

HOUSE OF ASSEMBLY

HANSARD

OF MEETING

HELD ON 29 JUNE 1976

VOL II

THE GROUP PRACTICE MEDICAL SCHEME (AMENDMENT) BILL 1976

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

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

THE EDUCATION (AMENDMENT) BILL 1976.

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

THE EMPLOYMENT INJURIES INSURANCE (AMENDMENT) BILL 1976.

Clauses 1 - 13 were agreed to and stood part of the Bill.

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

THE SOCIAL INSURANCE (AMENDMENT) BILL 1976.

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

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

THE NON-CONTRIBUTORY SOCIAL INSURANCE BENEFITS AND
UNEMPLOYMENT ORDINANCE (AMENDMENT) BILL 1976.

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

Clause 4.

HON J BOSSANO

Mr Chairman, I have given notice of my proposal to move an amendment to this clause to increase the amount of Unemployment Benefits payable, and during the second reading of the Bill I put forward arguments in support of this. I understand that the Government is prepared to virtually meet the figures that I have suggested and I am, therefore, proposing to withdraw my amendment and to allow the

Government to move theirs. May I say that of course that the fact that I welcome the Government's improvement

MR CHAIRMAN

That you will be able to say when the amendment comes along.

HON J BOSSANO

Thank you Mr Chairman.

MR CHAIRMAN

So that since Mr Bossano's amendment has not been proposed there is no need to ask the leave of the House to withdraw it.

Then I will call on the Minister for Labour and Social Security to move his amendment.

HON A J CANEPA

I showed the amendment in the Ante-Chamber to the Honourable Mr Bossano beforehand and secured his agreement to withdraw his own.

The amendment, Mr Chairman, is that Clause 4 of the Bill be amended:-

- (a) By the deletion of the symbol and figures "£2.76" and "£1.32" wherever they appear in the proposed new Part I of the Third Schedule to the principal Ordinance, and the substitution therefor of the symbol and figures "£3.30" and "£1.62" respectively;
- (b) By the deletion of the symbol and figures "£3.28" and "£3.90" wherever they appear in the proposed new Part IA of the Third Schedule to the principal Ordinance, and the substitution therefor of the symbol and figures "£9.90" and "£4.98" respectively."

Now, Mr Chairman, it is part (b) of my amendment which

covers that moved by the Honourable Mr Bossano and the slight difference in the figures is in order to make the weekly amount payable divisible by six so that it can be paid on a daily basis.

Part (a) is really consequential in the sense that there is a relationship between the existing figures, £2.76 is a third of £8.28, and £1.32 is a third of £3.96 and hence I am increasing these in line with other increases.

I would just like to mention, Mr Chairman, one reservation, and that is that through this amendment one is disturbing the relationship that exists for instance with Injuries Benefits or for Old Age Pensions, and I do not commit myself in any way in any future Government, once a formula were to be introduced for automatic increases in pension in line with average earnings I could not commit myself to maintaining the new relationship that is now being established as between pensions, Injury Benefits and this particular Unemployment Benefit.

Mr Chairman then proposed the question.

HON J BOSSANO

Mr Chairman, the figures that the Honourable Member has moved has obviously been altered from my own proposals for practical reasons and, therefore, I support the amendment that he has put. I would simply like to point out that the £15 figure that I suggested originally was pitched at what I thought stood the best chance of getting Government's support. Even with this figure, we are talking here of a level of Unemployment Benefit in January of next year which will probably be on the basis of what is now the minimum wage and the probable level of increases were envisaged in this October will probably be at half the minimum wage for a Labourer. That is the sort of level of Unemployment Benefit we have arrived on for a married couple. A married couple will be expected to live on half the minimum wage of a labourer in January 1977, so we can see that in fact, although the improvement is welcome we still have a long way to go.

Mr Chairman, then put the question which was resolved in the affirmative.

Clause 4 as amended stood part of the Bill.

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

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS
(AMENDMENT) BILL 1976.

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

Clause 2

HON M D XIBERRAS

Mr Chairman, I have the intention to move an amendment, and perhaps my amendment might need a reply from the Minister for Labour as to the financial constraints or otherwise of increasing this which I mentioned in the second reading of the Bill.

My amendment would read:- that clause 2 be amended by the deletion of the symbol and figures "£3.80" where it appears and the substitution therefor of the symbol and figures "£4.50".

MR SPEAKER

Are you asking now what would be the financial constraint, or are you moving

HON M D XIBERRAS

No, I am actually about to move the amendment.

MR SPEAKER

That is what I wanted to know. If you read it to me there is no need to write it.

HON M D XIBERRAS

I beg to move, Mr Chairman, that the symbol and figures "£3.80" in the fourth line of Clause 2 be substituted by the symbol and figures "£4.50".

The purpose of the amendment, Mr Chairman, is to follow up the remarks I passed at the Second Reading of this Bill

whereby I thought that the differential between the Non-Contributory and the Contributory should be narrowed as quickly as possible. I criticised the five stages approach of the Minister and said that I believe that the differential could have been narrowed much more quickly.

However, if there are very grave financial constraints on the Government, if they cannot afford to increase this by this amount, perhaps the Honourable the Financial and Development Secretary could give us a clue. I certainly mentioned my intention of moving such an amendment.

Mr Chairman then proposed the question.

HON A J CANEPA

Mr Chairman, I said yesterday that out of the 1,000 or so Elderly Persons Pensioners there are a very substantial number of them, very likely the majority I would say, more than a half certainly, who had an opportunity in the past to have contributed to the Social Insurance Scheme and did not do so, they opted out. For as long as there is such a substantial number of people who had had an opportunity I do not think in principle that it is right to increase the level of Elderly Persons Pensions to such an extent that it is too close to the maximum, and I say the maximum, payable to persons on the Social Insurance Scheme.

There are people who have contributed to the Social Insurance Scheme, who have reduced rates of pensions because they were not able to fulfil the necessary conditions, who are not getting or who will not be getting a great deal more than what is proposed. And unless we abolish contribution conditions altogether I do not think that on principle it is right.

As far as the financial constraints are concerned, 1,000 pensioners, an increase of about 70p a week, the financial commitment would be between £35/40,000 a year, and I wonder, Mr Chairman, whether at this stage one should commit the next Government next April to have to raise revenue appropriately.

HON M D XIBERRAS

Mr Chairman, he has certainly committed the next Government to an increase of 20% all round and a number of benefits

and so forth, they have already done that. Mr Chairman, surely the Honourable Minister for Labour and Social Security is not proposing that as a serious argument against the expenditure of an extra £35,000. Besides, is he aware of how many of these 1,000 people are in fact in receipt of Supplementary Benefits, and would not there in fact be a saving in Supplementary Benefits - no? - negligible. None what so ever. None of these people would be in receipt of Supplementary Benefits.

HON J BOSSANO

Is the Minister saying that they are not in receipt of Supplementary Benefits because they lose the Supplementary Benefits as a result of getting this?

Is that what he is saying?

HON A J CANEPA

No. If people qualify to receive Supplementary Benefits over and above this people are then being paid Supplementary Benefits. For instance a couple living on their own are being paid Supplementary Benefits quite separately. They are not receiving the Pensions and Supplementary Benefits on top. They are receiving Supplementary Benefits only.

HON J BOSSANO

Mr Speaker, the 1,000 people get both the Elderly Persons Pension and the difference between that and the level of Supplementary Benefits, because certainly that was my understanding of the situation.

HON A J CANEPA

There are a number of people who were formerly getting Supplementary Benefits at the non-householders rate, which is exactly the same and has always been kept in line with Elderly Persons Pensions.

HON M D XIBERRAS

I see, so the objection is that if he ^{raised} this he would have to raise Supplementary Benefits?

HON A J CANEPA

I have not even thought of it, but it is a consequential step that has to be taken.

HON M D XIBERRAS

Yes, Mr Chairman, perhaps the Honourable Member might consider that as well.

HON A J CANEPA

I already, Mr Chairman, have taken to my colleagues in Government proposals which I am leaving there ready for whoever comes in next to increase Supplementary Benefits. We do not increase Social Insurance Benefits and not do anything about Supplementary Benefits at the same time. We have already approved proposals for that purpose.

HON J BOSSANO

The Honourable Member might then well not pursue this one here because surely his main argument in the case of the Social Insurance was that it was necessary in order to help the incoming Government because of the complexity of the Insurance funded benefit. Now, this is something that is funded out of general revenue and if the argument is, how can the Government, this argument that keeps on cropping up at the last meeting of the House, if they are so near the end of the office, why should they burden the incoming Government with a commitment of £35,000, a further commitment; well, I mean, why burden them with this commitment.

HON A J CANEPA

This is provision already in the approved estimates for this. And I told the House that I was bringing such provisions. I informed the House. There is provision for this already.

Mr Speaker then put the question and on a vote being taken the following Honourable Members voted in favour:

The Honourable Miss C Anes
The Honourable J Bossano
The Honourable L Devicenzi
The Honourable P J Isola
The Honourable W M Isola
The Honourable Major R J Peliza
The Honourable M D Xiberras

The following Honourable Members voted against:

The Honourable I Abecasis
The Honourable A J Canepa

The Honourable M K Featherstone
 The Honourable Sir Joshua Hassan
 The Honourable Lt Col J L Hoare
 The Honourable A P Montegriffo
 The Honourable A W Serfaty
 The Honourable H J Zammit
 The Honourable J K Havers
 The Honourable A Collings

The amendment was accordingly defeated.

Clause 2 stood part of the Bill.

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

The Traffic (Amendment) Bill 1976

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

HON. J. BOSSANO

Mr Speaker, I beg to move that a new clause, to be numbered Clause 5, be added to the Bill as follows: "Section 53 of the Principal Ordinance is amended as follows:

- (i) by the deletion of the word "four" where it appears therein and the substitution of the word "five" therefor;
- (ii) by the addition after the word "Gazette" of the following words:-

"one of whom shall be appointed after consultation with the Gibraltar Trades Council."

Mr Speaker, Section 53 of the Traffic Ordinance states what shall be the composition of the Transport Commission, and it consists of the Chairman and such other member as may be appointed by the Governor being not less than four. So the minimum number in the committee at present is four members in addition to the Chairman, and it does not say who should be consulted in the appointment of these individuals. In fact I understand that in the past the number in the Transport Commission has been higher than the minimum, so that my first amendment is to increase the minimum number - I do not know how many there are at present - but in order to link it up with the wish of the Gibraltar Trades Council to have representations on the Transport Commission, which is subject to the second amendment, because I would not want, Mr Chairman, to substitute somebody who is not now a representative of

the Trades Council by somebody who is as I sought to do in the Trades Licensing Committee where I thought it was appropriate to do it. I feel in this one it is not appropriate to do it. There has never been any representative of the Gibraltar Trades Council. The Trades Council feel it can make a useful contribution by being represented there and I hope the Government will be able to support the amendment.

Mr Chairman then proposed the question.

HON CHIEF MINISTER

Mr Chairman, I am very glad that the Honourable Member has read the composition of the Transport Commission because he will have seen that there is no constraint in appointing further members and that, therefore, we can take a decision without amending the Ordinance.

Now, I am sorry that I cannot give a complete reply, so that even though we are not in favour of the amendment, we do not say that it cannot be done because there is provision to appoint more. But I have one or two difficulties about this which I would like to tell the House.

First of all I would like to know what the Transport Commission themselves as existing says, the Government has got to consult them since they are the ones to give advice and are a statutory body; and secondly we have two other claims to membership of the Transport Commission, one from the Gibraltar Taxi Association and one from the Transport Contractors who have got themselves into a body. Now it is in the context of that that we would like to see what the views of the Transport Commission in principle are. If the Transport Commission think that it can be done, I can see no difficulty, we have representatives of the Gibraltar Trades Council in other places and I see no difficulty, but I cannot bind myself now because there has been no consultation and this is dated today, and I am sure the Honourable Member will understand that. But I will give my assurance that the matter will be looked into quite sympathetically.

HON J BOSSANO

Mr Chairman, the only thing I can do then is to say that I hope the matter is dealt with and I might as well withdraw

the amendment.

May I just point out though that I think it is a bit unusual to consult a committee on its own composition really, because the people there have not been appointed by consultation with anybody, and they might well prefer to be the people who decide and not to have anybody else in. I am not saying that they do or they do not but I think it is unusual to consult the body that is set up under the law to advise the Government on Traffic, to get them to advise on its own composition.

I would have thought that the Government could perhaps, in considering the claims of others to be represented here, take into account that the Gibraltar Trades Council is a wide organisation, it is an umbrella organisation that represents a lot of people, not just a particular trade or group, and that it has got a lot of experience of advising Government in other capacities and this is something that could be useful

MR CHAIRMAN

Has the Honourable Member the consent of the House to remove the amendment?

Leave of the House was granted.

HON CHIEF MINISTER

I would like to clear a number of points before this is withdrawn and I cannot speak on it. I said there were two difficulties and these are the question of the application by the Taxi Association and that of the Transport contractors for membership of the Transport Commission which really deals with their problems. That is why, that because these two applications have been referred to the Commission, I will now refer this one as well. This does not mean that one is bound to do this in any case, but as a matter of courtesy one should ask the advice of this body which is giving voluntary work on whether its membership should be increased. Of course there would have to be very strong reasons against this before we could take their views, but it is a matter which is normally expected of the Commission if they are to carry on their work, and that is to express their views on particular representations.

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

THE SAVINGS BANK (AMENDMENT) BILL 1976

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

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

THE ENDANGERED SPECIES (IMPORT AND EXPORT) BILL 1976.

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

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

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

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

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

THE PENSIONS (AMENDMENT) BILL 1976

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.

THE SUPPLEMENTARY APPROPRIATION (1976-77) BILL 1976

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

Clause 2

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, I beg to move that Clause 2 be amended by the deletion of the words "nine hundred and twenty seven thousand and forty eight pounds" appearing in the fifth

and sixth lines and the substitution therefor of the words "nine hundred and fifty seven thousand four hundred and forty eight pounds."

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

Clause 2 as amended, stood part of the Bill.

Clause 3

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, I beg to move that Clause 3 be amended by the deletion of the words "nine hundred and twenty seven thousand forty eight pounds" appearing in the second and third lines and the substitution therefor of the words "nine hundred and fifty seven thousand four hundred and forty eight pounds".

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

Clause 3 as amended, stood part of the Bill.

Schedule

HON FINANCIAL AND DEVELOPMENT SECRETARY

Sir, I beg to move that the figure "9,200" standing against Head 8 House of Assembly be amended to read "£39,600" and that the total amount appearing at the foot of the Schedule be amended to read "£957,448".

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

The Schedule, as amended, stood part of the Bill.

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

THE IMPORTS AND EXPORTS (AMENDMENT)(NO.2) BILL 1976.

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

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

MR CHAIRMAN

Now, I would like to ask - I know what the views of the Chief Minister are but if we follow his views we will have to come out of Committee and then move into Committee again.

HON CHIEF MINISTER

I think it would be best to leave till tomorrow the Committee Stage and Third Reading of the Housing (Special Powers) Bill, in order to consider the matter further, but in view of the fact that we are going to have a free afternoon and for the sake of neatness, I would suggest that we now report back on the Bills that have been passed and we go into Committee first thing tomorrow morning.

MR CHAIRMAN

That is fair enough.

The House Resumed.

HON ATTORNEY-GENERAL

Mr Speaker, I have the Honour to report that the Miscellaneous Amendments Bill 1976; the Food and Drugs (amendment) Bill 1976; the Group Practice Medical Scheme (Amendment) Bill 1976; the Education (Amendment) Bill 1976; the Employment Injuries Insurance (Amendment) Bill 1976; The Social Insurance (Amendment Bill 1976; the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment) Bill 1976; the Elderly Persons (Non-Contributory) Pensions (Amendment) Bill 1976; the Traffic (Amendment) Bill 1976; the Savings Bank (Amendment) Bill 1976; the Endangered Species (Import and Export) Bill 1976; The Pensions (Amendment) Bill 1976; the Supplementary

Appropriation (1976-77) Bill 1976; and the Imports and Exports (Amendment) (No 2) Bill 1976 be considered in committee and agreed to, in the case of the Miscellaneous Amendments Bill 1976; the Non-Contributory Social Insurance Benefit and Unemployment Insurance Bill 1976; and the Supplementary Appropriation (1976-77) Bill 1976; with amendments and I move that they be now read a third time and be passed.

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

The Bills were read a third time and passed.

MR SPEAKER

Now, we intend to recess until tomorrow morning at 10.30.

The House recessed at 1.20 p.m.

FRIDAY THE 2ND JULY 1976.

The House resumed at 10.30 a.m.

HON CHIEF MINISTER

Mr Speaker, at the request of the Leader of the Opposition, I am suggesting an alteration in the order of business in order to meet the absence for professional reasons of the Honourable Mr Isola who wants to take part in certain other parts of the Agenda, particularly the official side of the Agenda, the Committee Stage of the Housing (Special Powers) Bill, and the Select Committee on Air Communications.

On the other hand the Honourable Mr Bossano is otherwise engaged and he has other part of the business. I will meet certainly at this stage of the life of this legislature whatever possible arrangements so long as it does not interfere with the timetable of the House, and to that extent I shall be as flexible as I can be. Therefore a motion in the name of the Leader of the Opposition is going to be taken now as being the one business in which neither of the two absent members are particularly concerned or interested in partaking if I may say so, and we shall see how we go from there. I hope it does not come to the time when, because there is no other business, we cannot

deal with business because some members are absent. That I think would not be in the general interest of the House either now or ever, because then there would be difficulty in suiting everybody's convenience.

To the extent that we can keep the session going, I hope without fillibustering, I am prepared to alter the order of business in that way.

MR SPEAKER

Before I put the motion, because this has to be done by motion, may I be very clear on one matter. Are you moving that all private members motions should be taken out of order, or just this particular one.

HON CHIEF MINISTER

No, at this stage I will take it step by step. At this stage I am asking that we deal now with the motion in the name of the Leader of the Opposition on the Comprehensive School, and then we will see how we go from there.

MR SPEAKER

Right, I will then put the question which is authorised under standing order 7(3), which is that this House do now take out of its order the motion which stands in the Order Paper in the name of the Honourable the Leader of the Opposition on the Comprehensive School.

This was agreed to.

Private Member's Motion

HON M D XIBERRAS

Mr Speaker, before I move the motion I want to say that I am grateful for the flexibility of the Honourable and Learned the Chief Minister on this matter to accommodate firstly the Honourable Mr Isola and the Honourable Mr Bossano. Honourable Members are aware that from time to time there are personal commitments and it is not always possible, as was the case yesterday, to adjourn the House or to miss half a day as was the case yesterday,

in order to accommodate any particular member who is away on private business. I share the views of the Honourable and Learned the Chief Minister on this matter, that the House should go on, but would remind him that today it is one member and yesterday was the case of another member. Nonetheless, I am of course grateful for the alteration of the Government business, in the business of this House.

Now, Mr Speaker, I have the honour to move the motion standing in my name in the following terms:

"In view of the lasting importance of the Girls' Comprehensive School, this House is concerned with the known Government plans for its construction and calls upon the Minister for Education to make clear to the House the views of all those bodies involved in Education, and to state unambiguously whether he himself is satisfied with the present plans and site of the building."

Mr Speaker, I do not know whether the subject of the Girls' Comprehensive School is a saga, an epic or a Greek tragedy, and what these three have in common is the length of time it has taken to be able to arrive at some clear conception of what the school is to be, where the school is to be, and when it is to be built. Mr Speaker, the House will recall that the subject of comprehensive education and of whether there should be one school or two schools, and whether if two schools these should be co-educational or not, was a matter which has aroused great concern and interest in this House, which among other things, led to the resignation of the Headmaster of the Boys' Comprehensive and led to a period of very unsettled relationship between the various bodies involved in Education and Honourable Members on this side of the House and Honourable Members across the way. A state of affairs that it was thought was finally resolved by the visit of Mr Collister, appointed by ODA to look into these matters, and the setting up of the Collister Working Party, with the representation of various Associations; the long and conscientious work of the Collister Working Party, which included sounding out public opinion on the matter, and finally a Report which had attached to it a minority opinion.

So Mr Speaker, this matter had been a controversial one, and I myself think that the controversy stems from the action of the Minister of Education in the first place. But having got over that very difficult hurdle, I must say that I have had a full discussion, full and frank

discussions, with Mr Collister when he was here, as did my colleague Mr Devicenzi, and with the Brothers, including Brother O'Brien, and we thought that we had a consensus and agreement and if the Minister had now from the Collister Committee both an interest in Education and guidance as to what kind of school was eventually to be built. The Honourable Member will also recall that from time to time in this House I have offered my co-operation in respect of the representations that were to be made to ODA for the money for the school, and I stated here that I was willing to make available to Honourable Members opposite any information which I had regarding the Rowley mission from ODA which came at some time round 1971, or early 1972.

It was a high powered team that looked at the possibility for the development programme that would follow and in which the main part was the Varyl Begg Estate. I did this in order that there should be a minimum amount of delay and so that the transition to Comprehensive Education which everybody would agree would be much smoother had there been adequate buildings for the purpose, could be effected as early as possible. Honourable Members on the other side of the House with whom I have spoken apparently did not hear me say this, and I hope they do refer the Hansard because I said it on more than one occasion, on various debates on the Improvement and Development Fund and also in debates on the development programme.

So we on this side of the House have offered our co-operation in the past and since the decision to go Comprehensive was taken in our time in Government we feel a certain obligation to assist in every way possible for the school to be built and the main step towards Comprehensive Education in respect of building should then be completed. However, Honourable Members are also aware that the building of the Comprehensive School became enmeshed in a series of unpopular planning decisions that were taken in respect of the Public Works Garage, and of course chain effects began to work against the building of the Comprehensive School in time. Even though there is a Ministry of Defence interest and complication in this matter I cannot but apportion the responsibility for the planning decisions to the present Government. And their shifting and changing on the Public Works Garage has undoubtedly contributed to the confusion of the public mind on the matter of the school, with which the re-siting of the Public Works Garage is very much connected, and the end result of the deliberations on the Public Works Garage

hardly justified the delay which has been involved.

Mr Speaker, I am also aware of certain difficulties that Honourable Members on the other side have had in respect of ODA funds, and I should like to hear a clear exposition of these difficulties, but may I say even in advance of this information that it seems to me that Honourable Members, whose development programme has been conspicuous for the lack of building and the lack of development, are in part to blame because in their approach to the development programme, to my mind, they have been hesitant and they have not been as thoughtful as far as I can surmise, as they might have been, or as early as they might have been. So the Minister for Development in this matter, if it is he who has been handling this as I think he has told the House, must bear a responsibility as well.

The Minister for Development and the Financial and Development Secretary visited the United Kingdom recently and I am sure that they must have taken this opportunity of putting the case to ODA, though I do not know, I have no official information, as to what the state of play was before their visit. I would be glad to learn what they were told by ODA.

Also the Chief Minister visited London recently and I would like to know whether he took this opportunity of raising the matter with officials in London, and I would be glad to know of the result.

Mr Speaker, my motion talks of the lasting importance of the Girls' Comprehensive School, and I need not elaborate the point over much. It represents 50% of the intake, practically, of secondary students in Gibraltar, and the school which will be built now would last for I would imagine several generations to come. It is right, therefore, that not only should the building be put up as expeditiously as possible, and the delays have been quite outstanding in this case: I would put it at something like four years, but we must ensure that once the school is built it is a building that will serve its purpose not only for now but for the future. It should be a building that conforms with the standard of new schools built in the United Kingdom. As Honourable Members are aware the Government has been in consultation with the various interests, people who know about education, and having engaged in this consultation Honourable Members have an obligation to pronounce, and to my mind in the present context to pronounce publicly, the views of these various bodies, the teachers, the parents and so forth.

The result should be a school which we can be proud of.

Mr Speaker, if I had to choose between the two of these, whether the School should be built expeditiously or it should be built properly, I think it is clear that one should choose the latter. In any case the choice is very much a theoretical one because the school has taken so long to be built in any case. So having taken four years or so, surely

the school should be built properly.

Mr Speaker, I have been approached by a number of people, and by at least two Associations in writing, and my Honourable colleague, Mr Devicenzi has also put questions in this House before, and the answers have not been satisfactory obviously and I think the answers have tended to obscure it is not concealed, the real views of the various interests involved as these views had been made known to me. Therefore, I think it is an inevitable responsibility of the Minister for Education in the first place to state clearly in this House what those persons or bodies who have a direct interest in the building of the school have told him, what their opinions are on the Government project as known, and to state clearly whether they are in favour or against the siting here in the present known site; the building, whether they approve of it or not; what modifications it is felt should be carried out; the timing of the building and so forth. I have said it is the responsibility of the Minister for Education because whatever the pressures for development the responsibility for the school being a good school up to UK standards of modern building, educational building, belongs and rests squarely with the Minister for Education. It is a question of educational standards.

The Minister for Public Works may in the discharge of his responsibilities wish to move things along, may wish to accommodate interests other than educational interests, and even though this should be done where at all possible, if the school were not to be up to standard it would be the fault of the Minister for Education.

Mr Speaker, there is a commitment to consultation, especially in respect of the Collister Working Party, a very strong commitment. I think my sentiments are summed up in a letter which I wrote to the Chief Minister on behalf of Honourable Members on this side of the House which with your permission I would like to read:

"15th June 1976

Dear Chief Minister

There is so much opposition to the known Government plans for the building of the Girls' Comprehensive School that it has become a public duty for the Government to make a definitive clear statement of its intentions to the public, including the authoritative views of the Minister for Education in his Department, on the educational merits of the projects as planned, Government's decision as regards the resiting of the Mediterranean Rowing Club, the views of the Gibraltar Housewives Association, the Gibraltar Teachers Association, the advice of the Board of Education, and the Government architects for the project.

My information is that great disquiet exists amongst these bodies and persons. You will agree that the building of this Comprehensive School was a subject closely linked with the terms

of the Collister Committee instituted to bring some community sense to bear on the alarming statements made at one time by the present Minister for Education, and that it would be a pity that the reality of building should not be influenced by these representative bodies after the general principles recommended by them had been accepted by the Government.

The visit of the Minister for Development and the Financial and Development Secretary to London recently was a last opportunity for this Government to correct its course on this important project now so long delayed. I must repeat my request for the above mentioned statements and in its absence I must ask you to stop the project until it is made."

Now, obviously by "stop the project", there I did not mean stop the building because the building had not started, but I meant that work on the project, even the preparatory work, should be stopped until this House was satisfied, or Honourable Members generally and the public is satisfied, that we are going about this in the right way.

Now, Mr Speaker, I am quite willing to grant the Minister that in the reconciliation of many interests there might be points made by any one of them which are petty, which cannot be taken into favourable consideration, if one is to provide a reasonable solution, but my motion is motivated by a definite feeling that the arguments that have been advanced by these various interests are altruistic, they are for the good of education, and they are of substance, and, therefore, a public statement should be made. I am aware that it was the purpose of one of these Associations to invite I believe it was the Minister for Development to one of their meetings, and that most likely he will agree to do this and that he would make a statement to then. But since it was convenient to raise this matter at this meeting of the House, I think that Honourable Members, especially the Minister for Education, should make that clear statement now.

It is the last meeting of the House, it is a project that will not be built until the next Government is in office: I do not know whether the building will start in the interregnum as it were, and so I think we must know in this House clearly what the project is, who has represented and what.

One final word is, could the Minister confirm or deny that the Board of Education which has a statutory obligation to advise the Minister, whether it is generally in favour of the project or against it, or what the views of the Board of Education as expressed to him, or to anybody known to him, have been.

Finally, Mr Speaker, although the Minister is obviously responsible for the implementation of the advice that he gets and for the final decision, in a matter of educational standards it is clearly his permanent

officials who must advise him, and their views in this particular case as the views of educationalists is of very great interest to this House and should be stated clearly. I have not pressed at all the subject of the Mediterranean Rowing Club. I have not got a definite information on this as on the school and I would not like to complicate matters further, but let me just say that it is my information that although the Mediterranean Rowing Club wants to move from there it does not necessarily wish to go next to the school. This is my understanding of the matter and I would welcome if possible that the Minister for Public Works, who to my understanding has been engaged in these matters, should make a clear statement on that.

I have put my motion with the public interest and education in mind, in terms which will allow the Minister to cover the whole ambit of things that I have raised and I hope that the Minister and the Honourable Members opposite will follow the same line and give the public information to which it is entitled.

I commend the motion.

Mr Speaker then proposed the motion.

HON M K FEATHERSTONE

Sir, may I just ask the Honourable Leader of the Opposition if there is anybody else on his side who would like to say anything so that I can then answer all their points, otherwise I shall be at a disadvantage and I will not really be able to answer them all.

HON M D XIBERRAS

Mr Speaker, perhaps the Honourable Minister for Economic Development might give an indication of his views because there are certain things, certain information which has a bearing on the motion. Perhaps he could do this so that we would know which way we should turn on this side of the House.

We will concede I think that the Minister for Education should speak last on this matter except for my right of reply.

HON A W SERFATY

In reality, Mr Speaker, the same applies to me. There may be certain questions in connection with the siting and the Mediterranean Rowing Club and other things which I will attempt to answer even now if I have to, but if there are any other

MR SPEAKER

No, no, we are not going to have a debate as to who should speak and in which order. We have already had three expressions of views on this particular subject and we cannot do it.

HON LT COL J L HOARE

Mr Speaker, I am coming in to bat now because my Department has been involved in this. The Public Works Department is there to carry out a job of work. It has not got a job of work to do now, yet, because the thing has not been approved, but I have said from the very beginning that no work can start on the site until the PWD Workshops are moved elsewhere. The Workshop just cannot function with constructing lorries going through it. The work of the workshop - everybody talks about it as a garage, it is not solely a garage, it is a workshop, and if those workshops come to a standstill then Gibraltar comes to a standstill. That is point number one, that until the Workshops are moved work cannot go through. The MOD does not let constructing lorries go through their property and the only other way into that area is through the area at present occupied by the Workshops. It is as simple as that. What are the objections that have been - and I apologise if I am a little bit disjointed on this - let me say perfectly clearly that the Minister for Public Works or the PWD has no territorial claim, if I can use words that were used by someone else a long time ago, to that area on which the school is being built or on which the Mediterranean Rowing Club is going to be built. We have no territorial claim at all, the PWD does not want it for its use, so the question of my having any claims on it is utterly wrong. The third point I want to make

HON M D XIBERRAS

Mr Speaker, will the Honourable Member give way. Is he

talking about the site of the school, that the PWD has no territorial claim on the site on which the school is to be built. Is that what he is saying?

HON LT COL J L HOARE

Yes, Sir, PWD as a Department has no claim on the site of the school for any of the area, although in the original plan there is an idea of putting a walkaround, but the bulk of this will be on newly reclaimed land, not on the existing area.

One of the points that has always puzzled me about the arguments put forward by certain Associations is their objections to a men's club going next door to the school. I do not accept this as a men's club, because to my knowledge, although I am not a member of that club or the Calpe Rowing Club, but from my observations when I go there, the Mediterranean Rowing Club has members who have wives and who have families. So it will not be used exclusively by males. Further, if this is a valid objection, then surely it is just as valid to exclude men from the Montagu Sea Bathing Pavilion. Is this a serious suggestion, is this going to be the next step? Because if so, I would resist right left and centre, that the Montagu Sea Bathing Pavilion should be solely a female domain, and I have nothing against the female sex, no question of discrimination.

Mr Speaker, I am astonished that a party which intended to build a marina there which would have turned the whole of that area into a cess pit and precluded the use of bathing in that area by anybody, should at this stage create about a corner of the areas being allotted to any club.

I am quite sure the Leader of the Opposition did not mean that we should maintain UK standards with this school because at the present time the UK standards of schools buildings is total stoppage. Perhaps he did not mean that. I think he meant that when it is built it will be built to the same standard as UK schools are built.

Finally, Mr Speaker, I would like to say this, that if the whole of that area is going to be reserved exclusively for the school then we are really cutting the ground under our own feet, because here we are constantly trying for more and more sea frontage, and what has happened, the sea frontage of course would not be used by the girls during school hours - or if it would it would only be for a

limited number of school girls in that hour - and then you would exclude the whole of the community outside school hours. So that sea frontage would be completely and utterly wasted and, therefore, I think these are matters which should be borne in mind by the people who criticise the scheme and take just their own narrow view point. They should consider the community as a whole and not just one section of it.

Thank you, Sir.

HON L DEVICENZI

Mr Speaker, although the Leader of the Opposition, who is the mover of the motion, has expressed in no uncertain manner the views of the Opposition, perhaps I should add a few comments in order to give more opportunities to the Minister for Education, who will obviously be the member of the Government mainly responsible for answering the motion, to expand more fully if he thinks fit.

One would hope, Mr Speaker, that the Minister will once and for all give the House some categorical statement, and that once and for all one should stop shifting from one place to another giving excuses and inaccuracies.

I think, Mr Speaker, the Leader of the Opposition did ask certain questions, amongst which he asked the Government to state the views of the public body in as far as the Government can translate these views, the views of the Gibraltar Teachers Association and the Gibraltar Parents Association. I myself might ask for the view of the Minister for Economic Development. Is there any clash between the different Ministers as regards what is going to happen and when it is going to happen, or is the Government fully in agreement with what is going to happen if it is going to happen.

I hope that the Minister for Education when he answers will really give us some categorical statement.

We have just heard the Minister for Public Works say that he had no territorial claim for this part of Gibraltar, and I very much hope that our neighbours will not have much territorial claim for the whole of Gibraltar, but if I understand him correctly, Mr Speaker, and as the Minister himself agreed, in the original plans there was some claim to this area, and now we understand that it is only going to be for reclaimed land.

This looks to me, Mr Speaker, that if it is so perhaps it is an improvement and let us hope that it is that way.

Now, Mr Speaker, what I would say before I sit down is that I very much hope that the Minister has taken notes of what has been asked, that he has done his homework and since this is the last session of the House, that whatever he says will be absolutely accurate and we are told when the plans are going ahead, when is work actually going to start, and in a categorical fashion let us know what is the true position once and for all without any more shifting.

Thank you, Mr Speaker.

HON MAJOR R J PELIZA

Perhaps, Mr Speaker, before the Honourable Minister starts to speak, since he would obviously like to be able to answer finally all the questions put by us, I would like to say that one is even more disturbed now to see that the problem has, I think, been with this Government all the time, that they have been playing musical chairs ever since they took office in 1972. And that because one thing cannot be done the other is not done. And so we go from one hurdle to the other without ever jumping any of them.

I am very surprised to hear at this stage the Honourable Minister for Public Works say that one of the reasons why he cannot get on with the school is because he cannot resite these workshops. So because he cannot resite one he cannot get on to real business on the other. In the meantime education is suffering here due to the incompetence of the different Ministries of this Government. Where is this unity that the Chief Minister was talking about, or is there a very big tug of war

MR SPEAKER

No, we are not going to have it: no I am not having it. I am not having Members insulting other Members and therefore breaking the rules of debate and everyone having two says on the matters. If there is something else to say you can pass it on to any member who has not yet had a say.

HON MAJOR R J PELIZA

Is there a very serious tug of war going underneath what one can see, and because the Chief Minister has not got the courage of making a decision and showing that there is disunity and calling a general election as he should have done before, is this the reason why there has been all this slow progress in this Government. I think it is a matter of great principle because beyond and above unity comes the actual performance of Government. It is no use having unity without performance which is in fact what has happened here. And what do we have now, at this late hour, after 4 years, after 6 years no comprehensive school for the girls of Gibraltar. This is what it is all about. Not that there was a cess pool in the Marina.

I am surprised to hear the Minister say that when his Honourable Friend next to him was in fact the architect, the dreamer of that Marina which I inherited.

MR SPEAKER

No, hold it, we are not going to start talking about the Marina.

HON MAJOR R J PELIZA

Well, perhaps the Minister should have spoken before when he was asked to do so. What I am trying to do now, Mr Speaker, is to draw him out because we have not heard a word from the Minister of Development who was the person who should have stood up and said what has gone wrong with the Comprehensive School for Girls. He is really responsible, not the Minister of Public Works, who is the man who puts the bricks one on top of the other, the man who does the planning is the one who has got to tell the public why he has not got the Comprehensive School in Gibraltar, and not hide behind the Minister for Education or the Minister for Public Works.

I think he should have stood up before when there was a great request not only from us but from his friend on the right, the Minister for Education. I think it is only proper that he should have stood up and told us the real reason. Has he got the money for the Comprehensive school yet? I would like to know. Has he got the money for it, has he got the final approval from UK to go ahead with this? Or are we going to find ourselves,

well, obviously we are going to find ourselves, the next Government, whoever it is coming forward and having to do all those things. When the site has been found, when the PWD have got a site, and as soon as you can really commence putting the bricks together, we find that we cannot do it because we still have not got a proper plan perhaps, and we have not even got approval of the plans and we have not even got the money to do it with. This is the kind of musical chairs that we have been seeing right through for four years.

I do hope that after the elections we do not come along and find ourselves in the same situation. I sincerely hope that that does not happen, Mr Speaker, but before that, since obviously I think it is essential before this House expires, I think it is fair that we should hear from the Minister for Education at least, since apparently no other Minister is prepared to stand up and speak up. I think it is fair that we should hear from the Minister of Education the situation so that we know exactly what the position is, with all the facts, everything. Is there any real objection to the school from the authorities that matter, from the public bodies that matter, is there any real objection.

When they talk about Mediterranean Rowing Club, and if I may say so I have experience of being in rowing clubs, and I think everyone who is a member of those clubs will I think agree to some extent that - not the Montagu Sea Bathing Pavilion, that is not a private club - things that are done in private clubs that cannot be done in a public place. And things are said that are not said in a public place. I am not suggesting anything indecent, by any means. I am not suggesting that, but I think this is one thing that one has to take into account, whether we like it or not. There is no use smiling and turning a blind eye, and burying your face in the sand. These are the facts. I am not saying that this is the real objection, I am not saying it is, but I do not think you can dismiss it just like that.

When those public bodies put up their objection I think it was something that had to be listened to. To what extent has it been listened to? What consideration has the Minister given to it? Or is the Minister for Public Works - I do not know if he is the ultimate authority and I hope he is not, because that is planning and I think the Minister for Development is the person responsible to decide how and where this school is going to be built -

but is the Minister for Public Works going to dismiss this thing in the same sort of abrasive and authoritarian manner that he went along and built the wall in front of the Hacienda Bar in Eastern Beach

MR CHAIRMAN

No, no, we are not going into that

HON MAJOR R J PELIZA

No, no, but I am going to say, Mr Speaker, that here we have an example of attitudes which one can see right through, and if this is the way and the reason why the school has not progressed I think it stinks. It is very damaging for the education of Gibraltar. I think there should be an authority in the Government to co-ordinate all this, who can come along and speak with one voice and say, "this is the plan that we had, this is the reason why we have been unable to do it, and we hope that this should be done by such a time". I would have hoped that at this late stage the Minister for Education could come along with something much more concrete than that. Not talking about "We cannot start because we cannot find a site for the other Department", No one can suggest for a moment that there has not been plenty of time to find a site, and no one can say that the objection to the original site was not loud and clear even long before anything concrete was done about it. And yet I think again through stubbornness it was proceeded along with until public opinion made the Minister and the Government change their minds. What a sad state of affairs at this late hour, and how terrible for the future generation of Gibraltar. This is the responsibility that this Government will carry on its shoulders for ever more. For at least a few years the girls of Gibraltar could have enjoyed better education in Gibraltar and they have lost it once and for all. This cannot be recovered, it is unrecoverable, and I think that for this the Government must be blamed. But I do hope that now they are in a position to come along and tell us the true facts of the situation. I have a feeling that at long last I am going to get the Minister for Development to stand up and speak his piece. What a pity that he did not do that before I stood up. Perhaps I would not have been overcritical about him, I do not know, but obviously if I have been no one but himself is to blame.

HON A W SERFATY

Mr Speaker, it is always better to stand up after your critics have spoken so that then you have an opportunity of answering some of the criticisms.

Now, this question of the site for the school is a long story. To begin with I would like to explain that I was not responsible for the decision to build the Marina in Montagu Basin. This was taken several years ago and presumably it was in the time of the last administration,

perhaps it was even before that. When we came into office this site was definitely not available for the construction of a Comprehensive School because there was still a commitment with the developer for the construction of a Marina there. But things have been working, if I may say so, in the right direction because soon after we came into office negotiations were started with another developer for the construction of a Marina at Bayside, and that enabled us to exert pressure on the developers of the Montagu Basin Marina to terminate the commitment which the Government then had. So I think it was about a year after we came into office that the Montagu Basin Site was free for other development. By then we had already decided and negotiated for the Marina at Bayside.

Now, there were different sites - I remember one of them was the Alameda Parade and this was considered by the Collister Working Party for the selection of a site for a Comprehensive School, and I am convinced that the final selection of the Montagu Basin site, which was now free for any development other than a Marina, was the wise one. But it took time of course to free ourselves of the commitment that we found Government had.

The fact that the Public Works Garage had to be removed from that site, and that there were difficulties in the selection of a final site as we all know, which happily has now been decided upon by the Government, have had really nothing to do with any possible delays for the construction of the Comprehensive School. Within one month of the aid talks, in November 1974, the design brief of the Comprehensive School was sent to London, and in March 1975, the architects were appointed, in agreement with the Foreign and Commonwealth Office, or should I say, the ODA. Within another month, in April 1975, a preliminary estimate of £2.6 million was given by the architect. Of course the architect and his team have since then visited Gibraltar, we have had difficulty particularly with the Parents' Association on the question of the MRC, which cropped up as a result of the decision to build the Marina in Bayside, instead of at Montagu Basin, though I should say in passing that the MRC, with or without the new Marina at Bayside, have been experiencing difficulties as a result of the present small Marina on their present site.

I believe the MRC want to go to the Montagu Basin site, it is a very nice site, and only this morning we have received from the architects, East Wickfield and Partner, the final plans of the preliminary stage of the Comprehensive School which will now enable us to make a project application to FCO for the construction of the school.

Of course if anybody looks at these plans, he will see that the site allocated to the MRC is about 1/11th of the total site, and I am happy to say that there has been one other development which we have been discussing with the Ministry of Defence and which has now finally been decided. Most of the access to the MRC at the tip of Montagu Basin will be through MOD land adjoining the site of Montagu Basin.

still

There will be a road, because there has been criticism that there would have to be a road all along the Comprehensive School because of the MRC being sited on the same side. These criticisms were unjustified because this road will have to be built anyhow, though as a result of this agreement with the Ministry of Defence the larger part of this road which is going to go all along to the south of the Comprehensive School, will be a private road, and it was only towards the west end of that road, that the road to the MRC from MOD land, will join the school road. The private road will extend virtually the whole length of the proposed building of the Comprehensive School.

So the more I look at this scheme and this has been discussed of course with the Town Planning experts in Gibraltar, the more I am convinced that it is a wise decision. We have hitherto not had any other possible alternative, anyhow, but I think it is a wise decision to allocate this very small site towards the end, at the very tip, of Montagu Basin, to the MRC. And now that we have finally agreed with the Ministry of Defence for access to the MRC being made through MOD land mainly, because it does join the school road towards the end when it is virtually part of the main building, the more I am convinced that this is a wise decision and the more I hope that the final decision will be taken very soon now that we have

HON M D XIBERRAS

Mr Speaker

MR SPEAKER

No no, I am sorry. I have stopped one member already Order, order, you will have your turn to reply, I have stopped the Minister already from interrupting. I have already stopped the Minister from doing that exactly, and I am not going to make exceptions.

HON A W SERFATY

The more I am convinced that it will not be very long before the Government takes a final decision on the question of the siting of the Mediterranean Rowing Club.

But whether the decision is taken or not and whether the Public Works Garage and workshop - I will try to talk about the public workshop in a moment - the final drawings will I hope - and this depends on a decision of the Foreign and Commonwealth Office and the Department of Overseas Development - will not hinder the architects in preparing the final working drawings which will enable the contract to go out to tender in a matter of a few months. Whether it is 6 or 9 or 10, I say no more than that. Yes, the Honourable and Gallant member can laugh if he likes but I, as an architect, am fully aware of the time it takes to prepare working drawings of a job which is going to cost nearer £3½m by present standards. I am not going to go into the question of whether the classes are the right size. This is a matter which has been discussed by the architects with the department of Education and I think this is the right and proper way to discuss these matters. All I would say that the hard playing areas which have been provided by the architects are in agreement with the standard set in the UK. The Leader of the Opposition may say "no" but this is information that I have. On the question of playing fields whether the MRC takes 10% or 11% of the site or whether it does not, that is not going to make any difference to the playing fields that the girls will need. Because there is definitely no room in Montague Basin for playing fields.

This is a matter which has been under consideration by the experts preparing the Town Plan of Gibraltar, and of which we shall know a little more within a matter of a few weeks.

Now, the question of the Public Works Garage and Workshop. There was a certain amount in the aid programme, the cost of which has been exceeded by inflation and other factors. This Garage, which is a prefabricated building, has already been pre-fabricated. We are now awaiting the approval of the Foreign and Commonwealth Office to the increase in costs of the Garage to enable us to start demolition on the site which has been decided at Eastern Beach Road.

Now I stated in my Party Assembly at the Mackintosh Hall a few weeks ago that the Foreign and Commonwealth Office were dragging their feet on the question of giving the necessary authority for increased costs, and as the Honourable House knows, I went to London two or three weeks ago to discuss the matter in the Foreign and Commonwealth Office. Not only the matter of the Public Works Workshop,

but the question of modernisation, new houses, Girls' Comprehensive School, etc., and I must say that I have not returned as happy as I expected to have returned from these talks. We still do not have the authority for the increased costs for the Public Works Garage and Workshop. We still do not have the authority to ask the architects to carry on with the working drawings of the Girls' Comprehensive School, we do not even have the authority to appoint Consultant Engineers for the design of the wall which will enable us to reclaim between Nos. 1 and 2 Jetties in the Port.

We have been told that in the case of one or two of the items, the project application was not made, but in fact we have explained that until the architect of the Girls' Comprehensive School had submitted the final report of the preliminary scheme for the Girls' Comprehensive School we had not been in a position to make the project application. The Foreign and Commonwealth Office should have known, and they recommended to us a list of three architects from which we could choose one, and we chose Mr Eastwick Field because we knew him a few years ago because he designed the Mackintosh Hall, and in my humble opinion made a good job of it. So the Monitoring Committee of the aid programme decided on him, but Mr Eastwick Field is still not in a position to carry on with the working drawings. It is no use now saying that we had to justify the constructors of a Girls' Comprehensive School when for years now the Foreign and Commonwealth Office have been going along with us with the appointment of architects, and they have seen preliminary progress reports from Mr Eastwick Field, so it is no use coming now to say that we must now establish a real necessity on educational grounds from the construction of the School. This is how things are, and I am being quite sincere and quite clear about how the position is. We have not been dragging our feet, we have been working ever since we returned from London in November 1974, on the different projects.

