Officer of the Company. Copies of this will be presented to the Corps of Royal Engineers on the day of the bicentenary.

One argument in favour of forming such a contingent of artificers was that consequently as the Governor stated in his proposal, a saving would arise of £920.0.9½d. per annum; two additional artificers employed and a military re-enforcement of 69 men to strengthen the

Garrison. The other argument was that civilians were not subject to discipline and soldiers from other Regiments on secondment soon became less disciplined. This is why in his recommendations the Governor pointed out:

"The Company would be sufficient without demanding any extraordinary artificers from the Regiment in garrison which is usually thought by their officers to be an obstruction to their constant discipline."

As to the civilian artificers as far back as 10th November 1766 there is a communication to the Marquis of Granville whether artificers were under Military discipline and liable to be tried by the Articles of War. The letter continues:

"It remains a doubt how far the members of a Court Martial would act legally in proceeding against these artificers in case they should be guilty of Mutiny".

Clearly the primary object was to regiment these artificers under Engineer Officers. This is why the Governor, advised by Lt. Col. Green the Chief Engineer, suggested in his proposals:

"the clothing of the company to be conformable to the Engineer Uniform and to be armed with corbine, bayonet and cartouche box like the Royal Artillery; the company to consist of one Sergeant Major, three Sergeants, three Corporals, 60 privates, who would be stone cutters, masons, miners, limeburners, carpenters, smiths, gardeners, wheelers and coopers." Soon the establishment was increased and in its ranks were some Gibraltarians, amongst them: Corporal Antonio Francia, and Privates Domingo Francia, Alexander Fullerton and Nicholas Garcia and others, who served during the Great Siege. The friendly association of Gibraltar and the Gibraltarian with the Corps of Royal Engineers started over two centuries ago.

Major General W. Potter stresses this by quoting the following from Thomas W B Conelly, a Quartermaster Sergeant of the Corps, who published a History of the Corps in 1855. It states: "At the Fortress the company were much esteemed for their good conduct and ability and the best understanding existed between them and the inhabitants, this feeling of respect was particularly shown by the Jews, who desired to express it in a manner that would be more convincing than a mere verbal assurance. On the new clothing arriving at the Rock, the Jews regarding the alteration with satisfaction, agreed amongst themselves to provide for the Companies as a mark of their esteem, whatever gold lace might be required for the clothing, free of cost, to be worn in place of the yellow tape. But it need hardly be mentioned that the desired deviations of this kind from the established pattern of the Corps could not be permitted.

However, the Government intends, if the House passes this resolution, to mark the conferment of the Freedom of the City by presenting every Sapper in Gibraltar on that day, with a medallion suitably designed and inscribed. We are planning to do this, if the House agrees, on the 6th March when the Corps will be celebrating the formation of the Company of Artificers. (Tapping on the table)

Since Gibraltar became British the Corps of Royal Engineers have played a leading part in constructing, repairing, improving and maintaining the defences. And all through this period there has been close contact, in one way or another, with the people of Gibraltar. A number of Gibraltarians have served in the Corps in peace and in war, both in the past and today. The list of work carried out by them is so long and the work so continuous, that it would be an endless task to list them. However, there are some of particular interest that should be recorded, such as King's Bastion, which was their first major work, with 30 cannons and howitzers and a Casemates accommodating 600 men. But what is most striking is the Galleries, devised and carried out by Sergeant Major Ince, a feat of engineering that is now a major touristic attraction. Their tunnelling ability was put to good use at the beginning of the last war and as a result Gibraltar has 35 miles of road inside the Rock. Some of these tunnels, such as Dudley Ward Way, connecting Sandy Bay with Europa and Keightley Way, joining Europa to Rosia Bay, are in fact new roads used by Services and civilians. They undertook the difficult task of building roads on the Upper Rock which have become so important for recreational purposes since the closure of the Spanish frontier. They also built the airfield from the rubble blasted out of the tunnels, which provided Gibraltar with an airfield which enables us to have air communications with the rest of the world. Gibraltarians, both as civilians and as members of the forces, worked side by side with the Royal Engineers on these two major projects. I think it should also be mentioned that some of the finest buildings in Gibraltar, such as the Anglican Cathedral and the Garrison Library, were built by them.

In all this, in one way or another, the people of Gibraltar have been connected with the Royal Engineers, first as civilian Artificers, then as Soldiers in the first Company of Artificers and after that by working as civilians with the Corps of Royal Engineers until they were transferred to the Department of the Environment, when the latter took over the works and maintenance responsibilities.

The Royal Engineers have also participated in our Municipal affairs, first by serving on the Board of Sanitary Commissioners since 1891 and subsequently, for many years in the City Council, where their representative always offered maximum cooperation. Also for many years up to

1900 the Chief Engineer was Engineer to the Civil Government.

This help and cooperation continues by means of the First Fortress Squadron who is in liaison with the Department of Public Works, which plans and carries out with, troops of the Field Squadron posted in turn to Gibraltar, schemes of great benefit to the people of Gibraltar.

These Field Squadrons have completed more than 100 projects and in this way have assisted the development of tourism and helped us to combat the effects of the Spanish restrictions. Amongst these tasks are included Beaver Promenade at Catalan Bay, Mount Misery Lookout, Keys Promenade at Camp Bay, a Car Park at Zoca Flank, Europa Promenade and the resurfacing and reconstruction of the Victoria Stadium, which now provides such an excellent venue for our much needed sporting activities. (Tapping on the table) At present they are busy constructing a by-pass road and bridge at Europa, which will include an extension to the Europa Promenade.

As can be appreciated, for over two centuries our close connection and happy association with the Corps of Royal Engineers are historical and personal. Our debt for the part they have played in the defence of our homeland is great, and our deep affection and admiration for this Corps of inestimable heroism and ingenuity in war, and for their useful contribution to the civil community in peace, are immeasurable. It is thus a very special pleasure and an exceptional honour to grant to the Corps of Royal Engineers, as a sign of gratitude and friendship, the Freedom of the City of Gibraltar, which I am sure will be unanimously resolved by this House today and particularly welcomed by all the people of Gibraltar. (Tapping on the table)

Before putting the question Mr. Speaker invited discussion on the motion.

Hon.
Sir Joshua
Hassan

Mr. Speaker it is pleasant from time to time to be able to leave aside our bickering, from such things as our questions and our answers, and be able to unite in something on which we all feel the same. I would like very much, on behalf of the Opposition, to associate ourselves with what the Chief Minister has said in moving the motion. I have not had a historian at my elbow preparing my stuff, I have had to do it and my friend on my left has done a little for me. There is very little that I can add to the beginnings of the history as detailed in the lucid speech of the Chief Minister, but perhaps a few random thoughts to emphasize the association, for example the reminders and the links around us. The obvious ones are Engineer Lane, Engineer Road, Engineer House, and Engineer Battery, which is located in the south end of the Dockyard. There are other reminders which are not so obvious: Green Lodge Battery, named after Lt. Col. Green the originator of the idea of the Soldier Artificer Company to which the Chief Minister has referred. He was the Chief Engineer in Gibraltar during the Great Siege 1779-83 and later became Chief Royal Engineer of England; Harding's Battery at Europa Flat was named after Sir George Harding who was Chief Engineer here in 1844; Lewis Battery on Queen's Road by Bruce's farm, was named after Griffith Lewis, a Sapper Officer in 1811; and to come to more recent time, we have Hay's Level named after Captain Hay who served here in the middle 1920's and who will be remembered by some of our older citizens, since he was a great horseman and a winner of many races at North Front Race Course. I hope future generations will remember us poor politicians as much as they have remembered the Royal Engineers.

The Chief Minister has mentioned King's Bastion and in fact this is perhaps their monument because in fact it is the one that one sees most. I remember at one time when in their wisdom the then War Department told the City Council that either the King's Bastion was purchased or we would have to leave with all our generating gear and I said "Well, alright, give us notice to quit and we'll see what we'll do with all the machinery." There is another very important one too; Orange Bastion and Montagu Bastion which we see every day, and these stand as a permanent reminder of their skill, for despite their age and the sieges they have undergone they show hardly any trace of wear or damage. The Services will be celebrating Sortie Day on the 27th November, and it is recorded that two officers, 12 non-commissioned officers and 40 privates of the Soldier Artificer Company were included

in the Right and Centre columns of the Great Sortie Party, to carry out dismantling of the Spanish works. Later, and using the phraseology used in the record: "The number of the Soldier Artificers attached to the Sortie, whose ardour and labour were everywhere apparent being both inconsiderable and insufficient to effect the demolition with the expeditious required, the Governor sent back to the Garrison for the remainder of the Company to come and assist in the operation". I think there can be no doubt that the various Gibraltarian Members of the Company were directly and actively involved in this most famous of Sorties.

The Chief Minister has mentioned the contribution of the Royal Engineers in the Municipality. I would like to say a few words on that from the practical experience of having had all the Chief Royal Engineers in the Council as Councillors from 1945 to the time when the last Commander Royal Engineer left Gibraltar, I think he was Col. Collins, I forget now, but I can bear witness from personal experience that they were the most helpful members of the Council and they contributed greatly. I remember Col. Colville, who carried out a special survey of cycles of rainy and non-rainy seasons. He had a theory that he thought he could anticipate how the cycles of rain would come: sometimes he was right.

Mr. Speaker, the robes you wear in your capacity as Mayor bear the colours of the Royal Engineers. These were included when the robes were designed; the blue representing the navy. You will see the colour below the golden ribbon and when the robes were designed it was considered that this would be a particular tribute on the part of the Municipality to the Royal Engineers for their contribution. In fact, at some stage the Chief Royal Engineer was the Chairman of the Sanitary Commissioners, particularly when there was some difficulty with the composition of it. They were very much involved and they did contribute greatly to the work required by the Municipality at the time of the Sanitary Commissioners and later as the City Council. In fact one very distinguished Councillor, who later became C.I.G.S. Gen. Brownjohn, will I am sure see many friends when he comes here to visit Gibraltar on the occasion of the Bicentenary, since he made a very direct contribution to the work of the Municipality. It is also clear, Sir, that even in those far off days, the forefathers of the Royal Engineers were doing invaluable work for the Community of Gibraltar, which was as appreciated then by our forefathers as is this generation of Royal Engineers by us. I therefore think that it is fitting that on their Bicentenary,

an event which I know they were looking forward to for many years ago - 8 or 10 years ago they were thinking of 1972 as a great year in their history - we shall be able to confer on them this Freedom which they have so rightly earned since they have made a contribution to Gibraltar being free today. (Tapping on the table)

Hon. P.

J. Isola

Mr. Speaker, Sir, it is indeed pleasing to speak on a motion that rouses such warm feelings among the members of this House, and such warm memories from us all. It must of course be particularly pleasing for you to see that this House is so richly endowed with historians and I would like to add my own little bit of the history of Gibraltar, and the connection of the Royal Engineers with it, in supporting this motion.

Although it was not until 1856 that the Royal Engineers were so called, it is quite clear that they had made their name, and their fame was well established, long before that date, and I am sure that they must look with pride at their historical association with Gibraltar and more particularly with the Great Siege of Gibraltar, which came only some 7 years after the first Soldier Artificer Company had been created by Royal Warrant. There are two points about the Great Siege which make the contribution of the Royal Engineers to the defence of Gibraltar such an outstanding one, and which struck me as being remarkable when I read McGuffie's "the Siege of Gibraltar" some time ago and which left an impression of their contribution so firmly in my mind. The House may not know that at the time of the Great Siege desertions from the Army were common, not just on the British side but also on the side of those laying siege to Gibraltar, and I think it is very interesting to note that of all the Regiments in Gibraltar, and of all the military personnel in Gibraltar, the only group that could boast that they had had not one single desertion during the Great Siege was in fact the Soldier Artificer Company (tapping on table) So Honourable Members may have no fears about the present position of Gibraltar. But a certainly remarkable fact about the Soldier Artificer Company, as it then was and as it struck me, was that in 1782, only 10 years after they had been formed, when their numbers were down to 92 - I may have that slightly wrong, Mr. Speaker, I think it was 92 and an appeal was made for recruits in England and in Gibraltar, their fame had gone so far and wide, and their achievement and the work they have done in making Gibraltar a Fortress was so well known, that Tradesmen from all parts of England, who had jobs and security and peace in their country, flocked to join the Soldier

Artificer Company, so that within a matter of months the numbers in Gibraltar had swelled to 244. When one looks back to 1782, when I believe even the dogs were not safe in the streets of Gibraltar, I think it is a truly remarkable achievement that a Regiment so young, a company so young, should have aroused such emotions in people that they should have left their jobs, or left their countries, to join up in a place such as Gibraltar then was. I think that that spirit and that feeling of the Royal Engineers - they were not the Royal Engineers then - that spirit that was in them has permeated throughout the 200 years of history and connections with Gibraltar.

