

OFFICE COPY.

HOUSE OF ASSEMBLY
HANSARD OF MEETING
HELD ON
2nd NOVEMBER 1977

HOUSE OF ASSEMBLY - VERBATIM REPORT

A copy of the Report of the Proceedings of the House of Assembly meeting held on the 2nd November, 1977, is attached.

2. In case of any amendments Hon Members are kindly requested to hand them in not later than Monday the 27th February, 1978.



27.1.78.

Clerk of the House of Assembly

TELEPHONES: A:4882
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ATTORNEY-GENERAL'S CHAMBERS,
GIBRALTAR.

No. L9/5(39)

30th January, 1978.

The Clerk,
House of Assembly,
Gibraltar.

Mr Clerk,

I beg to give notice of the following amendments to the Verbatim Report of the House of Assembly for the meeting on the 2nd November 1977.

Page 26 - second column, nine lines from bottom - delete "constant" and substitute "consistent".

Page 27 - first column, delete lines 9 to 13 and substitute "shall ~~be~~, subject to any directions of the Court, be reckoned as part of the sentence to which he is for the time being subject. There".

Page 30 - first column - in line 2 after the words "by will" add "or on an intestacy".

Yours faithfully,



J K HAVERS
ATTORNEY GENERAL



REPORT ON THE PROCEEDINGS OF THE HOUSE
OF ASSEMBLY

The Seventh Meeting of the First Session of the third House of Assembly held in the Assembly Chambers on Wednesday the 2nd November, 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 Canepa - Minister for Labour
and Social Security
The Hon H J Zammit - Minister for Housing
and Sport
The Hon A P Montegriffo, OBE - Minister
for Medical and Health Services
The Hon Major F J Dellipiani, ED -
Minister for Municipal Services
The Hon I Abecasis - Minister for Postal
Services
The Hon A W Serfaty, CBE, JP - Minister
for Tourism, Trade & Economic Develop-
ment
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 Major R J Peliza
The Hon J B Perez
The Hon G T Restano

INDEPENDENT MEMBER

The Hon J Bossano

ABSENT:

The Hon P J Isola, OBE

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 24th June 1977, having been previously circulated, were taken as read and confirmed.

MR SPEAKER

I would like to bring to the attention of Honourable Members, I am sure they have noticed, that thanks to the co-operation of the Public Works Department we have now produced a new Bar of the House, not, perhaps, the kind of bar that Honourable Members would rather have, but one which serves its purpose and I trust that the members of the press will find the new press desks more comfortable.

DOCUMENTS LAID

The Honourable the Chief Minister laid on the table the following documents:

- (1) the Gibraltar Broadcasting Corporation's Financial Statements for the year ended 31st March, 1976, together with the Auditor's Report.
- (2) The Annual Report by the Chairman of the Gibraltar Broadcasting Corporation for the year ended 31st March, 1976.

Ordered to lie.

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

1. The Employment Injuries Insurance (Benefit) (Amendment) Regulations, 1977.
2. The Non-Contributory Social Insurance (Retirement Pension) (Amendment) Regulations, 1977.
3. The Social Insurance (Benefit) (Amendment) Regulations, 1977.
4. The Social Insurance (Insurability and Special Classes) (Amendment) Regulations, 1977.
5. The Social Insurance (Overlapping Benefits) (Amendment) Regulations, 1977.
6. The Employment Survey Report - April, 1977.

Ordered to lie.

The Honourable the Chief Minister laid on the table the following document:

The Group Practice Medical Scheme (Amendment) (No.2) Regulations, 1977.

Ordered to lie.

The Honourable the Minister for Education and Public Works laid on the table the following document:

The Handicapped Children (Assessment Panel) Regulations, 1977.

Ordered to lie.

The Honourable the Attorney-General laid on the table the following documents:

1. The Copyright (International Conventions) (Amendment No.2) Order, 1977.
2. The Copyright (International Conventions) (Amendment No.3) Order, 1977.
3. The Extradition (Hijacking) (Amendment) Order, 1977.
4. The Extradition (Protection of Aircraft) (Amendment) Order, 1977.
5. The Extradition (Tokyo Convention) (Amendment) Order, 1977.

Ordered to lie.

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

1. Drawback on Import Duties (Amendment) Regulations, 1977.
2. Statement of Re-Allocations approved by the Financial and Development Secretary (No.1 of 1977/78).
3. Supplementary Estimates No.3 of 1977/78.
4. Supplementary Estimates No.4 of 1977/78.
5. Supplementary Estimates Improvement and Development Fund No.2 of 1977/78.

Ordered to lie.

ANSWERS TO QUESTIONS

THE ORDER OF THE DAY.

MR SPEAKER

The Honourable the Minister for Labour and Social Security, the Minister for Housing and Sport and the Minister for Municipal Services have all given notice that they wish to make statements. I will now call the Minister for Labour and Social Security.

HON A J CANEPA

In the course of this meeting I shall be asking the House to approve the increased rates of Social Insurance pensions and other benefits which it is intended should take effect in January, 1978. Concurrently with these increases we have to revise the benefits paid under the non-statutory Supplementary Benefits Scheme and following usual practice, I have to inform the House that it is proposed to increase these benefits generally by about 20%.

The basic rate of Supplementary Benefits for a couple will be increased by £2.70 a week, from £14.10 to £16.80, and that for a single person living alone by £1.60, from £8.20 to £9.80. The rate for a person who is living with other persons who are not on Supplementary Benefits goes

up from £3.80 to £5.00 which represents an increase of 32%, as against the norm of 20%. This is so as to keep it in line with the non-contributory Elderly Persons Pension which, subject to the residential condition, is paid to persons over 65 who have no other social security pension. Increases of the order of 20% are also being made in children's and other allowances under the scheme.

The maximum amount which may normally be paid to an applicant for himself and his family, inclusive of additional allowances, is increased from £25 to £30 a week.

At the present rate of inflation, which so far this year is running at about 17%, the increases proposed should result in a further, albeit small, increase in the real value of the benefits.

I beg your pardon.

HON M XIBERRAS

Whilst welcoming these increases, I think they are good increases, could I ask the Honourable Member to give an indication of cost.

HON A J CANEPA

I think we are now spending, Sir, £150,000 or so a year on supplementary benefits so this will mean additional provision in the financial year of the order of £40,000, I would say.

HON M XIBERRAS

Of the persons not living on their own, which has been some times considered an obstacle to increases how many of these persons not living on their own are there, more or less, on the books?

HON A J CANEPA

I do not know, Sir, far fewer than in previous years, a relative small number. There used to be at one time the bulk of the people receiving supplementary benefit and that is why as the Honourable Member rightly says they did present some obstacle to improvements in the general level of benefits, but we have taken the majority of those people out of the supplementary benefits scheme, those who are over 65, by reason of the fact that we now pay people an elderly persons pension which is at the same rate and, in fact, later on in the House I am introducing a Bill which increases those pensions to the same extent. I could not say offhand but, relatively speaking, there are not very many of these now.

HON M XIBERRAS

Has the Department noticed any increase in the sums paid out as a result of supplementation in cases of unemployment? I mean people in receipt of unemployment benefit or who are not qualified for unemployment benefit, do we have an increase in the

numbers who are thereby entitled to supplementation?

HON A J CANEPA

I do not think so, Sir, because we have kept up the level of unemployment benefit quite substantially. We have been increasing unemployment benefit by more than the norm, let us say, and so during the 13 weeks that people are receiving unemployment benefit they do not require supplementation. It would only be once they have exhausted their eligibility for unemployment benefit beyond the three months, it would only be after that that they would come on to the Supplementary Benefits scheme. I think I am right and I am happy to say that I do not think other than the hard core of unemployables I do not think that very many people are unemployed for longer than 3 months.

HON M XIBERRAS

And there is not a soft core of, say, school leavers or people who find difficulty in early employment who have not qualified for unemployment benefit.

HON A J CANEPA

No, it does not apply I am afraid.

HON M XIBERRAS

I mean in early employment not necessarily immediate school leavers.

HON A J CANEPA

Usually the majority of young people once they get employed the first time not very many of them give up their jobs. They would be the only ones that might subsequently become entitled to supplementary benefits. Not very many of those, no.

