

HOUSE OF ASSEMBLY

HANSARD  
OF MEETING

HELD ON 29 JANUARY 1974

## REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The tenth Meeting of the First Session of the Second House of Assembly held in the Assembly Chamber on Tuesday the 29th January, 1974, at the hour of 10.30 o'clock in the forenoon.

### PRESENT:

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

### GOVERNMENT:

The Hon Sir Joshua Hassan CBE MVO QC JP, Chief Minister  
The Hon A W Serfaty OBE JP, Minister for Tourism, Trade and  
Economic Development  
The Hon A P Montegriffo OBE, Minister for Medical and Health  
Services  
The Hon M K Featherstone, Minister for Education  
The Hon A J Canepa, Minister for Labour and Social Security  
The Hon I Abecasis, Minister for Housing  
The Hon Lt Col J L Hoare, Minister for Public Works and  
Municipal Services  
The Hon H J Zammitt, Minister for Information and Sport  
The Hon J K Havers OBE QC, Attorney-General  
The Hon A Mackay CMG, Financial and Development Secretary

### OPPOSITION:

The Hon M Xiberras, Leader of the Opposition  
The Hon Major R J Peliza  
The Hon P J Isola OBE  
The Hon W M Isola  
The Hon J Bossano  
The Hon J Caruana  
The Hon L Devincenzi

### IN ATTENDANCE:

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

### PRAYER.

Mr Speaker recited the prayer.

### CONFIRMATION OF MINUTES.

The Minutes of the Meeting held on the 18th December 1973, having been previously circulated, were taken as read and confirmed.

## DOCUMENTS LAID.

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

The Transit of Animals Rules, 1973

Ordered to lie.

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

- (1) The Social Insurance (Overlapping Benefits)(Amendment) Regulations 1974.
- (2) The Industrial Training (Hotel Catering) Apprenticeship Order 1974.
- (3) The Industrial Training (Levy) Order 1974.
- (4) The Conditions of Employment (Sick Pay) Order 1974.
- (5) The Conditions of Employment (Retail Distributive Trade)(Amendment) Order 1974.
- (6) The Labour from Abroad (Exemption of Premises) Rules 1974.

Ordered to lie.

The Hon the Minister for Housing laid on the table the following document:-

The Landlord and Tenant (Communal Services Tenements) Notice 1974.

Ordered to lie.

The Hon the Minister for Public Works and Municipal Services laid on the table the following documents:-

- (1) The Cemetery (Amendment) Rules 1973.
- (2) The Traffic (Parking and Waiting) Order 1973.

Ordered to lie.

ANSWERS TO QUESTIONS.

STATEMENT BY THE CHIEF MINISTER REGARDING AN AMENDMENT TO THE FINANCIAL PROCEDURE ORDINANCE 1973.

At the last meeting of the House I informed the House that I was advised by the Attorney-General that under the Constitution although a supplementary estimate had been approved by the House the monies approved thereby could not be withdrawn from the Consolidated Fund unless and until a Supplementary Appropriation Bill had been passed. Honourable Members opposite expressed concern that a separate Supplementary Appropriation Bill taken in respect of each supplementary estimate presented during the year would not be able to take account of savings and a false picture of expenditure would be given. I stated that I appreciated members' concern and that consideration would be given as to how the problem could be surmounted.

2. After discussion it has been agreed that an amendment to the Financial Procedure Ordinance 1973, could solve the problem and it is hoped to bring a Bill with the necessary amendment before the House at its next meeting. Briefly, a new procedure will be allowed by which the Financial and Development Secretary will have power, if the necessity arises, to transfer monies which have been voted in the Appropriation Ordinance between subheads of the same head. Any transfer over £500 will have to be reported to the House. There will be a further provision that the Financial and Development Secretary cannot present a supplementary estimate unless and until he has ascertained that there are not or are not likely to be any savings in other subheads of the same head, which could be used to offset in whole or in part the new expenditure sought. Where it is necessary to take a supplementary estimate, ie where savings cannot be effected, the Financial and Development Secretary will only seek approval for the amount actually needed and, in addition, the supplementary estimate will include details of any re-allocation by way of transfer which has been made towards meeting the full amount of the new proposed expenditure. In such a case, a Supplementary Appropriation Bill will, of course, be necessary. It will of course, still be necessary to have a Supplementary Appropriation Bill for any new item of expenditure not covered under any head.

HON M XIBERRAS:

Sir, We are grateful for the Chief Minister's statement on this. Sir, the Hon the Chief Minister said that he would bring a bill to the House. Did I get that correctly? He was reading rather fast. An amendment to the Financial Procedure's Bill?

HON CHIEF MINISTER:

Yes, I said I would bring it at the next meeting of the House and it would of course be published so that members can have time to make any study of the situation and clear up any point with the Financial and Development Secretary.

MR SPEAKER:

Are there any other points on the statement that the Opposition wish to clarify? I take it that there are none until the bill comes along. Then we can do one of two things, recess now until 3 o'clock or take the next statement and recess until 3.30 pm.

HON CHIEF MINISTER:

We can take the statement, Sir.

MR SPEAKER:

Very well, I will then call on the Minister for Labour and Social Security.

## STATEMENT BY MINISTER FOR LABOUR AND SOCIAL SECURITY

Industrial Training

Mr Speaker: Earlier in these proceedings I had the honour to lay on the table the Industrial Training and Levy Orders in respect of the second apprenticeship scheme in the Hotel and Catering Industry.

2. This second intake will comprise six apprentices who, together with the seven apprentices of the initial scheme, now in their second year, will form a larger class to receive training on the subjects of food service, bar and cellar.

3. In order to achieve this, the sequence of the courses has been changed. The new intake will go through their food service course first, followed by Bar/Cellar and finally food preparation. In all respects the scheme is similar to the previous one in duration, conditions of indentures, content and training.

4. The new Training Order also provides for an increased minimum wage payable to apprentices in this industry to take into account the increase of wages to other apprentices since the first scheme was introduced.

5. Sir, I also wish to take this opportunity to inform the House that the report on the survey of training needs in the Retail Trade of the Distributive Industry has now been completed by the Productivity and Training Unit, considered by Government and submitted to the Industrial Training Board which has accepted the recommendations contained therein. Arising from this, Messrs Curzon and Philpott, the Principal and the Head of the Management Department of the London College for the Distributive Trades, have been invited, under the auspices of the ODA, to visit Gibraltar for a week on 18 February. The object of this visit is to hold discussions with representatives of Government and the industry, both management and union, on training within this industry. They have also been asked to lead seminars for management and senior sales staff as an introduction to the advantages of training within an industry which is so vital to our local economy.

MR SPEAKER:

Are there any questions to clarify on the statement? If not we will then recess until this afternoon at 3.15 pm.

MR SPEAKER:

I understand that Mr Abecasis wants to make a personal statement.

HON I ABECASIS:

Mr Speaker, I wish to refer to the case mentioned by the Hon the Leader of the Opposition this morning during question time which he stated was left out of the Glacis allocation because of the need to rehouse, temporarily, the Penney House tenants. The House will recollect that the Glacis allocation was based on pointages obtained on the 30th September 1972. The applicant concerned, who was not included in the tentative allocation list and who, therefore, could not have been omitted from the allocation for the reasons stated by the hon the Leader of the Opposition, had on that date a pointage of 228. This application was reassessed at 268 on the 26th January, 1973, following the award of 40 medical points and on the 3rd March 1973 the pointage increased to 288 after completion of the ten years waiting time.

HON M XIBERRAS:

Sir, I am grateful to the Minister for that statement. I do not have in my possession the actual letter from the unit to Mr Falero of Rosia Steps, but I did make the note of the date of the letter which he showed me bearing the pointage 288 points, and unless there has been - and I have no reason to suppose that there has been - any falsification of the evidence, the date of that letter is the 2nd of March 1968, the number on his application list is No H3181, the address is 17/19 Rosia Steps, 22, and the name is Mr Ildefonso Falero.

MR SPEAKER:

We must leave the matter there now, because it is a personal statement and you have been allowed to reply to it.

HON I ABECASIS:

Mr Speaker, the file is in my possession and the Hon the Leader of the Opposition.....

MR SPEAKER:

Yes, but we must not investigate the matter now.

BILLS

FIRST AND SECOND READINGS

(1) The Trade Licensing Amendment Ordinance 1974

A Bill for an Ordinance to amend the Trade Licensing Ordinance 1972 (No 22 of 1972). The Hon The Minister for Tourism, Trade and Economic Development.

HON A W SERFATY:

Sir, I have the honour to move that a bill for an Ordinance to amend the Trade Licensing Ordinance 1972 (No 22 of 1972) 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 A W SERFATY:

Sir, I have the honour to move that this Bill be now read a second time. I would like to remind the House, Sir, that the terms of reference of the Select Committee on Trade Licensing were to consider the Trade Licensing Ordinance, 1972, and to formulate proposals for a bill to replace the ordinance when it expired on the 31st May 1973, that is nearly a year ago. After five meetings I had to come to his Hon House and request that the ordinance be extended to the 30th November 1973. We have had another six meetings after that and on the 8th November I again requested this House to extend the ordinance to the 31st January 1974 which is about two days from now. We have had nine meetings since that date of 8th November 1973 and I now come to request the House to extend the life of this ordinance to the 31st July 1974. It is a difficult task - I am not going to say to improve on the ordinance that we passed here some time ago prior to our entry into the Common Market - but I am sure that my colleagues of the Opposition who are in the Select Committee will agree with me that it is a difficult task to replace that ordinance by something that we believe should protect Gibraltar in one way and meet the requirements of all the people of Gibraltar and the thinking of all of us in the Select Committee. I am hopeful that we shall terminate our deliberations by July, 1974. I am not even committing myself to the Select Committee reaching finality then. And all I would like to add is that the Select Committee is in agreement from both sides of the House that we should extend the ordinance at this moment of time to the 31st July, 1974. I commend the bill to the House.

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

HON P J ISOLA:

Mr Speaker, we are in agreement with the extension of the life of the present Trade Licensing Ordinance, not because we consider it to be a good law but because we accept that we cannot allow it to lapse and create a whole series of unfortunate precedents before new legislation replaces it. The committee has been meeting as the Minister has said on a weekly basis ever since the November extension was granted and we have agreed to the date of 31st July 1974 as we are taking the view that by then it should be possible to have come to agreement or disagreement as to what the law to replace the Trade Licensing Ordinance should look like. It is a very difficult matter, as the Minister has said, it is very difficult to reconcile the various interests and the various principles involved in a measure of this kind. I think it is true to say that in the Select Committee itself efforts are being made by both sides of the House to understand each other's position on this law and to try and produce a bill that meets the requirements of these principles involved. It is not an easy matter but, certainly, we, on this side of the House, hope that we can produce a new bill by that date because we well appreciate the uncertainty there is whilst this law continues on the statute book with the cloud of change over it. Accordingly it is certainly our hope on this side of the House that it will not be necessary to come to the House for any further extension of this ordinance.

HON M XIBERRAS:

Sir, May I say, Sir, that the House is naturally most appreciative of the work being done by Hon Members on both sides in this Select Committee. I do not think the public should get away with the idea that all issues are as difficult as the one which this particular Select Committee would hope to resolve to the satisfaction of all in Gibraltar. I am sure in my own mind as a veritive outsider, that this Bill which was originally introduced by the Government on going into the Common Market, was wrongly angled and that to divest oneself of the general principles of that bill was a task which must have taken the Select Committee a considerable amount of time. I should like to make clear, however, that this side of the House does not consider a Select Committee to be an unwieldy instrument for the work of this House. That Select Committees have produced good results in the past and I have no doubt that they will produce good results in the future. And the length of time which it has taken this particular Select Committee to arrive at a conclusion - and I wish it godspeed in its coming deliberations - is no indication that every Select Committee is necessarily going to take as long. Sir, the attitude of this

side of the House is quite clear on the question of Select Committees. Since we are represented fully in any such committee and since deliberations of the committee will come eventually to this House, we had no objection to trying to improve existing legislation brought to this House by reference to a Select Committee and I would not like it thought otherwise.

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

The bill was read a second time.

HON A W SERFATY:

Mr Speaker, Sir, I beg to give notice that the committee stage and third reading of the Bill should be taken at a later stage in the meeting. This was agreed to.

The Education Ordinance, 1973.

HON M K FEATHERSTONE:

Sir, I have the honour to move that a Bill for an Ordinance to amend and consolidate the law relating to Education be read a first time.

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

HON M K FEATHERSTONE:

Sir, I have the honour to move that the Bill be read a second time. Sir, the history of this Bill starts in the late 1960's when it became apparent that the existing Bill - which I believe was passed in 1950 and which had been amended on several occasions - needed to be replaced by new and wider legislation. In January, 1969, Sir, a Commission was appointed to look into a new Bill and the members did excellent work on this, their final recommendations being given to Government in March, 1970. Now Sir, for some reason, which I quite do not know, we entered what I might call a period of suspended animation, for upon taking office I found that for all the time between March, 1970, and June, 1972, very little, if any, further progress had been made towards a new Bill. And I think the House will remember that we have had instances of a certain piece of legislation - the Children and Young Persons Employment (Temporary Provisions) Ordinance - being prolonged by amendment in this House I think four times, Sir. First for six months, then another six and another six and eventually sine die. Of course, Sir, each time it was said that this Bill would be deemed to die with the new Education Ordinance which was coming shortly, but as I said Sir, it did not come along at least in the term of the last Government. Of course, Sir, one of the corollaries of this present Bill will be that this piece of legislation will finally be removed from our Statute Book. When our Party was returned to power in June, 1972, the Chief Minister - I think the Hon Mr Caruana will probably shout shame at this point, Sir. When our Party was returned to power in June, 1972 - if he wants me to repeat it I will do so - the Chief Minister in his opening speech, equivalent of what one might call the speech from the throne. We don't have the same thing, but this was to give the policy of our Party in the coming period of our Government, said that one of the measures we would bring forward would be a new Education Act. Today, Sir, I am honoured to present such an Act, and in so doing I must thank the many people who have had a hand in producing it. First, Sir, I would thank the Commission. It did a lot of work and their recommendations were most valuable and most of them find their place somehow or other in this Bill. I am not sure who said "nonsense". It is probably the Hon the Leader of the Opposition. If he is unable to read the two and compare them, then Sir, I would thank other interested parties, in particular the drafting committee, who spent many hours on the Bill; the Board of Education, Leaders of Religious Orders, all of whom gave sound advice and comment. Finally, Sir, I would thank the last and the present Attorney-General, and my Director for bearing with me over much discussion and many detailed matters. I know, Sir, it is their job to do this but I feel their willingness and helpful consideration at all times deserve my public thanks and I am sure the House will not deny me this right.

Obviously, Sir, the guidelines in drafting a new Education Ordinance were to set out basic policy principles. But also the new Ordinance should enact existing law where this was satisfactory, and not inconsistent with policy. Finally, Sir, a large degree of flexibility for the future should be provided by conferring wide power to make subsidiary legislation on all respects of education. Keeping these guidelines in mind and drawing on the recommendations of the Commission, as I have already said to a great extent, the new draft was evolved and featured two completely new approaches when compared with existing legislation. The first approach was the measure of public participation in education, and this will be vastly increased, as I shall explain later, when dealing with the separate parts of the Bill. The second point, Sir, was that the powers and duties of the Director should be clearly defined and to enable him to carry out the provisions of the Ordinance, regulations may be made by the Governor. Now, Sir, the fact that regulations may be made does not necessarily mean that they will be made, but the power is there should the need arise. And this permits a large measure of flexibility which we thought beneficial for the future. We thought it was better to have this means of flexibility than to rely on the older principle of one amendment coming up every so often and having to labour its way through the House. But of course, Sir, any regulation made will, as is normal be laid before this House. May I now deal with the Bill and I trust Hon Members and yourself, Sir, will bear with me, if I deal with it part by part, rather than clause by clause. It did see the light of day in October last year, there has been ample opportunity, I am sure, for everybody to read it carefully and I am sure they have done so, and I do not think that I really need to lecture the House as what each and every single item in the Bill means. I will of course highlight certain clauses and I would add that I shall at the Committee Stage be bringing a number of amendments. So just to start the ball rolling instead of dealing with parts I will deal with one clause because it must have, I think, amendments, and that is Clause 1 I think we will have to amend it to say that it will be the Education Ordinance, 1974, instead of, 1973, as the Bill says. We could of course after publishing in October, 1973, have brought the Bill to the House in December, but Hon Members will remember I did make a statement so that Members of the public who were interested in Education and who I am sure had already started to look at the Bill, were given a further opportunity to look at it, to bring forward any comments or suggestions they might make and some people have done so and they are not only interesting comments, but one or two of them will later on be some of the amendments that I shall be proposing. Now, Sir, Part I of the Bill gives the various interpretations and applications and perhaps one of the salient features of this is that an independent school is now to be a school which provides some form of education for 10 or more persons. In the last Ordinance it was 5 persons, Sir, and we feel that this is perhaps a little too restricted. And so we have broadened it a little bit. If somebody does set up a tiny nursery school of three or four people they hardly need to be bound by legislation to this extent. Part II, Sir, sets up the administration and clearly defines the functions and duties of the Director. Here clarity is essential because if the functions and duties of the Director are clearly understood, then everybody can more easily appreciate how our education system works, how problems should be tackled. The second feature of Part II Sir, is to set up an Education Council which will advise the Governor on matters basically of policy. This Council, Sir, will have the Minister as its chairman, and will have another six members. This is quite a different thing to the old Board of Education which was very satisfactory to some extent, but was rather large and rather unwieldy and although the Hon Leader of the Opposition is not present in the House I am sure he must be paying the most careful attention through the loud speaker in the ante room and this suggestion that the Education Council should be a much smaller council emanated directly from the Commission, and it was indeed a very good point and we have put it into the Bill. Of

these six people, one of them will be nominated by the Roman Catholic Bishop and all six must be from people who have had experience in education. As I said, Sir, it will be a small council, but small councils tend to work quicker, more efficiently and I think it will be successful. The Director, Sir, will be the Secretary to the Council and will thus be the link between the Council and the teachers and the children in school. A vital link if I may say so, Sir, and I am sure this will work admirably. Another interesting new feature, Sir, in Part II is that every year an annual report shall be made by the Department to the Governor, and of course, this will be published in due course. I am not quite sure, Sir, whether we will keep exactly that it will be per calendar year or per financial year but that is a small matter. The main thing is that we do have an annual report and the public do become appraised much more easily of what is the situation in Education. Part III states the policy and Clause 16 which is the main feature of the policy, Sir, I think almost does by the wording "there shall be an equality of educational opportunity for all, and people shall be educated according to their abilities, attitudes and needs", almost give statutory force to the comprehensive system of education. The rest of the policy, if it is read carefully, does seem to sound somewhat highflown, but education is not simply a matter of the three R's. It is really teaching a child to grow up into a person competent to live in a complicated and difficult world. Not only to live in that world, but to play his or her part to the full. And so, Sir, the wording of the policy, although I say sounds a little highflown, is really basic common sense. The Second Clause, Sir, of this part under Policy, of course, is giving the actual powers that may be done so that that policy can be fulfilled. Now Part IV actually puts that general policy into a statutory system and defines the stages of education and the types of schools required. And here we have the first instance of that wider public participation which I have already spoken about. With regard to Government schools, Sir, we will be setting up School Committees. Most likely each school will have its own committee, but there is provision that two schools may be put under one committee and this committee will be, as is later to be seen in the schedule, directly interested in the day-to-day life, the details of the school under their charge. A lot of people will be needed to come forward Sir, to serve on these committees but I am sure with the great interest in education as was seen not so long ago, we will not lack for people willing to serve on these committees. The committees will be of a reasonably wide composition and will have a broad spectrum including teachers, parents of the children at the school, and other parents of children not at the school, so that interest is to some extent specific and some extent broader. With the college of further education there will also be a committee set up but in this instance the committee will be an even wider based committee and will be somewhat larger in numbers. We are also saying, Sir, that there shall be colleges of further education - we already have one which is doing admirable work, the Gibraltar and Dockyard Technical College - and later we hope to have a second college when we get the comprehensive system a little more organised as far as buildings are concerned and the school which at the moment is being used as a day school in the John Mackintosh Hall is free for its original purpose of a college of further education. Part V, Sir, deals with Independent Schools; how they may be established; how the interest of the pupils may be protected. And the Director is given powers to keep a watchful eye on such schools. He has powers to act immediately if anything should go wrong or if the need should arise that he should take action. Part VI, Sir, which is to a great extent hand in hand with Part V is that grants may be given to independent schools under certain conditions where it is thought right, but of course if grants are given then the Director has certain powers and regulations and conditions may be made for such grants. Part VII, Sir, deals with religious education, and here an advisory council is set up which will advise the Governor on this most important matter. The Ordinance will

specify that sufficient and suitable religious instructions will be provided in all Government schools. There are safeguards, Sir, with regard to the appointment of teachers in this subject. There are also safeguards for parents who wish to exercise their right to withdraw a child from religious worship or religious instructions. And, Sir, another part is put into this section again specifically from the recommendations of the Commission, which is a saving as to the position of teachers, and this is in complete accordance with chapter one of our Constitution. Part VIII deals with special education. It gives the Director power to set up special school or schools for those children who have need because of physical or mental disabilities to a special education rather than the normal education given to the general number of children. Part IX, Sir, deals with compulsory education. It starts, of course, by continuing our present system of compulsory education from age 5 to 15, but it does make provision should Government so desire to increase the age limit to 16 or to decrease it to 4 years or to do both, or to do neither. It also give the power to the Director to deal with the parents in cases where a child does not attend school and there are certain teeth given to the Bill, for the recalcitrant parent who does not send his child to school, and at the same time does not make adequate provision for the child to be educated at home. Part X, Sir, deals with health, and under this Part all children at all schools, be they Government or independant shall be liable to medical inspection at regular intervals and irrespective of which type of school they go to such inspection shall be free. It also gives the Director powers to ensure general hygiene and cleanness and to take any measures necessary should something arise along that line. Part XI, Sir, deals with employment and welfare. Under this Part the Director is given power to prohibit all restriction employment of children and furthermore, Sir, no person may employ a child without the written consent of the Director which consent must be obtained first before such employment can be given. That is for a child and a child is a person under the age of 15. The other type of person, Sir, is the young person and again here the Director has considerable power to deal with the employment of young persons. He must be in this instance consulted before employment is given, and when a young person is employed the Director must be given certain salient details of the employment one of them in particular being remuneration. Now, in most instances, Sir, of young persons going into employment, there is a statutory minimum wage but in the instance that there is no such minimum wage laid down by law then the Director may, if he thinks the wage offered is unfair, make and fix a minimum wage which is considered by him to be fair and the employer shall be bound to pay this wage unless, of course, he appeals within a certain period, and such appeal shall in this instance not be to the Director of Education but to the Director of Labour and Social Security who will be, as it were, an independant arbiter and his ruling shall be final. In this Ordinance, Sir, the Youth Officer shall be an inspector for the purposes of this section and he will be entitled under certain provisions to see that the clauses of this section are not being flouted, and if necessary and again under certain regulations he may be entitled to prosecute. Part XII, Sir, deals with the various miscellaneous provisions and one of them, not least I should say, is that entitled children i.e. children of persons ordinarily resident in Gibraltar, shall pay no fees in Government schools. Then Sir, in this section we do have as I mentioned earlier the different regulations which may be made and they are at first glance a rather formidable list. We have tried not to leave out anything which might in the future come up and require some form of legislation. There is one regulation which has been left out, Sir, and I shall at the Committee Stage bring an amendment to the effect that regulations for the award of scholarships and matters thereto may also be made. This, Sir, is the sequel to my answer this morning to the question by the Hon Mr Devincenzi. Once we have these regulations, and once Government has decided what the regulation should be, they can immediately after the Bill has been passed, be put forward as regulations, and they will then be the guiding rule as to how scholarships are awarded and the financial provisions thereto. Part XIII Sir, is a simple transitional clause and the repeal obviously of the old Education Ordinance and as I said the

Children and Young Persons Ordinance which I think has had a pretty good run for its money. Three six months amendments and a sine die which went on for about three years so I think it is high time that were repealed. The Schedule, Sir, Part I gives the School Committee. On the School Committee there will be the Head Teacher who must obviously be there, there will be not less than four members half of whom shall represent parents of pupils attending the school. There will also be a teacher who is not a member of the school staff, and this will give a balance. It is often more easy for an outsider to see some of the things than the actual person who is intrinsically tied up with the day-to-day life. Part II, Sir, gives the committee for the college of further education, and here again we have the head of the college but other members will include leaders of religious communities; official and private employers; trade union, youth organisations; parents; students; teachers and other persons and groups who are interested in further education. And I think, Sir, this will be an excellent opportunity so that our further education can go forward on the very best lines. On both these two committees, Sir, the Director or of course his nominee, shall be the Secretary and this will again provide a most useful and vital link between the committee and the Department and the Administration itself, Part III of the Schedule states how the committees will actually work and what sort of work they should do. I think once again the fact that the Director is the Secretary will assist tremendously in helping the committee to work along the most beneficial lines. Sir, this Ordinance is planned to take us not merely forward today in education, but into the 1980's. It is a composite effort of many brains all with the good of our youngsters as their main aim. Any credit is due to them, Sir, not to me. I have the honour of promoting the Bill. Sir, I take pleasure in commending this Bill to this House,

MR SPEAKER:

Before I put the question to the House, does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON L DEVINCENZI:

Mr Speaker, the Honourable Minister has chosen to go through the Bill Part by Part. I would rather say and expound on our stand on the Bill generally. As the Minister was going through the Ordinance Part by Part, I could see many members of the House Mr Speaker, were falling asleep, particularly the Attorney-General who must have drafted it and did not want to hear it again. Mr Speaker, the Honourable Minister did mention at the very outset that the Commission presented its report as far back as 1970, which is correct. We did do quite a lot of work with it, but unfortunately lack of time and also the coming of the election on the very pointed day of the 23rd June, precluded us from drafting the Bill to be presented to the House. May I add, Mr Speaker, that it is now 18 months since the Government came into power the Commission's report had been there already for quite some time and I would have thought that perhaps the Bill should have been brought to the House a bit earlier. But nevertheless I am glad that it has come now and we shall deal with it as we see it. Mr Speaker, the Opposition is aware of the many problems that must have faced the Minister and perhaps those responsible for drafting the Bill. It is a very lengthy Bill; it is bound perhaps at times to be complicated, and I would imagine it is not a very easy Bill to draft. I would like to congratulate those responsible for the codification of the Bill, but I cannot say I can do likewise in saying that I congratulate them on the outcome of the Bill itself. Quite frankly, Mr Speaker, I think that by and large the recommendations of the Commission have gone by the board, specially in some very important aspects which I am sure the Commission would have liked to have seen drafted. Now, Mr Speaker, let us take some political problems.

I think it would be fair to say that the Bill in very few instances finds solutions which represent an improvement on the present situation. In many instances, Mr Speaker, it is the unsatisfactory status or shall we say the status quo which has been codified and by doing so they have made matters worse, because although before they existed now they are being codified. And if the Bill is passed in its present form - and I hope it will not - this will become law. Mr Speaker, I am aware also - and I am sure that my colleagues are also aware - of the fact that the solution to the political problems involved that the Minister would have had to tread on many a toe because these are very sensitive issues, issues which none the less affect the nature of the bill very profoundly. The Opposition in wishing to see a rather better Ordinance than the one in front of us, would like to see - and this is said in all sincerity and for consideration of Government - a Select Committee of the House to deal with this important matter. Mr Speaker, it is up to the Government to accept or otherwise, but this is our position and it is only fair that I should say so for their consideration. Perhaps as we go along the Chief Minister might think it is not as silly as it might appear to him at the moment. Although this side of the House did not agree with all the Commission's recommendations the desire of the Commission to give the Department a greater degree of autonomy from the Administration in both financial and administrative matters was a sound and sensible one. Education Mr Speaker, I think we all agree has as many claims to such autonomy as any other Government Department, I would say it has more claims than any other Government Department to autonomy as far as it is possible. The Opposition regrets that there is no provision in the bill giving necessary degree of financial autonomy to the Department. Mr Speaker, I am aware that the Minister - I think it was in his budget speech - did make some references and in fact he did make some changes in the desired direction. These were outlined and in fact they were welcomed by the Opposition at budget time. But it is a pity that this progress has not been consolidated in the legislation. If this had been done it would have given the authority the Director so much needs to be flexible in the use of funds, in the interest of individual schools. We hope that the Government will consider these changes and insert such aspects as I have just said into the Bill at the Committee Stage. Turning now to administrative provisions in the Bill, Mr Speaker, it should be clear to the House that the Commission's report has in essence as I said before, at the very beginning, gone by the board. It is clear from the report that very substantial representation must have been made to the Commission concerning the lack of attention, and certainly of quick attention of the administration to the needs of the Education Department and, in fact, to the teaching profession generally. I do appreciate, Mr Speaker, that in the Constitutional set up we have in Gibraltar at present one must of necessity appreciate that any attempt to give the teaching profession the sort of status which it enjoys elsewhere is bound to be resisted from the centre. By the centre, Mr Speaker, I am of course referring to the establishment. There can be no doubt that the case for giving statutory recognition to the peculiar situation of the teaching profession is a strong one. It is one which the Commission took up and which the Bill before the House more or less completely ignores. If the Bill goes through in its present form, Gibraltar will continue to have an educational system too rigidly controlled from the centre, and will continue to be unlike the United Kingdom one, which in fact discarded this system as far back as 1918. Mr Speaker, the implications of the status quo having been maintained are very important. For example, the recommendations of the Commission to the effect that teachers should have

their own negotiating machinery, will not be given effect. And the professional status of teachers will not be enhanced by this piece of legislation in such matters as their right to political participation, which, Mr Speaker, as the Commission was aware was strongly advocated by the United Nations' declaration on the status of teachers. As the Bill before the House now stands, the teaching profession will continue to be subjected to the unnecessary and restricting requirements of General Orders and Colonial Regulations, and of course, the Official Secrets Act. The Opposition appreciate the difficulties of breaking away from this colonialistic situation, and this is a compelling reason for referring this Bill to a Select Committee where, hopefully, the agreement of both sides of this House would carry much more weight. Somehow Mr Speaker, I have a feeling that those who look forward to progressive change cannot but welcome any move, whether it be a Select Committee, or otherwise, that would give more freedom to the teachers - in fact to anybody else - but I think the teachers in this particular context have a very good case. Mr Speaker, the constitutional position must also have influenced the Government in making the Director of Education and not the Minister, responsible in the main for a great deal of the powers which the Ordinance could give. If one recalls the Medical and Health Service Ordinance which was before the House not so long ago, it will be remembered that in that ordinance it was the Minister who was responsible and had the power. In fact, Mr Speaker, you will remember there some debate in this matter and whether this was allowed by the Constitution or not the Hon Attorney General did not raise any objection. He did not raise any objection, Mr Speaker, even after the matter had been brought to his notice by the Opposition. In a Bill as wide ranging as the present one, it would appear much more desirable that the political responsibility for education should lie and be seem to lie with the Minister and not the Director. Even allowing for the Interpretations and General Clauses Ordinance, the use of the term Governor - and this is something which has worried me considerably - in the various clauses of the Bill is to say the least confusing. In fact, I took the trouble to ask a colleague of mine, who is well versed with the law and even he could not clearly indicate to me whether the term Governor meant Council of Ministers. I do appreciate Mr Speaker that in defined domestic matters it is supposed to be Council of Ministers, but in the Bill it is not very clear and I do hope that at the Committee Stage perhaps the Minister will make this matter as clear as possible. I think it is very important that one should know exactly who one is referring to when one is talking of the Governor. Mr Speaker, I should add here that one basic recommendation which, as I recall, the Commission made, and made rather forcefully, and with which we on this side of the House did not agree, was aimed at making education apolitical. In other words Mr Speaker, I think one perhaps could not disagree with this sentiment. I think it is a good sentiment, but of course, it has its problems. In this context Mr Speaker, it will mean that this side of the House was in complete agreement with the sentiments but we could not agree with the education Department becoming apolitical. If this had been so Mr Speaker, it could mean that very important matters in education, would not come before this House, and this is something which is not acceptable. I have already had something to say about the status of the teachers. May I add that although the Bill proposes to give the Governor power to make regulations to give statutory recognition to the special selection procedures which in fact already exist, other important and very practical aspects of the teachers' career appear to have been ignored. For example, there is no power to make regulations defining the type of teaching which a teacher can be expected to do after training in the United Kingdom, and of course, the type of training which entitles the teacher to a qualified status. Mr Speaker,

as Hon Members may be aware one of the most important deficiencies which the long awaited Education Bill was expected to meet was the total lack of any legal status of the Head Teacher and of any definition of his or her powers in law. Hon Members will agree that this area of responsibility is crucial and that everything possible should be done to get the thing right. We do not believe this Bill does that or in fact even attempts to do so. To explain this, Mr Speaker, let me first digress to the subject of school committees which the Ordinance would set up in both the primary and secondary levels. With the Committees themselves we do not quarrel, nor with their composition. They have many good virtues. But Mr Speaker, I understand that their original and most obvious purpose is to link the community with the schools and especially with the parents, thereby supplementing the parents/teachers Association which has been in existence for some time now. These Committees, Mr Speaker, would influence the tone and the character of the educational establishments, a function which is particularly necessary though not exclusively so in the larger comprehensive schools. This is so, Mr Speaker, because in such schools the teachers or rather the Head teachers would be responsible for the education of the whole of the community at one time or other and where it is therefore wise to introduce in a direct fashion the influence of the community. Mr Speaker, the committees would also involve the community in the educational process and bring constant stream of advice and where necessary grievances to bear on the Head teachers and the Staff. The partnership which would result is very desirable but the responsibility for the control and running of the school must surely rest with the Headteacher. This is why, Mr Speaker, the Opposition views with great apprehension the clause in the Bill that provides a direct link in certain important respects between these committees and the Director and independantly of that of the Minister. The Committees are obliged to furnish information to both the Director and the Minister over the head of the Headteacher and this, Mr Speaker, is a situation which is clearly not acceptable to us. As the Bill stands at the moment the Headteacher would not necessarily be the Chairman of the Committee, since it is envisaged that the chairman should be elected. I would readily have agreed that the parents and others serving on these committees should have certain well defined rights, such as the right to inspect schools, and so on. But I cannot agree to these committees being used or to the possibility of their being used to spy on behalf of the Minister or the Director for that matter on the headteachers of that school. Or Mr Speaker, to bring pressure to bear on him by a back stair appeal to them. On the other hand it is right that the Committee's view point should reach the Department in case of any disagreement or if the Headteachers refuse to listen to them, but it is very important that the head of the school should not only be the head, but should at all times appear to be so. We will, therefore, propose that the ex-officio chairman of the committee should be the Headteacher of the school or in the case of the committee which caters for two schools whichever the two committees elect. We would also propose that the information which the Bill suggests if necessary should be furnished by the committee through the chairman. The cooperation and partnership between the education establishment and the community should be between the Headteachers and other members of the committee without other parties which might introduce an element of mistrust. Mr Speaker, another aspect which has not been dealt with in this committee, is discipline. I am referring particularly to corporal punishment. You will agree this is an area which intimately concerns the Headteacher but on which the Bill is completely silent. The power to make regulations in this respect should be included in the Ordinance. The Opposition, Mr Speaker, is dissatisfied with the vague manner in which further

education is dealt with in the Bill. This is an area in which the Government is responsible, and that responsibility and its extent should be stated very clearly in the Ordinance. It would appear that the present Bill deals only with further education in Gibraltar, and for that matter rather vaguely. What about further education away from Gibraltar? And what about scholarships, and the Government's obligation to provide this? Surely, Mr Speaker, the Government has ducked one of the most important issues in this bill, namely, the obligation to provide funds for the further education of students outside Gibraltar. There is a major deficiency in this Bill, and it is to be hoped that it will be corrected before the Third Reading. Now Mr Speaker, I do appreciate that the Minister in his speech did make reference to this committee which is expected to make recommendations to him, and if I understood correctly this matter of scholarships is being dealt with and therefore it could be incorporated into the Bill at a later stage. But, Mr Speaker, my understanding is that the committee although they have not made perhaps firm recommendations it appears to me that the committee has already in fact indicated to the Minister their feelings on scholarships and I would have thought it would have been wise to have incorporated these feelings, which should also be the feelings of the Government into the Bill, and not have been left out for a later date. Mr Speaker, dwelling still further on further education, the Minister himself cannot be satisfied with the way in which the problem of the Gibraltar and Dockyard school have been resolved. Perhaps I do not think the word resolved is the appropriate one. As is shown this college is financed on a 50-50 basis by the Ministry of Defence and the Gibraltar Government. The way in which these resources are used is a matter of considerable interest to us, if only for the reason that we are paying 50% of the expenditure. The Bill proposes that the Director should be responsible only for the pupil/parent aspect of the college. Maintenance, staffing, and management will be in the hands of the Lords Commissioners of the Admiralty, whoever they might be. Mr Speaker, we do not feel that this is an equitable or satisfactory situation, and we would welcome further information as to what consultations, if any, have been taking place with the Ministry of Defence on this. We are similarly dissatisfied with the way in which the MOD schools have been brought within the ambit of the Bill - or should I say excluded from it. As is known Gibraltar children attend these schools and the Government pays a higher capitation fee for them to MOD than the MOD pays the Gibraltar Government for Service children attending our schools. We do not object to this but we do not see how a sense of community would be instilled in these schools if the only considerations in the present Bill which are to apply to them are those relating to religion, religious education, compulsory education and health. I fail to see Mr Speaker, how in other important aspects of the Bill which would not infringe in any way with the MOD standing here in Gibraltar the MOD has not been included. The MOD will not come within the spheres of the Education Council. They will not be involved in general educational policy and there will be no power for the inspection of these schools by the Government. (I think the House will agree that this situation is divisive and I am sure it was not the intention of the Government to encourage this division further. It is important that the Minister throws more light on these areas. Mr Speaker, before ending I would like to deal with the youth employment. The provisions of the Bill relating to youth employment and welfare follow almost to the letter, the present Children and Young Persons Ordinance of the previous administration which as I had occasion to say in introducing it some time ago, was intended to be part of the Education Ordinance. I seem to recall that the Youth Employment and Welfare Officer figured much more prominently than he does in this Ordinance and perhaps Mr Speaker, the Minister would care to explain why this is so. Thank you.

