

MEMORANDUM FOR THE CABINET
BY THE HON. PRIME MINISTER

Amendments to the Gozo Local Government
Ordinance, 1961, (Ordinance No. XI of 1961)

A Writ for the holding of elections for the Gozo Civic Council, due to be held on the second Sunday of December next, has to be issued shortly. The Gozo Local Government Ordinance has been in operation for three years and in the experience of the Council certain amendments to the Ordinance have become necessary. These amendments refer mainly to the election of members of the Council and of District Committees.

District Committees and Gozo Civic Council

2. The following is a brief summary of the present system providing for election to and representation on, District Committees and the Gozo Civic Council:-

- (a) There are in Gozo 14 Polling Districts, which correspond, more or less, to Victoria and thirteen villages. Each Polling District has a District Committee on each of which are elected to sit SIX members;
- (b) The SIX members of each District Committee elect from amongst themselves a councillor to sit on the Gozo Civic Council in representation of the District Committee who has elected him;
- (c) The Ordinance provides that, in the event of a casual vacancy occurring, for any reason whatsoever, either in the membership of a district committee or in the office of an elected councillor, such vacancy shall be filled in any case and the Ordinance provides also the machinery for such purpose. Whatever the number of vacancies occurring in a District Committee, they are all to be filled and under no circumstances shall a District Committee cease to function, so that there will be at all times 14 District Committees.

3. The amendments proposed by the Council concern:

- (a) the numerical strength of members of District Committees;
- (b) the method of a District Committee's representation in the Council;
- (c) the question of the filling of casual vacancies in District Committee membership;
- (d) co-option of members to the Council.

4. Before considering the changes recommended by the Gozo Civic Council it is advisable to mention two important suggestions made by three Members of Parliament representing Gozo, viz:-

- (a) that the Members of Parliament elected to represent Gozo should ex officio be members of the Gozo Civic Council, and
- (b) that Government employees should be precluded from being elected either to District Committees or to the Council.

5. The suggestion at (a) seems to cut across the principle of local Government which the Ordinance, though with limited functions, sets up in Gozo. It has also to be seen in the light of future extension of the Ordinance also to other districts in Malta. The Gozo Civic Council are opposed to the proposal.

6. As regards (b) the Ordinance provides that Government employees unless they are in the employment of the Council, may be granted permission to stand for election to District Committees. If elected they not only become members of a District Committee but may be elected to the Council. There is all round agreement with the principle that Government employees should be debarred from membership of a District Committee or of the Council. The question is whether sufficient experience has been gained during the first three years to enable the Council and the District Committees to function without the injection of some of the best elements in Gozo who happen to be Government employees. The Gozo Civic Council are of the view that the time is not yet ripe to make a complete prohibition.

7. Turning now to the amendments proposed by the Council, the original suggestion with regard to (a) of para. 3 was that membership of District Committees should vary from three to six. The reason for this change was not at first quite clear but it was explained that in the smaller villages it was not easy to find as many as six candidates for election. Nevertheless, it seems absurd to differentiate between the composition of District Committees especially when one considers their very limited functions which do not go beyond electing one of their members to sit on the Gozo Civic Council. The Gozo Civic Council have accepted the latter view and they do not insist on the original amendment. A suggestion has been made, which the President accepts, that perhaps the situation might improve if the number is reduced to five in all Districts. This will also lend itself to clear decisions being taken once the Committee will be composed of an odd number.

8. As regards (b), the Council propose that the elected member of a District Committee which polls the highest number of votes should automatically represent the District in the Council. This is a fundamental departure from the existing provision of the law which leaves it to the elected members of a District Committee to choose their representative in the Council. There is much to be said in favour of the change, as in the absence of District Committees, election to the Council from each district would have to be made on that basis. Indeed if the Council have their own way on this point, the question immediately arises as to whether it will still be necessary

/to

to have District Committees at all. At one time, in fact, the Council had voted in favour of the elimination of District Committees but the reaction in Gozo to such a step was most unfavourable. On balance it would appear that if District Committees are retained the present method of electing one of their members to sit on the Council should not be disturbed.

9. Regarding (c) of para. 3 the question of the filling of vacancies of members of District Committees raises some very complex problems. The Council propose that following the formation of a District Committee a candidate who has resigned shall not be replaced through a casual election but the Committee itself will continue to function irrespective of the number remaining. Provision is to be made, however, for such election to be held in the exclusive case of the physical inability (death, illness or emigration) of a member to attend Committee meetings. This may eventually lead to a situation where a particular District Committee ceases to function, whereas the existing provisions of the law lay down that under no circumstances shall a District Committee cease to function. The main object of the proposed amendment is to deter capricious resignations from membership of District Committees. Nonetheless a basic principle is involved here which merits careful thought. Perhaps one way out would be to accept the Council's proposal subject to it being laid down that a casual election should in any case be held when the number of members goes down to less than three, but the Council consider it preferable to limit elections only to the cases mentioned above.

10. As regards (d) of para. 3 the Council propose that in the case of no candidate standing for election in a particular district, the Council will be empowered to co-opt a Councillor to represent that district. This power of co-option will also be exercisable in the case of a district remaining without a representative due to an 'en bloc' resignation of a Committee including the councillor and will be over and above that vested in the Council by section 4(2) of the present Ordinance. These proposals are considered reasonable.