Sir, before the Soldier Artificer Company was formed, and this is something that is worth reflecting on, the engineering workmen for the Rock, as the Honourable Chief Minister has said, were recruited from civilian mechanics and these were the people that were recruited then to do work for the Military Power. They were paid by the hour; they were not amenable to Army discipline; and they were free to leave the Rock and their labours - this was in the beginning, just before they were formed. Let us reflect on what the position is 200 years later - this is regarding Gibraltar of course. Now they are soldiers; very good soldiers; paid by the week; very much subject to the Army

Act; they are not free to leave the Rock or their labours, and now they are employed in Gibraltar mainly doing work for the Civilian Power. This shows in my view, and I am sure the House will agree, a remarkable versatility in the Corps of Royal Engineers.

Sir, in war the Royal Engineers made Gibraltar impregnable as a Fortress; in peace they have made the people of Gibraltar impregnable against outside pressures (tapping on the table). This to my mind is the extent of their achievement in Gibraltar. I think we are all proud to be associated with them today; we are proud to have been associated with them so closely over the last 200 years; and we serve this feeling of the people of Gibraltar, this feeling, this appreciation, for granting the Royal Engineers the Freedom of the City. This first came out, I think, in the Vox newspaper, which carried out a very determined campaign to secure, on behalf of the people of Gibraltar, the Freedom of the City for the Corps of Royal Engineers. I say this thing so much that I thought they had already been granted it until I got the notice of motion. I'm very glad to see that this House - which not often agrees with that particular newspaper - does so in this particular

matter, and I am sure the whole of the people of Gibraltar would wish the Royal Engineers to know that in conferring the Freedom of the City of Gibraltar on them they are only doing what they feel is right, they are only doing and recognising that very great historical connection between the people of Gibraltar and the Royal Engineers, and the very great debt that the people of Gibraltar, today more particularly owe to the Royal Engineers for the way in which they have helped to secure for the civilian population of Gibraltar the right to live a comfortable and decent democratic life in free Gibraltar. I thank you, Sir.

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

The motion was accordingly carried.

Recess:

The House recessed at 9.20 p.m. and resumed at 10.08 p.m.

(a) Supplementary Estimates No.3 of 1971/72.

Hon. Financial and Development Secretary. Sir, I have the honour to move that this House resolves itself into Committee to consider Supplementary Estimates No.3 of 1971-72 in detail.

Head IV Education

Hon. Fin. and Dev. Sec. Sir, I gave notice that I would be moving an amendment to the motion on the Supplementary Estimates, and I now move that after Head IV Education, Sub-Head 1 Personal Emoluments, be added: "(1) Director of Education 2750 - 184 - 184 Increase in salary of the post from £2750 to £3300 per annum. Provision for four months."

Sir the Government attempts if at all possible

Mr. Speaker This is exclusively now an amendment to the estimates.

Hon. Fin. and Dev. Sec. That is what I am trying to explain, Sir. The Government attempts if at all possible, not to disturb salary levels inbetween general salary revisions, and it was on this sound principle that an attempt was made to recruit a Director of Education with the necessary qualifications to plan and introduce comprehensive education, at the salary laid down for that post at the last review. In fact, as I said in reply to a question before, a suitable candidate did apply and his selection was approved, but he subsequently reluctantly withdrew his application as he could not obtain a secondment and thereby secure his pension rights. It was then decided that a higher salary should be offered, and this was done on the basis that the Director of Education, at this particular stage, would in addition to the normal administrative and financial responsibility of a Head of Department, have special responsibility for the planning and introduction of Comprehensive education in Gibraltar. The

approval of the House for the increase in salary is therefore being sought in these proceedings.

Mr. Speaker I now propose the amendment in the terms proposed by the Financial and Development Secretary.

Hon. M.K. Featherstone.

Sir, on this side we would support this. This is now getting nearer to what we were advocating quite a long time ago. The only thing is, I should imagine, Sir, that provision would only be needed for three months, if they are not interviewing till December.

Hon. Fin. and Dev. Sec.

That we shall have to see!! (laughter)

The amendment was agreed to.

Head V Electricity Undertakings

Hon. Sir Joshua Hassan

I am very glad that it is intended to revert to the practice of having a Deputy, which I believe was stopped after the Undertaking was taken under the wing of the Government. It is coming back to what it was before.

Hon. Chief Minister

With all due respects, Mr. Speaker, I do not think this is new at all. What I believe we have done is to raise the salary. Is that not right?

Hon. Fin. and Dev. Sec.

If I remember rightly, I think there was a reorganisation of this Department, even before the merger - At least so I was told - and representations were made for the creation of a post - I am talking from memory now, but I think it was an Administrative Assistant and a Special Grade clerk, or something. Representations were made that the post should be created and it was provided for at £2300. Then it was discovered that the difference between the next more junior officer, once you took into account on-call allowances and over-time, was so near the £2,300 that you had to allow for an extra £100.

Hon. M. Xiberras

Head IX Labour and Social Security

Sir, on Item 14 - Accommodation for Labour, the vote refers to White Stores. The intention to put some 120 workers from abroad into this Hostel, which will bring the figure of Government accommodation offered to something like 1,200 or just over that figure.

Hon. Sir Joshua Hassan

What is the position on the Hostel at North Front? What is the occupation rate?

Hon. M. Xiberras

I would say, again talking from memory it is over the halfway mark, some 200. 100 beds are reserved for the Development Programme particularly the Viaduct Scheme. The reason why we don't take more people in is that we would enter into commitments at the same time for the development programme and we would not be able to move people out in order to allow for people for the

new jobs to come in. May I add that there have been some criticisms in the press about accommodation offered to labourers from abroad, and I have it on good authority, in fact from the gentleman who published the letter in the Gibraltar Chronicle that his comments were not directed at any Government place such as Casemates, North Pavilion or the hostel at Devil's Tower. I believe that these comments were picked up in certain quarters and arrangements are being made so that the party concerned is able to visit and acquaint himself with the facts directly.

Hon.
Lt. Col.
J.L.Hoare

Before we go to the next item, Mr. Speaker, I would like to comment on the formats of this form. I find that at each page one finds a total in column 4 headed "Provisions in Estimates"; in column 5 "Supplementary Provisions already approved"; and in column 7 "Total Supplementary Provisions". These totals, to me, are completely irrelevant, and in fact they confuse. The only relevant total is that in column 6 "Supplementary Provision now required."

Hon. Fin.
Dev. Sec.

Of course there is no need except that when any accounting officer is preparing a schedule, and he has got some figures, he is inclined to total the columns, that is all.

Hon. Lt.
Col. J.L.
Hoare

If it is meant to be an internal check there is no reason why it should be inflicted on all of us.

Hon. Fin.
Dev. Sec.

It is because it provides a cross check between the column under "Supplementary Provision" and the "Total Supplementary Provision". In any case it will be balanced internally, but I take your point that in fact there is really no point in adding the various columns, except for that headed "Provision now required."

Head XI Public Works Annually Recurrent.

Hon. Lt.
Col. J.L.
Hoare

I would like to comment, Mr. Speaker, on item No.16. The original estimate was for £5,800 and we now learn that there was an under-estimate of £5,980. In other words that it was more than doubled. Could we just have a little enlightenment on that please?

Hon.
Fin. and
Dev. Sec.

Yes, Sir, perhaps the word "underestimated" is not a very fortunate expression. What did happen was that when the estimates were prepared this figure was shown in an inner column and the extension was omitted. So in point of fact it is an "omission" and not an "underestimate".

Hon. Lt.
Col. J.L.
Hoare.

Thank you, I have heard of a date being added but never of a page being left out.

Item 6 Head XII Public Works Non Recurrent

Hon. J.
Caruana

Mr. Speaker, I should like to bring to the attention of the House item 56 Water imported by tanker: £33,000 which had to

be spent in order to keep Gibraltar supplied with fresh water. Regretfully, there were two or three circumstances leading to this necessity; the first one was the fact that King's Bastion distiller was broken down for a considerable length of time and therefore it could not supplement the water stock; secondly, there was a very dry period last year; and thirdly the North Face distiller was working at 78% full capacity on occasion. The Government was therefore forced to import 24 thousand tons of fresh water. This came in two tankers the second of which arrived last Saturday.

Is all this water for use by the civilian community?

HON LT COL
J L HOARE:

HON J CARUANA:

The Second Tanker will be shared with the Ministry of Defence.

Hon.P.Isola

The King's Bastion Distiller you said it broke down? Is it working again?

Hon.J.
Caruana

The King's Bastion distiller has had several major breakdowns, the last time I heard about this was yesterday and it was working but very erratically. No sooner was some part repaired than another went. Regrettably this happened at a time when we most needed all the water we could get. I will say that the Ministry of Defence had to share the second tanker simply because much earlier on the Gibraltar Government had lent them some 3 million gallons of water which they had paid back. Their stocks have been depleted by this and we were therefore both low.

Hon. Chief
Minister

Mr. Speaker, I think it is worth pointing out too that quite a substantial sum of money which has had to be provided has been in connection with the cost of living, which I think Members will appreciate by the remarks in the columns right through practically.

Hon.J.Caruana

Mr. Speaker I would like to draw the notice of the House to Item 65: "Collection of Refuse, Item 66 Disposal of Refuse Item 67 Sweeping of Highways" etc., on the question of cleanliness in general. I would like to announce to the House that we have initiated on the quiet slowly at a low level and with a view to going into full speed, a Clean City Campaign for Gibraltar. We hope that everybody will from now on contribute to this. I am going to make a special effort to make 1972 a year to remember in standards of cleanliness. Everybody will be asked to participate, in one form or another, through various schemes that I am instituting. Next Monday I am meeting representatives of the Youth Clubs, Boy Scouts, Girl Guides Jaycees and the Education Department who I am asking to form part of a Steering Committee to take charge of that part of the campaign - I am sorry to see that the Opposition is not interested in any matter connected with refuse, they are as usual distracted, I hope to enroll these young leaders to get them to bring home to the younger generation their part of the work.

We on our side hope to involve the adults. The new Beach Superintendent who is freer in the winter season, is at this moment concerned with visiting Traders all over Gibraltar, distributing leaflets, getting them to use better means of preparation of garbage disposal in plastic bags and proper dustbins, rather than boxes and bits of paper which break when they are wet. I'm sure the

Hon.

House will hear quite a lot on this one as the weeks go by.

P.J.Isola

May I ask, Sir, It is a very good thing to involve everybody in this Keep Gibraltar Tidy campaign. I hope this also includes the forces of law and order and the Public Health Department. Because I think one gets a slight feeling that there is a certain amount of indiscriminate throwing about rubbish before the eyes of the people who are supposed to do something about it. So can the Minister give us an assurance that included in his meetings will be the Director of Medical Services and The Commissioner of Police?

HON J CARUANA:

Yes, Mr. Speaker, this is a very important aspect of this particular services. I think that people are not orientated in the right way with regard to litter and depositing of rubbish and the whole exercise that we are attempting to carry out through television as the House is probably aware i.e. more slides, more films, quiz programmes which will come up, contests, children having competitions and so forth, all intended to inculcate into the minds of the public cleaner habits.

On the question of enforcement, Mr. Speaker, I was very pleased to see that the Public Health Department is doing a better job now than previously, that several convictions have already been registered in Court for depositing of litter and I understand that there are quite a substantial number of cases to be heard in the not too distant future. I think the more publicity that is given to these convictions the more it will encourage everybody in their attempt to make Gibraltar an example to the world. I am convinced that this can be achieved with a little cooperation on everybody's part. Gibraltar is small enough to do this and I'm sure that we can achieve the aim of making Gibraltar an example of what a clean city should be like.

Hon. A.W. Serfaty.

On a point of Order, Mr. Speaker, the Minister said the Public Health Department in regard to litter. Is it not the Public Works Department which is responsible?

Hon. J. Caruana

Mr. Speaker, the Department which enforces the Public Health Ordinance is the Public Health Department.

They assess the nature of the complaint. The Police is also taking action as a result of reports received

from the Public Health Department and we are attempting to enrol a more active participation from that quarter of the service.

Hon. M.K.
Featherstone

Mr. Speaker, would the Minister consider allowing the trade to assist in this by arranging that trade refuse could be accepted at the Refuse Destructor, not only the afternoons but also in the mornings? At the moment it is only taken in in the afternoons and very often the trade can get rid of refuse easier in the mornings than in the afternoon when they're busy at the wharf.

Hon. J. Caruana

Yes, Mr. Speaker, the question of the collection of trade refuse, I'm afraid, is not a very satisfactory one and we have virtually concluded a scheme which will enable the collection of trade refuse to be done virtually on the spot. But this involves, in fact, negotiation with the men who have to collect it. It has been under discussion now for several months, as a matter of fact.

Hon. M.K.
Featherstone

I didn't make my point clear enough. This is a case in which traders are quite willing to take the refuse themselves to the Refuse Destructor. At the moment they can only take it in in the afternoons. I'm suggesting the Minister considers that they may be allowed to take it in in the mornings as well.

Hon. A.W.
Berfaty

Mr. Speaker, on a point of order. As from today they are accepting trade refuse in the morning. An advertisement has appeared in the press.