HON P J ISOLA:

Mr Speaker, the Hon Mr Devincenzi has dealt in considerable detail on the attitude of the Opposition to this Bill. I would certainly endorse his appeal that there should be a Select Committee of the House to look at what is after all, an extremely lengthy piece of legislation and to sort out a number of problems that arise within the Bill itself as well as examining the possibilities of introducing into the Bill the elements which my Hon Friend has talked about which deal with the status of teachers; the question of negotiating machinery; the question of further education outside Gibraltar, recognising the obligations of the Government in this in a more concrete fashion than is done in this Bill - and it is not done at all as far as outside education is concerned. If we are to have an Education Ordinance which the Minister has said he would hope would take us into the 1980's, I think great care should be taken in trying to obtain a measure of agreement from both sides of the House of what the Ordinance that is to take us into the 1980's should have. And this is something I would recommend the Government to give serious consideration to before we come to the Committee Stage of the Bill. Mr Speaker, one of the reasons, as I understood it, for producing an Education Bill was in order to set out the whole structure of education in Gibraltar in a comprehensive and clear form. And certainly I think where the question of chain of command is concerned which I would have thought is rather important in education, in fact in every field, it is my view that that is left very uncertain and very vague. I think it is important that there should be a chain of command in education. It is not, Mr Speaker, the Director of Education who is answerable to this House, it is the Minister. And I would have thought that following the practice, I think of UK legislation in a matter that is essentially a defined domestic matter, the Minister should appear in this Ordinance rather more often than he does. He does appear Mr Speaker, in one of the Schedules - Articles of management - the school committees can be required to furnish to the Minister such returns and reports as he may require. I think that is about the only mention the Minister has in the Education Ordinance, and I think that must surely be a very sorry reflection on what Ministers do in their various departments. A Minister is the person who is responsible to this House for education, and I would have thought that a lot of the references in this bill to Director of Education more appropriately should be references to the Minister of Education. It is the Minister who has to provide the education - and, of course, he doesn't actually provide it physically himself, he does this through his Director and through his other officers of the Department. Similarly, Mr Speaker, I think there is a great danger of getting into terrible trouble administratively, politically, and educationally with the present proposed structure of school committees. Under the articles of management it appears as has been said the school committees have to report to the Department of Education. The question of involvement of parents in the educational process is a good idea. I would have thought if you want to do that you must do it in a way that fits in with the chain of command, and I would have thought that the proper way to push in a school committee, is to make it a school committee of the school advising in the first instance the Headteacher. And I would have thought that the Headteacher should be the ex-officio chairman of the school committee and the school committee should be advising the Headteacher on

how he runs his school, looking into matters of the school and so forth, but the person responsible to the Department, is of course the Headteacher. It is the Headteacher who reports the Committee's recommendations to the Department. Because, Mr Speaker unless you make the chain of command clear and make clear who is responsible for what, then the ills that you wish to remedy are likely to be further confused and disrupted. To have a situation where you have a committee with a Headteacher, and that committee can report direct to the Director, and in some instances to the Minister, is, I think creating confusion in our school system and this I am sure Hon Members opposite would not wish to have. I think that there is need to give considerable thought to the whole question of chain of command in the Education Ordinance, because if the idea is to point out clearly where people's duties and obligations lie, well then it should be fairly clear in the Bill itself, I think there is a tendancy in the Bill - to create confusion in that respect. Mr Speaker, there are a number of points which have not been included in this Ordinance - there may be good reasons for it - but I don't think it can be said it is a complete Ordinance unless one sets out the obligations of teachers, Minister and so forth unless one sets out questions of status of teachers, questions of negotiating machinery. In other words as far as possible include in the Ordinance everything that affects parents, teachers and pupils. There may be a good reason for this. I seem to remember the Commission Report did have quite a lot to say on this. It does seem to be absent from the Bill, and I would have thought these are avenues that could be successfully explored in a Select Committee of the House especially if this is the Bill that is to govern education in Gibraltar for the future. The only other aspect one has noticed, of course, is the question of religious education in which the Minister has made provisions in the Bill which I hope are aimed at ensuring the continuation of the character of the schools. Education, Mr Speaker, is not just teaching people subjects, it is the whole process of character formation, and in this I think for those who are not athiest I think that religion is an important element in the education of a child, for those who so desire it. I do hope that the bill does allow fully for this. This is of course, a matter of great importance to a very large number of our community in Gibraltar Mr Speaker, I think my Hon Friend Mr Devincenzi has dealt with, at considerable length, with all the points that concern members on this side of the House, and I think he has built a very strong case for committing at some later stage this Bill to a Select Committee of the House, to explore the possibility of trying to produce a Bill in a subject that obviously creates quite considerable emotion and a subject which is of vital interest to the development of our community. I hope in those circumstances the Government will agree that this Bill should be committed to a Select Committee of the House.

HON MAJOR R. J. PELIZ:

Mr Speaker, just before the mover replies, I hope the House will put up with me for a very short time. It is not my intention of course, to go through the ground that has been so ably covered by my two friends and colleagues, but I would like to touch on what I like to term the civil rights of the teachers. I say this because unless something is done to this Ordinance they will continue to be civil servants and as such they will not be able to participate in the political life of Gibraltar in which I think, and in fact is being proved today by two very capable politicians in this House, they will be deprived of contributing to the political life very ably for the good of Gibraltar. This House has the wonderful opportunity to be able to make it

possible for teachers to, if necessary, have exactly the same possibility of standing for election without having in the process of doing so to have to sacrifice both their profession, and in many instances the income which enables them to keep the family going. I think that this is an excellent opportunity and I sincerely hope that the Minister will take note of this and introduce an amendment to the Bill making this so. I would like to just slightly elaborate from this as obviously. . . . .

MR SPEAKER:

I don't think it is within the power of the Bill to be able to provide for that under the Constitution, so it is out of order.

HON MAJOR R J PELIZA:

Mr Speaker, what you say is that the Constitution does not allow for an Ordinance to be introduced into this House.

MR SPEAKER:

No, no, I am saying the Constitution does not allow for civil servants to be elected members of the House and still to be civil servants. Therefore an Ordinance could not provide for that.

HON MAJOR R J PELIZA:

I would suggest Mr Speaker, that it is really in the form of employment whether the person is a civil servant or not, and therefore what I would like to see is something in the Ordinance which would make it clear that the teacher is not employed as a civil servant. And I personally cannot see unless the officials within the Government of Gibraltar were to object to such a change taking place within the system, this not being able to be done. As I see it the objection is that whilst in England the teachers are employed by the local Government, in Gibraltar they are employed by the Government. But I don't think it is impossible to so devise a body within the Ordinance who would in fact be the employers of the teachers. And if this is so I cannot see any objection to this going through. I think in principle the role of a teacher is not that of a civil servant, Now I am talking about the functions of the teacher, not as it is in law at present.....

MR SPEAKER:

I am afraid that we are departing from the principles of the Ordinance. We are now debating whether teachers should be civil servants or not. That is not within the orbit of the Ordinance.

HON MAJOR R J PELIZA:

What I am suggesting, Mr Speaker, because obviously it could be said later on by the Minister in reply, that this would not be a good idea....

22.  
MR SPEAKER:

Yes, but by the same venue of argument you could argue on a Revenue Ordinance that Revenue Inspectors are not civil servants.

HON MAJOR R J PELIZA:

With all due respect, you well might, I see no objection....

MR SPEAKER:

That is the objection that I am raising. I am afraid that I have allowed you to go further than I should have.

HON MAJOR R J PELIZA:

Mr Speaker, with all due respect, an Ordinance to do with revenue would be something which is directly connected with an individual who is working in an office of the Government.

MR SPEAKER:

No. The status of the civil servant is not governed by the Ordinance but by his terms of employment.

HON MAJOR R J PELIZA:

And this is precisely what I am saying. If the terms of the employment is made such that he is not a civil servant.....

MR SPEAKER:

But his term of employment will not be governed by the Ordinance.

HON MAJOR R J PELIZA:

Well, unless it was specified in the Ordinance that this would be so.

MR SPEAKER:

I do not wish to enter into an argument because I must not. But I do feel it is out of order. However, do continue for a while.

HON MAJOR R J PELIZA:

Thank you Mr Speaker, I would like to because I think it is a matter of great importance to Gibraltar.

MR SPEAKER:

I am not saying it is not. I am only talking about relevancy.

HON MAJOR R J PELIZA:

It would not be relevant in my view, Mr Speaker, at any other place more than now when we are actually discussing and touching on the status of the teacher, which obviously is relevant to education generally. And therefore, I feel that what I am talking about is extremely important and very topical at this moment, and an opportunity in which I think it could be introduced into the Ordinance as a clause or even a body could be introduced within the Commission or within a Board, or whatever you want to say, employing the teacher and in such a way that he would not be directly responsible to the Governor-in-Council. The Governor-in-Council at the moment is responsible for the civil servants. What I would like to see introduced is something which would so make it that the Governor-in-Council would not be directly responsible for the teacher, and that I think would enable the teacher not to be a civil servant and therefore, to participate fully in the political life of Gibraltar. In my view that would be a very good thing to do in that it would help considerably in enabling a very informed and educated sector of Gibraltar to be able to take part in the political life of Gibraltar and particularly of this House.

HON M XIBERRAS:

Sir, I would like to start off by thanking the Hon Mr Featherstone for attributing to me a suggestion in connection with the size of the Education Council which I....

HON M K FEATHERSTONE:

I attributed it to the Commission, not to the Hon Leader of the Opposition.

HON M XIBERRAS:

Perhaps Sir, the Minister might be aware that even though this was not the case I did have a lot to say to the Commission on Secondary Education in my personal capacity and not as a member of the Gibraltar Teachers' Association which other members of this House were at the time, about the question of School Committees. I think this is an admirable recommendation of the Commission and I think that it is very good that the Minister should have incorporated this in this legislation, though not, as my Honourable Friend Mr Devincenzi had suggested, in the exact form that he has. The idea behind the formation of these school committees was to avoid regimentation by one man especially in the comprehensive schools where everybody would go to the mill and receive the stamp of the particular man in charge of that school. Therefore the Commission was concerned with having involvement of the community particularly in the comprehensive school. That these committees have been extended throughout the educational echelon is a most laudable thing. But the Minister should decide whether what he wants is leaven in the schools, or a time bomb under the headmaster's feet. If he provides a Committee of people who run around telling tales about the headmaster who might not even be the Chairman of that particular committee. If he has direct appeal to the Minister, statutory rights to furnish information; if the committee has also separate direct appeal to the Director, then no Head Teacher is going to feel secure with such a committee, which I may add, though of democratic origins representing as it does the community, nonetheless is not elected and anyone may find a place on that committee and act as an undermining influence on the rightful authority of a Head Teacher. This in practice I think, Sir, is the most dangerous aspect

of this Bill I am not for a moment suggesting that members, individual members, of these committees might be so inclined to do, but it is a great risk and this risk should be avoided by the Minister. Sir, this Bill might go forward as the Bill of lost opportunities. We are dealing with the whole range of education in this House and I cannot help feel that what this House is being asked to is to give its blessing to all the anomalies and discrepancies of the present system. My Honourable colleague, Mr Devincenzi, has paid tribute to those who drafted the Bill, who got the material together, who recapitulated from previous ordinances and codified the legislation, and I would like to add my sincere support of that statement. But this Bill also concerns a number of important political decisions which the Minister has not been able to take in a manner satisfactory to this House. I appreciate that the obstacles in the way of his arriving at satisfactory solutions are great. The control of the educational system from the centre has been a very tight one, quite uncharacteristic of Britain. If the centre was not as benevolent as it is then we might be accused of something quite nefarious in Gibraltar. In a system where teachers are paid directly by the Government in power; in a system where teachers are not allowed to have political views of their own; in a system which was discarded in Britain by the Fisher Commission of 1918, there would be some excuse for calling this a controlled system of education. I am sure that the day to day practice in education is not the case, but I think that this would have been a good opportunity to establish with the support of both sides of this House a freer educational system than the one we have at present. I am glad to see that in the question of religious education we have made a move towards this freedom. We have lost certain factors which even I as a Catholic did not want to see in the educational system such as it was before, and I am glad that that has gone by the way. I am glad that apparently there is the agreement of all denominations to the Bill which the Minister has presented. But I am sorry, and I regret that the same can not be said of other aspects of education which are equally unfair, equally divisive of the community. I refer particularly to the MOD interest in education in Gibraltar. Gibraltar is too small, Sir, to allow for two educational communities and we do have and have had in the time of this Government two educational communities and there has been friction between those who have owed allegiance to one and those who have had allegiance to another. We have seen it in the question of school transport; we have seen it in the question of teachers salaries; we have seen it in the technical college in the matters of promotion. And there is at least one Honourable Member opposite who will recall in his days in the GTA in which we fought side by side that these issues were of great relevance and great importance to those involved in the teaching profession. I do not blame the Minister. I do not blame the Minister for not having the power to be able to overcome these obstacles because they are enmeshed with the present constitutional situation which this side of the House has consistently brought to the attention of the government as needing a revision. But I do blame him for not coming out clearly and saying: "This side of things is not satisfactory to me and this side of things needs to be altered, because it is not in keeping with the view of Gibraltar that most Gibraltarians have". I am sure that as in other matters where the Honourable and Learned Chief Minister has come forward for the support of this House, matters involving constitutional change or matters which are generally known as grey matters in which the authority of the Governor, or the authority of MOD have had a part to play, if the Minister had come the same as the Honourable Learned Chief Minister has come to this side of the House, then I am sure we on this side of the House for the good of Gibraltar would have been willing to put our shoulders to the wheel and push. I do not think that there is any member on that side of the House who would not join me in the sentiments which I am expressing. I am quite convinced that no member of the House will say it is an equitable situation whereby schools in which a good number of Gibraltarian children

are being educated, should not be subject to inspection by the Gibraltar Government I am sure that in a college, the only college of secondary education, which the Minister hesitated in describing. He called it the Dockyard Technical College when it is the Gibraltar and Dockyard Technical College - he said it but he hesitated over it - that in such a college in which we pay 50%, there should be nothing in this Ordinance pertaining to the allocation of the resources which this House is asked to vote, and vote in increasingly big quantities, for the education of Gibraltarians. I am sure that no member of this House would say that that is an equitable situation. I am sure that the Honourable Minister for Labour can not be satisfied that any levy that might accrue indirectly to the Gibraltar Dockyard Technical College, for the running of any courses in respect of industrial training should not be used in such a manner as to comply with the wishes of this House and especially of the Government. Yet the Ordinance says nothing about the use of resources in the Gibraltar and Dockyard Technical College. I am sure that the issues of training for the Dockyard, or training for the private sector in the Gibraltar and Dockyard Technical College, is a matter which must be of concern to this House if this House is asked to vote 50% of the running cost of this establishment. And I am sure that Honourable Members would have done a better service to Gibraltar had they exposed this situation for what it is. I wish to emphasize, Sir, that I do not blame the Minister for not succeeding. I do not blame the Minister for bringing to this House a Bill which does not overcome these obstacles. But I would like to see the support or at least the expression of sentiment by members opposite that this is the way that Gibraltar education should progress into the 1980's. If there must be a partnership let it be a partnership on the basis of equality. Better still, let us have one educational system and not two educational systems. After all is it not a fact that children who go to Services schools graduate to our Comprehensive Schools? Is it not a fact that the decisions of the House in respect of comprehensive education, in respect of co-education, and what have you, directly affect those children in those schools? And what is the sense of having a dichotomy in the early stages of education? What is the sense of having two points of command so widely apart if later on, for lack of money, for expediency, all the children are thrown together in one single system. The Honourable Member, Mr Featherstone, must have known many instances where this division has been an important one. It is important in the children themselves. It will manifest itself in many ways. And the system of education, Sir, is the seed of the future. The system of education that we adopt in this House is going to determine what sort of community Gibraltar is going to be in as little as five years' time. Therefore, Sir, let every member of this House strive to have one system of education, and not let us have the Protestants, English, on one side, and the Gibraltarian Catholics on the other. Let us not have a split in a place as small as Gibraltar. Let us at least strive for one whole system. I know, Sir, that a rebuff can be a very galling thing for a man who calls himself the Minister for Education in Gibraltar. I know that when the Minister, any Minister, be he the Minister for Labour, or the Minister for Education is told that such and such an aspect of Gibraltarian life is outside his competence, the temptation is to accept it as a fact of such a life. But, surely, it is in the interest of British Gibraltar; it is in the interest of this House and it is the interest of this community to at least strive with understanding, but also with a firm determination to create one community and not two in Gibraltar. I remember resignations of teachers from the Gibraltar and Dockyard Technical College on the grounds of lack of promotion. Honourable Members on the other side may very well also remember this. And I do not like the phrasing of the Bill in this respect. I do not like this subject to the agreement of the lords of the Admiralty because it has been my experience that such an agreement certainly in recent years has not entirely redounded to the

benefit of Gibraltar. I think it is perfectly compatible with Her Majesty's Government's interest in Gibraltar to be rather more accommodating of the idea that there should be one community and one body of teachers here in Gibraltar. I do not think it is going to bring about the downfall of the British Commonwealth if there were some more latitude. Undoubtedly there are difficulties to be resolved; undoubtedly these difficulties would be resolved much more easily if the principles which I advocate, and I think all members of the House advocate, were first enshrined in a new Constitution. But if we accept in the absence of a Constitutional Conference such characteristics of our society as the ones that we are being asked to accept now in this Educational Bill for the children of Gibraltar, then we are not going to win the constitutional fight. If Honourable Members opposite keep silent on these issues which may be deemed small by comparison with constitutional change then, surely, they are not going to speak up when the time for constitutional change does come. Sir, if it is difficult enough to establish a proper balance between the MOD and the Government of Gibraltar may I say that it is equally difficult to establish a proper balance between what my Honourable Friend called the centre and the departments of Government. May I deal first of all with the question of a certain degree of financial autonomy. We have had in Gibraltar a City Council which has had a large measure of independence from what I might call the centre. I do not say that that measure of independence from the centre has always redounded to the benefit of Gibraltar. We have had very long and serious debates here about the finances of the City Council. but there is a reaction to this which I think is detrimental to the development of Gibraltar and also, particularly, to the development of education. There is a fear in the centre that there might be a repetition of the City Council in financial matters if departments are allowed to have a greater degree of autonomy in respect of financial matters. And I think, Sir, that no member of this House would disagree with the contention that of all departments of Government the one that requires greatest financial autonomy, the one which by its very nature requires greatest financial autonomy, the one which - if we are to have regard to the example in the United Kingdom where education is run by a Local Authority - demands the greatest degree of financial autonomy, is the Education Department. Teachers, Sir - and I should know and so should the Hon Mr Canepa, and the Hon Mr Featherstone - when they are teachers not politicians, argue very sincerely that the needs of education can not be understood by what they call perhaps rather unfairly, the machine. They constantly argue this. There are the fights about the tape recorders, whether they can be purchased; there are the fights about the books which are not considered necessary by different sets of criteria which obtain in another building of the city; there are the problems of the individual child with which a teacher is so intimately involved. There are many genuine problems not just here in Gibraltar but anywhere in the world, which teachers apprehend in a particular manner and which they think that the centre is not capable of understanding fully. Now, having been very near the centre at one particular time may I say that of course, this like many other things is an exaggeration. But there is a basic truth in it. There is the basic truth that the way that one judges education and the way one judges the building of a road is slightly different. And if the same people are called upon to judge all the time on a day-to-day basis on these small things the response is not always as satisfactory as it might be in the interest of education. This is not just an ex-teacher speaking. I am sure that my colleague, the Hon Mr Devincenzi would agree to that and I am sure that the Hon Mr Featherstone would agree to that. I am sure that the Director of Education would agree to that and past Directors of Education would agree to that. I am sure that this particular angle, this particular immediacy of education, this importance of rather smaller things to a class of children, to the headmaster of the small school, that these issues are not issues that should be put through the sausage machine, if I may put it that way, every time. I think that of course the big things should go to the

Financial Secretary, the Financial Secretary would take it to the Council of Ministers and so on. I am sure that the changes which the Hon Mr Featherstone has introduced in the Education Department are well orientated. But I am sure, equally, that every teacher, every HeadTeacher and the Department of Education and the Minister himself would feel rather more sure that he would have resources where he wants them at any particular time without derogation to the powers of voting money of this House and without derogating from the powers of Council of Ministers, if in this Ordinance there were to be some sort of declaration that the Department of Education had a degree of financial autonomy. I know that these words are anathema to the spirit of the Constitution and I put them forward in the knowledge that they might be a bit futurist. But I would like to see support from that side of the House in the interest of education. Sir, parallel to this financial situation we have that to which my Honourable Friend on my right and the Hon Mr Devincenzi and the Hon and Gallant Major Peliza has referred. Sir, I noted Mr Speaker that you questioned at one time the relevance of my Hon Friend's argument. But, Sir, it has been said by my Hon and Learned Friend on my left that the teacher is the most important unit in education.

MR SPEAKER:

But I would not allow it to go on now again because I have no doubts of my ruling. It is not relevant because it is not pertinent to the Ordinance. I was very liberal with the Hon Major Peliza because he had expounded the theory and I did not want to cut his argument. But I think it would be wrong of me to allow a new argument on the matter. The point has been made and you will get no further.

HON M XIBERRAS:

I am aware of the objection to the question of political activities of teachers, Sir, but there is part of this Bill which refers to the Selection procedure. The power by regulations to give statutory recognition to the departmental selection procedures for teachers. And what I would say, Sir, with your leave, is that this is very important to the teacher in creating the professional status which a teacher needs in order to be the ferment of education and not just the passer on of knowledge. This is most important to the teacher. The teacher will not be a good teacher with all due respect to my many civil servant friends if he is a civil servant.

MR SPEAKER:

That is what we are not able to discuss under this particular item.

HON M XIBERRAS:

Sir, the power to make regulations apply if I may say so to the departmental procedure for the selection of teachers. This has for a very long time had a marked influence, or has been of great importance to the individual teacher. And there are many other things which might properly speaking come under these regulations without infringing upon the Constitution which are basic to the teacher. I would hesitate to describe this Bill as a good Education Ordinance if it had no regard for the professional standing of the individual teacher. And that is why, Sir, with your leave I would like to say some words about this.

MR SPEAKER:

Well, say what you have to say and if I see that it is out of order I will call your attention. I am only raising objection to the question of whether a school teacher should be able to stand for election or not. That is my only objection and nothing else.

HON M XIBERRAS:

Sir, may I put it this way Sir, The School teacher can not stand for election because he is a civil servant as my Hon and Gallant Friend argues.

MR SPEAKER:

That is so and that he is not prohibited from doing so by this Ordinance, but by other enactments.

HON M XIBERRAS:

This is perfectly correct, Sir, and also I am prepared to admit that if this Ordinance sought to change this constitutional situation it would not have got to this House. But Sir, the individual teacher is very much the concern of this House, and therefore, Sir, the Minister thought it necessary to incorporate despite the Public Service Commission Ordinance a feature of departmental selection in this Ordinance. What I am saying Sir, is that the Ordinance could have done a great number of other things for the status of teachers and the Ordinance has not done this and being even fairer than that, if I may say so, the Minister could have expressed even more liberal views than he has on this matter, and I hope that he does in reply. Sir, it must be an unnatural situation in which a teacher who is supposed to be in the vanguard of thought becomes the transmitter of ideas already long established and some of them dead. Surely, all the courses which the Hon Member opposite has organized to try to bring out the creative spirit of teachers are all going to be lost if this Ordinance does not do something legal about the status of those teachers to break them away in some measure from the centre which we have described. Surely, Hon Members opposite can understand. I know that the Hon the Minister for Labour at one time shared these views and I have no doubt he shares them now. I hope that Hon Members opposite will demonstrate that they are in favour of these sentiments. Sir, I would like to end in view of all that has been said by reiterating the suggestion that has been made from this side for a Select Committee. I think the House must be amply aware that there are issues which transcend Party divisions involved in this Ordinance and I am sure that Hon Members will agree that this Bill is at least as important as the Trade Licensing Bill. I see the Hon and Learned the Chief Minister pulls a face. Well, if he is not in agreement with that....

HON CHIEF MINISTER:

It is more important.

HON M XIBERRAS:

I thank the Hon and Learned the Chief Minister for that measure of agreement. But if it is more important, is it that Hon Members opposite are surer about

this Bill than they were about the Trade Licensing Bill and therefore, would not refer it to a Select Committee? I don't think Sir, that this work in a sense great work of codification of bringing together of previous ordinances is going to in any way be wasted if this bill is referred to a Select Committee. I don't think that the schools are going to cease the function if this matter is referred to a Select Committee. And the Hon Members opposite must agree, surely, that at least some of the points that have been brought up on this side are valid. Of course, the points such as they are can be left in abeyance. This House can turn a blind eye to them. The argument can carry on in the street. It can carry on in the home and the House can ignore this or each side can try to press in its own way when it is in Government for a solution. But there have been moments in this House, Sir, when Hon Members have been able to agree about this type of issue and then there has been of recourse to the Select Committee. And I do not think that it would be a mistake in any sense for Hon Members to agree to this suggestion.

HON A J CANEPA:

Sir, it is for me a cause of great satisfaction to see that this particular bill, although it doesn't meet the feelings of the Opposition fully in respect of two or three main principles, has nevertheless been brought to the House by my colleague the Hon Minister of Education, and I am fully aware and conscious of the great deal of time and hard work that he has devoted to what has gone into drafting this particular Bill. It is, Sir, cause for particular satisfaction because it was after all under an AACR dominated Government that the Hon Mr Peter Isola, when he was Minister for Education, set the ball rolling with the appointment of the Commission. Sir, I am glad that I have restrained myself and listened very carefully to what members opposite had to say because it has become clear to me - not that I wish to decry the exposition which the Hon Mr Devincenzi made of the Bill generally - but it has become clear to me that there are two or three really basic issues on which members opposite have hinged their disquietude about the Bill, chiefly the question of autonomy, be it financial or otherwise of the Department of Education, and the question of the status of teachers. I think from what I have been hearing these have been two main points. There are other aspects which without wishing to minimize them I would term as minor. But I would have welcomed, in particular from the Hon Mr Devincenzi or from the Hon Leader of the Opposition, a greater exposition of the difficulties and obstacles which to my mind must have been the real reason why the previous administration was unable, or felt itself unable, to bring the Bill to the House some years ago. The Hon Mr Devincenzi said that a great deal of work had had to be done on the Bill. He did not mention what it was, because, after all, looking at the report of the Commission we find that it is really divided into two parts. There is a report with general recommendations and then there is actually a Bill in the latter half drafted by the Commission which, of course, needed a great deal of legal drafting and tidying up. But I would have welcomed therefore, if he had gone at greater length into exactly what was the nature of this work that had to be done. Why was there a lack of time, as he said, to get this done? He referred to the election. I don't think myself Sir, that it was that. I believe that the previous administration encountered these same obstacles which the Opposition of today, ~~has~~ and in particular the Hon the Leader of the Opposition, has gone into such length in expressing and in putting across. These were, I think, the difficulties that they met. It was not a question of drafting, it was not a question of cleaning up the draft. There were these fundamental issues, and they are the same fundamental issues today. What my Hon Colleague the Minister

for Education has done, has been, however, not to delay the introduction of the Bill, such as it is to the House, because of these other issues, but to bring a Bill which, if I may say so, I think is based on very sound educational principles as a whole. It is modelled as I recall it, on those provisions of the 1944 Education Act which are applicable to Gibraltar generally, anyhow, other than the question of autonomy, decentralization, and so forth. He has preferred, therefore, to allow these other issues, which are by and large of a constitutional nature, to be thrashed out, if they can be thrashed out, at another level. The views of this Party on the political activity of civil servants are well known and I do not propose to go into them and I think you would rule me out of order, possibly in any case. But I will if I may Sir, make some reference to the question of the status of teachers. It is primarily a constitutional issue. Whilst education is a defined domestic matter - and hence the introduction of the Bill - the employment and the conditions of teachers is not, it is not a defined domestic matter, and hence the difficulty. But that does not preclude, however, improvements being brought about in the status of teachers, not as to whether they are or are not civil servants, but improvement in the status of teachers in the manner in which the community as a whole judges and assesses the value of the teacher and his standing generally in the community, the value to the community, and to the children that he is educating, and to his standing in the community. and I should perhaps remind Hon Members opposite and in particular the Hon Mr Peter Isola because it was he who brought the point up, that you do not require to set up in law negotiating machinery for teachers' salary or what have you in a piece of legislation such as this one. Because, for instance, the Burnham Committee was not set up in the UK under the 1944 Education Act. There is a separate Remuneration of Teachers Act. It is really a separate matter and hence why I say that these are aspects that do not necessarily have to be part and parcel of this Bill. I haven't got the contact that I had with the teaching profession, but their negotiating machinery, such as it was during the biennial review, is a perfectly adequate one. It may not be defined in law but it is a perfectly adequate ad hoc machinery in which there is direct negotiation with the Establishment, with representatives of the Department of Education, and to my mind, it worked perfectly well. And the fact is that even without such machinery the teaching profession both in the time of the Hon Mr Peter Isola when a great deal of work was done and vast improvements were made in raising the basic salaries of teachers, then under the previous administration, and now under the present one as well, improvements have been made in the career structure for school teachers and all these, to my mind, giant steps - in the sense that they have been taken in a period of 5 years or so - have been taken in making teaching in Gibraltar a much more worthwhile and lucrative profession than what it was 10 years ago. Sir, on the question of the autonomy of the Department, of Education, be it financial or be it even administrative autonomy, there is, of course, this same constitutional difficulty. And, of course, in Gibraltar it is natural that we should model or want to model ourselves on the UK pattern as far as possible, where you get decentralization. The kind of decentralization that there is in the UK we cannot have in Gibraltar in the sense that we do not have Local Education Authorities. Perhaps it was a mistake to have had the merger of the City Council. Perhaps the City Council could have been the Local Education Authority. But it does not follow that all countries in the western world, even in Europe, necessarily think along the same lines. The French system of education is a highly centralised system of education and has always been. and maybe that is why they had those strikes in the Universities in 1969. But the issue of centralization, as against decentralization, is not an issue which is uniform. There are varying views

But we cannot have in Gibraltar the kind of decentralization

and  
present

about it, and I was somewhat surprised to find in two respects a certain contradiction in argument. First of all, the Hon Mr Devincenzi <sup>the</sup> not accepting a recommendation that education should as far as possible be apolitical - this was a recommendation of the Commission. He did not agree with it. He said it cannot be apolitical that it was a political matter, and there must be somebody who must be seen to be responsible, a politician, a Minister of Education. And yet he wanted autonomy. I wasn't quite able in my own mind to establish the difference in his trend of thinking. Likewise with respect to the argument on the School Committee, where we are told it must be clear <sup>that</sup> who is responsible for what, and in respect of schools that is the Headteacher. Similarly, in respect of autonomy it must be clear <sup>as to</sup> who is responsible for what. ~~And~~ That has been of course, the difficulty which quite apart from the constitutional one, the previous administration or the present one would have <sup>had</sup> in setting up an independent Education Authority. Who is responsible for what? What is its relationship to this House which votes funds. And, of course, at the end of the day financial autonomy may not be such a good thing...

