

HOUSE OF ASSEMBLY

HANSARD

OF MEETING

HELD ON 3 JUNE 1971

start 12/14/12

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Fifteenth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Thursday the 3rd June 1971 at 6.00 p.m.

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

GOVERNMENT:

The Hon Major R J Peliza, Chief Minister.
The Hon Major A J Gache, Minister for Information, Port, Trade & Industries.
The Hon M Xiberras, Minister for Labour and Social Security.
The Hon J Caruana, Minister for Housing and Public Works.
The Hon W M Isola, Minister for Tourism and Municipal Services.
The Hon. Miss C. Anes, Minister for Medical and Health Services.
The Hon. L. Devincenzi, Minister for Education and Recreation.
The Hon. R. H. Hickling, C.M.G., Q.C., Attorney-General.
The Hon. E. H. Davis, CM.G., O.B.E., Financial and Development Secretary.
The Hon. P. J. Isola, O.B.E.

OPPOSITION:

The Hon. Sir Joshua Hassan, C.B.E., M.V.O., Q.C., J.P., Leader of the Opposition.
The Hon. A. W. Serfaty, O.B.E., J.P.
The Hon. A. P. Montegriffo, O.B.E.
The Hon. E. J. Alvarez, O.B.E., J.P.
The Hon. M. K. Featherstone
The Hon. I. Abecasis
The Hon. Lt. Col. J. L. Hoare

IN ATTENDANCE

J. L. Ballantine, Esq., Clerk to the House of Assembly.

PRAYER

Mr. Speaker recited the prayer.

MINUTES

The Minutes of the Meeting held on the 14th April, 1971, having been previously circulated were taken as read and confirmed.

DOCUMENTS LAID

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

The Draft Statistics (Employment Survey) Order 1971.
Ordered to lie.

The Hon. the Minister for Port, Trade and Industries laid on the table the following documents:

- (1) British Commonwealth and Foreign Post (Amendment) (NO.2) Regulations 1971.
- (2) Savings Bank (Amendment) Rules 1971.
- (3) Cooperative Societies Rules 1971.
- (4) Draft Statistics (Air Traffic Survey) Order 1971.

Ordered to lie.

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

Draft Statistics (Hotel Occupancy Survey) Order 1971.
Ordered to lie.

The Hon. the Attorney General laid on the table the following documents:

- (1) Military Service Regulations 1971.
- (2) The Supreme Court (Barristers and Solicitors) Rules 1971.

Ordered to lie.

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

Supplementary Estimates No.1 of 1971/72.

Ordered to lie.

ANSWERS TO QUESTIONS

STATEMENT BY THE CHIEF MINISTER

Economic Development

Sir, as the House is aware, I announced on the 3rd of last month that Her Majesty's Government have now agreed to make funds available to the Gibraltar Government to finance the new housing project on the Viaduct Reclamation.

This had already been approved in principle at the talks held in London in December, 1969, when financial aid amounting to £4m. was obtained for a three-year development programme extending from the 1st April, 1970 to the 31st March, 1973. It was accepted then that specific provision could not be made for the Viaduct Scheme because of the time involved in getting a project of such magnitude under way, but that we should cover the preliminaries involved so that no time would be lost in launching the project.

The House is also aware that a leading firm of Consultants (Messrs. Hugh Wilson and Lewis Womersley, Chartered Architects and Town Planners) was engaged early in 1970 to advise on the scheme and the last twelve months have been spent in preparing a Design Brief which has formed the basis of the negotiations carried out with HMG for the financing of the project. The firm has now been appointed as Consultant Architects, with Messrs. Ove Arup and Partners as Consultant Engineers and Messrs. Widness and Trollope as Quantity Surveyors. Action on clearing the Viaduct Site of the Ministry of Defence installations has already started and we are grateful to the Ministry of Defence for their cooperation in this respect.

The Project will comprise twenty blocks of 5-storeys each, providing approximately 650 flats to house some 2,600 people. Communal facilities within the complex will consist of a nursery classroom, playgrounds for young children and similar facilities for older children; there will also be accommodation or a site for shops, a site for a Roman Catholic Chapel, a promenade along the north-western and south-western water fronts and a beach and/or bathing facilities on the south western front. Parking space for cars will be provided alongside the site roads and promenades. It is intended that, in order to accelerate and expedite construction work, tenders should be invited on the two-tier system so that the selected contractor can participate in the detailed development of the project from a very early stage.

The reason for the reduction proposed in the number of units is that detailed investigation of the project, of the space available and the type of construction we have in mind, has led to the conclusion that it is generally more advantageous to build 650 flats on the Viaduct instead of the 750 originally envisaged. By providing a number of larger units to house large families and if we take into account the 30 houses to be constructed

at Catalan Bay, it is anticipated that overall it will be possible to house rather more individuals than those which could have been accommodated in 750 small units.

The estimated cost of the project, exclusive of land value, is £5.15m. This will be financed through British Government Aid. 75% of the total amount required will be by way of grant from Her Majesty's Government and the balance by loan repayable over 25 years at the favourable interest rate of 6%. The loan has the additional advantage of a three-year period of repayment of capital.

I am sure I am voicing the sentiments of the House when I say that the Gibraltar Government is most grateful to Her Majesty's Government for all the assistance given in carrying out the policy of sustaining and supporting Gibraltar in our difficulties. On the other hand, it has always been accepted that our aim must be to stand on our own two feet as soon as possible. It is in pursuance of this policy that a proportion of the financial assistance on the Viaduct Project has been accepted on a loan basis and if, as we believe, our economy can stand it, that should be a source of deep satisfaction to us all. (Tapping on table)

STATEMENT BY THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr. Speaker, I am sure the House will welcome this opportunity of expressing its appreciation of the statement made yesterday in Gibraltar by Mr. Julian Amery, Minister for Housing and Construction in the Department of the Environment, and of the work which has been done both in Gibraltar and in the United Kingdom to make this significant statement possible. I am referring of course to the new training school for technicians in the construction industry and to the career prospects which have been opened up for Gibraltarians in DOE middle management.

There has been the closest consultation and cooperation between DOE and interested Gibraltar Government departments in the elaboration of this scheme. As a result, complete agreement has been possible.

The application of this scheme to DOE (Gibraltar) is particularly significant however because it will mean that there will be a significant degree of 'localization' or 'Gibraltarization' in this United Kingdom department stretching up to an enhanced Technical Grade I level, that is to the top of the middle management ladder. Equally significant and welcome is the firmness of commitment in advance to the implementation of the scheme. This is particularly in evidence in the detailed nature of the DOE communique. I am aware that this subject is very dear to members of this House and glad that previously stated aims of policy are quickly being translated into practical advantages to Gibraltarians.

I would like to state formally that the Gibraltar Government will introduce a scheme identical to that announced by the Minister in the Departments of Public Works, Electricity and Telephones. It is to be expected that this trend will in time become universal in Gibraltar and that a new vista of career prospects for trained Gibraltarians in middle management will emerge, which will provide the young people with careers and improve efficiency in this vital area.

The visit of Mr. Julian Amery has been productive in another sense: I am sure the House will also welcome the Minister's firm commitment to the introduction of a comprehensive productivity agreement in the near future. For its part the Gibraltar Government anticipates that it will be able to offer concurrently its own productivity agreement for the construction trades. I might add that apart from the agreement for the construction trades, other agreements are at present under consideration which would apply to other categories of Government employees. Progress has already been made in setting up the machinery and in making expertise available to this end, as recommended in January, 1971, Marsh Report. A unit of this nature is without precedent in Government, and we shall be hearing more of this later in this meeting in connection with the Supplementary Estimates to provide for the various posts related to the Unit.

I would ask Hon. Members, Unions and Associations, and the community generally to pay particular attention to the guide lines set out in Mr. Marsh's Third Report on productivity agreements and particularly to those which, in effect, say that if earnings are to be enhanced and hours of work reduced through productivity agreements, it is essential that the efficiency and output of our labour force should be increased as a result. For the good of the community, it will be imperative that all parties to any agreement make it their joint responsibility and endeavour to see to it that such agreements are honoured and that the community benefits from them, as indeed it is entitled to do. For these reasons, I am most anxious that employers and associations and individual workmen should enter into productivity bargaining with the firm resolve to benefit Gibraltar as a whole. At this stage, Sir, after substantial payments have been made in respect of Mr. Marsh's Interim, Restructuring and Cost of Living Awards, the time has come when the contribution of each sector of the community to the economy, must be measured justly but firmly.

Finally, I feel it is apposite to announce today, in view of the fact that the first instalment of the Cost of Living Formula is to be paid tomorrow and that the back money to 1st April will be paid the following Friday, that Government has decided to carry out a new Family Expenditure Survey which will enable a new Index of Retail Prices to be drawn up. In this connection the Cost of Living Advisory Committee is being reconstituted. When this is done it will be as representative as possible of the community. Furthermore, the committee will have the distinct advantage over its predecessor of being served by the Government Statistician and his staff who will be responsible for the carrying out of the Survey in consultation with the Committee and also be responsible for the accuracy of the new Index once it is introduced.

MOTIONS

(1) Amendment to Second Schedule to the Licensing and Fees Ordinance.

HON. FINANCIAL & DEVELOPMENT SECRETARY:

Sir, the object of the first motion standing in my name is two fold; in the first place it proposes that the fee chargeable for the issue of a certificate or other document by a public officer for use outside Gibraltar, should be increased from 2/6d, as is now laid down in the second Schedule to Cap.90, to 25 new pence. This Sir, follows the general tidying up process of fees which I initiated in the House two meetings ago. The second part of the motion seeks to bring up to date the overtime fees payable for the services of the Revenue Staff outside normal working hours. These fees were laid down in 1962, since when, of course, there have been a number of salary revisions. The new fees are consequently more realistic. Before, however, these revisions can be given legal effect, they require, under Section 52 of the Licensing and Fees Ordinance, the prior approval of the House. Sir, I accordingly have the honour to move:

"That in exercise of the powers conferred on it by Section 52 of the Licensing and Fees Ordinance this House approves that the Governor may amend the Second Schedule to the Licensing and Fees Ordinance by -

(a) the substitution of the sum of "25p" for the sum of "2/6" appearing in the last paragraph of item 4 (Office Fees) thereof; and

(b) the substitution of the following paragraph for paragraph 3 of Part II of Item 8 (Cranage and Weighment Charges) thereof:-

"3. The overtime fees payable for the services of the revenue staff outside the hours of business at the Government Stores or at the Airport shall be as follows for each hour or part thereof:-

	Up to 10 p.m.	From 10 p.m. to 8 a.m.
Collector of Revenue	90p	£1.50p
Inspector	60p	£1
Storehouseman	40p	60p

Provided that on Sundays and public holidays the overtime fees shall be payable at the above higher rates irrespective of the hours."

Sir, I commend the motion to the House.

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

The motion was accordingly carried.

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

HON. FINANCIAL & DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the House resolves itself into Committee to consider Supplementary Estimates No.1 of 1971/72.

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

HOUSE IN COMMITTEE

Head XII. Public Works non-recurrent.

Subhead 33. New Private Road, Sandy Bay.

This was agreed to.

Head XV. Medical and Public Health

Subhead 1. Personal Emoluments

(a) Medical

This was agreed to.

Subhead 54.(new) Bonus to nursing Staff.

This was agreed to.

Head XVI. Miscellaneous Services

Subhead 14. Repayment of Revenue of previous years.

This was agreed to.

Head XXIV. Secretariat

Subhead 1. Personal Emoluments.

20 (new) Senior Assistant Secretary (Group H)

This was agreed to.

21.(New) Head of Productivity and Training Unit (Group H)

HON. A. P. MONTEGRIFFO:

Mr. Speaker, what I am going to say on this item equally applies to the rest of the items, except one, under Head XXIV. This is tantamount, I believe the Minister said in a statement to starting a new Unit. Of course we have no qualms about it, we support it. The only thing is that with every new thing we would like to make sure, as is our duty to do so, that this is working and is carrying out the objects the Minister intended should do. I wonder therefore whether the Minister would be prepared to commit himself to give a report in nine month's time of how the Department is getting along. Apart from that we would have no objection to supporting this vote.

HON. M. XIBERRAS:

Sir, I thank the Hon. Member opposite for this support. I referred in my statement earlier to the Supplementary Estimates and if the House will abide with me, given the importance of the venture, I would attempt now to give the progress realised to date in this speciality and also to outline how the unit will work. The House is voting money at this stage and I think Hon. Members opposite would like to know what they are voting for.

Sir, the Productivity Unit appears under the Heading "Secretariat" but it is hoped to give it as much freedom of action from the influence of other Government departments as possible. This is in order to enable the Unit to

advise without bias all Government departments equally and free from any financial constraint, on the needs of the Government services, as regards efficiency and in what way this can be brought about.

The Unit will have a Head and will, essentially, consist of three parts. The first, the Industrial Training part, which will be under an Industrial Training Officer, the second a Work Study part, which will be, again, under a Senior Work Study Officer; and the third, an Organisation and Method part, which will deal with the Civil Service essentially. To this part will be attached also a Training Officer for the training of the Civil Service. It was our intention originally, and this may have been the cause of some delay, to get the expertise directly from UK before we made appointments from Gibraltar to these particular posts. In the light of experience, however, we have thought it better to make the appointments locally whilst still advertising or attracting experts from the UK. In this respect may I mention that the Industrial Training Officer, a UK man, is already in Gibraltar and is already engaged in a survey of the Catering and Hotel Trades, and we have in mind Construction, Motor Mechanics and one or two other schemes which are being run outside the scope of the Industrial Training Ordinance at present.

On the Works Study side, may I say that we have had on indent for about six months in the UK two Works Study Officers and we have recently been informed that ODA are unable to recruit the desired personnel from the public sector in UK. They are therefore trying to get them from MOD and DOE in UK. This means that when the two persons from the UK arrive we should have at least three Works Study Officers, the third being a local appointment, to look after this side of the house.

The third part of the Unit, as I mentioned, is an Organisation and Method man and a Training Officer. Because of the level at which the post has been offered, one could not expect to have a man senior enough to be able to train all grades within the Civil Service, we have decided to re-employ an ex-Government civil servant for a while on a fixed term basis until we can develop the kind of permanent O and M Training Officer Post. Nevertheless, in the meantime we have had out from the UK, Mr. Gale, of Coventry Management Consultants, who has carried out a number of exercises, including the decentralisation of the Registry in the Government Secretariat and the centralisation of the Treasury. We have had the Head of the Unit itself, Mr. A. P. Berry offering his comments, and I believe yesterday a Mr. Streets, who had already carried out an exercise in the Department of Public Works, arrived in Gibraltar to stay here for four months and to fill the gap until Gibraltarians are appointed.

Let me make it quite clear that each of the appointments that I have mentioned will be filled as early as possible by Gibraltarian officers and that training goes with the job. In the case of the Industrial Training Officer 11 weeks training, Work Study Officer, a bit longer and arrangements have been

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made for their training already. Apart from this, in the intervening period, it is hoped to seek the help of Coventry Management Consultants once again in providing in-training for parts of the service, counter staff etc., and that this will be done as early as possible pending the proper functioning of this Unit which may be in 9 months time as the Hon. Member has suggested.

This is a most important Unit, Sir, it is the second Government Unit this Government has created, the first being the Statistics Unit, and I feel that much of the work that has devolved ad-hoc on my Department and on the Secretariat can now be centralised and we will have trained people who are responsible for efficiency and therefore will have to provide a return.