Let me tell the Honourable Member that the Varyl Begg project, about which they have made too much noise, was not completed and we have to give up our own allocation for this present day programme of £1³/₄m for the completion of the Varyl Begg Estate Scheme. So let it be clear, Mr Speaker, let it be clear, that the previous administration did not agree with the Foreign and Commonwealth Office, and did not obtain agreement from

the ODA for the entire cost of Varyl Begg Estate.

HON M D XIBERRAS

Will the Honourable Member give way.

MR SPEAKER

No, no, you are going to have the right to reply.

HON A W SERFATY

I do not want to commit the Honourable Minister on my right but I will terminate in answer to the question by the Honourable Mr Devicenzi, that I hope that there is no clash of opinion between the Minister and myself on whether the MRC should be sited at the tip of Montagu Basin.

HON MISS C ANES

Mr Speaker, the subject of the Girls' Comprehensive School is such a controversial matter that from what I know of the situation I gather that the Minister for Education has been turning more or less a deaf ear to all the representations made to him by the different bodies, most particularly the Parents Association, I believe that he has a standing invitation to attend the meetings of this Association and has never once made an appearance, I do not want to say that the Minister is not concerned with education or that he is not interested, but it appears he does not seem to be so.

I believe that at the last meeting or at least the meeting that I know of, of the Parents Association, which was very well attended I believe, the Minister for Development attended this meeting, and I gather from information given to me that they were not very satisfied with the explanation given to them by the Minister for Tourism and Development. They were very disappointed that the Minister for Education did not turn up at all. And in fact I believe that even the Board of Education is not very satisfied with the site chosen for the Girls' Comprehensive School and had made representations to the Minister on the subject.

Coming back to the remarks made by the Minister for Public Works about the members of the MRC having families who make use of the facilities of the Club, I believe that it has been the custom, and I do not think the rules have been changed at all, that families can use only this Club during weekends and on special days when there are festivities. If the rules have been changed I am unaware of this, but I believe that women and children are only allowed to the Club during weekends. I think that placing a Girls' Comprehensive School next to a men's club is improper. because men do tend to have ways and means of expression which I do not think could be suitable for the ears of these young ladies - although perhaps these young ladies know more about the foul language than the men do! But I still do not think it is a suitable place and I do not think it is nice to have school girls so near a men's club and overhear certain expressions in conversations going on and behaviour too.

I know that some of these young girls, although some of them are from very good families and so on, have unfortunately been caught in very precarious situations and have been heard to use very unladylike language, but that does not mean to say that the authorities concerned in education should turn a deaf ear to these matters, never mind what the girls do privately, to site their school next to a men's club. One can only say that the attitude of the Government in siting the Girls' Comprehensive School in this area is the same as they have adopted with the Public Works Garage. Whether public opinion is against it or not they still insist that that is where it is going to go regardless of the representations made to them.

I wonder whether the Minister will say whether ultimately, before the School is built, they will consult all the bodies who are interested in the project, and whether they will listen to the representations made to them.

Mr Speaker, I support the motion.

HON M K FEATHERSTONE

Mr Speaker, there has been no saga or epic in the case of the Girls' Comprehensive School, but if there has been a Greek tragedy it has perhaps been in this House, where we have had the Honourable Leader of the Opposition playing the part of Cassandra, and the Honourable Major Peliza playing the part of the Minotaur.

Now, Sir, the motion calls upon me to make clear to the House the views of all those bodies involved in Education. Let us look at the first body that had anything to do with the Comprehensive School, which was the Collister Working Party. As has already been said, the Collister Working Party looked into the possible sites for the Girls' Comprehensive School and they came up with as their first choice the Cormorant Reclamation. That was MOD property and they said that if we could not have that then they recommended the Grand Parade. However, they went on to say that if there were compelling reasons against the use of the Grand Parade they recommended that the site at Montagu Basin should be made available instead, although it seemed to them that this site was more suited for recreational purposes for which there was a great need in this area. They nevertheless asked for the allocation of this site for the new School if neither Cormorant nor Grand Parade could be made available.

Well, the Cormorant reclamation obviously was not available, and it was considered by Government that to give up Grand Parade to the School was not advisable, and, therefore, Montagu was the place where the School was to be built, and we have the Collister Working Party fully in support of that as a site. So here we have the first body which I would imagine is reasonably content with the siting of the school. The next body to be concerned with the siting of the school I should imagine would be the actual people who are going to go there. The site was visited by the Headmistress of the Girls' Comprehensive School, the Deputy Head and no objection was raised to the site: it was accepted as quite satisfactory. It now appears that one body very late in the day has come up with a view that they do not like the site. This body is the Gibraltar Teachers Association. They say that the site is inadequate. I cannot see, Sir, that the site is inadequate when it is large enough even by UK standards to take a Girls' Comprehensive School with adequate play areas, with a school building on two stories - there had been a possibility that it might have been three stories but the higher you go the less convenient it is and the less desirable. But it can be built on two storeys, there can be adequate hard play areas up to the UK standard, so that it cannot be said by any means that the site is inadequate.

Now, Sir, how was this school conceived, brought into being. The first job was to prepare a brief and this was done by the Director of Education between the months of

September and December 1974. He consulted with the Chief Architect and yet the Honourable Mr Xiberras in his letter said that the Chief Architect expresses concern over the building. Yet he had had a hand in making it. Well, I have not got a copy of that letter and if he would like to give me it perhaps it would help. It was done in consultation with the Headmistress of the Girls' Comprehensive School, with the Deputy Head, with the Assistant Head, with the Heads of all the different subject departments: all these people were consulted while a brief was being made.

Now, how was the brief designed? The last Government decided to go comprehensive with all that going comprehensive means, and, therefore, it was considered that a purpose built Comprehensive School for the Girls should be built.

May I just elaborate a little bit on what is the difference between a purpose built Comprehensive School and a school possibly most of the persons in this room attended. The old style of school before Comprehensive came into operation was mainly a number of classrooms, and if you were in a class shall we say class 3A, you lived most of your life in that classroom and when it was French the French Teacher came to you and taught you French; when it was mathematics the mathematics teacher came to you and taught you mathematics; when it was history, the history teacher came to teach you. You lived, as I say, most of the time in the class room, but we went out occasionally for specialised subjects. You probably went out for science to a laboratory, to a specialised room; you probably went out for art to a specialised room, that was the old type of school which is in complete antithesis to the modern concept of a comprehensive school. With the sophistication in teaching methods, with the tremendous number of aids to teaching such as projectors, audio/visual, tape recorders, etc., the idea now is to have each subject in its own specialised area, so that you do not build a school which is a series of simple classrooms to which teachers go and teach various subjects, you build a school in which you have an area for, shall we say, languages, another area for art, another area for drama, and the children move from area to area. This is the concept of a purpose built Comprehensive School.

It may, I accept, go against the grain of some of these

more conservative teachers, but if we are going comprehensive we must accept all its ramifications. The Gibraltar Teachers Association who were given a copy of the brief once it was ready, said nothing for a considerable period of time; then they started to make noises that perhaps some of the more conservative teachers would not be happy in a school of this style. When they were told, "why did you not say so when you first got the brief", they commented that they were only lay people and were not very good at interpreting a written brief into what the concept would be as an actual school. They now come up and comment that the design of the building is not what they would like, and, therefore, they reject the idea of the school. However, the design of the building, as a comprehensive school, was put forward, as I said, to all the teachers involved in teaching in that school and has been fully accepted.

Now, when the brief was ready it was sent to various people in Gibraltar, not least the Monitoring Committee of the ODA, and the ODA sent out a team to assist in the design of the school, and one member of this team was the Consulting Architect of the Department of Education and Science in Britain, the top architect of the Department of Education and Science.

Let us consider how a school is built in the United Kingdom. The Local Education Authority would get its architects to prepare a brief, to make the design, it would be sent to the Department of Education and Science, where somebody would look at it fairly cursorily to see that it conforms with the general specifications, it would be sent back to the Local Educational Authority, who possibly would have consulted with the teachers of the school, but would not have consulted with the teachers union. The school would then be built, the teachers would be put into it.

How different to the way our school is being planned. At every stage we have had consultations with the teachers, at every stage the top architect of the Department of Education and Science has vetted and gone most carefully into everything that is being done. You cannot say that the school is being built haphazardly, being planned haphazardly, when you have the best of the United Kingdom Department of Education and Science at every stage helping to see that the job is being done properly.

Consultation with the teachers is so great that in one instance where a new system of supplying the different services to a laboratory is being suggested, the head of department who does not know this system in Gibraltar has commented that he is not very happy about it: this person has been sent to England where he is meeting with the Head of the Department of Education and Science, is being taken by him to two schools to actually see this type of provision of services in operation so that he will know at first hand exactly how it is. Consultations with the teachers have been going on in every way at each time.

The Teachers Association have also been consulted. Although I say that in Britain they would not have been consulted, here they have. They have come up with a number of suggestions, some of which have been acceptable, some of which have not been accepted, and it would appear that because all their suggestions have not been accepted they have come out just now saying that they consider that the school is, in their own words, "inadequate in site, and there is inadequacy in the design of the building and emission from the architect brief".

This I cannot accept. Perhaps one little point might be brought out. They would like to see in the building of the school a department for remedial work. Now, one of the things of a Comprehensive School is that you do not have a specialised department for remedial work. This goes completely against the concept for comprehensive education.

The Board of Education has been kept at all stages fully cognisant of the plans. They have seen them, they have seen the variations. There have been four sets of plans, the last one has just turned up. In each set there has been variation, these variations, which one would assume are improvements, have all been done at the instigation of the Headmistress of the school and the headteacher of the school, that they would like this item done, that item done, this department improved, etc., etc. So that I think it is reasonable to say that the teachers concerned with the school are reasonably happy with the plans.

Now, Sir, we are asked about the views of all those bodies involved in education. The Gibraltar Parents Association, a most important body, has made certain comments on the school, not on the plan, but basically on the siting of the Mediterranean Rowing Club at the tip of the site. I would comment in answer to the Honourable Miss Anes that I do not know of any standing invitation to the Gibraltar Parents Association Committee. They never tell me when they are going to have a meeting. If they were to give me an invitation I would only be too happy to go at any time.

Now, the Gibraltar Parents Association and with them the Gibraltar Housewives Association and also the Board of Education all express misgivings on the siting of the Mediterranean Rowing Club at the tip of the little area of the Montagu Basin. And much of their unhappiness was that to get to the Mediterranean Rowing Club the members would have to go down the road beside the school and this would leave the school open to vandalism, that the road would become choked up with parked cars, possibly derelict boats etc. Well, as the Honourable Minister for Development has already said, this will no longer be necessary. The road beside the school will be a private road, it can be closed at night or at 4 o'clock in the afternoon when the school finishes, there will be no need for the members of the Mediterranean Rowing Club to go down there, and so much of the bone of contention that the school would be too open to the general

movement of persons going up and down this road has been removed.

Should the Mediterranean Rowing Club be next to the Girls School. Well, I will admit quite openly that I am not happy that it should be, but we live in Gibraltar. I am not happy with a lot of things in schools in Gibraltar. I am not happy that the Boys' Comprehensive School should be stuck next to an aerodrome. That while they are doing their "O" levels and "A" levels they hear planes roaring past and taking off and interfering with them. I am not happy that a third of the Boys' Comprehensive School is underneath a block of flats. I am not happy with St Mary's School which has no playground whatsoever except a dungeon in the basement. But these are the difficulties of Gibraltar. We have a restricted area, we have to live in our confinement. If we had large areas of playing fields, as they can have in Britain where a school can be placed in such an area that it has green fields all the way around it, I would be far happier. But to have the Mediterranean Rowing Club on a small tip of the Montagu site, although perhaps not the best of circumstances in the world, it is not such a terrible thing.

Perhaps the Gibraltar Teachers' Association might almost support it because they have commented that the playground area is very windy and that the school should be moved further down the site and the playground put at the other end. Well, therefore, they cannot be very upset about the little tip of the site which is even windier still.

The delay in the plan? Where is all this delay. It started in September, 1974. It is a school of some £2.6 million but it will be well over £3 million by now. How long did they have a delay, if the word "delay" is operative, in the plans of the extension to the Lourdes School, which was ultimately to become the Boys' Comprehensive School? Is my memory failing me or did we not hear after 1969, in 1970, "we are almost ready to go out to tender". And then in 1971 again, "Oh, we are almost ready to go out to tender". Was that a delay, or were they planning all the time. What about the Varyl Begg Scheme. Announced in December 1969, the brief was not ready until April 1971; tender invitations in November, letter of intent in April 1972, the site taken over in October 1972; that is three years. Was that a delay or was it just a normal sequence of events.

I can tell you categorically, there has been no delay on Gibraltar's part whatsoever in the planning of the Girls' Comprehensive School. At all times the architect - and I would like to say a word about these architects. They are not any old people that have been just pulled out of a hat. The Department of Education and Science put forward suggestions of a number of top ranking architects, and we chose a firm that had already done a job in Gibraltar. They had built the Mackintosh Hall, I think something which has stood the test of time. They are leading architects in school design in Britain. Recently they have done a large extension to Durham University and

they are one of the highest ranking architects that we could possibly get hold of.

They came as soon as they were appointed. Their first job was to work out whether a reasonable school could be put on the site, a school within the conditions put down by the Department of Education and Science in Britain, whether it could be put on the site, with the Mediterranean Rowing Club there as well. They came back with their views of how it could be done and these were accepted. They then started to put their concept into actual plans. They themselves discussed time after time the different plans with the teachers involved, and they were out here about a month ago where they spent 3 full days with the teachers doing as much as possible to get the school exactly as the teachers wished it to be.

We have had the viewpoint of the Gibraltar Parents Association, the Gibraltar Housewives, the Board of Education. All three, I would say, in favour of the planning of the school, not in favour mainly because of the question of the use of the road of the Mediterranean Rowing Club but possibly now they will be much happier, as they said, that the road will not be there, and the Gibraltar Teachers Association which is not in favour, perhaps because their viewpoint has not been taken as much into consideration as they would have wished, although many of the points made have been taken into consideration. And we have perhaps the most important body of opinion, the actual teachers who are going to use the school, who apparently are satisfied.

It will be, I am sure the Honourable Mr Xiberras will be happy to hear, a good school up to UK standards. I do not think the Consultant Architect of the Department of Education and Science is going to have such a hand in the building of a school, that he is going to put his head on the block and produce a school that is not up to UK standards.

I think perhaps the situation may be that in due time our school may be what is classed as a "show" school. The brief and the plans of certain schools are taken by the Department of Education and Science and are made into book forms and circulated to various Local Educational Authorities so that they can gain experience and knowledge from what has been done before. We did this in the case of a school called "Maiden Early".

We improved upon their plan and I think possibly the Girls' Comprehensive School of Gibraltar may be one of the schools to get into that category.

Now, I am invited to state unambiguously whether I am satisfied with the present plans and the site of the building. Yes, Sir, I am satisfied. Obviously the plans may need a little more changing, though I think we have got to the final stage as far as Gibraltar is concerned. There is the next step, in which these plans have to go to a project committee of the ODA and they may wish to see changes, so that I cannot commit myself that I am going to be satisfied with any changes that they might like to see, but as far as the plans are at the moment I am fully satisfied with them, I am fully satisfied with the site of the building; it is a good site, I think perhaps one of the best in Gibraltar that we can get under reasonable circumstances, I am not going to say the Cormorant site might not have been equally as good but we might not have been able to get that for several years. We have the Montagu site, I am satisfied with it. As I say, the question of the Mediterranean Rowing Club leaves little to be desired. If another place could be found then possibly we would move it there. It is not an easy matter, although we are still trying to find another site if it were possible. But even if it were not possible I do not think that having the Mediterranean Rowing Club there detracts to such an extent from the school. We hear people say, "Fancy having a men's club next to a girls school", Well, it is not just a man's club, it is a club for men, women, children and it may not always be a girls school, it may be a co-ed school one day.

Before I do finish I would just like to comment on one small point in the letter of the Honourable Leader of the Opposition. He talks about the, I think, alarming views, or alarming statements of the Minister for Education, at one time. I am not sure yet in my mind what these alarming statements were. All I can think of is that it was a possibility of going co-ed in September 1974. Yet when I have discussed this possibility with my Director and told him my reasons for it, he sees them far from alarming but sees them as quite reasonable indeed. And indeed the GTA, who are at variance with the plans of the school as such, do not seem to be at variance with the viewpoint that Gibraltar should have gone co-ed some time ago. But even the Collister Committee does suggest that Co-ed may come in in time. We cannot take that school as a girls school for ever, it may be a time when it is a

Co-ed school and then perhaps it will be a little less worrying to those people who are perhaps, I might say, a little narrow minded in the viewpoint that you cannot have a rowing club next to a school.

I think I have no more say on the subject, Sir, except to reiterate for the Honourable Leader of the Opposition once again that I am fully satisfied with the present plans and fully satisfied with the site of the building.

MR SPEAKER

Are there no other contributors?

HON CHIEF MINISTER

Mr Speaker, just a small contribution on one or two important aspects that have been mentioned. There have been certain administrative delays in London in respect of some of the projects. When I was in London the other day on other business I took the opportunity of looking into the matter, as the Financial and Development Secretary and the Minister had done before,

Firstly, there is the question of the project application. This applies to all projects the cost of which will be over £600,000. This is not, I would say, a formality but it does not in any way alter the commitment of the British Government, nor have I seen any signs that the British Government is in any way reneging on their commitment to provide a Comprehensive School for Girls in Gibraltar. If I saw that I would say that that would be a sign of bad faith and I would be the first one to pronounce against it. I made this quite clear in London the other day, at the official level of course, because I did not find that there was anything to worry about to take it to a higher level.

There is a commitment for the school: it is true that the cost of it by the time building starts will perhaps be double what was originally tentatively estimated, but what does not go up these days, and, therefore, particular care is being taken in the United Kingdom that this vast sum of money which is being provided for under development aid is properly spent. But I have no qualms at all to say that there is any difficulty about the commitment. There are certain bureaucratic procedures to be complied with, which one can understand particularly in

a project of this matter.

I would just like to say on the last remarks of the Minister for Education, who has made, if I may say so, a clear exposition of the matter as it stands, that I have been concerned myself in trying to find an alternative site for the Rowing Club. Certain ideas have been looked into by people over whom we have no control but whose collaboration if possible we expect and that is still very much on the stocks. But I would not like to make any comment here that would indicate that there is any commitment by anyone and that eventually if it has to be done I think that the amount of land that has now been ceded by the Ministry of Defence in order to have a separate road takes away some of the strong objections which were voiced, though of course there will still be people who would not like the club there.

The club is practically an outward looking club, it is a rowing club more concerned with the sea than with the land, and it could perhaps in the long run, if the school is going to be co-educational be part of some of the amenities for the boys of the club. Anyhow I am not making any apologies for that, I am just saying that it would be more desirable to have it elsewhere, this is quite understood, but in the limitations of Gibraltar as we know them, sometimes there are certain decisions that must be taken in the best overall interest of the community. I am not however unhopeful of being able to get something perhaps to dispose of that.

Other than that I think that what the Honourable Minister for Education has said about recent objections of the GTA, it seems to me that the whole idea of a school there is generally accepted and we are quite happy that it is the right site on which to have a school.

HON W M ISOLA

Mr Speaker, I shall be very brief. I would just like to comment on two remarks made by the Minister for Public Works and the Minister for Trade and Development. If I remember rightly the Minister for Public Works said that he would never have agreed to the Montagu being converted into a Marina, and I would like to remind the Minister for Public Works that when this side of the House came into Government in 1969, it was the AACR Government who was dealing with developers in England for the use of

Montagu as possible Marina. The Coalition Government it was not this Government, who continued the question of the Marina.

Now, Mr Speaker, I remember very, very clearly in 1975, during estimate time, when the question of the siting of the Public Works Garage at the Old Refuse Destructor came about, that either the Minister for Public Works or the Minister for Trade said that the resiting must be carried out at all speed because of the Girls' Comprehensive School. At that time, Mr Speaker, if I remember rightly, the resiting of the Public Works Garage - I am going on what the Minister for Trade has said - was going to cost the public the sum of £350,000. Now, as we all know, it is going to cost something like £750,000.

Now what I am trying to say is that the best piece of news that I have heard this morning is that though the Minister for Tourism and Trade said that happily it has now been decided to site the Public Works Garage at the Old Slaughter House, I am very happy to hear from him that as yet no authority to draw up plans for the Public Works Garage has been obtained, and I am sure

MR SPEAKER

Yes, but let us not talk about that. We are talking about the Comprehensive School.

HON W M ISOLA

Mr Speaker, I am only making reference to what the Minister for Trade said earlier on, on the Public Works Garage. I am only commenting on that.

MR SPEAKER

Yes, but you have no need to comment on that. He made a comment with reference to the Comprehensive School because until such time as the Garage was resited they could not start on the Comprehensive School. To that extent you can say what you like.

HON W M ISOLA

Well, I am saying that because later on when I develop that argument, I am going to come back to the Girls'

Comprehensive School.

MR SPEAKER

I do not want to open an argument on the garage.

HON W M ISOLA

No, no, I am just using that argument to support subsequently the argument on the Girls' Comprehensive School.

MR SPEAKER

That is fair enough but we must not get out of hand. Anyway, go ahead.

HON W M ISOLA

As I was saying, Mr Speaker, on this side of the House we are extremely happy that the authority to draw up plans for the public works garage has not yet been given, because that means that this present administration will not be able to carry out the threat of building the Public Works Garage in the short time that they have

MR SPEAKER

But that is what I am not prepared to allow you to do.

HON W M ISOLA

I am almost finished now, there are only two more words. That they will not be able to finish the Public Works Garage in the three or four months that they have left.

Now, what I am trying to get at, Mr Speaker, is that there is no doubt at all in my mind that there has been an enormous amount of delay in the question of the Girls' Comprehensive School, and by taking an analogy of the Public Works Garage in which I am more involved than my colleague the shadows Minister for Education and the Leader of the Opposition, I am saying that because of what is the background that I know of the Public Works

Garage, which has been on many occasions interlocked with the Girls' Comprehensive School, it is because of these reasons that I am supporting fully the Leader of the Opposition in this motion.

HON A P MONTEGRIFFO

Sir, I believe there is a misconception on the part of the Honourable Mr William Isola. The Workshop as such, the pre-fabricated Workshop that is going to go there, is already in existence, and may be on the way for all we know. The approval that has not yet been given refers to who is going to provide the funds required for the resiting of the Workshops to this site of the Garage.

MR SPEAKER

That is all I am going to allow anyone to say about the Garage. I will then call on the mover to reply, unless Mr Bossano has something to say.

HON J BOSSANO

Mr Speaker, I am glad to hear, I think I am correct, but perhaps I can be corrected if I am wrong, from the Minister for Economic Development that in fact the delay in the school has not been due to delay in the siting of the PWD Garage and Workshop. Because certainly when the Trade Unions were being consulted on the proposals they were told that the urgency was that it was holding up the school, and I find now that it was not holding up the School! I am glad to hear that it was not holding up the School because one of the things that we told the Government at the time, I remember was, that if they tried to go round saying publicly that the School was not done because we had not reached agreement on the garage and to shift the blame on to us they would be asking for trouble. In fact not only have they not done that but in fact there was not even justification for even hinting it apparently, because had the thing been shifted

HON A W SERFATY

There could have been a justification. If the

construction of the Garage - and thank you for allowing me to butt in - takes longer than we envisaged then there will be a delay in the construction of the School, of course.

HON J BOSSANO

I see, so there will be a delay now, but there would not have been a delay nine months ago when we were told - nine months ago.

MR SPEAKER

Order, order.

HON J BOSSANO

Well, Mr Speaker, if all the other things that need to be done besides clearing the site were not done nine months ago, and still have not been done, even if the PWD Workshops had been moved nine months ago, the school would still not be in the process of construction, and therefore, that was not the major reason, and I am afraid that it was certainly stressed when we were involved and it was a factor that we took into consideration. Now it appears that in fact it was not as important as we were led to believe. Of course it is perfectly permissible for the Government to use this play. I mean, they did influence our decision by using it, but it appears in fact that even if we had taken longer to reach a decision it would not have held up the School because the School is being held up by other considerations, or have been held up by other considerations. And I think this is a useful information to have for the future.

The other thing, Mr Speaker, is that I think it is very serious of course that the School looks no nearer construction now than it has been on the many other times that the matter has been raised in the House of Assembly. The Honourable Member has given figures of April 1975 as an original estimate of the cost and so on, and then he said that now in July 1976, a year and three months later, they have made a project application.

It seems to me an extraordinary length of time between getting the proposals to the stage where one can actually estimate the cost, which must be quite an advanced stage,

and making application to start work on the project a year and three months later. Perhaps the Honourable and Gallant Minister for Public Works could transfer some of his wall-building energies to school-building activities and then the situation might improve.

The School, Mr Speaker, is a very important project and I would have thought that when the Government is so confident about committing the next administration to a closed shop, to higher pensions, and to all those sorts of things, they have used the argument that they have run out of their mandate, and that at this late stage in their administration they can hardly go ahead and introduce things which would commit an incoming administration. They need to go to the people first to see whether the people will support them on the closed shop and all the other things.

I would have thought that they might also find out whether the people support them on the siting of the Comprehensive School in the place where they want, and on the siting of the Public Works Garage where they want. If the Government has waited this long to do something about it, and these are concrete things that cannot be changed, this is committing a future administration in a way the pensions and the closed shop will not commit a future administration, because if the Government takes a stand now and there is a change of Government in two months time, the new Government only has to change a law to alter the level of pensions, to alter the existence of a closed shop or to alter anything else. But they cannot change the siting of the Public Works Garage or the siting of the School by changing the law. You are committing Gibraltar to brick and mortar. And if there is an area where the argument of consulting the people is valid, it is in an area where the change once implemented is irreversible, because however much an in-coming Government might dislike the siting of a particular project it would obviously be totally irresponsible to pull the thing down and start building somewhere else. So I would say that in view of the very strong feelings expressed by Honourable Members on the other side of the House about not committing a future Government, that philosophy should be applied to these two areas of construction projects where it is known that there are different views, and let them really make up their minds finally what they are going to do, present the thing as a project to the people, commit themselves that they will do it as soon as they come in and if they do not get in they can say, "well, the other administration that gets in is free to do whatever they like".

This is an opportunity to consult the people on that, and I think particularly, although it is not the subject of the motion if you will allow me to say so, Mr Speaker, particularly the siting of the PWD Garage, about which so much public opinion has been expressed.

MR SPEAKER

I have had to call the attention of most people for talking on the Public Works Garage and since you joined it to the School I let you, but once you start talking

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HON J BOSSANO

No, I do not want to go into it, but I think, Mr Speaker, the only thing that I want to stress is that there is certain evidence to show that public feeling is stronger on that particular project than on the Comprehensive School, but I think the argument applies equally to both.

Yes, it might be the pavement, and the wall, why not the wall!

You might have a new administration coming in and knocking the wall down, Mr Speaker. So I think this is the main point that I want to make, that I am glad that the thing has been cleared as to the reasons for the delay, and that I think the Government should seriously think that in view of the short time left, and in view of the fact that in practice a decision may commit the new Government because of the thing proceeding faster - but in fact I think on the question of the School there is not any likelihood of course of the School being started before a new Government comes in, and, therefore, that can be done. But if the Government is going to actually build the other project this summer, which I would hope they would not for the obvious reason that as the Honourable member has said a building site which is a very noisy and dirty place, and it is hardly likely to be conducive to a restful stay on the beach if the Public Works Garage is built down there during the summer, but perhaps if the Honourable Member can look at his responsibility in this area and delay until the new Government comes in.

MR SPEAKER

Right, I will then call on the mover to reply.

HON M D XIBERRAS

Mr Speaker, we have had an attempt at complying with the terms of the motion, by three Honourable Members on the other side of the House, and I suppose we must be grateful for small mercies, and we should be grateful that at least there is some information as to how the Government stands on this. Quite a few points have been raised which I would like to answer. The Honourable Colonel Hoare, has thrown some light on the process of Government in respect of this particular incident. I think there is no doubt from what he has said that he has been at variance with his colleagues in certain important respects about public access to the area, whereas the other two Ministers have said that they followed representations made as regards there being no public access to the area immediately around the School.

He called the Marina a cesspit, but the Honourable Member beside him probably thought that far from being a cess pit it would be an oasis. It would be something that would bring in money for Gibraltar, he has spoken strongly in favour of the Marina, I do not know why the Honourable

Mr Speaker, I am sure that there has been disagreement about this between the Honourable Members, and that the unity of the Government which the Chief Minister was talking about is far from real.

Mr Speaker, the Honourable Mr Canepa chose not to contribute to the debate and perhaps he could keep quiet now and allow me to talk. I have the greatest regards for Mr Canepa's principles when he stands up and expresses them and an equal regard when he changes them.

Mr Speaker, the interesting aside from the Honourable Colonel Hoare about the Public Works having no territorial claim, but according to the original plans there was some claim by the Public Works, there were some plans to put the Public Works Department in the reclaimed land in the area. No?

HON LT COL J L HOARE

No. Public highway for the use of the people. A sea-side walk, not for the Public Works Department.

HON M D XIBERRAS

A sea side walk. Well there was some interest, and quite unprovoked the Honourable Colonel Hoare stood up and made these declarations. I do not know why, perhaps it was a question of "qui s'excuse, s'accuse", I do not know why he made this contribution in the terms that he did. He seemed to be stating his clear position on this matter for posterity. Perhaps there was disagreement

HON LT COL J L HOARE

Mr Speaker, I was answering statements made by the Leader of the Opposition where he quoted me by name, and, therefore, I felt in duty bound to answer and give him my side of it.

HON M D XIBERRAS

I made some references to the Honourable Colonel Hoare, but in respect of the Garage. Mr Speaker, the Honourable Colonel's concern for community access behind the wall, this other wall I suppose if he wanted to build the sea wall around there he thought that the community should use it, or was it purely to protect the School? I do not know, we have not been told, but I gather that the purpose of the wall was to provide some sort of access to the community, I do not know.

In any case I was interested by his comments, and I thought that they were the seeds of disagreement there, and I am glad that this did not interfere too much with the process of planning.

The Honourable Mr Serfaty spoke about the Marina commitment, a point has been cleared up already by my Honourable Friend Mr Willie Isola, that this was in fact done in the time Mr Serruya was Minister for Tourism. No doubt the Honourable Mr Serfaty disagreed with Mr Serruya on that occasion. I have no doubt there was even less cohesion in that co-alition Government than there is in the present Government.

The Honourable Mr Serfaty spoke about the long time it had taken to plan Varyl Begg. The Honourable Mr Serfaty being an architect thinks it is fair to make a comparison between the School and what is it 650 flats. But of

course he is entitled to that opinion, he often flashes it around in the House

HON A W SERFATY

The 650 flats is repetitive work, only two types of blocks

MR SPEAKER

No, no, let us not Order, order, I will not have interruptions.

HON M D XIBERRAS

Yes, Mr Speaker, but one thing that the Honourable Member should bear in mind is that in 1969 there were difficulties of course that the Honourable Member might or might not have been able to overcome himself. Labour force and so forth. Minor things of course, and that in December 1969 we had commitments to 750 flats apart from other matters, if he cares to read the communique issued on that occasion, whereas on this occasion the Honourable Member, as far as I can see, does not have a commitment from ODA yet. And this is of course two years after the Government started on the project and four years since we were given to understand by the Rowley Mission that the Comprehensive School would form part of the next development programme, and that there was commitment in principle to it. That puts the delay at four years in my book and not at two years, the four years this Government has been in office.

Let me remind the House that education was the first priority of this Government's development programme, whereas that of the previous administration included a number of other projects, the Health Centre and so forth, which were actually being built while the Varyl Begg Estate was being planned.

And the Honourable Member cannot claim that the School has not been built because there was other work to attract his attention because all he had to do in other respects is ten flats remodernised and sixteen on the point of being remodernised.

Mr Speaker, the Honourable Mr Serfaty told us that it

would cost £2.6m now to build the School, and this was the architect's estimate; by the time they get moving on it it is going to be much more. They have been hit by an age of inflation and the kind of commitment which they do not have, may I put it that way, they have no commitment at all for the School and they certainly do not have the kind of commitment we had in respect of Varyl Begg which was to build that number of flats whatever the cost was. The Honourable Member may find it more difficult as costs escalate to build this School now. And this I know, "what does not go up", said the Chief Minister, or words to that effect. Of course things go up, but was part of the delay attributable to Honourable Members opposite is a different matter. One might as well have said that we could not tackle Varyl Begg because there was no labour in 1969, and costs went up. And yet proportionately I do not think the eventual cost of Varyl Begg is going to be so much higher than the proposed cost of the School, which I believe in 1972 was in the region of £1.2m, and now it is £2.6m, and it might very well rise higher than that.

Mr Speaker, the attitude of the Honourable Mr. Serfaty in ending this contribution said that, "I hope that the Minister for Education will be able to agree with me that the MRC should be there, on the site." That was his last phrase before he sat down. I think thereby hangs a tail by this statement. That the Minister should stand up after concluding his statement and say, "I hope that the Minister for Education will be able to support the MRC there in that site". Again, evidence of disagreement, and I can understand this disagreement. But what I can find very difficult to follow is that people should not be told clearly what the position is. I have heard the Minister for Education was instructed by one body of those referred to in the course of this debate, to write to the Minister for Development and tell him exactly what he felt about the School, but it was ages before he was able to report that he had and what the result had been, and to my knowledge I do not know whether he did or did not write, stating the views of this important body, to his colleague, and assuring that the interests of Education would be paramount in this case. I do not know whether there was a reply or not, but this again to me denotes disagreement.

Mr Speaker, I know that the process of consultation is a very difficult one. And once embarked on it one is opening Pandora's box. One is beginning to look for trouble.

But this kind of trouble is necessary in respect of these planning decisions. The Government has been faced with a renewed interest in planning and they have to put up with it. People are concerned about the environment, people are concerned about facilities now, and they do want to be consulted, and the process of consultation in this case has been absolutely abysmal from the very beginning. From the very beginning when the Honourable the Minister for Education made his alarming, and I repeat alarming, statement about the future of education in respect of co-education, when he said that he was going to introduce it I think within a couple of months, at the beginning of the next year, and this brought about the storm which led to Collister.

Now that was delayed, because it was during this time, between 1972 and 1974, that a lot of the work could have been done for planning and was not done because we had long sittings of the Collister Working Party. Therefore, this blame attaches to the Minister for Education, and I can stand by my phrase "alarming statement", made by the Minister for Education, and it did contribute to the delay.

Mr Speaker, it may be said that the Collister Working Party itself was consultation for this and, therefore, saved time. Well, it may have saved time, Mr Speaker, but the consultation was forced upon the Minister and the situation has not changed at all. The two Ministers have been at the receiving-end of things. I have heard complaints galore from the Association. There was ridicule poured at one particular meeting on both Ministers, that they changed their minds, that they spoke about the toilets in the Schools ad infinitum, and they avoided the issues, they just avoided the main issue. And this is, I can tell him, from an Association in whose good books the Minister should be as Minister for Education. No doubt even at this late stage they are calling demonstration of the subject. The Parents Association have been up in arms right to this very moment, and both Honourable Members opposite can afford to be bland about their explanations.

Very well, Mr Speaker, I hope that the school goes well, subject to one qualification I shall make at the end of my speech as to when it should go.

Mr Speaker, I think that one big mistake made by the Minister for Education in consulting, at the expense of

the Teachers Association, putting too much reliance on what the staff of the School would say. This is always a burning issue whether it is the Teachers Association or the Headmistress or Headmaster of the School that should have the greater say in these matters. And I have no doubt that there have been some crossed wires here which have deprived the project of the support and of the advice which it deserves. The GTA I know have been very much opposed to the building of the School. The extent of the disagreement has not been made public or clear by the Minister, to the point that people did not know where the Honourable Mr Featherstone stood on this matter. People thought that he was being taken for a ride by the Honourable Mr Serfaty because of developments, and Mr Featherstone was apparently equally quiet in his private consultations, refusing to commit himself, as he was in his public appearances on the matter.

Even now the Teachers Association say that the site is quite inadequate. Mr Featherstone says that it is up to UK standards. He has spoken about the movement from classroom to classroom, the division into areas, all of which Honourable Members on this side know something about. But has he taken into account that the shape of the site is still the matter and object of criticism by the Teachers Association, because it is an elongated site which makes it very necessary for people to walk from one end to the other, as I understand it. Is there any truth in which I have been told that the plans for the construction of the School necessitated a certain type of girder which apparently is on order and that, therefore, the shape of the school has been determined already. I believe in one of the meetings one of the Associations was told this. Is it true that the Government architect has stated at one of these meetings that the site would not be acceptable in the United Kingdom precisely because of its shape? I hear no reply from Honourable Members Opposite.

HON A W SERFATY

If the Honourable Member wants a reply, I will give him one.

MR SPEAKER

No, no.

HON M D XIBERRAS

If the Chief Minister replies to my letter I would be grateful if the Honourable Member makes his point clear.

I specifically asked Honourable Members to make clear the views of the Government architect on this, as I had in my letter to the Chief Minister. So the GTA is still not satisfied, and Honourable Members opposite hope that the other Associations will be satisfied. But who knew before this, despite our questions in the House, that the Board of Education was

not happy either. That in fact almost the totality of the bodies that were interested were not satisfied with the School. And I am not talking about minor amendments I am talking about the actual site. How quiet Honourable Members opposite have kept these matters. They had to have the Association having recourse to members of the Opposition, there was no frankness in the position of the Government and there has been much resentment precisely because of this. Everybody should make allowances for planning difficulties in Gibraltar, but what they cannot make allowances for is for shifting and changing in the attitudes of Ministers whom they are consulting. One Minister says one thing, another Minister says another thing, one says one thing one day, and then changes his mind. Now this was an accusation made, and I am prepared to substantiate what I say, at one of the meetings of one of the important Associations referred to. And the Honourable Member should know because he might be meeting them soon. Mr Speaker, I would have thought that the Chief Minister would have

MR SPEAKER

Is it your intention to speak for much longer?

HON M D XIBERRAS

Not very much longer. About five minutes.

I would have said that the Chief Minister, who turns his hand to arbitrating on various occasions, had a splendid opportunity to arbitrate and smooth the waters for his Ministers on this occasion. There was the possibility of pressure from the Government as a whole, as my Honourable Friend Mr Devicenzi said on television in an interview, of seeking more MOD land, which is so near to the hearts of Honourable Members opposite. And, therefore, displacing the MRC and putting it somewhere else. Now was this tried. Did the Honourable Members really have it in their hearts to move the MRC to a different site? Are they telling me it is impossible to find another site for the MRC if Honourable Members all agree, as obviously they do, that it would be far preferable to have the MRC in a different place, and the MRC of course would not object so long as they have access to the sea. That is the responsibility of the Chief Minister. And has the Chief Minister, who explained to this House what he was going to do in respect to the right to our land in a budget session somewhere in 1973, when he also announced I believe at the same time that he was going to the United Kingdom to make sure that the next development programme was not delayed, has the Honourable and Learned Member not been able to convince Her Majesty's Government of the need for another site for the MRC? The Honourable Member has said that he would accuse the Government of bad faith. I should think so! Mr Speaker, I should think that after all this time if Her Majesty's Government were to turn around for whatever reason, having committed themselves to this the main project in the development programme, if they were to turn around and say now, "Well, no, you cannot have it now because costs have escalated for one reason or because we are in a tough economic situation".

I am sure that this will not be the case, and I hope that Hon Members have at no time contributed to this wish that the British Government should say this.

Mr Speaker, the point has been made, and it was insinuated in my letter, to the Chief Minister, that this is an important and lasting decision, and that, therefore, the Government should do nothing about this until after the elections. I do not think quite honestly that Honourable Members will have a chance of starting on this in the intervening period before the elections, but if they do by any chance continue with this plan, let them remember that there is a chance that they might be defeated at the next elections and that that too is going to remain there. It is not a popular site, it is a site where people have to make allowance, the best that we can get in the circumstances, but they will not be entirely happy.

I have heard that the School will not begin to be built for another 1½ years. This is what I have heard as well. Honourable Members have assured that this is not the case, they intend to start some time this year, I imagine. But I have heard that for 1½ years the School will not be built. I think they should definitely put it out of their minds that they should start before the elections.

So, Mr Speaker, I hope that our interventions here have served to at least inform the Associations concerned, to whom I will send copies of this debate as early as possible, because there have been accusations that the Opposition have done nothing about this, despite our debates. People do not get to know what happens in this House, but this time I shall make it a point of sending the Hansard of this to the various Associations concerned, so that they know what happens in this House and what the Honourable Members opposite are saying.

I thank you for keeping the House for another 17 minutes more than usual, Mr Speaker, and I commend the motion to the House.

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

The Honourable Miss C Anes
The Honourable L Devicenzi
The Honourable W M Isola
The Honourable Major R J Peliza
The Honourable M D Xiberras

The following Honourable Members voted against:

The Honourable A J Canepa
The Honourable M K Featherstone
The Honourable Sir Joshua Hassan
The Honourable Lt Col J L Hoare
The Honourable A P Montegriffo
The Honourable A W Sefaty

The Honourable H J Zammitt
The Honourable J K Havers
The Honourable A Collings

The following honourable Members were absent from the Chamber:

The Honourable I Abecasis
The Honourable J Bossano
The Honourable P J Isola

The motion was accordingly defeated.

MR SPEAKER

We will now recess until 3.15 this afternoon.

The House recessed at 1.10 p.m.

The House resumed at 3.25 p.m.

HON CHIEF MINISTER

Mr Speaker, in pursuance of my statement this morning that I was prepared, so long as the work of the House was not interrupted, to adjust the order of business in such a way that members who were particularly interested were here, there are two matters in which the Leader of the Opposition told me Mr Peter Isola was interested in, and he was not available: one is the Committee Stage and Third Reading of the Housing (Special Powers) Bill; and the other one was the question of the Select Committee on Air Communications.

In view of that, and in view of the fact that the Honourable Mr Bossano had got two motions in his name which were on the order paper when we started these proceedings, I would be quite happy if he could proceed with those so that we can gain time. If by the time these motions have been dealt with Mr Isola is here, then fair enough, we can take it, if not we can take at least one to carry on with the business until a reasonable hour as usual.

MR SPEAKER

I will then put the question which is that in accordance with the provisions of Standing Order 7(3) the two motions standing in the Order Paper in the name of the Honourable J Bossano, should now be taken.

HON MAJOR R J PELIZA

May I say a few words in the absence of the Leader of the Opposition. I think we obviously go with that, except that I am not at all happy with what the Chief Minister said at the end. I think if by reason of the professional duty of my colleague it so happened that the business still has continued - I think it has been the practice of this House that when such a situation arises normally when the time is known, time is given to members to be away from the House and I do hope that this consideration will be borne in mind.

MR SPEAKER

Well, we will wait and see what happens.

HON MAJOR R J PELIZA

Exactly, but I think that neither through reticence or by agreeing with the first part of the Chief Minister's suggestion that it means that I am in full agreement with the statement of the Chief Minister, and I therefore reserve my right to put our case if this should arise.

MR SPEAKER

May I say in fairness to the Chief Minister that whatever is being done now is being done to meet the requirements to the Opposition, and if what the Honourable Member is saying is that unless the full requirements are going to be met he will vote against this particular motion, then he is entitled to do so. I cannot read it in any other way.

HON MAJOR R J PELIZA

I have no objection to the first part.

MR SPEAKER

It is not a question of objection, with due respect, because it is not the Chief Minister's wish that the Order of the Day should be disrupted, it is the Opposition's wish.

HON MAJOR R J PELIZA

Yes, I know, but if I understood him rightly, I may have misunderstood him or I did not hear him clearly, he said that if at a certain stage the motions were over and we had to go on to the business in which my colleague has an interest we would then carry on.

MR SPEAKER

I think what the Chief Minister has implied is that he is not prepared to adjourn or recess the House because Members cannot attend through personal reasons, that whilst there is work to be done he is prepared to re-adjust the Order Paper. That is one thing and the other thing is to adjourn the House because one particular Member cannot attend.

HON MAJOR R J PELIZA

I fully agree, Mr Speaker, I am not suggesting that, although I think on some occasions, if I may say so, for reasons which perhaps were not professional, but purely social, this House has been adjourned before the normal time, and therefore, what I am saying, Mr Speaker, is that if the occasion should arise, we have not come to it yet, where not for personal but for professional reasons, professional reasons have been respected in this House, more than any other I do not know why but it has been, I think that principle and that attitude should continue even today. This is all I am saying. I know it is his prerogative to carry on if he wants to and we cannot stop it, and we know from experience that he does carry it the way he wants it, I am still expressing my view.

MR SPEAKER

Right, I will now call upon the Honourable Mr Bossano, to move his first motion.

HON J BOSSANO

Mr Speaker, I beg to move that this House is shocked at the callous lack of concern shown by the Government for the fate of the Moroccan worker who contracted cancer in Gibraltar following an injury at work and the unwarranted delay in sending the relevant medical records to UK to facilitate his treatment.

Mr Speaker, the case which my motion deals with is one which has been well publicised in Gibraltar and all Members are aware of the fact that the Moroccan worker in question is at the moment in the United Kingdom receiving medical treatment, and that he has been able to go to the United Kingdom due to the magnificent response of the people of Gibraltar who have answered the appeal of the Transport and General Workers Union to raise funds, and indeed the continuing donations that are being made by workers through the organisation of the Union, the collections are taking place in workshops and so on. But what the House must be concerned about is the event that led up to this taking place.

The worker in question had an accident at work which was not properly documented when it happened. It was a slight accident, he cut his ear, not much importance was attached to it and because of the strict

regulations regarding accidents at work, he in fact is not covered by the terms of employers liability, and is not in a position to make any claim off his employer because it was not recorded as an industrial injury at the time that it happened. This is an example indeed which will perhaps bring home to many workers the importance that there is in properly recording accidents at work which sometimes is neglected and the full implications of the accident sustained do not come to light until much later.

So, the worker in question received treatment in our local hospital, had to return on subsequent occasions for treatment and eventually, to cut a long story short, eventually he was told that he had now developed a malignant growth in the same place as the cut from the accident had been on his ear, and that it was impossible to give him adequate medical treatment in Gibraltar. He was told that the situation was extremely serious, it could cost him his life, and his chance of survival depended on his being able to get radiotherapy for which he would have to go to the United Kingdom. One can well imagine the reaction of this poor man on being given this news. The medical authorities told him that they would investigate whether it was possible for him to go to UK as a sponsored patient and Government found that under the terms of the reciprocal agreement which exists between Gibraltar and the United Kingdom he could not be sent. The matter was considered by the medical authorities to be urgent and, therefore, the man came to the Union for help. We started investigating what it might cost to send him as a private patient to the United Kingdom and we found that within the resources of the Unions Hardship Fund it was impossible to fund this. The Union's Hardship Fund depends on a very small proportion of the local contribution and the cost could not be borne by union funds. Therefore it was decided that the Union should launch an appeal to try and save this man's life.

