

HOUSE OF ASSEMBLY

HANSARD

OF MEETING

HELD ON

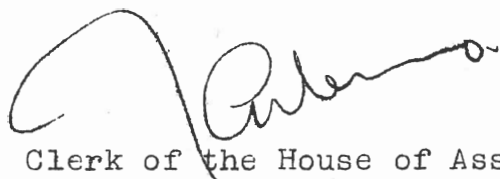
13th DECEMBER 1977

House of Assembly  
Gibraltar

HOUSE OF ASSEMBLY - VERBATIM REPORT

A copy of the Report of the proceedings of the House of Assembly meeting held on the 13th December, 1977, is attached.

2. In case of any amendments Hon Members are kindly requested to hand them in not later than Tuesday the 14th March, 1978.



14.2.78.

Clerk of the House of Assembly

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Eighth Meeting of the First Session of the Third House of Assembly held in the Assembly Chambers on Tuesday the 13th December, 1977, at the hour of 10.30 o'clock in the forenoon.

PRESENT:

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

GOVERNMENT:

The Hon Sir Joshua Hassan, CBE, MVO, QC, JP - Chief Minister  
The Hon A J Canoja - Minister for Labour and Social Security  
The Hon H J Zurmatt - Minister for Housing and Sport  
The Hon A F Montegriffo, OBE - Minister for Medical and Health Services  
The Hon Major F J Dellipiani, ED - Minister for Municipal Services  
The Hon A W Sarfaty, OBE, JP - Minister for Tourism, Trade & Economic Development  
The Hon M K Featherstone - Minister for Education and Public Works  
The Hon J K Havers, OBE - Attorney-General  
The Hon A Collings - Financial and Development Secretary

The Hon Dr R G Valarino

OPPOSITION:

The Hon M Xiberras - Leader of the Opposition  
The Hon P J Isola, CBE  
The Hon Major R J Peliza  
The Hon J B Perez  
The Hon G T Restano

INDEPENDENT MEMBER

The Hon J Bossano

IN ATTENDANCE:

P A Garbarino, Esq, ED - Clerk of the House of Assembly

PRAYER

Mr Speaker recited the prayer.

CONFIRMATION OF MINUTES.

The Minutes of the Meeting held on the 2nd November, 1977, having been previously circulated, were taken as read and confirmed.

COMMUNICATIONS FROM THE CHAIR

MR SPEAKER

I trust that Members approve of the new format for Hansards. I think it is an improvement.

HON M XIBERRAS

I entirely concur that the format is very much improved, much tidier and much more amenable to filing and to reading. Could I suggest, however, that in the case of long debates and the majority of the business of the House, there could be a small reduction in the print so as to enable more to be printed in each page, otherwise I would imagine that the volume would be very great.

HON CHIEF MINISTER

We had it the other way about. The report of the motion was printed in too small a print and it makes it difficult to read. It all depends on the type of typewriter used. I agree that it should not be too big nor too small. The other one was too small.

HON M XIBERRAS

I would agree that the motion was printed too small but I understand that a half way point is possible.

MR SPEAKER

Precisely. I will go into the matter and see whether we can improve on what is being produced now.

DOCUMENTS LAID

The Hon the Minister for Labour and Social Security laid on the table the following documents:

1. The Employment Injuries Insurance (Benefit) (Amendment) (No.2) Regulations, 1977.
2. The Employment Injuries Insurance (Claims and Payments) (Amendment) Regulations, 1977.
3. The Non-Contributory Social Insurance (Unemployment Benefit) (Amendment) Regulations, 1977.
4. The Social Insurance (Benefit) (Amendment) (No.2) Regulations, 1977.
5. The Social Insurance (Contributions) (Amendment) Regulations, 1977.
6. The Social Insurance (Overlapping Benefits) (Amendment) (No.2) Regulations, 1977.

by both sides.

Our view, which I believe reflects public opinion on this matter in Gibraltar generally, is that restrictions must be lifted before we can enter into discussions designed to bring about a measure of harmony and cooperation between Spain and Gibraltar.

Should such a situation arise, with the consequent establishment of a climate of trust, understanding and mutual respect, any reasonable proposals then produced which might be deemed by the elected members to be worthy of consideration would be put to the people of Gibraltar for discussion and decision.

But to return to the immediate and practical future. In the debate on the 8th November I said that if the talks failed to produce any progress, we would have lost nothing. I believe that, while obviously nothing tangible has been achieved, the talks were beneficial in producing, as we had hoped, and as stated in the joint communique, a better understanding of each other's point of view. The position in regard to the next talks is similar. No-one should believe that the problem will disappear miraculously overnight but it may be that, by continuing the dialogue, we shall eventually make some progress.

HON J BOSSANO

Could I ask the Honourable and Learned the Chief Minister whether in fact he is suggesting that the text of the views that he expressed in Strasbourg on behalf of the people of Gibraltar is available to all members of the House of Assembly, in view of the fact that he says that members had been fully informed of everything that took place that this could not be made public generally without breaking confidentiality?

HON CHIEF MINISTER

As far as I am concerned there was no text of the views expressed. I was speaking from notes. As to the elected members being informed, I understood from the Leader of the Opposition that he had kept the Honourable Questioner informed of the substance of what took place. It is very difficult to report what happened in 2½ hours but Honourable Members were informed of the substance by their respective leaders. That is the extent of the information that has been made available. There is no text to be revealed. There are minutes of the meeting but those are of a confidential nature. So long as the talks remain confidential the information given to Honourable Members is made available to them on a confidential basis. It is quite obvious that if we hope to get anything out of these talks, they must be kept on that basis. This is how diplomacy works all over the world, otherwise there would be no progress, and this is how we must deal with the matter so long as people are satisfied that their interests are properly safeguarded and that nothing that matters is going to be done without their taking a full part. I would like to say that my own assessment of the situation and of the visit is that people have taken it calmly and with an attitude of strength and confidence.

HON J BOSSANO

Is the Honourable and Learned the Chief Minister not in fact suggesting that Members of the House of Assembly have been made privy to some information regarding what went on in Strasbourg in addition to what has been made generally public?

HON CHIEF MINISTER

That is what I meant by saying that they have been told, in strict confidence, aspects of the matter which have not been made public. They have been put on their trust to keep this confidence. I hope that we can continue to do this in the future, so that the elected members will thus know what those who are there representing the House are doing, and, if in fact there was anything untoward, a note of alarm could well be sounded. I have already said that the people have taken this matter calmly but I would go further and say that I think people have welcomed the fact that the representatives of the people of Gibraltar have spoken face to face with the representatives of Spain. I think the confidentiality of these exploratory talks must be preserved as I am sure that otherwise no initiative could ever be started without the fear that there would be wholesale disclosure. Nobody would ever be at ease if they thought that whatever was being discussed was going to be revealed publicly later on.

HON J BOSSANO

Mr Speaker, the point I am making is that the Honourable and Learned Member is saying in fact that there is more than what has been discussed publicly, which meant that all Members of the House of Assembly are supposed to have been informed about. Is that what he is saying?

HON CHIEF MINISTER

What I am saying is that I understood from the Leader of the Opposition that he had given the Honourable Member, as we had given our respective colleagues, a reasonably complete account of what happened at the talks on a strictly confidential basis and that we hope that it will continue to be possible to do this. Of course this is more than has been said in public, such things as personal exchanges and so on that take place at a private meeting. Responsible people are made aware of these but they are not for public consumption as otherwise there would be no exchanges or no confidences.

HON J BOSSANO

Mr Speaker, on the question of when the talks cease to be exploratory and become substantive, the Honourable and Learned the Chief Minister has said when specific proposals are formally put. Is he then saying that, in fact, no specific proposals would be formally put at any exploratory meetings or is he saying that if he found himself at what he considered to be an exploratory meeting faced with specific proposals, it would just change the definition of the nature of the meeting?

HON P J ISOLA

I would like to speak on this motion and more specifically on what the Minister said in support of the motion and what he said about the 8 free days. I welcome the statement by him that the Government is going to revise this question of the 8 free days because . . . .

HON A W SERFATY

If the Honourable Member will give way. I did not say that the Government is going to revise, I said that the Government will consider the matter.

HON P J ISOLA

I hope that they will revise after hearing me because since the last time the House talked about this, one has discovered a number of things about this 8 free days and the question of the containers that I think the Government should consider very seriously. It appears that certain shipping lines call in Gibraltar with a particular frequency. We have MacAndrews Lines which exactly have an 8 day turn round or whatever they call it. A ship comes every 8 days so that it can dump its containers in Gibraltar and collect them 8 days later with no charge at all. I think that the first amendment proposed has resulted as a result of the fact that the same line thought it would be a good idea to leave empty containers in Gibraltar which they could leave free for 8 days and collect them on the next ship and take them away. In other words, to use Gibraltar as a dumping ground for containers. I am glad to see that the Government has been quick to spring on this one so that they can charge in cases such as this but I would remind the House that MacAndrews is a UK line and not a local line. Then I understand Ellerman Line operate every 10 days to the port of Gibraltar so that if they bring a container to Gibraltar it must perforce stay here 10 days, therefore having to pay 2 days, thus putting MacAndrews at a 2-day advantage. But then, Mr Speaker, from my enquiries, it appears that the two local lines that operate, Marned Union which is partly owned by a local firm, and Ramagim, they operate on 15 days and 18 days and my understanding of the position is that these are the lines that are probably most competitive in rates as far as Gibraltar is concerned. Therefore by only having 8 free days for everybody what is happening is that the lines that operate regularly and on a competitive basis in Gibraltar are being made uncompetitive by reason of the charges. I see the Minister smile but I would certainly welcome if the Minister could explain how a container that is brought by a line in Gibraltar belonging to that line on a particular day and another ship does not come for 18 days, how can that be removed within the 8 days free period. These containers are very big things, as I understand the position, and if they are moved somewhere else then you have got the expenses of carriage and so forth and it seems to me that the equitable way of dealing with the situation, especially with lines that call regularly in Gibraltar, is to give the free days period for such a period of time as covers the turn round of that particular line so that it is not put at a competitive disadvantage to other lines and of course in this particular case it happens from what I can see, that it is precisely the local lines who have been competitive, who have tried to break in to what is a very serious monopoly of the conference lines are now being, not put out

of business I would not say that would happen because they are enterprising and they are competitive, but they are being put at a serious disadvantage with those lines who for many years have imposed charges on Gibraltar and it is only because local lines have broken out, it is because of the feeling of imposition that there has been in Gibraltar, that local enterprise has branched out into running its own shipping lines. I think that the Minister should consider very seriously, when he has talked about revision in the light of practice, I would recommend to the Minister that he considers the question of revision at an early date.

HON A W SERFATY

If the Honourable Member will give way. I am not quite clear about one point and that is whether the suggested free period should be different for each line.

HON P J ISOLA

Yes, certainly, Mr Speaker. What I am saying here is that if a line has a ship calling at Gibraltar every 7 days, there is no reason why it should not take its empty containers when it calls. If a line has 10 days or 15 days there is no reason why the free period, in other words they should not be allowed precisely to leave containers as a matter of convenience in Gibraltar, to suit their convenience, over the period of time. I do not think the Government has to have awful thoughts about the Port having lots of containers and everything else. It is a commercial port, it is a commercial area and I think one has to put up with a certain amount of inconvenience. What you do not want is Gibraltar being used as a dumping ground, we are short enough of space and that I would agree with entirely. But when you have got regular lines calling in Gibraltar regularly, a lapse of 7 days or 15 days depending on what the line is concerned, it seems to me that regulations are being made in this particular case, tailor made for conference lines rather than local lines and this to me, Mr Speaker, with the greatest respect to the Minister, does not seem to be right or fair. Does the Minister want to encourage local enterprise? Does he want to encourage local competitiveness? Well, if he does, do not produce a set of regulations that although they may on the face of them appear to be fair, appear to apply equally to everybody, do not, by virtue of the fact that ships do not call at Gibraltar at exactly the same interval in the case of each shipping line. What is wanted here and what I think the purpose behind these regulations was and, indeed, the purpose of this particular regulation is, in other words, if you dump a container in Gibraltar just for your own convenience then you pay and there are no free days. The whole purpose of these regulations I think is, and quite rightly so, to stop people dumping containers and using the commercial area purely as a parking place for containers and that we would all agree with. But you cannot make a person who has a service to Gibraltar and London every 18 days, in containers, you cannot expect him to do anything with those containers they just have to be here till the next ship comes along and I would accordingly ask the Minister, although it is not absolutely on this motion, but the principle I think is there, I think the Government ought to consider very, very seriously treating all the shipping lines the same and not making regulations that would appear to be tailor made for one line, because that is what it is at the moment,

will give way and I will not propose my amendment but I shall bear it in mind for the future to see how it goes.

MR SPEAKER

If there are no other contributors I will call on the mover to reply to the motion.

HON A W SERFATY

Mr Speaker, I think the Honourable and Learned Chief Minister has answered the points that have been made by both Honourable Members. I entirely agree with the Chief Minister that to allow each company a free period in accordance with the turn round of their different ships would be tailor making legislation which is what the Honourable Mr Isola was objecting to.

HON MAJOR R J PELIZA

If the Honourable Member will give way. That would be going too far. I suggested 15 days as being a reasonable period. We are not in any way siding with any particular company but I think we are giving enough scope for the local companies who have reduced the rate to enable them to carry on being competitive and this is the way I look at it, not favouring any particular company or appearing to favour any particular company.

HON A W SERFATY

I am inclined to agree that the Government will one day have to look at this possibility of 15 days. I think that may be the right answer. We have, as the Honourable and Learned Chief Minister has said, offered facilities in the old Refuse Destructor site for the storing of containers after the 8 day period. I accept that the transfer of a container from the Port to the old Refuse Destructor site and using a crane would be an expensive affair so this is not the right answer either. The main object of these charges, as Honourable Members will appreciate, is to clear the Port. With this assurance from the Honourable the Chief Minister I understand that this law will be passed as it has been moved and I am thankful to the House.

Mr Speaker then put the question which was resolved in the affirmative and the motion was accordingly carried.

The House recessed at 5.10 p.m.

The House resumed at 5.45 p.m.

BILLS

FIRST AND SECOND READINGS

THE OATHS (AMENDMENT) ORDINANCE, 1977

HON ATTORNEY GENERAL

Mr Speaker, I have the Honour to move that a Bill for an Ordinance to amend the Oaths Ordinance (Cap 115) by revoking the necessity for the taking of Oaths required to be taken by the Constitution and for relieving the holders of certain offices from the necessity of taking Oaths, re read a First Time.