Hon. J. Caruana

Yes, but unfortunately, Mr. Speaker, the Destructor is in a rather tricky position with regard to the amount of inflammable material that it can take. Quite a substantial amount of trade refuse, i.e. cardboard boxes and wooden boxes is being burnt in a make-shift incinerator at Viaduct Reclamation, but everything possible will be done to assist traders in this respect. There is no question of not wanting the stuff to be got off the roads quickly. The effort is being made and the men do work and when the job is done it is done well. Unfortunately, it doesn't last for long.

Hon. Chief
Minister

Mr. Speaker, I think that the time has come when we've got to realise that it is no use using this particular subject as a political weapon against the Government. I think that the kind of destructive criticism that we have had in the past should come to an end. People should come to their senses and be constructive about it. This is the only way that we can keep Gibraltar clean and everybody has got to play a part, not just the Government.

As you know from the Estimates, we are spending quite a considerable amount of public money in trying to improve this. Yet it is surprising to see how people who own hotels, restaurants, and traders themselves, can be so careless about this. What I really cannot understand is that a responsible body like the Chamber of Commerce, instead of being constructive about it should spend their time in writing irresponsible Newsletters, which all it does is to exacerbate the animosity of the people in Gibraltar producing no results whatsoever.

I can assure the House that the Government is very well aware of the position of Gibraltar with regard to cleanliness. I think that if one looks around - and in fairness I've got to say this - there was a time before we came in when there were lots and lots of derelict cars lying around. Well, you can hardly see one now! I think this is one up on us. The other thing is that we now have in hand a new Refuse Destructor, which I hope it will not be too long - I hope the Minister will be able to give us an idea of the date - before we have it functioning. That Refuse Destructor will be able to cope with much more refuse than the present one, and therefore, it will be possible for traders to deliver their refuse to the Destructor at any time of the day. This will be a great help. One should also take into account that because the standard of living in Gibraltar has gone up the consumption today is much higher than it was before. Equally, Gibraltar is so small that it is impossible to sweep the refuse under any carpet. Wherever you place it it will be seen. So I would suggest to those gentlemen who go around with their cameras producing this for the public view, that perhaps the time has come when they should cease doing that and support the Government, help the Government campaign to keep Gibraltar clean. Particularly certain sectors of the press I think should help also more constructively. I think that if we all pull together and make this a point in which we are all united - and I think we are - I don't believe for one moment that the Opposition thinks this Government wants to keep a dirty Gibraltar. Obviously, it must be realised that this is not the case. This is another indication or situation where we can all pull together and make Gibraltar cleaner than it is today. A clean City, as my Honourable Friend has just said.

Mr. Speaker Am I confused, or are we not discussing Public Works Non Recurrent, Mr. Clerk?

Clerk Yes, Mr. Speaker.

Mr. SPEAKER: So that we have gone back to something that we have already voted on.

There are a fair amount of items under Head XII, are there any comments before I put it to the vote?

What I mean is that Head XII has been called but have there been no comments on any of the items.

Hon. Lt.
Col. J.L.
Hoare

Mr. Speaker, I would like to comment, please, ~~Mr. Speaker~~^{on}. Item No.22. Purchase and Erection of Bus Shelters, an additional £250 to provide shelters at Line Wall Road. Could we just have a little enlightenment on that?

Hon. J. Caruana

Mr. Speaker, it is a bit early to comment on that one but we might be able to save £1,000. There is a proposal in fact for the supply of 25 bus shelters for Gibraltar free by the firm of Abacus Company. The gentlemen concerned were earlier on in this House listening to the debate and they were in my office today. They have seen the City Engineer and they will be in Gibraltar for two or three days deciding on the type of bus shelters to provide for Gibraltar. These are the kind of bus shelters which are supplied for local Councils in England and all that they require in return is the advertising space on the sides. I might say that I am talking here a bit prematurely because all this has been brewing for the past two months now and it has not yet gone for formal approval to my colleagues but is very much in the pipeline. So we might be able to save £1,000 in the erection of bus shelters and have possibly 25 erected free if we can come to a satisfactory agreement.

Hon. P. Isola

Will we have a Bus Shelter every hundred yards in Gibraltar? (laughter)

Hon. J. Caruana

Actually, Mr. Speaker, Gibraltar requires about 80 Bus Shelters and we are only getting 25.

Hon. Sir
Joshua
Hassan

That number, I suppose is convenient having regard to the time one has to wait for the buses!! (laughter)

Hon. Lt. Col.
J.L. Hoare

I'm sure that the Government will be delighted too.

Hon. Fin.
Dev. Sec.

Sir, My attention was drawn to two typing errors under Subhead 26 and Subhead 36 on page 6. The remarks said "revote 1971/72". I think it will be realised that it is intended to be 1970/71.

Hon. Sir
Joshua
Hassan

Mr. Speaker, I would like to mention one item: Item 15 at the bottom of page 5, which is the installation of fresh water in Government Tenements. This is fairly relevant to what the Honourable Minister for Labour and Social Security was telling us this afternoon about the Census and the information we had

gathered from it, and that is the scheme that has been going on from time to time of installing direct water connection in the houses. I know this is long thing; it is expensive and depends on the availability of labour and so on. I would like to urge at this stage that perhaps in the estimate next year we make a little effort - perhaps by changing the proportions of the result of the Census between now and the next one - that we may be able to provide direct connections for some of the dwellings. These are Government tenements but Government Quarters.

Those that have to rely on fountains and so on.

Hon. M.
Xiberras

Although I think this was an important fact in the Census Report, nevertheless, it is obviously a public Works or Housing matter. But I'm sure that my Honourable Friend Mr. Caruana would have more to say about this. The point I was making in my earlier statement was that some of the finance should be put to improving existing tenements, and if that is made in that spirit, I'm sure that my Honourable Friend would be prepared to agree to this. I know for a fact that he has much more ambitious plans than just providing water, to these particular tenements, he has plans to in fact improve existing accommodation quite considerably. I'm sure he will well welcome the remark of the Learned Leader of the Opposition.

Hon. Sir
J. Hassan

I am only mentioning the Minister in the context of the number of places that has come out from the Census which are connected. It is a scheme which started many years ago and a few have been done. Never enough then, perhaps never enough now having regard to other demands, but it is something that should not be forgotten because it may take a long time before the people who are living in those tenements can get housing and it's very unfair that one sector of the population should have all the benefits and another section none of them.

The Hon.
Xiberras

I am glad to see that the Census is having some effect already Mr. Speaker!

Hon. Sir
Joshua
Hassan

.... We have had the same lecture twice, already!!

Hon. M.
Xiberras

And probably the Honourable and Learned Leader of the Opposition will hear it again, because the facts are worth noticing and remembering.

Hon. Chief
Minister

Mr. Speaker this is the way that this Government is able to throw light on an important issue like this. It isn't only in fact - and we have already discussed this matter ourselves - it is not only the supply of water but also water process. Now we know the situation, we have the figures which

we didn't have before, and this is, if I may say so, the advantage of having the statistics which my Honourable Friend Mr. Featherstone used to deride now and again. They are beginning to be rather useful. We now see that our Learned Friend from the other side of the House will co-operate with the plans that we have, looking ahead not just to the question of supplying fresh water but to other items of that kind which should be possible perhaps next year.

Hon. Sir Joshua Hassan: If you're going to make so much fuss about anything we say about the Census, I'll keep my mouth shut in future and say nothing about it.

Hon. Chief Minister: Mr. Speaker, I think this House would gladly see him do that!! (laughter)

Hon. Lt. Col. J.L. Hoare: Is the Chief Minister suggesting that these facts have become known because the Census was taken? Surely it was known that these tenements didn't have water. Of course it was, it is in the records. It's just been summarised, but the Public Works Department must have known which houses had water and which did not. It didn't need ^aCensus for that.

CHIEF MINISTER: Yes, Mr. Speaker, this is a question of looking not seeing, the beauty of the Census is that it makes you see.

Hon. M. K. Featherstone: Mr. Speaker, on a point of clarification, I think the Honourable Chief Minister should withdraw his remark - I can't find the exact thing that I said at the moment - but I fully supported the Census and I don't think he should impute that I thought otherwise. If he reads his Hansard he will find that out.

Hon. Chief Minister: I wonder, Mr. Speaker, if the Honourable Member remembers when he wanted us to count all the letters in the Hansard, once upon a time, just to show what a waste of time statistics were? Head XVI - Miscellaneous Services

Hon. P.J. Isola: Mr. Speaker, may I just ask one short question on this. There is additional provision for the Gibraltar Broadcasting Corporation to meet the value of claims from the Corporation in respect of spares for Broadcasting equipment. May I ask, does this affect the terms of the agreement between the Government and the Managing Agents? This is not an additional contribution in excess of the agreement that the Government may have entered into, is it?

Hon. Fin. and Dev. Secretary: No, Sir, Clause 8 of the agreement signed with the Gibraltar Broadcasting Corporation, which dates back to 1948, says "the Government hereby agrees with the Corporation that the Government will provide.

- a. spares of broadcasting equipment of a total value not exceeding £2,800 in any year in accordance with the requirements of the Corporation; and

- b. such new equipment which may be required for the Broadcasting Station for replacement of the equipment purchased under the terms of this agreement, provided that prior arrangements, satisfactory to the Government regarding payment of the cost thereof has been made.

The amount of £6,900 as it says there, goes back to the year 1968, and covers from the year 1968 to March 1971, and it refers to lamps and consumable stores which are used up in the process of broadcasting.

Hon. P.J. Isola

This is not affected, I presume, by the agreement that was entered into recently - not recently - in the last three or four years, with the Thomson Group.

Hon. Fin. Dev. Sec.

This is the agreement. I have been quoting from that agreement.

Hon. P.J. Isola

This was 1948, I understood a new one was entered into.

Hon. Fin. Dev. Sec.

1968.

Hon. P.J. Isola

Oh, I beg your pardon.

Lt. Col. J.L. Hoare

Mr. Speaker, I am not surprised, but I see there is no supplementary estimates under Item 16 of the original Head which is Contribution Towards the Gibraltar Regiment. One of the Committees recently recommended that certain grants be made towards the Gibraltar Regiment, which I think have been approved. Do I take it that there have been enough savings from other sides to cover this?

Hon. Fin. Dev. Sec.

Mr. Speaker, on a point of order, is it correct to refer to an item which does not appear in the Supplementary Estimates?

Lt. Col. J.L. Hoare

Yes, I should think so, because it may have been omitted.

Hon. Fin. Dev. Sec.

In any case that would mean that the House had not been invited to vote funds.

Mr. Speaker

Order, Order. It is an inquiry and we are in Committee and

I don't think the Hon. Member wanted to discuss the item but just to make an observation. If that is the case, it is in order.

Lt. Col. J.L. Hoare

Would I be right in assuming - and this is for information - that there have been savings in this sub-head in other items, which will take care of the amount now required?

Hon. Fin. Dev. Sec.

I don't follow.

Lt. Col. J.L. Hoare

Was there in effect an over estimate on previous items which will cover the additional expenditure as a result of these recommendations?

Hon. Fin.
Dev. Sec.

No, the provision in the estimates and supplementary estimates can only cover the expenditure as described in the sub-head. I mean, the approval of the House is sought to incur expenditure under each sub-head in accordance with the description of the Sub-Head and it cannot include any other expenditure.

HON.

Lt. Col.
J.L.Hoare

This is a blanket item: Contributions Towards Gibraltar Regiment, and it covers all its various aspects.

Hon. Fin.
Dev. Sec.

But there is no item in the Supplementary Estimates. I mean, there would be an item in the original Estimates but not in the Supplementary. We are not asking for any funds.

HON.

Lt. Col.
J.L.Hoare

I know. I am making an enquiry.

Hon. Fin.
Dev. Sec.

That is why I queried. There is no item in this Schedule in respect of this particular service.

Mr. Speaker

What I understand the Hon. Member is trying to say is whether you may have a surplus on another item under the same Head which can be used for the purposes of meeting this particular item for which you are asking for a vote and the answer that the Hon. Financial and Development Secretary has given is that whatever surplus you may have on any particular item, it cannot be used and you can only use funds which have been specifically voted for the specific purpose for which you require it.

HON.

Lt. Col.
J.L. Hoare

That is so, Mr. Speaker, but the purpose of the voting of the fund is Contribution towards the Gibraltar Regiment, and whether it is pay or allowances

Hon. Fin.
Dev. Sec.

That is the point of order that I am raising, Mr. Speaker. I mean, the House is not being invited to do that. The Honourable and Gallant Member is now introducing an item which is not in the Schedule.

HON.

Lt. Col.
J.L.Hoare

I am inquiring, Mr. Speaker, why it isn't because to my knowledge certain items have been approved which would be included in this, or covered by this Sub-Head.

Hon. M.
Xiberras

Mr. Speaker, may I, as Chairman of the Committee to which the Honourable and Gallant Member is referring. I have not quite followed what item he has been referring to now. It is not here and therefore I bow to the Financial and Development Secretary as to whether this should be considered or not, and if not to your own ruling, Sir. I know the items to which the Honourable member is referring and I cannot accept the statement that the Honourable Member knows that they had been approved, unless they come before the House and the House has decided to vote on it. However, if there is further information as to the state of play on this one, then I suggest this should be done in another place.

