

HOUSE OF ASSEMBLY

HANSARD  
OF MEETING

HELD ON 3 MAY 1972

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Twenty-second Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Wednesday the 3rd May, 1972, at 6.00 pm.

PRESENT:

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

GOVERNMENT:

The Hon Major R J Peliza, Chief Minister.  
The Hon M Xiberras, Minister for Labour and Social Security and Housing.  
The Hon Major A J Gache, Minister for Commercial Economic Development.  
The Hon J Caruana, Minister for 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 CMG QC, Attorney-General.  
The Hon A Mackay CMG; Financial and Development Secretary.  
The Hon P J Isola OBE.

OPPOSITION:

The Hon Sir Joshua Hassan CBE MVO QC JP, Leader of the Opposition.  
The Hon A W Serfaty OBE JP  
The Hon A P Montegriffo OBE  
The Hon E J Alvarez OBE JP  
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 (Acting).

PRAYER.

Mr Speaker recited the prayer.

CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 27th March 1972 having been previously circulated were taken as read and confirmed.

DOCUMENTS LAID.

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

The Draft Statistics (Tourist Survey) Order 1972.

Ordered to lie.



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

The Skimmed Milk with Non-Milk Fat Regulations 1972.

Ordered to lie.

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

- (1) The Animals and Birds (Amendment)(No 2) Rules 1972.
- (2) The Traffic (Registration and Licensing of Civilian Vehicles)(Amendment) Regulations 1972.
- (3) The Wireless Telegraphy (Amendment) Regulations 1972.
- (4) The Draft Licensing and Fees (Overtime Fees) Notice 1972.
- (5) The Gibraltar Broadcasting Corporation's Financial Statements for the period of fifteen months ended 31st March 1971, together with Auditor's Report.
- (6) Annual Report by the Chairman of the Gibraltar Broadcasting Corporation (1970/71).

Ordered to lie.

#### ANSWERS TO QUESTIONS

STATEMENT BY MINISTER FOR COMMERCIAL ECONOMIC DEVELOPMENT.  
HOUSE OF ASSEMBLY 3RD MAY 1972

CARPARK PROJECT (PARCAR)

Mr Speaker, in view of the widespread and growing public interest in the subject of parking for motor vehicles I think the House would like to know what is being planned in this connection as a corollary to the erection of the Queensway Hotel and the embellishment of the surrounding area. As Honourable Members will appreciate, the construction of this hotel will, without/doubt, attract additional traffic to Fish Market Road. This would, in turn, make the position in this vicinity intolerable from the point of view of circulation and parking unless steps are taken to rationalise the situation.

With this in mind the Government has been giving consideration to ways and means of forestalling these anticipated difficulties and providing more parking spaces for Gibraltar. I am happy to say that on the initiative and with the full participation of Parcar Utilities Limited, who have been responsible for launching the hotel project, a scheme has been prepared which will not only lead to improvements in the present parking arrangements, but will enable part of Fish Market Road to be widened and the Public Markets to be re-arranged and improved.

These proposals will provide 136 car spaces this year on two levels, 56 of which will be on a concrete deck to be erected over the existing Fish Market and adjoining garages. Access to the car deck will be from Line Wall Road. Another 61 cars will be accommodated under the deck after the Fish Market buildings and garages have been demolished. One interesting feature is that it will be possible to get this number of cars to be parked in this restricted area by installing a simple mechanical system which will permit two cars to be parked in the space of one. These double parkers will allow a driver to drive his car on to a platform with a second space in the unit, above or below as the case may be, available for a second car without disturbing the first car. The system will accept all sizes of saloon cars and will not need full-time attendants.

The demolition of the stalls adjoining the Fish Market will provide the space for the remaining 19 cars spaces. The Fish Market and stalls thus demolished will be replaced in the Fish Meat Hall complex which I think will be acceptable to the public and the housewives in particular.

The scheme is being financed jointly by the Government and by Parcar in an agreed proportion. This agreement has made it possible to cost the works on advantageous terms because of the availability on site of the Company's Management contractor, tower crane and patented system of construction which will enable the job to be carried out quickly and with appreciable savings. In return for their contribution and



cooperation Parcar will be given a concession to operate these car parks for the benefit of persons resorting to the hotel and of motorists at large. This will be subject to Government control.

The total of 136 car spaces will be in addition to the existing spaces on Line Wall Road to the south of Montagu Bastion.

The Government is satisfied that any attempt to ameliorate the parking problem must depend as much on the controlled and improved use of car parks as on the provision of additional parking areas, a task which, as the House is aware from a recent statement by my honourable colleague the Minister for Public Works, the Government is pressing on vigorously and with determination.

Hon Sir Joshua Hassan

Mr Speaker, the Honourable Minister put a lot of things in that statement which requires to be considered certainly from this side of the House, but I would like to pose one question at this stage. How many parking spaces were required under the planning permission for the hotel to be provided as a condition for the building of the hotel by the developers?

Hon Major A J Gache

Fifty, Sir.

Hon Sir Joshua Hassan

How many of those are being provided without the intervention of this scheme mentioned by the Minister?

Hon Major A J Gache

Those fifty are included in the 156.

Hon Sir Joshua Hassan

And we are going to share half the cost to provide for 75 of which the other party are only going to make a provision of 25?

Hon Major A J Gache

No, but I'll be quite happy to discuss the finances of this project with the Honourable and Learned Leader of the Opposition. There are in fact 106 more car spaces because there are 156 or 155 and it is a matter of whether we move a post one way or the other. There are 156 and 50 of those are being contributed by the Parcar Hotel and, of course, the other 106 the Government is making a very small contribution considering the cost of this and it is small because, as I mentioned before, we have got the crane there until the end

of July and the columns which are going to be used underneath the decks are identical to those which are being used for the hotel. I have got a model of this site and of the project and I will be only too pleased to show this model to the Honourable and Learned Leader of the Opposition and any other Member.

Hon Sir Joshua Hassan

I am grateful for that reply. I'll just hold my silence for the time being and look forward to seeing the details and revert to it if I find it necessary.

Hon Major A J Gache

I am only delighted to do so at any time.

Hon A W Serfaty

The Minister has said that the contribution of the Government has been agreed upon with the Company but he has not told us what percentage is going to be contributed by the Government. Another question, Sir, if I may, is whether people using this car park to go to Market, for example, will have to pay a parking fee?

Hon Major A J Gache

The contribution by Government is in the region of £14,000 and no more towards the 106 car spaces because the other fifty car spaces of course are being provided by the hotel and they are paying for those. The question of whether the public will pay for the car spaces that they use either at Fish Market Road or on the Line Wall Road of course this will come into the context of parking generally in Gibraltar which we will have to consider when the scheme is put forward by my Honourable colleague the Minister for Public Works.

Hon A W Serfaty

Sir, I hope will not assume that the Opposition is in agreement with this parking charge.

Hon Major A J Gache

I never assume anything Mr Speaker, I think that everybody will agree that if we can provide 156 car spaces in that area both above and below for £14,000 which is really what it costs the Government in hard cash I think it is something not to be sneezed at.

Hon Sir Joshua Hassan

I thought the increase in the licence fees of motor cars was going to provide for the increased parking spaces. Pay now park tomorrow.



Hon Major A J Gache

It might help to.

Mr Speaker

I now call again on the Minister for Commercial and Economic Development.

Hon Major A J Gache

Mr Speaker, my statement in this connection is in respect of cruise liners. Now on 1 March 1972, in answer to a question on the development of fly cruises from the Honourable Mr Serfaty, I informed the House that during the two seminars which I held on 25/28 February, and which was attended by twelve directors and managers of major shipping lines, we had discussed extensively the matter and in particular the development of fly cruises along the West African coast. I would now like to report progress to the House. During my last visit to London - let me say at my own expense - in spite of whatever may have been said on television, I continued my discussions with the Baltic Shipping Company, Holland/America Line, French Line and the Cunard Line. Baltic Shipping have decided to operate during the winter 1972 and 1973, fly cruises from Gibraltar. They are positioning their ship the "Estonia" in Gibraltar from 6 January 1973 until 3 March 1973 and will operate ten cruises in all, each of a week's duration. Each cruise will consist of 200 passengers, these passengers making in fact 1,800 because one is a positioning cruise in all, will be flown here and they will be offered the option of cruising only or staying in Gibraltar for a week and then cruising, or cruising and then staying in Gibraltar for a week on the return. The French Line, on the other hand, are looking into the possibility of two fly cruises next year with the "Degras". Cunard themselves are also looking into the possibility of three calls to Gibraltar next year instead of two calls as this year. The Holland/America Line acted rather quickly following the Seminar and advertised fly cruises from London to Gibraltar to join the ss "Dadendam" calling on 8 May and 15 October. On the second cruise the Company has requested that the Band of the Royal Regiment of Fusiliers should play the ship alongside. Now both these cruises are luxury cruises from the United States with American passengers. Furthermore, Holland/America Line are hoping next year to arrange for the ss "Dadendam" to call at Gibraltar both when going into the Mediterranean and again when coming out. They will then be able to market fly cruises to Gibraltar offering passengers a stay in Gibraltar either before joining the ship or after disembarking, or both. Now I would not like to end without saying a word on the shuttle service between the Western Arm and Market Place when cruise liners are in port. This is one of the more important points which arose out of the Seminar and came into operation on 1 April 1972 following meetings I held with the interested parties and the Gibraltar Taxi Association. I am happy to say that the service is working

very well and reflects great credit on the Taxi Association and the parties concerned who have cooperated to make the service a success. I ought to say, Mr Speaker, that last Sunday I was informed that it was possible that the service was not operating and shortly after I was informed, I went myself to the Western Arm and I can assure the person who told me this that the shuttle service was there. The only thing was that quite a number of people had decided to walk from the Western Arm, but the shuttle service was there at the time at least when I got there.



STATEMENT BY MINISTER OF EDUCATION

Mr Speaker, as the House is aware, as a first step towards going Comprehensive, the transfer age was raised from 11 to 12 and the 11+ was abolished, and the schools were reorganised.

Infant schools became first stage schools, extending the age range to the 8+.

Junior schools became Middle Schools from 8+ to 12+ and Secondary schools now cater for 12+.

From September 1972, the Boys' Comprehensive Intake aged 12+, will all be going as one unit to New Lourdes Comprehensive School and there will be reorganisation within the other boys' Secondary Schools. A similar exercise will be undertaken for the Girls' Schools.

Already and once again I am sure the House is aware of this, the Headmaster of the Boys' Comprehensive School, Brother Hopkins, has been appointed and candidates for the Head of the Girls' Comprehensive Schools and the Deputy of both schools will be interviewed within a few days.

Appointments for Assistant Heads and Heads of Department will be effected within the course of next month.

Internal reorganisation is proceeding and ordering of materials and equipment is being made.

The situation is now quite favourable and well in hand. The reorganised structure will begin to operate from the beginning of next session which is in fact next September.

As regards the Building Programme, the sum of £488,525 has been approved for the building of the extension of the New Lourdes School which will in fact become the first purpose-built Boys' Comprehensive school. As you are no doubt aware tenders have already been invited.

The School, which will be of a modern design and with the latest equipment will incorporate among other things a science block with an adequate number of laboratories, metal craft and woodwork shops, drama studio etc.

Having committed ourselves to Comprehensive Education I have no doubt that everything will be done to ensure that the system will be fully backed to make it a success.

In this connection I am very hopeful that no one will do anything to jeopardise or handicap in any way the momentum that is now taking place.

I dare suggest that ultimately it is the teaching profession that will make it work and I have every confidence that they shall do so.

In ending may I add that a follow up on the Seminar on Comprehensive Education which was held in September 1971 will be held towards the end of this term. Thank you.

Hon M K Featherstone

Sir, once again I do not propose to say very much at this juncture because we have had for once from the Hon Minister a wealth of information about his Department, including, of course, that the tenders have eventually gone out in spite of considerable delays, promises etc. I am also very pleased to see that they have also accepted the suggestions I put forward to them about a year ago that all the boys and all the girls should go to one school instead of being mixed up.

Mr Speaker

Mr Featherstone, do you propose to ask a question. You must not make a statement.

Hon M K Featherstone

I have no further questions at the moment. Thank you, Sir.

#### MOTIONS

##### (1) Statistics (Tourist Survey) Order 1972

Hon W M Isola

Mr Speaker I have the honour to move the following Motion standing in my name. The terms of the Motion is:

"That in exercise of the powers conferred by Section 5 of the Statistics Ordinance 1970 this House approves the issue of a notice by the Governor in the terms set out in the Draft Statistics (Tourist Survey) Order 1972 which has previously been laid on the table."

Mr Speaker, Sir, PA International Management Consultants Limited were commissioned by the Ministry of Overseas Development to carry out a survey on Tourist Development potential in Gibraltar. The final report was received in early 1971. The Government of Gibraltar retained these consultants for a further period of one year for a final programme of interviewing to monitor and control the development of the tourist industry which is so fundamental to the economy of Gibraltar. As I am sure the House will agree it is important to have as accurate as possible an estimate of tourist expenditure as well as a profile of visitors to



Gibraltar to assist the Gibraltar Tourist Office and its consultants in the United Kingdom in its marketing strategy. This purpose will be served by a questionnaire devised to follow closely the pattern adopted by PA Management Consultants Limited. This survey which shall be conducted by staff at present working in the Statistics Office and the Tourist Office, will involve approximately 2000 visitors divided as follows:

Airport departure to the United Kingdom	750
Cruise ship excursionists	550
Excursionists to Morocco	400
Yachts	300

The Statistics Office card indexing machine will be utilised to process the information which will be tabulated by the Government Statistician. I am sure, Mr Speaker, the House will agree that the statistics thus acquired will be most valuable to Gibraltar both for the promotion of tourism and as part of the compilation of General Statistics information necessary for the understanding and direction of our economy which is the essential function of the Statistics Office within the Treasury. Sir, I commend the Motion to the House.

Mr Speaker then invited discussion on the motion.

Hon A W Serfaty

Sir, there can be no doubt that these statistics are necessary, so we are in favour, of course, but may I ask the Minister to tell us why he keeps these figures to himself? And why doesn't he give the Opposition an opportunity of seeing copies of these statistics? So, with this reservation the Opposition is in favour of this Motion but again I repeat, I would request the Minister to furnish his shadow with some of the basic information about how tourism goes. Whether he is able to improve tourist figures or whether he is unable to is another matter, but I think the shadow has every right, I mentioned this, I think it was at the last meeting, to receive from the Minister important information as that which would be obtained with this Statistical Order and which has already been obtained I understand in the last year.

Hon P J Isola

Just a short one for the Hon Mr Serfaty. He said, I think most Hon Members would be interested in seeing these statistics and I think if the Minister did not make them available to the House he would be in breach of the Motior. he is proposing. Because if the Hon Mr Serfaty looks at paragraph (3) of the Order there is an obligation to present a report to the House with a summary of the statistics so obtained. They've got to be presented to the Assembly. I hope that is going to be done.

Hon A W Serfaty

Mr Speaker, if you will allow me I was referring to information which has been compiled hitherto and which has not been made available to the Opposition.

Hon A Mackay

Sir, as responsible for the Statistics Office within the Treasury may I ask Sir that I may be allowed to consider this request, and to see that such useful summary information as requested may be made available.

Hon A W Serfaty

Thank you.

Hon M K Featherstone

Sir, there is just one small point I would comment on this to the Hon Minister. I have had experience of one of these surveys, one tends to get rather badgered by the interviewers and statisticians, this is one thing I do trust the Minister will keep very much in mind that we don't want to get our tourists upset by people badgering them and demanding all sorts of information from them. This has to be done with a certain measure of circumspection.

Hon W M Isola

Mr Speaker Sir, I take that point as a very valid one.....

Mr Speaker

The mover will have the right to reply in due course. This is a debate and we have to take it in turn. Have you finished Mr Featherstone?

Does any other Hon Member wish to speak on the question before the House? I will then call on the Minister to reply.

Hon W M Isola

Well Sir, I am very pleased that the members of the Opposition welcome this tourist survey. I would like to assure the Hon Mr Featherstone that, of course, the girls who will go round doing these interviews will be extremely tactful. If any person shows any hint that they do not wish to be interviewed, they will, of course, leave them in peace, and we will be very quiet and very tactful and it is those who show a willingness to be interviewed who will be interviewed.

Mr Speaker then put the question which was resolved in the affirmative. The Motion was accordingly carried.



(2) The Licensing and Fees (Overtime Fees) Notice 1972.

Hon Financial and Development Secretary

Mr Speaker Sir, if I may briefly explain the purpose of the Motion I am about to put. It is this: the hours of business of the Revenue Offices at the Waterport and at the airport are set out in paragraph 4 of part 2 of the Second Schedule to the Licensing and Fees Ordinance. I have them here but perhaps unless I am requested I wouldn't read them. It has now been represented by the Unions that these hours are not uniform and that under the present arrangements first, the hours of duty of the staff must be staggered in order that the number of hours to which they are conditioned may not be exceeded and, secondly, that staff must remain behind after closing time for the posting of the various ledgers and cash books. After consultation with the Chamber of Commerce and the Stevedoring Company it has now been agreed by all that the hours during which the offices should be opened to the public in future should be uniform from 9 am to 12.30 pm and from 2 pm to 5pm daily except on Saturdays, Sundays and Public Holidays. Sir, under Section 52 of the Ordinance the Governor may, with the prior approval of the House of Assembly amend the schedule. Accordingly, Sir, I have the honour to move that in exercise of the powers conferred by Section 52 of the Licensing and Fees Ordinance this House approves the issue of a notice by the Governor in the terms set out in the draft Licensing and Fees (Overtime Fees) Notice 1972 which has earlier been laid on the table of the House.

Mr Speaker proposed the question and debate ensued.

Hon M Xiberras

Sir, may I say that what the Hon Financial and Development Secretary has put forward is one more example that the Government can meet and does meet the rightful representations of the Unions.

Hon Lt Col J L Hoare

Mr Speaker may I ask the Hon Financial and Development Secretary whether this means that one cannot collect parcels from the General Post Office or at Waterport on a Saturday morning?

Mr Speaker

This is not question time. This is a debate so you can speak and the mover will have time to reply in due course. If there is anything else you wish to say you are entitled to say it.

Hon Lt Col J L Hoare

Sir, it would be absurd if this facility available to the public is withdrawn without any notice at all. This is a matter of major importance to people who are working Monday to Friday and can only go to the Post Office to collect their parcels on a Saturday morning.

Mr Speaker

Does any other Hon Member wish to speak on the question before the House? I will then invite the mover to make his reply.

Hon Financial and Development Secretary

Sir, if I may say first as the notice states it is intended to come into force on the 15th May 1972. That is not very long notice but it is some notice. Sir, I would very gladly and readily give the assurance that was requested by the Hon Mr Serfaty. I would say that just as in the interests of the economy of Gibraltar when there is opportunity over the weekend for private trading we take advantage of it, certainly if there were an occasion when it would be desirable for the revenue officers to be at Waterport or at the airport for a particular reason, I gladly give the assurance that this would be arranged. Sir, as regards parcels to be collected at the airport on Saturday morning there will, under these proposals as a regular routine be no staff there to clear dutiable goods arriving. The matter has been discussed fully with the Unions and with the Chamber of Commerce as I explained by the Government department concerned, but I repeat, Sir, that if there is a particular need that can be envisaged by members of this House for a service there, then Sir, this I will gladly agree to have considered.

Hon Lt Col J L Hoare

On a point of clarification Mr Speaker I didn't mention the parcels at the airport. I was referring to the parcels depot of the General Post Office which is situated at Waterport, where people have to go to collect their parcels - since parcels are not delivered in Gibraltar to private houses - every single member of the public has to go to Waterport to collect his parcels.

Hon Financial and Development Secretary

Sir, I repeat my assurance that I am very willing to have the matter looked into.

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



(1) The Families Allowances Amendment Ordinance 1972

A Bill for an Ordinance to amend the Families Allowances Ordinance.

Hon M Xiberras

Sir, I have the honour to move that a Bill for an Ordinance to amend the Family Allowances Ordinance be read a first time.

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

Hon M Xiberras

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

At the last meeting of the House, Sir, it was in fact during the course of my brief exposition of the Estimates for Expenditure for the Department of Labour and Social Security, I mentioned that Government was giving serious consideration to increasing Family Allowances. Later in the meeting the Chief Minister reiterated what I had said and gave an undertaking that Government would give the highest priority to the question of increasing Family Allowances and, therefore, Sir, it is with considerable satisfaction that I can say that within days of such an undertaking having been given this Government was able to announce its firm intention of increasing Family Allowances from 30p to 50p. Sir, during the last two years increases in the Cost of Living had been met by the payment of a Cost of Living addition to wages and salaries under the formula agreed with the Unions in 1970. This applies to all employees of the Official Employers and has also been adopted by certain employers in the private sector. Even though the formula is a major improvement and innovation brought about in the lifespan of this Government, it still leaves a gap in the case of larger families and it is particularly with these in mind that the decision has been taken to raise Family Allowances yet again. Government would already be paying the increase but for the fact that legislative authority is required but so that those families in the lower income groups whom it is mainly intended to help that these families may not suffer in the long run, it is proposed that the bill now before the House be made retrospective to the beginning of April 1972. Administrative arrangements are being made for arrears of retrospection to be paid from that date before the end of this month. This proposal to increase the allowance by no less than two-thirds comes just two years after the last increase of 50% in January 1970 and represents an increase of 150% from 20p to 50p since the present Government took office and in fact since Family Allowances were first introduced in 1959. Sir, I would also like to draw attention to

the joint communique produced by the elected members on the Government side and the Transport and General Workers' Union in which the elected members undertook to increase Family Allowances further as soon as the Biennial Review had got under way or had been agreed. In due course, Sir, this House will be asked to vote Supplementary provision of about £30,000 to meet the increase but I would point out that following accepted principles Family Allowances should be recovered in full from persons liable to income tax at the maximum rate or left in proportion to the rate of tax applicable. A corresponding amendment is being made to the Income Tax Ordinance in another Bill which is also before the House today. Sir, I commend the Bill to the House.

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

Hon A P Montegriffo

Sir, just to keep the records straight I feel in all humility we can claim from this side that we too have been pressing for Family Allowances even before the Chief Minister made the announcement during the Budget, even before the Minister did say that the Government was contemplating increasing Family Allowances. But this is neither here nor there. The fact is that both sides of the House agree with what is, I think, a good exercise in the interests of large families.

Hon M Xiberras

Sir, only on the point that has been made by the other side. I think the record will show that in fact it was when I was introducing the Estimates of Expenditure for the Department of Labour and Social Security and I was the first to speak on that vote, I mentioned that Government was giving consideration and would increase Family Allowances. Therefore, I think it should be quite clear that it happened that I was the first to mention this point. The Honourable Member is correct in saying that he supported this move before the Chief Minister reiterated the commitments which I had undertaken and I would in the normal course of events have given credit to the Opposition for supporting what I had said except that it was apparent from AACR communiques immediately after the Budget that the Opposition was in fact claiming that it was on their initiative that such an amendment had been introduced. I think the records will show conclusively that this is the case. I have tried to obtain the record but it is yet not available. I should say that the most important fact as regards the initiative taken in this Bill and in this increase is that for ten years the Opposition had not increased Family Allowances where in our period of office the increases have been quite substantial. Sir, again, I tried to avoid that point but the Honourable Member raised it.



Hon A P Montegriffo

On a point of order, ten years ago the Opposition was not in Government.

Hon M Xiberras

Sir, that is something which the House has debated from time to time, the degree of responsibility borne by members of the Opposition in various Government institutions at that time. However, Sir, I think it is neither here nor there and I think the whole House should welcome the fact that there has been an increase - quite a substantial increase - and in parenthesis in the lifespan of this Government.

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

Hon M Xiberras

Sir, I beg to propose that the Committee Stage and Third Reading of the Bill should be taken at a later stage in this meeting if the Opposition is in agreement with this.

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

(2) The Police (Amendment) Ordinance 1972

A Bill for an Ordinance to amend the Police Ordinance Chapter 126.

Hon Attorney-General

Sir, I have the honour to move that a Bill for an Ordinance to amend the Police Ordinance Chapter 126 be read a first time.

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

Hon Attorney-General

Sir, I move that the Police (Amendment) Bill be read a second time. This Bill is a short one and its object is simple. In brief it is designed to amend the Police Ordinance so that the Commissioner of Police, with the prior approval of the Governor, can enlist young men as Police Cadets and make appropriate regulations to that end. Exactly what form any regulations made under the powers conferred by this Bill, if it is duly enacted, may take I do not, of course, know, Sir, but I believe that

entry as a Police Cadet is likely to be open to young men of appropriate qualifications at least 15 years of age and under 18. They would not be directly employed in active police duties such as the arrest of alleged offenders and the like and at 18 they will, after passing whatever examination may be appropriate, be subject to a happy metamorphosis into Police Constables. Short though the Bill is, Sir, it is an important one and I commend it to the House. Youth is glorious but it is not in itself a career. With the enactment of this Bill there is a real possibility that for some of our young men the way will be open to a useful career in the public service and I might add, Sir, that I believe these young men will have their own special influence in turn upon their seniors in the Police Force to the welfare and benefit of the public generally. Sir, I beg to move.

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

Hon Sir Joshua Hassan

I should like to say a word in support and I would like to say that whether it was under statutes or not I did see in a recent case in which I was concerned, a rather difficult case, in which a young Cadet of 17, I think he was, gave his evidence in an excellent way and in fact contributed greatly to the presentation of the case for the Crown. I was full of admiration for him and said so in my speech even though it went against the chap I was defending.

Hon M Xiberras

Sir, may I just add a word also, of course, of support. This is really one form of training, a career pattern in the Police Force, and I think again it is generally within the ideas of this Government to provide industrial training or training of one kind or another within the civil service whatever branch. Sir, I believe also that there is general agreement that the training of these young people should be as general as possible and as community-minded as possible and I therefore think that the result will be very pleasing to the community as a whole.

Hon Lt Col J L Hoare

Mr Speaker, as somebody who is interested in youth, I too welcome this move towards these Cadets but if my memory does not serve me false we have had Police Cadets in Gibraltar before today. They may not have been covered by rules and regulations but we did have them and they did excellent work while they were about.

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



Hon Attorney-General

Sir, I beg to give notice that the Committee Stage and Third Reading of the Bill should be taken at the next meeting of this House.

(3) The Criminal Offences (Amendment) Ordinance 1972

A Bill for an Ordinance to amend the Criminal Offences Ordinance Chapter 37.

Hon Attorney-General

Sir, I have the honour to move that a Bill for an Ordinance to amend the Criminal Offences Ordinance Chapter 37 be read a first time.

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

Hon Attorney-General

Sir, I have the honour to move that this Bill be read a second time. The object of the Bill now before the House is to amend the code of penal law embodied in the Criminal Offences Ordinance by adding thereto two new parts both based like the Ordinance itself upon the laws of the United Kingdom. Part 4A - the new Part 4A - is designed to deal with the offence of taking away of vessel without authority. Oddly enough while it is an offence to take and use another person's car without authority, it is not in itself an offence to take and use his yacht, although it is an offence to steal it. In consequence in such cases we have to adopt from the prosecution side the ingenious or perhaps I should say the ingenious expedience of charging a thief with, say, the theft of petrol or the consumption of food on board and so on. With this law, which is based upon the United Kingdom Vessel Protection Act of 1967, that problem will be overcome. The other part, Part 4B, is based upon the United Kingdom Criminal Damage Act of last year which came into operation in the United Kingdom on 14 October last. This Act was intended to simplify and modify the law as to offences of damage to property and this simplified scheme of offences will replace the much criticised multiplicity of offences found in the Malicious Damage Act of 1861 and other related laws, laws which are in force in Gibraltar by reference under the Application of English Law Ordinance. Few people like legislation by reference and I hope, Sir, that Honourable Members will welcome this further progress to a comprehensive penal code of our own. The new Section 140 creates the three main offences of the Bill, namely, the simple offence of destroying or damaging another person's property; the aggravated offence of destroying or damaging

any property intending to endanger the life of another or being reckless in that regard and the offence of arson. The simple offence and arson replace a variety of offences under the Malicious Damage Act of 1861 together with the common law offence of arson and a few other oddments. The common law Offence of Arson goes as is set out in Clause 3 of the Bill and we get in the new Section 140, subsection 3 an offence of what can best be called statutory arson. The Law Commission in the United Kingdom thought there was no need to retain the term arson but the House of Commons took the other view and subsection 3 is therefore a Parliamentary creation. Not everyone likes the wording of Section 3 of the United Kingdom Act which is our new Section 142, also on page 88, and Sir Alwyn Jones in the House of Commons on 2 July last year proposed an amendment to replace the word "anything" in that section by the word "any inflammable or noxious substances or any dangerous or noxious thing". And he also proposed that the words "without lawful excuse" should be inserted a second time after the words appearing in line 1 "a person who without lawful excuse". Well, Hon Members may think that the word "anything" in that section is a little wider than might strictly be necessary but the amendments proposed by Sir Alwyn Jones were not accepted by the House of Commons and I think we should follow the House and the Act in this matter. I mention this point essentially, Sir, to indicate that the measure before the House has been the subject of very careful scrutiny in Westminster. The new Section 141, also on page 88, creates a general offence of threatening to destroy or damage property. The threat must be to destroy or damage either property belonging to the person threatened or to a third party or the threatener's own property in a way he knows he is likely to endanger the life of another, whether it be the person to whom the threat is made or another. To be an offence, the threat must be made without lawful excuse and intending that the person threatened should fear that the threat would be carried out. As to what is a lawful excuse that is defined in the new Section 144 on the following page. A further provision and one of a minor nature is set out in Clause 5 of the Bill. Obstruction of the free passage of the highway without lawful authority or excuse is a statutory offence in the United Kingdom under Section 121 of the Highways Act 1959. The new clause is based upon this section. In this context, Sir, perhaps I should assure Hon Members that every case of obstruction depends upon its own particular facts and that in each case there is a question of degree. The new provision is simply part of the tidying up process and it may be that we shall have to consider later on the adoption of other provisions of the Highways Act of 1959 and 1971. I doubt, Sir, whether I should comment in detail on the remaining provisions of this Bill. These are of an ancillary nature and they implement the Criminal Law Report on damage to property which is set out in a paper of the United Kingdom Law Commission, Paper No 29. As I have said, Sir, the Bill seeks to simplify and modify the law. I think it is a good and sensible measure, although of course as in the United Kingdom we shall have to see how it works. I therefore commend this to the House as a measure worthy of adoption.



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

Hon Sir Joshua Hassan

Yes Sir, I would like to say that we welcome this Bill as indeed we welcome all the efforts that are being made to codify our Criminal Law and bring it up to date and keep pace with the implementation of the Law Revision Committee in England which is doing excellent work. There is one aspect of it which I may deal with when we come to the Committee Stage which I don't particularly like and that is Clause 4 of the Bill, particularly sub-clause 2, because though it is limited to consequential amendments it does mean that the Governor, on advice but without the sanction of the House of Assembly, can create criminal offences. I don't think that subsidiary legislation should be empowered to do that. I think it is contrary to the principle and at some stage we will be proposing an amendment to the subsection 3 that any order made should be the subject of a special resolution of the House and that would safeguard the exercise of that. Other than that we welcome the Bill.

Hon Attorney-General

Sir, I am grateful to the Hon and Learned Leader of the Opposition for his support. I would assure him that there is no sinister intent in clause 4(2) that is put in from an abundance of caution on my part. One is always nervous when we have a rather tangled web of legislation as we have in Gibraltar some of which is applied by reference of UK laws. One is sometimes a little uneasy as to whether one has overlooked a particular point and indeed at a later stage in these proceedings I will indicate that I have overlooked something in relation to another Bill. We cannot, of course, create serious major offences by subsidiary legislation, the limits imposed by the Interpretation and General Clauses Ordinance ensure that. But I may say that personally when we come to the Committee Stage I would have no objection to the proposal put by the Hon and Learned Leader of the Opposition.

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

The Hon Attorney-General gave notice that he proposed that the Third Reading and Committee Stage of the Bill should be taken at the next meeting of the House.

#### (4) The Income Tax (Amendment) Ordinance 1972

A Bill for an Ordinance to amend the Income Tax Ordinance (Cap 76).

Hon Financial and Development Secretary

Sir, I have the honour to move that a Bill for an Ordinance to amend the Income Tax Ordinance (Cap 76) be read a first time.

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

## SECOND READING

Hon Financial and Development Secretary

Sir, I have the honour to move that this Bill be now read a second time. Sir, the purpose of the Bill is two-fold. Its first object is to improve the allowance for Income Tax which is granted to Handicapped Children in Gibraltar. This is a very deserving cause which was discussed in the Budget Session. As I then explained it is proposed that the Children's Allowance in respect of a handicapped child should be increased from £100 to £300 and this Bill provides that the allowance will be given up to the age of 19 whether the child is at school at St Bernadette's or is at home. This purpose is effected at (c) of the proviso to subsection 3 of Section 21 of the Income Tax Ordinance in Clause 3 of the Bill here. The other sub-paragraphs, I might explain, of the proviso in the same clause of the Bill that is to say, little (a)(b)(c)(d) and (e) are not new but simply brought together here with the new sub-paragraph for convenience and good drafting. Sir, the second object of this Bill is consequential on the increase in family allowances under the Family Allowances Ordinance to which reference has already been made. As the House is aware the intention is that family allowances should go to families who, if I may so put it, are reasonably in need of the assistance and not that they should be a supplement at public expense to the parents of all children regardless of the need of the family. Accordingly, it has been provided since 1970 that by means of income tax, family allowances should be recoverable in full from persons liable to tax at the maximum rate and proportionately to their rate of tax from persons liable to lower rates, down to a certain level, below which the full benefit of the family allowance remains. To maintain this principle the increase in the rate of the allowance from 30p to 50p a week thus required that the appropriate provision in the Income Tax Ordinance should be amended. Sir, the opportunity has been taken also to provide for this by a separate section on its own rather than by a proviso to Section 21 of the Ordinance as hitherto but this has no significance other than improved legislator's drafting. Sir, I commend the Bill to the House.