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

HON ATTORNEY GENERAL

Mr Speaker, I have the honour to move that this Bill be now read a second time. The Bill has two main functions. The first is to relieve certain officers from taking Oaths under the Ordinance when they are already required to take Oaths under the Constitution. Those officers are, the Deputy Governor, the Attorney-General, the Financial and Development Secretary and the Chief Justice. When the Oaths Ordinance was enacted there was no other requirement requiring those officers to take Oaths but when the Constitution was enacted in 1969 those officers were required to take Oaths and at the same time no amendment was made to the Oaths Ordinance to remove that requirement. The Oaths are exactly the same and there is no need for them to take them twice so we are removing those provisions from the Ordinance. The second provision is that there are certain senior administrative officers, the Accountant-General, Administrative Secretary, etc., who are required to take an Oath of Allegiance and an Official Oath. As far as I am aware these provisions exist nowhere else in the world. They have existed, from time to time, in other Dependent Territories but they have been revoked. It is unnecessary and for that reason we are taking the

clause immediately after clause 1. I gave notice on 14 October. Mr Chairman, after the Bill was published in the summer, a case came to light which showed that there was a gap in our law. We followed the English law, based largely on legislation in the 1800's/1890 there was an amendment in England in 1940 which had not been spotted here, apparently, and which, of course, did not affect Gibraltar. It was this. If a person lent money before his death and then before he died released the debt, that debt or the release although it amounted in fact to a gift to whoever the loan had been made, did not attract Estate Duty and that would be a very simple way, if anybody wished to do so, for avoiding paying Estate Duty. He makes a loan then, shortly afterwards, he releases the debt and no duty is payable. What we are doing now is providing that the release of a debt shall act in the same way as a gift. In other words, if it is made less than seven years before the death, it will attract duty. It seems fair, it is closing a loophole which theoretically has existed since 1894. The loophole was closed in England in 1940 and we are now closing it. If it is passed it will be known as Clause 2.

MR SPEAKER

I will propose the question which is that the new Clause should be added to the Bill to be known as Clause 2, reading as follows:-

Insertion of new section 7A. The Estate Duties Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion immediately after section 7 thereof of a new section as follows -

"Gifts by way of release of right.

7A.(1) The extinguishment at the expense of the deceased of a debt or other right shall be deemed for the purposes of this Ordinance to have been a disposition made by the deceased in favour of the person for whose benefit the debt or right was extinguished, and in relation to such a disposition the expression "property" in this Ordinance shall include the benefit conferred by the extinguishment of the debt or right.

(2) The first proviso to section 13(1) (which excepts from aggregation property in which the deceased never had an interest) shall not have effect in relation to property passing on the death of the deceased which consists of a benefit that is treated as property by virtue of this section."

Mr Speaker proposed the question in the terms of the Honourable the Attorney-General's amendment.

Mr Speaker then put the question which was resolved in the affirmative and New Clause 2 was agreed to and stood part of the Bill.

Clause 2 (renumbered Clause 3)

HON ATTORNEY GENERAL

Mr Chairman, I would ask that it should be renumbered as Clause 3 and, secondly, that the wording at the beginning of the clause will now read "Section 13(1) of the principal Ordinance." The wording here was in order when clause 2 was the first effective clause. I beg to move an amendment that the proviso set out in the Bill as printed be replaced by new proviso as follows: "Provided further that in the case of a person dying on or after 1 January, 1978, who at the time of his death was residing in any freehold or leasehold property which passes on his death either to his surviving spouse or to one or more children of his, provided that the surviving spouse, if the property passes to her, or the property passes to a child or children, one at least of such children to whom the property passes, has been residing with him at the time of his death for not less than six months, then although such property should be aggregated with all other property so passing for the purpose of determining the value of the estate, estate duty shall not be payable on the market value of such property or on £20,000 whichever is the lesser." Mr Chairman, during the Second Reading of this Bill, when Government had proposed that property passing to a spouse should be exempt from duty up to the value of £20,000, the point was raised could this not be extended to children and this is precisely what this amendment is doing. It confers the same benefit on children as it does on a spouse provided that the beneficiary is residing with the testator or it may be an intestate, of course, and we also have changed this from not merely real property, it is changed to leasehold property so it confers an added benefit on the subject.

Mr Speaker proposed the question in the terms of the Honourable the Attorney General's amendment.

HON J B PEREZ

I would like to speak on the full clause as it stands now. Although I welcome the extension from surviving spouse to children, there is one question which possibly the Honourable and Learned Attorney General could answer and that is, if in fact the surviving spouse inherits the house from the husband, what would be the position if she were to sell within two days? Would estate duty not be payable in that particular case?

HON CHIEF MINISTER

Surely the exemption that is being given is in order not to burden unduly people who are living in a house of which the value is very high and who would not otherwise have been the case. But that is an asset and there is no reason why they should not dispose of it because he would probably have to give up possession if he sells it for any valuable property. The privilege is the fact that you may not have chosen to live in the house which is very expensive and on which you have to pay very high estate duty and the wording that we have followed on this is based on the definition of "tenant" in the Landlord and Tenant (Miscellaneous Provisions) Ordinance, in order to give proper

HON A P MONTEGRIFFO

Mr Speaker, as mentioned by the Honourable Financial and Development Secretary I would like to refer to Item 23 (Now) Specialist treatment of patients outside Government Hospital. This is a token figure, it could have amounted to £12,000 or £15,000 because most of the bills would have come after the end of this financial year. As a result of my visit to the United Kingdom for the renewal of the reciprocal agreement, the people in the Treasury and the Ministry of Health agreed that they should meet this extra cost themselves and therefore there is no need to make provision for these £5,000. I would like to add that I found tremendous goodwill on the part of all the officials in trying to help us in finding a formula. The formula I suggested is based as we had 1,000 tourists in Gibraltar every day - my Honourable Friend the Minister for Tourism would be very happy with that. They have accepted that in the formula we have devised and consequently we are saving about £12,000. I move, Mr Speaker, the deletion of Item 23 of Head 15 completely, and, of course, the consequential amendments resulting from the deletion of this item.

Mr Speaker put the question in the terms of the amendment moved by the Honourable A P Montegriffo which was resolved in the affirmative and the amendment was accordingly carried.

HON M XIBERRAS

Mr Chairman, still on this Item. I notice that some of the amounts voted under Item 1 of Head 15 are in respect of the Chief Medical Laboratory Technician and Analyst and so forth. Could the Minister say whether this will enable the Hospital to offer a service as regards blood tests, analysis and so on at weekends, especially in cases of urgency. I mention this because it was brought to mind by the case of a young girl only this weekend where, even though she had been a patient suffering from jaundice, blood tests were not available over the weekend and she was left for quite a time, in fact over the weekend till Monday, before a blood test was made. It seems to me that the sums that are being paid should cover an emergency service.

HON A P MONTEGRIFFO

As far as I am aware if it is an emergency service it is carried out immediately. I hope the Honourable Member will give me more information so that I can find out and satisfy myself that the thing is being done properly and if it has not been done properly action will be taken. However, the emergency service is there.

HON M XIBERRAS

There is an emergency service even though it might not have been applied in this particular instance of which I will be glad to give the Honourable Member more information outside the House. The other point is, on what basis were the new salaries agreed with the British Medical Association which we are asked to vote supplementation for?

HON A P MONTEGRIFFO

They were the ones who were cleverer than the others and accepted the Government offer immediately and they got the 80% before the whole trouble started.

HON M XIBERRAS

So, in fact, the doctors have accepted 80%, on an interim basis, pending the final resolution of the negotiations on wages and salaries.

HON A P MONTEGRIFFO

As I understand it that is correct.

HON M XIBERRAS

They got, in fact, more than £250 did they not?

HON A P MONTEGRIFFO

I would like to make it quite clear that the £250 came much later on. If other unions had come forward earlier on they would have got 80% too.

HON M XIBERRAS

Very interesting, Mr Speaker.

HON J BOSSANO

Is it not a fact that the British Medical Association, which presumably has got the negotiating rights for the doctors, accepted 80% and an Inquiry, and is the Government intending to hold an Inquiry for the purpose of establishing what the doctors wages should be?

HON A P MONTEGRIFFO

In that respect all the unions will be treated alike.

HON J BOSSANO

Mr Speaker, all the unions are patently not being treated alike because the Government offer was 80% and an inquiry



which I am seeking. It is related to further expenditure and, perhaps, it is fair that I should warn the House that as a result of these incidents in the last week or so, \$8,000 may not be sufficient to cover overtime payments to Prison Officers because, in fact, I can inform the House that at this moment I have got all the Prison Officers on duty, all of them, for very many reasons not the least, of course, to do with their morale because the morale of the Prison staff is also affected by the incidents. Mr Speaker, it is a very sad fact that there have been a number of lamentable incidents in which three or four inmates have attempted to take their lives. There is a great deal of anxiety on their part, the Government has been expediting decisions and dealing with a number of points which the House is already familiar with, which I dealt with at the last meeting, definite decisions have been taken to do with their diet, their meals, etc, but there is a great deal of agitation there. Very many of the prisoners are under medical treatment and supervision. Two of those who were the latest ones to make the attempt on their lives were detained in hospital since Sunday. They have now been released and they are back in Prison but, as I say, I do have, because of the situation in the Prison, all the Prison staff on duty and therefore the money that I am seeking here which is related to other incidents in the last five or six weeks, this money may not be sufficient because we were not anticipating that we would have all Prison Officers on duty. If you have patients at St Bernard's Hospital we require a 24-hour guard, in this case it has been two Prison Officers on a 24-hour guard and if we have patients at the KGV, the same thing happens, we have these extra officers on duty and within the Prison building itself there are, and I authorised this on Sunday night, there are more Prison Officers on duty than would normally be the case.

HON MAJOR R J PELIZA

I wonder if the Minister could look even a bit further than that and try and find out the causes for this.

HON CHIEF MINISTER

Perhaps the Honourable Member should be reminded that there was a Committee of Inquiry appointed and I am told that the report will be forthcoming. If it is not in today I think it will be in this week. It was appointed by the Governor in the light of certain other incidents that happened and it consisted of the Registrar of the Supreme Court and two Justices of the Peace who carried out a very thorough investigation and we will of course deal with the

report with a great sense of urgency. The prisoners were given every opportunity to state their grievances and I am sure my Honourable colleague would wish this opportunity to be taken to express our gratitude to the Reverend Father Caruana who has been near the men and has been their spokesman at their request at the Inquiry in order that every opportunity should be given to the men to express their views in matters that could affect their welfare.

HON MAJOR R J PELIZA

I hope this is taken into consideration because this makes the situation much more serious than ever before and there seems to me to be some element which has got to be looked into which is more than just spending more money, it is the whole question of how this problem can be tackled so that this does not occur.

HON A J CANEPA

I do not want to prejudge the recommendations of the Inquiry but I am very much afraid that whatever the recommendations of the Inquiry, no matter how expeditiously and no matter the extent to which Government may accept the recommendations and implement them immediately, let us not kid ourselves, Mr Speaker, that these lamentable incidents have been caused by these other, what I can only call relatively minor matters. When you get a series of incidents like this the underlying cause is much more serious than whether the diet contains too much rice or too much this or too much that. There is something far bigger and I wish to stress the fact that there are a very considerable number of inmates at the Prison under psychiatric treatment. This is a very serious situation we find ourselves in, they cannot be at KGV for very long and if they are it cannot be forgotten that they are prisoners. They cannot be at St Bernard's Hospital for very long because they cause and create problems there for other patients, for the staff of the hospital and for the Prison staff and when they are brought back into Prison they cause very, very serious problems and these prisoners who appear to be mentally ill are being the cause of further agitation, generally, amongst other prisoners. We have a very serious situation in the Prison and I cannot pretend that I know what the answer is or that anybody in Gibraltar knows what the answer is.

HON MAJOR R J PELIZA

This is obviously much more serious and gives a completely

House should do nothing to aggravate the situation.

HON A P MONTEGRIPPO

I can only add to that that every human being, whether a prisoner or not, is entitled to his due. I can tell you that the Medical Department is going through a very difficult time as a result of this particular situation.

Item 7 Head 19 - Prison, was agreed to.

Item 8 Head 21 Public Works Annually Recurrent

HON J BOSSANO

On the question of the £13,000 for removing debris as a result of the rock fall at Catalan Bay, did this in fact go out to tender? Can the Honourable Member say whether there was any particular reason for making an exception of this work which is obviously for a substantial amount of money, not being put to competitive tender?

HON M K FEATHERSTONE

Yes, Sir, there was in the Public Works' opinion only one company that had the equipment that could do this type of work and therefore it was given to that company as a matter of urgency.

HON J BOSSANO

But, Mr Speaker, the job was not done as a matter of urgency, was it? Can the Honourable Member confirm that what happened was that this firm at the time was doing the demolition of St Jago's School and the job was started by this firm, then left, then carried on and it was spread over a very considerable period of time, so it was not done as a matter of urgency.

HON M K FEATHERSTONE

Sir, it was started as a matter of urgency but then the DOE came in and they said that they would clear some of the rockfalls themselves as they could use the rock and therefore this firm desisted while the DOE carried out the amount of work they wanted, then this firm came back again. They are the only firm, I understand, that has the equip-

ment that could have done the job.

HON J BOSSANO

Would the Honourable Member not agree that it is desirable, even in circumstances like this, if it has to be done by an outside contractor and the Government cannot do it itself, to put it out to tender since it might be possible for another firm to hire the necessary equipment and still put in a cheaper bid?

HON M K FEATHERSTONE

I understand that was considered and the only place they could have hired the equipment was from the firm that actually did the job.

HON J BOSSANO

Yes, Mr Speaker, but does not the Honourable Member agree that it should be put out to tender? Even if the Department thinks there is only one firm that can do the work, does the Honourable Member not agree that by putting it out to tender it could be seen quite clearly whether there was only one firm in which case they would only get one tender, or is somebody else could do it cheaper notwithstanding that they had to hire the equipment.

HON M K FEATHERSTONE

When the rockfall occurred, Sir, it had to be dealt with immediately and it was given out to this firm immediately the rockfall occurred. There was no time to go through the whole tender procedure even if such had been warranted, but it was considered not necessary in view that only one firm, really, had the equipment that could do the job.

HON J BOSSANO

It is too late to change that situation now but I am asking the Honourable Member whether he agrees that it is desirable, if the Government itself is not doing the work which in many respects I consider to be an even better proposition, that it should go out to tender. Would he not agree as a general policy that it should be done in the future?

the wharf, and under that blacking the new electric motors could not come from the wharf and be put into position. The other blacking was when the diesel pump had a breakdown or it needed some replacement or some renewal and then the Union would not repair it and not do the renewal, etc. The first time that happened the sewage discharged into the sea and after a certain period of correspondence with the Unions in which they were well apprised of the health hazard involved, they agreed to lift that blacking and to let the pump be repaired. After that the pump started working again, at the end of approximately one month it had to be refurbished, again the blacking came on, it only lasted for about 48 hours and again they lifted it and allowed the pump to be dealt with and again the pump started working. When the major blacking operation was lifted and goods were once again allowed to come out from the port, we got hold of the electric motors which we wished to put into the Bayside Station and which would pump the whole sewage automatically without any need of men whatsoever. By this time all the blacking in Gibraltar had been lifted except the blacking at the Victoria Stadium. Therefore, when we said to the Union, "Let us put our electric pumps into the Bayside Station", they said, "No, that is in the Victoria Stadium area, it is blacked, you cannot do so". At the same time, however, they were allowing the diesel pump to be working but as I have said the diesel pump is getting into a situation now that it is going to break down and be completely irreparable so that when that has gone we will have no pump whatsoever and it will discharge raw sewage into the sea again until we can put in the electric motors.

HON. P J ISOLA

But if the Bayside Pumping Station has nothing to do with the Victoria Stadium dispute why did Government agree with that interpretation as to the removal of blacking in the general agreement? Why did it go into the general agreement?

HON CHIEF MINISTER

The reason given is that that pump also serves Phase II of the Stadium which requires the use of sewers and the use of water.

Item 8 Head 21, Public Works Annually Recurrent, was agreed to.