MR SPEAKER

I now call on the Minister for Housing and Sport.

HON H J ZAMMITT

Except for the fees payable in respect of the annual registration of motor vehicles which were last increased in 1972, practically all fees payable under the Traffic Ordinance have remained unchanged for a great number of years in some cases since 1930. These fees have now become totally unrealistic in relation to the cost of the services provided and it is therefore intended to introduce higher licence fees with effect from 1 January 1978. Let me hasten to confirm that the annual registration fee for motor vehicles will not be affected by this exercise.

2. I would like to stress that although the higher fees are expected to yield an additional £20,000 per annum the intended revision should not be regarded as a revenue raising measure; it is a simple exercise which is

designed to bring the relevant fees into line with present day costs.

3. The following example of some of the fees involved together with the proposed increase in each case will give the House an indication of the scope of the exercise:-

a driving licence will cost £3 compared to £1. The fee of £1 was established in 1958 when it was increased from 25p but its validity was extended from 1 to 3 years at the same time;

the cost of taking a driving test will rise from 50p to £3 - it was last increased in 1971;

the cost of an International Driving Permit which has not been revised since 1930 will go up from 50p to £2.

HON MAJOR R J PELIZA

Mr Speaker, although the Minister may say that this is not a revenue raising matter, it certainly is going to affect the pockets of many people in Gibraltar and it is certainly going to increase the income of the Government. How can one take this matter up, what is the procedure, because obviously I do not think I can do much at this stage.

MR SPEAKER

Basically this has been an announcement of intent. The necessary regulations will have to be tabled in due course and then, of course, any Member can debate it by way of a motion.

HON MAJOR R J PELIZA

At what stage? Is it later at this meeting, or when?

MR SPEAKER

These fees are governed by regulations which do not need the consent of the House but which have to be tabled at a meeting of the House. Once they have been tabled then any Member is free to move a motion and debate the matter. It cannot be at this meeting because they have not been tabled.

HON CHIEF MINISTER

We do not want to fall into the position that we were criticised for last year about the postage rates which were invoked by regulations and then the House was informed. We felt it only fair to make it public now. The regulations will in due course be made and laid on the table and then Members can debate the matter by way of a motion.

MR SPEAKER

I now call on the Minister for Municipal Services.

Peak demand on the station occurs twice daily at approximately noon and 3pm. During the winter months of November to February peak demand on the generating station can vary between 10500 and 13500Kw depending on the weather and the particular day of the week. To give just one instance to stress this point the midday peak on a Sunday is usually the highest peak of the week and if coincidentally the weather is more severe than the demand can grow substantially above the normal demand during the week.

The total in-service rating of the plant at King's Bastion amounts to 12400Kw of which 13900 are available in the newer North Station and 4500 in King's Bastion South. The in-service rating is the output which each engine can be relied upon to give between overhauls though even this can fluctuate according to engine condition.

The reserve capacity of the station, which is the total output available when the largest single set is out of commission and therefore the worst possible condition under normal operation is 12400Kw less 4700 for No 13 engine assuming that the largest engine is out of commission. This amounts to a total capacity of 13700Kw which ensures that all peaks can be met.

Unfortunately for this coming winter of 1977/78 engine No 10 will not be in commission during these peak winter months for reasons which I shall explain later. In the circumstances the reserve station capacity drops down to 11500Kw which is well below the normal winter peaks and under such conditions continuity of supply cannot be assured. It will thus be clear that the need to impose power cuts at some stages during this winter could very clearly arise.

When the load on the station exceeds the available capacity, the first step taken is to reduce the supply voltage as far as this is acceptable. Statutorily voltage reduction should not exceed 6% but if even then the load cannot be met, a sufficient amount of it has to be shed by means of power cuts to stabilise the conditions for the plant available.

When the need to cut arises from predictable and planned outages then warnings can be issued to the public but when they are due to unscheduled outages brought about by sudden breakdown then clearly no warning is possible. Based on the figures I have given above you will appreciate that the five engines housed in the North Station account for 75% of the total available capacity of the Electricity Undertaking.

Four of these engines require a major overhaul every 5000 operational hours or roughly once a year. The time normally available for this work to be undertaken spans the period between March and November when the demand on the station has dropped sufficiently to allow the plant to be taken out of service and still maintain adequate reserves to cover unscheduled stoppages.

During this particular year, engine No 10 was withdrawn from service in January and was completely dismantled for repairs to its foundation. It was then discovered that the damage was far greater than had been estimated and effectively the top half of the foundation block had to be rebuilt. Following consultation with the manufacturers and the Public Works Dept the repair was given out to contract in June and was scheduled for completion in August. This would have allowed the rebuild of the complete engine for the winter months. Regrettably the base is still not ready and No 10 will not now be in service in time for the higher winter loads. The work on the contract was delayed by the industrial action when the use of the station overhead crane was blacked and the specially imported Portland cement was also blacked. In fact at this point in time the setting out and formwork is ready for the concrete pour but the cement continues to be blacked because the Union are now in dispute with the Master Builders' Association one of whose members is responsible for the contract.

The only engine which has been overhauled in the North Station so far this year has been No 12. However, owing to the industrial action and the disruptions it has brought about work which is normally completed in about five to six weeks has in fact taken up to 16 weeks this year.

Also as a result of the industrial action engine No 11 was run over 1000 hours beyond its scheduled time and although it is now being overhauled it is not anticipated that it can be back in service until approximately the end of November. Two full weeks' work were recently lost as a result of the dispute which arose in the department.

Engine No 9 is scheduled for overhaul in January 1978 and therefore during December and January it will be at a low output performance pending its service.

Finally to complete the picture for the North Station, engine No 13 is scheduled for a major service in March 1978 but as I stated at an earlier meeting of this House this engine continues to have a surging problem on its '3' Bank turbo-charger. The matter continues to be under investigation and in fact an engineer visited the department four weeks ago to study the problem. To date the root cause of the trouble has not yet been established. Again unfortunately this visit which should have taken place in July had to be postponed due to the industrial climate at the time otherwise this turbocharger difficulty might have already been resolved. The next result therefore is that this engine is derated down to an output of 4200Kw.

The picture as regards the King's Bastion South Station is not quite as gloomy since No 8 engine is now being overhauled and should be completed and in service by next week. The remaining six engines in that station are well within their scheduled operating times. The difficulty here is that those particular engines are very old ones and cannot be relied upon fully as base load plant when they require continuous attention and maintenance.

To summarise the position fully a situation has developed which gives cause for great concern as to the capability to meet demand fully at all times during this coming winter with the consequent attendant need to impose restrictions on the electricity supply. The extent of such restrictions cannot be determined accurately at this stage and might not arise. As they will be dependant on the influences which adverse weather can have on system demand and on the possibility of breakdowns which cannot be predicted.

I need hardly state that every effort will be made to minimise inconvenience to the public and, if necessary, work will be done round the clock to limit outages during periods of peak demands. But the object of my statement is to appraise the House fully with the situation which exists at the Generating Station and through this House to warn the general public about the ever present danger of power cuts. Indeed to emphasise this point only the other day, due to a breakdown of No 13 engine it would have been necessary to impose restrictions, and this was only avoided with the assistance of the Interservices Generating Station at the Dockyard. This assistance was fortuitous, but supply from this source cannot be guaranteed at all times.

HON M XIBERRAS:

The Hon Member has made a very serious statement and my first question is: to what extent can management take any of the blame for this state of affairs?

MR SPEAKER:

You can ask any question you like on clarification of the statement.

HON M XIBERRAS:

Mr Speaker, what I would like to establish is what the area of responsibility is? If I may put it this way, Mr Speaker had there been no industrial action, would the situation have arisen?

HON MAJOR F J DELLIPIANI:

Certainly not

HON MAJOR R J PELIZA:

Can the Minister say whether the Union which is blacking the cement has been approached on the question of allowing cement for this particular work given the importance of the situation?

HON MAJOR F J DELLIPIANI:

Yes, they have.

HON MAJOR F J PELIZA:

And has the reply been unfavourable?

