

H.A. No

HOUSE OF ASSEMBLY

SUBJECT

H.O.A. MEETING

14 APRIL 1971

QUESTIONS AND ANSWERS

(22 TO 24)

CORRIGENDA TO DRAFT VERBATIM REPORT OF THE PROCEEDINGS OF THE
HOUSE OF ASSEMBLY MEETING HELD ON THE 14th DAY OF APRIL, 1971.

PAGE

- ~~14~~ 15 - Line 18: after the word "shown", insert the words "by those".
Line 34: delete the words "and I believe"; after the word "terms",
add the word "though"; after the word "is" add the word "also".
- 17 - Line 27: delete the word "taken" and substitute by the word
"considered".
Line 36: delete the word "void" and substitute by the word "voice".
- 18 - Line 14: delete the words "the forment" and substitute by the
word "deferment".
Line 18: insert the letter "a" between the words "awaiting" and
"decision".
- 23 - Line 5: insert "-" between the words "bonus" and "if" and after
the word "necessary".
Line 11: delete the word "they" and substitute by the word "is".
Line 36: substitute the fullstop after the word "generation" by
"?".

24/4/71
REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Fourteenth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Wednesday, the 14th April, 1971, at 5.00 p.m.

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

GOVERNMENT:

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

The Hon. P. J. Isola, O.B.E.

OPPOSITION:

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

IN ATTENDANCE:

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

PRAYER:

Mr. Speaker recited the prayer.

MINUTES:

The Minutes of the Meeting of the House held on the 16th March, 1971, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID:

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

- (1) Overseas Service (Gibraltar) Agreement, 1971.
- (2) Animals and Birds (Amendment) Rules, 1971.
- (3) Register of Gibraltarians (Amendment) Rules, 1971.
- (4) Hospitals (Fees and Charges) (Amendment) Rules, 1971.
- (5) Traffic (Driving Licences) (Amendment) Regulation, 1971.
- (6) Traffic (Registration and Licensing of Civilian Vehicles) (Amendment) Regulations, 1971.
- (7) Marriage (Amendment) Rules, 1971.
- (8) Births and Deaths Registration (Amendment) Rules, 1971.
- (9) Patents (Amendment) Rules, 1971.
- (10) Trade Marks (Amendment) Rules, 1971.
- (11) Business Names (Amendment) Rules, 1971.

Ordered to lie.

REPORTS OF COMMITTEES

The Hon. the Minister for Labour & Social Security laid on the table the Report of the Select Committee on Compulsory Military Service.

Ordered to lie.

ANSWERS TO QUESTIONS

STATEMENT BY THE MINISTER FOR INFORMATION, PORT,
TRADE AND INDUSTRIES.

As the House is aware, BEA fares were increased on the 1st April.

Civil Aviation is not of course a defined domestic matter and constitutional responsibility for this subject does not therefore devolve on any Minister. There is, however, a close ministerial interest in the matter because tourism, which is a principal industry in Gibraltar, and trade generally, both of which are defined domestic matters, are clearly dependent to a considerable extent on the maintenance of adequate air communications to meet the demand.

In August, 1970, we were notified of a proposed increase in fares which would be effective from the 1st November. We considered this increase to be ill-advised; particularly for the winter period which in the past had not been attracting traffic to Gibraltar and any increases would further adversely affect this position.

Following representations by the Gibraltar Government the proposed increase was not in fact approved.

Early in 1971, following increases by the International Air Transport Association, at a fares conference in Geneva which ended just before Christmas, we were informed that there was a proposal by both BEA and BUA for a consequential increase in fares, with effect from the 1st April, on the London/Gibraltar cabotage route.

Early in March we were informed of the proposed fare increases package deal which had been published although described at the time as still subject to Government approval, and, as a result of representations previously made by us for consultation with Gibraltar on these matters, the Department of Trade and Industry who are exclusively responsible for Civil Aviation indicated their willingness to send a representative to Gibraltar for discussion on the fares question. This offer was accepted by the Gibraltar Government and a representative from the D.T.I. and one from BEA came to Gibraltar on Friday, the 12th March. Meetings were held all day Saturday, the 13th and during the afternoon and evening of Sunday, the 14th. Gibraltar Government views were noted. We considered however that the proposed increases were greater than could be justified by the information made available to us and we reiterated that we were not convinced that the case as presented justified an increase in fares to the extent and in the manner proposed.

Nonetheless, the fare increases went ahead as proposed and were approved without further consultation. We were informed about this when it was too late to make further representations. The question of adequate consultation in the future before action is taken is being actively pursued and, as confirmed by Lord Drumalbyn in the House of Lords on the 4th March, 1971, in reply to a question from Lord Merrivale, the British Government are aware of Gibraltar's anxiety regarding "consultation before action" on aviation matters affecting communications to and from the Rock.

Lord Drumalbyn stated that the Gibraltar Government had already requested that Gibraltar should be given the opportunity of discussing the most effective means of making its views known to the proposed Civil Aviation Authority and that this request would receive sympathetic consideration.

I can only end by saying that in my opinion the fare package increases announced on the 1st April can only act to the disadvantage of the economy of Gibraltar.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I would just like to raise one question. In the first place I would like to say that we welcome the statement of the Minister and he can rely, and the Government can rely, on the full support of this side of the House to pursue the representations. But there is one aspect of the Minister's statement that worries me a little, having regard to past experience, and that is, was there no indication given at the end of this weekend talks here, of what was the reaction of the United Kingdom representative to the representations made by Ministers in Gibraltar? The question is being put in a helpful way in order to see whether we can avoid this sort of thing, because I am disturbed to see that when the increased fares were announced there was no element of communication between the time of their departure and the announcement of the increase of fares as proposed, which would allow the Government to make further representations. And I would like to know what the state of the game was at the end of the weekend, insofar as the representations made by the Government here to these representatives. Had they seen the point of view of Gibraltar? Had they appreciated the arguments, which were no doubt strong as put forward in the lines set out by the Minister in his statement? and was there any undertaking given, or was any undertaking sought, that further information should be conveyed to the Government here before any final announcement was made. We had this in another context, as the Chief Minister is well aware, and we did get an undertaking that we would get some reply in another context before - in case we wanted to make other representations. And I wonder whether there has been lack of cooperation, or lack of adequate communication; certainly deplorable for whatever reasons, and certainly a thing which should not occur again and put the Government in Gibraltar in such a position that they cannot make further representation in the matter.

HON. MAJOR GACHE:

I welcome very gratefully the support of the Hon. and Learned Leader of the Opposition and of the Opposition on this matter, which, as I have already stated, I consider to be to the disadvantage of the economy and to the growth of tourism in Gibraltar. I should say that when the representatives of the Department of Trade and Industry and BEA came, the case by the Government was put to them, and the reasons why we did not feel that the proposed package, and I say package, increases were not justified. And as I am sure that the Hon. and Learned Leader of the Opposition, who has

had vast experience on these matters is aware, being an official he had to go back to report. It is one of those things, in fact, that I have been pursuing; that ministers, even Gibraltar ministers, should deal with ministers and not with officials; and that officials should deal with officials. It may be something which may come as a result of constitutional improvements or evolution; but in this case we were dealing with officials and the official, as is always the case, had to go back.

Of course we were informed that we would be hearing from them on this matter. There was little time perhaps between the 14th of March and the 31st of March, and I would not like to hazard any views on the reason for this short time - I will leave it to Hon. Members - but in fact we did press for an answer and I might even add that I delayed my visit to London (Cries of hear, hear) in order to try and get the answer before I left. However, I had to go to London for other reasons, which I think are well-known, and the reply had not arrived. From there, I can assure the Hon. and Learned Leader of the Opposition, I also pressed for an answer. And eventually the answer became available on the 31st of March, effective on the 1st of April. I am sure that the Hon. and Learned Leader of the Opposition would not ask me to say any more other than that I did not like it and, insofar as it rests with me, and I have the support of the Ministers and Government, and I now have the support of the Opposition, this is a matter which we do not want to see happening again. If there is going to be consultation, there is going to be consultation back and forth, and when the decision is made we must be informed of the decision while there is still time for us to make further representations, and not as a fait accompli. That is why we are pursuing the matter of having the question of consultations enshrined in the new Civil Aviation Act which we did not have under the Civil Aviation (Licencing Act) 1960. I do give the assurance to the House, insofar as I am concerned, that this is a matter that I shall pursue by every constitutional means possible in this House and in the House of Parliament in England.

HON. SIR JOSHUA HASSAN:

I am grateful for that explanation and it deals with part of the point I raised. I don't want to pursue a matter which might well be discussed elsewhere, but this question of officials is of course a very valid one up to a point, because it is the officials' duty to report to their ministers and it is equally their ministers' duty to report back to ministers here, or to the Governor for the information of ministers. So it deals partly with the case, but as the position is unsatisfactory, even on the telling of the Minister himself, I will only say that he has got our full support in any further steps that he may take in the matter.

HON. MAJOR GACHE:

I am very grateful.

HON. A. W. SERFATY:

Sir, I wonder whether it would not be convenient, if it has not already been done, to send a strong protest to London on this matter. At least it will have some salutary effect in future cases.

HON. MAJOR GACHE:

I can assure the House and the Hon. Member that this has already been done in no uncertain way.

HON. P. J. ISOLA:

Sir, on the statement of the Minister; I am very glad to hear that he has the support from all sides of the House on this question of air communications to Gibraltar, which is after all the lifeline of the economy, but the statement does raise matters, I think, of fundamental importance. In the first place, although we are told that Civil Aviation is not a defined domestic matter, it is obvious to everybody, that what happens in Civil Aviation, as the Minister has pointed out, affects Trade and Tourism, and therefore affects very fundamentally the private sector of the economy. And I think it is a matter of very great concern to this House that something like that, something which affects so much the economy of Gibraltar, the Gibraltar Government seems to have been ridden over rough-shod by, whether it is officials, BEA or whoever it is; this is a fact. And it is I think a matter of great concern, Mr. Speaker, and of great public importance, that the Gibraltar Government, having stated that the fare increases were not justified, that this has in fact been done. The other alarming point that I feel arises from the statement made by the minister is that this can only act to the disadvantage of the economy of Gibraltar. Mr. Speaker, Sir, it is very difficult to deal with this problem by question and answer of a Minister and I am sure that the House, generally, would welcome an opportunity to be able to debate this statement, and with your leave Mr. Speaker, I would like to be able to raise the statement made by the Minister as disclosing matters of great public importance, on the motion for the adjournment.

MR. SPEAKER:

Mr. Isola, that, you are entitled to do under Order 25(b). The notice you have to bring in at the appropriate time, which is when the motion for the adjournment is moved, and not now.

HON. P. J. ISOLA:

Mr. Speaker, I notice here that the notice can be dispensed with from the Chair.

MR. SPEAKER:

Well, once you have asked for leave at the appropriate time, which is at the adjournment, I will of course take a decision on that matter then.

HON. P. J. ISOLA:

I am obliged to you.

MOTIONS

The Report of the Select Committee on Compulsory Military Service.

HON. M. XIBERRAS:

Sir, I have the honour to move that this House approves the Report of the Select Committee on Compulsory Military Service.

Sir, the House will excuse me if I am more unintelligible than usual, I have a bad cold; but I do feel that the subject before the House warrants a speech, moderate in length, from myself as Chairman of the Select Committee of the House.