Item 9, Head 24 Secretariat was agreed to.

Supplementary Estimates No.5 of 1977-78 were agreed to.

#### Improvement and Development Fund

#### Supplementary Estimates No.3 of 1977/78

Item 1, Head 102 Schools was agreed to and passed.

Item 2, Head 103 Medical

HON J BOSSANO

In the Explanatory Note it says; "Offset by savings under Head 107 St Jago's School, Conversion into Offices". Does that mean that the projected conversion into offices which was included in this year's Estimates will not now be required? I accept that it is a virement, Mr Speaker, what I am asking is, is the implication of that that we are not having the offices there any more?

HON CHIEF MINISTER

There are many offices in the Secretariat which are in a shocking condition. People are working in very bad conditions and for a long time it has been thought that we required extra offices and they will be transferred there as well as the Department of Education.

HON MAJOR R J PELIZA

But when the Chief Minister says Secretariat, I take that as the department that looks after the administration.

HON CHIEF MINISTER

Yes, it is for the Department of Education and for the building where we work. The Income Tax Office, as Members are aware, will be going over to Leon House and the House has provided funds for the purpose of partitioning and having proper access so that people can raise their objections in privacy etc.

HON J BOSSANO

I remember, Mr Speaker, when that was raised at a recent

Mr Speaker put the question which was resolved in the affirmative and the Bills were read a third time and passed.

### PRIVATE MEMBERS' MOTIONS

HON J BOSSANO

Mr Speaker, I beg to move that; "This House considers that the Chief Minister should ask the British Government for immediate exploratory talks on the future of Gibraltar". Mr Speaker, the Honourable and Learned the Chief Minister had this brilliant idea out of the blue, during his visit to Dr Owen, of suggesting, on his own initiative and without any prompting, that there should be exploratory talks with the Spanish Government in which, of course, himself and the Leader of the Opposition should be represented as part of the British delegation, with a view to acquainting the Spanish Government of the views of the people of Gibraltar regarding the whole attitude of Spain towards Gibraltar as we have been witnessing ever since 1964. Having achieved this breakthrough in suggesting talks without an agreed agenda, it must have occurred to the Chief Minister, with the benefit of hindsight, that perhaps he was mistaken in thinking as he has told the House sometime before, that Her Majesty's Government would not agree to discussing Gibraltar's future with the representatives of the people of Gibraltar unless specific proposals were made to Her Majesty's Government on the precise nature of any constitutional changes that we might require. The House will remember, Mr Speaker, that at one stage the Honourable and Learned Chief Minister had said that he had been told this by the British Government but, in fact, when I interrupted him to question him on this he corrected it by saying that it was his own view that the British Government would not agree to having a meeting with an open agenda. It is a view that he has put, on a number of occasions. He put it as long ago as 1975, to the Trades Council representation that went to see the old Constitutional Committee which led to the eventual meeting with Mr Hattersley and the Hattersley memorandum. However, having seen that the Spaniards themselves, with their reputation for not being willing to look at problems in more than one light, have been willing to accept a meeting without a specific agenda, without including what they wanted to discuss which is the question of Gibraltar's sovereignty, have been willing to come to a meeting where this was not going to be discussed, I am sure the Honourable and Learned Chief Minister must now be wondering whether perhaps it is not such a difficult obstacle to get Her Majesty's Government to agree to talk to the representatives of the people of Gibraltar in the same sort of forum, with the same sort of framework, where there are

no laid down rules as to what can be said and what cannot be said but that in fact where the long-term relationship between Gibraltar and the United Kingdom can be looked at where the two sides looking at this relationship are looking at it in a much more congenial atmosphere than one can possible expect to get in exploratory talks with Spain. Notwithstanding the satisfactory atmosphere that there has been in Strasbourg, I am sure the Honourable and Learned Chief Minister will agree that when we are in a situation where the only parties to the exploratory talks are two old friends like Gibraltar and the United Kingdom with a friendship of 274 years' standing, the problem can be looked at not in a spirit of animosity, not with one side putting forward demands and the other side putting forward arguments for refusing those demands, but with a genuine desire on the part of Her Majesty's Government to fulfill its pledges to respect the often expressed wishes of the people of Gibraltar not to break away from the United Kingdom and, at the same time, recognising that there is a natural desire which is not inconsistent with this, a natural desire of a people such as the people of Gibraltar who have travelled a long way on the road to attaining self-Government, to progress further along the road and to achieve a status which does not carry with it the stigma of colonialism and where the people of Gibraltar can proudly take their place amongst other European states as a community in its own right. I am sure the British Government would be able, in a forum which was exploratory, to point out the difficulties and the obstacles that there might be to achieving those aspirations without being in the difficult situation which might be misinterpreted by some as a confrontation situation, of being told a list of demands, being asked for a list of specific changes, which the British Government might not be willing to agree to and have to repeat the situation that took place when the Honourable and Learned Chief Minister and the Leader of the Opposition went to visit Mr Hattersley which was, without a doubt, one of the greatest rebuffs that the elected leaders of the people of Gibraltar and consequently the whole of the people of Gibraltar, have ever received, where the British Government, for reasons best known to themselves, not only expressed their views about what was being asked but expressed their views about a lot of other things that were not being asked. The holding of exploratory talks would in fact obviate the dangers of such a situation and it has been the view of a number of elected Members, it was the electoral platform of four Members of the House who stood for election on this ticket in the conviction that this was the best thing that could be done to progress with an attempt to find a solution. The spirit in which this was made throughout was on the insistence that if there was genuine friendship between Gibraltar and the United Kingdom, it was inconceivable that the United Kingdom should take offence to us wishing to sit

interest will also be discussed in a spirit of friendship. We go back to the essence of the results of the election and the way in which people reacted to this and, following on that, I announced at the opening of the House of Assembly the idea of defining the problem and making concrete proposals on which the British Government have shown considerable interest. Most unfortunately, for a number of reasons that are well known to this House, not the least of which has been the work we have been doing recently for this meeting and other matters of major importance, have prevented us from doing all the work that one would have wanted to do in this connection. These are long term objectives and if we have had a few months' delay in this matter, really, the long term result and the long term effect of this is what we must seek and I still have not given up. I have not had time to deal with the matter the way I considered I had had support from the electorate to deal with, by getting the representative bodies or those who wanted to co-operate and define what we really want in the broadest sense possible so that we go, as a whole, to the British Government. Speaking to the British Government on an exploratory basis when each representative is going to express his view of how the matter should be done and there is no general consensus would confuse the matter much more and would, if they wanted, which I am sure they do not want, give them a very good excuse for doing nothing because public opinion could be said to be divided. What we have to do is to find a consensus. There was no problem about going to Strasbourg on a consensus because we all know what we went to Strasbourg for and we all know how the people feel on this matter. If I remember rightly the version I read of this motion before it was published officially was even much more frivolous than the one that has finally taken shape and has been brought before the House. That version I read in a weekend paper. But, anyhow, I think the motion is flippant. It is somewhat irrelevant in many ways because, if that is the analogy that the Honourable Member seeks, the conditions that attach in respect of a country which has been attempting to do the people of Gibraltar harm over a number of years is one thing, and the question of talking with people who are friendly, who are helping us, who are supporting us and who have said so repeatedly, is another.

HON M XIBERRAS

Mr Speaker, the motion asks the Chief Minister to take an initiative to start exploratory talks on the future of Gibraltar with Her Majesty's Government. I must confess

that I do not like the tone which has been adopted from time to time by the Honourable Member in relation to matters of this importance. I think that the motion before the House could have been phrased in terms more serious than what has actually appeared on the Order Paper. I would classify it as somewhat derisive of an initiative which was taken by the Chief Minister but which was supported by all Members of the House including the Honourable Member and in which the reputation of this House is clearly at stake. Therefore, in dealing with any matter which might have any manner of connection with the Strasbourg process, if I may put it that way, I think that the House and the people of Gibraltar deserve words far more serious than the imitative method that the Honourable Member has chosen to use. I therefore think that the wording of the motion, even if for other reasons the contents were not unacceptable in the form that they are down, is something to be decried. I am not impressed when the Honourable Member takes a particular line, which he is very skilled at doing, of imparting a consistency to his argument which I cannot, in all sincerity, accept, has been there since Members were elected in 1976. If I may go back, Mr Speaker, to election time, it is quite clear, many will no doubt regret it, but it is quite clear how the people of Gibraltar felt on that occasion and that the Government of today has an indisputable mandate to deal with the constitutional issue as it thinks fit. However, I do not think the Government of the day would like, if my experience serves me correctly, for instance, in relation to the Strasbourg process, would like to act in such a way that the majority or a major part of Gibraltarian opinion would be alienated from its stand on such an important matter. Therefore, it follows from that that most Members of the House would like to see, in a matter of this seriousness, a concerted view before any serious steps are taken and therefore, Mr Speaker, if I may divert to the Strasbourg talks, it was a matter of great comfort to me that everyone in this House, all elected members, supported the Strasbourg talks. I hesitate to think what this kind of motion, if passed, would do either to the Strasbourg process which Honourable Members appeared to be committed to at one stage, and I am sure the majority of Members continue to be committed in that way, not so much as regards what the Spanish Government might say in respect of this but, indeed, as to what the British Government might say in regard to such a motion if it were passed by this House. As one who did not like at all what happened at the Mattersley meeting, one who made his views absolutely clear on this matter to the effect that I did not accept the tone and the general innuendo in the Mattersley statement, I refused to break away from what I considered to be the views of the people of Gibraltar, namely, that nothing could provoke us into any step which might imply or lead us to a departure from this fundamental view and, therefore, Mr Speaker, I readily agreed, along with my colleagues, then independents, that we should attend the meeting of the Chief Minister and put forward and discuss our views as to the future of Gibraltar among elected members and others. I am very glad, Mr Speaker, that we did this because in the course of these meetings it became obvious that the desarray in a certain section of those present there, not so much amongst the elected members, but amongst Union representation, was such that to have proceeded even to exploratory talks at that stage, even if these were considered necessary, could hardly have been to the benefit of Gibraltar. Therefore, when certain people were smacked out in that particular meeting, if I can put it that way, when it was stated by certain people at the meeting, not Members of the House, that the position was one of "independence or whatever",

Gibraltar in the constitutional sense but not leave things to even the British Government to decide. Mr Speaker, the terms in which the Honourable Mr Bossano has moved the Motion were terms which conveyed his friendship with Her Majesty's Government, indeed the friendship of all members of the House with Her Majesty's Government on this basic issue. There was no indication of suspicion, no indication of danger, even. It appeared to me that the Honourable Mr Bossano was leading the House to believe that exploratory talks in fact could take place in a constructive atmosphere, in an atmosphere which could produce a positive result and all these things may be as they may be, Mr Speaker. It may be that the Honourable Mr Bossano feels that the present position would allow such talks to take place in that spirit but, Mr Speaker, if this is the case then, surely, we can, with greater confidence get together, himself as well, and plan exactly what we can do in an atmosphere of co-operation and friendliness with Her Majesty's Government. Therefore, also, that element of urgency which was prevalent post-Mattersley, which has greatly, to my mind, been removed by the assurances that have been received subsequently to that, that element of urgency which has not appeared, if I may say so, in the contribution of the Honourable Mover introducing the Motion, is no longer as keen, as great, as it once used to be. If the Honourable Mr Bossano would like to consider the amendment, it is aimed at getting a unanimous consensus view before we move forward to the next stage and the amendment, Mr Speaker, to my mind, does not depart from anything that the Honourable Mr Bossano has agreed to either in terms of the Strasbourg process or in terms of his participation in the Constitution Committee. Mr Speaker, it is in the hope that the House will be unanimous on this important point and that the Honourable Mover, and indeed the Government, will be in a position to accept this amendment and that we should have unanimity as much on this front as we have on the Strasbourg process, that I have the honour to move the amendment.

MR SPEAKER

I now propose the question which is that the Motion as moved by the Honourable Mr J Bossano be amended by the deletion of all the words after "should" where it appears in the first line of the Motion and the substitution therefor of the following words: "reconvene the Constitution Committee in order to arrive at a consensus view on the future of Gibraltar with a view to asking the British Government for talks". Perhaps it would be a convenient time to recess until tomorrow morning.

The House recessed at 7.40 p.m.

WEDNESDAY THE 14TH DECEMBER, 1977

The House resumed at 10.30 a.m.

MR SPEAKER

May I remind the House that when we recessed yesterday evening the floor was held by the Honourable Leader of the Opposition who had proposed an

amendment to the motion moved by the Honourable Mr J Bossano. I have an inkling that there is a very slight amendment which is going to be proposed by the Honourable the Chief Minister.

HON CHIEF MINISTER

Mr Speaker, my amendment, of which I have already given notice to the Honourable Leader of the Opposition is one, first of all, of proper description of the Committee and the other one is, as I shall explain, that I do not like the word "reconvene" because it looks as if it has lapsed and that is not the case. I have in fact already explained the reasons for the delay. In the first line instead of "reconvenes the Constitution Committee" it should be substituted by the words "that the work of the Committee of Representative Bodies be expedited in order to arrive, etc.". It is not called the Constitution Committee but the Committee of Representative Bodies. I hope the Honourable the Leader of the Opposition will accept this as his own amendment.

HON M XIBERRAS

As it is only a matter of proper description I will agree to move the amendment in those terms. I therefore move that the motion be amended by the deletion of all the words after "considers" and the substitution of the following: "that the work of the Committee of Representative Bodies should be expedited in order to arrive at a consensus view on the future of Gibraltar with a view to asking the British Government for talks".

Mr Speaker then proposed the question in the terms of the above amendment.