HON MAJOR F J DELLIPIANI:

The reply has been unfavourable to the extent that they do not want the contractor to use the cement.

HON MAJOR R J PELIZA:

Could it have been done in some other way without using the contractor? I think this is well above the industrial dispute this is concerning the welfare of all the people in Gibraltar, particularly the old, if it is going to affect the heating.

HON MAJOR F J DELLIPIANI:

There are technical reasons and manpower reasons why other sources cannot deal with this matter.

HON M XIBERRAS:

What does the Hon Member mean by manpower reasons?

HON MAJOR F J DELLIPIANI:

Manpower reasons is that from our own sources Government cannot deal with this and there are technical reasons as part of the work is being done by one person and the next part will be done by some others and who is finally responsible if the work is not carried out correctly?

HON M XIBERRAS:

So that the contract precludes Government being able to intervene itself?

HON MAJOR F J DELLIPIANI:

Yes, Sir.

HON M XIBERRAS:

Could I ask when the Union, or the men, were informed about the effect that the industrial action was having on this?

HON MAJOR F J DELLIPIANI:

Since the industrial dispute started.

MOTIONS

HON A J CANEPA:

Mr Speaker, I have the honour to move as follows:-

"Be it resolved that this House do approve the making by the Governor of the following Order -

Title and commencement

1. This Order may be cited as the Social Insurance (Amendment of Contributions and Benefits) Order 1977, and, subject to the provisions of paragraph 4(2), shall come into force on the 2nd day of January 1978.

Amendment of section 20

2. Section 20 of the Social Insurance Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the symbol and figures '£6.70' appearing therein and by the substitution therefor of the symbol and figures '£9.30'.

Repeal and replacement of First Schedule

3. The First Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

'FIRST SCHEDULE

CONTRIBUTION RATES

PART I

Section 4

Class of employed insured person to whom rate applies	Weekly rate of contribution	
	By the insured person	By the employer
Men who have attained the age of 18 years	£1.03	£1.25
Women who have attained the age of 18 years	£0.82	£1.00
Males who have attained the age of 15 years but are under 18 years	£0.85	£1.05
Females who have attained the age of 15 years but are under 18 years	£0.67	£0.88

Where the person employed is over pensionable age only the employer's share of the contribution is payable.

PART II

Class of self-employed insured person to whom rate applies	Weekly rate of contribution by insured person
Men who have attained the age of 18 years	£2.16
Women who have attained the age of 18 years	£1.64
Males who have attained the age of 15 years but are under 18 years	£1.70
Females who have attained the age of 15 years but are under 18 years	£1.34

Amendment of
Second
Schedule

4. (1) The Second Schedule to the principal Ordinance is amended by the deletion of Part V thereof and by the substitution therefor of a new Part as follows:-

" PART V

RATES OF PERIODICAL BENEFITS AND OF
INCREASES FOR DEPENDANTS

Section 10A

Description of Benefit	Weekly basic rate	Increase for wife or adult dependant where payable	Increase for children not exceeding 4* where payable per child
	£	£	£
1. Widow's Benefit:			
a. Widow's Allowance	18	-	2.40
b. Widowed Mother's Allowance	14.50	-	*2.40
c. Widow's Pension	14.50	-	-
1A. Widower's Pension (incapable of self-support)	14.50	-	2.40
2. Guardian's Allowance	3.60	-	-
3. Old Age Pension:			
a. Where the pension is payable to a woman by virtue of a husband's insurance and he is alive; or where the pension is payable to a man who is permanently incapable of self-support by virtue of his wife's insurance, and she is alive;	8	-	2.40
b. in any other case	14.50	8	2.40

*Except in the case of a Widowed Mother's Allowance where there is no limit to the number of children in respect of whom increases may be paid."

(2) This paragraph shall come into force on the 3rd day of January 1978."

HON A J CANEPA:

Sir, in May of this year, the House passed the Social Insurance (Amendment) Ordinance the main object of which was to provide a statutory link between the level of old age pension and average earnings whereby the standard rate of pension for a married pensioner shall be not less than half of the average weekly earnings of weekly paid adult male persons employed in Gibraltar and as shown in the latest available Employment Survey, the corresponding proportion for a single pensioner being one third of such average earnings. Having enshrined this formula in the law, another amendment was made to enable the formula to be implemented by order of the Governor with the prior approval by Resolution of this House. This procedure, apart from obviating the need to take a Bill through all stages every time that social insurance benefits and contributions are reviewed, has the added advantage that a decision on the rates for the ensuing year can be taken later in the year than has necessarily been the case in the past and such decision can therefore be

taken in the light of the latest information available especially as to the level of average earnings. Sir, in broad terms the motion standing in my name proposes that the rate of old age pension for a married couple as from January, 1978, should be £22.50 a week instead of £15 a week and that for a single person £14.50 a week instead of £9.20. The Employment Survey which has been tabled earlier in these proceedings, shows that the average earnings of a weekly paid full time male adult in April, 1977, was £41 per week so that the pension rate proposed of £22.50 is, in fact, £2 in excess of the prescribed minimum but this excess I consider to be fully justified in the expectation of higher earnings that will be revealed by the time that higher pensions begin to be paid in January, 1978. In terms of percentages, these increases are of 50% for a married couple and 58% for a single person. A similar increase of 58% from £9.20 a week to £14.50 is proposed in the level of widow's benefit which is the other main pension provided under this Ordinance. In the case of maternity grant

and death grant which are already higher than in the UK, I am not proposing for the second year running that they should be increased. The higher rate of benefit which are the subject of this motion will, it is estimated, increase the annual expenditure of the Social Insurance Fund by some £540,000, just over half a million pounds a year, and it has therefore been necessary to give very careful thought as to how this additional sum should be raised. I am therefore moving that the contributions under the Ordinance be increased by 47%, by 74p for men and 58p for women, the increases being shared equally between the employer and the insured person with corresponding increases for young persons and for the self-employed. The additional income that will accrue to the Social Insurance Fund from this measure, however, is expected to fall short of the extra expenditure on benefits by about £130,000 a year and on this occasion I feel that the shortfall can be borne by the fund without serious effect bearing in mind that its income from investments in 1975/76 came to about £400,000. But, of course, any future increases in benefits which may well again have to be quite substantial to maintain the relationship with increased earnings, may require even more substantial increases in contribution, but we shall have to leave closer consideration of this until the time comes next year.

Mr Speaker, about five years ago the majority of married pensioners were receiving £2.10 a week, and even taking account of the extent of inflation since then there can be no doubt that there has been a very marked improvement in the real value of old age pensions which have been increased more than ten fold over this period. The value of the pension is probably greater when we recall that it is tax free. Thus, for all those who may have a second pension from their former employer or some other income, particularly from employment, there can be no doubt that they can look forward to a reasonably secure old age. In the case of those others who rely entirely on their old age pensions, I think that it can be said, given the extent of the other back-up social services, such as rent relief and free medical treatment, that the element of need and hardship has been largely eradicated. Mr Speaker, I commend this motion to the House.

Mr Speaker proposed the question in the terms of the Hon. A. J. Canepa's motion.

HON J J BOSSANO:

Mr Speaker, when the Hon Member brought the original Bill to the House for introducing this measure, I described it as a tremendous step forward which it was an honour and a privilege to be in the House to vote in favour of, I can say that the translation of the provisions of that Ordinance into actual material benefits for our senior citizens as from January this year is something that meets, I think, the aspirations of the working class who are in the main those most likely to be dependent, almost exclusively, on social insurance pension because in many cases of industrial workers, in fact,

occupational pensions are not established. In the cases of the UK Departments it is only now that we are in the process of providing universal occupational pensions and throughout the private sector occupational pensions for industrial workers are extremely rare. I think this goes a very long way towards meeting the needs of those most hardpressed by having to give up employment because of old age and I fully support the motion.

HON M XIBERRAS:

Mr Speaker, I also would like to support the motion moved by the Hon Member. It is certainly an improvement both in the procedural sense and also in the substantial sense and on this side of the House we appear to be unanimous in supporting the motion in the terms moved by the Hon Member.