Sir, on Item 36.

Hon. M.K. Featherstone I am very worried lest the Honourable Chief Minister should have a sleepless night, so if he looked in the Hansard of October 1970, page 63, I said "I never said a word against what was in this" referring to a census, in fact I supported it Sir. I would like it recorded, Sir, that I am very happy to support this vote of £1,884. I do hope now the Honourable Chief Minister can sleep comfortably.

Hon. M. Xiberras

Sir, may I say that all past acrimony should be forgotten is a very good idea, and I hope that in the future both sides of the House will be able to make ample use of statistics, discuss whether statistics are pertinent or not, accurate or not. I say this in all seriousness. There have been points made, philosophical points; practical points; political points made about statistics all over the world. Perhaps now we have reached a realistic attitude about the subject in Gibraltar and I earnestly hope that not only the House, but Associations outside the House, will make it a habit of referring to documents such as the Census.

Hon. Chief Minister

I would only like to add, Mr. Speaker, that I prefer the Honourable Mr. Featherstone when he acts as a "tranquilliser" as he has just done.

Hon. Major A.J. Gache

Mr. Speaker, I would like to add that by chance I have the Hansard for October, 1970 and in page 63 I can find no reference to that. The only reference I can find is something about "skirting the cesspool". I do not believe that this is really what he is talking about.

Hon. M.K. Featherstone

The Honourable and Gallant Member doesn't apparently focus his glasses right; the "cesspool" is on page 62. My reference to page 63 happens to be the seventh and eighth line, I think. I would concur with the Honourable Minister for Labour, Sir, but as we have stated on this side many times before, and we will continue to state, when the Government does something good we will praise and support them, when they do something we do not consider good then we will slate them for it.

Hon. Chief Minister

The only trouble is that they take so long in realising that we have done something good.

Hon. Major A.J. Gache

Head XIX - Port

Sir, before the Honourable and Gallant Member of the Opposition raises any subject on the matter of the Port, it may be that I should say something about those three headings. As the House knows, it is my normal practice, where public money is concerned, I feel that we have this money on trust, and we should say why it is that we are spending it. In fact I hope that one day the House may see fit - may deem it necessary

- to have an Expenditure Committee, and may be even a Public Accounts Committee, to scrutinise them. In the first instance the Estimate and in the second instance, how the money which this House has voted is being spent.

In any case, in connection with Subhead 11 the maintenance of a wireless set, the extra cost is due to the fact that all our sets in the Port Department are normally maintained by the Police. In this instance the first and second line repair service was not being good enough and we had to get the Dockyard to have the equipment serviced.

In connection with Subhead 13, the provision of a telephone at the Detached Mole; the reason for this is that we have acquired a telephone at the Detached Mole because we want to improve communication between the berth and the ship which may be berthing there, and the shore.

In connection with Subhead 14, the new wharf equipment this refers to the purchase of additional pneumatic tender units. At the moment we have six and in addition we are awaiting arrival of two more which have already provided in the 1971 Estimates. The extra ones for which we are seeking approval now are required in order to use six on the outer wall of the Western Arm two in the inner wall. These fenders have to be taken out of the water every six months for maintenance and we want to have two in reserve so that we will be able to do this.

Hon.
Sir Joshua
Hassan

I would like an assurance that neither Subheads 11 or 13 are meant for the Minister to keep in touch with his Department when he is in London!!

Hon. Major
A.J. Gache

I can assure the Honourable and Learned Leader of the Opposition that I have given very great consideration to this, but of course a telephone does not reach that far, and we would have to ask for something like long range H.F.!

Hon. P.J.
Isola

The Minister is quite ingenious in creating working opportunities to other members of the House. May I suggest, Sir, that we do not circulate copies of Handsard just prior to a meeting. because everybody seems to be using a copy of the Hansard just circulated, during this evening. Proceedings would, I think, be cut quite considerably if the Hansard were to be circulated after the meetings. However, I would like myself to quote from the Hansard. I notice that the purchase of the new Wharf equipment is partly offset by the proceeds of the sale of the Mons Abyla. I notice that it cost the Government £17,000 to buy the Mons Abyla, and I notice that this figure of £11,400 is only partly offset by the proceeds of the sale of the Mons Abyla. May I ask what the sale price of the Mons Abyla was and whether it has been paid?

Hon. Major A.J. Gache The Honourable and Learned Leader of the Isola Group has asked an awkward question. The Mons Abyla has been sold for a very small amount, something in the region of £6,000. It did cost a lot of money in its time and we did consider using it for other purposes which we could not do. In so far as I am concerned the money has been paid. I don't know anything to the contrary but I am quite prepared to look into it.

Head XXIV - Secretariat

Hon. Sir Joshua Hassan Sir, on Item 15: Visits of Experts. This is a continuation of programme, I realise that, but how many experts have come to Gibraltar in the last year, and how many are expected in the next year?

Hon. Fin. Dev. Sec. Sir, I have a note here of at least four.
In any case, Sir, you will notice that it is a revote.

Hon. M. Xiberras I am sure the Honourable and Learned Leader of the Opposition is over and above the experts we already have in the House and out of it. As regards the insinuation that these are not worthwhile, well, some are more worthwhile than others and I am sure the Honourable and Learned Leader of the Opposition is discriminating in these things and will consider that at least one in ten will do a service to Gibraltar, which he himself would not be able to render otherwise.

Head XXVI - Tourist Office

Hon. M. Featherstone On Item 12, Could I, Sir, be enlightened just what is liable to catch fire in St. Michael's Cave?

Hon. J. Caruana Mr. Speaker, this is actually the Tourist Office Vote, but the Public Works Department is responsible for its upkeep. The general fire precautions in St. Michael's Cave is mainly to indicate to the public how they should get out in the event of a general scramble. Not necessarily a fire although it is termed "a fire escape". These are really safety precautions in case of a conflagration which could happen with all the electrical equipment, in the Cave. The slightest possible spark off-stage, or a dress catching fire or something, anything like this could cause panic. There is also the question of the narrow entrances into the cave which could, according to the Chief Fire Officer, be a danger.

Hon. O.J. Isola Functions in St. Michael's Cave?

Hon. J. Caruana I think this vote goes a little way towards making the Chief Fire Officer a little happier.

Hon. P.J. Isola Why not make him completely happy and be finished with it.
(laughter)

n. J.
Caruana

Improvement and Development Fund.

Mr. Speaker, on item 8, Housi, g New Catalan Bay Scheme.

As the House is aware the Catalan Bay project has gone out to tender already; tenders have been received back and we are awaiting the final approval from the Overseas Development Administration to go ahead and hand the tender over to the successful Contractor. In any event because we are very close to the festivities it is expected that the work on Catalan Bay should be able to proceed on a construction basis early in January rather than before Christmas, because work will be disrupted when labour goes abroad. We have gained a considerable amount of time because the area has been demolished and cleared substantially to make the work a little more expeditious. We are very pleased with the progress. It should be a 14 to 16 months project and we hope to see this moving for the sake of those people who are living in such bad conditions in that district. Everybody who had to be decanted for the purpose of the construction had been decanted, with the exceptions of one family whose abode for the next, 14 to 16 months is being made ready at the moment.

Mr. Speaker, we have also made provision under Item A7, New Viaduct Scheme for a preliminary vote of £150,000 for the construction of 650 houses at Viaduct. I would like to announce to the House, Mr. Speaker, that we have now reached the end of the first tier tendering process and this is at the moment being processed in London. The final Contractor, and I am told that there are 5 English Contractors have shown - there were more actually, but 5 were the shortlisted - have shown great interest in coming to Gibraltar to work. We also expect that a decision on who the Contractor will be, will be made in the middle of January next year.

Under Item D, Mr. Speaker: Tourist Development Project Waterport Entrance. This is a pet item of mine which will clear the area of an unsightly and disgraceful shambles of caravans and old trucks and what have you. Previously we voted money for the acquisition of land and we acquired a shed, an old locomotive shed and adjoining buildings in Rosia, which was in fact intended for the purpose of garaging the empty caravans which were to be displaced from the area. I'm sure the House is aware now that the scheme is well in train. Old cannons have been fitted in the old embrasures, there's an old brass cannon which is being fitted in the centre on a plinth, and an old nineteenth century anchor on another part. This should add tremendously to the attractiveness of that approach into Gibraltar in making the military aspect of the

area and Gibraltar a little more appealing to visitors. I therefore recommend this new project to the House and it won't be long before it will be completed. I understand that the apprentices at the Training Centre at Landport Ditch are attempting to reconstruct the old gun carriages from some of this old equipment, and again this will be of very great help to the scheme and serve as a useful exercise in training at the same time. I have other ideas about the fountain of horrors better known as "la fuente del capullo", but I am developing those plans a little further and we hope to bring them, to the House next year.

A new desalination plant, Mr. Speaker. As we heard earlier on, this year we had to spend £53,000 in the importation of fresh water to Gibraltar because we ran short. I would not like to point the finger at anybody in particular, but there is absolutely no doubt that the production, even on a full running capacity at present of desalination in Gibraltar, does not cater and will not cater for the consumption that the Rock requires. Next year, with more houses coming up, and the year after that with more houses and hotels coming up, consumption of fresh water will be exceedingly increased and therefore we've got to press hard for the installation of a new desalination plant. The House is aware too, that we started reclaiming a bit of land adjoining the Viaduct Bridge, next to Jetty No.5, and this is being reclaimed for the purpose of installing this new desalination plant there. Eventually, we hope in 1974, when this new distiller, which is expected to be working by 1973 - it must work by 1973 otherwise we are in dead trouble - but by 1974, when this other one is working and the reservoirs are full after the rainy season and during the winter, it will be possible to dismantle entirely the other distiller at the North Face, and transfer it next door to this one. We then hope to solve - and I say hope to solve - the problems of the water intake and corrosion due to contamination of the sea and various peculiar chemical factors of the sea there. It is planned to make this area attractive, let me assure my colleague on my left, and we are doing everything possible. The plant will be coloured steel clad and it will be an improvement on the surroundings, if anything else.

There are ways and means of making even industrial sites aesthetic.

Mr. Speaker, to top this, and since I am keen to get public participation and public interest, not only in making Gibraltar a clean City but in having hope and faith for the

future, so that views and attitudes are optimistic and joyful rather than depressing and pessimistic, I hope to invite the public, in various ways, to participate with me and my department in the development of Gibraltar. On the first of December, God willing and subject to unforeseen changes, I intend to put in the Lobby of this House, an exhibition of the Development programme 1970-73 showing scale model of the Viaduct; scale models of the Health Centre; Pathological Laboratories; the Comprehensive School and of the full completed Victoria Stadium. We are also inviting private Contractors, who have current projects under way now, to participate in this and to show the public in fact what is going on and what is happening in Gibraltar, in the hope that this will please them and make them look towards the future with hope and expectation. This I am sure will be an exhibition with a difference. Some will say "well this was done before by other Governments." But I am putting on an exhibition of works which are going up now; not works which are pie-in-the-sky; intended but never materialised. Any work which is not firmly approved, which is not firmly under way now, will not be shown. What is going to be shown is what is really in train now; things which really mean something; things which people will see well on their way to completion within the next 12 to 14 months. (tapping on the table)

Hon. Lt.
Col. J.L.
Hoare.

Before we leave that, on item II which he mentioned, the purchase of the old locomotive shed and buildings at Rosia for the garaging of caravans. I suppose this is for the storing of caravans. Do I take it these are for caravans owned by private individuals and that they will be charged a rent for these facilities? *Has he* have you any conception of what would be brought in? Is there any idea of the number of *caravans* garaged and the cost?

Hon. M.
Xiberras

Sir, as Members may be aware, this is part of the plan to rid the streets of caravans. The first part was to construct the extra caravan site adjacent to the old one, and now there is the Old Locomotive Shed adjoining the buildings at Rosia. I would say, having been there, that it would certainly be possible to accommodate all the caravans that need to be accommodated, which I imagine would be about four at present. The others have already been put into the caravan site at Catalan Bay. However, there is good use to be made of that particular shed, for instance, there are bids from my colleagues for the storage of fair equipment and various other things, and this is therefore no waste of money. The adjoining land in fact, I would say, is easily worth £1,000. The only

problem that we have at present is that of who should handle the key, who should keep the key to the place.

This is being sorted out between the Public Works Department, the Police and so on. I think in fact that it is two caravans that are entitled and four possibles that can be put into this shed. It is intended to have a fairly nominal fee, not very high, because these caravans were obviously bought before the closure of the Frontier and we do not want to penalise people.

Hon. A.W. Serfaty Will any expenditure have to be made, Mr. Speaker, for the provision of sanitary facilities?

Hon. M. Xiberras Sir, I am sorry I may have given the wrong impression. There has been an extension to the caravan site at Catalan Bay, this is for the caravans whose owners are in Gibraltar, or rather are Gibraltarians, who can not park their caravans in the street now because of the amendment to Imports and Exports Ordinance. They have to have a place to park those caravans otherwise they would have to sell them. They have put them there but are not allowed to reside in them.