Sir, I have the honour to present to this House a report on an important and complex issue which represents the unanimous views of the Select Committee without disention, and bearing in mind that the three political groups represented in the House had representatives in the Select Committee, the report I would suggest, is of considerable weight. I would like to thank right from the start, my colleagues on the committee for making this unanimous report possible, and for the work they have put in and for the advice and cooperation they have given me. It is our hope that the report will be acceptable not only to the House but to the public at large. Sir, the question posed by our terms of reference was essentially whether circumstances in Gibraltar warranted the abolition of conscription; and the short answer to this question, which as the Historical Section of the report shows has been a matter of interest and debate in this House for the past 11 years; the short answer is "yes". Bearing in mind what has been said in this House these last six months I trust that Hon. Members will welcome this short answer. I do emphasis, however, Sir, at this stage, that the answer is, "yes" - that conscription, in the view of the Committee should come to an end - but I labour under a disadvantage at this stage of speaking in this House where only Members of this House have a copy of the Report whereas the public present in the House is not aware of the contents of that report. The House will therefore excuse me if I go through the report at some length in order to obtain the attention of the general public at present in the House.

Sir, the report is composed of 8 sections and 5 appendices. The first section deals with the composition of the Select Committee and its terms of reference. As regards the terms of reference, the House is aware that these were couched in careful terms and were the subject of some comment in the House at the time when question was raised by the Hon. P. J. Isola.

The second section deals with an interpretation of these terms of reference which, in the circumstances surrounding this, was also important; especially because of the defence interests mentioned in our terms of reference.

The third section provides a Historical Background to this question. This section is an itemised section; it does not purport to be a full historical account of the interest displayed either in this House or by the

public at large on the question of compulsory military service. It has been included in order to put the question in perspective, and to allow people to see to what extent this subject had been a matter which has preoccupied this House from time to time during the last 11 years.

Section IV deals, in an explanatory way, with the present position, and is composed of three subsections

- (a) the Basis of Recruitment and Financial Assistance Schemes;
- (b) the Hardship Committee and Conscientious Objections; and
- (c) Legal and Constitutional Aspects of Military Service in Gibraltar.

Section V is an important section. It deals with the consideration of arguments presented for and against conscription. I will refer to what I said earlier that, whereas the short answer to the question posed to the Select Committee was 'yes', in section five of the report we try to do justice to the arguments presented by all those who were good enough to answer the Committee's call for evidence. It is an important section and I hope that the public and the press will consider this section along with the obviously more definite sections such as that containing the Committee's recommendations.

Section VI deals with the kernel of the matter, which is the defence aspect of our terms of reference and it is entitled: A GIBRALTAR CONTRIBUTION AND DEFENCE ASPECTS.

Section VII provides a summary of recommendations, which is not exhaustive, but which does give the main recommendations; especially those requiring immediate action.

Section VIII deals with acknowledgements and thanks, and apart from thanking my colleagues on the Committee, I would like to thank the staff of this House, as we have done in the report, for their great cooperation and their sense of service to the committee. I am sure the House will join me in doing so. (Tapping on table)

Then come the Appendices. The first is a memorandum on the legal and constitutional aspects of military service in Gibraltar, provided by the Attorney-General, for whose legal advice on the problem the Committee is very grateful.

Appendix II is concerned with persons or representative bodies who gave evidence before the Committee. This Appendix gives details of those groups or individuals who gave oral evidence, in other words were interviewed by the committee, but does not include details of those who wrote to the committee but were not called upon to give oral evidence because the Committee considered it was not necessary. However, I would like to rush through this list, with leave of the House, and mention those who gave written evidence to the committee, which again was valuable.

Messrs.: E. B. Chiappe, R. M. Rorres, F. Villa, Rev. Br. T. J. Dee,

Messrs: S. J. Peliza, A. F. Andres, Henry Busto, E. Lagomassino, Miss Annie Ramirez, Messrs. R. A. Caetano, M. Bensusan, R. Balban, R. Bear, H. Bear, Mrs. Isabel Farrugia, Mr. Danino & family, Messrs. E. Mor, Jose Cortes,

L. Pisani, Miss Araceli Borge, Miss Mercy Gabay, Messrs. A. W. Reoch, Elio Cohen, Mrs. Priscilla Sacramento, Miss Elizabeth Bruzon, Messrs. E. Peliza, J. A. Pike, Mrs. Josefa Peliza, Miss Vivian Falzun, Messrs. M.C. Infante, John Aszopardi, A. Sacramento, Mrs. Maria Mifsud, Mrs. M. Mercieca, Mrs. Margaret Mifsud, Mrs. V. Cortes, Mrs. M. Jefferies, Mr. & Mrs. Cortes, Mrs. Rose Martinez.

I hope that these persons will take my reading out of the list as a sign of the Committee's gratitude for their having given evidence.

Appendix IV is a letter from the Chairman of the Gibraltar Official Employers' Apprentices Board and is, if I may say so, one of the less savoury parts of the Report, and I regret that it has been considered necessary by the Committee to put this part of its deliberations in the Report.

Appendix V is a short memorandum from the Financial and Development Secretary.

Sir, the House will be aware that the report is comprehensive enough - and I hope that this is felt by members of the House - to enable the House to arrive at a decision as to what should be done from now onwards as regards compulsory military service.

There are two main pillars, Sir, on which the Report rests. The first is the one I have mentioned already, that for the various reasons adduced in the body of the report, conscription should be brought to an end; the second is that there is, in the view of the Committee, an acceptance by the majority of Gibraltarians that, all things taken into account, it is right and desirable that Gibraltarians should continue to make an effective contribution to the defence of Gibraltar, provided this is done by similar means to those employed in the United Kingdom. How to give effect to these two propositions, which we feel have the acceptance of the public, constitutes the other part of the Report. A third side to this matter, which I would like to mention, is the question of the part played in this Report by the Military Authority.

I will limit comments to my own personal experience, but I feel that the Committee will agree with this, and that is that the Military Authorities, in respect of this report, have been entirely cooperative and that for their cooperation they deserve the thanks of this House. (Tapping on table) I express the hope that this cooperation will continue during the implementation of the recommendations made in the report, should the report be accepted by the House. This is necessary because of the nature of the Report, and because of the nature of our terms of reference. Therefore I would ask the House to bear this in mind in the debate that will ensue.

Before moving on to recommendations may I describe briefly some of the underlying issues which, if they appear in the report, appear only as the tips of icebergs, and may I say that this has not been because the Committee has considered it necessary to avoid these issues but rather that there was an awareness by the Committee, most of the time it was a tacit awareness, that it would not serve the purpose for which the Committee was constituted

to indulge in the wrong controversies - or should I say perhaps, the right controversies - at the wrong time. I refer particularly to the Constitutional issue which has been the subject of debate in this House and I am grateful to members of the Committee for their sensible attitude to the issue I have mentioned. This does not mean to say that any particular member of the Committee was not appreciative of the grounds on which certain members of the public or organisation made the representations but simply, to my mind, that it was necessary, insofar as this was compatible with the ends of the particular organisations, to accept as a working premise the Constitutional definitions we have at present, particularly that Constitutional definition which was of relevance to the Report, and that is, the question of citizenship. A glance at the historical section, the early part of it, will show that at one time this House was concerned, in connection with the conscription issue, with the issue of citizenship. I refer to an amendment, produced I believe it was 1959, in which the definition of "British Subjects" was narrowed down to "British Subjects temporarily resident in Gibraltar and that this was the result of constitutional changes elsewhere, and had a constitutional effect, broadly speaking, in Gibraltar. I would repeat therefore that there has been no compromising in the Committee of Constitutional ends, and I think the Committee will be with me when I say that these recommendations will stand irrespective of the Constitutional beliefs of members of the Committee.

Another issue to which I would draw the attention of this House is the "generation gap" which we found in our interviews with the various people and organisations that came before us. I think it is a matter of interest to this House to note that the younger petitioners were anxious to prove their case on the basis of principle, and if I may say so, as a personal view, sometimes at the expense of documentation in facts and figures. It is my personal view again that such argumentation is of benefit within the community and we have given the arguments put forward full importance in our Report, particularly in Section Five - consideration of Arguments Presented For and Against Conscription. On the other hand it would have been impossible for the Committee to satisfy every member that came before us on the premises of each of the argument advanced, and we have tended to take, I feel, the statements of principle as aspirations towards something which each has in mind. But it was not the business of the committee to radically upset the fundamental principles on which we think the majority of people would be in agreement. This, again, does not mean to say that fundamental change is undesirable in the future, nor that any particular view is wrong, but simply that the Committee might have strayed into arguments well beyond its terms of reference and this House would not have had a recommendation which was either unanimous or implementable. On the other side of the "generation gap" we found a number of older people whose evidence was rooted in facts and figures and in personal experience, and again I state a personal opinion,

which may or may not be backed up by other members of the Committee that might speak after me. There was, I think, a fear if conscription was done away with Gibraltar might appear to be losing its nettle; to be weakening, and I think that I can safely say, certainly on my side, that it was not my impression in interviews with either young people or old people, that this is in fact the case. I would counsel at this stage that the House should accept that in the circumstances of Gibraltar, such as they are, we should not accept in this House such circumstances as being a categorical impediment to progress in any particular part of our social or political life, but rather that we should realise what the difficulties are and we should strive, within the obvious limitations imposed by our circumstances, towards a fuller social and political life. And so I would counsel the older generation.

Another issue which lies behind the committee's deliberations and lies behind the Report is the vexed problem of whether members of this House are representatives of the people or their delegates. I would not go all the way with Edmund Burke that once you are voted in you should forget what people are saying in the streets, but neither would I accept that this House should respond automatically to pressures from outside this House. I do not want to sound patronising, and believe me the spirit of the Report is not a patronising one at all. It is an attempt, an honest attempt, to discuss the points brought before the Committee. It has therefore been the working attitude of this committee to give expression, not to one feeling, but to a variety of feeling, which have a bearing on this issue; and I trust that we have presented a coherent picture in our recommendations to this House. I spoke earlier Sir, of the circumstances surrounding Gibraltar at present. In the report this is but one of the tips of the iceberg, in fact I think the phrase is "the need for defence is self evident". It was not our intention to blow this part of our daily existence out of all proportion, but I would not like the House or the public to go off with the idea that the Committee does not accept that this side of our daily existence is not important. In fact we are aware that, in military terms, it is a most important consideration and that the deliberations of this House and the reactions of the public, should be guided in reasonable measure by such a consideration. I am also glad Sir, that the constitutional difficulties, which might very well have arisen, vis a vis the Military Authorities in Gibraltar, have not in fact materialised. It has not been necessary for either side to take major stands on demarcation lines between them. And, as I said earlier, I hope that this cooperation, which is essential to the success of the Report, continues on both sides.

Finally Sir, we have not said much about the importance of this issue in the Report. One gentleman who appeared before us classified it as being amongst the three most important present day issues in Gibraltar - I will leave it to the House to decide where this issue should be placed - but I can say that the issue has a number of ramifications which do not appear as

first glance and which could not be incorporated in the Report, which might have developed into a major treaty had we done so, and which would have delayed a decision by this House. But again I would ask the House and the public to be aware and conscious, in reading the reports, of the ramifications that a decision on this issue might have.