HON M. XIBERRAS:

If the Hon Member would be kind enough to give way. What is autonomy as used by this side of the House does not mean a separate entity completely. It means a certain amount of financial flexibility and so on. It doesn't mean a Local Authority or anything like it. It still means a Minister at the head of affairs and so on.

HON A J CANEPA:

It still leaves, Sir, the difficulty of supplementary provision. The House would make so much money available to be administered by the Authority, ~~and~~ <sup>but</sup> the Education Authority would not to my mind, have the flexibility in getting supplementary provision which the Department of Education now has. This could be a difficulty that would have to be given very careful thought. Sir, I think <sup>that</sup> ~~really~~ by and large the debate has been a constructive one. It has crystallized the basic principles on which members opposite are not in conformity with this Bill. I think the issues are there. Whether the Bill goes through in its present form or not the issues are there and they cannot be avoided, and they are factors which have occupied my attention and that of the HON Leader of the Opposition in our time in the GTA and which will continue to occupy the attention of those who have followed us. ~~These are definite difficulties.~~ But, coming now to the question of the Select Committee Sir, quite honestly and sincerely, <sup>although</sup> this Bill by far, to my mind, a much more important piece of legislation than the Trade Licensing Ordinance ~~I have no doubt about it~~ that in itself is not a sufficient reason why it should be referred to a Select Committee. And knowing as we know that the previous administration has had the same difficulties and having a draft Bill ready together with the report....

HON M. XIBERRAS:

If the Hon Member will give way.

HON A J CANEPA:

I will Sir.

HON M XIBERRAS:

I am most grateful to the Hon Member. I think he is assuming that this side of the House had the same difficulties. May I clarify that we have made clear on this side of the House that we had no time to complete the drafting of this Bill; that there was a process of consultation; and mostly, that there was no Director for a considerable period of time. In fact, two Directors came and went in that period of time and these were the reasons why we could not really get to grips with the problems involved in this. But we cannot accept from this side that we have tried and failed to overcome these problems.

HON A J CANEPA:

Sir, the fact remains that a Select Committee of the House could have been set up during the time of the previous administration. The argument has been adduced that a Select Committee of the House would now add weight in the drafting of the new Bill, to overcoming certain obstacles. I think the position was the same. <sup>in the time</sup> ~~To my mind in two years with the draft Bill ready there at the~~ end of the report, with some tidying up to be done such a Bill could have been brought before this House and given First and Second Reading, <sup>with some tidying up</sup> and then a Select Committee of the House could have gone into the details of the various clauses and the various provisions. That is why Sir, with all due respect, and I am trying not to be controversial the call for the setting up of a Select Committee to me rings somewhat hollow and I would describe it as somewhat less than honest. Sir, coming back to the question of the status of teachers, one thing that I have learned in the last 18 months, whatever my views may have been then, ~~is~~ that it is practically impossible for a teacher to be a politician, certainly to....

MR SPEAKER:

We must not go into that.

HON A J CANEPA:

Let it not be said, Sir, that I was unwilling to express my views. There are one or two specific points that I wish to make, Sir, before I finish on the Bill. First of all, Sir, I very much welcome the setting up of the School Committees. There is a danger in Gibraltar at the moment - and we have seen this over the last few years - that the problems, <sup>they</sup> ~~such as they are and they are~~ undoubted problems which a particular school, be it the comprehensive, be it a secondary school, can be - I wouldn't say blown up out of all proportion because they are real - but ~~they~~ <sup>they</sup> can get a much greater degree of prominence in the eyes of the community over and above difficulties, problems, inadequate facilities, lack of equipment which schools in other parts of Gibraltar may have and which largely go unnoticed. The School Committees, I notice from the Schedules, will from <sup>at times</sup> ~~time~~ keep the Department informed as to the condition and state of repairs of school premises, equipment under its jurisdiction and so on, and I very much hope that they will do a very valuable job of work in redressing the balance which is now very heavily weighted in favour of a larger, more monolithic secondary type of school to the detriment of the middle and primary schools which haven't had as much of a voice in the matter. So from that point of view, Sir, I very much welcome this wide field of involvement and participation that there will be from various people in the

school Committees. The position of the Headteacher is one which, perhaps merits closer consideration though I am not sure that in the school governing bodies in the United Kingdom the Headteacher is necessarily the chairman. I do not think that that is the case at all. It is usually some prominent local citizen or other. And one other specific point I wanted to refer to, Sir, is Part XI of the Bill which safeguards the interests of young persons in employment. I think it goes somewhat further than the provisions of the Children and Young Persons (Temporary Provisions) Ordinance in ~~this~~ <sup>new</sup> sense. That whereas ~~there~~ <sup>that</sup> a definite maximum number of hours per day and days during the week that a young person could work ~~was stipulated~~, now the power is vested in the Director of Education to look at each case, presumably on its own merits, and by not stipulating a maximum, the maximum will not become the minimum, which is always the danger in such cases ~~so~~. The Director of Education could well feel in any particular case, that if a young person is to be allowed to work he should only be allowed to do so for far fewer hours, particularly if he is in an examination class, than was previously provided for in the Young Persons Ordinance. So, all in all, Sir, in spite of these basic obstacles that I have referred to, I think that as an Education Bill which deals with general principles of education, which is drafted and based on sound premises, I certainly welcome this Bill and congratulate all concerned in bringing it to fruition.

HON J BOSSANO:

Mr Speaker, I would like to expand slightly on the relationship that I see between the practical problems facing us in this very important area of our life and the aims that the Education Ordinance sets out in Part III under Policy, and in particular the aims which I think the Hon Minister for Education must have been thinking of when he said that perhaps the language of part of this section of the Ordinance might appear to be highflown. I think that it need not be considered very highflown language. I think it has a practical and very real side to it, and I am thinking particularly of Sections C and D where we have as aims of policy, the fostering of a sense of community and that regard should be had to the requirements of the community. And this is the most important facet of education as I see it, Mr Speaker, and in this we need to create a framework where the community, the professionals doing the job and the recipients in the educational system come together. Now, I would have liked to have seen this particular side of the aims of policy being given some practical shape somewhere in the Ordinance. I realise that there are great problems in translating this into practice but I think that although it is better to have it there as an aim than not to have it at all, I would have preferred to have seen the aim extended further and something indicating the desire to put this aim into practice within the very near future somewhere else in the Bill. It seems to me that only in Part VII do we have something that is related to the aims of policy where obviously Part VII is designed to do something with reference to the spiritual, moral and mental development. To produce well educated and well trained men and women. And although Part VII might give rise to some misgivings, at least there has been an attempt there to ensure that this important Part, that the spiritual the moral and the mental to the extent that these three things can go together, are being catered for. But the other side of it, the fostering of the sense of community and the need to have regard for the requirements of the community seem to be intimately connected with the freedom of teachers to express political views and to participate fully in the political life of our community. And I think it is a great disability that such a large part of our working population is debarred from taking a complete and full part in our political life and I

think it is a sad thing that because of the limited opportunities in Gibraltar we find that the people who tend to be most committed to the welfare of others and to the development of our society tend to direct towards the education system and there what they can give is hindered by the fact that they are classified as civil servants and this Ordinance does nothing to change that situation. I think it is something that should be of great concern to us. I think it is a bad thing that people who could be very good teachers in the public sector, may find themselves having to choose between speaking publicly in political issues and giving what they can give inside the educational system. And perhaps being forced against their principles to have to supplement their income, perhaps as members of this House, by teaching privately when they could prefer to give what they can give, they would prefer to give their aptitude to benefit the youngsters of the greater part of the community who cannot afford private tuition. They are forced by the rules that say that civil servants can speak publicly on political issues and the fact that they are classified as civil servants in competition to what is usual practice in other places, they are forced into situations which are perhaps not to their liking. I think it is a most important part of education. I think we are going to find increasingly a source of strain in our society, as it has done in the past, in this idea that a teacher is supposed to contain himself within a system when he can fruitfully contribute a lot of constructive thought by being allowed complete freedom to express his ideas and being allowed to do so both inside and outside the educational system. This is the point, Mr Speaker, that I would like to make in respect of the general principles of this Ordinance.

MR SPEAKER:

I then call on the mover to reply.

HON M K FEATHERSTONE:

Sir, when I moved the First and Second Reading I thought I was moving the First and Second Reading of an Education Ordinance. Listening to the Opposition. I am not quite sure whether we have been debating education or the Constitution. It seems they wish to use the Education Ordinance to try and get a back door way round things in the Constitution which they don't like. Well, Sir, that cannot be. It would be unconstitutional and I am sure the Hon Members on the other side however much they do not like the Constitution, will respect the Constitution and will not try to make an Education Ordinance which obviously will be unconstitutional. Even if I were Sir, to think that teachers should not be civil servants - this would be a very strange system if they are going to be paid from public monies - and I could not accept that the Education Ordinance would be the vehicle for getting round the Constitution. That must be done when there are the next constitutional talks. Now Sir, the Hon Mr Devincenzi made much about lack of time. Twentyseven months that was lack of time. However, he was assisted I think by the Hon Leader of the Opposition who brought out that after all they were without a Director of Education for some time, so perhaps we could cut the 27 months down, shall we say to 20 months. Now, Sir, this has seen the light of day in 16 months, although it was ready much earlier. But we didn't publish it because we also could claim that there was an interested party who was not, shall I say, available at the time. I refer, Sir, of course to the sad death of the last Bishop. There were points in the Bill that one would have wished to consult

with the Bishop and there was a period of four months or so during which no consultation could be made. So, I think perhaps their story of lack of time was not quite as watertight as they would have us believe. Another thing that the Hon Mr Devincenzi commented on, Sir, was that the recommendations of the Commission by and large had gone by the board. Well, Sir, the Commission made all together 23 recommendations and 21 $\frac{1}{2}$  of them find their place in the Bill almost word for word with the draft Bill that the actual Commission brought themselves. So once again it would appear that the Hon Mr Devincenzi has not done his homework quite as accurately as he would have us believe. The question of chain of command has been brought up, Sir. Now the initial Ordinance as drawn out by very hardworking gentleman on the Commission, although very good, fell at the hurdle Sir, that it was to a great extent lifted from the UK Bill and, of course, there are certain differences between legislation which is drawn up in Gibraltar, and legislation in the UK. And they did talk about the Minister all the way through. But Sir, the advice that was given to me by the Attorney General last who was the first person who dealt with the Bill, this advice Sir, actually said talking of this draft that the Commission had made; "This was based on principles of United Kingdom Law that are not valid in relation to Gibraltar, e.g. all executive authority in Gibraltar must be exercised by the Governor or by officers subordinate to him. Ministers are not public officers and it is customary practice in Gibraltar to refer in legislation to the Governor and not a Minister." Now to set the Hon Mr Devincenzi's mind at rest, it goes on to say: "Although in practice it may well be the Minister who is in effect in control of policy". I am discussing Sir, the Education Ordinance and not the Medical Ordinance. Now the chain of command, therefore, was vested obviously the Governor to the Director and in this instance the Governor will in all cases be the Governor in Council of Ministers and basically it will be the Minister who is taking the active policy where it says the word Governor. But on this chain of command, Sir, we had a comment that in the original thinking the Youth Officer had a much stronger place and now this has been whittled down. There is no whittling down at all Sir. The Youth Officer is obviously part of the Education Department and therefore, Sir, it is the Director that should be given the powers. He can delegate to the Youth Officer, but you don't put the power straight to the Lieutenant and leave the Colonel to one side. You start by giving the power to the Colonel and then you can hand down the chain of command. There is nothing wrong in the way it has been done. One little point that the Hon Leader of the Opposition has brought up. He said I hesitated when I came to the question of the technical college. I did hesitate Sir, but I didn't hesitate on the word Gibraltar. I hesitated because there is in the actual Bill a wrong wording and I almost read the exact wording that it said in the Bill. It said Gibraltar Technical and Dockyard College and of course, it should be Gibraltar and Dockyard Technical College, he didn't even bring Gibraltar into it. Well, Hansard Sir, will show what the position is but I have been accused of saying things before and Hansard shows that I didn't say them. And, Sir, the situation with the technical college is that maintenance staffing and management be subject to agreement between Government and the Ministry of Defence (Navy) and this agreement obviously can be altered from time to time and it probably will be. So it is not just simply a question that we have given away our birthright to MOD (Navy) in this Bill at all. Now, Sir, the School Committees. Well, I have heard some astonishing remarks in this House. Some of the remarks by the other side in which apparently the school committee is going to be the Minister's spy on the headmaster is just about the most astonishing I have ever come across. The Bill was in some respects identical to the draft that was made by the Commission and I had spotted one

point. In fact, I said that the Director or his nominee would be the secretary to the committee for schools and to the committee for the colleges of Further Education. And, of course, anybody who had read the Bill carefully would see that Part III - Management of Schools - says under A4 that the Headteacher shall act as secretary. Now this was diminishing the Headteacher to be just the Secretary of this committee, but this was the committee for the College of Further Education. It didn't even say what the headteacher was going to be in the case of ordinary schools. But, Sir, the Commission's idea - and they only made one schedule which would be the management of schools and colleges - so it didn't matter if the Committee related to a school or to the College of Further Education and their exact wording says: "The Headteacher shall act as Secretary." Now, how can they be chairman and Secretary at the same time. I have removed Sir, as I have already given intimation, the secretaryship from the Headteacher, because it will be the Director and an amendment has already being suggested for putting into the correct legal form to the Hon Attorney General to the effect that it would be in normal circumstances the Headteacher who would be chairman of the committee. But Sir, don't lay the blame on me that the Headteacher was put down as Secretary. This was something that was taken almost word for word from the original committee. And that they should be once again the Minister's spy. Well, again, Sir, it does say that the Committee shall furnish to the Minister such returns and reports as he may require. This again, Sir, was the idea of the Commission. Once again we follow the Commission. It hadn't gone by the board, we put their very wording. So the Commission were, therefore, suggesting that the Minister should put a Committee as his spy on the headmaster of the school. What a ludicrous suggestion, Sir. We come Sir, to corporal punishment, shades of Dr Spock. Perhaps some of the gentlemen opposite are devotees of that gentleman, who apparently brought out some very interesting theories on bringing up children and now in his later years he has turned round and said that perhaps, after all, he wasn't quite so right. But once again, Sir, there was a regulation, No.38 which deals with the maintenance of discipline in Government schools, including the punishment of pupils therein and the suspension and expulsion of pupils therefrom. So regulations can be made if required. You can have it legally if it is felt so essential that for doing so and so you can have four strokes on the bottom or one stroke on the hand or whatever it is. Surely, Sir, one would have thought that the Hon Mr Devincenzi would have read the Bill a little more carefully before he came out with all his ideas. Further education Sir. Of course we are going to make regulations for further education in Gibraltar. But can we legally say what further education is going to be given away from Gibraltar. We can pass a Bill here and say what we like but I am sure Cambridge University will give the further education that they think fit, not what we think fit. We can make regulations that we will send people for further education, but we cannot legislate here what that further education is going to be. Then, Sir, we have another very interesting suggestion. The Government pays higher fees to the MOD than they pay to us. Well, I don't really understand what is meant by this. This is one more example of the muddled thinking that is thrown around here Sir. You cannot say one person pays more to another than visa versa unless you have an absolute comparison. We pay MOD for children who go to the MOD primary school. They don't pay us for any children that come to our primary and middle schools. They do pay us for children who come to our secondary school, and they pay considerably more than they pay for the primary. So perhaps the figures there would show a balance on our side. The question of MOD schools being divisive Sir. Well, I may later be bringing an amendment to that point - I think it is No.4 - which will exempt MOD schools from the provisions other than such parts as the Governor may specify. And the way I would prefer to think on this question, Sir, is that all entitled children should have the opportunity

to go to the Gibraltar Government schools and I hope that this can become a reality in the not very distant future. Then if the MOD want to have a school all by themselves, although this is not perhaps the happiest of circumstances, if they have it inside their own areas we cannot very easily stop them from it. It would be to some extent divisive but if the persons concerned are nothing whatsoever to do with Gibraltar, we cannot very easily make them conform all the way with a law which is based on what we want for ourselves. I think the final thing I would say Sir, referring back to this question of the position of the headmaster to the question of negotiating machinery for teachers, to the question of teachers salaries, as such, to the question of political activities of teachers etc. All these things could of course, be put down legally but if they were Sir, one often finds that the legal constraints that are put on by such a process may often outweigh what one thinks one is going to gain. Today we have many teachers who are not extremely hesitant to express their opinions quite vociferously in various places. A headmaster's position is adequately safeguarded at the moment. To put all this into legal terms might have exactly the opposite effect to what one hopes to gain. You have for example, the situation that in Britain they have no written Constitution. We do have a written Constitution and every so often when we want to do something we are faced with the point that we cannot do it because it is against the Constitution. Either the Constitution is amended or you must desist from doing it. And the very last point Sir, the question of autonomy. Now, that is a very nice sounding word and it has a certain appeal, financial autonomy. Once again I looked into this very carefully. At first sight financial autonomy for the Department sounds very good indeed. Then when one thinks carefully one finds it could be rather restrictive. The Hon Minister for Labour has already mentioned that perhaps it would be less easy to get supplementary provisions. You would be told perhaps by the Treasury: "I am sorry, chum you made your bed you must lie on it. You have had your chance." The way I think many of the financial difficulties under which in the past the Department has laboured can be overcome, is by taking the present system and softening it. Changing some of the regulations not by specific change in substance but change in quantity. One of the situations which comes to mind very easily which I know is irksome to both my Director, the Department, the Headmaster etc, is the amount of money one can spend without going to the treasury first for permission. Well, if this amount was today £X if it was increased to £50X, this would remove much of the friction, much of the difficulty. I think that approach may pay us in the long run far more dividends than to have a head on clash, which I don't think we would win any way, but even if we were to win it, to finish up with an autonomy which in the end might turn into a mill stone round our necks. Sir, this Ordinance is based on common sense. It is based on our Constitution as we have it at this moment. There is nothing in this Ordinance which will preclude changes in the Constitution, if they were to come as desired by the Hon Leader of the Opposition etc., into effect making the Ordinance work just as efficiently as it will at the moment. One last word Sir. I cannot see much use in a Select Committee on this. In fact Sir, the Opposition considers these days that anything that is not 100% their thinking must go to a Select Committee. I commend the Bill Sir, to the House.

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

HON M K FEATHERSTONE:

Sir, I have the honour to report that the Education Ordinance 1973 has been read a second time and I propose that the Committee Stage and Third Reading be taken at a subsequent meeting of this House.

(3) THE SPECIFIED OFFICERS SALARIES AND ALLOWANCES ORDINANCE  
1974

A Bill for an ordinance to make provision for the salaries and allowances to be paid to the holders of certain offices.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that this bill be now read a first time.

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

The Bill was read a first time.

SECOND READING:

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that this Bill be now read a second time. As members will see from the explanatory memorandum, Section 68 of our Constitution provides specifically that the salaries paid to the holders of certain offices shall be those salaries and allowances prescribed by the legislature. I would advise this Hon House that provision in the estimate for the payment of such salaries, even though subsequently incorporated in the Appropriation Ordinance, does not amount to a prescription as required by Section 68. Therefore, it is necessary to specifically provide by a bill, subsequently an ordinance, for the salaries of the officers covered by the section. The salaries set out in the Schedule to the Bill are those approved in the annual estimates last year together with the increases made as a result of the biennial review. One point or one effect of this bill will be that in future when estimates are presented in each of the departments which carries - if I may put it that way - one of the officers concerned, there will be no provision for his salary in that estimate. Therefore, to take my own case, the Attorney-General under Law Officers, the personal emoluments will not show the Attorney-General's salary but that is charges by this ordinance on the Consolidated Fund. In fact, this does no more than carry out a task imposed upon us by the Constitution. Mr Speaker, Sir, I commend the Bill to this Hon House.

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

HON J BOSSANO:

Mr Speaker, it is a very welcome bill not only because we wish to be constitutional as the absent Hon Minister for Education said earlier in respect of the Education Ordinance, and, therefore, we wish to carry out things as the Constitution specifies until the Constitution is replaced by something more desirable, but also because I think it crystalises, in a very concrete fashion, where power should lie and where the real responsibility for the decisions affecting the livelihood and the welfare of the people of Gibraltar, are to be taken. And, clearly, the bill makes this obvious because in this situation we have got a list of very worthy and hardworking gentlemen who are our employees and whose salaries we are looking at here and who have, we learned, achieved these salaries as a result of the biennial review which I understand came to £1.85 a week for most people and, no doubt, in their case it was £1.85 or, perhaps, slightly more than £1.85 a week, this is incorporated here. And in future at least this side of the House, at least I, shall make it my job to look very closely at the improvement in the salaries that the House is considering when future amendments are brought to this Ordinance and I shall make it my job, Mr Speaker, to draw comparison between what we choose to pay our highest paid civil servants and what we choose to pay our lowest paid civil servant. And I think it is very salutary that the House should be aware that we have got individuals at the top of the income scale and individuals at the bottom of the income scale who are both very necessary, equally necessary, in our community and who both have a great deal to contribute to the welfare of Gibraltar - the people at the top and the people at the bottom - and who both have needs which have to be met from those incomes. I think that members of this House must, whenever they have to vote on a measure such as this, at least, go away with the thought of how much more difficult life must be in Gibraltar for the people whose incomes does not reach four figures, for the people who have not got the additional nought at the end of their salary scale. And if the bill serves nothing more than to remind us periodically of this, then the bill is welcome.

HON A J CANEPA:

Mr Speaker, I think the Constitution was enacted, if that is the word, in 1969, and I seem to recall that in 1970, when members on the Opposition side were in Government, there was a Marsh award equivalent to our biennial review, which was certainly nothing less than controversial. In my own personal mind, "Marsh 1970," occupies the same place which I am sure Teesdale must do for the Hon Leader of the Opposition. I love to quote from it just as much as he loves to quote from

Teesdale. And had this Bill come to the House or rather another bill, Sir, come to the House in 1970, as it ought to have done, we might have seen something very, very, interesting. Sir, the Hon Mr Bossano has referred to increases of £1.85 for most people arising from the biennial review, ~~and~~ I would ask him to find out, if he does not know already, the kind of increases which our school teachers got, which our nurses, which our police force, which our clerks got, and he will find that they were all in the region of £4.00 a year. Sir, a school teacher prior to the 1972 biennial award.....

MR SPEAKER:

We are not going to start bringing in the emoluments of school teachers under the present Bill.

HON A J CANEPA:

Well, Sir, the civil service got increases in the region of £4.00 a year. And it was the deliberate policy of the Government to apply a sliding scale in the biennial review <sup>so that</sup> and the cash increase that was obtained of just over £4.00 by the Titular Grades was passed on to the 70 or so top civil servants. ~~And~~ That is why you find, Sir, that the salary of the Chief Justice and the Deputy Governor, (the figure given in the bill £4,890) represents an increase of 10% from 1970 to 1972, well below the <sup>rise in the</sup> cost of living. One thing that cannot be said about the 1972 biennial review, and the salaries are reflected here, is that it gave a bigger percentage increase to those at the top than to those at the bottom. It certainly did not. But as I said, Sir, if the bill had come in 1970 we would have found then that the Chief Justice commanded a salary of £4,400, in 1970, but pre-1970 he was getting £3,120. So his salary went up under the previous administration by £1,280, whilst the labourer, Sir, was getting an 18% increase - the Hon Member knows how to work that out - <sup>wage</sup> the salary of the labourer was increased in 1970 <sup>by about</sup> in the region of £1 a week. And the position, Sir, is the same for the other gentlemen whose salaries are given here. Thus the Financial and Development Secretary's salary was increased from £2,640 to £4,000 <sup>by</sup> £1,360. Perhaps, Sir, that is the reason why the Bill was not brought in 1970, because there would have been ~~the same~~ degree of controversy from Hon Members of this side of the House who were then in Opposition as there was in respect of the Marsh award. So not only are we carrying out our constitutional duty, but in the field of salaries, Sir, the policy of this Government, certainly in the last biennial review, was far more directed along the lines of what social justice ought to be than ~~what~~ it was in 1970.

<sup>the case</sup>

MR SPEAKER:

Does the mover wish to reply?

HON MAJOR R J PELIZA:

Mr Speaker, may I start by saying that certain members on that side of the House will have to eat a number of hats in that the Minister has just revealed that not only were they capable of meeting a rise of £5 than they went as far - if the figures given by the Hon Member are correct - to very nearly £8 a week in certain categories. Sir, I wonder whether the Hon and Learned Chief Minister would now like to retract the insulting words that he used to hurl at me when I made the suggestion publicly. But coming back to the other accusation made by the Hon Member against the previous administration. I would not like to go into figures now because I have not got them with me, but I think that if he goes back he will see that the improvements made by the Government at the time proportionally to what had been done previously, was quite a breakthrough. And not only was it a breakthrough but I think we set standards. And, therefore, I think that if there have been any improvements to the lower sector, particularly the cost of living allowance which is the lifesaver today, I think that definitely has got to be credited by the previous administration. Now, going back to the so called exaggerated increases to responsible members in the Government, I think, if anything, that was a very laudable and courageous step taken by the Government then. But not because things were properly put right then should they now be escalated to an extent which is completely out of proportion to the standard set by the previous administration. Percentages, I think, are very confusing. Statistics can be very confusing, I think it is the humanity and the practical side of it that has to be looked at and I think that is precisely what the Minister who last spoke has completely overlooked and if I may say so twisted in a way which is not the true picture of the situation either of the sentiments now of the Opposition or the sentiments then of the Government.

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

HON ATTORNEY GENERAL:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill should be taken at a later stage of this meeting.

MR SPEAKER:

We will now then recess until tomorrow afternoon at 3 pm.

WEDNESDAY the 30TH JANUARY 1974 : THE HOUSE RESUMED.

# COMMITTEE STAGE AND THIRD READINGS

HON ATTORNEY-GENERAL:

Mr Speaker, Sir, I beg to move that this House will resolve itself into committee to consider the following Bills clause by clause:-

The Labour from Abroad (Accommodation)(Amendment) Bill, 1973  
 The Gibraltar Regiment Bill, 1973  
 The Public Health (Amendment) Bill, 1973  
 The Price Control (Amendment) Bill, 1973  
 The Traffic (Amendment) Bill, 1973  
 The Trade Licensing (Amendment) Bill, 1973 and  
 The Specified Offices (Salaries and Allowances) Bill, 1974

MR SPEAKER:

Before I proceed to the Committee Stage of these Bills the Honourable the Attorney-General has brought to my notice the fact that there will be a consequent amendment to all the first five Bills as a result of the new year. They will have to be 1974 and not 1973. So in order to save time I will pass the first section of each Bill as amended even though it has not been moved.

A Bill for an Ordinance to amend the Labour from Abroad (Accommodation) Ordinance (1971 No 5 of 1971).

Clauses 1 to 4 were agreed to and stood part of the Bill.

Clause 5

HON ATTORNEY GENERAL:

Mr Chairman, Sir, in accordance with the provisions of Standing Order 34(7) I seek your leave to take at this stage two amendments of which I have given notice.

MR SPEAKER:

I do grant leave.

HON ATTORNEY GENERAL:

Mr Chairman, Sir, I would like to apologise to this Hon House for troubling the House with these two amendments. They are not afterthoughts. They are omissions from the original Bill which arose from a typing error - if I may put it that way - in my Chambers for which I accept full blame. They do not, with one very small exception, have any significant effect and they are consequential upon amendments which have already been incorporated in the Bill. Mr Chairman, I move that there be inserted immediately after clause 4 a new clause as follows:-

"Amendment 5. Section 8 of the principal Ordinance is amended of Section 8. as follows -

(i) by the repeal of paragraphs (b) and (e) thereof; and

(ii) by the insertion in paragraph (m) thereof, immediately after the words "of this Ordinance" appearing therein of the words "or any part thereof".

Mr Speaker put the question which was resolved in the affirmative and New Clause 5 was agreed to and stood part of the Bill.

#### New Clause 6

HON ATTORNEY GENERAL:

Mr Chairman, I beg to move that immediately after clause 5 a new clause as follows:-

"Repeal of 6. Section 11 of the principal Ordinance is Section 11" repealed".

If I might just speak briefly on this, Mr Chairman. Section 11 of the Bill as it stands deals with re-classification of accommodation and this, of course, was contained in the original Ordinance where there were rules made for classification in the first place. In the amendment, which we have already approved, there is provision where the Director fixes the price for accommodation he has the power subsequently if the standard of accommodation has changed, to either lower the maximum price chargeable if the standard has dropped or to raise it if the standard has improved.

Mr Speaker put the question which was resolved in the affirmative and new Clause 6 was agreed to and stood part of the Bill.

HON ATTORNEY GENERAL:

I now propose that the old clause 5 be re-numbered as clause 7.

Mr Speaker proposed the question which was resolved in the affirmative and New Clause 7 was agreed to and stood part of the Bill.

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

A Bill for an Ordinance to repeal and replace the Gibraltar Regiment Ordinance Chapter 69.

MR SPEAKER:

Unfortunately there are 26 clauses but this Bill has no Parts so I have no option but to say "stand part of the Bill" 26 times.

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

Clauses 2 and 3 were agreed to and stood part of the Bill.

Clause 4

HON M XIBERRAS:

Sir, I wonder if I might mention the point which I raised when the second reading of this Bill was taken by the House when I made certain enquiries of the Hon and Learned the Chief Minister, and whether he has any further news on the subject. I was referring, of course, to the pay of the permanent cadre of the Gibraltar Regiment which affected also the voluntary element.

MR SPEAKER:

There must be a clause which we will come to in due course which deals with this matter.

HON CHIEF MINISTER:

I was waiting to hang it on to something.

HON M XIBERRAS:

I usually try to hang it on to something less than the Chief Minister does and I thought this might be an appropriate place as it is the most general clause.

HON CHIEF MINISTER:

Mr Speaker, Sir, I am very grateful to the Leader of the Opposition for seeking an early indication of this because I do listen carefully to what is always said on the other side. I try to pursue matters to the best of my ability. I have here the Hansard and there is nothing in the Hansard that I said that I have to retract and, in fact, the Honourable Leader of the Opposition did grant me that perhaps I did not know about something to do with Gibraltar Regiment salaries. I have, however, asked for an indication in this matter and there was no pressure on the part of anybody in the administration to curtail any proposed salaries to officers, but it was at the time when the Biennial Review of the staff side was in progress which coincided with the visit here of a team and there were consultations about what the Government was doing about certain officers and these consultations covered the whole range of people in the service who could be comparable or not. It was not the function of those who were consulted to say who should be compared with what and, therefore, all that happened was there were consultations between the administration and the visiting people of what the Gibraltar Government was doing in respect of their own officers. What effect that had or did not have on the offers made I cannot really say, but all that happened was that there was this consultation. The members of the MOD team wanted to know exactly what was happening in connection with the Biennial Review. This is the advice I have and I think that that answers, I hope, the matter that was raised by the Hon Leader of the Opposition.

HON M XIBERRAS:

Sir, I am grateful to the Hon the Chief Minister for that information or confirmation. I think that Hon Members will agree that consultation is sometimes a bit of a euphemism in these matters, but may I ask the Hon and Learned Member another question and that is whether, in fact, there was a team at the time. Was there a team from MOD at the time of my asking the question or round about that time, investigating the problem we are discussing?

HON CHIEF MINISTER:

I said that there was a team at the time of the Biennial Review, not at the time when the matter was raised by the Hon Member where when the first and second reading of the Bill were taken. And in any case if there was it had nothing to do with the Government. The consultations that took place was some time in 1972 when the discussions on the Biennial Review were taking place within the administration with the various bodies, that the team was here. That team was the one that I was referring to. If there was any other team subsequently, and there may well have been, there is no reference to any other visits or any other subsequent consultation.

HON M XIBERRAS:

I do not suppose the Hon Member has any information of the outcome of all this. That is, the tangible effect on the Gibraltar Regiment as such.

HON CHIEF MINISTER:

No, I have no other information except whatever decision was then taken about the salaries for the officers. And I still stand by what I said and that is that as far as we are concerned as the Government and as elected members, we will not interfere in anything that might prejudice any decision that the Ministry of Defence may be prepared to take in respect of Officers or Other Ranks of the Gibraltar Regiment.

HON M XIBERRAS:

Sir, may I say for this side of the House that since we are creating a new framework for the Gibraltar Regiment we would like to see the sort of financial condition for the permanent cadre and for the voluntary element which will ensure the success of the Regiment. I appreciate that this is not a matter for elected members on the other side, but I am sure everybody in the House will join me in saying that this is essential for the success of the Regiment.

HON LT COL J L HOARE:

Sir, I was going to raise exactly the same question but I was waiting until 25(c) which deals specifically with regulations made under this Ordinance which covers pay, rations, allowances, gratuities and pensions. I have been asking the Attorney-General when these Regulations were going to be made so that we know exactly what the conditions are.