HON A J CANEPA

Mr Speaker, I very strongly welcome the amendment to the original Motion of the Honourable Mr Bossano at a time when, in recent weeks, there have been, at least by Gibraltar standards, a veritable plethora of political parties emerging in Gibraltar. There is a far greater need than there ever was, perhaps, to assert and to express in no uncertain terms the mandate which the elected Members of the House received just over a year ago, and it was against the background of that mandate that the Committee of Representative Bodies was set up. Because political parties have emerged recently which are not going to be represented at these Representative Bodies,

to put on behalf of the people of Gibraltar because they are the views on which they obtained their seat in the House of Assembly and whatever views they may hold now or whatever seat they occupy in the House of Assembly now, the votes that were given to them were given to them on election manifestos which, in the case of the Honourable Doctor, for example, I remember the emphasis he used to make on the point 1, 2, 3 of that election manifesto and he must still hold that 1, 2, 3 which included immediate talks with the United Kingdom on our future and to the submissions made to the Constitution Committee which we were all agreed on that the result of the previous attempt had shown that there was no mileage in drawing up specific proposals. So, therefore, Mr Speaker, I am opposed to the amendment for the reason that the Honourable Mr Canepa has given, that the amendment is not a change in the motion, it is a new motion and it is a motion that seeks first to reach agreement in this Committee set up by the Chief Minister and only then to seek talks with the United Kingdom with agreed proposals. That is contrary to the policy of the Gibraltar Socialist Labour Party. It was contrary to the policy advocated by the eight GDM candidates in the election campaign and it is contrary to the policy of the Gibraltar Trades Council and, therefore, I am against it. The main reason why the opposition to that approach exists is because of the failure of the previous Constitutional Committee which went to see Her Majesty's Government after Mr Hattersley had told the Chief Minister and the Leader of the Opposition that the British Government would consider views that carried the support of both sides of the House. The consensus view reflecting the wishes of the people of Gibraltar would be given consideration by Her Majesty's Government. This was what Mr Hattersley said before that Constitutional Committee was set up, possibly thinking it was impossible for Gibraltarians to get together and come up with a consensus view, given the history that we have got of quarreling amongst ourselves, but he was wrong and I can tell the House that in those days there was a lot of soul searching in the Integration With Britain Party Executive Committee as to whether we should go along with this Constitutional Committee and whether there was really any hope of being able to come to some consensus view between the Integrationists and the AACR when there had been such a bitter division on fundamental policies as to the nature of the relationship we should seek to obtain with the United Kingdom. But the "Doves" in the Integration camp won the day and the Constitutional Committee got under way and after a very considerable amount of time, and after inviting the views of other representative bodies, eventually, the Constitutional Committee came up with proposals which, in the main, were contributed by the Integrationists. The main contribution of the AACR was the Committee System and it seems extraordinary to me, Mr Speaker, that this should be the main contribution of the political party with the longest history in Gibraltar, with the leader of that Party, the Honourable and Learned the Chief Minister, having the most experience about constitutions and constitutional changes, coming up with the suggestion for inclusion in a memorandum to Her Majesty's Government on constitutional change which Her Majesty's Government turned round and said could be carried out within existing legislation. We did not require a constitutional conference to do what the AACR wanted so their only contribution did not require any constitutional changes. We do not know what their contribution is going to be in the current set-up for studying the constitution because so far other people have made their views public but not yet the AACR. That delightful moment is still to be awaited. I shall welcome, certainly, the opportunity of having another meeting if only to find out what the AACR views are to the questionnaire

put out by the Chief Minister since I know what the views of other people are so far but not of the AACR. I do not think that unless something very dramatic has happened since the last time we met the chances of being able to come up with an agreed new constitution for decolonising Gibraltar are very high. As far as getting such proposals accepted by Her Majesty's Government, unless and until we have a statement from Her Majesty's Government that the view expressed in the Hattersley memorandum no longer holds, there is absolutely no chance of any proposals being accepted. This is why we have to go back to Her Majesty's Government and say; "If you have said that we cannot have integration, we cannot have free association and we cannot have independence, and if you have told us that we cannot have a greater devolution of power and we cannot move closer to Britain, what is left? If we require your assent to bring about a change in the status of Gibraltar and you have apparently ruled out every possible eventuality, what is left for this Committee to study?". Because, presumably, when the Committee gets under way to try and come up with a consensus view, somebody here will say, "We cannot have this because this brings us closer to Britain and we cannot have that because that gives us more devolution". If you rule out all changes that bring us closer to Britain and you rule out all changes that take more power away from Britain and gives it to us, what sort of changes are you left with, Mr Speaker? I have no doubt what sort of changes we are left with because Mr Hattersley made that absolutely clear. He said we had to retain the status quo. My reading of the Hattersley memorandum, as the House will recall from the motion that we had at the last meeting of the previous House where I referred to what I had stated in a television interview, was that the Hattersley memorandum condemns us to choosing between being a British Colony and a Spanish Colony and I do not think the British Government, however dear friends they may be of the people of Gibraltar, have got the right to condemn us to choose between those two alternatives. I think the people of Gibraltar are as entitled to be masters of their own destiny as the people in any other community in the world and I know that this is a right that is not given lightly. There are a lot of people who have given up their lives to try and establish that right for their community and lost that fight. I do not think that the people of Gibraltar can expect to have their right to self-determination, in the fullest sense of that word, recognised by everybody and handed to them on a plate. I think it is something that we must achieve by our own efforts. If we are really worthy of being recognised as a community in our own right we must prove ourselves to be a community in being willing to put forward our views about what we feel we are entitled to have even if it upsets our friends in the United Kingdom. This is why, Mr Speaker, I have maintained in the past and I still maintain today, that the test of our friendship can only come when we disagree with the United Kingdom because you never put a friend to test if you are always in agreement with everything. You will get on well with your enemies if you are in agreement with them, never mind your friends, but it is when Britain says to us that we cannot have decolonisation that we must stay as a colony, and we say that we do not accept that, we accept that we have got as much right to be decolonised as anybody else and we further insist that we cannot have dictated to us that the method of decolonisation in the case of Gibraltar must be incorporation in Spain, and if it upsets Britain to be told this or it embarrasses Britain to be told this, then I think the only thing that Britain is entitled to be reassured by us is that the purpose is not, in fact, to cause embarrassment to them but that if in

they can see no good reason for any constitutional changes. That is what needs to be argued, what needs to be argued is the need to have constitutional changes. We have not got to the stage about arguing about the nature of the constitutional changes because the position of Her Majesty's Government at the moment is that no constitutional changes of any description are acceptable so we are being asked to go along to a committee primarily to waste each other's time because whatever consensus we come up with we already know will not be acceptable to Her Majesty's Government. If Her Majesty's Government were to turn round to us and say: "As far as we are concerned the respect for the wishes of the people of Gibraltar means that if you Gibraltarians can get together and come up with what you want to replace Gibraltar's present colonial status, we will accept it." If Her Majesty's Government were to say that to us today, Mr Speaker, then the Honourable and Learned Chief Minister would have me saying today that the premises on which I told the people of Gibraltar in my election campaign that we had to have immediate talks without proposals, were now altered. But that has not happened or if it has happened then I think we should be told that it has happened because it would be a different situation and then the logic of us trying to find a solution to Gibraltar's future on a permanent basis that would be acceptable to all of us, and it may well be that we are not as far apart from each other as we sometimes think, would not be such a difficult thing but it is certainly an impossible thing if some of us are convinced that whatever answer we come up with the result is going to be negative and if some of us are suspicious that the whole thing in any case is just a wasteful exercise to drag the issue on and on and on in order to avoid coming to terms with reality, in order to avoid the unpleasantness of having to tell the people of Gibraltar we are being denied our fundamental rights as a colonial people to demand decolonisation because it is awkward, because it is embarrassing, because it is internationally unacceptable, because it conflicts with the national interests of the United Kingdom, because it does not fit in with the EEC, for any number of reasons, but for no one single reason that will make sense to the people of Gibraltar and it is the people of Gibraltar that we owe our allegiance to and no one else, Mr Speaker and I do not think this amendment does anything to enable us to fulfil that allegiance. I am sorry that I must oppose the amendment.

HON B PEREZ

I did not intend to speak on this particular amendment but in view of the remarks that the Honourable Mr Bossano has made on the amendment to this motion in which he has referred to myself, the Honourable Dr Valerino and the Honourable Mr Restano who stood at the elections with Mr Bossano on immediate talks, I think I ought to tell the House what my position is. Mr Speaker, although I agree with some of the points that have been raised by the Honourable Mr Bossano, I support the amendment to the motion. I support the amendment because I feel that on such issues concerning the future of Gibraltar and its people it is an issue of fundamental importance to us and I feel that the House must be united, a consensus must be reached so that in the eyes of the world, in the eyes of Britain and in the eyes of Spain we present to them a united front. It is no good some of the Members voting one way and others voting another on a motion which is of fundamental importance to us all, not just to Mr Bossano but to all Members of this House. Having said this, Mr Speaker, I do not intend to criticise Mr Bossano's

intentions for moving the motion which he has moved. I stood for immediate talks with the United Kingdom, I also stood on the issue that Gibraltar should be decolonised but, Mr Speaker, I think it is a matter of judgement whether this course of action should be pursued at this particular stage in view and in the light of the Strasbourg talks. I think Members of this House are entitled to exercise their discretion in these matters and I myself have looked into the matter very seriously because I believe it is a serious matter and I feel that at this particular stage it would be wrong to vote in favour of the motion without this amendment. I feel that we ought to pursue the line which has been pursued throughout the last two months and that is with the Strasbourg talks. In my view the importance of these talks which were held in Strasbourg is the recognition that was given to our elected leaders. I think this is the very first time and a position which we did not envisage, say, a year ago. I also feel that the Strasbourg talks and the talks that will be held in the new year could pave the way and could possibly lead to a solution to the whole problem. My position is that I feel that at the present moment it is better to continue with the talks as proposed already and to wait and see what develops. However, if these talks come to an abrupt end, if the talks fail for whatever reason, then I would welcome the Honourable Mr Bossano bringing the motion once again to this House and I would be delighted to vote in its favour but under the present circumstances I will vote in favour of the amendment.

HON CHIEF MINISTER

Mr Speaker, I would like to say a few words on the amendment. In the first place, Mr Bossano in very nice and quiet words tried to say what was there frivolous about bringing a motion that does precisely what he was elected to do. He is a bit late, he was elected in September of last year and by the time he has put his motion he has lost the people that were elected with him so he is really playing a different game to what he suggests that the House should accept that he is playing, the very quiet and reasonable politician who does nothing but what the people who have voted for him have asked him. If, in fact, that is

his intention he should have done that at the first working meeting of the House after election. I have not got the memory that he has but I recall him having said that he realised that he had no mandate to do that, that the people had decided otherwise, wrongly, as he thought, and therefore he did not pursue the matter. The frivolity of the motion comes because it seems to have been sparked by the initiative that I took at the last meeting about the talks in Strasbourg. That is what makes the motion so frivolous and so childish, if I may say so, with respect, even though it may be preceded by a considerable amount of hard thinking as to how to get the House by surprise as did the motion about the immediate visit of Her Majesty the Queen to Gibraltar which he very well knew would not be the case and one still wonders why he was so anxious to see Her Majesty the Queen in Gibraltar. If he had only wanted to see her and had got in touch with my office perhaps some arrangements might have been made to give him a grey top hat and morning coat and send him to Buckingham Palace to a Garden Party, that would not have been very difficult because even more extreme members of the working classes are seen in that attire in the gardens of Buckingham Palace, I believe. He said he was surprised by what I said



relation with Great Britain. I stand firmly on those three points and I welcome the opportunity that is being given here today, particularly to discuss the question of facing the British Government on the question of a permanent settlement between Gibraltar and Great Britain. It is by far, perhaps, the most difficult one but I stand by that and I think the House knows that on various occasions, whenever I have had the opportunity, I have criticised the Government for not accelerating the process which they said they started when they used the Committee for the purpose of arriving at some form of a united view to pursue this very important matter. I think that there is great danger to be in suspended animation as we really are now. I understand the difficulties. I understand the international complications involved but that, I think, is not our primary consideration. That is the consideration of the Foreign Office. Perhaps one of the most difficult things that we have to go through in Gibraltar is that we come, ourselves, under the Foreign Office. A matter that parliamentarians in England fully realise and I think even a person like Lord Shepherd, I remember him talking to me once, saying that the dissolution of the Commonwealth Office as it used to be before, which took us into the Foreign Office and now, I believe, we are within the same department of the Foreign Office as Spain, makes the position of Gibraltar a rather weak one. Whether we like it or not the progress that we are going to make in any direction will largely depend on the effort and the interest, not divided interest, but sole interest, that whatever department in the United Kingdom is responsible for Gibraltar will have consideration for our desires here in Gibraltar. I think we start, unfortunately, from a rather handicapped position. That may be one of the matters that the Constitution Committee or the Committee of Representative Bodies would like to look into, because it is a very important one, as to whether there might be a necessity for a change as to who should be responsible for us in the United Kingdom. I can see that this could raise an international storm but it would, I think, be very convenient to Gibraltar to be able to have someone in Britain who is really dedicated to the cause of Gibraltar and not have their aid divided because they have to really serve two causes and not just one. There is no doubt whatsoever that the Hattersley reply to the proposals made jointly by the Government and Opposition was a great blow to the morale of Gibraltar. It was a great blow and, in fact, because of that the GDM was formed. There was no scheming to create that Party. That was a spontaneous reaction of a lot of individuals in Gibraltar some of whom are sitting here today. I do not think that that can be denied by anybody in Gibraltar. Similarly, it more or less did away with representation of the Integration with Britain Party in this House. That, again, has got to be accepted because Hattersley ruled out the question of integration and that took the wind off the sails of that Party. That was a direct interference in local politics just before an election. I cannot forget that and I have got to make it public whenever I have an opportunity because that was absolutely unfair and unnecessary, but it was done. I think it also has given rise to the creation of other parties in Gibraltar as the Honourable Minister for Labour and Social Security, Mr Adolfo Canepa,

very rightly said. Again, I think, this is caused by the vacuum that has been created due to the Hattersley reply to what was, I think, a consensus of this House. They were reasonable proposals acceptable to the Chief Minister and the Leader of the Opposition, and they were rejected. I, realising the serious consequence of that, went to an election as an independent and, perhaps, if that had not happened, because of my personal circumstances, I would not have stood for election. That is one of the reasons why I stood for election because I thought that I could play a part here and in the United Kingdom and in that respect I am doing my best. Today I feel that I should speak with the same frankness that I spoke in my electioneering around the streets of Gibraltar and I think I am stating exactly the same thing as I did then. My Hon Friend, Mr Bossano, has given an opportunity of resuscitating a matter that has been lying forgotten for a few months. In fact, I think it was the Chief Minister who said it looked as if the Committee had lapsed.

HON CHIEF MINISTER:

No, I have been misquoted. That is why I objected and I told the Leader of the Opposition that I objected to the word "reconvened" because it looked as if the Committee had lapsed.

HON MAJOR R J PELIZA:

That is right. He said that the use of the word "reconvened" would give the impression that the Committee had lapsed and in fact I think that if one speaks to anyone in Gibraltar today it would be quite a job to remember the name of the Committee. I think the Leader of the Opposition himself had it wrong, he said something about the Constitution Committee and the Chief Minister quite rightly said it was not the Constitution Committee it was the Representative Bodies Committee. When I got that questionnaire I thought it was childish. I thought it was childish because what we should be trying to do is to get on with the job and produce something that we must take to the British Government with urgency to show that we are really very concerned with the present situation. Here we are already now establishing talks with Spain and we have both feet off the ground. It is most important that at least we should have one foot on the ground and that foot is our permanent relationship with the United Kingdom. That, in my view, is absolutely vital. This is what I felt at election time and I am sure that reasonable men round this table know that this is very, very important. It is not going to be easy to achieve, of that I have no doubt, it is

it, there should be some liaison between the Chief Minister and the Leader of the Opposition with Her Majesty's Government to find out what would be acceptable to them and what would not be acceptable to them so that we will not suffer another humiliating rebuff as happened with the Hattersley report. I think that this Committee can do that job if it is meant to do it. I know, for sure, that the Leader of the Opposition is dedicated in that sense to this, I have no doubt about it. I think he always has been, I do not think he has changed, I am very close to him and I have no doubt that the pledge that he gave when he was campaigning at the time of the election he has kept and he still keeps. I also believe that my Hon Friend Mr Joe Bossano, if he goes to the Committee, will no doubt pursue the same objective and try and accelerate it. I would have thought that he would reconsider his position and vote in favour of the amendment because, as I said before, politics is the art of the possible. It would be silly for me as an independent member of this House to stand up and try and put forward an idea which would not receive the support of any of the Members of this House and then hope to be able to achieve something in that way. I said at the time of the election that as an independent member I could never promise to carry out all the points in any manifesto. All I could promise was that I would try and convince those others in the House of Assembly to go as much my way as I could carry them with me and that I have done here in this House all the time and this is what I am doing now. Not only am I trying to get the Government to move in that way and not only am I trying to get all the members of the Opposition but particularly I would have thought by the way that I am speaking I am trying to draw in, as well, my Hon Friend Joe Bossano who, I hope, will be able to vote at the end in favour of the amendment even if he has spoken against it now. If I have convinced him I have achieved something, because that will be another element inside the Committee trying to accelerate this process. Mr Speaker, one very important problem is the question of the word "consensus". I do not know how strictly this can be taken. Perhaps it will have some day to come down to the lowest denominator but I hope that that is not going to be so. It is not always possible to get everybody to agree and at one point, I think, the majority, or at least the overwhelming majority has got to decide to go ahead with certain views because if that is not the case it only takes one member of that Committee not to agree with the rest and we are at a stalemate.