Hon. P.J. Isola Does the cost of the new desalination plant - £650,000 - include the cost of the dismantling of the other desalination plant?

Hon. J. Caruana No, Mr. Speaker, this is for provision of the new desalination plant. When the stage is reached to dismantle the other one then I'm afraid provision will have to be made at that time.

Hon. P.J. Isola Can the Minister give us any idea what the cost would be of dismantling that desalination plant and transferring it?

Hon. J. Caruana No idea whatsoever at this stage.

Hon. P.J. Isola Yes, but then how can you plan to do it. I mean, is it a practical proposition, perhaps.

Hon. J. Caruana Oh, definitely, it is most definitely a practical proposition because already by taking the decision last year to move the desalination plant we did not vote a substantial amount of money, I believe it was in the region of £50,000 to completely reconstruct a new intake. We will save the amount by not doing it. All we've done is patching up work for two years until this one is moved out. Eventually the equipment should be in better order and there will be rationalisation of manpower too, because the same team, the same Supervisor, the same labour, will look after the same complex in one go.

Hon. M.K. Featherstone How much water do you hope to get from this new plant?

Hon. Sir Joshua Hassan Be careful now because other . . .

Hon. J.
Caruana

I believe the figure is somewhere near 400,000 gallons a week. Well, the present one is producing 220,000 gallons, so this one is doubled. The present exercise of this one, the new one, and the wells should produce one million gallons.

Hon. Sir
Joshua
Hassan

Have there been comparative tests taken with the water at the Destructor and at the Viaduct. The experience was, with regard to the water intake for the small one at Kings Bastion, that inside the Harbour, there was more iron and other contents in the water that would cause the scaling which is the problem all the time. I know that the Nuclear people are dealing with the production aspect but regarding the quality aspect of the water inside the harbour in the Viaduct, have there been comparative tests as to the quality of that compared with the quality on the other side of the Rock.

J.

UANA:

Yes, Mr. Speaker, the team from the Atomic Energy Authority, who have taken the responsibility to nurse this project from the research stage to the final running of the thing, have carried out extensive water tests all round Gibraltar. They found that the water on the side of the airfield, not necessarily inside the harbour but on the other side - and this would mean the installation of a stretch pipe across the road - is of a better quality than the one found both in the port and on the other side of the Rock. It is a phenomenon which cannot be explained, but I believe is due to the hydrogen sulphide which is found in abundance inside the harbour and outside. It is totally inexplicable but I know - I've seen extensive graphs and things have been done on all this. They were very pleased, in fact, in choosing that site and they suggested that themselves.

Hon. P.J.
Isola

All this, Mr. Speaker, is very encouraging, but in view of the unhappy experience that the Minister is having with the present one and in view of what the Honourable and Learned Leader of the Opposition has said, I do hope we can have an assurance that whatever the experts may say, and so forth, that when the contract is made - and I notice there are £180,000 we are being asked to vote for - when the contract is made for the installation of this plant, that on the legal side there can be no doubt at all that liability lies fairly with those who are going to be paid for installing the plant. Not just from the water into the place, like happened with the other one, where they just put the plant up and were not responsible for anything else, but I do hope that I will be given an assurance that the contractual documents will be looked at and be drafted very very carefully indeed, so that we do not get landed with a liability that will be

pretty difficult to face. In other words I do hope we will learn from mistakes.

Hon. Chief Minister Mr. Speaker, I share the wish of my Learned Friend Mr. Isola, but we haven't really got to the stage of literally signing the contract. We don't know to what extent any person installing such kind of equipment will be prepared to give such an undertaking. There are so many factors involved and I doubt that any Insurance Company who will be prepared to insure the installer against such risks. Therefore all we can do is try our best and I assure the Honourable Member we shall do everything possible to get as many assurances as possible so that the onus on their side and not in ours, but I doubt if we shall succeed in achieving what he would like us to do. A full proof contract, I doubt it.

Hon. P.J. Isola Mr. Speaker, with respect to the Chief Minister, I know he will try his hardest but I'm not asking just for assurance. If people are going to instal a new desalination plant which they are reselling to you and saying: "this is good, this will produce the goods, we have surveyed the waters and this is just the right place to put it". I hope that these assurances are turned into legal warranties. Let us not be worried about what Insurance Companies will do or will not. Whoever is selling us this plant is presumably going to make a profit, and if he makes a profit, what he supplies must come up to what he says is going to come up. That is in simple language, but I do think that before we go into another merry spree of some £650,000, we should be assured, a little more strongly than just saying: "we will do our best". I don't know how far the economy of Gibraltar can stand up to mistakes of £½ million.

Hon. Sir Joshua Hassan The other one did not cost £½ million in any case, but the money that was spent could have been made better use of had it not been for factors which nobody could control.

Hon. P.J. Isola Mr. Speaker, before the Chief Minister answers, with respect. We have not seen the end of the present desalination plant, and — we are being told now that it is going to be dismantled and moved somewhere. I know that when it is moved somewhere else we will have everybody working on it; you get increased efficiency and so forth, but the expense of dismantling and changing it is the result of a mistake. May be that nobody is to blame, Mr. Speaker. It may be all sorts of things, but the sad fact is that we are going to be involved, there is no doubt about it, in very substantial expenditure and I would ask the Chief Minister: we have had a lot of experts, many experts coming and we are all grateful for their advice but

when it comes to paying out money on a big project like this, we don't just want to say "well, we took the advice of the expert, that is it", we want the chap who is installing it and making the money to be responsible, if it goes wrong. As a result of some mistake which is discovered afterwards which any competent and reasonable man might have foreseen. That is the sort of situation that I think of when I say we must learn from our mistakes, but it must be perfectly obvious to the Honourable Members of the House, that the new desalination plant at the moment on the Eastern side of the Rock has been a disastrous failure and that is why it has to be moved, whatever anybody may say. Therefore, when we are now going into a £650,000 plant let us not be told by the lawyers when something goes wrong": I'm sorry, we cannot do anything about it because it was not provided for in the contract". That is why I am asking for an assurance, and if we go into it saying "there is not very much we can do about it" Mr. Speaker, I wonder whether its wise to go into this very high expenditure.

Hon. Chief Minister

Mr. Speaker, I think my Honourable Friend is asking for an assurance that I do not think anybody can give. I think he put it very well, actually "as far as a reasonable man could have foreseen". I doubt whether we can go further, or any court will accept further than that. We shall certainly do everything possible to tie down the contract so that if there is any neglect, any misjudgement, any lack of expertise on their part, and all the rest of it, that they

and made to pay, but whether we like it or not, and we may all hate this, we are in this day and age very much in the hands of experts. whether we like it or not, we have got to rely on them. If we ourselves could make a decision better than they can make it, of course, we wouldn't even hire them but the position is that we are in their hands. To that extent, provided that we can legalise, as much as it is possible to legalise a contract like that, I don't think we can give a greater undertaking. The Honourable Member on our side will certainly be keeping a watching brief on this and I am sure he will be on our tail to make sure when the time comes we do everything possible to ensure that we get the best advice from our legal Honourable Friend, the Attorney General, and if necessary experts from the United Kingdom on the legal side, and from ODA and all the other sources, will come forth to produce a contract that is as sound and solid as we can expect it to be, if we want the plant. If we do not want the plant, then, I am afraid, Sir, we shall have to think on different lines, but then we won't have the water.

Hon. Sir
J. Hassan

Surely, if we want the plant, the specification for the tenders say what we want. This is what we have to contract to get. Whether you get it or you don't, or you are sold something which is not what you thought you were buying is very difficult to say.

Hon.
Mr. F. J.
Isola

Mr. Speaker, I am sorry to say that this is not necessarily good enough. We are being asked to vote £180,000. It is quite obvious; everybody seems to know what went wrong with the last plant. It was put in the wrong place. You shouldn't put on a beach, right by the water, at a low level when your intake will take in the sand. What I am saying now, is, how is it that nobody knows anything about it. People who have talked to me, who know about this, cannot understand why it was put there. I am not trying to put any blame anywhere on this, except that apparently quite a simple mistake was made. A mistake that has cost the taxpayers in Gibraltar, and the public revenue, a very considerable amount of money. We are now going into a much bigger project, which is going to produce 400,000 gallons a week - £650,000!! And what I urge the Chief Minister to do is not to start telling us: "we cannot protect ourselves against these things", but to give instructions, to give assurances to the House that the person

who is going to make the profit on this, the Contractor, is tied down legally so that we don't get the sort of simple omissions - to my mind, from what little I have heard in this House about the present distillation plant - but the simple omissions that occurred for which somebody is obviously at fault. Let us learn from our mistakes and let us get the thing tied up. If a solicitor is occasionally negligent, he pays, if somebody does anything and it is wrong, he pays. Let us transfer this into this field, especially since we are, supposedly, being expertly advised.

Hon. J.
Caruana

Mr. Speaker, the records show clearly that the most recommended site for the installation - and the Honourable Learned Leader of the Opposition will recall - the most popular site and the most recommended sites for installation of that desalination plant was, in fact, at the edge of Viaduct. But if it had been installed there - and this only about a stone throw away from the original place - we would, unfortunately, not have been able to get 650 houses now. This was not known at the time but nevertheless there is no ill wind that blows nobody any good, as the saying goes I would also like to say, Mr. Speaker, that having said this, we are not entirely at the mercy of manufacturer in this case. The Atomic Energy Authority are not themselves the manufacturers, they are in fact the people who have done the research, the design, and will see the project through its construction since they have an interest in making it work. This does not necessarily imply any commitment, structurally, with the manufacturer of the plant in any respect, but this much we know, the United Kingdom Atomic Energy Authority, so far have been working disinterestedly in this programme. I have heard recently that they must have already spent at least £12,000 to £15,000 of their own. There has been no Government contribution, no one asked them to do this from this side, they are doing this because it's a challenge & an interesting thing for them to do because they want to make this a success. Perhaps this might be a good thing to bear in mind with this project.

At the same time that the Atomic Energy Authority is working on this, there are the consultants, Preece, Cardew, Rider and Drew. They are the local Government's consultants, and at the same time we have our consultants. Therefore, I think that at this stage we must have the water by 1973 and the only assurance that we can give is that we will do everything within our power to ensure that the safeguard clause will be in the contract.

Hon. Sir
J. Hassan

Mr. Speaker, I should say that if the other one was not put up in the place indicated, it was because the land was not available, the plans and everything were ready. On the other hand, one is surprised to hear an experienced lawyer thinking that there can be a completely water-tight contract ever. The courts are full of people in industry and everything, worrying about warranties and so on when things do not turn right. If they turn right, it's alright, if not well.....

Hon. A.P.

Mr. Speaker, I share, up to a point, the anxiety expressed by the Honourable Mr. Isola, but let me ^{recall} ~~record~~ that as politicians, the best we can do is to be satisfied that what we have done - and something which is as badly needed as is another distiller - I think it should have been due by June 1972 if I can recall the second report that was referred at the time - we must be sure that we ^{have done} ~~do~~ everything to the best of our ability ^{and} to ascertain that we get the best advise possible, and that as laymen we ^{pray} ~~press~~ heaven and earth, to ensure that nothing goes wrong. After that, if anything goes wrong, I am sure it is not the expert that takes the rap, we would. It's the price we have got to pay for having to take decisions. ^{But} And let me also say that ^{as regards} ~~in the question~~ of the ^{city} Council, it was not the question of the distiller and the intake, if I remember rightly. I even got a bit confused at the time because it was not only one expert but more than one expert who advised us on the question of the intake, and in the end it did not come out right. Alright, the expert does not take the responsibility, perhaps you will say that this side of the House should take it now. Unless he can suggest any other ways and means of getting the distiller on time and suggesting ways and means that if anything goes wrong somebody will take the responsibility and pay for it. If he can suggest something as watertight as that, we shall all be delighted.

Hon. J.
Caruana

Mr. Speaker, a point of clarification, for the record. First of all, I agree with the Honourable Member opposite. There were various experts who came, it is in fact on record that various proposals were made for the intake on the North Face. The final intake suggested was one produced locally by our own engineers and not by experts. That was a mistake, two mistakes in fact. The mistake was in not taking the advice of Halcrow, who were the experts at the time, who had suggested a very expensive intake. It might be expensive but it has already proved expensive

and in fact the money to put the intake right would exceed by far what Halcrow's estimate was at the time. That was the mistake. All the expert's plans were put aside and an economic intake was chosen because it was within reasonable financial grasp at the time. Another big mistake in the contract was in fact that the contract solely provided for the erection and construction of the distiller plant but excluded the supply of water. The supply of water, also for economy reasons, was going to be done locally. Therefore the intake was designed locally the water was fed to the distiller locally, as it were. Therefore the manufacturer and the constructor of that distiller immediately disclaimed any responsibility for the intake and the supply of water, because that was not his function. These were the two big mistakes, in my opinion which are borne out by various researches made of the issue, when we were trying to find out whether we could pin down on the manufacturers this. In this instance this question did not arise.