HON MAJOR R J PELLIZA:

*Royal Army*

I think the Hon and Gallant Member who has just spoken is well aware through his experience here when he was, in fact, in the Pay Corps how demoralising it is for Gibraltar Regiment Officers and Other Ranks not to be treated on exactly the same lines and with exactly the same allowances etc. or equivalent allowances etc, to those of the United Kingdom. It is belittling and I hope that the Government, although this may not be their direct responsibility, I think it is very much a moral responsibility which no Government of Gibraltar can shirk.

HON CHIEF MINISTER:

Sir, I would like to make just one point. According to my advice there is no difficulty in respect of the revision of pay of the Other Ranks since their pay is based on analogues in civilian occupation and they are followed automatically. But what I do think should be also our concern - not here because it is not here where we have to vote the money - and which I know is a matter which has worried a lot of people, and that is the pension conditions of the permanent cadre. That, I think, is another matter but we are as anxious as anybody to see that they get a fair deal.

HON M XIBERRAS:

Sir, According to my information it is my understanding that the scales of the Officers in the permanent cadre do affect in practice the scales of all Other Ranks in the permanent cadre and also eventually the allowance of voluntary members of the Regiment. This is the information that I have. This side of the House obviously welcomes the interest the House is showing in all the conditions appertaining to the Gibraltar Regiment and since the House has been very much concerned with the transition from conscription to a voluntary force, I am sure that the House would have some authority, used in the loose sense, in this matter.

HON CHIEF MINISTER:

May I add a little more and that is that according to my advice Fortress Headquarters are now working on possible analogues for all ranks.

HON M XIBERRAS:

If we carry on long enough perhaps the Hon and Learned Chief Minister can read the whole of the brief that he has there.

Clause 4 was agreed to and stood part of the Bill.

Clauses 5 to 26 were agreed to and stood part of the Bill.

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

A Bill for an Ordinance to amend the Public Health Ordinance (Cap 131). Clause 1, as amended was agreed to and stood part of the Bill.

Clauses 2 to 4 were agreed to and stood part of the Bill.

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

A Bill for an Ordinance to amend the Price Control Ordinance (Cap 177).

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

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

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

A Bill for an Ordinance to amend the Traffic (Amendment) Ordinance 1973.

Clauses 1 and 2 were agreed to and stood part of the Bill.

New Clause 3

HON LT COL J L HOARE:

to

Sir, I beg to move that the following new clause/be numbered clause 3 be inserted in the Bill:

<p>"Repeal and replacement of Section 64A.</p>	<p>3. Section 64A of the principal Ordinance is repealed and replaced by two new sections as follows:-</p>
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Special  
conditions  
in all  
road  
service  
licences  
for taxis.

64A. (1) The Commission shall insert in every road service licence in respect of a taxi a condition that the vehicle shall not be used for hire or reward except by the registered owner or one named driver or, where a number of taxis are owned by the same person (whether an individual or a firm or body corporate), by the registered owner or a number of named drivers not exceeding the number of taxis owned by that person, and the Commission shall insert the name or names of the registered owner of the driver or drivers in the road service licence.

(2) Subject to the provisions of subsection (3) the Commission shall not insert in any road service licence the name of any person as a named driver unless it is satisfied that such person has no regular employment other than that of driving a taxi except where the person is required temporarily to replace a registered owner or a named driver who is incapacitated by illness duly certified by a medical practitioner, or who is temporarily absent from Gibraltar and, in the case of a named driver, is absent with the consent of his employer.

(3) Notwithstanding that a person is in regular employment other than that of driving a taxi the Commission may insert his name as a named driver if on the 8th February 1974:-

- (a) he was a named driver; and
- (b) the licence in which the name is to be inserted relates to the taxi or a taxi in replacement of such taxi in respect of which he was a named driver on that date.

(4) Notwithstanding anything contained in this section whenever the Director of Tourism certifies that in special circumstances connected with the tourist trade there is an exceptional demand for taxis on a particular day the Commissioner of Police may give to persons who are in possession of a licence issued by the Commission to drive a taxi and who are not otherwise entitled to drive a taxi under the provisions of this section permission to drive a taxi for the purpose certified by the Director.

## Penalties

64B. (1) Subject to the provisions of subsection (2) any person who, on applying for a road service licence for a taxi, applies for any person to be inserted in such licence as a named driver whom he knows or has reasonable cause to believe has regular employment other than that of driving a taxi shall be guilty of an offence.

(2) The provisions of subsection (1) shall not apply if the person for whose inclusion as a named driver application is made may be inserted under the provisions of section 64A(3).

(3) The registered owner of any taxi in respect of which there is inserted in the road service licence the name of a person as a named driver who, after such licence was issued and after the 8th February, 1974, has taken up regular employment other than that of driving a taxi shall, within fifteen days of such person taking up such other regular employment, inform the Commission of that fact and submit the licence to it for amendment. Any person who fails to comply with the provisions of this subsection shall be guilty of an offence.

(4) Notwithstanding that a licence has not been submitted for amendment in accordance with the provisions of subsection (3) the Commission may, if it has reason to believe such licence should have been submitted in accordance with the provisions of that subsection, call upon the registered owner of the taxi in respect of which such licence was granted, to submit the licence to it, and, if it is satisfied after due enquiry that a person included therein as a named driver has regular employment other than that of driving a taxi, may amend such licence. The registered owner of a taxi who fails to submit the licence within seven days of being called upon to do so shall be guilty of an offence and liable on summary conviction to a fine of £5 for each day on which such offence continues.

(5) Any person included in a licence as a named driver shall, until the licence has been amended in accordance with the provisions of this section, be deemed to be lawfully so included.

(6) Any person who is guilty of an offence under the provisions of this section for which a penalty is not specifically provided shall be liable on summary conviction to a fine of £50 and, in addition, the Commission may, if such person is convicted, revoke any road service licence held by such person."

Mr Chairman, this question of whether or not part-time taxi drivers should be allowed is one which has been with us since at least 1965 and has been decided one way or the other on at least three previous occasions. There was legislation in 1966, in 1968 and the latest in July, 1970. Throughout this period there have been proposals from full-time taxi drivers with counter proposals from part-timers and vice versa. In short, it is a continuing conflict of interest between part-timers and full-timers. Soon after the last legislation was passed in September 1971, I think, a petition was addressed by the Gibraltar Taxi Association with the names of, I understand, 64 petitioners to reverse that decision. This was referred to the Transport Commission who would not support the request of the Association to reverse the decision. The Association representatives then met the then Chief Minister on the 10th April, 1972, who agreed with them that legislation would be enacted to prevent every taxi driver, whether owner or owned driver, from having part-time jobs. The Hon and Learned Mr William Isola was dissatisfied with this agreement because of the recent amendment to the legislation. Whether the Hon Mr Isola considered that the principle was right or wrong is not recorded. A proposed meeting between himself and the Gibraltar Taxi Association never materialised because of the general election of June 1972. In October, 1972, the Gibraltar Taxi Association again made representations to revert to the pre-1970 position. The present Chief Minister met them on the 24th October 1972, because they had made fresh representations. In early November, 1972, I saw four representatives of the part-timers, four representatives of the six part-timers. At that time there were only six. And there the matter rested until, I think it was in late 1973, when further representations were again made by the Gibraltar Taxi Association and that, in fact, brought forth the amendment which I proposed to bring here in December 1973, and the publication in the press of that intention. As a result of that publicity, there have been further representations from other interested parties, all of which have now been considered and in our opinion embodied in this new proposed amendment. This last amendment, it is hoped, will satisfy all the interested parties since it preserves the right of the existing part-timers and at the same time protects the full-time taxi drivers whose main source of livelihood was, in their

opinion, threatened and still continues to be threatened. I would like to point out here that in this amendment we have used the term "has no regular employment other than that of driving a taxi" whereas previously it has been "such person who devotes his full time to the driving of that taxi to the exclusion of any other occupation". This different definition, I think, is much more flexible and meets the requirements of both sides without inflicting too many restrictions. I commend this amendment to the House.

Mr Speaker then proposed the question in the terms of the amendment moved by the Minister of Public Works and Municipal Services.

HON W M ISOLA:

Mr Speaker, I would like to go a little back on the history and the way that this amendment has been introduced to the House. The house will recollect that the Traffic Amendment Bill was published as a Bill to deal exclusively with the question of parking tickets and the parking system. It went through the first reading purely on the question of the parking tickets. When it came in December to the House, I think it was the Minister for Public Works who brought in an amendment regarding part-time taxi drivers. Now, though under the standing rules the way that this has been done is strictly speaking correct, this practice of coming in through the back door is wrong in principle. For instance, one could, for example, easily bring in an amendment to the Criminal Justice Administration Ordinance increasing the penalty of selling controlled goods by more than the approved price, by £20 and then when it has passed the first reading, come along to the second reading and third readings and bring in an amendment bringing in the death penalty under that Ordinance. What I am trying to get at, Mr Speaker, is that surely when one comes to the Committee Stage and brings in amendments, the amendments should really be amendments to the actual draft Bill as originally published and not something completely different to what it originally was at the time that the Bill was published. I think that this side of the House cannot agree to the way that this particular amendment to another amendment has been brought to this House. Now, Mr Speaker, in 1970, the position was that taxi drivers could only do a job as taxi drivers and were not allowed by law to do any part-time work. Because the situation in 1970 with the closure of the frontier was such that they were not doing as much business as they had done previously in 1969, the law was changed - and I must say unanimously in this House - deleting the question of part-time work. And from 1970, with the unanimous approval of the Opposition which is the Government

of today, taxi drivers henceforth were allowed to do part-time work in addition to the full-time taxi drivers. So in 1970, Mr Speaker, the position was that a taxi driver in law could be a full-time taxi driver or he could have a full regular job outside, as at that particular time the law was changed because the taxi drivers said that they did not have sufficient amount of work to do in full employment and, consequently, we allowed them, like everybody else in Gibraltar, to do a second job. So in order to do that - and they were very happy at that particular time - certain taxi drivers decided to take full-time employment somewhere else and use the taxis as part-timers. And that was the history in 1970. In 1971, Mr Speaker, the full-time taxi drivers said that they would like the law changed again, so that the named part-time drivers should not be allowed to work. Now at that particular time, Mr Speaker, the position was as follows. There are two types of taxi drivers, shall we say, there is the taxi driver owner who drives his taxi, and there is also the named driver, ie, not the owner, but the prson designated to drive that taxi. So the named driver, Mr Speaker, was really two types of person, he could be owner named driver and he could also be named driver but not the owner. When the Taxi Association came to the Transport Commission at that time to change the law as the Minister has quite rightly stated, it was only for the named drivers who did part-time work to be stopped. But if an owner named driver was not fully employed, he himself could do part-time. Now, at the particular moment of time when this came to the Transport Commission, Mr Speaker, there were only about six named part-time drivers who would be affected by the change of law, and the Transport Commission on 20 January, 1972, said, and I read: "The number of part-time taxi drivers involved did not warrant any change in the Traffic Ordinance. It would be difficult to define the number of hours a full-time taxi driver would be required to work and, if possible, there would be practical difficulties in enforcing the adherence to these hours". - And then and equally important, because this would be affecting a minority - "discrimination is shown by allowing taxi owners to have another occupation in addition to being part-time taxi drivers and depriving the same condition to named drivers". And, as I explained before Mr Speaker, that was the position in January 1972. The Transport Commission did not consider that there were sufficient reasons to change the law when after all in 1970 the law had been changed at the request of these taxi drivers to allow them to do part-time work. I asked, Mr Speaker, a question earlier on in these proceedings as to whether the Transport Commission had been asked to advise on the present amendment, and I would like to remind the House and I will come to that a moment later, that when I asked that question I was not referring to the amendment brought forward today by

the Minister for Public Works, but to the previous amendment which he brought in December, 1973. And if Mr Speaker will recollect when I asked the Minister whether the Transport Commission had been asked to advise after those recommendations he was, to say the least, very vague. But there is no doubt about it that he has never consulted the Transport Commission on these recommendations at all. Let me go, Mr Speaker, to the minutes on Thursday 20th December, 1973. Amendment to the Traffic Ordinance - not the one that we are discussing now but the previous one which the Minister withdrew. "The Commission took particular note of the fact that the proposed amendments in respect of part-time taxi drivers had not been submitted to the Commission before they were published in the press". And here we have, Mr Speaker, on the record, in 1972, the Commission stating against the recommendations of changing the law. We go further, on Friday 7th July, 1972, when this present administration was in Government: "A letter from the Gibraltar Taxi Association, I beg your pardon, representations made by the Gibraltar Taxi Association requesting the introduction of legislation to prohibit part-time taxi drivers to ply for hire was considered. The members did not agree to this request and reference was made to the Commission's recommendations made at a meeting held on 20th January". So again in July, 1972, the Taxi Association went to this Government and the Transport Commission said: "No, boys, no go". Again, Mr Speaker, in August, 1972, it was considered. Now I would have imagined, Mr Speaker, that in view of these recommendations in 1971 etc, that the Minister would have thought it to have asked for the advice of the Transport Commission, who, in turn, under this Bill, is being asked to enforce something. Now, my interpretation of the first amendment as it came to the House originally was this, that if you were owner named driver you could be in full employment but those six unfortunate people who were part-time would be stopped by this particular piece of legislation. In other words, Mr Speaker, we were being asked to discriminate against six individuals when the Transport Commission had on other occasions gone against this particular recommendation. Now, Mr Speaker, the Minister has said: "Well that is the Committee, or this is the Transport Commission". But the fact remains that the Transport Commission is directly responsible to the Minister for Public Works and it is a defined domestic matter. So the responsibility of this Transport Commission rests completely and squarely on the Minister's shoulders and on no one else. And he cannot hide by saying that they have had a chance to discuss this as the draft bill was published some time ago. The fact remains, Mr Speaker - and I do not know what has happened - but the Chairman of the Transport Commission had only been appointed some time in December, 1973, and I understand that only three or four days ago he has

resigned as Chairman of the Transport Commission. Why? Is it because the Minister has bypassed the Transport Commission? Has ignored the Transport Commission, which after all, Mr Speaker, is a pretty strong body, and of responsible people. You have the Chairman, you have the Commissioner of Police sitting on this Board; you have the Director of Tourism sitting on this Board; you have a person representing the Director of Public Works; you have two members of the public appointed to this Board and you have a Flight Lieutenant in the Royal Air Force. Now, Mr Speaker, are not the original amendments which came to this House in December through the back door and which the Chief Minister I think, very kindly agreed to leave for a little longer, the opposite.....

MR SPEAKER:

Just for the purpose of the record, I cannot allow that to go unchallenged. No amendments came through the back door to this House. If they are allowed it is because they are completely and utterly in order.

HON W M ISOLA:

When I say by the back door I mean a short cut. A very short cut. Not quite in accordance with what I would call the principles of bringing such an important amendment which would have deprived six people of something which they had a right to, by a very, very, short cut. And, Mr Speaker, because this particular amendment was allowed to go to the next meeting, the Minister has now come with a completely different type of amendment and if I might say, one which this side of the House, of course, now welcomes. And of course, Mr Speaker, it welcomes this amendment because Mr Speaker, it does not discriminate against these six part-time named drivers who, at the stroke of the previous amendment, would have been deprived of something to which they had a perfect right merely because certain people had put pressure on the Minister of Public Works to change the law. Now, Mr Speaker, you would again have imagined that when this new amendment came and which, Mr Speaker, we only received this morning - again an hour and half to study it - that in view of the minutes arising in the Transport Commission on the 20th December where they complained that they had not received the proposed amendments of the part-time taxi drivers, one would have imagined that even at a late stage the Minister could have again consulted the Transport Commission this year when they had their meeting on 10th January, 1974. But again, Mr Speaker, the Ministers chose to ignore the

Transport Commission which has a statutory duty to advise the Government on matters affecting traffic. Let us glance at the replies which the Minister gave me earlier on on questions and answers. I asked: "Am I right in saying that on those particular occasions in which it was discussed the Transport Commission recommended against the introduction of this amendment?" Lt Col Hoare replied: "The Transport Commission made certain recommendations not against, not for, not against." Mr Speaker, if he had taken the trouble, and I am sure he must get the minutes of the Transport Commission, and if he does not he jolly well should. I managed, at least, Mr Speaker, I did take the trouble before coming and talking to this House of looking at them. And I will say one thing, when I was the Chairman of the Transport Commission any one at any time could come along and look at my minutes because I had nothing to hide. And at present the Minister can actually go to the Transport Commission and look at all the minutes of the meetings at which I presided and everything in those minutes. But all I am trying to say is this, Mr Speaker, that if the Minister had taken a little trouble and read all those minutes regarding these recommendations he would not have come to the House and given us statements to the effect that they had made certain recommendations for and certain recommendations against. He knows perfectly well if he had taken a little trouble, what the recommendations were and why they were made. But he chose to be vague like, Mr Speaker, unfortunately, he can be at times. Very vague, Mr Speaker. All I am trying at this particular moment to say and to record is that on this side, on a matter of such vital importance affecting six people, the Minister should have gone to the Transport Commission and asked them for their advice. And, Mr Speaker, though this is a great improvement on the previous one, because it does not deprive the six people, I am very glad that the last amendment was put forward to this month because it has enabled at least the Government to have given a little more thought and to have been more considerate when changing the law as previously they were cutting the livelihood of only six part-time taxi drivers out of 140 taxi drivers. Thank you, Sir.

HON CHIEF MINISTER:

Mr Speaker, it is an interesting preamble to an agreement to the amendment. Let me first of all correct the speaker in one or two points - if I can be listened to with silence as we have been listening to the previous member. First of all, I do not accept that we had unanimous agreement to the amendment of 1970. I do not accept that that was done with unanimous agreement. There was no consultation and I have no recollection of having agreed to something which was the reversal of

a law we had passed very shortly before that. But at that time the Hon Member who was then the Chairman of the Transport Commission, was giving way to one kind of pressure as he is now telling us that we are giving way to another kind of pressure. This problem is a difficult one where there are conflicting interests, and I am glad to say that the amendment that has been brought here today has been as a result of persuasion on both sides particularly on the Taxi Association to accept as a fact of life that those who were registered as part-timers should not have their rights deprived. They were strongly against that and it was as a result of persuasion that they have accepted it as the fact of life. And it is not six as the Hon Mr William Isola was saying before, they are eight. And this is well known and certainly to those of us who are interested in the matter. And it is because we feel that there is, because of circumstances beyond their control, a limitation to the amount of earnings that can be got in the taxi trade and one aspect of this matter which has concerned us and which does not appear to have been mentioned once by the speaker who was so concerned about traffic, is that not only are we interested, and we have always been interested, in the livelihood of these people, but there was an overall consideration which we had to take into account and that is why we have to limit to some extent the infusion of part-timers, and that is the steady and continuing service to the public of the taxi trade as a whole. Now that is a very important consideration which a haphazard part-time owning and part-time working would disrupt the service by not being there and a corps of people who have their livelihood in that and are prepared to have a good service around the clock or whatever the requirements are. That is an essential aspect of this matter. Now, despite all the criticisms made by the last speaker, we have been able to arrive not only at a solution which is on the face of it, but one which is acceptable to both sides. And nothing is more abhorrent than to have to limit the rights of people in their occupations, because one should be as free to do whatever one likes but necessity brings about this kind of restriction, and if they have to be done it has been as a result of an attempt at settling the matter to the satisfaction of all concerned. And I would like to say in fairness to the Minister who was responsible for this amendment, that he has not been under any pressure from the Taxi Association. The Taxi Association have been continuously making representations to me direct and though they have been exercising their representations and so on and the pressure to the extent that they were able to, he has not been under any pressure. I have not been under any pressure. I have had strong representations but, equally, I have gone back to the charge with them in order to ensure that they

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accept that a fact of life that those people whom they resented and whom they had been asking to be excluded because they were spoiling the trade, should be accepted so long as we were able to ensure that no more people should come and that the restriction only safeguards the people with a vested interest in the trade. Whether one consulted the Transport Commission in 1972; whether a member of the two unofficial members provide the honourable member with copies of the minutes, is no concern of mine. Certainly if I had been in Opposition I would not have gone round to one of the members to try and give me copies of the minutes and, therefore, one can only guess where that comes, where the nominations came in the Transport Commission, and one can understand how hot and bothered the honourable last speaker gets because he presided over the Transport Commission to which he gave a considerable amount of time and good work, if I may say so, but we have considered that that venue is not one on which there should be a political head, despite the fact that we have been accused of trying to run everything. In fact, we do not think that the Minister should be concerned with presiding over an advisory board of this nature because, in some respects, it is an advisory board, in other respects, it is a statutory board, and despite all that has been said, at the end of the day we find that the amendment that is brought before this House is welcomed by the other side and, perhaps, members opposite will have the courtesy of listening or not making noises because otherwise they could get exactly the same treatment from this side even though it may be an effort for us to do that, in order to interrupt them. Thank you.

HON M XIBERRAS:

Sir, it is a pity that the remark the Hon and Learned the Chief Minister made about "checking up" when my honourable and learned friend had a consultation with me, was not applied by himself to himself in this whole matter. It appears very much that the Taxi Association was making representations to the Chief Minister, and it was the Chief Minister who was applying the pressure to the Hon the Minister for Public Works. Be that as it may, it is quite clear that in a matter that appears to be so important to the Hon and Learned the Chief Minister now, the Government, especially the Chief Minister and the Minister for Public Works, took very little care in presenting an original amendment to the House. A matter that has been debated for such a long time in which such a fine point had to be made, was yet brought in, metaphorically speaking, through the back door and presented to this House as an adjunct of another amendment which was a full Bill and which dealt with something completely

different. How insincere the words of the Honourable Learned the Chief Minister ring now. Where is his concern for the taxi drivers, for the poor eight people, not six mind you, who were excluded? And where was this concern and where was this taking up when the Hon the Minister for Public Works introduced his first amendment in his House? The Honourable and Learned the Chief Minister has talked about this side having access to minutes of the Transport Commission. Well, Sir, if this is the only way in which we can check upon the statements made by Honourable Members of this House and by Ministers responsible for a defined domestic matter, then, Sir, I think it is a good cause. Because you cannot hide behind the confidentiality, if there is any in these documents, in order to mislead this House. Sir, the Honourable and Learned the Chief Minister had assumed that there is agreement on this amendment. He would have done well not to have assumed any such thing. We welcome the move made by the Government in introducing this amendment after a great deal of reconsideration and a great deal of pressure, it appears, from every quarter, but this goes only part of the way. It is true that these eight persons have been, as it were, saved from rather hasty, as it appeared, action by the Government on a problem of long standing but my Hon and Learned friend Mr Isola has brought in a number of matters which are fundamental to this amendment - the distinction between the taxi driver owner and the named taxi driver. And I hope that honourable members on that side will be able to say something about this and for the reason for this distinction. It appears to me that the Hon and Learned the Chief Minister at the time of the 1970 amendment voted in favour of that amendment. But he has had ample time to reconsider his position, it would appear. We are not satisfied on this side that he has got the matter absolutely right, even now. As for the Minister of Public Works, Sir, I cannot be satisfied that the statement he has made in answer to question No 3 of 1974 asked by my Honourable friend Mr William Isola was such as to give a clear indication of what consultation he had had or had not had with the Transport Commission. As I heard him reading at great length this amendment which was presented to this side of this House at midday today, I could not help noticing the number of times that he mentioned the Transport Commission - the Transport Commission will do this for me and the Transport Commission will do that for me. But the Transport Commission apparently was not really consulted and thoroughly consulted on this Bill. It appears that the Transport and General Workers' Union was happily consulted; that the Gibraltar Taxi Association was consulted; it appears that the six or eight taxi drivers were consulted;

it appears that for once the Opposition was listened to; it appears that everybody had a fair crack of the whip with the Minister. But the Transport Commission that is the statutory body whom the Minister is asking to do a job of statutory work for him, was not consulted. I cannot remember the dates of this because I have not had a chance of looking at these minutes but, of course, let us have it, they are here - I am just checking up, if I may. "The Commission took particular note of the fact that the proposed amendments in respect of part-time taxi drivers had not been submitted to the Commission before they were published in the press". This was on 20th December, 1973, and that is in the minutes. Let us compare that with the statement of the Minister in answer to Question No 3 - I am just checking again. "The Transport Commission made certain recommendations not against, not for, not against". - I quote from Hansard. Well, Sir, if the Minister had any respect for this House, perhaps he would set the matter straight and correct his statement and not compel us to quote from minutes of the Transport Commission, and I am quite willing to give way to him, of course, if he desires to do so.

HON LT COL J L HOARE:

Mr Speaker, there has not been any recommendation ever from the Transport Commission for or against. What is included in the minutes of the Transport Commission is this: "These representations were considered by the **Transport Commission** who would not support this request", I repeat, who would not support. That is not a recommendation of any sort.

HON M XIBERRAS:

I ask Honourable Members to compare the Minister's last statement and final word on this with what I have just quoted, ie "The Transport Commission made certain recommendations not against, not for, not against". The Minister has quoted a recommendation which said that the Commission would not support. I ask Honourable Members to compare that with the statement that I have just quoted. And again I ask the Minister to withdraw.

HON LT COL J L HOARE:

No, I will not withdraw. It could well be that I used the word "recommendation" thereafter about twenty supplementaries rather inadvisedly but the intention was there, that there

was, in fact, no recommendation, that they just could not support a request that was made. That is not a recommendation for, neither is it a recommendation against.

HON M XIBERRAS:

The Hon Member has just said that there were no recommendations, yet after a number of supplementaries he said: "The Transport Commission made certain recommendations, not against, not for, not against". And let me say, Sir, that this was the whole brunt of the question.

HON LT COL J L HOARE:

I have already said that the use of the word "recommendation" there was wrong, was injudicious, and I used it after a long batch of supplementary questions, but the intention and the inference is there. That is was neither for nor against. They would not support a specific proposal.

HON M XIBERRAS:

I am sorry, but this cannot be accepted. Not even the sense of those words.

MR SPEAKER:

You are not debating the conduct or the admissions of the Minister. We are debating the actual amendment which is the addition of a new clause.

HON M XIBERRAS:

I thank you, Sir, but I think it is an important matter because.....

MR SPEAKER:

You have asked the Minister to retract and he has said he has nothing to retract. There is nothing else we can do about it.

HON M XIBERRAS:

The standards of this House, Mr Speaker, to my mind, in my humble opinion, have dropped a shade because of that. Hon Members on that side appear to be very happy. I do not know what about.

MR SPEAKER:

Order. I will not have people speaking across the floor of the House.

HON M XIBERRAS:

The Hon the Minister for Labour is talking about my discomfort. Let us then have the House believe, Sir, that a statement from the Transport Commission which says: "We will not support such a recommendation", is not a recommendation. Let the House believe then, Sir, that it is not for, or against, this proposal. Let us have it that way. And let us take all future statements of the Minister with as much latitude as we are prepared to show on this occasion, including one that will be coming shortly. Perhaps that will add to the discomfiture of Hon Members opposite.

HON LT COL J L HOARE:

Sir, before he leaves that may I ask him to look a little bit further down where I have explained even that. The Leader of the Opposition asked: "Is the Hon Member quite sure that the Transport Commission did not recommend against this amendment?". I replied: "They made several suggestions against it, but did not make any recommendations against it." And this is what I have been trying to put over. And this was corrected at that particular time.

HON M XIBERRAS:

A bit further down it says: "No, but neither did they make any against it, but of course to say that they were not prepared to support it is not against the proposal". Of course not. They sat on the fence. At least we are now getting to - "they sat on the fence". Well, Sir, the Hon Learned Chief Minister has levelled the veiled criticism of political people in the Transport Commission, and referred to my Hon and Learned friend being the Chairman. Perhaps, he

does not remember an ex-Hon Member of this House, Mr Emilio Alvarez, of his Party, who was also a political Chairman of that Commission. But the Hon and Learned Chief Minister appears to have a rather bad memory when it suits him. Sir, to sum up on this amendment, the Opposition's attitude is one of regret that the matter was brought in the way it has been. That the amendment was **presented** to Hon Members here rather late in the day. That the amendment itself has a number of points particularly as to taxi driver owner and named taxi driver which requires some sort of explanation and, equally, on the other side, the Opposition's view is that this amendment will certainly safeguard the immediate object of the representations or the arguments of this side, which was to save the eight part-time taxi drivers who were going to be affected by the legislation.

HON J BOSSANC:

Mr Speaker, the original amendment was made public in the press and the reason given for it was that representations had been made to the Government about the effect of the existence of part-time drivers.

HON CHIEF MINISTER:

If the Hon Member will give way I may help in his argument. No, and this gives me an opportunity of replying to one or two of the references to the "back door" business. I did explain the last time that when we wanted to introduce this amendment I was advised by the Attorney-General that since there was a Traffic Bill before the House it could properly be included in the Bill and because it was important and there was not the opportunity of having a first and second reading and a published Bill, we made it a point of publicising it by putting it in the press in order that people would be able to make representations. It was after notice was given in the press that the representations were made. It was made precisely to bring it to the notice to those people **who would be affected** That was the point of the announcement. And I did say at the time that as a result of that I was sure that the proposed amendment had more publicity than if it had been published in a green paper of a draft Bill. It was after that that the representations were made. And it was after that it was mentioned at the last meeting of the House, that there had not been enough time and I said: "Of course, that is why we published the notice. We will be quite happy to adjourn it for another meeting so that people would have time". I accept that there has been a change from the last one, but so long as the change is in order

to meet the representations that were provoked by the announcement, I think we were doing the thing in the right way as if it had been a Bill that had been published.

HON J BOSSANO:

Mr Speaker, the publication of the original amendment was intended to produce, or to give people the opportunity, to make representations either in favour or against the amendment. But what I cannot understand clearly from what the Hon and Learned Minister has said is whether the amendment itself was the result of the representations, or whether it was something that the Hon and Learned Chief Minister thought up all by himself.

HON CHIEF MINISTER:

Sir, the amendment that we bring today is of course as a result of the representations. The original one was as a result of the representation of one of the parties to the problem who were the Gibraltar Taxi Association. And because other people would be affected, as I pointed it out to the Association, I insisted on it being made public so that we could get the reactions from the others. And it was as a result of the representations that we got there, that not only are we making the amendment but I was able to persuade the other party to accept the situation as a real one in order that there would be agreement in the trade.

HON J BOSSANO:

Well, I thank the Hon and Learned Chief Minister for this clarification. So we have a situation, Mr Speaker, where one side came to the Government and made representations, the Government drafted an amendment after listening to one side only and then published this saying: "This is what they are going to do unless somebody objects." Well, it would have been more logical I think, Mr Speaker, to have invited the other side before anything had been drafted and it would have saved everybody a lot of trouble. But, nevertheless, my information - and I have been involved because it so happens that many of the part-time drivers affected are members of my Union - and they came to see me because they were worried about the threat to their part-time employment and as we know the elimination of the two-job society is not yet a part of the policy of the Government - we have already had the

information in a previous meeting of the House - and this people were worried by this threat to their part-time employment. I did not know whether this was the beginning of a campaign to get rid of everybody's part-time job or whether it was going to stop there. And I was concerned about this threat because it seemed to be a real one, and I advised them to contact the Resident Officer of the Transport and General Workers' Union and ask him to make representations. And the Resident Officer, to my knowledge, has had great difficulty in making representations because, in spite of the fact that the Transport Commission was not responsible for the original amendment, the Hon and Gallant Minister for Public Works kept on putting up the Transport Commission as the body to which representations had to be made although we learned that the original representations which produced the original amendment were made to the Chief Minister himself. Now, it is all very well for the Chief Minister to be thoroughly amused by the whole situation, he can sit there and giggle his head off because his part-time jobs are not in danger, with either the original amendment or with this one. Perhaps if they were he would not find the whole thing so amusing. And he does seem less amused now than he did earlier on, I recognise that fact, Mr Speaker. And I think that the undesirable element in this situation is that we have now had in front of the House a new, a completely new, amendment brought which goes some way towards meeting the original objection, that is, that it safeguards the part-time employment of the eight people who are doing it now, but the House has not had an opportunity itself to decide whether this amendment is necessary at all. All that we know is that representations were made direct to the Hon and Learned Chief Minister and the Hon and Learned Chief Minister in his wisdom decided that it was necessary to do away with part time employment; first of all for everybody, secondly, only for the future and the second position is an improvement on the first. But it might be an even better improvement if the amendment did not exist at all. And since, on this side of the House, we are not blind believers in the wisdom of the Hon and Learned Chief Minister, we cannot give our wholehearted support even if the measure is an improvement on what he originally proposed to do.

HON CHIEF MINISTER:

I do not expect it.

HON J BOSSANO:

Well, I am glad he does not expect it. He knows that the puppets are only on one side, Mr Speaker, and that is a very desirable state of affairs. And therefore, Mr Speaker, we must make it quite clear that it is the manner in which we are being expected to rubber stamp things that we object to most strongly, because we have not had an opportunity to listen to the case for a discrimination which says that owners of taxis may drive their taxi and have regular employment and employees who are taxi drivers may not have regular employment unless they had regular employment on the 8th of February. It is, to say the least, a very complicated peice of legislation affecting eight people who theoretically are putting the standard of living of 114 others in danger. Now, the relationship between the numbers involved suggest to me that the danger cannot be very great. There are many other professions where eight people being involved in it or being eliminated could provide quite a lucrative increase in the income of those involved. And one might see the logic of the Hon and Learned Chief Minister's interest in the economic relationships if another profession were involved. But we are talking about the profession of taxi drivers, and there are no members of this House, to my knowledge, who indulge in part-time employment, also some of us might be forced to reduce ourselves to that position. And so, Mr Speaker, we object to this lack of information which enables us to take a decision which we can defend in the House and outside the House. Because we do not want to find ourselves going out of the House and defending something that we have voted for on the grounds that the Hon and Learned Chief Minister has said it is okay. Those days are gone and finished, and we are grateful that they are. And to my knowledge, Mr Speaker, neither have arguments in favour of the need to restrict the opportunity for part-time employment been made available to the people who make the representations, if representations have been made, in respect of this amendment. That is, that to my knowledge, the Transport and General Workers' Union has not been told that there is a good case for saying that the income that is derived from driving a taxi is so limited that the opportunity for doing it on a part-time basis has got to be cut down so that when the eight who are doing it now are no longer able to do it, no others shall have the opportunity of doing that particular part-time job. In addition, the Hon and Learned the Chief Minister said that there was another overriding argument quite above from the effect on the income of the persons involved and that was the regularity of service that could be provided by those who were on the job all the time and not just.....