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



Hon Sir Joshua Hassan

Sir, we welcome particularly the first part of the Bill in connection with the allowances for spastic children. Perhaps since we are taking the Committee Stage later on, the Hon Financial Secretary will notice a misprint in clause 3 of proviso (e). It says "were a child" instead of "where". I don't know whether it is intended to call a child a he or an it, but if it is an it on the second line it should carry "it". Now, with regard to the other point, the question of the amendment required in order to recover the bulk of the family allowances in respect of people in the higher income group and in the other ones proportionately, it would be interesting to know how much money is collected in respect of this. This, I think, would put more in proportion the amount that is occasionally mentioned as being increased in the public expenditure on family allowances. It would put the matter more in perspective to know how much of the increase which is mentioned is dished out with one hand is collected with another. It will bring things more to the reality of the situation more than talk about percentage increases and so on that is so often done. And whilst I am on this particular question of family allowances I may raise a point in respect of the question of family allowances. Whatever the record may say of who said first what it seems to me that if, in fact, the Government were so intend in doing this - it is such a short bill for one clause only and the short title at the commencement - it could not have been done at the same time as the budget or perhaps it could have been left now, except of course that it was done in a hurry and under pressure because of the result of the budget.

Hon L Devincenzi

Mr Speaker, in welcoming the Bill perhaps it is relevant if I may just mention that we have had here a certain Mr Thomas who is a lecturer at Leeds University and he has been here at the invitation of the Gibraltar Government paid by the Overseas Development Administration and he is concerned with reorganisation and in fact he has gone very thoroughly into the question of the handicapped children in Gibraltar. He has been here for just over three weeks, during which has met a number of bodies and organisations and individuals whom he knew were concerned and interested in developing further and helping these unfortunate children. I have met him on a number of occasions and he has in fact already given me a brief on what he intends to report and we do look forward to his report and I trust that we shall be able to at least implement some of his recommendations. I did put to him the thought as soon as he came that perhaps a lot had been talked about helping these children, that perhaps enough had not been done, and I did suggest to him rather forcibly that we would like some practical steps that would once and for all help these children effectively and this he promised to do. So we are just waiting for his report and we hope something will come of it. Thank you.

Hon M Xiberras

May I say that in a hurry and under pressure, the phrase used by the Hon and Learned Leader of the Opposition would apply if the Government had announced its intention after the budget had been published. I repeat it was in fact during the discussion of the estimates of expenditure which the Hon and Learned Leader of the Opposition knows comes before the Estimates of Revenue that these undertakings were made both by the Chief Minister and myself. The House will also recall that the Government has introduced important improvements in supplementary benefits halfway through a session and that therefore the Hon and Learned Leader of the Opposition is quite wrong and is trying to mislead people. Sir, I have already received in my department and other Ministers have received in theirs, thanks for the measures taken about handicapped children. The House will recall that there were three main ones and I feel that I should mention this here because not only criticism but also praise should be voiced.

Hon Sir Joshua Hassan

I take exception to the word deceive. I do not think.....

Hon M Xiberras

On a point of fact, Sir, I did not say the word "deceive", if the Hon and Learned Leader will give way.

Hon Sir Joshua Hassan

Yes, certainly.

Hon M Xiberras

Well I said mislead and not deceive.

Hon Sir Joshua Hassan

I am sorry, The loudspeaker system is translating the word. This is how I heard it but I am grateful.

Hon Major R J Peliza

Mr Speaker, I would like to add one thing, and that is to say that apparently the Opposition, every time something is done by the Government it is done because it is under pressure by the Opposition. It seems to me that lots of things are happening now that never happened before, and since the Opposition can only get things done when they are in Opposition I suggest that they stay there for many years and get things done that way.

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



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

This was agreed to.

#### (5) The Pensions (Amendment) Ordinance 1972

A Bill for an Ordinance to amend the Pensions Ordinance (Cap 121).

Hon Financial and Development Secretary

Sir, I have the honour to move that a Bill for an Ordinance to amend the Pensions Ordinance (Cap 121) be read a first time.

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

#### SECOND READING

Hon Financial and Development Secretary

Sir, I have the honour to move that this Bill be now read a second time. Sir, the purpose of this Bill is to amend the Pensions Ordinance in two respects which I am sure the House will commend. Though Hon Members may perhaps expect of me some slightly fuller explanation than my Hon Friend on my right has permitted himself in the explanatory memorandum. The first change is designed to take legal account of a more favourable basis on which Her Majesty's Government has decided to contribute to the pensions and gratuities which the Gibraltar Government pays to designated officers appointed from overseas to service. The schedule to the Overseas Service Ordinance (Cap 117) sets out an agreement between Her Majesty's Government and the Gibraltar Government dated 16 May 1961 which provides for the reimbursement of certain allowances and part of the pension awarded to these designated officers. This agreement expired in 1971 but in respect other than pension it was extended for a further five years then by an exchange of letters between the two Governments. This exchange was laid before this House on 14 April 1971. The matter of pensions was left to be dealt with separately on the basis that meantime any liability incurred by the British Government under the original agreement was preserved. Under that agreement the British Government was liable to reimburse to the Gibraltar Government only that part of the pension or gratuity of the officer which accrued to him by virtue of his pensionable emolument after the addition to his pensionable emoluments of the inducement allowance and after the date of the 1961 agreement. Under the new

arrangement, this restriction allowing inducement allowances paid only after 1961 to be reckonable will cease to apply. From now on the amount of allowance paid before 1961 will also be reckonable. To give effect to this the formula will now be, I am glad to be able to say, a simple one, that the amount reimbursed by HMG in the UK to the Gibraltar Government will be that proportion of the pension or gratuity which the inducement allowance bears to the officer's pensionable emoluments on the date of his retirement or transfer from Gibraltar. Let me say that this arrangement cannot in any case be less favourable to the Government of Gibraltar than the old formula. It would be more favourable to us in cases where the inducement allowance was paid from earlier than 1961. This arrangement has now been concluded in an exchange of letters between the UK and Gibraltar Government which will be laid before this House at its next meeting Sir. Now this change in the manner of dealing with the inducement allowance for pension purposes makes it necessary to widen the definition of the term in the Pensions Ordinance, in order to include inducement allowance fully as a pensionable emolument. This is done with effect from 1 April 1971, which was the effective date of the renewed agreement between UK and Gibraltar Government on conditions of overseas officers. Sir, the second object of this Bill is to extend the definition of pensionable emoluments in Section 2(1) of the principal ordinance in order to include such allowances as may be prescribed by the Governor. At present the definition does not extend to allowances in the nature of duty or special responsibility allowances which became payable to certain teaching posts with effect from 1 January 1971 under the Marsh Award. This Bill would enable these allowances to qualify for pension with retrospective effect to that date - 1 January 1971. Sir, I commend the Bill to the House.

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

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

This was agreed to.

#### COMMITTEE STAGE AND THIRD READINGS

##### Hon Attorney-General

Sir, I beg to move that this House should resolve itself into Committee to consider the next eight Bills on the order paper, clause by clause.

This was agreed to.  
The House went into Committee.



(1) A Bill for an Ordinance to amend the law of Gibraltar by abolishing the division of crimes into felonies and misdemeanours; to make consequential amendments to such laws; to do away with certain obsolete crimes and to provide for purposes therewith.

Clause 1-3 were agreed to and stood part of the Bill.

Clause 4.

Hon Attorney-General

Sir, I wish to move an amendment to this clause in the terms of a paper which has been circulated to members. As I indicated a little earlier Sir, in dealing with this considerable wealth of material coming out in the criminal law reform Commission in Parliament in England we are having difficulties in making sure that our law is kept in harmony. And I fear that in drafting clause 4, the new section 9a, I had overlooked one point dealing with the general powers of arrest which is covered by the new subsection (1) in the new clause of which I have given notice. This provision is based on sections 2(2) and 3 of the United Kingdom Act. I had been under the impression that the power existed in other laws but I think by reason of caution it should be put in here. I therefore move, Sir, that this clause 4 be amended in the terms of the notice circulated to Hon Members.

Mr Speaker

Perhaps for the purpose of the record it might be advisable if the amendment itself were read, even though notice has been given of the motion.

Hon Attorney-General

I move, Sir, that clause 4 is amended by substituting for the new section 9A therein the following:-

"Arrest  
without  
warrant  
and use  
of force  
in making  
arrest  
(1967.c58,  
ss.2(2),(3)  
and 3).

9A.(1) Any person may arrest without warrant -

- (a) anyone who is, or whom he, with reasonable cause, suspects to be in the act of committing or attempting to commit an offence for which the sentence is fixed by law, or for which a person (not previously convicted) may under or by virtue of any enactment be sentenced to imprisonment for a term of five years; or
- (b) where such an offence as is mentioned in paragraph (a) has been committed, anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.

(2) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

(3) Subsection (2) of this section shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose."

Mr Speaker proposed the question in the terms of the amendment by the Hon Attorney-General. There being no response Mr Speaker put the question which was resolved in the affirmative.

Clause 4, as amended, stood part of the Bill.

Clauses 5-9 were agreed to and stood part of the Bill.

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

(2) A Bill for an Ordinance to amend the Law relating to the proceedings of criminal courts including the law relating to committal proceedings, evidence procedure and trial and for connected purposes.

Clauses 1-11 were agreed to and stood part of the Bill.

#### THE SCHEDULE

##### Hon Attorney-General

Sir, there is a misprint and an error on page 51 of the bill, that is to say the first page of the schedule, and I have circulated to Hon Members notice of these errors. First error, and I wish to move an amendment, is that in relation to the item set out as "223 (Drunk in a public place)" that reference should be to "232 (Drunk in a public place)". And in the third and fourth columns the figures of £5 and £10, should be £10, and in line 5, £10 and £20. The effect of that amendment is to double the maximum fine for a second or subsequent conviction in relation to drunkenness in a public place. And on page 55, Sir, there is an error in the last line of the page, the contents of columns 3 and 4 still in Section 77(2) to the Public Health Ordinance should be transposed and I now move these two amendments, Sir.

Mr Speaker invited discussion on the proposed amendment.

##### Hon Sir Joshua Hassan

Mr Speaker, as we are taking the Schedule as a whole - I am not opposing the amendment, perhaps I will make my remarks at this stage. I have been very intrigued to follow the thinking of the Attorney-General in his price fixing for offences in this list. I think there was at some stage, what statisticians would call a pattern of 100% increase for offences generally, whether it was because this is the rise of the devaluation in the value of the £



since the matter was last before this House, or whether because he feels that part of it should be in respect of the loss in the value of money and the other one is the increase in the punishment, I don't know but there are some on which he has gone rather high and I am sure that that was not dictated only by depreciation of the value of money over the years. Penalty on endeavour to break up a public meeting goes up 500%. I don't know any significance about that in both cases. Disorderly or indecent behaviour whilst drunk has gone up also 500% and not 100% suggested in the others. Penalty whilst being drunk whilst in charge of a child has also gone up more. 500% on penalty for procuring drink for drunken persons. I hope we get a lot out of that. And penalty for fraud is 500%. The others are all 100%. Restriction on the possession of fire arms. I think on the fire arms section it has gone up quite a lot, generally 500%. I don't object very much to that as we don't have many fire arms, yet, anyhow. I won't say anything about overflowing and leaking cesspools. But others seems to me to have followed some kind of an idea whether it was penalty contravening a nuisance order. Now this is a difficult one. Having regard to the fact that in some cases the offences or the non-carrying out of nuisance orders is impossible by virtue of the lack of labour and so on so many times. I have nothing to do with them but how many times people go before the court and ask for time because a nuisance order has not been completed, they even asked the Municipal Department whether they would do it for them and they'll pay and yet here it has gone up 500% at Section 85(1) for the non-abatement of a nuisance order. I have no objection to the others except to pry into the mind of the legislator as what he had in mind, but in respect of this one perhaps the question of putting up so high the increase on the penalty for the contravention of nuisance orders, I agree that the court has got a discretion, but when a Court has got a discretion and the maximum is very high the mind of the court is directed as I am sure the Attorney-General will agree, to the exercise to the discretion in respect of the power that the court has to exercise in the way of punishment. That is all, Sir.

Hon M Xiberras

I think that the Hon and Learned Leader of the Opposition's party might have had an interest in this Bill because of late they have been talking a lot about a particular subject which is not totally unrelated to the contents of this Bill. However, Sir, among the things the Opposition did not raise were these and I am glad that they support this increase which again has come from this side. Perhaps the Hon and Learned Leader of the Opposition might have made reference under a particular section to one particular form of crime which is now advertised to the horror of the populace in newspapers and perhaps the crime there might had he had his way have increased 1000%. He is so concerned about this particular eventuality developing.

Hon Attorney-General

Sir, perhaps I might be permitted a few words on the thinking of the Attorney-General on the price fixing of offences. I am grateful to the Hon and Learned Leader of the Opposition for his words, but I must point out that I, alas am not the legislator, I am merely the law officer who brings these proposals before this House. So in reply to him I would echo the words of a man recently arrested. I was looking at the papers the other day and the three words he uttered seem to be appropriate here. When the constable came up to him and pointed out the offence he said: "Have a heart". So I would say, Sir, please don't blame me for the contents of the schedule. I have presented them. I can't assess the criteria on which the penalties were originally fixed when the laws were promulgated, all I can say is that the thinking in the schedule reflects that of the police and other interested authorities and that the bill has been carefully considered. I think I should mention as I did in moving the second reading of the bill that the press too showed a keen interest in this matter of penalties. I thought that perhaps some amendments might be forthcoming from public sentiment between the publication of the bill and the Committee Stage, but none have been forthcoming. I don't think any injustice is done. I can't say that I am personally over-enamoured of increasing penalties but I think there is a certain tonic effect in reviewing them at times.

Hon J Caruana

Sir, I would'nt like to comment much on this since I am not at all qualified on the legal aspects and it all seems complicated to me but I would like to pinpoint - and I welcome the spirit of the bill - one or two increases here which are very close to everybody's heart and that is the section on dilapidated buildings and structures where the proposal is to go up to a maximum of from £10 to £50. I am only going to pinpoint a few which are of great interest to me. Dangerous or dilapidated buildings and structures, a fine of from £10 to £50. On page 55, cleansing of filthy or verminous premises, a fine from £5 to £20 and the other one is a penalty for leaving litter around. We all know that keeping Gibraltar clean costs the taxpayer a tremendous amount of effort and money and it is proposed to increase the penalty from £10 to £50 and I would like to focus the House's attention particularly as far as I am concerned on that one where I think great progress has been made in keeping Gibraltar tidy but nevertheless a further deterrent is necessary.

Hon Sir Joshua

I would like to say a word on the Hon Attorney-General. I didn't mean that he is a legislator, but he proposes and the cabinet disposes. I can well imagine that like everything else in these times crime is going up sky high. The cost of crime is going up at the same time as the cost of living.



Hon Major R J Peliza

Mr Speaker, I am sure that the Hon and Learned Leader of the Opposition would not like the cost of crime to go down. I am sure he is a law-abiding citizen and he would like to see that this doesn't happen. So if he wants to know the real thinking behind the increases is precisely is precisely that. We want the cost of grant to go up.

Mr Speaker put the question that the amendment proposed by the Attorney-General be passed.

This was agreed to.

The schedule as amended stood part of the Bill.

THE LONG TITLE was agreed to and stood part of the Bill.

(3) A Bill for an Ordinance to amend the law relating to the age of majority to persons who have not obtained that age and to the time when a particular age is obtained; to amend the law relating to the property rights of illegitimate children and of other persons whose relationships is traced through an illegitimate link; to make provision for the use of blood tests for the purpose of determining the paternity of any person in civil proceedings; to make provision with respect to the evidence required to what a presumption of legitimacy and illegitimacy; to make further provision in connection with the registration of the birth of an illegitimate child, for entering the name of the father and for connected purposes.

Mr Speaker

Gentlemen, there are 25 clauses plus the schedule to this Bill, I do not propose to say "Stand part of the Bill" 25 times. With your authority I have instructed the Clerk to call out the parts of the Bill. I will pause sufficiently long to enable any Hon Member who wishes to raise any matter in a particular part to do so.

PART I. All clauses in Part I were agreed to and stood part of the Bill.

PART II. All clauses in Part II were agreed to and stood part of the Bill.

PART III. All clauses in Part III were agreed to and stood part of the Bill.

PART IV. All clauses in Part IV were agreed to and stood part of the Bill.

FIRST SCHEDULE was agreed to and stood part of the Bill.

SECOND SCHEDULE was agreed to and stood part of the Bill.

THIRD SCHEDULE was agreed to and stood part of the Bill.

THE LONG TITLE.

Hon Sir Joshua Hassan

Mr Speaker, I would like to say a word on that. The Long Title and enactive clause provides that the law will come into force on such a date as the Governor may, by notification in the Gazette, and different dates may be appointed for the coming into force of different provisions. I would commend to the Hon Attorney-General and to the House, that the date fixed for any of these sections be the beginning of a month. It is very important in respect of people who are going to acquire rights who will cease to be minors by law who would have a right to acquire property and interest in property and so on in his own right and not through trust, that fixing the date of the implementation on a first day of the month will make it much easier for accounting purposes and for clearing purposes and for documentary purposes.

Hon Attorney-General

I must thank the Hon and Learned Leader of the Opposition for that comment. I will certainly undertake to ensure that that is so, Sir.

THE LONG TITLE was agreed to and stood part of the Bill.

(4) A Bill for an Ordinance to apply further sums of money to the service of the 15 months ending the 31st day of March 1971.

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

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

Clause 3 was agreed to and stood part of the Bill.

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

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

(5) A Bill for an Ordinance to amend the Pensions Ordinance (Cap 121).

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

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

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

(6) A Bill for an Ordinance to amend the Income Tax Ordinance (Cap 76).

Clause 1:

Hon Sir Joshua Hassan

May I just have a moment Mr Speaker. Mr Speaker, I wish to propose an amendment to the Bill of which the Financial Secretary knows a little about and perhaps I can



pass him a copy and you, Sir. It is a proposal to amend Section 20(1) of the Income Tax Ordinance. Mr Speaker, you will recall that in the course of the debate on the budget my Hon Friend on my right, Mr Montegriffo, raised the question of the personal allowances in income tax in respect of people in the lower income groups being increased in order to try and take away or ameliorate the liability fortaxation in respect of certain people. Now let it be made quite clear that there is no intention whatsoever of relieving anybody over a gross income of £1250 from any present liability that he has. The idea is that the personal allowance which used to be £400 - and it was raised in the days of the Government that didn't do anything or lowered to £300 - should go back to £400. Now in order to do that and not to allow anybody else to take advantage it has been suggested it could be done by amending the table to Section 25 in reducing the figures of the payment of the lower amount of tax from £750 to £650 from £1250 to £1150 and from £1000 to £900. In that way the amount paid by anybody with a gross income of £1250 would be exactly the same and the person earning £1250 would have a bonus of paying on £100 less in income, that is to say one would have an allowance of £100 which could take him out of paying tax altogether possibly or in any case would make the tax payable by him reduced by 100 shillings which is £5 or at the most in the second figure £20 in all and in that case, Mr Speaker, a relief would be given which I think is well required particularly having regard to the high cost of living and the various increases that generally come about in the average household. This is intended only to relieve people with incomes of less than £1250 and I commend the amendment to the House and in particular I would call upon the other side to look at this carefully and see whether they can meet it since it is not a measure in which there is increased taxation but decreased, I would urge them to consider it as being meant as proposed at the time of the budget; an amelioration of the tax liability of the lower income groups.

Mr. Speaker

Sir Joshua, for the purpose of good order, what you are proposing is the addition of a new clause in the existing bill.

Hon Sir Joshua Hassan

You are quite right, Sir.

Mr Speaker

Perhaps we would like to know where you want it inserted.

Hon Sir Joshua Hassan

I am sorry. That is why I had my intervention at this stage, because we were dealing with Section 21

of the Income Tax Bill itself and I think it should come, perhaps, after 4 in order not to amend the Bill. A new Clause 5 then amend 6 and 20 and so on. I propose that a new Clause 5 be introduced that the amendment proposed in my paper be the amendment proposed in new Clause 5.

Mr Speaker then invited discussion on the amendment proposed by Sir Joshua Hassan, which was as follows:-

"5(1) Amend Section 20(1) of the Ordinance by substituting for the figure £300 at the end thereof the figure £400.

(2) Amend the Table to Section 25 as follows:-

(a) substitute the figure £650 for £750

(b) " " " £1150 " £1250

(c) " " " £900 " £1000."

Hon Financial and Development Secretary

Sir, I don't like instant and off the cuff Government. The bill which I brought to the House this evening to bring the Income Tax Ordinance into conformity in its principle of recovering in certain cases through income tax the family allowances under the Family Allowances Ordinance. The provisions of that Bill if it is approved will apply to assessable income in the year 1973/74. That is to say that while the increased family allowance will be paid throughout the current financial year the amount of allowance will only be required to be returned to the revenue for assessment to income tax in the year 1973/74. Therefore some benefit is going this year, which will be caught up only next year. I would like to suggest that on reflection whereas the proposal that has been made by the Hon and Learned Leader of the Opposition is one which I am sure the Government would be ready to consider along with all the other thoughts we have about taxation, that this might be allowed to take its course for consideration in the next budget, Sir.

Hon Sir Joshua Hassan

Sir, first of all I would like to say that I do not think that this is off the cuff Government or Government by off the cuff proposals. In the first place this was mentioned by us at the last meeting. Secondly, I hope and I am not saying anything out of place, I had thought - I won't put it any higher than that - I had thought that the Hon Financial Secretary had been acquainted with our intention of bringing such a proposal even though the form of it did not take shape until this afternoon because I didn't want to make any marginal gaps and so on, and I cleared it with the Treasury, not on the principle which is the matter for the House, but on the



form as I cleared other amendments coming in another Bill with the Attorney-General as is the practice in this House. Whilst I could not mind not pursuing this at this stage, I would certainly not like to wait another year for this matter to be considered. If I am told that there may be other proposals or that if there are any other amendments to the income tax legislation in the course of the year through administrative needs and so on, they would consider putting it then, I would be quite happy but I would certainly not be quite happy to postpone this for a whole year and, of course, I would like to say that should we take this to the vote there should have to be an amendment to Clause 2 as well. If I am given an indication that should there be a need for amending the legislation and when the Government have had a little more time for something which seems to me to be very simple and would probably have been described as very revolutionary if it had come from the other side should not require so much time. If it is a question of waiting for other ideas in the general context of income tax next year, then I would ask for the matter to be put to the vote.

Hon M Xiberras

It is a wonder that the Hon and Learned Leader of the Opposition leaves his simple proposals to be introduced as amendments to Bills whose aim is nothing as simple as what he would have us believe. The Bill was a simple Bill to recover part of family allowances but what the Hon and Learned Leader of the Opposition has proposed is something much broader as he realises only too well. I thought, having heard the rumour that amendments were coming from the Opposition, that the Hon and Learned Leader of the Opposition was talking simply about the amount and the level at which money could be recovered by the Government in relation to family allowances. What the Hon and Learned Leader of the Opposition is, in fact, doing is to bring about or to propose an across-the-board review of the Income Tax Ordinance or perhaps he could explain it. Will he do so, Sir?

Hon Sir Joshua Hassan

That is not so, because it is limited to a specific body of people with a limited income. The Opposition is not, under the Constitution, entitled to bring a Bill to impose taxation, but there is nothing in the Constitution that prevents us - and we don't do it every day, in fact this has been the only time - from taking advantage of a Bill dealing with income tax to do it. It certainly has not been meant as any surprise at all. The only point was how it could be done in order that there should be no hardship or rather no reduction from those from whom we did not want to take away any taxation. I am surprised at the caution with which this is being looked at on the other side when the proposal is perfectly simple and it has

nothing behind it except to give some relief to people with incomes of £1250 and below - this is the maximum - from income tax which could well avoid a considerable amount of returns and workload in the Income Tax Office for virtually very small sums that are being paid now by the lower income people £2 or £3 or £5 in the year which I am sure, in terms of man hours, is more expensive than to collect it. That is all. If the Government don't like it, well, fair enough, this is what we are here for. But there is no other intention and I don't think it is a major one because it only seeks an amendment to the lower figures of income tax necessary to carry out the main amendment. It is not an attempt to go into the body of the Income Tax Ordinance. It has a specific purpose and it is made clearly to achieve that purpose.

Hon M Xiberras

Sir, I am afraid that the Hon and Learned Leader of the Opposition has not answered my question. Perhaps this is a phrase often used by the other side. What I am saying or asking is, is the Hon and Learned Leader of the Opposition's amendment aimed simply at that category of persons who would be in receipt of family allowances and those are, of course, the persons who have been in view when the Government introduced this amendment to this particular section of income tax, or is it in fact an amendment to affect persons other than those who would normally be in receipt of family allowances?

Hon Sir Joshua Hassan

I am sorry. I did not mean to avoid the question but I was directed to the intention behind it. No, the answer is it has nothing to do with the increase in family allowances at all. And, in fact, as the Financial and Development Secretary himself has said the introduction of that section into the Income Tax Ordinance now is coincidental arising out of the Family Allowances Ordinance, whereas the intention to allow the spastics allowance was mentioned specifically so that was the main purpose of the Income Tax Bill, not the other one. The other one has come about, but as far as I am concerned, I don't know whether the Hon Minister for Labour and Social Security sees anything sinister about this but I had no connection at all in my mind with regard to the increase in family allowances which is gradually offset as before with regard to that.

Hon M Xiberras

Sir, I am glad to hear the Hon and Learned Leader of the Opposition say that in fact his proposal or his amendment had nothing to do with the question of family allowances. Whereas I came here, to this House, Sir, with the firm conviction and not attempting at all to mislead



anyone, that the amendment of the Income Tax Ordinance was in respect of family allowances. It is up to you of course, Sir, to rule whether this is in fact in order. I would imagine it is perfectly in order because the technical aspect of it has been taken care of. But really what the Hon and Learned Leader of the Opposition is proposing is an across-the-board amendment of the Income Tax Ordinance. And it is doing so on a Bill presented by the Government on a specific purpose. I am glad to hear, I repeat, Sir, that it has nothing to do with the purpose of this particular Bill. It is in fact a measure of considerable weight. It goes across-the-board and I wonder if the Hon and Learned Leader of the Opposition has with the figures available to him, made any calculation as to how much revenue would be lost if such a measure were to be accepted by the Government. If it were a question of £1,000 or £2,000 then I would say that the Government might be in a position to consider it, but if it is a measure, the effect of which the Hon and Learned Leader of the Opposition, the mover of this amendment, just does not know and if this matter has been brought forward by the Opposition in the guise of an amendment to an ordinance or a bill whose purpose was very definite and was made clear to the House sometime ago. In fact this type of measure has come before the House before. When family allowances were last increased a corresponding amendment was introduced into the Income Tax Ordinance, so obviously, Sir, the purpose of the amendment moved by the Opposition is to try to get in through the back door something which obviously at Budget time they were not prepared to suggest mainly, I suggest, because then the attention of the House was focused on how to get money in order to bring about various increases. But tucked away here or there it might pass. Frankly, Sir, I don't think the Hon and Learned Leader of the Opposition is at all serious about this amendment. I think, Sir, he is bringing it to the House in an attempt to draw attention to what was said at his Party's last Conference. Therefore, Sir, I fully agree with the Hon the Financial and Development Secretary that what the Hon and Learned Leader of the Opposition wants is instant Government. He is seeking popularity. He has not assessed nor could he tell me at this moment what was the extent of the Bill. Could he even say in terms of tens of thousands, hundreds of thousands. £15,000, £20,000 what the loss of revenue would be? I have given way on two occasions, Sir. I have asked two questions of the Hon and Learned Leader of the Opposition and on both occasions he has stood up and replied. Will he reply to this one?

#### Mr Speaker

As regards the question as to whether the amendment is in order, I would like to remind the House that we are dealing with the Income Tax (Amendment) Ordinance 1972, in Committee and therefore any proposal to amend the Bill provided it relates to the Income Tax Ordinance, of course, is in order.

Hon M Xiberras

Sir, I am grateful to that ruling but I had anticipated the Hon Leader of the Opposition had taken care of that side.

Hon Sir Joshua Hassan

That is why I brought it, because I knew it was in order. I dare say, subject to the ruling by the Speaker, that I can bring a private bill to amend the Income Tax Ordinance to propose exactly this. And there is nothing to stop me from doing that because it does not increase the revenues of the territory. So, therefore, there is no question of getting in on anything. It so happens that we mentioned that at the last time. It so happens that this time there is a Bill for Income Tax. It so happens that it was - since the Hon Minister is so anxious to try and speak about popularity because he sees the dangers of opposing this without giving 101 reasons from the people he speaks so much about - endorsed by the Party Conference and that it was in pursuance of that. True that I have the strength behind me of a Conference which did not have to be adjourned for lack of people.

Hon M Xiberras

I am grateful for that piece of information. Information is getting across from one side of the House to the other side of the House, very clearly. However, the Hon and Learned Leader of the Opposition has still not answered my third question and that is to what extent would the revenues of the territory would be reduced by this amendment?

Hon A P Montegriffo

Mr Speaker, it seems incredible how touchy the Government gets whenever one puts forward anything constructive or when they think we are stealing their thunder. We are here to serve Gibraltar and if any good measures come from either side we say we welcome it and we make no bones about it. But once we brought a constructive proposal that they think is popular, they now try to throw red herrings about how much money it is going to cost. And frankly I do not take that statement very seriously because if the Government were willing to cooperate and willing to be serious about the proposal we are making, the least they could say would be that since the Opposition is in no position to know the amount involved because we haven't got a Financial Secretary, at least agree to consider it, look into the figures and the money involved and then tell us the figures. But they are not serious about it. Anything that doesn't come from that side and anything we do not agree with causes an uproar in the House, and there is a lot of red herrings, like the Minister of Labour



mentioning Family Allowances. We never mentioned this. And it is such a simple amendment that a man as clever as he is should see that it had nothing to do with family allowances. And he should have known that from the beginning, absolutely nothing. We make a remark at Budget time and a very concrete proposal. We didn't have the details, we have been getting as much detail as the Treasury has been able to give us within the limitations that we have in our connection with the Treasury, and for that we are very grateful and we have brought the proposal and the least we could expect from the Government, is to give some sympathetic consideration, if only because £300 three or four years ago, because of the wonders of this Government and the way the cost of living has gone up, is now the equivalent of £400. Because we hear a lot of the benefits that they have given, but the benefits are related in a very great way to the rocketting cost of living which is going up every day, and for once I say that I have been very dissatisfied and very unimpressed at the way that the Minister of Labour had dealt with this and the very cheap accusations that we are thinking of popularity. We have introduced this by keeping the tone down in a very normal manner without all the fanfare that the Government usually have whenever they introduce anything or whenever they go to London or come back in their usual journeys and parties they give and yet, Mr Speaker, what we get is destructive criticism and unwarranted accusations.

Hon M Xiberras

Sir, if I had not hear the Hon Mr Montegriffo speak before I think I might take him seriously on this occasion. However, there is something which I wish to make quite clear and that is that it is a most relevant fact for this House to consider how much a measure is going to cost. No doubt the Hon Mr Montegriffo calls this a red herring, perhaps he is not interested in this?

Hon A P Montegriffo

On a point of order, Mr Speaker, I didn't say that. I said that if they were to ask us to withdraw the amendment now, agree with the principle and tell us how much it is going to cost. We are in Opposition, we are not in the Government. This is what I said.

Hon Financial and Development Secretary

Sir, I would like to rise simply to clarify one point. That I was informed that Hon Members on the other side on this occasion would propose to bring an amendment which would have the effect of improving the personal allowances under the Income Tax Ordinance. Now that is all I knew. I was not aware of the form that the proposal would take. Sir, I wish to add just this. That

I am quite sure that Hon Members on the other side would know as well as we all do that it would be the height of irresponsibility for the Financial and Development Secretary to advise the Government to approve this amendment or any amendment of this nature.

Hon Major R J Peliza

Mr Speaker, I think one of the good attributes of the Opposition is excellent acting which we have seen performed here with really fantastic skill. It is very, very difficult for the Government suddenly to be confronted with amendments to allowances which completely could change the revenue income of the Government which has been worked very carefully to meet the expenses of the Government for the year. And I would have thought that an opposition who thought about this for quite a while now since the last meeting would have been in a position to bring the figures to the notice of the Hon Financial and Development Secretary so that at least the Government could be in a position to say yea or nay after giving careful and responsible consideration. The fact is that they have not done so and therefore the Opposition must realise that we must see this move with suspicion. I think this is fair. Whatever the Hon Mr Montegriffo may say, I think this is very justified. However, accepting that the motives are good and that they are really interested in the wellbeing of the lower income groups I am very glad to see in fact that they are being converted to the idea that those who have more should pay more. Now this is the principle, of course, of this Government. And being the principle of this Government I can assure the Opposition and I hope they are happy with this, that of course we shall consider this. We shall consider this suggestion with many others that we have in mind. And I hope that they will be able to support our other suggestions with the same enthusiasm that they have come here today proposing this, because I think that they will find that our principle will be that those who have most will pay most. I hope that they will come and cheer us then in the way that they have been cheering themselves this evening. Now, all I can say to put the Leader of the Opposition at ease is that first of all we shall consider the amendment but we cannot say I can give the answer before the next Budget. On the otherhand we cannot say that we may or may not because anything may happen between now and then. And if I were to now categorically say we will not consider the amendment and then we have to and we have to come forward with them, they'll say "You see, you were misleading us". And on the other hand if I said we might and we didn't then they would say we had misled them. So one way or the other all I can say to the Leader of the Opposition is that he must realise that the Government is in an impossible position to accept his amendments now. That would be the height of irresponsibility as my Hon Friend the Financial and Development



Secretary has said that to spring this on the Government suddenly like this by a man who has 25 years of experience in Government, to me this is unbelievable to say the least. And therefore if one thinks he is trying to make political capital out of this it is only natural, except, of course, that their own paper will say "no".