I will now turn Sir, with your leave, to the recommendations as listed in Section VII - Summary of Recommendations. Members of the House will find it on page 28. I quote:

"In the light of the foregoing, the Select Committee of the House of Assembly on Compulsory Military Service recommend as follows:

1. that compulsory Military Service in Gibraltar should cease not later than 31st July, 1972, and that the relevant legislation should be repealed;
2. that Gibraltar should continue to make an effective contribution to its defence by the recruitment of a volunteer force similar to T. & A.V.R. II units in the United Kingdom, i.e. a volunteer unit, with commitments similar to those of the Gibraltar Regiment at present;
3. that every effort should be made to reduce substantially the number of reservists attending biennial training camps during the transitional period;
4. that every effort should be made to enlist the active support of all representative bodies, and of the public in general in connection with the raising of the Volunteer Force;
5. that the recruiting campaign for the raising of this Force should be launched as soon as is practicable;
6. that bearing in mind the desirability to keep the transitional period down to a minimum, Statutory provision should be made to require the authority of the House of Assembly for any individual intake which it might be considered necessary to embody during the first half of 1972;
7. that it is absolutely essential that the position of the present members of the permanent cadre of the Gibraltar Regiment should be safeguarded;
8. that every effort should be made to make the Volunteer Unit as attractive as possible in terms of (a) personal emoluments, (b) status, and (c) conditions of service; especially as regards the provision of social, recreational and sporting facilities;
9. that the need for legislation to safeguard the civilian employment of volunteers and to encourage their release for training by employers, should be further studied with the help of the Department of Labour and Social Security;
10. that in view of the need for a transitional period, the pay of conscripts should be increased immediately;

End 25/10/12

start 26/10/12

11. that existing Government and Ministry of Defence Schemes for the relief of hardship should be reviewed immediately insofar as they affect recruits to the Gibraltar Regiment and that it should be amended or supplemented with the view to eliminating financial hardship during the transitional period;
12. that the terms of reference and functions of the Military Service Hardship Committee and the Appeals Committee, set up under the Military Service Ordinance, should be reviewed forthwith, and that the members of the Appeals Committee sitting to hear conscientious objectors should be civilians, unconnected with the Military Service Hardship Committee;
13. that deferments of Compulsory Military Service at present granted to apprentices employed by the Official Employers' should be extended on the same terms to apprentices in the private sector."

That, Sir, ends the list of recommendations, as published in the Report. Before commenting on the important ones, may I refer to two which are implicit in the body of the report. The first is that the Committee felt that there is a need for awareness by the relevant Government departments - the Department of Education, the Department of Medical and Health Services, for instance - that conscription was community-wide means of influencing the community, and that certain good effects which conscription may have had, if I may use a latinism, per accidens, may be lost when conscription is abolished. There should, therefore, be an awareness on the part of these Departments and on the part of the Government, that there is a need to make up any deficiencies that might result from the abolition of conscription. The other is Sir, that obviously legal amendments will be required, or are implicit in the recommendations of the Committee, if approval is given. Obviously these amendments will be necessary, but we have not got down to the actual details which we have left to more competent persons.

Sir, basically the recommendations amount to this; that conscription must go; that it is unacceptable and that the Committee does not accept it in the present circumstances of Gibraltar; that there should be a transitional period which at best will mean one more intake this year, plus a series of biennial camps this year, which will be composed by some conscripts but mainly of by a majority of volunteers, even during this year. The extent to which the transitional period can be ushered in during these 15 day camps depends, to some measure, on the public response to the idea of a Voluntary Unit. We are convinced that there are various factors which will work in favour of a substantial part of the transition being achieved during this year. Then Sir, there is a question a further intake. The Committee has said that conscription should cease by, at the latest, the 31st of July, 1972, but very explicit

provision has been made to enable this House to debate the reasons for the need for an intake after the one to be held this year. It will be at this stage that the House in the light of experience gained during the months to come, will be able to judge - whether it is necessary to have this second intake. I think Sir, that the House should attach great importance to this part of the proposals and should also shoulder the responsibility which goes with it: the responsibility for advising the Military Authorities on the desirability of a second intake. We have discarded Sir, the proposal to be put to the House that a further Select Committee should be appointed to ensure that all possible progress was made to speed up the transitional period, we do not think that this is necessary. I mention it, however, to show that it was certainly the feeling of the Committee that the transitional period should be as short as it is consistent with the efficiency of the Gibraltar Regiment.

Sir, I would now like to say a few further words about the need for a transitional period, without going into details at this stage, as I believe I have the right of reply at a later stage. Basically the need for a transitional period, rests on the following considerations: (1) that whereas there is a substantial reserve in the Gibraltar Regiment, that part of the reserve which one might call the A(1) Reserve, i.e. people who have gone recently through their basic training or to one of the annual camps, obviously would dwindle if no further intakes were to come about. Therefore, the consideration is not so much the numbers in the reserve, but the numbers which are in the really active reserve, that is, the number in the affective reserve in the full sense of the word; the reserver that can be called out at a moment's notice and would be able to handle weapons which are familiar to them. In the light of the changes in armaments which we have been told, and are satisfied, have been introduced in the Gibraltar Regiment, this is a weighty consideration. The second factor on which the reasons for a transitional period rests is the need for the recruiting campaign to be launched in a proper manner and that we should be able to judge in this House to what extent the volunteer force is going to be successful. But I would like to emphasis, at this stage, that the committee's recommendations for the abolition of conscription by the 31st of July, 1972 is quite firm, and is the first and most important of our recommendations. The launching of the recruiting campaign will obviously involve consultations between Her Majesty's Government in Gibraltar and the Gibraltar Regiment; between the Military Authorities in Gibraltar and the Ministry of Defence on military questions and questions of finance. It will involve the planning of the recruiting campaign as such and making a start on recruitment; the building of recreational facilities and what not. All the other recommendations are included in the report. We have been

careful to scrutinise the reasons adduced or brought to us by the Military Authorities and we believe that our recommendations are reasonable.

Sir, I would at this stage like to praise one particular group, and that is The Action Group for the Abolition of Conscription, who, as the Historical Section shows, have been very influential in the rousing of public opinion and the formulating of public opinion in this matter. We have had words of praise before in this House for the manner in which the Group has conducted its activities. Much of what I have said about the younger petitioners who appeared before the Committee goes for the Action Group for the Abolition of Conscription, but I think it is also right to say that in the context of the Historical Section, there can be little doubt that, short of this House, it is this group that is responsible for the recommendations which have been made by the Committee. Full weight has been given to their efforts, to their enthusiasm and sincerity. However, we have been at pains to point out, not only to this group but to other groups, that it is our responsibility to try to produce something which is satisfactory, at this moment of time, to the community as a whole and which is in the interest, in the long term interests, of the community as a whole and I hope that these particular petitioners will accept the Report in the spirit which I have described at some length today in this House.

Sir, the final point, I would like to make is the question of why we should make a contribution. The Committee has not accepted a legal or Constitutional responsibility to provide a contribution to the defence of Gibraltar. It has, however, recognised that we have a moral responsibility for the defence of Gibraltar. We have accepted no financial liability as a result of this report but we have accepted, as far as the committee is concerned, a moral responsibility for the defence of Gibraltar, and we feel that it is the community as a whole that must contribute to the provision of this contribution. The size of the contribution is not a matter which we have made explicit in the Report but we have said this much: that we feel, on moral grounds, that since in Britain the percentage of the population involved in all the armed forces is one per cent of the population, so in Gibraltar, on moral grounds again, our contribution should approximate this. We have left it at that and we think that is enough. Sir, as I have the right of reply later on, I might be able to clear up any points that the Hon. Members might raise in the course of the debate, but I will say that it is a privilege to present this Report which, in the view of the committee and in my own view, is reasonable, practical and progressive. Thank you Sir. (Tapping on table.)

MR. SPEAKER:

I now propose the question which is that this House approves the Report of the Select Committee on Compulsory Military Service.

HON. AP P. MONTEGRIFFO:

Mr. Speaker listening to the Hon. Minister for Labour and Social Security, I got the impression he had been conscripted himself. He has given such a lengthy and explicit discourse with such military precision Mr. Speaker, that he has left me with very little to say. It is a unanimous report, as has been noted before, and therefore I hope that the House will bear with me if I indulge in some repetition.

I can say one thing, Sir, and that is that this has been one of the most difficult assignments with which I have been entrusted in my long years in public life. And I say difficult not because I was concerned about pleasing or displeasing any particular person or group, but because this was a problem of great complexity involving a lot of factors which are not closely seen on the surface. Factors that, I believe Sir, involve both the internal and external matters.

I believe Sir, that the Committee has come to the right decision. We have acted without fear, without favour, having only the best interest of Gibraltar at heart. We have bowed to no pressures, but Sir, we have listened to everyone, as is shown, by those who in a true public and civic spirit, came forward and gave whatever evidence they wanted to give and also Sir, those who after one or two gentle reminders, came before the Committee to do what they should perhaps have done originally without this prompting. It has been a difficult job Sir, because we have had to go through a mass of evidence, some of it in a way contradictory; other parts of it lacking the documentation we would have liked to have; another part based on emotional terms, which gave no consideration at all to any other principle or to any other obligation. We have had to weigh up evidence made in complete and absolute terms, both in favour and against conscription. And these were views which again Sir, did not take into account the obligations, that as individuals, we have towards the community. They only thought in terms of black and white, and in certain matters one must find the colour in between because of the repercussions of taking any clear cut decision.

The only thing Sir, we did not go into was the question of the Gibraltar Regiment band, which Sir, back in 1960 was suggested by the then Honourable also - ~~and I believe~~ Honourable in political terms, I am sure he is an honourable man today too - the Hon. S. A. Serruya. We also had to listen Sir, to experts giving evidence on military grounds, and this we inevitably had to weigh against the background of our own political judgement and assessment. I was also impressed Sir, by the "generation gap" mentioned by the Hon. Mr. Xiberras though perhaps I was less impressed than he was, because I have got quite a number of such gaps at home Sir. But I think it is to the measure with which both ends of the gap, the one with their enthusiasm and the other one with their experience, can meet in the centre, that we can make a success of society, short of wrecking it, as we are, probably in some parts of the world, in the process of doing. And finally Sir, we took into account the

much, if I may say so, abused and sometimes not clearly understood "will of the people", and of course the six thousand odd signatures collected against the continuation of conscription.

I myself Sir, and perhaps here I am expressing a personal view, took this into account but I never forgot Sir, that in a modern society, it is not always possible for the average man, the ordinary individual, to have accesible to him all documents and facts to enable him to use his own conscience and his own will in order to make a judgement and an assessment. On this particular matter he might have been greatly influenced had he had access to such particular information. Nevertheless, I will say that the will of the people was probably one of the major factors that influenced the Committee in coming to a decision, and we gave that the consideration it deserved. But funnily enough Sir, there was another side, the reverse of this "will of the people" coin, if I may coin a phrase, and that was that invariably, practically everyone who came before the Committee, either as individuals or groups, expressed in clear terms, their willingness to make a contribution to the defence of Gibraltar. And this posed another difficulty to the Committee, because it was not easy to reconcile the desire to make a defence contribution with those who said "I do not want conscription at all". Had we in all sincerity come to the conclusion that in making this contribution to the defence of Gibraltar, conscription was the answer, we would then have found that we would be offending the will of those who did not want conscription at all. But anyhow Sir, in the end all's well that ends well, and the Committee, I think, apart from making our recommendations on conditions of pay, on the constitution of the committee that sits to listen to conscientious objectors, etc., etc., came to the vital recommendation, and that was that conscription should go. But Mr. Speaker, you just cannot scrap machinery that has been there for years, however wrongly, however justifiably just like that, and we were very conscious of the fact that we had to keep it going, if only because we have to reshape that machinery to take on the volunteers that we hope will come forward when the time comes. And in doing this it may well be that we have pleased neither defence experts with regards to the length of the period of transition or some sectors of the public. That, we regret Sir, but it was the Select Committee and no one else who was burdened with the responsibility of making a decision, and people who are placed in the position of making a decision must not only be aware of that responsibility but must also be aware of the repercussions and escalations of any recommendations which they might make. And this Mr. Speaker, is a far cry from making decisions and suggesting decisions from the touch line.