Hon. P.
J. Isola

What the Minister has just made is exactly the point that I am making. We have a case of a new Distillation plant being installed, somebody advises you, never mind who advises you or what. You have the Constructors for the erection and the construction of the distiller. The people who installed it charged their price made their profit, but no burden was put on them. If their equipment was, for example, inadequately sited, or wrongly placed to receive the sort of water that could be supplied. The contract did not affect that and therefore they just said: "we were engaged to erect a distillation plant". These people are obviously experts on this sort of equipment and did it. What I am asking for, Mr. Speaker, because it is not the first time that in connection with a distillation plant there has been a mistake in contract documents, there is a previous occasion, which members of the other House will remember, - the Tower Blocks - which again resulted from inadequate protection of the public interest in the contract document. This resulted in additional heavy expenditure having to be incurred by the Government and loss of rent for a considerable length of time as a result of people not being able to occupy the same. What I am saying now is, I don't care if the Atomic Energy Authority is spending £15,000, that is nothing for the Atomic Energy Authority. But for us to spend £180,000 is a lot, and getting into something like £650,000 is a lot more. The Government should be wary about giving a contract for the construction, and therefore giving a contractor a profit, the Government should make

sure that the sort of difficulties that can arise as a result of the distiller being placed there - the Honourable and Learned Leader of the Opposition said that they found that the water inside the harbour was not as good as it was thought to be. The Minister has said, no, we are getting it from outside the Harbour. Here are situations that can arise and can prove us wrong. Now, all I am asking the Chief Minister to do is that the contract documents should be such that we do not run the danger of a major disaster as we have done in the case of the distiller at Eastern Beach. It doesn't matter if it goes wrong slightly, but to be faced with a situation that the thing should never have gone wrong is tragedy enough, Sir. What I am asking the Chief Minister and the Minister of Public Works is that in the contractual documents those who advise us will undertake to do the job and give us certain legal guarantees that what they were putting up will be effective and will produce the goods. That, Sir, is not asking for too much.

Hon. Chief Minister I can assure, Mr. Speaker, the Honourable Member that we will try and get the greatest guarantee possible that are really available within a contract. This I can assure him, but what I cannot assure him is that it will be absolutely watertight, because it cannot be in my view.

Hon. Sir J. Hassan Watertight is not the answer!!

Hon. A.W. Serfaty May I make an enquiry from the Minister and that is: we have been talking of water intakes and we haven't talked at all, I think, about the actual design. The Minister mentioned something about a "challenge", the sound of which I do not like at all. I would like to know whether the design of the distillation plant itself is completely new or has been tried out elsewhere? I have my qualms, I must say. This is a very delicate matter and I share the qualms felt by the Honourable Mr. Isola. I would like, if I could, to get this information on the design of the machinery: whether it is something new and represents a challenge to the designer, or whether it is something that has been tried before?

Hon. J. Caruana This plant has been tried on several occasions in Great Britain. What the United Kingdom Atomic Energy Authority, which is the body responsible for desalination, is interested in an endeavour to have the exports of Great Britain, is to find a place with a very very big water problem - not in the middle of the Sahara but somewhere which is accessible to the world - somewhere where there is a problem, and try to solve it, so that a case history can be made. "Here is a place that

had a water problem and we have tried to solve it". The plant has been proved, it is working in various types of form in Great Britain, already manufactured by them. That I can tell you quite clearly. The building outline is not yet with us.

Hon. A.W. Serfaty On this question of legal responsibility, which we have been talking about, it seems to me that there are several people involved. First the consultants; secondly - if I have understood the thing properly - the Atomic Energy Commission; and thirdly the manufacturer himself. Now, who are you going to blame, the consultant, the Atomic Energy Commission or the manufacturer of the desalination Plant.

Hon. J. Caruana Mr. Speaker, we are talking as if the thing has already broken down. The point is taken and I know for a fact that Mr. Howard Davis, in his capacity as Financial Secretary, has done a lot of work on the question of the finances of the distiller.

Hon. P. J. Imola Will somebody sign something before the £180,000 goes.

Hon. J. Caruana Mr. Speaker, the £180,000 is merely the money which will be required to start work. The total amount is £650,000. The £180,000 will enable us to do the foundations, the piling and that sort of thing. That is necessary, whatever type of distiller you put there.

Resumption:

Hon. House resumed.

Fin. & Dev. Sec. Sir, I now move that the votes detailed in Supplementary Estimates No. 3 of 1971/72, as amended 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.

The Adoption of Children (Amendment) Bill 1971.

The Hon. the Chief Minister moved that a Bill entitled "An Ordinance to amend the Adoption of Children Ordinance (Cap.3)" 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. C/Minister Sir, I have the honour to move that this Bill be read a second time. Recently I was approached by a married couple, who had the most commendable background, who were unable to adopt their godchild because the law requires that an applicant, who is not the father or mother or a relative of the infant, must

be at least 21 years older than the infant. It is obvious that there could be in the future, if there are not already, similar situations in which it would not be in the interest of young people for the law to remain as at present. I feel sure the House will welcome the change of the law proposed by this Bill whereby the requirements to which I have referred will be abolished. It will enable cases of the kind to which I have referred to be dealt with in a manner that will afford the necessary protection to the young people involved in such cases. I feel that the case is so clear in favour of the change, that there is little point in my enlarging on what I have already said, except to add that essentially the welfare of the adopted person very much depends, not so much on the age difference between the parties but on the character and general ability of the person or persons adopting a child. Safeguards against undesirable circumstances which could be prejudicial to an infant proposed to be adopted are already contained in the existing law and some are reproduced in the proposed new section. I commend the Bill to the House.

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

Hon. Sir
J. Hassan

Just a few words to welcome the Bill. I have found other difficulties in practice so I have already told the Attorney General, and I may bring one or two amendments at the Committee stage at the next meeting. Particularly one or two points which have been altered in England and make it very difficult for us to follow here. We have recently had quite a number of cases of this nature and it is a very necessary and very humane legislation.

Hon. M.
Xiberras

Sir, from the Welfare side of the Labour and Social Security Department this Bill is obviously most welcome, and the speed with which it has been brought to the House is also, I may say so, commendable.

Hon. Chief
Minister

Mr. Speaker, I welcome the suggestions of the Honourable and Learned Leader of the Opposition and if he wants to see me at any time on this he is very welcome to do so.

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

The Bill was read a second time.

Hon. Chief
Minister

Sir, I beg to give notice that the Committee stage and third reading of this Bill should be taken at the next meeting of the House.

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

The Hon. the Chief Minister moved that a Bill entitled "An Ordinance to provide for the Repeal of the Military Service Ordinance and Consequential Amendments to the Gibraltar Regiment Ordinance" 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. Chief
Minister

Sir I have the honour to move that this Bill be read a second time. This in fact will bring conscription to an end in Gibraltar, if passed. As a result of the recommendations of the Report of the Select Committee on Compulsory Military Service, which were adopted as a resolution by this House; as a result also, of the successful recruiting campaign in which the Gibraltar Regiment Committee, Fortress Headquarters and the Gibraltar Regiment itself played their part, the Government is now in a position to repeal the Military Service Ordinance so that the Gibraltar Regiment will continue in its new form of a Volunteer Force. The Bill before the House, besides repealing the Military Service Ordinance is designed to make provision for consequential amendments to the Gibraltar Regiment Ordinance. Section 5 of the Gibraltar Regiment Ordinance provides that a regular force shall consist of the permanent cadre and of persons enlisted under the provisions of the Military Service Ordinance. The amendment proposed in the Bill deletes the reference to the latter. Similarly, section 9 of the Ordinance provides that there shall be transferred to the reserves, soldiers of the permanent cadre, soldiers of the Regiment enlisted under the Military Service Ordinance at the completion of their initial period of training. Again, the consequential amendment proposed in the Bill deletes reference to the latter. Section 28 of the Gibraltar Regiment Ordinance empowers the Governor in Council to make regulations providing for a number of matters connected with the Reserve Regiment, and will give effect to the Ordinance as a whole. It is now proposed, that to these matters should be added the establishment, constitution, and functions, of a Gibraltar Regiment Association. It is also proposed, now that the new Regiment will be based on a voluntary system, that it is desirable to provide in the law for such an Association on the same lines as the law relating to Territorial Army and Voluntary Reserve Associations in the United Kingdom. The functions of the Association will

be as follows:-

1. to foster and advice in recruiting and publicity for the Regiment;
2. to ensure that effective liaison is maintained between the population of Gibraltar in general and in particular with Employers, Trade Unions, Youth Organisations and schools etc;
3. to concern itself with the welfare of the Regiment as a whole and its states within the community;
4. to examine and report on any matters referred to it by His Excellency the Governor; and
5. to inform His Excellency the Governor of any views the Association may wish to express in relation to the Gibraltar Regiment.

The Regulations to be made by the Governor in Council, when the law is amended as proposed, will, besides providing for the functions of the Association, also provide for its constitution. The intention is that it should consist of a Chairman appointed by the Governor, the Hon. Colonel of the Regiment, the Commanding Officer of the Regiment, the Deputy Fortress Commander or his representative, and not more than eight other members appointed by the Governor from amongst persons qualified as having had experience and having shown a capacity in matters relating to Education, Youth Welfare, Commerce, Trade, Industry, Trade Unions, Finance, Administration, and other such matters as he might think appropriate.

I will be kept informed by the Governor, by means of periodical reports, of the activities of the Association, and I shall in turn keep the House informed as necessary about the affairs of the Regiment generally. I hope that the arrangements I have outlined will be received with satisfaction by all members of the House, if so it shall be a happy and practical development that will suit both the defence requirement of Gibraltar and the wishes of the people of Gibraltar. I commend the Bill to the House.

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

Mr. Speaker, we on this side of the House are in full accord with the sentiments and the objects of this Bill, and the objects of establishing this Regimental Association. I

Hon. Lt.
Col. J.L.
Hoare

kindly have ~~continuously~~ been given ~~copies~~ *a copy* of a draft notice on the formation of this Association with which I concur fully. There is nothing there to be added or taken away, it is just correct. May I add a plea that now that we have gone so far, that some effort be made to bring up to date the Gibraltar Regiment Regulations 1971, which were in fact wrong when they were printed in January 1971, and are hopelessly out of date now. We support the Bill on this side. X

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

The Bill was read a second time.

Hon. Chief Minister Sir, I beg to give notice that the Committee stage and the third reading of this Bill should be taken at the next meeting of this House.

The Cemetery (Amendment) Bill 1971.

The Minister for Housing and Public Works moved that a Bill entitled "An Ordinance to amend the Cemetery Ordinance (Cap.18)" 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. J. Caruana Sir, I have the honour to move that this Bill be now read a second time. Mr. Speaker, a very small speech and I will proceed with it. In the last six months I have had two meetings with the Board of Cemetery and we have formed a plan of action. The Board felt that this plan of action should be sufficient enough so that the Board should not meet every three months, as required by law, but should meet every six months. Sir I commend the Bill to the House. /the

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

Hon. A.P. Monte-griffo Mr. Speaker, we heard before about a Productivity agreement for Grave Diggers, we are now hearing of a plan of action. I am getting rather worried!! There is only one question I would like to ask the Minister, and that is that I gather from this Bill that less meetings of the Cemetery Board will be held. I don't know whether it is their function to look at the state of the cemetery, because I will say that it is in a bit of a ~~shocking~~ state. The place is not properly kept and I have heard certain complaints from people. I myself had the misfortune of having to go once or twice in the last month and I found it in an appalling state. I hope the Minister will take the

point, and whether it is the Board or whether it is himself - perhaps he can tackle it more expeditiously himself - the place is put right or as right as can possibly be done.

Hon. J. Caruana: Yes, Mr. Speaker, I have been far from satisfied with the arrangements at the Cemetery. We have heard about a bonus for grave diggers who once upon a time were the people who were employed to keep the place tidy. Now they can't cope with the digging and the cleansing of the place at the same time, and unfortunately, there are one or two times in the year that one can tackle weed growth successfully. This is really shortly after Spring so that after that you tear out everything that has grown and then afterwards you don't have the dried weeds, otherwise it's a battle against the elements and nature, and you never win. If the Honourable Member opposite has visited the cemetery in the last two weeks he will have found a tremendous improvement in it. No less than twenty men have been going there on Saturday afternoons, diverted from other works to the cemetery, to tackle the job. I was hoping this would happen for All Saints Day. In the last two weeks a real task force was sent there to clear up, unfortunately it rained on the first day they went, so this did not help much. However, this was only a remedial plan to keep it tidy and neat, but the plan now is to have this done systematically and there will be more money asked for in the next budget to assist with the cleansing. I think the vote for last year was £480 which doesn't cover to keep the cemetery trim.

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

The Bill was read a second time.

Hon. J. Caruana: Sir, I beg to give notice that the Committee Stage and third reading of this Bill should be taken at the next meeting of the House.

The Criminal Offences (Amendment) Bill, 1971.