MR SPEAKER:

I think I am entitled to say that a consensus means a

majority view.

HON MAJOR R J PELIZA:

If it means a majority view in that sense, then I am very glad but I do not know the way "consensus" is going to be interpreted. The interpretation of "consensus" is very important and it would be interesting to hear it defined in this House because it can be used one way or another. It can be used to go ahead. It can be used to come to a halt so I think the definition of "consensus" in this particular context is vital. It is important that we should hear the views of what is meant by that and that when we vote for this amendment to the motion, at least we know the spirit in which this House is agreeing to the motion. Mr Speaker, I think I have said enough. I think it is a very important matter that we have discussed and I wish the Committee of Representative Bodies godspeed in arriving at a consensus and establishing the contact with the United Kingdom in this respect.

HON M XIBERRAS:

Mr Speaker, I think all Hon Members will agree that there has been an interesting debate with a great deal of very welcome, if I may say so, liberality on the part of the Chair. Interesting sidelights have come out in the course of this debate. Perhaps, Mr Speaker, because some of the matters referred to obviously are of some interest to me you will permit me to say a few words about these. Mr Speaker, perhaps I could start in inversed chronological order with the contribution of the Hon and Gallant Major Peliza. It is true, Mr Speaker, that there is a great deal of rapport between the Hon and Gallant Member and myself, especially on the matter under discussion by the House, but I would not wish the Hon and Gallant Member to be under any illusion that his construction of either my election campaign or my intention in proposing this amendment are those which he has described for whatever reasons and I am sure that they are good ones, he has described to the House. Mr Speaker, I do not believe, whether one is in a position of leadership or one is not in a position of leadership, that one can be inconsistent to the point that one is able to support a view that is entirely unrealistic even if one does this in the name of consistency itself. I think what the Hon Major Peliza said today is, in fact, Mr Speaker, at fault for that very reason because having said that he believed that politics is the art of the possible he has, to my mind, advocated a course of action which, to my mind, is not possible. However, I am glad that he has found his way to supporting the amendment.

Mr Bossano will be interested in this, my view is that he would say self-determination and thence forward he could say no more other than some kind of general socialistic direction for Gibraltar as yet undefined and undetermined. That is my view, and the people of Gibraltar might very well, as a result of premature talks, and certainly talks in which we were disunited ourselves with the British Government, might very well not live to see the day which my Hon and Gallant Friend Major Peliza was telling the Spanish delegation in Paris, the day when the Common Market might produce a solution to the problem because I am sure that all Members are aware that a course of action which is independent of Britain is going to be a very short course for the people of Gibraltar and therefore the basic consideration which the people of Gibraltar would like to see projected in this House is the British connection. It is not the analysis of Mr Bossano or the analysis of Major Peliza or the analysis of the Chief Minister, these can contribute to that as my own humble views to this, but I have no doubt that what the people of Gibraltar want is not to be cast adrift in the very sea which Mr Bossano so ably describes from time to time to the House. Therefore, Mr Speaker, I would dearly love to go and ask the British Government for integration. I would dearly love the British Government agreeing to integration and I would not go as far as the Hon Major Peliza has done in saying that we must accept the reality. I think there is a lot in the idea of integration which is usable and is of use and in accordance with the feelings of the people of Gibraltar, but, again, I apply his maxim of the realistic in politics. Well, Mr Speaker, may I come to "the test of our friendship is when we disagree." Indeed, the test of our friendship is when we disagree with the United Kingdom. The test, Mr Speaker, is reflected in our attitude after we disagree with the United Kingdom. It is a refusal to budge from that friendship, a refusal to injure that friendship, a refusal to compromise that friendship whilst at the same time understanding what is right and what is wrong in Britain's point of view. I make no bones, Mr Speaker, about my reaction to the Hattersley memorandum. I thought Mr Hattersley went by far beyond his brief. I thought there were a lot of considerations which went beyond the simple statement of Britain's treaty responsibilities in that memorandum and I thought I did right in fighting it. I need not go into my views as to the Chief Minister's attitude on those talks because I have expressed them already.....

MR SPEAKER:

No, we are not going to open the Hattersley talks. You are entitled to refer to that in the context of what Mr Bossano said in so far as the approach by one Minister and another

is concerned. I think that is the basis on which Mr Bossano referred to the Hattersley report.

HON M XIBERRAS:

There were attitudes and policies in the Hattersley memorandum and in the Hattersley meeting. As regards the policy, my views were stated to Mr Hattersley and repeated in Gibraltar, namely, that whatever he said...

MR SPEAKER:

What Mr Bossano referred to in the declaration made by Mr Hattersley is exclusively the approach by the British Government which, in his opinion, has not changed in so far as Mr Judd is concerned. To that extent you can refer to it.

HON M XIBERRAS:

I was saying that as far as the policy is concerned of the Hattersley memorandum, that I rejected there and directly on my return to Gibraltar. As far as the attitude is concerned I said, in presenting the amendment, that I thought a great deal of improvement had taken place - the visit of Mr Judd, the visit to Dr Owen and assurances given - and the tone was completely different. I also said, the House will recall, that it was a matter to be looked at all the time because our position was safe in Strasbourg as elsewhere for as long as that attitude remained the same, whatever the problem of the eventual decolonisation of Gibraltar. Therefore, Mr Speaker, I cannot accept that it is in Gibraltar's interest in the present context where the House has supported talks of the Strasbourg nature, to dwell on the tone of the Hattersley meeting whilst at the same time I do not accept that one can forget the constitutional contents of the Hattersley memorandum. But before we are in a position, in my view, to advance along that road to the point of decolonisation, there are a good number of problems that have to be resolved. There is, first and foremost, the political attitude within Gibraltar and the political attitude of Her Majesty's Government which, if it does not infringe upon our basic wishes and aspirations, yet is not willing at this stage, and this is a fact of life, to take the kind of decisions which the Hon Mr Bossano would wish them to take. That is a fact of life and whoever wishes to challenge that fact of life should, in my humble submission, tell the people of Gibraltar what would happen next. It is alright for the Hon Major Peliza to say that we must educate the electorate. I think a great deal has been done in that

with me in the past he still holds. I do not know whether, as the Hon Leader of the Opposition has claimed, the intention of his speech was to convince me to change my vote but he was certainly going a very long way to succeeding whether it was his intention or not, but I could only move my position to the extent of abstaining to show that I had given some weight to the arguments and the appeal that he had made because I cannot go the whole way to supporting the amendment which would have meant supporting the motion if the arguments that are going to be put are the arguments that have been put by the Leader of the Opposition which are a complete and fundamental contradiction of a matter of policy which I stood for and which I have said nothing changes, Mr Speaker. It is all very well to say that we have all got to be united and I am prepared to be a party to a united stand in the interests of the people of Gibraltar, but I think it is a mistake to fool ourselves that if we are all united in doing nothing we are achieving something. It is all very well for us to spend years throwing things backwards and forwards in a Constitutional Conference where we are the only people involved, when the only thing that we know, as far as Her Majesty's Government is concerned, is that the British Government considers that closer integration with the United Kingdom is neither a desirable nor a practical option and that there is no scope for further devolution on the other hand. We are stuck where we are. We cannot move forwards and we cannot move backwards. We cannot move in any other direction and in that context it is absolute rubbish, in my humble opinion, Mr Speaker, to invite people to make any proposals or make any suggestions or put forward any ideas because they have all been ruled out. The first thing that we must do is to ask the British Government to retract from that position and we are entitled to ask them to retract. It is no good the Hon Leader of the Opposition saying: "Well, suppose they refuse to retract, then what?". I do not know then what but I know that what needs to be done is to ask them to retract. I can also ask him: "Well, suppose you are told in your Strasbourg talks to come back here and sell some package to the people of Gibraltar, then what?" No doubt you will have to face that problem when you come to it because we do not know whether you will sell it or not sell it, but what I do not want to see is the future of Gibraltar being discussed in Strasbourg with Spain instead of the future of Gibraltar being discussed between us and the British Government. Unless we take steps to stop it that is the way that it is going to happen, Mr Speaker, that the important arguments are going to be put in the meetings with the Spanish Government whilst we are all here in Gibraltar playing games and fooling ourselves that we are doing something serious to

resolve the problems of Gibraltar.

HON CHIEF MINISTER:

If the Hon Member will give way. I think there is a point that I should have made before and that is that it can hardly be consistent with the Hattersley thinking when I made public as far back as June of this year when I was in England for the Jubilee and saw the Minister of State, he asked me about how we were getting on with the questionnaire and with the constitutional work and that he was very interested to see the results of it. Surely, that shows some movement and not that static and cold assessment of Hattersley as a stop for ever on this matter.

HON J BOSSANO:

Mr Speaker, I am grateful to the Hon and Learned Chief Minister. I did say in my earlier contribution that I had no knowledge of any change in the attitude of the British Government and I made a specific point of asking Mr Judd whether this was still the policy of the British Government and he told me, yes, that the British Government still stood by everything that was in the Hattersley memorandum. If that is not the case, if there has been some shift, then there should be some shift on our part as well. If the situation is different then it is different and we have got to analyse it differently, but I do not know that it is different. The Hon and Learned Chief Minister is in a better position to know that I am. Perhaps he knows something that I do not know.

HON CHIEF MINISTER:

I am only quoting that as a possible change because I do not see why they would show interest and it was not as a result of my saying that we were studying the matter, it was purely a spontaneous remark of "How is your work getting on. I hope you get on quickly with it and we look forward to seeing it." I did not mean anything more than that but it is some indication.

HON J BOSSANO:

Mr Speaker, if in fact the Hon and Learned Chief Minister and the Hon Leader of the Opposition are convinced that this motion as it now stands amended is the road which is going to lead us to the decolonisation of Gibraltar and the replacement of Gibraltar's status as a British Colony by a new status which would be acceptable to the people of Gibraltar and which will give them the safeguards and the security for their future which is

HON J BOSSANO:

Mr Speaker, when the PSG has got members in the House of Assembly then I will tell the PSG members of the House of Assembly what I think of the policies of their Party, just like I tell the Hon and Learned Member what I think of his policies as a Right Wing reactionary and I tell the AACR what I think of their policies.

HON P J ISOLA:

Could I ask the Hon Member whether he tells them in the District Committee of the TGWU.

HON J BOSSANO:

I can assure the Hon Member that in the District Committee of the Transport and General Workers' Union we confine ourselves to discussing industrial problems and we keep our political opinions for outside. I am sure the Hon Members will understand the strength of feeling that I have on this matter and I hope will be sufficiently charitable to ascribe to me the best of motives even if it is difficult for some Hon Members and even if they find my stand incomprehensible, which may well be the case. I will, in fact, participate in the talks unless I am given a directive by my Party not to do so but although it is a somewhat difficult situation to be in since the motion on the Order Paper is in my name, I will abstain on the vote in the motion like I did on the amendment to show that although I feel that the approach is the wrong one, obviously, since I want talks, I prefer to have talks after a consensus than no talks at all but I would prefer to have the talks straightaway.

Mr Speaker then put the question in the terms of the Hon J Bossano's motion, as amended, by the Hon the Leader of the Opposition which read as follows:-

"This House considers that the work of the Committee of Representative Bodies should be expedited in order to arrive at a consensus view on the future of Gibraltar with a view to asking the British Government for talks".

The following Hon Members voted in favour:-

The Hon I Abecasis  
The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon P J Isola

The Hon A P Montegriffo  
The Hon Major R J Peliza  
The Hon J B Perez  
The Hon G T Restano  
The Hon A W Serfaty  
The Hon Dr R G Valarino  
The Hon M Xiberras  
The Hon H J Zammit

The following Hon Members abstained:

The Hon J Bossano  
The Hon J K Havers  
The Hon A Collings

The motion, as amended, was accordingly passed.

The House recessed at 1.00 p.m.

The House resumed at 3.25 p.m.

HON P J ISOLA:

Mr Speaker, I have the honour to move the motion standing in my name which reads: "This House calls on the Government to initiate joint discussions between the Airlines Tour Operators, Travel Agents and Hotel Operators in order to consider an agreed and realistic approach to air communications between Gibraltar and the United Kingdom." Mr Speaker, in moving this motion I am, of course, conscious of the fact that air communications has been the subject of questions and of debate in this House fairly consistently certainly throughout the last year and throughout the two years previous to that. I think it has only been equalled in interest by motions on industrial matters and industrial disputes. I think the constant interest there is on this subject in this House is due, undoubtedly, to the realisation amongst all Members of the House of the importance of air communications to Gibraltar, to the economy, to the development of Gibraltar as a tourist centre and, generally, to keep the links between Gibraltar and the outside world on a fairly reasonable basis. Mr Speaker, the history of the last few years on air communications in a way has been a sad history because as expenditure on tourism has increased flight frequencies to Gibraltar have decreased. Despite the recommendations of the Select Committee of the House, despite a tremendous amount of negotiation and talk of the Minister of Tourism and the airlines, despite all these matters, there has been a steady decrease in flight frequencies between Gibraltar and London. If this had been due to the fact that less and less people were travelling, less and less people were flying between Gibraltar and London it would

which is the cream of the market, probably there will be many more tour operators flying charter flights and that will be good possibly for the tourist industry and good, generally. Will this result in a steady scheduled service to Gibraltar throughout the year? Is it fair to expect the scheduled airlines to maintain seven or six flights a week right through the year and then take their cream during the good summer months and allow the charter operators to come in during the summer months and take the cream of the market. I know that there are a lot of considerations in this, there is a lot of commercial competitiveness in this, a lot of slitting of each other's throats and so forth but as far as the people of Gibraltar are concerned I think we are the sufferers because we do not have an adequate scheduled service, people whose relatives may be sick all of a sudden in England, relatives cannot get on a plane the next day, there may be no flights for two days. Somebody who requires an urgent operation in England from Gibraltar and there is no flight the next day so he has to wait two days. There is hardly any mail in Gibraltar except for the weekend now with no flights on Mondays and Wednesdays. The people look for the newspapers and all these things that make life bearable in a beleaguered city, if we may call ourselves that still and they do not have the papers every day. For a number of days the papers do not come. Some newspaper agents have now cancelled them because if the plane does not bring papers on a Tuesday you do not get your Monday newspaper till Thursday. All these things are bad as far as Gibraltar is concerned and they require remedying. Mr Speaker, I think it is understandable for the Minister to support charter operations to Gibraltar, to support people who want to bring charter flights to Gibraltar, it is a good thing, but they also have to bear in mind that every charter operation is likely to take business away or can take business away from the scheduled operation and that discourages the scheduled operators to put on extra flights. On the other hand, the history of the scheduled operators is that they are always putting on less flights. The Government says: "You have a high load factor, why don't you put on more flights?" They say things are looking bad and they drop one flight a week. We are in the middle of a vicious circle. We have the Government, on the one hand, encouraging charter operations, an operator comes in most enthusiastically over the summer and disappears over the winter, the airline then considers that the Minister has been a naughty boy and promptly cuts one flight a week to teach him a lesson and then you get another charter operator, for example, Marshall Sutton, and they come along and they say they are going to do flights, experience possibly may tell them this is not on and then they disappear. As far as Gibraltar is concerned the only guarantors that we have of a proper scheduled operation are, in fact, the scheduled operators, British Airways

