

31 July, 1967.

The Executive Committee
Malta Branch

at the General Meeting of the branch held on the 7th June, 1967, on the proposal of the Hon. J. Muscat, the following were appointed a sub-committee to consider grievances, suggestions or representations from Members of Parliament concerning their membership of the House.

Chairman: Hon. Dr Ph. Saliba, M.P.

Members: Hon. J. Baldacchino, M.P.

Dr A. Borg Olivier de Puget, M.P.

M. Laiviera, M.P.

J. Muscat, M.P.

P. Pace, M.P.

L. Sant, M.P.

Mr Louis F. Tortell, the Clerk of the House, as Hon. Secretary of the Branch, acted as Clerk to the Committee.

The Sub-Committee /

The Sub-Committee met for the first time on the 16th June, 1967. They noted that no specific terms of reference had been assigned to them and therefore they agreed to consider all questions concerning the status of Members of Parliament and to examine in detail and discuss the following items.

- i. The Members Pension Act.
- ii. Salaries of Members.
- iii. Privileges.
- iv. Allowances enjoyed by Members.
- v. Other questions as they arise.

Four meetings were held, during which, with the exception of some single justified absence, all Members were present. Discussions were open and frank and every detail was gone into with meticulous care. All decisions taken are unanimous.

A circular letter was sent to all Members of Parliament reminding them of the appointment of the Sub-Committee and asking them to submit any suggestions or proposals for consideration by the Sub-Committee. Two Members replied to this Circular submitting their views on the Pension Scheme and the salaries of Members of Parliament. Both letters were carefully considered.

PENSION LAW /

PENSION LAW

The pension scheme was the first to be considered and Section by Section the Committee examined this Act in detail.

Section 2. Interpretation of the word
"service".

The Committee had before them a letter from the Legal Officers in the following terms:

1. with respect to a member, the only period - apart from a period of actual service as a member of the House, of a Legislative Assembly or Council of Government - which can be reckoned for pension purposes is "any period between the dissolution of Parliament and the day on which the House first meets after that dissolution"; and this applies only to a "member who is re-elected a member".

It is clear therefore that any period of dissolution prior to the 1966 dissolution of Parliament cannot be reckoned for pension purposes. This is so for two main reasons:-

(a) House is defined as "the House of Representatives established by Section 52 of the Constitution of Malta and Parliament only came into existence under that Constitution. There was therefore no "House" and no "Parliament" before the Independence Constitution, but only a Legislative Assembly or a Council of Government, and there could therefore be no period between the dissolution of Parliament and a day which the House first met before the dissolution above referred to;

(b) member is defined as "a person who at or after the commencement of the Act is or becomes a member of the House" and has therefore that meaning unless it is otherwise qualified. The period of dissolution can only be counted for pension purposes in respect of such a member and cannot therefore be extended to members of a Legislative Assembly or of a Council of Government.

2. With respect to a Member who has occupied or occupies the Office of Minister or of Speaker, service includes also any service in that office while a Legislative Assembly or Parliament was or stands dissolved, and therefore whether before or after 1966.

The Committee considered that that was not the intention of Members when the Bill was before House. Excluding the period from the suspension of the 1947 Constitution in 1955, to the coming into force of the 1961 Constitution in 1962, the Committee recommends that any period between a dissolution and the publication of the result of the next ensuing general election happening before 1964, be counted for pension purposes in relation to a Member who is re-elected.

Section 5. Allowance to Members

The Committee discussed the period of service of ten years required by a Member to qualify for a retiring allowance. It was considered that a Member who is re-elected in two consecutive Parliaments or in two separate legislatures, had no chance of qualifying simply because the period of 5 years of a single legislature is never actually covered.

The Committee recommends that the qualifying period be reduced to 6 years.

Section 6. Special allowances to Members who have occupied certain offices.

The Committee considered that in view of the proposed amendment to Section 5 involving the reduction of the period of service of a Member for pension purpose /

purpose, the period of service of a Prime Minister needed adjustment, and it was agreed to recommend that the aggregate period of 12 years be reduced to 10 years, the term of office as Prime Minister for a minimum of 2 years to remain unchanged.

The Committee further recommends that a Prime Minister who does not qualify as such under Sec.5(1), should be entitled to receive an allowance as if he had held the office of Minister, provided he qualifies under Sec. 5.

Section 10. Allowance to widow or dependants.