I think we have steered a middle course, a course that will give an opportunity for people to come forward and will also give the Gibraltar Regiment time to adapt itself to the new circumstances required of them. It may well be that the experts on military affairs will have to double up,

but it is equally true to say that the sincerity of the will of the people to make a defence contribution is being very much put to the test too, and it may well be Sir, that they too will have to double up in coming forward as volunteers. If they don't, I feel that this would be a very sad day for Gibraltar, because I have always believed that it is in the fulfilment of our obligations that we become worthier of our rights.

And finally, Sir, I do hope that in view of the long hours of deliberations and particularly so of the conscientious and responsible manner that the Committee has approached this problem, the House will find no difficulty at all in supporting the recommendations now before it. Thank you

Mr. Speaker. (Tapping on table.)

HON. CHIEF MINISTER:

Mr. Speaker, I rise to declare that my colleagues in Government and myself fully support the report of the Select Committee and also to thank all the members of the Committee and those who in any way helped the Committee in their deliberations, for what I think is a very thorough Report produced in a most expeditious manner. It would perhaps be of interest to the House to know that it only cost £80 to produce this report. This is based on the cost of the transcription of tapes, the cost of the tapes themselves and the stationary used. It does not include the salary of the Ministers and Members of the Opposition who I know spent many hours trying to produce what I think is not just a middle of a road report, as the Hon. Member opposite just stated - I think he was being very humble in that - I think it is a most progressive step that this House is in fact taking. I would also like to say that the fact that this House is considering the question shows very clearly that we live in a democracy in which account is taken of public opinion and, having ^{considered} ~~taken~~ public opinion, is then translated into action by the responsible people who are elected by the people of Gibraltar. I think it will be clear from what I have stated, and now I think beyond any doubt, that it is the intention of the Government, by accepting the recommendations of the Report, to abolish conscription as soon as possible, and nothing that may happen or may be said should be interpreted in any other way. It is equally true, from the findings of the Committee, that it is the desire of the people of Gibraltar to continue to make an effective contribution to defence. And I want to repeat: effective contribution to defence. This I would say is the voice of the people; this is the ^{voice} ~~word~~ of Gibraltar. I would also like to add that if this Report is accepted it will have to be submitted to His Excellency the Governor as is required under the Constitution. The suggestion is that this effective contribution should be made by recruiting a voluntary force similar to a Territorial and Army Voluntary Reserve Unit in the United Kingdom, with commitments similar to those of the Gibraltar Regiment at present.

Now, as the first step in this direction, we shall advise that the number of reservists attending biennial training camps should be reduced

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forthwith. Naturally, if the transitional period is going to be smooth and speedy, the Voluntary Force must receive support from every quarter. Voluntary Service should particularly be encouraged by making the emoluments attractive as suggested in Item 8 of the recommendations. Equally, legislation may have to be passed to safeguard the civilian employment of volunteers, whilst at the same time some kind of appeals machinery will have to be devised to prevent any employer being unduly affected by an unreasonable preponderance of volunteers within a particular firm should this be found necessary. Perhaps because the training of volunteers will be more flexible than it has been with conscripts this may not be necessary at all. As regards the coming intake it will be necessary to appoint to the Appeals Committee, which considers applications from conscientious objectors, different people to those of the Military Service Hardship Committee, which considers applications for ~~the~~^{an} ~~ferment~~ on grounds other than conscientious objections. It is relevant to point out with regard to the Appeals Committee, that since the war there have only been five applications for registration as conscientious objectors, three of which were accepted, one was withdrawn and one is awaiting^a decision. It is therefore clear that there has been no injustice, but it is thought better to have a different Appeals Committee now that attention has been drawn to the principle involved. On Item 13 of the recommendations, which deals with the exemption of apprentices, it is worth pointing out that the public, in making their submission to the Committee, were not aware of the fact that indentured apprentices in the private sector have also been exempted from call-up in the past, and this position will not change with the coming intake.

We hope that in the same way that this House has acted with so much diligence to do away with conscription that the public and particularly the young people, will cooperate to the full to make this the last intake to go through its service with flying colours. One cause of dissatisfaction could be the rates of pay of recruits, which have been static since 1961. I feel Sir, too, that the recommendation of the Select Committee asking that the pay of conscripts should be increased immediately will not fall on deaf ears and I have every hope that it will be possible for the Ministry of Defence to do away with this anomaly. I think that the report of the Committee, the views expressed in this House and the undertakings given by the Government prove that while the people generally as well as the political leaders wish to see an end to conscription, they are all equally determined to make a valuable contribution towards the defence of Gibraltar. Let it not be said, nor appear to be a weakness, that the people of Gibraltar are not prepared to stand guard, and if necessary fight, to keep the Rock British, to safeguard democratic institutions and continue to enjoy their British way of life. (Tapping on table)

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I would like to say from the outset that we on this side of the House accept the recommendations of the Committee as a whole and make

no exceptions. I think it should be pertinent to point out that members of the Select Committee, though they are chosen in proportion to the representation in the House, do exercise a quasi-judicial function and decide of the issues that are put before them on their conscience, on the views expressed and the evidence heard and that there is no question of any pre-arranged party or side approach to the matter. This was in any case fully shown in the general debate we had on this matter prior to the appointment of the Select Committee. Now, to avoid repetition, I would like to associate myself entirely with the final remarks of the Chief Minister at the end of his address to you: the fact that we must, above all else, be prepared to defend what we consider to be our rights, which we have done in the past and which no doubt - and we hope it will not be necessary - but which no doubt would be done if it becomes necessary. I hope that the fact that the Select Committee has done its best to make the transitional period as short as possible and as smooth as possible, will be a call to those who have still to do their service to make their contribution in the spirit that they themselves by coming on to the last, or the second last, or the two last intakes, will also be making not only a contribution in themselves as to their own military training, but a contribution towards a system that will be acceptable to all.

Now there are only one or two points in the Report which I consider I should just draw attention to because I think that they are important - some of them have been mentioned. It is very difficult for six or seven people to deal with a 26 page or 28 page Report without saying the same thing, because the important aspects of it are all the same - but I would just like to mention one or two points, which in my view, highlight the problem. Perhaps at this stage, though I should have said so before, I think the House as a whole should be grateful to the Committee for their hard work and for their recommendations which has made this task easy for us, they have done the hardwork on this occasion. But I would just like to mention one or two points which seem to me to be particularly relevant. I am referring to page 19, para.10 of Section 5. CONSIDERATIONS OF ARGUMENTS PRESENTED FOR AND AGAINST CONSCRIPTION. It says:

"It is of interest to note at this stage that although it was found necessary to retain conscription in Britain for some time after the 2nd World War, it has been predominantly a war-time feature: the urge to abolish it as early as possible in peace-time, so long as it was consonant with National Security, has been evident in its modern history. Taking into account the historical and constitutional links which bind Gibraltar with Great Britain, it is not surprising that the same criterion should be adopted in Gibraltar. However if this argument is to be given validity in the present circumstances, it should be equally true should Great Britain introduce conscription in the future."

And it is also equally true, if I may say so, looking back on the advice then received and on the decisions then taken, that we did not adhere strictly to the terms of conscription in England when conscription was in force in Gibraltar either during the war or after the war for the simple reason that conscription in Gibraltar was limited to six months service whereas in England at that time compulsory service was for a period of, I think, 18 months. This went on until 1958, which was a long time after the end of the war. At that time there was certainly no cry to say that we should have 18 months because this was so in England. All I want to say by referring to that, is that though there is a pattern and principle to which one must be attached, when you get down to the details it works both ways. So I think in that respect we had the advantage over the conscripts in the United Kingdom, apart from the fact that the force was limited to local defence. Now, at page 20 on the social aspects of conscription; I entirely agree and I hope that this will be taken up seriously because it is not the first time, though certainly not with the weight of a Report of a Select Committee of the House, that the question of relieving hardship caused during conscription has been brought up. This is one question that has been urged over and over again and I venture to say that, had advice been taken at the right time, there might not have been such a bad case for those who wanted to defend conscription because of the hardship it has caused. By all means if it was necessary it was necessary but there should never, never have been any hardship caused as indeed there was, as indeed there is. I therefore fully endorse the recommendations that between now and the end of conscription, and certainly if the volunteer force is going to be anything which is meaningful and satisfied, this hardship should be relieved. I am particularly impressed by the evidence given by Commander Coombes who mentioned the particular difficulties of recruiting people to the Royal Naval Reserves because of the conditions that they were given. I am very impressed by that part of the practical experienced evidence of factors which are most important.

I also fully endorse the recommendation at the end of Section 5, which has been mentioned by the Chairman of the Committee in presenting the report:

"that, if conscription is to be abolished in Gibraltar, planning for the achievement of the good results obtained under that system should, through the agency of the relevant Government Departments and Committees (Education and Recreation, Health, Youth Employment and Welfare Council, etc.) be set in motion, and they stress that it is their considered view that, especially in the prevailing confined conditions, the Government should spare no effort to support this endeavour in a planned and determined manner so as to achieve as good results as have been achieved, albeit as a side effect, by Compulsory Military Service."

We shall give every support to any measures which are brought by the Government to implement that part of the report, even if that part of the report implies

expenditure, because that will be civilian expenditure for civilian expansion and civilian development of the individual.

Finally, Sir, Section 6. A GIBRALTAR CONTRIBUTION AND DEFENCE ASPECTS

I think puts the matter quite clearly, the first part on it:

"The Committee, having considered all the evidence that has been adduced, the desirability of ending compulsory Military Service in Gibraltar and the fact that no operational requirements dictate how a Gibraltar defence contribution should be raised and maintained, has come to the firm conclusion that compulsory Military Service should end in Gibraltar as quickly as possible.

I think, if I may say so that this is the core of the findings, the core of the justifications for our being able to say in our conscience that conscription should come to an end. And let me finally say, that this has been perhaps an operation in which one has seen democracy at work at its best; where elements of public opinion for changing circumstances, for a number of reasons expressed at one time what was not expressed in another, become more vocal in matters that become more important and it is the right process to bring them about in such a way that the representatives of the people are able to consider them and give effect, to the extent that their responsibilities are able to, and carry out finally what I think is in the whole, the general wish of the people of Gibraltar, that we should continue to make a defence contribution and that conscription should be abolished. Thank you. (Tapping on table)

HON. L. DEVINCENZI:

Mr. Speaker, being I think, the sixth speaker, and after a very elaborate and lengthy speech by my Friend the Hon. Mr. Tiberras it is difficult, in fact very difficult, to say anything new. I do not intend to bore the House and certainly not the public, but as a member of the Select Committee I just wish to say a few words on the issue. It has been said before, and I say so again myself, that this question of conscription is a very complex matter. I said in the House of Assembly a couple of months ago that I was against conscription and that it would take a lot of convincing by many experts to make me think otherwise. Well, after hearing the evidence of many experts and those who are not so expert, the public at large, I am glad, and I say so quite openly, I admit that my opinion on conscription was sobered and tempered by what was said. It is true that many times the evidence given was quite contradictory and as a result of this it was at times very difficult to come to clear conclusions. However, we met I think 13 times and many of the meetings were very lengthy indeed and after our deliberations, as you are well aware now, the main thing which has come out of course is that conscription will be abolished - at least that is what we are recommending to the House - by July 1972. One thing which I am very proud to say, and this I say speaking as a Gibraltarian, was that although a great number of the people who came to give evidence were

against conscription, every single one of them said that they wanted to make an effective contribution to the defence of Gibraltar. I think this speaks very, very highly of the public in Gibraltar. It is true to say that they did not specify how this contribution should be made but the fact remains that they expressed the desire to make a contribution. Now Mr. Speaker, as has been said before, it is important that we should have an effective Volunteer Force and I appeal to the public to cooperate in this respect. If we are going to do away with conscription this is the only way in which we can make this effective contribution of which we are all taking about. As you know it is now a certainty that there will be at least one more intake, however it is not so clear whether we shall have one in the first half of 1972. Again I think this is a very important recommendation to the Committee. Even for the intake which is bound to go now next month or so, we have recommended increases in pay and better conditions and the reviewing of the functions and terms of reference of the existing Hardship Committee and the Appeals Committee. ~~These are very important recommendations which I think~~ the public at large will welcome. One very important aspect of the ~~recommendations which has already been mentioned by the Hon. Mr. Xiberras,~~ and I was very pleased to hear the Hon. and Learned Leader of ~~the~~ Opposition Sir Joshua, mention just now, was that relating to social aspects. I am not referring now to the hardship, but rather to the vacuum which might be left as a result of the abolition of conscription. There is no doubt in my mind that Conscription did some good to the youngsters, even to those who are against conscription. Those of us who have gone to serve for 4½ or 6 months, whilst perhaps not enjoying this fully, did realise that certain good effects accrued and there is no doubt in my mind that a vacuum will be left. Being responsible for Education and Recreation I will certainly do my utmost to fill this vacuum. And again I am glad to see that the Hon. Member opposite agrees that this should be done even if it means more expense.