I would like to record in the House, and I hope that it will be reported publicly, that the most magnificent gesture in response to this appeal came from His Lordship the Bishop, who immediately made a very significant donation, which without a doubt put the whole project of sending the Moroccan worker to the United Kingdom on a viable footing. The contribution of His Lordship the Bishop enabled us to take immediate steps to arrange for his visit to the UK, for his passage to UK and to be able to meet the initial costs on arrival there, for accommodation and so on, and we were able to use this wonderful example of the Church in showing concern for a worker

regardless of his origin, creed or religion, as something to encourage others to donate.

I think that it is regrettable that the response of the Gibraltar Government in fact was not the same because I think it should have been the Gibraltar Government who should have immediately come to the rescue of this man. He has been here for a number of years in Gibraltar, he is separated from his family, he has got nobody to turn to and he suffered an accident whilst earning his living in Gibraltar.

The employer of course would normally have been considered responsible, but unfortunately, as I say, the technicalities of the thing prevented that from being done, but, nevertheless, I also think that the host community, which is Gibraltar, does owe something to people who come here to work. And I would remind the House that I mentioned yesterday, when another matter was being discussed, that the United Kingdom as a signatory nation of the Helsinki Agreement has got certain responsibilities in the way immigrant workers are treated. I think we also have a responsibility. All too often we think of workers who come from outside and who live in Gibraltar under really terrible conditions, we think of them as simply coming here and that we are doing them a favour by providing them with a job and a livelihood. But it is not just a question of us, the community, doing them a good turn because we are providing them with work, it is a situation of mutual convenience: we need them here, that is why we have them. And if we need them here then we must accept some responsibility for them, and the level at which we pitch our responsibility can be to our credit or discredit as a community in the eyes of the rest of the world.

I am not saying that we should be concerned to help cases like this, I think this is in fact a unique case, I can hardly visualise this sort of thing happening very frequently because we ourselves in the Union are on top of the situation and we have, whenever an accident at work, however slight it might be comes to the notice of one of our shop stewards, we ourselves go out of the way to ensure that it is properly recorded because if it had been properly recorded of course then the man in question would not have needed help. He would not have needed help because the Union would have taken legal action against the employer to ensure that all the expenses of his treatment were met by the employer. But it is a unique case and I am not saying that we should be

concerned about his case in order to acquire a good name. That is one of the things that will result if we disregard basic human rights in our immigrant population, then we will acquire a bad name, and if we are concerned about the welfare of immigrant workers then we will acquire a good name. But the reason why we should do it is not in order to give ourselves a good or a bad image, the reason why we should do it is because when it comes to something as serious as this, then human life must be considered sacrosanct, and it should make no difference at all to us that the man is in fact an employee of the Ministry of Defence or of the Gibraltar Government or that the man is an immigrant worker or a local worker, because that man's life having been put in danger as a result of his being in Gibraltar is something that we must accept as part of the responsibilities of Gibraltar because we have accepted his being here. And if we cannot look properly after immigrant workers then what we should do, Mr Speaker, is to restrict their numbers and suffer the consequences. If it means that as a community we can produce less and get less things done, because we cannot properly house or properly look after immigrant workers, then that is the penalty that we should impose on ourselves. We are doing these workers a disservice if we let them come in and then we just use their skills - they get paid of course for the work that they do - but nevertheless we are using their skill and we cannot just use them and then when they are no longer capable of giving a service discard them as if they were simple tools.

We must recognise that in spite of all the barriers that there are, because they come from a different culture and there are barriers between the Moroccans and the Gibraltarians because of language and habits and so on, we must recognise that for a man to be in this situation and have nobody to turn to is an absolutely horrifying fact, it is an absolutely horrifying position in which to find oneself in and we only have to think of how we would feel if one of our own people were caught in that situation. If one of our own workers from Gibraltar had to leave Gibraltar because there was unemployment here, had to leave his family behind him, was taken ill or had an accident in a foreign country and was left to rot or was left to his own devices. As I say, I think it is to the credit of the community that it has responded as magnificently as it has done. Indeed, as it does whenever an appeal is launched for help, because Gibraltar, when there is somebody in need, Gibraltar responds again and again. But I think it reflects sadly on the

Government, I think the Government should have without any prompting, as soon as it heard of what the situation was of this man, and it had all the information available because the man was being treated from the beginning in St Bernard's Hospital, all the information was available to Government and indeed the representatives of the Union made direct contact with the Minister to elicit help. I think the Government itself, without any prompting, should have come forward and should have said, "This is a case that cannot be allowed to be delayed, it is a case that needs immediate treatment, and we will send this man to UK for treatment, and then if we cannot do it through the reciprocal scheme we will do it through another way", and if necessary to have come to the House of Assembly as was done indeed over the fate of the GFA. Because after all if the Government feels that it cannot let the GFA die, and that, therefore, it is worthy of being kept alive by having an injection of £3,000 or £6,000, surely one Moroccan life, even if it is a Moroccan one, is worth as much as the life of an organisation, which, after all it is only paper thin, there is nothing to stop the GFA folding up and another Association being born in its place, whereas if this man's life had been lost, his widow and his children would have nobody to look after them. I think that that gesture was something that should have been the natural, the instinctive and the human reaction to have expected from the Government, and the Government I think could have looked to the House for support. They would certainly have my support of course, but I think they could have looked to the House for support and it could have looked to the people of Gibraltar for support in this.

No doubt there would have been the odd person who would have said why should we spend public money on a Moroccan, he is not one of ours, let him stew in their own juice, there are people like that, there would have been the odd person to say this, but the way that the business community has responded, that the Church has responded, and that the workers have responded in the workshop in making contributions, and there are people making contributions who can ill afford them, people who are labourers who are getting £25 - £30 a week and have got a family to support and still come every Friday and put £1 in the kitty for this man's medical treatment. That shows that the people would have been behind the Government if the Government had assumed the responsibilities because of the special circumstances of the case, and

because it was in a position to establish that this was indeed what had happened. The information is available, the record of the treatment that he has had in the hospital is available, how long he has been going to the hospital, what the assessment of the hospital was on different occasions, and how they came to discover what was wrong with this man after he had been seen by a specialist.

And so, Mr Speaker, I am moving a motion because I am shocked at the lack of concern of the Government and I think that the House will share my shock to see that regrettably on so many other occasions the Gibraltar Government instead of leading is at the tail end. I wish it were different. I must also say, Mr Speaker, as the second part of my motion says, that after the man arrived in the United Kingdom he was told initially here that he would not need his medical records because Mr Shaw had seen him in Gibraltar and Mr Shaw was going to see him in the UK and was fully familiar with the details of his case. When he got to the United Kingdom he was told there that he could not be treated until his medical records had arrived. It would have been of course a relatively easy thing for him to have taken the medical records with him because he was being accompanied by a trade union representative in order to arrange for his stay in UK and so on since Mr Buchan's command of English is very meagre. It would have been possible to have taken the medical records in the first instance had they been provided. But in fact they were not provided and the news was communicated to Gibraltar that as a matter of urgency they had to be sent over.

This was brought to the attention of the Minister who told the representative of the Union, the Chairman of the MOD Section of the Union Mr Perez was told that the Minister himself would take a personal interest in the matter and expedite it at the shortest possible notice. In fact I would have thought that in a case as urgent as this this is something that should have been done immediately, either by using a pilot in BEA, using whatever was needed because we are talking about somebody who was sent to UK because he was dying of cancer. You cannot leave a man there suffering, not knowing whether he is going to survive or not while we are going round in circles in Gibraltar deciding how we are going to get the medical records to UK. This is scandalous, Mr Speaker. But the poor man was there waiting and then after some more time passed, he phoned up the Union crying, saying that they still had not done anything to him. He had been there I do not know how many days and we had been

footing the bill at an enormous cost while the man was not being seen in hospital because the medical records had not yet arrived. And then as a result of the second phone call the Union again started investigating what had happened, and this time the records were got to the UK and now fortunately I believe the treatment has started, he is being seen by specialists, and we are optimistic that he will be back cured, able to go back to work, and able to be reunited with his family.

I have not got any late information on the position because we have had other pressures locally to be able to contact the United Kingdom in the last few days to find out what progress has been made, but the latest that we heard was that things were going well and we are very optimistic that when Mr Buchan comes back it will all be resolved satisfactorily. But we do not know how much longer he will need to be there, or what the final cost of the operations will be, and I would hope that the Government will not miss this opportunity to make some amends for their past omissions by meeting any shortfall that there might be between the money that is raised by donations and the final bill.

Mr Speaker, I commend the motion to the House.

Mr Speaker then proposed the question.

HON A P MONTEGRIFFO

Mr Speaker, I appreciate this is an emotive issue as the Honourable Member started by saying, before he went on to talk about the GFA which I think lowered the standard of what I considered to be, and which he also considers to be a matter that should give rise to concern to all right thinking persons. But when he started kicking the ball about I think he belittled himself.

I shall prove as I go along, Sir, that there is no callousness on the part of the medical authorities in Gibraltar, that we are doing our share in looking after the community of Moroccans here, and those who are not here, that we are concerned about basic rights, but we have also got to be aware of the basic repercussions of any precedents that might be established as a result of any particular case that we send over to the UK, be it Moroccan, Indian or whatever it may be. It is not a question of discrimination or nationality. It is well known that reciprocal agreement or no reciprocal agreement, even within the Common market⁷ you cannot, if you are in Germany, go for treatment to Britain, you just would not be treated. You can only receive treatment in another member state in cases of emergency and no more. Now we were caught in the position

I am not trying to blame anybody at all, I cannot. As a Minister I take complete and total responsibility for whatever may or may not have happened. I can only say that I came in round about the 16th or 17th of May, and with your leave, Sir, I hope you will allow me to read from copious notes because this involves quite a number of events and dates.

If one establishes the principle, and this is what it is all about, that anyone who resides and works in Gibraltar can go over to the UK for treatment that cannot be given in Gibraltar then we will be opening ourselves to very great problems, financially and otherwise. I accept that in principle millions of pounds - could be spent in order to save not two lives but just one life, but one must be practical and pragmatic and try as a result of this particular case - and this we were trying to do at the time as you will see when I go through my notes - to find a formula whereby at least for those who are rendering a service, with the cooperation of their own Government, can on matters of life and death, be treated adequately in the UK, because even ourselves under the reciprocal agreement do not get something for nothing. Patients are treated in Britain in return for treatment given to UK citizens in Gibraltar. If we were to establish the principle that anybody who works in Gibraltar, or is paying insurance in Gibraltar and satisfies a qualifying period of say two years or so, I am thinking on those terms - we have at the moment an American in the hospital whom we know will not be cured either here or in Britain, but who needs to be admitted to a very specialised hospital practically for life. Now, if that principle had been established as a result of the Moroccan, as a result of this human being - I hate to single him out by nationality - this man who not even the American authorities want to know about could have been landed with us for keeps. Mental cases, the same thing; a man with leprosy; people in the Costa who when they feel sick, despite all the wonderful services that they have there, come here and settle in Gibraltar within five or six or seven months. What do we do, send them over at their expense?

I think the House should know that not even my colleague here on my right are entitled to be sent to the UK at the expense of the Gibraltar Government. These gentlemen who are sometimes criticized because they get inducement allowance and so on, they are not entitled. And they are not entitled because every community is trying to protect its own nationals.

But having said that, the Government, with the cooperation of my colleagues who have been working at this very hard even whilst we were looking into the matter, even when the thing was going on with one Union official was seeing me and other Union Officials seeing other officials, which in a way put the cat among the pigeons, we were trying to devise some

formula so that in cases of life or death involving people of certain nationalities, with whose Governments we could come to terms, and provided they have been in Gibraltar for a specific period, they could be treated in cooperation with the government to which this national belongs. I think it is only fair that they should also make a contribution in the same way as we make a contribution in return for the contribution Britain makes in looking after our own patients, and in the same way as other Common Market countries contribute to other member States.

We are looking into that, restricting it so that we do not get abuse, and we are already suffering from such abuse, but as far as we are concerned we are prepared to carry on playing the good Samaritan even for people who are not even residing in Gibraltar. We are already doing this humanitarian work.

Now, Sir, I think that Mr Bossano was perfectly entitled to bring this motion to the House, and at least if it has no other effect than to be defeated, it has had the effect of giving me the opportunity of informing him and the House what the Government thinking is on this particular case. And as far as that is concerned, he will have achieved something in at least in brining us out, which in any case I was going to do with the statement I had prepared.

But what is heartbreaking to me is that vox should publish such an irresponsible story, in the best traditions of the Henwood fiasco!! The story was distorted and the impression was given that the hospital staff gloated over and enjoyed seeing patients suffering unduly. Sir, on Thursday the 27th of May, I was 'phoned by Mr Perez requesting me to ask the Director of Medical and Health Services to forward the patient's notes to the specialist in London. Unfortunately I was sick on Friday - the 27th of May was a Thursday - unfortunately I was sick on Friday; in fact I had been sick for the whole month of May and it so happened that on that particular Friday I was pretty low, believe it or not. Because of this I was only able to pass on the message to the Director of Medical and Health Services on the Monday afternoon of the following week. That is, two days later. The Director told me he would get the note off to UK on Tuesday morning, and I left it at that because this was rather late on Monday afternoon and the Records Office was closed. I went especially to the hospital to do just that. On the Tuesday I attended the meeting of Gibraltar Council, and in addition other commitments prevented me from going to my office that day; on Wednesday, the Director

was operating as he usually does that day; on Thursday morning the Director explained to me that he would have wished that Mr Shaw had written direct to him about this; and expressed surprise that since Mr Shaw had himself seen the patient in Gibraltar he should have already been aware of what was wrong with the patient. He was, therefore, beginning to wonder whether in fact all that he wanted was the scanty note he had left behind, and he had a hunch that something was wrong somewhere.

My reaction was, "Well, send him the note, however scanty, for that is all Mr Perez is asking for." I will stress the word "notes", because at the end of the day it was not the note he wanted as I shall show later.

The letter was sent on Friday the 4th of June. The Director's hunch proved right. On the 11th of June, eighteen days after the patient had left Gibraltar, Mr Shaw telegraphed the Pathology Department of St Bernard's Hospital - and he could have telegraphed much sooner - requesting that the bioptic slides should be sent to him urgently before the operation took place. So here was Mr Shaw asking for the note, and apparently it was not only the note he wanted, he wanted the bioptic slides. These were sent immediately, but it took as I said before Mr Shaw or whoever sent for it - because I am coming later to something else - eighteen days to ask for the slides. So apparently he wanted more than just the notes that he had asked Mr Perez to be sent to him to the hospital.

It should be noted that the slides had been previously referred by Mr Shaw to a Pathologist consultant in London to confirm the opinion already expressed by our own Pathologist. A copy of the consultant's report was sent to us and it was apparently on the basis of this report that Mr Shaw decided to operate in the UK. To add to the confusion another request for the slides was made to Mr Toomey by another surgeon but as Mr Toomey was away from Gibraltar he did not receive this request until the 21st of June, by which time the slides had already been sent.

To summarise one can only assume that Mr Shaw was in full possession of all the facts about this patient as he had examined him on several occasions in Gibraltar and was in possession of the consultant's opinion on the slides otherwise why should he have recommended taking the patient to the UK. There seem to have been some strange things happening at the other end as well as lack of communication. I would have thought that in the case of an emergency the usual procedure, as he did with the slides, would have been to place a phone call which would have settled the problem once and for all. He did it with the slides so he

could have done it for anything else. It is clear that any delay in the treatment of the patient since he arrived in the UK cannot therefore be attributed to us.

On Saturday the 12th June - I think that was the Queen's Birthday - I was rang up by Mr Netto and asked whether in fact the note had been sent. Everything is possible in life! even in hospital! I told him I was almost sure they had been sent but that I would like to confirm this and that I would do so on Tuesday because the Records Office was closed over the week-end and Monday was a Bank Holiday. I also urged him to phone me at my house before I left for work at 9.15 on Tuesday but he never did. Nevertheless, I got in touch with the Records Office and I was informed that the letter had in fact been sent on the 4th of June. I immediately rang up the TGWU office, and as Mr Netto happened to be away on business, I specifically urged the telephonist to take down the message and pass it on to Mr Netto as soon as possible.

Then at 1.30 of the same day Mr Perez rang me up at home and I explained I had left the message at the TGWU offices for Mr Netto but that if there was anything else I could do for him he should not hesitate to approach me. To accuse me, therefore, in that paper called vox that I had taken three days to confirm that the letter had been sent on the 4th of June is uncalled for and malicious, as with a weekend and a bank holiday in between there was nothing that I could do about it.

I would also like to point out that on the 13th of May I told either Mr Perez or Mr Netto, I cannot remember whom, that I was taking it upon my own shoulders - at that time no one has told us that the patient was being sent privately - to write to the Foreign and Commonwealth Office to explore the possibility that on humanitarian grounds it might be possible to make an exception and take this patient to Britain for treatment within the provisions of the reciprocal agreement, and I was asking for a quick reply.

Now, sir, with your leave I will read the letter and I will then explain what happened after that.

"Dear Mr Lewis,

I am sorry to trouble you with a problem which has arisen recently in connection with the medical treatment of a Moroccan national who has been working in Gibraltar for a number of years. This worker has been operated on for carcinoma of the right ear, and according to a specialist requires to be given radiotherapy treatment which cannot be provided in Gibraltar and perhaps a further operation. Under normal circumstances were this

patient a Gibraltarian it would be possible for us to make the necessary arrangements under the provisions of the reciprocal health agreement for treatment to be given in Britain, but owing to the fact that he is not a Gibraltarian he is specifically excluded from any such agreement. This case is being largely commented on in Gibraltar and the TGWC, to which he belongs, is applying pressure for this man to be sponsored for treatment.

Because of those circumstances and on humanitarian grounds I wonder whether you would look into this question and let me know as quickly as possible whether an exception can be made in this case and we can send this patient to Britain for treatment within the provisions of this agreement."

This was the letter that I intended to send on the 13th of May. But it so happened, Sir, as happens many times with the Union, that too many officials go to see too many officials, and while I was trying to do this over the head of the Foreign and Commonwealth Office in Gibraltar, someone went to see the Director of Medical and Health Services, the Director of Medical and Health Services got in touch with let us call it the FCO office in Gibraltar, and immediately he was told that as this was a non-defined domestic matter and a foreign national was involved, nothing could be done except through their office, and therefore the most that I could do was to send this letter to that particular office. And this is what I did, while they at the same time were exploring the attitude of the Moroccan Government in these matters or whether in fact they had any facilities there for radio therapy.

From the above it will be seen that there was no undue or deliberate delay in forwarding notes or anything else to Mr Shaw, except that we were in some doubt as to what he actually wanted. And even to this day we are still wondering why a second doctor asked for the slide that Mr Shaw asked for and had been sent to him on the 11th. This man wrote later asking for the same slides. A lot of time could have been saved if Mr Shaw had given Mr Perez a letter to bring over to the Director as is usual in medical procedure.

I would also like to mention that all the time we were under the impression that what the Union wanted was that the patient should be sponsored by us, and although we pointed out that there was little likelihood that this would happen we were leaving no stone unturned. Then

suddenly on Sunday May the 22nd at a moment's notice - at least it was the first time the Chief Minister and I had heard about it - we were told by Mr Perez that the patient was going privately to Britain the following Monday. And there and then, there and then, in an effort to help, I rang up the Director of Medical and Health Services and told him that he had better be at the hospital early the following day, because he had to fill some form for a patient to be put on the plane, and unless those forms were signed he would never be able to get on that plane. But there was more, Sir. On that same Sunday and at the same time, the Chief Minister and I met Mr Netto and Mr Perez and informed them that if at the end of the day they found themselves out of pocket the government would make an ex-gratia payment of anything from £200-£400: we also told them that. All this distorted publicity and confusion is therefore very galling and frustrating and here I come to the question of whether we treat people like tools or not. We don't, we may find difficulties in sending someone to the UK because he is not entitled, but we do not treat people like tools. And as far as Gibraltar is concerned we are proud of what we are doing, not only for Moroccans but for anybody, for persons whom I would call the "Non-entitled" persons. It is therefore frustrating to members of the staff of the Medical department, to nurses and whatnot, who on a good Samaritan basis have been treating and operating on Moroccans who are neither working nor residing in Gibraltar. For eye diseases - eye diseases, yes, despite the fact that we are supposed to make everybody blind in hospital - twisted limbs and even gynaecology, apart from seeing a few at the Health Centre on humanitarian grounds. I am saying this to prove that we do not, we do not just brush aside human beings as tools. There are difficulties at times and we cannot cope with what we would like to do. This Mr Netto very well knows, and only a few days ago a baby was seen at the Health Centre and referred to the hospital where we are also looking after him as well as if he were an entitled person. And we are not only feeding the baby but we are also looking after and feeding the mother too. And to make the thing nicer we are now landed with another mother and another baby. We try and do what we can and we try and do whatever is possible to help on humanitarian grounds.

The doctors, who are entitled to charge fees for such patients, charge no fee at all. And in return what do they get? Vituperative statements in the press and nothing else, not even thank you. This is extremely frustrating, as I have said, and though one is tempted to close the doors and apply

the rules rigidly we are not going to descend to the depth other people do. We shall carry on as far as possible acting as the good Samaritan, within limitations, because as the House will agree with me, we do not want the trickle to become a flood. And as regards those who we cannot treat in Gibraltar and is a question of life or death, again we must open the door cautiously without in any way depriving anybody of their human rights, but without allowing other people who haven't got such a human claim to be treated in the same way as those who render a particular service to the community. We are looking into that and although of course the House will be dissolved within a few days I hope that even before the term of office of this government is over something will be done so that the situation in which this Moroccan has found himself shall not be repeated, provided we can find a suitable formula to deal with this kind of case.

HON MAJOR R J PELIZA:

Mr Speaker, I think two good things have come out of this motion. The first one is to hear that the patient is apparently making good progress and this I am sure is news that this House is very pleased to hear.

The second one is that the Minister is going to try and see what can be done so that exceptional cases of this nature can be dealt with.

And so we should be in a way grateful once again that my Honourable Friend Joe Bossano found it proper to bring this to the notice of the House.

The wording of the motion: I think the Minister mainly objected, from what I have heard, to the use of the words "callous" and "shocked." I think that they are really not out of place if one is going to create the impression that the case merits. If this had been padded with nice words I doubt whether even the Minister himself would have been moved so quickly into action.

HON A P MONTEGRIFFO:

It was because of the motion that I was not allowed to make a statement!

HON MAJOR R J PELIZA:

It is usually the same thing, something was going to be done that very morning, that very day, the day before, all that sort of thing, but the fact remains - and perhaps I will come later to explain - that there was a lack of sense of urgency right

the way through. And after the Minister has spoken the evidence of this is so clear that I for one would not blame the press in Gibraltar, whatever the colour of the newspaper, whatever the name of the newspaper, I would not blame the paper for making this a very important and devious public issue which has even got international connotations. Yes, it has international connotations.

I am not going to divert because I am going to explain that slowly and clearly so that there is no mistake. Here we have in Gibraltar a community 2,500, I think, immigrant workers from Morocco who were called in at a stage when Gibraltar needed them badly. There was no hesitation, they did come forward, and I think they have done in the years they have been here, excellent work for the people of Gibraltar. I would have thought that in that period of time people responsible for their welfare and health would have had some kind of an emergency plan to deal with the exceptional cases that were bound to arise from such a number of workers in Gibraltar. If one looks at the problem of the medical service in Gibraltar one realises that this is a difficult one. And not only in Gibraltar, it is the same thing in any nation. In England people are worried because of the abuse of the Health Services, of foreigners going there and being operated free on the National Health. Gibraltar is not an exception in that respect. This is happening today in any developed advanced communities. But notwithstanding that I am sure that every advanced developed community must have a system to cope with the genuine cases. A case of this nature and I think everybody agrees - even the Minister himself with hindsight - cannot be dealt as someone who is malingering, or as someone who is trying to abuse the facilities in Gibraltar. He cannot. And whilst one knows that there must be, and no one is objecting to that, there must be restrictions to stop abuse, surely there must also be that kind of body, organisation, authority or Minister himself, who should have the right initiative and goodwill to tackle these exceptional cases. And of course if the system does not provide for that then thank God that the proper organisations in a free society like Gibraltar are there to take the matter up. One of those bodies, organisation, in this modern age, in this new society, are the Trade Unions, who having won many rights, such as to strike, and having improved the conditions of work.

MR SPEAKER:

I am afraid I must bring you down to earth. You are not going to use the excuse of this motion about the work of the Trade Unions.

HON MAJOR R J PELIZA:

Mr Speaker, I was leading to the fact that thanks to those bodies - because the Minister says this is impossible, he was telling us about red tape - I am saying that thank God that there are organisations which can break through that red tape. And one of those organisations are the Trade Unions who are now not just looking with the working conditions of the worker but also after their general welfare and having an influence in politics generally.

MR SPEAKER:

Yes, but the motion is directly concerned at the shock of the House about the treatment of this worker by the Government and nothing else.

HON MAJOR R J PELIZA:

Yes, Mr Speaker, the Minister I think has a polemic, if I understood it rightly, about what the Union did, what the Government did, what the newspaper did and this is what I am coming to.

MR SPEAKER:

Not for the past twenty minutes.

HON MAJOR R J PELIZA:

Mr Speaker, alright. It is difficult. I would like to do that just by referring to this worker, I could do it, but I think it is going to take much more time. Whilst if I make a general statement of the approach then I think I can come down to the case.

And so, Mr Speaker, the Trade Unions had to come forward in this particular case to find assistance. And not only did they try to get the Government to move, but they went ahead and made a general appeal to the public of Gibraltar. And if the Minister was in any doubts as to what public opinion is with regard to cases of this nature, then, Mr Speaker, the answer came from the generous donation of the public at large. And this was not just empty words, this was in cash. And no one can doubt that the general feeling of Gibraltar is - and I am saying this because I think this should in future direct the policy of any Government that takes over -

that public money if necessary should be spent on cases of this nature. If one also realises that all these Moroccan workers are contributing very directly, through their taxes and other contributions, to the welfare state in Gibraltar, I think it is only fair to say that it is not giving away too much in assisting cases of this nature.

I do believe, therefore, that without any doubt whatsoever, and with the greatest possible expediency, something should be worked out to deal with similar cases in the future, although I hope there will be no more.

As to an attack on a local paper for bringing this to the notice of the public, whether this was sensational or not, I think it is neither here nor there. I personally have always welcomed a strong press.

MR SPEAKER:

No, no, the Minister has complained at the fact that according to him it was inaccurate reporting, and he is entitled to say that. But we mustn't take that as an excuse to defend the freedom of the press. We are not now discussing under this motion the freedom of the press. You follow what I mean? Otherwise anything can be done because someone mentioned a particular subject.

HON MAJOR R J PELIZA:

I am just saying, Mr Speaker, that I think the press is just as much subject to what is said in this House as everybody else. And if there are attacks on the press by the Government the last thing that I want to see is that this House, especially the Opposition, is siding with them in that respect. Whether it is a part of the press that supports the Government or supports the Opposition is neither here nor there, the essential thing is

MR SPEAKER:

But you are talking about the press; and that is what I am objecting to.

HON MAJOR R J PELIZA:

Mr Speaker, I do not want the press to be inhibited by anything

MR SPEAKER:

Yes, but then bring a motion about it. You are free to do so but you cannot discuss it that is all I am saying.

HON MAJOR R J PELIZA:

Mr Speaker, then, with all due respect, we shall never finish in this House, because if every time that we go into a subject that is being discussed in this House we are going to produce a motion then it will be 365 days. Anyway I won't speak about the press.

Let us come now, Mr Speaker, to the manner of sending a case to the United Kingdom. I don't know how or what happens when a case is sent urgently to the United Kingdom. But I would have thought that when this takes place all the relevant information on the case should go with it. To me that is absolute common sense. I would have never have expected a surgeon to take a decision purely and simply from memory, particularly on very sophisticated treatment of this nature. And I cannot understand why the relevant department, the people who knew something about the case, did not automatically react in such a way that the papers were sent with the patient.

I don't know whether this is the custom, but personally pure common sense tells me that this should be the case. I have never heard of a piece of equipment, let alone a human being, being sent back to a factory to be repaired without first of all saying what is wrong, and also I think without information being provided as to the possible cause of the problem and suggested solutions. I have never heard of that, and I doubt whether it is customary. I certainly have my doubts whether it is customary for a patient to go to the United Kingdom without the relevant information accompanying him. If it is not it is now clear that in future this should be the case. I think in future every patient who goes to the United Kingdom, if this is not now the practice, should carry all the relevant papers so that when the patient arrives there, without any loss of time whatsoever, whoever is going to undertake the cure can start looking at the information and opinions already provided.

In this case this didn't happen. And what do we have?

Complete confusion. People wondering whether it is the bit of paper on which the specialist wrote something. Again I would have thought there was a special form where a doctor records this and it is filed away in the proper place and is the sort of history of the patient's malady. I would have thought that would be the case. But if what we are having in this hospital is scribbling on bits of papers, then there is going to be complete confusion. Well I heard a bit of paper.

HON A P MONTEGRIFFO:

"Scanty notes" I said.

HON MAJOR R J PELIZA:

Well, scanty notes, I thought I heard it was a bit of paper. I would have thought that recorded medical opinion would have been perhaps more and I would not have confused myself. But with the use of the phrase 'scanty notes' I thought the Minister was referring to a piece of paper. I apologise if this is not the case.

But the scanty notes, which I propose are recorded in a proper form, the standard form, I suppose obviously that would have gone with the slides. I would have thought those two things would automatically have gone possibly with the patient himself to make sure it wouldn't get lost in the way. This to me is the common sense thing to do. So what do we get after that. We get the Union again coming up asking for the form or the slide, and no one knowing whether it is a slide or a form. And because of that a long delay of a few days. Surely, I mean, in a matter of such urgency you don't start asking whether it is the form or the slide: what you do is that you send the form and the slide!

MR SPEAKER:

I think the Member is confused. They asked for the medical history, they got a telegram to ask for the slides. There was no confusion. According to what the Minister has said, they originally asked for the medical history, there was some delay in sending the medical history, and about 16 days after they cabled from England for the slides. It was not said there was confusion as to whether they should send the slides or not.

HON MAJOR R J PELIZA:

I apologise for that, but anyway I personally would have thought that having asked for information; immediately, without any

second thoughts, and I could say this is very simple, pick up the slides put them in an envelope and off you go. That is what I do not understand.

HON CHIEF MINISTER:

It has not been our fault.

HON MAJOR R J PELIZA:

Well, with all due respect to the Chief Minister I have said that even if they had not been asked for they should have gone, but I will not go through all that again, Mr Speaker because I am sure you would pull me up for repetition, and, therefore, even the rules do not allow me to repeat the matter for the Chief Minister.

HON CHIEF MINISTER:

I heard him.

HON MAJOR R J PELIZA:

Well, I don't know I said it again.

Anyway, then we come to the real problem: the big difficulty of finding the records because they were on holiday. And because it was a weekend holiday it was impossible to get to the record. Now I am very confused. I don't know whether the Minister was referring to the slides or to the forms, but the fact remains that that could not be got because people were on holiday. I don't know how far they can get away in Gibraltar, but as far as I am concerned Gibraltar is only $2\frac{1}{4}$ square miles and there are plenty of telephones, and I would imagine there must be a system here whereby when there is an emergency, whether it is a holiday or not, someone is called, goes to the records, produces the form and gets on with the case.

Now if this can be done for a local emergency - I hope there is a system - surely, this can be done in any case. Because I presume that all the records are kept in the same place. And I presume that there is a special office for that, and I presume that there is a special clerk to deal with them. Perhaps more than one. Now, why, and this is what I cannot understand, why, during a weekend when it is

a holiday this cannot be done and they had to wait a few days before this was got at. Surely, the Minister must agree that somehow the wires get crossed along the way, there was some misunderstanding, but there is no doubt that this is shocking, that some people would interpret the whole case as callous treatment, and of this there is no doubt whatsoever.

I do not in any way disagree with my friend, but I do hope that this has brought to the attention of the medical authorities in Gibraltar - and I am not referring to the Minister, I'll say this, the medical authorities in Gibraltar is more than just the Minister. I know he has taken responsibilities but this is more than just the Minister, this is the organisation in which lots of people play a part, and I think no one in that organisation - I am sure of this - was deliberately putting this off in any way. Obviously everyone, and I have no doubt of this, wanted to be as hasty as possible, but something is wrong with the organisation. Like a committee, it is the responsibility of everybody and of nobody. So I think one can say that this case was not treated, first of all, I think, with the consideration that is merited, and I am glad to say that now the Minister is well aware and I am sure there will be no repetition, nor I think with the efficiency that the medical authorities should be capable of. And I know for sure it is capable of doing so because we know from their excellent history here in Gibraltar, which if I may say so the Minister has every right to take credit too, that they have proved time and again that they are capable, but notwithstanding all that, following the principle of true democracy and the proper way of dealing with these cases in the Westminster system of Parliament, as this one is I support my friend. First of all I think it is right he brought the motion in this House, secondly, I support it one hundred per cent.

HON. I. ABECASIS:

Sir, I think that one of the last few words used by the Honourable and Gallant Member opposite were that there was something wrong in the organisation. And I think he is right, but it has nothing to do with the local organisation, although perhaps it has to do with the UK organisation. Because after all if the doctor in England thought that it was necessary to have the records of this patient he should have used other means to contact the local authorities rather than through the Union, whether it was Mr Perez, Mr Netto or somebody else. Surely, the request for

the records should have come straight from the hospital in the UK to our own hospital in Gibraltar, and not the way it was done. Furthermore, as we have heard from the Minister for Medical Services, the very same man who in England was asking for the notes, scrappy notes or paper or whatever you want to call it, was the very same man who had seen the patient in Gibraltar and had decided he required specialised treatment in the United Kingdom. Therefore, this man had all the information he wanted because it was he himself who had seen the patient in Gibraltar.

We have also seen, from what my Honourable Friend on my left said in reply to the motion, that there is no discrimination against the Moroccan. Moroccans are being looked after in our hospitals whether they are entitled or non-entitled person, as a matter of charity or emergency.

But one point has come out very clearly to me, Sir, throughout the interventions of the Honourable Mr Bossano and the Honourable and Gallant Major Peliza, and that is that whenever a Minister gets involved he is criticised, and if he is not fully involved he is also criticised. When I was the Minister for Housing I came under fire on many occasions on the debate on the adjournment, on motions of censure because I got too involved with the people. I should have kept myself aloof, apart from the people. The Minister should not get involved in detail, he should be above everything else. Only the day before yesterday we also had a similar incident when debating the grant to the GFA: the Minister of Sport was accused of getting himself too involved. There again there was an insinuation that the Minister should keep aloof. Now, although the Minister for Medical Services got himself involved, it seems to the Opposition that he did not involve himself sufficiently, that he should have gone to the Records Office, that he should have rang the lady on duty

HON MAJOR R J PELIZA:

I didn't say that at all. I blamed the organisation, if you will remember, I was not blaming him for not picking up the phone, but I said it should be possible, because Gibraltar is a small place, to get the telephone and for the records to have been found. I never said that he should have done it.

HON I ABECASIS:

I accept that, but still the insinuation was there. If he did not say this the insinuation was there in what Mr Bossano said before, the insinuation was there that the Minister was fully responsible and he should have got himself more involved than what he did. And I say that you cannot have it both ways. Either you accept the involvement of the Minister or you don't. You cannot on the one hand criticise the Minister because he gets too involved on a particular subject, and on the other hand if he does not get involved as much as the Opposition would like him to be involved he is criticised. You cannot just have it both ways.

Thank you, Sir.

HON L DEVINCENZI:

Mr Speaker, it was nice to hear the Honourable Mr I Abecasis say a few words in this session.

I would just like to point out a few things. When I heard the Honourable Mr Montegriffo saying that he had been called by someone from the Union, Mr Perez I think he mentioned, and he was ill on that particular Friday, and then he went on to explain how it took him until Monday or Tuesday before something effective could be done, the only thing I could think of when I was listening was - couldn't he had telephoned the hospital and passed on the message which had been passed on to him from whatever quarter it was? Surely, he did not have to wait until the Monday to take the first steps in such a serious matter!

Now, in answer to the Honourable Mr Isaac Abecasis, the Minister for Information, may I say that although he has been trying to defend the Honourable Mr Montegriffo in the sense that we have accused the Minister for Sport for intervening too much, and we have also accused him of getting too much involved with the people, surely, Mr Speaker, in the case of the Minister for Sport, that was a long drawn affair and there was no urgency. In his own case again if he got involved with the people, that is his business but again that was a long drawn out affair of three or four years. But in this particular case, if the Minister chose to get involved in my view it would be perfectly justified, because since it was a semi-emergency it would be proper for the Minister to involve himself very actively in the case. There is a very distinct difference between the two cases he has put forward.

HON MISS C ANES:

Mr Speaker, I am just going to say that apart from talking on the motion, I found that Mr Abecasis was really extolling the Minister for Medical Services rather than discussing the merits or demerits of the motion which is being presented. I do not know much about the medical history of this particular case we are talking about; I don't know whether the man really had this malignant tumour already and the accident accelerated its development, or whether it was caused by the accident. But to me what seems to be wrong in the whole history of this case is the unnecessary delay that was caused in trying to find a cure, or at least to give some medical help to this man.

If the doctor concerned had already stated that the man needed specialised treatment in the United Kingdom, and because he knew of his medical history there was no need to send any records, I think it was wrong of this doctor in the United Kingdom not to try and give this man the medical help that he required immediately he arrived there, but to delay this on the premise that the medical history was not available. If he already knew the patient and knew that the case was in front of him, he should have started medical treatment, although he may of course have had to ask for the medical history of this man to be sent over to England. He should not have delayed the treatment because he had no papers with him, had no record, no X-Rays or whatever it is that the doctor required.

The humanitarian aspect of this: just because the man was a Moroccan, or whatever the man may have been, he was a person who needed medical treatment of a specialised kind which could not be given in Gibraltar, and, therefore, had to be given in the United Kingdom; that had been agreed to here in Gibraltar already one way or the other, whoever was responsible to send this man, it had been agreed that this man should go over and be given this treatment there, and I think that the delay was just dilly dallying on somebody's part, and I think it was really, as the Honourable Mr Abecasis said, more in the United Kingdom than locally.

As to the point that no one in the hospital has accessibility to the Records Office other than the officers working there I find that hard to believe because surely there are nurses and medical officers on duty even on holiday

who may require the records of a particular patient, and if the office is kept locked then there must be keys available to them to open these offices and enable them to have access to the files and then send it to the doctor or whoever requires them. They can then of course inform the officer in charge of that office that that particular file has had to be removed because they were not there and had had to be done in an emergency. There must be ways and means of doing it. Therefore, Mr Speaker, I find that the delay in trying to give speedy medical help to this man is to be deplored. Whether he will eventually be cured we do not know only the Almighty can decide whether the treatment will have any effect or not. In all fairness I do commend this motion to the House.

MR SPEAKER:

Well if there are no other contributors I will call on Mr Bossano to reply.

HON J BOSSANO:

Mr speaker, I would just like to answer the points made by the Honourable Minister for Information before I go on to deal with the motion itself as regards what I would have liked the Government to do at this stage, and that is the point that the Honourable Member made about the involvement of Ministers. He said that I appeared to be criticising the Minister for Medical Services for insufficient involvement, personal involvement in this case. I am not in fact accusing him of insufficient involvement, I am accusing him of lack of concern, and the involvement depends on the concern that he feels for the case. That is what I am accusing him of and that is what the motion says.

But in case he thinks that there is a link between this and criticism of him in the past, and my criticism of the Honourable Member the Minister for Housing who switched places with him, let me say that there is a very easy distinction to be drawn. I think the Honourable Member made a terrible mistake in his time as Minister of Housing, not because of his personal interest but because he promised too many people too many houses. And I told him the Varyl Begg was going to sink at the rate he was promising people houses, and I would expect the Minister to take a lot of personal involvement in the sense, for example, of going to the department and demanding from the people in the department that they are satisfying him when he hears

that there is something wrong. That sort of personal interest and involvement is to be expected of a Minister. And in the case of the Honourable Member, the Minister for sport, the distinction to be drawn was not that he was being criticised for his personal involvement in sport. If he wanted to involve himself personally, as a private individual, in arranging the fixture for the GFA I would not object at all, provided he didn't expect me as a taxpayer to foot the bill if he made a mistake. So there are distinctions to be drawn.

If the Honourable Minister for Medical Services had decided to arrange himself privately, as a private individual, to have Mr Buchan seen privately, he could hardly have then come to the House and asked the House to pay the bill: if he had done privately. But if as the Minister for Medical Services he receives a telephone call from a representative of a Union, and he said: "Leave it to me, I will make sure that the records gets there" then he either makes sure or he doesn't. I mean, he could have quite easily have told the person who phoned him up, "look, I am sorry, I think the proper person to phone up is Dr Murchison, or Mr so and so," I do not think it is a thing that the Minister should do, and then nobody would have had any reason to bring him into this. He accepted the responsibility because in fact he went further than he was being asked: he expressed concern at the time and he said, "Leave it to me." And of course it was left to him. On Thursday the 27th of May. And on Friday he was sick, and presumably on Saturday he was sick, and on Sunday he was sick, and on Monday he told the Director and on Tuesday morning the papers went to UK.

Well in fact given the concern he expressed and the personal interest he said he was going to take in the matter, I would have expected him after having put the phone down to pick up the phone again within seconds and find out whoever needed to be found and have got the records on Thursday and had them flown out on Friday morning. That is what I would have expected as a natural consequence of his reaction to the telephone call on Thursday. And that didn't happen. So if he is being criticised now it is because he raised the expectations of the people to whom he expressed the concern. And certainly when I heard from Mr Perez that he had been in touch with the Honourable Member, and that the Honourable Member had told him to leave it in his hands and that he would make personally sure that the records went to UK, I expected that

by the time I got to hear of it the records were half way there. That is what I expected. So I think the Honourable Member in justice must admit that perhaps people were expecting too much of him. But he led them to believe that they could expect that much of him and, therefore, if he raises people's expectations and then does not measure up to them, then he must be opening himself to criticism. If he found that he had too many commitments, too many other things, or wasn't feeling well, I think it would have been better if he had said at the time he was approached, "Look, I am sorry, I cannot take it personally upon my shoulders to do this, but you must go and see so and so." And then of course it would have been different, and probably in that case my motion would have been phrased differently. But I think he has given the impression of lack of concern in the delay that there has been in this, and I also think, Mr speaker, that regardless of the episode of the records, regardless of that, the immediate reaction of the Honourable Member was, as he had said, to write a letter to see if an exception could be made in this case. But when a man is supposed to be dying, and when we know how long it takes for letters to be written and for letters to be answered - after all, Mr Speaker, I have had occasion in the past in the House to bring motions about discrimination against Gibraltarians and a number of other issues, and the Honourable and Learned Chief Minister has written letters to the Foreign Office about serious matters, and I have had to ask him months later whether he has had a reply, and he has had a reply the week that I have asked him. And I could well imagine myself coming here - well I wouldn't have been able to in fact because the House was running out of time - but I mean I could well imagine myself in a situation where the Honourable Member, full of concern was writing letters, and I, full of concern was asking him questions about when he was going to get an answer. And the poor Moroccan concerned was dying!

Now I am afraid, Mr Speaker, that when time passed and we still had no answer, the Union decided that the thing was too serious, that we couldn't let this poor man. He was coming to the Union everyday and he looked sicker and more worried every day, and we just had to organise something ourselves. Try and appeal to everybody and we started appealing to organisations, institutions, the Church, Clubs, the Chamber of Commerce, and workers to see if somebody amongst all the people we contacted would come up with the idea that it was better to provide cash than to write letters. And in fact that was the reaction of everybody except the Government.

The Government at the end told the Union, as the Honourable Member has said, that they would meet any shortfall in the amount needed. My information was that the commitment given then was without any ceiling put on it; a ceiling has been put on it today in the House, and in fact I have made it a point of bringing it up in the House because I wanted the commitment to be made in the House. After all if there is a commitment to supply that money it is not going to be paid presumably under any vote that already exists, as eventually the House will have to vote the money for this specific purpose presumably. There is certainly nothing intended for this type of help at the moment, so eventually, presumably, it will need to come to the House and it is a good thing that it is mentioned here because if nobody who is here now objects to that money being used at least we have an indication that members of the House sympathise with the idea of the help being given.

As I said, Mr Speaker, we do not know whether there will be any money required or not, it depends I think basically on how much longer Mr Buchan requires to be in the United Kingdom. There is I believe still sufficient money to cover his expenses to date and I hope that Mr Buchan will come back completely recovered. And I trust that as a result of this regrettable experience some method will be found so that if we get another case with the same sort of exceptional circumstances - I don't think we can expect the Government to take on an open ended commitment for all Moroccan workers or for all immigrant workers. As I was saying the other day they are a third of our working population and in terms of the strain that poses on social services there isn't any community in Europe that has that proportion of immigrant workers.

In the United Kingdom they have a working population of 24 million and they have around one million immigrant workers, so they have got as you can see a very small problem compared to ours and I don't think an open ended commitment can be given, but I think guide lines could be produced to decide which are the criteria that would merit extra special treatment because of extra special circumstances.

I think the circumstances surrounding this case are clearly the sort of criteria that can form the basis of guidelines for the future, and I hope that now that the Government has had this regrettable experience - I am sure they cannot have enjoyed being faced with this problem any more than we have in the Trade Union, it is a terrible situation to see somebody in that predicament, and to try and help him and not to be sure whether you are going to succeed or not, and to know that if you fail it can cost a man's life.

So all I can do, Mr Speaker, is commend my notion to the House and hope that as a result of the thing having been heard here there will not be a repetition of these circumstances.

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

The Hon Miss C Anes
The Hon J Bossano
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 A J Canepa
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon Lt Col J L Hoare
The Hon A P Montegriffo
The Hon A W Serfaty
The Hon H J Zammitt
The Hon J K Havers
The Hon A Collings

The motion was accordingly defeated.

HON CHIEF MINISTER:

Mr Speaker, we return now to the normal Agenda without any motions.

MR SPEAKER:

We can, yes. So we will now move ourselves into committee, if the Attorney General would like to do that.

HON ATTORNEY GENERAL:

Mr Speaker, I beg to move that this House do now resolve itself into committee to consider the Housing (Special Powers) (Amendment) Bill, 1976, clause by clause.

This was agreed to and the House went into Committee.

The House in Committee.

The Housing (Special Powers) (Amendment) Bill, 1976.

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

Clause 3

HON ATTORNEY GENERAL:

Mr Chairman, I had in fact given notice of an amendment I propose to move: I do not now propose to move that amendment but I propose to move an amendment to the Rules which are consequent upon this particular bill which will have the same effect.

MR SPEAKER:

In other words this will be an amendment to the motion you are going to move later on.

HON ATTORNEY GENERAL:

Yes, Sir.

MR SPEAKER:

Is there anyone who wishes to say anything on clause 3?

HON P J ISOLA:

As far as this section is concerned, if we look at the Housing (Special Powers) Ordinance, the existing section 4 of the principal Ordinance states that anybody who has been in personal occupation of premises is entitled to remain in those premises. The amendment here, clause 3(2) says: add at the end of the section "for not less than 270 days in every year." Now it seems to me that that means that anybody who proves he was 270 days in a particular premises shall be entitled to possession of the premises under the agreement relating to such premises so long as, but only so long as he personally occupies the premises comprising such agreement.