Hon Sir Joshua Hassan

What about yours?

Hon Major R J Peliza

Well, I haven't got any. I certainly have no shares in any newspaper, but I do know that members of the Opposition are writers and are very closely connected in the editorial of the newspaper that I am mentioning.

Hon A P Montegriffo

I am a writer myself. Is the Chief Minister telling me that I should not be allowed to earn my living?

Hon Major R J Peliza

Of course not. I am not suggesting that. I am not suggesting that at all. Mr Speaker, all I am saying is that he is tarnished with the view of that newspaper, that is all I am saying, or that he is tarnishing that newspaper with his views which perhaps is even worse. But anyway, coming back to the amendment, I have made clear suggestions to the Leader of the Opposition. I think he must realise that it must be impossible for this Government to accept the amendments and I give an undertaking that these amendments will be considered with all the other views that we have and if in the meantime he has any other suggestions they are also very welcome I assure you. And if for any reason we have to do it before the next budget we shall do so and, if not, I promise him that by the next budget we shall certainly have something to say, one way or another.

Hon M K Featherstone

After that little bit of acting by the Chief Minister, I would like to come back to a little calmer term, but I am willing to offer him, Sir, a challenge. If this does not cost more than £15,000 - and I estimate that it will cost considerably less because £15,000 would be 3,000 families paying £5 - will he bring it at the next meeting of the House of Assembly? Now, Sir, we have had a lot of innuendos and sinister imputations by the Hon Minister of Labour. I think he is qualified in History and he will probably be able to correct me on my facts because I am not absolutely sure of the exact details, but I believe that the Corn Laws were repealed by being tagged on to a bill having something to do with the importation of paper about 1850.

Hon M Xiberras

Is the Hon Member asking a question?

Mr Speaker

Order.

Hon M K Featherstone

But it is not unparliamentary practice, in fact it is quite common to tag on to one law a little piece of something else one wishes to get through. And this is not even a different law, this is the same law and this is even following what the Government has already done, they have tagged on to the allowances for handicapped children which is the major part of the bill, something to do with family allowances, they have tagged a little bit on, we saw nothing sinister in it, we in fact supported it, we also can tag something on. This Government is always boasting that it is increasing the living standards, increasing wages. In fact they are already promising an increase of wages in the biennial review. This would mean more taxation coming in to them, so that they can quite easily spare a little for the lower income groups. And this is nothing we have sprang on them because we told them so at the last budget. I do not take kindly, Sir, to the Hon Financial and Development Secretary saying that this is instant Government, because we are asked to vote extra taxation of £100,000 in an instant budget. If we can have instant taxation thrust down our throats surely, Sir, Government can have a little of its own medicine. But, of course, when it comes from this side, Government does not wish to accept it. Although they are always accusing us of never proposing anything, never putting anything forward, always being destructive. The moment they get something constructive then they suddenly do not want it because they cannot clap. They can only clap for their own side. I cannot remember exactly the breakdown but in one of the financial reviews it showed how income tax was obtained, how many incomes were in a certain bracket, how many in the next bracket and the way this has been worded, nobody in the higher brackets will escape one penny. They will have to pay exactly the same as before, this is only the person who was earning approximately £18 a week and is now earning £20 who will get away with anything. It is the person on the lower scales, the scales up to about £25 a week, a married person with two children who will get any relief, all the others will be exactly the same. And without knowing the absolute figures but having a fairly good memory and a far capacity for mathematics I do not think this will cost even £15,000 and that on a Government which is budgetting already for a surplus of £190,000 I do not think would be very difficult to give.



Hon Major R J Peliza

Mr Speaker, one thing I would never do is come here and start betting of what we should do or what we should not do in a form of Government, but one of the things I would like to point out to the Hon M Featherstone is that his logic is not quite, in my view, 100% right by saying that really just by increasing the allowance, that we are in fact helping the lower income groups to the best advantage. I would say that there are many other ways of doing this and this is one of the things that we've got to consider of course. For instance, it is possible that the money that is coming out from these allowances that he wants to take could, in fact, help the lower income groups much better if it was put back into family allowance or old age pension or supplementary benefit. So it is not as simple, I would say, as the Hon Member of the Opposition is trying to make it. And whether it is £15,000 or whether it is £30,000 it is responsible Government having produced the accounts to make sure that we have the money now to meet it. And if we suddenly decide that we are going to have £15,000 or £30,000 less obviously we have to find that money from where and I do not believe that the Hon Mr Featherstone expects us now to start taxing all over again in a different manner, I do not think they possibly can expect that. This is something I am afraid that we just cannot do. In my view that would be irresponsible. Now, on the other hand, if, as time goes by we do find that we have the money in hand or we feel that we want the extra money we could possibly find the money and increase the family allowance. Now in that way in my view it would help the lower income groups that need it most, because I think it is again logical that people who are receiving this money sometimes more than one in one family have much more than a case of a family where you have only one breadwinner and you will find that all you are doing is that you are giving the same relief to whether it is a big family or 3, 4, 5, 6 or 7 earners or whether you have one and whether in fact there is one or more than one in fact whether you are relieving one with one child, two children or seven children. In my view it is a much more equitable way of meeting the situation by ploughing the money back into family allowances and supplementary benefits rather than rashly adopt this system. This is why I have said that this Government will obviously consider this. The same as any other proposal that the Opposition may have. I think they underestimate the consideration that we do have for the suggestions they make. Or is it that they do not consider themselves good enough for the Government to consider their suggestions. I don't think so. I can say that we respect the Opposition very much and, in fact, as I say they are doing a great job from that side of the House.

Hon Sir Joshua Hassan

Mr Speaker, the Chief Minister is getting a little stale with his jokes and I can assure him that he will be longer here than I have been here. I have been longer there than he will ever be there. That I can tell you. And, in so far as the money that is available, is concerned, it is very surprising how they change their spots these Integration ministers. A few minutes ago, the Minister for Labour was talking about the next increase in family allowances without telling us where the money was coming from. Already because this was not enough it had to be another one, yet here is a suggestion. Because now from considering the matter and talking about instant Government, now the Chief Minister has gone into the merits of it and has virtually said that there are better things, so as we are at variance Mr Speaker, I would ask you to put the matter to the vote.

Hon L Devincenzi

I know that Gibraltar is unique in many ways, but I never realised the intention to put Government on that side and the Opposition here.

Hon Lt Col J L Hoare

Mr Speaker, unfortunately I left my Oscars behind tonight otherwise I would have given one to the Chief Minister, and this one I've got has a bull recumbent on the top. Coming to the Hon the Financial Secretary's remark about instant Government, at least we are not pre-instant Government. In other words we do not take things for granted in draft estimates. The other points made by the Hon Minister for Labour and Social Security, the fact that we do not know how much this is going to cost. Well, does he know how much the other measures at clause 3 are going to cost? Why should he think that this bill deals only with family allowances refund. Surely here is an extension of personal allowances, personal children's allowances. Why should it be out of order to bring in personal allowances for a man, or a woman? Where is this money coming from? I suggest from the underestimates of some of the revenue heads, which I, for one, was looking for considerable increases. The other thing which struck me here was the Hon Chief Minister talking about ploughing this back into family allowances. Surely every member of the lower income group hasn't got two children? And it is only when you have got two children that you qualify for family allowances. Our object is to ease the burden of every man in the lower income group, that is everybody earning under £1,250. That is the sole object. There is nothing sinister, there is no attempt to take glory away. We do not want glory, you can keep it. This is a straightforward proposition for the benefit of the people who want it most. I have said in this House right



from the very beginning that it is right that people who have most should pay most and, if I remember rightly, the Hon Chief Minister congratulated me on that. It made my day, I can assure you. But this is the policy of this side that we do help the people in the lower income group and any facetious remark from the other side just falls on stony ground.

Hon Major R J Peliza

Mr Speaker, I just wonder whether the Hon and Gallant Member would tell me what is it that he left behind. I didn't hear that bit. Honestly, I just did not hear what he said he left behind. I think he was referring to me.

Hon Lt Col J L Hoare

I said that I had left my Oscar behind, because I would have one specially with a bull recumbent on top.

Hon M Xiberras

Sir, in 1815, following the Napoleonic wars, there was considerable agitation about the price of corn, I wonder whether the corn would sell at such a high price tonight? However, it was not till 1846 that the Corn Laws were repealed and as the Hon Member rightly said, the measure, the repeal measure, was tagged on to something, a major law. But the public had some 31 years of notice at least, and I have had, Sir, well in fact I have now the Chief Minister's copy because I have not had any notice myself of a measure which is going cheap at the price of £15,000, if you gamble correctly. If you do not gamble correctly you may be £10,000 out. So, in this sense I might be as conservative as the other side and go back to the good old days of Peel and say, Sir, or turning to my next door neighbour, will you answer him for I cannot. However, on this occasion I do not intend to say that at all. The main factor concerned here is that no notice has been given. No specific intention has been communicated. I could say tomorrow, we are going to raise income tax in two years' time and then give the House about two minutes' notice, just before I do so. Can the Opposition say how much notice in fact has been given for this particular measure and can they hold themselves responsible for the economy, or is it indeed their job to be responsible to the economy? One of the complicated things about this sort of change is that you might, as the Chief Minister said, be giving more relief to one class of person than to the other. This point, I am sure, has been considered by the Government from time to time, but whereas you give relief at a very lower rate to those who really need it most, you might be giving relief at a very high rate at the very top. Sir, the other point is that if the Hon

and Learned Leader of the Opposition, or members on the other side have read the joint communique signed with the Transport and General Workers' Union, he would have seen that we stated in categorical terms that we were considering and have been considering for some time the possibility of bringing about improvements in taxation. For this purpose an income tax inspector had been here for a year preparing and thinking up what should be done and compiling reports and, of course, this suggestion can go into the pool of ideas to be considered and to be brought forward in a responsible way to this House and Hon Members if they recognise the proposal can then vote in favour. So, Sir, the most important reason for throwing out this amendment is not its intention, it is not even its effect - its effect is not fully known - it is the fact that the House would be violating a very important principle in voting money really or in losing money without any notice having been given to members.

Mr Speaker

I know we are in Committee but I think we are sinning against the rule of repetition. I will put this question unless there is any member who wishes to say something fresh on the matter. I now put the question which is that the following amendments proposed by the Hon the Leader of the Opposition be made. That clause 2 be amended by the deletion of the word "Section 3" in the first line and substituted by the words "Section 3 and 5" and that a new clause to be Clause 5 be added to read as follows: "(1) amend Section 21 by substituting for the figure £300 at the end thereof the figure £400 and (2) to amend the table to Section 25 as follows: (a) substitute the figure £650 for £750, (b) substitute the figure £1150 for £1250 and (c) substitute the figure £900 for £1000."

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

The Honourables I Abecasis;  
E J Alvarez  
M K Featherstone  
Sir Joshua Hassan  
Lt Col J L Hoare  
A P Montegriffo  
A W Serfaty



The following Hon Members voted against:

The Honourables Miss C Anes  
J Caruana  
L Devincenzi  
Major A J Gache  
R H Hiclking  
P J Isola  
W M Isola  
A Mackay  
Major R J Peliza  
M Xiberras

The amendment was defeated.

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

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

Clause 3 was agreed to and stood part of the Bill.

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

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

The House adjourned.

Thursday 4th May 1972

The House resumed at 11.30 pm.

(7) The Family Allowances Ordinance (Cap 58)

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

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

(8) The Housing (Special Provisions) Ordinance 1972

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

Clause 2:

Hon M Xiberras

Sir, I have circulated an amendment to Clause 2 but I have on reflection, deleted three lines of this amendment. And with your permission Sir, I would carry on and explain the reasons why the Government is producing the amendment.

Mr Speaker

Perhaps for the good order of the House you will read the amendment now so that we know to what is being proposed.

Hon M Xiberras

Sir, the amendment I beg to propose is as follows:-

For definition of premises in Clause 2 substitute the new definition:

"premises" means premises owned by the Government and used as a dwelling house under a weekly or monthly tenancy Agreement, having been allocated by the Government to a tenant."

Sir, I believe it was my Hon and Learned Friend Mr Peter Isola who raised the point initially in the debate on the Second Reading of the Bill and this point was taken up by the Hon and Learned Leader of the Opposition later on that the Bill should not apply to leases held from the Government. The purpose of this amendment is in order to exclude leases whilst bringing in as the amendment says all weekly or monthly tenancy agreements. Sir, the reason for my deleting the last four lines in my original amendment is that we would like this amendment to apply clearly to all weekly or monthly tenancy agreements whenever these were made. That is not only since the Housing Allocation Committee was formed but before that. So that the amendment would apply to quarters and any kind of agreement into which the Government had entered. Sir, may I take this opportunity of saying that the Government has consulted the law officers in the United Kingdom about the Bill generally and are satisfied that not only this but other amendments which meet generally with the advice that we have received from that quarter. I commend the amendment to the House, Sir.

Mr Speaker

I now propose that this amendment be made.

Hon Sir Joshua Hassan

Mr Speaker, Sir, the last remarks of the Minister indicate the objections which we put to the Bill and this is that this is going to have a retrospective effect and that people who have already acquired certain rights under contract are being superimposed by this legislation. It may be said, no doubt, the Government acts always reasonably and so on and to that extent one has to take that into account, but whatever advice may have been sought with the greatest respect to those giving it anywhere else, it is still a fact that these conditions are being imposed on people who, for all we know, have been perfectly good tenants, and this I imagine is the bulk of the people who live in Government houses, regular in the payment of their rents and yet because of a few possible abuses this legislation is going to be superimposed which is going to alter radically the conditions under which, in any set of circumstances which have not arisen, may upset the conditions



under which a tenant of the Government holds his tenancy in respect of a dwelling. And therefore we do not agree with this. We do not agree with anything in the Bill but in this particular case the remarks of the Minister emphasises our objection to many unsatisfactory features of this Bill.

Hon M Xiberras

Sir, I think that the point put forward by the Hon and Learned Leader of the Opposition follows his general attitude to the Bill. However, in defence of the position which the Government has adopted, may I say that in the first place it would be unfair in my view to discriminate between those who have had a tenancy agreement already and those who would have a tenancy agreement in the future. Different conditions, it would seem, would apply to different tenants if the point of the Hon and Learned Leader of the Opposition were accepted by Government. The second point is that all agreements at present can be terminated on a week's notice as it is, and the Bill simply aims at bringing about machinery which would enable the Government, in view of the housing shortage, to act purely in those cases where the tenant is not in personal occupation of the flat or dwelling. Obviously, the whole spirit behind the Bill is to make the best use of Government accommodation in the interests of the community. It is an answer to the question. "What does one do in the case of somebody who is not using a flat when in Gibraltar today there are 1300 people on the waiting list and 400 people who have applied for housing or whose qualified period has not expired yet?" So, whilst understanding what the Hon and Learned Leader of the Opposition has said, I feel that it is impossible and it would truncate the Bill completely not to have general provision of this kind. Moreover, I feel it meets the point which he made in relation to the particular clause perfectly.

Hon A P Montegriffo

Sir, on a point of clarification. Under this particular clause will it be possible for the tenant, if he happens to be the father, to go away and the daughter or the children who have been living with him for many years are kicked out of the house by this particular clause?

Hon M Xiberras

Sir, the Hon Member opposite might perhaps ask that question in relation to another clause or even to another definition within the same clause in the definition of premises. I do not think the point that he has made arises. But if he wishes to make it in relation to an amendment which I believe his own side of the House is going to raise then perhaps we could take this point when this amendment is put.

Mr Speaker

If there are no Hon Members who wish to speak to the amendment I would now put the amendment to the vote. I understand that the Hon Leader of the Opposition has an amendment to this section too?

Hon Sir Joshua Hassan

Yes, that is right. Mr Speaker, I have indicated to the Minister yesterday afternoon of some amendments I propose to make and the order in which they appear. At Clause 2 I have a proposed amendment to which he has already referred in answer to a question on this side. And this is a proposal to insert after the definition of dwelling in Clause 2 the following definition: "personal occupation includes occupation by the wife, husband or child of the tenant actually residing with the tenant and also includes occupation by the widow of the tenant who was living with him at the time of his death or when a tenant dies leaving no widow or is a woman the husband, father, mother or any child who has resided with him for not less than six months immediately before the death". The intention of this amendment is to safeguard what I think is the most objectionable feature of the Bill as I stated in the Second Reading and that is that it is all based on the personal occupation of the tenant and we all know that dwelling houses in respect of which the Government is responsible is to house families and if you house families there are many circumstances that cannot be foreseen when the tenant for whatever reason it may be goes away, is absent, is in prison in another country, whatever it is. It may be said that these people are not going to be treated harshly but already we have cases where somebody has to leave a very good dwelling in order to have essential repairs carried out to that dwelling and a person is offered a room and a kitchen in a tenement building for the duration of the repairs, otherwise the repairs are not carried out. So whilst casting no aspersions whatever in the running of the thing although we may not agree all the time but they have a difficult task to perform in the Housing Department, I appreciate that, I have personal experience of it. What we want is to safeguard the legal requirements. Now, a point was made by the Minister in the Second Reading that the executive had full and absolute powers before and that not it was being limited in law. Well, of course, the executive had absolute power but it had a discretionary power and because the power was absolute it had to be exercised subject to pressures, criticisms, answers in the House and so on. The power generally to allocate or not to allocate houses. But giving a charter of this kind to a department would give them or could give them the impression that they have to abide by the strict terms of the legislation and that therefore it is much more easy to give administrative directions as to how things are going to be done than to tell civil servants that the statutory powers provided in a particular law could not



be exercised in this way or the other. And this is why we feel that the whole spirit of the bill is wrong and we object to it. I will have something to say on the proposed amendment of clause 6 - this time not against but in favour - whilst not liking the bill at all we have endeavoured to make it as least unpalatable as possible by making only four proposed amendments. The first one of which means that the personal occupation is limited to people actually living in the house and the closeness of relatives to the tenant in order to safeguard them and insofar as the death of the tenant is concerned, I have adopted the wording to the extent that it should be applicable in this case only the wording of the definition of tenant in the Landlord and Tenant (Miscellaneous Provisions) Ordinance which in turn is taken from the rent and mortgage interest restrictions and other rent restriction legislation in England over which there have been many decisions and it would be a help not only to the courts but it would also be a help to the administration of the ordinance by those dealing with it by knowing what has been decided in particular cases. So this is done in the spirit of making the ordinance at least objectionable as possible and I very much hope that it is taken in that spirit and that it will be accepted.

Mr Speaker proposed that the amendment be made.

Hon M Xiberras

Sir, the spirit of the Bill is to correct the injustice of having a flat lying empty and the occupant living somewhere else when there is such a housing shortage. That is the spirit of the bill. To make this bill effective therefore one must devise means of achieving possession whilst allowing the tenant every right to put his case forward in the proper quarter. At first the Government felt that reference to the courts and involvement in the Landlord and Tenant Ordinance principles would frustrate the purpose of the bill because every case would be open to lengthy appeal and therefore Government or another applicant on the Government list would be unable to take possession of that very valuable dwelling. It is for this reason that the Government having considered the matter and having looked for ways and means of doing it, we have come up an amendment which provides for appeal to the Magistrates' Court. I am glad to hear that the Hon and Learned Leader of the Opposition is thinking of approving this amendment. The bill, I feel, is nowhere as objectionable as the Hon and Learned Leader of the Opposition would have the House or the public believe. It is aimed at correcting a blatant injustice. As regards the amendment under discussion at the moment, Sir, may I say that if the intention is to ensure that family rights are preserved, then the Government is perfectly willing to accept such a principle.

However, family rights are not the only matter under discussion here, we are also dealing with rights of the community as a whole. Tenancy as far as I know is a personal thing. There is an agreement signed between two parties one of which is, of course, the tenant who actually signs the agreement. We do not wish to be as rigid and firm as the Leader of the Opposition would have us be in this amendment, because there is plenty of evidence that there can be manipulation of these family connections which enable applicants to pass on flats within the broad definition of family, one to another and by-pass the Housing Allocation list. There is also the distinct possibility that people may crowd into a house in order to boost pointage. Therefore the decision has already, in fact, been taken in connection with the new blocks of flats to put down the names of those in respect of whom the allocation has been made in the tenancy agreement. I said earlier Sir, that the Government is prepared to accept the principle of the amendment and it would do so in regulations which allow for flexibility to deal with the non bona fide case, the person who is trying to wangle his way into a flat on the grounds of some personal relationship. It is perfectly possible for someone to move into a flat just before an old person, for instance, is going to Mount Alvernia. It can happen, and I know of one particular case where this has been planned a considerable time in advance. Now these are factors which should be borne in mind but there should not be a right to wangle one's way into a flat. Therefore, we feel that more flexibility would be given if the spirit of this amendment were to be incorporated into the rules. Moreover, Sir, there is if I may perhaps anticipate matters slightly, an amendment by the Opposition coming - and I give way to the Hon and Learned Leader of the Opposition if he wishes on this - coming from the Opposition providing that no rules shall be made under subsection 1 of the section concerned and the Government is in a position to accept this amendment as it has done in connection with the Industrial Training Ordinance and, I believe, the Statistics Ordinance. Sir, I feel that this is sufficient safeguard to the House and to the individual, and that this, combined with the main amendment introduced by the Government, the appeals to the Court, should provide sufficient safeguard. And I would, therefore ask the Hon and Learned Leader of the Opposition to reconsider this amendment.

Hon Sir Joshua Hassan

Well, I am grateful for the acceptance of the principle in this, where we vary fundamentally in this approach is that the way the Minister puts the matter before the House it would look as if the Government has got no remedy now against cases of abuse, and I think the Government has got remedies because the Government is not



bound by the Landlord and Tenant legislation, and in any case under the Landlord and Tenant legislation there is no protection for a tenant who does not reside in the house after a particular time. So there is where we differ. It looks as if it is only now that there will be remedy. I agree that this is a much more drastic remedy and it may well be that it requires drastic action but drastic action could have been taken anyhow, so there is where we differ fundamentally. We still do not like the bill, but if what the Minister is saying is that some kind of definition for the purpose of protecting the family is intended in the regulations which are coming here, if that is what he said, whether it is in these terms or something similar at least in spirit, then I am quite happy to postpone or rather to leave this out but I would make it clear that something of this nature does not appear in the rules which have come here by resolution I will have to move that they be altered to include something of this nature. This is as far as I can go because this is the only way I can safeguard what I consider to be a very important factor. In those circumstances if I can get not an undertaking, I do not require an undertaking, because I am always free to put it in myself, but, an indication that the matter will be approached in that spirit and that by accepting the principle that bona fide members of the family are entitled to protection, I would be happy to withdraw the amendment.

Hon M Xiberras

Sir, I am grateful also for the spirit of those remarks and even though the Hon and Learned Leader of the Opposition has not called for an undertaking, I am prepared to give such an undertaking, provided it is clearly understood that the Government's main purpose is to avoid unfair acquisition of flats. Sir, I think that the only other point which I make in connection with this amendment and in a very general sense is that some rules are better than no rules, and previously unless it was the Landlord and Tenants Ordinance it was executive action one week's notice whereas now there are rules which we may debate and differ about but there will be rules for the tenants themselves to appeal to.

Hon Sir Joshua Hassan

If I may withdraw the amendment for the moment subject to the leave of the House.

Mr Speaker

Under Standing Order 34(10) it is possible to withdraw the amendment. It reads: "An amendment, a new clause, a new schedule, may be withdrawn at the request of the mover, by leave of the Committee before the question has been fully put thereon provided there is no dissentient voice". As there is no objection leave to withdraw the amendment is granted.

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

Clause 2 as amended stood part of the Bill.

Clause 3 was agreed to and stood part of the Bill.

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

Clause 5

Hon M Xiberras

Sir, I would like to propose the following amendment with the leave of the House. In line 2 insert "personally" after "no longer". Sir, May I say in support of this amendment that this is a question perhaps.....

Mr Speaker

As there is a further amendment to the clause that you wish to propose perhaps we will have them both. It is an amendment to the clause itself.

Hon M Xiberras

Very well, Sir. Second amendment to do with this clause Sir. Add thereto the words "And that the tenant may within fourteen days from the service of the notice appeal to the Magistrates Court on the ground that he is, in fact, in personal occupation of the premises". Sir, in support of the first amendment, may I say that this is primarily a drafting point in order to standardise the definition of occupation. Sir, in support of the second amendment, may I say this heralds the amendment I propose to introduce under Clause 6 allowing for right of appeal to the courts. Since there has been agreement on the general principle, as I understand it, of having appeals to the Courts, with leave of the House and the Opposition's agreement, perhaps this principle, the second I have mentioned, could be discussed more appropriately under Clause 6.

Mr Speaker

I am taking this as one amendment to the clause and I will now propose this amendment.

Hon Sir Joshua Hassan

I do not oppose this amendment, on the question of longer personally in occupation, because as I understand it if we come in the rules to some definition of what "personal occupation" is, it does not alter the principle by adding the word "personally" at this stage.



Hon M Xiberras

Sir, I would like to make clear on my side that it is proposed to add those words: "and that the tenant may, within fourteen days on the service of notice," and so on at the end of the sentence. I therefore commend the amendment to the House, Sir.

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

Clause 5 as amended stood part of the Bill.

Clause 6

Hon M Xiberras

Sir, I would like to propose the following amendment: Substitute for clause 6 the following new clause: "Right of appeal against notice", and since this is a new clause Sir, I do not know whether I should ask permission to take it in this order or not.

Mr Speaker

I do not think it is a new clause. Clause 6 has been amended by the substitution. I think the new clause will be the subsequent one.

Hon M Xiberras

I see, in that case, Sir, the amendment I propose to read as follows: Substitute for clause 6 the following new clause:

"Right of appeal against notice. 6.(1) Where a notice under Section 5 has been served on a tenant in respect of any premises, the tenant may within fourteen days from the service of the notice appeal to the magistrates' court, on the ground that he is in fact in personal occupation of such premises.

(2) On an appeal under this section the court, if satisfied that the tenant is in fact in personal occupation of the premises, shall by order cancel the notice, but shall otherwise by order confirm it.

(3) A notice served under Section 5 shall, unless previously withdrawn by the Housing Manager with the approval of the Committee, become final -

(a) where no appeal under this section is brought against it within the time mentioned in subsection (1) of this section, at the end of fourteen days from the expiration of that time;

- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, at the end of fourteen days from the date of withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought, is not withdrawn or dismissed as aforesaid, and is finally determined by the confirmation of the notice, at the end of fourteen days from the date of the final determination of the appeal.

(4) The procedure under this section shall be by way of complaint for an order, and the Magistrates' Court Ordinance shall apply to the proceedings; and for the purposes of this section the making of a complaint shall be deemed to be the bringing of the appeal.

(5) A person aggrieved by an order made by the magistrates' court on determining a complaint under this Ordinance may appeal therefrom to the Supreme Court; and for the avoidance of doubt it is hereby declared that the Housing Manager may be a person aggrieved within the meaning of this subsection."

Sir, I mentioned earlier that this was the main amendment brought on the Government side. I also said earlier that the Government wished this to be an effective Bill, what we want to do is to be able legally to take a flat which is not being used. Our original reluctance to put in an appeal to the court was that we did not want to get involved in legal arguments of the kind that landlords and tenants would produce, because Government is making a special effort in providing housing for the community and housing is very scarce in the community. Sir, the amendment appears to be a lengthy one but I assure the House it is one principle which is involved. That is that there should be appeal to the Magistrates' Court. I have here, Sir, for my own guidance a little sketch of how things were going to work according to the old bill and one of how it would work under the new bill and I will go very briefly through it just for the sake of the record. According to the old timing of things, the Housing Manager would refer a case that came to his notice to the Housing Allocation Committee, the Housing Allocation Committee would consider it. If the tenant had not been in personal occupation for a considerable period of time, eventually with the agreement of the Committee, a notice would be served by the Housing Manager. Four weeks would elapse after that and the matter would be referred once again to the Housing Allocation Committee. If the Housing Allocation Committee thought that there was no reason to change the decision then the final notice would be served and the



Government would determine the tenancy. Sir, this provided four weeks time for an aggrieved party to come forward and make his complaint and try to convince the Housing Manager or the Housing Allocation Committee, or both, that in fact he had been unjustly treated. Obviously, even at the first stage it took a considerable period of time for the whole thing to come clearly to light. A period of the tenant not being there, a period of decision by the Housing Allocation Committee and in that end it was open ended in fact. The proposed new timing is as follows: the Housing Manager will again refer the matter to the Housing Allocation Committee who will consider whether there is good reason for the Government to start the procedure working. A notice would be served in Form A which I will bring to the House in a moment. A notice would be served and there would be a period of appeal of fourteen days following the issue of this notice on Form A. Then comes the end of the appeal, but the appeal in this case would be to the Court, not to the Housing Allocation Committee. Then, Sir, after that there are another fourteen days at the end of which the determination of the tenancy would take place. Fourteen days therefore of right of appeal to the court. Fourteen days one might say grace in which to convince the Housing Manager and the Housing Allocation Committee to drop the procedure, and I understand possibly to affect also the court, to be allowed in certain circumstances to appeal even after the first fourteen days elapsed. So really twenty-eight days in which to appeal, the same period of time as we had before but in this case an appeal to the Court rather than to the Housing Allocation Committee. Sir, there is provision in the clause for the Magistrates' Court to deal with this matter within twenty-one days of the matter being put to the court by the Housing Manager. This has been really the factor which has enabled us to bring forward this amendment which, of course, I was perfectly willing to bring before except I did not think about this particular rule and I am much indebted to the Hon and Learned Friend the Attorney-General for thinking of this twenty-one days' rule which is aimed at bringing about a quick, reasonably quick, should I say, conclusion to a matter of this kind. I do not think it would be fair to have somebody shunting between London and Gibraltar or any other place than Gibraltar, claiming personal occupation for one day and then going off for two years and then coming back and things of the kind that is, not really making full use of the flat. And I have, Sir, about six cases documented here in which I can show that such things are, in fact, taking place and the house is empty for most of the time. There are cases in which the houses are passed on in fact to somebody else and the person lives mostly away from Gibraltar, practically entirely away from Gibraltar, and a person is also at the same time leasing out a Government flat to somebody else and these things are really quite unfair I would say. Sir, with this procedure I think both principles are balanced. First of all that the Government has a right to make the best

possible use in the interest of the community of the accommodation available and, secondly, that the individual has the right to appeal to the courts. It is a balance which alters from time to time depending on the situation and on the subject but in this situation I feel it is a nice balance, it is one which fits the situation.

Mr Speaker proposed the question.

Hon Sir Joshua Hassan

Sir, as I said before, I am very pleased that the idea of leaving the whole of this law as it was advocated on the other side at the beginning to the executive has now been not followed strictly and that there is this provision, and I am glad that the Minister has been convinced by a lawyer that legal process can be as expeditious if not more perhaps than administrative process and due regard to fair play, justice and all the rest of it not only is it fair but it ought to look that it is fair. For that reason we very much welcome this amendment which goes some way to meet the main objection that we raised on the second reading of the Bill because it does give a completely impartial and unprejudiced hearing to anybody who has got a bona fide case to fight it out, and we support the amendment.

Hon M Xiberras

Sir, I thank the Hon and Learned Leader of the Opposition for supporting this amendment. I should make it quite clear that I was not convinced by a legal member; I was advised by my Hon Friend. Again, perhaps, if the Hon and Learned Leader of the Opposition had not called the Bill unconstitutional and refused to take up my invitation to provide any amendments which in his vast experience he might be able to produce then, of course, this matter might have come directly from the other side, but it didn't, it was someone else who advised that this was the way of reconciling effectiveness with due regard for individual rights. Sir, I have not gone through all the various subsections of this clause, I just repeat before I commend the Bill to the House that they are all really consequential once one accepts the principle of appeal to the Magistrates' Court.

Hon Sir Joshua Hassan

I would like to say, Mr Speaker, that I knew some amendments were coming and I was not going to do my own. I let the Government do their own homework. That is what they are paid for.

Mr Speaker then put the question which was resolved in the affirmative.  
Clause 6 as amended stood part of the Bill.



Clause 7Hon M Xiberras

Sir, I beg leave to introduce this new clause under the proviso of Standing Order 34(7) so as not to confuse the House, Sir.

Mr Speaker

Leave is granted.

Hon M Xiberras

Sir, the amendment which I beg to move is as follows: insert after new clause 6 the following new clause: "Determination of tenancy. When a notice relating to any tenancy has been served under Section 5 and has become final under subsection 3 of Section 6, the Housing Manager shall forthwith determine the tenancy by serving on the tenant a notice in Form B in the Second Schedule and any rent paid by or on behalf of the tenant under the tenancy agreement for the premises for any period thereafter shall be returned to him. Sir, I think the purpose of this amendment is to tie in with the new appeals procedure which has been accepted by the House already.

Mr Speaker proposed the amendment.

Hon Sir Joshua Hassan

I have nothing to say.

Hon M Xiberras

Sir, I commend the amendment to the House.

Mr Speaker then put the question that the clause be added to the bill which was resolved in the affirmative.

Mr Speaker

Mr Clerk will you please continue calling the clauses according to the old clauses. Numbers I mean.

Hon M Xiberras

Sir, clause 7 could be renumbered as 8 or am I going on ahead?

Mr Speaker

To avoid confusion I specifically told the Clerk to call the old clauses and then you can propose that clause 7 be amended by renumbering it 8. Otherwise we are going to be confused.