Finally, I think it is fair to say that at every stage in our deliberations the will of the people was very much in our minds we were not, however, influenced in any way by some irresponsible evidence which was given, not because these witnesses wished to be irresponsible but because they lacked documentation, and I think that feelings run high with some, particularly the younger ones. Lastly, Mr. Speaker, I trust that the Report will be accepted, not only by the House but by the public at large, who should realise that a lot of effort has gone into the framing of this report and that we have taken great care to see that all factors were considered before reaching our recommendations. Thank you, (Tapping on Table)

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

Mr. Speaker, as the sixth person to get up on his feet to talk on the subject, there is even less for me to say than there was a few moments ago. But to start with, as a member of the Committee it should come as no surprise



X to anybody that I support the Report wholeheartedly. In my opinion it points the way in which the will of the people, as conveyed in the evidence that we heard, can be achieved in the two major factors: the end of conscription and the providing of a necessary and effective contribution to the defence of Gibraltar. We are told as a bonus, if this was necessary - that when this scheme is fully implemented it will provide really good facilities for sporting and cultural activities as well as social opportunities and recreation for those young men who form the modern Volunteer Force. Some of the evidence we heard questioned the need for a trained force in peacetime - that is assuming that the present circumstances are in fact what ^{is} they meant by peacetime. I say that this is an insurance. After all, one doesn't wait until one's house is on fire before taking out an insurance policy. You do this beforehand. You are prepared, even though you do everything in the meantime to stop a fire starting. And of course your house continues to be protected, whilst that insurance, that trained force, remains effective. I read an article in a paper not very long ago and with your permission, Sir, I would like to quote from it; it was about the British Armed Forces. It said: "The British Armed Forces are waging peace not war, their task is to ensure peace by being prepared for war. The last world war ended 26 years ago and that is the measure of their success. Only, if and when, war breaks out again can they be considered to have failed." I think we should look around at the world today, Mr. Speaker, and be thankful for those who wage peace.

We have heard it said time and time again that it is the desire of the people to make a necessary and effective contribution. This is to be commended, because normally as individuals, we are generally very conscious of our rights; we speak of our democratic rights, but we tend to forget that such rights attract corresponding responsibilities and liabilities, not unusually in the defence of those very rights; so I would like to urge the youth of Gibraltar, Mr. Speaker, the young men of this priceless home of ours, to rally and join the proposed Volunteer Force when recruiting for its start. Let them be as actively pro-volunteer as they were anti-conscription. Not only will it be financially and socially to their benefit but it will be a means for them of discharging a moral obligation towards themselves and to their children. For after all, are they not the ones who are going to inherit it and in turn, pass it on to the next generation? I feel it would be utterly and completely calamitous if the volunteer scheme did not work. It is not difficult to imagine the scorn of the whole world; some would say, "Here are a people who say that they are so proud of their heritage, yet without the will to defend it." Others, such as our next door neighbours and the committee of 24, would be much more scathing. Mr. Speaker as I said at the beginning I commend and support this motion wholeheartedly. (Tapping on table)

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6 pages

HON. P. J. ISOLA:

Pardon me if I rise to speak, I shall be very short, in contrast to previous interventions by me. Let me say straight away as a member of the Select Committee that I fully support the report as it has been presented to the House and all the aspects of it, and in doing so, let me pay my own tribute, not just to our Committee but of course to our Chairman the Minister for Labour, on whose shoulders the main burden of the work on the Report fell. I think he dealt with the problems that arose during the deliberations of the committee with great tact and skill.

Mr. Speaker Sir, I think what made the work of the Committee fairly simple, in what was, as has been described already, a very complex subject involving all sorts of considerations, not only local and external; what helped the Committee enormously in its task and I think made its decisions comparatively simple ones to make, was the obvious good faith of those who assisted the Committee in their deliberations and the sincerity of all those who appeared before the Committee. I don't think there was any desire on the part of anybody assisting the Committee to promote a particular point of view to the defeat of all others. The attitude we had from all parties was extremely helpful and understanding and in this I think we must be extremely grateful to the Military Authorities who cooperated enormously with the Committee, and also to the various Groups and Associations, some of which have already been mentioned by the Minister of Labour, who were so helpful in giving the Committee their assistance and who took up a responsible attitude towards the problem before the Committee. We were much helped by the openness of the Military Authorities, who quickly volunteered the information that the desire of Gibraltar to contribute to defence need not necessarily be by means of a conscripted force; this of course was extremely helpful. We were told from the very beginning that no operational requirements dictated how a Gibraltar defence contribution should be raised or maintained. It would have been an easy matter, and I know it is quite easy to have a conscripted force, you train them and they all have to come up and you have very few problems as a result, to say the contrary. But I think the genuineness of the military authorities in this matter was shown to us right from the beginning when they came up with alternatives to conscription. This of course made the job of the Committee much easier.

On the other hand the willingness and readiness of all those who were advocating the abolition of conscription to accept the proposition that Gibraltar should contribute to its defence again made it easier for the Committee to come to decisions which, in any event, it would have had to reach; and that is that conscription must end, that it is not right or necessary in peace time and that it is right and that it is right and proper that Gibraltar should contribute to its defence. And those main considerations, the helpfulness of the attitude of all those concerned with the work of the Committee, made it, I think, fairly simple for the Committee

to come to the decisions that it has made. The part of the Report that is perhaps likely to cause misgivings or doubts in people's minds is the part of the Report that deals with the transitional period of change from a conscripted force to the volunteer force. The military authorities assured the Committee that the Gibraltar Regiment, or the conscripted force, did perform an essential role in the defence of Gibraltar. Having got that information, and the Committee being desirous that Gibraltar should contribute to its defence and fortunately being backed in that opinion by all those who came before it, the Committee obviously found it necessary to advise that there should be a transitional period so that we could move from a conscripted force to a volunteer force. That is what we have suggested and that is what we have recommended. With all the information available to us it is our view that, given the cooperation of those responsible for raising the volunteer forces and given the cooperation of the people of Gibraltar, who through their various representatives and through the elected members of this House have shown their ~~readiness~~, ~~willingness~~ and indeed anxiety to contribute to the defence of Gibraltar, it was our view that conscription could come and should come to an end not later than July 31st 1972.

The Leader of the Opposition, in speaking on this motion, has said that we have done an exercise in democracy, and this is so Mr. Speaker. Opinion has been raised, a group has seriously canvassed a point of view, the House has been alerted, the House has decided to investigate the Select Committee has been set up, and the Select Committee has investigated and reported to the House. But the democratic exercise Mr. Speaker is not yet at an end, the democratic exercise will be at an end when all those in Gibraltar accept the unanimous recommendations of the Committee and the unanimous acceptance by the House of Assembly of these recommendations, not only in fact but also in spirit. This is very important. All those who came before the Committee and advocated the question of democracy and democratic rights and the will of the people must also accept the will of the people as has been recommended by the unanimous wish of all the elected members of the House of Assembly, who have read the report and have gone into it. This is very important because the democratic process, Mr. Speaker, would not be at an end, there would be an incursion into this democratic process if now, those who have advocated abolition and who have had their case investigated, pronounced upon and accepted by all the elected representatives of the people, were to actively move against that decision. That would not be a democratic process any longer, and I am sure that the Action Group for the Abolition of Conscription and all those other Associations who have behaved, I feel, in an extremely responsible manner and who have gone through Constitutional methods to achieve their aims will now not blot their copy book by trying to upset the will of the people as it

has been expressed in this House by the elected representatives of the people. I trust that they will do everything in their power to ensure that we have a smooth transitional period; to ensure that the last conscripted men that go into the Gibraltar Regiment, go in a spirit of willingness to serve Gibraltar, in a spirit to play their part in the defence of Gibraltar, and will do all in their power to see that Gibraltar, as they have said it is their wish, will play an effective part in its defence by rallying all those young people whom they so ably lead into serving, insofar as they may be required, in a volunteer force so that Gibraltar may hold its head high in international fields and show that it has a will, and that having expressed that will, it gives effect to it. (Tapping on table)

HON. J. CARUANA:

Mr. Speaker, I did not intend to ~~talk~~ during this debate because enough has been said, but now that the die is cast and conscription is on its way out, I must put a warning to the House and to Gibraltar: "Beware of apathy", beware of the "I'm all right jacks", because we cannot afford to appeal purely to moral obligations or purely on military grounds. Today unfortunately, not only in Gibraltar but all over the world, this in passing points for your little and even in Great Britain, the experts will tell you, that the percentage of recruitment, voluntary recruitment, into the army is not good enough, they are not coming in, in sufficiently large numbers. So, I would put to this House that although all the recommendations are very significant and very important, the one to which I would attach most importance to, now that everything has been said, is Section 8: "that every effort should be made to make the Volunteer Unit as attractive as possible in terms of (a) personal emoluments, (b) status, and (c) conditions of service." Status by all means, because unfortunately in this day and age, we can only appeal to youngsters from the point of view of glamour, we can get to the youth through the glamour of military Service in a volunteer fashion, because of its uniform, because of the discipline because of the adventure it can afford to youth, because of the challenge to their character in leadership and otherwise. It can appeal to them in the sports sense, it should appeal to them in physical terms and it should also be made very strongly appealing to them by making them realise that they can use their leisure time very usefully by becoming volunteers in the territorial army and serve the community well. This service should not be restricted to a purely military basis but consideration should also be given to the contribution that the volunteer territorials could make in the social field whereby the community as a whole would benefit. Perhaps with this appeal, with this kind of attraction, we can get a good Territorial Force, of which Gibraltar and indeed the British Army will be proud of in the near future. Mr. Speaker, at the last meeting I was very brief and I said then that I simply wished the Committee the best of luck in their endeavours; now I would only like to say: I congratulate the Committee for an excellent Report. (Tapping on table)

MR. SPEAKER:

Do I understand that there is no other member who wishes to speak on the motion? I will then call on the mover for his reply.