Now the amendment says: "for not less than 270 days in every year." Now, that means that this clause would seem to me to be inconsistent with the next clause that comes along in the new Bill under which, if the Housing Manager has reason to believe that a tenant will not be able to be in personal occupation for 270 or more days in any year, then he can terminate the tenancy, when clause 4 says that if he is in personal occupation for 270 days he is entitled to be in occupation. So how can one clause say that he is entitled to occupation and then the next clause takes away that entitlement because the Housing Manager thinks that person may be away for the next 270 days.

It seems to me that that is a clear contradiction between one section and the other. I mean, if he gives notice the tenant will then go to Court and says, "Look here, under section 4 I am entitled to be here, I have been here the last 270 days. Now because I have been away a month and the Housing Manager swears

to you that he thinks I am going to be away for 270 days, he says he can chuck me out. But under section 4 I am entitled to stay here." I think there is an inconsistency there, Mr Speaker, which requires amendment. Otherwise the law frankly makes a bit of nonsense.

Now, I have thought out an amendment; it is not a very satisfactory amendment, I agree, but I think it is more satisfactory than what is in here, which is going to land us in no end of trouble, this question of limiting 270 days and having the need to get permission from the Housing Manager if you are going to sleep away and he decides whether you can or you cannot, and all this business.

My idea is that Section 4 of the principal Ordinance should be amended as follows:- (i) "By deleting subsection (ii) and (iii) and substituting therefor a new subsection (ii) to read as follows:

- (ii) for the purposes of this Ordinance "personal occupation" means occupation by a tenant of the premises as his home and in considering whether the premises are occupied by the tenant as his home, the court shall take into account any substantial absences of the tenant from his home for reasons other than those of sickness, reasonable leave of absence on holiday, courses of studying or on duty, which would lead the court to believe or consider that the tenant has another abode or second home, and in such circumstances and on the court reaching a conclusion that the tenant has a second home or place of abode, the tenant shall not be deemed to be in personal occupation of the premises as his home."

I think as I understand the situation here the main anxiety of the Housing Department is to be able to have the right to get somebody out of his home, a tenant, assuming nobody is living there, because obviously if any entitled person is living there they would presumably give the tenancy to the entitled person, as they put it here, but if the tenant is not living there, and he and his family are living in another home, then they will be able to get them out. And I think the question of what that is done by surely must still remain squarely in a court, it is a matter of common sense. Is this place the home of this man or not? If it is the home of this man we are protecting him: if it is not his home and it is clearly not his home because he is away from Gibraltar in the Costa del Sol for 8 or 9 months in the year he should give it up. You cannot have a home locked up and empty. This is the purpose of this amendment.

I personally think, Mr Speaker, very frankly, that the Government should seriously consider withdrawing the whole Bill really and thinking about it and let the new Government to tackle this, because I think this contains ~~so~~ many infringements into the liberty of the subject, so many infringements into the rights that have been given by a tenant that really I think to bring this at the end of a Government's life, without really considering it carefully is a mistake. But if it is the intention to carry on I would move, Mr Speaker, that this clause be amended as I have proposed.

I would just like to say that if one puts in this amendment then of course you would do away with the new clause 4 and the new clause 5 and then you leave in the 6 and 7. Those would be consequential amendments.

HON H J ZAMMITT:

Mr Speaker, Sir, I am afraid that I cannot accept, and I don't think members on this side of the House can accept the Honourable Mr Peter Isola's amendment for the logical reason, Sir, that what he is intending to insert in the Ordinance is exactly the difficulty that the Housing Unit has been faced with. For example, Sir, how can you now say that a person is not entitled to have a holiday lasting eleven months in a year. A person could well have another home in the Costa del Sol. This would work if the person concerned had a private dwelling in Gibraltar and then you would be able to say that he was not occupying his Government tenancy. But I am afraid, Mr Speaker, that the whole object of this Bill before us Sir, is to enable the Housing Allocation Committee, the Housing Manager, and then Government ultimately, to recoup the vacant tenancies that we have in Gibraltar.

I think I omitted to say in the second reading of the Bill, Sir, a few days ago, that I think we all agree that there is a fundamental basic problem in Housing, and we find all too often, I think I was quoted as mentioning people in the Costa del Sol. Well, I suppose there is a case or two in that category, but what we do find, Mr Speaker, is that several people vacate their dwellings totally, go looking for fortune in the UK or elsewhere, get some relatives to pay their rents for them here, and I have had occasions of up to and including a 3 year period.

The whole object, Mr Speaker, is that it is extremely difficult for us today to be able to define with clarity when a person is on holiday, when a person is away sick, and, therefore, the whole object behind this Bill, is to give Government the power to obtain those very much needed vacant flats that we have in Gibraltar even at this present moment, Mr Speaker.

HON ATTORNEY GENERAL

Mr Speaker, may I say in all good faith that I am grateful to my friend the Honourable and Learned Mr Peter Isola for the consideration he has given to this matter, but I think with the greatest possible respect his proposed amendment doesn't reach the solution, and I think would be not readily workable. It would seem that the criterion of this amendment would be that if a person is deemed to have a second home or a place of abode, then he is not personally occupying for the purposes of this Ordinance. But let us suppose a person goes shall we say on a world tour, going from place to place, perhaps to Europe, to the United States, he could not possibly be said to have a second home, he is peripatetic, he is moving all the time and no court would hold in those circumstances that he had a second home or place of abode.

Again, how is a court to interpret "substantial", how is it to interpret "reasonable". And let us suppose again a person has family, supposing he has got family in Spain, family in the United Kingdom, if he goes to visit them and stays, he has got no tenancy he has got no right in the premises to which he goes: is he to be deemed to have a second home; the court would say no.

I think, again with the greatest possible respect, this would lead to even more confusion, and it is not an amendment which the Government can accept.

HON P J ISOLA:

Mr Speaker, I shall not burden the House with more talk on this. My only comment on what has been said is that in fact this to my mind is much simpler and will have in fact less problems than the ones that are proposed. I do not think either is ideal at all, but at least in this case it is a court that is going to decide what happens and the normal rules of evidence are going to apply.

In the next two clauses one sees the problems that are going to arise: the burden of proof on the tenant to show that he was sleeping in his own home and so forth. I think these are very objectionable features in the legislation and that is why I think it is something that should be given more thought to. But it is no use my trying to persuade the House to change its mind. It is going on this course, well, let it be, but I don't think the proposed solution is a good one at all.

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

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

The following Hon Members voted against:-

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

The amendment was accordingly defeated.

Clause 3 stood part of the Bill.

Clause 4

Mr Speaker put the Question and on a vote being taken the following Hon Members voted in favour:-

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

The following Hon Members voted against:-

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

Clause 4 stood part of the bill.

Clause 5

HON P J ISOLA:

Now in clause 5, Mr Speaker, I move that the last sentence be deleted.

MR SPEAKER:

Now, the last sentence of clause 5 you mean clause 5 subclause (2)?

HON P J ISOLA:

The last sentence of clause 5, yes.

HON ATTORNEY GENERAL:

What the Honourable Member is saying is the last sentence of the new subsection introduced by clause 5, that is to propose new 6(2).

HON P J ISOLA:

The last section in clause 5 of the bill. That is the sentence that reads - "the burden of proof that the tenant was in personal occupation for 270 days or more shall lie upon the tenant" I am moving that that is deleted, Mr Speaker.

MR SPEAKER:

Do you want me to propose it or to put the question?

HON P J ISOLA:

If you would propose it, Mr Speaker, I would like to say something.

The reason why I ask that that be deleted, Mr Chairman, is that this means any government tenant that is taken to court under the Housing (Special Powers) Ordinance, on the basis that the Housing Manager has made a judgement - because that is all it is - the Housing Manager has made a judgement either that he hasn't been there or is not going to be there, though this part only relates that he hasn't been there for 270 days, all the Housing Manager has to do is issue a summons, take him to court and then let the tenant prove that he was there. Let the tenant prove that he was in occupation.

Well, Mr Chairman, that runs a bit counter to the normal principles of justice in criminal and civil cases. You are taking somebody to court or rather an appeal under this section and the tenant would have to prove that he was in personal occupation for 270 days. How he does that I do not know. I mean, I think the court would consider this with all due respect to the Honourable and Learned the Attorney General such a bad piece of legislation that I would imagine that the Magistrates or whoever sits would say, "Well, do you say you have been there 270 days?" and the tenant will say "Yes, I do." So, well, he has proved it. What are all government tenants expected to do now, keep a diary of the nights he has slept at home? Or get people to testify? This will lead to abuse because I am sure tenants will bring their chums and say, "Look, these people want to chuck me out, will you go and swear that you saw me going to that house every night." To my mind the whole of the Bill is bad, but this is particularly obnoxious. An Englishman's home is his castle, well you prove you have been sleeping there then, in your castle.

I think it is wrong Mr Speaker, and I move the deletion of that last sentence.

Mr Speaker then proposed the question.

HON H J ZAMMITT:

Mr Speaker, once again one has to refute such an amendment... purely on the ground of experience. Though I agree with the Honourable and Learned Member opposite that the burden of proof on the defendant is not all that prevalent in English justice I think he will equally agree that in the criminal law, of which I know a very small bit about, there are instances where the burden of proof rests upon the defence and not on the prosecution.

However, Mr Speaker, in this particular case, the question is not as the Honourable Mr Peter Isola suggested a whim of the Housing Manager, it is that the neighbours themselves are the first ones to let the Housing Unit know that a house is not being occupied. In addition to that, Mr Speaker, Housing Unit then gets what is known as a "consumption" report from the relevant department i.e. water consumption, electricity consumption, and the like. I very much doubt, Mr Speaker, that anybody being away from Gibraltar for - and may I say it would never be 270 days, it would be 270 after one has received the information so it may well be more than a year before one could institute proceedings - I very much doubt in all honesty that neighbours would gang up to vouch that somebody had been living there if in fact he hasn't been living there. And if neighbours do vouch that the person has been living there then of course it is because he has been living there. I cannot see quite honestly any other way that we can prove that a person has not been away.

Now, Mr Peter Isola was asking, how will he be able to prove that? Well, Mr Speaker, it isn't that difficult. I am not here to say how one could establish reasonable evidence that one has been in occupation, but I can assure you, Mr Speaker, that despite the fact that the burden of proof would rest upon the defence the prosecution of course have the evidence of non-consumption. And as I say . . .

MR SPEAKER:

It would not be a prosecution, it would be civil proceedings

HON H J ZAMMITT:

I am sorry, I do apologise, I meant to say "the plaintiff"

HON ATTORNEY GENERAL:

Mr Speaker, I think with great respect to the Honourable and Learned Mr Peter Isola, he said that placing the burden of proof in this case upon the tenant runs contrary to the principles of justice in criminal and, and it is not civil cases. He knows I think very well if he would address his mind to the point that in matters which are within the personal knowledge of, shall we say, the

defendant in a criminal case, the burden is on him. For example in cases of licences where he has the prime knowledge, and in this case it is a similar case: the prime knowledge is that of the tenant himself. And so it is not unreasonable to place the burden of proof on him.

HON P J ISOLA:

How extraordinary, because first we have the Minister telling the House how he proves he has been in the home, I don't know, well if he doesn't know how are the tenants going to know, Mr Chairman. People who have got contracts in their homes, the Housing Manager must surely make a mistake now and then. Listening to the Minister I don't know why we bother to have any legislation. We should just say, "if the Housing Manager thinks the chap isn't living there, then he must go the next day and the court must rubber-stamp his order." It would be delightful if it were to be like that, but it just doesn't work out like that. Heads of Departments, Ministers, everybody makes mistakes, and what is absolutely wrong, I think, is to say that a tenant has to prove that he has been living in a place for 270 days, when it is the landlord who is alleging that he hasn't been living there for 270 days.

I am sure the Honourable and Learned Attorney General is well aware of the principle that he who affirms must prove. And if the Housing Manager says you haven't been there for 270 days, let him prove it. But I don't mean prove it like a criminal case, beyond reasonable doubt, but let him at least give to the court some evidence of it, and not just say to the tenant, "Now you prove that you have been there for 270 days."

I would like to know how he can convince the court that he has been living there for 270 days, I would like an answer to my question. Is it the view of the Honourable and Learned the Attorney General, is it the view of the Minister, that if a tenant comes along and swears he has been living there for 270 days, that's it? Because if that is what they are saying, well he will get that very quickly in double quick time. What is the use of all this then.

HON ATTORNEY GENERAL:

The Honourable and Learned Member knows very well, going back to the question of a licence, if "X" is charged with shall we say driving a motor vehicle without a licence or trading without a licence, all that the prosecution has to do is to make the allegation: it is then up to the defendant to prove he had a licence.

Now in this case, if the burden originally lay on the landlord it would encourage almost certainly unnecessary snooping, let me put it that way, to take a tally of every night in which a particular premises were occupied.

Now on this question the burden of proof quite clearly if the tenant were to say, "I swear I have been in the premises for more than 270 days," that could be, it presumably would be possible for the Housing Manager to disprove. Because in the first place he must have had some indication that the tenant had not been there, otherwise he wouldn't have taken proceedings to terminate the tenancy. But it is a difficult point and in view of the specific knowledge which the tenant has it is considered appropriate to put the burden on him.

HON P J ISOLA:

My question has not really been answered, Mr Speaker, because in actual fact if the tenant is going to be able to say there - this shows that the legislation is unsatisfactory legislation, because if a tenant says, "I have been living 270 days," unless the department has done some snooping, or unless neighbours are prepared to come and give evidence, and they will be lucky if they get them, the Government is in a worse position with this than with the previous legislation, because here I should imagine the court is going to require disprove of the tenant stating that he has been living there 270 days, because I cannot see how a tenant can prove he has been there other than just to say, "I have been living here for the last 9 months, I have been living here for 270 days, this year." I don't know how he can disprove that. You can say, "well that night you were seen going to Algeciras." "Well alright but I was there the other night."

I just don't see it, Mr Chairman, but certainly I cannot agree

that in an instance such as this, the burden should be on the tenant. The instances that the Honourable and Learned Attorney General has given are not appropriate because in the case of driving without a licence the police doesn't prosecute you... The policeman sees my Honourable and gallant friend Colonel Hoare driving a car, they don't send him a summons saying he hasn't got a driving licence, they first ask him if he has got one. He is asked to produce it and then he is bound by law to produce it within 5 days, or 10 days or whatever it is. Then they prosecute.

In the Trade Licensing procedure I am sure the Honourable and Learned Attorney General must be aware the Town Revenue Inspector goes to a shop and asks them, "where is your licence?" What are they going to do in this, they are going to go to a tenant and ask "have you been sleeping 270 days last year in your home?" It is different, you can produce a licence you can produce an insurance, but how can you produce 270 days worth of sleep? Can you produce a voucher of some sort!

I don't know, Mr Speaker, I don't think it is appropriate frankly to put the burden on the tenant in these cases.

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

The Hon Miss C Anes
The Hon J Bossano
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 A J Canepa
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon Lt Col J L Hoare
The Hon A P Montegriffo
The Hon A W Serfaty
The Hon H J Zammitt
The Hon J K Havers
The Hon A Collings

The amendment was accordingly defeated.

Clause 5 stood part of the Bill.

clauses 6 to 9 were agreed to and stood part of the Bill.

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

The House Resumed.

HON ATTORNEY GENERAL:

Mr Speaker, I beg to report that the Housing (Special Powers) (Amendment) Bill, 1976, has been considered in committee and agreed to without amendment and I move that it now be read a third time and do pass.

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

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

The following Hon Members voted against:-

The Hon Miss C Anes
The Hon J Bossano
The Hon L devincenzi
The Hon P J Isola
The Hon W M Isola
The Hon Major R J Peliza
The Hon M Kiberras

The Bill was read a third time.

MR SPEAKER:

We have got approximately a quarter of an hour, perhaps we can tackle the motion.

HON ATTORNEY GENERAL:

Mr Speaker, I beg to move as follows -

Be it resolved that this House do approve the making by the governor of the following rules -

Title and
commencement.

1. These rules may be cited as the Housing (Special Powers) Rules, 1976 and shall come into force on the 1st of July, 1976.

Absence which
shall not
render a
tenant liable
to have his
tenancy
terminated.

2. (1) The tenant shall be deemed to be in the personal occupation of the tenancy, notwithstanding that he does not sleep on such premises on such day, on any day that the reason for his not so sleeping is that -

(a) he is on Government duty whether inside or outside Gibraltar;

(b) he is on a course, approved by Government, inside or outside Gibraltar; or

(c) he is prevented from personal occupation by circumstances beyond his control.

(2) A tenant shall be deemed to be in personal occupation of premises, notwithstanding that he does not sleep on the premises on such day, on any day on which a person who is allowed to reside in the premises under the tenancy agreement sleeps therein.

(3) A tenant shall be deemed to be in personal occupation of premises, notwithstanding that he does not sleep on such premises on such day, on any day that the Housing Manager has approved, in writing, his absence from such premises.

(4) Any person aggrieved by the refusal of the Housing Manager to give his approval under sub-rule (2) may appeal to the Housing Allocation Committee.

Persons who may occupy premises of an absent tenant.

3. (1) Where a tenant is not in personal occupation of premises and his absence does not render him liable to have his tenancy terminated by reasons of such non-occupation the premises may be occupied -

(i) as of right by any person who would be an entitled tenant under section 2 of the Ordinance if the tenant were deceased; or

(ii) by any other person approved by the Housing Manager.

(2) Any person aggrieved by the refusal of the Housing Manager to give his approval under sub-rule (1) (ii) may appeal to the Housing Allocation Committee.

Powers on appeal.

4. (1) Where a person appeals to the Housing Allocation Committee under rule 2 or 3 the Committee may dismiss the appeal or allow it in whole or in part subject to such conditions as it may see fit.

(2) Where an appeal against to refuse of approval of the Housing Manager has been allowed the effect of such allowance shall be deemed to be approval by the Housing Manager."

Mr Speaker, it is these rules, which give what I might call, I won't say the let out, but mitigate the normal provisions of the Ordinance. It is they which confer on tenants firstly rights to be absent from the premises and yet not to be deemed to be out of occupation, and they fall into two groups: first is in rule 2 sub-rule (1), duty, on a course, or prevented by circumstances beyond his control. That will of course be a matter for the court to decide, but quite clearly if a person goes shall we say to the United Kingdom and is taken ill, then that is beyond his control and it would not prejudice him in so far as his tenancy is concerned.

The second category of case is where the tenant himself is away, but a person who is entitled to reside in those premises, because of the tenancy agreement sleeps in the premises: In that case once again the tenant is not deemed to be out of occupation, so the husband who is the

tenant goes off perhaps on a holiday, possibly leaving his wife and children and goes away: as long as those persons continue to occupy then the tenant is himself not prejudiced.

There is the third type of case which is not as of right but in the discretion of the Housing Manager he may at any time authorise a tenant not to sleep in the premises.

There is an appeal against any refusal of his to the Housing Allocation Committee.

Now the next rule to which I would draw attention is rule 3 which gives a right which does not exist at the moment, a right to certain people to reside in the premises when the tenant is not there himself.

Members will recall that I explained when I spoke on the second reading of the bill that for the first time we have conferred on certain people a right to take over a tenancy on the death of a tenant. A wife or a husband, depending on who is the tenant, and the children. They have now an absolute right to take over the tenancy. And they also have the right to occupy the premises when the tenant himself is away for a proper purpose.

Lastly rule 4 which deals with the rights of the Housing Allocation Committee on an appeal, what they can do and what they cannot.

Mr Speaker, I commend the motion to the House.

MR. SPEAKER

In proposing this motion in the terms moved by the Hon the Attorney general I would like to say that it is a complex motion to the extent that it includes the regulations. There are several sections and sub-sections of these regulations and I am entitled to inform the House that if any member wishes we can take a vote on the different parts of the regulations or we can take a vote on the whole. Does any Hon Member wish to speak on it?

HON P J ISOLA

I think we will just comment on the motion merely to say that it seems to us unfair and unjust that anybody who doesn't sleep in premises and the reasons for not sleeping there is that he is on Government duty, whether inside or outside Gibraltar that if he is on his employers duty he is not exempt so therefore it gives an advantage to the person employed in the government over any other citizen of Gibraltar. We don't see why that should be the case in Government housing built for the people mainly from British government funds administered for the people, we don't see why a person who is in government duty away from his flat should be treated differently from a person who is on duty for Shell, Blands or any other employer in Gibraltar. It is patently unjust, it is patently unfair and discriminatory. A person who is on a course, we don't see why that course should be approved by the government. If a person who is on a course in his business or on his employer's business we don't see why he should go to the Housing

Manager to get his approval of the cause. This is all dictatorial Government, this is the sort of thing that people have been fighting against for centuries.

And then that thing is meant to cover by circumstances beyond his control. Well, I think again, Mr Speaker, that any court which has to deal with this would be very inclined to say that nearly every circumstance is beyond the control of tenants, because it is such an unfair and discriminatory piece of legislation. And then the tenants of the Government should have to go running along to the Housing Manager to get his approval for not sleeping at their own home. Frankly, Mr Speaker, and all these problems arise from the legislation, he mentioned it, we have repeated it, the Minister gives us his explanation, he cannot do otherwise - I think he can do otherwise, with a little thought, but again it appears that all Government tenants in their own interest, whenever they go on holiday or go away from Gibraltar should run along to the Housing Manager and get his approval if he wants to be on the safe side. And I would strongly advise anybody who came to me to do this. Perhaps if we can get 3,000 queueing up in the summer months outside the Housing Manager's office, the Government will give a sort of general absolution!! Or a general waiver for 3 months in the summer, I don't know. This is what appears they must do, if they want to be in a position to prove to the court that they haven't been away from their home, that they have been sleeping there solidly for 270 days, in the year.

The proposed amendment really does away with the need of most of these rules, because a tenant can be away and so long as

somebody who is entitled under the agreement to sleep in the house, there's no problem, so at least those tenants who leave a wife behind or something needn't go along to the Housing Manager's office, and we are all very relieved about that.

But, Mr Speaker, really why there should be a need for this legislation in this form, riding rough shod over individuals' rights to their homes. Why should it be necessary: because Government has difficulties in one or two cases and because it had difficulties in a case in a court. It is always said that bad cases make bad law. Here we have got a very big example of that, the Government has lost in one case in the courts, has not appealed or whatever it is, and as a result the Government tenants of Gibraltar are now saddled with increased number of duties, responsibilities, and in some cases sheer discrimination.

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

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

The following Hon Members voted against:-

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

The following Hon Member was absent from the Chamber:

The Hon J Bossano

The motion was accordingly carried.

MR SPEAKER:

I think it would now be a convenient time to recess until Monday morning at 10.30.

The House recessed at 6.15 p.m.

MONDAY THE 5TH JULY, 1976

The House resumed at 10.30 a.m.

MR SPEAKER:

If my memory doesn't fail me I think we are still in the Order of the Day with Government business and we are going to start Select Committee motions. I don't know for sure which is the first of the two that is going to be moved now.

HON A W SERFATY:

Sir, can I start with the motion on air communications?

MR SPEAKER:

Most certainly.

HON A W SERFATY:

Sir, my motion is that this House accepts the recommendations of the Select Committee on Air Communications.

Now, Sir, this Select Committee was appointed

in October 1972 and was composed of the Honourable Mr Featherstone, and the Hon H J Zammit, on this side of the House, and the Isola brothers on that side, with myself as Chairman. We have gone thoroughly into the whole question of air communications but I would like to say at this moment of time that we were unable to hear the evidence of any representative of British Airways, and this in a way inhibited our study of the problem, though eventually we carried on and took what I think were very wise decisions to recommend to this House.

Among those recommendations which we are making is the establishment of an Air Transport Licensing Authority. Sir, we all knew this question of air communications is not a defined domestic matter, but it is vital, absolutely vital, not only on economic grounds but on social and political grounds that air communications with Gibraltar should be as wide and ample as possible, and that is why the committee thought that it was vital at this moment of time that we should have an Air Transport Licensing Authority, with the Deputy Governor as Chairman, this not being a defined domestic matter, with two Ministers, two members of the Opposition, the Air Officer Commanding, and though without a vote, the Director of Tourism, who is very much concerned with all this question of air communication.

A number of the recommendations which I would like to highlight here is that Gibraltar should support genuine applications for charter and also applications for scheduled flights, as well as charter flights, from points other than London in the United Kingdom. I have mentioned here several times I believe that our tourism industry in Gibraltar is inhibited by the fact that people from Scotland, the West of

England, the North of England and the Midlands have to fly to Heathrow and perhaps spend the night there before they take their first flight to Gibraltar. We also recommended that we should support applications for the charters and scheduled flights from countries other than the United Kingdom.

There is no doubt that there is a future, a great future, for tourism in Gibraltar, if we only talk of tourism, for nationals of other countries like Germany, Holland, Scandinavia, and as I have reason to know having undertaken a research of the situation in Europe as far as tourism to Gibraltar is concerned, the great stumbling block has been the question of air communications between places such as Frankfurt or Amsterdam to Gibraltar. I know it is not an easy matter to get these flights off the ground on economic grounds but it should be possible and I do hope that we shall get them sooner rather than later.

We are also recommending special fares for students, business people, and Gibraltarians other than the bloke who goes on package holidays to Gibraltar. And I do hope that this new fare structure which the airlines have been asked by the Civil Aviation Authority to submit to the authority before November, will include some special fares for children and others. We are also recommending that though it is a good thing that one company alone should handle aircraft and baggage at the airport, airlines or their representatives should be able to handle their own passengers. There are many reasons for that.

And finally, we are asking the Government, the next Government, to keep an open mind on the question of acquiring an interest in airline operations to and from the United Kingdom. I am not talking of nationalisation, in fact the Honourable Mr Bossano was not in the Select Committee, but I have and we all have in the Select Committee this idea behind our minds that it

would be a good thing for the Government of Gibraltar to become involved economically too in airline operations to and from the United Kingdom.

To finalise I would like to say that we are very thankful, this of course is a unanimous report, we are very thankful to the Director of Tourism, and to Mr Paul Garbarino, both of whom have rendered very valuable service in the Select Committee.

I move that this motion be passed.

Mr Speaker then proposed the question.

HON J. BOSSANO:

Mr Speaker, before I go into the specific motion, there is something that I would like to obtain clarification on because I am not very sure precisely what the implications are of the House accepting this report.

There are two motions with two reports on two Select Committees, and in fact I am not clear whether accepting the report means that all these recommendations of the reports are automatically accepted by the House and that therefore it could be said that any members of the House that form part of a future House are more or less committed to try and implement what the report recommends. I do not know if that is what the motion means or not? Because if it does mean that then I think my attitude would tend to be coloured by precisely what the implications are of the House accepting the recommendations of the report.

I wonder whether the Honourable Member would like to interrupt me and explain.

HON A W SLRFRATY:

I understand that the report can be accepted in whole or in part, so if any Honourable Members does not agree with any particular recommendation . . .

MR SPEAKER:

May I perhaps, for the purposes of explaining to the House what we are trying to do now, I cannot do better than to read from Erskine May, the latest edition, and I don't think that this motion in itself will commit this Government or any future Government to have to implement the recommendations, but just the same I think all that the House would be doing by voting in favour is giving it its beneplacito. But anyway I will read what Erskine May says on the matter. It says: "..... on the consideration of a report." In other words, the first paragraph explains that the House can go into the report, and it says "In consideration of the report motion may be made expressing the agreement or the disagreement of the House with the report as a whole or with certain paragraphs thereof or for agreeing to the recommendation contained in the report generally or with certain exceptions, or motions may be made which are founded upon or enforce the resolution to the committee or are otherwise relevant to the subject matter of the report of the business of the committee. In some instances the House may resolve itself into committee to consider the report of a Select Committee. Motions may also be made upon consideration of the report of a Select Committee for the recomittal of the report." That goes beyond. In other words, I think the operative words should be, "to agreeing to the recommendations contained in the report generally, or with certain exceptions,

or motions may be made which are founded upon or enforce resolution to the committee." That shows that you can go beyond what you are doing today. You are not making a motion to enforce a resolution of the committee but to accept the recommendations. That I think would mean that further consideration would have to be given to the recommendations in order to come to a conclusion that any particular one of them or all of them would be enforced by legislation. Now, that is the way I read it but of course Her Majesty's Attorney-General may perhaps express a view on that one too.

HON ATTORNEY-GENERAL:

Mr Speaker, I concur with what you have said, with respect.

MR SPEAKER:

So, I don't think the House will be committed, or the future House will be committed to having to pass legislation to put in force the recommendations.

HON J BOSSANO:

I am making this, Mr Speaker, because I think that a report which is the result of the work of a Select Committee of the House which was taken since the 5th of October, 1972, and which the House has had to something like a week can hardly be done justice to in a week, and even if I feel that at this stage all that we can do is to accept the recommendations, as the motion says, in the sense that obviously members of the House recommending things as a result of four years of study, are likely to be in a better position of course to have made a judgment on what should be done in respect of air communications than the House as a whole. I feel that

certainly the House as a whole would need to give more detailed considerations to the report before anything could be implemented, and, therefore, although I am supporting the motion at this stage I want to make it quite clear that I haven't really done justice to the report. I haven't had time to study it, but, if in fact what we are doing at this stage is not committing ourselves to the future without having had the chance to look thoroughly into the matter then I think that is perfectly right and then one in fact can speak more openly in support of the motion.

I think Mr Speaker, the difficulty of the problem of Gibraltar having a say in its own air communications is clearly indicated by the length of time that the Select Committee has spent on the matter, and I think if I recall previous occasions when this has been debated in the House, certainly at one stage in the proceedings of the Select Committee one major stumbling block was the lack of cooperation from the airlines, when I believe the Select Committee had approached the Foreign Office for information on fares and so on and have had to wait a very long time. And I believe it was only really about the time that the Trade's Council went to the UK that things started being speeded up when the airlines were forced to divulge economic facts about their operations which they were very reluctant to do. I think that the episode of the contribution that the Gibraltar Trades Council made in this matter shows clearly that when something as vital as air communication is the subject of dispute between the interests of Gibraltar and perhaps the interests of a nationalised airline that can pull a lot of strings in the UK, then we have to rope in in Gibraltar every organisation. There are things on which we must make an absolutely united stand, and this business of air communications is one of them.

I have reservations about the composition of the proposed Aviation Authority because in fact the Gibraltar Trades Council is not mentioned as a possible body which could send a representative, - it is represented almost everywhere else nowadays, Mr Speaker, and it would be a pity to leave it out of the Aviation Authority, and in fact it has made a contribution in respect of civil aviation, it sends representatives to the CAA in UK, and it made I think a very strong case there for being a body concerned with one particular aspect of air traffic, and that is the interests of gibraltarian consumers who are interested in an opportunity to escape from gibraltar and take a holiday in the United Kingdom or elsewhere in Europe, and who do so through the United Kingdom. I think this point was taken and this is a point that is vitally important because, Mr Speaker, in air communication, as we all know, the political aspect is one which has been with us ever since the frontier closed.

When the frontier closed the air links with the outside world acquired an importance that it didn't previously have. And the need for gibraltar to have a say in how this link is operated so that it is operated in gibraltar's interest and not in the interests of anybody else, is something that must be more obvious to us at this point in time than it has ever been before, when the need to defend gibraltar's interests openly, regardless of who we upset in the process, has been brought home to us by the recent declarations of the british government as to their intentions on gibraltar's future.

Mr Speaker, I think in this context we must look at the position of gibair, and the dominant interests of british Airways in gibair. And I think that the autonomy of gibair for example as the committee says by supporting their having their own flight designations, the strengthening of the position of gibair in our present situation, is one which the House must look at, not just in the light of what has been happening in the past, but in the light of what is happening now and what is likely to happen in the future. If we have got a service from gibraltar to the United Kingdom

which is operated by a company whose interests are clearly identified with the interests of Gibraltar, then I think we can, for no other reasons than for reasons of self interest, Mr Speaker, if we look no further than self interest, then we can look to a greater commitment than if we find ourselves perhaps dependant entirely on an airline which has got a great deal of traffic to Spain, and where Spain can do the sort of deals that tend to get done unfortunately everywhere in the world where parties agree behind closed doors to scratch each others backs, and the poor consumer, or the third party that is going to be affected by the deal that has been done, is presented with a fait accompli not given the real reason for it and finds himself in a position to do virtually nothing to alter this.

This is one important aspect I think of the hold that we have over our links with the outside world, and it is an aspect that now at this point in time, has acquired an importance which we have always really been conscious of but which has been highlighted, I think, by other events. And, therefore, Mr Speaker, I support the motion accepting the recommendations of the Select Committee confident, without having been able to spend the necessary time to study them in detail, confident that the approach of the select Committee will have been in that direction, but conscious that events since the committee came to its conclusion have if anything added a sense of urgency to the situation and made it necessary perhaps for some of its recommendations to be couched in stronger terms.

HON P J ISOLA:

Mr Speaker, one would hope that the House would unreservedly accept the recommendations of the select Committee on Air Communications precisely because of the importance this has to the wellbeing of the people of Gibraltar. And I say one would hope that the House would accept the recommendations fully because this is a subject that is not an easy matter to resolve, and not an easy matter to resolve because there are parties involved in it over whom we do not have any control. It is no use saying we must have it, we just don't have it. And that is why I think it is important that this House should send out a message of unreserved support if it doesn't you are beaten at the first jump because we know that the main recommendation of the select Committee is the setting up of the Air Transport Licensing Authority.

We all know that without such an authority it is impossible to exercise much influence or control on the air line operations to and from Gibraltar. We can say things, we can shout in this House - after all we have been talking about air communications in this House on and off, on I would think on about 3 meetings every year. For whatever we say here just does not have any effect unless we can exercise some control. And that is why it is important in my view that the Select Committee's recommendations on the setting up of an Air Transport Licensing Authority should be unreservedly accepted by the House.

Now, as far as the composition of that Committee is concerned I think I also told Honourable Members that the Select Committee has been very conscious of the fact that air communications is in fact a non-defined domestic matter. Whether we like it or not, this is the situation, and of course events since the report was put in has, I think, if nothing else indicated to us that there are a number of different interests, some of which we control and some of which we do not control. And no manner of pushing or shouting or screaming or whatever you would like to call it, can alter us the basic facts, legal, constitutional, and so forth. And, therefore, we are conscious of the fact that an Air Transport Licensing Authority that is set up must conform not just with our wishes but with the wishes of other people interested in the matter. We have a legitimate and a legal interest in the matter and control.

That is why, Mr Speaker, contrary to what has normally happened here, the Committee has suggested that the Deputy Governor should be Chairman of the Air Transport Licensing Authority. I think that is a change from the normal run of events in Gibraltar in which Ministers usually chair authorities of committees. But this wasn't done out of love for the Deputy Governor, nor out of love of the office or so forth, it was done out of recognition of the fact that this is a non-defined domestic matter, and it was done with

the intention of reassuring, if such reassurance is necessary, the British Government that we do recognise this fact. And again the reason why two members of the Government and two members of the Opposition were selected to sit on the Air Licensing Authority was to accentuate or to stress the importance the Committee and I am sure the House gives to this subject of air communications. The reason why we said two of each, which again is contrary to the normal run of events, because you would expect the Government to have a majority, was again to highlight the fact that we do consider that the question of air communication is not just a question of tourism but is a question affecting the whole broad issues of the social, political and economic well being of the people of Gibraltar, and that we should try and have an authority that is balanced and that by its very nature will produce results which recognise the interests of all the people of Gibraltar, as represented through the Government and through the Opposition, as well as accepting the interests of Her Majesty's Government.

It is a fairly high powered committee that is proposed: the Deputy Governor, the Air Officer Commanding, and the Director of Tourism is put in the Committee, and we think that this sort of Committee should be one that would be acceptable, I would say, to us the people of Gibraltar, as represented through their elected representatives, we still have a democracy here: it should be acceptable to the British Government in so far as we make their representative in Gibraltar the Chairman, the Deputy Governor: and it should be accepted by the Ministry of Defence in so far as we suggest that the Air Officer Commanding Gibraltar, who after all controls the airfield, is also a member of the Air Transport Licensing Committee. And I would assure the Honourable Mr Bossano in recommending this we have been trying to recommend something that is practical and something that can be defended in the areas where this will be discussed.

I think this is very important, because until we get an Air Transport Licensing Authority set up I don't think we can get to grips with the very complex problems that Gibraltar is faced with and that air communications produce.

The committee has been sitting for four years, and in fact there was a committee in the last House of Assembly that sat, I think for a year and a half, and the committee has recognised the complexities of air travel and we have tried to produce a report that should enable all the parties interested in this very important area of activity, as far as Gibraltar is concerned, all the parties interested be get together and try and try and pull together for a fairer deal for all parties interested in air communications: the airlines, the local airlines, the local travel agents, I think everybody there will see that the committee has tried to be very objective in its attitude to air communications and has tried to produce a report that bears very much in mind the interests of all those connected with air communications.

Sir, I hope that the House will give its firm support to this because once this report is approved we can then move on to implementation of it, which will be no easy matter but which has no hope of implementation if the House doesn't give it its unreserved support.

HON A J MONTEGRIFFO:

There is no doubt, as the Honourable and Learned Member who has just spoken has said, the question of Air Communications is a difficult problem, but one which vitally affects the life of Gibraltar in the particular situation we are living in. Nonetheless we hope that the enthusiasm and optimism shown by all members of the House will get us there, or at least part of the way. The Government of course unreservedly gives its support to the recommendations and we hope that perhaps between the interregnum between now and the next general elections, we might be able to push ahead if not with all, at least with part of the recommendations.

HON M XIBERRAS:

Mr Speaker, the words "of vital interest" are used in this House rather frequently, and their connotation, their meaning, becomes diluted in the process. I think all members will agree that the subject matter of this Committee's deliberations can be properly described as being of vital interest to Gibraltar. The line of communication is by far the most important one, even more important than our sea lanes in the present circumstances, and, therefore, the deliberations, the recommendations of this committee, are matters of the greatest interest and of vital importance.

The two main recommendations of the committee are numbers 1 and 6, namely, the setting up of the Gibraltar Air Transport Licensing Authority and the flight designation of the existing Gibraltar Airline.

I have not the slightest doubt, Mr Speaker, that in the climate of opinion which I have assessed at first hand in a recent visit to London, this particular area needs to be guarded because it is the centre of any future talks on the future of Gibraltar, and perhaps in practical terms the most important point to guard. The Spanish pressure on the airport has been something we have experienced over a good number of years now, with the air ban and the consequent restrictions on our communications, and it is absolutely essential for us in Gibraltar that these communications should be in safe hands.

Of the operators available it is Gibraltar Airways undoubtedly that has the closer of the two interests in maintaining Gibraltar's interests. I think it is important that this airline, Gibraltar Airways, should not have an empty right to the root and therefore flight designation for Gibraltar Airways is of the utmost importance in the circumstances.

I think this is very important, because until we get an Air Transport Licensing Authority set up I don't think we can get to grips with the very complex problems that Gibraltar is faced with and that air communications produce.

The committee has been sitting for four years, and in fact there was a committee in the last House of Assembly that sat, I think for a year and a half, and the committee has recognised the complexities of air travel and we have tried to produce a report that should enable all the parties interested in this very important area of activity, as far as Gibraltar is concerned, all the parties interested be get together and try and try and pull together for a fairer deal for all parties interested in air communications: the airlines, the local airlines, the local travel agents, I think everybody there will see that the committee has tried to be very objective in its attitude to air communications and has tried to produce a report that bears very much in mind the interests of all those connected with air communications.

Sir, I hope that the House will give its firm support to this because once this report is approved we can then move on to implementation of it, which will be no easy matter but which has no hope of implementation if the House doesn't give it its unreserved support.

HON A P MONTEGRIFFO:

There is no doubt, as the Honourable and Learned Member who has just spoken has said, the question of Air Communications is a difficult problem, but one which vitally affects the life of Gibraltar in the particular situation we are living in. Nonetheless we hope that the enthusiasm and optimism shown by all members of the House will get us there, or at least part of the way. The Government of course unreservedly gives its support to the recommendations and we hope that perhaps between the interregnum between now and the next general elections, we might be able to push ahead if not with all, at least with part of the recommendations.

HON M XIBERRAS:

Mr Speaker, the words "of vital interest" are used in this House rather frequently, and their connotation, their meaning, becomes diluted in the process. I think all members will agree that the subject matter of this Committee's deliberations can be properly described as being of vital interest to Gibraltar. The line of communication is by far the most important one, even more important than our sea lanes in the present circumstances; and, therefore, the deliberations, the recommendations of this committee, are matters of the greatest interest and of vital importance.

The two main recommendations of the committee are numbers 1 and 6, namely, the setting up of the Gibraltar Air Transport Licensing Authority and the flight designation of the existing Gibraltar Airline.

I have not the slightest doubt, Mr Speaker, that in the climate of opinion which I have assessed at first hand in a recent visit to London, this particular area needs to be guarded because it is the centre of any future talks on the future of Gibraltar, and perhaps in practical terms the most important point to guard. The Spanish pressure on the airport has been something we have experienced over a good number of years now, with the air ban and the consequent restrictions on our communications, and it is absolutely essential for us in Gibraltar that these communications should be in safe hands.

Of the operators available it is Gibraltar Airways undoubtedly that has the closer of the two interests in maintaining Gibraltar's interests. I think it is important that this airline, Gibraltar Airways, should not have an empty right to the root and therefore flight designation for Gibraltar Airways is of the utmost importance in the circumstances.

The Honourable Mr Bossano has mentioned the "you scratch me and I'll scratch you syndrome, and all Honourable Members who have been involved in one way or another in the question of air communications must recognise that even despite what friends we may have on the Boards of these international companies, there does come a moment when the international obligations and interest of these companies are put in the commercial balance with their obligations, or even Her Majesty's Government's obligations to a small territory like Gibraltar. And, therefore, Mr Speaker, in the same way as in one time it used to be argued by Honourable Members on this side there should be another operator in the form of the other airlines, British Caledonian, similarly I think it is important that the second operator with the direct Gibraltar connection should be supported, and I am glad that Honourable Members working in the Select Committee have come to this conclusion.

Mr Speaker, if I had ever any reservations about having a Gibraltar Air Transport Licensing Authority, those reservations have disappeared now. I would have preferred that these recommendations, especially this one, the first and the most important, had come in different context of time, a time when it would have been known to Honourable Members that the links between Gibraltar and Britain were in the process of being strengthened, and that the requests for a Gibraltar Air Transport Licensing Authority in no way detracted or undermined the firmness of these links. Honourable Members are aware the setting up of such an authority does have certain constitutional connotations, and it has been my view

that proposals of this nature should be counter balanced by the opposite type of development, namely the closing up of links between Gibraltar and Britain. Despite this I have no reservations because I feel that the climate, the international climate and the climate in London, is such as to warrant a very determined effort by the people of Gibraltar to assure their vital interest in so far as it is possible for them to do so, and to do this by having a direct say in these vital areas such as air communications.

When the Honourable Mr Bossano asked to what extent this report was binding our Members of the House he might well have had other things in mind, I have in mind particularly these two recommendations, Nos 1 and 6, because I feel that we must have a direct say in this area, especially in the coming years, in the next year, or the next two years. I am sure that the Gibraltar operators of Gibair must feel pleased with the recommendations of the Committee not purely because of a financial interest, but also because they above all must see the approaching situation with some trepidation, with some concern.

Mr Speaker, the Committee makes a recommendation that the Government - as paragraph 9 of the recommendation - should keep an open mind on the possibility of acquiring an interest in airline operations to and from the United Kingdom. Even though I have the greatest respects certainly for my Honourable Colleague, Mr Peter Isola, whose work on behalf of air communications has been outstanding in the course of this House, I do not know whether Honourable Members in the committee appreciated fully the value of this recommendation. I say this not in order to diminish the intelligence and the foresight

of Honourable Members, but because I am sure that if there were to be any attempt at a foreign power moving into the area of air communications, this particular recommendation, which advocates that the Government should take a more direct hand in air communications, would be of very great value to Gibraltar. And if Honourable Members on the Committee were aware of this possibility, I compliment them on its inclusion in the report; if they were not I can say that it has been a stroke of luck that it has been included.

I accept the report unreservedly, I give it my full support. It is signed by two Honourable Members from this side of the House, and in so far as I am concerned, it will be honoured.

As regards the other recommendations, perhaps before I say something about them, I should speak about the Deputy Governor as the Chairman of the Authority.

Mr Speaker, in the absence of the strengthening of the links I was talking about a moment ago, I think it is both wise constitutionally and prudent politically, to have the Deputy Governor as the head of this Authority. To have done otherwise might have suggested, again in the absence of the strengthening of this link, something quite different which would have been imprudent politically.

Mr Speaker, I know Honourable Members are well disposed to this report, it will be for a future Government to try to establish it and I do hope that this process will begin early in the life of the new Government and that the new Government acts strongly in this matter because it is of vital importance.

The other matters, I think, express a general indication of the way fares and so forth should be developed. I appreciate that one cannot be specific about these things because the problem to be met are subject to a changing pattern, but broadly speaking, if I may say so with great respect, I think that they are right, that the mix may be changed, but the ingredients are

correct.

The interests of the Gibraltar Government in airline operations: when and if it becomes necessary to give concrete expressions by participation, should apply to a number of recommendations listed on pages 13 and 14. The first one I would imagine would be the Air Terminal itself, which should remain in Gibraltarian hands and be subject primarily to Gibraltarian interests. It has taken the Committee four years to produce this report, I compliment the Members of the Committee who have produced it and urge the House to bear it very much in mind in the developing political climate.

HON LT COL J L HOARE

Mr Speaker, I am going to be brief. I support and accept the report of the Select Committee unreservedly. This is a subject which has obviously been gone into very very thoroughly since it has so many conflicting facets, and I would like to congratulate first of all the members who produced such an excellent report.

I have just one little disappointment which I feel I must express. The report has clearly gone very deeply into the question of the movement of Gibraltarians from Gibraltar to the United Kingdom and back, quite rightly, but I cannot see from the report, I may be wrong, that they have not given the same amount of consideration to the very many Gibraltarians who live in the UK and want to come and see their families here in Gibraltar, who also do not want to get involved in package tours but want to come and live with their relatives. I think that when the Authority is set up they will take this into consideration. There is a very large Gibraltarian population living in Britain who want to come home regularly every year to see their own folks,

their own kith and kin.

HON W M ISOLA:

Mr Speaker, I fully associate myself with what the Minister for Tourism, Trade and Economic Development has said and with my brother, both of whom are members of this Committee.

I do not wish to repeat what they have said but there is one point in the report which I think needs to bear out a little more, and that is the summary recommendations number 3, in which we recommend that we would seriously reconsider charter operations coming into Gibraltar, and in this connection I am glad to see that one charter is now operating from Dublin to Gibraltar apart from that run by the Gibraltar Group. This in itself is very encouraging at present and we hope that it will go from strength to strength.