It is an aim of the Unit, particularly in relation to Government Services, to be able to give a better service to the public generally, but also to be able to enhance the earning power of civil servants and Government industrialists. It was therefore in this connection that I mentioned the Productivity and Training Unit whilst I was making my statement. I must here Sir, interject a rather less explanatory note, and that is that in the past members opposite have said that productivity was something which was thought of before this Government came in. I must say that I entirely agree with Mr. Marsh that unless you have a Unit and unless you have the machinery, it is not going to result in savings and it is not going to result in shorter hours and higher earnings. The difference Sir, is between a word and a Unit such as the one the house is voting for today.

I should like to add Sir, that it is planned that once the Training and Productivity Unit gets under way, it might be possible to extend the services not just of Industrial Training to the private sector, but also of efficiency experts. I know that there are big difficulties in the way of this but we do hope that at some stage, the larger firms in Gibraltar, or groups of smaller firms, will be able to have the benefit of this advice, though of course at a fee.

I think, Sir, that this discharges, one of the big commitments of Government under the Third Marsh report, the producing of the necessary machinery and expertise and I hope that the concrete results will be very obvious to the Hon. Member opposite, in say less than six month's time.

HON. A. P. MONTEGRIFFO:

Mr. Speaker did I understand the Minister saying that the O&M man will be a retired civil servant?

HON. M. XIBERRAS:

No, Sir, I did not say that. What I said was that in the future, it is hoped to join up what would be now two separate posts, an Organisation and Method post and a Training Officer post. The reason for having two posts now is that on the terms offered at Titular Grade, it is not possible to recruit an Officer with enough experience or seniority to be able to discharge the duties of Training Officer all the way up the ladder in the civil service, but that it is the intention after the Gibraltarian is trained in O & M to investigate the possibility of joining up these two posts and if necessary upgrading the new post.

HON. A. P. MONTEGRIFFO:

Mr. Speaker, he did mention a retired civil servant - where does he come into the picture?

HON. M. XIBERRAS:

The Hon. Member is usually quicker on the uptake than this, I should say, but I will explain it once more. The purpose of having a retired civil servant - I hope the Hon. Member has heard me correctly this time - is to have a man for the money available who is senior enough to be able to train not only the lower ranks of the civil service, but also the higher ranks, and that in the future - and perhaps the Hon. Member might listen to this part of it - it is hoped to join up the post of O & M (Organisation and Method) and Training Officer in one, once the Gibraltarian O & M officer has been trained and has gathered a little bit of experience and authority.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I would like clarification on one or two points and that is that it seems - and this is a question and no attempt of catching the Minister or anything of the kind - it seems that a lot of spade work will be done, which should have been done before, when the Unit gets going and we are committing ourselves to the tune of something like £15,000 extra a year, and by the time the next revision comes and so on it will be near the £20,000.

Is there any possibility that this unit, once it has done its original spade work, could tie up with the Service Ministries and be able to have a joint venture in this kind of thing in order to save ourselves at least part of the cost and sharing expertise. They would probably be reluctant to do this in some aspects of their administration, but I would imagine that in those that are controlled mainly by local conditions, it would be a welcome thing, and if it is going to be a benefit it would be spreading it to all. I notice the Minister has already said that the services might be available later on to the private sector at a fee - anyhow the point is that it would be available if they wanted it, and it would be less expensive than if they had to bring a scheme on - but it seems to me that a machinery of this nature and of this size for a Government of our dimensions might well be able to spread the good, if it has so much good in it, to others.

HON. M. XIBERRAS:

Sir, I think if I may say so that that is a very fair point to raise. The unit will cost something in the region of £12,000 but

HON. SIR JOSHUA HASSAN:

We are voting for nine months?

HON. M. XIBERRAS:

Indeed yes, so that it is an expensive affair. However, the whole object of the exercise is to bring about savings which are well in excess of that sum - I would immediately hazard three, four or five times, Sir, as to the number of people involved, I can assure the House that this is not excessive,

I had a suggestion from one set of consultants that for one part of the Unit we should have one Senior Work Study Officer and no less than 11 subordinates, which of course I rejected.

As to the idea of linking up with the Services on this, I must say that we are not at all adverse of calling on the Services for help on occasions, but in this particular area we feel that it is Government's responsibility to have a minimum of staff available for the purpose of productivity and training. I say a minimum, Sir, because it should be realised that one Industrial Training Officer will be tackling a myriad of jobs, construction, hotel and catering, in fact any kind of job in which training is needed. One Works Study Officer for the whole of the industrial work force of Government is not excessive, and one O & M man and one Training Officer for the whole of the combined Government and ex-City Council again is not excessive. It is my hope Sir, that the people who will fill these appointments will be very determined, have the pioneering spirit and really go out to work. In addition extra jobs can be done; for instance the head of the Unit will link up with any consultants which ODA might agree to send to Gibraltar. He will advise Government on productivity agreements, he will coordinate training policy, as far as Government is concerned, both in the Technical College and the Construction Training Centre; he will be responsible for helping the departments of public health, telephones and electricity in the actual bargaining for productivity agreements. These are some of the functions which the Heads of the Unit will have to undertake, so that we hope, and I think we are pretty confident, that the Unit will much more than pay for itself and it is minimal at this stage.

I think the salary of some 20 people, even within the civil service, could be affected by this, in the sense that it might be possible to transfer them to another place where there is more need. This kind of reorganisation is most welcome and is in the benefit and interest of the community.

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

May I just have a little clarification on some of this? So far as training, O & M and Work Study, this is ~~not~~ a sphere of training ^{ON} about which I ~~have complete knowledge~~ - and I believe in training in all its forms to the highest degree - but one pitfall that I see in this, (if we are not very careful) is that it will become a complete entity, a fixture. It has been my experience that good Work Study Teams are peripatetic, that they do a job, finish that one, go on to pastures new and come back with a fresh mind. Would the Minister bear this in mind in due course i.e. that they don't become static and get into a rut which is the very thing which they are brought here to get rid of.

HON. M. XIBERRAS:

Sir, again I think this is a very fair point to raise. The Hon. and Gallant Member opposite might be pleased to know that the Head of the Army Work Study School, Brigadier Esmond White, was recently in Gibraltar. He talked

to all Civil Service staff down to the Titular Grade and that this point was raised by himself. However, Brigadier Esmond White entirely approved of the arrangements that have been made for the Unit, as did Mr. A.P. Bay of Coventry Management Consultants, as has done the ODA and Mr. Marsh himself. I think that that is a weighty authoritative list, perhaps we could quote some more which might come to mind - for the establishment of the Unit.

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

I have no doubt about the value of establishing the unit, the warning that I am giving is that we must avoid their becoming so fixed that they themselves get into a rut and stop doing what they were brought out here specially to do. That is all.

HON. M. XIBERRAS:

Sir, this is an occupational hazard, and I very much take the Hon. and Gallant Member's point, but in fact to judge by Mr. Gail's work - he has moved from the Establishment Section to the Registry, the Treasury, the Public Works Department and to my own Department next I hope and so on - they will be peripatetic enough.

HON. A.W. SERFATY:

All very good and necessary, Mr. Speaker, but will he bear in mind that the repair of potholes and the removal of rubbish might perhaps gain something from this kind of thing. I am not speaking with my tongue in my cheek, these jobs are also very important for Gibraltar.

HON. M. XIBERRAS:

Sir, I think the Hon. Member is being less than fair to the proposal and I also detect a note which I have found amongst other members opposite on occasions. I think it is a contradiction in terms to say that we should spend £16,000 repairing potholes and

HON. A. W. SERFATY:

On a point of clarification Mr. Speaker, I have not said such a thing. But it does seem ridiculous to me that we should - and I entirely agree that we should improve in organisational methods etc. - that we should have Gibraltar looking very dirty and the pavements full of potholes.

HON. M. XIBERRAS:

Sir, I can assure him that as a result of a productivity agreement the streets of Gibraltar are now being flushed with less people than was required before and the ^{men} are very much happier. It is precisely this sort of thing - to fill up the potholes, to remove the rubbish and so on - it is for this sort of better service to the public that an efficiency unit is required, and this kind of money will make not just the people involved in the Unit efficient, it will make everybody who is engaged in giving any service to the public more efficient. So what I regret is the implication in what the Hon. Member has said, that it would be better to spend this money directly on the services....

HON. A. W. SERFATY:

Mr. Speaker, I have said nothing of the sort. What I have said is that these little things are also important and I hope that the Minister will look

after them as a result of all this organisation, of which we may approve, and which we hope are economically viable, as my friend the Hon. Mr. Montegriffo has said.

HON. M. XIBERRAS:

Sir, I am glad that we agree to talk at cross purposes but in fact I think that the Hon. Member will agree that if we have a more efficient group of industrials, more efficient group of clericals, then the services such as the filling up of potholes, to which he has referred, will be better and I mentioned in my opening remark that this rather than words was the way to do it, by producing efficiency experts.

HON. A. W. SERFATY:

Thank you very much I entirely agree with you.

This was agreed to.

22.(New) Senior Work Study Officer (Scale 3)

This was agreed to.

23. (New) Assistant Work Study Officer (Scale 6)

This was agreed to.

24. (New) Construction Training Officer (Scale 6)

This was agreed to.

25.(New) 3 Chief Clerks (Scale 17)

O& M Officer

Work Study Officer

Assistant Industrial Training Officer

This was agreed to.

26.(New) Training Officer

This was agreed to.

27.(New) Clerk (Scale 42)

This was agreed to.

28.(New) Stenographer (Scale 78)

This was agreed to.

Supplementary Estimates No.1 of 1971/72 were agreed to.

RESUMPTION

The House resumed.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to report that Supplementary Estimates No.1 of 1971/72 have been considered in Committee and agreed to and I now move that they be passed.

Before putting the question Mr. Speaker invited discussion on Supplementary Estimates No.1 of 1971/72. There being no response Mr. Speaker then put the question which was resolved in the affirmative.

Supplementary Estimates No. 1 of 1971/72 were passed unanimously.

(3) Draft Statistics Employment Survey Order 1971.

HON. M. XIBERRAS:

Sir, I have the honour to move that pursuant to the powers conferred on the House by Section 5(2) of the Statistics Ordinance, 1970, the Assembly

approve the draft Statistics (Employment Survey) Order, 1971, which has previously been laid on the table.

Sir, I do not propose to speak at length on this as there was sufficient debate on the Statistics Ordinance itself and the labour statistics were the ones that were being collected ad hoc and without the Ordinance being in existence at the time. However, I should repeat that two surveys have been carried out already, not under the Ordinance, and another one, still ad hoc, is under way and that Hon. Members opposite have got copies of the two first surveys during which we are feeling our way around and there might be one or two errors in it. However, we will have conducted three shortly, and the first survey done under the Ordinance would be, I suggest, a most valuable document. I think, Sir, I should praise the Statistics Unit and the way it has got under way and the volume of work it is undertaking now and I would reiterate my faith in the value of the figures which are produced. I was glad to see in the course of the questioning one Hon. Member opposite refer to statistics quoted by myself in the press conference. I would not like to discuss, unless Hon. Members wish to do so, the Employment Surveys, which were sent to them under confidential cover, but I can say that even at that stage of development this kind of exercise is proving most fruitful to my work. I commend the motion to the House, Sir.

Mr. Speaker then invited discussion on the motion.

HON. M. K. FEATHERSTONE:

Sir, basically we support this. I have said before, Sir, that statistics can provide all sorts of misleading evidence. In fact in a book of statistics which I have here, Sir, if you will bear with me, it says that there are eight ways in which data can be misleading. I don't want to run down the Statistician at all, Sir, he has done a very good job here but I think I have found about seven of the eight ways from this. I agree Sir, that it will be of extreme use to Government and to the Opposition to have some statistics, but I do think, Sir, under clause 3, in which one has to wait a whole year or as soon as may be practicable thereafter, before we get a report does seem to me to be rather a long time, especially if these are so vital that we are going to be asked to act on them. I wonder Sir, since the Statistician has produced quite a wealth of information, not all of which I would agree with, but quite a wealth, from October - this is less than a year Sir - could the Hon. the Minister for Labour consider that this one year period could be reduced to say six months. This will give us at least a chance to be almost au courant with what is going on and not perhaps be one year or even longer out of date Sir?

MR. SPEAKER:

The Honourable Minister will have time to reply at the end of the debate. The rules of debate cater for members to speak.

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

I would like the Hon. Minister to arrange that in the future when we have an average reported in any of the statistics - and averages are most misleading - he could qualify this by including the two extremes on which these averages are based. It is not very helpful to tell us that the average is £15.45 when in fact one extreme is £50 and the other is £6. Would he in future include the two extremes at the same time in these various averages. The second point coming to the format of the monthly paid employees, I think two very relevant factors are not receiving the adequate attention which they should. Although in relation to the weekly paid employees, he covers overtime as overtime, this for some reason is excluded in the monthly paid employees. There are a great number of monthly paid employees as the Minister obviously knows, who in fact qualify for overtime and overtime pay and therefore these are relevant factors which I also think should be included in a survey of this nature.

MR. SPEAKER:

Does any other member wish to speak on the motion before the House? (No response.) Then I will ask the mover to reply.

HON. M. XIBERRAS:

Sir, the intention of saying "after the expiry of one year from the date of this order", was obviously inserted so that we would not commit ourselves to running short of time. I believe it is technically possible to do it within six months and if any amendment is necessary then we on this side of the House are quite prepared to change this to six months, rather than a year, if this will suit the Hon. Member who raised the point.

On the points raised by the Hon. and Gallant Member opposite, I mention that the two initial surveys were experimental. For instance, I will give an example of my own, which is, that the average hours worked should read average hours paid, but it may include things like Job Price Contracts and things of the kind. I take note of the points that he has raised, and these, along with other observations which have been forthcoming from the Manpower Planning Committee and from myself, and in the light of experience, we will try to adjust these so that the figures are as meaningful and as accurate as possible. But Sir, I think on this occasion, I would like to make a special plea, that whereas one knows that statistics can be misleading and can be made use of in a misleading way, I would like to see this House, representative of a fairly modern community, accept in toto and wholeheartedly the motion that statistics are helpful and that when we discuss on the basis of statistics we should not do so in a spirit of trying to get the better of each other, but by trying to realise what the statistics actually are. I think this is concomitant on this House, especially in view of the fact that we demand a high degree of impartiality from the Government Statistician who produces the reports originally.

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

Sir, may I just add one comment on that.

MR. SPEAKER:

The mover has the right to the last word.

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

The motion was accordingly carried.

(4) Draft Statistics (Hotel Occupancy Survey) Order 1971.

HON. W. M. ISOLA:

Sir, I have the honour to move; that pursuant to the powers conferred on the House by Section 5(2) of the Statistics Ordinance 1970 the Assembly approve the draft Statistics (Hotel Occupancy Survey) Order 1971 which has previously been laid on the table.

The collection of Hotel statistics Sir was first started by the previous Director of Tourism, the information being provided on a voluntary basis by the hoteliers. Whilst this information has been used as a yardstick to measure hotel occupancy and thus guide the Gibraltar Tourist Office Marketing operations, the Government feels that it would be in the interest of hoteliers to formalise the collection of these statistics within the legal framework provided by the Statistics Ordinance, passed by this House last year. The present Order provides for a clearer definition for arrivals in the hotels by distinguishing between tourists and other arrivals. I am sure that the House will agree that because Tourism is one of the main contributors to the economy of Gibraltar, and the hotel industry is one of the principal segments within the Trade, the whole of the system for the collection of hotel statistics should be formalised under the aegis of a properly established department. For this reason the Government considers that hotel statistics should be processed by the Government Statistician.

MR. Speaker then invited discussion on the motion.