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

HON A J CANEPA:

I have the honour to move the following motion:-

"Be it resolved that this House do approve the making by the Governor of the following Order -

- | | |
|-------------------------|--|
| Title and commencement | 1. This Order may be cited as the Employment Injuries Insurance (Amendment of Contributions and Benefits) Order 1977, and shall come into force on the 2nd day of January 1978. |
| Amendment of Section 16 | 2. Section 16(2) of the Employment Injuries Insurance Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the symbols and figures '£5.40' and '£19.80' appearing therein and by the substitution therefor of the symbols and figures '£6.50' and '£13.00' respectively. |
| Amendment of Section 19 | 3. Section 19 of the principal Ordinance is amended as follows:- |
| | (i) by the deletion of the symbol and figures '£6.70' appearing in subsection (1) thereof and by the substitution therefor of the symbol and figures '£8.00'; |
| | (ii) by the deletion of the symbols and figures '£7.90' and '£3600' appearing in subsection (2)(a) thereof and by the substitution therefor of the symbol and figures '£9.50' and '£4320' respectively; and |
| | (iii) by the deletion of the symbol and figures '£3600' appearing in subsection (2)(b) thereof and by the substitution therefor of the symbol and figures '£4320'. |

Amendment of Section 20 4. Section 20 of the principal Ordinance is amended by the deletion of the symbol and figures '23.60' appearing therein and by the substitution thereof of the symbol and figures '24.30'.

Amendment of Section 21 5. Section 21 of the principal Ordinance is amended as follows:-

- (i) by the deletion of the symbols and figures '23.60' and '25.40' appearing in subsection (4)(a) thereof and by the substitution thereof of the symbols and figures '24.30' and '26.50' respectively; and
- (ii) by the deletion of the symbol and figures '2410' appearing in subsection (4)(b) thereof and by the substitution thereof of the symbol and figures '2490'.

Amendment of Section 22 6. Section 22 of the principal Ordinance is amended by the deletion of the symbol and figures '2410' appearing in subsection (1) thereof and by the substitution thereof of the symbol and figures '2420'.

Amendment of First Schedule 7. The principal Ordinance is amended by the repeal of Part I of the First Schedule thereto and by the replacement thereof with a new Part as follows:-

' PART I

CONTRIBUTION RATES

Sections 5 and 6

Class of Insured Person to whom rate applies	Weekly rate of contributions	
	By the Insured Person	By the employer
(1)	(2)	(3)
Persons who have attained the age of 18 years	6p	6p
Persons who have attained the age of 15 years but are under 18	4p	4p

Repeal and replacement of Second Schedule 8. The Second Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

SECOND SCHEDULE

PART I

INJURY BENEFIT

Section 14

RATES OF INJURY BENEFIT		
Class of Insured Persons	Per week	Per Day
Persons who have attained the age of 18 years	£ 15.40	£ 2.20
Persons who have attained the age of 15 but are under 18	11.62	1.66

PART II

DEPENDANTS ALLOWANCE

Section 18

Class of Dependant	Per week	Per Day
Dependent adult	£ 3.85	£ 0.55
Allowance for first dependent child	1.96	0.28
Allowance for second dependent child	1.26	0.18

Repeal and replacement of Third Schedule

9. The Third Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

THIRD SCHEDULE

DISABLEMENT GRATUITY

Section 15(6)

1. Degree of disablement per centum	2. Amount of gratuity	3. Degree of disablement per centum	4. Amount of gratuity
	£		£
1	80	18	820
2	130	19	860
3	170	20	910
4	220	21	950
5	260	22	1000
6	300	23	1040
7	350	24	1080
8	390	25	1130
9	430	26	1170
10	480	27	1210
11	520	28	1250
12	560	29	1300
13	600	30	1340
14	650	31	1380
15	700	32	1430
16	740	33	1470
17	780	34	1510

Repeal and replacement of Fourth Schedule

10. The Fourth Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

FOURTH SCHEDULE

Section 15(7)(a)

RATES OF DISABLEMENT PENSION

WEEKLY RATES		
1. Degree of Disablement per centum	2. Persons who have attained the age of 18	3. Persons who have attained the age of 15 but are under 18
	£	£
100	15.40	11.62
95	14.60	11.00
90	13.80	10.40
85	13.00	9.80
80	12.30	9.30
75	11.60	8.70
70	10.90	8.20
65	10.10	7.60
60	9.30	7.00
55	8.50	6.40
50	7.70	5.80
45	6.90	5.20
40	6.10	4.60
35	5.30	4.10

Repeal and replacement of Fifth Schedule

11. The Fifth Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

FIFTH SCHEDULE
DISABLEMENT GRATUITY

SECTION 15(7)(b)

Degree of Disablement per centum	Amount of Gratuity	Degree of Disablement per centum	Amount of Gratuity
1.	2.	3.	4.
	£		£
35	1560	68	2990
36	1600	69	3030
37	1640	70	3070
38	1680	71	3110
39	1730	72	3160
40	1780	73	3200
41	1820	74	3240
42	1860	75	3290
43	1900	76	3330
44	1940	77	3370
45	1990	78	3410
46	2030	79	3460
47	2080	80	3500
48	2120	81	3540
49	2160	82	3590
50	2210	83	3630
51	2250	84	3670
52	2290	85	3720
53	2330	86	3760
54	2380	87	3800
55	2420	88	3840
56	2460	89	3890
57	2510	90	3940
58	2550	91	3980
59	2590	92	4020
60	2640	93	4060
61	2680	94	4100
62	2720	95	4150
63	2760	96	4190
64	2810	97	4240
65	2860	98	4280
66	2900	99	4320
67	2940	100	4320

12. The rates of benefit provided for by this Order shall only apply in respect of accidents which occur on or after the 2nd day of January 1978. "

Sir, when presenting the previous motion, I dealt with the new procedure introduced by amending legislation last May whereby changes in the rates of contributions and benefits under several social insurance enactments are now made by Order of the Governor with the prior approval by Resolution of this House. In the case of the Employment Injuries Insurance Ordinance, there is no built-in formula prescribing what the minimum level of benefits and contributions should be and the object of the motion standing in my name is merely to up-rate benefits and contributions by 20% in January, 1978, so as to keep pace with inflation since the present rates were introduced in January of this year and when referring to inflation perhaps I should remind the House that so far this year the level of inflation is running at about 17%. As will be seen from the draft Order which is the subject of my motion, it is proposed to increase Injury benefits for an applicant with a dependent spouse from £15.82 a week to £19.25 a week, whilst the amount of gratuity for 100% disablement or death resulting from an industrial accident or occupational disease is increased from £3,600 to £4,320. The 20% increase in contributions represents an additional 1p a week, from 5p to 6p, payable by the insured person and an equal amount payable by the employer. Mr Speaker, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the Hon the Minister for Labour and Social Security's motion.

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

HON A J CANEPA:

I have the honour to move the following motion:-

"Be it resolved that this House do approve the making by the Governor of the following Order -

- | | |
|---|---|
| Title and commencement- | 1. This Order may be cited as the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment of Benefits) Order, 1977, and subject to paragraph 4(2), shall come into force on the 3rd day of January, 1978. |
| Amendment of Section 11 | 2. Section 11(1) of the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the symbol and figures '£3.40' appearing therein and by the substitution therefor of the symbol and figures '£12.20'. |
| Repeal and replacement of Second Schedule | 3. The Second Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:- |

" SECOND SCHEDULE
RETIREMENT PENSIONS

Sections 6 and 7

1. Beneficiaries	2. Weekly basic rate	3. Increase for wife (where applicable)	4. Increase for chil- dren not exceeding four in number per child (where applicable)
(a) Where the pension is payable to a woman by virtue of her husband's employment record and he is alive	6.00	-	2.40
(b) In any other case	12.20	6.80	2.40

Repeal
and
replacement
of Third
Schedule

4(1). The Third Schedule to the principal Ordinance is repealed and replaced by a new Schedule as follows:-

THIRD SCHEDULE

UNEMPLOYMENT BENEFIT

PART I

Section 8

Beneficiaries 1.	Weekly Rates Payable		
	Weekly basic rate 2.	Increase for wife or depen- dant (where applicable) 3.	Increase for chil- dren per child (where applicable)
(a) Persons over 13	4.20	2.10	0.80
(b) Young persons (ie over 15 but under 18) -			
i. during any period which the person is entitled to an increase of benefit in respect of a child or adult dependant	4.20	2.10	0.80
ii. during any other period	2.10	-	-

PART I(A)

Beneficiaries 1.	Weekly Rates Payable		
	Weekly basic rate 2.	Increase for wife or dependant (where applicable) 3.	Increase for children per child (where applicable) 4.
(a) Persons over 18	£ 12.60	£ 6.30	£ 2.40
(b) Young persons (ie over 15 but under 19)-			
i. during any period during which the person is entitled to an increase of benefit in respect of a child or adult dependant	12.60	6.30	2.40
ii. during any other period	6.30	-	-

(2) This paragraph shall come into force on the 4th day of January, 1973."