On the sad note, Mr Speaker, at page 6, we stated that in order to fill existing number of hotel beds in Gibraltar and to allow for expansion and increasing bed occupancy in Gibraltar, which plays a very important part in our economy, we considered that we needed something like 26,000 air seats per annum, which the House will see is quite a substantial number of seats which we require at this present time, in order to fill our beds in Gibraltar and to allow for expansion and increasing bed occupancy.

Now that, Mr Speaker, is a hurdle which we will have to surmount if we wish tourism to proceed at an increase and not at a decrease. Therefore, Mr Speaker, I am more than pleased to see this new plane charter from Dublin coming to Gibraltar.

Of course being a member of the Committee I wholeheartedly recommend this report to the House and of course I would like to associate myself once again with what the other members of the Select Committee have so far said to this House.

HON L DEVINCENZI

Mr Speaker, I will be briefer than the Honourable and Gallant Colonel Hoare. I would like to make one point which I think is a valid point, especially after the latest memorandum of the British Government, and that is that whichever Government comes into power after the next elections - if we have them - they should urge the British Government to come out openly and sincerely as to whether there are any chances of Gibraltar being allowed to establish an Air Transport Licensing Authority and what help if any can be expected from the British Government, because after all they and their views and their stand in fact will be the ultimate authority on this.

Now, Mr Speaker, what I want to say most emphatically is that we should be told plainly and in a straight forward manner what we can expect, and I repeat, Mr Speaker, and I think it is worthwhile repeating, that I urge any future Government of Gibraltar to ask for plain speaking from the British Government and let us be told now, not in two or three years time, what is at stake for us.

MR SPEAKER:

This is vis a vis air communications?

HON L DEVINCENZI:

Air communications, and whilst they are about it, anything else.

HON MISS C ANES:

Mr Speaker, on the point here in the report about trying to increase the operations in 1977, I believe

there have been representations made to these agents to also try to get flights from Gibraltar to Ireland but no replies have been received. I believe one of the travel agents in Gibraltar has been trying to find out. My knowledge of the situation is that Martins Travel do bring over tourists from Ireland on package tours but they do not take any tourists from Gibraltar wishing to visit Ireland, and I wonder whether this committee or anybody who comes in after the next elections would be looking into this situation of also providing a flight from Gibraltar to Ireland through this agency. Has the Minister any knowledge of any representations made to Martins Travels about this?

MR SPEAKER:

You exercise your right to reply if no one else wishes to speak on the report.

HON MISS C ANES:

Later on will do, Mr Speaker.

MR SPEAKER:

Right, then I will call on the mover to reply unless no one in the Opposition has got the right anyway.

HON A W SERFATY:

In exercising my right to reply I will say that I am delighted with the words of the different Honourable Members who have spoken.

I take the point of the Honourable Colonel Hoare on the question of facilities for Gibraltarians living in the United Kingdom to come and spend their holidays with their families. It is not actually mentioned in this report but I am sure that any future Government or whoever is going to try and implement this report, and I agree with what the Honourable Mr Montegriffo has said, that this Government should try and get this report or at least part of it, implemented in the interim period, I am

sure that the point raised by Colonel Hoare will be taken note of.

In answer to the Honourable Miss Anes I must say that I am not aware that there have been any suggestion from the local travel agents for Gibraltarians to travel on package holidays to Dublin, but I will look into this matter. We have, in our study of the possibility scheduled charter flights to other parts of Europe, borne this very much in mind, and I will go into these matters as a separate issue. Thank you.

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

The motion was accordingly carried.

HON A F MONTEGRIFFO:

Sir, with your leave I beg to move that under Standing Order 7(3) leave be granted to lay on the Table the Report of the Select Committee on Broadcasting, out of the regular line of business.

Sir, the reason why this was not done before is because the report only came to hand this morning and I hope the House has no objection to this.

MR SPEAKER:

I will then propose the question which is that under Standing Order 7(3) the Report of the Select Committee on Broadcasting should be laid on the table. This was agreed to.

MR SPEAKER

right, so I will then order that the select Committee Report on Broadcasting be laid on the table, and that in due course it will be considered, and that it should of course be printed, which in our terminology means stencilled. We will continue with the motions now.

REPORTS OF COMMITTEES

HON A W SERFATY

sir, I have the honour to move that this House accepts the recommendations of the report of the select committee appointed to consider the Trade Licensing Ordinance 1972.

ago

The House will recall that as long as the end of 1972 the Trade Licensing Ordinance was passed. And they will recall too that this Ordinance, even in the opinion of the government, was necessary as a result of Gibraltar's entry into the European Economic Community. The Opposition wasn't very happy about this Ordinance and neither was the government, but it was, as I remember having said then that it was a necessary evil if we were going to protect Gibraltarians against a possible 250 million competitors. So in January 1973, 3½ years ago, a select committee was appointed and the composition of that select committee was the Honourable Messrs Featherstone, Zammit, Peter Isola, and Joe Bossano, with myself as Chairman.

Now, this is a knotty problem, this question of trade licensing, and the committee has taken 3½ years to finalise its deliberations. And I do not want to say what I am going to say as an excuse, but we were rather inhibited by the opinion of the Foreign and Commonwealth Office during quite a long period of time. I remember the Honourable Mr Peter Isola and myself talking to experts in the Foreign and Commonwealth Office in London as to the validity of this Trade Licensing Ordinance, and we were then told that they had reservations. But happily, quite recently, the Foreign and Commonwealth Office experts have come with the opinion that this Ordinance is not ultra vires to EEC regulations as long as it does not discriminate between a Gibraltarian and an EEC national. So this made the work of the select committee far easier and this enabled the select committee to report to this House in time for me to stand up and propose that the report be accepted.

Now, there is one important recommendation of this report which alters the present set up of trade licensing. At present that the Trade Licensing Committee decides whether a licence ought to be granted or should not be granted, and it is up to them to decide whether subsection 14(i)(f), I believe it is, where the need of the community generally if the trade or business is to be carried out adequately provided for, it is for this Committee to decide whether that particular trade is adequately provided for or not.

This Committee, as this Honourable House knows, is composed of a number of representatives of the Unions, the Chamber of commerce, and a number of independents - I will come to the committee in a moment. But the most important recommendation is that in future it should be this House by resolution, on a proposal by whoever is the Minister for Trade, that should decide which trades are adequately provided for and no further licences should be granted. And these resolutions can be changed at the suggestion of the Minister for Trade, and if the House agrees, from time to time. We have mentioned in this select committee a period of one year but it could be less or more.

Another recommendation of the select committee is that the Trade Licensing committee should be abolished and should be replaced by a panel of 3 officers of the government, the Crown Counsel, who would be the Chairman, the Consumer Protection Officer, and the Finance Officer. I would say straight away that the Honourable Mr Bossano has reservations on this particular recommendation. I would rather say so myself than have Mr Bossano stand up and say that I have misled this House. So these are the two major recommendations.

Other suggestions of course are being made and I will mention two or three, but the main recommendation is that the Trade Licensing Ordinance should carry on existing, and if I may say so, as the architect of the original Ordinance, maybe I may I be allowed to say that this in a way vindicates my thinking on December, 1972.

There are other recommendations, as I said, because one of the sections of the Ordinance now states that businesses and trades in new development projects should be exempt from the Ordinance, but the suggestion of the Trade Licensing Select Committee is that the development and Planning Commission should have powers to impose conditions, on planning grounds of course, on the use of these premises in new development projects as to the type of trade. And of course as a result of that there is a recommendation that a trade, a business which has been allowed in a new development project, should not automatically be transferrable outside the development project. Furthermore is a business is allowed in one part of Gibraltar because there are not enough businesses of that kind in that particular part of Gibraltar, the Select Committee recommends that that business cannot be transferred to another part of Gibraltar without the permission of the committee. And of course the reason for this recommendation is obvious, because whereas the new proposed Trade Licensing Committee will authorise a certain type of business in one part of Gibraltar because in that part of Gibraltar that particular trade is not adequately provided for, it is fair that that particular businessman should not be able freely to move to another part of Gibraltar where the trade is adequately provided for.

We are also mentioning as a recommendation of the Select Committee that other kinds of businesses which do not now come under the umbrella of the Trade Licensing Ordinance and which are authorised under other Ordinances - for example, bars, tobacco and things like that - should also be authorised, in the first instance, by this new Trade Licensing Committee.

Another recommendation is - and I will finalise with that - that there will be, if this House accepts the recommendations, a further appeal to the Supreme Court should the Appellant not get satisfaction in the stipendiary Magistrates Court. And here again I would like to thank once again Mr Paul Garbarino, who worked with us throughout 47 meetings, and Mr Joseph Fabre, the cooperation of both of whom has been very valuable.

I recommend the motion to this House.

HON P J ISOLA

Mr Speaker, we support the motion.

The recommendations of the Trade Licensing Select Committee were not unfortunately as easy to arrive at as those on air communication. The House will see that we had a vast number of meetings and that really it was a problem and whether we have satisfactorily solved it or not I don't think members of the Select Committee can be sure. But I think that the main decision we have to make is whether there should be a Trade Licensing Ordinance at all in Gibraltar. This was something where there were pros and cons either way, and it was a very very firm and balanced decision that came in the end when we thought that on balance there was a need to have some sort of regulation in the interests of trade as a whole, and, therefore, we have made these recommendations.

These recommendations are recommendations which certainly a new Government will have to chew quite considerably. We have taken the unusual step on this committee in suggesting that all the evidence that was put before the committee should be made available to a new Minister of Trade because we have a wealth of evidence, a wealth of statistics, and it would be a great pity that any person who looks at the report and tries to implement it should not have access to these important pieces of evidence that were made available.

As the Minister for Trade has rightly pointed out there are two main recommendations: one is that it should be the House that should decide between conflicting interests in Gibraltar as to whether the needs of the community are adequately provided for in any particular field of commercial activities. That it should be the House that does this. The reason why we have done this is because we find it is very very difficult in a small place like Gibraltar, that any Committee that we set up would be able to decide these matters fairly without in some way or another having an interest or an indirect interest in the results of its deliberations, and somehow or other being subject to influences by the very nature of the composition of the Committee in any particular decision under Section 14(i)(f).

We have thought it desirable that this should be done in the House so that it should be an open decision, that people who wish to have decisions changed have a full opportunity of lobbying if necessary members of the House, and also that the deliberations on this very important aspect of trade licensing should be in public in this House.

Having taken away from the committee possibly its main functions, which is considering whether the needs of the community are adequately catered for, we pumped, unfortunately by a majority, for the idea of having a smaller Trade Licensing Committee to deal with questions of applications composed, as the Minister has said, of the Crown Counsel as independent Chairman, and then the Consumer Protection Officer, to think of consumers, and the Finance Officer to think on matters relating to trade licensing in which the Financial and Development Secretary's department is intimately connected.

We have recommended of course that anybody should be entitled to object before that committee: either representatives of commerce, trade unions or what you will, but that the committee's deliberations which should be held in public, again in public, should be open to argument by the conflicting interest. We think this is likely to be a more satisfactory way of dealing with what is a highly contentious matter than having a committee, represented of different interest, sitting behind closed doors and deciding possibly because of the personalities of members in the committee itself, one way or another on applications that affect individuals, affect the community and affects consumers.

up
By providing for appeal/to the Supreme Court we think we are putting forward a structure that would seem to be fairer to the general public and will ensure that the main responsibility for decisions on what the needs of the community are should be placed squarely on the members of the House rather than on individuals, however representative they may be, rather than on individuals sitting under the pressure of people pleading for a particular licence or a

particular occasion. We feel it is a matter which should be dealt with more broadly in this House.

So, although we had 47 meetings, and although we have produced recommendations to the House, I think it is fair to say that although we hope the recommendations will prove practical and produce a fairer system of trade licensing, we are not altogether convinced that they will do. I think this is a matter which will have to be reviewed from time to time as it is an extremely difficult subject.

HON J BOSSANO

Mr Speaker the length of time that it has taken the Select Committee to come up with any recommendations of the Trade Licensing Ordinance, and the number of meetings it has had, is an indication of the reservations that there are both on the fundamental issue of whether trade should be controlled or free, and secondly on the best way to go about it if it is decided. The decision, in fact to limit the freedom of private enterprise is a move towards a planned economy, although I am not sure that this has been solely the motivation of the members of the Select Committee. But the Select Committee has without a doubt been seriously hampered by the conflicting advice it has had from the Honourable and Learned the Attorney-General, and I think this should be plainly said, Mr Speaker, because I don't believe in mincing words.

The Honourable and Learned Attorney-General was responsible for drafting the original legislation which was opposed vigorously in the House. Subsequently at one stage in the life of the Select Committee, he strongly advised the Select Committee to recommend to the House the removal of section 14(1)(f), which is in fact the section that is used almost exclusively but not quite, but certainly the question that is used predominantly to decide whether a licence should be granted or not granted, namely whether the needs of the community are adequately catered for or not. It is the section in which the whole edifice of the restriction of trade rests.

The Honourable and Learned the Attorney-General advised the committee at one stage that there was no doubt that the law as it

stood was ultra vires and that an amendment should be put. This was resisted by the Select Committee and supported I understand by the Gibraltar Council where the Honourable Chairman of the Committee, Mr Serfaty, took the matter to the highest level and the stand of the Select Committee was supported.

I am glad that this happened because in fact it transpired that the Honourable Attorney-General had been given wrong advice and in turn had advised the Select Committee wrongly. There is no conflict between 14(1)(f) and the Treaty of Rome, but of course had we simply accepted the advice passively and gone ahead with it then probably the damage would have been done. And I think it is important to note that the Trade Licensing Committee itself felt so strongly on the matter that they asked for a meeting with the Select Committee to say that as far as they were concerned if 14(1)(f) disappeared they would be virtually rubber stamping applications. And in fact minutes of the Trade Licensing Committee were made available to the Select Committee, not I regret to say when the Select Committee had originally asked for them but when it suited the Trade Licensing Committee to make them available to us, but they were made available to us and they showed that on occasions the Trade Licensing Committee had been virtually brow beaten by official advisers on the committee into granting licences which they had wanted to reject under 14(1)(f). And I think.....

MR SPEAKER

But I do not want to interrupt you here, but nothing was mentioned in the report, and what we are considering is not what has transpired on the preparation of the report but as to whether the report as reported to the House should be accepted.

Do you follow what I mean?

I am giving you a fair amount of latitude because it is only fair that a member of the committee should give vent to some of his feelings, but let us not go beyond that.

HON J BOSSANO

Well, Mr Speaker, thank you very much for that, but I think really that if we are going to bring a report to the House of Assembly which counts with the number of pages that this does and consists of the work of 47 meetings, then really we are asking the House of Assembly to accept something, and I don't believe in asking the House to accept something without offering explanations of why we have arrived at what we have arrived in this report.

MR SPEAKER

But the committee did not consider it expedient to mention in the Report any of the matters that you have mentioned that is the only thing I am saying. What we are considering here now is a matter exclusively as to whether we should accept the actual recommendations made in the report. Do you follow what I mean?

You are free to mention other things, I know what you are going to tell me, if the motion was worded differently, or if there is a motion brought in connection with the behaviour of any particular body then that is another matter. In the context of this particular motion, again as I say I don't want to be sticky. You can go a bit further if you want to but you mustn't....

HON J BOSSANO

The relevance of what I was just saying, in fact, about the attitude of officials in the Trade Licensing Committee, is very pertinent to the recommendations on page 3, where it says that section 23 should be amended so that the new Trade Licensing Committee should be composed exclusively of officials. In fact had they been composed exclusively of officials in the past we know that there would have been no rebellion against the advice of the Honourable and Learned the Attorney-General. The people who rebelled were the lay members appointed to represent organisations.

MR SPEAKER

No, I have directed my words as to the assistance given to the Select Committee by individuals, not by what has transpired in committee meetings of the Trade Licensing Committee in the granting of licences. That is the difference between one and the other. but any way do continue.

HON J BOSSANO

But I think, Mr Speaker, that the importance of what I am saying is that in fact we cannot expect a strong reaction to advice which may be incorrect from officials.

MR SPEAKER

Fair enough.

HON J BOSSANO

That is the point that has to be borne in mind. The Government with the responsibility of implementing the recommendations of the report has to decide whether to have a committee composed

exclusively of officials or not as the Select Committee has recommended and as I have said is something over which I have reservations.

I think also, Mr Speaker, that the amount of time we spent on this, and our desire in the Select Committee to be absolutely within the requirements of our obligations to the EEC, is something which has been an inhibiting factor, and I think that perhaps we ought to take a hard look at the situation and consider whether we ought to be so conscious of our responsibilities towards the EEC for as long as the responsibilities of the EEC towards us are as unclear as they are at the moment.

I think the question of the future of trade in Gibraltar as indeed the question of the future of every other sector of the community, has been put in doubt recently, and I think the attitude of members of the House, and certainly my attitude towards anything in which I have participated so far, is going to be seriously conditioned from now on by the attitude of Britain and the attitude of EEC towards Gibraltar and its future.

I don't think, Mr Speaker, that the cooperation that has existed up to now should be taken for granted as something that will be there and will continue to be there. The situation has taken a dramatic turn in the last few days, and what has happened in the last few days has happened after in fact the House had spent a long time on the Trade Licensing Ordinance and on many other matters where we saw the future within a certain context, and everything that we have decided and agreed and planned to take place within that context becomes valueless if the context is changed. And, therefore, Mr Speaker, I think that point ought to go home in the appropriate quarters, because if it doesn't go home some people are going to be in for a nasty surprise.

MR SPEAKER

I will then call on the mover to reply.

HON A W SERFATY

Sir, I would only like to mention that whilst.....

HON M D XIBERRAS

Mr Speaker, I would like to say a few words on this.

I was glad to give my unreserved support to the precious report which we have just debated but I regret to say that I will not be able to do the same for this one.

It is, as I am sure Honourable Members on the Committee will agree, the best solution that it was possible to arrive at after very long deliberations in the circumstances, and I feel that it is apposite to record that when the Attorney-General introduced legislation in respect of land, labour, trade, and Control of labour I think it was, four Bills that were introduced by the Honourable and Learned the Attorney-General, we had a considerable discussion as to what were our precise obligations under the Treaty of Rome.

The problem was debated in this House on another occasion when representatives of the CPA Regional Conference were here as well, at which a number of these representations felt that they had not been advised strictly as regards their obligations under the Treaty of Rome and the subsequent negotiations. I had the honour to meet someone who was very directly connected with those negotiations on Wednesday of last week and he clarified the picture even further for me. And Honourable Members will recall

that on that occasion I felt that the Attorney-General had made greater allowance in respect of trade than he had in respect of other matters, notably labour, and the debate in the House resulted, as Honourable Members will recall, in the inclusion of certain safeguards, extra safeguards, in the Ordinance which amended the Control of Employment Ordinance, to protect workers in Government employment.

Mr Speaker, the history of this piece of legislation on which the Select Committee is reporting is a most unhappy one. It is not because there was a division in the House as regards the protection of local business interests, or because there was any lack of concern as regards the possible dangers that might present themselves unless there was protective legislation to replace the legislation that existed. I think all members of the House were concerned with obtaining for Gibraltar the greatest degree of protection which the Treaty of Rome would allow, and I myself recall making some very strong statements as regards what Gibraltarian businessmen in my submission should do to protect themselves. However, we have not obtained, either in respect of trade or in respect of other matters with which we had to conform on our entrance into EEC with Britain, the degree of protection which most Honourable Members I feel Gibraltar as a small place is entitled to. And the problems the Select Committee has had to contend with, are twofold. One, the problems arising out of the legislation as presented to this house, which as amended has continued to operate during the time that the Select Committee has been deliberating, and secondly, the more substantial problems of principle which to my mind have only partly been resolved, and that is being liberal in my views, by the Select Committee in their recommendation.

Mr Speaker, I am not satisfied myself, neither is a substantial body of opinion in Gibraltar, that we have done all that we could do in respect of protection, not only for trade but also for labour. I feel that on the basis of the recommendation of the committee we should go even further, and I have suggested to one interested group that if the Government of Gibraltar does not go even further then perhaps they should. I am talking about some sort of direct contact with the authorities in Brussels, under of course the aegis of Her Majesty's Government who is responsible for our foreign affairs, to examine the possibilities which are open to small places like Gibraltar in these circumstances, and about these subjects.

I hope that Honourable Members of the Committee see these statements of mine as a furtherance of their own feelings and their own purpose in producing the report, and that any future Government will take a stronger initiative than even that taken by the Select Committee.

I am fully aware Mr Speaker, that the Attorney-General is working at least once removed from the place where the decisions are made on these matters - or should I say too removed - and that Her Majesty's Government in London has to represent these things to Brussels and try to get special concessions for Gibraltar if my suggestion is to be followed. I think it is worth trying not only because of the present situation but because of the situation which might very well develop.

It was said in the course of the debate on these laws which had to do with our entry into EEC with Britain, that the dangers would be much greater if Spain herself at one time became a member of the Common Market. That day is no longer, even with the worse possible interpretation of the events in Spain, no longer

as far into the future as it was when the committee was set up and less so than when we were debating the Trade Licensing Ordinance. We now know that subject to certain conditions being fulfilled there would be considerable support for Spain joining the EEC, and as our immediate and very powerful neighbour I have no doubt that the challenges that would be presented to Gibraltar trade would be almost overpowering in the absence of strong legislation to safeguard local interests and avoid a major dislocation of trade here in Gibraltar, whose implications could be essentially political. Honourable Members I think should therefore see this the report as simply the best that could be arrived at in the circumstances, and a report arrived at without, as the Honourable Mr Bossano said, a member of the committee, without the very real and imminent possibility the Spain can become now in the foreseeable future a member of EEC, whilst remaining of course a very powerful trading company, besides whose concern is private companies, let alone Government companies, Gibraltar commercial entities are quite negligible.

Mr Speaker, I feel that Honourable Members of this House, short of the law courts, are the most competent people to decide on these very delicate matters of setting up of businesses here in Gibraltar. We have had experience in this House of certain businesses from abroad, not from Spain but from another neighbouring country, and we know the sort of problems these attempts to establish businesses in Gibraltar can lead to. In connection with the airlines I already alluded to the possible dangers that confronted us from possible Spanish pressures in that area. These pressures should be generalised and magnified: generalised because undoubtedly in a situation where the restrictions no longer applied there would be great incentive for Spanish firms to come here to Gibraltar and establish themselves and there might or might not be Gibraltarian cooperators in these ventures; magnified

because Spain is just across the border, and the area surrounding us is both economically at a low ebb, and also of special interest to the Spanish Government and the recipient of considerable subsidies.

Mr Speaker, the House should be aware that these very grave considerations which I am bringing to the House are not those which I have invented or ones which I alone think possible. The Maxwell-Stamp Report, which suggests the economic integration of Gibraltar with Spain.....

MR SPEAKER

I am very conscious of the fact that I have given you at least the last quarter of an hour speaking on a very wide area, but I must now bring you back again to what you are trying to do.

HON M D XIBERRAS

I am most grateful, Mr Speaker, for your liberality. I do think that these considerations are important. May I just finish my sentence on the Maxwell Stamp Iberplan Report, and that is that this powerful report which has already begun to be quoted in documents such as NATO documents is a matter of great concern and, therefore, it is a very important obligation of members of this House to ensure that the strongest possible legislation is obtained for the protection of trade and labour and anything in Gibraltar.

Mr Speaker, I said that it was right and proper that this House should decide on these matters. I think it is important, however, that Honourable Members of this House should proceed much more quickly on what I understand was common ground, but I do not know whether it is common ground any more, on a declaration of members' interest in this House, because.....

MR SPEAKER

No, no, that is completely and utterly out of order, I will not allow you to go on with it. I am afraid it has nothing to do with the recommendations of the Report. I don't think that by any stretch of the imagination I could sell that to anyone!

HON M. D. XIBERRAS

May I say, Mr Speaker, without attempting to sell anything to anyone....

MR SPEAKER

No, but I do, you see, I have to interpret the rules and whilst I am liberal there is a line on which I am not allowing any transgression.

I have used the word 'sell' deliberately because it is the Trade Licensing Ordinance which we are dealing with!!

HON M. D. XIBERRAS

Of course.

Mr Speaker, my only point is, that if we are to be judges here as the report recommends of what businesses have enough representation in Gibraltar or not, and the nature of things in Gibraltar where often a line of businesses, limited to five or six business firms....

MR SPEAKER

Yes, but there are obligations under our Standing Orders which require members to declare an interest.

HON M D XIBERRAS

I am absolutely certain about this, Mr Speaker. I just think that we should go beyond that, but I am not suggesting for a moment that we should do so now.

Mr Speaker I think that that is an important aspect of it.

So Mr Speaker, it is in the hope that the report of the committee will form a basis of fighting for further rights of protection for Gibraltar trade, along of course with Gibraltar labour, that I will support, this time not undeservedly but with some reservations aimed at setting a better position, the motion.

MR SPEAKER

Does the mover wish to reply?

HON A W SERFATY

The Honourable Leader of the Opposition has mentioned the Maxwell Stamp Iberplan Report. I hope it has not escaped his notice that this report, which I have read too, is mainly based and only considers the economic aspects of the problem and has not gone into the political, social....

MR SPEAKER

For goodness sake, let us not open a discussion on the Stamp Report.

HON A W SERFATY

The more I listen to the Honourable the Leader of the Opposition, the more I am convinced that the Trade Restriction Ordinance should remain in force, and I tell you why, Mr Speaker. And that is that whereas before I said that we had 250 million competitors who would be competing with us, I didn't say what the exact position is. The exact position is that because

anybody in the world can set up a company in any EEC country and the company be considered as an EEC national, we would have had 2,000 million people competing with 20,000 Gibraltarians. And that is why I am more than ever convinced that this Trade Licensing Ordinance must remain in our Statute Book until we can find something better. I hope, therefore, that everybody in this Honourable House will vote in favour of accepting the recommendations.

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

The motion was accordingly carried.

MR SPEAKER

We now come to Private Members' Motions. There is one in the Order Paper in the name of the Honourable Mr J Bossano.

HON M D XIBERRAS

Mr Speaker, when does the Government propose to take the Broadcasting Report?

MR SPEAKER

I have received notice from the Chief Minister telling me that he intends to suspend Standing Orders to enable members to discuss the report some time this afternoon. I propose it will be done this afternoon. We will now continue with the Private Members' Motions:

PRIVATE MEMBERS' MOTIONS

HON J BOSSANO

Mr Speaker, I beg to move that this House is most concerned at the inadequate facilities that exist for the care of senior citizens and calls upon the government to take immediate steps to put matters right.

Mr Speaker, the group of people that I am referring to is that sector of our community which is at the moment in practice

totally neglected. I have had a number of people approaching me in the last few weeks and they have brought to my notice a situation of which I was totally ignorant and I am sure other members in the House were totally ignorant. And the group that I am referring to consists of people who are on their own and who have nobody to look after them.

We have got a number of denominational Old Peoples Homes the largest of which is Mount Alvernia, which were set up as a result of funds created by the late John Mackintosh, and these Homes have permitted, I think, the Government to neglect its responsibility towards old people. The Homes in question have in fact been for some time now requesting aid from the Government in order to be able to fulfil their role, their function, and this is something that I have brought to the notice of the House in the past, but it would appear from the evidence that has been brought to my notice, that the situation is not simply that they have great difficulty in coping with the work of looking after old people, but that there is a selection process going on over which there seems to be no control.

It would appear that for example for an elderly person to be admitted into Mount Alvernia a number of things are required which in theory do not exist. In theory there are no specified criteria which have to be met, but in practice, and I have had this information from a number of unconnected sources so there is no question of somebody coming in with a story and it not being corroborated, I have made it my business in the last three weeks, Mr Speaker, to check this up very thoroughly, and almost that everybody I have spoken to that has had anything to do with the Homes, or has had anything to do with old people wanting to go into the Homes, has come up with the same explanation of how the system operates. Now I think that because the Home is there and because it is a modern building and it appears to be well equipped, it is all too easy for the Government to say, "Well, there is an Old People's Home there, there is no problem," and the Old People's Home is run on the basis that perhaps those who need it most are excluded. Because it would appear that certainly the financial circumstances of the potential inmates are looked at, and it would also appear that the state of health of the potential inmates are looked at. And it

would also appear, Mr Speaker, that contrary to what one might expect, it isn't a necessary asset, there is no direct co-relation between the degree of ill health and the smallness of one's source of income that counts most for being taken in. One would have expected in fact that it would be the neediest people that would be at the top of the list. I understand in fact that there is a waiting list to get admitted which is very long, I have been told that there are as many as 100 persons on it, but that in fact it is possible, depending on how healthy and how wealthy one is, not to have to join the bottom of the queue. If this situation is so, and I have been told this by so many different people that it would be peculiar that this should not be so, the Government should make an immediate investigation into this matter and ensure that the people who really need care and protection are being looked after. And if in fact the Government cannot intervene directly because these Homes are run independently of Government in view of the fact that the Homes are in need of funds, the Government should seriously think of taking over, running the show properly and then providing the money that is needed to provide the service that people are entitled to look for.

I think it is absolutely criminal that somebody should at the end of their working life be simply thrown on one side because they have given what they could give and are no use to anybody any more. In some cases the biggest culprits are the children of the elderly persons, who when they can see no further use for their parents they just don't care a damn about them, Mr Speaker, they don't care whether they live or die or where they live or where they are. That is so in some cases. But in other cases of course it so happens that the children die before the parents. This is also an important circumstance. In others of course you have got elderly people who never get married and who have been living with their own parents and their own parents die. So we have got one area where the major source of neglect is indisputably the immorality of the children, and I think I said this once before, Mr Speaker, when I was talking about the need for the Government to be concerned about the welfare of children, that I myself believe that the state, the community, has got an ultimate responsibility for every member in the community. A child doesn't choose his parents and his parents do not choose his child. They don't know how they are going to turn out and if the child is a bad son or a bad daughter then the rest of the community in my view are also the sons and daughters of our senior citizens. Therefore, we must step in, we must step in and share the load for supporting our old people in their elderly age, in their last

few years of life, and making their lives as pleasant and as comfortable as we can afford to.

We are not doing that, Mr Speaker, we are not doing that, because the Homes that are in existence at the moment do not in fact cope with the problem. I have heard stories of retired old men who are living on their own in sheds, who have got just the small income provided by Supplementary Benefits because they are they have been working in the private sector and they do not have an occupational pension, who are in need of medical attention and who have great difficulty in being admitted into hospital because in hospital we also lack the necessary geriatric facilities. This is an area where the problem, Mr Speaker, I think is absolutely shocking and the reason why I have brought it to the House at this late stage and not earlier is quite frankly because I was totally unaware until a few weeks ago of the magnitude of the problem. The stories that I have heard of old people being refused admittance into the hospital because it isn't treatment that they need, it is care that they need, and of old people being refused admittance into Mount Alvernia because there is a waiting list of 100, is a situation which cannot be allowed to continue. And although I think we have got a fundamental problem facing Gibraltar which is putting the whole question of our continued existence as a community in doubt, for as long as the community survives I think an absolute priority must be given to the care ~~the~~ protection and the comfort of our senior citizens. Because whatever Gibraltar is now, we owe to the generations that preceded us. That debt must be repaid, and if we do not repay it, Mr Speaker, we shall reap the benefits when it comes to be our turn, we shall get exactly the same treatment as we mete out. Therefore, Mr Speaker, I urge the House to support my motion by speaking in its favour as well as by voting, and I urge the Government to take immediate steps to investigate the matter fully and do whatever they can to make amends.

Mr Speaker then invited discussion on the motion.

HON A P MONTEGRIFFO

Mr Speaker, nothing that the Honourable Member has said is in conflict with my thinking. My responsibility as Minister for Medical services includes the provision of treatment for the geriatrics in hospital, and I will say that because of the troubles of the Mackintosh Home, the hospital nowadays is ~~chocablook~~ with

geriatrics. Geriatrics is a very wide team, because most of the geriatrics we have got in hospital today are really social cases, and of course it is a series of social cases which are taking up beds which are there for acute cases which are in greater need of these beds. We are nevertheless conscious of the geriatric problem in the true sense of the word, and the Honourable Member will be very glad to hear that I would have very much have liked to have made a statement at the time of the Budget but got side tracked by the debate on Scamp, that when the modernisation of the hospital is finished the number of geriatric beds will be practically doubled and will be in consonance with the number of beds a community of this size requires for geriatrics.

I would urge the Honourable Member, since he is so interested in the subject, to visit the present geriatric Ward which has recently been reconditioned and which was handed over to us 3 or 4 days ago. It is not yet occupied by the patients who have been looked after in another place because of the modernisation, but I think I can say that it is now one of the best geriatric Wards that you can find anywhere in the world. I am not exaggerating and any member who wants to go and visit it is welcome to do so. If they will let me know I will gladly take them round.

It is not simply a ward into which you put old folks but provides all the facilities that the old folk need. The equipment is specially designed for the care of the aged. It has cost a lot of money to have all this equipment, some has been provided by generous donors, a lot of it by the Government. I can assure you that in that respect we are doing everything that is expected from us because I have a soft spot for aged.

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As regards the Mackintosh House I am very glad that this matter has been raised. They may have their own problems but they certainly create problems for us too, because whereas they have got very strict rules as to how and who gets in, they have no qualms in passing patients over to us in hospitals, and once they are in hospital it is not for us to decide whether the patient is fit to go back to Mount Alvernia, it happens to be the holy nuns. So we sometimes find ourselves in great difficulties. And I could not agree more with Mr Bossano that if we are going to give money, as we shall certainly have to in the future, we should take the necessary steps to see that whether we run the Homes ourselves or whether we run them jointly with them, there must be rules and regulations that will satisfy the Government, if only because public funds will be invested in the Homes.

Sir, we have no hesitation in accepting the motion with one qualification: whether we can take immediate steps to put all these things right or not is another matter. We shall certainly do everything that is possible quickly to see that the anomalies that exists today are done away with as soon as possible.

HON MISS C ANES

I also support the motion.

I recall that when I was Minister for Medical Services a lady approached me at Eastern Beach with a request that I should order Dr Montegriffo, the doctor in charge of the Mental Home, to admit into this hospital an elderly aunt she and her niece were looking after. They did not wish to carry on looking after this particular lady not because she was ill, not because she was mentally unbalanced, but because she was elderly and they didn't want to have the burden of looking after her. The nuns would not admit her into Mount Alvernia, she could not get into the Geriatric ward in the hospital, and therefore, she wanted Dr Montegriffo to admit her into the mental home. I gave this lady a piece of my mind on what I thought of her and her cousin for trying to get rid of that person who was not mentally ill at all. Certainly, even if I had had the power to order Dr Montegriffo to admit this person into the mental home I wouldn't have done so because to me this is cruel; it is immoral: I could not understand how a person could want to get rid of an elderly person or of the fact that she would want to be rid of her to be free to go out at night and did not want to look after her. The lady was not even paralysed: she was just simply 75 years old, and because she was that age she was a burden to this family, and because they could not do anything with her they wanted to send her to a mental home.

This is the kind of thing that has been happening here in Gibraltar, where children themselves or relatives have been trying to get rid of their elderly parents and aunts, and uncles, for the mere fact that they happen to be elderly, unable to perhaps look after themselves properly, are interfering with their freedom and therefore they want to get rid of them. In this respect I fully support the motion of Mr Bossano.

HON A J CANEPA

Mr Speaker, the Honourable Mr Bossano in moving the motion has chosen by and large to direct his comments at the situation of the John Mackintosh Homes. The care of senior citizens is of course a matter which we shouldn't be concerned with only in so far as the John Mackintosh Home is concerned, we should also be concerned to do the utmost possible so that senior citizens who prefer to live in the independence of their own home are able to look after themselves as well as possible, should be aided by the welfare services, both medical and family care, whenever such assistance is required, and also in addition aided by the back-up facilities which can be afforded by voluntary organisations. If there is a waiting list of 100 elderly folks wishing to gain admittance into John Mackintosh Home, I dare say that there is a list just as long if not longer of elderly people who do not wish to be admitted into the Mackintosh Home, of elderly folks we do not wish, and who are in a way resentful of any interference from officials of the Welfare Section of my Department. It is an unfortunate but true attitude of mind amongst very many elderly folks that leads to outright resentment of what to them is prying into their affairs.

I wonder whether the Honourable Leader of the Opposition has got direct experience of that from the days when he was the Minister for Labour and Social Security. There is an awareness of this attitude in my Department.

Prior to 1974, Mr Speaker, when the Family Care Unit was set up, the contact which the Department of Labour and Social Security had with elderly people in their homes was mainly directed through the Visiting Officers, who under the Supplementary Benefits Scheme visited the home of elderly persons primarily, let it be said, to ensure that the circumstances which had been advanced in favour of a claim for supplementary Benefits had or had not changed in any period of time. And, therefore, a system of regular inspection, annuals or twice a year, was adopted by the department. It had the benefit I think of bringing to the notice of the department the conditions under which a number of elderly folks were living, and I know myself from direct

experience of 2 or 3 very sad cases, where the Department could not persuade elderly folks to leave their homes and to be admitted into Mount Alvernia.

Luckily, as I say, in 1974 the Family Care Unit was set up with welfare assistants who are in a better position because they are not connected with the Supplementary Benefits scheme, to take on this work. The Family Care Unit, Mr Speaker, at present is fully staffed, but all the members of that unit are not yet trained. Some of them are training now in UK and others are due to train next year. But it is the policy in the Department that when all the members of the Unit have been trained and have returned to Gibraltar so that the Unit is fully staffed, through their effort to enlist and coordinate the work of voluntary associations to render the greatest possible assistance to people wishing to stay on in their homes.

It is not just enough in my view, Mr Speaker, but the voluntary association, who do tremendous good work, it isn't just enough that this should be directed at Christmas time in providing gifts or assistance in kind to elderly folks. I think there must be a definite commitment and work needs to be coordinated by people with some expertise in this field.

Members of voluntary organisations are in a happier position to what to elderly folks might appear to be an unwelcome intrusion into their homes from the civil servants, is not a case where a member of a voluntary organisation is concerned. So they can do particularly good work to overcome this prevalent attitude. What one wants, Mr Speaker, is over and above the work that has been done in the past, a more coordinated and a more definite commitment.

As regards the Home at Mount Alvernia, when the Government took the decision just before estimates time to make the grant of £20,000, I think it was, we considered a report that had been prepared by the Board of Governors, in which the Principal Auditor of the Government was also involved, a report that had been prepared into the costings and into the operation of the Home. And if the Government is to commit itself, in the future to regular assistance in the running of the Home, regular financial assistance, both the

Director of Labour and myself have already made it clear that the Director should be empowered, should be asked by Government, to look into the whole procedure for the admittance of elderly folks into the Home. So whilst we may not take over the Homes, at this stage it isn't contemplated that Government should take over the Home, nevertheless, if Government is going to take onto itself regular annual assistance, financial assistance in the running of the Home, there is no doubt that the Director of Labour, who is the person most closely involved with the problem, will have to look into a system of admission. And if there are any aspects of it that he is not satisfied with Government will want this to be put right.

The only thing that I am not very happy about, the motion, Mr Speaker, is that we are being asked to take immediate steps. If immediate steps are in connection with the admissions procedure in the Home, then, yes, this can be done. If it is with regard to the other matters that I have mentioned which we would like to do in connection with helping elderly persons at their homes, as I have said, it is a case of having the Family Care Unit fully staffed, getting the trainees back in Gibraltar so that we can be in a position to really be able to undertake what we would like to do.

HON M D XIBERRAS

Mr Speaker, there is some evidence which I can bear witness to as to the attitude of some senior citizens when approached by Government Departments. Some do not like it and consider it to be an interference, but I do not, if I judge the Honourable Members' emphasis correctly, I myself would **not** give it such a feeling of strength as he appears to do. I think that there have been certain connotations with any kind of Government Officers visits and so forth, which I hope are gradually disappearing. For instance the test for Supplementary Benefits was one which was dreaded by old people since this was their main source of income, and since the test for Supplementary Benefits said that if they had a television set in the house they would have to justify how they had come by the television set before they were eligible for Supplementary Benefits and so forth. This sort of prying, which was very important before as the regulations stood, was the main cause of this resentment.

I think that the Minister would agree that it is precisely in the humanisation of these contacts between Government Agencies and senior citizens that the solution lies and the prejudice -- if such it can be called, can be eradicated. On the other hand I have also some evidence of the old school of thought which would couch its argument if we start giving certain facilities thus: to old people then we shall weaken the family ties, the obligations which members of the family themselves have towards these senior citizens. It is not a school of thought I am a member of I feel that the world and social relation are developing in a certain way and it is very difficult to halt these tendencies in Gibraltar. If we feel that we can do so but do not succeed in doing so and do not help out in the circumstances then we are not doing our duty to a generation or two generations of elderly people.

The Thayer Report, as the Minister knows, which eventually resulted in the setting up of the Family Care Unit, clearly accepts the obligations of Government in this respect, and here I entirely agree with what the Minister has said that the emphasis on senior citizens not in any of the Mackintosh Homes is a useful one in this situation. It would be wrong to imagine, as I think it has been the tendency in the past, certainly before the setting up of the Family Care Unit, that the senior citizens of Gibraltar were concentrated in these Homes, and outside these Homes there was not much of a problem because they were being looked after properly. This is not the case. With the leave of the House I would like to raise very quickly one case: a couple, the wife an invalid, the man a very old person now and not capable of looking properly after his wife but who wanted to look carefully after his wife, living in Devil's Gap Steps, with a very serious housing problem which did not allow him to bring his wife out in a wheel chair and so forth. I think the Minister for Housing may know something about the case. Now, in these circumstances the problem of caring for senior citizens outside the Mackintosh Homes is in fact a bigger one than caring for those inside the Homes. Those who are lucky to get in, that is.

I would like to see a coordination - in my time I attempted it - of the agencies whose services which do devote time to senior citizens. The Honourable Mr Canepa will be aware of my efforts to rationalise the Social Welfare Committee, I believe it is called, and to try and get them to tackle the problem broadly at any particular time rather than deal with individual cases. There was such an attack on the drugs problem here and I think the result had been fairly good, because it was an even more serious problem at one time than it is now. I would like to see a coordination of these services and agencies in respect of senior citizens where the left hand did not know what the right hand was doing I think as regards expenditure we might find that resources that are put by Government to this end might be more profitably utilised if this were the case and if there were real findings on this we would see that we could do much more for senior citizens even with the report which we now dedicate than we do now.

I am thinking also of some of the jealousies that arise in respect of one department, in respect of another, of one organisation, charitable organisation, in respect of another. I think there is tremendous fund of good will in Gibraltar, as the collections and so forth demonstrate, for the care of our senior citizens, but I do not think that there has been enough coordination on the part of past Governments in the use of these resources. I, therefore, urge that the committee I was talking about or any other committee which has representation both from Government and from voluntary organisations, should be remodelled, if this hasn't happened yet, and that they should produce some sort of information as to the problem. How many people do we have outside the Government Hostels; what is the real demand to get into the John Mackintosh Home; do need to plan for an extension of these homes; how are we going to deal with these problems.

I think this is absolutely fundamental: otherwise we might spend money in one direction and see the need growing in another. For instance, in respect of Mount Alvernia, if it is true as I am sure it is, the Honourable Mr Montegriffo has said that the Government shall have to spend money on Mount Alvernia, the present financial situation there, it is not just a question of getting control or a say in these Homes, it is also a question as to how much money should be put into that at the expense of the development of our services for senior citizens in their homes.

There is of course the very obvious points of pensions, these need to be raised and the Supplementary Benefits, to my mind, the rules must be revised to ensure that the Department of Labour and Social Security is not regarded with any hostility by people visiting. I am sure that the general intention of visitors is a good one, but they are hamstrung by the rules which they have to operate. I think it is a rather peculiar attitude on the part of Government to say, "Look, you must justify absolutely every piece of furniture that you have here before we can give you any kind of supplementation." This in social cost is a tremendous loss to Gibraltar. I believe that the simple phrase "Senior citizen" which we owe to the Hon J Bossano, has done a lot to change attitudes in the pensions fields and so forth. It is a more tasteful name than the one that we used to have before.

To give one further illustration, I wonder what the response was in these holidays abroad for elderly persons, whether we got more people for Mount Alvernia than we got from people living with their families or on their own. The Christmas bonus given to Mount Alvernia is another example. We tend to give that to people who are there, whom we can identify as being there, but we tend to forget about other people.

And lastly I urge the Housing Authorities - I know they are under strength and so forth - but then there is a case for transfer of accommodation, to regard these older folks, the senior citizens, I wouldn't say specially because we all have problems, but to be aware of the needs of these older persons, especially those living on their own, and where there has been medical certification that they have a problem.

Now, as to implementation, I think the House is full of concern for this problem and perhaps so much full of concern in the past that we have tended to do these things piecemeal here and there and we should attempt to coordinate these efforts. I was saying, as regards implementation of this, I do not agree that these matters should await a future Government, I think very valuable work can be done. Certainly what the Minister says is correct, that they could revise the procedure for admission to Mount Alvernia and try and see what the real demand is there, but also I would urge him to put to the Social Welfare Committee, or any other relevant organisation, that they start now preparing the ground, preparing some sort of information for any future Government.

I think a simple listing of the services available and the amount of money spent and who are the recipient of these services, would be of great benefit to the next Government of Gibraltar so that not only a good deal can be done for the senior citizens but a comprehensive one. One on which not only the next Government but future Governments can themselves build.

HON CHIEF MINISTER

Mr Speaker, because of a professional interest in one aspect of the question of the running of the Mackintosh Homes I have some information which might be helpful to the House. I may have an indirect interest in what is happening in Mount Alvernia but once I declare that, I think I am entitled to say what I want. And I think it is only fair because I understand that the great difficulty that has arisen more recently has been the stringency with which people are allowed into the Homes, particularly Mount Alvernia. This arises as a result of the escalating cost of running the Home which are not met by the amount that the Mackintosh Trust has devoted to it, and I can say that the Governors for whom my firm has acted in the past and is acting now, are urging the Trustees, in fact have an application before the Court, to devote more of the money of the Trust to the main Trust of the Mackintosh Will, which is the Homes for aged people. That is the main trust of the Mackintosh will, and to devote more money to it to make their lives easier. In the meantime they have had naturally like anybody who is in need, recourse to Government money, which is public money, and there was this immediate grant to relieve a certain situation. But the Government feel that the question of the application to the Governors should be heard to see how much more money can be devoted out of the Mackintosh Fund. For the time being there is a substantial sum which will come in due course on the death of the daughter of the late John Mackintosh, but that could take another 15 or 20 years and that would not relieve the situation.

I know that that is one of the main difficulties and I entirely agree with what my colleague has said. There has also been a committee appointed to see whether the administration is sensible or not, and whatever the result if in the end public funds are to be spent in the running of Mount Alvernia, much as we owe to the John Mackintosh Trust and to the late John Mackintosh for having these Homes, if we are going to pay substantial sums in order that these Homes are run in a satisfactory manner and that the criterion of admission is made much easier for more people to be

able to go there, then of course it is only proper that the Government should have a say in how the money is spent generally.

HON L DEVINCENZI

Mr Speaker, from what the Honourable and Learned the Chief Minister has said it appears to me that he favours the status quo vis a vis the management and the running of the Homes the only thing is that Government would get more involved.....