Clause 7Hon M Xiberras

Sir, I beg to move that clause 7 be renumbered as clause 8 and in line 1 substitute "6 or 7" for "5 or 6". They are consequential amendments.

Mr Speaker proposed that the amendment be made.

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

Clause 7, as amended, stood part of the Bill.

Clause 8Hon M Xiberras

Sir, I beg to move the deletion and substitution therefor of the following as clause 9;-

"Entry on 9.(1) The Housing Manager may, on the determination of a tenancy under Section 7 - of property

on the premises. (a) enter upon the premises and remove therefrom all moveable property therein;

(b) sell any perishable goods therein.

(2) The Housing Manager shall, on removing from any premises any moveable property under subsection (1) of this section -

(a) give the tenant notice of such removal, in the manner prescribed by Section 8;

(b) notify such removal by a notification in the Gazette stating that such property is held under the provisions of this Ordinance and that it will, unless duly claimed within the period of not less than six months from the date of publication of such notification, vest in and become the property of the Government.

(3) Subject to any claim under subsection (2) of this section and to the rights of any third party therein, any moveable property of a tenant removed under this section shall, on the expiration of a period of six months from the date of publication of the notification referred to in subsection (2) of this section vest in and become the property of the Government."



Sir, the clause really should be taken from middle upwards and then downwards. If I may explain that, in simple language. The Housing Manager cannot take possession and sell the goods unless he has satisfied certain conditions; notification of the tenant, a due period of six months before he sells the property and so on. Then if he does sell - he has powers to actually sell, if I may put it that way - he can enter the premises and take the goods including perishable goods. Then, Sir, the aggrieved party if he has not been successful in his appeal to the court, or if he has not made an appeal to the court, can put in a claim for his belongings and on putting in the claim the Government shall reimburse the full amount of any money obtained from the sale of the furniture. Sir, the reason for this is not obviously that the Government is intent on taking over furniture in a particular but we must ensure that when dealing with a person who might be away from Gibraltar for a considerable amount of time that there is every opportunity of (a) of allowing him to claim and (b) that if he does not claim that the Government can dispose of the property as I have described in the clause.

Mr Speaker invited discussion on the amendment.

Hon Sir Joshua Hassan

Well, it follows the pattern of the Bill and therefore I am not speaking on the principle of it but I am not right in thinking that the word in 9(2)(b) four lines from the bottom "not less than" are not necessary there. Surely it cannot mean that anybody has got to wait for six months before he claims his property. "Unless duly claimed within the period of not less than six months" but surely it must mean unless claimed within the period of six months. Otherwise it means then that a person cannot claim the property for six months. If so, why?

Hon M Xiberras

Sir, the intention is that he should have a six months period to claim it "Unless duly claimed within the period of not less than six months", to me would appear to be the correct wording. Perhaps it is one of these things that the more you look at it the more confused it seems.

Hon Lt Col J L Hoare

May I say, Mr Speaker, that not less than six months can be ten months, and therefore if he is going to claim it for ten months, it cannot be got rid of within six months.

Hon M K Featherstone

Sir, if the Hon Minister could look on the back of the postal order it states that should it be lost and unless claim is made within six months you don't get the money. It doesn't say within not less than six months. You have got six months in which to make your claim, after that you lose your rights.

Hon M Xiberras

Sir, I don't happen to have a postal order handy but I take the Hon Member's word for it. "Not less" was introduced in order to emphasise that there would be a period within which the person could claim. I am advised again that we have no objection on this side to the wording proposed on the other side.

Hon Sir Joshua Hassan

It is a matter of getting the legislation to say what you want it to say, and therefore it looks as if the person has got six months in which to claim and you should not debar him to claim within that period. The sooner he takes it out of the Government the better.

Hon M Xiberras

Sir, I repeat it was put in to emphasise the point. I cannot accept that it means the opposite but I am willing to accept within six months if that is pleasing to the House.

Mr Speaker

Well, may I have the proposed amendment to the amendment.

Hon Sir Joshua Hassan

That the word "not less than" be deleted.

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

The amendment to the amendment was accordingly carried.

Mr Speaker then put the question that the amendment by the Minister for Housing be made.

This was agreed to and Clause 8 as amended stood part of the Bill.



Clause 9Hon M Xiberras

Sir, I beg to move the following amendments: Renumber Clause 9 as Clause 10 and (a) insert in line 3 after the words "claim from and" the words "shall in such event". (b) in line 5 substitute for the figure "8" the figure "9". Sir, the first amendment emphasises the point that the money must be paid by the Government if the claim is made. In other words the claim does not have to be considered. It is automatic that if a claim is made the money is given to the tenant or ex-tenant. Sir, the other one, the "8" for the "9" is consequential.

Mr Speaker

Have you proposed as an amendment that it should be renumbered 10?

Hon M Xiberras

I have, Sir.

Hon Sir Joshua Hassan

Well Mr Speaker as I have given notice to the Minister that I have an amendment to Clause 9, if we agree to the amendment now, I am losing my opportunity because the clause will be passed as amended. So I would like to deal with this and perhaps we could take the amendment in order then.

Mr Speaker

By the rules of course it is my duty to take amendments of which notice has been given before. Perhaps we might solve the impasse by your proposing an amendment to an amendment by which you say that the whole clause should be deleted.

Hon Sir Joshua Hassan

Yes, I think that will be best. We can take the amendment now and then I can move that that be amended. I now move that the clause as proposed to be amended be further amended by the deletion of the proviso.

Mr Speaker

You are proposing an amendment to an amendment that the proviso should be deleted.

Hon Sir Joshua Hassan

Yes, and we can have the thing thrashed out now. Mr Speaker, I have no objection to the proposals of the amendments moved by the Minister with regard to a substantive part of the clause. Now the reason for proposing the deletion of the proviso is that I think it would be rather unfair after having deprived somebody for whatever reasons, having obtained the furniture, having sold it and so on, to delete from such money as may become available the cost of any repairs of renovation necessary on the determination of the tenancy other than those due to fair wear and tear or to render the premises fit for occupation. This may involve much more than the normal responsibility of a tenant to repair the house and I do not think it is intended, I hope it is not intended to mulct the person from the value of the furniture. If it were said that such repairs necessary under the terms of the tenancy, it would be less objectionable. But they talk about renovations. Why should the Government housing be renovated at the expense of the furniture of somebody who has been deprived of it, when it is not his responsibility. True, that it would be all right to deprive him of the money to carry out the repairs that are his responsibility but I cannot understand that there is any responsibility on the part of any tenant in Government dwelling now to renovate the premises. So either we take away the proviso or if the Minister I understand is not happy about it, at least make it clear that it is any repairs necessary under the tenancy, not on the determination of the tenancy because that would be physically necessary and not just under the legal terms of the tenancy. I hope my point is clear. You cannot make him pay more with the proceeds of his furniture than he would have been due to pay if he had been a tenant who left the premises. Not because you have the property and the money are you going to mulct him to carry out renovations to property. I think this is very unfair.

Hon M Xiberras

Sir, I believe the Hon and Learned Leader of the Opposition is assuming things. What I am saying is that if there is such a person who practically wrecks his flat about six months before he goes off, to the United Kingdom, for instance, or leaves the flat in a terrible condition and doesn't bother to appeal when he comes back and leaves some furniture behind, then, such a person has occasioned damage to the property and it is impossible to get him to pay for such repairs. That is the purpose of this proviso.

Hon Sir Joshua Hassan

It may be the purpose but it goes much further than what the purpose is. If it is said: "cost of any repairs which are properly the tenant's responsibility", yes.



If the Minister will accept an amendment of words in the proviso such as "the cost of any repairs which are properly the tenant's responsibility", I would withdraw the amendment. Any repairs which are the tenant's responsibility.

Hon M Xiberras

Sir, we have been discussing on this side whether "in accordance with the tenancy provisions" would be in fact an adequate amendment to the amendment. And we feel that it is an important principle to introduce to the Bill, because what we are doing is moving from the tenancy agreement into the ordinance - this is the general spirit of the Bill - whereas this would put us back into the tenancy agreement. Therefore I take the point of the Hon and Learned Leader of the Opposition. At this short notice I cannot accept the second proposal though I do perhaps see a glimmer of sense in it. I am prepared to accept this suggestion at this particular time.

Mr Speaker

Does any other member wish to speak on the amendment to the amendment? I would then put the question which is that the amendment to the amendment as proposed by the Hon Leader of the Opposition be made. Those in favour? Those against? May I hear the vote on the Government side? I am afraid it wasn't very clear. We are voting on the amendment to the amendment. I have said those in favour of the amendment to the amendment proposed by the Leader of the Opposition? Those in favour? Those against? I would rather hear the Government say no, if they are against the amendment. The amendment to the amendment is then defeated. I will now put the question which is that the amendment proposed to Clause 9 by the Hon Minister for Housing be made. Those in favour? Those against? Carried. Clause 9 as amended stand part of the Bill.

Clause 10

Hon M Xiberras

I beg to move, Sir, that Clause 10 be renumbered as Clause 11.

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

Clause 10 as amended stood part of the Bill.

Clause 11Hon M Xiberras

Sir, I beg to move that Clause 11 be renumbered as Clause 12.

Hon Sir Joshua Hassan

I would like to propose an amendment to the amendment, and that is that Clause 11 be deleted of which I have given the Minister notice. I mean Clause 11 as printed not as proposed. Mr Speaker, I did raise my objections in the course of the Second Reading that the conditions of tenancy which are the standard form of the tenancy agreement should be contractual and not statutory. I do not think it is a good idea to have it in the schedule, nor do I think that it is fair to superimpose these conditions by statute and the only way it can be done is by deleting the clause.

Mr Speaker

I now put the question which is that the amendment to the amendment be made.

Hon M Xiberras

Sir, I cannot support this amendment to my amendment because Government property is by far the largest in Gibraltar certainly as far as flats and dwellings are concerned, and I think Government has a special responsibility and that we have a special problem these days with the cleanliness and upkeep of the various blocks of flats. My intention as I mentioned in the Second Reading of the Bill in putting these tenancy conditions into the law was to enable the House to give its full weight to any proposal better to maintain Government property and better to protect the welfare of the people who live in Government property. As I said earlier, Sir, the Government is perfectly willing to accept the amendment that is going to be made by the Opposition for Clause 12, that is, that no rules should be made without coming to this House and I therefore would ask the Hon and Learned Leader of the Opposition to consider those things that have gone already into the schedule now and to say whether he considers these to be reasonable or unreasonable. Any future inclusion in this schedule would, in fact, come to the House so that we would have the full force and weight of this House behind any regulation made for the upkeep of Government property and flats. Gibraltar is exceptional in the sense that there are so many Government blocks of flats together of the same kind and therefore things as tidiness, upkeep, cleanliness and so on, all these things would in fact come before the House for the support of all Members. This is quite the opposite, Sir, of executive directions. This is really agreement and consensus by people around this



floor so that the message can go out from here that these are the conditions that the House considers reasonable for property which is extremely valuable and which the House is often engaged in debating. I would remind the House of what the conditions in the first schedule are.

"The tenant shall not paint, colour, wash or otherwise vary the external decorative scheme of the premises. The tenant shall not for any cause allow any box, parcel, flower pot, refuse, rubbish or any obstacle whatever to be left in the passage or any landing outside the premises; throw or allow dirt, rubbish, rags or other refuse to be thrown down any water closet, or use spirits, salt or hydrochloric acid and so on". We have taken off one, in fact, I took the Hon and Learned Leader of the Opposition's point on this, and that was the washing, and that is not in as you can see. Sir, I think that these things are perfectly acceptable and perfectly reasonable and that the House will have a perfect chance of debating every single one of them if it so wishes.

Hon Sir Joshua Hassan

I think the Minister has got it all wrong. My objection at the time was in putting it into statutory form and I have, apart from the fact that when you look at them carefully you see how difficult the implementation of some of them are in practice, though most of the things that are intended to be prohibited are not only reasonable but necessary, if it is going to be a reasonable life amongst tenants particularly in high blocks of many flats. It is only the fact as we have said all along of imposing these things into the statute. I do not think that they have less force or more force, if they are in the statute than if they are the conditions of regulations and that is all. But I see it there has been no proposed amendment to the Third Schedule that for the Minister to say that he has taken note of it. The point really is the implementation. If you need, for example, permission to have a bird - of the feathered variety - in a block of flats, you would need a bird officer. I am sure there would be plenty of competition for the job. Anyhow, I felt that I had to make the point. I am neither withdrawing or insisting. I think we ought to have a vote, but I do not feel very strongly. If the Minister thinks that if we give support to this, people are not going to put out bras and so on in the open, we will vote in favour.

Hon M Xiberras

Sir, again I have reason to be grateful to the Hon and Learned Leader of the Opposition. Undoubtedly there are problems of implementation but I think that one should not be defeatist about these things and I shall be bringing into the House in a lengthy statement at some time, certain administrative measures which are proposed in order to try to stem gradual deterioration,

in attitudes of tenants in Government flats. And this, I think, psychologically that the House should vote to include this Third Schedule in the Bill is going to be I can assure the House of great usefulness and of great encouragement to the Housing Unit.

Hon Sir Joshua Hassan

I ask the leave of the House to withdraw my amendment.

Mr Speaker

And I, with the leave of the House, grant it and I therefore put the question which is that the amendment proposed to clause 11 by the Hon the Minister for Housing be made. Those in favour? Those against? Carried.

Clause 11 as amended stood part of the Bill.

Clause 12

Hon Sir Joshua Hassan

Mr Speaker, I already have an indication that this was going to be accepted so I do not propose to say very much. Whereas in the original one the rules would be laid before the House, the proposed amendment is that the rules to be made shall be in draft form and shall be laid before the House and approved by resolution to the House which of course means that we shall be able to debate it, and perhaps contribute in this rather difficult matter of detail and so on. I am grateful for the indication that this is agreed and I am very happy that we have been able to make some contribution in respect of that part. The amendment is to delete subclause 2 and substitute it by "no rule shall be made under subsection 1 of this section, unless a draft thereof has been laid before the Assembly and has been approved by resolution of the Assembly."

Mr Speaker

I now propose that this amendment be made.

Hon M Xiberras

Sir, again the Government will support this amendment as it has been in the case of the Industrial Training Ordinance, and the Statistics Ordinance. I feel I should say that this situation has been repeated in the House a number of times and there is no real objection on the Government side to the principle that things should be discussed by the House and it is only a question of which of the forms one should adopt. Given the spirit of contribution and discussion which has emerged from the



Opposition in this particular sitting of the House, again of course we are perfectly prepared to encourage further constructive discussion in other meetings and this amendment might certainly contribute to this.

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

Hon M Xiberras

Sir, I propose that clause 12 be renumbered clause 13 and in paragraph (d) substitute for the figure "8" the figure "9".

Mr Speaker put the question which was resolved in the affirmative, and clause 12 as amended, stood part of the Bill.

Clause 13

Hon M Xiberras

Sir, I propose that clause 13 be renumbered as clause 14.

Mr Speaker put the question which was resolved in the affirmative and Clause 13, as amended, stood part of the Bill.

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

The Second Schedule

Hon M Xiberras

Sir, I beg to move in the second schedule the substitution of Forms A and B by the following new forms:-

## FORM A

Sections 5 and 8

## HOUSING (SPECIAL POWERS) ORDINANCE 1972

Notice of Intended Determination of Tenancy

To . . . . .

Of . . . . .

WHEREAS I have reason to believe that you are no longer personally in occupation of the abovementioned premises:

NOWHEREFORE pursuant to the provisions of Section 5 of the Housing (Special Powers) Ordinance 1972, and with the approval of the Housing Allocation Committee, I hereby give you notice that it is proposed to terminate your tenancy on the ground that you are no longer yourself personally in occupation of the said premises.

2. You may object to this Notice by filing your objection with the Clerk to the Magistrates' Court, within fourteen days from the date of service of this Notice.

Dated this            day of

.....  
Housing Manager  
for and on behalf of the Government

(Served this            day of

for Housing Manager)

NOTE: Any person who without lawful excuse enters into or remains in occupation of the abovementioned premises after the issue of the above Notice is guilty of an offence under Section 11 of the abovementioned Ordinance and liable on summary conviction to a fine of up to £200.



## FORM B

Sections 7 and 8

## HOUSING (SPECIAL POWERS) ORDINANCE 1972

Notice of Determination of Tenancy

To . . . . .

Of . . . . .

IN exercise of the powers conferred on me by Section 7 of the Housing (Special Powers) Ordinance 1972 I hereby determine your tenancy of the abovementioned premises, with effect from the date of this Notice.

Dated this.....day of.....19....

. . . . .  
Housing Manager

for and on behalf of the Government

NOTE: The effect of the above Notice is that the Housing Manager may on behalf of the Government enter upon and remove from the abovementioned premises all moveable property therein. This will be stored under the provisions of the Ordinance, and is liable to vest in and become the property of the Government.

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Sir, this is a consequential amendment but since it is, I believe, the last amendment to be made, perhaps I could say that on a Bill which started off as being deemed unconstitutional by the Opposition I think there has emerged perhaps not the perfect answer to this problem but certainly an answer which is going, I feel, to do a lot to remedy what I have termed and I term again blatant injustice of a flat being left unoccupied over long periods of time when there are hundreds, indeed 1,700 people on the waiting list. I would like to thank the Opposition for the spirit in which they have contributed to the Bill and assure them that this Bill can easily be superseded by another Bill if anybody has any better ideas about this. But in the meantime this is really a frontal attack on this problem and every member of the House who has contributed to this can rest assured that without persecuting anybody, without looking for cases, there are already a number of cases which have been under consideration for a considerable period of time by the Housing Allocation Committee and they have been unable to take action because the proper machine and the proper procedure was not there for them or the Housing Unit or the Government or this House, in fact, to use.

Mr Speaker

I now propose that this amendment be made.

Hon Chief Minister

Mr Speaker, I would like to just say that it is another instance where this Government, in a rather short time, has been able to face a very difficult situation which apparently a lawyer could not do before, and which a teacher has taught a lawyer how to do it. This is indeed a very difficult subject which we have had to tackle very carefully for the very reasons that it has been debated here at length as to the right of the individual to his home. There was no intention at any time right from the beginning of the introduction of this Bill, to interfere with those rights. At the same time, we have to safeguard the rights of the community as a whole, a right which I think every individual in Gibraltar has got to Government housing under the Housing Allocation Scheme. And the main objective of this was to prevent people either to keeping unoccupied houses for a length of time which could well be occupied by other families or by this means to jump the queue of the allocation scheme. I must congratulate the Minister himself, the amount of work he has put into this. Very shortly, and he took over this responsibility he tackled this nettle, which I know was not an easy one as the Leader of the Opposition himself has said. And I am so glad that it has been possible with the concurrence of both sides of the House to arrive at a measure which I think will be to the benefit of the community as a whole and without interfering in any way with the rights of the individual. And also I would like to add of course the man who has been working so hard not only with this bit of legislation but with all the other legislation that we are bringing into this House and that is the Attorney-General himself.

Hon J Caruana

Mr Speaker everything that has had to be said on this has been said for the time being. Legislation moves with time and no doubt they require amendments as time goes on, with changing conditions. When the bill was first brought by my friend the Minister for Labour and Housing I did say I had no qualms in supporting the bill in principle because it was correcting a great injustice which existed in Gibraltar and which was rather blatant. Mr Speaker, I think it has been rather creditable to the Hon and Learned Leader of the Opposition that he has done all the speaking for the Opposition and that the shadow Minister for Housing has been conspicuous by his silence.



Hon Sir Joshua Hassan

I wish other members followed the example of the shadow Minister for Housing, when they talk out of turn. I was going to say, and therefore the remarks of the last speaker who said there was nothing to say were all superfluous on his own admission. But I was going to say with regard to the little homily from the Chief Minister: (a) that we objected strongly to the bill as it was originally presented because it was all to the executive and if one may remember the Hon Backbencher said the beauties of the executive and not bringing in the judiciary into it, has also kept silent and followed the pace of the amendment without a word. So we have achieved a considerable amount of what we set out to do and that is to bring the courts into the actions of the executive in order to stop possible abuses and protect the lawful tenant who deserves every protection whereas we have never been at all worried or rather we have been quite prepared to help in every way to stop the abuses. But even again steps could be taken. I know it is more difficult but not completely impossible. However, I agree that this is a much quicker remedy in order to get on with it and may make a few people think in future what to do with the houses they occupy. But overall we must remember, it has been stated over and over again that there are three or four, ten or twelve cases, there are thousands of people who have been housed over the years the bulk of whom are well behaved, good tenants, pay their rents properly and keep their houses beautiful.

Mr Speaker

Just before anyone else gets up, may I say that we are debating exclusively the Schedule to the Bill. That the time to talk on the general principles went past when we discussed it at the Second Reading and unless anyone has anything to say on the Schedule, perhaps we should now take a vote.

Hon Lt Col J L Hoare

There is one point, Mr Speaker, I am not criticising this but I would think that perhaps Form B might be improved slightly, if on the last line or the last two lines, where it says "and is liable" was altered to read: "and if not claimed within six months is liable to be vested in". I think this is a warning to the recipient which will bring to his senses that he has really got to get cracking within six months.

Hon M Xiberras

Sir, we on this side are perfectly prepared to accept this improvement. I should say in relation to another part of this form that the suggestion to take the matter to the courts, or to allow an appeal to the courts in no way emanated from the other side.

Mr Speaker

Col Hoare will you please tell me what is the amendment you are proposing?

Hon Lt Col J L Hoare

It is that in the note to Form B in line 4 after the word "Ordinance" the word "and" be deleted and substituted by "and if not claimed within six months" and carries on. That is all Mr Speaker.

Mr Speaker put the question in the terms of the Hon Lt Col J L Hoare's amendment which was resolved in the affirmative.

Hon M Xiberras

Sir, one minor point. And that is that after the Hon and Gallant Member's amendment, it would be perhaps good to say as follows: "if not claimed within six months will vest in and become the property of the Government" rather than "is liable to". So, Sir, I propose an amendment to the amendment to the amendment!

Mr Speaker

The amendment to the amendment has been carried. But you can propose an amendment to your amendment.

Hon M Xiberras

Sir, I beg to move an amendment to my amendment as amended, and that is the deletion of the words "is liable to" and substitution therefor by the word "will" in the penultimate line of Form B.

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

The amendment was carried.

Mr Speaker then put the question that the amendment to the Second Schedule be passed.

This was resolved in the affirmative.

The Second Schedule as amended stood part of the Bill.

Third Schedule

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

The Third Schedule as amended stood part of the Bill.

The LONG TITLE was agreed to and stood part of the Bill.



Hon Attorney-General

Sir, I have the honour to report that the Criminal Law Bill; the Criminal Justice Bill; the Family Law Reform Bill; the 1970/71 Supplementary Appropriation Bill; the Pensions (Amendment) Bill; the Income Tax Amendment Bill; the Family Allowances Amendment Bill and the Housing Special Powers Bill, have been considered in committee and agreed to with in the case of the Criminal Law, the Criminal Justice and the Housing Special Powers Bills, amendments, and I now move that they be read a Third Time and passed.

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

The Bills were read a third time and passed.

The House recessed at 1.00 pm and resumed at 2.15 pm.

(1) PRIVATE MEMBERS MOTION - The Hon P J Isola

HON P J ISOLA:

Mr Speaker, I have the honour to move the motion standing in my name which reads:

"That this House, whilst noting the audited accounts of the Gibraltar Broadcasting Corporation and the Chairman's report up to 31st March 1971, is nevertheless generally concerned about the Broadcasting Services and requests Government to consider the position."

Sir, earlier on in these proceedings a complaint was made by the Hon and Learned Leader of the Opposition that I had kept silence in the debate. May I assure him that I do try to keep my interventions to the absolute minimum and in moving this motion will try and be as short as possible but I do hope the House will bear with me on a subject which is both difficult and intricate.

Mr Speaker, the House had laid before it today the Financial Statement of the Gibraltar Broadcasting Corporation for the period ending 31st March 1971, accompanied by the Chairman's report. It is not necessary for me to say, of course, that the ambit of this motion is further than just the Accounts and the Report, and asks the Government, after noting the Accounts and the Report to consider the position of the Broadcasting Services and expresses concern with the situation with regard to the Broadcasting Services. Mr Speaker, Sir, it will not come, I think, much as a surprise to the House that this motion has been put down. At the last meeting of the House, I did express some concern when the increases in television licences were announced, and I did express some concern about the bias that was apparently being shown in the presentation of news. With regard to the former, that is the question of the increases of the television licences, I asked that consideration should be given to greater public participation in the manner in which programmes are produced and so forth. Especially as the public are called upon to pay directly through licences about a third of the total cost of the running of the Broadcasting Service. With regard to the question of the biased reporting, as it appeared to me, I did mention the manner in which the Budget Speech had been presented by the Television services, but more about this later on.

Mr Speaker, Sir, in moving this motion I am very conscious of the delicacy of the motion before the House. I am very conscious of preserving the independence of the broadcasting services and putting into effect the obvious intent of the Gibraltar Broadcasting Corporation Ordinance. I am very conscious of maintaining the freedom of the press,



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insofar as it is affected by the Broadcasting Services, but I am equally conscious of preserving the importance of democratic discussion, of the right of the individual and of the right of the Members of this House to criticise even the press and even the information services. The freedom of the press and the independence of the Broadcasting Services is an important principle, but this does not mean that they cannot be criticised by anybody else. It does not mean that they are free to present news as they feel fit or that they are free to criticise, but that as soon as they are themselves criticised or as soon as they are themselves called into question, they can hide behind the mantle of the freedom of the press or the independence of the Broadcasting Services. I do myself for obvious reasons, make a distinction between the principle of the freedom of the press, when applied to newspapers owned by private interest, and the principle of the independence or the freedom of the information services which are not meant to be there for profit, do not represent, or are not meant to represent any private interest. There is obviously a distinction, and it would be silly and absurd of this House not to recognise the obvious distinction and responsibility of the Broadcasting Corporation and owners of newspapers.

Sir, you will see that the motion has been couched, because of all the reasons I have given, has been couched in moderate terms. The motion does not condemn anybody, does not seek to condemn anybody, what I am seeking to do in this House is to express concern, some concern, at the situation and ask the Government, with all the procedures available to it, with all the information available to it, to consider the position. Let it not be said for one minute that the aim of this motion is in any way to challenge the independence of the Broadcasting Services, but to question whether in the presentation of news items, there is not reason to believe that it is not being independent and fair. Sir, I think if I am to get support for this motion from the House, I should show that there is concern, there are grounds for concern about the Broadcasting Services, that there are grounds for the Government to look into the matter, and that there are a number of objectives in relation to the Broadcasting Services, on which all members of the House should, I think, be agreed and to which we should ask the Government to work to when considering the position.

Sir, it would be idle for me in putting this motion to say that only I have expressed concern with regard to this subject. It must be public knowledge that considerable concern has been shown about the Broadcasting Corporation, or about the Broadcasting Services - their finances, what they spend, how they spend it, how they present news - by a great number of bodies of which I think the House must take note. For example, notably

among these bodies have been the Integration with Britain Party, whose elected members form part of the Government; the Transport and General Workers Union who represent I understand a large number of workers; the Consumer Association with its representatives; certain newspapers of the local press, perhaps it is fair to say that it is the Vox newspaper, and there have been a number of letters in the press recently about the subject some of which have carried a great number of signatures. Concern has been so widely expressed that the Chairman of the Broadcasting Corporation has thought it necessary to write a letter to the Editor of the Gibraltar Chronicle on the subject. So, let us not for one minute think that this motion is something that comes out of the blue, that this is something that should not be brought up. I think there is sufficient concern being shown by the public, the public which elects the members of this House, to support at least some enquiry by the Government into the position. People are awake, they are alive to the situation, and quite rightly, I think, want answers to their questions.

Sir, what I find always puzzling with regard to the Gibraltar Broadcasting Corporation, and puzzling from the accounts that have been presented, is the question of the set-up of the Broadcasting Services in Gibraltar. Is it in fact the Gibraltar Broadcasting Corporation that handle the Television and Radio Station, or is it somebody else, and if so who? You see, Sir, the Accounts as presented are presented as the accounts of the Gibraltar Broadcasting Corporation. One looks at reports of the auditors at page 1, the House will see that they refer to the Gibraltar Broadcasting Corporation. In his letter to the Editor of the Gibraltar Chronicle, the Chairman of the Broadcasting Corporation referred to an agreement that regulates Radio and Television Services, between the Gibraltar Government, the Gibraltar Broadcasting Corporation and Thomson Television International, which I presume is the same Thomson Television International that is shown as a creditor in the accounts laid before the House today on the balance sheet. Creditor for - £9,348. The Broadcasting Corporation's duties and obligations are clearly set out in the Gibraltar Broadcasting Corporation Ordinance and that says in fact what it should do and what it should not do, and is made subject to directions from the Governor in Council, which is of course an added reason why this motion is couched in these terms, because the Gibraltar Government can under the Gibraltar Corporation and through the Gibraltar Council, in fact do something about it, if it is thought necessary and after looking into the position. But on the Accounts, Section 14 of the Broadcasting Corporation Ordinance sets out that the Corporation has to establish a general fund into which all monies reserved by the Corporation are put, and so forth. Section 15, says that the Corporation shall keep



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proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of account, the obligation by statute is for the Corporation to keep accounts. Under section 15(3) of the ordinance, which relates to the auditing of the accounts - which is what we have here today, the audited accounts - requires the auditors of the company to certify certain things, which are the ones that are certified under the report of the auditors before the House. But it does say one thing under Section 15(iii)(b), it says whether in the opinion of the Auditors, proper books of accounts have been kept by the Corporation so far as appears from their examination of those books. So two important things I would like to bring to the knowledge of the House is that the law requires the Corporation under 15(i) to keep proper accounts and it also requires under 3(b) for the auditor to say whether proper books of accounts have been kept by the Corporation and in section 16 and this is obviously the reason why they must keep books of accounts under Section 16 the Corporation is empowered to receive and apply all funds which have been voted from time to time by the Legislative Council, now the House of Assembly. So that the first point I make on the accounts if I can now invite the Hon Members to look at the report of the auditors, is that, in fact, the Gibraltar Broadcasting Corporation has not kept its accounts. If you look at the report of the auditors, Messrs. Turquand Young & Co, it says, "we have examined the accompanying accounts with the accounting records kept on behalf of the Gibraltar Broadcasting Corporation by Gibraltar Broadcasting Limited," so that the first thing we find is that the Broadcasting Corporation's Accounts are kept by Gibraltar Broadcasting Ltd. Under (b) of the report of the auditors which is the same as 15(iii) (b) in the law, it is stated that "In our opinion proper books of accounts have been kept on behalf of the Corporation". So that the auditors are not certifying what they are required by law to certify and that is that proper books of accounts have been kept by the Corporation. What the auditors are certifying is that proper books of accounts have been kept on behalf of the Corporation by Gibraltar Broadcasting Ltd. Now my next question that arises and on which I would like enlightenment, I tried to get enlightenment in the Registry of Companies, and I find that Gibraltar Broadcasting Ltd is not a company registered in Gibraltar. Obviously Gibraltar Broadcasting Ltd operates in Gibraltar and under the Companies Ordinance, the Companies Legislation of Gibraltar, it is required by law to submit to the Registrar of companies a list of its directors, the place of business in Gibraltar and memorandum and articles of association of the company and where it carries on business in Gibraltar. Well, again a search revealed that no such returns had been made, so therefore it is not possible for me to say to this House who Gibraltar Broadcasting

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Ltd. is, who are its Directors,  
 / who are the people that are keeping the books of accounts for the Corporation, which is required by law to keep its own books of accounts. Now under the letter written by the Chairman to the Editor of the Gibraltar Chronicle, he refers to Thomson Television International. I assume, and I can only assume, that Gibraltar Broadcasting Ltd was a party to this agreement or alternatively it wasn't and it is a subsidiary of Thomson Television International Ltd, otherwise how its got in is something obviously the House will want to know.