HON CHIEF MINISTER:

If the Hon Member will give way, I did not mean that. What I meant was that overall there was an interest in keeping the service going as a whole. It did not imply that part-timers would not give service. What it implied was that if there were not enough full-time people because part-timers would poach on them, then there would be no regularity of service overall. It did not mean that this present one made it impossible. We have told the parties concerned that this amendment will be under review and if, as a result of this the service is not good enough, then there may have to be again a free for all. That is what I meant.

HON J BOSSANO:

Mr Speaker, I am grateful for that clarification from the Hon and Learned Chief Minister because this is precisely the argument that was put to me by the persons affected, that because they come in to the job in the evenings, for example, the men who have been at it all day are less keen to carry on at night, late at night, when bars close. It is part-timers, generally, who are interested in taking passengers and not the full-timers who already have done a whole day's stint on their taxis.

HON CHIEF MINISTER:

Sir, there is one point I would like to say something on, of all the remarks that have been made I will not pay much notice to the cynical remarks made because they do not touch me, but in so far as the questions of representations are concerned, I think it is hardly fair to say that the Union had no opportunity of making representations, hardly fair. They wrote on 17th December and there were the representations on the letter of the 17th December. And on the 25th January the Secretary of the Transport Commission wrote to the Resident Officer as follows: "I refer to your letter of the 5th January addressed to the Minister of Public Works and Municipal Services and would like to bring to your attention that during our telephone conversation I referred to your letter dated the 2nd January 1974, of even reference, and informed you that on publishing the amendment to be moved at Committee Stage it had not been the intention to invite oral representations. I also asked you to make written representations to the Minister if you wished to enlarge on the matter in question but if you still wish to see the Minister you could

again write for an interview. This telephone conversation which took place, arose from a directive from the Minister in order to expedite matters and was taken as a reply to your letter of the 2nd of January."

HON P J ISOLA:

Sir, it is interesting to note that it is the Secretary of the Transport Commission who apparently replies to letters addressed to the Minister and that same Transport Commission is not asked to advice on matters that the Minister proposes to bring before this House. It is a very curious way, I would have thought, of conducting matters. Mr Speaker, the Chief Minister in his supporting remarks for the amendment, referred to the need to keep the taxi service going in Gibraltar and apparently arrogated to himself the right to decide how that need was best served. In the first instance when he saw the Gibraltar Taxi Association he initially goes into print with an amendment to the Bill and tells us, well, a year later, sorry, they came back a year later, and I notice during that period of a year, nobody's advice was sought. Certainly not the part-timers. And a year later they come back and say: "What have you done about this?". So immediately then he says: "I better do something" and he puts into print legislation that would deprive, as we now know, eight people - it might have been eighty, I do not know - eight people from their livelihood. And tells us in this House: "I have put a Bill so that people would know what I was doing". Well, Mr Speaker, what is the Transport Commission there for? I mean, does the Government support the Transport Commission? Who are the people whose duty it is to advise the Government on all traffic matters? And whether to grant taxi licences or not? The Transport Commission. But no, no, Mr Speaker, not the Transport Commission. Publish a Bill and then let us see what happens. If we get away with it, we put it through in the December meeting. But what stopped that Bill being taken in Committee Stage in December, 1973? Well, I am afraid I was not going to take the credit for it. I was going to pay tribute to the Transport and General Workers' Union who wrote a letter to the Minister on it and protested and that, apparently, was effective, so effective that without seeing anybody else, Mr Speaker - the Minister did not condescend to see the Transport and General Workers' Union - the little letter that he wrote talking about the part-time drivers "What about us, mate?" - just six - well, that apparently had not been thought about before by the Government and so, quickly, today, they went into print again with another amendment. Mr Speaker, that is the new style of the Government - instant Government - but

somehow or other, Mr Speaker the Minister is determined not to consult the Transport Commission. And apparently we are told that this has resulted - or I do not know whether it has - in the resignation of the Chairman. I am not going to ask the Minister whether the Chairman has, in fact, resigned or not because I should imagine that he will get up and say that he has resigned and he has not resigned. And it will be left to later information at a later stage of the meeting or some subsequent occasion to find out what the position is, so we will not ask him. But I am not surprised that the Chairman of the Transport Commission has resigned. In fact, I am surprised that the rest of the Commission have not resigned. I suppose some of them cannot because they are ex-officio members put there by the Traffic Bill so they cannot get out of it, they are in. But, certainly, we have talked a lot about it and I think this side of the House would certainly like to know from the Minister or the Chief Minister if he is the one who has been directing operations in regard to this Bill, why it was that this brainwave did not come then during that whole year, of going to the Transport Commission and saying - not looking at what they decided in 1970 or what they recommended somewhere else, no - say now up to date: "This is the situation. The Government feel that a full-time driver whom the House of Assembly has permitted to have other employment, should not have any competition from part-time drivers in other employment. Now these are matters on which we would like to hear your views on". It is incomprehensible to this side of the House why the Transport Commission has been so ruthlessly ignored on this particular aspect and, of course, Mr Speaker, we will be asking why they have been ignored on the other part of the aspect which we will be discussing later on. I think it would help us all to understand the Minister better if he could tell us fully and frankly why it is that the question of the taxi drivers was dealt by the Chief Minister at such a high level. It is of interest to this side of the House.

HON CHIEF MINISTER:

They were also received by my temporary predecessor, the Hon Mr Peliza, when he was in office.

HON P J ISOLA:

Mr Speaker, I am sorry, but I thought I heard that the Chief Minister at the time most certainly consulted with the Chairman of the Transport Commission.

HON J CARUANA:

Mr Speaker, when we were in Government I acted temporarily for my honourable friend on my left when this issue came and I advised and took the taxi drivers to see the Chief Minister because I was completely out of touch with this problem. And this is why the Chief Minister of the day saw the Taxi Association when he did.

HON MAJOR R J PELIZA:

I was precisely going to say that, Mr Speaker, because I think the Hon and Learned the Chief Minister tends to come to conclusions which I just do not know how he arrives at them, like saying: "The other side is in agreement with this amendment", just like that. Or then saying: "Well, of course I did not expect you to be in agreement". In fact, the main reason why I have stood up is because I think it is in the interest of this House that statements made by members of this House are accurate. Accurate and truthful. Not only in substance but also in sentiment. We heard the Hon and Learned the Chief Minister referring to the question of the appointment of the Chairman not being political - non-political. Does not the Hon and Learned the Chief Minister remember soon after he was elected - unfortunately for Gibraltar - and became Chief Minister, that the first thing he did was to suggest that the previous Chairman of the Commission, my honourable friend Mr William Isola, should be Chairman of the Commission. And is not that a political appointment?

HON CHIEF MINISTER:

If the honourable member will give way. I did not say that it was not a political appointment. We had not put a politician there. I praised the work done by the previous Chairman, Mr W M Isola - I said so in my speech. If members will listen to what one is saying instead of whispering to one another because otherwise they cannot react. I was hoping that the Hon Major Peliza having given way, would listen to what I was saying. No, you could not listen and talk at the same time. Perhaps you have to ears - computer brains, perhaps. What I said was that we had not thought it necessary to put a political head this time and I praised the previous chairman for the very good work he had done. And I am very glad to have been reminded that I offered him to take that post when we entered into Government, to show that as far as we were concerned, it was not a political thing but an administrative matter.

HON MAJOR R J PELIZA:

I am glad that the Hon Chief Minister thought so highly of my colleague and I hope that he has taken seriously the contribution that my honourable friend has made to this House today on this matter. Because, obviously, I think his word should carry weight with him. And one of the lessons, I hope, ~~that he~~ has learned is that the Commission should be consulted. I am, of course, very pleased that at the time the suggestion was made by the Chief Minister, I did not accept the idea that my honourable friend should be represented in that Commission. Had he been he would have received the sort of cold shoulder that the Commission has received today and that would not only be discourteous, I think, but very wrong in the interest of traffic, generally, in Gibraltar. And, therefore, I think it is very important in my view that members of this House and, certainly Ministers, when they do stand up and make a statement they make an accurate statement, otherwise, not only are we going to lose the dignity of the House but the credibility of the members of the House.

MR SPEAKER:

May I say that I have not accepted anything that has been said by the Opposition as an imputation of an erroneous statement and that is why I have not called any one to order. And I want to make that very, very, clear. There have been a lot of suggestions and allegations as to the standards of the House. I am the sole arbiter with the advice and the directions of the members, most certainly, as to whether the dignity of the House has been impinged. I have not considered it necessary to intervene. Perhaps one should be able to talk about members making statements which are incorrect and not necessarily untrue. As the mover does not wish to reply I will now put the question which is that a new clause be added to the Bill to be known as clause 3 in the terms moved by the Honourable the Minister for Public Works.

On a vote being taken the following Honourable Members voted in favour:-

## GOVERNMENT:

The Hon Sir Joshua Hassan CBE MVO QC JP  
 The Hon A W Serfaty OBE JP  
 The Hon A P Montegriffo OBE  
 The Hon M K Featherstone  
 The Hon A J Canepa  
 The Hon I Abecasis  
 The Hon Lt Col J L Hoare  
 The Hon H J Zammitt  
 The Hon J K Havers  
 The Hon A Mackay

the following Honourable Members abstained:-

## OPPOSITION:

The Hon M Xiberras  
 The Hon Major R J Peliza  
 The Hon P J Isola OBE  
 The Hon W M Isola  
 The Hon J Bossano  
 The Hon J Caruana  
 The Hon L Devincenzi

New Clause 3 stood part of the Bill.

HON LT COL J L HOARE:

Mr Speaker, I now move that a new clause to be numbered No 4 be inserted in the Bill reading as follows:-

"Amendment (4) Section 89(1)(c) of the principal Ordinance  
 of Section is amended by the insertion immediately before  
 89 the words 'motor vehicle' therein of the words  
 'bicycles, horse-drawn vehicles and' ".

I gave the reasons for this change earlier, Mr Chairman, but since there has been so much discussion since then, I better repeat the object. The object of this is to bring horse-drawn vehicles and bicycles into line with motor vehicles when it comes to the Governor-in-Council requiring to make regulations prohibiting or restricting the use of specified roads. At the present time there is no provision in the law for any such restrictions to be made and this is an anomaly which this amendment seeks to put right. I commend the amendment to the House.

Mr Speaker put the question in the terms of the above amendment which was resolved in the affirmative and New Clause 4 was agreed to and stood part of the Bill.

Clause 5 (old Clause 3)

MR SPEAKER:

There is notice of an amendment which is now a consequential amendment.

HON LT COL J L HOARE:

I have the honour to move that Clause 3 in the Bill as printed be renumbered as Clause 5.

MR Speaker put the question in the terms of the above amendment which was resolved in the affirmative and old clause 3 was re-numbered Clause 5.

HON W M ISOLA:

Is that the one that refers to parking tickets. I am slightly confused.

MR SPEAKER:

That is correct. It is the clause dealing with parking tickets.

HON W M ISOLA:

Mr Speaker, earlier on I asked a question in this House whether the Government had asked the Transport Commission to advise them on the Traffic Amendment Bill and my question, of course, was two-fold. One was regarding the part-time taxi drivers which we have just discussed, and the other regarding the question of the parking ticket. The reply from the Minister was: "Yes, Sir, the Transport Commission has on numerous occasions when dealing with the parking problem advised the introduction of parking tickets". I did not wish to take the Minister unaware but I did have these minutes and I rung him up as a matter of courtesy to tell him whether in

actual fact his reply to me was accurate because I did not consider it to be accurate based on the minutes which I have before me. According to the Minister he informed me that as far as he was concerned the answer which he gave me was the correct one. I will come back to this particular matter in a few moments. In the meantime what is before us is whether we should have a parking ticket system or not. Since some time has elapsed since this particular matter was brought a few months ago, I might remind the House that this parking ticket system is one in which a policeman, on finding a car in a no parking area, can slap a ticket on the car. And after he has slapped the ticket on the car I think the owner or the driver has two weeks in which to opt to pay a fixed fine or not. Well, Mr Speaker, that was introduced in England and whether it is very successful or not I do not know. But, is the introduction of the parking ticket system in Gibraltar really necessary? I think that we would all agree that the last thing that we want to do is to give more power and more responsibility to our Police Force. And if we have to give them more responsibility we must make sure that we are giving it because it is absolutely essential and necessary. We have an enormous parking problem and there is no doubt about it that practically every person in Gibraltar at some time or other commits an offence in parking in a no-parking area. Let us be basic. Up at the top of Willis's Road the position is very, very bad. On this question of whether we should have parking tickets or not one should consider the whole question of parking. Whether we should bring up the question of parking areas or what areas should be made no-parking or whether there are more places which are at present no-parking should be allowed for parking. In other words, we should have a jolly good exercise of whether we can still find more parking places for the public. And then when we have discovered that we have more parking places and then people insist on parking indiscriminately then is the time to consider taking further action. But in actual fact, Mr Speaker, has that been done? You see, one of the objects of this Bill when it was introduced by Her Majesty's Attorney-General, was that this will save a considerable amount of valuable police time. But did Her Majesty's Attorney-General consider the public relations between the public and the police on this particular matter in such a small place? Or was he just interested that it concerned valuable police time. I think one should go a little further and a little deeper into this. In a small place like Gibraltar everybody knows everybody else and I am not saying every member of the Police Force is perfect but perhaps there are two or three who are, shall we say, a little officious, and may just plonk tickets galore. Or you may find the other type who is an efficient policeman but is more lenient. But all this is

far more important, Mr Speaker, than just the question that it would save a considerable amount of police time. That is not a sufficient reason that we should give members of the Police Force a free hand on this particular matter. Has the Government considered whether the Magistrates' Court will be able to deal with this flood of parking tickets? I do not know. Mr Speaker, there is a minute here of the Transport Commission looking carefully, as a big exercise, into the question of finding more car park places. I remember, Mr Speaker, when I brought in the question of decongestion, that of course saved a lot of Police time, but I also remember very distinctly before bringing the question of the decongestion of Main Street - when in actual fact there were cars parked galore where they had no right to be but they were parked - I remember calling a certain Superintendent of the Police Force and saying: "Now, look, the fact remains that there are about 15 or 20 parking places around and cars are parked there. Let us see if we can find more parking places in our town". And they looked around very efficiently and we found another 15 or 20 more parking places. And subsequently if Hon Members remember, by going into it a little more deeper we allowed parking from The Convent to the Referendum Gate which before was not allowed. There we found some more parking places. Why cannot we do that instead of bringing this Bill and knocking people on the head with a parking ticket. We have lived quite happily and I had not heard of a good reason why this has become so important and so necessary now except, as Her Majesty's Attorney-General kept telling us, it saves valuable police time. That is all, No real reasons have been put forward except that this is also done in England. But England is a very different place to Gibraltar. I would have imagined, Mr Speaker, that before this came around we should have had a big exercise in which the Transport Commission would go into the whole question of parking, generally, and find out where additional parking spaces could have been made available and then, if people still persist in parking in no-parking areas, then they should be got at. But now we come to the question, Mr Speaker, of whether the Transport Commission has been consulted and what are their views on the parking ticket system. Mr Speaker, you will agree with me that the question of the parking ticket is an important one because it is giving the right to policemen to do things which they did not have before. It gives them much more power and one would have imagined that this would have been considered very carefully in the Transport Commission who after all as we have heard today is the statutory body which advises Government. And before we go anywhere else let us remember one thing that though the police is a non-defined domestic matter, on matters affecting traffic it is a defined domestic matter. So we are now dealing with something which is a defined domestic

matter and where we can do as we please. Mr Speaker, let us hear what my honourable friend the Minister had to say on whether the Transport Commission had been consulted or not. Because my personal view is that the Transport Commission has been ignored on this matter once again. The Transport Commission has not been asked to advise. Mr Speaker, the Minister replied: "The Transport Commission has, on numerous occasions when dealing with the parking problem, advised - advised is the word - the introduction of parking tickets". And on another supplementary. "The Bill was made available to the Transport Commission in the same way as any other Bill. Recommendations were made over and over again about the parking ticket system". Now, one would have imagined, Mr Speaker, when these minutes are circulated amongst members, that suddenly on none of these minutes does the mention of parking tickets appear at all. And yet, Mr Speaker, it is incredible that on a matter of such public importance there should be no recording at all on these minutes and yet you have little minutes or recordings such as that a zebra should be inserted or a window mirror as one item of the Agenda. Let me go to the meeting, Mr Speaker of the 8th February, 1973. I quote: "Decongestion of Main Street, No 22 of 1973. Arising from letters, etc, of local press about the decongestion only two disagreed with the scheme. Consideration was given to these letters most of the suggestions made had either been or would be implemented shortly. During their discussion the members agreed to recommend that the penalty for parking offences should be increased. This would serve as a deterrent and to the strict enforcement of essential traffic lights". Now we come to this: "Mr Bird, the Commissioner of Police, said that a Bill authorising the police to issue parking tickets was in the process of being passed and that his department would continue to keep a close watch on Bomb House Lane and have it manned when children arrived or left the Hebrew School. He added that a 50-mile per hour sign had been placed at the entrance of Main Street". This, Mr Speaker, is the only time that there is a record in the Transport Commission on the question of the parking system and I challenge the Minister to produce any minutes from February, 1972, to date, when the parking ticket system has been discussed in the Transport Commission. And I am sure, Mr Speaker, that the Minister, if he is interested in traffic and transport, must have gone through these minutes day in and day out or I challenge him to ask any member of the Transport Commission whether the parking ticket system has been discussed there at length. Therefore, Mr Speaker, I find it very strange when he said, in answer to my questions, that recommendations were made over and over again about the parking ticket system. I cannot understand that. He may have some minutes of which I am unaware of. But there is one thing which is perfectly clear, and I have gone through all the minutes myself, that there is no other mention

of it after that date in which it was casually brought in as a piece of information to the Transport Commission. I am speaking at some length on this, Mr Speaker, because on a matter of such importance as the parking ticket system it is very relevant that a body such as the Transport Commission should have been consulted.

MR SPEAKER:

It is not relevant at this stage to elaborate as you are doing now on whether consultation has taken place between the Minister and the Transport Commission.

HON M XIBERRAS:

We agree with your ruling that it is not the main question here but I am sure, Mr Speaker, you will agree that if the Transport Commission has unequivocally supported this measure, there would be much added reason for this side to support the amendment.

MR SPEAKER:

What I am saying is that we are not discussing whether the Minister consulted the Transport Commission or not. We have had a fair amount of comment on it which is a fair comment but we must not go on endlessly.

HON W M ISOLA:

Mr Speaker, to sum up on this particular point very briefly. The point is this, that we are not satisfied that a case has been brought for bringing in the parking ticket system. For instance, Mr Speaker, in London people get caught by this parking ticket system but then there are lots of places in which to park your car and then if they do not park there then the Traffic Warden hit at them. Efforts have certainly been made there to bring in more parking spaces. But again going to these minutes of the Transport Commission, I find that the Commission has not been asked to make any special efforts or to go into the whole question of parking before bringing in such a system which, unfortunately, is going to mar the good relations which exist between the police and the general public. It is going to put a burden on the policeman which he should not really have because it is not essentially necessary except, as the Attorney-General said, to make their job easier. Well,

as we all know, Mr Speaker, from Gilbert and Sullivan "a policeman's lot is not a happy one" and I think by introducing the parking ticket system it is going to make it far more difficult. And as I said before if it was brought to us that there was more parking; that efforts had been made; that the Transport Commission had looked into this and they considered it absolutely necessary to have the parking ticket system; the Clerk to the Court has been consulted about the additional work that would result from the implementation of the parking ticket system, then, Mr Speaker, I am sure that this side of the House would fully support it. But to come here and say that merely because in England we have this parking ticket system therefore we should have it in Gibraltar and because it saves a considerable amount of police time. Is that a reason in itself? Have we been told how many prosecutions there have been in the last year on parking? Are the figures going up to such an extent that the police cannot cope, do we know? I do not know. We have not been told that at all. Have we been told that if this is brought in that the parking problem would be solved? No, Mr Speaker, we have been told nothing, absolutely nothing, except that the Attorney-General explained the law to us on the explanatory note. That is all. No figures, nothing has come to this House to support this except as I have said before on the explanatory memorandum. For that reason we, unfortunately, feel that we have to vote against this amendment.

HON. LT COL J L HOARE:

Mr Speaker, I would like to take up two or three points made by the previous speaker. He started off by quoting from my reply yesterday to question No 3 of 1974. My reply to that question, as was stated over and over again was: "Yes, Sir, the Transport Commission has, on numerous occasions, when dealing with the parking problem, advised the introduction of parking tickets". This has been assumed by Honourable Members opposite to be "recommended". They have taken the word "advised" in this context to be "recommended". That was not my intention at all. Advised, as used there, meant "considered judicious" and this is a definition of the word "advised". There is no record of this having been debated in the Transport Commission and this to me is not surprising at all because it has never - and this is where I agree with the last speaker - it has never been dealt with as a separate subject. This is why in my reply yesterday I used the words: "When dealing with the parking problem". And may I go on to say that this bill has been on the hands of the Commission since March 1973, and I ~~do~~ <sup>give</sup> the Commission sufficient credit that if they had felt strongly against it they would have made their feelings known long

before this. There is no inhibition on what they themselves may bring up in the Commission. And if they felt that this was wrong they would have brought it up themselves. But in fact, the evidence I have got, Mr Speaker, is to the contrary. And may I say that not only do I rely on the minuted record, but I have a representative of my department, with whom I work very closely, in the Commission. I also work very closely with the Commissioner of Police and if I may I will quote from a letter which I received from the Commissioner of Police some time ago: "the Transport Commission have on innumerable occasions since that date" - and that date was August, 1969, since when the Commissioner of Police has been trying to get this parking ticket system going - "The Transport Commission have on innumerable occasions since that date discussed parking and congestion problems allied with important other traffic laws. On these occasions I have explained to the Commission that as far as importance was concerned the introduction of a parking ticket system would be of procedural benefit to the Police. Members of the Commission have agreed with my explanation except, I think it is fair to say, the previous Chairman of the Commission, the Hon W M Isola who would not commit himself". Then he goes on to quote me on at least three separate occasions which he can recall. A memorandum from the Commissioner of Police to the Chairman, Transport Commission dated 3rd February 1973 enclosing a Police Report which included reference to the parking ticket system, Minutes of the Commission dated 8th February 1973, of which he spoke. "Inter Alia, Mr Bird said that a Bill authorising the police to issue parking tickets was in the process of being passed". A few days afterwards they got the Bill which included the parking ticket system. Minutes of the Commission dated 3rd May, 1973. This minute dealt with no-parking areas; "And here I may add that we have referred to the Transport Commission the question of reviewing all the non-parking areas because it is also my belief that there are too many of them. And whilst I mentioned the fact that while some of them are desirable I was only concerned in retaining those which were essential. They are still in the process of reviewing these. I have had no final report". Then he goes on to say: "Although not recorded in the minutes the question of parking tickets was definitely discussed at this time and the Commission were in agreement. I have checked this with the Secretary, Mr Bruzon, and he confirms that the matter was discussed and the Commission approved". This is the Commissioner of Police who is a member of the Transport Commission. Also confirmed by the representative of the Public Works Department in the Commission that on the whole the Commission are very much in favour of the

parking tickets system. Going back to the other question of more parking spaces, I do not think it should be overlooked that last calendar year, we removed 507 derelict vehicles from the roads. This made 507 more parking spaces. Between the 24th June, 1972, and the end of 1972 we removed another 300 or so. That is 800 derelict vehicles taken off the road in the 18 months that we have been in office, which I think has provided a few more parking spaces. We have also provided a few more, as I said yesterday, in the Moorish Castle area by resurfacing the road and a few more in the Gorbals area by producing a brand new car park there. We are in the process, in producing another one in Town Range. I apologise for digressing that far, Mr Speaker. I have made the point, I think, of the Commissioner having been asked to review these no-parking areas, but I will leave the question of the legal proceedings to my Hon and Learned friend the Attorney-General. But from these remarks from three members of the Transport Commission itself I have ample evidence that the matter has been considered, although not dealt with as a separate subject, and it has been considered judicious to agree with this parking ticket system. Thank you.

HON M XIDERRAS:

Mr Speaker, the Hon Minister for Public Works, who is responsible for the matter which is contained in this amendment, has given an explanation of his answer to Question No 3 of 1974 by my Hon and Learned friend which we, on this side, cannot consider to be a satisfactory one. Sir, I would remind the House that the part of the answer which he has referred to is the very first part of it, the one which the Hon Member had something like seven days to prepare. It is written part of the answer which is applied to members of the House and the question read: "Will Government state whether the Transport Commission has been asked to advise on the Traffic (Amendment) Bill, 1973". And the immediate written answer of the Hon Member was: "Yes, Sir, the Transport Commission has on numerous occasions, when dealing with the parking problem, advised the introduction of parking tickets." The Hon Member opposite has today told the House that the sense in which he used advise in this written answer was that not of "recommended" but of "considered judicious". The first point I would like to make, Sir, is that the general impression conveyed by that answer of the Minister is nothing as weak as "considered judicious". In that answer the words "numerous occasions" is used and "advised" to Hon Members of this House, when dealing with a statutory body, involves, to my mind, a definite recommendation in a matter as important as legislation. Sir, I think the Hon

Member opposite has accepted that there is no mention in the minutes of the Transport Commission to the parking ticket other than the one which my Hon and Learned friend brought to the notice of the House, namely, that the Commissioner of Police informed the Transport Commission that legislation was proceeding. That in itself, I believe, Sir, is evidence that at that stage and certainly since then, there was no definite recommendation from the Transport Commission and this, that there should be no recommendation from the Transport Commission, is to our mind not the proper way to bring a Bill of this nature to the House. The second point, Sir, is that the Minister, perhaps without wishing to, has misled certainly this side of the House into thinking that there was a recommendation by the Transport Commission. The explanation which the Hon Member has given now is that two members of the Transport Commission, namely, the Commissioner of Police and the representative of the Public Works Department on the Commission and the Secretary, communicated to the Minister that this had been discussed in the Transport Commission. I think Hon Members will agree that when advice is given by a statutory body such advice would appear in the minutes of the proceedings of that statutory body. And I believe it is the proper practice when quoting the support or the involvement of any statutory body, I believe it is to the minutes that the person responsible, the Minister responsible, should refer. He should not take this from individual members of the Committee or body. And the Commissioner of Police - I do not know what his views are on the parking tickets - but the Commissioner of Police, to my mind, was not at all entitled to communicate this unless he was sure that the matter appeared in the minutes. The minutes of the proceedings are what is accepted by all members of the Committee and it is to the minutes that all members of the Committee can have recourse. I therefore think, Sir, that the House, in dealing with the totality of the answers to Question No 3, was given a very wrong impression of the general consultation, or lack of it, which the Minister for Public Works carried out with the Transport Commission. Sir, in dealing with the second reading of the Bill a number of points were made and those have been ably dealt with by my Hon and Learned friend. I would just like to bring the House back to something else and that was, I believe, though I am not absolutely certain of this and Hon Members will correct me if I am wrong, that I suggested at the second reading that the parking ticket had not reduced the volume of work for the courts in the UK. And I asked the Hon and Learned the Attorney-General whether he was aware of this and could confirm this statement. I wonder whether he has any further information on that. My contention then was that because it is easier to slap on a parking ticket than to go to the other procedure, there would

be more cases or people caught in the parking incorrectly or illegally and that many of these would avail themselves of the clause contained in the law whereby they could go to court over it. And this in England has led to a great number of cases being taken to the courts after the parking ticket system was established. I think it is important, when considering whether the police would be relieved of some of the pressure on them, to consider also whether the court which is also under some pressure, would similarly be relieved of pressure. Sir, on the question of parking facilities which is very much linked to the parking ticket, I would remind the Minister for Public Works about another question earlier in this meeting where I think I said that people in Moorish Castle were complaining that they did not have sufficient parking space, and the Minister mentioned the creating of parking space at the Gorbals as evidence that the Government was thinking of providing or at least was providing some extra parking facilities. I think that all members of the House would like to see more parking facilities, but for as long as these are not in existence we feel it is unfair that the parking ticket system should reach the Statute Book. In other circumstances perhaps it might be acceptable. But there is something very basically wrong if the problem is considered to be the motor car, in other words, that we have too many motor cars in Gibraltar, to discourage people from owning cars by the method of penalising them in this manner. If there are too many motor cars in Gibraltar then the answer is surely not to have much more stringent conditions about parking. Surely, it is either to reduce the number of cars or to increase the number of parking spaces, not to create very difficult legal conditions which that apart, has other disadvantages. This side of the House, as my honourable and learned colleague has already explained, cannot vote in favour of this amendment. We ask, of course, as we do on these occasions, the Government to reconsider but they have been set on this and I would ask the Government if this goes through as no doubt it shall, to be particularly careful about reviewing progress on this to make sure that if the House is making a mistake on this occasion then the mistake is put right at the earliest opportunity. We are concerned about bad feeling that may arise between the motorist - and there are many cars in Gibraltar - and the people to whom we are giving this extra power, and that the bad feeling that might arise is, perhaps, one of the major considerations this House should have before it if we think that the law is a question mostly of cooperation and rather less of enforcement.

HON CHIEF MINISTER:

Mr Speaker, Sir, parking in the present system of roads either here or anywhere else and the proliferation of ownership of motor cars, is a problem which besets every city today. It is a difficult one and I do not think anybody has yet found an answer to all the problems, and I think it is an oversimplification to say that it is either a question of reducing the number of motor cars or increasing the parking places. I would have been more impressed if the contribution from the other side of the House would have been more geared to the kind of remarks made by the Leader of the Opposition in the latter part of his intervention than to have been considering for so long whether the Transport Commission has this or has that in the minutes, important as it may well be that they should have their views. But the problem is here and it is on the merits of the problem that we have to look at it. The Attorney-General will, in due course, have a few words to say about the manner of implementation of the parking ticket system. It is certainly the very strong feeling of the person responsible for traffic, the Commissioner of Police, that this is going to be a help and he would be interested in the relations between the Police and the motorists. There is no doubt about it, it is quite clear and there is no secret about that. He is responsible for traffic, he thinks that this can help.

At present we have the problem that if everybody who parks a car in a no-parking area is summoned for it, there will be no time for policemen to give evidence and no time for the courts to deal with the cases. This is an attempt to see whether one aspects of the problem particularly regarding those who double park and regarding those who park in areas which is not just a no-parking area but it is an area which creates obstruction and holds up traffic in a big way. But I do not say and the Government is not saying that this is the answer to the problem or that it is going to solve all the problems that it is said that it is going to solve. Furthermore I will say that if there is any proof at any time that this is not only a bad amendment or that it is not working properly or that it is being abused, we would come here and ask for its repeal. I would like to say that this is a problem which one has got some doubts about but until you give it a chance you cannot really say whether it is going to work. This is not an attempt to give the answer. It is an attempt to see whether there can be an amelioration of the situation by this system. I am quite happy to undertake here, not only to Members opposite, but generally, to the motoring public whom we want to protect as much as possible consistent with the fact that disregard for other people by the selfish motorist who is perhaps the worst culprit of all, the one who does not

care about the other motorists and does not care where he parks his car so long as he can leave it near where he is going whatever he obstructs, that is one we want to see abide by the rules in an easy way. And if in practice it is found that this is not going to solve the problem as it is purported to do, we will come here and ask for its repeal.

HON L DENVINCENZI:

Mr Speaker, I would like to say a few words on this problem. Not as an expert of the problem, but as a victim of the problem. Having said that, Mr Speaker, I would not in any way be biased by being a victim of such problems because they exist. I would say, Mr Speaker, that particularly in the area where I live - up Castle Road - it is perhaps one of the worst places for parking. I will say that the Police by and large are very lenient with motorists in that area. I would say that they report people perhaps one out of fifty times. This is a fact. They just go and make a raid occasionally and book people. I can assure you, Mr Speaker, that in many places in Gibraltar especially up Castle Road, it is not only difficult to find a parking place, it is very difficult to find a no-parking place. Mr Speaker, I have on many occasions made suggestions verbally to some Police Inspectors but I have never bothered to write formally to the police on the matter. But perhaps I will just follow somewhat on the lines of what the Hon the Chief Minister has said and that is that there are different kinds of no-parking. There is no-parking and no-parking. And by the second type of no-parking offence I mean the people who park recklessly and obstruct. Now, what I have thought is this, and this is up to the Attorney-General to see whether it is possible in law. Let us have the no-parking lines marked wherever they think they should be, but in addition to that there should be, say, a red line or a green line, any line - I said red line because some people might like the colour - I mean a different kind of line in those places where it is dangerous to park because it really obstructs, and also say in the approach to the hospital and places like that. Perhaps the parking ticket - and I am now speaking as an individual - could be used in those places and that is something which perhaps I would entirely support and I think that not only the Police but I for one would make it a point to ring up the police if I were to find somebody parking where they are obstructing. Then, of course, in the other no-parking area perhaps the Police would continue to be as lenient as they are being up to now. I think, Mr Speaker, that if the fines that would be imposed on these offenders were to be particularly stiff, I can assure you that very few people would dare to break the

law in those areas. This, I think, though not solving the problem, would go a long way to improving the parking problem and certainly traffic jams in places where one could well do without them. This is really all I would like to contribute. I think it is worthwhile following because, from my experience, there are many no-parking areas at the moment which no one pays any attention to and really nothing happens to cars that are parking there. But there are just one or two extra cars parked in the wrong area this is where trouble starts. I think one can solve the problem by hitting really hard when cars are parked in places which are marked by a line additional to the yellow line which denotes that that particular area must be kept free from obstruction at all times. In those cases there should be no leniency. Thank you, Mr Speaker.

HON A W SERFATY:

What the Honourable Mr Devincenzi has really said with which I agree, is that we have too many no-parking areas; that we should have fewer but that the law should come down like a ton of bricks on those who park in areas where they cause serious obstruction. Now I do not know whether Members of this House have heard of the Buchanan Report. I hope it does not apply to Gibraltar too but the Buchanan Report says that the more parking spaces you provide the more cars you generate. So let us not be too optimistic about the future.