The Hon. the Attorney General moved that a Bill entitled "An Ordinance further to amend the Criminal Offences Ordinance (Cap.37)" 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.
Attorney
General

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

Sir, the objects and reasons of this measure are set out in the Explanatory Memorandum. As you will note, Sir, it is a fairly lengthy Bill of 24 or 25 pages. I should assure members that it is not part of a productivity deal with the Bar. (Laughter). In brief, Sir, the Bill seeks to amend the Criminal Offences Ordinance on the lines of the United Kingdom Theft Act 1968. In Gibraltar we are, perhaps fortunate, in having our ~~criminal law issued and consolidated~~ in the Criminal Offences Ordinance, and that Ordinance is in fact modelled upon English Statute Law. We are now seeking to take advantage of a further reform introduced in England in 1968. Honourable Members will perhaps ask themselves, why it was that the United Kingdom Legislature thought fit in 1968 to enact the Theft Act.

Well, Sir, the English Criminal Law is, I think one could say, generally in a bit of a mess and efforts are being made to tidy it up. In 1959 a Criminal Law Revision Committee was set up with Sir Frederick Sellers, a Lord Justice of Appeal, as Chairman and the terms of reference of this Committee were to examine the Criminal Law and put up ideas for reform and revision. In March 1959 the then Home Secretary, Mr. Butler, asked the Committee to consider the Law of Larceny. He asked the Committee to consider, with a view to providing a simpler and more effective system of law, what alterations in the Criminal Law are desirable with reference to larceny and kindred offences, and to such other acts involving fraud or dishonesty, as in the opinion of the Committee, could conveniently be dealt with in legislation giving effect to the Committee's recommendations on the Law of Larceny. The Law of Larceny in England is contained mainly, or was at that time, in the Larceny Acts of 1861 and 1916. Well, the Committee was over-come with deep emotion when they were given these terms of reference) and in the course of the next seven years, they produced seven reports, all of which, I might add resulted in legislation, and indeed one of their reports resulted in the enactment of the Criminal Law Act in 1967, which cuts out a lot of dead wood from the Criminal Law, and it is my hope to produce a parallel measure into this House at a later date. The Eighth Report of this indefatigable Committee was entitled, "Theft and Related Offences", and it was presented to Parliament in May 1966. With their report the Committee submitted a draft Theft Act and this, slightly amended,

finally got to the House of Lords in December 1967. The House of Lords pondered the matter, found it good, sent the Bill to the House of Commons from which it emerged as the Theft Act 1968. This Act, Sir, was intended to simplify the law. It is a fairly bigish Bill, and when I looked at it afresh I was reminded of Carlisle's comment when he said "I don't pretend to understand the Universe, it's a great deal bigger than I am". Well, the Bill is fairly big but I think it is reasonably comprehensible. Briefly, it sweeps away a number of offences which figure in our law at the moment. Offences such as embezzlement, fraudulent conversion, larceny as a bailee, larceny by intimidation, attempted extortion and so on, all these go, but they are replaced by fresh offences and so we have some offences redefined, such as theft, robbery, burglary, and then we have in ^{some} general instances, new offences created. One of these is at page 61 of the Bill, the new Section 112, where Honourable Members will find a new offence called "aggravated burglary", which is much worse than ordinary burglary, (on the preceding page) and instead of a 4 year term of imprisonment, entails imprisonment for life. Aggravated burglary consists of a burglary, in the course of which fire arms, explosives and weapons of offence are used. It is a new offence, aggravated robbery and whether it should have been created is, I think, a nice point, but there it is, Sir. Again, the succeeding section, 113, creates an entirely new offence, an offence which consists of the removal of articles from places open to the public, places such as museums and the like. Those two sections apart, basically the law is a restatement of the existing Criminal Law of Larceny and I don't think I need weary members by plodding laboriously through each clause to be added by the Bill.

In Gibraltar we have a Law Revision Committee, which sits under the Chairmanship of the Honourable the Chief Justice, and indeed the Chief Justice has taken a keen interest in this particular measure. The Bill before the House is based entirely upon the Theft Act 1968, of the United Kingdom. Honourable members will note that the effective date for this measure is proposed in clause 1 as the first of January 1972. The Police, are I believe, already undergoing - if that is the word - instructions in this particular measure.

The Theft Act is the subject of entertaining treaties of this size, and they will of course, Sir, get bigger as the

X courts endeavours to grapple with this particular measure, but already the academic lawyers are making a good thing out of it.

X Well, Sir, this new law has some anomalies and some complexities and I don't think it can be regarded as a master piece. Indeed in last week's Times, I saw an observation by Lord Justice Edmund Davis, in the Court of Appeal in which, commenting on the new Section 117 in this particular measure - the foot of page 63 - he said: "this section is so obscure that it has created a judicial nightmare." Well, Sir, a little earlier in the year Lord Diplock observed, in another case, "that this new Act is expressed in simple language as used and understood by ordinary literate men and women". So honourable members can take their choice of which of these opinions they prefer. I think probably a chance has been missed in the enactment in the United Kingdom of this Act, on which the Bill of ~~the~~ ^{of} the House is modelled, but I think it is an improvement on existing law and I think it takes us one step nearer a better penal code. // There used to be a motto current a few years ago, that what's good for General Motors, is good for America.

X Well, Sir, I am not one to suggest that what is good for the United Kingdom is necessarily good for Gibraltar. They have their problems and we have ours. But I do think that in the field of criminal law we can properly take advantage of the skill and wisdom of the United Kingdom ^{lawyers} ~~laws~~ and the ability of our compeers in the United Kingdom Legislature. I therefore commend the Bill to the House, Sir, as an improvement on our present law.

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

Hon. Sir J. Hassan Mr. Speaker, I'd just like to say that we welcome the Bill. In fact our Criminal Law, as the Honourable Attorney-General has said, is based on English Law and if there is a substantial change in English Criminal Law and we do not enact it here, then we get ourselves into great difficulty. Text books do not deal, and decisions are no longer made, on sections of the old law and it is very difficult. We have no text book of our own to deal with them, we have no decisions of our own to guide us in difficulties, and whether Mr. Justice Diplock agrees with Davis, or whichever of them said that, certainly in the end we have the final decision of the Court of Criminal Appeal and if necessary of the House of Lords to guide us in our deliberations. I would

just like to say that if anybody wants a bargain he could commit aggravated burglary before Christmas, he would have it cheaper than if he did it after.

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 the third reading of the Bill should be taken at the next meeting of the House.

The Supreme Court (Amendment) Bill 1971.

The Hon. the Attorney-General moved that a Bill entitled "An Ordinance to amend the Supreme Court Ordinance (Cap.148)" 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.
Attorney-
General

Sir, I have the honour to move that this Bill be now read a second time. The objects and reasons of the Bill, which is a very short Bill, Sir, are set out in an explanatory memorandum. I should explain that the effect of the amendment contemplated by the Bill will be that a person who is appointed as a Crown Counsel in Gibraltar, and who is not a member of the Gibraltar Bar, need not apply for admission to that Bar. By virtue of his appointment he will be able to act as a barrister in Gibraltar, so long, but only so long, as he remains a Crown Counsel. And so, Sir, the Bill seeks to extend to the office of Crown Counsel the right of audience which is at present enjoyed - if that's the word I am looking for - by the Attorney General. This amendment is, Sir, supported by the Bar and I should add that it is supported by the officer holding the office of Crown Counsel, Sir, since it saves him a certain amount in the way of call fees. I therefore commend the Bill to the House.

Mr. Speaker 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.

Hon.
Attorney-
General

Sir, I beg to propose that the committee stage and third reading of this Bill should be taken at a later stage in this meeting.

This was agreed to.

The Income Tax (Amendment) (No.2) Bill,
1971.

The Financial and Development Secretary moved that a Bill entitled "An Ordinance to amend the Income Tax Ordinance (Cap.76)" 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. Fin. &
Dev. Sec.

Sir, I have the honour to move that this Bill be read a second time. Sir, this is a very short Bill. Except for the title and the effective date, there is only one clause. The point is that the emoluments of men serving in the Gibraltar Regiment during their initial training are exempt from income tax under the Income Tax Ordinance, because their emoluments are paid out of UK funds. This is not the case where the Reservists go for their annual training camps. In ~~their~~ case their emoluments are being paid out of local funds. The purpose of the Bill is to extend this exemption from tax to these particular emoluments. Sir, I commend the Bill to the House. X

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

HCN LT COL
J L HOARE:

Mr. Speaker, this was one of the recommendations of the Committee formed after it was decided to put the force on a voluntary basis; this one, and the other recommendation over which there was a bit of a hullabaloo this afternoon. We commend this and we agree with this wholeheartedly because it is one of the things which removes discrimination between the two components of the reserve forces.

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

The Bill was read a second time.

Hon. Fin. &
Dev. Sec.

Sir, I beg to give notice that the committee stage and third reading of this Bill should be taken at the next meeting of the House.

The Public Utility Undertakings (Amendment) Bill 1971.

The Financial and Development Secretary moved that a Bill entitled "An Ordinance to amend the Public Utility Undertakings Ordinance (Cap.135) and to make consequential amendments to the Public Health Ordinance (Cap.131)" 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.

Fin. &

Dev. Sec.

Sir, I have the honour to move that this Bill be now read a second time. Sir, the Government is encountering considerable difficulties in the collection of accounts, whether in respect of rents, water, electricity, telephones, or rates. As regards water, electricity, and telephones, in addition to recourse to the Courts, the Government have the powers to cut off the supply for non-payment of the accounts. This is not the case at present with regard to the General and Brackish Water Rates and the only remedy open to the Government is to take the defaulter to court. This is rather a slow and lengthy process, particularly at the present time, when the courts are working under considerable pressure. While this process is taking its course, the arrears continue to mount and in the end it often proves to be beyond the means of the individual to meet his commitments. Accordingly, it is proposed to take powers to discontinue all services when a person is in arrears in respect of rates and does not try to reduce his indebtedness. Every effort will of course be made to avoid hardship in individual cases, but it seems only logical, Sir, that the person who is indebted to the Government in respect of one service should not be allowed credit in respect of other services which he may require.

To give an idea, Sir, we find that the outstanding collections for the last three years are coming to this. At the end of December 1969 they amounted to £239,500. On the 31st March, 1971, it came up to £306,826; and on the 30th September it came up to £310,453. Picking at random, we find that in regard to rates alone - there seems to be some tendency nowadays not to pay the rates - we find that in 25 cases of business premises taken at random, and arrears of rates as on the 16th November, 1971, came to no less than £6,689 which represented 67% of the total indebtedness of these twenty five premises in respect of rates and all other services. In another nineteen similar cases - and I say this because they were taken by different clerks and that is why they were taken at random - the amount in respect of Rates and Brackish Water due on the 16th November, came to £2,741, and in these cases it represented 73% of the total indebtedness to the Government.

Those are in respect of business premises. Now dwelling houses. We have Arengo's Palace Lane where the arrears of rates come to £2,324 representing 77% of the total indebtedness of the 31 tenants of this place to the Government. In 35, Glacis Road, at the First Tower Block,

there are 120 tenants. Their indebtedness in respect of rates come to £5,949 and represent 97% of their total indebtedness to the Government. In the Second Tower Block, their arrears in respect of rates come to £6,195 and these represent 81% of the total indebtedness to the Government.

It is obvious, Sir, that some drastic action has to be taken if we don't want to find ourselves in a predicament. We will have so much arrears that we will have to write them off completely, and in any case the writing-off of these arrears can only be done at the expense of the other rate payers, because if some don't pay, it means that the rates have got to be increased and the rest of the rate payers have got to pay for the defaulters.

Sir, I commend the Bill to the House.

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

Mr. Speaker, we don't like this Bill very much really. We feel it is too drastic and particularly unfair, because it may well be that people are made to suffer, through no fault of their own. I see that the Government continues to find difficulty in collecting rent, rates and other charges, despite the affluent Society and the wonderful increases in the number of cars. Everybody has got so much money and yet they have not got money to pay rates.