HON A J CANEPA (Contd):

Sir, having already dealt with the previous two motions, in connection with this one all that I think I need to say is that once again it is intended to increase the benefits payable under the Non-Contributory Social Insurance Benefits and Unemployment Insurance Ordinance, as from January 1973. These are transitional retirement pensions of whom there now remains only about 90 in payment and unemployment benefit. It is proposed to increase retirement pensions for a married couple by \$5.50 a week, from £13.50 to £19 a week. This is an increase of about 40% and it is intended to maintain its relationship with the corresponding group of reduced old age pensions which are payable under the Social Insurance Ordinance. Retirement pensions, Sir, are paid from the Consolidated Fund, not from the Social Insurance Fund, and the increase proposed will involve additional annual expenditure of about £15,000 per annum but provision for the increase covering the quarter January to March 1973 was duly made when the current year's estimates were prepared and approved by the House last March. The proposed increases in unemployment benefit are about 7% in excess of the 20% which would otherwise be warranted, perhaps, by the rate of inflation. In other words, Sir, we are proposing to increase unemployment benefit by 27% so that the increase should bear a closer relationship to the increases in basic wages rather than to merely increases in inflation. An applicant with a dependent spouse who satisfies fully the rather lenient contribution conditions will be entitled to £19.90 instead of £14.88, but given the structure of our labour force, perhaps, I should inform the House that it is not uncommon for applicants to qualify for increases in respect of the number of children, in some cases up to seven or eight children, and I happen to know of the case where the weekly benefit has been as much as £30 on the

current rates and therefore correspondingly more as from January 1973. It is therefore not thought advisable to increase the level of benefit at this stage, anyhow, beyond the rates now proposed as could perhaps be considered normally. Sir, I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the Hon the Minister of Labour and Social Security's motion.

HON J J BOSSANO:

Mr Speaker, I would like to take the opportunity to suggest to the Hon Member that, perhaps, he would devote some attention to seeing how the unemployment benefits in Gibraltar in terms of the length of time for which they are payable, compares with the unemployment benefits payable in the United Kingdom and possibly in other EEC countries. I do not know whether there is any sort of directive in the EEC in respect of Social Insurance but certainly he has said that the contribution conditions are rather lenient so I assume that in saying so he must be thinking in relative terms because he knows that the contribution requirements in other places are greater than they are in Gibraltar. I cannot see any other way of describing them lenient unless it is lenient in relation to somewhere else, but I certainly think that in the case of fluctuations in the level of employment such as we have been experiencing recently in the private sector where there has been a number of redundancies, it is obviously important to be able to provide from social insurance where in many cases people have been contributing all their lives and suddenly find themselves late in life becoming redundant, I think it is important that we should provide a benefit which is enough to meet

bare necessities for essentials until alternate employment is found. That is essentially the function of unemployment benefit and although I appreciate that in the new system that we have adopted of a motion we only get here the motion on increasing the rates, I would like to take the opportunity to suggest to the Hon Member that he should look, generally, at the main ordinance itself to see how it compares in terms of the length of the benefits and the contribution conditions as compared with the United Kingdom and other EEC countries.

HON M XIBERRAS:

Mr Speaker, whilst again considering that the Minister's statement is one which will be very beneficial, I would like to take up the point made by the Hon Mr Bossano and ask the Minister whether, in fact, he forecasts that there will be a further increase in the number of unemployed or whether he expects a downward turn. Not that this will affect substantially the financial provisions on, I imagine, the state of the fund, but I think it is good to know the numbers of people that are going to benefit from the Minister's measure.

HON A J CANEPA:

Perhaps, Mr Speaker, I might take up first of all the point raised by the Hon Mr Bossano. We are paying unemployment benefit for a maximum period of thirteen weeks and as far as I am aware I know that it is certainly in line with practice in the United Kingdom and I am not aware that it is different to what happens in the majority of EEC countries and there is, to my knowledge, no directive from the EEC to do otherwise. If there were to be one I think we would have complied with it by now. My comments about the rather lenient conditions which are applicable were in the context of the fact that an individual becomes entitled to receive unemployment benefit provided that he has got thirty contributions in the previous fifty two weeks and, therefore, this is a process that can repeat itself. Should an individual be unfortunate enough to find himself out of work repeatedly then provided that he has been able to accumulate thirty contributions in any period of fifty two weeks he can benefit from unemployment benefit without undue hindrance. I do not think, Mr Speaker, that we need to go into the provisions of the Ordinance in a general sort of way because I think that we are in line with what would be regarded as progressive legislation and I am not averse to improvements if they are justified if we are falling behind and I am not averse to increasing the level of benefits if there is evidence of hardship but I think, Mr Speaker, that with unemployment benefit we need to preserve a balance and I think we are doing that. At the moment, Mr Speaker, in the public sector a labourer is still earning £25 a week and therefore the level that is proposed here is not ungenerous. On the point that the Hon Mr Xiberras made I hope, Mr Speaker, that we have hopefully got over the worse as regards unemployment. We have a level of unemployment of about 2%, it is low compared to other countries in western Europe but it is beginning to give some cause for concern and I know that there are important

firms in the private sector that have cut back considerably on their labour force in the last eighteen months, maybe by as much as 30% or 40%. There is one that I know in particular that has cut back to the extent of 70 jobs being lost in a period of eighteen months and this is very, very serious because it is not possible for the private sector to pass on the full extent of increased costs to the consumer. Some of them are dealing in a very competitive situation and they cannot do this and therefore the only way that they can meet the extent of their increases is by rationalisation and cutting back in their employment. I hope, Mr Speaker, that if there is an early settlement in the public sector that the benefit to the economy of that increase, of that substantial injection of funds and provided that in future years there are no undue delays in coming to a settlement in the public sector, provided this is done and provided that can be assured, we may be over the worst as far as unemployment is concerned but if there are very substantial delays I do not see how the private sector can keep up with increased costs other than by retrenchment.

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

HON A W SERFATY:

Sir, I have the honour to move the following motion:-

"Be it resolved that the House of Assembly do approve the giving by the Governor of the following notice:-

Title 1. This Notice may be cited as the Licensing and Fees (Amendment of Schedule)(No 2) Notice 1977 and shall come into force on the 21st day of November, 1977.

Amendment 2. Item 8 of the Second Schedule to the Licensing and Fees Ordinance (hereinafter referred to as the principal Ordinance) is amended as follows:-

Schedule to (1) by the deletion of the Part 1 Cap 90 thereof and by the substitution thereof of a new Part as follows:

PART I: CRANAGE CHARGES

A. CRANES OF LESS THAN SIX TONS LIFTING CAPACITY

(1) Within normal working hours:

(a) at Waterport Wharf -

(i) £10 per hour or part thereof; or

(ii) £6 for a single lift provided there is no delay;

(b) mobile cranes used elsewhere in the Port:

£10 per hour or part thereof subject to a minimum charge of £20.

(2) Outside normal working hours:

anywhere within the Port -

- (i) when commencing within but continuing outside normal working hours - £10 per hour for each working hour or part thereof, and £16 per hour or part thereof outside working hours;
- (ii) when commencing outside normal working hours on Mondays to Fridays - £16 per hour or part thereof subject to a minimum charge of £30;
- (iii) on Saturdays - £16 per hour or part thereof subject to a minimum charge of £36;
- (iv) on Sundays and Public Holidays - £19 per hour or part thereof subject to a minimum charge of £44.