When one goes to the next page, the balance sheet of the company, one finds that liabilities, there are liabilities, Gibraltar Television Rentals Ltd, Thomson Television International Ltd, Television International Enterprises Ltd. Well, none of these companies are Gibraltar registered companies at all. One does know that one of them, Television International Enterprises Ltd is a shareholder of a Gibraltar Company, I think it is Europa Rentals Ltd, and from the return in the Registry of Companies one finds that their address is the same in England as Thomson Television International Ltd, and as Gibraltar Television Rentals Ltd. So that in effect all these companies here to whom there are liabilities on the part of the Gibraltar Corporation, all seem to be associated and it is these companies or one of their associates, Gibraltar Broadcasting Ltd, which keeps the accounts for the Gibraltar Broadcasting Corporation. I assume that the only explanation there can be for all this is the management agreement that they are managing agents, but of course the managing agents of Thomson International are not Gibraltar Broadcasting, but anyway, the fact is that there are a whole series of companies apparently connected with the Corporation all of which seem to be subsidiaries of the Thomson Group who, in fact, keep the accounts for the Corporation I mention this, Mr Speaker, because being UK registered companies and assuming that they are all subsidiaries of the parent company of Thomson's parent company, for tax purposes in the United Kingdom, I believe, I am not sure of this, I stand to be corrected, losses of one subsidiary can be offset against profits of another subsidiary. The important point on that is that if the group makes a profit, an overall profit, it doesn't matter to the group if that profit is in one subsidiary or in another, as long as the overall accounts of the group are studied that is the net results for tax purposes in the United Kingdom. I am not trying, please be assured, I am not trying to make any point on this except that the fact that there is a deficit in one of the subsidiaries is not necessarily a disaster for the enterprise, especially if other subsidiaries e.g. the subsidiaries from which films are purchased is making a profit on the sale of those films. Now it has got some relevance in these accounts because you see, Mr Speaker, as the accounts are presented they are presented as the accounts of the Gibraltar Broadcasting Corporation. As I understand the



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the agreement set out by Mr Dumas in his letter to the Chronicle, the London end or Thomsons have to make up any deficit in the accounts. Now, if one looks at the second page of the accounts - Revenue and Expenditure - one finds there a management fee for Gibraltar Broadcasting Ltd - this is what leads me to suppose that Gibraltar Broadcasting Ltd is, in fact, a subsidiary of Thomson International who are the people with whom the Government made the agreement - so I presume they are the subsidiary, or the Government made the agreement with them and not with Thomson, I don't know. But anyway, that is something no doubt we can be enlightened upon but they get a management fee and the management fee is a straight fee of £4,375 over a period of 15 months and I am fully aware that this is accounts for 15 months, a management fee of £4,375 and 10% of net advertising revenue of £2,935, making a total of £7,310. That means as all the expenses apparently of running the station are there and there are details, exhibit 1, exhibit 2, exhibit 3, exhibit 4, gives the engineering the publicity gives everything, the wages, salaries, entertainment, travelling expenses, as all of it is down there, that £7,000 is clearly profit for Gibraltar Broadcasting Ltd. Now that means in effect as I understand the accounts, that the deficit, in fact, that Gibraltar Broadcasting Ltd has to meet is not £17000 because that £17000, £7000 is already theirs, is in fact some £10000. When you look at the other activities of subsidiaries of Thomson insofar as they provide films and so forth to the Government of Gibraltar, clearly the deficit is further reduced, as far as the parent company is concerned. I mean it is awfully easy to say my name is Smith, divide myself into five, and say one and two are losing, 3, 4 and 5 are making but I won't mention 3, 4 and 5, I just mention the 1 and 2 that's losing. In the same way as a group of companies e.g. if the net result of the group is profit one shouldn't be particularly sorry if one subsidiary is losing, especially as it is within the power of the group which by agreement is handling all the services, providing staff, engineers, and so forth. It is easy for the group, if it is so inclined, I don't say it has done it, but if it is so inclined, it is easy for the group to shift profit from one angle to the other depending on what suits its general UK income tax picture, because all these companies are apparently UK registered companies. Now I mention all this Mr Speaker, not out of any animosity to Thomson Television of any kind at all. I mention all this to show that it is dangerous for us to assume that if there is a deficit, it necessarily is a deficit as regards the whole operation as far as the Managing Agents are concerned. It is Mr Speaker, one has had it so often, hasn't one, in this House and in general matters of life, it is not often that a business says cheerfully I am going to lose money and go on losing money and I shan't do anything about it, and I love the people, and I love the people I am doing business with, and therefore I will go

losing money, that can happen. There must be some answer, there must be some catch, there must be some reason. And I respectfully suggest that the reason could lie and I don't say it does lie, that the reason could lie in the facts that I said before the House and in the comments that I have made, and the reason why I say all this is because I for one, am not, I am not happy with the present arrangement under which you have a Gibraltar Broadcasting Corporation which is under law meant to do a whole set of things and which, in fact, are delegated always in their entirety to a separate organisation that owes nothing to this House, employs its own people, pays for its own people, has its own salary structures. Especially as it is financed by no less than two thirds from public funds either directly or indirectly. If the House looks at the accounts of the revenue of the Gibraltar Broadcasting Corporation, it will find that of the total revenue of £101,583 for the 15 months under review, £32,698 has come from the sale of time. Advertising revenue £32,863 has come directly from the tax payers by way of licence fees and £36,000 odd has come from the Government of Gibraltar i.e. the taxpayers again indirectly, and the net result is that two thirds roughly, this is very rough, two thirds of the revenue comes from the public of Gibraltar. One third comes from the business public of Gibraltar in revenue and so forth, and these facts I think that we must remember when talking about Gibraltar Broadcasting Corporation, but it is very much a matter of vital interest financewise, if no other reason, for the Gibraltar tax payer. And in that respect I entirely concur with the interest that has been taken by outside bodies on the finances of the Gibraltar Broadcasting Corporation. They are perfectly entitled to take that interest, in the same way as they take interest in the expenditure of Government departments. And they are entitled to have answers to all their questions.

Now, Mr Speaker, the accounts show on salaries and wages, for example, on producers, it shows £8,292 on entertaining £1096 at another page, travelling and entertaining on another page £2352. And of course, the public are entitled to know in what way this money is being spent and if it is being spent usefully in the same way as the public are entitled to know what money the Government spends on entertainment and what money the Minister of Tourism or any other Minister spends on these subjects and certainly I would like the Government to assure me on the point that the sums that are being spent are reasonable in their view and so forth. Insofar as salaries and wages are concerned, there has been as the House is no doubt aware an awful amount of talk about it, and I would certainly like to know whether the salaries and perks of the officials, not of Gibraltar Broadcasting Corporation but of the employees apparently of Thomson International or the executives or whatever one likes to call them,



whether they bear any comparison at all with Government salaries, because again if I may go on the analogy as this Corporation or the Broadcasting Services are financed at least two thirds from public funds I think it is not unreasonable for the Government to expect, since they are in fact the major contributors - to expect their salaries and conditions of service should be related to the Government sector, not just for the top but all the way down. I don't know what effect that would have on the budget of the Corporation, it might mean higher amounts, it might be lower amounts, but whichever it is I think it is right and it is proper as far as public funds are concerned that public servants in whatever shape or form they appear, there should be relativity between their salaries and wages in all the sectors of Government Departments. Now the Broadcasting Corporation is not a Government Department but the Broadcasting Corporation is heavily subsidised from public funds. And if one accepts the principle, that one sector of the community being paid out of public funds gets much better treatment or much worse treatment than another sector of the community also paid by public funds there is obvious grounds for complaint. And I wouldn't at this stage go much further, Mr Speaker, on that point. Then on the question of travelling and entertaining - the figures there. Frankly, Mr Speaker, £3400 odd in travelling and entertainment means nothing to me, I only ask and hope that the Government when looking into the position can say it is satisfied that this is reasonable and that of course I would accept that obviously it is something that should be kept again in perspective because it is being heavily subsidised by public funds and if public funds subsidise, the public must have a say. I remember in the last Government and in this Government too the fear of coming under budgetary control from London if we can't make our finances balance. That would mean interference from London, I have heard the Hon and Learned Leader of the Opposition say on a number of occasions, even if they had a say in everything we spent. Well, I think and it would be right because they would be spending UK taxpayers money. Now here it is Gibraltar taxpayers money that is being spent and therefore we are entitled to expect that the standards of GBC in travelling, in entertaining, in wages, in salaries, should bear correct relativity with wages, salaries and standards expected in the public sector of the Gibraltar Government. There is a point, because the Government is affected on the question of advertising revenue and television services. It has been said to me, I don't know whether it is true or not, and I would certainly like enlightenment if it can be given, that e.g., travelling and entertaining does not include the tickets for air travel issued by BEA and BUA which are not paid for in return for free advertising for BEA and BUA on the television screen. I don't know, Mr Speaker, whether there is any substance for this but it has come to my knowledge, I have been told about it, and I think it is my duty to ask about it and if true, another good

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ground, I think, for looking into the position.

The other point, on the Management Services, on the administrative side of television as I mentioned it, Mr Dumas in his letter referred to the requirement that Thomson Television International should give 4 hours viewing every day,  $4\frac{1}{2}$  hours I beg your pardon, I said 4 hours because that is all we are getting. Now, certainly to my knowledge, and I watch TV and I never switch to Spain, I am one of those people who bear with the Safari and bear with everything they care to put on the programme until it finishes, I certainly can vouch for the fact of a great number of nights when television ends at half past 11. In fact, if one reads the Gibraltar Evening Post, and I know every member in this House reads it, some with relish, some without, they will see that close-down is put down very clearly in the Television programme at 11.30 every night. And it starts at 7.33, therefore we are only getting 4 hours and I would ask the Government what about our missing half hour? What's happening to it? When you think that we are only entitled to  $4\frac{1}{2}$  hours a day, half an hour I think was described as 11% of the time. I am not sure whether that is right or not - anyway, half an hour, if it is 11% every day, over a year, is quite a lot, Mr Speaker, considering the amount that is being put in by public funds and therefore I am entitled to express concern at that position and ask the Government to look into the position and if there is a legal agreement which has forced Government on grounds of inflation to put up the television licences and pay more money to the Managing Agents, if they have relied on the agreement, is it too much for me to ask the Government to rely on the agreement as well and ask for the extra half hour? Mr Speaker, the last point I wanted to make on the programmes of television and I would certainly like the Government to look into, this I know is not something that can be answered off the cuff, is the quality of the programmes that are being put on television for some time now and I can certainly bear personal witness to it. I appreciate from the letter of the Chairman of the Gibraltar Broadcasting Corporation of problems there have been and difficulties there have been. But I also read the TV critics and certainly they seem to be giving the Broadcasting Corporation a rough time even in the Gibraltar Evening Post, especially as of late. There is dissatisfaction with the programmes, I don't know what's wrong, I mean, I watch it. To get 'Safari', 'Wild Life in Ethiopia' or something, three times in one week is a bit difficult to stomach and then have it followed by French Panorama or Italian Panorama in quick succession is... Mr Speaker, I don't know, I don't know whether if we gave them a couple of thousands pounds more and I would certainly vote them, we could have a better programme, I think that if the purpose of television is to allow people to pass their time away I think Government has to consider the



position carefully to see that the people do pass their time away in an interested manner and not in a bored manner and switching over to Spain nearly every night, because of the poor quality of the films that are being brought and the poor quality of the films that are being shown. I don't say this in any spirit of rancour or any spirit of criticism, you know, bitter criticism or anything. I say that quite frankly, it is obvious to anybody who watches television regularly, it is quite obvious that the standard of programmes have shown a decline. I haven't got to the news programmes yet, Mr Speaker, but the standard of the entertainment programmes have shown a decline in the last few months anyway and certainly I am entitled to express concern in this House and ask the Government to look into the position.

Mr Speaker, I would now like to move on to what I think is perhaps a delicate part of my address but something which I feel has to be said and I don't think any Member of the House should flinch from saying what he thinks ought to be said on this subject. I would refer to the Chairman's Report as a sort of entree to what I am going to say on the Corporation's policy. "The Corporation continued to give the highest priority to protecting its independence subject to the terms of the directions issued by the Governor in Council and to ensuring that fairness, balance and impartiality are maintained in the presentation of all programmes." In this respect later on in the second paragraph he said: "My Board has modelled its policy largely on the practice of the BBC who obviously have vast experience in this delicate field." Now, on this Mr Speaker, I would like to say that I am quite sure, at least I hope that the Broadcasting Corporation, the Board of the Broadcasting Corporation genuinely want to achieve the situation which the Chairman describes in the first paragraph that I have read, but I am equally sure or perhaps that is too strong a word to say, I have deep rooted suspicions that the people on the ground are not carrying out that policy. And, Mr Speaker, I am supported in that view as recently as two nights ago or three nights ago, I am not sure, when the Chief Minister was interviewed on television and said it straight, straight from the mouth, he told the interviewer, Mr Golt, about it. And he said that it was his view that it was the duty of the information services to be fair and to act fairly, all the information services, press and television service. Now, Mr Speaker, I agree entirely with the principle that the Chief Minister put forward, and I am sure that all Hon Members would, that all the information services, including the press should be fair in the way they deal with everything. But I would like to make an important distinction. Whereas the press, in the most instances are privately owned set-ups, if

I may put it that way, which are run for profit or for political motive, or for anything you like to call it, the Broadcasting Services, the news, the presentation of news is not run for profit, or not to be run for profit or political motive. I make that important distinction and I think it is one for which the House must agree and therefore I am not in the course of my address to the House on my motion, going to say that the Gibraltar Evening Post is not being fair on its approach on one subject or another. Frankly, we all know we all have our feelings about it, it is a paper that is regularly under discussion here and all of us in the House know where their sympathies lie and understand it. We understand it. It is obviously an organ of the political party represented by the Hon Members opposite. But in television, Mr Speaker, it is another matter. Justice must not only be done but manifestly appear to be done. And obviously it is important that in the television and broadcasting services it should appear to the general public that those in charge of news are fair, impartial, and appear to be so to the general public, and that, of course, must bring me inevitably to the subject of the Head of News in Gibraltar Broadcasting Corporation, Mr Mascarenhas, who was here at the budget debate, reported on it himself, came out with the news, <sup>and</sup> mentioned nothing about the surplus in the funds of the Gibraltar Government at the end of 31st March of the current year.

Now that, Mr Speaker, to my mind - people may say its bad reporting - but I cannot believe that a man with the obvious experience of Mr Mascarenhas in news and in presentation of news, would have let slip such an important item from a news presentation to the public regarding the Budget. Those are not the only instances in recent weeks. But I am not going to Mr Speaker here, I am not going to say or condemn or judge the particular issue. I don't think it is the concern of this House to judge the issue at this stage. I think it is the concern of the House after it has heard my motion without any commitment to any particular aspect of it, to say, well, the Broadcasting Services are sufficiently important, from the public interest point of view to warrant looking into by the Government. We must always be concerned about it. But in the case of Mr Mascarenhas, I have to, Mr Speaker, just go a little further and that is on the point of the question of concern or that it should appear that the Broadcasting services are impartial and fair and independent, should appear to be so to the general public, and that is his interest and part in, precisely, the Gibraltar Evening Post, let us say it bluntly, where he is a contributor every day. Now, I have searched the Associated Periodicals Ltd because I didn't want to say anything unless it was there on the records. I searched Associated



Periodicals Ltd and I found that this company who publish the Gibraltar Evening Post have a capital of £2,500, but in fact, they have only issued 110 shares and I find that the ownership of that 110 shares is distributed in this way. The Hon Mr Featherstone's wife has 64 shares, the Hon Mr Featherstone only has 1, the Hon Mr Montegriffo has 15 and Mr Mascarenhas has 20; and then there is a company called Selbourne Developments International Ltd who have 10. I haven't bothered to look into that, I don't think these 10 shares are of any interest to the House. But substantially, it is quite obvious that the company is owned by the Hon Mr Montegriffo and the Hon Mr Featherstone, and that the only outside, genuinely outside shareholder, is Mr Mascarenhas with 20 shares. The Directors of this company are Mrs Featherstone, the Hon Mr Featherstone and the Hon Mr Montegriffo. That has been the Board since 1964, but from 1953 to 1964 the Hon Mr Montegriffo was not on the Board, and on the Board was Mr Mascarenhas. So that he is intimately connected with the profit side, if I may say so, of the newspaper and the publishing company, Associated Periodicals Ltd. I see the Hon Members opposite smiling, I am sorry there are no profits, but I am told printing is good money if you've got the right printers, the right printing works and I am assured that Associated Periodicals have that. I don't know but, anyway, interested in the profit side he is interested, in the sale of the paper insofar as he is a contributor. Now, Mr Speaker, I am not here going to say what I think about the Gibraltar Evening Post. It is of no concern to the Hon Members of the House,

but I think it must be perfectly obvious to the Hon Members of the House as it has been stated time and time again by the Hon Members of the Opposition that this newspaper and the people behind it are committed irrevocably to bring the Government down. They are in politics. Anybody who reads the Gibraltar Evening Post 5 times out of 7 days sees how it is made up, the policy, the thoughts behind it, pretty clever in some instances, but they see it. They know what they are after. Now, I am not saying at this stage, Mr Speaker, that Mr Mascarenhas is necessarily a party to all this. All I say at this stage is that he is intimately connected with them and contributes daily to the Gibraltar Evening Post. Now, Mr Speaker, how does the ordinary man in the public - this is the test you have to make on this - Does he think that TV is impartial and fair when he knows who the Head of News is and he sees him every day, his photograph every day in the Gibraltar Evening Post, and he sees what is read or what is written in the Gibraltar Evening Post. I am not trying to prejudge the issue, but I do say that it cannot surprise anybody if the ordinary man in the street considers that the impartiality of the news presentation by GBC is open to doubt. Justice must not only be done, but appear to be done.

Can you imagine if there was an action against the Gibraltar Evening Post anybody accepting Mr Mascarenhas as a member of the jury? Of course not. He is not a director, he is a shareholder. I mean you can be a shareholder of Thomsons and still be a juryman, but the intimate connection, Mr Speaker, is something that to my mind should be looked into by the Government. There may be a very simple solution, I don't know, but I do say Mr Speaker, that this is a matter that must be looked into and I think the House has the responsibility to ask that it should be looked into. Especially Mr Speaker, I have got here the latest bulletin of the Consumers Association, and the Transport and General Workers Union. My goodness, they have two pages on GBC;

"Only an enquiry can explain to the people the reason for the apparent bias on GBC, and already the Transport and General Workers Union have called for an enquiry into this. When Sir Joshua Hassan, Leader of a political party of only a few hundred members - I hope that is not accurate - is to appear on television, Radio Gibraltar announces his appearance in their afternoon transmission, yet when a representative of the Transport and General Workers Union with a membership of nearly 3000 is to appear on Television not a word is given out by Radio Gibraltar in advance. Why is it that Manolo Mascarenhas, a civil servant on secondment to GBC - and that's a new one on me, Mr Speaker - is allowed to write for the AACR Evening Post and how as a shareholder of the so AACR biased Post he is also allowed to be Head of News and Head of Production of GBC. Why is it that GBC refuses to render a public service by broadcasting the list of prime controlled commodities which is issued to them every week? Why is it that some communiques and press releases, especially if they come from the AACR are given greater prominence than others?" and so on. Mr Speaker, Hon Members opposite may laugh, it may be a laughable thing, it may be. But certainly, I, Mr Speaker certainly I, on the obvious facts before me with what I have seen with my own eyes on television in presentation of news; when I have seen that only the bad things of life in Gibraltar tend to be highlighted in the news programme, things you can't catch onto Mr Speaker, you can't pin down. But it happens, you see it, it is the impression that it gives. Why is it that the public, why is it that the public has this impression? Why is it that I have that impression?

MR SPEAKER:

Order.

HON P J ISOLA:

Sir, all the Hon Members opposite laugh. Forget my impression then. Give no way to it, but are the Hon Members of the Opposition prepared to discard



the impressions on the Consumer Association, and the Transport and General Workers Union? Let them say so. Do they think that everything they say must be wrong because they are no longer affiliated to them?

It is quite extraordinary, Mr Speaker, quite extraordinary, how the Opposition react. I am beginning to think there is a link-up, Mr Speaker, and in order that doubts in everybody's mind may be dispelled.....

HON SIR JOSHUA HASSAN:

If the Hon Member could give way. He has said something which is very serious. He said: "I am beginning to think that there is a link-up." Now if the Hon Mover<sup>is</sup> trying to say that there is a link-up between the Opposition and anybody on television he had better say so clearly. He has been hedging and making half accusations with which we are not directly concerned except in a public matter. But now perhaps, a slip of the tongue it may have been, because we are ridiculing not what he is saying but the authority which he is quoting and the recent assimilation of ideas. That is all. And therefore, if he says there is a link-up, he must either substantiate it or remove it, because this is an aspersion, not only on this side of the House but on people who are not here to defend themselves.

HON P J ISOLA:

Mr Speaker, Sir, I am glad the Hon and Learned Leader of the Opposition has given me the opportunity. What I have said, after seeing the Opposition smile, is that I am saying I am beginning to believe there is a link-up. Now the link-up to which I am obviously referring and which I have said so very clearly, having quoted the share holding of Associated Periodicals Limited; having quoted that Mr Mascarenhas was a director of Associated Periodicals Limited for 10 years, I am saying I am beginning to believe there is a link-up between Mr Mascarenhas and the Gibraltar Evening Post, of course, and I am beginning to believe that is true when I see the Honourable Members opposite smile. And I say that doubts can be dispelled if the Hon Members of the Opposition vote for the motion and allow the matter to be ventilated in a sober manner by the first instance by Government enquiry, by Government action, Government thought on the matter, possibly coming back to this House. But let the matter be cleared up. We cannot ignore what a great number of people feel. We cannot overrule them. Mr Speaker, I asked on the motion to express concern and Government to look into it. I was very conscious of the fact that no member of the Broadcasting Corporation or an employee of the Broadcasting Corporation can at this stage appear before this House or say their little bit. Of course, I am

aware of this, but the fact that they cannot doesn't mean that we must have at the base excluded on it. The fact that we can or cannot have them here today does not mean that we must give up our rights to air matters that are of great public interest. This motion does not purport to condemn anybody in the Gibraltar Broadcasting Corporation but it purports to express concern on the broadcasting services for the reasons I have indicated and ask the Government to enquire into the position. The wording is very guarded indeed, precisely because I am very conscious of the fact that before final moves are made in this matter, before there is any step that has inevitable results, of course an opportunity should be given to Thomson International to explain all their various subsidiary companies, to explain the way they are operating in Gibraltar. Of course an opportunity should be given to the Gibraltar Broadcasting Corporation to consider what is being said in this debate. Of course, if it is thought fit, an opportunity should be given to Mr Mascarenhas and others who may feel are affected by this motion to say what they will about it. Of course, I would not dream of depriving them of that right but the fact that they are not sitting in this House does not preclude us from talking about it. Mr Speaker, I have just four conclusions, four thoughts that I would like to leave in the House when sitting down. This is what I would like the Government to do. I would like the Government to review the set-up of the relationship between the Gibraltar Broadcasting Corporation, the Thomson Group and the Gibraltar Government. To go into the matter realistically. To go into the question as to whether any advantages can be gained out of a change in the present arrangements. To enquire, for example, into the possibility of some sort of merger or some sort of liaison, active liaison, with the British Forces Broadcasting Service. I notice in previous meetings the Hon and Gallant Col Hoare was very anxious to assimilate the telephone exchanges. Is there a case for assimilating the broadcasting services for twenty five thousand people in Gibraltar. Is it right in this small population that there should be two sets, two broadcasting stations and not one. Would there not be greater efficiency, greater savings for all concerned if there was just one broadcasting service. These are just thoughts that I throw out. The second thing I would like the Government to look into and enquire and not answer is the question of greater public participation in the choice of programmes and so forth. I am not saying that the Broadcasting Corporation are not doing their job well but I would like it to be broadened a little further; get other people in. I am not talking of news presentations, I am talking about the programme for general public entertainment. The third thing I would like the Government to enquire into and look into is that the conditions of service in the Broadcasting



Corporation or wherever it is that runs GBC, the conditions of service, the pay that is given, the allowances that are allowed, the whole system should be brought into the Government system. There should be the same relativity in wages and salaries between the Government and the Broadcasting Corporation. I remember when the Tourist Office first started there was great difficulty in assimilating the activities of the Tourist Bureau which was something completely new into the Government system of accounting but I think there is a lot to be said for and it would take away, I think, a lot of popular prejudice if the people working for the Broadcasting Corporation were to feel that they had the same security and the same conditions and standards as those working for the Government, especially when it is being financed, as I said before, from public funds at least  $\frac{2}{3}$  of it. And the fourth objective I would put to the Government and the fourth conclusion that I would like them to consider is the question of maintaining the independence of the Broadcasting Corporation and ensuring the set-up to be one that ensures the fair presentation of news with no bias to one political side or another, to one political section of the community or another, but a news service that gives Gibraltar out to the public, that presents Gibraltar in its good and bad lights all the time and not just part of the time, that shows people who may be looking at the television services what is being done in Gibraltar. A little more moving about with their cameras, watching building projects, building developments, watching painting schools, watching how they work in schools and not just running around when somebody is about to be evicted from a dwelling and taking a picture and pushing it on television and bringing the person along. Not that sort of thing all the time. It is alright to do it a little time, Mr Speaker but put the good side of Gibraltar. Gibraltar has got many good sides. It has also got some sides that are not so good. Those are the four main objectives I would ask the Government to consider if the motion is approved. Of course in the way the motion has been couched it is perfectly open to the Government to consider any points that may be brought up by any Honourable Member in the debate. Mr Speaker, I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the motion proposed by the Hon P J Isola.

HON CHIEF MINISTER:

Mr Speaker, as my Hon Friend Mr Isola said this is an extremely delicate matter, because its combination of public money and public service and both public money is connected with the individual in Gibraltar who is a

taxpayer or a licence payer and also in the sense of the public service because it does affect the independence or impartiality of the news media of the Gibraltar Broadcasting Corporation and because both of them are so much interlinked in order to show that the Government itself is not trying to take sides in the process of airing this very important issue we shall have a free vote on this motion. I think this is the fairest way in which members of this House can express their own personal views and perhaps in doing so either be subjective or perhaps even more objective that they could be if we were doing it as members of the Government and subjected to the whip. Now, because of this, I personally do not intend to express conclusions but only to express views which I hope all the members of this House will take into account, as I hope will do the Board of Management of the Gibraltar Broadcasting Corporation for whom I have tremendous admiration because they have a very difficult task and, of course, they are unpaid for doing it. It is naturally in a small community like Gibraltar very difficult not to be under pressure from one side or another or not to be subject to criticism. Perhaps a bit too far at times. We who are in public life know that too well. I think that members of the Board are to a large extent, particularly the Chairman, I should say, subject to similar pressure and in his case perhaps even from the worse possible type of pressure which is that of politicians or associations in one way or another connected or affiliated or subject to political views. Now, we, of course are operating the law which established the Gibraltar Broadcasting Corporation to the best of our ability and on the whole we have done little or nothing to deviate from what we found when we took office and perhaps the best thing I could do here is to say what the purpose of the Gibraltar Broadcasting Corporation really is. Now the functions of the Corporation, and I am really not going to bore you with all the clauses but I think just the principal one which is 8(i) "It shall be the duty of the Corporation to maintain a sound and television broadcasting service as a means of information, education and entertainment and to develop the service to the best advantage and interest of Gibraltar." I think that should be repeated: "Develop the service to the best advantage and interest of Gibraltar". Now in order to carry out this function the Government in the past decided that this had to be done through a managing agent and again perhaps I should point out that - and I am not going to go into the last contract - but there was a contract which lasted between 1963 and 1968 and that, of course, is past and I don't think we need to look into that. But there is one of course which is from 1969 and goes up to 1978 and again I am not going to go through the whole lot of clauses of this contract but rather I think point out the one that has to do with the money side which is the first side I would



like to deal with in my discussion now. This is section 4(d) and in it it says "If Gibraltar becomes engaged in hostilities or warlike operations or because of inflations or strikes or other circumstances beyond the control of the parties hereto and which could not reasonably have been foreseen the Managing Agents are unable to carry out the duties adequately hereunder on behalf of the Corporation within the finances available without incurring deficiencies, the Managing Agents may give twelve months notice to the Corporation and the Government stating what additional annual finance they will need in order to carry out their duties adequately. The Corporation and the Government shall then have the option of providing such monies as from the expiry of the aforesaid notice or of determining this agreement on the date of such expiry such option to be exercised and communicated to the Managing Agents, within three months of the date of such notice from the Managing Agents." Therefore it is obvious that there is a liability on the part of the Government if we want the Corporation to carry on functioning as it is today to provide the necessary money to cover any inflationary addition in the cost of running it. And so we were confronted with this and we had to find ways and means of narrowing the gap. As a consequence we did raise the licences as this is something that the Corporation is entitled to. Because of that, as you well know, there was certain concern in town and this concern has now come to the foreground. It is therefore, very appropriate that this should be now looked into and indeed we are doing so. Sir, I think I ought to go rather quickly to show the position of the accounts as roughly and as briefly as possible. Before doing so I would like to try and give you some comparison of what the position was before and after this contract if I can find the bit of paper on which I had it down. I am sorry about this, I am just trying to find it. I've got it here now. To give you an idea the balance sheet between the 30th September and 31st December - and this is for the previous contract - the agreement ended with a deficit of about £50,000 for Thomson Television International Limited. Now, since the new contract, the accumulated deficit since the 1st October 1968 is £19,612. We, of course, have not yet agreed to provide for that deficit. All that we have done by raising the licences is to try and keep the expenditure in line with the income of the Corporation as much as this may be possible. In doing so and in taking all this into account, we have tried to find out whether there is a case on the inflationary side and this after careful consideration, we think that to the best of our knowledge and belief there is a case as far as that goes. For instance, I can give you figures. Salaries and wages have gone up since 1969 from £22,088 to £27,285. Do not refer yourselves to the figure I am giving for the 1971 on the accounts because in fact on the accounts it is for 15 months and the figures I have given you is for 12 months.

Equally, operating expenses have gone up from £5,128 to £6,227 and on administrative expenses it has gone up from £7,566 to £9,482. Equally for instance, in freight it has gone up by £1,965 a matter which I think since most of it I understand, is air freight and in 1965 it was £1,972, the Committee which is looking into air fares would do well to find out why the air freight has increased so much and what proportion this is, taking into account the actual air fares themselves.

Rates have gone up by £126; studio lighting by £185; live programmes by £398 and imported films and this too has gone up, I think, very considerably and is worth looking into £5,130. All together we believe that on face value the increases on inflation are £13,001.

I think therefore that on the whole the Government was justified in raising the licences to meet the extra cost, as we would have to decide very quickly whether in fact we were going to run the Corporation on the present lines or whether we would have to look for an alternative, as I do not believe that the Thomson Group would have agreed to continue being Managing Agents unless some form of action was taken in undertaking the clause of the contract to cover their deficit through inflation. Well, there are one or two points and I do not propose to go right through the accounts themselves. I think Hon Members have seen it. I am sure that they will be making their own points. It is obviously impossible I should say for anybody in this House to try and give the answer to any point that may be raised by any member, and therefore it is not my intention to go right through the figures in the accounts but I would like, for instance, to point to one or two figures that have been in fact pointed out by <sup>my</sup> Hon Friend Mr Isola and that is travelling and entertainment. There are in fact on two occasions, I think, we see the word entertainment, one is under exhibit 1 which is £1096 and the other one is under exhibit 4 which is £2352. In the case of exhibit 1 the £1096, this is the kind of hospitality that is given to members of the public or anybody else who go down to television and performs there one way or another and the other one £2352 is really involved with the acquiring of films in the United Kingdom. Whether in fact the best way of acquiring those films is by someone going there, I just do not know, but that is another matter, of course, that can be looked into. I think it is fair to say that when the Board of Management took office there was very little pressure on anybody about covering up the losses of the corporation. Therefore it is also fair to say that one could not expect them to start stirring things up which perhaps in their opinion could well upset the apple-cart. However, I am sure that now that all this matter is being aired I have no doubt that all these issues that are being discussed here in this House will be taken up by them, as the Government will have to do too, and at one point I think it will be possible to resolve



a way of running the Gibraltar Broadcasting Corporation in a manner that will be to the satisfaction both of this House and the public generally. Now moving then from there to the actual public survey. The obligation to use the Corporation to the best advantage and interest of Gibraltar. This perhaps is even more delicate than the one I have been talking about. And my own personal views are that it is a great pity and I do not think it is in the best interest and advantage of Gibraltar, particularly in the present circumstances that more emphasis is not given to the good things that are happening in Gibraltar than has been done hitherto. I said so on TV. I said it off the cuff; it was spontaneous and I think it was my own personal reaction and having said it I now confirm it. I know of instances that perhaps other ministers will bring out which I think the camera could have done a lot of good for the morale of Gibraltar if it had been used for that purpose and that is in no way political, I assure you. I am talking now of life generally in Gibraltar. The things that the youth in Gibraltar for instance may be doing. I can only mention one, in this instance, as I did the other night and that is the excellent job that young people have done in trying to keep Gibraltar tidy and it is rather a pity that this did not happen. I know that perhaps people may say, well, they have to be told about these things. And there I don't agree.

For instance I can understand certain papers really just looking for the bad things of life and although I don't agree that this is a responsible way of running a newspaper whether for political reasons or not, I don't agree with that, I think the duty of any responsible citizen is that, and particularly I should say of persons connected with the news who are themselves in public life, I think the responsibility is even greater and to that extent I will say I am very sorry that in the circumstances of Gibraltar for political reasons they act in my view irresponsibly. As to the Corporation itself, that is a different matter. There of course there is an absolute obligation. There is no profit, there is absolutely no profit, there should be no profit motive other than advertising itself because obviously the advertising is something that brings in the money to help the Corporation function. But certainly it could be done and should be done and I can see no reason why it could not be done in a way that not only it is independent but appears to be independent and I think the appearing independent is just as important as being independent. Because until it appears to be independent I cannot see one side of the public opinion, whichever it might be, being in favour or against the TV and Broadcasting generally in Gibraltar. This is a matter I think that we should all be very conscious about and we should all do something to put right if it is wrong today. But I

I will come to that in a moment. I only want to emphasise yet again the importance of finding good news. The reporter for GBC is a non-political reporter, working for the Corporation, for the advantage and best interest of Gibraltar. And he should know this. This should be his primary objective. Work for the Corporation, in the interest and to the best advantage of Gibraltar. And therefore he is not a reporter that goes round just looking at the bad, nasty things. He must put as much effort in finding out the good things as well and not just wait for someone to ring him up and say "We are now painting Williss Road, come and see us". It is his duty to find out the good things that the young people of Gibraltar and people generally in Gibraltar are doing and make an effort, go there, and get the best story possible to portray and show the people of Gibraltar.