President of the Council

11. The Gozo Civic Council propose the deletion of the present subsection (2) of section 9 of the Ordinance which lays down that "No councillor shall serve as President of the Council for more than three consecutive years". This will render it possible for any individual, subject, of course, to his being re-elected at each election, to become a life President of the Council.

Qualification for election of members of District Committees

12. Section 13(3) of the Ordinance at present provides that "No person shall be qualified to be elected a member of a District Committee other than that for the polling district in relation to which he is registered as a voter".

In view of the difficulty in finding enough candidates to stand for election the Council would like that the residential qualifications should be replaced by a provision which would enable any person registered as a voter in Gozo to stand for election in any district

/irrespective

irrespective of where he works or resides. A proviso would, however, have to be made to preclude any candidate from standing for more than one district.

This proposal, besides being perhaps inconsistent with the residential element which should be the basis of a District Committee, would present considerable difficulties of a practical nature in establishing "full employment".

Minor amendments

13. (i) The Gozo Civic Council have suggested that there should be introduced into the Ordinance a provision laying down that, where both the President and Vice President of the Council are temporarily absent from Malta or are otherwise temporarily unable to perform the functions of their office, the Secretary and Treasurer of the Council shall convene an urgent meeting of the Council for the purpose of electing a "pro tempore" President and Vice President. There appears to be no reason why this suggestion should not be agreed to.

(ii) An amendment has been suggested in regard to regulation 9 of the First Schedule to the Ordinance in the sense that voting at the meetings of the Council shall be on the basis of secrecy (and not by the show of hands), where one of the councillors makes a request to that effect. This appears to be quite reasonable.

(iii) In terms of Section 21(1) of the Ordinance, the Secretary and Treasurer to the Civic Council is to send to the Prime Minister a written notification of any vacancy occurring in the membership of a District Committee. There is, however, the anomaly that while the said notice is to be given by the Secretary and Treasurer within six days after the vacancy has occurred, there is at present no corresponding obligation on the District Committee concerned to give notice of such vacancy to the Secretary and Treasurer of the Council. Quite reasonably, the Civic Council have suggested an amendment to correct this anomaly.

14. In addition to the amendments described above the Council have also raised the following points for consideration.

(1) Subsection (2) of section 65 of the Ordinance provides that the Commissioner for Gozo may, at the request *shall* of the Council, furnish the Council with such information as the Commissioner considers necessary to enable the Council to discharge their functions under any law. The Council propose an amendment to the effect that the Commissioner would be obliged to furnish the Council with such information as the Council may consider necessary. This amendment is unacceptable in that it would lay an obligation on the Commissioner for Gozo to disclose information of Government matters which he would consider to be of a highly confidential nature.

The Council would, however, agree to rewording the subsection in question as follows:-

WV
"The Commissioner for Gozo shall, at the request of the Council, furnish the Council in so far as it is within his power to do so, with such information as the Council consider necessary to

/enable

enable the Council to discharge their functions under this or any other Ordinance."

(ii) In terms of subsection (2) of section 47 of the Ordinance there shall be transferred from the Consolidated Revenue Fund to the Gozo Civic Council the moneys collected by the Government from the issue of the following licences in Gozo:-

- (a) wines and spirits licences;
- (b) trading licences;
- (c) sporting licences;
- (d) auctioneers and billiard licences;
- (e) motor vehicle licences;
- (f) dog licences.

The Gozo Civic Council are now suggesting that they should also receive the moneys collected by Government in respect of the following:-

- (g) cart licences;
- (h) permits to keep fire arms;
- (i) boat licences;
- (j) permits to deposit building materials;
- (k) other police licences.

The Council's suggestion may, if agreed to, be implemented administratively. As regards fees from permits to deposit building materials, however, the Financial Secretary has pointed out that the Gozo Civic Council are not responsible for the construction of public buildings and that it would be incongruous if the principle were to be accepted that revenue from this source should pass to the Council as this will open the way to a possible claim against the Government for the payment of fees when building material is deposited in streets to allow for the construction of such buildings to be undertaken from funds which are not administered by the Council.

(iii) Another suggestion of a similar nature to that dealt with in the last preceding paragraph, is that the Gozo Civic Council are asking that its members should be paid remuneration as follows:-

| | | |
|------------------------|---|----------------|
| Councillors | - | £ 60 per annum |
| Chairman of Committees | - | £ 75 per annum |
| Vice President | - | £100 per annum |
| President | - | £150 per annum |

On the other hand it has been also suggested that a deduction of £1 should be made from such remuneration for any absence of a councillor from a meeting of the Council and of 10/- for any absence from a Committee meeting.

/AS

L-ARKIVJI NAZZJONALI TA' MALTA

As regards the proposed honoraria, the Financial Secretary concedes that such public service as is given by these persons should be rewarded. It is the practice in the United Kingdom that although in principle representation on County Councils is voluntary it is accepted that there should be some sort of remuneration for time employed in civic service. Indeed the United Kingdom Local Government Act 1948 "generalised a number of limited powers to pay travelling and subsistence allowances to members of local authorities and introduced a new principle by permitting payments to be made to members on account of other financial loss incurred as a result of attending to Council business".*

15. Hon. Members are invited to consider what amendments should be made to the Ordinance before the Writ for the elections is issued in mid-November.

* Hart's Introduction to the Law of Local Government and Administration (6th ed. Chapter IX, 4).

3rd November, 1964.