B. EIGHT TON CRANE AT WATERPORT

(1) Within normal working hours:

- (i) £12 per hour or part thereof; or
- (ii) £7.50 for a single lift provided there is no delay.

(2) Outside normal working hours:

- (i) When commencing within but continuing outside normal working hours - £12 per hour for each working hour or part thereof and £18 per hour or part thereof outside normal working hours;
- (ii) when commencing outside normal working hours on Mondays to Fridays - £18 per hour or part thereof subject to a minimum charge of £32;
- (iii) on Saturdays - £18 per hour or part thereof subject to a minimum charge of £38;
- (iv) on Sundays and public holidays - £21 per hour or part thereof subject to a minimum charge of £46.

For the purposes of this Part normal working hours means -

8.00pm to 1.00 pm
2.00pm to 5.00 pm

on all days, other than public holidays, from Monday to Friday.

All charges due under this Part shall be payable on demand to the Captain of the Port or to an officer authorised by him.":

- (ii) by the deletion of paragraphs 1 and 2 of Part II thereof;
- (iii) by the deletion of paragraph 3 thereof and by the substitution thereof of a new paragraph as follows:

"3. The overtime fees payable for the service of revenue staff outside the hours of business at the Government Stores, at the airport or at a transit shed shall be \$5 per officer for the first three hours or part thereof and \$2 for each additional hour;"

- (iv) in paragraph 4(a) of Part II thereof by the deletion of the word "Cranes" appearing therein; and
- (v) in paragraph 4(c) of Part II thereof by the deletion of the figures, letters and word "9am to 12.30pm" appearing therein and by the substitution thereof of the figures, letters and word "8am to 1pm".

Amendment of Second Schedule

3. Item 9 of the Second Schedule to the principal Ordinance is deleted and replaced by two new Items as follows:

"9. WHARFAGE CHARGES

A wharfage charge of \$ shall be paid in respect of each container discharged in or entering the Port:

Provided that no charge shall be payable on a container which has left the Port, other than by sea, on such container re-entering the Port.

9A. RENTAL CHARGES

(1) Rental charges at the rates set out hereunder shall be paid in respect of every container anywhere within the Port, other than in a Government Store.

(a) Containers discharged in the Port having arrived by sea:

- (i) containers of which no measurement exceeds 25 feet in length:

the first eight days including the day of discharge - free;

for the next six days, £2.50 per day or part thereof

for each succeeding day or part thereof, £5.00.

- (ii) containers of which any measurement exceeds 25 feet in length:

for the first eight days including the day of discharge - free;

for the next six days, £5 per day or part thereof

for each succeeding day or part thereof, £10.00

(b) Containers entering the Port by land (including containers which have previously been discharged having arrived by sea but have thereafter left the Port):

(i) Containers of which no measurement exceeds 25 feet in length:

for the day of entry and for the next five days, £2.50 per day or part thereof;

for each succeeding day or part thereof, £5.00

(ii) Containers of which any measurement exceeds 25 feet in length:

for the day of entry and for the next five days, £5.00 per day or part thereof;

For each succeeding day or part thereof, £10;

(2) No container shall be removed from the Port, whether by sea or land, unless all charges in respect thereof under this Item and Item 9 have been paid.

(3) Charges under this Item and Item 9 shall be payable -

(a) where the container enters the Port by sea and is manifested to a single consignee, by such consignee;

(b) where the container enters the Port by sea and is manifested to more than one consignee, by the carrier or his agent in Gibraltar;

(c) where the container enters the Port by sea and has been landed in Gibraltar in transit, by the carrier or his agent;

(d) where the container enters the Port by land by the person bringing or causing to be brought, such container into the Port.

(4) Any rental or wharfage charges due under this Item or Item 9 may be recovered summarily by the Captain of the Port as a civil debt notwithstanding, in the case of rental charges, that the container has not been removed from the Port: Provided that in the case of a container which has not been removed from the Port no proceedings shall be instituted unless and until rental charges of more than £100 are due or would have been due but for the fact that they have been reduced below that figure by reason of a sale under paragraph 5.

(5) The Captain of the Port may, without prejudice to his powers under paragraph (4), sell or otherwise dispose of any container in the Port in respect of which rental or wharfage charges of more than £100 are due:

Provided that, if the Captain of the Port sells any such container the sum received therefor, less the costs of sale thereof, shall be set-off against any sum due in respect of such container for rental or wharfage charges.

(6) The Captain of the Port may require, in respect of any container brought into or removed from the Port by sea or land, require of any person whom he considers able to give him such evidence, such evidence as he may deem necessary to enable him to assess the charges payable or which may become payable, in respect of such container.

(7) All charges due under this Item and Item 9 shall be payable on demand to the Captain of the Port or to an officer authorised by him.

(8) For the purposes of this item a container moved into a Government store within the Port shall be deemed to be removed from the Port and a container leaving such a store shall, unless it is immediately removed from the Port, be deemed to have entered the Port.

Transitional 4.(1) Containers which are in the Port on the 21st day of November 1977, shall, for the purpose only of assessing rental charges under the provisions of this Notice, if they have entered the Port by land be deemed to have entered on that day and if they have been discharged in the Port, having arrived by sea, be deemed to have been discharged on that day.

(2) Notwithstanding anything contained in subparagraph (1) wharfage charges incurred before the 21st November 1977 and not paid, in respect both of containers which have left the Port before that day and containers which are in the Port on that day, shall continue to be due.

(3) Wharfage charges payable under Item 9 as deleted and replaced by this Notice shall for the purposes of Item 9A (2), (3), (4), (5) and (7) be deemed to be charges arising under Item 9A."

HON A W. SERFATY (Contd):

The motion standing in my name provides for changes in crane charges and container rental charges and also for the introduction of a wharfage charge on containers. Sir, as regards the crane charges, the present method of raising charges for Government cranes is archaic. It is based principally upon the weight and nature of the goods handled by the crane. This method of charging positively encourages inefficiency and should be replaced, and these are the proposals before us, by charges based on the time that the crane is engaged for a particular work. With containerisation less use is being made of cranes and they will continue to be subsidised as a public service even after these increases but hourly charges should result in Government being able to reduce the subsidy from 75% to 50% of operating costs and eventually, still further, by being able to make better use of the superfluous crane labour. That is as regards crane charges. Now we come to containers. Three years ago this House approved an amendment to the Second

Schedule of the Licensing and Fees Ordinance introducing rental charges on containers. It is only now that Mac-Andrews and Ellerman have introduced a full container service to Gibraltar. This is a good thing but world wide experience in the ports has shown that it is necessary to introduce punitive rental charges in respect of containers within the Port after a limited free period in order to avoid congestion. The proposed rental charges for containers extend the free period from the present three days to eight free days but the charges after that period are considerably increased and theoretically should never be paid as it should be possible to remove the container from the Port within eight days. Another aspect of containers is that we shall lose about two thirds of the berthing revenues of cargo ships because of the rapid turn round of ships. Whereas before it used to be three days now it is a matter of hours. To recoup this loss a wharfage charge of £5 is made on every container entering the Port. I think, in fairness, I should say for example what a container pays now if it is eight days in the Port and what it will pay in future if we approve these charges. At present it is £3 for eight days. In the future it will pay nothing in rental but will pay £5 for the wharfage charge, so the comparison is £3 now and £5 in the future for a container staying eight days in the Port. If a container is left fourteen days in the Port, at present the rental would be £6 whereas in the future it will be after the eighth day fixed at £2.50 and that makes £15 plus £5 wharfage charge, which makes it £20. It is in the public interest that containers should be removed quickly from the Port and on the whole the consensus of opinion among the handlers is that eight days is a reasonable enough period. I would only give one more example because I want to be fair, that if a container were to remain three weeks in the Port the present charge would be £12 and the future charge, including the wharfage charge, would be £55. Mr Speaker, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the motion moved by the Hon the Minister for Tourism, Trade and Economic Development.

HON J J BOSSANO:

I wanted to ask the Hon Member whether these charges are payable by MOD and PSA for their containers that come in through the commercial port?