On the other hand I see that a very commendable step has been taken by the Housing Department in order to collect the rates of tenants with the rent, if they so agree. Or in fact even if they don't agree at all, because I as a tenant have received a letter which says: "It has become apparent that many tenants of Government owned flats are finding it increasingly inconvenient to pay their GSP and BW Rates quarterly in advance as prescribed" - I don't see anything special in having receiving this, everybody has received it - "Ways and means of improving the situation have been studied, and it seems that the best way is to allow payment weekly through the rent cards, though this will undoubtedly cause additional administrative burden on this Department. I hope it will be possible for you to cooperate in this matter by signing the attached note, signifying your agreement. The amount payable will be spread over a period of 50 weeks thereby creating the rate-fee weeks in each year. The proposed arrangement will in no way increase the total amount of rent and rates payable by you at present, and in fact may result in a small reduction because any odd fraction of payment which may arise will be rounded down. It will be appreciated, therefore, if the attached memorandum

duly signed, is returned to this office as soon as possible", perhaps and knowing the way people react to this sort of thing, it goes on to say: "if it is not returned by that date it will be assumed that you are in agreement with the scheme and that I can proceed accordingly". This, I think, is a very good idea, I am not unappreciative of the difficulties that the Government is undergoing because it is a repetition of the difficulties that occurred before. It is in fact augmented, because the amount to be collected is more because the rates are higher and the rates of electricity have increased and the valuation of money and so on. It's more or less about the same, if not more, in proportion to what it was before. I don't know the percentages but it would seem to be round about the same. It is a big problem, whether it is a bit more or a bit less it makes very little difference. But at the beginning when this Government came into office, the Financial Secretary suggested another method; of surcharging arrears by 25%. Well I thought 25% would have been very punitive, if I may say so, but perhaps there may be some virtue, before we get to the stage in which we are going to use the powers under one Ordinance to suppress the right under another Ordinance, which is what this law is doing, which is not a very good way of legislating. It is not a very nice way of using one thing for the purpose of another. We might perhaps give a try to this idea of putting a percentage increase on rates which are not paid within a certain period from the date the demand note goes out. There are some traders who always want to trade with the money of the local authority by paying at the very last moment. There were some, in my time, who were not given the usual warnings, i.e. the first, second and third warning letters and the cut-off letter and the supply was either cut-off or they paid up. I would perhaps put it in this way to the Government: that we don't like the Bill; we know that there is a problem; we want to help, to see how the problem can be solved; and perhaps a combination of this method of rent collection and charges might be tried - the Chief Minister was naturally engaged in consultation. We would like to say quite clearly that we don't like the Bill; we want to be helpful in this problem; we know the problem; we still don't like the Bill. We must say so, that is why we are here. We don't like the Bill because of features which, I think, are repugnant to

the kind of legislation one would expect to see. It may be that drastic action is sometimes required, but whether this is the time, or whether a combination of the scheme which is so well thought out - the bulk the people really cannot afford to keep the money for the quarter - and if it is collected with the weekly rent, and I am sure most of them will agree - it has been tried before but difficulties were placed on the way. But I think the thing is becoming so big that I think this is a good way of doing it. An evil minded person could get around this law quite easily, he could have the telephone in his name, the rates in somebody else's name, and the electricity in another name, and then you will not be able to do it. Now it is not strictly correct to say, if the Attorney-General will bear me out, that all that the law can do is ^{su}ing, the point is that in bankruptcy proceedings, or in threatened bankruptcy proceedings, certainly, it was the practice in the past, debts for rates are preferential to other creditors. They have a preferential status under the law and therefore, when there is not enough to go round to pay the rent, the rates as always are the primary account.

We would not like to impede the Government but we don't think they are going about it in a way which meets with our approval. We shall certainly vote against the Bill but we are quite prepared, between now and the Committee stage, if there are other ways thought up, to contribute with whatever little experience one has in these matters, to be able to see whether we can bring out something a little better than this one. If in fact a strong arm is now being exercised and does not give result, I think this won't work either. You have to condition the people to pay and you have got to pursue the matter to the end. There are cases and cases I suppose, but anyhow, this is the attitude we take and we hope the Government accepts that the approach that we make is one which is governed by what we think is right in certain circumstances, with which we entirely sympathise.

Hon. Chief
Minister

Mr. Speaker, I am very glad to hear the Leader of the Opposition sharing the same anxieties as we do, and also the spirit of cooperation he is showing. We don't like the Bill either, this is not the kind of bulldozing way of collecting money that any Government would like to carry out, and it is with great reluctance, in fact, that we have brought it here, after having given tremendous thought to this. The idea of having a percentage, as the Honourable

and Learned Leader of the Opposition has said, was also considered, but we came to the conclusion in that score that if people don't pay, all that would happen would be that the debts would increase, not only by what they owed, but also by the percentage that was added to it. The position would therefore be aggravated all the more. Equally it was very difficult to start assessing, percentage-wise, the small individual consumer. It involves clerical complications of all sorts.

I think that the suggestion of the Leader of the Opposition to slow the Bill down, in order to try other methods, such as the new idea of the Housing Manager, who is trying to collect rates through the rent; impressing on the public generally that it is a civic duty to pay the rates; that if we allow this to go unnoticed in certain sectors, the time will come when everybody will be decided not to pay. This will be chaotic, the whole Government would come to a standstill and everything that we need would cease to be.

So, Sir, having fired the warning shot today, so to speak, we could in fact delay the next stage of the Bill and if the Leader of the Opposition, or his representative, would like to meet us to start thinking of ways and means of facing this problem - which is after all a problem that the people of Gibraltar are facing, not just the Government - we could find a way, eventually, to come with a united front, and impress on the public that this is something that they owe to the Community, their contribution to the Community is a necessary thing in a modern society and it would be chaotic to allow the situation to deteriorate at the rapid rate that it is deteriorating. We would fail in our responsibilities as a House of Assembly, if at one stage we were not prepared to take drastic measures if this was necessary.

We all seem to share the same view and perhaps, the Opposition would like to meet us and start thinking of ways and means to persuade the public until eventually if there is no other means of doing it we may have to legislate and put this Bill into effect.

If that is agreeable to the Opposition it is certainly agreeable to the Government.

Hon. Sir
Joshua Hassan

Sir, we certainly accept that invitation and in the circumstances, we will abstain.

Mr. Speaker then put the question, and on a vote being taken the following Hon. Members voted in

favour:-

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

The following members abstained:-

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

The motion was accordingly carried.

Hon. Fin.
 & Dev. Sec.

Sir, I beg to give notice that the Committee stage and third reading of this Bill will be taken at a subsequent meeting of the House.

The Pensions (Increase)(Amendment) Bill 1971.

The Hon. the Financial and Development Secretary moved that a Bill entitled "An Ordinance to amend the Pensions (Increase) Ordinance (Cap.122)" 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. Fin.
 & Dev. Sec.

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

Sir in the statement made by the Minister for Labour and Social Security on pensions generally at the last meeting of the House in July, he said that a Bill to provide for an increase to Government pensions had been referred to the appropriate authorities in the UK and that the necessary legislation would be brought before the House at the next meeting following the recess. The Bill before the House today is in fulfilment of that promise. The Bill takes account of the increases in wages and salaries which has taken place since the Ordinance was last amended, and aims at improving the pensions by the amount by which they would

have been increased if the officer had had his pension calculated on retirement on his salary, enhanced by the increases awarded to serving officers.

Sir, wages and salaries were increased by 15% with effect from the 1st January 1970, raised to 18% with effect from 1st July of the same year. Pensions, on the other hand have had the benefit of the first increase only and the proposed new section 8(e) to the Ordinance aims at providing for the second increase. As this is being granted on the pensions already enhanced by 15%, the percentage by which it should now be increased is 2.6. This represents 3% on the amount of the pension on 1st January 1970 before it was increased by the 15%. Wages and salaries were subsequently improved, with effect from 1st April 1971, as a result of the agreement with the Unions that an increase of over 3% on the Index of Retail Prices would be met automatically by the grant of a Bonus, of a similar percentage of the wages of a skilled labourer, to all officers below the grade of Assistant Secretary, and not above Technical Grade I. This bonus was to be regarded as pensionable and hence would be taken into account in calculating the pension of the officer ^{on his retirement.} ~~of this requirement.~~

Now, under the Pension Regulations, the maximum pension which, in addition to the gratuity, may be drawn by an officer on retirement after completing 400 months pensionable service, is one half of the salary or wages he was drawing at the time. The proposed new Section 8(f) to the Pensions (Increases) Ordinance is designed to have this effect, thus placing the pensioner who retired prior to 1st April 1971, ^{seen} in the same position as those who may have ^{or} will be assessed on wages and salaries which has been increased by that bonus. In other words, the pensioner is going to be placed in exactly the same position as the serving officer who retires now, and has his pension calculated on his present salary. Therefore, Sir, I commend the Bill to the House. (Tapping on the table).

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

Hon.E.J.
Alvarez

Mr. Speaker, I fully appreciate the complexity of amending the Pensions Legislation, which is a long and complicated one, and the fact that reference to London is required before payment of the increase can be effected. But in

view of the fact that prices, which have never risen as far and as fast as at present, impose hardship, particularly on the lower income pensioner, would not the Honourable Financial and Development Secretary agree to request all concerned to treat future cases of increases in pensions, as a matter of urgency.

Hon. Fin. &
Dev. Sec.

Sir, this is well recognised, and perhaps in this I should declare an interest because I am a pensioner myself, but apart from the fact that the Pension Legislation has to be referred to the United Kingdom there is the fact that you cannot proceed with an amendment to the Pension Legislation until you have settled the position of serving officers. Unfortunately, the last report by Mr. Marsh gave us all considerable trouble. There were a lot of Unions and staff and what not, who would not accept the report. Until we were able to clear, get the bulk of the serving officers to accept the report, we were not in a position to know really what was the percentage increase that was being allowed on the salaries of those officers and hence the percentage increase which one would have to allow for the pensioners.

Apart from that, when the matter was referred to the United Kingdom the department dealing with our own Pension Legislation was also involved in the preparation of the Pension Increases Act in the United Kingdom, and therefore they were also hard pressed. To that extent, the delay is due to perhaps pressure of work both in Gibraltar and in the United Kingdom. But I am positively certain that whatever Government is in power they will always do their level best to introduce any of these amendments with as little delay as possible.

Hon. M.
Xiberras

Mr. Speaker, I am sorry I thought the Hon. Member opposite was going to say a word on this.

Hon. A.P.
Montegriffo

Mr. Speaker, I think that what we want to get straight is that we are both voting the right thing, because lawyers like doctors, are in the habit of writing in such manner that a layman cannot very easily follow it.

I have been finding great difficulty in relating the legal text in the Bill itself, to the explanatory notes at the end. Therefore, I am going to summarise what I think it means, after having consulted the Honourable

Financial Secretary on the matter, to see whether what we are voting on is what I am going to summarise now. And that is, that anybody who got the 15% before, will now be getting, an increase in the pension to bring it up to the 18% arising out of the Marsh Report. In the second part of the Bill, which deals with people up to the Technical Grade I, they will be getting the amount corresponding to the increase in the adjustment of the Cost of Living Bonus - I didn't want to use the word Bonus because I can see from your speech that you have refrained from using it. If that is so, of course the Opposition will fully endorse the Bill.

Hon. Fin. &
Dev. Sec.

Mr. Speaker I confirm the position. It is as stated by the Honourable Member.

Hon. M.
Xiberras

Sir, I confess to being equally mistified, as the Honourable Member opposite, about the terms in which the Bill was written, but it was very ably explained to me by my Hon. Friend, the Honourable Financial and Development Secretary, and I assure him it is the 18% plus the formula.

Sir, the Honourable Financial and Development Secretary referred to a statement I made earlier on Pensions, and I would like to place on record that of the four types of pensions which I dealt with, three have been covered, i.e. Supplementary Benefits, which I term loosely, a pension, which it is not; United Kingdom Department pensions, which have also been dealt with; and Government Pension which are being dealt with now, and are retrospective. The only one that remains outstanding is Contributory Pension, and here I think I mentioned before, a series of consultations have started in the Department of Labour and Social Security, which I am sure will be of great importance in the future for the House. In due course, I think, it may be necessary to adopt the same method of consultation on the Contributory Insurance Scheme, as has been adopted, between this side and the other, on previous occasions. A number of very interesting points have come to the light when re-examining the scheme, and by an outsider looking at it and making certain comparisons to the UK scheme, I for one will welcome the advice of the Honourable Member opposite on this.

However, by and large, I think the Government has honoured its commitment to pensioners and what remains outstanding is the question of Contributory Pensions, which

we on this side are very eager to tackle.

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

The Bill was read a second time.

Hon. Fin. &
Dev. Sec.

Sir, I beg to propose that the committee stage and third reading of this Bill should be taken at a later stage of the proceedings.

This was agreed to.

Hon.
Attorney-
General.

Sir, I now propose that this House resolves itself into Committee to consider the next two Bills on the order paper, clause by clause.

This was agreed to and the House went into Committee.

House in Committee.

The Supreme Court (Amendment) Bill 1971.

The Bill passed the Committee without amendment.

The Pensions (Increase) (Amendment) Bill 1971.

The Bill passed the Committee without amendment.

The House resumed.

Hon.
Attorney-
General

I have the honour to report that the Supreme Court (Amendment) Ordinance 1971 and the Pensions Increase (Amendment) Ordinance 1971 have been considered in Committee and agreed to without amendments. 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.

Adjournment.

Hon. Chief
Minister.

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

Mr. Speaker

I now propose that this House do now adjourn sine die.

Hon. Sir J.
Hassan

Sir, yesterday the Chief Minister made a statement in the course of question time, which I didn't like, and I said I was going to take it up at the adjournment. However, in view of the hour, I will try and clear it up with him on a friendly basis. If we do not come to terms, I will raise it next time.

Hon. Chief
Minister

Mr. Speaker, it is very nice of the Leader of the Opposition.

The House adjourned sine die.

The adjournment was taken at 0055 hours on the 19th November 1971.