and Gibraltar Airways and, therefore, I think there is a need for the Minister to initiate discussions, to get representatives of the airlines in, to get representatives of the tour operators in, to get representatives of travel agents, the ones that deal with Gibraltar, I am not saying the Minister should go looking for travel agents all over the world but the people who deal with the Gibraltar operation mainly, and, of course, the hotel operators here. get round the table and say: "Gentlemen, I think we all want to make money, no one wants to deprive anybody of their profits, what we want is a proper service to Gibraltar, we want a proper scheduled operation of seven flights a week at least in the summer and six flights a week at least, ideally seven, of course, in the winter, right the year round." I think the Minister should get all these people together and say: "This is what we want. You, Mr Tour Operator, who tells us you have not got enough seats. Can you tell me, in the presence of British Airways, or Gibraltar Airways, why you say there should be more seats and yet you do not use up your allocation and then also tell me, by the way, why you do not cancel your seats till the very last minute thus depriving other possible travellers from travelling in the plane?" And then you turn round to Gibraltar Airways when they bring out their response and ask "What do you say to this?" There must be an answer to all this so let us all get them together and let us argue responsibly. Mr Speaker, it is necessary to have these discussions because it is necessary for the Government to make up its mind once and for all what is going to be its attitude in the future to aviation between Gibraltar and the United Kingdom. In other words, to put it more bluntly, if the airlines, the tour operators, the travel agents and the hotel operators are not prepared or cannot get together or cannot provide a reasonable modus operandi of the Gibraltar route and provide us with a proper service, the Government has to consider seriously and decide, once and for all, if the Government should not take a part in the Gibraltar route, if the Government should not participate in the Gibraltar route. It may be there are good commercial reasons for not running more than five scheduled flights a week. It may be that as long as charter operations continue to Gibraltar that seven or six scheduled flights a week is just not viable. I have my doubts but it may be, and it may be that in those circumstances it is the wish of the Gibraltar Government, as I am sure it is the wish of everybody here, that there should be six scheduled flights and not five, it may be that the Government may have to or may consider it advisable to offset some of the risk in so far as the sixth flight a week is concerned, but I would have thought that to accept part of the risk as far as the sixth flight a week is concerned the Government may wish to consider its participation in the

was one some time ago and I will not go into the whole history of that one because I gave an explanation at the last meeting and it can be found in the Hansard. Since then I have approached this firm and apparently they are still keen in producing a substitute to what exists today. The Minister said he was willing to listen to any approaches. I do not know if he has been approached but if he has not, I think we all know who we are speaking about and in certain instances it is obvious that in a matter of such importance as this it is up to the Government to take the initiative and if they are not approached it is their duty to go there looking to find out if there is a way to overcome the problem but not allow outside people to come and solve the problems for them which is, I am afraid, the position which the Minister seems to have taken in this respect, because he has shown no initiative whatsoever to try to overcome this problem. Certainly, we have not heard any initiative coming from him in this House up till today and all the suggestions that have been made here have obviously either fallen on deaf ears or he has found it impossible to carry them out. My Hon Friend Mr Isola has come up with a new suggestion, an excellent suggestion. He is suggesting to the Minister that he should get all the parties involved together to see what can come out of this great gathering of the tribes. I do not see that much is going to come out of it myself. I wish him every luck and I wish him every success but I am not optimistic. I was very pleased to hear that my Hon Friend Peter Isola is every day becoming more convinced of the need for Government participation. Some people might think he is moving to the left. He made it quite clear he did not mean nationalisation but I do not think there was any need for that. We all knew exactly what he meant and I go with him in that respect. It is important that the commercial side of any enterprise should be present because they are the experts at that. I do not think Government officials are good business people and therefore the last we want to see is an airline which starts losing money and obviously that is not in the interests of anybody. I think we want the business expertise. I do not like the look given to me by the Financial Secretary, he does not like losing money so he probably agrees with me that a businessman should handle the business side of this enterprise. It is essential that Government should have a say in this matter. My Hon Friend said, quite rightly, that he wants all the business representatives there. I think he forgot to mention one side, however, and that is that the Government should have in mind that in this particular airline it is not just all profit. The profit motive is necessary but the social service that this airline would give to Gibraltar must also be taken into account because I can see that in

this gathering of tour operators and hoteliers and airline operators, I think they will think, and quite rightly, on the profit aspect of the operation. There is one element as far as Gibraltar is concerned that I do not think the Minister should ever forget and that is the social service, the every essential social service that this airline performs for Gibraltar in its present besieged state. Therefore, this should never be forgotten. I hope the Minister will always bear this in mind if he goes ahead with the formation of this Committee and listens to the views of the different operators. However, it seems to me from most of the people that I have spoken to and who seem to know something about the operation of an airline between here and the United Kingdom, they all say that one of the reasons why we are in this trouble is because the planes in use are not of the type that would best suit this particular route. Whether it is because the airline concerned cannot find it, I do not know, but it seems to me that that is the real problem, that they have not got the aircraft that would best suit this route. If this is so and there is no probability of that being changed, it seems to me that no matter how we juggle about with figures the answer will be one of a very costly run between here and London simply because the aircraft related to cost cannot possibly make itself pay in this run. Consequently, the answer must necessarily be that we must look for the type of aircraft that will best serve this route. And if the particular airline concerned cannot produce it then it seems to me that this problem will not be solved unless we look for someone who can produce the right aircraft. I think that the technicalities of this should not be forgotten and it would be a good idea for the Minister, before attending this meeting, to try and get independent expert information. There might be consultants on this matter, there probably are consultants on this matter, I do not know enough about it, but there must be some kind of experts who could give an independent opinion as to the running costs of an aircraft. I think this might be of some interest to the Minister because he will not be blinded with science when he attends these meetings by interested parties. I sincerely hope that he does accept the suggestion of the Hon Mr Isola and he does obtain this information before he goes to the meeting. The importance of overcoming this problem once and for all in Gibraltar is perhaps second only to the constitutional one.

HON A W SERFATY:

It does seem clear, Mr Speaker, from the two last speakers, that they appreciate that this question of air communications between London and Gibraltar is a very involved one and a very complicated one. In fact, sometimes I do get the feeling that I am going round in circles. The Hon

HON A W SERFATY:

I take it then that what the Hon Member is suggesting is that this line should operate one flight a week in addition to the present ones of Gibraltar Airways and British Airways?

HON MAJOR R J PELIZA:

For all I know Gibraltar Airways might be able to do it if they can charter the right aircraft.

HON A W SERFATY:

It is not for me to guide Gibraltar Airways on the policies that they must pursue but they are looking, so I was informed at my last meeting with them, at 26 different options to try and see how they can help to solve this problem. The problem so far has been that Gibraltar Airways has operated from Heathrow and they are loath to leave Heathrow as they would have to if they changed from Tridents to another type of plane. To that extent Gibraltar Airways have my full sympathy. Hopefully, this up and coming company may be able to solve the problem by sticking to Heathrow for some of those planes and using Gatwick or Luton for others. I must accept that this is a very complicated matter and not an easy one for Gibraltar Airways. I have already said that I had meetings with the Hotel Association which ended up mainly with Government forking out money. I have had meetings with the airlines, as I have already said. I am in continuous contact with operators, those who already operate and those who may possibly operate as Thomson Holidays have already done this year on a trial basis. I am interested in this Thomson Holiday operation because they are associated with Britannia Airways and they could do a lot for themselves and for Gibraltar as I told Mr Corkhill, their Managing Director. I have also been in close contact, when I was in London, with Mr Brian Sutton of the Marshall Sutton operation who are running, in spite of the very difficult situation that they have found themselves in by only being able to sell eight tickets without the hotel, some people call them "bucket shop" tickets, they are in a difficult position but they may carry on with their charters during the summer and as far as I am aware they are carrying on this winter because they do not want to lose credibility with the operators and they want to carry on in the summer. I have been in contact with other operators like Martin's Travel from Dublin, with our friend Major Gache, Gibraltar Travel, Exchange Travel and others. The Tourist Office is in continuous contact with the airlines and with the tour operators and we are trying to do our best but I am convinced that nothing will come out as a result of getting them round a table. We have supported blanket )

licences from different airlines, Monarch Airlines and others, which is an open cheque to fly charters whenever they like to Gibraltar. We have supported them as we have supported Marshall Sutton and we are helping Marshall Sutton who are going to have a Manchester flight next summer and Exchange Travel will be operating next summer with two, one from Gatwick and one from Manchester. The Manchester one is really a Marshall Sutton flight and we are helping them with taxpayers' money to promote the Manchester flight because this is a new venture, this flying from the north of England direct to Gibraltar. We are spending a considerable amount of money in helping them to promote these flights so that they can be a financial success.

HON P J ISOLA:

Helping them in a big way financially is a sort of underwriting.

HON A W SERFATY:

Yes, but we are talking only of a sum of about £10,000. When we underwrite an operation let us not forget that the cost of a charter flight with 142 seats must be in the region of about £6,000 so an operation over the summer which is 31 flights, or over the winter which is 22, is something in the region of a quarter of a million pounds. The Hon and Learned Member Mr Isola knows that we are pressing the Foreign and Commonwealth Office through the Deputy Governor on the question of a Gibraltar Air Transport Advisory Board where representatives of the Government and Opposition will be there with the Air Commander and the Deputy Governor and this may help in this matter but, of course, this is not going to solve all these problems, I am fully aware of that. When we talk about air operations we must try and distinguish between the scheduled flights and the charter flights. The charter flights we are helping to the greatest possible extent, as I have said, by spending money in their promotion. As to the question of British Airways I accept the fact that British Airways are only flying two flights a week which is the minimum they can fly unless they stop at Madrid with one plane stopping on its way to Gibraltar and then stopping again on its way to London, that is the minimum, and Gibraltar Airways have a condition, at the CAA, of flying three flights a week. I do not know to what extent expert opinion is going to help us. If British Airways had Boeings 727 or even 737 it would be a very different tale. It is no use blaming the Minister. I did not take the decision several years ago that British Airways should purchase Tridents. I took a note of what the Hon and Learned Member said, talking of this possible meeting, that he knows that there are commercial considerations and that possibly they would all be at each



HON J B PEREZ:

Mr Speaker, with respect to the Hon Minister, I totally disagree with that. The meetings that were held here in Gibraltar were at the instigation of British Airways following the difficult time that we gave them at the CAA when they were asking for price increases on fares and British Airways quite clearly and categorically said to us that we could expect, instead of two flights a week, only one. So we would be left in a position of possibly next year when we are going to have Gibraltar Airways operating the three flights which they have to in order to keep their licence, and British Airways operating one flight a week.

HON A W SERFATY:

If the Hon Member will give way.

MR SPEAKER:

We are not going to have a ding-dong. This is a debate and we all have the right to speak once and no more. I do not mind an interruption occasionally to clarify a point but not to score a point.

HON A W SERFATY:

Mr Speaker, the Hon Member is not aware that there will be six and at peak periods seven flights a week next summer.

MR SPEAKER:

You are now tying up the scheduled flights with the charter flights. He is referring to the scheduled flights.

HON J B PEREZ:

Mr Speaker, I am very pleased to hear that we are going to have seven scheduled flights next year.

HON A W SERFATY:

Six, and seven between June and September, like last year.

HON J B PEREZ:

I think, Mr Speaker, with respect to the Minister, he seems to be rather hopeful once again. He is following the same policy as he has throughout the last few years of being hopeful but, however, miserably

failing. My impression, as I have already made quite clear, is that British Airways, in fact, intend to pull out of the route. That is my own impression, Mr Speaker, after the several meetings that I have been privileged to attend. I think the importance of tourism does not have to be exploited any further in this House. I think all Members agree that tourism is very important for Gibraltar and I take into account what the Hon Minister said to the effect that British Airways always tell us that they are making losses of three quarters of a million pounds. But there is another thing which he did not say and that is that during these meetings we are constantly being told by British Airways that we have to accept the fact that people do not want to come to Gibraltar. This has been said to us on several occasions. This is why I think that the Motion proposed and moved by the Hon and Learned Mr Isola is very important because it will enable us to get together with the tour operators and all interested parties and see what we can do to make it more attractive for people to come to Gibraltar and spend money in Gibraltar. That is why I regret that the Hon Minister is unable to accept this motion. One final point, Mr Speaker, Government should really look seriously into the question of a possible participation. By participation I do not mean that we should exclude Gibraltar Airways altogether. I think that would be wrong because Gibraltar Airways have been operating three flights a week. I would not suggest we go and nationalise Gibraltar Airways and take over because these people have been pumping money and it is fair that they get a fair return for this money that they have invested but, nevertheless, let us look into it seriously. Let us see if we can take over even part of the company. Let us go in with them. We may lose or we may win. If there are profits to be made Gibraltar will make the profit but in any case I think it would be a step in the right direction and I think this is what we have been lacking throughout the last years. I feel the Hon Minister has lacked decision and this is why we are down to five flights a week. Mr Speaker, I will support the motion.

HON J BOSSANO:

Mr Speaker, I do not support the motion because I think, like the Minister for Tourism has said, it is a waste of time. I certainly support nationalisation and if any Member wants to propose an amendment to take away the question of the discussions and to call upon the Government to take a real radical approach to set up a national carrier for the route, then I would certainly support that. I think this is the only approach that stands a chance of producing some solution to the problems on the route. I think that whilst some of the criticisms made by Mr Perez are

link with the United Kingdom is vital for us and I feel that, in fact, the nature of that link would be in safer hands if it was in a national airline where there was, perhaps, participation by British Airways, Gibraltar Airways and the Gibraltar Government. If we want to consider other possibilities, I would say that perhaps if Gibraltar Airways found itself in partnership with the Gibraltar Government instead of finding itself in participation with British Airways, it might have more flexibility in choosing the aircraft it wants to use. I think that there are radical alternatives that the Government should be looking at in terms of having a regular airlink with the United Kingdom over which they have a measure of control. I feel quite honestly that the Hon and Learned Member, perhaps, has attempted to introduce a motion that was not too demanding in the hope that it would be easier to get support for it. I think it is a mistake because the Hon Minister has been honest enough to say that this is a non starter, that this will not get off the ground. What the Government should be urged to do, even if this motion is defeated, is to take a real radical look at the problem and if they find that it is beyond the capacity of the Gibraltar Government to handle the situation, to involve themselves more intimately with part ownership of an airline, then let the House be told and we might as well face the reality that the situation is beyond our control and there is nothing we can do about it and we can devote our attention to other matters, but I certainly think the Government should take a serious and hard look at this and come up with some hard facts. I cannot accept, Mr Speaker, that nationalisation necessarily means losing money. I accept that in the capitalist system there is a consistent tradition of nationalising things that lose money so that then you can blame the inefficient socialists for losing money and forget that the equally inefficient capitalists were losing money before it was nationalised. I certainly would oppose any philosophy of nationalising lame ducks. I think if we are going to nationalise anything we may as well nationalise profitable enterprises and then we can reduce taxes. I think, Mr Speaker, that it is a good thing that the motion has come because it is something that the House should give serious consideration to. I am not going to support the motion, not because I don't agree with the sentiments expressed by the Hon Mover, but because I do not agree with the solutions that he proposes. I think that will not produce any results. I think we need something more radical and more along the lines of the suggestion made by the Hon Mr Perez and I am glad to see that even the Hon and Learned Member is not as averse to the idea of nationalisation or part nationalisation as one might assume from his other statements in the House on other occasions.