HON MAJOR R J PELIZA:

Mr Speaker, I do not know about the Buchanan Report but I certainly would have liked to have seen a report from the Transport Commission which unfortunately - no, this is no laughing matter - I think there is a statutory obligation even there, and I think I hope my honourable friend Mr Isola develops that point. Then, of course, we could come here listening to constructive suggestions as those made by my honourable friend, Mr Devincenzi. But at the moment what we are hearing is a Minister who says that the Chief of Police has told him that the Transport Commission has agreed that this Bill should go forward. And there is no evidence at all in any of the minutes that this is so. Furthermore, on a matter of such importance which really interferes with the rights of the individual in that obviously we are giving extra powers to the Police, I think Members on the opposite side and I think all Members of this House would be very reluctant to give more powers to the Police on any issue unless it was absolutely essential. But is it essential? Have we had a report from the Transport Commission saying that it is

essential to give this extra power to the Police. No, we have not. What we hear is that the Commissioner of Police says it is quite a burden on the Police to have to do this. Well, of course, it is. It is quite a burden on the Police to catch a thief. Some times it is very easy if they could just go straight to it without having to produce all the evidence and without having to take him to court. Of course it would be much easier. We would not need so many policemen, but would we be having real justice? Would justice appear to be done? Of course not and, therefore, we are all reluctant - rightly so - to give more power to the Police unless it is absolutely essential. There is no proof in this House to say that this is absolutely essential. Traffic flows in Gibraltar, slowly, admittedly, but it flows. And cars are parked in no-parking places, but they are parked. Is there therefore any justification to give more power to the Police? I do not think so. Gibraltar is a very small place therefore the flow of traffic need not be all that fast. In fact the faster the traffic the greater the danger of serious accidents. It is no laughing matter, it is a fact. Statistics prove it. How many fatal traffic accidents do we have here in Gibraltar? Very few. What happens on motorways where the traffic is fast or even in roads in England where the traffic is much faster? So I think there is an element to be discussed in all this and I do not think that because we have the parking ticket system traffic is going to flow any faster. I do not think so. What could happen is that it could seriously damage the image of the police. You all know that in England police are very reluctant to deal with traffic problems because the image of the police as guardians is lost and he is seen as a persecutor. Not even a prosecutor, a persecutor. And that is the last sort of the image that we want to give to the police in Gibraltar unless it is absolutely necessary. I would go as far as saying that if we are short of police to do this job perhaps even before considering this we should think about employing Traffic Wardens to that kind of work. I think it is very important, as far as possible, to give more powers to the police to do things like that. It is the thin edge of the wedge and we must see it as such. Today it is parking, God knows what it is going to be tomorrow if we go too fast about this thing. So there is more than just the traffic flow of Gibraltar when we talk about the parking tickets. There is a great principle involved which this House, unfortunately, because it has not taken this matter to the Transport Commission, has got no evidence to prove that it is possible. I think it is even immoral to book people for no parking offences when, in fact, we are not providing them with parking places. This has been said before and I was hoping that today having put all these arguments before and having heard all these things before, the Minister

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responsible would be bringing some kind of constructive suggestion as to how this was going to be overcome. And even though they are going to introduce the parking ticket system - although I do not agree with it at this stage - I would have liked to see the other side to have come up with a plan to alleviate the parking of Gibraltar. But that is not so. Instead we are now going to penalise people who own cars. We will allow them to bring cars into Gibraltar, as many as they like, but we shall penalise them, because, believe it or not, whether we like it or not, all of us are parking offenders sooner or later, all of us. And what the Government are doing is just penalising everybody because they are not prepared to take the bull by the horns and do something which is proper. This is the easy way out, but not necessarily the proper way out. And when a Government begins to take the easy way out particularly on matters concerning the Police, we are really heading for danger. As soon as a little move in that direction is made I think it is proper that responsible people should switch on the red light. So, therefore, I cannot myself agree to the suggestion put forward to the House because, in principle, I think it is wrong and because I think it has been unfair, although it is required statutorily that the matter has not been taken to the Transport Commission. I do hope the Government will give consideration to that. That they are not acting in the proper strictly sense in that I think that as my honourable friend will point out they have not complied with that necessary condition. Now, I think my honourable friend made good suggestions, but those suggestions can still be implemented without having to introduce the parking ticket system. If we know where obstructions are likely to take place, and the police can make it a point of going for those particular places and making it known - by giving it more publicity - that people are booked, in a small place like Gibraltar it would spread very quickly and people would not dare to park in those places. So why go to the extreme of introducing the parking ticket which is abhorred everywhere in the world when here in Gibraltar it is not necessary and we have not tried other methods. So I seriously suggest to the Hon and Learned Chief Minister that he should consider this. I think no one can suggest for a moment that we are not trying to be constructive on this side of the House. I do hope that he will take this into account and perhaps delay the amendment. I do not think a month one way or the other would make any difference. Refer the matter to the Transport Commission. Try and find if you can another Chairman and make sure he does not resign before the matter is brought to the House, and once that is done try and bring to this House the reasons - not the police reasons - the real traffic reasons as seen by the Transport Commission who is supposed to be looking after traffic, and then we can consider the matter. Then, of course,

if there is a legitimate and good case for it, I would certainly support it. But under the circumstances you are really asking me to do something which is against my principles and I think is wrong in any case.

HON A J CANEPA:

Mr Speaker, I am going to be very brief because I know that the Hon Mr Peter Isola has been shanghaied into taking part in the debate. As a resident of the Upper Town Area, I wish very sincerely to echo the sentiments and the thoughts of my fellow sufferer, Mr Lloyd Devincenzi, ~~and~~ perhaps this debate could be very aptly summarised by my borrowing some words from William Shakespeare and thereby coining the phrase "parking is such sweet sorrow".

HON W M ISOLA:

Mr Speaker, I have already spoken long enough but there is some point which the Hon and Learned Chief Minister made and which I think is a very good point, and that is when he said that certain cars create obstruction and hold up traffic. That was a very good and valid point. But for those cars that obstruct and hold up traffic the parking ticket in itself is no remedy because the policeman will plonk the ticket and he will go, and he has got two weeks in which to pay the fine. Now, if, Mr Speaker - and I want to try and be constructive on this particular matter - if what the Government fear is not really those people who actually park in no-parking spaces as my friend Mr Devincenzi has said, but those who park in places which, in addition to being no-parking create obstruction and hold up traffic, then surely there is such a thing as legislation whereby a car can be towed away and when it is released the owner must pay a fine of £5. That, I am sure, would have the support of the House. To clamp down those particular drivers who park indiscriminately and cause obstruction and hold up traffic. That is the type of legislation that one needs for that type of people and not the introduction of this particular parking ticket scheme where you may find a certain policeman just plonking a ticket on a car that is not really causing any obstruction. So, I am just informing the Chief Minister that when he says that he is worried about people causing obstruction and holding up traffic, the parking ticket system is not going to solve this problem because the person cannot pay the £2 until two weeks have elapsed and you want that car taken away from where it is obstructing pretty soon.

HON M XIBERRAS:

Sir, Just before the Hon and Learned Attorney-General starts to wind up this debate, I think I heard the Hon and Learned Chief Minister say something about the method of implementation which the Hon and Learned Attorney-General was going to refer to. Of course, having come here with an open mind, at least on the first occasion this was debated, if there is any other factor which Hon Members opposite think should be considered by the House, I think it is only fair that the House should hear them before the winding up speech is made.

HON L DEVINCENZI:

Mr Speaker, I would just like to clarify something so that there is no misunderstanding. If I remember correctly I did say that perhaps I could agree to parking tickets in some specific places, where it is really dangerous to park. In fact what I was saying was that we could possibly limit ourselves to having "no parking" areas where it is really essential to have them and the police could really come down hard on people who park on the remaining "no parking" areas. Well, this is not strictly correct. I will say again that my primary aim is to maintain that where it is dangerous to park the police should take strong action. That does not necessarily mean that the parking ticket itself would be the end of the problem. Because there are many ways of controlling and enforcing that order. What is more, Mr Speaker, and I think this will make sense even to the Hon gentlemen opposite, is that even if you put a ticket on, in these places, the car would still be there and the obstruction would be there. The thing is to enforce it by means of heavy fines so that people would not park their cars in these areas. So really the parking ticket itself would not alleviate the problem. Although I admit that I did say I would go along with the parking ticket it was only if that in itself was going to solve the problem, but it would not solve the problem. It is only by making sure that the law is enforced in those places at all times that we would find a solution to the problem. And I think I have now made myself clear.

HON ATTORNEY GENERAL:

Mr Chairman, Sir, no Government wishes to legislate unless it is necessary to do so, and in this case the Government is satisfied that legislation is necessary. The first thing that I would say is that I have discussed this with the Commissioner

of Police and there is no intention whatsoever that the present policy will be continued. As the Hon Mr Devincenzi has said the police are lenient. They do come across cases of cars illegally parked but, bearing in mind the problems which we do face in Gibraltar, they do not, although they could do so, they do not take action against the offender. It is where there is real inconvenience caused to the public, or where there is danger caused that proceedings are taken. As I say, there is no intention that this policy shall be changed and all we are doing by this - we are not creating any new offences as seemed to me, perhaps wrongly, to be the criticism levelled against this piece of legislation. All we are doing is changing, in a reasonably small measure, the method by which we can bring the offenders to court. That is, we put the ticket on the car. My friend Mr Devincenzi, has suggested that there might be a provision whereby there are no-parking areas and what I might call special "no parking" areas. And that in the latter cases there should be a really stringent fine imposable if persons park. I suppose it would be possible to devise legislation for that particular set of circumstances. It would, I think, be extremely difficult and I would be somewhat hesitant in trying to draft it. But it would not really change the position as it is at the moment. The police would continue, as they do now, to deal with these bad areas, and these are as I understand it the only ones which are dealt with. You could impose a more stringent fine but I do not think, with respect, that the fact that you impose a more stringent fine for parking in particular areas has any real bearing on the legislation which is before the House today. The last point which I would like to make is this. It has been suggested that members of the police, with this new power, would become officious; that relations between police and public would deteriorate. I think every single member of this honourable House would agree with me that for the interest of the community there must be a good relationship between police and public. Nothing can be more deleterious than a bad relationship. The police are just as well aware of this as we are. Now, if a policeman should start to be officious and, of course, this will soon become known to his superiors, if he should start, as has been suggested, slapping on parking tickets when, in fact, a car, although illegally parked is not really causing any particular trouble, or inconvenience, then I would have thought that he would fairly quickly be told: "Look technically you were right, but do not exacerbate relationships. There was no need in this particular case to serve a ticket". And, I genuinely consider that the police will do all they can - and they can do a lot - to avoid any feeling on the part of the public that the jackboot is being imposed.

HON J BOSSANO:

Mr Speaker, I am not a potential victim of this legislation since I do not own a motor vehicle and I have no intention of owning one and what has impelled me to stand up and talk against it is the very sound argument the Hon and Learned Attorney-General has provided me with. If the Government wants to do away with the parking problem there is a very radical measure that they can take and it would be a highly unpopular one. They could ban all cars in Gibraltar. But when a Government has reached the peak of unpopularity that this has done, the risk of becoming more unpopular is only an academic one. As far as the question of whether a new offence is being created by this law, I would disagree with the Hon and Learned Attorney-General. I think there is a new offence created in the law. It is an offence against civil rights and it is astonishing that the Association for the Advancement of Civil Rights should be the ones that bring such a bill to the House. I am glad to hear that the Hon and Learned Attorney-General has had his mind set at rest by his conversations with the Commissioner. And I do not know what is going to be the channel of authority when one is the recipient of a parking ticket: the Commissioner, the Hon and Learned Attorney-General or, perhaps, in some distant future, the members of the Watch Committee. If the Watch Committee were already in existence then our fears might be lessened. But who is going to be held responsible in this House for the activities of the police? In our Constitution where do the police come? Who is answerable to the members of the House for the behaviour of the police? It is all very well for the Hon and Learned Attorney-General to say that an over-enthusiastic policeman will be told that he is doing something that the law entitles him to do but which it was not the Commissioner's intention should be done, when he had his conversation in January with the Hon and Learned Attorney-General. And I wonder if this is going to be only directed at the quantity of parking tickets or also at the quality of parking tickets? Is it going to be just a question of exacerbating relations with the general public, or exacerbating relations with individual and very particular members of the public? Does the Hon and Learned Attorney-General really think that prominent members of the community are going to be the recipients of a great number of parking tickets? Or is it that we always have to hide behind arguments, Mr Speaker, and say certain things outside this House which we dare not repeat in the House. Are we not here to discuss openly our fears about what may occur? Is it not a fact, Mr Speaker, that the police force has had an enormous turnover in the last year. Is it not a fact that people come to Gibraltar, they join the police force and then they leave the police force in a matter of weeks or months.

And that we know very little about their antecedents. And we are going to give the man who comes from God knows where to Gibraltar the right to go round putting parking tickets on the cars of Gibraltar citizens and then the recipient of the parking ticket has got to go to Court to prove his innocence. Is this not a travesty of what our respect for law is supposed to be? Is it not the case that we have always accepted that the onus should be on the police to prove that the man has committed an offence and not that the man should go to court and argue whether the policeman is lying or not lying when he said that he put a parking ticket on a car? As I said, Mr Speaker, I myself am not going to get any parking tickets but I am concerned that we should give powers to the Police which are intended, it seems, simply to lessen their workload. It is just that it is more convenient to put a parking ticket than to have to take a man to court for a traffic offence. There are lots of things in life that are inconvenient and we all have to bear with it. And we have to think very seriously about whether the increase in convenience to the Commissioner is worth the increase in inconvenience to the rest of the residents in Gibraltar.

HON ATTORNEY-GENERAL:

I would like to answer on one point where I really think my honourable friend has gone wrong. At the moment the Police have not got to take a man to court for a parking offence. If they found a car wrongfully parked admittedly they cannot put a ticket on the car, but what they can do having traced the number of the car through the registration, they can give the owner of that car the opportunity of paying a fine or going to court. That exists at the moment. All we are doing by this particular piece of legislation is that instead of having for the policeman to go back, trace the number of the car and send a letter through the post to the owner, he can merely put the ticket - the equivalent of the letter - on the car itself.

HON J BOSSANO:

Mr Speaker, what if the owner of the car comes back and does not find the ticket there? Then what is the position? Surely if the police sent a letter through the post the letter will get there unless the postman is on strike which is not an unusual event when this Government is in power.

HON M K FEATHERSTONE:

I think we have almost got into looking glass land where everything the other side say you must take the exact opposite. It has just been stated that a new offence, an offence in civil rights has been created. All that is being suggested is that something be started here, to some extent as the honourable Chief Minister has already said, as a trial. If it does not work we are willing to remove it. Something which is in effect in Britain. Here we have a party pledged to Integration, in love with everything in Britain, and when we put one British idea into effect or try to put it into effect we are accused of going against civil rights, we are accused of everything. It is through the looking glass, Sir, when they say we are in favour they vote against. When in the Budget the Honourable Mr Bossano said the Electricity Bill was a very good idea they vote against. We do not know where we stand with this Opposition. The Honourable Mr Devincenzi came forward with a very good idea but I would not be very happy to have perhaps two parking spaces next door to each other or no parking places one with a yellow line and the next one with a red line, somebody might think we have been taken over. I think if we cut down the number of "no parking" areas, and make no parking where it is really an obstruction we will do better if we will only have one tin of yellow paint and not red and yellow. The other thing that I cannot understand is this - and I am no person to say that the police are always wonderful - but this gigantic suspicion of the police. I am sure if some drunken sailor tries to get, for example, into the Honourable Mr Bossano's house - I think he probably has a telephone, I know he does not want motor cars but possibly he is willing to have a telephone - he would be only too happy to ring up the police and say: "Remove this objectionable person". He puts his confidence in the policeman there. He goes to bed at night with the town really safe because we have a police force and yet when it comes to /into traffic all of a sudden the police are turned/ogres who are going to be slap happy, rushing around in all directions, sticking on tickets, left, right and centre. I really cannot see it but the Honourable Major Peliza came forward with the idea that we might have Traffic Wardens. Well, if we have pretty young ladies as Traffic Wardens, you might get people competing to get a ticket. Unless we are going to have some of the battleaxes that they have in Britain and then, of course, we would get the police falling into some measure of disrepute. Obviously, when a ticket is given I should think the policeman would have to sign it, its number would be there and if one found a specific person has been persecuted or if one policeman seemed to be slap happy a remedy would not be hard to find. If the whole thing fell into complete disrepute it has been

said we would look at it again, but there would be I think a considerable saving in policemen's time not only the instance where as I see quite often when I go to the Department of Education, a whole host of policemen waiting to go to the Magistrates' Court - I am not sure whether they get overtime for it or not - it does seem that a considerable number of hours are spent on this sort of thing which can quite easily be saved. The parking ticket system has not got universal acclaim in Britain or anywhere else in the world but it does tend to work. I think that we would not be unjustified at least to give it a six month trial.

HON P J ISOLA:

Mr Speaker, I have found that the longer the debate goes on the more comprehensive or the more understanding the Government seems to have of the position ending with the Honourable Minister for Education's intervention who has now hinted that we should give it a try for six months. It was said by the Chief Minister as well. Then we have had the complete agreement on the Government benches with what my honourable friend Mr Devincenzi was saying on this matter. So it does seem as if the Government are not altogether convinced by this measure, but having brought it to the House I suppose - and like with the previous amendment of taxi drivers which was further amended - they feel they have to go through with it, because such an issue was made of this during the second reading by the Opposition. And now it appears that they are extremely anxious to water it down as much as possible. There is one part of the Honourable Attorney-General's speech I would take up and that was the question of the position being no different to what it was before in so far as the ticket idea was concerned. As I understand it the notices sent to people offering them the chance to sign a fixed penalty was not signed by an ordinary constable. The power was not with the constable the power was, as I understand it, with a Sergeant or an Inspector. And that in itself, of course, is a protection for the community against abuse. The Opposition is not saying here - and let that be absolutely clear - that we consider the police are a force who do not do their duties to the public in a cheerful and conscientious way. We do not say that. What we are saying is that the parking ticket idea does allow for a considerable amount of abuse and I think it is very difficult in practice for a superior officer to reprimand a constable for doing what the law requires him to do. I think it is going to be very difficult in practice. Mr Speaker, we have gone round and round in circles to a certain extent on this and I would suggest respectfully to the Minister for Public Works the reason for this is that the

proper procedure for finding out the pros and cons of the parking system has not been followed and the Minister for Public Works - and I accept it may have been inadvertently - undoubtedly misled the House with his answer to the question of my honourable friend yesterday on the question of advice. A lot of talk has been made about recommendations and so forth. Well, Mr Speaker, those advising the Minister in preparing his answer, I am sure, must be aware that in the Traffic Ordinance the duty of the Transport Commission is set down very clearly and the words used are to advise the Governor on matters relating to traffic. And his answer was: "advise the introduction of parking tickets". And then the Ordinance tells you and I would, for future occasions - it is too late now, of course - I would ask the Minister when he has a moment to spare from tidying up this city of ours about which we have heard so much yesterday, I would ask him to look at section 54(3) of the Ordinance which tells us that all acts, matters and things authorised and required to be done by the Commission shall be decided by resolution at any meeting at which a quorum is present. And when the Minister answers: "the Commission has advised" it is not unreasonable for members of this House to assume that the Minister is talking in the language of the Ordinance. And it would not be unreasonable for this House to expect, on a matter that has evoked such spirited debate on no less than two occasions in this House, to have expected the Minister to have been able to produce at least a minute of the Committee. But I certainly would not like the Minister to get away with the idea that he has not misled the House even though inadvertently. But I cannot help saying that to him, Mr Speaker, because yesterday, when I asked him a question he pointed his finger at me and said: "Do you make yourself responsible for that statement?" We have not done that to him. We have had to catch him out because we have the evidence before us. But, Mr Speaker, as far as we on this side of the House are concerned, the problem about the parking ticket and the reason why basically we have gone against it - and you have heard all the arguments - is because the need for it has not been established. It could have been established in a number of ways by the Transport Commission so resolving. It could have been established by the Minister for Public Works giving us good reasons for it, but it has not been established. And all this section is likely to be is an irksome factor in the relations between the police and the public which we on this side of the House obviously would like to keep at its present level. It is a threat to that relationship with the public and the Police. It is also unjustified in present circumstances in Gibraltar when the Honourable Mr Devincenzi has said, and it has been echoed on the other side of the House, it is very difficult to find a place in which to park. Some people have to leave their cars

no parking places for compelling reasons. They will have no opportunity to explain to the police, the ticket will be there, and so forth. And I think it is an impossible situation to expect the police to go to Irish Town one day and plonk a ticket on a car that is in a particular spot that day and the next day have no need to do it because the next day it is not really obstructing a big lorry that is going to come through. If it is going to be administered in this way, Mr Speaker, it is going to make relations between the public and the police far worse and people are going to feel they are suffering under the sense of grievance. So in the absence of clear need, the Opposition feel it is a bad measure and, of course, we will vote against it.

Mr Speaker then put the question and on a division being taken the following Hon Members voted in favour:-

The Hon I Abecasis  
 The Hon A J Canepa  
 The Hon M K Featherstone  
 The Hon Sir Joshua Hassan  
 The Hon Lt Col J L Hoare  
 The Hon A P Montegriffo  
 The Hon A W Serfaty  
 The Hon H J Zammitt  
 The Hon A Mackay  
 The Hon J K Havers

The following Hon Members voted against:-

The Hon J Bossano  
 The Hon J Caruana  
 The Hon L Devincenzi  
 The Hon P J Isola  
 The Hon W M Isola  
 The Hon Major R J Peliza  
 The Hon M Xiberras

New Clause 5 stood part of the Bill.

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

A Bill for an Ordinance to amend the Trade Licensing Ordinance, 1972 (No 22 of 1972).

Clauses 1 and 2 were agreed to and stood part of the Bill.

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

A Bill for an Ordinance to make provision for the salaries and allowances to be paid to the holders of certain offices.

Clauses 1 to 4 were agreed to and stood part of the Bill.

#### Schedule

HON J BOSSANO:

In respect of the Schedule we would welcome here the clarification of the position of the present holder of the office of Auditor. Mr Speaker, you will recall that previously in the Estimates the Opposition expressed concern at the fact that the Auditor, a member of the Board of an organisation publishing a newspaper and of the Gibraltar Broadcasting Corporation and that, in fact, an amendment was moved to the remuneration of the Principal Auditor to show our disapproval of his extra-curricular activities. I wonder if the Government would like to specify precisely what is the position with the present holder of this office since it has an opportunity to do so now.

HON CHIEF MINISTER:

Mr Speaker, an inquiry was made by the Honourable Major Peliza this morning from the Secretariat and this afternoon I called him out of the House and told him that the Principal Auditor was no longer a member of either Board.

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

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

## THIRD READING

The Hon the Attorney-General reported that the Labour from Abroad (Accommodation)(Amendment) Bill 1973, with amendments; the Gibraltar Regiment Bill 1973, with amendment; the Public Health (Amendment) Bill 1973, with amendment; the Price Control (Amendment) Bill 1973, with amendment; the Traffic (Amendment) Bill 1973, with amendments; the Trade Licensing (Amendment) Bill 1974, and the Specified Offices (Salaries and Allowances) Bill 1974, has been considered in Committee and moved that they be read a third time and passed.

Mr Speaker then put the question that the Labour from Abroad (Accommodation)(Amendment) Bill, 1973, with amendment; the Gibraltar Regiment Bill, 1973, with amendment; the Public Health (Amendment) Bill, 1973, with amendment; the Price Control (Amendment) Bill 1973, with amendment; the Trade Licensing (Amendment) Bill, 1974, and the Specified Offices (Salaries and Allowances) Bill, 1974, should be read a third time and passed.

This was resolved in the affirmative and the Bills were read a third time and passed.

Mr Speaker then put the question that the Traffic (Amendment) Bill, 1973, with amendments, should be read a third time and passed.

On a division being taken the following Hon Members voted in favour:-

The Hon I Abecasis  
 The Hon A J Canepa  
 The Hon M K Featherstone  
 The Hon Sir Joshua Hassan  
 The Hon Lt Col J L Hoare  
 The Hon A P Montegriffo  
 The Hon A W Serfaty  
 The Hon H J Zammitt  
 The Hon A Mackay  
 The Hon J K Havers

The following Hon Members abstained:-

The Hon J Bossano  
 The Hon J Caruana  
 The Hon L Devincenzi  
 The Hon P J Isola  
 The Hon W M Isola  
 The Hon Major R J Peliza  
 The Hon M Xiberras

The Bill was accordingly read a third time and passed.

### Private Members' Motions

HON J BOSSANO:

Mr Speaker, I beg to move the motion standing in my name: "That this House is most dissatisfied and concerned with the policy followed by this Government in the field of pension". Mr Speaker, the field of pensions referred to in the motion where the Government has introduced changes over the last year, concerns pensions under the Social Insurance Ordinance, the new Elderly Persons Pension which became payable from the beginning of this year and the changes in the level of pensions to retired Government officers. In each of these instances when the House has looked at the proposed changes, the Opposition has pointed out the limitations of what was being attempted and it has failed to get a favourable reaction from the Hon Minister for Labour and Social Security. And the one thing that sticks in my mind of previous exchanges that I have had with the Hon Minister is that he has claimed that the changes he was introducing were part of an overall policy and overall plan which he knew about and I did not. And, therefore, the concern and the dissatisfaction which I am expressing with regard to his policy is not, of course, in respect of the policy he tells me he has, of which I know nothing, but of the policy that I am able to deduce from what he has done so far. And that policy has one clear characteristic and that is a lack of concern for the people in greatest need. In October, 1972, Mr Speaker, the Minister for Labour and Social Security made a statement to the House in respect of what he proposed to do in the field of social insurance and he mentioned the delay that had been caused by the Actuarial Review of the Fund. The fact that he had to wait for a report of the Actuarial Review before he could see to what extent improvements could be made in the level of social insurance pensions. But he said that already there were indications that the fund was in a healthy state. And indeed it was in a healthy state, and it got into an even

healthier state since then. But, of course, the people to whom the fund belongs, and that is something that the House should remember, that the Social Insurance Fund does not belong to the Government, it belongs to the people who have worked all their lives and made a contribution to that fund and they have made a contribution throughout their working lives in pounds that could buy a lot more than the pounds they are getting out of it now. And this is an important point and a point that I emphasised at the time and that I brought to the attention of the Hon Minister for Labour and Social Security, that when people are asked to contribute out of their income in 1960, let us say, then if they sacrifice 10p out of their income then for a pension that they get in 1980, you need to give them considerably more than what they have put in, so they can buy as much as they sacrificed originally when they made the contribution, because we are living in an inflationary age and that has to be taken into account in all our provisions for social welfare. And it was for this reason, Mr Speaker, that I put it to him in January, 1973, that there was a need to protect old age pensioners against the ravages of inflation. I put it to him that he should use the Financial Procedures Ordinance to set up a Pensioner Protection Fund from which he could make compensatory payments on the lines of the cost of living formula in respect of recipients of social insurance pensions. Because he had told me, Mr Speaker, that he could not touch the fund otherwise he would be infringing the sacred principle of the payments being related to the contribution. I think that by making the contributions as big as they are and the payments as small as they are, he is infringing that principle. But this is obviously a matter for the point of view that one wishes to take. But one thing is clear, that the level of pensions he announced in January, 1973, of £7.10p for a married couple, if he announced that figure then because he thought this was a reasonable level at which to put the pension in terms of need, it is totally unacceptable now because now, a year later, with the rise in the index of retail prices in the region of 15% over the last 12 months the pensioner needs an additional £1 to be able to buy now what he could buy a year ago, when the figure was first mentioned, the same amount of commodities. So we need an additional increase of a £1 now to compensate for the rise in the index of retail prices. And if we take into account the fact that elderly persons spend a great proportion of their income on food, because food is the first basic essential that need to be bought - and with £7 for a married couple there is really nothing left to buy anything else - then we are talking about an increase in the price of food of 25% in the same period, and that requires £1.70 to enable the pensioner to buy now what was £7 worth of food a year ago. Now he needs £8.80 to buy £7.10 worth of food. And this is why, Mr Speaker, I put it to the

Minister that he could be so radical as to introduce a completely new measure which he could then boast was something that the previous administration had failed to do. This is something that he is always fond of doing, and I give him an opportunity to do it. He could do it and take the credit for it and I would have been delighted, Mr Speaker, because the people who would have benefitted from this would have been the pensioners. I assure the Minister that I would prefer to have him take the credit for doing things that will help people than saying he cannot do them because they have never been done before, which is another thing he is very fond of saying. So I put this suggestion to him and he rejected it. And did he reject it, Mr Speaker, because the fund could not meet the additional costs? I suggested to him that he might do it from general revenue by setting up a special fund under the Financial Procedures Ordinance. But in any case even if he did not want to do this, he could have done what he said he was prepared to do. He said he was prepared to revise the situation between quinquennial Actuarial Reviews. He said he was not going to wait every five years to raise pensions. He would revise the situation at shorter intervals. Well, I think he needs to revise the situation without delay. Because the people who live on social insurance pensions are having a very difficult time, Mr Speaker, and the fund from which these pensions are made is in a very healthy state. If we look at the report of the Department of Labour and Social Security - the last report that was published - which goes up to 1971, we find on page 30 a table showing the income and expenditure of the Social Insurance Fund between 1967 and 1971. And in 1971 the income is shown as £180,000 and the expenditure as £59,000, which is quite extraordinary. The income three times as high as the expenditure. Now I know that that relationship has been changed slightly because here we are talking about contribution income and the contribution income was raised less than the level of benefits the last time, and, consequently, the relationship is not such a glaring injustice now as it was then. But what is still an injustice is the fact that the investment income of the fund which is very substantial is not included as part of the income and expenditure. The fund is growing, Mr Speaker, at the rate of a quarter of a million pounds. The figure here is £2,100,000. In the last estimate, the 1973/74 draft estimates, the figure is £2,250,000. So the reserves in the fund are getting bigger and bigger and bigger all the time. There is absolutely no sense at all in causing unnecessary hardship to people when we could alleviate their hardship by giving them higher pensions without in any way endangering the solidity of the fund because we are not even using the whole of the income from the contributions to meet the expenditure on social insurance. And because the reserves are getting bigger all the time the annual income is

increasing itself all the time. So on that score, Mr Speaker, I do not know what the policy that the Minister has at the back of his mind is, but I know one thing that the indication that we have had in this House which was in October, 1972, when he talks about a long term view where there would be an introduction of a new scheme in which contributions and benefits would be related to the earnings of the individual employee. Now this long term view is all very well, Mr Speaker. But I think it is most unjust that one should keep on building the fund the way we are doing now to use it at a future date, presumably - I cannot see what other reason it is being built up for. Presumably, it is being built up to be used at a future date in conjunction with this earnings related scheme. So we are not going to touch this reserve presumably until the long term view of the Government is implemented, which means we are going to make use of those reserves when the new pension scheme is introduced which gives more money in pensions to people who are used to getting a higher income when working. And this, Mr Speaker, is unacceptable. The money that is in the fund now belongs to today's pensioners. It is money they have contributed throughout their working lives and they are entitled to have it now. And I should, therefore, welcome clarification of the Minister's intentions in respect of a huge reserve that the pension fund has got. I would certainly like him to clear up the question of whether he is keeping those reserves to be used for the earnings related scheme that he proposes. And when he is looking at the level of pensions and if he is, in fact, willing to consider the need not to delay an increase in pensions from insurance any further but to bring a measure improving social insurance pensions to the House in the near future, then I would advise him to look at the level of pensions in the UK. It is a pity that the Hon Minister for Education is not here, because he was such an ardent integrationist when it came to parking tickets and he might wish to follow up the incursion into integration from parking tickets to pensions. If he is going to start by advocating integration by borrowing from UK, I suggest the area of old age pensions will be a more acceptable one to the population as a whole than the area of parking tickets. And in the United Kingdom, Mr Speaker, the pension for a married couple in October, 1973, was £12.50. £12.50 as opposed to £7.10 in Gibraltar. And the cost of food in Gibraltar, Mr Speaker, is much higher than in the UK. So I would put it to the Minister that he might not be adverse to forget for the moment the rejection by the Honourable and Learned Chief Minister not so long ago of the motion that was put in the House by the Honourable and Gallant Major Peliza asking for parity with the UK, pointing out to the natural aspirations of the working

people of Gibraltar of parity in economic and social standard. Forget that the Hon and Learned Chief Minister torpedoed that like he torpedoed other ideas in this House; forget that for the moment and accept that we do aspire to the same social standards as the UK. And that this area, the area of pensions, is the one area where a movement towards the standards of the UK would meet with widespread approval. It is the policy of my Party to make the level of social welfare payments that are established in the United Kingdom, the minimum that is acceptable to us in Gibraltar. And I would commend such a policy to the Honourable Minister for Labour and Social Security. Sir, I hope he has some explanation to give about how his policy is reflected in the way he has used the freedom that he has had since the actuarial review was published, the freedom he has had to bring about improvements in the social insurance pension. And then, Mr Speaker, I hope he will tell the House how many people are getting the full £2.30 a week elderly persons pension. I hope he will tell us how many people there are who are getting the full pension and who have not lost either supplementary benefits or insurance benefits as a result of having claimed their pensions. Perhaps he will tell the House as well whether he has heard or whether the Department has had any indication of the anxiety that is being felt by elderly persons who are getting supplementary benefits and who are also getting free medicines and who were receiving free medical attention under the District Medical Scheme. The anxiety they feel about whether they are going to lose these fringe benefits as a result of losing supplementary benefits because the Director of Labour and Social Security, under the Ordinance, has to take away the supplementary benefits when they get their elderly persons pension. And he has to take it away because the Minister for Labour and Social Security in spite of his concern for elderly persons would not accept my amendment...