HON A W SERFATY:

I have been caught by surprise, but I must assume that these charges are paid by MOD because after all we are paying a rent for the North Mole.

HON J J BOSSANO:

Has the Hon Member worked out how much they have got to pay him for the stuff that they have in the Port for the last three months?

HON A W SERFATY:

I have not worked it out.

HON J J BOSSANO:

Mr Speaker, I would like to be clearer in my mind as to what the repercussions of the charges are and how in fact they are operating at the moment which I am not clear on at all. Is it the situation that in the last three months where there has been a substantial number of containers in the Port for a considerable length of time, MOD and DOE have been paying Government? Is that the situation and that from now on if there is a dispute and the MOD traffic is blacked they will be paying £20 a week for their containers. Is that the situation?

MR SPEAKER:

Do not sit down if you have got anything else to say. I am sure the Minister is taking notes and he will reply at the end of the debate. If you sit down now you lose your right to speak unless the Hon Minister, in his reply, wishes to give way to you.

HON MAJOR R J FELIZA:

Obviously the idea of the containers service is to try and reduce the costs which in fact eventually leads to a lower cost to the consumer. If we start using the containers as a form of taxation by charging £5 for every container that is introduced into Gibraltar, a kind of import duty you might say, this is in my opinion the thin end of the wedge. Quite honestly, I do not like the idea at all and I hope that the Minister is still in time to withdraw the proposal. The amount that the Government is going to derive from this must be insignificant. The fact that the idea is to try and recover a bit of what might be lost by the quicker turnover of the unloading of ships in Gibraltar, I think is a very, very bad principle. Is the Minister encouraging, therefore, a slow turnover? Does the Minister realise that the faster the ship, if we take it to the logical conclusion, the more that the ship is going to be made to pay for the unloading of the container and therefore it is a very wrong principle. The logic is, and the Minister can correct me if I am wrong, that because there was a loss on the charges for berthing of ships the way to recover those losses was by implementing this charge on the containers and therefore in this way the Minister was intending to recover some money. If I am working on the wrong principle please say so now because that is what I understood and this is the principle that I am against. In fact, one of the reasons why they used to say that the freight charges to Gibraltar were so high was because of the long time it took to unload the ships in Gibraltar. I do hope that now that we have containers coming there will be a change in the freight rates which I think should come down. But if the Minister is going to start charging more because a ship has a quicker turnover on the Port, then I think that charterers of a ship are quite entitled to say that what they are gaining on the swings they are losing on the roundabouts. I think it is a very wrong principle and I do hope that the Minister will withdraw his proposals. I imagine that the amount he is going to get on that will not be all that much and I hope that he is still in time to try and do away with that extra charge.

HON G T RESTANO:

Mr Speaker, another danger that I see in increasing these charges are that the owners of the containers are going to be trying to keep the containers away from the Port area for as long as possible and they will start cluttering up areas in town with the containers for as long as possible and not take them back to the Port area until such time as, for example, they are told by the police force to remove the containers.

HON M XIBERRAS:

I think Hon Members were a bit surprised when my Hon and Gallant Friend, Major Peliza, started on that particular tag but having heard him speak I think there is some justification for Hon Members believing that this proposal is treasury minded, whether it is a question of the treasury within the treasury or the treasury within the Port Department is a different question. I think that the Hon the Minister for Port might have been taken in himself when he described the reason for the increase as a "punitive" increase in the sense that it would be a punishment for those persons who allowed containers to remain in the Port more than the stipulated time and, presumably, the containers would then disappear. I would ask the Minister, as my Hon Friend has already done, where are the containers going to be put? If the ship has done a very quick turnaround or is going to a destination where the containers are not particularly required by the company then, of course, it will be an inducement to the ship owners to take them half way down the Mediterranean or elsewhere. In other words, Mr Speaker, as a punitive measure I think it would have no effect, if the idea is to get the containers back on to the ship and if it is a question of moving them out of the Port area and putting them elsewhere I think the Hon and Learned the Attorney General might very well think of introducing a system of parking tickets for the containers as well because of the cluttering up that is going to ensue. But over and above that, I believe, Mr Speaker, it is proper that when freight rates to my knowledge in all the companies, not just the two that have been mentioned by the Minister, but in all the companies have now, as a result of certain initiatives in the Port, have been reduced from £700 I believe to something in the region of £350 and I notice that some Hon Members on the other side not knowing that there had been this reduction already were asking the companies concerned to reduce the freight rate, when this benefit has already, in fact, taken place and there had been a reduction of about a half of the price of a container, then the "honeymoon" period out of which one of the partners has received no joy whatsoever, namely, no port improvement, no extra facilities for handling when there is cluttering up in the dispersal area, to impose this punishment which, in itself, I believe to be ineffective or will be ineffective is, to my mind, just to make people sore, people who are introducing a new service. I believe, Mr Speaker, that this is very much a question of the Port Department, and perhaps the Minister can correct me, trying to balance its book because having lost, perhaps, some money on the

berthing it intends to make its books look somewhat better by recouping something on the containers. I can quote, Mr Speaker, the example of the application of this particular rule to two particular containers which have absolutely nothing to do with comings and goings in the Port. Therefore I would say that the instruction of a new approach to the cost attached to container handling must be studied in the light of the advantages and the facilities which Government is willing to provide and that we should not start nibbling away and putting pin pricks in the way of people who might have already benefitted - I am talking about all companies involved - benefitted Gibraltar by lowering the cost of freight and containerisation and so on. Mr Speaker, there are a good many results of containerisation. I do not believe that the Minister is fully aware of all the results, with all respects due to him, and I believe that to seize upon this particular one is bad psychologically and bad businesswise and therefore I would support my colleague in opposing the motion.

HON ATTORNEY-GENERAL:

I would first, Mr Speaker, like to make a correction to a statement which appeared in the press which stated that this particular procedure by way of motion amending the ordinance is part of a new procedure which we introduced at the beginning of the year in order to have a Finance Bill. Of course this is not so, this is a procedure which has existed ever since the Ordinance was enacted, of amending the Schedule by Order of the Governor provided that the approval of this House has been given. The second point I would like to make is that if containers are kept in the Port because of industrial action - I have not considered this point before - my off-the-cuff opinion is that this would not render the person responsible for the container liable to the charges. And the last point, not with containers but with cranes charges, it is, I think, clearly appropriate that they should be raised. Members have not got a copy of the charges we are taking away but at the moment for a three-ton crane lifting a goat it is 25p only. I do not know how many times a goat is lifted by a three-ton crane but 25p will not pay for it.

MR SPEAKER:

I will now call on the Minister to reply.

HON A W SERFATY:

I am grateful to the Hon Attorney-General for his views on the position of containers which remain in the Port as a result of blacking. May I refer now to the points raised by the Hon and Gallant Major Peliza. First of all I would like to say that the wharfage charge on a container is not an invention of ours. The wharfage charge at Felixstowe is not £5, it is £25.68p, and I am sure that the Port authorities there know what they are doing. The rental charges after the eighth day, so they have a seven-day free period, is £3.17 per day and £9 a day after the fifteenth day.

HON MAJOR R J PELIZA:

If the Hon Member will give way. I think the circumstances in Felixstowe must be

very different to those in Gibraltar. All you can do here is submerge the container in the middle of the bay if you want to get it out of the way but I am sure that there is plenty of storage in those places.

HON A W SERFATY:

I haven't seen the Felixstowe port but I have seen the Gibraltar port and I know the difficulties that we are all finding because containers have been allowed to remain and are not discouraged from remaining in the port for weeks on end. The answer to what I said before about no container having to remain in the Port more than eight days is simple and is being done because what one ship leaves another collects even when the containers have not been brought to one particular company. The companies agree among themselves whereby one company takes the containers back that the other company brought. So really there should be no reason at all to pay any rental charges for containers in Gibraltar and what we want is a port that is efficient and we cannot have an efficient port if it is cluttered up with containers as it has been for the last year or so. There is therefore no question of any second thoughts of doing away with the wharfage charge nor reducing the rental charges. We are not trying to balance our books but we should try to make a department like the Port cover its expenses to the extent that it can. Why should we the taxpayers in Gibraltar be subsidising everybody who uses the port? The Hon Mr Restano is right when he says that the containers can be taken away from the Port if the owner of that container or the user of that container has somewhere to take it and I know of the problems of Gibraltar, but that is not the solution to the problem of a container staying more than eight days in Gibraltar. The container should leave Gibraltar by the eighth day and this I have consulted with the operators and they are quite satisfied that eight days is more than enough. On the point raised by the Hon Mr Bossano as to whether the MOD and PSA pay for their containers I am virtually certain that they do pay but I do not want to commit myself.