HON CHIEF MINISTER

If the Honourable Member will give way. I said that if the Government is going to spend money towards the Home we should have a say how the money is spent.

HON L DEVINCENZI

Yes. Mr speaker, the word there "if Government is to spend money," that is why I took it that the Chief Minister accepts that the Homes should be run as they are now, except that Government could contribute whenever needed and then....

MR SPEAKER

I don't think the Chief Minister has got authority to do away with the Trust or the assets of the Trust as it exists.

HON L DEVINCENZI

No. Mr Speaker, he hasn't. The only thing, Mr Speaker, is that whether it is this Chief Minister or the next Chief Minister, what I am trying to say, Mr Speaker, is that it is Government's responsibility to look after the welfare of the senior citizens and that there should be full involvement. Now, the involvement of the John Mackintosh Trust should be perhaps incidental. Whether it is a major or a minor contribution is I think immaterial, Government perhaps should try, and I am sure they would get the support of the Mackintosh Trust, in getting maximum support from this Trust which as the Chief Minister said himself, is in a way designed to help the senior citizens, but it is Government's responsibility. This is my main point.

Mr Speaker, as the management exists today I think that the nuns and the workers there are no doubt doing an excellent work, but by their very nature they are probably conservative in attitude, and even in mentality, and that added to the fact that all the cash needed is not there, help bring about the situation which is about now and which has necessitated calling upon Government for help. I think, Mr Speaker, most close observers of this set-up will agree that whilst perhaps at the higher levels all these organisations are very well meaning and socialistic in attitude, when it comes down to the day to day running, the conservative attitude does come to the fore and there is bound to be selection and what have you, which as the Honourable Mr Bossano said tends to discriminate perhaps against those who need it most.

Mr Speaker it is ten minutes past one now and we have had several speakers on this subject. All I would add is to urge any future Government to take whatever steps are necessary and to do so as quickly as possible. To involve themselves fully with the care of senior citizens and then get as much money as possible from the John Mackintosh Trust to help in the running of it. Thank you, Mr Speaker.

MR SPEAKER

I will call on the mover to reply then, if there are no other contributors.

HON J BOSSANO

Mr Speaker, I am glad that all members of the House have expressed the sentiments that they have done and the support for the motion and for what it seeks to do, which is to rectify a situation which I describe, Mr Speaker, as really as a blot on our community, and one certainly which I was unaware of until the last few weeks, was as bad as it appeared to be. There are two points which I would like to make absolutely clear what is the intention behind the motion: one is that I accept that there has to be a long term solution to the problem which cannot be done immediately but which a Government must frame in an awareness of the extent of the problem, and the short-coming of the present facilities. Otherwise whatever long term solution they come up with will also fall short. The second thing is that now, straight away

that now the Government must accept responsibility for those people that are shunned by the Homes and shunned by the Hospital. That must be put right, Mr Speaker, because those old people are now at the receiving end and there are a number of individual cases which I bring to the attention of the Minister for Labour and Social Security and I hope that the Honourable Member will take a personal interest in following them up and seeing that the Department does what it can with its present inadequate resources to make their lives easier in their circumstances - that is one immediate thing that I would like to see the Government doing - the other immediate thing that I would like the Government to do would be to tell the Board of Management of the Homes that the reports that there are of the selection procedures give rise to misgivings in Government's mind but Government has already put money and therefore Government already has an interest in the matter and that it is unacceptable to Government that whether a person is admitted to Mount Alvernia or not admitted to Mount Alvernia, for example, should be decided not in accordance with known guidelines but in accordance with value judgments which perhaps as I say instead of being correlated with poverty and ill health, appear to be correlated with good health and wealth, and that, Mr Speaker, seems to be a negation of what the Home is supposed to be doing. I commend the Motion to the House.

Mr Speaker then put the question in the terms of the Honourable J Bossano's motion which was resolved in the affirmative and the motion was accordingly passed.

The House recessed at 1.15 p.m.

The House resumed at 3.15 p.m.

MR SPEAKER

We are still on 'Private Members' Motions and the next matter on the Agenda is the motion of which the Honourable the Leader of the Opposition gave notice five days ago.

HON M XIBERRAS

Could I enquire before moving my motion what the Government intend to do with the report of the Select Committee on Broadcasting, ^{and} whether they are prepared to take this now?

HON CHIEF MINISTER

I have given you notice, Mr Speaker, that I propose at a later stage to move suspension of Standing Orders to deal with the report.

HON M XIBERRAS

Is the Honourable Chief Minister not prepared to move that particular motion now?

HON CHIEF MINISTER

I think it is fair that all Members should have as much time as possible before it is discussed.

MR SPEAKER

I have also received notice from the Leader of the Opposition that he is going to raise on the adjournment certain representations made to the Honourable Members by Mr Peter Lock.

HON M XIBERRAS

Mr Speaker, I have the Honour to move that this House deplores the inconsistency, inaction, incompetence and weakness of the present Government elected in June 1972.

Mr Speaker, the present Government took office from 2 years 8 or 9 months after the closure of the frontier and after the first non-AACR government ever in Gibraltar, and in the midst of very considerable controversy surrounding certain matters which affected Gibraltar in all its respects. The words that have been put into the motion are quite deliberate. Those of inconsistency, inaction and incompetence are words which the Government have heard before from me, the added word of weakness is rather more topical but I shall come to that later. Mr Speaker, to try to deal with all the aspects which have come before this House, which have a bearing on the terms of my motion, would be quite impossible even if I were to speak for 3 hours which I do not intend to do. But I think it is fitting, particularly with the present Leader of the House listening in, that I should move this motion in the House because Honourable Members on this side have always given a great deal of importance to the deliberations of the House and have always been concerned that the public in so far as it is possible and practical, should look to the

House of Assembly as the place where the important issues of Gibraltar are concerned. It is perhaps one of the failings of the present Government that they have attempted to draw attention away from this House of Assembly, perhaps out of a fear of being bested in debate, perhaps because they have to be responsible for what they say and an answer can be given to what they say. The meetings of the House of Assembly used to take place when our Government was in office usually late in the evening, when people could attend and people could find out what was happening. The present Leader of the House chose with his usual panache for avoiding questions and avoiding a public confrontation of his attitudes, started the practice of having the major part of meetings when people, especially working people, were unable to attend the meetings of the House. It is a fact, Mr Speaker, that in the four years of this AACR government except for the frequent occasions on which the Government has been directly confronting a goodly sector of the community, meetings of the House have been as ill attended, may I say with all due respect to the faithful few who do attend, as it is now. I mention this in opening, Mr Speaker, because I feel that this House and nowhere else is the place where Honourable Members are responsible for what they say, can be picked up on what they say, can be criticised constructively and policies which are of benefit to the community generally can be worked out in full view of members of the public. It is in this House where members of the public can see Honourable Members debating points and see who has the policies, the measures, which are of benefit to Gibraltar. Because leadership is not about drifting with the tide, leadership is not about taking the line of least resistance, leadership does not lie in political opportunism, leadership is not merely a question of making statements on television with nobody to question them except an interviewer who very rarely attends the functions of this House for reasons which are perfectly understandable and who can therefore not really be expected to draw out the cardinal issues and the main lines on which parties are committed. The present Government took office with a mandate of restoring sanity to Gibraltar, of ending chaos. And they were not as eloquent or as definite as I intend to be, they were out to create a united Gibraltar through the reconciliation of the various interests and to the good of Gibraltar as a whole. I have not mentioned the adjective British Gibraltar because Honourable Members on the other side drape this aspect of things down very much in their manifestos. However, I am prepared to concede that if they had had the foresight to look over their next four years in office, they

might have very well included a categorical statement in relation to the adjective I have just used. But so many things, so many views have changed in these four years as regards the election manifesto and the election campaign of Honourable Members opposite. Mr Speaker, the first of these major changes only became known to this House almost half way through the term of office of this Government and I refer to the visit of the Chief Minister and myself to New York, in December 1974, when shortly before the visit of the Honourable the Chief Minister and myself to New York, it became known after a great deal of pressing by Honourable Members on this side of the House and by the press in general that the Chief Minister had had secret talks with Spanish representatives in Brussels. Honourable Members will recall that the question of the attitude of the two parties to talks was one of cardinal issues at the last election. The Chief Minister in a recent communique has attempted to draw Honourable Members on this side of the House into further dispute about the events surrounding 1972. If it has to be done of course we will accept this challenge and I have full authority from the then Chief Minister before 1972 to publish certain communications which will not tend to prove conclusively one side or another but could give a good indication of the events of those months prior to June 1972. However, it is not on this part of the history, such as it is, of the present government that I intend to dwell, it is more on the development of Government and Opposition and the interplay between the two in the time between the meeting on the Gibraltarian view in 1972 and the passing of the motion of talks with Spain at the beginning of 1975. Mr Speaker, the great division which Gibraltar suffered in 1972 in the election which resulted in the narrowest of victories for Honourable Members opposite by a matter of the last seats of less than 200 votes with eight seats to one side and seven to another, the great division was hardly applauded by one side or the other of the public that voted. Neither do I think was it applauded or welcomed by the many people who abstained at that time. There was deep and personal injury done in the course of those meetings and that election campaign and I hold myself responsible for trying to heal those wounds and trying to arrive at a position which Gibraltar as a whole could support. It became clear, Mr Speaker, that times were about to change and that the attitude of the Chief Minister and Honourable Members opposite as regards the desirability of beginning talks with Spain was going to lead us into very dark trouble. Even though Franco had not died it was clear for all to see that his days would not be long and it was clear that Spain's needs would lead her towards Common Market and NATO integration and that as a prerequisite for such integration they would have to be major changes in Spain. Although

nobody could have wished a longer reign to the ~~ag~~ Head of State for what he had done to us the people of Gibraltar, it was clear for all to see that the changes towards a more democratic Spain would give rise to certain dangers for the people of Gibraltar and certain question marks would arise in the minds of certain people in the United Kingdom as to the real future of Gibraltar. I need not, Mr Speaker, quote to Honourable Members their attitude at that time, all Honourable Members made it quite clear when I raised the matter of the Chief Minister's meetings in Brussels, that they thought that "jaw jaw" was better than "war war" and that no harm could come of talking. These phrases and similar ones came out of the mouth of almost every single member of the Government. And though there was deep concern and deep annoyance in the benches on this side of the House as to the secret meeting in Brussels held at the request of Her Majesty's Government as we found out and although what had transpired at this meeting became known in Gibraltar only as a result of certain correspondence in the London paper The Times, and even though Honourable Members on this side of the House have justification to feel very much aggrieved that these meetings had been held in secret and it had not been thought fit to consult even the Leader of the Opposition ~~and~~ this meeting, and even though it was only 20 months after the event that we had information as to this five-hour meeting in Brussels with the Spanish representative, it was my instinctive reaction in proposing a vote of censure on the Chief Minister to move straight away and in the interest of Gibraltar another motion which attempted to get a united front for Gibraltar even after all this trouble on the issue of talks with Spain. Honourable Members will recall that although predictably the motion of censure was defeated and although on the second motion asking for a common view, for no talks with Spain for as long as Spain was adamant on sovereignty, although on this motion all Honourable Members on the other side of the House expressed the feeling that it was better to talk than not to talk and that nothing but good could come of it, I was delighted by the inconsistency of the Government and after consultation with the Chief Minister we were able to vote a very strong and a very powerful motion in this House which all Honourable Members supported which if I might paraphrase said that talks with Spain were not in Gibraltar's interest for as long as Spain was adamant on sovereignty and in any case should not take place without prior consultation with the other side of the House. It was conceded that Her Majesty's Government in the exercise of our foreign affairs was entitled to suggest and to initiate talks, though it was not conceded that our foreign affairs should be purely a matter for Her Majesty's Government to judge upon and certainly not that our future

was a matter which we entrusted to the exclusion of all advice from Gibraltar to the exclusion of all legitimate and well considered advice from Gibraltar, that we conceded this right to Her Majesty's Government. And so, Mr Speaker, despite our differences we had here a cornerstone for the formulation of a view which Gibraltar as a whole could support, which Honourable Members on both sides of the House could support, which the Trade Union movement could support and one which would stand us in good stead in the developing situation in Spain. Honourable Members will recall that Franco died, I think it was in November. and that by this time - it was in fact in October 1973 - that I had taken steps to start a process towards the formulation of a Gibraltarian view in which I may disclose the issue of no talks was a cornerstone, and after November there was absolutely no doubt that Spain would turn towards democracy. I recall seeking clarification of the Chief Minister's attitude to the question of talks in a certain forum and I was delighted by his reply that in any case there was no one to talk to in Spain because Governments were changing, or words to that effect. This, Mr Speaker, could only rebound in the interests of the community and despite the inconsistency of the Government, despite its turnabout, I was delighted with that result. At no time did I press the point in public, at no time did I say: "Well, I do not know what the Chief Minister is going to do", though I was concerned. Mr Speaker, in July 1973, as I said, I wrote to the Governor pointing out the need, especially with what had happened with the last Governor, Sir Varyl Begg, pointing out the need for a united Gibraltar. It was barely a year, a year and a few months after the elections and the great division which had taken place. And I submitted this letter, candidly, without excluding any of my thoughts, to the Chief Minister, with the Governor's agreement, at least without his objection, and from then on I continued to press for a Constitutional Conference to be called and a Constitution Committee to be set up. Honourable Members are aware of this whether or not they were informed of this by the Chief Minister and because the attempt to form a Constitution Committee became public knowledge as a result of my questions in the House. The Chief Minister in answer to my questions made the provisos that he thought that we should be united in our views before we sought a Constitutional Conference because otherwise if there were divisions there was, in his view and in mine expressed to him before he answered that question, no chance of obtaining a Constitutional Conference. I gladly acceded to that point and we set to work in Constitution Committee to try to formulate a joint view. Mr Speaker, the fate of the Constitution Committee and the constitutional proposals if not well known by all in Gibraltar are at least known to

to Honourable Members here. They know that in the end after much discussion for two years there were joint views expressed. The Chief Minister has said that he has agreed to my party's proposals in order to reach this joint view. The Chief Minister has said that he agreed with these proposals in order to make possible a Gibraltarian view. On our part we made it quite clear in the body of the report that our agreement to the Constitution Committee which was the AACR proposal had the same purpose in mind. In any case, Mr Speaker, we stated clearly in the report that our agreement to the Constitution Committee was conditional on other things being accepted by Her Majesty's Government and, of course, by the AACR because we felt that the Committee system could not operate to give but one example, if there were no common standards to be aimed at by all members who were elected after the next election and that better than have the personal grievances and divisions that would arise if there were no common standards which would have been given by the permanent economic link which sets those standards at British standards to be progressively achieved, rather than have these personal divisions which would make government almost unworkable, we would not have the committee system. Mr Speaker, in essence the two main proposals represented to Mr Hattersley when he came nine months ago when it was felt that we would be able to agree in the long run after more deliberation on a common set of proposals. Mr Speaker, that set of proposals was described by Mr Hattersley as proposals for closer integration but I must make clear that at no time did I press in committee the word integration nor did I at any time insist on giving the relationship that was sought by both sides a name. We simply argued out the proposals so that everybody could be aware in the committee of what the shortcomings were. The shortcomings from our philosophy and the shortcomings on the AACR philosophy and that it was a compromise view taking into account what was best in the circumstances for Gibraltar. I remember asking the Chief Minister, once it was clear that we would agree, whether he would be prepared to fight for these proposals and he assured me that he would be. Mr Speaker, I think I would be entitled to accuse Honourable Members of inconsistency in agreeing to these proposals.

MR SPEAKER

May I say that I have been very liberal because I was hoping you would come to the substance and that all you have said must of necessity be a preliminary to the accusations that you are making against Government. So far you have given

a history of what has transpired.

HON M XIBERRAS

Mr Speaker, I am actually talking about the inconsistency. I have described the inconsistency as regards talks with Spain. This I have made clear and I have now broached the question of the constitution Committee. Mr Speaker, these views were joint views and I have not chided the Government up to now until what happened in London with inconsistency or whose side the proposals favoured. However, I did expect the Chief Minister to defend the proposals in London as what they were, a joint view, a Gibraltar view, a view in which both sides had amalgamated their constitutional thinking and had produced something which they thought was of immediate benefit to Gibraltar and should be taken to the Secretary of State at the time that it was. I am not going to dwell on this business of who said what in London other than to take up the Chief Minister's own public words in Gibraltar that of course I defended my proposals and he defended his proposals or I defended my proposals more and he defended his proposals more, with greater vigour. I do not think that even if he were accurate in his representation of what happened at that meeting, that that is what the public understands by defending a joint view. I stand by what I have said in respect of what happened at the meeting but I do not think that the public expects a set of joint proposals to be fought for harder by one side and less hard by another side if these proposals are joint, if these proposals have been discussed over two years, if they represent a Gibraltarian view. Because, to take an example, what would happen, Mr Speaker, if the leaders of Gibraltar were to go on a joint set of proposals in some future event for talks with Spain and one leader were to stress one side more than the other side? Would not the Spanish government, let alone Mr Hattersley, the Minister, take advantage of one side being prepared to fight the harder for one set of proposals than another because they happen to have contributed it? Is this what the public understand by a common view or a Gibraltar view and is this what they are to understand by a common view in the future in matters where the vital interests of Gibraltar are at stake? I do not think so, Mr Speaker. But, there it is, the Chief Minister has already commented to the press on the London meeting and I feel that what he has had to say and what his party has had to say more than illustrates the point that on the basic proposals, on what Andrew Walker of BBC called a couple of days after the meeting, called the more important proposals, namely, UK citizenship and the permanent economic relation-

ship, Her Majesty's Government has not agreed and Andrew Walker carried on saying in the Spanish service of the BBC that Britain had indicated to the Gibraltarians where their future lay if the Gibraltarians could see it. This is a view of an important newspaperman, a commentator in the United Kingdom, but I think it illustrates at least why the London meeting developed from the seeking of the Constitution Conference by both leaders of Gibraltar, Government and Opposition leaders, into something much broader an indication of the way that Her Majesty's Government was thinking as regards the future. It is this rather than the failure of the Chief Minister to defend the proposals as a whole, which concerns me. It concerns me, Mr Speaker, because having seen the record of inconsistency of the Chief Minister on this important issue and allied ones, I am much concerned about the future of Gibraltar as I hinted to the House in two motions taken this morning. Mr Speaker, perhaps the Chief Minister could give us in this House, in reply, his assessment as he has given it to members of the information services so that the people of Gibraltar will know to what extent he feels that there is a danger or to what extent he is being even more inconsistent with the statement he made at the AACR conference as justification for his standing for election, that there were subtle dangers facing Gibraltar with the democratic situation in Spain and this was the main reason why he wanted to be there, he wanted to be present, at any future talks. Because if he wants to be present and he wants the people of Gibraltar to elect him to be present, then he has an obligation to assess the situation and inform the people of Gibraltar as to what his position is. Mr Speaker, I hope that after the statement the Chief Minister had made, the latest one in Blanco y Negro, widely reported, about sovereignty and about the general firm line which he took in Blanco y Negro he can still stand by. I am sure that he will say, yes. I am certain that he will repeat pledges but the reason why I ask him to do this, to give his analysis of the developing situation in Spain, not to Spanish journalists, not to members of the press, but to Honourable Members here in the House, is because I do not think that his attitude to what Mr Hattersley had to tell us not simply in respect of the proposals but on the wider issues, on the rights of the people of Gibraltar, I would like to think that I would not have to condemn him too on inconsistency on that.

I have made clear that I have said that the Chief Minister's attitude was accommodating at this meeting and I stand by this view. Let me give an illustration, Mr Speaker. In respect of United Kingdom citizenship I understand that the AACR communique states that the AACR is satisfied with

the reply of Mr Hattersley. Mr Hattersley's reply was that nationality laws were being considered for revision, that it was exploratory at this stage and that the people of Gibraltar would be no worse off in respect of entry into Britain, ~~than they are now~~. And the Chief Minister said thank you for that assurance and obviously accepted it. And what went on at the meeting, Mr Speaker, what the Chief Minister said went on at the meeting, perhaps is neither here nor there. But what is important is that the AACR says now and what the AACR says now is that they are satisfied for the time being with this assurance. I would call this, Mr Speaker, an accommodating attitude in itself. And this is not something which I have invented the Chief Minister said, I am talking about the AACR communique as stated. Now, Mr Speaker, is there not an inconsistency between the leaders of Gibraltar going and asking for United Kingdom citizenship with all its attributes as a constitutional change as possibly the most important proposal in our constitutional proposals agreed to by the Chief Minister in 1970, repeated now in 1976 in the context of a possible revision of nationality legislation, and this attitude of the AACR communique that they are satisfied with what Andrew Walker called "mere guarantees"? Is this showing a consistent attitude throughout on this most important matter or was it not the duty of the leaders of Gibraltar at that meeting having agreed to this to press for much more than that? Last night Mr Speaker, I was thinking these things over and I said to myself: "How could the British Government fail to give us a guarantee that if nationality laws were changed in Britain the people of Gibraltar would have the same nationality, the same citizenship, as the people in the United Kingdom? How was it possible to stop short at that position? How was it possible in view of the preamble to the Constitution? Mr Hattersley totally unaware of the doubts that this would obviously conjure up with the people of Gibraltar here. Was the Chief Minister not aware of this? Surely, Mr Speaker, Mr Hattersley knew the essence of our representation on this particular matter for 9 months. Surely he knew the importance we attach to it. Surely, Franco had died already and he knew exactly what the import and the purport of our representations were and how could he fall short of giving us that assurance. How could it enter his mind that the British Government would be allowed to take up a position on this matter once it had come to a head in the present circumstances, could take an attitude which it must guarantee us, that if there were changes in British Nationality we would not have the same citizenship, the same nationality, as the people of Britain?

How can he conceive of it and how can the people of Gibraltar accept that position now? To accept anything less than that assurance and by that I do not mean that we should be given on the spot UK citizenship, I mean an assurance that we would never, whatever happened in Britain, we would never have a different nationality from the people of Britain or a different citizenship. We who are in the Common Market, what worth is the assurance about entry, if the right of entry might legitimately be claimed by us as members of the Common Market. And this we got unfortunately not from Her Majesty's Government directly but by virtue of Her Majesty's Government intergration into Europe. It is indeed, Mr Speaker, an accommodating attitude to adopt to accept anything less than that assurance. Mr Speaker, I will not go through all the proposals but I think that the inconsistency of the Chief Minister in his attitude, in his will to fight, in his mood to defend, and in his pledges to his colleagues, display this inconsistency to a very high degree. I go no further than the word inconsistency, Mr Speaker. Mr Speaker, for two years now the Opposition has been conscious of its role in Constitution Committee, its behaviour has been one of constructive criticism. Constructive, Mr Speaker, in a series of events which I now turn my attention to, namely, the pay reviews and the relationship with the Union. This Government in 1972 was faced with a pay review, Mr Speaker, were faced with a financial situation left by the previous administration after two years and eight months, perhaps among the toughest that Gibraltar has had to face following the closure of the frontier. And they got into power, as the Honourable Mr Canepa often says, and facing this pay review their general attitude and the specific statement of the Chief Minister was that the previous administration had left no money to meet that pay review even, I believe, the offer that was tabled by officials to cover the interim period of 40p or so, that they would have a deficit even with 40p on the table. I need not, of course, elaborate on what was eventually got by the unions but I do want to point out again the inconsistency of the Government in this that having stated publicly on television that there would be no money, after a very, very unsubtle attempt to boost up expenditure and depreciate revenue the pay review was met and some very long time afterwards in the course of events in this House we found that there was a surplus. But, Mr Speaker, that was only after considerable turmoil; even on that occasion, though of course by no means comparable of what happened on another occasion. The Chief Minister blatantly accused the last administration of leaving no money. He used a political argument in order to defeat an industrial claim. And he

was proved wrong on economic grounds as was so wonderfully done by Mr Joe Bossano in a very long speech that he made and circulated to members of the press as he reviewed the economic performance of the Government. What a morass of inconsistency and of incompetence, the history of the industrial relations of this Government. What shame to a government to have to adopt 1,000 different postures, public and otherwise, to mis-state the figures, because the previous administration had not committed the Government to anything more. And yet when from the Opposition Major Peliza said £5 Honourable Members opposite despite their complete misreading of the financial situation, jumped so high that they almost hit the ceiling of this House, what an inconsistency to have to face a certain sector of the community with the level of wage settlement which this Government had had to accept. The 1972 negotiations, if such they can be called, should have been a lesson to the people of Gibraltar that the Government had no views on salaries. The Honourable Mr Montegriffo has before the election been reported as saying that the object of the Government was to keep wages steady, to keep them low. What an inconsistency, Mr Speaker, now, four years later, what incompetence in the furtherance of the Government aims and what weakness in respect of their stated aims.

Mr Speaker, came the 1974 review and came the motion on parity moved I believed it was by the Honourable and Gallant Major Peliza. And what a superstar ^{speech} the Chief Minister made in relation to parity of wages in this House. How well he excited his sense of ridicule and poured it on Honourable Members on this side of the House, how he referred with great weight and authority to MacMahon, this unemployed gentlemen quoted in Newsweek somewhere around Newcastle. Of course Honourable Members smile, I think it is indicative of the standards which public life have reached, Mr Speaker. I am very grateful, Mr Speaker, for their attention, no doubt they have something to learn but I do not think anything I could tell them would make them learn anything if they have not learned from their bitter experiences in the past - this is the point which I intend to make later - I do not think they have learnt at all. But this is an argument which belongs more to Mr Bossano than to me. Mr Speaker, came this motion and of course this concept of parity of wages was out, the Government could not contemplate it, it was the height of the absurd for anybody to come here and propose parity of wages with simply the power of reasoning and the power of argument and the power of logic and figures and concern. It was too much to ask, Mr Speaker, that the Chief Minister and his

colleagues should be convinced by the power of logic, that they should be convinced in a civilised and democratic manner about these things. The motion was not only rejected, Mr Speaker, it was not even considered. And yet when the Gibraltar Trades Council put in their submission for parity of wages things began to take on a different colour, a different complexion. It is true that the Chief Minister resisted the idea. One of our arguments in the course of the motion on parity had been that we could get industrial peace this way, that our responsibilities would come to the measure of our power. Mr Speaker, the Chief Minister is not paying any attention at all to this but as the GTC campaign got under way we had the Chief Minister at his most inconsistent and, if I may say, incompetent. Deliberate inaction, Mr Speaker, that was his policy - not doing anything. Let the Union or Unions crash, let them get nowhere, masterly inaction by the most experienced exponent of the art. Do nothing, even go to the United Nations if necessary but do nothing about the claim. Who will forget, Mr Speaker, in Gibraltar, the address of the Chief Minister on the 4th of October, I think it was, 1974? Who will forget his flat and uncharacteristic denial that any responsible government, not just his but any responsible government, would ever contemplate not only parity but a link in wages and salaries between Gibraltar and Britain. The Chief Minister shakes his head, but perhaps he could refer to the Chronicle of the 5th of October 1974, and at the bottom of the right hand column he will find a quotation which I will not bore him with at this time. I will leave that matter because the Chief Minister shakes his head for the sake of effect and I shall have great pleasure in quoting it in toto to him when I exercise my right of reply. Mr Speaker, but it was not only that he felt that no responsible government should ever accept this wages link, it was more than this. It was a serious and most un-Hassanlike statement of the consequences that would come to Gibraltar if this was accepted. There was a categorical enumeration of what would happen, there was a working out of figures of how much electricity would have to go up, by how much rates would have to go up, of the great harm that this would do to our case in Gibraltar, of what advantage they could take of these circumstances. What a bleak picture, Mr Speaker, the Honourable Member painted. What a clear stand for a leader to take and not in this House but publicly on television and with the Gibraltar Chronicle giving it full coverage in the front page at a time of great concern, and what a meak and mild Chief Minister we had after the event.

MR SPEAKER

I have not interrupted you for an hour but I would like to remind the Honourable Member that this is not a vote of censure against the Chief Minister, this is a vote of censure against the Government, for its policies and its incompetence, according to the Opposition, in the work done in this House in furtherance of their policies, I imagine. So far I have only heard matters relating to the Chief Minister and I think I am entitled to say that you are using this opportunity to make an attack on the department and the demeanour of the Chief Minister and not on the Government.

HON M XIBERRAS

I bow to your ruling and I would have said it was obvious that I am not attacking the Chief Minister or making accusations on the Chief Minister as a person. When a person is Chief Minister he carries with him the responsibility of the Government

MR SPEAKER

Order. Even though he carries the responsibility of Government you can bring a vote of censure against the Chief Minister. However, you have chosen to bring a vote of censure against the Government and that is where you should direct your remarks.

HON M XIBERRAS

I have come to that and what I am saying is that the Chief Minister in certain areas clearly is speaking for the Government, but if it would be more in order I will say the Chief Minister representing the Government every time I made an allusion. These are not accusations, Mr Speaker. If they are what I consider to be statements of fact and the Chief Minister can laugh and that also is a statement of fact, Mr Speaker, that he always laughs when he has no other reply to make. Mr Speaker, I am glad that I am putting everybody to sleep I am glad that I am putting Honourable Members of the Government to sleep because I think it is a sleeping matter, Mr Speaker, that Gibraltar should have been subjected to 13 weeks of industrial strife. I think it is a sleeping matter, Mr Speaker, that the Chief Minister on behalf of the Government should tell the people

of Gibraltar to take a certain step would practically end in their ruin as a people and if that is a sleeping matter, Mr Speaker, I do not know when I shall wake up, or the Chief Minister. I do not know. I just put it as a matter of great inconsistency, a matter on which the Government could have resigned but after 13 weeks, Mr Speaker, with talks going on between Government and Opposition with a possibility of getting a united Gibraltar - and I do not know whether I shall ever live this down with a certain sector of the community, Mr Speaker - but with the people shouting outside and throwing bricks through the window and the Chief Minister inconsistently pale and harassed because usually he is very jaunty and laughing as he is now and crowded around these windows to see what was happening and cowering there in the ante room of the House of Assembly

HON CHIEF MINISTER

Mr Speaker, I object to the word cowering. Everybody here was afraid about what was happening downstairs as much as he was because the mob could not be controlled.

HON M XIBERRAS

I withdraw the word cowering, Mr Speaker, and I am glad the Chief Minister is no longer sleeping.

MR SPEAKER

I can vouch for the demeanour and the deportment of every single Member of this House on that particular occasion. If Members wish me to be completely and utterly explicit I can do so but I do not think it is a matter that one has to refer to.

HON N XIBERRAS

In any case we had the motion which I introduced in this House, the eventual talks and the eventual let down, Mr Speaker, when everything had been finally agreed with the consensus of the Union with the official employers, with the effort of all Honourable Members I believe, with the exception of Niss Anes who was not present on this side of the House and Major Peliza, when meetings were held and everything was absolutely settled and the Chief Minister

told us when I asked whether we were going to have another meeting on this he said very inconsistently; "No, we want to talk to the people who matter". By which he meant the Union, of course, on this occasion. The Chief Minister has a habit of talking to the people who matter. The interim was settled and Scamp came, the representations were made, the United Kingdom link in wages and salaries was agreed and the Chief Minister came back to the House and he said, very meek and mild now, "Yes, this is the best way we think in the circumstances of achieving industrial peace". The Unions wanted it. Mr Montegriffo says "I am not intergrationist", even though before he had said that a wages link was intergration. And Mr Canepa who had made several final offers on television and so forth, now talks very eloquently about analogues and so forth, and the people of Gibraltar will carry on their own sweet way because they have the money, they have the funds, they have the link in wages and Honourable Members can be proud of their performance in these matters, they can be proud of their competence, of their consistency and of their strength in these matters. They can be proud of having settled the pattern of wages and income for the future in Gibraltar for the next four years, let us say. They can be proud of this, they can be proud of having conceived the idea ~~nurtured~~ it over 10 years, delivered it, gained its acceptance and seen it work. They can be proud that in this fundamental aspect of Government in the biggest problem Gibraltar has had to face in the last four years until now, they can now be proud of their contribution. They can rejoice at their foresight and they can go and tell the people at the forthcoming election that they had the foresight, the experience and the intelligence to do all these things. The people probably will not remember. They will not remember how things were but the Honourable Mr Canepa, as Minister for Labour, will be able to explain this and the Honourable Mr Montegriffo who has often opposed anything to do with intergration, any idea vaguely related saying: "I am not an intergrationist"; he can also go around at election time and he can boast about how industrial peace came to Gibraltar. Mr Speaker, when in opposition, the Honourable Mr Serfaty was full of plans and the House is so used to my criticism and my colleagues' criticism of Mr Serfaty's performance over the last four years that I should not bore you, Mr Speaker, or Honourable Members, with any great and elaborate exposition. We know about the hotels, we know about the enthusiasm of the Honourable ~~Member but this department of government if not of central importance to the functions of government certainly in the~~ measurement of stated objectives against real performance is surely the weakest of the very lot. Mr Speaker, how inconsistent, how incompetent and how inactive and how weak

the Government has been in this respect when a Minister who has set himself out to do so many things for Gibraltar, so much development to the extent that the whole approach of Honourable Members opposite when they were in opposition, was that the economy had to be expanded, that we had to watch our taxation, that we were reaching our taxable capacity, that we could not go any further, that our wages were almost at the very highest point possible and therefore it was necessary to create a higher turnover for the economy, a thought that no doubt influenced the attitude to talks with Spain. That such a key idea in the programme of the AACR in the Elections of 1972 should have taken such an ignominious trait in the performance of the Government would not be allowed to go uncontested by any sensible electorate. Mr Speaker, the Honourable Member has told us in this House that up to now the contribution of the Development Programme of the Government has been 10 flats re-modernised and 15 flats about to be re-modernised. They have finished off Varyl Begg Estate and they have criticised Varyl Begg Estate for its siting, for the houses and all the rest of it but that is the only housing that Gibraltar has had. Honourable Members may very well laugh, they may look at their watches, but I have been looking at my watch for four years, Mr Speaker, seeing what is going to happen and it has not happened. The Government has finished and still we have nothing and we have been waiting and still we have nothing. We have not one hotel, Mr Speaker. I beg your pardon, we do have one hotel, yes we do, the Minister's plaque is on the Holiday Inn. He just managed to do that. No doubt he contributed to this but he knows that the major brunt of the whole work was done during the last administration, and it was not a Government development project. I am talking about the inconsistency of the Minister. I imagine that the Minister did not mean that he would build the hotels himself out of Government funds when he used to preach to us from those benches. I am saying that nothing has happened in Gibraltar in this line for the four years that he has been Minister for Tourism. Mr Speaker, but for housing I could say: Yes, very well, the poor man has gone through a bad time and now we have ahead of us a very good programme for Gibraltar. He has not been able to do it, we were not able to build Varyl Begg Estate ourselves but we were able to launch it, to get it ready, to have the money there, to have the plans there. It took time, yes, but it was there for Honourable Members opposite to allocate according to their wishes. But the Honourable Member opposite has told us he has 35 flats for the future in Gibraltar as regards new construction. And

another Honourable Member has told us that there are about something like 1,400 families on the waiting list and we have heard from the Honourable Member that there is no chance of more accommodation except at some future date some very limited accommodation at Town Range but he cannot give a date for that. Mr Speaker, the other great achievement of the Government was of course the Sports Centre. It is a good job, Mr Speaker, that the Honourable Members opposite did not have to fight for the money for that or we would not have it here today. I think it is quite clear that that, too, was a continuation of the last Government after having the stadium built in two years and 8 months, by far the major of the two tasks and yet Honourable Members argue that the IWBP was not interested in sport. Let us look around to other areas of development. Let us look around to other areas of town planning. What a dismal performance the Minister has put up in his four years as town planner, the one Member in this House, and I think it is fair to make the point because he himself makes the point quite often, who argued, because of his profession, that planning was extremely important and that it was necessary to be very careful about this. And yet, planning has never been more controversial than now. There have never been so fateful decisions taken about town planning, so unpopular decisions taken about town planning and decisions so harmful to the development of Gibraltar. But of course all these things could have been pardoned to the Minister if in pursuance of the "right to our land" philosophy on which the Chief Minister told us at Budget time in 1976 great advances were being made in order to draw attention away from taxation. The Honourable Mr Canepa says "nonsense" that it has not got to do with the right to our land. Well, I sympathise with the Honourable Mr Canepa and I must apologise because it appears to me that the right to our land does not have to do with land, does not have to do with constitution, does not have to do with anything except the way people feel. That is the pure and simple significance of it. No concrete, tangible policy follows that. I am sure Mr Canepa feels very much about the right to our land and at home he is probably acting very much in accordance with this in the privacy of his house or in the privacy of his club or in the privacy of wherever he is. But that is not relevant to politics, Mr Speaker, I would like to know the relevance of the right to our land to concrete policy. It seems to me that there is a gross inconsistency in the right to our land and certain attitudes that have been taken on concrete political problems by Honourable Members opposite including Mr Canepa so I fail to see the relevance of this except, as I say, to Mr Canepa in his private

capacity or in a private capacity, I do not know, or perhaps even within the AACR context. Perhaps it is an idea to keep people together there in the AACR. But I would like to see it expressed in this House and I thought that I had in respect to land. But if the acquisition of land has nothing to do with the right to our land as I heard Mr Canepa say, then I apologise, it must have to do with something else. In any event, Mr Speaker, there is no land with Mr Serfaty can offer to offset his bungling on planning matters over the last four years. Everything would have been pardoned, I think, everything would have been excused if he had got another stretch of land, let us say the west side of the seafront. Mr Speaker, we might still be in time. As a caretaker Government we might still be in time and perhaps the Honourable Member might be able to bequeath to the people of Gibraltar that western seafront. I know that we had a good proportion of it next to the Technical College under negotiation at a particular time and in four years nothing has happened on that. So, where is the consistency, where is the performance, where is the competence of Honourable Members opposite, where is the strength of Honourable Members opposite on this basic issue? Mr Speaker, welcome to something else, the airlines, we had this this morning and I will not say very much. But let me say that the Minister made a deal here which pre-empted his going to the Civil Aviation Authority and then he had the Gibraltar Trades Council jump over his head, go to the Civil Aviation Authority and get some sort of movement on the position. It was not a very big improvement but it was some sort of improvement on the position and I am very glad that my Honourable and Learned Friend Mr Peter Isola went along with him on this last occasion because this was the very first time that the Honourable Member came back with something in his pocket. We have not had a tremendous increase in the number of flights, it is an intractable problem, I agree. But the Honourable Member when he was in opposition spoke about charter flights as if charter flights would cure everything. Now we see a more balanced, reasoned and reasonable view from the Select Committee. Mr Speaker, the Development Programme in 1969 had to do with the availability of labour, and the present Development Programme also had to do with the availability of labour because the Honourable Mr Canepa made this quite clear as did the Honourable Mr Mackay. They said the previous administration had been too ambitious in their development programme, we had tried to do too much. And the Honourable Mr Mackay when he was a Member expressed the view of the Government on the economic terms that we should not accelerate development too much because it would result in inflation. And the Honourable Mr Canepa, Minister for Labour, said that there were certain labour constraints on the Development Programme, that we could not find enough labour of a particular sort. I know about labour difficulties, Mr Speaker, having confronted them myself but we were shocked to hear the Minister for Labour make use of this argument at

a time when the Government was negotiating its Development Programme. Obviously Mr Canepa just could not have had a clue about what was involved in the Development Programme. He had no notion at all how damaging it was to the Gibraltar case to say that the labour was not available. How little could be done by anybody wishing to have development if the Minister for Labour said that there were constraints on the labour situation. And this was an argument which I am sure carried a lot of weight at that time because it did in 1969. There was no labour then as 90% of the operative labour had vanished overnight and yet we refused to admit that labour was a constraint and the money was there but three years later for the Minister of Labour to say that in the middle of negotiations on the development programme is to cut his own throat and his Government's throat for obtaining money. Heaven knows that things are difficult to obtain money because of the situation in Britain, but for the Minister of Labour to argue the British Governments view on this is incomprehensible and I think that the lack of performance of the Government on this matter is due unfortunately to what the Minister of Labour had to say then. He should have prepared a brief, made out a case, found people if he did not have them but ensured that the money came to Gibraltar. So, Mr Speaker, we have not had any development programme, we have had nothing really from this Government. And yet we now find unemployment in Gibraltar, we now find unemployment of Moroccans, we find unemployment amongst our younger people, and I am not saying that these people would be put to work on the Development Programme, but I am not saying that they were skilled labourers or skilled people that were required but what a tremendous lacuna, what a tremendous gap is going to be left where people who have been working on projects now have moved away, after all the work of 1969 to attract people here with money, with accommodation, after all the work we see our skilled imported labour force, moving away from Gibraltar. We see them moving on the UK projects those who can find the work, we see Taylor Woodrow importing the Philipino labour force and we would imagine see the Philipino labour force also moving away for lack of work because the Government has obtained no money and there is not enough work to be done. And whilst Her Majesty's Government have been at the southern most point building up there in that area a project that also approved in our time and which started work in our time, Gibraltarian projects are negligible. Mr Speaker, there is the inconsistency, there is incompetence and there is not being able to realise what one's fundamental job is. I have often had words of praise for Mr Canepa as regards social insurance. We have had a good number of bills and my only criticism is the general criticism which I have made of him that he could have telescoped these changes somewhat more and he could have brought them in rather quicker. But in any case I think and I have made it clear that on pensions the Government has a good record and I have explained why it was

not possible in our time to do this on the actuarial review and the question of the Spanish workers and Moroccan workers which required a very deep and thorough study by the actuaries. And I will give him credit where credit is due but I have told him myself that I think he has neglected very much the labour side of things and he should have perhaps have left more of these changes in insurance to the people under him rather than take such a close hand in them himself. But of course, I repeat, this is worthwhile work, this is lasting work and I think he has done very well in the question of pensions. I hope nonetheless, Mr Speaker, that even in this area for the future we shall be able to reach UK standards, constitution committee or no constitution committee, that this will be possible and that he does not go for his half the work in wage formula - I do not know actually how it works out - but in any case I do hope that we should have pensions not less than that if he is in office, if he is in office then we shall certainly raise the pensions to UK standards. And so, Mr Speaker, the team working on the development programme, the Minister for Labour on the one side and the Minister for Development on the other and the Chief Minister again failed very badly and the private sector of the economy which they said they might be supported and so forth in their election manifesto has been very hard done by this Government in respect of building and so forth. Movement is very small and I do not think it is going to be very easy to reverse the position. Mr Speaker, there is a question of education and here again let us give credit where credit is due, in respect of scholarships the Minister has done well. There are two things I believe where the Government has done well, pensions and scholarships. There has been an improvement, unfortunately the Minister is not enthusiastic even when he produces something good for the House but nonetheless I think this is appreciated generally appreciated, it is a good move and one which is fully supported by Honourable Members on this side and where we have simply done our job of trying to get that little bit more, which is our job to do, but it has been a good performance. It is also a good performance in the provision of books for the various libraries, i.e. Mackintosh Hall, the schools and so on even though, of course, we gave him quite a drubbing at one particular stage but he has done well in that particular area. But, Mr Speaker, the inconsistencies as regards the general flow of education have been tremendous over the last four years. The Minister's statements over co-education were quite unbelievable, that without consultation when he himself had said that the Comprehensive system needed time to settle down, that we had not prepared properly for it and he threw the Comprehensive system into turmoil by advocating, not only advocating, by announcing the introduction of co-education within something like a few months. This, to my mind, I do not know what madness overtook the Minister, I do not know why he did it, all I know is that very luckily he climbed down and Collister came and a whole new angle was put into education. But incompetence, inconsistency, surely there

was there. What a distasteful row with the Headmaster in the Comprehensive School, what a shift in announced policy and we are still reaping the result of that uncertainty as regards the building of the Girls Comprehensive School. As regards Sports, Mr Speaker, I think, as I said very early on in this House, that the Minister would rue the day when he involved himself directly in the affair of Sport

MR SPEAKER

Yes, but I will not allow you to open that issue because that would be repetition. We have already ventilated sport on two different occasions.

HON M XIBERRAS

Mr Speaker, I am not going to say very much. I will just say that I hope that if by some chance the Minister is still Sports Minister after the next election I hope he has learnt his lesson because the incompetence, Mr Speaker, the incompetence the Minister has displayed in this particular issue of the £6,000 and of the venture of GFA is quite colossal. As regards housing allocation, Mr Speaker, we have had one very definite shift in policy. We had the Honourable Mr Abecasis and his personal approach being replaced by the Honourable Mr Zammitt. The Honourable Mr Abecasis whose quarrel with the Committee, who got themselves into very serious trouble, into very hot water and eventually resigned, a factor which I think he said I was hypocritical in saying it or something like that. Well, he is not Minister for Housing any more so he can turn a deaf ear to it. But the change from the Minister's announced policy to Mr Zammitt's announced policy that he would stick to the Housing Allocation Committee was again an inconsistency which pleased us. It was a coming back to what we had said we should have been doing all the time. And perhaps the Honourable Mr Abecasis would have been laughing all the time if he had stuck to that policy, but he did not. Now in the neighbourhood of the elections I see a certain wavering in the Honourable Mr Zammitt, because of his statement at his Party Conference. I hope that he does not waver because, for what it is worth, my advice to any Minister of Housing that might take over from Mr Zammitt is that he must be in this above all things he must be consistent and he must be strict and he must follow the Housing Allocation Committee he must give it strength and authority. Mr Speaker, there is so much more - and I have been speaking

for 1 $\frac{3}{4}$ hours - which I could say but let me try to put some sense into the general drift of what I am saying. This Government, Mr Speaker, is taken by the people of Gibraltar as representing an experienced Government, a strong Government - I have not dealt, of course, with the Minister for Public Works - but perhaps somebody else can say something about that.

MR SPEAKER

As the mover has taken it upon himself to review all the inconsistencies I am not going to have repetition of all the inconsistencies by each Member again. Of that I can assure the House.

HON M XIBERRAS

The Government as a whole was taken as a strong Government, a united Government, a Government of experience, a Government that knew its mind, a Government that would go to London and would be seen there with great respect and would be welcomed particularly because of the great experience of the Chief Minister and it would be a strong Government for Gibraltar. I imagine that is why AACR supporters and those who voted for this Government did so. We, admittedly, in the IWPB had gone rather fast, we had introduced a good number of changes and the Chief Minister and his Government were going to bring sanity to Gibraltar. And for sanity there had to be firmness and the hand of friendship. There had to be reconciliation and advancement. Mr Speaker, I ask the Honourable Members of this House and the people of Gibraltar to look back over the last four years, to look back and to point out and to exercise their vote when it comes on the basis of what this Government has done out of its own initiative, out of its own conviction, that it is going to benefit Gibraltar in a lasting fashion. I ask them to look around at the buildings, I ask them to look around at industrial relations, I ask them to look all the way round and, bar pensions and scholarships, which is not sufficient justification for any Government on their own, what have they done, how have they governed, what initiative have they taken, what can Gibraltar be proud of which they owe to them in the last four years? Have they shown strength with Her Majesty's Government, have they shown foresight, have they left the next administration something which they can carry on with? Is what they have left for the next administration comparable to that which Honourable Members inherited from the

last? Mr Speaker, we are very near the elections, yes, we can see that, but there is one issue which will come up even before the election. Of these four words, of inconsistency, inaction, incompetence and weakness by far the most important one in this particular issue is the weakness or strength of the Government and I refer to the international situation. I hope that even as a caretaker Government Honourable Members will be able to be strong enough to present that strong and united front no longer of Government and Opposition but of all the representative bodies in Gibraltar which the present situation so badly requires. I hope they can summon up the courage to look a little bit into the future and I hope that we can be united on this because I think that the people of Gibraltar have had enough of the weakness of this administration and they fear for their immediate future because of it. I commend this motion to the House.