HON. M. XIBERRAS:

Sir, I don't know what number I am now!! But I shall try to be as brief as possible and deal with points of substance, though I welcome the participation of other speakers because in this matter, the feeling of this House, representing the people of Gibraltar, are vitally important, particularly in relation to the point made by the last speaker, the Hon. Mr. Caruana, that is, that it is going to take a lot of work to raise a Volunteer Force. Sir, I would like to take up a point raised by the Hon. Leader of the Opposition. It was in fact taken up by my colleague, the Hon. Mr. Devincenzi, the Minister for Education and Recreation; and that is that the Committee has not recommended two intakes, it has in fact implicitly recommended one intake and that the matter should be looked at thereafter; and also of course, that we have good grounds to hope that the conscripts element of the 15 day camps to be held at the end of this year will be substantially reduced by what I can say more than 50% this is the aim. The other point raised by the Hon. and Learned Member opposite was the question of, what I might call the reciprocity of the argument: that if you argue now that conscription should be done away with in Gibraltar because it no longer exists in Britain, then one should remember this if or when conscription is introduced in Britain. I would just say that this appears in what I might call the "theoretical" part of the Report and appears after an important quotation from the memorandum submitted to us by AGAC. It simply tries to put the arguments into what we thought was its correct position, that is, that theoretically the use of the word "how" then would bind them morally to it later on. It does not in fact show any indication on the part of the committee that things should work automatically but simply that the argument was put to us and has some validity in Gibraltar as a criterion for accepting or rejecting conscription.

The third point from the Hon. and Learned Member's speech which I would like to comment on is the evidence of Commander Coombes and, in the context of the Report, this means that it would be difficult to raise a Volunteer Force if the money offered was not good. This is what the report in fact says. As I said before, we are not making an impossible recommendation; even the Royal Naval Reserve has a fair number of people in it and that number would be improved were rates to be raised there. Therefore in the opinion of Commander Coombes, the success of the Army Volunteer Force would depend, to a large extent, on the rates to be paid. The Report says something like £100 a year, in the region of £100 a year.

I welcome the intervention of my Hon. Friend the Minister of Education and that of the Hon. and Learned Leader of the Opposition, on the social side.

I have not devoted time to this because it is made quite explicit in the Report that social implications of conscription were important and generally adverse, especially to working class families. I welcome also what the Hon. and Gallant Lt. Col. Hoare had to say about the rights and corresponding obligations. I think this is a point which we have put across in our interviews with the various petitioners, and I think it is a point that is accepted by and large by all the organisations that came forward. It is in the interpretation of what is an obligation or what should be an obligation that one might begin to differ, but for practical purposes it is a most relevant point to make and I am grateful that he has made it in support of the motion. On his other point, that it would be utterly and completely calamitous if the Volunteer Force were not to work, I think we should approach this in a spirit of challenge, that it is a challenge that we cannot afford not to take. It is a challenge that must be faced up to by this community, and therefore it must be done in a determined and optimistic manner with a lot of work. My Hon. and Gallant Friend the Chief Minister has already mentioned some parts of a check list of things that it behoves to Government to do from now onwards. I am grateful for the intervention of the Hon. and Learned Peter Isola, who acted as an alarm clock to this House on this issue. I think his motion on conscription was extremely timely and it did set this House off in the right spirit which has culminated in the presentation of the report, and on the vote of this House, which I hope will be favourable to the motion. I am grateful for what he has said. I am also grateful to him for his remark about the democratic process which was initiated by the Hon. and Learned Leader of the Opposition, I think that he has struck the right note in this; it has been a democratic exercise, and exercise in democracy; it is by no means finished and I trust that the feelings which he so ably put across will in fact materialise, that they will come to fruition and that we will, as a community, be able to end conscription as fast as possible. I also welcome the points raised by the Hon. the Minister for Public Works and Housing in the last speech made. Recruitment is not good in the U.K., most of the Common Market countries have conscription; a lot of other democracies in Western Europe have conscription, and in fact it is Britain that is the exception amongst the democracies rather than the rule. Having passed those brief comments on the speeches made, may I turn once again to the speech made by my Hon. and Gallant Friend the Chief Minister, who has produced a check list of what has to be done. I think it is essential that these things be done for this coming Intake. It is essential to my mind, or very important, that the rates of pay, which have not been revised since 1960, should be increased now. That everything should be done to make this the fairest Intake of all that have gone before and in this way I think we will be entitled to the cooperation of the public. Perhaps these are not the words to use but, if our slate is clean, then perhaps we will be able to point a finger at those

who do not cooperate with the spirit of the Report. I know that the Hon. and Gallant Chief Minister needs no urging on these points and that he has this, in anticipation of the vote of the House, already under active consideration and is framing out the work to be done.

Finally Sir - I think there is nothing I have left out - I think the last point I should make is the question of the role played by the Military Authorities. Again a number of members have brought this to the fore and what my Hon. and Learned Friend said before is quite ~~true~~, I mentioned it in my own opening speech. We would have been in a very difficult position, I think, had not the Military Authorities presented us with a fair and honest paper which did not bind our hands. To have done otherwise might have given rise to something approaching a clash which I do not think it is the intention of this House ever to create on its part. I would like to end on that note by ~~thanking~~ the Military Authorities for their ~~submissions~~ to the Committee and for the reasonableness of those submissions. The report, Sir, I repeat is a reasonable, a practical, a progressive and an implementable one, and I commend the motion to the House. (Tapping on table)

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

The motion was accordingly carried.

BILLS

COMMITTEE STAGE AND THIRD READINGS

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

This was agreed to and the House went into Committee.

MR. SPEAKER:

Gentlemen, the first bill, which is the Cooperative Societies Bill, has got 61 sections; I refuse to call "Stand part of the Bill" 61 times. Since it contains eleven parts, I have instructed my Clerk to read the Bill part by part, Members will have an opportunity to raise any matter on the particular part we may be dealing with.

HON. CHIEF MINISTER:

Mr. Speaker, there is certainly no objection on this side.

HON. SIR JOSHUA HASSAN:

No, I have nothing.

(1) The Cooperative Societies Ordinance, 1971.

Part I, clauses 1-2 was agreed to and stood part of the Bill.

Part II, clauses 3-9 was agreed to and stood part of the Bill.

Part III, clauses 10-21 was agreed to and stood part of the Bill.

Part IV, clauses 22-30 was agreed to and stood part of the Bill.

Part V, clauses 31-35 was agreed to and stood part of the Bill.
Part VI, clauses 36-38 was agreed to and stood part of the Bill.
Part VII, clauses 39-47 was agreed to and stood part of the Bill.
Part VIII, clauses 48-50 was agreed to and stood part of the Bill.
Part IX, clauses 51-52 was agreed to and stood part of the Bill.
Part X, clause 53 was agreed to and stood part of the Bill.
Part XI, clauses 54-61 was agreed to and stood part of the Bill.

The Long Title . . .

HON. SIR JOSHUA HASSAN:

Mr. Speaker, before we go ahead, it is just a printing error which my Hon. and Gallant Friend on my left has drawn my attention to in clause 38. Though it has passed, I think it is within the province of the House to consider this. I think the word "furnish" in line 6 of Clause 38(i) should perhaps not be "furnish" perhaps it should be "financial". It doesn't make sense otherwise.

HON. ATTORNEY-GENERAL:

It is "financial".

HON. SIR JOSHUA HASSAN:

Financial! It could I think be altered in the Report Stage, if it is not within the province to deal with it now.

MR. SPEAKER:

To the extent that one can say that it is a clerical error I think that it is within the province of the printers to correct.

This was agreed to and the clause as amended stood part of the Bill.

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

(2) The Companies (Amendment) Ordinance 1971.

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

Clause 2. . . .

HON. SIR JOSHUA HASSAN:

Mr. Speaker, there was concern in some sections of the legal profession about the increases of the Registration Fees provided for in Clause 2 in the Eighth Schedule. I am not proposing to move a reduction of them but it did create concern because it might give an idea to those who are being attracted to Gibraltar to form Companies and so on, that the Government is intending to raise money from all corners, not that it is not, but I mean unduly. I have already had a word with the Hon. Financial and Development Secretary first of all. I should say that these fees were fixed, I think, in 1939 or 1940 and they have not been raised since then. If we could only get an assurance that they are not going to be changed in the foreseeable future - I don't want 30 years guarantee, I would be happy to have a guarantee from the Financial Secretary that he does not intend to do it so long as he is in office - I would be much happier.

HON. FINANCIAL & DEVELOPMENT SECRETARY:

Sir, may I first of all say that the "vacuum cleaner" which sweeps round corners, goes into operation at certain times only. In the 20 years of the Legislative Council, no predecessor of mine ever brought this amendment here. I can only hope, with the Leader of the Opposition, that no successor of mine will bring it for the next twenty. Certainly I would like to allay any fears that these increases have any evil intent, they have no evil intent at all. In fact Sir, I think I was very modest in the recommendations made because in England, the Registration Fee, where the share capital does not exceed £2,000 prior to 1967 was £2 it was amended in 1967 to read £20, we have only gone from £2 to £5, and where in England it also went from £2 to £20, where it exceeded £2,000 we have only gone from £2 to £4 so I hope Sir, that the same moderation will be exercised by successive Financial Secretaries.

HON. SIR JOSHUA HASSAN:

I don't know now whether I should get up now, withdraw what I said and thank the Financial Secretary for not having put it up to £20, (Laughter) but I am quite happy with the assurance.

HON. CHIEF MINISTER:

Mr. Speaker, I would just like to say that of course the assurance cannot be given by the Financial Secretary, it is the elected members of the Government who can give those assurances and I would like to point out that we do not know who is going to be here next, and he knows that as well as I do, so therefore this House cannot give any assurance; all I am trying to say is that as long as this Government is here, we want to remain competitive and we do not want to kill the hen that lays the golden goose (Laughter)the golden egg.

HON. SIR JOSHUA HASSAN:

The Financial goose (Laughter).... I stand corrected by the Chief Minister, I should have said that the Financial Secretary will not recommend an increase.

HON. CHIEF MINISTER:

Thank you very much.

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

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

(3) The Income Tax (Amendment) Ordinance, 1971.

Clauses 1-7 were agreed to and stood part of the Bill.

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

The House resumed.

HON. ATTORNEY-GENERAL:

Sir, I have the honour to report that the Cooperative Societies Bill has been considered in Committee and agreed to, with the correction of a typographical error in clause 38; the Companies (Amendment) Bill, and the Income Tax (Amendment) Bill have been considered in Committee and agreed to without amendment and I now move that all 3 bills be read a third time and passed.

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

ADJOURNMENT

HON. MAJOR PELIZA:

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

HON. P. J. ISOLA:

Mr. Speaker, I would like to beg your leave to raise, on the adjournment of the House, the statement of the Minister for Information, Port, Trade and Industries on air fares, and the apparent inability of the Gibraltar Government to have an effective say in something that concerns so closely and affects so much the economy of Gibraltar.

MR. SPEAKER:

I give leave, even though notice has not been given as required under Order 25(b)(3) - the notice required should be given at 5 o'clock on the day previous to the matter being raised - on the grounds that the matter that the Hon. Mr. Isola wants to raise is something which has been brought up at this particular meeting and of which no notice had been given before. Of course I will remind members that the 40 minute rule applies, (Laughter) and that otherwise the rules of debate will be adhered to strictly.

HON. P. J. ISOLA:

I thank you Mr. Speaker, I assure the House that I will not go into 30 minutes as seems to have been established as a precedent, the last time advantage was taken of this particular rule.

Mr. Speaker, Sir, the Minister for Information, Port, Trade and Industries made a short statement which I think raised matters of great importance, as far as the House is concerned, and matters of great importance as far as Gibraltar is concerned. During the budget session, we did in fact talk quite a lot in the general debate on the question of air communications to Gibraltar and on the problems affecting them, and I think all members in the House were extremely alive and responsive to the need of having air communications, and plenty of them, in and out of Gibraltar as being a main source of bringing people to Gibraltar, in view of the fact that the frontier has been closed; the Spanish ferry withdrawn; and indeed a Gibraltar isolated. The airfield and air traffic in and out of Gibraltar has become the big factor in the future development of the economy. And therefore anything that occurs that is likely to affect this side of our economy is something that must be of great concern to all members and of great public importance.