HON CHIEF MINISTER:

Mr Speaker, I am not an expert on airlines. I hear a lot about it, I read a lot about it and I do not pretend to know much about it. I get talked at by quite a lot of people about it who want things of some kind or another and I would like to say a few words on this matter. The point, of course, all stems from the 1973 oil crisis and the terrific expense that the airlines and all consumers of energy have suffered as a result of that great revolution and also the way in which the spending power of people has been limited as a result of the crisis brought about by that and that, of course, has hit the airlines in particular because I suppose a very big part of their expenditure in running the planes is in fuel and therefore that is why we have, like the rest of the world, a crisis on this matter. The question of British Airways is of course a very important one. I think the point made by the Hon Mr Serfaty has been, if I may say so, highlighted by the point made by the Hon Mr Perez, that he thinks that British Airways intend to pull out of the route. We must make sure that British Airways' commitment to Gibraltar continues even during bad times since they made a very big profit when the Costa Del Sol was being developed and Malaga did not have a suitable airport when plane loads came into Gibraltar with tourists who did not stay in Gibraltar but went direct to the Costa del Sol. I agree that telling an airline that they should run three or four services instead of two is not a general direction because it goes to the root of the enterprise but pulling out of a place where we have been suffering as we have for so many years is, I would say, a general direction and we must ensure that British Airways do not pull out of Gibraltar and leave us just with Gibraltar Airways, though, of course, Gibraltar Airways is of great importance as they have shown by running three flights. The other thing of course is that it would be the acme of irony that the only link that has been maintained with Spain over the years of restrictions and that is by the plane that comes in and calls at Madrid on the way out or goes to Madrid on the way back, that that should be withdrawn and the airlink with Spain should not be the responsibility of the Spanish authorities but should be the responsibility of a nationalised airline. That we must avoid at all costs. I think it would be monstrous if that were allowed to happen and for that we must look to British Airways to maintain the minimum service that they are having now and to increase it if necessary. In connection with this motion I tried to see whether I could find some papers as to what happened when the previous administration was in office which, of course, was before the fuel crisis arose but, unfortunately, since the Tourist Office was not linked

said and vote in favour of the motion by my Hon and Learned Friend which simply suggests that because there is confusion in this basic area of load factor and bookings, because there are contradictory stories as to why planes that are supposed to be fully booked are not in reality occupied to the same extent as the advance bookings might indicate, that because of this, the different parties in the dispute, the different interests which the Minister can not wish away by not seeing them, he cannot do away with this clash of interests he refers to simply by refusing to meet them, that there would have been virtue in seeing these parties, letting them get round the table and thrash the points out. I think that apart from this reason which apparently is supported by the Chief Minister, of the confusion about bookings, there is the other one this constant theme in the story of air communications in this House, the relative importance which our community should attach on the one hand to the incentive-type of charter flights, SGIT flights or any of these flights or fares, and the need of Gibraltar to maintain a scheduled service not just because of tourism, not just because as my Hon Friend said it is in the interest of charter companies to operate mostly in the season of the fat cows rather than that of the lean cows, but because the community of Gibraltar in its present position needs a very regular and very dependable scheduled service. I have seen, with some trepidation again, how the situation has gone from bad to worse. I have seen that the Minister, rather than trying to stem the tide effectively, has been talking to this House about charters and more charters and more charters which are very good for him as Minister for Tourism and as Minister for Trade but very bad for him as Minister for air communications, if not now, very likely in the immediate future. I would suggest to the Hon and Learned Chief Minister that, perhaps, despite the personalities involved in the administration between 1969 and 1972, there is nevertheless virtue again in splitting up these responsibilities because the Minister for Tourism is interested in filling up the hotels with tourists and he might be very much inclined to do this by way of charters but he cannot be as demanding of himself as he would be of another colleague in respect of the scheduled airlines and I wonder whether the announced changes in the Ministry of Tourism which were announced some time ago might not be appropriate at this particular time and then we might have the Hon Mr Abecasis demanding of the Hon Mr Serfaty that the scheduled flights should be thus or indeed the Hon Mr Serfaty saying himself that the scheduled flights were below par and fighting a bit harder and with a bit more imagination. Mr Speaker, I am aware of the misgivings of the Government, of the Chief Minister and the Minister for Tourism in respect of the possible effects that a certain policy may have on British Airways. I know that they must nurse people who are contributing effectively to Gibraltar's economy, who are

under certain obligations and so forth. At the same time what is being asked from this side of the House is, first of all, clarification of the position in this meeting and, secondly, and I refer to the suggestion of possible participation, is that those who do undertake the responsibility of contributing to Gibraltar and stand a chance of making whatever profits are available now or in the future, should shoulder that responsibility fully and this applies to the Government that makes money, to the people of Gibraltar who make money out of the air communications in the long run and to the companies themselves, British Airways and Gibraltar Airways, because not just for the badge, not just for the right to fly between London and Gibraltar did this House support unanimously the application of Gibraltar Airways. I think it carries with it along with other forms of communication between here and Tangier, between here and other parts of the world by sea, there is a risk and there is a possibility of a profit and therefore the responsibility must be shouldered at some stage by somebody and if we are on a situation of regression where there is a likelihood of further diminution in the number of flights and the fear that people, for instance British Airways might pass on all its flights to Gibraltar Airways, there is a concomitant responsibility on the part of the Government to press that the obligations in this instance should be fully honoured and that a proper service should be kept up otherwise there is no virtue at all in having a scheduled service if it is not going to be a proper one, otherwise we might have the proposal of the Hon Mr Bossano of the air bus which was, in fact, looked at somewhat askance by certain Members of the House precisely because it might interfere with the scheduled service and there is a need to protect this scheduled service if the scheduled service is satisfactory. Mr Speaker, I also detect that there is something of a difference as regards the area of competence of the House and of the Government in this matter. There is a tendency, if I may say so, to associate this problem with other problems such as the Dockyard and so forth where if you do this there might be a regressionary factor, somebody may pull out and so forth. In this case, Mr Speaker, we are talking about the provision and operation of one aeroplane between here and London. I am not talking of nationalisation, I am not proposing nationalisation. I cannot contribute to the coalition between the Government and Mr Bossano in the defeat of the motion, certainly not on those terms that the motion goes that far and I welcome the fact that the Hon Mr Bossano is not in a minority of one any more on this matter. But, at the outside, we are talking about this particular risk, of Gibraltar or somebody providing an aeroplane and being able to operate it. Mr Speaker, surely, the writing in this respect in the present situation with the closed frontier, is clearly

HON P J ISOLA:

Mr Speaker, I am grateful to the last speaker for his kind words and I hope he prevails on the Government to change its mind and vote for the motion. I am personally very saddened by what the Hon Minister for Tourism has said. I feel he is bent on the same course which could lead to the gradual phasing out of scheduled air services to Gibraltar and that is a serious matter for Gibraltar. I would commend the Hon and Learned Chief Minister to acquaint himself more with the subject of air communication because if he did he would discover that although Gibraltar built up the traffic in the Costa Del Sol and although in Malaga, for example, there used to be 12 and 14 scheduled services a week by British Airways, today there are only two a week. Palma de Majorca which used to have I don't know how many a day scheduled services from London, has no longer any scheduled services from London from British Airways and the reason is a very simple one, it is the drift to charter traffic. Whereas in Malaga it doesn't matter to the Malagueños that there are only two British Airways flights a week because anyway their mail can come through Madrid by air down to Malaga and, anyway, they are not interested in reading The Times or the Daily Mail, they prefer Sol or whatever newspaper they have got, in Gibraltar it is a very different situation and we are getting into a serious situation. British Airways told us in September and that is why I have suggested there should be discussions, they have told us in our meetings that British Airways have now very strict directives and that is they are only flying where it is commercially viable. That is their directive from the big white chiefs that is why there are only two flights per week to Gibraltar. If they tell you they are making big losses then you have to worry. It is no use turning round to British Airways telling them to buy different planes because they are not going to. The planes that they buy are the planes that they use on the whole of their European operation. They don't have one plane earmarked for Gibraltar, the plane that comes to Gibraltar may have come from Hamburg that same day, and these are realities that the Minister must consider. I am not trying to be disrespectful to the Minister but I find him a little irresponsible in the way he promotes charter flights, the way he rushes in to anybody who wants to fly charters to Gibraltar. He was saying in this House three or four years ago that 10 flights a week was not enough, that we wanted 14. I remember these things. It is very laudable to ask for more flights but then you don't get them for good sound commercial reasons. The Minister made an interesting remark when he said that everybody who comes to the Government with proposals wants the Government to underwrite. Well, of course they do because air travel is an expensive business. People are in the air communications business to make money and the Minister must realise and must know that if he gets three charter

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flights a week to Gibraltar where there is a restricted market, a limited number of beds and so forth, that this means and could mean one scheduled flight a week less. He has spoken with complete confidence that there will be next summer six scheduled flights a week and seven in the peak months of July/August. But will there be, I ask him, if he succeeds in getting another charter flight next summer? Or will the airline do what British Airways did in September, i.e., say that their market forecast for the next six months is giving them a drop of 20% and drop one flight.

HON A W SERFATY:

If the Hon Member will allow me. The number of beds available in Gibraltar can justify more than ten charter flights a week.

HON P J ISOLA:

Mr Speaker, that is not the point and the Minister continues to miss the point. What I am telling the Minister is that in September we were told by British Airways that they reckoned there would be a 20% increase in traffic to Gibraltar and accordingly one scheduled flight disappeared despite protests, despite the fact that we said we would object to the 5% increase. They said: "Forget the 5% increase in fares, we are dropping one scheduled flight!" What I am telling the Minister is what is happening and what we know is happening and what he should know is happening that although it is very laudable of him, and I agree with him, that there should be charter flights to Gibraltar, I do not agree with him that it should be unrestricted charter flights to Gibraltar. I think there should be a balance between charter operations and scheduled operations otherwise we will lose the scheduled operations and that is what has been happening for the last four years and that is why I am disappointed that the Minister is not prepared to get the people together and agree a balance of traffic mix. I know people may not agree. I don't agree with the Hon Mr Bossano when he says that it is a waste of time. I know of thousands of discussions that go on in Gibraltar day in and day out for 365 days a year half of which are a waste of time and he knows they are a waste of time and Members on this side of the House know that it is a waste of time. Government time seems to be taken up today to a great extent in discussions that are a waste of time. I think Hon Members opposite, including the Minister, have missed the whole point of this motion and, with respect, the Hon Mr Bossano as well and that is that I believe there is a need to get the airlines, and I meant British Airways and Gibraltar Airways, and I should tell you that I meant more Gibraltar Airways than British Airways because they are

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HON CHIEF MINISTER:

You would have to know the element of full fare paying capacity and what element is SGIT which is bound to change from time to time.

HON P J ISOLA:

The Statistics Office know exactly the traffic mix. If every flight costs £10,000 all you do is look at the arrivals and departures, look at the traffic mix and it should bring you fairly near to the right figure. I don't think we are talking of making British Airways change planes because they won't do it, we can't talk of Gibraltar Airways changing planes either because they are linked with British Airways. British Airways provides them with the expertise, the pilots, the staff and a very good service. Although we would all like them to change to an aircraft that is more economical we really have to wait till the day comes when they do change their fleet. Until then something has to be done and that is why I have made these suggestions Mr Speaker. I talked of participation in a possible future operation. Of course I was talking of Gibraltar Airways, I wasn't talking of British Airways. I was talking of underwriting or participation because if, in fact, there is a loss on the route, if it cannot be made profitable because of other operations, charter operations, hundreds of people all wanting to come in for a few months and then they disappear and things like that, the Government may have to put its money where it has its confidence. If the Government feels that scheduled operation to Gibraltar, as a scheduled operation, can be profitable and will get the required load factors to achieve profitability, I think there are ways and means under which the Government can participate, and I don't necessarily agree with nationalisation, that is why I talked of participation, of being in the operation and taking some of the risks but then, of course, reaping some of the benefits from it. But I think that before you get to that stage, Mr Speaker, I think it is only fair to get all the people involved in the operation together, analyse the situation and see what they say. An hotelier will say they need 10 charter flights but then when the hotel chap is there and the airline chap, two businessmen are there, and the airline chap says: "If you think you have got the traffic I will put ten planes but will you underwrite the losses?" They will say, no, obviously. One has to discuss and arrive at a consensus and that is why I am asking for this motion to start that operation. I think that the operation of seeing the individual people concerned on their own has failed, there is no question about it, the trend is downwards instead of upwards. Accordingly, Mr Speaker, I would ask the House, the Government and the Hon Mr Joe Bossano, their ally on this one occasion, to reconsider their position and support the motion which is not calculated to produce

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startling results but at least is calculated to identifying, analysing the problem and then formulating a policy.

Mr Speaker then put the question in the terms of the Hon P J Isola's motion and on a vote being taken the following Hon Members voted in favour:

The Hon P J Isola  
The Hon Major R J Peliza  
The Hon J B Perez  
The Hon G T Restano  
The Hon M Xiberras

The following Hon Members voted against:-

The Hon I abecasis  
The Hon J Bossano  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon A P Montegriffo  
The Hon A W Serfaty  
The Hon Dr R G Valarino  
The Hon H J Zammitt  
The Hon J K Havers  
The Hon A Collings

The following Hon Member was absent from the Chamber:-

The Hon Major F J Dellipiani

The motion was accordingly defeated.

MR SPEAKER:

We now have the notice given by the Hon Mr Bossano who wishes to move the suspension of Standing Order No.19 to enable him to move a motion without having given the required five days' notice. May I say that the Standing Order which allows Mr Bossano to move such a motion is Standing Order 60 and no debate is allowed on such motion being made. Whilst I will not allow any debate I will allow the mover to state the reasons why he is seeking to suspend the Standing Orders and I will allow the Chief Minister to say anything he has to say on the reasons given, exclusively, by the mover.

HON J BOSSANO:

Mr Speaker, the reason why I am moving the suspension of Standing Order 19 which requires the giving of five days notice is, in fact, because the decision to bring this motion to the House was taken at a stage when the required notice could no longer be given and what impelled me to take this decision at this stage was that although the

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MR SPEAKER:

Perhaps you will move the motion and we will see what happens.