HON. A. W. SERKATY:

Mr. Speaker we entirely agree with the enactment of this order. The hotels have been playing the game for a number of years, as the Hon. Minister has said by giving information as to hotel occupancy, but I think it is right that this Order should be enacted and it is also important, as it has been done, that there should be a differentiation between tourist beds sold and other beds sold. I hope that the Minister in his next speech on Tourist promotion will only speak about tourist beds which have been occupied. This was just a side remark and we entirely support this motion.

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

Only one little point that I would like to raise here, and this is the precise definition of a tourist. It is left very much in the air and you can get people who are coming here on official visits for two or three days who are not tourists. This is the type of individual who I think might play ducks and drakes with statistics if they are not legislated for. I think there should be a precise definition of "tourist".

HON. M. K. FEATHERSTONE:

Sir, I only have one small point and this concerns this wonderful book. One of the faults is "faulty comparisons" Sir. Unfortunately, from the Statistics which hotels are going to give, we are not going to be able to make a comparison. I wonder Sir, whether it might be acceptable to the Minister to put in the total of number of bed nights available, Sir. You may have an hotel that for example has 50 bedrooms, but because over the period of one month they are redecorating ten of them, these would not be even available, therefore, Sir, it might appear that they would have a 70% occupancy when really they were fully as occupied as they could have been occupied. I think unless one really has some form of comparison one is rather up in the air and not quite sure what one is saying.

HON. P. J. ISOLA:

Sir, the Hon. Members on this side of the House must view with great satisfaction the acceptance by the Opposition of these statistics motions after the violent opposition there was to the Bill when it was first introduced in the House. And I am very glad to see that the Hon. Mr. Serfaty considers this a good thing and on balance to be appropriate. He said that the hoteliers have been playing the game in supplying facts and figures to the tourist office over the years. I am sure that is so, but on the other hand it has been I think a matter of some confusion to Hon. Members of this House when the Minister has given figures based presumably on figures supplied by the hotels and then we have seen or read about other versions of these figures in local newspapers. I therefore think it is doubly desirable that this motion should be approved by the House because in giving statutory effect to what apparently was a practice, it leaves the House in no doubt at all as to what the facts are and I think that if we are to have any realistic policy on hotels, any realistic policy on tourism generally, this sort of information is essential and of course extremely helpful.

The Hon. and Gallant Col. Hoare has spoken about differentiating between tourists and non-tourists, and I think this is obviously a very difficult thing to do, but I feel we must not run away with the idea that those persons who are non-tourists do not contribute in any smaller way to the economy of Gibraltar - in many cases it is quite obvious in a much bigger way - but I would have thought it was evidently the province of the Minister who is responsible for attracting visitors to Gibraltar, not just tourists but everybody, to see that there is an expansion everywhere and not just in the what is called tourist and other people described really as a package holiday tour. There are a great number of people who come under their own steam and are really basically tourist but are not so regarded by hotel operators and package tour operators. Clearly we have an interest in attracting them just as much as anybody else and I think that this sort of statistics which are now being asked for are bound to be extremely helpful in the formulation of policy and bound to be extremely helpful in clarifying any disputes there may be as to facts in this important sector of our life.

HON. SIR JOSHUA HASSAN:

Sir, there is a very great difference between the Statistics Ordinance as it was passed, the original statistics Bill which we refused and the process that we are going through now. And though the last speaker never loses an opportunity to bring about friction between the Government and the Opposition, let me make it quite clear that we oppose when we think we ought to oppose and approve when we think it is fair. It is this process which arose out of the Opposition from this side of the House and from many sectors in town to the original statistics Bill that is now having the benefit of this debate on particular Orders which would not have been the case if it would have been the province of the Minister to have done what we would have liked with it. We are very glad that we can look at this - maybe the day will come when we will oppose an Order and perhaps it will then be said "Well, now we see why they were opposing the Statistics Bill." You can always find the other way about if you want to create dissent and so on. Let it be quite clear that this is the proper way of finding statistics, we have discussed the particular Order, but this is not the carte blanche which was given to the Minister in the original bill and which we refused and we would refuse again if it came to that.

MR. SPEAKER:

Does the mover wish to reply?

HON. W. M. ISOLA:

A few small points. On the question of the number of beds available which the Hon. Mr. Featherstone brought up earlier on; we do actually have the number of beds in each hotel already. On the question of the definition of what is a tourist and what is not a tourist, I am very grateful to my Hon. and Learned Brother for his lucid explanation, I don't really feel I can do any better. I hope that my Hon. and Gallant Friend is satisfied.

HON. M. K. FEATHERSTONE:

On a point of clarification, Sir, when I said available, I meant that it is possible that in a certain hotel, which everybody knows has normally 40 or 50 beds available, there might be a time when only 25 are available due to redecoration or something like that. It is not that I am thinking they don't already know the number of beds normally available, but there might be certain weeks or months, or periods of time, when a certain number of beds may not be available for specific reasons, and that would change their figures and percentages.

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

The motion was accordingly carried.

(5) The Draft Statistics (Air Traffic Survey) Order 1971.

HON. MAJOR A. J. GACHE:

Sir, I have the honour to move that pursuant to the powers conferred on the House by Section 5(2) of the Statistics Ordinance 1970 the Assembly approve the draft Statistics (Air Traffic Survey) Order, 1971, which has previously been laid on the table.

Mr. Speaker, we have heard from Honourable Members opposite about statistics and how statistics can confuse. However, on this occasion we are asking for statistics because we are confused. Not only are we confused but we are blind, and we have been blind for a number of years, as to details about air traffic into and out of Gibraltar and it is for that reason that we are asking for this order. Before I go on perhaps I would ask for an amendment to paragraph 3, and that is "the return to be made under para.2 shall be in the form specified in the Second Schedule hereto: with such modifications as may be deemed necessary."

MR. SPEAKER:

Do I understand that the mover is asking for an amendment to the paper laid?

HON. MAJOR A. J. GACHE:

Perhaps it may not be necessary, Mr. Speaker, when I come to the next paragraph. Perhaps I could have your guidance then, if I may.

The reason for asking this is because we have already had a new type of fare approved in the last week, and I felt that if every time a new fare is approved it was necessary to come to the House for approval to amend the Order we would certainly not get the statistics we require. Insofar as moving the amendment Mr. Speaker, it is possible that this may not be necessary. Section 17 of the Interpretation and General Clauses Ordinance (Cap.79) says that whenever forms are prescribed in any Ordinance, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them. It is therefore possible that what I am asking for could be achieved by adding, if necessary, extra columns to these forms. This may come under Section 17 of the Interpretation and General Clauses Ordinance, in which case we do not require an amendment. Perhaps I could have your guidance on that, Mr. Speaker?

MR. SPEAKER:

I am afraid I am not here to advise members of the House on how best to draft legislation, I am here to advise you on how to proceed. Whether you wish an amendment or not, of course, is for the Hon. Minister to decide.

HON. MAJOR A.J. GACHE:

In that case Mr. Speaker I would ask for an amendment.

MR. SPEAKER:

Then I would ask that you put it down in writing.

HON. ATTORNEY GENERAL:

I must apologise Mr. Speaker. I think the amendment proposed is this: that the last para. of Section 3 of the Order be amended simply by adding the words "with such modifications as the Government Statistician may deem necessary." I think Sir, the Minister is perturbed in relation to the Second Schedule - form D in the Order or example - which has the cryptic initials in one column ITS, whatever that may mean.

MR. SPEAKER:

I am delighted to see that we are now agreed on what the amendment should be; could we have it in writing, please? As far as I can see, and I have now got it in writing, this is what I will put to the House: Section 2(iii) of the Draft Order should be amended by adding the words "with such modifications as the ^{Government} Statistician may deem necessary". The mover is now moving the motion as amended.

HON. MAJOR A. J. GACHE:

Yes, Mr. Speaker. Thank you Mr. Speaker. The reasons why we need this information, as I mentioned before, is because for quite a number of years - in fact since we came to power - we have been moving blind insofar as air traffic statistics are concerned and it is necessary that we have this. As regards the forms, Form A deals with arrival and there we want to know not only how many people arrive on any one day but we want to know how many arrive on a day flight or a night flight, or whether they come in midweek or whether they come in the weekend. We also want to know how many people come in transit, and you will see the definition, in the Order, of "in transit" means any passenger remaining in Gibraltar less than 24 hours en route for another destination. We want to have that information - for example in the case of people going on to Tangier - we want to know how many people are coming to Gibraltar and then going on to Tangier by Gibair or some other means. If one follows the present schedule from the UK to Gibraltar, you can see fairly quickly that the day flight from London - which I may say BEA told us was put on at the request of the Government of Gibraltar, - actually arrives in Gibraltar in time to connect with a Gibair flight to Tangier. There are some other flights in the evening, and of course for those flights which arrive at 10.20 there is a special Gibair flight to Tangier at 9 o'clock the next morning. So we do want to know because we want to establish how many people are actually coming to Gibraltar and not really staying on in Gibraltar but going on to Tangiers. In the same way we want to know how many people are coming to Gibraltar on the Marrakesh flight, i.e. not staying in Gibraltar but going on to Marrakesh, because I can tell the House that my preliminary information is that this winter we are going to have an extra flight, an extra Trident flight which will go to Marakesh via Gibraltar. I understand and this form will enable us to confirm that something like 16% or 20% of the people who come in to Gibraltar really don't stay here but go on to Morocco, and if the House will remember what I said at the last meeting, I did mention that I had great suspicions that what was happening was that we were building air traffic to Morocco exactly in the same way as we built up, in the old days before the restrictions or even at the beginning of the restrictions the traffic to Costa del Sol.

You will also see that we have provision in the form for the number of seats offered and the seats used. We feel it is very necessary that we should have that information because we want to determine the actual load

factor, and we want to determine the load factor for day flight, night flight, weekend flights and midweek flight. We want to determine that so that we can argue and argue with facts, when BEA come along and give us some of the wishy washy information and arguments that have been put forward in the past.

I have little to say about Form C, which deals with commercial freight. Of course it will be interesting to see how much actual freight we receive from Madrid. The most important of the forms is Form D which is really concerned with the fares and the reason for requiring these statistics is that BEA have contended for a very long time that we have got a very low tariff fare and that, therefore, because of this we have got to have a very high load factor. In other words that we have got to have an aircraft practically on charter flights, load factors of 85% and over, because of the low fare. But then, when we come to analyse the actual fares we find that those fares, when they are compared to other fares of the same nature i.e. to Malaga, they are not such low fares after all. And the whole criterion of cabotage, where the fares to a cabotage place like Gibraltar were always very much lower than to surrounding countries which are not cabotage by IATA, no longer applies in the case of Gibraltar - there is a differential, but the differential today is so small that it makes no difference. When you say that the reply comes back: "Oh but we give a lot of free tickets away, we have been trying to help your economy by means of rebated or reduced fare passengers", hence the four columns in the form; 75%, 50%, 25% and 10%. If that is the case, we want to know exactly how many people come on rebated fares, because it is another contention of mine that we have been having a lot of rebated, reduced fare passengers, but this has not been for the good of Gibraltar because they have been depriving tourists, who would normally come here to spend their money from a place in the air craft, so we do want to have that information. For example, in the summer of 1969 i.e. seven months, according to information which has been passed to us but which we cannot check, there were something like 3,000 rebated passengers in flights to Gibraltar: people who did not produce much revenue for BEA, and in the winter of 1969 and 1970, in five months we had something like 1,700. I cannot believe that we are running at something like 300 free tickets a month in the winter, and something like 400 in the summer, so that is why we want the information.

We also want to know how many people come because we are told that in the peak period of August last year when the planes were arriving fairly full - over 85% load factor, then those people who could not get on those planes - when BEA had to put on 22 extra flights to accommodate the people there was some 1,700 empty seats, so we do want to find out from these statistics how these things happen. Something happened to me on the 4th May, which might well explain why in fact we have empty seats and yet people cannot get a seat on the aeroplane. On the 4th May I tried to get on an aircraft to Gibraltar and that aircraft was full. (There was no House of Assembly and I did not have to rush to Gibraltar). Try as I may through

the General Manager I could not get on that flight because the plane was full and they could not push people off. I was told to come down to London Airport and they would try and fit me in, but I did not want to do that. Yet, when the aeroplane took off there were 24 empty seats and what has been happening is that people are not turning up to claim their seats. The result is that those who really want to travel cannot do so because the aeroplane is full and then the people who are booked don't turn up and of course there are empty seats. I think that from these statistics we will be able to determine, get the information we require to be able to rebut and argue constructively and with information with BEA.

With regard to the question of the type of ticket we want, the one year first class, the tourist one year, the tourist one month, we want to know the pattern of tourism that we have in Gibraltar and we shall be able to determine that from this information. I ought to have mentioned that you will see at the bottom of the form that it is required to be completed in respect of all departing passengers and you might have wondered why departing passengers and not arriving passengers. Well, this is very simple, and that is because we can only get this information from the ticket and the only time that a ticket comes into the possession of someone in Gibraltar is when the passenger goes off from Gibraltar, we don't see the ticket when he arrives. The important part here, and the one which caused the amendment, Mr. Speaker, is this ITA fare, which is an inclusive tourist fare. There are so many types of fares in there that maybe I should take a little time and explain that. First we have the normal inclusive tour fare which is a basic fare to which you add the cost of the hotel and the aggregate, or the sum of the two, must not be less than the ordinary fare to the place. But, because of competition, particularly charter competition, and particularly competition in the Iberian peninsula, they have had to introduce different types of inclusive tour fares, and the most recent one was that introduced early this year which was a special Group Inclusive Tour Fare. This was introduced in January this year for Spain - perhaps I ought to mention at this time that the moment we heard that this fare had been introduced for Spain we made representations for this to be extended to Gibraltar. Maybe this is possibly the time also to mention a question in the House of Lords on the 7th April 1971 by Lord Merrivale when he mentioned in a supplementary, the international pattern and asked would the Government not agree that the Gibraltar to London route is a cabotage route and therefore not affected by IATA; and then he said "will not my Noble Friend give an assurance that comparable facilities exist for tour operators between the United Kingdom and Gibraltar as a special reduced group ITS fares to Spain were introduced in April 1st." Lord Drumalbyn gave an assurance that he would look at this arrangement and I am sure the House will be glad to know that on the 27th May, Lord Merrivale asked again what had happened about the six day

minimum fare but he got the reply that the Government are now extending this special group inclusive tour fare to Gibraltar. This special inclusive tour fare is something like 50% of the normal fare, and in some cases it is very much less. There is also another special type of fare which is the topping up fare with tour operators package top fares, which is a fare which operators from the 16th October 1971 into next year. And if I may say so, it is because of this fare that we got from the Government in answer to a question by Lord Merrivale on the 27th May, the concession of lowering for the winter the six days to three or four days. The reason for that is because this Tour Operators package fare was being offered to surrounding countries. In actual fact the fare to Tangier and to Marrakesh were already very much lower than our own fare and if people wanted to avail themselves of a package tour of short duration, of four days, they would have found a package tour to Morocco in one case certainly cheaper, and in another slightly dearer than a package tour to Gibraltar. They therefore had to make this concession and I am sure that the House would support me in thanking Lord Merrivale not only for this but for all the other interests that he has taken on behalf of Gibraltar in connection with our problem of fares and aviation.