This I think, in my view, is what is meant in that clause of the law of Gibraltar, which sets down the functions of the Corporation. And I have no doubt that this must have been the intention of the management itself, but because Gibraltar is what it is, it is not until now, happily because we have a democracy and we can discuss things freely without fear or favour that these things are brought out. Now, of course, it requires a management which is as robust as we are here today, and can really take a decision and is capable of correcting things that are wrong and face the future I think with the hope of being able to produce a service which will give greater satisfaction to all the sections of Gibraltar. Now coming back then to the issue of actual independence. I think things have been said here about the Head of News. And I think in this respect it is very, very difficult for any viewer, however impartial he might want to be, not to be somehow influenced by the fact that the Head of News, no, not just the reporter, but the Head of News of GBC is associated with a paper which is completely and irrevocably anti-Government. And which therefore he may feel rightly or wrongly that he is literally paying a licence and contributing through taxation to maintain a person as Head of News who is affiliated or associated or whatever you want to say with a particular political party. How therefore is it possible for the management of the Gibraltar/Broadcasting Corporation to be able in a small place like Gibraltar no matter how hard everything is done to try and preserve and ensure impartiality and no matter how much they themselves believe it is so and may well be so, but how is it possible all of us being human to avoid that impression, that influence, to affect your own judgement, any more than it would be possible in a court of law/<sup>for</sup>a member of the jury who has been associated in some way or another with a judge or with the actual accused. How can you possibly accept that? It is very, very difficult and I think as my



Hon Friend very rightly said he would just not be allowed to be there. No one would accept that. But we are away from law, it is a much wider subject. And it is just pure human reaction. It is a very natural human reaction and I do not believe that this would be allowed to happen in the BBC. I do not believe that the Head of News in the BBC could be associated in the form that the Head of News in Gibraltar is with a newspaper which is so blatantly anti-Government and is obviously as my Hon Friend said too, directing all its efforts to bring down the present Government of Gibraltar. That is the position and therefore I am only expressing a view, I am not coming to any conclusion, as I said at the beginning. All I can tell you is and I will tell you this because this happened, that I had representations from the Gibraltar Newspaper Association to have one of their representatives on the Board. I thought that this would be wrong, because obviously they would be somehow connected with other news media which could itself be said to be siding one way or the other, either in his personal capacity or as a representative of the Organisation itself and in the same way as I objected to that, and this is long before this debate happened, my honest opinion still is that it is not in the best interest and advantage of Gibraltar to have a Head of News who is so associated with a newspaper which is anti Government.

Now my friend the Hon Mr Isola has made three points. One is that there should be a review of the set up of the corporation, the other one is that there should be greater public participation in the choice of programmes. The third one is the conditions of service and pay and allowances and here may I say it is really a pity that the cost of living bonus has not been paid to the members of GBC precisely because this would add to their expenditure and of course the Government must look into it. I don't think we should allow this to happen and if necessary we should find the money to pay for that, but of course again, you see there are things in the accounts which some people may question. They may question why is it that we give £3,500 to Thomson Television International for acting as Managing Agents. Shouldn't that be put against the deficit. This business of paying £2,400 I think it is, I haven't got it in front of me but it is very near that figure, for maintenance and repair. Where does that money go? As I said before is it necessary for someone in Gibraltar to go to England to sit down and watch the films for three weeks which costs about £200 odd, five times a year and with air travel in the end it comes to £2000. Couldn't it be done through an agent with a certain percentage? Is it necessary to look at all the films? Couldn't we buy some of them or perhaps as it is being done, I don't know, some of them by reference to previous ones? All I am saying is that all these matters obviously are now being questioned because everybody is carefully analysing the accounts, publicly because this is a public document and

this is what is meant to be, it is no use having a public document which is going to be put under a bushel. This doesn't make sense. Therefore, I think it is proper that we should all accept that kind of discussion that is going on today in this House with the best of intentions. And fourthly my Hon Friend referred to maintaining the independence of the Corporation. Well all those points of course, I am sure all the points that are raised here today will have to be collated, then gradually sifted out and with the cooperation of the management and eventually I think whatever happens will have to go to the Governor because it is the Governor in Council who finally gives the direction to GBC under the existing law. But on the whole I think this is a very salutary thing to do. It is better to discuss this matter here where it should be done than in street corners and bars and in other places which only leads to uninformed or misinformed thinking and here at least we know perfectly well that everything that is being said is being recorded and that we must act responsibly as elected members of the public. The alternative, of course, I think we ought to know, basically is to continue with the managing agents or devise some way or running it ourselves. I think running it ourselves would not be an easy task by any means, but all these things are matters of course that can be looked into. And of course there is the suggestion that BFBS would be interested. I think I ought to say here because otherwise it would lead to a lot of wild thinking that it would not be so easy as people believe to come and have any merger. I think it is only fair to say this here and now. If it was possible then of course it could be looked into but the indications I have are that this would be practically impossible. The Forces have their own programme, run their own programmes. I don't think they want any interference from outside and although it is a suggestion, I think it is only fair to say at this point that it is not going to be an easy thing if we decided to have it, to bring about. Finally, I just cannot end without again thanking the public spirited men and women, yes, we have a woman now, who serve on the Board of Management of GBC, and all I would like to say that whatever is said here in this House must be taken in the spirit it is being said. To cooperate, the object is to cooperate with them to make their task not only easier but, I think, to produce better results. Thank you very much Mr Speaker.

HON I ABECASIS:

Mr Speaker, when I first read the motion, I had to read it about five times to see whether I could understand what was meant by it. Now that I have heard the mover speaking, things are beginning to get clearer at least in my mind. Now I understand what he meant, and what I gathered from what he said is that he put a motion to discuss a particular problem



in order to introduce another one in the same way as yesterday this side of the House was accused by the Government that we were using the Income Tax Bill on the Family Allowance in order to introduce the other measure of relief from £300 to £400 in the same way I believe the Hon Mr Peter Isola has put up the motion in order to have a go at the AACR. This is the way I see it, Mr Speaker and this is the way I am expressing it, because to ~~speak~~ on a particular motion and to come into other aspects which have nothing to do with the motion can only be done by people who are very clever, who are very intelligent and who have the ability to do so and a clear indication of that was a moment ago when I thought that the Hon Mr Isola was referring to a link between the AACR and the Gibraltar Broadcasting Services and when the Leader of the Opposition rose, in two seconds, he had the ability, in my understanding, to explain what the link was and then the link was no longer what I thought the link was. The link was now Mr Mascarenhas and the Evening Post so .

I really cannot hope to compete with such a wonderful speaker who has such ability. I'll try to the best of my ability to deal with a few points mentioned by himself and by the Hon the Chief Minister. He said the good things that have to come out. Well, what are the good things? It depends the way you want to look at it. If the demonstration of the 1000 ladies had not appeared on television then all the housewives in Gibraltar, at least those who were out in the street, would have objected that they did not appear on television. That was a very good thing because they were talking against the budget. Of course the Government perhaps did not like the idea of a 1000 women protesting against the budget but there again, what is a good thing? It has also been said that a good thing would have been for television to go and see the painting of Flat Bastion Road or Willis's Road. It is also open to interpretation. Some people may say it is a good thing, other people would say it is not a good thing because other people may say that workers had been deprived of overtime. Workers have been deprived of productivity. I can see many members on that side of the House or where the ~~cries~~ of 'Shame' are coming saying: 'what about the productivity? What about the workers? You are depriving householders to get a few extra shillings at the end of the week and you are employing people who do not get a penny.' I am not saying that it is good or bad. I am just saying the interpretation of what a good thing could be to <sup>some</sup> people and what a good thing could be to other people. The Hon Mr Isola referred to the impression the appearance of the news is given at times. It depends on the way one looks at the news, and the way the viewer interprets the news rather than the way it is being put across.

To answer properly the mover of the motion at least I would require a

month of research and looking at all the different programmes and looking up all the appearances on television to really answer one by one. The **first** thing that comes to my mind/<sup>is</sup> the Hon Mr Caruana out there with his car sweeper, the Hon Miss Anes appears on the top of the roof in Laguna Estate, she also appeared receiving the turkeys from the Gibraltar Group in London, the Hon Mr Xiberras appeared almost every weekend. So one has really to go into it. One would require a long, long time to say whether the Gibraltar Broadcasting Corporation is biased on one side or another. It would take a long, long time and it is very difficult for any speaker off the cuff to express or to answer all these different problems which may be true or half true or exaggerated and so on. With that Mr Speaker, I think I have expressed my feelings that it is a very, very difficult problem and it cannot just be decided on the spot. Thank you.

HON MISS C ANES:

I think I would like to answer my Friend Mr Abecasis when he mentioned me coming out on television on the rooftop of the work being carried out at Glacis. That was when it was being constructed. It was most unpleasant going up because I had a very tight skirt and I had not been advised about it but I would like to mention that on three occasions when television had been called to take a film or photograph of occasions which were of interest to the general public - not because I myself was present, I think I have been seen enough on television already - but these occasions were of interest to the public. The first time when the news was given out on television no film or slide was shown, I was then given an apology that unfortunately the film had not been put in the camera. I accepted it as a genuine mistake. On the second occasion I was told the film had been spoiled when it was developed. I took that one with a pinch of salt. On the third occasion, and this is the most recent one. It was during the presentation by the Ferrary Trust of the operational microscope for St Bernard's Hospital. I realised there was something wrong when the Consultant who was coming to receive the presentation and also to attend a patient had been delayed due to bad weather or something in the UK and the plane was delayed so he arrived a little bit later than the time expected in Gibraltar. I realised that the representative of television was a bit anxious to get away. I had to coax him to stay a little longer. It was a Saturday afternoon and obviously he wanted to get away. Anyway after much coaxing and begging he stayed for that extra half hour. He had taken refreshment at the small reception organised for the occasion by the staff/<sup>nd</sup> I was very happy about that but when I heard the news in the evening which was a two line reference, en passant, no slide, no film and no apology after that, I thought this was very bad. It was very bad because the presentation was of interest to the general



public. It was a microscope which was very expensive and I think as the Hon Mr Montegriffo knows better than I do that the Ferrary Trust have made many presentations to the Hospital for the benefit of the community. I thought it was very unfair that the actual presentation was not shown on television for the people to see that this Trust does look after the money for the benefit of the community. No apology was given whatsoever. The only thing I can say and this might be taken as malicious, is that the person presenting the microscope was <sup>Mr. Bernard</sup> ~~could~~ Linares, father of the famous Father Linares and then there/have been some personal connection why no film was taken of the actual presentation. That was the only thing. As I said I have apologised as it may sound malicious but the reason was that either no film was in the camera, it was spoilt during developing or the presentation was of very little interest to the general public. These are the only things in which I find there was a little bit of lack of interest on the part of those taking the film. Not the chap, I don't think the chap was to blame. I think that whoever sent them along was really to blame for this, and this is why I feel that I have no option but to support the motion by the Hon Mr Isola.

HON A P MONTEGRIFFO:

Mr Speaker, I was baffled when I first read about the motion that the Hon Mr Isola was going to bring before the House and I was wondering at the motive that encouraged him to bring the motion to the House. Indeed, if it had been the Hon Chief Minister who had put the motion and with the way he presented his case I would probably have had no hesitation in supporting it because one wants to enquire about spending and about possible public concern about a public body for which we are paying out a lot of money from this House. That would be all right. But what do we get? What is <sup>the</sup> one, practically the only case Mr Isola has made against the possible or alleged bias of television? It rests on one name, Mr Mascarenhas, and it is rather unfortunate that at this stage of the proceedings when we are asking for the Government to look into the specific case in question, that names should have been brought into the picture precisely because as the Chief Minister very rightly said this is a small place and because it is a small place we must have our unique way of doing things lest we destroy the very fabric of our family, and I think that though Mr Isola has been prejudging or rather prefixing all his remarks with the words not only should justice be done but appear to be done, what sort of justice is he asking me as a member of this House to subscribe to? To accuse a man in a subtle way under the privileged position of this House when he cannot defend himself?

When if he wanted, really wanted, to get to the root of the trouble and to really do justice to the public concerned, all that he should have done is what the Chief Minister has done and then we would all have been in agreement but we are now being asked to prejudge a man and this is what has happened. We could not do this in the street. It would be the same if I without any privileges, the privileges we've got in this House were to stand in the middle of Main Street and say 'I am going to accuse so and so having this link because I assume it is so. Let him go to court and let him prove his innocence.' This is unfair Mr Speaker. This has really thrown the whole thing out of perspective and out of proportion. Certainly I have got no whip either but I am not going to be a party to this type of motive behind the motion. It is all right to praise the Board of Management, very right, but no intelligent man in his right senses can accept this praise of the Board of Management and then practically accuse the Board of Management of not having the necessary intelligence to realise that a man in their service, none other than the top man who is dealing with news, is biased, has got a link with the Gibraltar Post, the Gibraltar Post have got a link with the AACR and the picture emerges as the same picture that has emerged from him,

in making his assessment of the impression he gets from the news. This is the impression I've got. My God, what power; and we've only got 200 members according to that particular newsheet or whatever it is. Imagine what it would be if we had a thousand. When I heard Mr Isola making all these accusations, in a very subtle manner, by God I almost heard stones crying out to heaven for justice. This is most unfair and most improper and it tempts members to behave perhaps less responsibly than we are behaving today. We all have a right and a duty to see that money that is voted by this House is well spent and there are enough procedures and enough legislation available to do that. I disagree with many of the Government policies. We cross swords in this House but I am convinced that no Government, even that Government, could come to this House and ask me to increase the licences of TV and to give a subsidy to the Gibraltar Television were they not generally at least generally convinced that they are not making a mess of their finances, and if they are they should not come here to ask for that money, but as I say I have full confidence and trust that every member of that Government opposite would not have done that had they not been convinced in a general manner that things in the financial side were not really being mismanaged. And as to the question of bias and presentation of the news I wish Mr Isola or the Honourable Mr Isola would tell me the formula that would give satisfaction in presentation of the news to all the public at large. If he has got that formula he is verily sitting on a gold one because then any newspaper could increase its circulation ten times as it would be pleasing everybody. But it is very difficult, very difficult to decide what is the right thing and what is the wrong



thing when you are assessing what sort of news should go in the newspaper or over the radio, or television. I myself, even with Mr Mascarenhas being there and being part of this sinister move, have had occasion to complain to Gibraltar Television because I thought they were not doing the right thing as regards myself when I was Minister of Health. In the end we almost finished up in court. They threatened to take me to court because of the allegations I made. I threatened to take them to court and then when I cooled down and I realised that people haven't got such sinister motives as one is inclined to believe they have in the heat of the moment, I apologised because I think Mr Speaker the test of impartiality is not that everybody agrees with what you are doing, that is bordering on indifference, the test of impartiality is when people from different sides criticise you for taking sides with the side you do not agree with. That is the test of impartiality and I think that we are certain to a large extent that Gibraltar Television has achieved that. I do not say that there is no room for improvement. I will say and I do not hide the fact that I get bored with Gibraltar Television. I do get bored with the standard of the programmes, but as with newspapers in Gibraltar I also realise that we have got very little money to do things that we would like to do and therefore taking things on the whole I think they do a good job. Perhaps there is room for improvement and the way this should have been done was to have brought the motion here without making any specific personal accusations against anybody, accusations in a subtle manner, linking the paper.....

HON P J ISOLA:

The Hon Mr Montegriffo has now stated on four occasions that I have made accusations. That is not correct. I am just telling him that. It is not correct.

HON A P MONTEGRIFFO:

Well, let us put it this way. Comments about Mr Mascarenhas being a Director of this or associated with the other one and linked with the other one and the Opposition. That has been said and I get the same impression.....

HON P J ISOLA:

Mr Speaker, perhaps I am misleading my Honourable Friend. I have said that in my view there is evidence of bias there and I have produced to the House facts. What I have said are facts, nothing else.

HON A P MONTEGRIFFO:

Produced, Mr Speaker, with respect, he has produced facts as to Mr Mascarenhas being a shareholder of the paper and being employed on television. He has produced no facts and I challenge him to do so that there is this bias that he is talking about. He has come to the conclusion that because of this Mr Mascarenhas is biased. Whether Mr Mascarenhas perhaps should or should not be a member writing in the Post, that is another matter, but not to come to that conclusion.

which is the impression that not only members of the House but members in the public gallery must have gathered. This is obvious, and therefore, Mr Speaker, as I said before and to conclude I would have great pleasure in supporting this motion had it come to the House asking us to try and probe, asking Government to try and probe into the concern that is being shown by the public but certainly I can now see clearly the motive. I can now see the implication and what he is aiming at and I am not going to be a party to that. I think that if the Government was dissatisfied with the manner that the Gibraltar Broadcasting Corporation is carrying out the directives of the Governor in Council, the Government has a good remedy in their hands to have gone back to the Governor in Council, to call the attention of GBC and to put things right if they think they are wrong because so far though I agree with many of the points raised by the Chief Minister, he presented the case in a sober manner, not that I agree with everything he said - this is why we cannot agree with what is right or wrong always - but I cannot agree with the arguments used in support of the motion brought forward by the Hon Mr Isola.

MR SPEAKER:

Do I understand that there is no other member who wishes to speak on the motion?

HON J CARUANA:

I would just like to clear a point which the Honourable Mr Abecasis mentioned and which I found very distasteful. That was the reference he made to the Willis's Road project where over 30 children, Gibraltarian children, in the best spirit possible in Gibraltar came out to paint and do a bit of community work and that he should bring this up and say that this was depriving the men in Gibraltar of productivity. I find this kind of talk very distasteful and the insinuations behind them rather sinister. On every occasion that children have done work in Gibraltar and there have been several occasions whilst I have been in this ministry, I can't remember many occasions when the other side was in Government where children came out to do work. We want the youth of Gibraltar to work. It is also their responsibility to participate in embellishing Gibraltar. On the question of the Victoria Stadium, the question of the



Catalan Bay Road and the question of Willis's Road itself, I cleared it first of all with the Transport and General Workers Resident Officer, Mr Mor, at the time and that is a fact so that kind of talk I find very distasteful. I would not like to contribute anything else to this discussion because on the question of Mr Abecasis and my appearances on television, in 1970 I appeared once in October and I didn't appear again on television till October 1971 again when I launched the clean city campaign and the following day the whole of the press boycotted my press conference in my offices. If this is not the height of irresponsibility from the press in general I just don't know what is.

HON M K FEATHERSTONE:

Mr Speaker, Sir, it appears that we are dealing with the law on Gibraltar Broadcasting which in my opinion has one point in it which makes it to some extent a bad law. The Law says that television and broadcasting are to be run to the best advantage in the interests of Gibraltar. In Britain, Sir, BBC and ITA are constitutionally required to provide a public service with the purpose of disseminating information, education and entertainment. It does not say in the interest of the United Kingdom or in the interest or to their best advantage because, Sir, what is to the best advantage of Gibraltar is absolutely open to interpretation in Gibraltar by 25,000 different people in 25,000 different ways. My Friend on my right, the Hon Mr Abecasis, commented that putting on television that youngsters were painting Willis's Road was open to interpretation by different people in different ways. Some people, the Hon Mr Caruana, and I support him wholeheartedly, think this is a very fine idea but other people, the Hon Mr Abecasis said, might think this was not a good idea. This was depriving men of their jobs. He didn't say that he agreed with it, he simply said "presentation of anything is open to different interpretation" and if so television must give everything to the best advantage and in the interest of Gibraltar then Sir, they have an impossible task, because I am sure that they will never be able to please the Hon Mr Isola who says TV is biased and we all know Sir that Mr Isola is an honourable man. Indeed, Sir, I would agree that it does appear at times that TV is biased. We have Mr Peter Plant almost giving a party plug or an Isola plug should we say, perhaps that was biased. Or we have the Chief Minister who gives us his platitudes on what the press should do or should not do. At least the Hon Mr Isola does admit there is a distinction between the duties of a Broadcasting Service and of the press but apparently the Hon Chief Minister doesn't even wish to allow that. He wishes the press to give what he thinks is right, but again this is interpretation. He wants to have the good things put in. Well, Sir, I often wonder what the press might be like if we had the good things. Let us pick out the

Daily Telegraph. "Mr Heath had a very happy day today and Mr Wilson went out in the country and saw the cows". - end of news item. The Daily Mirror: "Mr Jack Jones got up, had a nice breakfast and went to work as usual." The people don't want to hear that; they want to hear whether he has paid the £55,000 or not. The Daily Mail, Sir, "The 8.05, the 8.15 and the 8.21 and the 8.23 from Charing Cross left on time and arrived safely." We are not going to put in 8.29 had an accident and 200 people were taken to hospital because that is not the good things of life. The Hon Chief Minister may have very wonderful ideas but he knows nothing I am afraid Sir, nothing about journalism. Now, Sir, there has been considerable concern about the finances on the part of the Honourable Mr Isola of the television, but of course he is right to express this concern, Sir. However, we heard from the Hon Chief Minister that there was an agreement with Thomson Television. Now this agreement I believe was made some little time ago and it might be interesting to know who is the Hon Mr Peter Isola. We know at the moment he is a backbencher in this House. Who was he? In his time he has been Deputy Chief Minister. He has been Leader of the Opposition. He has been at all times a member of this House or at least of the previous Legislative Council and most of the time he was on the Gibraltar Council and if he wants to tell us now that he knows nothing about who Thomson was or who Thomson is and what agreements have been made when all this must have been done in his day, probably with his consultation and advice, then, Sir, it is very difficult for us to swallow, at least for me to swallow, and part of this agreement, the Honourable Chief Minister has told us, is that Thomson must give one year's notice that if they are not getting enough money to run the television then either at the end of the year the Government must determine the contract or give more money so it would seem to me, Sir, that Thomson must have asked for an increase in 1971 which increase was given in 1972. So Government must have been very well aware of all this situation and all this accounts situation for at least one year. Perhaps the Hon Mr Isola did not know although I believe he is very close to Government and I don't think much goes on in Government circles without his knowledge. Let it be that he didn't know. Government did know. Government put up the television licence surely after extensive research into these accounts and if they were not satisfied why then, Sir, did they agree to put up the licence, but it is now that somebody wishes to cash in on a little bit of public outcry and pretend that all this has come out in the last two or three days and it is strange, of course, that this desire for a probe into the television has come from the Hon Mr Isola, not from the Leader of the IWP who apparently was one of the people most vociferous for an enquiry. This question of the keeping of proper accounts - well, this is one of these legal splitting of hairs, but once again I am sure the Hon Mr Isola knew that this



company whatever its called, Gibraltar Broadcasting Limited, was going to keep the accounts for Gibraltar Broadcasting Corporation, had been doing so for many years during the time when Mr Isola, the Hon Mr Isola, was Deputy Chief Minister perhaps, or Leader of the Opposition, when he never brought it out. It wasn't a matter of concern then. Apparently it is now. One thing I do agree with the Hon Mr Isola. Some of the programmes could do with improvement. Like him I usually try and watch Gibraltar television. I do admit to switch over to Spain when there is a good football match and I fight very, very hard sometimes to keep awake during Deadline especially when the Chief Minister or somebody of his group are on telling us how wonderful everything is. But they are entitled to. That's their interpretation. The quality of the programmes, I agree, leaves very much to be looked into. It may be a question of finance. It may be again the interpretation of the person who selects the programmes. I like music Sir, but the 1936 film of Al Johnson last night, that was the limit. But I wonder if this was entertainment or education. It might be cine history. Now, Sir, this very unfortunate witch hunt that we've had about Mr Mascarenhas. This is something which to me is almost ludicrous. First of all there might be a very simple solution. We could get Mr Mascarenhas to sell half his shares. We'll give two to the Hon Mr Peter Isola, two to the Hon Chief Minister and three or maybe even four to the Hon Mr Caruana, but I will tell them one thing this will not alter the policy of the Gibraltar Evening Post an iota. It will still continue to attack this Government. Now Mr Mascarenhas writes for the Gibraltar Evening Post. Of course he does. But he writes really on non-controversial local matters and he flogs a rather, I speak metaphorically, a rather dead horse of General Franco far too much for my liking, I often wonder why it is that he only pushes the AACR line hidden behind in the television and never in public. I don't think he is so Machiavellian as that. He doesn't even belong to the Party. I can't get 60 pennies out of him. But if we are going to enquire with all this assiduousness into different links we might enquire into the Chief Minister's link with Acomoda who sell various things to the Government. Well, why shouldn't they. But people could be suspicious. I am not, but people could be. I understand that the Hon Mr Isola is or was until recently a director of Parcar. Sir, is there any link with this new project we have just heard about of parking cars which are going to be paid for, I believe, and the Honourable Mr Peter Isola? Of course there isn't. But when one hears these accusations thrown around all sorts of suspicions could creep in. If everybody is going to declare each and every interest in a small place like Gibraltar, we'd better have the Hon Financial Secretary up in it. I believe Sir, he is the Commissioner for Income Tax. It has often been said that

how can the Financial Secretary who, on one hand, would know certain things could also<sup>be</sup> the Commissioner for Income Tax and perhaps know other things on the other hand, which might conflict with each other but this is acceptable, Sir. These are not abused. One could even say, Sir, that one couldn't go to the Hon Mr Peter Isola as one's barrister if one happened to be a supporter of the AACR because perhaps he wouldn't represent you reasonably in court. Ludicrous. We all know that people can separate themselves into reasonably watertight compartments. Surely, if all these honourable people can do it, Mr Mascarenhas may be able to do the same. No prices are given of consumer goods. Well, Sir, is this really an AACR plot not to let the public know how the Government cannot cope with the cost of living. It is almost on the Government side, perhaps there is bias there. Even Major Peliza admits there has been inflation and the television has suffered from it. Sir, I don't want to say very much more about this. It has been said . . . Sir, the interference from people like the Hon Mr Caruana is completely unwarranted. We often have to listen to him ad nauseum. This is a very delicate matter. That there should be some increased public participation perhaps in the choice of programmes is the one valid point the Hon Mr Isola has brought forward. Even in the lot of unwarranted and perhaps sinister accusations he has brought out one point that is good. The Hon Chief Minister himself has admitted that this is not an easy thing to deal with but it all goes back, I feel, again to the root of the whole argument. What is in the interests of Gibraltar? What is for the good of Gibraltar? This as I have said before is open to so wide a measure of interpretation, no enquiry will ever justify it and we cannot, I cannot support such an enquiry under such a weak premise.

HON MAJOR A J GACHE:

Mr Speaker, I have considered the motion by the Hon and Learned Backbencher that whilst noting the audited accounts of the Gibraltar Broadcasting Corporation and the Chairman's report up to the 31st March 1971, the House is nevertheless generally concerned about the broadcasting services and request the Government to consider the position. There are words here that I find difficult to comprehend and I am grateful to the Chief Minister~~for~~ having made this matter a free vote in the House. Had the motion instead of saying 'nevertheless generally concerned about the broadcasting services', had it instead been constructive to the extent of saying 'in order to consider whether any savings or improvements could have been made', I am quite certain, Mr Speaker that the whole House would have possibly supported the motion, because I am certain that everyone agrees that there are always possibilities of savings in everything and possibilities of improving too. However, this was not the case. Now, I consider that this motion construed in the only manner



that is reasonably possible in my opinion amounts to an indictment against the Government and whilst it would be open to most members to welcome and support Mr Isola I find on analysis rather difficult to do so.

Firstly, I contend that it is not for a supporter of the Government in the House to propose motions which open the door for criticism of the Government on a matter on which Government is responsible for, either by way of positive act or even by way of omission, which I know is not the case. If there are matters of public interest that require investigation, surely it is the Government that should take the initiative for them, as you indeed heard from the Chief Minister that we have been doing so. Now, a backbencher who feels that an enquiry is called for should bring the matter to the notice of the Government first and only if he opposes the Government does he try and steal the thunder by putting the matter before <sup>the</sup> House. But in this particular case, Mr Speaker, the subject of GBC has been fully examined by the Government recently or if it has not been, should have been for the purposes of approving the measures incorporated into the budget whereby television licences have been increased. I know that we have done this and the Government knows it has done this. No Government that has so recently, therefore, supported the unpopular measure of taxation should now be heard to say that it has concern for the matter of GBC for were this the case surely the right time to have investigated the affairs of GBC and to put right whatever it would be concerned with, would have been when the new measures of taxation were approved and not now. To admit, which I find myself incapable of doing, that Government should consider the position because there is generally concern so recently after the increase in licensing fees, is to plead guilty to the charge that the Government has increased the licensing fees to the public without discharging its duty to the public to

ensure that the Corporation is properly and impartially managed. I say again that this is not the case. We have heard about the Gibraltar Broadcasting Corporation. There are two matters concerned with the Gibraltar Broadcasting Corporation. One is the matter of policy and the other one is the matter on the question of finance. We have heard how the Corporation was formed by <sup>the</sup> Gibraltar Broadcasting Corporation Ordinance with the duty of maintaining a sound and television broadcasting service as a means of information, education and entertainment and of developing the service to the best advantage and interest of Gibraltar. Now its operations are controlled and governed by the Board but the Board is subject to any directions of the Governor in Council and it is the Governor in Council who is responsible for the policy adopted by the Corporation. Under section

8(3) of the Ordinance the directions are issued, I think every one knows in this House that this is so, by the Governor in Council and these directions are continuously reviewed and have been reviewed certainly since I have been in the Government. The question of finance, however, is a matter for the Council of Ministers in the first instance and then for the House. Since last August, Mr Speaker, Vox has been stirring this issue of how much money is spent by the Gibraltar Broadcasting Corporation and the suggestion has been made that the solution or the possible solution could be the amalgamation of the Gibraltar Broadcasting Corporation with British Forces Broadcasting Service. You have heard from the Chief Minister that not only is this unlikely but it is also impracticable as there would be a conflict of aim. The campaign has started again and just as I some time ago said that I did not wish to succumb to Government by the Gibraltar Evening Post I would say again that I cannot succumb either to pressure or government by the Vox or equally by the backbencher. Now the Gibraltar Broadcasting Corporation Ordinance establishes the Corporation and gives it legal form. We have heard that. It is a set of directions issued by the Governor in Council and this is provided in the Ordinance and therefore if there is any concern and I have said before that we have reviewed this policy, if there is any concern, of course it would have been an indictment, perhaps, of the Governor in Council in this respect. Now this provides the framework on which the Board operates as I mentioned before. What they may do or what they may not do. The fact that the Board must be politically neutral and also defines what may politically be broadcast. Now we have heard about the agreement entered into in 1968. This was a three party agreement as I understand it between the Government, the Corporation and the Managing Agents. Under the agreement the Corporation with the Government as a party, agreed to appoint a Managing Agent and if you appoint a Managing Agent or you pay someone a management fee you do that so that they manage. You don't pay them so that you manage yourself.

Under the agreement there is provision for a loan of £36,000, with interest, by the Government to the Corporation. This loan is repayable by the Managing Agent out of the revenues which are accrued to them.. The loan is used to start the purchase of equipment when the agreement was entered into in October 1968, the agreement which I understand lasts for 10 years. The purchase of the equipment is spread out and is paid for as the equipment is purchased and the money is not disbursed by the Government until the equipment has actually been bought. However, the equipment when purchased becomes the property of the Corporation although as I said it is paid for from funds accrued to them. What are the revenues that accrue to the Managing Agents from which they have to provide the service, their own management fees, and the repayment of



loan and interest? These are annual licence fees, net advertising revenue and the subsidy of £22,000 which is fixed during the term of the agreement. We have heard of the general savings clause which is concerned with strike, hostilities and inflation and then we have heard that the Managing Agents under these conditions, anyone of them or all of them, can give 12 months notice to the Corporation and the Government saying it cannot carry out the duties within the finances available and saying what additional finances are required. We have heard too that the Government can then either give additional money or determine the agreement. Now the Managing Agents have asked for an increase in revenue, I understand, of an order of £9,000 to £10,000 from the 1st October because of inflation, because of the extent that inflation since 1968 has increased the outlays of the Managing Agents, the Managing Agents' costs, wages and salaries, films, airfreight and the cost of materials, not entertainment, and I will explain that later. We have also heard some remarks about the hours of viewing. The hours of viewing should be  $4\frac{1}{2}$  hours daily. I understand again that a check over the last 6 months shows an average of  $4\frac{1}{2}$  hours a day. We have heard <sup>of</sup> additional winter hours which were requested by the Government. This did not come under the  $4\frac{1}{2}$  hours daily and the programmes which have been produced have been costed at net prices and this is the only money which I understand the Corporation has charged for. Now great play has been made on this question of travelling and entertainment on exhibit 4. I understand that each year the General Manager does three trips to the United Kingdom of approximately three weeks duration each. Each trip costs in the region of £400 which includes air fares, hotel expenses, entertainment, since what he is trying to do is to persuade the distributors to reduce the prices and I understand that he does succeed in most occasions, and travelling in London. Let me say that in connection with the air fares we have also heard that British United Airways or British Caledonian has in the past provided the Corporation with free tickets. This is in return for advertising. This is indeed correct but what normally happens is that when a free ticket is used the normal cost of the ticket is charged to travelling and equal credit is given to advertising therefore the Managing Agents do not get away with anything.

MR SPEAKER

You are making yourself responsible for the statement, of course.

HON MAJOR A J GACHE

Yes, I have got it. Yes, I am.

MR SPEAKER

Well it is my duty to remind you that you are making yourself responsible for a statement on a matter which is not under debate, of course.

HON MAJOR A J GACHE

Mr Speaker, we have heard about these air tickets and we have heard perhaps insinuations as to what happens to these air tickets and I am replying in the same vein.

HON P J ISOLA

Mr Speaker, may I ask why the clarification?

MR SPEAKER

In fairness to the Minister I am just saying that you have not qualified your statement by I believe; you say "this is so" and in fairness to you I am just making the remark and nothing else.

HON P J ISOLA

Sir may I on a point of clarification Mr Speaker. No insinuations have been made about the air tickets. What has been said is quite clear that it has been said that BUA and BEA give free air tickets to Thomson in return for free advertising. That is not an insinuation, there is no insinuation of any malpractice, that's just what has been said and my Honourable Friend has confirmed it. Please do not use words that have not been used by me.