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House regrets the decision of the UK Departments not accepting in full the recommendations of the Bain Board of Enquiry into the CPSA dispute and urges Her Majesty's Government to reconsider this decision in view of the interest taken by the House of Assembly in this matter and as an important contribution to future industrial peace." Mr Speaker, the situation, according to the information I have available, and I thought that it was right although I accept that it is an avenue that should be used infrequently, I thought it was right to bring the matter to the notice of the House as soon as it was brought to my own notice, the situation on the information I have available is a dangerous one in the sense that it could lead to a dispute which could have, given the experience of the last dispute, a widespread repercussion. In saying so I am not in any way trying to suggest, and I hope the Hon and Learned Chief Minister did not take it like that, I am not suggesting that anybody is holding a stick over the House of Assembly and saying: "Either you support the motion or we go on strike." That is not the situation. It is just that if there is a danger or, at least, if I have been led to believe that this danger exists, I thought other Members would want to be made aware of this because, in fact, the House has been involved in debating the dispute on a number of occasions in the past. The House will know, of course, that the decision to accept reference of the dispute to an inquiry was, in itself, a highly controversial one amongst the CPSA membership and it was a narrow vote that carried a majority that brought about the calling off of the industrial action and reference of the dispute to a Board of Inquiry. I think that the use of arbitration and third party machinery is something that unions as a whole are not very keen on and, certainly, it doesn't help to establish confidence in arbitration machinery which my own union, for example, Mr Speaker, is, in principle, opposed to, but it doesn't help to convince unions of the usefulness of arbitration machinery if, when the arbitration machinery makes recommendation, one of the parties to the dispute, the union side, accept all the recommendations, good and bad, and the other party decides to accept some of them and not all. I understand that the two points where the UK Departments have now given a definite answer that they are not willing to accept, are the question of annual increments and the question of annual leave in respect of the 7-month period of the lock-out, so that in fact if members of the staff had an incremental date during those 7 months, that

incremental date has now been postponed for 7 months and they have not only lost that 7-month period in terms of pay, but they have lost it in terms of service for the Government so that everybody's annual increment is now 7 months later. This does not affect long serving members because they are already over the maximum but it affects a lot of the lower paid grades who were not directly involved in the dispute and who did not, as a result of the original settlement or of the Bain Report, gain anything out of the dispute. They were involved in that lock-out out of solidarity with their fellow workers and nothing has been recommended for them other than that their normal incremental date should be respected. The Ministry of Defence have argued that on advice of the Civil Service Department, this could not be done. The view of the union is that Professor Bain was fully aware of the normal rules governing the operation of the Civil Service Departments and that he must have considered the circumstances surrounding the 7-month lock-out as sufficiently abnormal to allow him to make a recommendation of this nature. The membership in Gibraltar, I think quite legitimately, feels aggrieved that having had a lot of pressure put on them to go along to this Inquiry and not carry on with their industrial action to the bitter end, they then find that the recommendations are accepted by them, that their union recommends that they should accept all the recommendations, and that the other side decides not to accept something which, in terms of the cost is negligible, in fact, there is no real cost involved in the acceptance of these recommendations. Although it makes a difference to the people involved at this moment in time in the long term, all that happens is that these people will take seven months longer to reach the maximum. All that is involved, really, Mr Speaker, is whether they reach a particular point in the scale seven months earlier or later. The other thing is their annual leave entitlement, I feel that the House has attempted in a number of motions which in my view were not given a great deal of heed by the UK Departments, which is regrettable, but nevertheless I accept that all that the House can do is try and sway the judgement of the UK Departments by expressing its views, it cannot not for as long as we are a colony, give the UK Departments marching orders as to how they should treat their own employees, they are responsible not to the Government of Gibraltar but to the British Government, but I feel that the House accepted that the CPSA dispute was one affecting the community as a whole and it was right that there should be an interest expressed in the House of Assembly and a certain amount of involvement by the House of Assembly. I think it should be brought home to the UK Departments that they made a serious error of judgement in the first place in the CPSA dispute by using a sledge hammer to crack a nut and putting everybody out in the street instead, perhaps,

question of incremental credit and leave in respect of the period during which the CISA members were not at work, I think that it is important, perhaps, that the House should know that the Bain Board of Inquiry were aware of the fact that there could be difficulties in this respect, that the rules of the Civil Service might make it difficult for this particular recommendation to be accepted and, of course, they expressed the hope that the difficulties would be overcome; but they were aware that the Civil Service Department would find it difficult and that, apparently, is what has happened. The Hon Mr Bossano mentioned that the Civil Service Department are not going along with this, I have caused enquiries to be made in the time available, since notification was received yesterday that this motion was likely to come up for debate, but my information is also that it isn't just the Civil Service Department but also, significantly, that it has reached ministerial level and Ministers in the Ministry of Defence do not appear to be either in favour of accepting this or they are guiding themselves by the advice they have received. Again, the result of my enquiries and the information that I am giving is not authoritative. I am not able to make an authoritative statement but the information which the Government's Industrial Relations Officer has been able to obtain for me is that the matter is still under discussion between the two parties. I was not aware, until the Hon Mr Bossano had spoken, that the CISA Committee, locally, on Monday evening, were favouring industrial action, this is information which I didn't have. The information that I have been able to get as a result of asking inquiries to be made was that the matter is still under discussion, presumably, still under discussion in London. I don't think, Mr Speaker, that this is a matter for the Gibraltar Government. It is a matter between the CISA and the UK Departments. It is one, really, that should be resolved between the two parties and it is only to the extent that we were trying to get the two sides together, that the House attempted to mediate round about this time last year, before Christmas, and subsequently when the CISA dispute was debated here. We saw ourselves more in the role of mediators, more in the role of attempting to create a climate which might make it possible for the two sides to come together. I am also informed that the matter in London has not reached what has been termed a stage of finalisation and if it has not then, perhaps, the CISA in London might not consider that they should recommend to the membership here that industrial action should be contemplated at this stage. From the London end there does not seem to be an awareness that industrial action is imminent. The attitude of the Government is one of abstention and in abstaining on this motion that should not be taken to be a reflection either on the merits of the motion, or a reflection as to our views on the merits

of the matter on which agreement does not appear to have been reached. I want to make it abundantly clear that the Government does not consider that it should be involved. It certainly does not consider that it should take sides for even when we agreed to form part of a delegation to go to London to put the matter to Dr John Gilbert and the Chief Minister and I would have formed part of that delegation, it was on the clear understanding that we were not taking sides but that we were going to acquaint the Minister at first hand with the reality, with the human aspect of the situation in Gibraltar, that was going to be our brief. Mr Speaker, as I say, it is clear that things do not appear to have reached a stage where we ought to be contemplating jumping in where angels would fear to tread. Thank you.

HON MAJOR R J FELIZA:

Mr Speaker, having been involved in this dispute right from the beginning, I think it is proper that I should express a view on this motion. I think it goes further than the actual details of the dispute in which I do not want to get involved because I don't think it is really my business to get involved I would like to speak on the principle, as I see it, a principle that I have held for a long time and one which I think could eventually bring order where there is now industrial strife. I am not a believer that industrial disputes should be settled by strike action. Usually, in the long run, nobody turns out to be the winner and the whole of society suffers. Those who may be attempting to better their position might succeed in certain occasions but at the same time it can cause considerable hardship and on the whole perhaps bring deterioration to the economic situation of any society. I think particularly in Gibraltar this can be very harmful to our society and anything in my view that can gradually introduce a sense of order into this field of social activity or political activity is something that I would support 100%. I was very pleased to see that the CISA eventually agreed to go to an inquiry. My view is that in the same way as civil disputes are now settled in a civil court and is not usually done by the mightier having the final say and getting away with it and even in criminal cases it is not usually the police who take the law into their own hands or anybody else who takes the law into their own hands but submits itself to a court of law, I believe that this is the way that civil disputes should gradually be channelled and settled. We know that attempts in England to introduce this statutorily failed both with the Labour Government, and later I think under the Conservative administration. So much so I think that this has been given up altogether now as an impossible task. But one can see through the social contract and other attitudes being

HON A J CANEPA:

Mr Speaker, I said the matter had not reached a stage of finalisation. This is information that has been obtained for me. The matter could be referring either to the specific recommendations or it could be referring, generally, to the Bain Report, that no agreement has yet been reached, generally, on the Bain Report. I don't wish to mislead the House but I have been told clearly that the matter is still under discussion between the two parties, that no door has been slammed in anybody's face completely. It could well be that as part of the general discussion that there has been on the four recommendations that already the MOD have told the CPSA that they do not accept these two parts of a recommendation that deals with three things, leave, incremental credit and pensionability, service being reckonable for pension. Arrangements have been made in respect of the pension and that we know from the report itself but these two other matters of incremental credit and leave, it could well be that the CPSA have been told: "No, we cannot go along with these", but the matter, generally, is not one which has reached a stage of finalisation.

HON J B PEREZ:

Mr Speaker, I still don't know what to do. We have two different versions.

HON A J CANEPA:

Mr Speaker, it is not easy when one only has little time to try and get the right sort of information. All I could do was to get in touch with the Government's Industrial Relations' Officer, tell him that this motion was coming up before the House and ask him to find some facts for me. I wasn't able to get very much, I was only able to get a short note this afternoon.

HON J B PEREZ:

Mr Speaker, I want to make my position clear and that is that I intend to abstain on this motion but only in accepting that the matter has not been finalised.

HON M XIBERRAS:

Mr Speaker, I will abstain on the motion and I am going to do so despite the fact that, along with other Members of the House, I was heavily involved in trying to get from the outbreak of the CFSA dispute a consensus view in the House, even at the time when there was a motion before the House which condemned the UK Departments for their attitude to the CFSA claim and also I was one of those who did not

wish to influence the union to accept arbitration or inquiry under pressure from the House but because they eventually decided to do so on a heavily split vote. It seems to me that the reason given in the course of the motion for the Suspension of Standing Orders by the Hon Mover do not accord with the wording of his motion and the reason given was that the House might be influential in averting industrial action. If the House is to take a decision such as is implied in the statement by the Hon Mr Bossano, then the very least Hon Members can do is to be fully acquainted with the facts of the matter and I mean not only those facts which appear to be in dispute and which according to the Minister for Labour have not reached the stage of finalisation, but also those facts which put this issue into a proper context. If the proper context is not appreciated then the decision of the House on a particular matter, especially if that decision is to take sides in an industrial dispute, is bound to be, or is in great danger of being, a mistaken one, and even those as my Hon and Gallant Friend who wished to encourage a process of rational dialogue in industrial disputes in preference to industrial action, stands in danger of aggravating the situation by being unfair, the possibility exists whatever the nationality of the employers, to one side or the other. I think the very least Hon Members can do before contributing to this motion is to read the Bain Report and to realise to what extent the union claim has been met by the arbitration, what part the disputed area is of the whole recommendations, to listen to the arguments for and against the disputed area whatever our inclinations might be, rather than be caught on the hop, as it were, by a motion which does not set out the purpose which the Hon Mover appears to have in mind. I can say as an ex-Minister for Labour - I had the honour to be in the Government of my Hon and Gallant Friend between 1959 and 1972 - that in an industrial dispute it is often those matters which are of no economic consideration which give rise to the greatest difficulties and I say this without prejudice at all to this reasonableness or unreasonableness of the attitude of the employers which we have not heard here. Mr Speaker, I can remember a dispute involving the Stevedoring Company and the Transport and General Workers' Union where the issue was on the point of resolution with the docks stopped, and I was mediating at the time, because there was agreement to everything except the degree of retrospective. The financial value attached to the decision was £900 but it brought into play attitudes of the private sector to retrospective and it brought into play eventually, for a solution, a complete remodelling of the way in which the cost of living index assessments were carried out. It was done before on a period of something like three months and the figure



supported the CPSA and asked other members to form a consensus view from the very beginning, what I would say, Mr Speaker, is let the Hon Mr Bossano go back to the union and he can tell them that this is the position of Hon Members in this House. We regret that the thing has not come to an end because we regret the continuation of any kind of industrial trouble. The Minister for Labour says that the door is not being slammed, the matter has not been finalised. The Hon and Gallant Major Peliza who has taken a great interest in the matter, feels that the employers should agree to the rest of the recommendations they have not agreed to. The Hon Mr Perez has inquired of the Minister for Labour so that the position is absolutely clear and wants obviously the negotiations to continue but would also welcome an end to the dispute and I also want the dispute to come to an end as speedily as possible, and I hope, too, that sensible negotiations will be possible especially in view of the statement of the Minister for Labour. If I was in favour of a concerted view of this House when the CPSA had gained nothing in their claim, how can I possibly depart from that view, the view about meaningful negotiations and so forth all the other words that we used at that time, should not apply now when the difference between them is ever so slight. If there was provocation and there were threats to the authority and so forth which I mentioned in this House before in the course of the dispute, let us make sure that the House edges the parties to a prompt solution of the problem without acting unfairly and especially acting against somebody unheard. Therefore, Mr Speaker, my attitude will be one of abstention.

MR SPEAKER:

I will then call on the mover to reply.

HON J BOSSANO:

I am surprised that the Hon and Learned Mr Isola has foregone an opportunity to talk about unions, Mr Speaker, he seems to like to bring it in under every other heading. I think, Mr Speaker, that a lot has been made of this motion which is fairly straightforward. The only reason why I brought it to the House without giving notice, as I explained at the beginning, was because I was not aware that the situation had got to the stage where, as far as the union was concerned, it seemed that on this particular point the door was closed. The door has not been closed on the settlement of the dispute because there are two apparently incompatible positions. Having come out with a particular set of recommendations, one side has said they will only accept all the recommendations and the other side has said they will only accept some of the recommendations. Since that

is the situation the matter has not been finalised, agreement has not been reached. As far as the union is concerned it has been made absolutely clear to them that on these two points there was no more movement. It may well be that the UK Departments are prepared to have another look at this and consider whether the arguments that they are considering in not being willing to meet this point are so important that they are willing to risk all the recommendations going by the board. I would have thought that the motion in itself does not say that Members of the House are being asked to support inquiries. What we are saying is that once an enquiry takes place and once the results come out, surely, the logical thing is that if the party that is more likely to put obstacles accepts, and I certainly have no experience of ever having faced a situation as the Hon Minister for Labour has said where an employer has said no to some of the recommendations. In my experience if ever there has been any trouble in getting recommendations accepted, it has been because the union side has not been happy with what has been recommended. There has never been a previous instance to my knowledge of an employer saying no to what an inquiry has recommended. The Hon Minister for Labour has said that the pressure normally on an employer is very great. I think on top of that pressure you have got a situation where by tradition the natural expectations of people when the report came out was that that was that. Somebody had come out from the United Kingdom, an expert in these matters, he had looked at the arguments, he had come up with solutions which went a fair way towards meeting the claim in some respects and not in others, it gave almost what was being asked for for one grade, it gave nothing at all to another grade, but once that came out the reaction of most CPSA members was that that was that, that was the end of the dispute. It turns out that they are digging in their heels at two fairly minor points. I think it is completely irresponsible of the UK Departments to act in this manner, that is my own personal view. I wouldn't dream of asking the House to share that view with me. I know that that would cost sleepless nights to some Members of this House of Assembly, to consider that the UK Departments can be charged by the House of Assembly of being irresponsible, we must be impartial at all times. Mr Speaker, I don't pretend to be impartial, I defend the working class interest and let other people defend other interests. I am on the side of the CPSA in their dispute with the UK Departments but I am not asking the House to say that the CPSA is right. I am not saying that the House should support the CPSA, I am saying that the House support Bain, that is all. As far as I am concerned I am not saying the CPSA did the right thing to call off their industrial action and I can inform the House that the TGWU is highly unlikely to go into inquiries or arbitrations or anything else and is highly unlikely to require the assistance of the House of Assembly in sorting out the problems of its