That, Mr. Speaker was rather long winded but I thought that the House, and the record, ought to have all the information available to us. I would just like to add, on this question of the six day minimum, and one which we have been fighting for and which we have not got, that in my opinion, the reason why we are not getting this six day minimum fare reduced to four, for other than tourist who come on an ITS fare, is because of objections by Spain who does not enjoy it today, and because if the non-tourist, those 40,000 people who don't come to Gibraltar on a package tour, would be able to come to Gibraltar and then move into Morocco at a lower fare than they would pay if they took a direct fare package to Morocco. It is for that reason and no other than we are not being successful in having the six day restriction removed: because Spain objects because Spain hasn't got it and because if we did get it we would be undercutting; people would be able to go into Morocco via Gibraltar, undercutting the London/Moroccan fare.

Mr. Speaker put the question that the amendment be carried.

This was agreed to and the amendment was carried.

Mr. Speaker then invited discussion on the motion as amended.

HON. A. W. SERAFETY:

Mr. Speaker, I am sure it is no reflection on the performance of the Hon. and Gallant Minister in his other ministries, when I say that we are delighted with his performance on the question of air traffic to Gibraltar, and the interest he has taken on what is a very involved matter. Speaking of this I am sure I am speaking on behalf of the Opposition and of the Government when I also say: thank you to Lord Merrivale for the interest he is taking in this very important matter to Gibraltar.

I am sure that the Hon. Minister is not proposing to declare war on BEA or BUA, but I am sure that he will agree with me when I say we must have a just peace with BEA ^{and} BUA, which is a profitable peace to Gibraltar and therefore it is important that we should have all the information that we can have on the question of occupancy of planes and on fares. I should say in all fairness, that in my time as Minister for Tourism I used to know what the occupancy of each plane arriving in Gibraltar was and as I knew the number of seats in each plane it was not difficult to know the percentage occupancy. But I am inclined to agree that this kind of Order will do nothing but good. The Minister has mentioned Marrakesh and I think it is very probable that very few, if any, tourists going to Marrakesh from the United Kingdom through our airports, have ever set foot on Gibraltar, except at the airport. I don't think this kind of legislation is going to put that kind of matter right, perhaps we are cursed to a certain extent in being a transit centre. I did my best, and I am sure that the present Minister for Tourism is also doing his best, to promote real tourism to Gibraltar and I would have thought - I can see the difficulties - that in bringing people to Marrakesh to Gibraltar, perhaps it might be possible to arrange it in such a way that people could stay half a day or something like that in Gibraltar, but I fully appreciate the difficulties of the carrier. But, as I have said, we cannot but agree with the passing of this Order and I wish the Hon. Minister all success in his efforts to put this question of air traffic between the United Kingdom and Gibraltar right.

HON. P. J. ISOLA:

Sir, I would like to echo the sentiments that have been expressed by the Hon. and Gallant Mover and the Hon. Mr. Serfaty on this motion. I do believe that this particular motion, this particular survey that is to be carried out is inevitably bound to have a profound effect on economic growth in Gibraltar and in providing an adequate lifeline between Gibraltar and London. I entirely agree with the Hon. Mr. Serfaty that this is not a declaration of war in any way on the airlines and I entirely agree that, on the other hand, it is entirely essential. As far as the airlines are concerned, I think everybody in the House would wish them to achieve economic success on the route, but on the other hand we must be careful that the airlines because of their great capital, their great resources, are not able to override a small population. And in this of course we must look for help to people like Lord Merrivale and the British Government and in order that we can be helped in our struggle and in order that the Gibraltar Government can put forward credible arguments, supported by facts, I think it is an extremely important exercise that there should be a statutory survey on departures and arrivals. If that occurs Sir, perhaps we will not in the future get answers given to questions in Parliament as that cited by my Hon. Friend the Hon. Major Gache on the 27th May in Parliament, when Lord Merrivale was told by Lord Drumalbyn that the British Government had reconsidered the

condition as a result of the undertaking given to Lord Merrivale on April 6th and of subsequent representations made by the Gibraltar Government, but had decided that the condition, the six day condition, should be maintained in order to stop an unacceptable loss of revenue. Now, either the facts provided to the British Government were wrong or the facts known to us in Gibraltar, through such things as the Hon. Mr. Serfaty has mentioned, records of arrivals and so forth, were wrong. But for a British Government, or a British Airline to say that on a route in which they have something like 70% load factor and people being turned away, that to waive this condition would result in an unacceptable loss of revenue can only mean, to my mind, taking advantage of a monopoly on a route. This Sir, must be the fact and accordingly I think that it is tremendously important that we should have facts and figures before us, but still more important, that those facts and figures should be made available to airlines, the British Government, and any people who are anxious to help the growth on this particular service. I am very glad that the Minister has suggested an amendment to his motion and I would like to put for his consideration another amendment, which would be possible for him to make without moving it formally in this House,

The Minister Sir, in opening referred to his experience on May 4th, and others have had a similar experience, when they have been told that a plane has been fully booked and in fact it has left with 15 or 20 seats available, and this is afterwards used as an argument against putting on extra flights. Of course on this question of air fares and on the question of adequate air service it is obviously important that as few passengers as possible should be turned away and therefore it is extremely relevant, I would have thought, in preparing statistics, it is extremely relevant to know the position, the booking position, on a particular flight, say 24 hours before departure. I would have thought and I would ask the Minister to consider not to answer me now, because there may be quite insuperable problems involved, but I would ask him to consider an amendment to the Second Schedule when he comes to prepare the Schedule itself in its final form having had authority from the House to make such amendments as may be necessary, I would ask him to consider putting in the Second Schedule, between "Seats offered" and "Seats used", another column "Seats booked up to 24 hours before departure". Sir, this may be, in my view, extremely useful in enabling people to assess exactly what is happening. Because very often one gets people saying "I can't get to Gibraltar on the 5th June" and "I can't get to Gibraltar in July", and "I can't get back on such a date". And the airline answers "well, I am very surprised because on that date there were 10 seats empty". I think it is important to find out exactly the bookings there are on each particular flight. This should provide no difficulties in regard to departure from Gibraltar because the bookings are known to the agents in Gibraltar. With the cooperation of Caledonian/BUA it should not be difficult to obtain these

statistics on departures from the United Kingdom. I think, to echo the words of the Hon. Mr. Serfaty, that we all desire a just peace and consequently I think it is in the interest of the airlines and the Government that we should understand fully each other's position and I think it would be extremely helpful for everybody to know just how many seats are booked up to 24 hours before departure and how many seats are in fact taken up on departure. I would ask the Minister to consider seriously putting in this amendment to his Schedule in order that a very full picture can emerge to the benefit of us all and in this way I think we can make way for realistic appraisal of the needs of Gibraltar where air/traffic is concerned and all those concerned in this very serious part of our development can have the proper facts and figures before them.

HON. M.K. FEATHERSTONE:

Sir, it would appear that the Hon. Mr. Peter Isola has suffered like the Hon. Minister from this no seats available; I too have suffered, I have had exactly the same circumstance. No seats have been available and I have found afterwards that the plane has come with quite a number of vacant seats. I heartily agree with the last speaker, Sir, that if the Minister considers it fit, and I hope he does, that this should be inserted, Sir. I would even go further, I think they can do it up to six hours before departure. Their computer, their £8m. Univac. can churn out all information, almost at the press of a button.

Sir, there is just one other point I would like to bring to the consideration of the Minister. In his First Schedule he talks about "other aircraft", I am not quite sure what is meant by that and I am sure that this Ordinance does not apply to the Crown, in fact I know it doesn't, but perhaps Sir, the Minister might consider inviting the Royal Air Force to fill in, not all the information, but some information as to the number of people who arrive on their trooping aircraft. This Sir, might give some statistics and we are at times on this side in favour of the maximum amount of statistics, even though some people think we are completely against them. This might give some better information as to the situation which is liable to arise at times at the airport when the RAF may be bringing in a troop carrying plane - by troops I don't mean exactly troops but RAF passengers, service families etc. - and the time of arrival just coincides with BEA or BUA and you get rather a congested situation in the Air Terminal. When we have to plan for the future, I think these statistics would help. It is not essential of course that the Royal Air Force should fill in such a long and complicated form, Sir, but if they could, I am sure if they were invited they would be quite willing to give some idea of the number of people they do bring in and take out over any period of time.

HON. SIR JOSHUA HASSAN:

Mr. Speaker I would like to associate myself with my Friend Mr. Serfaty in congratulating the Minister for what he is doing, and though we

end 16/11/72

have criticised him, and will continue to criticise him from his absences from Gibraltar, I know that precisely because of his trips up and down he will make a very strong contribution to the statistics that are to be found under the Order which has been ^{framed} this day. It might perhaps be of interest if we could have special statistics for him for the next election.

There are one or two points on the principle, but as I was saying, we do wish to support the Minister in his efforts - at least we know that he is doing something in London about Gibraltar sometimes when he is not here. I would at the same time like to tell him that we disassociate ourselves completely from the vicious attack that was made on him in a certain newspaper by a well-known pseudonym recently, this has certainly not come from this side of the House as the Minister well knows. With regard to his commuting and the great help that he has obtained from Lord Merrivale to whom we are so grateful, I wonder whether in these days of exchanges it could be arranged. So that the Minister could sit in the House of Lords and we could have Lord Merrivale sitting here and telling us all that he is doing in the United Kingdom on behalf of Gibraltar.

The two points of detail that I would like to make one, first of all, that I see in Form D "reduced fares" that there is no call for "student fares", which I think is 64% of the overall fare, and this information would be helpful and there is no column for "low fare" at all. Some people do travel without paying even the 10 per cent. So, perhaps in the rehash of the Schedule under the powers given now to the Statistician we might be able to meet these two points. Thank you Sir.

MR. SPEAKER:

Does any other Hon. Member wish to speak on the motion before the House? I will now call on the mover to reply.

HON. MAJOR A. J. GACHE:

Mr. Speaker in winding up I would like to say that I do not wish to either personally or as a Minister like to declare war on either BEA or BUA. However, as a regular soldier I like to fight from strength and not from weakness. And when I am confronted with arguments, I like to know how those decisions were made and I want the information on which I can decide whether the decisions made were fair and reasonable. I would like to tell the House that one of the reasons why we have gone on with this Air Survey Order is because, when we were considering the question of fares, we asked for this information and this information was denied to us. We are now asking for this information, by law and as of right.

In connection with Marrakesh, it is quite correct to say that people who go to Marrakesh don't actually come into Gibraltar officially, they come off the aeroplane and they spend 20 minutes or half an hour at the Airport, they would not come into our statistics as in transit. Because of that we would be able to obtain a figure which would show how many persons on the aeroplanes were in fact going on without staying in Gibraltar. We would also be able to see - and I refer to Marrakesh which has one flight a week or two flights a week in the winter - we would also be able to see how many actually

land in Gibraltar. This is what we are really after, how many passengers land in Gibraltar from the Vanguard which comes at 5 o'clock and go off at 6 o'clock by Gibair to Tangier, or how many passengers land for the evening flight, at 10.20 p.m. in the evening and go off at 9 o'clock the next morning to Tangier on Gibair.

In connection with the unacceptable loss of revenue; with very great respect this is the same type of answer that we have had from the Noble Lord in connection with the other matter of the six-day fare and so forth, because what we have been trying to do is to get this six day minimum removed, and the answer given was that this loss resulted from travellers who would otherwise pay the ordinary higher fare taking advantage of the lower excursion fare which was designed to encourage new traffic. The answer continues by saying: "however, in order not to impede the flow of tourists to Gibraltar in the winter, the special group inclusive tour arrangements are to include facilities for short holidays of three or four days instead of the minimum of six days." Mr. Speaker, what we were trying to do was to get the excursion fare for those people who did not want to come to Gibraltar, on a package tour. This would have cost between £40 and £48. What is now being done is that we are not allowed to make use of that fare but people who want to come for less than four nights can avail themselves of a weekend to Gibraltar for something like £28 or £32. What I would say is that anybody - and I think it ought to be publicised - anybody who wants to come to Gibraltar in the winter and wants to stay less than six days should avail himself of one of these package holidays, they will save themselves something like £20 odd. I cannot therefore understand how on the one hand one has tried to get people to pay £40 or £48 for an air ticket because it is going to affect this unacceptable loss of revenue and on the other hand one is now told that people can go on a package tour where instead of paying £40 or £48 they need only pay about £28.

I am grateful to the Hon. and Learned Mr. Isola for his proposed amendment to the Second Schedule which I will consider. It may not be possible to get this information in respect of arrivals, but it might be possible to get it in relation to departures. I am also grateful to the Hon. Mr. Featherstone in that he too has suffered in having no seats available and having to stay an extra day in London and using the same excuse I use myself. I am grateful too for his suggestion about asking for statistics on trooping aircraft and I will take note of that and pass it to the competent authority. I am quite certain that with the usual cooperation that we do get from the Services here we shall get this information also. In connection with the Hon. and Learned Leader of the Opposition I can say that the question of "student fare" or "no fares at all" had escaped me, maybe it is because I am no longer a student and I pay my fare, but I will certainly take note of that and include it in the Schedule when this is revised. Thank you Sir.

Mr. Speaker then put the question that the motion as amended be carried.

This was agreed to and the motion as amended was accordingly carried.

(6) Telephone Service Charges

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I hesitate to bring the House so sharply down to earth but the Schedule of Telephone Service Charges, which was approved on the 19th December 1969, now requires revision, on conversion to decimal currency.

Sir, in preparing a revised schedule in decimal form the Superintendent of Telephones has recommended, and the Government has accepted, that the opportunity should be taken to include a number of items which had previously been omitted. At the same time certain charges are being adjusted for purposes of rationalisation and streamlining. I would emphasize however, Sir, that generally speaking the purpose of the motion is not Sir, to increase charges but merely to make the Schedule as comprehensive as possible, and if I might underline the words not to increase charges, the charges in which the general public are most interested are obviously the visitors and residential charges which are not being altered in any way. The two most significant changes in the new Schedule Sir, are first of all that the rental for a Private Automatic Branch Exchange has been increased from £6.50 to £15 per quarter. But this, Sir, is intended to provide a more realistic rental for the type of equipment, which is far more expensive than the manual ones. But against that, Sir, the increase is almost completely offset by a reduction in the charge for extensions to this type of exchange, which comes down to £1.44 to 75 pence. The second one Sir, is that provision is being made for charge to the connection and removal of internal extensions, private branch exchanges and other items of equipment. At present these charges are only made in respect of exchange lines, external extensions and private circuits. The provision of the other services for which charges are now being introduced, often involves Sir, as the House knows, very expensive equipment and very high labour costs and the addition of the items to the Schedule aims at recouping part of the cost of installation. These new charges Sir, are based on those made by the Post Office in the UK for similar services. Sir, I accordingly move that in the exercise of the powers conferred by Sections 39 and 40 of the Public Utility Undertakings Ordinance the House resolve that the charges for the Telephone Service shall be with effect from 1st July 1971 as set out in the Schedule which has been circulated to Hon. Members, and I will not bore them with the four pages.

Mr. Speaker then invited discussion on the motion.

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

The motion was accordingly carried.

The House adjourned at 9 p.m. and resumed at 10.05 p.m.

BILLS

FIRST AND SECOND READINGS

(1) The Traffic Amendment Bill 1970.

The Hon. the Minister for Tourism & Municipal Services moved that a Bill entitled "An Ordinance to amend the Traffic Ordinance (Cap.154)" be read a first time.

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

The Bill was read a first time.