HON MAJOR A J GACHE

Thank you, Mr Speaker, for your help in this connection. Maybe I ought to say that I understand that when the free ticket is used the normal cost of the ticket is charged to travelling and an extra credit is given to advertising. With regard to the accounts, Mr Speaker, I too have done a little bit of digging and I have come across, for example, that Gibraltar Television Rentals is indeed or, I understand again, a UK registered company the same address as Thomson who owns 99% of Europa Rentals, therefore there is confirmation. I also enquired into the Thomson Television International Limited liability of £9,348, I understand of course that this money paid for things for the Corporation, on our behalf. Equally I have looked into Gibraltar Broadcasting Limited and I am given to understand that this is the Managing Agents Company in Gibraltar who have been here for quite a considerable time. I am also given to understand that if the agreement was to be determined it would be highly unlikely that the Gibraltar Broadcasting Corporation, would receive this money just like that without the Government going more deeply into it. Now in so far as the current liabilities and the current assets which you see up and about, I am given to understand, and my own practice does confirm this, that there can be inter-company



accounts or internal finance of one company by another. This would appear to be the case here. The play has been made of entertainment for the people who come down, these are people who go down to the television as has been heard and instead of receiving a fee they receive a drink. I have spoken about the other entertainment matter of £2,362. There is of course this question of the telephones, £1,160. I understand that there are a lot of telephone calls to the United Kingdom in connection with the programmes which don't arrive at the right time and, of course, in connection with the news. I have also enquired into the staff remuneration. For example, the General Manager, and I have been advised that he ranked as a senior head of department in Government and all that he has got there is the normal increase that anybody would have had under the Marsh Award. Mr Speaker, what grieves me most of all in this debate is that one should have singled out the Head of Production, Mr Mascarenhas. I cannot recall my reading hamsards in the United Kingdom or even listening to debates in the House, I don't seem to recall where anyone has ever been mentioned by name in the House in the way in which Mr Mascarenhas has been mentioned here. The policy of the Corporation is the responsibility of the Governor in Council and since I am part of that I do not shelve or will pass over any of that responsibility for whatever part I may play in that. I am sure that my colleagues won't do that either. Then, of course, the policy is passed over to the Board and the Board carries the policy out and if Mr Mascarenhas has shown any bias or has not followed the policy of the Governor in Council as passed down through the Board on to him, well then it is not his fault and I am not saying that he has been biased but if he has been biased and it is very difficult, let me say, not to sometimes show bias and it would be very difficult in Gibraltar too if every time that someone shows bias they were taken to task and moved from a job because we would be forever playing musical chairs with heads of departments and other people like that but I think that the House might like to recall in connection with Mr Mascarenhas that I personally feel that Gibraltar owes him a deep debt of gratitude for his "Palabras al Viento" during possibly one of the worse periods that Gibraltar has ever had and therefore it is very easy to forget what one does at a time when for other reasons one wants to perhaps bring a person down. I feel, Mr Speaker,

and I hope it is not so and I say this with all sincerity, that we are not starting a witch hunt in Gibraltar because witch hunts have got a habit of turning very sour and we never know when we start a witch hunt who is going to be the next, or the next, or the next. I am certain that this is not the case, but it could be seen just the same as we've heard that justice must not only be done but must be seen to be done, it could be seen when you start bringing names into the House of Assembly that one could be witch hunting. Now we have heard all about

looking into shareholdings and all that. That again could be construed that in looking at the shareholdings one again could follow in this question of witch hunting. I know that this is not the case. This is a matter of trying to discover facts but then, of course, you can go and start looking at the shareholding of all the newspapers, or companies in Gibraltar. Where do you end when you start looking into the shareholding of companies in Gibraltar and who or who does or does not hold the shares? So, let us stop if there is any question of witch hunting or even misconstrued witch hunting. We have heard about the Price Control communiques not appearing on television. I think the reason for that is a very simple one. The Government doesn't pay the television for what they consider to be an advertisement and, in fact, I don't think it appears in all the other papers either because we don't pay them. The papers contend that this is advertising. Lastly, Mr Speaker, I just really wonder why we are discussing this today. I will go with what I said at the beginning, that we should have discussed this as indeed the Government has been discussing this for months and I wish for all our sakes that this matter had, instead of being brought here, been taken to the Government in its proper way. I hope, and I am not casting any aspersions on this, I hope, that

we are not discussing this today ..... because of

what my Honourable and Learned Friend has shown <sup>as a</sup> demand on an enquiry into GBC from the Consumer Association and Transport and General Workers Union. Thank you.

HON A W SERFATY

Mr Speaker, I wasn't going to speak on this motion today. I think too many people have done so already, but in common with what the Honourable and Gallant Major Gache has just said I am very worried at this personal attack against Mr Mascarenhas, because whatever the mover may say and in many ways I must say I am an admirer of Mr Peter Isola whom I knew very well during the time of the Coalition Government but I....

HON SIR JOSHUA HASSAN

Which coalition? This coalition?



HON A W SERFATY

Well, the last Coalition Government, but I can't agree with you one iota when he starts bringing names into this House. As Major Gache has said. Where are we going to end, bringing names into our discussions here? And if we are going to analyse what he said; what bias has been shown by GBC? The fact that the increase in the reserve balances of the Government were not mentioned in the news item. Is that sufficient reason to say that GBC is biased against one side of the House? Is it so very important that the reserve balances have increased in one year? There may be many reasons. During the Budget session I asked the Honourable Financial and Development Secretary, or I suggested that the possible increase in the balance was that the amount due to the Council by many of the users of public utilities had not been shown on one side of the books. I never got an answer to that but I still believe that one of the reasons for the increase in the reserve balances is because of that. The Honourable Financial and Development Secretary says, no, as he said no a month ago but he hasn't told me why I am wrong. It may also be due to the fact that certain monies that were going to be spent were not spent so is it so very important for the Honourable Mr Peter Isola to make an accusation of bias because that matter was not mentioned. Some people think I am kindly because I don't see wrong motives in people so easily. I don't think there is a justification to accuse the Corporation of bias because of that. Talking about "Safari", honestly its painful. Some people, like me, who love animals so much - I go to the zoo every time I go to London - must confess that two of the most important programmes that I see on television are Planeta Azul in Spanish television and not like Mr Xiberras who looks at football so much, Planeta Azul and Safari. Why should Mr Isola come now and criticise Safari? <sup>On</sup> this question of expenses. I have been looking at the figures: 1971 Entertaining £1096 for fifteen months which is about £877 for twelve and on another page £2352 for fifteen months which is £1882 for 12. Total £2759 compared to £2936 in 1969. Well, what is there to shout about? I think what Mr Isola has brought is a lot of red herrings. Trying to capitalise. I say so to his face, trying to capitalise because there are many would-be voters who are upset because the House of Assembly, or the Government I should say, have increased television licences. Trying to capitalise. I am certainly not in agreement with the motion.

MR SPEAKER

Does any other Honourable Member wish to speak on the motion?

HON SIR JOSHUA HASSAN

Mr Speaker, in the first place I think that it must be unique in the history of Parliamentary government that the backbencher, particularly

when there is only one, proposes a motion calling upon the Government to do something and is immediately followed by the Chief Minister or the Prime Minister or whatever would be in any other Parliament saying "I don't want to commit myself but I entirely agree". In a Parliament when you have sections of a number of backbenchers who have different views and so on, some of them become a nuisance to their own Government and, of course, sometimes they have to resist pressures. But as Major Gache has rightly said if a member of the Government side wants something done because he thinks it is in the public interest, what he is interested in is getting the thing done not in making a lot of noise about it to try and capitalise, to use the word of my colleague who has just spoken, on any particular circumstances. We are getting too much in the habit in this place of ours of getting into any bandwagon that is going for the moment and that seems to be popular and to slash at this, slash at that, perhaps because there is nothing better to do and this is what I think has happened in this case. I do not accept that this is a motion of concern for the finances or the bias of the television. I do not accept that. This is a motion in order to cash in on the Transport and General Workers Union who before were maligned and all sorts of things but who suddenly have become the saviours of Gibraltar since we disaffiliated them from our Party. And the Consumer Association - with all due respects to the work they do - who do they represent? Who do they represent? I am not going to give way on any clarification and perhaps you'll call the Minister to order. So that indeed this is a motion which is really geared for popularity. We were accused of that yesterday when we were trying to increase personal allowances of the lower income groups which was not the case because this was a matter which we had advised on before. This is done purely to get yourself into the papers, to get yourself popularity, to go on the bandwagon of the Transport and General Workers Union and so on, and if I may say so whilst I commend in this case, perhaps the only time I've had opportunity of commending, the restraint and moderation of the Chief Minister today, I condemn his complete unrestraint and his complete irresponsibility on television the other night by saying that there is a bias and when he was asked what it was it was that somebody didn't go to take a picture of some people painting a wall, which incidentally, I am given to understand, efforts were made to find out where it was and no cooperation found from the department concerned so that indeed ...

HON CHIEF MINISTER

I never said that there was bias. I am afraid the Honourable and Learned Leader of the Opposition is always inclined to put words that I haven't said. What I said is that they should be more constructive. That is what I said.



HON SIR JOSHUA HASSAN

The word "bias" was used and I happened to record that part of the thing because I arrived late for lunch and I didn't have to hear the whole of it but this is the one I particularly want and I got it on tape and the word "bias" was used and he said "you are biased", and then the interviewer said "Tell us how we are biased". And other things have been misrepresented in this House. When Mr Isola was saying that there were letters in the press with 150 signatures they were not complaining about the GBC or about bias. They were complaining that the interviewer was rather harsh on Mr Feetham. That was the complaint of 150 people, not anything else, and so what? I have been told many times by more, perhaps more mature people who do not understand the intricacies of this. "How dare that young Clive Golt ask you these impertinent questions that he asked you when you go on television? "I have got to convince them that this is the best way of bringing the best out of one if you get a hard questioner like you do in the United Kingdom. If you have a good interviewer he gets the best out of you but if there is nothing good in you he doesn't get anything out of you. Miss Anes spoke about a film having gone wrong. Perhaps Miss Anes should remember that her introduction into politics arose out of a famous television interview where she complained about leaky roofs which have not since been repaired, I don't think, in an interview where there was a Minister of the then Government, Mr Louis Triay. To that she owes her impact into television and subsequently her impact into public life or whatever remains of it. But, I have a complaint too against television. But the point is the way to look at it. I don't like everything that television does or the way the news are presented. I don't like them because I am subjective. I look at it from my point of view. But I don't go and say that because they don't give the trend that I think they ought to give, they are wrong. I credit them with sufficient intelligence and integrity to think that they do what they think is best in an impartial way even though I don't agree with it. Let me say that I had reason to write to the Chairman of the Corporation on a very important matter and I would never have mentioned this except that small things as to whether a photograph was taken or not was mentioned today. The Chief Minister thought fit to make a short statement some three meetings or four meetings ago about the visit of Sir Alec Douglas-Home to Madrid and made some remarks. I got up and associated myself with the results of the visit but I made certain observations which showed that I did not agree with everything that the Chief Minister had said. But the Corporation having had the hand-out of what the Chief Minister spoke because it was a statement, a prepared statement, notice given and so on, reproduced that on television and didn't say a word about what I had said. I complained for this one reason, that foreign affairs is not a

matter for this House, at least not within our province to decide anything, though we can talk about it. The Chief Minister thought fit to make a statement on foreign affairs almost taking the credit for the visit of Sir Alec Douglas-Home to Madrid, but, anyhow, he made a statement on foreign affairs which I am supposed to be consulted too and it is often necessary to make this point that one has got one's views on these matters and I wrote to Gibraltar Broadcasting Corporation and I said that I appreciated that this had not been done deliberately but calling the attention of the necessity on matters of statements of importance to give both views of the House when anything like that is said and I got a very courteous letter from the Chairman informing me of the difficulties in which the news media is transmitted, the lack of facilities here to transmit it quickly if we have a late session, and how it is to be put across and so on which I anticipated in my letter because I know how they work. I know how they work because I have been going there like the Chief Minister has been going there. I don't partake of that part of the entertainment which is meant by whisky because I only drink water when I go on television, but I know how they work and I know their difficulties. I am saying this because I think the point made by Mr Montegriffo is a very valid one and that is that when you are in a position of independence, when you are trying to do something impartially, if you only get the complaints from one side of the public then it is obvious that you are verging on the other side. But when you get complaints from time to time from all and sundry it shows that they are doing a job, a difficult job, and that they falter now and then sometimes on this side sometimes on the other. That shows no bias. It shows perhaps weakness in the organisation, whatever it may be, human frailty, human mistakes and so on but no bias. Now I am not here to defend the independence of the television because I think the Chairman rightly says in his report, "this Corporation has continued to give the highest priority to protecting its independence subject to the terms of the directions issued by the Governor in Council". Because I think that they are worthy, they themselves can safeguard that independence. What I am saying and what is important in this House and what we do here, is that nothing that is said here can be directly or indirectly said to affect their approach to that, and what I mean is that however good, however independent the television corporation may be if accusations are made before the matter is investigated, people of calibre and a sense of duty as is required, and independent people, as is required for television, will not be easily found. It is difficult enough now to get anybody to do a hard job voluntarily and I would like to say that nothing as far as we are concerned on this side of the House, we will not allow anything that happens in this House in any way to reflect however much you may say you don't want to, on the integrity of the



people who run the Corporation because it is in maintaining their integrity here that we can give them the best encouragement to do the hard work which they are doing entirely voluntarily and for the public good. And only three weeks ago the Chief Minister was eulogising television for their alertness and good work when he was presenting the budget and he was talking about the increase in licence fees and there I must say I entirely agree and he anticipated because I deliberately allowed myself to speak as late as possible, not as late as the member who has just come in, but I entirely agree with what Major Gache has said about this. I entirely agree and in fact it is not fair, under any circumstances, to come here with insinuations. In his reply the mover may say I never accused Mr Mascarenhas. I never accused so and so but look at the trend of it. Look at the whole picture presented. It is a pity because perhaps the television as a media as important as it is, perhaps for the encouragement of those who are working in it voluntarily, deserves a debate, but a debate that is not motivated by ideas of publicity and getting into the bandwagon but a debate that is motivated by the highest principles of maintaining this. The Chief Minister said they don't show enough about how good Gibraltar is, they don't publicize the new buildings. First of all I don't agree with that, I think they put it too much but, anyhow, that is my subjective view. But do you want a television that you might even confuse yourself except for the language, whether you were in Channel 10 or in Channel 6? Do you want to see the Ministers coming and going and kissing their wives as they arrive at the airport and saying how many millions they have spent on this and the biggest dam in the world and the biggest factory on that. Is that the kind of television we want? Because we could build up that kind of television in Gibraltar even with our limited things, because I am sure that the Chief Minister does a few visits every week here and there. Do you want that? Really? Is that what the people want? The people don't want that I am sure. What the people want is a general picture and a general picture of Gibraltar is the good and the bad. Of course if there is a new block of flats and there is a topping up ceremony there should be a picture of this so long as it is not the same Minister who appears one day after the other and so on. But of course if there is a building where a tarpaulin has been forgotten to be put and it gets leaky and a new house leaks and the person concerned gives notice to a newspaper, that's news, of course that's news. It is what is happening in our city and if we are going to pretend that everything that is happening in Gibraltar is good then it will be Channel 10. Because if you see Channel 10 you will see that there may be riots in Bulgaria and in Vietnam but nothing of what happens in Madrid or Barcelona. No, don't put the Housewives on this thing. They were pretty quickly dealt with otherwise by the Government,

very ably I must give them full credit for that, but the account of the demonstrations; no don't give that, that is unpleasant, that reflects on the Government and this is why we must be very careful, because on one or two occasions, I am sure that only by a slip of the tongue the Chief Minister referred to the Government buys films and so on, of course he meant the Corporation but this is the mentality that we've got to take away from the attempt at saying that what is rosy, what is good, is what I think is rosy and what I think is good and what this Government is doing. This is the danger and this is why the Government is completely wrong in their approach to the matter because what they would want is even more publicity to what they are doing that nobody else has done because the world started in July 1969. Now there has been reference to accounts and this, of course, is a very serious matter but I would only like to say one word on the multiplicity of companies which I think though Major Gache made a very detailed analysis of certain facts, one thing that I remember quite clearly is that this question of the Managing Agents' contract did not come out of the blue. It was the inheritance of the failure of private attempts at running a television station in Gibraltar. It must be remembered that that is the origin of the present arrangement, that somebody tried to do it commercially, it failed and Gibraltar had to have television and an arrangement was made with those who were helping the local people who started television in Gibraltar. But there is something much more serious than all this when the Mover spoke about the accounts. First of all the accounts are not the first that have been published since this Government has been in office; secondly one of the members of the Corporation is none less than the Auditor General of the territory or the Principal Auditor I think his title now is. The Principal Auditor is not there as an Auditor, of course, but he has been there because of his theatrical or other inclinations which are appreciated by everybody but nevertheless he is the Principal Auditor of the Government of Gibraltar. He has been there as a member. If he had found anything wrong I am sure that he would have drawn the attention, not now not last year, not the year before, but long ago that there was something irregular in these accounts and....

HON P J ISOLA

Could I say Mr Speaker that in my reference to the accounts what I said was that the fact that there was a deficit did not necessarily mean that the group as a whole had had a loss. What I did not, I did not say for one minute, I did not question the correctness of the accounts. I want to make that absolutely clear because there are auditors, Turquand Youngs and everybody...



HON SIR JOSHUA HASSAN

I wasn't suggesting that that was what had been said. I mentioned in particular whether the report of the auditors is within the terms of the law or not as seen by the Principal Auditor of the territory because the point was made that the report of the auditors said that the accounts were made on behalf of the Gibraltar Broadcasting Corporation by Gibraltar Broadcasting Limited. Now this is the point I make. That is the point I make. If that is wrong which I don't think it can be wrong, but if that is wrong first of all it has baffled everybody because it has baffled the Principal Auditor who has been there so many years and no doubt it has baffled the Honourable Financial Secretary and all his wonderful boys behind him who work there day and night on matters of this nature not to have discovered that, and if it is said that this is something that has come out of the blue because it has never been raised before I would say, no. There has been the closest examination of all the accounts in relation to the increase of licence fees arising out of the contractual obligations of the Government to do so. Now, let it not be said as it was said at the time, "This is a contract" - because I did not remember and in opposition never have the papers, of course, - "This is a contract, that it was entered into by the last Government, we have to hear it and so all the things were bad before 1969, everything is good since then" - but it is quite clear from the reading of that part of the contract that the Chief Minister has read that the Government has had a whole year's advice and they would have had, the wonderful, golden opportunity if they thought that the Managing Agents were doing a bad job to say, "To hell with it. This is our way out, it was here for another nine years but by God inflation for one thing has saved us. We can get rid of Thomson Television we can get rid of the whole caboodle and let us do this or let us do that." They had a wonderful opportunity, but he very rightly said, the Chief Minister, very rightly said, we are not in a position now to go looking around for new Managing Agents.

One thing is certain, whether it is Managing Agents or whatever it is one thing must be supreme and I hope we have no difference in this and that is that the Corporation must be independent in accordance with this law or whatever law this House chooses to amend in its prerogative so that nothing can ever be said that there is pressure from the Government to do this or pressure from the Government to do that. Pressure from the Government carries much more weight than pressure from other bodies and it must be the prerogative also and the duty of the Government of the day not to pressurise television under any circumstances, - I am not saying that they are doing it now - but it is an important thing. It was a principle I adhered to through years however many conflicts I had with previous Chairmen of the GBC about matters of general interest, that the integrity, the independence

of the television should be beyond intervention by anybody at all but certainly more than anybody, by anybody in office. Now as has been said already the purview of all this is in the hands of the Government without the need of a motion and, in fact, the Government was looking at it according to the Chief Minister, and another thing is that according to the report the directions of the Governor in Council have been reviewed in the time of this Government. So they cannot say this we inherited. They inherited directions because there had to be directions under the law. But they have been reviewed and if you look at page 2 of the report of the Chairman it says "In the course of the year 1970 the directions by the Governor in Council under which the Corporation operate were revised in the light of experience and to take into account changing circumstances. New directions were issued in November 1970 and these included various proposals made by my Board including those on political broadcasting referred to in the annual report for 1969". Then it goes to speak about 'X' films because all these things are of great importance so that really the directions of the Governor in Council which at present regulate the way in which the Board has to carry out its duties were the actions of this Government and if they are not satisfied they are entitled to say so to the Corporation and to seek preferably their approval as was done in this case or convince them that there is need for a change of directions. So long, and I think it is fair to say, that the changed directions - I was also asked by the Deputy Governor to see the new directions, I made one or two suggestions which were not accepted but I know what the directions are and I was given a copy of what the directions are as Leader of the Opposition. - Nothing very very extraordinary. It will have to change in time no doubt in two or three years or next year, it may require a little changing. This is a matter that happens every day but this is the responsibility of the Government and I am sure that the Government will carry out this responsibility and it is because we were convinced that the Government were carrying out their responsibility in this respect and because we were convinced with what the Financial Secretary and the Chief Minister said about the need to revise the expenditure under the terms of the contract, that we" voted in favour of the increase on licence fees of television. Nothing would have been easier, nothing would have been more popular than to have opposed anything that was of an increase nature. Whatever the Government would have said about the responsibility. Nothing would have been more popular. We opposed such parts of the budget which we thought fit to oppose in the little time <sup>given by</sup> / Government across the table or off the cuff Government as was described, by the Financial Secretary <sup>where</sup> / one is expected responsibly from this side of the Opposition to agree at a moment's notice with the whole measure of new taxation.



Instant Government; at least it is instant approval. So that really Mr Speaker, I think it is a pity that the motion has been given this slant. Nothing has been said on the motion that really endears me to its terms or to be associated with many of the things that have been said which in my humble opinion should have been left unsaid until at least there was an enquiry, and I come to the last of the points made. Whether you say I am making no accusations whether you say I only want it to be investigated, it is true and it has been confirmed by a member of the other side of the House that you do not in a debate in the House mention names and make innuendoes or possible innuendoes before the matter is investigated and I deprecate the practice for the reasons stated by Major Gache because this could be the beginning of a witch hunt of many people and eventually one thing that he didn't say the thing can boomerang against those who start it because there is nothing more fickle than political thinking and political life and in Gibraltar in particular one thing is of the highest of importance one day and the next day everybody has forgotten it and something else takes the attention of the public. And therefore it is regrettable to say the least that somebody who whatever may be said of him could, if he had been a hypocrite or if he had attempted or if he was biased and felt that the finger should be pointed at him, could easily have done what many people do, put the shares in the name of their wives or something else and write under a pseudonym. If I may say so, much regard as I have personally for Mr Mascarenhas whom I have known a long time, I think his articles in the Evening Post are an absolute bore but anyhow that is my own personal opinion. He makes the world go around him but this is my own view but he doesn't make any secrets about it. He is beautifully photographed every day with his pipe in his hand - I think he has already given up smoking a pipe but the photograph still has it - but that is neither here nor there. A man who does not fear that his integrity can be assailed is a much braver man than the man who hides under a pen name as many people are still doing, many people whom we know. There is a famous name of a contributor whose name is John Castle who has a dig at the AACR every week I think he has got tired of it some time and is just resting until he starts again. We all know who we all think John Castle is but there it is and nobody worries. Anyhow very few people read it so really this is not the way in which a matter of this importance is to be treated. I hope that the interviewer goes from strength to strength and tears to pieces anybody who goes there be it the Chief Minister, myself or anybody and let the truth come out. It is the only way, by clear and strong and courageous questioning so long as it is balanced. We don't really want interviews like the one the Honourable Minister for Public Works had when he came from England.

This really looked like Channel 10. All the wonderful things, the cost; the millions that have been spent; the money that he was going to be spend and so on and it was quite mild, it was informative, it was good, but it was like Channel 10. This is a very delicate matter and I think the less it is touched the better. I'd leave it in full confidence in the hands of the Government, in the hands of the Chief Minister to look into what he thinks he ought to look into. This is what I am only interested, in what he thinks he ought to look into. That is why we cannot support the motion because the motion gives him a directive of concern. My Honourable and Gallant colleague on my side who keeps me informed of details had given to me various definitions of concern before the mover spoke but it is quite clear which of them he was referring to because concern can be related to; affects; interest onesself; troubled; solicitous regard; and reference and relations. We now know that concern is really "worried" and this is what the Mover has tried to tell this House that they should be worried and one of the things I have learned in life is never to worry and to investigate matters quietly and properly. That is why the purpose of the motion has defeated itself and I think it deserves contempt and nothing else.

MR SPEAKER

We will now recess for approximately half an hour.

The House resumed.

HON L DEVINCENZI

Mr Speaker we've heard a number of speakers already. This happens here very often and we can't help repeating ourselves. However I will endeavour, as I usually do, to be brief and to try not to repeat what the previous speakers have said. I will say from the outset that I do intend to support the motion and because of this I think I must say a few words in order to justify this. Now I think we all agree that it is a very delicate question that we are discussing but nevertheless even if it is delicate and it is, it is also a very important matter that we are discussing. The timing has been questioned but whatever the timing, whether it is the best time or not to bring this matter up nevertheless it has been brought up and I think it should be given a full airing. The motion has been couched in moderate terms. Perhaps to some people it may not appear to be so but I sincerely believe that they are moderate terms. Perhaps the word concerned is the keyword there. Well, lets face it and here I can assure you Mr Speaker, I am not for a moment being political but there are in fact a number of bodies or associations or organisations that have expressed concern about this and I think it is only fair that some attention should be paid to these organisations who represent a very considerable number of people in



Gibraltar. I was somewhat surprised to hear the Leader of the Opposition when he did say among other things that it was the Transport and General Workers Union who had brought it up and we were trying to jump on their bandwagon. Well this is not the case. I think he also mentioned the Consumers Association and asked "who are they?" I am very surprised. Either he is ignorant of the fact of who they are or he was showing some contempt to them by showing ignorance as to who they are. Surely he must realise, Mr Speaker, that the Consumers Association is composed of the Transport and General Workers Union itself, the Housewives Association, the Gibraltar Trades Council who encompass quite a number of Associations, the Young Integration with Britain Party, the Young AACR who very seldom attend but nevertheless they are members. In fact they represent a considerable amount of people and they themselves have also expressed concern. The Hon Mr Peter Isola when he ended brought up what he called a few thoughts, a few points, in fact four points. Number one he said a review of the setup <sup>vis a vis</sup> GBC and BFBS whether there would possibly be some sort of link up. Now whether there can or cannot be such a link up I don't know but I would imagine that the idea is there. It is a good idea worthwhile investigating. Whether it is feasible is another matter altogether. Again one in which I think even the Hon Mr Featherstone agreed and this is quite something i.e. greater public participation with regard to the choice of programmes, etc. Here again I think that it is a very fair thought, a very fair suggestion, and I think again it's a very good one too. Conditions of service, pay, allowances; again nothing wrong with that at all and also this question of maintaining a balance between the good and bad which the Chief Minister himself also brought up. It is a fact and I would ask the House to believe this because I do say so once again very sincerely, that one tends to find that the bad side of Gibraltar is projected a bit more often than the good side. The Honourable and Learned Leader of the Opposition did accuse the Honourable and Learned Mr Peter Isola of being political about the whole thing, of capitalising on the feeling of the people, that they had brought up this question of an investigation and then he went on himself and, by jove, was he political. In a very subtle way he did begin to accuse the Chief Minister of wanting everything good to be projected. I did not hear for a moment the Chief Minister saying that everything good should be projected, I think the Chief Minister in a very balanced and very moderate speech made the point that one should balance the news presented and, if anything, if one had to give a choice one way or another one should certainly steer towards the good rather than the bad. After all GBC does not reach millions of people but it does reach the surrounding area and I think they would be doing a disservice to Gibraltar if one were to project more of the bad than of the good. Once

again I think in these discussions some suspicion has been thrown at GBC generally and I am glad to say that no one, no one at all has for one moment accused the Board of not being impartial or being biased at all and I am very glad to hear this. I for one also support this very much and I am sure that not a single member of the Board is biased in any way. True it can be said and I am sure that this must be the feeling of the Board themselves that by implication if some members of the staff are biased then it could be said that they are being fooled or are not doing their job properly. What are they there for that these things escape their attention? Now, I would hate to believe that they should think like that because this is not necessarily the case always. It can happen, let's face it, the members of the Board are like everything else here in Gibraltar or as many things here, they are part-timers, they are busy men. I am sure that many of them belong perhaps to other Boards and perhaps they cannot, much as they would like to, pay all the attention and be as much on top of the comings and goings of GBC as they would like to. This is certainly no reflection on them, I do believe that the dissemination of news and the way they are presented do tend at times to be biased and I am not being subjective. I have tried very very carefully to try and see things as they are. This is my opinion. I might be wrong, I think that this does happen now and again. Names have been mentioned and I will not delve into that, but it is a fact that there is some connection between the Head of News and the Gibraltar Post and that this Head of News is also Head of Production and is in fact involved with GBC and of course this gentleman is perfectly entitled to support or have his own views but nevertheless if the views are there it is very very hard not to show them at times no matter how much you might try not to. Somehow it just filters through and this happens and I would like to think whether perhaps that is the best arrangement possible in the interest of GBC itself. Now I have already spoken more than I intended to and I do see that the Honourable and Learned Leader of the Opposition agrees with me very often. But again the Honourable and Learned Leader of the Opposition in his speech did say among other things about being popular as they, the Opposition, if they wanted to be popular all they would have to do here would be to oppose all measures. Well I think he knows very very well that it is much easier to agree here and let the Gibraltar Post do the opposing. They can always come back and say we didn't say so it was the Gibraltar Post which is more or less one and the same thing. Anyhow in ending may I say that so much has been said already and much more is going to be said by the time we end up here that I think it is in the interests of GBC itself now that this thing has been talked about so much, it is in the interest of GBC and certainly of the Board in order to vindicate themselves, that there should be this enquiry or whatever you want to call it so that the true position will come to light and if nothing is wrong and perhaps there is not, well let



everybody see that there is nothing wrong and perhaps everybody will be happy for that. If there is anything wrong and even if there is not but some improvements can come out of this enquiry, well, then Gibraltar will gain by it. And in view of this I do support the motion. Thank you Mr Speaker.

HON W M ISOLA

Mr Speaker, Sir, I feel I should really come down to earth because in about an hour and ten minutes time I should be flying. I have been listening with great interest to what has been said in this House for the last three or four hours but I would like to remind the House of the motion and all it really says is that it is generally concerned about the Broadcasting services and requests the Government to consider the position. A lot has been said about the Production Manager, certain members of this House have been championing the Production Manager, others have perhaps been giving the idea that he is not all that he should be. I am not interested in the Production Manager at all, I am interested in the motion as it stands which is that we are generally concerned about the Broadcasting Services. Now Mr Speaker, Sir, on this particular motion the Honourable and Gallant Chief Minister has said that this is a free vote in which case each one of us is entitled to vote as our conscious dictates. Some people or some members of the House have been talking about a witch hunt. All absolutely ridiculous and far from the truth. All we are being asked here is and to repeat myself is that we are generally concerned about the Broadcasting Services. Now it is also being said <sup>that</sup> the Honourable and Learned brother of mine has brought this motion to capitalize on certain sections of the community in Gibraltar. Again how far from the truth. May I remind the House that, we sitting in this House, represent the people and if the members of the public start agitating either rightly or wrongly about certain matters then surely Mr Speaker, it is up to us to take the matter in the proper quarters which in my submission is the House of Assembly. Now I may give you two examples when this has recently come about. There was certain agitation in the town by certain sections of the community perhaps fifteen months ago or a year ago I forget, its relatively unimportant, about the question of the military service conscription. Who brought this motion to this House? My Honourable and Gallant Brother and he came to this House and said there is a lot of talk in Gibraltar about the necessity of whether we should have conscription or not and we had a Select Committee and the result was that as we all know conscription was abolished. Now that was no witch-hunt on the Gibraltar Regiment at all. We were not saying that the Colonel was a bad man or the Subalterns or the Sergeants, not at all. It was a general motion of whether it was essential for Gibraltar, for the defence of Gibraltar, to have conscription or not. Again recently there was a certain amount of

agitation in the town regarding air communications, about fares generally. That was no indictment on the Honourable and Gallant Minister for Economic Development and we had a Select Committee in which the Minister for Economic Development was appointed Chairman as we in the Select Committee already know and we are going to discuss this particular matter, again because there was a certain amount of agitation in the town, people couldn't get into certain basic set-ups but I will not go into those details Mr Speaker. There is no doubt about it, we are just fooling ourselves if we think that there has been no agitation in recent months about the Gibraltar Broadcasting Service. I am not saying Sir, that it is right and I am not saying that it is wrong but there is no doubt about it that there was with the increase of the licences, there was a bit of an uproar. There was, there is no doubt about it. People had been complaining in the Press, for instance, that instead of  $4\frac{1}{2}$  hours there was only 4. Some people are saying that the programmes are old fashioned, some people are saying that they are repeating the programmes. The Consumers Association have made a statement and they are quite a responsible body which I believe consist of various members of different Associations. Now obviously I feel Mr Speaker, that if I was the Chairman of the Gibraltar Broadcasting Corporation I would view all these criticisms which were thrown at GBC with concern inasmuch as I when I am criticised in my Department about my touristic policies, I am also concerned and what do I want to do when I have these criticisms thrown at me? What I want to do is to look into them and see whether I am right or whether I am wrong. Now Mr Speaker, all that is being asked in this motion is that we are generally concerned about the Broadcasting services and if after all it is not just us it is members of the public and those other people whom we represent in this House. In my opinion Sir, with respect, I am quite sure that the Chairman of the Gibraltar Broadcasting Corporation will probably welcome this motion because he will then have the chance of having this ventilated and he may then come to the public and say, "look, boys, all your criticisms are wrong because of this and that", and if by looking into the position we were to discover that this and this is wrong I am sure that the Chairman of the Gibraltar Broadcasting Corporation for whom I have the highest respect will say "thank you very much, boys, I will certainly look into this and put the matter right." Now on this basis and without being personal in <sup>any</sup> manner or form I certainly Sir, welcome this motion.