Sir, the statement of the Minister discloses, in my view, a most alarming position. And that is, a position whereby the Gibraltar Government, and when speaking of the Gibraltar Government we must bear in mind the Constitution, and under the Constitution the Gibraltar Government is..I won't say is virtually the Governor, but it is the Governor as executive head of the Gibraltar Government, that puts forward the views of Gibraltar to Her Majesty's Government. So that the Gibraltar Government has said quite categorically that the increases that were proposed by the airlines for Gibraltar were not justified. And I notice Sir, that the meetings that

were held in Gibraltar follow the usual pattern when senior officials visit Gibraltar. And that is, that they work overtime in order to get back; so you get Friday, Saturday, Sunday. Usually when you see that sort of meetings you know they are meetings at high level, and I am sure the Hon. & Learned Leader of the Opposition will bear me out on this particular point. And it was these people who came out and who put all the facts forward and despite everything they said, everything they argued, it was the view of the Gibraltar Government that those fares were not justified. The increases proposed were not justified. Gibraltar is a cabotage route and this is something that must be taken into account. IATA fares do not apply to Gibraltar, IATA fares Sir, apply to Morocco and Spain, but if fares are to be altered to Gibraltar purely and simply to suit the airlines' convenience because of alterations in fares to Spain and Morocco, then we must sit up and take notice, and we as a receiving country, as a country to which the passengers are coming, ought to have an effective say. Because, Mr. Speaker I am sure all members of the House know what happens on the Gibraltar/London route. There is a monopolistic situation. You have an airline, British European Airways, that can run as many, or as few, flights as it likes to Gibraltar, and you have another airline Caledonian/British United Airways which is restricted to 3 flights a week by the Aviation Transport Board. So therefore, British European Airways has a certain monopoly on the Gibraltar/London route. I am not sure what the views of the House are on monopolies or not, but one thing that is certain is that when you have a monopoly you must take account of the public that you are serving; and when you allow a monopolistic situation, the public that you are serving are entitled to a say in what fares you charge on that route, because you are there alone and you have no competition. In the Gibraltar/London route if we had Caledonian/British United Airways being able to run as many flights as they liked to Gibraltar, BEA doing the same and so forth; if there was a real competition on the route, then the question of fares might not be something that would attract our attention, because normal competition would take care of that situation. But that is not the case, there is a monopolistic situation, and Gibraltar, as the receiving end of flights, should have an effective say. And when the Gibraltar Government, look into it - the Gibraltar Government in its full meaning under the constitution including His Excellency the Governor, when we talk in that sense - and they say that the fare increases are not justified from the evidence before them, and this is overridden without any more further ado; that is something, I submit to this House, that is of great and urgent importance as far as the people of Gibraltar is concerned. Because if that is happening where air fares is concerned, what is going to happen in a lot of other aspects? Mr. Speaker, Sir, that is all I have to say on this point at this stage, but I would like more information from the Minister about the different effects of these increases of air fares, as far as Gibraltar is concerned, and I would like the Chief Minister to say,

if he can, quite categorically that it is the determination of the elected members in Gibraltar Council, on the Government side, that it is their determination - and I would welcome the same sort of assurance from the Hon. & Learned Leader of the Opposition - that it is our determination that the people of Gibraltar, in the same way as the people of the Falkland Island and the people of the Bahamas, who are not independent countries, it is the determination of the people of Gibraltar that they should have an effective say in what happens in civilian air traffic to Gibraltar, in all the aspects as it affects the community of Gibraltar and the people of Gibraltar. Thank you Sir. (Tapping on table)

HON. A. W. SERFATY:

Sir, from this side of the House we must say too, that it is high time that there should be more consultation between the airlines and the Government of Gibraltar on the question of schedules, on the question of charges. I, during my five years as Minister for Tourism did suffer quite a lot, did work and struggled quite a lot, and I used to be told by Sir John Milward, the Managing Director of BEA and Mr. Markin: "Look here old man, we are here on business, we have got to do business, BEA, if you want any concessions, if you want any priority treatment, you must go to the British Government". And that is why I say that of the two persons who came the other day to see the Government, the representative of the Department of Trade and Industry is the more important person, because really, I cannot blame BEA for trying to defend their own interests, but what are the British Government doing about this and the Ministry of Trade and Industry? We all know that BEA had it very good before the restrictions, very good indeed. I am sure the Gibraltar/London route was one of the most paying lines in the whole of Europe, and I am sure that even today it is (Tapping on table) a great source of profit to BEA, and BUA in a small way. So I think we should have no qualms about a real struggle with whatever department, be it the Department of Trade and Industry or be it the Ministry of Foreign and Commonwealth Affairs, that they should stand up and defend little Gibraltar in these difficult times. One of the things that really worries me, and I am sure it worries the Minister, is this question of the six-day limit. One of the things that BEA perhaps does not realise, or does not wish to realise, is that with our limited bed capacity, turn-over is one of the most important things we should try to achieve; and this end to the cheap weekend flight to Gibraltar deals a very hard blow indeed to turn-over. Whereas BEA and Caledonian/BUA should be doing their best to help turn-over in Gibraltar, particularly in view of our limited bed capacity (1,600 beds), they now try to implement this six-day condition which does strike a very hard blow to turn-over, because what we want really, is for people to come and go after three or four days, not stay here fifteen or sixteen, these are the facts of life and the economics of the tourist industry. One thing I have read, but I would like assurances from the Minister, is that package tours are not being affected because if they are being affected: God Help Us!

HON. MAJOR PELIZA:

Mr. Speaker, I know that perhaps other members of the House would like to speak and I am going to be short, I don't know how sweet but certainly short. First of all I would like to say that this is not just a financial issue as far as we are concerned. It is also very much a political issue in that whilst Spain is trying to besiege us and we are completely encircled, other than through our air connection with Britain, it is very essential that we should have full Government support from Great Britain to see that we can get through these restrictions, and this is one of them. Perhaps one of the most difficult ones, and the one that we hope we shall get the full support from Great Britain. I can assure the House that I personally have been doing everything possible, not only to try and keep the air fares down to a reasonable minimum, but also to try and increase the number of flights coming to Gibraltar.

One of the reasons why it is said that our fares have had to go up is because of the limited amount of traffic and as a consequence of traffic going over to BUA from BEA. I was just reading the Financial Times of today which has an article on Gibraltar and on this particular point of air traffic. It says that a Caledonian/BUA spokesman said that the airline was operating at its maximum level and under an agreement with BEA. Well, I think it is about time that BUA should be given unrestricted flights to Gibraltar, because if they are now operating at maximum capacity, and BEA cannot operate at maximum capacity for whatever reasons it may be, maybe BEA is not using the right kind of aircraft, maybe BEA is not using the right times in coming to Gibraltar, whatever the factors are, if they cannot supply the needs of Gibraltar it is about time they handed over what they cannot do to BUA. And in this respect I hope that something will be done. This is why it is so essential there should be consultations direct with this Government. And I must say that before this crisis arose, we ourselves tried everything possible to get these representations going. And I must say that for the first time, as far as I know, there was an attempt to have consultations. The misfortune was that the consultations were not brought to a happy conclusion. As my Hon. Friend said I think, earlier in his statement, it was rather done in a rushed manner, which I don't think has led to a good understanding so far. I do hope that this will be put right forthwith and that we have not got to await another year before the fares are reviewed. That in the light of representations that have been made by this Government, and the representations we will continue to make, and because we have the support, the entire support of this House as expressed by the Leader of the Opposition already, that the people at the top, particularly in the Department of Trade and Industry, will take note of what is being said in this House today.

I must add one point however; that I am very surprised at the Chamber of Commerce, which has always been accusing this Government of being

viciously anti-commercial, have done nothing at all in support of the Government in this struggle. And the same must go for the Hotel Association and the Travel Association who have not spoken publicly on this matter.

Mr. Speaker, I think that even in the financial aspect the British Government should realise that by helping us in this respect, by being as practical as possible in enabling us to increase the National Income through the medium of communication with the outside world, which means more traffic through Gibraltar of Tourist and of purchasing in our town, that this in itself will enable us not to have to ask for financial aid and therefore I think it is counter productive to try and be stingy with the flights to Gibraltar on a matter that cannot be of such great loss to the British public as a whole and enable us to stand on our own two feet as we are so anxious to do. This is in fact one of the reasons why we are putting so forcefully the case for better communications with Great Britain.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I will be brief because I want to give the Minister every opportunity of replying, but I think he has still got time. This is a very concentrated issue and I think we can all deal with it amply in the few minutes available.

Now, I am not going to deal with the question of the fares themselves, this has been dealt with by the shadow minister for Tourism who has been dealing with these matters and knows the difficulties, I will deal with the important point which made me get up when the statement was read; and I would reiterate, this not being anything new, that we gave the minister our support during the budget session when he dealt with this matter. I am saying this without any sense of criticism but I regret very much, maybe at that time it was not prudent; perhaps looking back he might think or regret very much since as I see from his statement, these talks took place between Friday the 13th and Saturday the 14th, yet we were meeting on the 16th, on the Budget Session, and there was no reference made by the Minister to the talks that had taken place. He did mention the difficulties but he did not mention the talks. I say this because at that stage we could have reinforced his position further, if that had been possible, because I think we went as far as we could in supporting his stand in this matter. Now, the question of consultation is a matter which is not a new matter. The question of consultation is one which has arisen ever since there was delegation by the constitution on the people of Gibraltar and every stage according to the particular constitution we had and according to the next step you wanted to go to. Now on this I would like to advise, if I may, the Minister, or to give the Minister the little benefit of my experience in this matter, to plug and press for more consultation now; forget about the constitutional conference, forget about defining the powers of ministers against ministers in the future: that will come, And on that you will have the full support of this House, because

that was the policy that we have always followed. And if we have reached the stage today when two people fly out over a weekend, ten, fifteen years ago, we might have had to go knocking at people's doors in London, so we have made progress, though we have not made all the progress that we want to make. This is a matter where I would urge that, with the support that the Minister is now getting from this House about the fact that having gone away on the 14th, there was no justification whatsoever to have published the rates on the 31st of March without having sent a word back to the minister. We had less time in another more important matter and we had the undertaking of the Secretary of State and he is honouring that provision. I know that he was dealing with officials and I know that officials cannot speak on political matters, but the officials equally had a duty to go back to London and report the feelings of the Ministers and it was up to the Ministers in London to have given a satisfactory reply to the Government of Gibraltar. Even if it had not been satisfactory, at least an expression of what they were going to do, in deference to the representations made by the Minister.

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In the interests of everybody I don't want anybody in this House to make this into a squabble as to what happened. I think that that is finished; we must learn by experience and see that it doesn't happen again. See that we can go and fight this question of the fares, particularly the ones that may not have such a bearing on the financial thing, but that can make it easier. No doubt they have their reasons, no doubt they have their financial reasons, but there are other factors that can always come into consideration and anyhow BEA can receive a general direction from the Government, we know that is in their constitution. In giving the Government every support possible from this side of the House we would like them to concentrate on the issue and on the issue of consultation. This is what I think is important now. We will get to the next hurdle when we come to it and you will get our support on this matter, but at this stage, air communications is essential. We have up to a point had some cooperation in the past in various aspects. The original objects that the airspace limitations were intended to achieve were overcome very ably by the airlines and we must be grateful to them for that; we must be grateful to the Government in supporting them. It created a considerable amount of international tension but we kept the planes flying all the time despite all the difficulties. We've had help sometimes, we haven't had help other times. Now this is one of the times when we haven't had help. So what we want is that the pressure of this House should be brought to bear on either the Government or BEA: (a) because this is affecting us politically because other people take advantage over this; and (b) it is affecting us economically. These are the two matters which I am sure the Minister, with all the strength of his weight and all the weight of his strength, will carry on, well knowing that we entirely support any stand that he takes

on the issue and on the issue of further consultation on this matter and on any other matter in which Gibraltar has a direct or an indirect interest, whatever the constitution says. (Cries of hear, hear)

HON. MAJOR PELIZA:

Mr. Speaker, I would just like to clear one point for the Hon. and Learned Leader of the Opposition. That is that there was a start on consultations

HON. SIR JOSHUA HASSAN:

Of course there was.