The Committee discussed the payment of gratuities under sub-section (2) in virtue of which the widow or dependants received an amount corresponding to one year's honorarium if the deceased member has had not less than four years service. The Period of 4 years service was considered too long and they agreed to recommend that a gratuity under this sub-section be paid as follows:

- i. an amount corresponding to the honorarium in respect of one year's service if the deceased Member has had less than four years service;
- ii. an amount corresponding to the honorarium of two years' service if the deceased member has had more than four, but less than eight years' service.

The Committee /

The Committee are of the opinion and they recommend that any gratuity payable should not be restricted to widows or dependants as defined in the Act, but the recipients should also include the legal representative of the deceased member.

MEMBERS' HONORARIUM

The Committee had before them for consideration the honorarium payable to a Member of Parliament which at present stands at £648 p.a.

This question was fully examined in all its details. The Committee took into consideration the heavy commitments inherent in the duties of a member, his relations with his constituents, his obligations, the recent increases approved by Government to the Civil Service and all that is entailed in the Membership of the House.

The Committee considers that a member in order to be able to keep his status should have an adequate salary. After taking into consideration the present relativity in the honorarium of Members, Deputy Speaker, Leader of Opposition, Speaker, Ministers and the Prime Minister, the Committee agreed to recommend that the following be the new annual honorariums:

Member	£1000
Deputy Speaker	1140
Leader of Opposition	1300
Speaker	1500
Minister	3000
Prime Minister	4000

The Committee also agreed to recommend that in the interest of the proper functioning of the House each of the two Chief Whips on the Government and Opposition sides, notwithstanding that they do not have an official status, be granted an allowance at the rate of £60 p.a. and that the entertainment allowance of the Prime Minister and the Secretarial Allowance of the Leader of Opposition should remain unchanged.

The Committee further recommends that in view of the high status of the office of Speaker which entails the holding of official functions and engagements, he should be granted an entertainment allowance at the rate of £250 p.a.

The Committee considered that the status of the Clerk to the House as the Chief Official in attendance on Parliament, the highest institution of the land, should not rank with junior Heads of Department. They recommend that his post should be upgraded to Head of Department Grade II.

They further recommend that in the best interest of the House, the offices of Second Clerk Assistant, the Clerk Assistant and the Clerk of the House be made special posts, the holders thereof being made not subject to transfer.

The Committee suggest that the Sittings of the House should start at 4 p.m. and adjourn at 9.30 p.m. - including the half hour adjournment - thus permitting more business to be dealt with.

PRIVILEGES ORDINANCE

The Committee discussed and examined the present law dealing with the privileges and powers of the House of Representatives, Cap. 179, and agreed not to recommend any amendment.

It was however agreed to recommend that a Privileges Committee of the House be set up to which all questions affecting privilege would be submitted for examination.

TELEPHONE SERVICE

The Committee recommends that an extension line on the free telephone apparatus installed in the residence of Members be also enjoyed free by Members.

The Committee discussed the use of the telephone service during the period between a dissolution and the result of the next ensuing general elections which is not supplied free. It was stated that during such period the service of a telephone would be most needed. They considered that such period is taken into consideration for pension purposes and a Member of Parliament notwithstanding the dissolution of the House can always be recalled in terms of Sec. 77 of the Constitution.

It is .../

It is therefore recommended that the free enjoyment of the telephone service be also granted for the period between a dissolution and the result of the next ensuing general election.

MEMBERS' CARS

The question of members of Parliament cars was considered with special reference to the identification by the Police and the free and easy approach to the House during sitting days.

It was agreed to recommend that the car licence which is affixed on the windscreen be specially marked for easy identification by the police and the public.

POSTAL COMMUNICATION

Members are allowed free postage on internal mail contained in official envelopes.

It was agreed to recommend that postal matter for overseas posting be dispatched free if certified official by the Clerk to the House and posted through the Department.

OVERSEAS TRAVEL

The Committee were informed that a subsistence allowance of £7 per day was paid to a Member of Parliament proceeding abroad as a Member of a Delegation or when he represents the Government on foreign ceremonial occasions.

The Committee /

The Committee considered that such allowance was too low for a Member to enable him to mix and associate himself with Members of other delegations as their equal.

The Committee recommend that the allowance for overseas travel should not be less than £10 p.d. and that a Member of Parliament proceeding abroad on official duties should carry a diplomatic passport.

REPORTING AND PUBLICATION OF DEBATES

The Committee noted that the reporting of the Debates by shorthandwriters leaves much to be desired and was not up to standard, besides, the publication of the report is very much in arrears. It was stated that present conditions were not such as to induce young men to take up stenography.

The Committee suggest that in order to attract the right type of persons and improve the quality of speech reporting, the post of Shorthandwriter and Clerk attached to Parliament should be made more attractive. They recommend to Government that early action should be taken to find ways and means to improve matters.