HON M XIBERRAS

Mr Speaker, the most important thing perhaps which has been left unsaid and <sup>many</sup> important things have been said is the fact that



Gibraltar does need a television station and needs it very, very badly particularly in the present circumstances and that once that we have had a television station, in whatever way it is run and whatever budget, and whoever the persons involved, the House should bear in mind above everything that Gibraltar does need a television station. Sir, there has been some comment in the press about switching over to Channel 10 and not having in fact any kind of transmission from Gibraltar at all. I cannot associate myself and I am sure Hon Members would not associate themselves with such a proposition. On the other hand, the television station which we have must be, of necessity, one that we can afford and therefore I feel that there is room for concern in looking at our broadcasting services generally, especially when the Chairman of the Board himself says- and this was no secret to members of the House - that the finances of the Corporation presented difficulty. Those are not his exact words but that was the sense of what he has had to say in the letter that has been published. Therefore, Sir, I feel that certainly as regards the future this is a matter for concern. Our television licences now are at about the same rate as they are in the United Kingdom and to go any higher would certainly invite public criticism, informed or uninformed. The solution to this problem has so far eluded, I would assume, the Chairman, Hon Members opposite and Hon Members on this side, but the House cannot conceal the fact that it is something to think about particularly in view of the improvement which everyone feels should be carried out in television which the Chairman himself has said in his letter he would hope would be possible. Sir, it has been said that the Government should have reviewed the position fully at the time of the Budget. Hon Members opposite will know that it is not possible to carry out a review in depth of every single head of expenditure, every single time the matter comes to the House of Assembly, but that such a review in depth is necessary cannot rightly be denied by any member of this House and I say this not because of personal animosity but because the facts of the matter are that within the limitations of the Agreement with Thomson we have practically reached the limit of our resources for improvement. Let me follow this one up very quickly, however, and say that nonetheless improvements are being sought in every Government department. We have heard in this House words which have come to be associated with me, perhaps about organisation, method, cost effectiveness and so on, and a corporation in which Government or the people have the major interest cannot be exempted from such considerations. It is perfectly proper that the financial position and the working of GBC should be looked at in depth in this public forum without, I would hope, any personal animosity being ascribed to those who bring the matter forward. I am sure, judging from my own experience in Government, that improvements are possible in every Government department, in any organisation and in any business enterprise. Moreover,

it is not just a question of cost effectiveness, it is a question too of right conditions and proper service. It is perfectly proper in this House to discuss the salary of the Director of Education, the Director of Tourism or any other head of department. Similarly, it is perfectly proper in this House to discuss the structure, be it the top part of it or the bottom part of it, of GBC. Members opposite have from time to time thrown at this side of the House the question of parties and receptions. Only today, or was it yesterday, the Hon and Learned Leader of the Opposition made such a remark. The question of entertainment has been brought before the House. It is something that should be considered along with anything else because the mover of the motion has chosen to bring this point forward. Sir, again in discussing the subject before the House it is our duty as was very ably said by my Hon Friend the Minister for Education, to give the matter an airing. I do not think it is in the interest of anyone involved in this to get more acrimonious as we go along. Accusations have come from the other side that this side, at least one member sitting on this side of the House, has not tackled the matter properly, but accusations have been raised and innuendoes made from the other side of the House in response. Sir, I think that the Mover of the motion is not only entitled but right in bringing this motion forward. As my Honourable and Learned Friend Mr William Isola, Minister for Tourism and Municipal Services has said, we have had two occasions where this House has reacted almost immediately to what was being said outside this House and on one occasion on that of conscription the Hon and Learned Leader of the Opposition on a matter which was perfectly within the competence of members to raise, and may I say of the Government to raise but neither has done so, the Hon and Learned Leader of the Opposition chose to call the whole process whereby conscription was abolished an exercise in democracy. On this occasion ulterior motives have been ascribed. My view is and I made it clear then that we should not in this House bow to public opinion but we should face public opinion where necessary and the solution which was eventually approved by this House on the recommendation of a Select Committee was not dishonourable to this House nor do I think that Members would agree to anything dishonourable being done. Members in this House have reacted against this motion with vehemence. I would have liked to have seen a more enquiring spirit expressed on the other side of the House. However, I think that public opinion has been reflected on both sides and we are the wiser for it. Sir, there is no doubt at all that there was public pressure and as my Hon Friend has said it was a direct result initially of the measures taken to increase television licences. The town perhaps thought the increase in television licences worse than any other measure brought at budget time. It was a question of £2 over a period of a year but yet the reaction here was the strongest. This general dissatisfaction has been channelled through



responsible associations who are representative and let there be no doubt at all about the representativeness of the Consumer Association or the Transport and General Workers Union, whatever its leadership, and therefore the matters which are so brought to light should be discussed and have been discussed. Sir my Hon and Learned Friend Mr Peter Isola, gave us some points on the method in which the financial position of GBC could be determined. He made points about subsidiary companies. I feel that these points are perfectly valid and do not in the least bit reflect on the mechanical job of doing the accounts and I am sure that Members on this side of the House are entirely in agreement with me when I say that this is not the intention of bringing this matter forward. It was said by a member on the other side of the House, or was it this, that people did not do a job for nothing and that, therefore, Managing Agents would charge a fee but may I say quite clearly that to ignore these considerations and to ascribe other motives to those who bring them forward can be terribly misleading, because I do feel that this lies behind a lot of the informed or semi-informed criticisms which we are getting from outside this House. It is perfectly fair to say Thomson or whoever it is is charging so much for performing this service and this factor should be taken into account when judging the financial position of GBC. If it has not been done in the past it can certainly be done in the future. Sir, the agreement has been changed once already, I do not believe that agreements are immutable. I believe that agreements can be changed by mutual consent and what the House has had to say on this motion should be relevant to the consideration of Government's and the people's relationship with the Managing Agents for the future. We would not be able to afford taking again an unfair attitude towards any third party but as in many things which we have discussed in this House it is the duty of Members of this House fairly to represent the interests of people here in Gibraltar and we would be failing in this representation if we did not take into account the facts which have been brought to light by the Hon and Learned Mr Peter Isola. If a better deal could be done with Thomson then it is our duty to conclude such a deal and therefore the information is entirely relevant. Sir, the other question which has come before the House, leaving for the moment the question of finances, is the question of independence or the fairness of news programmes. The Hon Mr Montegriffo and other members across the floor have said that it is difficult, a difficult thing to determine what fairness is but, in fact, Mr Montegriffo said that it would not be a good thing to avoid the issue of fairness because that would border on, and he said Sir: "the test of impartiality is not whether everybody agrees with you, this is bordering on indifferentism" - this is what he said. What is, then, fairness? Well one man said; "What is truth?" and I am sure he did not get an answer, but yet we have to find truth

insofar as we can and we've got to try to achieve fairness insofar as this is possible and I can assure members of the House that this debate which is taking place today has taken place in many other parts of the world. It took place in France under De Gaulle, it took place in America during the Nixon/Kennedy confrontations on television, it cropped up in Parliament - there<sup>e</sup> was a recent disagreement about Northern Ireland in which the Government and BBC were involved - so these are matters which are regularly brought forward and discussed. I do not think it is fair to say that it is impossible to be impartial. Can I give an example, Sir? There was an occasion on which in fact I was involved, the opening of the Workers Hostel, costing a quarter of a million pounds and GBC gave a fair account of the Workers Hostel, what it was supposed to do and so on, but it was followed immediately and connected with the derelict cars which lay in the surrounding area. Now that, Sir, may be construed as Government doing one thing right but another thing wrong. On the other hand, I do not believe that this is balance, because the things to be balanced are not in fact comparable. Sir, it would be very difficult to define questions of impartiality in a rigid manner but I am firmly convinced that it would be possible to draw up firm guidelines for the guidance of those immediately connected with programmes. This applies, Sir, to the question of interviewing and I am not complaining that I have myself been treated unfairly on television on questions of projection of news and these rules of thumb are in fact employed even today I am sure, but nobody knows exactly what they are. They can be defined and we can learn to become fairer and more impartial. The technique of presenting a programme can be improved and believe me, Sir, I am no expert in this particular field, but I am sure that training both for the persons at the controls; producing for persons in front of the cameras; for everybody, and indeed we have training for civil servants and we have training for other people, but such techniques can be introduced and are a matter of public concern. Mr Nixon's unshaven chin was a matter of great concern in America for a considerable amount of time and here in Gibraltar, it is important most of the time, for instance, not to project criticism of the Budget or rather not to be talking about criticism of the Budget at the same time as one projects a film in which members of this side of the House enter/<sup>the</sup>lobby - this happened the previous day before the Budget - with great big grins on their faces. This is not fair, the juxtaposition of these things is not fair. It may not sound important but the cumulative effect is most important. We are not discussing, Sir, a case of blatant discrimination against this side of the House. Such blatant discrimination in a place like Gibraltar would not be allowed to continue. We are discussing something rather more subtle. The Hon Mr Serfaty brought up certain points, and one good point he made was: Has there been any worsening of the situation in the opinion of members on this side in recent times to



occasion this motion and what has been said on this side of the House? Well, Sir, we will deal <sup>with</sup> certain examples which, in fact, have come forward and are of great political importance, politics in the less acceptable form of the word. Sir, the question of the demonstration in which Mrs Gloria Parody was interviewed and in which most of the interview was dedicated not to the reasons why it had been necessary to bring about the demonstration but to what the future plans of those or of that particular representative, Mrs Parody, were for the following day. I would have said that in fairness a person that came before the cameras for having led a demonstration should have been allowed or given questions to explain the reason why this demonstration had been thought necessary by the participants rather than to try to forecast or even to try to get the person being interviewed to define clearly and perhaps before time what the next step was going to be. Sir, there was also the interview of Mr Feetham of the Transport and General Workers Union and on this occasion I clearly understood that a good deal of that interview if not its entirety, I am subject here to correction, was on the joint communique and yet there was a rather unpleasant scene because Mr Feetham in the opinion of some stood his ground and would not answer questions, too many questions, on other things and in the opinion of others because Mr Feetham was obstinate. Very well, was not the joint communique a factor which has not been discussed before? Is it of no importance at all that the elected members on the Government side should agree on many important points with representatives of the Transport and General Workers Union for the first time, may I add, in many years at least three, three years, a sensible communique which had been broadcast entirely over GBC both in English and in Spanish? I would have said that that was a newsworthy and important thing to ask Mr Feetham about as a signatory of that communique. I do not think that the public <sup>were</sup> left very informed at the end of that particular session. Sir, there are other points that I would bring forward as personal impressions. I do know that various Associations, including my party, have represented these things from time to time. Equally I know that when Mr Peter Plant was in the Chair there was criticism in the Gibraltar Evening Post constantly of Mr Plant's attitude to members on this side of the House. But the point about this is that it is quite possible that there was wrong done on both occasions. I am not pre-judging the issue, the point that I am making is that fairness <sup>not</sup> does consist of saying: You will have it smooth for a certain number of years, you are going to have it rough for another number of years. This is not the point. It is quite possible as I said to devise rules of trust and it is possible to improve, I am sure. Sir, this is not something which has been said exclusively from this side of the House. These points have been raised by other bodies not connected with the IWBP or the members on

this side of the House. Sir, the question of the Head of News has been raised and this has raised all sorts of comments from both sides of the House. I think that discussion of this particular post and the conditions of this particular post is as relevant as discussion of any Government servant would be in circumstances where he was deliberately and openly engaged with some enterprise which was manifestly opposed to Government. I am saying this because as the Hon and Learned Leader of the Opposition knows the question of the impartiality of the civil service is a delicate one as equally the question of the impartiality of the Head of News is important. In the same way that I believe the Hon and Learned Leader of the Opposition would not go for the participation in politics of certain grades of civil servants I believe that it is fair to say that people in certain positions should not or could not rightly be allowed to engage in other activities. I think it is a perfectly fair and balanced point. Let us bring the example of the man in the street who does not know a particular civil servant in a high position, who sees him writing openly in Vox newspaper. Let us see him photographed in that particular newspaper. Is there not reasonable grounds to say that such a person would, could be excused for thinking that there was some connection? We may be very wise, Sir, on this side in this House, but I am sure that the public generally is a different proposition. Sir, I believe that there is an incompatibility in this matter and the matter has been raised and I shall not pander to the Board, to the holder of this office or to members on the other side of the House. That is a fact and a solid fact and that is a firm opinion on my part. Sir, my Hon and Gallant Friend the Chief Minister has been praised by the other side of the House for the balanced way in which he has presented the argument. I hope that I have not said anything which would make me fall below that standard. However, what has been said and however it has been said, they are firm opinions and both with reference to the financial situation and with reference to the impartiality of the civil service I have a right and I think perhaps even an obligation, when the matter is raised, to voice these opinions.

HON LT COL J L HOARE:

Mr Speaker, there are two points on which I agree entirely with the last speaker on the other side. The first one is that Gibraltar does require a television station. The Hon and Learned Leader of the Opposition has said on I think more than one occasion, that it is our frontline of defence and I endorse this judgement. And the other part that I agree <sup>with</sup> is that no agreement is immutable. They are subject to variation as time goes past. New circumstances, new conditions, all these can give rise to changes in the Agreement. But there is little else in what he said that I can agree with. For example, one reads this motion and when I read it first, it struck me as rather odd that it said: "Is nevertheless generally



concerned about the broadcasting services." And I thought, well, of course, we must be generally concerned about this. We must have solicitous regard for it since we are providing it with a lot of money. Of course we are generally concerned with it, but as this <sup>debate</sup> has developed I have come to the conclusion that that was not it. That what there is, is apprehension about <sup>it</sup> ~~this~~ and therefore it seems to me that this is a peculiar way of bringing this particular aspect forward. It has been said that the Government gave great consideration, and in this I am quite sure they did, to the whole subject when they were considering the increase in rates. This was a golden opportunity to do <sup>it</sup> ~~this~~, and they had a year in which to do it. It was not something that was flung at them for instant decision; they had a whole year to go through it, and this is why one then looks a second time at this motion and <sup>wonders</sup> why it should be brought about this way. Before I go into the principles as I see it, I want to go over a couple of points that have been raised. First of all some doubt was raised about the wording of this audited certificate and I think a great deal of play was made on the fact that the books had been kept on behalf of the Corporation. May I ask the Government whether they keep the books themselves or whether the Accountant-General keeps them on their behalf? Which member of the Government deals with it? Surely, it is the rule, not the exception, that a third party - because a corporation is not a <sup>person</sup> ~~body~~ but a corporation it appoints somebody to do the accounting for them. - <sup>the certificate is given</sup> and therefore what I look for, is not whether <sup>on their behalf</sup> but whether, in fact, the auditor is satisfied with the books that have been put before him; that the correct number of books or correct standard of books ~~are kept~~ as required in that particular organisation, and that the auditor, if he has any qualms at all, has been satisfied as to the correctness of them and finally, whether those books are kept within the law and in whatever shape it may be laid down either by statute or by charter or by agreement between partners and so forth. The other thing that struck me is that here we are saying that we are to consider the position with a view obviously of investigating it, but the Government is not the only partner in this organisation; surely the other partners must be consulted and agree and have a say on the matter? It is not just us. The next point is that as far as I know the Board is a Government appointed Board and as far as I know the composition of the Board is not limited by statute. If the Government is not ~~sure~~ <sup>surely</sup> satisfied <sup>with</sup> ~~of~~ the way that Board is carrying out its functions, surely, it can put several <sup>new</sup> members in, not that I have heard the slightest word of doubt cast on the Board as such. The only doubt of impartiality which has been cast, I think, is on one member of that staff, which to me seems rather strange because if one delegates one's duties and responsibilities to another body, another Board, another anything else, you let that Board or that body or the persons to whom you have delegated authority get on with the job. If they don't do it, then you bring the Board to task.

You tell them "Look, you are going off the rails. You want to do this or that." You don't have what is tantamount to a public enquiry here and give it the publicity that this item has <sup>received</sup> ~~taken~~. We had also the question of public pressure being brought into it. Well, of course, public opinion is something which is very important but there should be a certain amount of uniformity about this. So far as I know there was not the same alacrity shown in dealing with the protest march of the Housewives - not the Housewives Association but the Housewives - as is being shown to the public concern which is being expressed on this item, I don't know by whom, but my name was linked, I think, with my wish to see interdialling facilities between the four exchanges. There is nothing further from my mind ~~that~~ there would be an ~~assimilation~~ because I know it just would not work. In the same way that the assimilation between GBC and BFBS is an absolute non-starter. The BFBS has a very definite charter which is applied worldwide and no exception would be made for Gibraltar. That is my own personal opinion. But having had a certain amount of experience on that side I think I would not be very far wrong. That charter would have to be changed with the approval of the British Government and the Cabinet and I think this is much too trivial a matter to have to get to that level because the charter is a worldwide charter. Then we come to this impartiality, whether one puts too much of this kind of news on or too much of that. Surely the object of the exercise is to put over news. News as the person who has to put it over sees it, and not as we see it. In other words, I think it has been said more than once that beauty is in the eye of the beholder and so is ugliness; and so is what is news, and what is no ~~news~~. Neither can I accept the premise that because the Director of ~~the~~ Education's salary can be debated in this House we should be able to debate the salary of employees of a private company. One is our direct servant the other is a servant of a corporation in which we have an indirect responsibility. The terms of service of the employees of any organisation is not subject to the pressures of one individual partner and finally, before I leave the question of news, I think it is an accepted axiom that whereas good news gets into the communications media fairly often, it is much more common for bad news to get into it. Because this is human life, and this is what people buy newspapers for, not to read about the good things but about the horrors that go on in this world. This is why even today papers are splashed and television is splashed with Vietnam, although to the average man in the street now, unfortunately, this is taking a very back seat; we are much more concerned with our own immediate problems here. But what I found a little nauseating was the reference or the implication, call it what you like, that the Head of News was not acceptable because he was linked with an anti-Government newspaper. Am I to surmise from that, that he would be acceptable if he wrote for a pro-Government paper? Surely not; so the emphasis has been



placed on the wrong accent. A question was raised about training. I have seen on many occasions reports of technicians and other staff in GBC going <sup>for</sup> training to the United Kingdom. Obviously this is one sphere in which you cannot bring experts out here because we haven't the facilities, so I think in that respect we have little to complain about that GBC do try within the limited resources, to keep up-to-date. Once again, on this question of bias, I suppose we could from this side get up and say "We have heard little or no information about supplementary questions that we ask in this House". All that one ever gets is the first question and the prepared answer <sup>L</sup>whereas we all know, I think, that the sting in questions is in the tail, in the supplementaries. But this is a fact of life. We have to live with it. A mention was made about the agitation by the Consumer Association. I have a great deal of respect for them, but I am not convinced that they are representative in themselves. They are, as far as I know, and although they are doing great work in the field of consumer items, so far as I know they are a selection of representatives of other bodies and not fully representative of all the bodies in Gibraltar. <sup>A</sup>And perhaps I'd better come to the witch hunt which was mentioned by the other side. I think the word, the term, was used from the other side, not from this side, but surely, it is a matter of personal opinion what is a witch hunt or what isn't a witch hunt. Persecution of one individual may be to himself, calamitous, the end of the world, and to another person something that is water off a duck's back. Once again the degree is <sup>in</sup> the eye or in the mind of ~~the~~ <sup>the</sup> person concerned. Finally, Mr Speaker, I am still <sup>L</sup>despite all the arguments that have been put forward, very sound arguments in some cases, some trivial in other cases, and some downright useless, not to use stronger terms <sup>L</sup>I am not convinced that the method chosen to bring this matter <sup>up</sup> ~~right~~, to have it put right, if indeed it wants to be put right, is the correct one. In my opinion, this is one which should have evolved from the Government itself when it reviewed the increased licences and it was on that premise that we on this side accepted the higher fees.

MR SPEAKER:

Does any other Hon Member wish to speak on the question before the House? I will then call upon the Mover to make his reply.

HON P J ISOLA:

Mr Speaker, Sir, I am very grateful to the great number of Hon Members who have spoken on this motion and have given their views, I hope freely and frankly and not under pressure from anybody. I think, Mr Speaker, you will agree that my motion had a number of aspects and I concluded summing them up; four of them in fact. The Opposition in their interventions

have riveted their attention on my fourth conclusion which related to bias and accordingly provoked a general debate on the question of bias by the Head of News which was not the intention of the motion, whatever Hon Members opposite may think. The Hon Members opposite have seen fit to impute improper motives on the bringing of the motion. The Hon Mr Serfaty said that I was capitalising on something or other and the word motives and motives ran right through the Opposition arguments. You are aware, Mr Speaker, and I am aware that it is one of the rules of this House that no Member can impute improper motives to any other member. I have allowed the breach of this rule, I have allowed the Opposition to have their full say because I am only too aware how strongly they feel on this subject and I felt I ought to let them talk, but since they've mentioned the question of motives, Mr Speaker, I think I must go into my motives as to why I have brought this motion. Lots of things have been said about the motives. In fact, the Hon and Learned Leader of the Opposition finished his, as usual, illuminating address by saying he only had contempt for the motion. Those were his final words as he sat down with a flourish. But, Mr Speaker, I would like to remind the House that this is the fourth motion I have moved in the House and the first motion you will recollect, Mr Speaker, I moved on the question of obtaining for the people of Gibraltar real United Kingdom citizenship. The motion was passed by the House. The Opposition, I think, abstained. Later on they were subscribers to a communique signed by all the representative bodies of Gibraltar which asked for United Kingdom citizenship for the people of Gibraltar with all its attributes which is not real, of course, with all its attributes is not real. Well, that is a matter of opinion or interpretation, but later they were signatories to that. No accusations then of improper motives. They jumped, as they call it, on the bandwagon. Then there was the next thing; Conscription, Mr Speaker, I raised the matter there because I was concerned and there was general public concern and it is one of the duties of the elected members of this House especially those not holding public office to raise matters of public concern. What the devil do they elect us here for? I produced that and I remember the Hon and Learned Leader of the Opposition saying how responsibly and well I put the case and we had a Select Committee, unanimously agreed by the House. Conscription went out. - no bandwagon allegations there - everybody thought it was a good thing. Now we have my last motion, Mr Speaker, as my Hon and Learned brother has already mentioned on the question of air communications, a matter of great concern to the economy and to the people of Gibraltar. No, no imputation of motives, but they jumped on the bandwagon too, if they call it bandwagon. I think the Hon Members of the Opposition have a queer idea of what the purpose of this House is. You see, I know they've got a newspaper and I know they can attack the Government there whenever they



like and they do it, not once a month, they do it every day. Well I haven't got such a newspaper Mr Speaker and if I want my views heard and I want to put forward something which I feel is constructive, this is my forum. And I think it is a matter of some surprise and maybe a matter of some concern to the electors when the time comes that the Opposition after three years have not put a single motion down in this House with constructive proposals that can be for the benefit of the public of Gibraltar. Not one. They have said lots of things in the Gibraltar Evening Post. Therefore, Mr Speaker, this thing of imputing motives or wrong motives only arises in the case of the Broadcasting Corporation when it so happens that the Head of News is a shareholder in the Opposition paper of which two other shareholders sit in this House. Then, then it's the witch hunt, it is improper motives and the whole lot. I knew that I was going to have all this thrown at me and sure enough it came. The Hon Mr Featherstone said I was Deputy Chief Minister in the last Government at the time the agreement was signed. Well, it might interest the Hon Mr Featherstone to know if I told him that I was very concerned by the way that agreement was pushed through in 1968. It might interest the Hon Mr Featherstone to know that I did not agree with it and it might interest the Hon Mr Featherstone to know that for three years now since this Government has been in power I have been complaining of a lot of the matters concerning Gibraltar Broadcasting Corporation in the way that the Hon Major Gache suggested that I should. I have been doing it. Don't think that this motion comes just out of the blue. It comes after a series of complaints, of instances, and so forth and I thought it opportune, that is true, I thought it opportune when I found that I was not alone in my worries about the Broadcasting Corporation, that there were a lot of other people also worried about it and if it wasn't so tragic and it wasn't so undemocratic, one would have to laugh at the suggestion of the Hon and Learned Leader of the Opposition that he only has contempt for the motion. That he has contempt for a motion that is restrained despite great provocation, if I may say so, or great encouragement from the public outside, is restrained and asking Government to look into it. A motion that obviously has the support, whether the Hon and Learned Leader of the Opposition likes it or not, of a great number of people in Gibraltar.

The way the Hon and Gallant Col Hoare dismissed the Consumer Association as unrepresentative really flabbergasted me because on it sits a representative of the Gibraltar Trades Council, I think that more or less encompass every trade union association in Gibraltar. The Young Christian Workers, the Transport and General Workers Union, I know they only represent 100 workers or so, but they still represent 100.....

HON LT COL J L HOARE:

What I meant by that is <sup>that</sup> although they are representatives I am quite certain that they don't go to their membership on every issue which they discuss at the Consumer Association and therefore in that respect they are representative of themselves <sup>only</sup>.

HON P J ISOLA:

Yes but, of course, we Hon Members in this House don't go to the electorate on every issue they have, we are elected to judge it. We are elected to judge the feeling of the electorate the same way as Unions, Committees and Associations, I presume, are elected to their office to use a certain amount of sense of judgement, but as I was saying, the Gibraltar Housewives Association, the Young Integration with Britain Party, the Young AACR who have only attended, I understand, one meeting, and the Shop Assistants Association. Well if the membership of all these bodies who surely represent quite a considerable number of people, in one way or another, objected through their bulletin which has been published and takes two pages on GBC, we might have had a letter in the press complaining about it. Instead we got letters in the press complaining about the Broadcasting Services in Gibraltar so for the Hon and Learned Leader of the Opposition to say that he has contempt for the motion to my mind is an arrogant affront to democracy and the rules by which elected members who are elected to this House must be governed. Of course we must take account about public opinion. Of course we must listen to it, assess it and decide on our action. It has been my view for a very long time, and the Hon and Learned Leader of the Opposition knows this, I have been concerned about the Broadcasting services. The Hon and Gallant Chief Minister knows it. Well, what do I do? Just keep on writing letters to you all. I come to the House and put a motion down in this House. That is what we are here for, to discuss matters of great public interest and the fact that we have been discussing it now for five hours and that every member except one on the elected side has participated is ample proof that it is a matter of public interest. Mr Speaker, the Opposition have been so obsessed with the question of touching the Head of News that all their arguments on this motion - and there was some good arguments - have been forgotten in allegations that I am after the Head of News or that the Mover is after the Head of News, and nothing if further from the truth. What I want to achieve by this motion, what I want to achieve by this motion is to get the wheels of justice going, to get fair play for all and that includes the Head of News.. The facts that I have put, that I was compelled to put, were an indication which, and I didn't put many, Mr Speaker, in fact other Hon Members on this side of the House have given lots of instances of bias, I only gave one which I thought was glaring.



I can give more but I am not going to though, because I thought and I believe that the purpose of this motion was to get this moving and being looked at. There is concern among the public, there is concern by Hon Members and a good number of this House. Let's get the wheels going. Why shut it? Why oppose the motion? Why say No? If there is nothing in what has been said I would have thought the Hon Mr Featherstone and the Hon Mr Montegriffo who have been in the van of the attack on the motion on the Opposition's side would have welcomed it. They said accusations are being made and none have been made, Mr Speaker, but they were saying accusations are being made by the Mover, and they will vote against the motion. Well, why not vote for the motion? We want these accusations that we say that you are making, we want them investigated. We want to prove to you that there is no bias on the part of the Head of News in GBC. This I would have thought was the proper way and the motion was deliberately couched in these terms not to give offence. Now a lot of play has been said about "nevertheless the House is generally concerned about the Broadcasting Services". Well, I have given reasons why we are concerned. I have talked about the set-up, I have talked about all sorts of things but generally concerned is not just about the past, we are concerned about the future. I would like to end this bickering that goes on all the time of the Hon and Learned Leader of the Opposition occasionally objecting, I objecting, the Chief Minister objecting, the public objecting, the public demanding enquiries. Well, let's start looking at the thing reasonably. Let's start looking into it and I would have thought that the Hon Members on the Opposition side instead of imputing improper motives, instead of throwing counter allegations at me would have welcomed, if in fact I was making accusations, would have welcomed the opportunity to clear the whole thing up once and for all, but they haven't and the public will wonder why. Mr Speaker, some rough words have been said about my having mentioned the name of Mr Mascarenhas. Only yesterday the Hon Mr Montegriffo in 'I say' said: "Hypocrites, that's what we are." Would I not have been a hypocrite if I had not mentioned him by name? Everybody knows who the Head of News is. Everybody knows who is the Head of News Production. I would have been called a hypocrite and that I am not, Mr Speaker, and I thought that in this particular case, much as I do not like doing it, but because we have a situation not brought about by the Head of News, perhaps, but we have a situation in which the Head of News signs himself as a shareholder in a newspaper with two other elected members in the House; in a newspaper that is constantly attacking the Government sometimes perhaps with justification, others certainly not. In a newspaper in which his face is appearing every day. Because of that, that was a matter that had to be brought out if we are going to talk of this subject. It must have been obvious to the Hon Members opposite that it had to be brought out, and there are a number of solutions which I will not postulate here

in this House, but on the question, Mr Speaker of bias; there have been a number of instances given in this House and I would have thought that because instances have been given in this House the Opposition would welcome further enquiry in their own interests. We have the Minister for Medical Services. I thought of all the instances given those were the most significant. Three times the Broadcasting Services have been called apparently to the hospital. The first time no film in the camera, the second time the film breaks down, is spoilt, and the third time they come and drink and eat with their cameras and don't put anything and we are told that it was Mr Bernard Linares who gave the prizes. These things click in peoples minds you know, Mr Speaker, and this is something which has to be enquired into, let's face it, its got to be enquired into. It may be the Head of News had nothing to do with it, but he is in charge of production. Mr Speaker, the Hon Mr Abecasis said he could not decide on this motion without a month's notice of watching GBC. Well, you know, that is a very good idea and I would join the Hon Mr Abecasis and other Hon Members in having a look back and a look forward to all the news presentation. I could suggest some very interesting ones especially at the time of the ministerial visit to Gibraltar by a British Minister in 1969, in the second half of 1969 and other instances. I can produce quite a few. These are matters that of course are the things that I would like looked at. The motion here if its passed does not mean that <sup>the chap</sup> is condemn'd, kaput, of course not. It is asking the Government to look into the matter and we have had other instances from the Minister of Labour and Social Security and other Ministers on this side of the House. Mr Speaker, Sir, I am frankly surprised that the Opposition, if they feel accusations are being made, are reluctant to allow them to be looked into; are reluctant to allow the Head of News to defend his position; are reluctant to allow the Broadcasting Corporation to defend their position, I am most surprised. Mr Speaker, I don't think I've got anything more to say. The arguments have been put on both sides fairly fully, I think, and I can only end by reminding the House that I was asking as a result of my motion, I was asking the Government to look into four things; one was review the set-up of the relationship between Gibraltar Broadcasting Corporation, Thomson and the Government, look into the position of British Forces Broadcasting Services. The Hon and Gallant Col Hoare said "That's not possible". Is he speaking for the Ministry of Defence? I don't know. I am asking them to look into it. It may be possible, it may not, but let us look into it. The question of ensuring greater participation in GBC; the Hon Mr Featherstone agreed with me on that. The only sign of agreement I got for my motion from the other side. Relate the conditions and salaries of Government and members of the Gibraltar Broadcasting Corporation; not a word from the Opposition on this. I would have thought



that this was a very important point in the interests of everybody. In the interest of the people in GBC, in the interest of Government civil servants to preserve relativity. Only the other day the hospital nurses or the hospital staff were making a big row about it, weren't they? I mean, you could have seen it all on television very fully. Only the other day they were doing that. The question of relativity: I would have thought Hon Members opposite would welcome this, but not a word about it. Finally, of course examining the position of maintaining the independence on the ground. The words I used were "maintaining independence on the ground by ensuring that those handling all news programmes and production are entirely independant and appear to be so" and I would just like to end with one little thing on this question of "appear to be so". I was once engaged on a case many years ago against the City Council, in fact when the Hon and Learned Leader of the Opposition was Mayor, and in the middle of the case one of the jurors was asked to retire, on the objection of the lawyer for the City Council, on the grounds that he was the father of somebody who had worked in my office as a clerk a year before and the Judge asked the jurer to withdraw. That is the point, Mr Speaker on "appear to be done"; that is the significance of bringing up the question of the shareholding by the Head of News in Associated Periodicals Limited. That is the significance of bringing up the fact that his face appears every day in the Gibraltar Evening Post. That is the significance of the fact. We are not just concerned as to whether there is or there isn't, we are also concerned with the appearances of it. Mr Speaker, I can only end by appealing to all Members of this House to support the motion in the interests of everybody concerned in the Broadcasting Services and if nothing else, in deference to the very substantial body of opinion in Gibraltar that has shown dissatisfaction. I commend the motion to the House.

MR SPEAKER:

I now put the question on the terms of the motion proposed by the Hon Peter J Isola, and I would like to invite some Member to ask for a division.

HON SIR JOSHUA HASSAN:

I ask for a division.

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

The Hon Miss C Anes  
The Hon J Caruana  
The Hon L Devincenzi  
The Hon P J Isola  
The Hon W M Isola  
The Hon Major R J Peliza  
The Hon M Xiberras

The following Hon Members voted against:

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

The following Hon Members abstained:

The Hon Major A J Gache  
The Hon R H Hickling  
The Hon A Mackay

MR SPEAKER:

The result of the division is that there are seven votes in favour of the motion; seven votes against the motion, and three abstentions and in accordance with our Constitution, Clause 44(4) and our Standing Orders, Order 54(1)(d), which are worded exactly the same, and which I will read: "If upon any question before the Assembly the votes are equally divided, the motion shall be declared lost.", I therefore declare the motion lost.

ADJOURNMENT

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

The adjournment was taken at 8.30 p.m. on the 4th May 1972.