HON A J CANEPA:

If the Hon Member will give way I will clear up that point. ~~And that is that~~ They will not lose those fringe benefits which they have. In the register which is being kept of elderly person pensioners, there is a remarks column and in all cases ~~where they were previously people~~ on supplementary benefits those rights - and I think I should refer to them rightly as rights - will be safeguarded. In the same as, for instance, the extra bonus, what one might call ~~it~~ the Christmas bonus, which people on supplementary benefits have been getting for some time now - ~~these people~~ who were formerly on supplementary benefits and may now be on supplementary benefits and also getting an elderly persons pension, or an elderly persons pension at the full rate only, will have those rights safeguarded. So, ~~from that point of view~~ if it will help I can allay that anxiety.

which concerned people who were

will be safeguarded

HON J BOSSANO:

Mr Speaker, I am very glad that the Honourable Minister for Labour and Social Security has asked me to give way so that he could make this statement because I would not wish the anxiety to continue for a minute longer than it is necessary. I am only sorry this was not publicised before now and then the anxiety would have been allayed right from the beginning. And I hope, Mr Speaker, that the clarification that he has made is given wide publicity so that elderly persons who have come to me expressing this concern and which I was unable to allay because I was not sure what the position was, will have their fears put at rest. Well, I am glad that the people who get the elderly persons pension and lose the supplementary benefits will lose only the supplementary benefits and not their other rights. I would have preferred that they would have lost nothing, but I am glad that what they are going to lose is at least limited to what the Hon Minister said in the House they had to lose because if they did not lose it it would cost too much. I am glad that his concern for the public purse has not taken him the whole way and made him deprive these people of their other rights. And then, Mr Speaker, this was the point that concerned me most about the elderly persons non-contributory pensions, the fact that there was this fear being expressed and I could not answer because I was not sure what the position was. There is still, of course, the objection that I raised at the time that the people who were on supplementary benefits and the people who were in receipt of social insurance pensions would either not get anything at all in terms of an improvement, they would just get the same thing under a different label or else they would only get less than the maximum because the difference between what they were getting at the time and the £2.30 a week was the extent of the improvement they would receive, whereas persons who are not in receipt of either social insurance or supplementary benefits regardless of the size of their income would get the whole of the £2.30. That objection is still there, it has not been answered and it still stands. And I think it was in relation to this particular Bill, Mr Speaker, that the Honourable Minister for Labour and Social Security assured the House that the explanation for the anomaly was that this was part of an overall plan. But perhaps, he will take the opportunity today to enlighten us on this overall plan which explains the otherwise unexplainable. And then, Mr Speaker, there is the increase in pensions for Government officers, for retired Government employees, about which a statement was made in the House some time ago and then the Bill giving effect to the new pensions was brought. The original statement was made by the Honourable and Learned the Chief Minister. Perhaps the Honourable and Learned the Chief Minister will take the opportunity today to

come to the aid of the Honourable Minister for Labour and Social Security and defend the system, the adjustment in the pension which looked very desirable when the Bill was brought to the House. And I remember, Mr Speaker, that I said at the time that the improvements looked very significant but that I would wait and see how they affected and who they affected in practice before I made up my mind whether there were such a good thing or not. And now it appears that they are not such a good thing because, true enough, they adjust pensions for increases in the cost of living going back to 1945. True enough. And true enough the Honourable and Learned Chief Minister was correct in referring to the effect of the Marsh Award when he made his statement in July, 1973. When he said that the pensions of retired Government officers had been adjusted in the light of the Marsh Award in 1967, and 1970. But the fact is that the Marsh Award in 1967 gave industrials 25% increase and it gave non-industrials considerably less. And if we go back to the pensions of retired industrials and retired non-industrials and we adjust those pensions by the same percentage, then clearly the industrials who get a bigger percentage increase under the 1967 Marsh Award have now a smaller gap than the non-industrials. So what is being done in effect is that in respect of pensioners the principle of social justice of which the Honourable Minister for Labour and Social Security is such a strong advocate, and which he made reference to earlier on when we were looking at the Specified Office, Salaries and Allowances Ordinance, Mr Speaker, and when I pointed out the size of the salaries in question and he reminded me that the previous administration had given these huge increases to the top and they had not, they had given everybody £400 a year except the industrial workers, of course, whom they offered 40p. They had given everybody £400 a year. That is what he said, Mr Speaker, and we had given £2,000 or £1,300 I think it was to somebody or other on this list. Well, it is unfortunate that the principle of social justice that he believes so strongly in should be incorporated in an Ordinance for which he is not responsible and in an area of pensions which he is intimately associated with even if the pensions of retired Government officers is not a defined domestic matter as has been said before in the House, even if it is not, nevertheless the salaries of these officers is not a defined domestic matter. And if we are talking about the political view of the Government being reflected in its commitment to social justice in respect of salaries, then we must equally talk about the political complexion of the Government being reflected in a commitment to social justice in respect of pensions. And there is a great deal of dissatisfaction about the way these pensions have been adjusted because people have found that certain retired Government officers have been getting back money in respect of the adjustment in pensions of several hundred pounds and others have been offered several pennies. And

it is very difficult to explain to people that this is social justice, Mr Speaker. Retired industrial workers tend to view things in a rather limited way and they cannot see that a man who has been paid several thousand pounds while he was working, who is getting a very handsome pension when he retires, who is entitled to £2.30 when he reaches 75 because he does not get a social insurance pension, also requires a greater adjustment in that pension than he does. I know that as in the new earnings related scheme to which the Minister referred in October, 1972, I know that there he made a reference to the need to maintain the standard of living to which one was accustomed after retirement. In defence of the earnings related pension which is part of the long term scheme, the Honourable Minister for Labour had to say in October, 1972, that this would produce benefits related to the contributors earnings and so to his standard of living whilst he is still at work and later on when he retires. Very laudable, Mr Speaker. We want to make sure that the Hon Financial and Development Secretary, when he retires, does not suffer a fall in his standard of living. Very laudable. I can assure you, Mr Speaker, that I wish his standard of living not to fall when he retires. But what about the refuse collector? His standard of living cannot fall, Mr Speaker, there isn't anywhere for it to fall to. But should not we, at least, maintain it? Or is it that the badly paid industrial worker in Gibraltar is supposed to have got used to his standard of living and, therefore, we must condemn him to that standard of living after he retires? Since he has got used to having to manage on a limited budget throughout his working life, clearly, he can get used to an even more limited budget for the rest of his days. Is that the philosophy of his long term plan? Perhaps the Honourable Minister for Labour and Social Security will enlighten the House on that point. Mr Speaker, the glimpse that we have had in the House of this hidden policy makes one contemplate the full revelation of the policy that one hopes is going to come today, with misgivings.

MR SPEAKER:

I now propose the question which is that this House is most dissatisfied and concerned with the policy followed by the Government in the field of pensions.

HON A MACKAY:

Mr Speaker, Sir, I arise first in response to this motion in order to deal with those pensions which are the subject of the Pensions Increase Ordinance, 1973, and I do so, Sir, as has already been indicated because this is not a defined domestic matter and it is a matter

on which the Government is advised by the Secretary of State. I would not like it to be thought, Sir, that there was anything of the nature of imposition upon us in this matter at all. On the contrary, in following the guidance that we were given which followed practice in the United Kingdom and in other territories which was welcomed by the Government here, and I think well accepted by the other side of the House also, this is a matter, of course, concerning the occupational pensions of civil servants, industrial and non-industrial, which is related to their rate of retiring pay and salary together with the length of their service. Sir, it is well known and recognised, not only here in Gibraltar, but also in the UK and other territories, that these occupational pensions of civil servants have not been allowed to advance at all in line with salaries with the result that anomalies have arisen, serious anomalies, as between members of the one public service. Here, in Gibraltar, over many years, until 1971, where there were salary increases in various percentages for varying classes, the practice was that pensions should be increased by only the lowest rate of percentage that had been applied to salaries. Sir, I was only and my main purpose here is to make as clear as I can what is the purpose behind this pensions increase and I would like, if I may, to read an extract from the statement which was made by the Minister in the House of Commons in London when the similar Bill was brought to that House in May, 1971. Because, Sir, I think this situation, which is described is completely reflected here and some of what I shall read will bear directly on the questions which have been put. The Minister, Mr David Howell said: "This Bill - he was referring to the Pensions Increase Bill - provides for a far reaching and overdue reform. It sets out to put on an equitable footing the arrangements for adjusting, after retirement, the occupational pensions of people for whom the Government, central and local Government, have a particular responsibility for their own ex-employees. This new footing is, in a phrase, the regular restoration of original purchasing power. Honourable Members on both sides of that House had advocated radical reform and Honourable Members on both sides had seen pensions increase Bills come and go without carrying out such reform. I do not, said Mr Howell, mean to belittle the achievement of any of our predecessors when I say that the treatment meted out to many public service pensioners after they have retired has been inadequate and has verged on the shabby. The pensions which are the subject of this Bill are, of course - I am still quoting - entirely separate and quite different from those which are the subject of the National Insurance Bill, now also before a Committee of that House. That Bill is concerned, admittedly, with increase in pensions after retirement. But those pensions of social security benefit for which virtually all citizens, including retired public servants are eligible. There have been misleading comparisons

made outside this House - that is the House of Commons - between these two Bills. I think it is right to establish here now that these are quite separate matters. That is the background to the Pensions Increase Bill and coming back to its provisions the objective is to make good the deficiencies of the past. It would be quite inadequate merely to undertake from now on - I am quoting - to pay increases in step with any increases in the cost of living since that would ossify present relativities and perpetuate the inequalities and inequities. All pensioners need to be placed on an even footing first, and since the regular system of reviews really starts from April, 1969 - in our case it was from 1972 - we begin by providing that as a back date all pensions then in payment shall first be restored to their original purchasing power in all cases, that is, in which the previous Act had left them below that level. The restoration of original purchasing power is a completely fair criterion which puts everyone back to their original position in real terms and to their original relativity". Sir, forgive me for quoting at such length but it seemed to me that that is entirely opposite to the situation we have here now in regard to occupational pensions.

HON J BOSSANO:

I accept, Mr Speaker, that this is so. This is putting the relativities back to their original level, but the Hon Financial and Development Secretary will, no doubt, confirm that whether the relativities of, say 1946, are desirable is a political decision, and one might not think that those relativities are worth preserving.

HON A MACKAY:

Sir, one might think what one may about that. What I will say is that this Government has felt like other Governments, as I have said that it has a particular responsibility towards the public servants who are its servants. It is traditional in this civil service as in the British Civil Service and other Civil Services that the attraction of the career has been much less in salaries and much more in the job satisfaction that it gives but also in the security of tenure of the appointment and very much in the security of pension. Social justice was mentioned by the Honourable mover of the motion. There are two forms of social justice and there is the difference between them that we bring out. I do not know that I need explain in detail how the pensions increase legislation has applied. But simply enough one can say that we have gone back until after the war years from which time there are still pensioners alive who have drawn their pension after that period and by taking the years up to 1970 when

pensions when they were increased were increased in the same percentage applied to the lowest and the highest in those years it is possible by applying the multiplier set out in the Ordinance which reflects the rise in the cost of living, by that means it is possible to bring all the pensions up to standard which we have said is the 1970 standard. Beyond that point something else had to be done, because from 1971 as is known, pensions were not increased by the same uniform percentage but flat rate additions were made related to COLA and only applied to certain pensions, not to all, not above pensioners who retired at certain levels, the Assistant Secretary, Technical Grade I. Therefore in equity, and applying the system, we did, it was necessary to apply the percentage increase in the cost of living that had taken place since 1972 and then deduct from the addition thereby arrived at the amount of addition of pension which had been given to some pensioners in the intervening period. That is why it is found that there are only very small increases in some cases because there has been relatively more given in the intervening period. I think I have no more to say on this except to emphasise the necessary difference in approach by the Government towards the occupational pension of its public servants and the pensions which the Government is able to award to members of the community at large, including, in some cases, public servants, from the Social Insurance Funds, and that my Honourable Friend will speak on.

HON A J CANEPA:

Perhaps, bearing in mind, and I cannot help saying this, the record of sterility of the previous administration, Members sitting opposite, other than the Hon Mr Bossano, who was not a member of the administration, rightly feel that they had better keep their mouths shut on this particular subject which is so sensitive in that respect. ~~That record of sterility which~~ is such an eloquent testimony of the lack of thinking of the previous administration in this particular field of pensions. That is why, perhaps, the Hon Mr Bossano has descended upon us like Moses from Mount Sinai to tell us one and all exactly what is wrong. I hope, Sir, the Honourable Member will allow me to speak and give the matter the same degree of attention that I have been giving him, otherwise, perhaps, it might not be worth my saying anything. ~~and really,~~ to tell us one and all exactly what is wrong in the field of pensions at the moment, while he sits there, surrounded by people who did nothing in three years. *The others* They should not speak, they should just merely be content, I think, with having sent their "Torquemada" into the fray. My own colleagues at least can point to a record of achievement over the years in setting up the Social Insurance Scheme back in the 1950s ~~and~~ in improving it in the early 1960s. ~~and~~ This present administration has done in the year and half that we have been in office

far, far more - Actuarial Review or no Actuarial Review - than the previous administration in the two years and ten months that they had in office. But that is typical, Sir, of the Opposition. This is the kind of cheap political gimmickry which is debasing not only the standards of this House, as the Honourable Leader of the Opposition avers was being the case, but possibly even public life generally in Gibraltar. And I certainly, Sir, do not intend to be put off in the task which I have undertaken by letters in the press from the Hon Mr Bossano, by demands that I should go on television and debate, with him, or even by the motion which he is bringing to the House. Sir, I want to take up straight away this question of anxiety by members of the public on supplementary benefits who went and made representations to the Hon Mr Bossano. He did not know what the position was. Of course he could not have asked, he could not have got in touch with me, he could not even have referred those people to me? I do not know whether I shut myself in an ivory tower all day, Sir, where I am not available. But I am available in my office from 9 in the morning throughout the morning and in the afternoon unless I happen to be at some meeting elsewhere. I am available to the public. ~~But~~ <sup>As</sup> I say ~~in any case~~ he could have brought the matter to my notice. He has done <sup>so</sup> on one or two occasions. He has brought other matters up which I have taken up. He brought a case <sup>to my notice</sup> where a moral injustice was being committed as a result of subsidiary legislation under the Social Insurance Ordinance, and I think it was earlier in these proceedings that ~~there was~~ overlapping benefits regulations ~~which~~ put that position right. I shall have something further to say about that. So I am not entirely unresponsive to what he may have to say. Though, of course, I am not prepared to give him the freedom of my office to the extent that one of my colleagues has done, much to his present discomfiture. That, I am not prepared to do, naturally. Sir, the Honourable Mr Bossano says that I have not outlined my policy to this House in the field of pensions. Maybe, Sir, I have not done that to his satisfaction. Maybe I have not told him. I am not sure what I am prepared to tell him. I am not even sure what I am prepared to tell the Social Insurance Advisory Committee on the subject for fear of the minutes getting into the wrong hands. And I shall have to reconsider very seriously, in view of what has emerged in the House today under another subject, what I will do in respect of the next revision as far as the Social Insurance Advisory Committee is concerned. So one certainly, Sir, is not over encouraged to take, ~~certainly not~~ members of the Opposition, into one's confidence. Sir, the Hon Mr Bossano says that on numerous occasions he has pointed out to me the limitations of Government policy in the field of pensions. Let me say, Sir, that I have never, for one moment, pretended that what we were endeavouring to achieve was the ultimate perfection. I have myself said that this is an exercise

which I consider has to be done in stages. Perhaps he does not agree. ~~The radical that he is~~ he would have, perhaps, endeavoured to do everything by a mere stroke of the pen. I do not consider, Sir, that that is possible. I do not think that what one is setting out to do in the field of pensions is something that can be achieved overnight, not in a single revision. It has to be done in a series of stages, building on the sound foundation that we now know that we have, arising out from the soundness of the Fund, and the level of benefits that we have now reached in the field of social insurance and on which we can begin to build something better, something more adequate. I do not think that I have at any moment said that I was entirely satisfied with the position. I have usually described it as a further step forward and I believe in taking steps forward, not backwards, but what I cannot agree is that it can be done all in a single step. That is where we may differ more, possibly ~~possibly~~, than from any ideological differences or any approach to the matter, and it could well be that in time, although he may feel that too long has been taken in the exercise, he may be able to say: "Well, at least I go along with you. What has been achieved is fairly worthwhile. It has taken you too long about it but your objective was a correct one though I did not agree at the time about the manner in which you were trying to go about it". Sir, in respect of Government employees, I think that he has been somewhat less than fair in almost abscribing complete and full responsibility to me, as Minister for Social Security, for Government pensioners. I accept full responsibility in the sense of collective responsibility as a Minister of the Government for what we bring to the House. And that Bill was brought to the House by the Government, it is now law and I accept full responsibility. But it is not a matter which is in my portfolio. ~~What I cannot accept he has given the impression that that is the case.~~ And because that impression has been given and because, as I say, I am prepared to accept that degree of responsibility which is due to me as a member of the Government, I do not shirk the duty that I have of defending what has been done in this field. Sir, when the COLA system started to operate in 1970 there were small adjustments made periodically at intervals of six or nine months to the level of the pensions of Government employees, and because this is not a defined domestic matter, approval had to be sought from the Secretary of State prior to implementing the legislation. ~~and~~ On each occasion that that was done the Secretary of State pointed out that he would hope to see our legislation brought into line with the British system. He said he had no objection to what was being done in respect of COLA increases provided that it did not prevent Gibraltar from adopting later the British system, and he sent copies of the legislation which adopted the principle of the restoration of a pension to its original purchasing

power. Again, in August, 1972, in respect of the increase in COLA of July, 1972 - that was shortly after we took office - the House may recall that we brought a similar Bill ourselves in October, 1972, ~~and again~~ It was only approved by the Secretary of State with the proviso ~~and drawing attention to that fact that we should now, by~~ <sup>by</sup> then, have had the copy of the British legislation and ~~that he hoped to see the principle, adopted in Gibraltar, of the restoration of the pensions purchasing power to their original level.~~ And this is what was done, Sir, in respect of the legislation brought to the House at the last meeting. ~~That principle which the Opposition, as we have found in the Traffic Bill, in spite of the fact that it brings us into line with the United Kingdom set-up are not in agreement with.~~ What the legislation does is that it applies a multiplying factor from the date of retirement of the individual pensioner and it restores his pension to the purchasing power which it had then. One thing that it does not do is to give a higher percentage to the top civil servants. ~~It does not do that.~~ The percentage is dependant on the date of retirement. And perhaps, Sir, this does not fully accord with one's thinking in the field of social insurance. But there is this problem about what should be done in respect of the pension that an individual is entitled to as a result of a period of employment, ~~and~~ as against the social insurance pension that an individual is entitled to through contributions which he and his employer have jointly made to a Fund. And whilst a sliding percentage increase may be fully in accordance with one's ideas in the field of wages and salaries, even though, let it be said, Unions are not necessarily in agreement with that, there is the problem of the narrowing of differentials, the narrowing of gaps ~~for~~ people who have reached a certain level in the hierarchy of the public service. Thus, Sir, whilst an individual, as a result of the post that he has reached, may retire with a pension of, say, £1,000 a year, and another one has retired with a pension of £500 a year, if the principle, of giving merely the same cash increase to all is applied, we reach a stage when maybe the first pensioner will be getting £2,000 a year after a period of time, and the other one could be getting £1,500 a year. It is still a gap of £500, but what about the relativity in respect of the posts which they previously held? One may agree with this but Unions do not tend to agree with that. ~~And~~ It will be very interesting to see if the Honourable Member becomes Coordinating Secretary of the Transport and General Workers' Union, whether, on the one hand, in the field of wages and salaries he will advocate ~~for~~ the maintenance of differentials, ~~and~~ and on the other hand advocate that what is done during a person's working life should not be carried over into the period of retirement. It will be very interesting to see, Sir, what happens in the future. But there was another reality, Sir, which also had to be faced and that is why I myself - and this is what I really limited myself to saying when the Bill was introduced - ~~that is why I~~, on the whole,

*the adjustment of*

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was in favour of the Bill - and that was the mechanism that ~~it~~ provided for ~~adjusting~~ pensions at regular intervals. In respect of the Biennial Review of 1972, Mr Speaker, which was conducted by direct negotiations, there was a very long period of time in winding up the review. It took from July, 1972, well over a year, I would say, into the summer of 1973. And pensioners - Government pensioners - were very anxious - and I too get representations, Mr Speaker - they were very anxious about what was going to be done with respect to their pensions. ~~And~~ There has always been this difficulty following a Biennial Review ~~of so~~ *to* how to assess, how to judge the kind of increase that should be given to Government pensioners, bearing in mind the kind of increases in salaries and wages which Government employees occupying similar positions have got. The Bill was particularly welcome because it had provided this mechanism which, as I say, was partly necessitated by the delay in negotiating the Biennial Review. It has provided this mechanism which will make it possible in future to adjust pensions according to their purchasing power and, therefore, there will be this percentage increase which will give to the person who retires in the upper echelons of the civil service a higher increase in cash terms than.....

HON J BOSSANO:

If the Honourable Member will give way. Surely, Mr Speaker, it is the case that with the new system - and there are advantages to having an automatic system - but with the new system, the review of pensions will be limited exclusively to the effect of inflation. That is the pensions will be reviewed exclusively as the cost of living rises and whatever changes are brought about by Biennial Review over and above cost of living, will not be reflected in pensions. So to that extent the new system is bound to give less than the old one.

HON A J CANEPA:

*has been* Mr Speaker, that remains to be seen. It could depend on what happens in respect of any regrading that there ~~could~~ *might* be in a review of wages and salaries ~~of~~ a particular post. But what must be realised is that it is inherent in the principle that ~~an~~ *an* individual throughout his working life ~~as he is~~ *as he is* at the positive receiving end of betterment factors in a Biennial Review, which enhance his salary and his position. He has benefitted from this throughout his working life and that at least should be maintained in the period of retirement. Whether in ~~his~~ retirement there ought to be ~~other~~ betterment factors other than inflation, ~~that~~ is another matter. But it will be in respect of inflation, in respect of increases in the cost of living, that this automatic increase will take place

*Then so also should this be maintained during*

and thus, Sir, we find the Bill laying down that as early as possible after March, 1974, I think it is, there will be another increase bringing the level of pensions to the standard that they ought to have been in July, 1973. And then in October, 1974, they will be brought to the level that they should have been in July 1974 and likewise yearly thereafter. This is what will happen in keeping with what happens in the UK. There are the divergent views and, perhaps, I share them as well about the extent to which that is equitable. ~~and~~ There may come a time when the thing will have to be looked at again because the gaps could begin to get too wide, gaps which were narrowed ~~in the past~~ over the last two or three years. Sir, coming now more to the field for which I have direct responsibility, that of social insurance. In July, last year, Sir, a very extensive revision ~~in this field~~ of social insurance was undertaken and it brought, as I said at the time ~~and~~ the Honourable Member has perhaps forgotten that I also made a statement in January the 30th last year ~~and I said~~ in anticipation of the legislation that I would be bringing to this House, ~~I said it brought~~ benefits to a level, ~~I think I used the words~~ "more in consonance with present day needs". And I cannot accept, Sir, that the purchasing power of the benefits as established in July, 1973, has been eroded to the extent that the Hon Member mentioned, a figure of over £1, I think he said. There has been an increase in the cost of living. Inflation is running at 14 or 15% on average in a period of twelve months, but that was in July, 1973, and we are now in January 1974, seven months later. I cannot accept that. Neither do I accept that all old age pensioners rely exclusively on their old age pension to eke out what would then be a really miserable existence. I very much hope I am not wrong in saying that a very great majority of them have an occupational pension. If they were employees of the Official Employers that would certainly be the case. I do know that there are improvements also taking place in the private sector in the field of occupational pensions so they are not exclusively relying on what they can get from social insurance. I also said, Sir, that there had been a need to do something fairly quickly because the level of pensions that had been inherited was indeed a very low level and that is why I say that if the position today is not entirely satisfactory I shudder to think what it was like in June, 1972, when we took office when inflation was running at about 10% a year and had been doing so for a period of two years. Between July, 1970, Sir and July, 1972, the Index of Retail Prices went up by 19 points. ~~from 100 to 119.~~ But of course, Sir, one is not content to leave matters as they are and I have already publicly made reference to the need to do something particularly for the older old age pensioner, the ones who retired before 1968 - and they are in the majority - and who are getting less than the maximum of £7.10 which is now the maximum old age pension payable.

I have already put proposals to my colleagues in Council of Ministers for the next revision and I have referred these proposals to the Actuaries for their comments on the soundness of the proposals from an actuarial point of view, and I anticipate that I shall be in a position to bring legislation to this House before the summer recess or at least shortly afterwards, in which the level of pensions will be increased, I very much hope, from the present £3.60 to £7 ~~that they now are~~, to something in the region of £7-£10 for a couple. I think that those will be considerable increases indeed. Also, Sir, we did, in conjunction with the July, 1973, revision, bring about improvements under the Employment Injuries Insurance Ordinance in the field of disablement pensions, another type of pension. There the increases were in the region of 150%. ~~Disablement pensions were increased by 150%.~~ And another matter to which I have made reference <sup>also</sup> which is indicative of the extent to which one is also, Sir, inspired by humanitarian considerations when looking at these things, ~~I have made reference to~~ <sup>is</sup> the subsidiary legislation tabled at this meeting of the House in respect of overlapping benefits. There was an anomaly whereby someone opting, Sir, for a disablement pension or a disablement gratuity, a widow as a result of her husband having been the victim of an industrial accident, ~~this widow~~ <sup>she</sup> would have her old age pension reduced by a very substantial amount in this particular case from £4.45 to 95p a week because she opted for a gratuity of £2,000. That has been changed, Sir. The position now is that the widow or any other person in a similar position can continue to get a pension of £4.45 and the gratuity of £2,000 or, alternatively, the pension of £4.45 and another pension of £4.45 for life. ~~and~~ I have done something similar in respect of injury benefits which was also brought to my notice by the staff of my department, whereby old age pensions <sup>who</sup> may be injured and absent from work for a period of time will not have their old age pension cut. They will continue to draw it at the full rate. So this is just to point, Sir, that one's thinking, I hope, is not entirely along the wrong lines. ~~But one~~ <sup>That one</sup> is motivated by a desire to meet the very real problems, the very real difficulties which our elderly citizens have. But, of course, one has got to deliver the goods, as it were, one does not just have to bring a motion ~~from~~ <sup>from</sup> the other side of the House and utter the sentiments which I share and leave it at that. One has got, as I say, to produce something concrete. If I may now turn, Sir, to the elderly persons' pension. When I introduced the Bill ~~in~~ <sup>to</sup> the House, I outlined the policy in respect of these pensions, mainly in two respects. I said that the provisions of the Bill constituted another important step forward in the provision of a state pension to all senior citizens. We are in stages bringing more and more persons under the umbrella of our state Social Insurance Scheme. By providing this non-contributory pension, the Government, and through

it the community, is recognising the debt which it owes to all who have reached the age of 75. The Government itself is also giving eloquent testimony to its commitment to the principle that people should be entitled, as of right, to a pension after retirement. And I added: "it is the extension of this principle that is my main concern for future Government policy in this field".

~~And~~ This pension, Sir, in my thinking, fits in in this sense. If, in the next revision of pensions of the Social Insurance Scheme, the principle of universality is adopted and all persons, be they employed or self-employed, are brought compulsorily into the scheme, there will be certain people, Sir, who, ~~because of consideration of age,~~ may be too old to qualify for a social insurance pension out of the Social Insurance Fund.

That is why I say that ~~the~~ elderly persons' pension which has been ~~seen~~ to my mind by the Opposition in splendid isolation, if I may say so, that is why I said that it is ~~the~~ vehicle for what is to follow in this tidying up exercise, in this desire to fill all these gaps which arise, chiefly as a result of the earnings limit of £500 that we had in the past, which arise in the field of ~~social insurance.~~

So I intend, Sir, to make it possible for these people who do not qualify under normal circumstances for a pension out of the fund to get a non-contributory pension and it will be done by means of this ordinance, and I would hope of course that they may not have to wait until they are 75 before they can get it. With respect to the criticism that has been ~~levied~~ <sup>levelled</sup> about the deduction of the supplementary benefits,

I said at the time, and I say it now, Sir, that, in spite of the improvements, ~~which~~ <sup>for</sup> I give credit to my predecessors, they ~~carried~~ <sup>have</sup> out as well in the field of supplementary benefits, and which we have continued on two occasions in 18 months to bring to the House, in spite of those improvements in supplementary benefits, in spite of what is now being spent out of Government funds - something in the region of £150,000 <sup>per annum</sup> - there is a limit, to my mind, about what can be done in improving the level of supplementary benefits. On the one hand, Sir, they must be related to old age pensions and for very many years now, and at ~~the~~ <sup>the</sup> present the rate of supplementary benefits, ~~for~~ a couple who have no income of their own have been, ~~and continues to get,~~ <sup>getting</sup> higher <sup>than</sup> the maximum rate of old age pension in spite of the fact that ~~there~~ <sup>you</sup> had an individual contributing towards something.

And the other limitation of course, Sir, is the level of wages at the particular time. The amendment that at the time was moved by the Honourable Mr Bossano would have meant that the £2.30 which a person gets from elderly persons' pension would have been retained, as it were, by the person on supplementary benefit over and above ~~from~~ what he was already getting. Therefore, someone getting £2.30 would have had £2.30 elderly persons' pension ~~and~~ <sup>plus</sup> £2.30 Supplementary Benefits. But, of course, it does not apply there alone. It means then that a couple now

looked at

in the latter case the individual has contributed towards the scheme

*This* getting £7.80 supplementary benefits <sup>added</sup> and if they are both over the age of 75, ~~would get~~ <sup>they would</sup> £12.40 per week. *a total of* which brings them very, very near to the weekly wage of a labourer. Of course, if that is what happens in respect of a couple, then a younger couple who could be in a similar situation and with a family <sup>to maintain</sup> would also get additional allowances for the children and we might then find, Sir, that it might be more lucrative to be on the dole rather than to be in gainful employment.

HON J BOSSANO:

Mr Speaker, we are talking about a 75-year old couple who do not want to be labourers.

MR SPEAKER:

We must not have a debate within a debate. The Hon Member will have occasion to reply.

HON A J CANEPA:

*about* Sir, I am talking <sup>about</sup> the repercussions on the supplementary benefits <sup>which</sup> scheme of allowing this to happen, ~~and the repercussions are then felt all the way through.~~ All the rates of supplementary benefits in respect of the various categories would also have to be adjusted. If ever the Honourable Member becomes Minister of Labour then, perhaps, he can tackle the matter and we may well find that he will go down in history as the person who introduced the dole ~~into~~ Gibraltar, but I certainly do not intend to do that. This is the difficulty in respect of Supplementary Benefits. But looking at the thing in a more positive way I have tried, through this pension as well, in addition to the other matter that I have referred to, to meet what I consider to be the very justifiable needs of people who are in the fringe category. There are a very large number of people, Sir, who are just outside the fringe of supplementary benefits. They may have small savings, and I mean small, ~~for I think~~ anyone with savings of over £800 is disqualified from supplementary benefits. ~~The savings must be less than £300. There are people in fringe categories. They are retired, they do not have a social insurance pension, they may not even have an occupational pension. We have been talking about taxi drivers, they come to mind. We find they are not entitled to supplementary benefits, they are not entitled to anything. They, to my mind, Sir, suffer very serious hardship. And there are a surprising number of these. There are other people, Sir, who have a very small occupational pension indeed, very, very small, aged over 75, they have nothing else, and they still have to continue~~ *without taxi and* *for instance* *and* *in that*

to find that

in employment. And it is amazing, Sir, if one looks ~~at~~ the register which we are keeping, there are about 150 people or so getting the full rate of £2.30 without any overlap. In other words, ~~who are not getting supplementary benefits or who are not getting an even smaller old age pension.~~ In Gibraltar, Sir, we know practically everybody and it is amazing how very few there are in those 150 that one could ~~term them~~, perhaps

150 persons

term ~~them~~, non-deserving. The majority are people in this fringe region. Whilst we are allocating a sum of money for people who may not be in as much need as those ~~supplementary benefits~~, because there are limita-

new taken

improvements.

tions in the supplementary benefits system it does not follow that if that sum of money was allocated to supplementary benefits we could necessarily use it all ~~in improving the level of supplementary benefits.~~ So ~~all I ask, Sir, is that it should not be seen in isolation, but as something that will develop within the scheme of things which I have already outlined slightly and which will continue to develop.~~ I think I have dealt in fair detail, Sir, with the three main categories of pensions that were mentioned by the Hon Mr Bossano and I have, to some considerable degree I would say, outlined what is going to be my policy. But there is one other matter which I think I should refer to and that is the earnings related scheme. Now, Sir, to have an earnings related scheme of social insurance one pre-requisite is a PAYE system for collecting ~~fact~~ tax.

in further

~~Because the contributions are collected through the PAYE system.~~ And the Government has been considering the adoption of a PAYE system for income tax and it is ~~to that particular thing that I will latch on as it were to the date of implementation of PAYE that will be, if not that very same year, possibly a year later, that will, I think, be the time when we can introduce earnings related contributions which will then make it possible, Sir, for an adjustment in the level of benefits because, as the contributions adjust automatically with increased earnings, then the level of benefits, it will be possible to adjust then, I would say yearly -~~ There should not be any difficulty, it is done in the United Kingdom - and I do not see why we should not be able, every fifteen months or every twelve months even to adjust benefits. And that, Sir, will then be the stage that I would hope to be reaching after the next revision, in other words somewhere late 1975 or early 1976 without committing myself because there is this difficulty ~~about PAYE.~~ That, Sir, is the policy, but I think that the Honourable mover of this motion must also bear in mind that the role of the Opposition is not just to oppose. It is, maybe, not even to make constructive proposals. Their role is also to give the impression that they can be and are ready to be an alternative Government. And, therefore, they must also present a policy to the House and a policy to the public. And about that, Sir, we have not heard a great deal. I have been told what

to have a yearly

to have a

I must do, but not what they would do if they were, unfortunately, to be on this side of the House. What, Sir, is the policy of the Opposition on pensions? How would they go about introducing improvements and financing them? I think the public, Sir, has a right to know. We will be judged on the basis of what we achieve in our period in office. We are well on the way towards honouring most of the commitments in our Manifesto and I can assure the Hon Member opposite that they will be honoured before the end of our term in office. But are the members on the other side, Sir, to be judged merely by words? When Winston Churchill took office, Sir, in the dark days of 1940, he said, in the House of Commons: "You ask, what is our policy? I will tell you in one word, victory". And the Hon Member opposite, Sir, if I ask him what is his policy on pensions will answer in one word - "Integration". That, Sir, really is not good enough. And it is because of that that his sentiments, much as I share them, ring hollow on occasion. Thank you.