GOZO MEMBERS ALLOWANCES

The sum of £50 p.m. paid to Members from Gozo was not considered adequate for a member who had either to keep another house in Malta or live in an hotel on sitting days.

The Committee...../

The Committee recommend that the allowance be raised to £100 p.a.

TABLE OF PRECEDENCE

The Committee regretted that no information was made available to them regarding the position of Members of Parliament in the Table of Precedence.

It was agreed to advise that the matter be taken up by the Executive Committee of the Branch who should be consulted on this question before a Table of Precedence for Malta was published.

GOVERNMENT PUBLICATIONS

The Committee considered that the present arrangements for the supply to members of Government publications were not satisfactory and they suggest that a list of all Government publications be drawn up by the Clerk's Department, weekly or fortnightly, and circulated to all Members of Parliament. Members requiring any publication from the list supplied to them would indicate their requirements to the Clerk.

SUMMARY OF RECOMMENDATIONS

The following is a summary of the Recommendations which the Committee hope will be taken into consideration by the Executive Committee of the Branch and action taken for their implementation:

Pension Law/

SUMMARY OF RECOMMENDATIONS

Pension Law

i. Periods between dissolution and a General election before 1964 to count for pension purposes.

ii. Qualifying period reduced to 8 years in respect of members.

iii. Prime Minister's qualifying period reduced to 10 years.

iv. If Prime Minister does not qualify as such, he should receive a minister's pension.

v. Gratuity may be payable to legal representatives and not to widow or dependants only.

vi. Gratuity to be payable:

1 year's salary if deceased member served less than 4 years;

2 years' salary if deceased member served more than 4 years but less than 8.

Honorarium/

Honorarium

	<u>Present</u>	<u>Proposed</u>	<u>Increase</u>
Member	£ 648	£1000	£ 352
Dep. Speaker	810	1140	330
Leader of Opp.	972	1300	328
Speaker	1080	1500	420
Minister	2160	3000	840
Prime Minister	2970	4000	1030
Whips		60	

Entertainment allowance to Mr Speaker £250.

Clerk's Office

Status of Clerk to the House to be upgraded to Grade II Heads of Department.

Clerk and Clerks Assistant to be special posts.

Sittings of the House

Sittings to begin at 4 p.m. to 9.30 p.m.
- including the ½ hour adjournment.

Privileges

Committee of Privileges to be set up.

Telephone service/

Telephone Service

- i. One extension line on main set to be free
- ii. Service to be free during the period of dissolution.

Members' Cars

Special licence for easy identification.

Postal Communication

Overseas mail to be free if certified official by Clerk.

Overseas travel

Subsistence allowance to be increased from £7 to £10 p.d.

Passport

Members proceeding abroad on official duties to carry a diplomatic passport.

Reporting and publication of debates

Government to take action to improve post of Shorthandwriters with a view to improve the quality of the debates and their early publication.

Gozo/

Gozo Members' Allowance

Rate of £50 p.a. to be raised to £100 p.a.

Table of Precedence

Executive Committee of Branch to be consulted on Table of Precedence.

Publications

Members to state their requirements from list to be circulated by Clerk fortnightly.

Philip Saliba
Chairman

J. Balduochino

A. Borg Olivier de Puget

K. Loiviera

J. Muscat

P. Pace

L. Sant

Louis F. Tortell
Secretary

COMMONWEALTH PARLIAMENTARY ASSOCIATION
(MALTA BRANCH)

RECOMMENDATIONS MADE BY THE SUB-COMMITTEE ON STATUS OF
MEMBERS:

Pension Law

- i. Periods between dissolution and a General election before 1964 to count for pension purposes. *
- ii. Qualifying period reduced to 8 years in respect of Members.
- iii. Prime Minister's qualifying period reduced to 10 years.
- iv. If Prime Minister does not qualify as such, he should receive a Minister's pension.
- v. Gratuity may be payable to legal representatives and not to widow or dependants only.
- vi. Gratuity to be payable:
 - 1 year's salary if deceased member served less than 4 years;
 - 2 years' salary if deceased Member served more than 4 years but less than 8.

Honorarium /

* Agreed to by Executive Committee on 15 December, 1967.

Honorarium

	<u>Present</u>	<u>Proposed</u>	<u>Increase</u>	<u>As proposed</u>
	£	£	£	to be amended
				£
Member	648	1000	352	1080
Dep. Speaker	810	1140	330	1200
Leader of Opp.	972	1300	328	1400
Speaker	1080	1500	420	
Minister	2160	3000	840	
Prime minister	2970	4000	1030	
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