HON. MAJOR PELIZA:

.....and that the only reason why no statement was made in this House prior to now was because there was no indication that those consultations had ended. This is the only reason for it, but I assure the Hon. and Learned Leader of the Opposition that we shall press for that and in fact it is our intention to have it done statutorily, so there is no question about it. And I hope this will happen in the very near future.

HON. MAJOR GACHE:

Mr. Speaker, I am grateful.....

MR. SPEAKER:

Does any other Hon. Member wish to address the House on the question before it?

HON. W. M. ISOLA:

Mr. Speaker, Sir, I would just like to take a moment, because I don't want to take up the time of the Minister, but this six day ruling which has come out on the 1st of April, has already had an effect on the people coming to Gibraltar. I can give you one very quick example; on Friday, this coming Friday, ten newspapermen, I think the Daily Express, the Daily Mail, the Daily Sketch and the Mirror, about ten of them were coming over for this Shark Angling Festival, coming for a short weekend. As a result of this increase of six days minimum, they have now cancelled their visit. I thought that the members of the House might be interested at least in one concrete example which unfortunately has come about due to this increase.

HON. MAJOR GACHE:

Mr. Speaker, I am grateful to my Hon. and Learned Friend P. J. Isola for raising this matter on the adjournment and to the Hon. and Learned Leader of the Opposition, and the Hon. Members of the Opposition also, for supporting this stand which we must make on behalf of Gibraltar. Particularly that we are consulted before action and that no action is taken without our being told what decision has been made and given an opportunity to re-examine the question. The situation at the moment is - and I quote from Lord Merrivale in the debate on British Colonial Territories on the 12th January, 1971:

"At the moment as air communication or civil aviation is not a defined domestic matter under section 55 of the Constitution, would it not

be desirable to have in Gibraltar a committee or council similar to the Regional Advisory Committees which are referred to in the Civil Aviation Licensing Act 1960, Section 5(2)(h)".

What happens here is that under the Civil Aviation Licensing Act 1960, the Minister has power to set up Regional Advisory Committees. The regions in the U.K. all have Regional Advisory Committees, and the Isle of Man and the Channel Islands have the Isle of Man Airports Board and the Channel Islands Airport Boards. These committees are by law required to be consulted when anything comes up which affects their region. In the second reading of the Civil Aviation Act on the 29th March, 1971, the Minister for Trade, (Mr. Michael Noble), referred to the various objectives of the new Civil Aviation Act. He included in these objectives the importance of consultation with the region within that framework, and I feel that if there is going to be consultation with the regions in the United Kingdom, and the Isle of Man and the Channel Islands, there must be consultation with Gibraltar which depends on air communications for its expansion and, in fact, for its livelihood.

We suggested, as late as last August (1970), that we should be brought into the ambit of the then existing Civil Aviation Licensing Act, but because the Civil Aviation Act, the new Bill, was in the offing, we were told to wait and be brought into the Civil Aviation Bill. As I mentioned in my statement, the Government of Gibraltar have been consulted on this matter. In fact there was another question last Thursday by Lord Merrivale, which has not been reported in Gibraltar yet, in which he again asked this question and he was told that the interests of the Government of Gibraltar are under consideration in connection with the Civil Aviation Bill. So much for that, but I would like once again to welcome the Opposition's support on this matter because I feel that we will have a hard fight, a hard struggle, and also welcome what my Honourable Friend the shadow Minister for Tourism said, that we must have a confrontation, and if we must have a confrontation, this is the time to have it; before the Civil Aviation Bill becomes law and before we are passed over. I have no reason to suspect that this is going to be the case and I am quite certain that what is said here tonight will go over to London. Nevertheless, I think we have got to make it absolutely clear that we must be consulted and that what applies to the Isle of Man and the Channel Islands and the Regions of Britain must apply to Gibraltar, the more so because of our situation over here,

If I may, I would now like to deal with the effects of the increases in the fares package deal. I ought to say that the last increases in fares took place in April, 1969. I have a letter written by a Minister of State in the Foreign Office to a Member of Parliament saying that no one had raised any objection. In fact, this Member of Parliament himself subsequently objected to the increase in fares and the Minister of State then said that

no one had raised any objections at the hearing and therefore the increase had been approved. I am not mentioning this because no objections were raised at the time but because the Minister of State also said that the responsibility for fares to Gibraltar lay with the Air Transport Licensing Board and, in this case, notwithstanding the fact that we drew attention to the matter, we were told that it was not the Air Transport Licensing Board but the Department of Trade and Industries who were in fact responsible.

In connection with the fares package deal, I should like to comment first on the question of the student fares. It has been mentioned that children under twelve now enjoy the concession that their 50 per cent fare ticket is valid for 3 months. This has, in fact been available for years so it is nothing new. We are also told that the older children are paying 34% off the normal fare. What we have not been told is that before the 1st of April the single fare was £20.50 and the return fare £38.95, and that this was 62% of the then normal fare of £63. Now, after the 1st of April, 1971, the single fare has gone up to £22.75 and the return fare is double the single fare, so there is no saving in taking a return. The £44.50 return fare is 66% of the increased return fare of £69. The press release was very suitably worded but it just did not give the correct information. Then comes the question of the peak season day/night public Mid-week fare. Whereas all the fares have been increased by 10%, the day Midweek and the night Midweek fares have been increased by 15% during the peak period of the summer, 16th June - 30th September. If I may refer again to Lord Merivale, he raised this matter in a supplementary question on the 6th April, and Lord Drumalbyn in reply said that the purpose of increasing the economy class midweek excursion fares in the summer peak period by more than the economy class normal fares was to get a more even spread of traffic through the week. Well, I think everybody knows that what you normally do is to lower the midweek fare in order to get traffic away from the weekends, which is the time when everybody wants to travel. In this case we are now increasing the midweek fares in order to spread it!! Maybe I ought to say that what I think is happening is that because it is in the peak period of summer that we have the hotels full; because it is in the peak period when the people want to come to Gibraltar - last year we had to have 21 extra flights - that the object of raising the fares is not to spread the load but to stop the load. It cannot be any other way. I ought to say, and I will say it later again, that of course package tour fares have not been increased and therefore it is possible that what is also happening is that the booking on package tours for the peak periods in the summer more than cover the seats available and they cannot put on any more extra flights. I do know of a case of a firm in Brighton that asked for 80 people to come over and they were not able to accommodate them in the normal scheduled services nor were they able to put on an extra flight. So much for that.

Now the introduction of the six day minimum stay in Gibraltar. I ought to say that when you raise this point they tell you three things: one is that this applies or has applied everywhere else; the second one is - and this was Lord Drumalbyn again to Lord Merivale - that the six day minimum stay condition was quite exceptional for Gibraltar, and the present change is merely extending to it the same conditions as apply to the rest of the Iberian Peninsula. (Cries of shame)

I do not know Mr. Speaker whether Lord Drumalbyn realises that we are isolated from Spain and it is because we are isolated from Spain that we are dependent on communications, not only for our own people to move about but for our economy to prosper. In connection with this, I ought to mention that they also tell you that it is part of the fare package deal. Yet you see that Paris and Nice have a four-day restriction only, while Oslo and Belgrade - I don't know why - have no restrictions at all, and we, who are isolated, now have this six day restriction imposed on us. (Cries of shame.) Let me say that we have figures which show that in the summer 25% of the visitors stay in Gibraltar from one to seven days; 58% stay from eight to fourteen days; and 17% stay over fourteen days. During the shoulder months, which are our worst months, 59% stay from one to seven days; 41% stay from eight to fourteen days and 10% stay over fourteen days. In the winter 63% stay from one to seven days; 26% stay from eight to fourteen days and 11% over fourteen days. You can, therefore see the effect that this restriction of a minimum stay of six days is going to have in Gibraltar, the more so since the average stay over the year is 5.4 days. Therefore, there are a lot of people who stay over fourteen days and yet the average is 5.4 days, it means that there are a lot of people who stay less than six days. In addition to that

MR. SPEAKER:

May I remind the Hon. Minister that he is restricted to four minutes.

HON. MAJOR GACHE:

How many minutes have I got?

MR. SPEAKER:

Four.

HON. MAJOR GACHE:

Four? This is going to be difficult. May I also say that 40% of the tourists who come to Gibraltar come on inclusive tours; another 40% also tourists made independent arrangements, and the remaining 20% are non-tourists. Now the 40% who come on inclusive tours will not suffer because the inclusive tour fares have not been increased, but the people who will suffer, and may not come here, are those who come under independent arrangements because they will have to pay the maximum fare. Of course, the 20% of the local traffic includes me. (Laughter.) Now I have two minutes left to deal with the group and part charter rates. (Laughter.) A decision was taken early in January to introduce, for Spain and Portugal, excluding Madrid,

a part charter rate which technically is 50% of the single economy fare, so - and you can work it out for yourself - in the case of Malaga the package tour fare is probably about £20. This was introduced for Malaga in order to compete with the charter flights. This part charter rate has ~~not~~ been made available to Gibraltar as yet!! There are however three operators who, if one works backwards from what they charge for their holiday package deal, are more or less operating on this type of fare - only three. Therefore, whatever the Hon. and Learned Minister for Tourism may do to promote tourism in Gibraltar by going to travel agents if of no consequence, because these travel agents have either to buy from one of these three tour operators who have this package deal at the moment, or they themselves have to use a much higher fare. I have done an analysis of this which shows, for example, that five different travel agents offer seven days stay at the Mediterranean Hotel ranging from £42 to £62 and 14 or 15 days ~~from~~ £58 to £84. This is repeated all the way through and therefore what is happening is that it is only the three tour operators who can operate cheap holidays to Gibraltar. We ask and we have asked and we keep asking the British Government to finalise this question of the part charter rates to Gibraltar and to make it available to any Travel Operator who complies with the package tour regulations. This has not been approved as yet. The last point I want to touch on is this question of Cabotage and IATA. I could not agree more with my Hon. Friend, the shadow Minister for Tourism, that BEA had it good, had it very good in the Malaga days. They developed Malaga and the Costa del Sol through Gibraltar. What I am suspicious about and want to avoid is that they should now develop Morocco through Gibraltar, and that people will go to Morocco through Gibraltar and will not come into Gibraltar at all.

With regard to the restrictions on Caledonian/BUA, this consists of three flights per week, and they have had this restriction, all along. Until the 31st of March, 1970, there was, in addition, a pooling agreement under which Caledonian could not receive more than 9 $\frac{1}{2}$ % of the revenue on the route. That ended on the 31st of March, 1970, and since then they have had three flights per week which they will be operating this summer. In addition to this they have changed the type of planes, as I mentioned in the debate on the Estimates, from BAC 1-11 200 series to the BAC 1-11 500 series, which really increases the seat capacity from 8,000 to something like 20,000 a year. Well Mr. Speaker, wishing to go further but not having time, I thank the Hon. and Learned Member for giving me this opportunity and also the House for its support, (Hear, hear!!)

The House then adjourned sine die.

The adjournment was taken at 8.20 p.m.