MR SPEAKER

I will then propose the question in the terms of the Honourable Mr Xiberras's motion and before I invite any other Member to speak on the motion we will recess for tea.

The House recessed at 5.00 p.m.

The House resumed at 5.30 p.m.

MR SPEAKER

I have proposed the question and the floor is now open to any Member who wishes to take part in the debate.

HON J BOSSANO

Mr Speaker, it appears that despite the many Members of the Government present none of them feel able to stand up and defend the Government against the criticisms of the Honourable Leader of the Opposition. And since I have certain criticisms of my own to make, Mr Speaker, I might as well make them now and perhaps after I have spoken some member of the Government will stand up or perhaps the Chief Minister will stand up. I know that he likes to stand up and answer things rather than give other people

the opportunity to criticise him. Mr Speaker, I am going to limit myself to what I consider to be the most fundamental aspect of the lack of Government, the lack of leadership that Gibraltar is suffering from at present and therefore, I am not going to draw the attention of the House to the many shortcomings of the Government in office, to the way that it has failed to govern well in the last four years.

I think that has been well covered and I think the most important thing that the House should consider is the remarkable contrast between the determination and spirit demonstrated by the Government on internal issues on the number of occasions when they have in fact confronted the trade union movement or when they have confronted me across the floor of the House on measures which I have proposed to further the interests of the trade union movement of the working class in Gibraltar, this remarkable contrast between that and the abject succumbing of the Chief Minister to the dictates of the Foreign Office whenever Gibraltar's interest are at stake. We had an example not so long ago, Mr Speaker, on my motion of the question of discrimination between Gibraltarian and UK based employees in UK Departments where in spite of his fine words in the House it was really without a doubt the action of the Gibraltar Trades Council that produced results and not anything the Chief Minister said because we got an answer to the motion passed in the House which was totally unsatisfactory. And we have now had, Mr Speaker, a situation developing as a result of the Honourable and Learned Chief Minister's visit to the United Kingdom where his weakness, his failure to defend the interest of the people of Gibraltar has been so clearly manifested that they can no longer be denied. The British Government has told the people of Gibraltar, as I said the other night on an interview, Mr Speaker, that they have to choose between remaining as a British Colony or becoming a Spanish Colony. And those alternatives to me and, I believe, to the majority of the people of Gibraltar, are totally unacceptable. They may well be acceptable to the Honourable and Learned Chief Minister, maybe he does not mind playing games, he does not mind having a sense of power and calling himself Chief Minister whether he is the Chief Minister of a British Gibraltar or a Spanish Gibraltar. Perhaps the most important thing is that he should be the Chief Minister, not what he is Chief Minister of. Maybe that is the situation, Mr Speaker, maybe that is the explanation. But whatever the explanation may be I think that the serious position in which we find ourselves in, the crisis that faces us, the uncertainty over our future, is only being

made worse by the attempts of the Honourable and Learned the Chief Minister to minimise the dangers of our present situation. I believe he said in a press conference this morning, and perhaps he will repeat it when he goes on television tonight or perhaps he will repeat it in the House if he thinks that is the sort of thing that will reassure the people of Gibraltar, that Mr Hattersley was very sympathetic and emotional when proposing a toast after a meeting in London. Well, I can tell the Honourable and Learned the Chief Minister that my reaction would have been after what Mr Hattersley said to the people of Gibraltar if I had been there to hope that Mr Hattersley would choke over the toast, not to bring back that as consolation to people who have been snubbed by the British Government, who have been told by the British Government in no uncertain terms what is in store for them. Unless in my estimation the end is not inevitable, unless they are prepared to put up a fight and instead of the Honourable and Learned the Chief Minister giving leadership, instead of joining in the fight he tries to minimise the danger. That, Mr Speaker, is almost the equivalent of our having a fifth column in our midst.

MR SPEAKER

I will ask you to withdraw your last remark.

HON J BOSSANO

I withdraw it, Mr Speaker. I shall probably have to withdraw quite a number of other things before I am through.

MR SPEAKER

Well, you can have a go and see if you can get away with it.

HON J BOSSANO

It is after all, Mr Speaker, the last time I shall be talking in the House and of course outside the House I shall not have the same limitations.

MR SPEAKER

I hope without showing any bias as to what will happen at

the election that it will not be the last time you speak in the House.

HON J BOSSANO

Well Mr Speaker, I can assure the Honourable and Learned the Chief Minister that if he is not prepared to fight to defend the people of Gibraltar there are others who are and the fight whatever he may try to do to placate people, whatever he may try to do to give them a false sense of security, the fight is going to come because the people of Gibraltar want to know what is their future. And they want to know because they are entitled to know, they are entitled to demand what is in store for them and what the British Government has said is not acceptable and it is a sign of weakness on the part of the Honourable and Learned the Chief Minister to give tacit approval to what the British Government has said by not condemning it. If the Honourable and Learned Chief Minister thinks that the people of Gibraltar can accept a statement from Her Majesty's Government that they are not entitled to ask for constitutional change, that they are not entitled to ask for constitutional change at the time they think constitutional change is appropriate because it might offend Spain, then the Honourable and Learned the Chief Minister is totally mistaken, is totally out of touch with the spirit of the people of Gibraltar and the will of the people of Gibraltar to fight for their future. I have noted that in this morning's Press Conference he made reference to that. Well, if he wants he can go to the people of Gibraltar and say to them that he is not prepared to fight to secure their future in case the Spaniards do not open the frontier. Perhaps in his assessment an open frontier and an insecure future is a better choice than a closed frontier and the security of knowing that our children and grandchildren are going to be able to live in a free and democratic Gibraltar where we will run things. But let me tell him, Mr Speaker, let me tell the Honourable and Learned Chief Minister that this is not my judgment of how people feel on this matter. And I would have said that it was not the sort of thing one would have expected from the Honourable and Learned Member when he started the Association for the Advancement of Civil Rights in the 1940's, but perhaps old age has crept up and completely eliminated whatever fire there was in the Honourable and Learned Member to fight for the defence of the people of Gibraltar and their legitimate rights. The thing is, Mr Speaker, of course, that as I say the fire is not totally absent when we are debating internal issues.

But it seems totally absent when the Honourable and Learned Member has to face up to the might of the Foreign Office. Then he comes back with excuses and platitudes and virtually tells the people of Gibraltar that they have to accept the dictates of the Foreign Office. I can assure the Honourable and Learned Member that on this occasion it will not happen. On this occasion the people of Gibraltar are ready to fight and they will fight, and however hard he tries to convince them that there is no battle to be fought he will not succeed. Mr Speaker, I would have liked to have seen as a result of what took place in London a more united and a stronger Gibraltar to face the future. I would have liked to have seen that because I think the defeat of the proposals of the two political parties in Gibraltar - because it was a defeat for the proposals that they put forward - could have been turned into a victory if we had gone to the heart of the matter, if they had decided to make a stand as they were advised to do by the Gibraltar Trades Council when representations were made to the Constitutional Committee, on the fundamental issue of what were the options open to us, what lay before us. Let me tell the Honourable and Learned Member that it would have been an honourable thing to do to say to the British Government there and then in London that the people of Gibraltar have got a right to seek decolonisation, have got a right to demand it and have got a right to have an overwhelming voice in how decolonisation should take place. To do otherwise is in fact to fail to act as the leader of a people who are colonial subjects, of a people who have no nationality. The Spaniards have offered us Spanish nationality, Mr Speaker, they have gone further than Mr Hattersley has gone, the only thing is that nobody wants it. But the Honourable Member is acting and has acted in the past as a puppet of Whitehall, Mr Speaker.

MR SPEAKER

I have given you the same latitude that I gave Mr Xiberras before I called his attention to one thing and that is that the motion before the House is a motion of censure against the Government collectively and not against an individual. The motion could have been brought of course against the Chief Minister, there is nothing to stop anyone from doing that, but once you have got it off your chest, I would like you to bear that in mind.

HON J BOSSANO

Mr Speaker, I accept that. The Government of course, Mr Speaker speaks with one voice. Their most characteristic feature is their unity and I have no objection in fact, Mr Speaker, to extending my accusation from saying that the Chief Minister is acting as a puppet of the British Government to saying that all eight are acting as puppets of the British Government, in order to keep to the spirit of the motion. Although I think probably it is more appropriate to say that the Chief Minister is himself acting as a puppet and then controlling everybody else because they dare not, in fact, break the discipline even when we are dealing with such a fundamental issue as the survival of Gibraltar and its people. I need not add, of course, Mr Speaker, that the position of the Honourable and Learned the Attorney General and the Honourable Financial and Development Secretary as mouthpiece of Her Majesty's Government in the House of Assembly is of course so well known that no criticism can be levied at them, that is what they are here for.

MR SPEAKER

They do not have vote on a censure motion like this one.

HON J BOSSANO

It is a good thing Mr Speaker, otherwise we know which way they would vote. Mr Speaker, I think the Government stands condemned more than anything else by what has happened in the last week than by what has happened during the last 4 years and I think that without a doubt those of us who had hoped that things had taken a turn for the better, that we could all act as a team pulling in the same direction to defend the interests of Gibraltar have had those hopes shattered because the Government has shown that it is incapable of making a stand, of showing strength instead of weakness, when it is faced with a situation that it considers to be one where there is an element of risk involved. And there is an element of risk in the stand that I think needs to be taken by the Government. There is a risk that the blunt statement from Her Majesty's Government will be followed by an even blunter one. But that risk in my estimation, Mr Speaker, which may be partly responsible for the weakness of the Government on this issue, that risk, is only a minimal one. We cannot in fact provoke from the British Government whatever we do now an answer that we would not get anyway. The only thing we can do is to provoke it now when it suits us rather than getting it it when it suits NATO, the EEC, Her Majesty's Government or the Government of Spain. I feel, Mr Speaker, that if the British Government had heard the sort of sentiments that I have expressed from the Honourable and Learned Member in London or if the people of Gibraltar had heard those sentiments from the Honourable Member when he returned to Gibraltar, then the Chief Minister would have been able to stand up in the House today and refute totally any accusation of weakness. As it is he

stands condemned by his own inactivity and passivity on this issue and by his continuing failure to stand up and be counted amongst those who are prepared to defend Gibraltar and its people. Thank you, Mr Speaker.

HON CHIEF MINISTER

Mr Speaker, the sense of justice of Mr Bossano is such that he condemns people before listening to them. I can understand that having regard to his sympathies with certain regimes that do not give people a fair trial. "He stands condemned", he says, and he has not heard me. What justice can I expect

HON J BOSSANO

If the Honourable Member will give way. The Honourable and Learned Chief Minister had an opportunity to speak before I did. I waited quite a long time.

HON CHIEF MINISTER

That does not mean that he can take the law into his own hands and condemn because the order of debate has taken that order. But I will return to him in due course. I am going to deal a little more with the swansong of the Leader of the Opposition. I can understand after 4 years anxious to become Chief Minister of Gibraltar with his desire and ambition to become the first politician, with his frustrations at trying to dictate the Government from the opposite benches and not achieving it, I can understand his great disappointment. I can understand his great chagrin, I can understand his annoyance as was shown in the course of the whole of his performance earlier this afternoon. This is his last fling before the election, it is an electoral ploy. Nothing that happens today can alter the life of this Government in so far as the term is concerned. Because it would not be possible to have a resignation now in order that a Government that has no House of Assembly after the 30th of July could govern. In any case who is the Leader of the Opposition to talk about our stand here when he sees his party in pieces. First of all the leadership changed and the leader is living in England this so important debate is such that he cannot break his package one week to come here to speak. He cannot wait for one extra day in order to be able to take part in this debate. His home is in England and he has to go within the week. He comes on Sunday, he attends, and if the meetings go on beyond the Sunday, to hell with the House of Assembly, he has to go back to his home, that is how he protects his constituents. He comes here, he does not put in a question, he is not in touch. When he gets up he talks completely off the beam because he does not know what is happening in Gibraltar. He does not know the realities of meeting people every day. That is a Member that supports the Opposition. Then another member went to Canada for better luck than here and better horizons. We are glad that at least we have as a result of that the grace of a lady in this House. But other than that, Mr Speaker, what does it say about the

cohesion of the Opposition as an official Opposition? Then he has another member who defects because he is no longer an Integrationist, he is an Independent Member, and by the way he talks he looks to be more for independence than anything else. And a few months ago he was there stoically defending the IWBP as Integration being the answer to Gibraltar. That is the Opposition that speaks here with authority about what is to happen to Gibraltar and that is the alternative Government that we would be saddled with if there was the misfortune of a change of Government. That is the present set-up that we have. The Leader of the Opposition speaks patronisingly telling us that we have done very very well in pensions, thank you very much. We have done very well in scholarships, thank you very much. How nice of him to give us at least that little credit, how nice of him, when he has been telling us all the time everything that was wrong and he has nothing but disrupt Gibraltar, nothing but pursue an idea that he now sees completely shattered which he should have seen before if he had had any vision because British Governments have successively been telling him that Integration is not on and he would not accept it, and one of the difficulties that we had in England is that you had a Minister who had been accused of meddling in Gibraltar politics because he said that Her Majesty's Government's view was on the question of Integration, against whom there had been demonstrations and so on, getting his own back and saying: "What I am telling you now is the considered view of the British Government". And I have looked back on the record and there is no Minister who has said anything different, the legal position has been explained to us and this is not acceptable to the British Government and this is a reality that the Integration With Britain Party has been living with but have wanted to forget completely by burying their heads in the sand, as if nothing was happening in Gibraltar. Change your name and be honest and call yourselves whatever you want but do not call yourselves Integration because intergration is not dead, I said it was an abortion and I repeat it again, if it was an abortion it died the day it was born. That is the Leader of the Opposition trying to lecture us on the whole field. He mentioned bits and pieces of every Minister, all to himself, 1 $\frac{1}{2}$ hours to himself, wonderful swansong, record of the Members of the House of Assembly. Eight days before the dissolution of the House. Perhaps it is his swansong, time will tell. The way the Government has carried out its work has proved that half of the presumptions and allegations of the Opposition are completely wrong. Whether we stay until 9, whether we stay in the morning, whether we stay whatever time, you just have not got the people interested except a few, unfortunately, to come here and listen, however much the Leader of the Opposition addressed the people in the gallery instead of addressing the Chair. That is the Leader of the Opposition. History repeats itself, but I will come to that a little more so when we come to the Honourable Mr Bossano.

The Leader of the Opposition spoke about a British Gibraltar and secret talks and so on. The point is, Mr Speaker, that we went to the last elections with exactly the same kind of threats that are being made now, that if we were elected the "Colorados" would be along Main Street and

the "Guardia Civil" would be there. Now the fortunate thing for Gibraltar was that we were elected because if we had not been elected they would now be saying; "If they had been elected they would have got the "Colorados" into Gibraltar. I do not have to express my Britishness every day or sleep around quietly bound up in a Union Jack as Major Peliza once said that the people were very sleeping tied up in a Union Jack - I think that would be a very uncomfortable way of sleeping. We do not have to do that in order to be British and to be proud to be British and to challenge anybody to have done more to keep a British Gibraltar than I have done. And I can tell the Honourable Mr Bossano an incident - because I will come to him - that there is nothing old about me. I can assure him I am strong and as young as he can be and I dare him - not to fight, I can assure you - but I dare him to start walking with me and see who gives up earlier. I dare him to walk with me miles and see who resists more. I dare him to show whether there is strength or there is fire or there is no fire. There is too much fire, I can assure you. I have never made any apologies for saying, and I repeat it here, that it is better - I forget the phrase but the Leader of the Opposition put it very well better "jaw jaw" than "war war". I believe that if we know what we want and if we know how to defend it we can go anywhere on behalf of Gibraltar. We can stand anywhere before anybody - not the British Government, I will come to that in a minute. Those are supposed to be and are our friends and by God if they are not our friends what hope is there for Gibraltar. And to see an old Integrationist and a founder of the Integration Party belittling the country with which he wanted to be integrated in the way he has done today is almost surprising. Who will want to keep company with those people if one thought like he does about the British Government? God forbid that I should have anything to say about the British Government. They know how to defend themselves and I could not care two hoots about that. What I want is to keep them on our side, that is the mission that Gibraltarian politicians have, to keep the British Government by their side and to take them by the hand to where they must be taken in defence of the rights that we want to preserve. That is the mission of the Gibraltar leaders, that is the mission of leadership. The other unfairness that the Honourable Mr Bossano has done is that he has taken for good everything that he has heard from his former colleague and no longer his leader, the Honourable the Leader of the Opposition, as to what happened in London otherwise he would not have made these remarks. Let me tell him that if the Minister could have choked after the toast so could the Chief Minister and the Leader of the Opposition who replied in suitable and dignified and proper terms whatever may be said about it. Because if it had been the Honourable Mr Bossano, in those circumstances he would have walked out perhaps before he might not have gone in. That is a matter for him. Each one is responsible for his own acts. I am dealing still with the remarks of the Leader of the Opposition and I would like to remind him on the question of citizenship which he has said that we have given in, I would like to remind him what the petition in the Constitution Committee Report was and the answer that has been given. In sub-paragraph 7 of paragraph 2 of the Constitution Report

the request there is: "The Committee reiterates the representations made in 1970 and referred to above and asks that consideration be given to the special position of the people of Gibraltar, that they be regarded as persons who neither have nor wish to have any other citizenship and that they be designated United Kingdom citizens under any new law that might be enacted." That was the request we took to London. That we be designated United Kingdom citizens under any new law that might be enacted. And the answer to that is; "We have not got anything yet ready, we have not got any proposals but we undertake solemnly that if there are any proposals that could affect you before they are even published you will be consulted." That is what they said and that is what I think is the answer to that part. In fact that part of the Report was fully met by giving us an undertaking. Because there is no new law now and if there is going to be a new law then we will be consulted and we will be given a prior right to say what we want about this. Mr Bossano said that he had no nationality. I heard him say the other day that he claims as I claim that he is as much a British Subject, Citizen of the United Kingdom and Colonies, as all the British people are under the 1948 Nationality Act, so I do not see why he should consider himself so destitute. He has a British Passport like that and I am sure he could even get a UK Passport if he wanted it but as far as I am concerned I do not want a UK Passport, I am quite happy with my Gibraltar Passport. And, of course, these were joint proposals, of course they were joint proposals. We compromised certain things in order to have joint proposals. But the report says which are the proposals submitted by each Party and we agreed to those proposals proposed by the other side on the clear understanding that our proposals, which was really an attempt for everybody to participate in Government and which gives the lie to the lame accusation of the Honourable Mr Bossano that at all cost - he even went to say even under Spanish Gibraltar I wanted to be Chief Minister - under those proposals the title of Chief Minister may be kept but the essence of the work is going to be shared and it is not going to be a one sided Government, it is going to be a sharing of power. Is that the indication of somebody who is anxious to keep a job, is that the indication of saying that we put Gibraltar first and we want everybody to participate in the affairs of Government so that we do not have seven people on that side frustrated from one meeting to another trying to find out how many questions they can put in order to make life of the other side difficult instead of contributing as they can very substantially contribute in a system of Committee. Those are the guidelines, those are the principles upon which our Party was formed and continues to fight for. It stood us in good stead I have no hesitation in saying. The 1964 Constitution stood us in good stead - the Government and Opposition - when we went to the United Nations because that would look certainly less colonialistic perhaps in the light of the United Nations. But if there are faults in that and they have to be put right, they have to be put right at whoever's expense. It does not matter who exercises the power so long as the power is in the hands of the people through their elected representatives and so long as that power is shared. Now, the point is, having regard to the experience we have here of the Leader of the Opposition and his great desire for repetitiveness for which the Chair has got to call his attention over and over and over again on so many occasions that he repeats himself, one has

to take that aspect of his attitude to matters into account to judge what happened at the talks with Mr Hattersley. The point is not more strongly made because the same point is made 20 times to an intelligent person than if it is made 3 or 4 times in order to stress it. Repeating the same thing does not take the matter further. You might finish up being a bore and the fellow who is listening to you says: "This fellow has told me the same thing so long that I am getting tired. What is he going to say next time that he is going to repeat so many times. When are we going to finish." So that really the amount of strength and the amount of value that a discussion across the table has is not judged by the many times you repeat the same proposition. It is founded on reason, it is founded on clarity of statement, it is founded on strength of delivery, not in repetitiveness. And that, whatever the Leader of the Opposition may say, that I did in my estimation to full satisfaction. What I did not do was bind myself to unrealities and I did not have to suffer the disappointment and the frustration that the Leader of the Opposition found himself in when he was told in simple words of simple syllables that integration was out, that the British Government had repeated it over and over and over again, that it was against the legal advice that they had got. These are the realities that down-hearted the Leader of the Opposition because they were realities that he had been trying to put aside to pretend that they were a viable Party, to pretend that when Mr Hattersley was here what he said he was saying for himself and meddling in local politics. My God, if they gave us any indication that that was likely and there was a demand for it generally and then they said, no, we would tell them: "You have led up up the garden path, you have misled us, you have never told us that this was not on". All that the Leader of the Opposition could adduce was a reference to something that Mr Mr Wilson had said in America when he was in Opposition and the answer to that was; "We have looked at everything and the answer is, Integration is out." I can understand the frustration, I can understand how all that coloured the view of the Leader of the Opposition, how down-hearted he was with the rest. I can assure the Honourable Members Opposite and Gibraltar as a whole that he showed no enthusiasm for supporting the Committee System. He mentioned it much less than I mentioned the other one, because I made a strong stand on the question of citizenship, which was one of the ideas. And last time there was the big lie. The big lie that I was going to sell Gibraltar and the "Colorados" were going to come here. Now it is the same electoral ploy. But what the Honourable Members opposite do not appreciate is one hard reality and that is and this I say with an introduction because there have been so many improper suggestions made that if I do not make the introduction it would be quickly taken up as being in agreement. Despite the fact, and this was made quite clear and in fairness to the Leader of the Opposition he mentioned it in his remark, when the Honourable Mr Bossano was not in the House, I made this clear not in Gibraltar, not to a local paper, not to an English paper, but to a Spanish paper. I made it quite clear that the question of sovereignty was not negotiable. This is my view of the matter but let nobody mistake himself or make any misunderstanding, the bulk of the people of Gibraltar want matters with Spain to be settled, I will not put it any higher than that. They do not know how that should be done, they know they do not

want to be Spanish but they want matters to be settled. That is a fact of life and there may be a few ultras of both sides of those who want to go over to Spain and a few who want nothing to do with Spain as if it did not exist. But the bulk of the people, and that was even recognised by the Leader of the Opposition recently in connection with the reference to the Algeciras ferry upon which he said he had not been consulted, I do not know why he should be consulted if there is an enquiry about the Algeciras ferry, but he said that so long as the economic and other safeguards are made his party had no objection to better communications with Spain. That is a reality and a hard fact of life. Now as to the allegation that I was accommodating. Well, let me tell the Honourable Member as I told him before that my view is, and I made it clear at the Press Conference this morning and I say so here now, my view is that I do not resign myself to a static constitutional position. I say that quite clearly and I made that reservation in London. I did not have to shout about it because I was talking to intelligent people who were taking note of what I was saying. I did not have to shout about it or take off my shoe like Krushchev and start banging on the desk, I did not have to do that. But they took good note of it, I can assure you, that we were not prepared to stand static in our constitutional progress, that no community that had a dependency on somebody else could stand static and that if in their criterion this was not the time for constitutional talks, which was a matter of judgment and they had the last word, I did not tell them that but I had that in mind, they had the last word, in whether this was a good time or not because they are the ones that have to call the Constitutional Conference, whether that was the time or not was a matter of judgment but that I felt myself free at any time even without a change of circumstances but certainly with a change of circumstances, to come back and seek changes in the Constitution. And I do not think I have to adduce much evidence in support of that, I have been at the top of the constitutional change over the years in Gibraltar bit by bit, pace by pace, and that we have reached the stage which we have now greatly as the result of the work that was done before even the war was finished. I made it quite clear that the British Government had no right to change our status as British Subjects without our being consulted because it was affecting us directly. It was something we had inherited and we were not prepared to agree to abide by that. I am not going to deal with all the length of the angle that the Honourable the Leader of the Opposition took in his speech. I am going to devote myself mainly to this one which as the Honourable Mr Bossano has said is

the most important, the most crucial one. Because on matters of Scholarships or on matters of Development or or on matters of that there can be two views, and if the Opposition is not going to oppose the Government what are they going to do here? And that is why they do it, of course, this is fair, this is what democracy is all about. Those things do not really touch me but what does touch me and I can assure the Honourable Member that he is very unfair, and I normally give him credit for being reasonable and fair, is to say that I am the puppet of the British Government. I deny that categorically and I deny that totally. I have never bowed to anything that the British Government have tried to do if I thought it was not right.

But let me equally say in fairness to them because it is very nice to be destructive about matters and curry popularity with being this - hit at the British because they do not want to give us a Constitutional Conference - it is very easy to do but never from a position of office. I have never, never in all the time that we have had these difficulties with Spain, never been pressurised on anything at all in order to comply with the wishes of the British Government. The Honourable Member may not believe it, that I do not care. The people believed it in 1972, they believed it in 1969 when I got more votes than anybody else and they believed it ever since and I can understand the annoyance of Members opposite that I have been able to hold the position for so long and that I hope to hold it for at least 4 years more. After that I may apply for my retirement pension to my Honourable colleague. But I can understand that despite all the propaganda, despite all the innuendos, despite everything, the people have faith and if we are to have regard to democracy we must respect that at least, we must respect that. Even though the Honourable Member may not agree with it we must respect it. And I have given leadership in the past, history knows that I do not have to say so, and I will give leadership in the future. But what I am not prepared to do for the sake of popularity is to put people in fear of their lives when there is in my judgment no danger, that I will not do for the sake of popularity or for the sake of becoming the next Chief Minister. If that is the price that has to be paid to become Chief Minister then other takers are welcome to the job, I shall go home having done my duty properly for Gibraltar. Is it suggested that if I had been a little stronger or if I had defended the proposals in a less accommodating form that the British Government who had brief on all the items on which we went, is it suggested that if I had pressed or

said the same things ten times instead of three or if I had expressed considerable annoyance - and I do not tell you that I did not do it - that they were going to change all their study of the situation, all their brief, all their legal opinion, all their considered judgment? Is that that credit that we give to a Government to whom we have to look for the defence of our rights? Is that the credit we give them because if that were so it is worth very little and then we should be frightened to see that this is the mean way in which the people of Gibraltar are treated that they will only give you something if you shout high enough, whether it is justified or not. That is the point, that is the point to be considered. The British Government as a result of the decisions of the Constitution Committee, were sent the report and were asked for a meeting in anticipation of a Constitutional Conference. We had a response to the request for the meeting with the Minister and he had some of the answers ready. I do not think that the situation has changed in any substantial way from the time before we went to London. Members may nod their heads but this is a matter of judgment. Nothing has changed except that some more facts have become real precisely because of the way the matter was handled by the Leader of the Opposition we were not able in a joint statement to make all the reservations that we could have made if we had done so. Let me say that the Leader of the Opposition is not telling the people of Gibraltar the truth when he said that he was under pressure in London to sign a communique. That is a complete untruth. Because if going into a room and discussing matters as friends with people with whom we have friendly relations and to whom we go to ask for things, say whether there is a possibility and when you say, no, he says: "Well, if you want I will make all my arrangements different to give you more time to think about it in the morning." And then in the morning you want to raise everything that was raised the day before and they say: "No, we are prepared to come to terms on a communique." That was never put to the test because the Leader of the Opposition in his very short-sighted view thought that by putting his name to a communique he was committing himself. Committing himself to what? Committing himself to stating the facts as they had been in London and the Gibraltar view having been expressed in that communique. Committing himself to what, in order to be free to come here and saying what he likes about what happened in order to misrepresent to the people of Gibraltar what happened. That is what he has done and I accuse him of it. I accused

him on Saturday and I accuse him now. He has misrepresented the view, he has done what his predecessor did, to bring fear to the people of Gibraltar by his remarks at the Press Conference, to put fright into the people of Gibraltar that once they again were in danger of being sold down the river by the British. That is what he has done and that is what I accuse him of. But I can give him an assurance that the same as his predecessor failed by calling an election in no time in order to be able to exploit that, in order to see whether he could get advantage and give up one year and two months of office for another four years and he thoroughly failed, this one, though we have stood our ground and governed for four years is not going to do him any better because the people of Gibraltar will see through him, because they have not - and I say this with all sincerity - they have not seen him as the Leader of a Government in Gibraltar. He has not made the grade despite all his verbosity and despite all his continuous repetitive interventions in the House, he has failed to make the grade as a leader. I may not be the leader tomorrow, I may have a heart attack tomorrow, and that does not matter - North Front is full of indispensable people - but he does not make the grade as a leader I can tell you that, he does not. There are people in his side that could make a better leader than he can, I can tell you that quite easily, too. But it is easy to blame somebody else for one's own failures, that is the thing. Now, Mr Bossano said that I would be giving the people a false sense of security. A matter of judgment again, he may be given them a false sense of fright. And I wish him well really well, in contacting all the very influential people that support the Trade Union movement in England, in contacting Mr Jack Jones, in contacting all the Labour Members that he can contact, I wish him well. I wish he went as soon as his other duties allow him to go and draw attention to the dangers that he sees and I am quite certain that the responsible opinion that he will find is that the British Government are staunchly behind the people of Gibraltar and will never let them down so long as we want them to stay with us and despite our differences over this change or that change the people of Britain and the Government of Britain and the Parliament of Britain are behind the people of Gibraltar in order that the people of Gibraltar will exercise their own desire to determine their future the way they have done and the way they can do in the future. And I wish him well in going to these people because they will tell him the realities of life, they will tell him the facts as I judge them, I am quite sure.

If he gets the odd MP who is prepared to put questions because there are always people with ideas about matters, that is another matter and I wish him well too on that because he will get statements from the British Government because if the British Government feel as I am sure they feel about the people of Gibraltar and the assurances are sincere, he will get them from whatever quarter he seeks them. Because the British Government may have faltered once in not showing at the beginning of the restrictions that they were going to stand as strongly behind us as they are, as they have stood all the time. That is the great mistake that the British Government did in 1966. Because if they had said how far they were prepared to go to support the people of Gibraltar perhaps there would not have been an increase in the restrictions and the escalation of restrictions in Spain because the Spanish Government at the time thought that the British Government was weak and if they hit hard enough they would give way. And that was the only mistake and I said that to the Prime Minister at the time and I say so now. That was the great mistake, giving a sense of lack of importance to the matter and trying to shy away as if the problem was not there. That was a great mistake but that has been rectified time and time again. It was rectified in the Referendum. It was rectified in the Referendum, it was rectified in the Preamble on the Constitution, it has been rectified now. Anybody who puts a wrong interpretation to that Memorandum to which we were not able to have any say because it was a one-sided one, I have obtained explanations and clarification on one point and I knew quite a lot of decent honest thinking people in Gibraltar were worried about, and that is the fact that they say that any innovation now might stop the possibility of a change. That is the view of the British Government. I am not saying whether I share it or not, I am saying that that is the view of the British Government and that is why they said at this point in time it would not be prudent to have a Constitutional Conference of this nature. That is all, and now I have had the clarification that under no circumstances was that an indication other than that it would make our life more difficult and this is exactly what they were trying to do to try and see whether they could make our lives much more relieved. The Honourable Mr Bossano who was of course not here at the earlier part of the proceedings spoke about as if one was going to promise people an open frontier. Well, that was not mentioned in any of the many allegations of the Leader of the Opposition in the 1³ hours during which he addressed the House. That is neither here nor there as

far as I am concerned. I know that the bulk of the people would like to see that frontier open. And this is a fact of life, what effect it would have on us would be a different matter and one has got to be careful if ever they want to do that, how it is going to be done in order that it is not done at our prejudice but it is done for our benefit. What I have said and I am prepared to say at any time is that if by talking from a position of strength, because we know exactly where we stand, if by talking we can convince people that what they are doing to the people of Gibraltar is wrong then, by God, let us talk, let us talk. There is nothing wrong in that if you know where you stand. There is wrong, of course, if you show weakness. I think what I said to a Spanish journalist in "Blanco y Negro" was sufficiently publicised here to show that my views on this matter are constant and the same all the time. But I would like to stress something that I read in another paper which was published on the 18th June, one of six articles on Gibraltar. "The question is that for us this is Spanish territory," says the Spanish journalist, and I said, "but you cannot ignore the fact that there is a history and treaty and above all rights. The right of the people of Gibraltar as respectable, as worthy of respect as of the people of any other place." And then he said; "What really would have no sense in this united Europe would be the presence of a country like England maintaining a colony within the continent". I said; "When you never dreamt of the most minimum of democratic rights we here were already going to the polls. And I will tell you more, the democratic rights we enjoy from a long time ago in Gibraltar we are not prepared to lose for the simple reason that these have not been given to us as a present, we have struggled for them. I have been the first one who before the second world war had finished, I started to struggle so that there would be representative institutions in Gibraltar and I assure you that above everything else this was a simple colony with nothing like a situation which could remotely look as the autonomy that we have today in internal matters. And that despite the fact that somebody would believe that the British Government had given this to us as a present. We have had to gain it step by step day by day with certain difficulties".

MR SPEAKER

Where is the article from?

HON CHIEF MINISTER

From "Pueblo". One of the headings of my quotations are: "Thanks to the Blockade the Gibraltarians have found their own identity." That is how I speak to Spanish journalists and that is how I speak to everybody. But I believe in speaking and I believe that now these ideas are getting into the people who have to start thinking for their own future and as I said: "You put your house in order, we have ours already in order. You put your house in order when you are ready and have it in order then we will talk about it, if you are a democracy and you can do that." So that, Mr Speaker, the people of Gibraltar need have no fear. They do not have to sleep with their Union Jacks wrapped around them in order to maintain their Britishness. What they have to do is to have a sense of proportion and a sense of purpose, to be strong in standing up to the difficulties as they have been. And the Leader of the Opposition has praised the people and so did Mr Hattersley praise the people for the stand that they had taken. That is not the attitude of people who want to sell us down the river, who say: "You have stood well your restrictions and I admire the people of Gibraltar for standing up to so many restrictions which we want to save you from". So that really the question of what is to happen in the future is a matter of judgment. I am convinced and I would be insincere and it would go contrary to the principles that I have always observed in 30 odd years of public life in not stating the views in matters of this importance as I feel them. If I had the least possible doubt that the British Government was reneging of its commitments in Gibraltar, that the British Government was going to sell us down the river, I would be the first one to call the alarm of the people of Gibraltar to it. I may be wrong. I was told that I was wrong in the 1960's, that Britain was going to let us down but I was proved right. Britain did not let us down and I am not wrong in my judgment, in my very considered judgment, I am not wrong now. The British Government have no intention of letting us down. We may have our differences, good friends have differences but the last thing we want to do is to make them our enemies because we have no other friend. Thank you, Mr Speaker.

HON P J ISOLA

Mr Speaker, I do not know his war we are discussing the motion before the House. I know that the points that

are being touched are of extreme importance

MR SPEAKER

May I say that the things that have been said in reply have been in order.

HON P J ISOLA

I am not doubting that. I did not have the good fortune of listening to the Honourable Mr Joe Bossano in what he said. I, personally, on this particular issue that has been raised about the recent visit to London of Gibraltar representatives, I would if possible not like to put any more coals in the fire at the moment, Mr Speaker, but I think I would express the view or the hope that the proposals of the Constitution Committee that were worked out over a period of two years by Gibraltar's two political parties in Gibraltar and the only people elected by the people to carry out those responsibilities of those proposals that were arrived at by discussion, by compromise and, I think, in a general spirit on both sides of the House to put forward some proposals that would in our judgment ensure for Gibraltar and its people the security and the prosperity that we obviously all want for them. One would hope that those proposals would not be lightly discarded by anybody and we hope that the fact that they have been rejected by the British Government in present circumstances would not deter the political parties from seeking to honour an agreement that they signed and sent on to the British Government. There is not going to be a question as between the elected leaders of Gibraltar of decrying the proposals, one part of the proposals by one side and the other part of the proposals by the other. Clearly, these proposals were come to after very serious consideration. The two main proposals were in fact put to the Minister of State as far back as September, 1975, and I think it is very much a matter for regret that the British Government did not see it advisable or proper to have given a reply to those proposals earlier than during a full blown visit of Gibraltar's representatives. And that of course is a rebuff not just to the people's representatives but to the people of Gibraltar and something which I think we must regret, but I would agree, and I am sure it is not the intention of any person in the IWPB to start now a campaign of hatred for the British Government. I do not think that can be said of us because we are seeking closer links with Britain and I think the net result from what one can see is that the British Government have said: "We do not want any change at the moment, we do not want independence, we do not want to move to free association, we do not want a move closer to Britain" obviously because the international situation as they judge it. We, of course, are perfectly free to consider that the British Government is mistaken in this view. I think we are free to consider that the British Government is possibly wrong in thinking that it is going to achieve a solution to the Gibraltar question by putting out the sort of statement that they put out as far as Spain is concerned. Such a

statement can only encourage the Spanish Government to believe and to think that they can get Gibraltar at less cost than they thought likely before the British Government made its statement. That is unfortunate and as has happened on other occasions the Spanish Government will have to learn possibly the hard way that the British Government, and I am sure we all on this side of the House subscribe to this view, that the British Government is firm in the way it stands by the people of Gibraltar. But, Mr Speaker, I think it is very hard on the people of Gibraltar, it is very hard, to deny them their aspirations, to deny them their right to progress towards an honourable situation, an honourable feeling of more decolonisation than we have today. I think it is wrong to have shrunk away from their responsibility to the people of Gibraltar, to give them the institutions they desire and the help that they need purely because of international considerations. But then I suppose we have to consider that we are dealing with a Government that has quite a long experience in diplomatic activity, a Government that has traditionally been slow on the uptake, a Government that gives you the wrong impression very often. But, Mr Speaker, there is equally no doubt that unless we are prepared to push them and carry on pushing them, unless we are prepared to go on and on we are not going to get very far because the British Government has a habit of trying to get away with the least possible. What we do in the present circumstances is a matter for us to consider but certainly one thing is absolutely certain and that is that the people of Gibraltar are entitled to expect from their leaders a full blooded performance as far as British Government is concerned. I think that whatever the Honourable and Learned the Chief Minister may have said about the Leader of the Opposition, one thing I am sure we can all be certain of and that is that in London he struggled and struggled and fought and would not take no for an answer. Nor do we hear on this side of the House, I do not think for one minute that we can accept the arguments of Mr Hattersley that this form or that form is out. Mr Hattersley appears to be particularly prejudiced against integration, Mr Speaker. I must confess I do not like the man because I feel that it has not been fair because if he said at the London conference, that integration was out, free association was out and independence was out, he should have had the guts to put it in the communique and not point to integration and independence. But when all is said and done the London visit has been very unfortunate from the point of view of the people of Gibraltar. It has been demoralising for the people of Gibraltar. Where the blame for that lies I would say fundamentally it must lie with the British Government and fundamentally, too, perhaps the Chief Minister did not put up the performance that we would have expected from a joint communique signed by both sides. The impression one gets now is that one side fought more on one particular aspect and the other fought more on the other. I am sure that my friend put the case for Gibraltar very fully and my Honourable Friend seems to feel that the Honourable and Learned Chief Minister did less than justice to the Gibraltar cause in London. And there of course on this side of the House we must accept without question this particular point because we know that what we put forward, the movement towards closer links to Britain in the permanent economic relationship and the UK citizenship which is something that on this side

of the House we passionately believe and we expect without question that the Honourable Mr Xiberras, for the Integration Party, fought for this as hard as he could. I think it is most unfortunate that a similar performance was not forthcoming from the other side. But he that as it may I hope that the appropriate Government Minister will say in the course of this debate however irrelevant it might be to the terms of the motion, will say that the political party on the other side still subscribe to the principles to the Constitution Committee Report and still considers that these are aims agreed around the table between the two political parties as desirable for Gibraltar and which will be implemented in the fullness of time.

HON CHIEF MINISTER

If the Honourable Member will give way. I think he knows that the putting into moth balls of the Constitution Committee was not the making of this side of the House.

HON P J ISOLA

Well, Mr Speaker, the question of putting into moth balls was obviously the question of, what do you do next, I think it is fair to say that confidence between both sides has been seriously impaired as a result of the performance on the part of the Chief Minister in the London visit. But the report there, has been signed, has been subscribed to by both political parties as being in the interests of Gibraltar and I think this is something to which both parties should continue to subscribe. But, Mr Speaker, as I said before, the motion reviews the performance of the Government since 1972 and the Honourable Mr Xiberras has, I think, gone at some length into this performance. I think at the end of the day these four years will be looked back on as years of drift, as years of inactivity, as years of a Government being led rather than leading, as years in which development has come to a slow grinding halt. Mr Speaker, we have had four years of AACR Government and at the end of those four years we find that there are no future development plans, we find e.g., that once the project at Europa is completed the Filipino workers will be going back to the Philippines on completion of their contract. We find that two of the Government contracts, Varyl Begg Estate and British Government contracts in Europa are finishing during this year. What is happening in the future? What projects are there actually on the board to follow them up? Very

few, Mr Speaker, and this will involve surely considerable losses in PAYE tax for the Government. As capital investment is reduced and has been reducing rapidly over the last four years in Gibraltar the economy will be affected more and more. We have talk of the Public Works Department Workshops being moved. We heard this at the beginning of the life of this Government. The Government has come to an end and still there is no sign of any activity in this sphere. Then we have the Girls Comprehensive School the same position. Mr Speaker, we are also waiting for the Gibraltar Plan which under the Town Planning Ordinance should have been exhibited within two years of the Ordinance being passed. Four years have gone by and we are still waiting for the plans for Gibraltar. All these factors show a lack of activity and a lack of initiative on the part of the Government. In Industrial Relations it is not necessary, Mr Speaker, to say very much, but merely to point out that throughout these four years far from having responsible leadership and responsible Government we have had chaos, pressures and to a certain extent, without being disrespectful, on a number of occasions literally muddling. The Government has been pushed into decisions and has been pushed into reversing decisions. The Chief Minister said that they made it for the four years, yes, but at what cost and at what expense to the people of Gibraltar? What do we have to show for it at the end of the four years? I know what politics are, Mr Speaker, I know that the other side will make use of all their traditional knowledge of the people of Gibraltar to get re-elected but as far as Gibraltar is concerned the last four years have seen little or no progress in the social and economic life of the community. It has been a period of stagnation, it has been a period of Government spending just enough to keep going, just enough to keep so and so quiet, that section quiet, and the other section quiet. I think the motion describes very accurately the Government of the last four years; inconsistent in so far as it has turned about as and when pressurised into doing so; inaction insofar as it has sat on the fence pretty well right through; incompetence, well, we have had plenty of examples of that; and weakness, well, that, I think, is generally accepted. The only time we have had action, we have not wanted it. When walls have been put up and pavements have been built and there the action has been remarkably fast. But apart from that, Mr Speaker, I think any historian comparing the period of Government between 1969 and 1972 and 1972 and 1976 will draw very clear and definite conclusions. He only has to look at the amount spent in development in 1972 with the amount spent in 1975 to 1976 which was some £600,000

less with inflation, increased wages and so forth during these years, you only have to look at that to see that the period of office of the Government of 1972 to 1976 was a period of inactivity, for stagnation, and lack of progress. I hope the damage that has been done is not permanent and I hope that it can be remedied by a future administration. But I think the House, if it looks at the story and history of this Government of the last four years, looks at it closely, cannot but agree with the motion in the terms moved. Thank you, Mr Speaker.

HON L DEVICENZI

Mr Speaker, since the last words spoken I can see that no other Member from the Government sides dares to speak. The Honourable and Learned the Chief Minister has made his, a very elaborate speech, I might even say a good one, I might even say a very canny one and, Mr Speaker, his canny speeches we are all used to. If those who listened to him were ignorant of the facts it might even be convincing but if you examine what he has said it is easy to detect that the Honourable and Learned the Chief Minister is a very good politician but a very bad statesman otherwise. Mr Speaker, he would not be defending what he is supposed to be defending now. If we look across the floor of the House, Mr Speaker, we see the full team of ten members of the Government, they do not even make a football team let alone a good Government. However, Mr Speaker, on the Government side we have the Honourable and Learned the Attorney General and the Honourable Financial and Development Secretary who are ex-officio members of the Government who we shall call for the lack of a better word full backs and are able to stop and very cleverly parry any attacks on the Government when they think fit to do so. But I will forget these two gentlemen on the left although they are on the right. For me, they are neither here nor there. I am concerned by the stant taken by the Gibraltar Government led by the Honourable and Learned the Chief Minister on the latest issue which is the constitutional talks in London and of course as the motion says on the inconsistency and inactivity etc., of the Government. The Honourable and Learned the Chief Minister was offended by the words by my Honourable Friend, Mr Joe Bossano, that he was the puppet of the British Government. Of course he has to do that, Mr Speaker. I will not say he is the puppet of the British Government, I will say he is the little boy of the British Government. When the Chief Minister says that they are united in their stand let us not forget what we all know to be the hypocrisy within the Government.

MR SPEAKER

I will not have that word in this House. I am sure you do not mean to say it.

HON L DEVICENZI

Mr Speaker, if I have to withdraw the word I withdraw it.

MR SPEAKER

Inconsistency, perhaps.

HON L DEVICENZI

If I know of a better word meaning the same thing to suit it I will ask your guidance.

MR SPEAKER

Because otherwise I have to rule you out of order.

HON L DEVICENZI

The differences between them which will lead people to see the hypocrisy that might exist within the Government where we all know, Mr Speaker, that only by sheer inconsistency between them have they been able to survive these last four years. We all know, Mr Speaker, about the Gallant and Honourable Colonel Hoare within the House of Assembly and his attitude in the Council of Ministers etc., and I commend the Government for having put up with his inconsistency. Mr Speaker, the Honourable and Learned the Chief Minister did say when he was making his defence, and I stand to be corrected, I think he said: "and to hell with the House of Assembly".

MR SPEAKER

No, no, he did not. He did use the word "hell" and I nearly called him to order.

HON L DEVICENZI

I think the Chief Minister has not got the courage to face the British Government face to face. Long ago the Chief Minister was given the title by the British Government of "our boy in Gibraltar" and since that time he has been able to play it in such a way that with his canny speeches, and he knows what the people of Gibraltar want to hear,

MR SPEAKER

I am afraid I am going to have to call you to order. You are now making a personal attack on the Chief Minister on a motion which condemns the activities of the Government. I have given you as much latitude as I gave the other Members but no more.