HON M XIBERRAS:

Mr Speaker, the motion before the House introduced by my Hon Friend Mr Bossano is by no means an unreasonable motion. It is a motion which shows concern for the level of pensions and the way the Minister, before this motion was presented was seen to be tackling the whole question of pensions. If the Opposition can contribute in any way to a better deal for pensioners, it should do so. But first, before we come to that, I would like to say that despite the reasonable exposition of the Minister for Labour and Social Security about what he intends to do now, there is always this one argument of sterility of the past administration in respect of social insurance pensions which he brings out and he knows himself, most unfairly. The Hon Member is aware and has confessed to the House that it was not possible for the previous administration to tackle social insurance pensions for the very reason that he made clear himself on the 5th October, 1972.....

HON A J CANEPA:

I said it on that occasion because I was aware of the fact that the Actuarial Review would be in my hands within a period of a month or two. Whereas when the previous administration had the matter in hand, even though it was an Actuarial Review for the period ending December, 1970, it could not be foreseen at the time when they would have it in hand. So when I made that

*actually*

reference in October or in November I knew that I would have it in hand, and that is why on January 30th 1973, I introduced the Actuarial Review into the statement that I made then.

HON M XIBERRAS:

Sir, the statement reads: "If nothing concrete has so far been done, it is because the Government Actuaries Report on the Social Insurance Fund for the five-year period ending December, 1970 has not yet been received". Now the Honourable Member knows that in 1969 the frontier was closed. The Hon Member knows that there was a large influx of Moroccan labour controlled as it was and 30% less than when the Spaniards were here, and that the contributions of the Moroccan labour force and the employment pattern, the recruitment of labour from Morocco could not be established in any actuarial review until it had been allowed to run for some time. This was the view of the actuaries when I, as Minister for Labour and Social Security, pressed them for a report which until it was in my hands meant that I could not tackle the question of social insurance pensions at all. The matter was further complicated by the deal which Her Majesty's Government thought fit to float to Spain in respect of the Spaniards who had been working here just before 1969. The Honourable Member opposite knows very well that without this actuarial review it would have been highly irresponsible for any administration to touch social insurance pensions. It is a view which I stated in the House, between 1969 and 1972 and a view which was not challenged at all by the then Opposition. And I am surprised that when the slightest criticism is levied at the Minister or when he is spurred on to greater efforts, he should throw this in our faces. Because it is a most unreasonable argument and most unbecoming of the Minister. The goodies, the political goodies available in that fund were not created by the Government, by any Government, in the main. The political goodies to be had in that fund and which could not be taken out until the actuarial review was in the possession of the Gibraltar Government came mostly from the employment pattern of Moroccan labour that is employed here for some time and does not stay here long enough to reap the reward in benefits. This is what has made possible increases in pension rather larger, proportionately, than the contributions that people are to pay, employers and employees. But when the Honourable Member made the statement on the 5th of October, 1972, as he has just informed the House he knew that within two months he would have that actuarial review in his hands. That actuarial review is exactly the same one which the Honourable Member is going to use to bring proposals to the House one side or the other of the summer recess, to increase social insurance

pensions quite substantially over the figure which he brought to the House in June. This was the contention of my Honourable Friend Mr Bossano on that occasion. That the Minister had been persuaded as we thought by what he had to say on that occasion by the arguments of the actuaries that improvements were not possible over the £7 limit. The Minister emphasises £7 quite a lot. With the increased contributions that the Minister had in mind then and introduced then of 9lp and so on it would have been perfectly feasible to increase social insurance pensions straight off to the level which he is now thinking about of £7 to £10. That was in the Fund and that was the implication of the increase in contributions which he announced on that occasion some time ago. The Minister should, therefore, not be surprised at all to see that criticism is levied at him before he made his present statement that the level of pension was not high enough if one considered the actuarial report and the state of the Fund. Everyone knew that the Fund was in a healthy position. Before I left office as Minister for Labour and Social Security I was aware of this fact. But, unfortunately, the law precluded me from doing anything drastic about pensions until that actuarial review had been received, and, therefore, as I say the Minister is most unfair when he talks about the sterility of the previous administration on the question of social insurance pensions. Perhaps if the law which his own Party introduced before my Party came into office had been different, then our Government might have been able to do something about pensions rather quicker than what has actually taken place. The level of pensions, when the Integration Government lost office, has been criticised by the Minister. But he has not spoken at the level of supplementary benefits, the level of social insurance itself when his colleagues in Government left office in 1969. Were they not abysmally low then? Were they not far behind any reasonable expectation? Was it not the case that all round in social welfare legislation including family allowances and the like the long AACR-dominated Government had allowed these to fall far, far behind. And is it fair to pick out, after the explanation I have given this House, social insurance pensions as an example of the sterility of the previous administration. I would suggest that the sterility was in the unopposed Government of twenty-five years before the Integrationist Government took office. It is there that we saw they were sitting in a pretty and comfortable position. It was there that we saw satisfaction with the mere introduction of new legislation followed by a fall away in the concern for the living standards of the day. This was the situation that faced the integrationist administration when it took office in 1969. This was the back log that almost caused very serious social disruption in Gibraltar when the frontier closed. I am willing to

grant the Honourable Minister for Labour and Social Security credit if he achieves, with the public funds that exist, the levels of social insurance which he has announced in this House. But I warn him not to be complacent. I warn him about the contribution, the size of the contribution, compared to the benefit even of £7-£10. There are many in the private sector today who feel that the Government insurance is not value for money. And with the greatest rate of inflation that we have had ever in Gibraltar, even those quite reasonable standards that the Honourable Member is talking about might quickly be eroded. Then we shall have to look at the level of contributions and then we shall have to look at what proportion the new contribution that will be needed will be of the salary that our workers, especially the lower paid, will be asked to make. 91p on the basic wage of the labourer is already good money.

HON A J CANEPA:

If the Member will give way. 91 pence is not what is deducted out of the labourer's wage. That is the combined share of which the employer pays over 50p.

HON M XIBERRAS:

I apologise to the Minister. That is, in fact, the case. But 91pence, perhaps, in a private insurance might render a somewhat better benefit. I think, Sir, that the Honourable Member must be aware that there is this dissatisfaction at the present stage. Therefore this dissatisfaction justifies a motion on the reasonable terms that my colleague has brought to this House. I have had personal experience of this particularly in respect of the over 75 pension. When people get ten extra pennies or twelve extra pennies they are naturally dissatisfied especially when expectations have been built up. I do not see the reasoning the Minister has given for the need for this £2.30 pension for the over 75. I do not see the need for this gap, this transitional period. The information on the state of the fund which the Minister will have available in the next, let us say, three years, is going to be exactly the same. It will be the actuaries report. Could he had not tackled the matter in the manner which I, in my time, had in mind to do so and I had written to this administration on this - you will find in the Deputy Governor's office letters about pensions, the general approach to pensions - by making a direct Government contribution into the Social Insurance Fund so that the Government's part in the social insurance set-up would be a rather more important one than it is at present? Could he not have gone to universality as soon as the actuaries Report was in his hands? Could he not

have made contributions obligatory all round at that stage instead, perhaps, to tide him over during this period of thinking he introduced these £2.30 pension for the over 75. But I think that that measure in itself has done the Minister more harm than it has done good. It is very difficult to explain to a man or a woman on welfare with £2.30 a week that he will not get any more even though he is over 75 but that somebody who drives up theoretically in a Rolls Royce to the Labour Department, who has income from other sources other than welfare is entitled to the £2.30 over and above whatever income that person might have. That is, in principle, socially unjust. And I think that what my honourable friend has had to say, Mr Bossano, is totally merited. It is badly conceived and the sooner that goes the better. How could you have a means test applied to the welfare person and no means test applied to a person with unlimited resources? How could you have a means test applied for those on social insurance pension and not to those of unlimited income? Surely, that is ill-conceived and, surely, the Minister could expect the repercussions which he has got because there is general discontent about this. I have indicated to the Minister what would be the integrationist policy on this. It would be to reach universality of pensions immediately. And to tide us over that the Government should contribute directly to the Social Insurance Fund. We would not have this duplication of pensions here and there. And his motives may have been good ones in introducing this pension for the over 75, I do not doubt that, but we told him in this House that we could not agree with this and I think that the criticism that has followed this has proved that we were right. I hope the transitional stage will be over quickly because he is not going to be able to explain to people that they are getting an increase, people in need, and yet they are not. I have no doubt that some people over 75 have benefitted from this £2.30. I have no doubt of this. But if the Minister was short of money surely he would have - I believe he has said this on television that it would have cost a lot to apply this generally to welfare people - surely he could have directed the increases at those who deserve them most. Perhaps even an increase in supplementary benefits might be more merited, use the money for that. But we had a state pension which did not help really those who were in greatest need. That I would say is not socially just. With that part of the Minister's programme for pension I would disagree very violently and I think it merits the epithet "Socially unjust". I have said that expectations were increased by the Minister's statement. The Minister spoke about a £7 pension and this was said over television, it was said in the House and so on. What got across to the people was that they were getting £7. And my Honourable friend Mr Bossano put a question to the Minister in which he asked him how

many people would, in fact, receive the £7. The answer was 140 out of 3,400. Now, a lot of people have asked about the £7 in the hope that they will get when the Minister carries out his further change. But, in the meantime, there is discontent about pensions and many people come to us with complaints about this. Against this, the Minister said that he had a plan. Well, the plan has been stated tonight in general terms. The plan we will examine. We think it is much more reasonable, obviously than what he had to offer the House in June, but the plan was not there at all when my honourable friend was putting questions to the Minister and pressing his point or even when he brought this motion to the House. And the Minister must not labour under the illusion that because he stands up in the House and says that he has a plan he will be taken as Moses. We will not accept that the plan is necessarily a good one because the Minister says so. And we are not going to tell people who come to us complaining: "Do not worry, the Minister has a plan". Of course we are not going to do that because we do not know what the plan is. When people come now, we will tell them the Minister intends to raise this from £7 up to the area of £7 to £10. We will tell them. It would be public knowledge now and people can judge. If we think when these £7 or £10 come that more is necessary and pensions are falling below the level where they should be, we shall come up again to the Minister and we shall ask for concrete proposals about how he intends to deal with the matter. We are glad that again the questions and the notions of my honourable friend have elicited this information from the Minister, because in this transitional stage he has made some very serious mistakes. Sir, turning now to Government pensions I remember the Hon Mr Montegriffo, on a number of occasions when the previous Government brought measures to the House to increase Government pensions, saying in his inimitable way what a pity that we cannot convince people in London who are responsible for these pensions and the way in which they are calculated that the people at the top should not get more than the people at the bottom of the scale. The Hon Member said this on a number of occasions. He did not say this is a tremendous injustice, but the argument was linked up with other arguments about cheating the workers in the Marsh Report. The Hon Mr Serfaty said at the time: "It is not tactful to give the higher paid civil servants so much money at the same time as in the strike". I remember that very well. Well, the Government has done the most tactless thing possible, and that is give a lot of back money to the higher paid civil servants at the same time as it has given rather less back money to the lower paid civil servant. This is again what has sparked off the public discontent which undoubtedly exists. So I am no one, of course, to lecture the other side on tact, but I am sure Honourable

members will bear this in mind for any future occasion. And the Hon Mr Montegriffo, of course, will again strive to change the mind of people in London, in Whitehall, about these matters. I was, of course, aware of the general thinking which the Hon Financial and Development Secretary expressed to the House in his long quotation. That both sides were quarrelling but neither side had found the answer to this. But as with prices, Sir, when the other side criticises the record of the previous administration on this, we are morally justified in coming back quite strongly and saying: "Well, what have you done about it". And the question of prices and the question of pensions I think if only because the present Government has done nothing about what they promised or indicated to the public when they were in Opposition, I think that these taunts of the Opposition are very well merited. In respect of Government pensions, I do not think any member will accuse this administration of sterility. We were much prompter with our increases than they have been. I thought myself, and may I say in passing, that if it is a criterion of social justice that we should give more to the people down below than the people up above, then the cut-off point which was applied in respect of COLA adjustments to Government pensions, that was social justice. I commend the points to the Hon Mr Montegriffo and the Hon Mr Serfaty. That was social justice, if that is considered social justice, but the Government cannot have it both ways. They cannot say that an increase at the top is not justified as they said when they were in Opposition and now give an increase at the top which is larger than the one that they have given at the bottom. Sir, I am sure that the Hon Minister for Labour must be aware that there was considerable support in our administration for Pay As You Earn. The Hon Member must be well aware of that. And I accept what he has said. That certain changes could not come about - an earnings-related scheme - there might still be pamphlets and things in the drawers of the desk he now occupies about earnings related schemes. I was in consultation, as I have often said, with the Transport and General Workers' Union Pensioners' Committee on this and doing some work, in broad lines, because both could not get down to figures until the Actuarial Review was there. I was honest enough to state a low level for social insurance pensions, I may say in passing, before the election. I was honest enough to put a low level simply on what the Social Insurance Officer and the Director had to offer me at the time, without any figure. I hope, Sir, that the Minister, when he launches into a major scheme which I think is now not only desirable but above all possible because we have the figures available, that he listens what my Honourable Friend has to say. He had a very good point about the Social Insurance Fund. It is not just the turnover money as I might call it that is important. What about the assets themselves in

the fund? Of course the Actuaries will tell the honourable member you cannot touch those. But I wonder whether this is a universally accepted idea. I wonder. I have no doubt that the pattern of employment of labour from abroad here favoured the fund. The Minister should know this. And it is going to continue until the frontier is opened. And, therefore, any too conservative estimates by the Actuaries should be confronted with the argument that because that frontier is closed there is a very substantial rate of inflation. And if they can work out in figures over a long period, twenty years or thirty years or forty years, what the effect is going to be on the fund, the people of Gibraltar are also concerned about it here and now. And I would ask the Minister to press the Actuaries to give up this idea that you cannot touch these sums of money which my Honourable friend has mentioned as being very important. And this we tell the Minister in order to produce good pensions. Of course, the Minister can expect to be criticised. But the criticism this side of the House has been nothing if it has not been constructive. Perhaps, for political purposes, too constructive. My Hon Friend has put ideas in the mind of the Minister time and time again in questions. The Minister, of course, has said he can come to his office. Of course this is the case, but that is another story. That is another long story about what the function of Opposition is. And the function of Opposition is to bring out in these matters which we feel are genuine enough to warrant a public debate, to bring these matters out openly. Because we too would like to be on that side of the House. Of course we would. And Honourable members cannot pretend that any criticism that has to be levied is going to be levied in the Minister's office solely. Matters have to be brought to light when there is sufficient justification for it. Question time is there for that. Sir, the question of integration is often dragged into matters of this kind. May I say, Sir, even at this late hour, that a formal approach was, in fact, made to Her Majesty's Government around 1969, floated not with any great vehemence but put across to Lord Shepherd when he was here that, perhaps, there was something that could be done linking up social insurance systems. After all, how many pensioners do we have here? 3,441, I am informed. Compare that with the number of pensioners in the UK and the funds which are there. I know that the biggest obstacle is integration or the lack of it. I appreciate that. But 3,400 people and the risk attached to that is not all that much. And considering that Gibraltar was a colony for many, many years providing good service for many, many years and remains so and that the level of wages was not that high for the man in the Dockyard and so on, perhaps, our contribution should be deemed to have been paid in kind. I do not think it is such a far-fetched idea that Government pensions should

be merged. Perhaps we could have the Honourable the Minister for Medical and Health Services signing another agreement, though I doubt the wisdom of Ministers signing agreements in the present situation of Gibraltar, but perhaps we could sign another agreement on social insurance pensions. Perhaps, the Hon Mr Canapa will take this step and we on this side will be shouting integration, integration, and the pensioners will be getting something better than they can expect even now. But the point is not amiss, I believe, Sir, to raise here. It is relevant and I hope that it could be done. After all compare for a moment the Medical Services. What contributions do we make in social insurance, in health payments, to the UK?

MR SPEAKER:

We are getting away from the point. We are criticising the Government for their policies, not what policies could be brought about. I have given you some latitude but we must not be carried away.

HON M XIBERRAS:

I think, Sir, that the seed has been sown. Therefore Sir, summing up, the last administration was anything but sterile in this, and if there was forced inaction in the field of social insurance pensions, the Minister knows why this is. It is most unfair for him to attack the previous administration on these grounds. I am glad that the Minister has announced these plans and, certainly, I am very glad that my Honourable friend Mr Bossano has moved this motion at this particular time.

HON A P MONTEGRIFFO:

Sir, certainly the Opposition knows how to draw a rather quiet man. I am certainly not going to enter into any controversial point, neither am I going to repeat arguments that have been adduced at least from this side of the House as to the policy of this Government on pensions generally. But I think the Honourable Leader of the Opposition towards the end of the speech mentioned linking social security pensions in Gibraltar with those in the UK, and, perhaps, it is a point worth pursuing. A little has been done in that respect. My honourable colleague on my right will be able to announce within a few days, a reciprocal agreement, perhaps not going the whole length that we would probably like, on pensions. But what we cannot do and we sometimes fall into the trap of doing in Gibraltar from both sides of the House and, generally

speaking in Gibraltar as a whole, is to talk about linking what is best in Gibraltar with that of Britain and then not wanting to link ourselves with that part of the legislation passed in Parliament which we have accepted, perhaps reluctantly in Gibraltar, on the occupational pensions of civil servants. We cannot be having our cake and eating it. And this is something that we always seem to forget. A lot has been said about the social injustice of granting pensions to people at 75 because, it is being alleged, and I do accept and my Honourable friend on my right also has accepted it in this House, that people who have some money, some means, would be getting the same pension as people who have got nothing at all. Let me say that these social injustices exist also under the present system whereby a person who has got means, who may have won the lottery or may have been able to invest and draw a little money, retires, or if he is a Director of ICI, retires at 65 and, irrespective of his means or occupational pension, he gets exactly the same pension from the social security pension scheme as the ordinary labourer and this to me also looks as a social injustice. But it is the structure on which we are living that is wrong. We are talking about principles which are very difficult to implement in a society of grabbers. It is the society which, I feel, perhaps, is unjust and we are trying to patch up and trying to implement very high and noble ideals into a society in which people are not readily prepared to accept. Because, if the Honourable Leader of the Opposition remembers rightly, when the Government of the day was giving pensioners in the Government service up to Technical Grade I a flat rate, there were great complaints from those who were alleging that they were being deprived of the percentage increase to which they had been accustomed before. So you can never please everyone. They are all looking over their shoulder to see how much someone else gets in order that he will get the same. And this is the fault of the system as I said before of a society of grabbers. I feel that if we really want to change society and make a much more just, social order, the time may have come though. We may not be able to change the world from little Gibraltar, where the justice and the principles on which status, work and professions are measured and rewards thereby given, must be changed radically. What we cannot do is, within the present accepted principles of the society we live in, is to say: "You are retiring with £1,000 and you are retiring with £100 - and this is the principle we accept, but as time goes by and the value of money diminishes because of inflation, we are going to narrow the differential. No, Sir, if we have got the guts and the courage of those convictions then the thing must be looked at at source, at the time when they retire. And the principles will apply to the pension we pay to those

who get £10,000 as distinct to those who get only £1,000 a year. And that principle I would share. But if you were to do that in Gibraltar, if we were to have even the courage to do that in Gibraltar, what could happen? We are part of the world which is a society of grabbers and we will not be getting these people that we still need in Gibraltar, perhaps doctors and other professions, to come to Gibraltar on this just social order which I am trying to expound and which many times I have preached but I feel I am preaching in the wilderness. They will then be able to go either to Germany, to Britain or Canada under conditions which we cannot afford to give in Gibraltar. There are difficulties in every respect but I do not think it is so unjust to have given the people of 75 who have not been able to contribute, the same privileges as we are giving those who retire at 65. In fact, all we are doing at 75 is a token gesture because, after all, £2.30 is not that much but it is a gesture which the Government felt duty bound to do with the financial limitations.

HON MAJOR R J PELIZA:

Mr Speaker, I am delighted to hear the Honourable Mr Montegriffo speaking on those terms. I remember when he was on this side of the House literally saying that I had cheated the workers precisely because I applied the principle whereby it was the way to bring the doctors and the professional men who required to work in Gibraltar. There has been a great conversion on the part of that Minister since that day. And of course that was not intended for the gallery at all. Oh no, not even for the Gibraltar Post headlines. It is really that his convictions in those days were completely different to the ones we have today. I think I do not want to expound any more on any other item I think my friend.....

HON A P MONTEGRIFFO:

He has not converted me. I share the same views then as I share now. How to go about changing the mentality of people.

HON MAJOR R J PELIZA:

Sir, what the Minister is saying is that he is cheating the workers today. I am afraid it is either one thing or the other. I should make one more point also made by the honourable member on the question of integration when he said that we want to have the cake and eat it. I think we want the cake before we can eat it and we

have not had it yet. But I think it is vital, first of all, if we are going to talk about integration. I just want to make a remark, in answer to a remark made because I think we have this thrown at us all the time. We had it thrown at us before on the question of parking tickets. What the Government today are doing is accepting the bad things of integration and refusing to have the good ones.

HON J BOSSANO:

Mr Speaker, I may be failing in all my obligations as a member of the Opposition in the eyes of the Honourable Minister for Labour and Social Security but at least I am glad in one obligation I am succeeding and that is in dragging information out of him which apparently he is not willing to volunteer, because I started off in moving the motion by prefacing what I had to say with regard to the policy that I was imputing to him because I always try to give him and other members of the Government the benefit of the doubt and I was willing to listen to him so that he could put me right if I had misjudged his policy on the limited evidence that I had been able to obtain and to gather over the last eighteen months as the result of my questions in the field of pensions. I must say that what I have heard today is more encouraging than any information I had up to now but I am afraid that although the policy for the future, that is, the increases he is contemplating are very welcome, I am afraid that he has not succeeded in meeting what I consider to be valid objections to some of the measures that he has taken so far. Now, I am not sure who this Torquemada that I am supposed to be is. Perhaps he is a Spanish gentleman that the Honourable Minister met in his last cruise. But I am not Torquemada, Mr Speaker, I am Joe Bossano and I have always had to say the same sort of things in the House and outside the House. And I have strong views about the social system that I want to see and they are well known. They are shared by some people and they are not shared by others. I do not know how many members of this House share my views. It would be interesting to do a sample survey. Perhaps the Honourable Minister for Labour and Social Security would like to conduct such an exercise. Nonetheless, my views are mine and I like expressing them whenever I am given the opportunity to do so but my function in the House is to try and influence other members of the House, both my colleagues and those in Government, towards a movement to what I consider to be an optimum state of affairs. If I may take up the Honourable Minister for Labour and Social Security on his reference to the possibility of my being a Co-ordinating Secretary in my Union and whether my views would change on differentials then. Well, I do not know perhaps I shall

be employed in that capacity - I certainly have to find some sort of work - and in that capacity I would be in a different place and I would be saying what my employers would instruct me to say. But he would certainly be hearing from me I can assure him of that if I am in that position and perhaps he would be less glad to hear from me whether it is about differentials or anything else. But we still have before us the motion as it stands and I must still ask the House to support it because, although we now know more about the policies than we did before, the arguments that have been put to defend what has been done up to now do not hold water, Mr Speaker. The Honourable Minister for Labour and Social Security said that the only answer that we had as an alternative government was integration. Well, we are integrationist and I said to him that I considered the level of social security in the United Kingdom the minimum acceptable for my people in Gibraltar. There is nothing peculiar about this because my General Secretary, Jack Jones, Mr Speaker, the General Secretary of my Union, Mr Speaker, who provides my Union in Gibraltar with a lot of information about what our working people in the UK are getting, is not satisfied with what he has got there but, of course, it is a tremendous improvement on what we have. And although I wish like Jack Jones and other brothers in the United Kingdom wish, to improve the lot of the British old age pensioner, I wish even more that the inadequate levels of the United Kingdom should be available in Gibraltar now. I am sorry that the Hon and Learned the Chief Minister did not choose to contribute. He might have told us how Brother MacMahon is faring nowadays.

HON CHIEF MINISTER:

He is still getting £2.30 a week.

HON J. BOSSANO:

Well, Mr Speaker, Brother MacMahon getting £2.30 a week must have reached the venerable age of 75 and, therefore, he could not have been unemployed. I think the Hon and Learned Chief Minister must have been misleading the House on that previous motion when he told us that MacMahon was unemployed. He was not on the dole after all, he was an old age pensioner it seems. I am afraid that the Honourable and Learned the Chief Minister is not very well informed about the level of benefits in the UK because £2.30 is below the minimum that Brother MacMahon would get, well below it. Because you see, Mr Speaker, there are similarities between the system that the Hon the Minister for Labour and Social Security has brought to the House - the Elderly Persons Insurance Scheme - and the position in the United Kingdom. In the United Kingdom.....

MR SPEAKER:

The differential between the United Kingdom system and the Gibraltar system is not the point of debate.

HON J BOSSANO:

I thank you, Mr Speaker. The point that I was going to make was that there are similarities between the system that the Minister has brought to the House and the United Kingdom system and I would then show the arguments that are used in support of the UK system which are not valid in the case of the system that he has used here because, in fact, although he has attempted to show the validity of the elderly persons pension system as he has brought it to the House on the grounds, for example, that it is a net, shall we say, to catch those who have been left out of the insurance scheme, I am going to show that there is a similar provision in the United Kingdom where there is a net but I am going to show, why, although his arguments applies very validly to the UK system, it does not apply to the one in Gibraltar if you will allow me.

MR SPEAKER:

Who's argument.

HON J BOSSANO:

The argument of the Honourable Minister for Labour and Social Security in support of his scheme.

MR SPEAKER:

But not the Chief Minister's argument?

HON J BOSSANO:

No, Mr Speaker, the Honourable and Learned the Chief Minister I left some time ago with Brother MacMahon.

MR SPEAKER:

Order.

HON CHIEF MINISTER:

I would like to say that Brother MacMahon promised me a razor for our friend's moustache.

HON J BOSSANO:

No, Mr Speaker, not the Hon and Learned the Chief Minister. The Hon Minister for Labour and Social Security, who suggested that the 75 year old pension could be justified because it serves to provide an assured income of £2.30 a week for the 75 year old who were left out of our contributory social insurance scheme. Well, this safety net in the case of the UK operates at the age of 80 because, of course, their contributory system in spite of the fact that they have had many Conservative governments when we were labouring under the AACR in Gibraltar, in spite that they started their contributory system much earlier than we did, Mr Speaker, and therefore the age of 80 makes sense there. The age of 70 does not make sense here on the age of 75, Mr Speaker, because as the Honourable Minister for Labour and Social Security has told us today, 150 individuals are getting the full pension of £2.30 without any loss of other income. And as he told me on the 31st of December, 1972, there are 3,441 pensioners. And as he told us on a subsequent date there are 140 couples getting the maximum of £7.10. So between those that the net has caught, 140, and those that the other net has failed to catch there appears to be 3,000. I do not know what is catching them, Mr Speaker, but.....

HON A J CANEPA:

If the Hon Member will give way. The catch is that the figure of 3,400 which he has quoted and which also used by the Leader of the Opposition is wrong. That is the total number of pensioners and it includes aliens. The number of British subjects or Gibraltarian pensioners is about 1,200.

HON J BOSSANO:

I am grateful, Mr Speaker, for the information. The figure that I had was in answer to a Question 109 of 1973 and it was not qualified as regards nationality. I am limited to the information that I get, Mr Speaker, Sometimes I am accused of asking too much and I am accused of asking too little, Mr Speaker. As the Honourable Minister for Medical and Health Services has pointed out it is very difficult to please everybody. But we know now that the elderly persons

pension is providing some income for some persons and that is a desirable improvement and it is something that every member of this House must be glad of. And, clearly, some of those people must be ones who are just over the supplementary benefit income or not income capital, I think, probably, the £800 cut-out point that the Hon Minister for Labour and Social Security mentioned where he thought the supplementary benefit are not applicable to persons who have savings of £800. But, equally, one does not have to be just over the margin of £800, one could have £8,000 and still benefit from this provision and although it is true that it is a principle of social justice to give the same to everybody, it is also a principle of social justice to take into account how **much they have got**. And it is a principle of social justice either to take away from everybody or not to take away from anyone. And I cannot accept that it is social justice to say as The Elderly Persons Non-Contributory Pensions Ordinance does and as I criticised at the time that it was brought to the House, Mr Speaker, I cannot accept that it is social justice to say that certain kinds of pensions are going to be debarred as far as entitlement to the new pension is concerned and others are not. I think, Mr Speaker, that this is a valid argument against the introduction of the scheme as it was introduced. I think it is an argument that carries some weight with some members on the Government side and I appreciate that, perhaps, it is one of the failings of parliamentary democracy that once things get to this House it is very difficult to retract for fear that this might be popularised outside the House as a defeat. It is a sad thing that it should be so. Perhaps, this is an element which prevented the Pensions Ordinance being improved when it came up. But, nevertheless, since it was not improved it stands as a brick in the edifice of the Minister's policy. And it/only by looking at the bricks until the edifice is actually finished that I can visualise the edifice, and that particular brick I had a lot to contest. The Hon Minister for Labour and Social Security has made reference to the measures which he has taken to put matters right and he has made specific reference to one element in the overlapping benefits regulations which I brought to his notice. I was very glad that he was able to do what he did. He, in fact, went further eventually than he had told me at first he would be able to go. He told me at first that he thought something like 50% of the loss could be returned and, in fact, he went the whole way. I was very glad he did it and I know that he would like me to stand up here more often and congratulate him. And, perhaps, that is another of the roles that he sees for the Opposition on which I do not see eye to eye with him. But when he does something I am glad and if it is going to be of any help in making him do more useful things for the working people of Gibraltar, then I will willingly stand up here and tell him that I am glad as

/is

\*of the  
bulk of  
the people  
of Gibraltar  
as I see  
that  
interest,

often as he likes. But I must also tell him, Mr Speaker, when I think that what he is doing is not in the interest\* and I may be wrong. Perhaps if he hears the amount of information that comes my way he can dispense with the Advisory Committee altogether in the field of social insurance and then there is no danger of secrets leaking out. Perhaps I shall be forced to pay him a visit as Co-ordinating Secretary and elicit the information from him as of right. Be it as it may, Mr Speaker, I do not think he needs to worry too much because if information comes our way, provided that the information does not conflict with what we are told in the House, then there is no need for us to bring it out to prove the erroneous impressions that are created on occasion in the House, perhaps unintentionally. If the information we get from outside fits with information we get directly from members of the Government then there is nothing to quarrel with. And I think if the Minister has got such wonderful plans for Gibraltar's social welfare system he should not want to be secretive about it. He should be intent on publicising them as much as possible. The question of the percentage increases, Mr Speaker, in the cost of living which the Hon Minister brought the attention of the House to after I had made some reference to them in defence of the existing level of pensions are not valid because I specifically referred to his statement in January, 1973. The cost of living has not increased by 15% since July. I accept that. We have not yet reached the rate of inflation of 30% per annum. I do not know how long it will take before we get there. At the moment we are travelling at a speed of 15% per annum. But it is a year since he said in the House that he was thinking of a level of £7.10 for a married couple for pensions and he said that whilst he had long-term plans, in the interim he would not lose sight of the need to bring improvements under the existing scheme. I put it to him that if he thought that £7.10 was a reasonable amount a year ago, regardless of the fact that the £7.10 was introduced six months' ago, if he thought it was reasonable a year ago then he must think that it is reasonable to have a pound more now because that is what is needed now to bring it to the reasonable level of a year ago. This was the argument that I put to him, Mr Speaker, and I think that the figures that he has mentioned for next summer which will bring an improvement in the maximum from £7 to £10 that would certainly bring us on present trends to a real improvement by the next summer. But, clearly, that again will be so near the compensatory element that needs to be introduced into pensions to take care of inflation that he would have, I am afraid, to face me again shortly after asking him for more because as soon as I found that the level of pension was being eaten up by inflation I would then immediately feel it my

obligation to bring this to his notice publicly and to try and influence him publicly into putting matters right. I can assure the Hon Minister for Labour and Social Security that my motives in doing this are simply because I believe that this is an effective way of getting action from the Government. I believe that by having an Opposition on this side of the House the Government is spurred to action, and I am sure if we were on that side of the House, they would be making sure that they did an effective job of moving us along the road to social progress. It is a very desirable state of affairs that both sides should be committed to social progress and that both sides should be intent on pushing each other. I do not see what the Minister has got to complain about in such a system. As long as it produces results then, clearly, it is our senior citizens who are the beneficiaries and it is, clearly, something that we all ought to be glad about, Mr Speaker. I commend my motion to the House.

Mr Speaker then put the question in the terms of the motion proposed by the Hon J Bossano and on a division being taken the following Hon Members voted in favour:

The Hon J Bossano  
 The Hon J Caruana  
 The Hon L Devincenzi  
 The Hon P J Isola  
 The Hon W M Isola  
 The Hon Major R J Peliza  
 The Hon M Xiberras

The following Hon Members voted against:

The Hon I Abecasis  
 The Hon M K Featherstone  
 The Hon Sir Joshua Hassan  
 The Hon Lt Col J L Hoare  
 The Hon A P Montegriffo  
 The Hon A W Serfaty  
 The Hon H J Zammit  
 The Hon A Mackay  
 The Hon J E Havers

The following Hon Member abstained:

The Hon A J Canepa

The Motion was accordingly defeated.

## ADJOURNMENT

The Hon the Chief Minister moved the adjournment of the House sine die.

This was agreed to and the House adjourned sine die.

The adjournment of the House was taken at 9.50 pm on Wednesday the 30th January, 1974.

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