SECOND READING

HON. W. M. ISOLA:

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

The reason for the introduction of this Section in 1964 appears to have been due to the concern which was felt about the condition of Public Service Vehicles, as a survey of the vehicles in use at the time showed that a number of them were second hand vehicles of considerable age. Although the Section was introduced into the Ordinance in 1964, it was not due to come into force until the 1st of June 1966. The intention behind the delay being to give the owners of Public Service Vehicles, which term include buses, taxis and private hire cars, a period of grace within which to replace their old vehicles. By 1966, however, economic conditions in Gibraltar had changed considerably following the introduction of the Spanish restrictions and it was accepted that the capital investment required would place a heavy burden on owners owing to a decrease in their trades. It was accordingly decided that the date of introduction of the Section should be deferred for one year. The matter was reviewed in 1967, in subsequent years an introduction was deferred each time. The Government now feels that the Section should be repealed and is satisfied that adequate safeguards exist. In the first place a large number of the older vehicles have already been replaced by new ones. Secondly, the fact that a vehicle is old does not necessarily mean that its condition, if it has been properly maintained, is any worse than a newer vehicle. Thirdly, all public service vehicles are in any case subject to vigorous annual inspection and examination as provided for by the law, as well as to spot checks at any time, which can result in the revocation or suspension of the certificate of fitness of the vehicle. For these reasons the Government is satisfied that there is no need to retain on the Statute Book a Section which has been held in abeyance for five years and the purposes of which are adequately recovered by their other safeguards. Sir, I commend the Bill to the House.

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

HON. SIR JOSHUA HASSAN:

Sir, I think the Minister has given a very accurate account of the history of the legislation with which I have no quarrel. In fact because time was given to the operators to change and then circumstances came which did not make it possible, it was adjourned. It is a sad reflection of the fact that the restrictions which were then imposed are still on, though we cannot look forward to a change. I don't entirely agree that there are sufficient safeguards

to dispense with the desirability for this change, though I agree that this is not the time and therefore we will not oppose the Bill. But I do not think that it is correct to say that an old vehicle properly maintained is exactly the same as a new one. Those of us who have to use Europa Road every day see the extent of pollution that is brought about by a considerable number of vehicles which may possibly be functioning properly, but which leave a lot to be desired. Anyhow, I entirely agree that the capital expense in renewing vehicles older than 10 years at this stage is not realistic and we hope that there will be agreement at some future date and that circumstances will permit the ideal which was behind the Bill, and that is that whether it is 10 or 12 or 15 years, there comes a time when it is in the interest of the public that a Public Service Vehicle should not be seen about patched up. For one thing, spares cannot be found for some of the very old vehicles and they just toddle along as best they can. But in the circumstances I entirely agree that it is no use going on postponing this year by year unless we have a certainty as to when it is going to be done.

HON. ATTORNEY GENERAL:

Sir, I rise with a little diffidence, not to dissent from the Bill, may I say that in that respect I share the sentiments of the Hon. and Learned Leader of the Opposition. What I say is prompted perhaps, Sir, by an impetuosity precipitated by our recess and the splendid refreshment - I certainly enjoyed that. This particular measure, Sir, relies in a sense on the fact that though Section 62 of the Ordinance is repealed, there is the yearly certificate of fitness required in respect of Public Service Vehicles. I should like to point out Sir, that unlike practice in the United Kingdom - I think the Road Traffic Act of 1956 - no annual certificate of road worthiness is required in respect of private motor vehicles. Now, Sir, I am not suggesting that necessarily there should be a certificate of road worthiness at this juncture, but I think it is perhaps necessary for me - and let me reiterate I am not seeking to trespass on the sphere of Ministers in this regard; heaven forbid, - I think it is perhaps necessary to mention one or two facts, or perhaps I should say statistics. Like my friend the Hon. Mr. Featherstone, I approach statistics with a certain nervousness not untinged with suspicion; but according, Sir, to the information I have, at the end of last year there were 6,145 motor vehicles in use in Gibraltar, and of that figure 5,552 according to my information were private motor vehicles; so the rest were public service vehicles, buses, commercial vehicles, motorbikes and so on. Apart, Sir, from the matter of air pollution, which the Hon. and Learned Leader of the Opposition commented on, and which the Hon. the Minister for Health and Medical Services has in mind, apart from the matter of air pollution, and apart from the social problems which are occasioned in a community such as ours by a large number of motor vehicles, there is the question of space. Sir, I had a look at the latest annual report, I could get hold of and that rated the figure of 19 miles of roads in Gibraltar.

NEW PARA

Well, call it 20 miles of road for ^{the} purpose of my argument, and let us say give 10 feet of road for each car. Now assuming of course that they are parked on one side of the road, and discounting the question of garages, car parks and so on, I worked it out that on a 20 mile road system ^{WITH} 10 feet ^{PER CAR}, which is a pretty modest estimate for a parked car, we could tolerate on one side of the road 10,560 vehicles, if my statistics are correct. I am not suggesting Sir, that 10,560 motor vehicles is a kind of saturation point figure, Sir, for Gibraltar, far from it. I am just suggesting that we have to have some yard stick by which to measure the existing position. In addition to these entertaining figures, we have, I believe, well over 100 new cars registered every month. We have heard from the Hon. Minister for Housing that probably one old car a day is destroyed, so let us say that gives us something in the order of perhaps ⁷⁰ ^{OR MORE} new cars on the roads every month, maybe up to a thousand a year. So, I think, Sir, we are moving towards a situation which might be regarded as critical. I know this is a pretty awkward nettle Sir, and nobody is particularly anxious to grasp it. It presents all sorts of problems. Bermuda, which has a great interest in tourism, tackled the matter in a rather ruthless fashion I believe, a few years ago, and I suspect that we also Sir, ^{ARE} ~~will be~~ moving towards the situation in which somebody is going to have to grasp this nettle very firmly indeed, Sir. I like driving and tend to join the weekly trip round the rock which many others enjoy. I also like walking. I would hope I can appreciate both points of view, and I am not here seeking to be critical or to erode the interest which we have in motoring, particularly my friend on my left here. I think, however, Sir, that it would indeed be of advantage if ~~any~~ views members have, on both sides of the House, on this subject could be forthcoming, so that perhaps the Traffic Commission could advise further on this matter, since I suspect it may not be long before the House may have to consider measures on this very point.

I think the motor car has been defined, Sir, as a machine that first did away with the horse and is now doing away with the people. I am told that there are three or four horses left in Gibraltar and I personally would like to see them remain in existence, and still more so, the people. So I hope, Sir, that perhaps this aspect of the problem will not be lost sight of.

HON. M. XIBERRAS:

Sir, it is always nice to have the application of a liberal mind to an almost universal problem. My Hon. and Learned Friend the Attorney General has referred to statistics and I think such a reference is not out of character in this meeting. And perhaps to add weight to what he has said, may I quote some interesting ones. Persons per car in the UK stand at 4.95 in Gibraltar the figure is 4.70. Perhaps another bane of modern living is the question of television, and here it is 3.53 persons to each television set; in the UK and 3.88 in Gibraltar, which goes to show, if not to prove, that there are more cars per head of population in Gibraltar and there are

fractionally more TVs per head than in the United Kingdom. I have great admiration for the roaming liberal mind and the application of objective principles to most problems. However, I also have an admiration for the effects which slightly utopic formulae will have on any given situation. And I wonder what expedient can be devised to curtail the use of the motor car, if not the Television set which we all enjoy from time to time, in Gibraltar. I wonder whether any system can be devised whereby such a curtailment will not fall more heavily upon one part of the community than upon the other. There are convinced walkers in our community and no doubt there are convinced walkers in this House. I for one would say that there are fewer in this House, proportionately, than there are in Gibraltar as a whole. And though I tend not to rely on the appeal system of bringing about social change, perhaps in these circumstances it might be good for the figures of members if they themselves decided to walk rather than to ride, thus reducing the average number of cars in Gibraltar. The problem which my Hon. and Learned Friend the Attorney General has touched upon is one of great importance in Gibraltar. A considerable proportion of public funds is devoted to road maintenance and the dangers of a polluted atmosphere equally are great. It is not very comfortable to live in the proximity of fumes and what not; but I think that his words, eloquent as they were should be taken as general social desiderata and that careful consideration should be given to the practical implementation of such principles. For the moment let us reflect that by the wicked standards of this world, by the polluted standard of this world, Gibraltar is not doing at all badly.

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

Mr. Speaker, I only want to mention two points. One is this comparison of statistics which is a point I was trying to make earlier, comparison between UK and Gibraltar. On the face of it, it seems that the standards are equivalent, but you are assuming one major factor of which there is no proof. Normally you get one television set per household, and you are assuming in these statistics because they correspond, that the composition of a family in the United Kingdom and the composition of a family in Gibraltar are identical. This is not so. This is the kind of pitfall that statistics can bring about, secondly I have not been resident in the UK very recently, but when I left in 1966 no private vehicle could go on the road if it was over five years old without an annual test; that period has since been reduced to three. It is only in this way that you can keep old and decrepit vehicles off the road. I am excluding from any thoughts the vintage car, no accent ^{be on} can age in this particular case because vintage cars in the UK are kept immaculately ^{simply} because they are vintage cars. But the vintage cars one gets in Gibraltar are broken down, very often without exhaust systems, and they are just as much a source of pollution as some of those Public Service Vehicles. This I think is also a factor which one should not lose sight of

when dealing with this question; that old cars, however attached one may become to them, in the end are ruddy nuisances.

HON. J. CARUANA:

Mr. Speaker, I welcome one or two of those comments which, in a way sidetrack from the original Bill, which ~~deals~~ mainly with parking, and in an endeavour to make the House aware that the problem of car parking is not, and will not be overlooked, a study has already been commenced to look into the various aspects of parking problems that we have in Gibraltar. Especially in making available areas at present being misused in an endeavour to draw up a blue print, based on a 10 year plan, with specific regard and emphasis on the capital works programmes and the displacement that these programmes, these developments, will have in their own particular vicinity. We hope that this draft blue print will be the source of discussion and controversy in the Transport Commission in the not too distant future.

HON. M. K. FEATHERSTONE:

Sir, looking up statistics, I find that in the United Kingdom everybody who eventually dies was originally born, and everybody who is originally born, eventually dies. I also find Sir, this is exactly the same for Gibraltar, we have complete parity in at least something, Sir. I think that disposes of statistics for the moment.

Sir, I fully take the point of the Hon. Attorney General on this menace of the motor car. I don't think the answer would be to advocate more roads, but I do think there is one possible, if not solution, amelioration to the menace of the motor car, I think in Gibraltar the motorcar to a great number of people is less a piece of machinery or vehicle for getting from place to place, but a status symbol to show that they have arrived in life. This Sir, in the United Kingdom, is less so with the motor car. The first thing in the United Kingdom, I think is to own one's own house, and perhaps Sir, and I just throw this out as a possible solution to the Government - if some scheme can be implemented by which Government housing can be offered even at low prices on long term system

MR. SPEAKER:

May I step in at this stage and remind members that we are talking on the general principles of the Bill?

HON. M. K. FEATHERSTONE:

Yes, Sir, to remove the motor car. If they could possibly offer housing for people to buy, they would perhaps desire less to show that they have arrived in life by having a motor car, as such, and then we would perhaps be freer from this car menace. If this cannot be done Sir, and I am not a horticulturist - they do say that if you grasp a nettle firmly it doesn't sting you - I think we might do well to look at the system in Bermuda, where I believe no car over a certain horse-power was permitted. Perhaps in Gibraltar we could say that it could not be inside the town area or something

like that. We must eventually grasp this motor car nettle and I think the sooner we do so, the better. We cannot of course abolish the motor car or we will have the Hon. Financial and Development Secretary breathing down our necks with some other method of taxation.

HON. MAJOR R. J. PELIZA:

Mr. Speaker, it is rather interesting to hear tonight some people trying to abolish the motor car from Gibraltar, but I wonder who in this House alone would be the first one to try and chuck it over the side. Because of all the speakers that we have had here tonight I think every single one of them has got a car. It is interesting to hear the philosophy that we are discussing here tonight. The Hon. Mr. Featherstone is thinking that a man should give up his car to buy a house, that is the impression I got, that if he could buy a house, he would not be able to buy a car. Well, the policy of this Government goes further than that, not only that he should be able to buy a house, but also a car, a television set and a washing machine. And this is a matter of great political importance. I am sure that the person who is saddest about all this is the Hon. Mr. Montegriffo who not so long ago was saying in this very House that the day that things change and the workers were unable to afford a washing machine and a television set, we would have tremendous troubles in Gibraltar. I don't think that will be the case for as long as this Government is in power. There is logic I think, in some of the things that have been said; like air pollution, proper parking and all that, and I can assure the House that this Government is looking into this in an effective manner. In the same effective manner that we have tackled other problems here tonight. For instance, we have talked a lot about productivity and they thought that this was just a laughing matter, once upon a time. Now, tonight, the Opposition has agreed to put money into a Unit that is going to effectively produce productivity in Gibraltar, so that the words that we say are not empty words. They are full of meaning all the time. And when I say that this Government is looking forward to the day that a Gibraltarian can afford a car and a house, I really mean it. This is an aim of this Government.

But this Ordinance is to do with something else, and I think we have veered slightly off course. This Ordinance has to do with what has a lot of logic, whatever we may say about spare parts and smoking exhaust pipes. To me it seems rather illogical that a car which is functioning properly and perfectly should, because the law says so - and I think the law would be an ass in this case - that that car should not be on the road. I think we have come now to a sensible situation whereby, if we have proper examiners, and I think we do have them, they should be in a position to be able to tell without fear or favour whether the car should be on the road or not. If the car should not be on the road because it is mechanically unsound or for any other reason, then it will be taken off the road and this Government will not

be afraid to see that happen. Perhaps on other occasions it has been more through fear that they have placed a limit on the age of the car rather than face the consequences that would have to be faced if certain people were told that the car was not in proper conditions to be on the road. Well, this Government is not afraid of carrying out its duty, we are here to govern and we intend to do so. But as we do so, we always want to give the advantage to everybody in Gibraltar, of all classes, to have all the amenities, all the new modern means of enjoyment in life. We are not afraid that we are going to have to go back one day. I think we are optimistic that we shall go on forward from better to even better conditions for everybody in Gibraltar. As to the traffic situation in Gibraltar, not too much a traffic problem as a parking problem. We have already been looking into this in the Development and Planning Commission and my Hon. Friend the Minister for Housing and Public Works has already a number of schemes in mind which are feasible without any undue expense to implement. This will be done starting this year. I am sure that we shall tackle it and this Government will grasp the nettle, as we have done with many other things; we will ensure that more parking facilities become available so that the traffic problem is reduced. I think it can be reduced considerably if we do this in an effective manner. So, although, I know that we have gone off the point slightly, Mr. Speaker, I do apologise but not because I started this. I am afraid it was started in other quarters, and I thought it was my duty to come up and point out the policy of the Government.

HON. A. P. MONTEGRIFFO:

Mr. Speaker, dear me, when I thought I was not going to be dragged into this sort of controversy about cars, and when I thought that cars were soon driving us into the next item which is Widows and Orphans, I find myself being dragged without being asked, into this controversy. Now, Sir, it is a pity that the money we have voted for this Productivity and Organisation and Method Unit was not voted a year ago, because I am sure Sir, that an O & M exercise is probably needed for this House. We would then probably be told that we talked when we shouldn't be talking and perhaps we talk through our hats sometimes. As regards statistics Sir, I am very bad at figures, but I am sure that if statistics prove anything they prove that if in the House of Commons Members were all to talk the amount of time that we talk here, each meeting would last about 5 years. The Chief Minister has mentioned, Sir, something I said about television sets and cars, and I am going to end up with this statement, a very short one, Sir. That I certainly stand for what I said, at Budget time I think it was, and I do not measure the standard and sense of value of a community by the number of cars and television sets.