HON L DEVICENZI

I bow to your ruling, Mr Speaking. What I was saying was that the Chief Minister does not have the courage to confront the British Government on the vital issues as they affect Gibraltar. I would ask the Chief Minister to answer but as he has already spoken himself perhaps he might ask some other member of the Government to explain why he has taken six or seven days to speak out and tell the people of Gibraltar what happened in London and not to await the press conference of the Leader of the Opposition and also the appearance of the Honourable Mr Joe Bossano on television and only then to come out with his own version of what happened in London. Mr Speaker, within the framework of the motion, especially on the part of inconsistency, I would say that it is very, very bad and very unconvincing for the leader of the delegation, the leader of the Government to wait for so long to come up with a gimmick, a gimmick which I dare say in this House in spite of what any other Member on my side would say, that if we have received any assurances from the British Government as regards the memorandum to the effect that they do not mean exactly what the memorandum appeared to mean, that it is just another way out of a difficult situation which the Chief Minister of Gibraltar is prepared to accommodate for another number of years. I would, Mr Speaker, say perhaps in my last speech in the House of Assembly, to hell with Mr Roy Hattersley and the Chief Minister of Gibraltar who

MR SPEAKER

No, no. Order.

HON L DEVICENZI

To hell with Mr Roy Hattersley and to anybody in Gibraltar

MR SPEAKER

No, no. You must not be personal. If you say that you do not care about something and to hell with it, then it is acceptable but you do not send people to hell in this House.

I call on the mover to reply.

HON M XIBERRAS

Mr Speaker, I wish to make it clear that I stand by all I have said in relation to the visit to London with the Chief Minister. I should like to answer very briefly some of his remarks and I find it easy because he has presented a consistent picture, a picture which he has developed over the years. He has described me as being ambitious. I hope that at no time I have any law in Gibraltar changed because I consider myself also to be indispensable for my particular and private benefit.

MR SPEAKER

Are you making an allegation against someone in this House?

HON M XIBERRAS

About what Mr Speaker?

MR SPEAKER

About changing the law to suit their own interests. If

that is not the case then you may continue.

HON M XIBERRAS

Mr Speaker, the attack on my Honourable and Gallant Friend Major Peliza is of course greatly resented. If he is not here it is perhaps because the Honourable Member in pursuance of what he thought was the truth made things so uncomfortable for him that in the end something had to give and for personal reasons he is away. I can assure him that if it is at all possible he will have to face him in the next House of Assembly. As to the Honourable Mr Bossano and his so-called defection from the IWPB, Honourable Members will know that the Chief Minister has spared no effort to obtain his support and Honourable Members will know that whatever his independent view the Honourable Mr Bossano is not prepared to compromise with the Chief Minister on this particular issue and neither am I.. The Chief Minister has also said that I have not reached the calibre and I am no one to defend myself against that allegation. But I am able to defend my good name in the defence of the interests of the people of Gibraltar and even in the muted terms used by my Honourable and Learned Friend Mr Isola I feel and I repeat that he failed to do justice to his signature on those proposals, that this is not the first time that the Honourable Member has displayed his ability as a politician to undo what he has been trying to make people believe has been his honest and sincere attitude, and that one grows wiser with each experience. Mr Speaker, The Honourable and Learned Member has made it appear that Mr Hattersley's arguments were prompted by a desire to make it clear to me that integration was out. Simple reference to the communique will show that as independence and integration are out the Chief Minister has made it clear first to the GTC then, I believe, in his press conference, that free association was also out. But I can see that the attitude of Mr Hattersley and the attitude of the Chief Minister have both to gain by the non-inclusion of free association and I have accused Mr Hattersley of bad faith in this matter because I made an explicit reference to the inclusion, as the Chief Minister knows, in the second meeting, to the inclusion of free association in that communique because it has been categorically ruled out by the British Government, but no doubt the Chief Minister will gain from this omission of the British Government which to me is sufficient indication of the general accusation that has been made that Her Majesty's Government for very obvious reasons would like to

see the Hon and Learned Member as Chief Minister of Gibraltar again. But there is the rub, Mr Speaker, it is absolutely clear that the Honourable Member both in 1972, and now, can gain from the attitude of the British Minister. It was the Conservative Minister, Sir Alec Douglas Home, at the time and now it is Mr Roy Hattersley. But, Mr Speaker, let us bear in mind too that for all his experience the Honourable Member can also be taken for a ride by Her Majesty's Government when the national interest so demands and it is one thing to state in this House categorically that he has confidence in the attitude of the British Government, it is quite another thing when it comes to talking face to face with them and things are said not just about integration but even the possibility of the devolution of further powers to Gibraltar and the Chief Minister of Gibraltar accepts and says: "I will come back some other day, I will come back". We are not talking, Mr Speaker, much as the Chief Minister would like it, about the ruling out of integration. We are not talking about Mr Hattersley calling the proposals Sir Joshua Hassan put his signature to describing them as proposals for closer integration only to avoid the question of my Honourable Friend when he asked him: "Do you still stand by those proposals?" And I shall give way if he wishes to stand up and say that he does not stand by them, they are still fresh in his memory. It is not only a question of giving a death blow to integration, it is a question, too, of having in the foreseeable future all constitutional change stopped. The Chief Minister has called integration an abortion, well, the Chief Minister's ideas were aborted a very long time ago. The official abortion took place in a CPA Conference in London in 1973, when he told the whole of the Commonwealth representatives that he had advocated free association for the people of Gibraltar some ten years before and now he believes in a tailor-made constitution and he continues to believe in a tailor-made constitution, Mr Speaker, despite the fact that Her Majesty's Government has told him - and I would imagine that tailor-made constitution implies some sort of development in some direction in the foreseeable future otherwise he should not state it as a belief - Her Majesty's Government has told him in my presence and in the communique that even the chances of further devolution to the people of Gibraltar are at this stage largely theoretical. Mr Speaker, where is the man's policy and what does it stand for except for getting into power the next time and hoping that God will send him some sort of enlightenment so that he is able to put up a better performance the next time he is confronted with the sort of humiliating situation with which both he and I were confronted in the UK. I can assure the Chief Minister, and he should know this because I did defend the right of the people of Gibraltar to any of the three choices, and I questioned the right of the British Government to rule out in what he chose to describe as philosophical terms all the options, not just the option chosen by my party and subscribed to by him in part after years of fighting against integration and whereas he rejoiced in the fact that the people of Gibraltar would not have that particular option opened to them, I was sad and disappointed that the other two options were ruled out and not only that, that the joint view of the leaders of Gibraltar should be turned down, after 9 months premeditation,

in such a manner. I defend even Sir Joshua Hassan's right to go for free association if that is what the people want, or for independence if that is what we want but to be circumscribed by the Treaty of Utrecht

MR SPEAKER

I have given enough latitude. You are now exercising your right of reply and I think it would be unfair to give you the full latitude that I gave you when you moved your motion.

HON M XIBERRAS

Mr Speaker, I am trying to stick to the points that were made and replying to them. It is unfortunate that my long speech before has not been followed up in its broad context. The Chief Minister has limited himself to this particular issue and I think I should make a few comments on it. May I make it quite clear that I told him in front of Mr Hattersley that I thought that no Gibraltar leader should accept it, and this was not a case of defending integration. Mr Speaker, on the events of London each can have ~~his~~ own version. There is one difference, however, with the events of 1972, that this time it is not a question of a Gibraltarian view could or could not have been submitted though as I say I have full authority to publish the papers on it, from Major Peliza, this time Her Majesty's Government has made a categorical statement and I am very glad that as an indication of the effect that that piece of paper has had in Gibraltar we have got already some explanation from Mr Hattersley as regards what that statement meant. I would study that piece of paper but it is not only the unilateral statement that I am concerned with, I am concerned with my personal experience, Mr Speaker, and it is on that that I base my judgment for the future. Mr Speaker, as regards the competence of each one I am sure that there are people just as able as me in this House and more able and there are three or four who if not more able would be, let up put it in the terms of the motion, less inconsistent than the Chief Minister. And I have tried to show with respect to the local issues the whole pattern of inconsistency building up and I would not like to see, and I told a certain representative of the FCO who came to Gibraltar, ^{recently} I would not like to have seen this as an election issue. But I think that contrary to what he says, it is the Chief Minister who would like to see this as an election issue, it is the Chief Minister so that he can come out and say: "Have no fear, Hassan is here". That is the purpose of his latest communique, to create a need for his so-called indispensability. Well, let ~~me~~ assure the Chief Minister that my reading of the situation is not made with the election in mind and was not made with that, I was much concerned with the trend of events which may very well have been engineered by one or another party to create that sense of danger which is absolutely real, which is not just a figment of the imagination of integrationists but which is shared by a good number of businessmen as well and I have had

personal experience of this in a number of people who have come up to me and are worried that the British Government should not be able to commit itself, for instance, to a permanent economic link because they would not like to narrow the options available to Gibraltarians if this were done. Mr Speaker, the Chief Minister says that I talk too much and maybe he is absolutely right, but one thing, as my Honourable and Learned Friend says, he cannot accuse me of not standing up for my signature and something that I have said I will defend. That is something the Honourable Member cannot accuse me of, and if he did the people of Gibraltar would not believe him, they would not believe that I had broken faith once I had given my agreement and he cannot accuse me of that. On UK citizenship I would have been very glad if the Chief Minister's performance in London, what he says is his way of expressing strength, if this had been reflected once he is back in Gibraltar. But what sensible Gibraltarian is going to accept that as being strength. To accept an assurance of consultation, heavens above, if the Chief Minister of Gibraltar had not had come back with an assurance of consultation he could have been mobbed, Mr Speaker, when he came back. He need not have gone to London to get an assurance of consultation when our citizenship was being discussed. Mr Speaker, I said earlier and I maintain that the very least Her Majesty's Government could have said in anticipation of a Constitutional Conference is: "I assure you that you will not have a different nationality whatever happens in London". And I think it is a shame and a let down for the people of Gibraltar that this has not been done and I do not care whether the Chief Minister, whether he is in opposition or where he is, goes back in three months or six months time. The failure of the British Government to make that statement to us now when we were asking for real UK citizenship, is a blot on the British Government. Mr Speaker, the Chief Minister comes back and he says that he is not interested in the UK passport. What do people think that he has been fighting for in the United Kingdom? They do not know because of course he did not publish the proposals beforehand, he did not agree to this. Of course he did not publish the proposals beforehand. Now he comes back after having fought for United Kingdom citizenship, he comes back to the people of Gibraltar and says: "Of course I am not interested in a UK Passport. I want a Gibraltarian Passport but I went there to fight for real UK citizenship with all its attributes

HON CHIEF MINISTER

If the Honourable Member will give way. I never said that. What I said was that I did not consider that there was any difference in the citizenship of a Gibraltarian Passport or a British Passport under the British Nationality Act, 1948, and I hold that as a matter of Law.

HON M XIBERRAS

It is exactly the same argument he used in London when we were representing that we should have an assurance that citizenship would not be different, he made the totally irrelevant point that at present

our citizenship was the same. What defence have our proposals? How is the need expressed to the British Government if he says he is satisfied and that he is alright now.

HON CHIEF MINISTER

I said it because it was exactly the same and if there was any change in status we had to be consulted because it could not be done without our consent.

MR SPEAKER

Order. I am going to be very strict and I am going to ask you to reply in the terms of the motion and nothing else. I think I am entitled at this stage now to bring you up any time you are out of order.

HON M XIBERRAS

Mr Speaker, there are certain reasons for moving a motion and I have to reply

MR SPEAKER

I have on many occasions had to take objection to you for saying that. I have been as liberal as I can with you and you have insinuated that I consider this matter not to be important enough to debate it the way you would like to debate it. I will not have it. I have my Standing Orders to apply and I will apply them. I give way as much as I can and then I draw the line and I am beginning to draw the line now. Let us leave it at that.

HON M XIBERRAS

Mr Speaker, may I correct one impression, however, that I have in no way said that you do not consider this sufficiently important. What I am saying is that in presenting the motion I opened myself to counter arguments and I thought the right of reply enabled me to reply to these counter arguments.

MR SPEAKER

With respect to the Leader of the Opposition, it is because due to my liberality I allowed you to speak on things which are not completely and utterly relevant to the motion that the other Members were entitled to speak on it and I am not going to have you tell me that because the
now

other Members have touched upon it in those circumstances that you must be given a second bite at the cherry.

HON M XIBERRAS

With due respect to you, Mr Speaker, what I am saying is that the motion has unfortunately come over to this particular point and I dwelt on this amongst others, and there are certain points

MR SPEAKER

You started your reply at 5 minutes past 7 and for the last 20 minutes you have been speaking on this particular subject.

HON M XIBERRAS

It is the only point that has been defended opposite.

Mr Speaker, on the terms of the toast made by Mr Hattersley I shall make very few comments. I did not walk out as the Honourable Mr Bossano might have done but at no time did I give the impression that I was satisfied. In fact I started my speech by saying that I did not mean to be churlish but that these were the things that the people of Gibraltar want to see and I referred to the constitutional changes that we wanted. On the question of the Passports the Chief Minister has offered no clarification at all. As regards power sharing in the Constitution Committee I have no doubt that he would not mind sharing the power of all his ministers there so long as he was Chief Minister of Gibraltar again, and that is the purpose of the Committee system, that is the thing. Mr Speaker, I made a strong stand in Britain for the report as a whole. As regards the permanent economic relationship the Chief Minister said in its defence after asking me to intervene that it could not do any harm. That is no defence of the joint proposals. On the Algeciras ferry, Mr Speaker, of course I would welcome the restoration of normality. But I am not going to welcome and I am not going to stand still if the British Government puts as an option, however veiled, that the opening of communications with Spain must be achieved at the sacrifice of my future, my children's future, and my children's children's future. That is what I am not prepared to do and that is what I mean by my political reservation. Her Majesty's Government has the last word in constitutional change and it is going to have it rather easily for as long as we have the Chief Minister that we have, it is going to have it rather easily. What he has not realised, in fact, or does not want to realise, or he is playing for time before he realises, is that the situation has changed in Spain

MR SPEAKER

You have touched on that point before in detail.

HON M XIBERRAS

Mr Speaker, the Chief Minister has been accused of being a puppet of the British Government. I think the Chief Minister thinks he is being very clever and he is using the British Government. He has been in that position long enough for it to be understandable that he thinks that. But he has never considered the possible position that the national interest of Britain at any particular point may very well differ from those of Gibraltar and then it will be that the British Government having been used by the Chief Minister, will demand its pound of flesh. And I hate to think what would happen in any future talks if the Chief Minister were told: "Well, we have got the frontier open, that is what you wanted, now the Spanish Government is asking that you have no constitutional development, that we begin to integrate economically

MR SPEAKER

Order, order. You are bringing new matters into this question in your reply.

HON M XIBERRAS

Yes, Mr Speaker. The Chief Minister said I misrepresented the views expressed in London. He has made the same allegation of my Honourable and Gallant Friend Major Peliza. I repeat that this time the communique is out for people to see and I am very glad that Mr Hattersley has made his first correction and I have no doubt that he will make other corrections in due course.

So, Mr Speaker, we have had this debate which started off and covered many different aspects of the Government's incompetence, inconsistency and so forth. It is, I think, interesting that the Honourable Mr Bossano and then the Honourable and Learned the Chief Minister and the Honourable Mr Isola and the Honourable Mr Devicenzi have all concentrated on this particular point and the other points will no doubt be developed in the course of the election campaign, I have no doubt about this. It is unfortunate that this should happen. I tried to avoid that this should happen but it has happened, happened it has, and anyone's interpretation of events is justified here. The Chief Minister may have his own. I am not accusing the Chief Minister of wishing to surrender sovereignty, I made that quite clear. But what I do think is happening and has happened is that the Chief Minister has no reply to the trends that have slowly been established and which have now come to almost their culmination with the change of

Government in Spain. I ask him as a responsible leader to bear these things in mind, to bear the trend in mind and to realise that it is not ~~without~~ reason that Mr Fattersley had had to make a correcting statement so early. and, I am sure, not purely as a result of my press conference or as a result of the Honourable Mr Bossano's television appearance. There has been one correction already. I ask him, not as Chief Minister any more because he will not be in effect Chief Minister for very long, he will be caretaker Chief Minister, I ask him as a responsible leader of Gibraltar to realise what the trend is, to realise that the argument can be employed again and to subscribe to the general view that a stand must be taken now on these matters, because the argument can be employed against us again and when it is employed, and if the frontier is open, then we will find it very difficult to resist it. That we must go in united on this. If he cannot subscribe to this openly, if Gibraltar cannot be united on this matter, then I think whichever way things go we are in for a very disagreeable period. That was the burden of what my friend Mr Isola, by trying to pour oil on troubled waters, was trying to say, that there was a basis for unity but the Government apparently is not able to say now that they subscribe to the proposals

HON CHIEF MINISTER

If the Honourable Member will give way. He has just accused me of using the committee system in order that I can continue in office and so on. If he makes all these allegations of bad faith how can he, a few minutes later ask for unity of purpose when he is the first one who is adding fuel to the fire by putting bad motives in other people's minds?

HON M XIBERRAS

Yes, Mr Speaker, except he called the major part of the report integration and he rejoiced in London when that was turned down. That is bad faith as well and he failed to defend it. The Chief Minister has a choice, either he joins those who would put up a stand now or he does not. This is the choice. I can assure him that a lot of people are determined and worried about the situation. Either we put up a stand now or Gibraltar will be divided once again as in 1972. For the good of Gibraltar I hope that the Chief Minister reconsiders this position that we put up a stand now. If we should get a rebuff it is too bad, let us know what the situation is but do not let him be anodyne about it, conceal the fact that there is a risk, that the subtle dangers are forgotten and that he, if he is elected Chief Minister, will be able to deal with all of them because I for one do not believe it and I do not think many people in Gibraltar will believe it either.

MR Speaker then put the question and ruled that in his opinion the motion was a motion of no confidence and consequently the ex-officio

Members of the House were precluded from voting in accordance with the proviso to Section 44 (I) of the Gibraltar Constitution Order 1969.

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

The Honourable Miss C Anes
 The Honourable J Bossano
 The Honourable L Devicenzi
 The Honourable P J Isola
 The Honourable W M Isola
 The Honourable M Xiberras

The following Honourable Members voted against:

The Honourable I Abecasis
 The Honourable A J Canepa
 The Honourable M K Featherstone
 The Honourable Sir Joshua Hassan
 The Honourable Lt Col J L Hoare
 The Honourable A P Montegriffo
 The Honourable A W Serfaty
 The Honourable H J Zammit

The motion was accordingly defeated.

HON CHIEF MINISTER

Mr Speaker, I gave notice earlier on that I would move the suspension of Standing Order 60 to deal with the recommendations of the Select Committee on Broadcasting and I move accordingly.

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

HON CHIEF MINISTER

Mr Speaker, I now move that the report of the Select Committee on Broadcasting be accepted by the House. Mr Speaker, this is very much of an interim report. Unfortunately time will not allow us to finish our labours. It is a very complex matter. We have been concerned with a number of difficulties and we have made certain recommendations, in principle, as a guidance for those who come after us to deal with. There has been no difference in principle in the approach to these matters and for the benefit, in fairness to ourselves and to those who come after us, for the benefit of whatever Government comes in after us, we feel that there are one or two aspects further that could be pursued unofficially

if Members opposite want to cooperate between now and the elections in order to make a more complete study of the situation. Generally speaking, Mr Speaker, the Committee has recommended, as set out in page 3, the introduction of colour television to be agreed in principle. There appears to be no need for the renewal of the management agreement between Gibraltar Broadcasting Corporation and Thomson Television once it comes to an end in 1978, that the offer described in the report of Cable and Wireless to give us information on consultancy and possibly on rental basis be pursued, that independent expert advice be obtained on the quotations submitted for the implementation of colour television and the question of obtaining technical assistance also be pursued. The Committee recommend that further consideration should be given to the broadcasting of part of the proceedings of the House of Assembly - I presume that we shall have to be limited. The Committee feels that there should be more discussion programmes of general interest, particularly on radio, and that consideration be given to the need of any additional staff required for the purpose. That consultations with GBC should be carried out with a view to having an agreed appeal procedure available to redress grievances and the Committee supports the recommendations of the Rickard and Sizer Report that an honorarium be paid to the Chairman of GBC in the future and that consideration be given to carrying out any amendments that might be necessary for the provision of the Gibraltar Broadcasting Corporation Ordinance in relation to the directives of the Governor in Council to bring them in consonance with the practice between the United Kingdom Government and the British Broadcasting Corporation in the circumstances of Gibraltar. I move that the Committee's Report be accepted.

Mr Speaker then invited discussion on the motion.

HON M XIBERRAS

Mr Speaker, since the Chief Minister has practically read the report I think that Honourable Members who might have been at a disadvantage if they had not read it will not be at a disadvantage now. Mr Speaker, may I say that I found the 3 meetings of the Select Committee to be just scratching the surface of this matter, that the Report contains no fundamental innovation and I do not think it will make any great contribution to the general situation. It is basically a question of whether one spends money or does not spend money on going colour and that the various options are not even now clear to the Committee. So therefore, Mr Speaker, even though the Chief Minister said that he would try his best to produce a full report, I am sorry that it is so skimpy in nature and that not even all those people who were interested in providing the service have been interviewed and we have not got beyond the stage of having somebody appointed from ODA to look at this matter. Nonetheless the subject is a very important one involving a very substantial amount of money and it is a big decision for Gibraltar and one which the longer we delay the more expensive the conversion to colour will become, so I think that whatever guidance the report can

give should be utilised in this matter but I do not think that on the basis of the report it is possible to arrive at any conclusion whatsoever in respect of colour television, to give one example, except that generally we think it is a good thing to have it, it is a very good thing in fact, it is an important thing to have on political grounds mostly. On the other matters, the Rickard and Sizer Report, I think was a much more thorough operation and one thing I would like to make clear is my view that it is not a good thing to spend hundreds of thousands of pounds going colour to improve television if one is not going to do something about the rest of the service. I think the community aspect and so on is most important and these are the recommendations of Rickard and Sizer so I certainly will not agree to one being done without the other and I am very glad that the committee agreed that progress should be made on all fronts. Really, Mr Speaker, there is nothing one can say. I do not know when the ODA man is going to be appointed but I do hope that he is appointed and we have a recommendation by the time the next Government takes office, otherwise the cost may very well be one third more than it is now.

HON J BOSSANO

Mr Speaker, I think the most important of the recommendations of the Select Committee is that concerning the question of the relationship between the Government and GBC and I think the independence of a broadcasting organisation and its ability to criticise impartially is something that can make a big contribution towards the preservation of democracy of Gibraltar. I am not suggesting it does not happen now but I think it is important that the independence of GBC should be seen to be so in such clear terms that no room should be left for doubt in anybody and I know that we are all subject to the same sort of reaction when one is the object of criticism and to think that that criticism is the result of the influence of others. But if the GBC was seen to be totally independent of any other body as indeed the BBC seems to be in the UK, then I think a lot of the criticism that we have heard in the past would disappear and I think this would strengthen our democratic institutions in Gibraltar. I also want to associate myself fully with the sentiments concerning the use of television to enhance the quality of community life in Gibraltar. I think TV can play a very important and dynamic role in bringing a small community such as ours

even more together than one would expect it to be traditionally and I think we must see TV in Gibraltar not as something we have copied from a big nation and borrowed but as something that has a natural role to play in our sort of society and perhaps a more vital and important role and a more informative role than it can play in a big society which is by its very nature heterogeneous and composed of different communities which cannot be adequately reflected on the screen because obviously you would need to have a lot of small broadcasting stations if you were to do this in a big nation. I think in Gibraltar it can play a dominant role in the development of the life of the community and I think if we have the will to help it to do that it can achieve that. It has the people to do it and they are dedicated people, they are working under very difficult circumstances in the past and I think we should give them high aims but we should also help them to provide the means of them to be able to achieve it.

HON CHIEF MINISTER

Mr Speaker, there was no difficulty whatsoever in arriving at the last decision to which the Honourable Member has attached such importance but I would not like to miss this opportunity of paying tribute to the members of the Board of GBC who are a number of dedicated people all doing work on a purely honorary basis under pressure from all sides and complaints from all sides and standing their own and we are very grateful for the work they have done but that does not mean that the situation cannot be bettered and make their own lives much easier by having their powers much more clearly defined. But in order to do that in the future it will also need people of calibre because the more power you give on an independent body the more calibre those who have to exercise the independent power must have and I think this was very much in the minds of the members of the Select Committee and we hope that further research will be made to make sure that the relationship as it says in the circumstances of Gibraltar are as clearly independent as the BBC is in England and I think whatever Government, whatever opposition at any time so long as we have free institutions we must make sure that no one party or set of people exercising control over such a media which has such a possible effect on thinking and that is why we attach a lot of importance to the political aspect of it in the broader sense to be able to be a first bastion of defence to a British Gibraltar.

I would like to finish by thanking the Clerk of the Committee for his quick work in what was rather a difficult task over the weekend.

Mr Speaker then put the question which was resolved in the affirmative and the motion was accordingly carried.

HON J BOSSANO

Mr Speaker, I beg to move the following motion:

"This House regrets and views with concern the decision by the Admiralty to remove the tug "Robust" from her base in Gibraltar and the consequent reduction in the capability of HM Dockyard, and wishes to express its alarm at the precedent created. This House calls on the Government, in the interests of Gibraltar, to make the strongest representations to the Admiralty in an endeavour to have them reconsider their decision in the light of the present situation in Gibraltar."

Mr Speaker, I will try and not keep Members of the House unnecessarily long in debating this motion although of course I note that there is a reference to the present situation in Gibraltar and if Members are not sure what the present situation is I might need to spend some time expanding on that. The decision to remove the tug from Gibraltar came completely out of the blue, it was communicated to the Trade Union side representing the crew during the visit of Vice Admiral White who is in charge of Fleet Reserve Services. It was we were told, as a result of the decision in the United Kingdom, not this time but the previous round of defence cuts, and the view in the Admiralty was that the work that was required in support of the fleet was not sufficiently important to be maintained by having the tug in question permanently based in Gibraltar. I should like the House to know that the tug "Robust" has not been very long in Gibraltar and that when it was brought to Gibraltar as a replacement for the "Confident" it was seen as a sign of the continuing commitment of the British Government to make full use of the Dockyard facilities in Gibraltar and, inevitably, its withdrawal produces the opposite impression. The effect of the removal of the tug is, as the motion says, to reduce the capability of Her Majesty's Dockyard.

It is in fact the only seagoing vessel and it is the vessel that accompanies ships that require to go overseas and are not in a sufficiently good state of repair to be able to make the journey safely on their own. "Robust" has been used on such missions, to Chatham recently, and some three months ago to Malta. It is also the only tug capable of meeting the salvage functions which the Admiralty has decided are no longer required. It is also used in target practice involving ships of the Royal Navy and there is no indication yet how this need is going to be met - I do not know whether the defence cuts mean that they have run out of ammunition as well as out of other things so they may not be engaging in target practice any more, Mr Speaker, - but if they do intend to have target practice, and one hopes so otherwise one never knows if Western defence is ever required to be put into action and there has been no target practice for a number of years, Heaven help us if we do not know where the ammunition is going to land, it may land on our doorstep instead of in the enemy's. But if they do require to keep up with the target practice then my understanding of the situation from the members of the Department who are members of my union is that with the present vessels it would be impossible to meet that requirement and there is a great deal of resentment at the possibility that a UK based vessel and even perhaps the "Robust" itself might be brought out periodically from the UK manned by a UK crew to carry out these functions. And this, Mr Speaker, is where the precedent comes in because if in fact the precedence is created that the Dockyard can be run as efficiently from the UK with UK personnel, then who knows, the next stage might be to have, say, a crew flown out on an RAF transport plane to carry out essential repairs on a Leander Class frigate and then when the repairs are completed the crew are flown back. That would be no different from having the "Robust" sailing out from the UK to do target practice in Gibraltar and then sailing back to the UK. So this is where the question of the precedence and the alarm at the precedence comes into the motion. There is no question about the good work that is being done here in the Dockyard. Every Service Chief that comes out from UK always stress in the meetings with staff side representatives the excellent work that is being done, the high quality of repairs and refits and the improvements in efficiency that has taken place in the Dockyard since the withdrawal of Spanish labour. And, in fact, there is more sophisticated work being done in the Dockyard all the time, the pace at which it proceeds tends to be determined mainly by the time it

takes to acquire the necessary skills to deal with more sophisticated sort of equipment, but the sophistication of the work in the Dockyard is being upgraded all the time. This is, in fact, a down grading of the Dockyard and it has to be seen against the background of the importance of the Dockyard to the Gibraltar economy and the fact, Mr Speaker, that expert opinion on the size of the Dockyard is that the manning level of the Dockyard is now at a minimum consistent with viability, that is, that any reduction in the size of the Dockyard and any reduction in the complement would make the Dockyard in fact totally uneconomic. There is a minimum optimum size, there is no doubt that the Dockyard could, perhaps, produce a very large increase in productivity if it were slightly increased in manpower and took no more work, that is, the Dockyard has got the potential with perhaps a 20% increase in complement to deal with 50% more work which would mean a great improvement in productivity, but the work is not available. What it does not have is the capacity to deal with any work at all if there is a 10% reduction, according to the views of the experts on the management side shall we say. The representatives of Her Majesty's Government who come on visits to the Dockyard have in fact in answer to my questions in the past, told me that any reduction in the Dockyard would in fact mean a downgrading, a disappearance of Dockyard facilities in Gibraltar and the Dockyard would then merely consist of a naval base with a skeleton staff. So we must not think that it is possible for the Dockyard to be run down. The Dockyard will either be closed down or will have to be maintained and anything that appears to endanger the continuance of the Dockyard with its importance for the Gibraltar economy and its importance as the major employer must create alarm in Gibraltar and particularly so in the present situation as my motion says, Mr Speaker. Because the present situation has put a question mark over Gibraltar's future which was not there three or four weeks ago. It was not there in fact when the decision to remove the tug "Robust" was communicated to the Union. And when the decision was communicated to the Union, although the Union resisted it, it did not react particularly violently to it because of course the situation then was different from the situation that there is now and discussions have been held with management in order to minimise the impact of the tug. We tried to make representations to prevent the removal of "Robust". We were told that the decision was irreversible and we then started considering if it was irreversible how the work was going to be done and what would be the effect of employment in the Port Auxiliary service. In

fact, the management has tried to soften the blow by suggesting proposals as a result of which 11 of the crew would go into a reserve pool of labour in PAS and be used to meet the needs of the rest of the service in absenteeism, leave and sick leave. Now this, in fact, is a suggestion that can be seen either as an attempt to maintain employment in the interest of preserving the jobs of the people concerned and giving them job security or it can be interpreted as an attempt to minimise the immediate impact now so that the impact will be felt at a less inappropriate time and again we come back therefore to the background against which the decision is being considered: the situation in which Gibraltar finds itself at the present moment, and certainly throughout the Dockyard and not just throughout the PAS the reaction to the removal of the "Robust" is that it fits in very nicely with the attitude of Mr Roy Hattersley. I will not go into a lot of detail about Mr Hattersley - and therefore this factor is one which I urge most strongly on the Government in asking them to support my motion. The Honourable and Learned the Chief Minister is not worried about the situation. Well, I can tell him that if he can get the "Robust" to stay in Gibraltar he will do more to convince the people in the Dockyard that they have nothing to worry about than all the speeches he may make about Hattersley's toast in London, Mr Speaker, on TV tonight. So if he really is concerned to convince people that there is nothing to worry about then I suggest that he devotes all his energy which he tells me he still has and, in fact, brings me conclusive proof. He might even sail the boat back himself to show the stamina that he still has in spite of his old age. And so, Mr Speaker, I look to the House for support in a matter which is not just of sectional interest, it is not just a question of a few men being shifted from one job to another because if that was all that there was to it then in fact I can assure the House that the Union would take an attitude where they would say to its members that they must keep up with events, that they have to accept changes when changes are inevitable, that there must be flexibility of approach and there must be co-operation in the interest of efficiency. If that was all there was to it that would be the line of the Union with its members which its members might or might not accept. But the situation is that that is not how the issue is seen in trade union circles and the likeliest outcome of this will be a marked increase in militancy in the membership of the union both in the Dockyard and outside the Dockyard because people will see

this as the red light. Mr Speaker, I look forward to the support of all members of the House and I trust that the British Government will consider whether the savings that there may be in a defence budget of £2,000,000,000 have to be brought about by this or whether they could perhaps look at other areas as for example the possible retention of existing brand new furniture which is now being thrown away by Her Majesty's Government at a cost, I understand, of over £1m because they have decided that the style of the furniture in quarters of servicemen require changing - I wonder if the British Government could consider that as an alternative option.

Mr Speaker then proposed the question.

HON A P MONTEGRIFFO

Mr Speaker, I think the Honourable Mr Bossano did mention earlier on in these proceedings that sometimes in proposals he brings to the House he finds the Government obstructive and intolerant. I think he is the one Member of the House who gets away with most things that he asks for from the Government and perhaps as a parting gesture of goodwill, since we are now coming to the dissolution, and because in itself the motion has merit, the Government has absolutely no hesitation in supporting it and making the representations to the Admiralty in the context of what he described as "the red light". We did not know very much about this particular affair until it was brought to our notice by the Honourable Member and although I am not going to challenge him to run and see who can run faster like the Chief Minister did, I can assure you that I shall represent to the Chief Minister with all my energy the feelings of the House in this matter.

HON M XIBERRAS

Mr Speaker, we support the motion as well for the obvious reasons that it fits into our interpretation of the shape of things to come, unfortunately. We feel that the Government can demonstrate its will to resist the tendencies which we have outlined in this particular matter. For their help I offer the following, that in 1972 Mr Peter Kirk said that there was no danger of the running down of the Dockyard in 10 years - that would take us up to 1982 -

with a series of refits and so forth. I also entirely endorse what Mr Bossano has said because Mr Peter Kirk told me at the time that the size of the Dockyard was a very important consideration and the Dockyard being a most sensitive area it is absolutely essential that we do not get any regular running down of the facilities because then it would really become uneconomical and then the pressure would really be upon us. It may be that in other broader areas it is hard for people of a particular persuasion to put up resistance but on these particular localised areas it is absolutely essential that we do not get the thin edge of the wedge. And may I say that in relation to the defence cuts announced in the recent White Paper, I wrote to His Excellency the Governor expressing my concern. I have an indication of what the cuts will mean and I would welcome that those who do know about them should make clear what their extent is and how the cuts are to be carried out. I entirely endorse what Mr Bossano has said. It is not so much a question of shifting men from one job to another it is a question of the removal of a facility and therefore the scope of the Dockyard's activity and I think that the Government and the Union and we if we can help, for the time being should take every possible step to get the "Robust" back again. We support the motion.

MR SPEAKER

Are there any other contributors?

HON A J CANEPA

The House will recall that Mr Peter Kirk when he was Under Secretary for the Navy in 1972, made two visits to Gibraltar shortly before we came into office and after we came into office and the Leader of the Opposition is quite correct in saying that certain assurances were given by him, assurances to the effect that there would be plenty of work for all at the Dockyard well into the mid 1980's. Those assurances, Mr Speaker, have been reiterated from time to time whenever the Chief of Fleet Support has visited Gibraltar and those are the assurances which the Honourable Mr Bossano spoke about when he also mentioned about the satisfaction by successive Services Chiefs at the level of output and the quality of the work being done at the Gibraltar Dockyard. What is a little bit unfortunate to my mind is that when Vice Admiral White who is now the Chief of Support was here recently, I know.

that he called upon the Chief Minister, he did not mention anything about what the Admiralty propose to do with regard to the tug "Robust". So the Government has had no prior consultation and no prior information about this other than when the Honourable Mr Bossano give notice of this motion. That is a little bit unfortunate because I think we would have made representations immediately but in the light, of course, of what has happened perhaps our hand is so much stronger now and I can assure Honourable Members opposite that the Government will make the strongest possible **representations** on this vital matter.

HON L DEVICENZI

Mr Speaker, I am so glad that in the last motion of any real substance before the House that the Government is in favour of voting with the Opposition in the motion brought before the House by my colleague the Honourable Mr Joe Bossano and I very much hope that in voting in favour the Government will also take strong action in a robust manner and not in a fickle manner to defend the interests of Gibraltar. Thank you, Mr Speaker.

MR SPEAKER

I now call on the mover to reply.

HON J BOSSANO

Mr Speaker there is only one thing that I wish to add to what I said already and that is that I think it is very important that the Government should work on this one in consultation with the TGWU who will be making representations themselves on its own channel so that each side knows what the other one is doing. Perhaps if somebody on the Government could indicate that they are willing to do this then I am confident that more than just passing a motion we will have improved considerably.

HON A J CANEPA

If the Honourable Member will give way. I can give him a categorical assurance that I am making a note to ask the Chief Minister in making his representations to work closely with the TGWU in this matter.

HON J BOSSANO

Thank you, Mr Speaker, I think that then instead of just passing the motion we will have taken a significant step towards making it a success.

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

The Honourable I Abecasis
 The Honourable Miss C Anes
 The Honourable J Bossano
 The Honourable A J Canepa
 The Honourable L Devicenzi
 The Honourable M K Featherstone
 The Honourable W M Isola
 The Honourable A P Montegriffo
 The Honourable M Xiberras
 The Honourable H J Zammitt
 The Honourable A Collings

The following Honourable Member abstained:

The Honourable J K Havers

The following Honourable Members were absent:

The Honourable Sir Joshua Hassan
 The Honourable Lt Col J L Hoare
 The Honourable P J Isola
 The Honourable Major R J Peliza
 The Honourable A W Serfaty

The motion was accordingly passed.

HON A P MONTEGRIFFO

I now move the adjournment of the House.

I now propose the question which is that this House adjourn sine die and in so doing I will remind the Honourable Mr Xiberras that he gave notice that we wished to raise the matter of Mr Peter Lock. Do you intend to do that?

HON M XIBERRAS

Yes, Mr Speaker. As is known to Honourable Members Mr Peter Lock who is, I believe, still a Government employee, has made numerous representations to all Members of the House as regards certain matters affecting his employment. He has been kind enough to provide us with a whole list of the various letters he has written and I am now looking at the list itself and I felt when he came to the Lobby of the House - I think it was yesterday or the day before - that in view simply of the volume of the representations involved and in view of the interest which he takes in affairs generally that I should raise the matter in the House. I do so, Mr Speaker, because the House could at no future date be therefore accused of not having taken an interest in a case which has taken up so much of this person's time but I would like any Honourable Member on that side of the House to make a statement which clarifies the view of the Government on this particular case. I do not like the idea of Government cases of this kind being discussed in public but just in case there is some hidden snag which has not come to my notice - and I must confess that I have not read all the letters as thoroughly as I would have liked to - but I would like some Honourable Member to make a reply and to say whether the man is in the right or is not in the right as regards the various issues on which he has represented. I am of course not talking about what he has written on UK citizenship and so forth, I am talking on his own particular case, his own particular grievance. I also clarified to Mr Lock when he came to the Lobby and he had a complaint about this that in the absence of the green card system, Mr Speaker, and you are a greater authority than I am on these matters, in the absence of a green card system for seeing Members, it was prudent to ask for a particular Member as he came into the Lobby and then I assured him that if he asked for my name - no longer, of course, because there will be a general election - but if he asked for my name or the name of any particular Member he way wish to see with whom he had contact, I am sure that he would be as well received as anybody else in the Lobby. However, I also explained to him that there were certain procedures which had to be adopted in order to safeguard the independence of Members within the ante room because we do not have all the facilities that one would like to have so I think that he understands the point and I hope that out of this adjournment debate as a result of the statement that Government Ministers may be able to make on this, that Mr Lock will have some sort of satisfaction. I acknowledge

this is an exceptional case but I think that just for pure effort in putting it forward I think it deserves some sort of statement even if it is to say that this is not the place in which to make representations.

HON A J CANEPA

Mr Speaker, I am very grateful to the Honourable Leader of the Opposition for the terms in which he has raised the matter. I, too, agree with him that this is not the sort of matter that should be aired publicly in the House of Assembly particularly as it is a matter which is currently sub judice so I am not in a position to make the sort of statement that the Leader of the Opposition is perhaps seeking. I also think that it is not the sort of matter in which Members of the House should get involved in because it is essentially a staff matter, one in which certainly the Minister of Labour should not be involved in, and the House, or those Members of the House who have had the latest epistolary expostulation circulated to them will note that from the schedule of written and verbal representations which Mr Lock has made, the matter dates back to August 1970, when My Honourable Friend on the other side was himself Minister for Labour and he does not know obviously very much about this which I think is a good thing because it shows that he was not involved in the matter. As I myself, indeed, have not been involved for the last four years. In fact, again from the same missive, Honourable Members will see that it was not until the 8th June 1976, that Mr Lock called upon me the very morning, in fact, when the Departmental Disciplinary Tribunal was due to meet. The basis of Mr Lock's grievances, I think, stem from the fact that he would wish the post of Warden of the Hostel at North Pavilion to be a non-industrial post and not an industrial post as it is at the moment and as are all the other posts of Warden or Caretaker at the other Government Hostels. Whether he is right in submission or not perhaps the Honourable Mr Bossano might be able to throw a little more light because I am sure that this is a matter which will be the subject of some negotiation at JIC in connection with the post-Scamp negotiations. As I say, Mr Speaker, Mr Lock did not call upon me to air his grievances until the 8th of June, 1976, almost six years after he first made those representations at the Department and it was only from him that I actually discovered that there was a Departmental Disciplinary Tribunal that morning. I think, I stand to be corrected, I think the Tribunal

was meeting at 10 in the morning, he asked to see me and I agreed to do so at 9.50 a.m. and about half an hour later the Chairman of the Tribunal knocked at the door of my office and came in to tell me that the Tribunal was sitting in another room in the Department waiting for Mr Lock to appear before them. Mr Lock, as I understand it, was asked to appear before the Tribunal because for three months he had not been collecting accommodation fees at the Hostel as he considered that to be the duty that should be more appropriately be undertaken by a non-industrial and it was at the end of those three months that the Departmental Tribunal was set up to consider some disciplinary proceedings. I understand that the decision of the Tribunal as communicated to the Director of Labour was that Mr Lock should be dismissed from the Department and he has appealed against the decision and he has appealed to the Establishment Officer and that is why the matter is sub judice. So I regret that I cannot throw any more light on the case than what I have done.

MR SPEAKER

Before I put the question for the adjournment of the House I would like to say that we have come to the end of this final meeting of the First Session of the Second House of Assembly.

I have had the honour and privilege to sit as Speaker during the past four years and, indeed, for some considerable time before that.

I have throughout been very conscious of the great respect, tolerance and forbearance shown by all Members, at all times, to the Chair. This has made my task and the carrying out of my responsibilities that much easier and pleasant.

I thank you all for your help, and I feel I would be failing in my duty if I did not include in my thanks the Clerk of the House without whose help and unfailing loyalty the House in general and I, in particular, could not have succeeded.

Undoubtedly our legislature can boast of being one which has upheld the highest traditions expected from a truly democratic system of government. It has at all times been true to the quotation:

"When you have convinced thinking men that it is right, and humane men that it is just, you will gain your cause; men lose half of what is gained by violence, what is gained by argument is gained forever."

I wish you all, without breaching my impartiality, good fortune in your forthcoming commitments.

HON A P. MONTEGRIFFO

Mr Speaker, I think you have been more than generous with us and I would like to say first of all that we, from all sides of the House thank you for your patience and forbearance throughout the four years during which you have presided over this legislature. Your performance, Sir, has commanded the respect and admiration of the whole House. As to Honourable Members, generally, it has been pleasant, sometimes perhaps not so pleasant, to cross swords but that is the rule of the game in democracy. And I would like to add, Sir, that though politicians are sometimes a much maligned breed in the community, I wish people would realise that we have a very difficult task to perform and I am sure that with different views all that we are trying to do is to try and serve the people who have elected us and improve the social standards in every way that we can. I hope, Sir, that if there has been any slip of the tongue during debate, any acrimonious remark or any unfriendly word, that this will not impair our friendship at a personal level and I hope that in leaving this House we leave as friends though perhaps with different views in trying to serve the community. In the best of sporting spirit may I say in view of what is pending in September, may the best man win. Good luck to all of you from this side of the House.

HON M XIBERRAS

Mr Speaker, perhaps we could make these pronouncements more often. I would like to thank you, Mr Speaker, for your work in this House, for your impartiality and for your patience and for your ability in running the affairs of this House in such a way as to be able to accommodate, in the proper sense, the views of all Members and I think that this credit which is your due is given to you quite freely by all Members of the House who have a great

admiration for your ability in the exercise of your office. As you are aware you are the only Member of this House who is not directly elected by the people of Gibraltar, but I think that no Member of this House would desire a change in the occupancy of the Chair and I am sure that all Members would like to see you in your familiar place at the next session of the House. I would like to reciprocate what has been said by the acting Leader of the House, Mr Montegriffo. Of course at a personal level I find it very difficult to be inimical to him because as he is often fond of recalling we have lived in the same house and our families have been connected over a very long period. But, in essence, a debate is about things that one believes in and both sides of the House may have different interpretations and judgement and my only fear is that the issues which Gibraltar is concerned at this moment of time are going to prove extremely divisive. I have expressed the wish that this should not be and of course I must express the hope that even if the issues do continue into the general election, that Honourable Members will all feel that we each see the matter in a different perspective and according to the best of our judgement and that we are acting in the last resort in the interests of people in Gibraltar but not for that should there be less fire, should there be less conviction in what we say because otherwise that would be the end of the real spirit of democracy. Thank you, Mr Speaker and thank you to all Honourable Members for their contribution to the work of this House and we do hope that whatever we say here, Gibraltar has been somewhat better for the efforts of all.

HON J BOSSANO

Mr Speaker, as the only other independent Member of the House beside yourself I feel I should also openly state my appreciation of your guidance to Members, and of your tolerance to your more difficult Members in the House. I think your place as Speaker of the House of Assembly has contributed a great deal to make us act more civilised when we have been near to breaking point and I am convinced that you have an extremely difficult job in occupying the Chair of Speaker in Gibraltar. I think it is quite possible that the difficulty of the job will be increased as a result of the next election, and I hope that that does not deter you from a determination to continue doing what I consider to be an invaluable job and in fact to continue there because you are, Mr Speaker, irreplaceable so it is a good thing that you do not have to go to an election.

HON MISS C ANES

May I, as the only woman in the House also add my little grain of salt to thank you all for your patience. I think therest of the staff must also have our appreciation and thanks. The Usher, the men who have been there patiently sitting at the recording machines, the typists, the lady who cleans the House, the policeman on duty, I think everybody who has most patiently been listening and attending to our needs here in the House also deserves our thanks and appreciation. And most of all yourself, Sir, for your patience in bearing with us for many hours, for many arguments. Thank you, Sir.

MR SPEAKER

May I thank you all, particularly Miss Anes for showing the feminine touch and in thanking all those that have contributed to the House such as the Usher, the recording staff and the police. Perhaps we should say goodbye for the time being, too, to our fellow members of the information services who after all they do sit there patiently as the people who entrusted to put out the information that is gathered in the House.

The adjournment of the House sine die was taken at 8.30 p.m. on Monday the 5th July 1976.