HON. L. DEVINCENZI:

Mr. Speaker, I would not like to be left out of a car! Statistically Mr. Speaker, I think more speakers have spoken on the question of cars than of anything else tonight, so it really must be of some importance. I will,

as the Hon. Mr. Montegriffo has been, be very, very brief. I would just like to say two things, one is that I entirely agree and support the new Bill. It would have been very unfair if cars, were withdrawn from the roads for reasons of age only. The Hon. and Learned Leader of the Opposition has mentioned the question of spare part this is quite true, but nevertheless if you haven't got the spare parts then of course the car will not pass the test. Those who acquire them would pass it and I would suggest that there could be - in fact there probably are many cars - which are perhaps 10 years old which are in a better condition than those which are five. So, really the law makes more sense as it has been suggested now. One final point is, I believe the Hon. and Learned Leader of the Opposition mentioned that those of us who have to go up to Europa Road know what the conditions of cars can be. I don't know whether he was referring to his own private car, but if he was, I would agree that in that sense there would be some pollution, I have been behind him many times. Thank you Sir.

HON. P. J. ISOLA:

Mr. Speaker, from what I have heard in this debate I am convinced that we should oppose the passage of this Bill, because with all the car problems at least if this Bill was not amended and the law was applied as it is, and has been for the past 10 years, we would not have the problem that we have today and we would have every ten years a Public Service Vehicle off the road. But, nevertheless, we are urged to pass this Bill and at the same time to reconcile ourselves to our fate of having more cars on the road than we can cope with. In the same way as we have been urged to pass statistics motions, three of them in fact tonight, and everybody has argued against their accuracy and their reliability. But all Houses of Parliament, Sir, are usually unreliable in these things, but may I say on the question of parking, may I make one contribution to it, which I think is relevant to the principle of this Bill, and this is this: that whatever the Minister for Works may plan, whatever anybody may say with regard to parking, there is only one real solution and that is, that if people have to pay for car licences, if people have to pay to have their car serviced and people have to pay for petrol to run them, it is logical that they should pay for parking them in places that are convenient for them. And it would seem to me that the only way to solve the car parking problem in Gibraltar is obviously by the building of car park areas and multi-storey car parks. But you can achieve this until people use them and are prepared to use them, and people will not use them so long as they can park their cars round a corner. This is the reality that we must face and it would seem to me that it is futile to try and solve the parking problem in Gibraltar, until we reconcile ourselves with the fact that whether it is five new pence or ten new pence or fifteen new pence a day, we have to be prepared if we want to have places to leave our cars and so forth, we must be prepared to pay. And the day that we accept that, when the politicians accept

the fact that to have a car and to leave it on the road will cost some money, perhaps less than having it in a garage, the day that we accept that principle, I think the day will be nearer when we will have multi-storey car parks and the parking problems will be solved to a very great extent.

HON W M ISOLA:

Mr Speaker I said earlier on this evening that I only spoke when I had something to say. But with due respect to all the various members of the House who have spoken here tonight I would like to say once again that the object of this Bill is to amend Public Service Vehicles it has nothing to do with statistics, parking, etc. There is one small point, or perhaps a large human element under this Bill, and that is that for the last five years, for instance, taxi owners, who make a living out of their taxis, every year by about May have started worrying whether this law was going to come into effect or not. And since 1967 that worry has been hanging over their heads, rather perhaps like a death penalty. It was really for this particular reason that I thought it was right and proper and that it would be unfair to have, shall we say, a death penalty hanging over the heads of people who earn their livelihoods from taxis or from buses or Public Service Vehicles. I was perfectly satisfied when this was brought up at the Transport Commission that there were sufficient safeguards to safeguard the public, which of course is our main concern. Once I was satisfied, I thought it would be unjust and improper that Public Service Vehicles, and especially taxi drivers, should have so to speak a death penalty which could go down on their heads at any year and they would be deprived of their livelihood. It is for these reasons that this particular amendment has been brought to this House.

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

The Bill was read a second time.

The Hon the Minister for Tourism and Municipal Services proposed that the Third Reading and Committee Stage of the Bill should be taken at a later stage in the meeting.

This was agreed to.

(2) The Widows and Orphans Pensions (Special Provisions) Bill 1971.

The Hon the Financial and Development Secretary moved that a Bill entitled "An Ordinance to give certain contributors under the Widows and Orphans Pensions Ordinance (Cap.159) a further opportunity of exercising an option in relating to the method of payment of contributions" be read a first time.

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

The Bill was read a first time.

SECOND READING

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I beg to move that the Bill be read a second time and I hasten to assure the House that the reference to Widows and Orphans, immediately after the last Bill, has no special significance.

Sir, the Widows and Orphans Pensions Ordinance applies to all officers who at the time the Ordinance came into force, were already permanent and pensionable and did not opt within the time prescribed not to become contributors. It also applies Sir, to all officers who became permanent and pensionable after the Ordinance came into force. Section 12 of the Ordinance Sir, provides that an officer may elect to pay his contributions by deduction from current salary provided that he does so within three months of his becoming a contributor, that is to say from his becoming permanent and pensionable. In the absence of such an election the contributions in respect of the whole of his service are deducted from the Officer's gratuity - if he lives long enough to be retired. It has been ascertained Sir, that this provision in the Ordinance has unfortunately not been brought to the notice of officers on their becoming permanent and pensionable, and the purpose of this Bill is to give officers already in the Service, who may have been unaware through that deficiency, of the provisions in the Ordinance, an opportunity to elect to pay their contributions from their current salaries. Steps Sir, I hasten to assure the House, have been taken to ensure that in future this provision is brought to the notice of every officer appointed to the permanent and pensionable establishment. Sir, I commend the Bill to the House.

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

HON A P MONTEGRIFFO: Mr Speaker we support the Bill, but there is a suggestion which I would like to make to the Government in the hope that it will be able to do something about it. In any case the outcome of my suggestion will not be a reason why we should not support the Bill at this stage. As I understand it Sir, there is a specific department which was very adversely affected by this oversight - I think there were about 47 people involved. When the matter was being discussed three new Officers entered this department and on being made aware that they had to pay, volunteered to do so but were told to wait until the discussions about the whole question of the oversight was looked into since there was a possibility that they might be excluded should the other officer in the department be excluded. It now happens that the 47 officers who were bone of contention, have been excluded and the three officers who were willing to pay and who were told to wait because they might be excluded, have not, possibly for some administrative reason, been excluded. I think it is a bit unfair that this should be so. I appreciate that at times one cannot, without departing from rules of procedure, do something that perhaps one would like to do; all I am asking and suggesting to the Government is that this matter should be looked at to see if anything can be done about it.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have an idea that the matter has already been rather fully investigated, but I am only too willing to give the Hon Member opposite the assurance that I will certainly look into the question again, and if it has not been examined, as I think it has, exhaustively, then I will certainly make recommendations to Government on it.

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

The Bill was read a second time.

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

This was agreed to.

- (3) The Children and Young Persons (Employment - Temporary Provisions)
(Amendment) Bill 1971.

SUSPENSION OF STANDING ORDER

HON L DEVINCENZI:

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

Mr Speaker then put the question.

HON SIR JOSHUA HASSAN:

Mr Speaker although under standing order 60 no debate is allowed on this matter, and though we are not going to oppose the suspension I would like to say something on the matter when we come to the Committee Stage of the Bill, though it may not be directly concerned with it. I think it is the best way I can deal with it.

This was agreed to.

The Hon the Minister for Education and Recreation moved that a Bill entitled "An Ordinance to amend the Children and Young Persons (Employment - Temporary Provisions) Ordinance 1969 (No.23 of 1969)" be read a first time.

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

The Bill was read a first time.

SECOND READING

HON L DEVINCENZI:

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

Mr Speaker, as you are no doubt aware this Ordinance is in the habit of coming to this House every six months. However, Mr Speaker, this time it has come with a difference and that is, that a number of useful, perhaps I may put it very positive amendments and additions have been made. Mr Speaker, I do not propose to make a lengthy speech on this Bill. As you well know the

Bill has been circularised, all members are well acquainted with it and therefore would just propose to go very briefly into the reasons why this Bill has come again to this House with these amendments.

Sir one of the amendments, as you can see, is obviously the extension of this Bill and you will have noticed that instead of leaving it for another six months it has been left indefinitely until the Governor so prescribes by publishing a notice in the Gazette. This does not mean of course that it is going to take another six months before it lapses. It could very well be that it could be done before, but I think it is better to leave it indefinitely. We also have the question, the amendment to Section 2. Here again the idea of having this one in, of course, is that it could be brought up that a number of employers could say that the young person, the child working there, was not getting any wages/^{or} remuneration, and therefore this amendment is designed to make it an offence whether the child^{is} receiving any money or not. The amendment to Section 5 and 6 applies to the Youth Officer. In fact it has been the Youth Officer for some time now and when we have extended the Bill in other occasions, the title was not amended and remained as the Youth Employment Officer. This, of course, is a minor one, but nevertheless I thought that it should be put right on this occasion. Perhaps another important ~~one~~ is the question of the amendment to Section 4 and that is subsection (c) which says: "that on any day after ten o'clock on the night of such a day". Before there was nothing to indicate until what time they would work, and I have it from good authority, very particularly so from the Youth Officer himself, that there were children who were working well after midnight. By bringing this into line, by saying that it is only allowed up to 10 o'clock, this will bring in a measure of movement - I might add here that I am not particularly happy with this, I would have preferred to see it even earlier, but there have been a number of reasons put forward and suggestions made and I am now convinced that it would be in the interest of the child to have it till ten o'clock rather than eight; and perhaps he would not get the job in any case if it were to be put as early as eight p'clock. Finally, there is the question of a fine. No fine was provided for in the Bill and now as you can see, any employer who employs a child or young person in contravention of any provision of subsection (1) and (2) of this section shall be guilty of an offence and liable on summary conviction to a fine of £50. Before Mr Speaker a person could just flout the Ordinance and there was nothing very much that one could do about it. I hope this will be a deterrent and this is the reason for having this £50 fine incorporated into the Bill. I commend the Bill to the House.

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

HON SIR JOSHUA HASSAN:

Mr Speaker I have one or two observations. In the first place, it is a matter of some satisfaction that something that was rushed through in an

emergency has been tested for at least two years and has had some use beyond the original emergency period, which was very necessary. The amendments are improvements, naturally. The only points that I don't like very much is the provisions of clause 2 of this ordinance coming to an end by a notice in the Gazette; I don't think it is very good practice. I am relieved to some extent by the reference to the fact that it would be for a short time, and the explanatory memorandum which though it is not part of the Ordinance, does say that it is linked up with the Education Ordinance, and there again perhaps we might have an assurance from the Minister that the Education Ordinance is not going to take another 12 months to come before this House in order that this Bill, when made law, is not left there indefinitely. It could be useful so long as nothing more permanent is substituted for it, but I don't think it is good practice. I don't mean in regard to this Bill at all but in general. I am sure the Learned Attorney General will agree that in general a law which is passed by this House should not be left to the Governor, which of course means the Governor on the advice of the Council of Minister should repeal. This is not particularly good, it takes the power away from this House. In the case of emergency legislation like this, which has been extended and which is likely to be substituted by more permanent legislation that will cover the protection that is afforded here, I don't object to and I am not going to make any points on that; but on principle I would not like a law which is passed by this House to be repealed by anybody outside this House.

HON M XIBERRAS:

Sir, I am particularly glad to see this Bill in its modified form coming forward again, although I take the point made by the Hon and Learned Leader of the Opposition that it would be desirable to have a full scale Education Ordinance, but I feel that the other side of the House should not minimise the advance that this supposes for the Youth Employment Service and for the standing of the Youth Officer, in particular. In my own Department I have had reasons for consultation with the Youth Officer, of course with the knowledge of the Minister for Education, in respect of problems with regard to juvenile employment. I think that the Youth Employment Service will be much the better for the powers of inspection given to the Youth Officer and for the fine, which we hope does not have to be imposed, the cases are not many, but which nevertheless is there, as my Hon Friend the Minister for Education has said, as a deterrent.

I think there are reasons for the hour of 10 o'clock at night. It is particularly I believe in respect of page boys at hotels whose calling demand that they stay up late at night. Often these persons are quite young when they start off, they hope to promote themselves up the hotel ladder slowly and they do not have many qualifications to begin with and the way that they get into this kind of employment is by becoming a page boy. I would not go as far as at least one member of this House did in the past in asserting that there was little need for the limitation of hours of opening and closing shops, or

in the question of restricting the hours of work of young workers in employment. This was done in the past in relation to the Shop Hours Ordinance. I believe that there is a need for the protection of young people. However, I do not believe that the ten hours time is unreasonable, particularly in respect of those people employed in hotels. Sir, whilst I am sure my Hon Friend the Minister for Education will bring to this House comprehensive legislation in respect of education, this must not be seen as simply a continuation of a six monthly ordinance but a significant advance, especially for the Youth Employment Service, and in the circumstances may I offer my congratulations to him.

HON CHIEF MINISTER:

Mr Spekaer I would just like to assure the Hon and Learned Leader of the Opposition that it is the intention of the Government to proceed as fast as possible with the new Education Ordinance. And I am glad to hear from him too that he feels that this is an improvement of what it has been for a number of years. The only thing is that I would like to argue with him on one point and this is that he has said that he would not like to see the Ordinance being repealed by a notice being published in the Gazette after the Governor has so decided - obviously the Governor in this case meaning the Council of Ministers. What I am trying to point out is that whilst before the Ordinance would lapse and therefore no one would even hear about it, now if the Ordinance is going to be removed from the Statute Book it will have to come by way of a notice in the Gazette. This will give more notice than what would have been the case before, so I would say that this is an improvement too of what it was before, since in my view people would then take the hint and it would be possible for the question to be raised, not only in this House but also publicly, whilst in the other manner it would just go by unnoticed. This is the only point I am trying to make, but on the whole I think that there are very important matters there, one of which is the powers of the Youth Officer to be able to carry out inspections, without which I think it would be very difficult to impose the law. This must not go by unnoticed and I think it is important that particularly the people concerned with welfare of the young people realise how much to heart this Government - however much it might be criticised in certain quarters - how much to heart it has taken the welfare of the young people of Gibraltar and that not because this Ordinance has had to be extended does it mean that we are not doing our best to advance with the Education Ordinance which we hope it will be possible in the not too distant future to bring to this House.

HON M K FEATHERSTONE:

Just two small points Sir, I am afraid that in his zeal the Hon Chief Minister has missed the point of the Hon & Learned Leader of the Opposition. It is not a question of the publicity given to this Bill when it finally finishes. If it were to lapse by order of this House then the principle that this House is supreme is maintained, if it is going to be revoked or finished with

all the pomp and ceremony you wish but by order of the Governor in Council or the Council of Ministers, then, Sir, this House is not supreme and surely the principle must be that this house makes the laws and takes the laws away.

Sir the other point, I have no statistical evidence on this but I think it is common knowledge that the night finishes at midnight so that obviously a child would work at one minute past midnight and he would not be working on the night, he would be working on the morning, and I feel Sir, that this small anomaly could be removed. We intend to present a small amendment later on to section 5 clause (c) Sir.

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

The Bill was read a second time.

The Minister for Education and Recreation proposed that the Committee Stage and Third Reading of the Bill should be taken at a later stage in the meeting.

This was agreed to.

(4) The Pymont Limited Loan Bill 1971.

SUSPENSION OF STANDING ORDERS

FINANCIAL AND DEVELOPMENT SECRETARY:

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

This was agreed to.

The Financial and Development Secretary moved that a Bill entitled "An Ordinance to authorise the borrowing of a sum not exceeding six hundred and fifty thousand pounds from Pymont Limited" be read a first time.

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

The Bill was read a first time.

SECOND READING

FINANCIAL AND DEVELOPMENT SECRETARY:

Sir I have the honour to move that the bill be read a second time. Sir, during the course of the Budget speech last March, I informed the house that it would shortly be necessary to raise further loans to finance the cost of the additional Electricity Engine, the new Distillation Plant and the new Refuse Destructor. I also intimated that the Government was already engaged in negotiations to this end. I am glad to report tonight Sir, that the negotiations have been satisfactorily concluded with Pymont Limited and that the purpose of the Bill before the house is to give legal effect to the outcome of those negotiations. Sir, the Bill provides for the raising of a loan of six hundred and fifty thousand pounds, at 8% per annum, repayable over a period of 20 years. No less than £20,000 is to be repaid in any one year but the door is left open for the Government to redeem a larger amount if it should desire to do so.

Pyrmont Limited sir, already hold with the Government £554,800 at 3% repayable on the 30th September of next year, and £400,000 at $3\frac{1}{2}\%$ repayable on the 31st March 1975. Under the terms of the present agreement, these loans are to be redeemed forthwith and the £650,000 of the proceeds will be converted into the new loan as I have already described. That has incidentally Sir, the effect of reducing the loan commitment of the Government by some £300,000. I am sure Sir, that the House will agree that given the present state of the money market the terms of the loan are satisfactory and I accordingly commend the Bill to the House Sir.

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

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

HON A W SERFATY:

Sir I would like to refrain from voting on this as I am a Director of Pyrmont Limited.

The Bill was read a second time.

The Financial and Development Secretary proposed that the Committee Stage and Third Reading of the Bill should be taken at a later stage in the proceedings.

This was agreed to.

COMMITTEE STAGE AND THIRD READINGS

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

This was agreed to and the House went into Committee.

HOUSE IN COMMITTEE

The Traffic (Amendment) Ordinance 1971.

The Bill passed the Committee without amendment.

The Widows and Orphans Pensions (Special Provisions)(Amendment) Ordinance 1971.

The Bill passed the Committee without amendment.

The Children and Young Persons (Employment - Temporary Provisions) (Amendment) Ordinance 1971.

Clause 1.

HON SIR JOSHUA HASSAN:

Mr Speaker I did indicate earlier that I wanted to make a general observation about the question of the suspension of Standing Orders from time to time.

In the first place two bills that are before this House tonight have had Standing Order No.30 suspended. This is not the first time that this has occurred, in fact it has happened on many occasions. Also the four Bills that are before this House have been the subject of a vote under Standing Order 32 (2) as to whether the Committee Stage and Third Reading could be taken at the same meeting.

There are two reasons why I raise this matter. In the first place if in fact this Government feels that the Standing Orders are not suitable to the way they bring business to the House, then I suggest that the Standing Rules Committee should be convened to look at this and other matters and see whether any procedure has to be altered in order not to have the need for this continuous suspension of Standing Orders.

In respect of Standing Order 32(2) this presents a different problem, and that is, that normally the reasons why there is a time lag between the Second Reading and the Committee Stage, is in order to give members time to think whether there are any further amendments or not. It is all very well to say that the Bills are short and one should make up one's mind. Well, if that is the case again let us look at Standing Order 32(2) and decide whether we want it or not. We have not raised any objection to the suspension of Standing Orders from time to time, and we will certainly not do so in the immediate future - I am not saying that I will agree to the amendment of the Rules when we come to it - but what I say is that I don't think it reflects well on the House that we should be continuously suspending Standing Orders to deal with the business of the House when this Government wants it. I don't say that it is right or it is wrong, I just point out the difficulty.

Sir, with regard to Standing Order No.32 there is a point of principle there, and that is that the last meeting of this House was on the 14th April, six weeks ago, it may well be said "well, if we clear all the Bills and we have no Committee Stage and Third Reading at the next meeting, the time for the holding of the following meeting may be further delayed than would normally be the case, if you want to see legislation that you have initiated in one meeting through to the other. And there may be an inclination - and I don't blame the Government for it - to leave it for another week or another week and therefore instead of having ten or eleven meetings at the end of the year, we might have eight or nine. I am not saying this by way of criticism, I am saying this by way of a constructive approach to the procedure that this House must follow and the fact that the Standing Orders are there to be honoured except in exceptional circumstances, and in fact we have not raised difficulty, we have not become objectionable.

In fact my attention was drawn by the fact that I got the typed copy of the bill instead of the printed one because there had not been enough time - although it was printed, it was not printed within the prescribed time. I think you know Mr Speaker, I told you that I wanted to raise this - I thought the

best time to raise this was at the Committee Stage of the first Bill that has come here under the Suspension of Standing Orders - as a matter for thought generally as to the procedure of this House.

If we are going to have long meetings in order to clear all Bills in one day, except perhaps in the case of the longer bills which require a lot of going into, let us by all means adjust the Standing Orders to what our practice is, and not twist the Standing Orders and make them appear as if they did not exist or they did not have much value.

HON CHIEF MINISTER:

Mr Speaker I am very grateful to the Hon and Learned Leader of the Opposition for the remarks made, I think they are very valid. In fact for some time now there have been recommendations for the consideration of the Standing Rules Committee, which are still in the pending file and I am sure the Attorney General is getting on with them. I hope it will not be long before some kind of paper is circulated to the members of the Committee to try at least to implement those that were already discussed.

In the case of having to suspend Standing Orders the reason why this has been necessary has been more through exigency than anything else. We have been suddenly confronted with situations which have to be met, like the Ordinance we have just discussed, which would have lapsed - perhaps through oversight on our part - if we had not taken it today. In order to comply with the Standing Rules, it would have meant having another meeting subsequent to this one, which I think the Hon Member on the opposite side very clearly stated would perhaps not be in the interest of the House to meet for such a small matter, when in fact it was possible to do this under the Standing Orders as they are now. In any case, had there been good reasons for this Standing Order not to have been suspended, I don't think the Government would have come here suggesting such a thing and the Opposition would have objected to it. Whilst it is true to say, that we do not want to bend the law to the extent that it becomes a habit, at the same time those Rules were there to be used precisely on occasions like this. I am not saying for the moment - and I am just sitting on the fence the same as he is - I am not saying that I agree or disagree, I am saying that this is a matter that we should look into. Perhaps Sir, if there is a need for a change in the Standing Orders we shall carry them out, if not the Government will be compelled to have more regular meetings to the inconvenience of everybody. But I assure the Leader of the Opposition that his remarks have not fallen on deaf ears.

MR SPEAKER:

May I perhaps, as the person who has to give consent for the suspension of standing orders say that I have consented to the suspension of orders until now because I have felt that it has been the general consensus of the House that it is ^{an} acceptable practice. If it is going to become a matter of controversy of course I must warn the House that I will have to exercise my

discretion in accordance with the circumstances of each particular application, since I must not in any manner or form allow myself to be guided other than by the exigencies of the particular application and nothing else.

HON SIR JOSHUA HASSAN:

I am grateful for that Mr Speaker. I would like to say that I am not sitting on the fence, I have made my remarks as uncontroversial as possible to deal with the matter. I have my own mind about it, but I thought it would be better to draw attention to this question in a neutral manner rather than in any other way. But I would like to remind the Chief Minister that every time this particular Bill has come before the House it has always come in a hurry and at one stage it was thought of, I think, just the day before the meeting. This is perfectly alright, this is an emergency legislation which lapses and it has to be kept in the Statute Book if we haven't got to go through the force of putting it all into law. It has happened far too often, if one looks at the whole procedure in the last year, and as I say I don't want to make this controversial, what I don't want - and I only mention this by way of warning - is that this Government, or any Government, to think that the Opposition will put a rubber stamp to anything that is brought here because it is going to be quick to get out of the way. This is the only point that I want to make about that. The Pyrmont Bill, again there might have been a good reason, it was pointed out, but if you look back over the last few months, every meeting has had suspension of Order 32, and every meeting or other has had the suspension of Standing Order 30 and not just this particular emergency legislation, which perhaps is the weakest for me to take, but I didn't want to take it on the Pyrmont Bill because that one very probably was also very urgent to carry out certain negotiations.

HON CHIEF MINISTER:

Sir I would just like to tell the Hon Leader of the Opposition that whatever impressions we may have of the Opposition, one thing we know, and that is that they are not a rubber stamp.

HON ATTORNEY GENERAL:

Sir, just for the information of members, I should note that the existing Standing Rules and Orders were, I think, initially prepared in 1964 under the former Constitution Order. I am aware of the fact that much attention has been paid to their revision; I have just received very recently some proof copies of the revised Standing Rules and Orders which I ^{AM} ~~was~~ hoping to submit to the Standing Rules Committee, in proof form, Sir, so that I hope the points that the Honourable and Learned Leader of the Opposition raises may be taken cognisance of. And I would hope too, just as a personal

matter, that perhaps Standing Order 29, which is very much linked with Standing Order 30, might be reviewed. That says that no bill should be read a first time until it shall have been published in the Gazette. Well, Sir, I would prefer to think of myself as a Parliamentarian in this; I think this House should be the first ~~people~~ to be aware of the intention of Government or anyone else, to introduce legislation into this House and that ~~the~~ Bill should be printed after it has been read a first time. However, Sir, that is again a matter for the Standing Rules Committee and I am hopeful that the draft revised Rules will be submitted to that Committee very shortly, Sir.

Clause 1 was agreed to and stood part of the Bill.

Clause 2

HON P J ISOLA:

Mr Speaker, I would like to support this amendment. What I have heard up to now supports the argument for the amendment of this Clause in the particular way proposed. It is quite clear that if you have got a piece of legislation which lapses after six months, it is quite clear to me that you are going to be involved in the suspension of Standing Orders every time it comes for renewal otherwise you would have to bring the Bill up two months before it lapses, in other words when it has run two thirds of the time. It would seem to me that having regard to what the Minister has said and having regard to the substantial amendments to this Bill, which deal with a lot of the problems about which many Honourable Members are probably worried about, and the fact that it is to be supplanted by the new Education Ordinance, it seems to me to be of good sense to leave this Bill on the Statute Book until the new Education Ordinance comes into effect. I think if you look back over the last 21 months, or 19 months, you will probably find that three of the suspensions of Standing Orders have probably been due to this Bill. And I would like to say that the suspension of Standing Orders, I am afraid, has been a bit of a practice in this House, not just in the currency of the present Government, but certainly as long as I can remember in this House. In fact, this particular Bill that is under discussion, when it was first passed into law, was brought in on suspension of Standing Orders, and the Control of Employment Ordinance that restricted the movement of labour was brought in on suspension of Standing Orders in a House that had no opposition. Although obvious I would welcome Standing Rules to be looked at and revised, and obviously, it is preferable to take the Committee Stage and Third Reading, whenever possible, at a subsequent meeting because not only does it give time for Opposition to have second thoughts, it also gives time for the Government to have second thoughts. I think it is a fact of life in Gibraltar, unless the House is to sit every two weeks or every week, that suspension of Standing Orders is

inevitable. I don't think there is anything particularly unusual in what has been happening and I think that this particular amendment to this Clause will at least eliminate the need to suspend Standing Orders in the future, in regard to this particular legislation.

HON SIR JOSHUA HASSAN:

Sir, I think the remarks just made are in direct conflict to what the Minister proposing this Bill said on his opening. If in fact the Education Ordinance is going to come here in less than six months from now, then it would be the Education Ordinance that would revoke the temporary provisions of this Ordinance. If it is going to take longer, then what we have is the danger of having an emergency legislation, which was passed for six months and has been extended on various occasions, to be there more permanently. I am quarreling with the principle, if it is emergency legislation it should lapse, if it is not emergency legislation it should be permanent and it should be repealed by the House that enacted it. I only mention the question of principle but I think for the sake of opposing an idea the wrong reasons are found for it. I was satisfied with the answer from the Minister but if the last speaker had been the Minister and had given the answer that he has given in support of his argument, I would not have been satisfied because it would have given an indication that the Law was going to be there much longer than six months.

HON P J ISOLA:

I think the Honourable and Learned Leader of the Opposition has misunderstood my argument. I am saying that it would not be necessary to bring it back in the future. The Education Ordinance as the Hon and Learned Leader of the Opposition I assume is aware, on the recommendations of the Education Commission Report produced what is a very, very substantial Bill, very lengthy, and is something that to my mind will not be passed in this House by the suspension of Standing Orders; and is not something that is going to be passed very quickly, it is something that will require a lot of thought and discussion. And although the Education Bill, when it comes forward, may be placed before members of this House in a particular manner, it may take three or four months before it finally passes into law. But all I was mentioning is the fact that it seems to me that this particular provision suits this legislation. It was originally introduced as emergency legislation, if one can call it that, I rather regard it as temporary legislation, which ensures that the interests of young people are protected until more permanent legislation comes forward.

HON CHIEF MINISTER:

Mr Speaker, I would like to support that because this is precisely the argument I was using before. And I think the Hon Mr Featherstone tried to say that in fact it was better before than it is now. He should realise, I think this is what he doesn't realise - that the Ordinance as it was before would have lapsed automatically and therefore no one would have noticed it. This was my argument. Now for the thing to be written off, as you might call it, it has to appear in the Gazette and this would be brought to the notice of people interested in this Ordinance. This is, of course, if it would get through this House, which I am sure it wouldn't, because as the Leader of the Opposition has very rightly said, they are not a rubber stamp. I think they are much more than a rubber stamp and therefore I am sure that they will be the first people to come out and say: "What are we doing about this". So, there is really no fear at all, I think, in this having any effect at all in the changes we have introduced, I think it gives it a bit of more permanency than the other one, and it will see us through to the Education Ordinance which, as has been very rightly pointed out by my Hon Friend Mr Peter Isola, is a very lengthy thing, it requires a lot of study, a lot of consultation and will take a long time before it gets through.

HON M K FEATHERSTONE:

Sir, surely this could easily have been fixed up had the Government, instead of using the wording here, had put: "Until such day as it is revoked by the Education Ordinance".

Clause 2 was agreed to and stood part of the Bill.

Clauses 3 and 4 were agreed to and stood part of the Bill.

Clause 5

HON M K FEATHERSTONE:

Sir, I beg to move that Clause 5 (2)(c) should be amended by adding after the words "on any day" the words "before 8 o'clock in the morning or after 10 o'clock at night of such day". This would mean that no child could be made to work on any day before 8 o'clock in the morning or later than 10 o'clock at night. This would remove the possibility of a child being made to work at, say, 5 o'clock in the morning or 6 o'clock in the morning. There are instances I have heard of where it has been tried on.

Mr Speaker proposed the question that the amendment be made.

HON CHIEF MINISTER:

Mr Speaker, when we arrived at these hours - and I think this is

where the Leader of the Opposition was perhaps right about taking the Committee Stage on the same day as the Second Reading, to give us time to go into an amendment of this nature, to find out what the consequences are - we did not put down 10 o'clock just for the sake of putting it there, we thought of a number of things that could be affected which could be prejudicial to young people of that age. I just wonder whether the Hon Mr Featherstone - it is not that we are against the amendment - but we are just wondering whether in doing this, we are doing more harm than good. I just don't know and perhaps

HON SIR JOSHUA HASSAN:

It is restrictive.

HON CHIEF MINISTER:

Well, yes, I know, it is restricting it to 8 o'clock.

HON LT COL J L HOARE:

In the morning.

HON CHIEF MINISTER:

Yes I know, in the morning. Yes, I know perfectly well what you mean, in the morning, but there might be occasions when there might be young people who could earn a living, and perhaps I can just think of people delivering newspapers, it has just come to my mind, which is a very normal thing for children, in fact I used to do that when I was a boy and I used to get up at 7 o'clock and ^{it} didn't do me any harm; in fact, early rising I think, is a jolly good thing. I am just wondering, I really mean this, and I am honestly not trying to be awkward on this one, but I just wonder if you could not start a bit earlier.

HON M K FEATHERSTONE:

Sir, if this is a question where you feel there will be some hardship, I have no objection to making it six o'clock in the morning, but I ^{if} feel that between ten o'clock at night and six o'clock in the morning, at least, which is classed normally in Britain as the night shift, children should not be made to work.

HON L DEVINCENZI:

Mr Speaker, before I agree to this one, I would like to know whether there is any member who would suggest any employment in Gibraltar where a child could be employed between say six and eight o'clock in the morning, because if there isn't I would rather prefer to see it eight o'clock in the morning. But if there is any member who could say there is such an employment, and I can't think of newspapers being delivered at that time nowadays, then I would agree to it, otherwise I would certainly prefer to go on with the amendment proposed.

HON P J ISOLA:

Mr Speaker, it would seem to me that any work which is going to be done in the morning by young people of that age, at 15, I would have thought they might easily come on duty at say 7 o'clock; six o'clock is perhaps a bit early, but I think 7 o'clock is very possible. So I would suggest 7 o'clock in the morning.

HON M XIDERRAS:

If we carry on at this rate, Sir, perhaps the page boy to the House of Assembly might find it useful to have it extended until 7 o'clock. I think, Sir, that the difficulty here is that one does not know really where to draw the line. I mean, I can think of a bakery, for instance, where people might go in earlier, on the other hand a bakery might not employ young people at all. I think therefore, ^{what} we must judge on is not on what kind of employment is available but what is a reasonable time for a young person to be up. I am no judge of these matters, not being an early riser myself unlike the Chief Minister, and sometimes arriving late at places, and being recorded, but I would suggest that certainly my Hon and Learned Friend's suggestion of 7 o'clock is a fair compromise.

MR. SPEAKER:

If the Hon Member changes his amendment to 7 o'clock it would save a lot of time.

HON M K FEATHERSTONE:

If everybody would like to change the 8 to 7 it would save time circulating another written amendment, Sir.

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

The amendment was carried and Clause 5 as amended stood part of the Bill.

Clause 6 was agreed to and stood part of the Bill.

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

The Pyrmont Limited Loan Ordinance 1971.

Clauses 1 - 15 were agreed to and stood part of the Bill.

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

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

RESUMPTION

The House resumed.

HON ATTORNEY GENERAL:

Sir, I have the honour to report that the Traffic (Amendment) Bill 1971; the Widows and Orphans Pensions (Special Provisions) Bill and the Pymont Limited Loan Bill 1971, have been considered in Committee and agreed to without amendment, and that the Children and Young Persons (Employment - Temporary Provisions)(Amendment) Bill 1971 has been considered in Committee and agreed to with one amendment, and I now move that they be read a third time and passed.

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

ADJOURNMENT

HON M K FEATHERSTONE:

Sir, may I crave your leave, after all that has been said throughout these events for the suspension of a Standing Order, Sir - this is I believe Standing Order 25B(4) - to raise a matter which I think is of fairly considerable public importance, Sir, to deplore the fact that the Hon Minister for Education has not made a statement in this House giving this House and the public in general some information as to the occurrences, the spate of resignation which seems to be occurring at the top echelons in his department.

MR SPEAKER:

By the same token that I have granted the Government leave to suspend Standing Orders, I will give leave for the matter to be raised. Again I will warn Members that the now famous "40-Minute Rule" applies and that the Minister can reply at the end of the debate.

HON M K FEATHERSTONE:

I do promise, Sir, that as far as I am concerned we shall finish this night and not tomorrow morning Sir. I intend to be very brief.

When we had quite a number of questions concerning the appointment of the Chief Education Officer, we also had a debate during which it was mentioned that a man of top calibre should come out and that the Salary offered was not really conducive to get this. It went on for quite a long time and eventually, Sir, I think about June last year, we did get a Chief Education Officer. Sir, this gentleman has apparently now resigned after being with us for less than one year. This Sir, is a matter of considerable concern but it is ^{of} more concern, Sir, when we hear that Mr Brown, the Chief Advisor on Education, has also resigned from advising Gibraltar and I also understand that the person who stood in prior to the present Chief Education Officer has also resigned. This would mean that perhaps the whole top echelon

of the Department of Education is now in a state of resignation, suspended animation, or what you would like to call it, Sir.

After what has transpired here today, it is even more worrying when we hear that this Bill which we have just passed will be substituted by the Education Ordinance, a complicated Ordinance, of course, Sir, it appears that when it does come to this House there is going to be nobody in the top levels in the Education Department to be able to give the Minister advice. He will have to go it alone, Sir. This might mean a lot of pitfalls where technical advice from his permanent civil servants would assist him considerably. I wonder Sir, if at this juncture the Minister would like to give this House some information as to what is going on in his department. Education, as we know is at the cross roads, comprehensive is just coming in - not very satisfactory as far as we are concerned - but without people there even to guide we wonder if the chaos is going to be even worse. That is all I have to say Sir, it cannot be thrown at me that this time, I have used 35 out of the 40 minutes.

HON L DEVINCENZI:

Mr Speaker, I rather enjoyed how the Hon Mr Featherstone ended, by saying: "This is all I have to say". As we all know, if you don't have much to say you should not say it, and he has done just that. Again I am sorry, but I must be absolutely frank, and although I will not say that the Hon Mr Featherstone is not concerned, to some extent - I would not care to say to what extent - with education, nevertheless, I do believe that there is a bit of political reasoning behind this. He has said that Mr Brown has resigned, well, Mr Brown has not resigned. Mr Brown has not come here on this occasion for very, very good reasons. Mr Brown did not like the idea, when he was proposing to come on a previous occasion to run a seminar on Comprehensive Education and at the very last minute this was boycotted by the Gibraltar Teachers Association, just to bring pressure to bear on the Government on the question of the appointment of the Chief Education Officer. One thing had nothing to do with the other, Mr Brown was naturally quite hurt about it and he had no assurance at all that this thing would not happen again. There is no question that he has resigned. So there he is wrong. As regards the other two resignations, this is true, obviously nobody welcomes this, I certainly don't. As it has been made very clear, as regards the Director of Education, he has resigned for purely personal reasons, and this I can confirm. These reasons have nothing to do with Education, at all, and there the matter rests. We have made immediate arrangements to recruit another Director of Education, in fact the advertisement stated that the closing day was in fact tomorrow, the 4th of June,

and we hope very soon to learn the number of applicants that we have from the UK. This is unfortunate, but there it is. As regards the post of Education Officer, yet again this is very unfortunate. The present holder has for some time now been very much under the impression that he needs to go to the United Kingdom to undertake some training and gain more experience as otherwise he felt that he would never be able to reach the top level here, if he were to stay here all his life. Perhaps he would not be accepted otherwise. Whether he is right or wrong, I don't know, but he feels that he should go; he has been offered a post in Kent and he has accepted this. Perhaps it will be for the good of Gibraltar, that in due course, after a number of years, he could apply and who knows, he could take the job. Again, it is not a question of dissatisfaction but rather that he felt, perhaps rightly so, that as long as he remained here he would stay in the same post all his life without any further advancements. So really, when we come to think of it, there is nothing basically wrong, it is of course unfortunate that a number of things have happened all at the same time more or less, but this is something which one will have to face and put right at an early date.

The post of Education Officer will be advertised very possibly next week, and as I said before, the post of Director of Education has already been advertised. So I can assure the Hon Member opposite that there is no question of being without an Education Officer for any length of time. We do not expect the present Director to leave before September, so in any case when the Education Ordinance comes before this House we shall certainly have the services of the new Director and we can always draw on the services of other Advisors in UK who come here if asked to do so.

I think it will be interesting for the House to learn that either with regard to Comprehensive or the Education Ordinance, I have not as yet received a single proposal or suggestion from any member of the Opposition. Certainly not from the Shadow Minister. Quite frankly, I think there is not very much to say here apart from the fact that I feel satisfied that things are working properly. I will repeat that I would like them to go much better and certainly if these two gentlemen were to stay here it would have been all the better for us, but it just hasn't been the case, through no fault of anyone. I don't think that this is a point that one should try and capitalise on, this would not help anyone. I think it is the duty of the Opposition, and any responsible Member, to try not to create despondency or any sort of pessimism anywhere. One should not say: "We do this for the interest of the children.", and then say things which perhaps should not be said, especially when they are not entirely factual and correct.

Thank you Sir.

HON SIR JOSHUA HASSAN:

Mr Speaker, I don't want to enter into the controversy, that should be between ^{the} two people concerned, but I am concerned, and it is not the first time, that the Hon Minister questions the motives of my friend on my right. First of all, it is certainly not according to the Standing Orders to impute improper motives on any member of this House.....

MR SPEAKER:

I would like to say that political motivation is not an improper motive.

HON SIR JOSHUA HASSAN:

No, no, quite. If it had been a breach of Standing Orders, I would have called upon you Mr Speaker, for protection, but what I say is that ~~that~~ at least gives an indication that he doesn't miss an opportunity of saying ~~that~~ and I don't think that is fair. But looking at it as impartially as one can, surely, the explanation that he has given now about a state of affairs for which he may not be responsible, and nobody makes him responsible, but which is of concern, at least to parents of the fact that the Director of Education and the Education Officer do happen, as he said, do happen and it is unfortunate, that they go at the same time. In fact before my friend had decided to raise this matter - I don't know whether he indicated this - we were waiting to see whether there would be a statement. I think that this is the purpose of this Standing Order, to draw attention to a matter of public importance and the Minister has made a statement. We are very glad that he has made it because my friend has raised the matter at this stage and he has come forward to say something which he should not have said without being prompted.

HON L DEVINCENZI:

Mr Speaker, I am afraid I cannot agree entirely with what the Hon and Learned Leader of the Opposition has said. First of all I would like to make it very clear, and I am sure that a man with his experience is quite aware of this, that I or any of the Ministers make a statement when one thinks it is appropriate. Now if we have published an advertisement, the closing date of which is tomorrow, I feel that one should wait and see what the reaction has been and therefore be in a better position to make a wider statement. I don't think that at this stage one could have said very much at all. As regards the other post, I am the one who has been in touch with the Education Officer day by day, the fact that he has resigned does not necessarily mean that he will be leaving, perhaps he will be leaving, but up to a point it is I who knows when he finally decides to leave and therefore it would perhaps be unwise for me, at an early stage, to have referred to the Education Officer as a person who will be leaving when perhaps he might not have left. In fact I would not like to confirm that he will be leaving

until he does go. This is something where one is in touch with him everyday, and there could be developments. I don't know certainly from my point of view I would like him to stay, but from an unselfish point of view perhaps it is just as well that he went for his own benefit and perhaps for the benefit of Gibraltar at a later stage if he were to come back. So really, I don't think the question of a statement arrives at this particular point, when this thing has only come about very recently, and effective action has been taken. I think the Opposition does know that the post has been advertised and surely one could wait a little longer before a statement on something which would not be said very, very much could have been forthcoming. So, therefore, this is really why I have not said anything before and I would not have said anything either had it not been brought up. I think the time was not justified.

MR SPEAKER:

I would like to say something, and that is that every single Member has the right to speak, but the minister will have to wait until the end to reply. We must not have the Minister replying to each Speaker. So perhaps if any other Member wishes to exercise his right to speak he can do so now.

HON P J ISOLA:

Mr Speaker, I only want to say that on a matter of principle, on procedure I don't think that it is the duty of a Minister to make a statement whenever there is a resignation of a Head of Department or anybody in fact. Especially if that resignation has been announced long before the meeting has been held. Any member on the Opposition benches who is interested in the subject, I would have thought would have put a question down, or put a motion down or something, the Opposition can move on this. But to tell us that we had been waiting to see if a statement had been made before we raised it on the adjournment is to switch the whole purpose of this particular rule which is meant to deal with definite matters of urgent public importance.....

MR SPEAKER:

Forgive me Mr Isola that is not the Rule that.....

HON P J ISOLA:

Well, Mr Speaker. I am not in any way

MR SPEAKER:

You know you are misquoting a Rule, that is what I am saying. You are referring to Rule 25A: we are dealing with this under Rule 25B.

HON P J ISOLA:

Yes.

MR SPEAKER:

Section 4.

HON P J ISOLA:

Yes paragraph 25B subparagraph (3) refers to matters of definite urgent public importance.

MR SPEAKER:

"A member shall have the right to raise a matter under the provisions of para (3), if notice thereof has been given in writing to the Clerk not later than 5 p.m. on the previous day or if the President in his discretion has dispensed with such notice."...

HON P J ISOLA:

Sir, paragraph (3) definite matters of urgent public importance. I am not, Mr Speaker, in any way querying the ruling you have made but what I am querying is.....

MR SPEAKER:

I beg your pardon, that is fair.

HON P J ISOLA:

What I am querying is the sensationalistic aspect of this. That a member of the Opposition, who apparently is terribly worried about the fact that the Director of Education has resigned and does not take the trouble to put a motion on it, or put a question on it. Now, if the resignation had taken place yesterday or the day before and he was therefore put of time to put questions, out of time to put substantive motions, he might well have raised it in this way. The point I am getting at is that by raising this on the adjournment and giving it the veneer of a definite matter of urgent public importance.....

MR SPEAKER:

I beg your pardon Mr Isola, I think you are misquoting the rule. Rule (3) says: "On the conclusion of all the business set down for a meeting or of a debate on the adjournment of the Council for the purpose^{of} discussing a definite matter of...." So that the question of a definite matter does not come into it in any manner or form. This is purely a debate on the adjournment.

HON P J ISOLA:

Mr Speaker, I bow to your rulings, but....

MR SPEAKER:

No, no. It is not a question of a ruling but a question of the reading of the Rules. It says: "On the conclusion of all the business a member shall have the right to raise a matter".

HON P J ISOLA:

Yes Mr Speaker, as I read it and as I understand the purposes of adjournment debates, they are either on matters on which notice has been given the previous day, or on definite matters of urgent public importance. And the only point I wish to make is that it is unfortunate on a matter that might be delicate, on a matter that is of some importance, it is unfortunate that the matter should be raised in the way it is being raised on the adjournment. This is the point I wish to make. If the Opposition are so anxious about this, well the procedure of the House allows for questions and substantive motions if they have had plenty of notice. But to sit back and say, no statement has been made, I deplore that no statement has been made. Well, Surely the way to get a Minister to make a statement is to ask him a question about it, that is what question time is all about and therefore I do not consider - and I know the Hon and Learned Leader of the Opposition does not care whether I do or don't, that is another matter.

I am not particularly concerned with what the Hon and Learned Leader of the Opposition has to say. But I do not consider that it is an unfair criticism on the part of the Minister of political motivation on the part of the Hon Member, because the Hon Member had the perfectly simple way of raising the matter by means of a question and not give it an aura of urgency and something that has just cropped up, by raising it at the adjournment. I personally am very satisfied with the explanation which has been given by the Minister. I don't think the Minister had to make a statement on the resignation of the Head of the Department, otherwise we would have to have statements made on the resignation of almost any Government Officer because in the philosophy of Government, as I understand it, every public officer is of great importance to the State.

ADJOURNMENT

The House then adjourned sine die.

The adjournment was taken at 12.00 midnight.