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

The Hon A J Canepa
The Hon Major F J Dellipiani
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 Members voted against:

The Hon J Bossano
The Hon Major R J Peliza
The Hon G T Restano
The Hon M Xiberras

The following Hon Members were absent from the Chamber:

The Hon I Abecasis
The Hon P J Isola
The Hon J B Perez

The motion was accordingly carried.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move the motion standing in my name on the Order Paper in the following terms:-

"This House resolves that the Agreement entered into on 27 June 1977, between the Financial and Development Secretary on behalf of the Government of Gibraltar and Queensway Limited for the supply of potable water in bulk to the building known as Ocean Heights at rates other than those specified in paragraph 1 of the Fourth Schedule to the Public Health Ordinance (Cap 131) be approved". Ocean Heights, as the House knows, was originally designed and built as an hotel and as such it was therefore connected up with only one main potable water meter and as I am sure the House also knows, it proved impossible for the development company to find hotel management and in consequence the company sought and obtained the Government's approval, after consultation with Her Majesty's Government, for the conversion of the building into apartment flats. In order to avoid the very considerable expense and, I imagine, although I do not know, the structural alterations which would have been involved in fitting a main water meter to each apartment, the company installed a sub-meter connection in each flat. This arrangement does not conform with Government policy, namely, that each flat in an apartment block should be served by a main meter and in consequence the occupants of the apartments in Ocean Heights could not be supplied with water in accordance with the schedule of rates laid down in the Fourth Schedule to the Public Health Ordinance. It is, so I understand the position, a provision of the purchase agreement between the development company and the purchasers of tenancies to the apartment flats, that they will pay for the cost of water used by them in their apartments. In other words, they pay to the development company and not to the authority supplying the water. In the absence of special arrangements the tenant of each apartment would, in practice, be charged as the secondary higher rate since the first thousand gallons at the primary rate would obviously be consumed for the general purposes of the building as a whole. Queensway Ltd therefore approached the Government with a proposal for special arrangements the main points of which were: firstly, the company would charge each apartment owner and commercial tenant, the same water rate as the Government itself would have charged them had they been supplied through a main meter. Secondly, the Company would supply the Government monthly with a list to be certified by its House Administrator showing the actual consumption by each apartment owner and each commercial tenant. Thirdly, that the company would pay the

Government in a single payment for all consumption calculated in accordance with the list and by reference to the total consumption for the whole building as recorded by the main meter and finally, that the company would give the Government facilities at all reasonable times to check the list compiled by the House administrator. Queensway Ltd subsequently clarified this proposal to pay for the total water consumption of the whole building and undertook that in the event that there was a discrepancy between the aggregate of the submeter reading and the reading of the main meter, it would accept responsibility for payment in accordance with the readings of the main meter. The Government considers that provided these arrangements, including of course the company's undertaking to pay for water in accordance with the readings on the main meter, were reflected in a formal agreement between Queensway Ltd and the Government, the proposal was fair and reasonable. The essence of the Agreement, which has been circulated for the information of Members, is threefold. First of all, the Government will be paid in full for the cost of all water supplied to Ocean Heights as measured by the main inlet meter, that is Clause 1 of the agreement. Secondly, that no occupant of Ocean Heights will pay more or less than he would have done if he had been a direct consumer of the water authority, that is reflected in Clause 6 and, thirdly, that the company binds itself not to interfere with the supply of water to any occupant of Ocean Heights other than for reasons which are beyond its control, obviously technical reasons. It is the operation of clauses 1 and 6 together which impose on Queensway Ltd the liability to pay any difference between the quantity of water recorded at the main meter and the aggregate of water as recorded by the sum total of sub meters installed. The remaining clauses of the agreement are both administrative, consequential and procedural. The Agreement has been made in accordance with the provisions of paragraph 2 of the Fourth Schedule to the Public Health Ordinance. This paragraph stipulates that any agreement so made shall be tabled before the House of Assembly and that a Resolution shall be moved at the same meeting for the formal ratification of such Agreement. This, Mr Speaker, is the purpose of this Resolution. The agreement was entered into on 27 June and has been put in effect but if, however, the House does not approve the Resolution, then the agreement will lapse on the day that the House adjourns. Mr Speaker, the Government considers that the arrangement reflected in the Agreement with Queensway Limited is not only a sensible and practical arrangement but one which the Government is satisfied will ensure on the one hand full payment of all water supplied to Ocean Heights and on the other that each apartment owner or commercial tenant will pay the same amount for the water which he consumes in his apartment as he would have done had he been supplied through a main meter fixed to the apartment. I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the Hon Financial and Development Secretary's motion.

HON M XIBERRAS:

Mr Speaker, I think the Hon Financial and Development Secretary has clarified a good number of points, on which in fact I expressed an interest knowing it was a complicated question even before the matter came to the House. It means that if this arrangement had not been entered into then the individual tenant of Queensway would be paying for water at a higher rate than everybody else who gets supplied through a main meter and to avoid this consistency or disparity the Government has thought it fit to enter into this arrangement. There are, of course, a number of points because I do not know, and the Financial and Development Secretary did not mention, whether this kind of agreement is in existence anywhere else in Gibraltar. No doubt the problem has arisen from time to time and there has been a case of the particular owner of a property being faced with the possibility of introducing main meters into all different apartments or flats in a particular building. I would like an assurance that in similar circumstances the Government would apply this type of agreement to any person or persons so affected. I gather also that from the list which is going to be drawn up of the readings of each of the sub-meters by the Administrator of the building, the Government will be able to know how many of the flats are in occupation at any one time so that the right number of primary units can be calculated because, obviously, if the administrator or the owners of Queensway were to get enough primary units to cover them for all the flats, whether they were in occupation or not, then the tenants who were actually there would be getting water supplied at a cheaper rate. It is therefore important that the Government knows how many of the flats are in actual occupation at any given time but I would imagine that this would appear from the readings of the individual sub-meters which the Government would require every month. Subject to being satisfied on the points which I have raised. I support the motion.

HON CHIEF MINISTER:

As regards the question of similar cases and similar circumstances there was difficulty in one building, as the Hon Member has mentioned, dating back to the days of the City Council. The difficulty in the case mentioned before was that there was no proper water installation satisfactory to the water authority, then the City Council. This was a very odd arrangement whereby there was a main meter and they had some kind of arrangement with the landlord but that was a saving because the idea is that the water authority is responsible for the installation up to the point of the main meter and they are not responsible for losses beyond that and that is what makes that other situation difficult to the extent that when the landlord and the tenants came to a break we had to issue warnings that water would be disconnected unless there was an appropriate installation for the purpose of metering each individual. Apart from the fact that in this case the building is new and therefore

the water installation is bound to be of a high standard, the additional safeguard of having the main landlord responsible for all the water safeguards that. The landlord in the other case was not prepared to do that and that was the difficulty.

HON M XIBERRAS:

If the Hon Member will give way. I take it the Hon and Learned Chief Minister means that he was not prepared to guarantee that he would pay for the water consumed if the individual tenants were not prepared to pay.

HON CHIEF MINISTER:

That is so and therefore the Authority had to look to one person to make him responsible for the water supply otherwise leakages and other faulty installations which would waste water would not be accounted for and therefore apart from the fact that this is a change in user and it is I think a practical and reasonable way, the main concern of the water authority must be that the water metered at the point of entry in any particular service is what is charged and that was what the other case was not prepared to do.

HON M XIBERRAS:

In fact then there was similar agreement until it ceased.

HON CHIEF MINISTER:

There was no similar agreement, what happened was that he made himself responsible initially for the main meter and then he collected the charges from the sub-meters. When this first arose there was not this difference of an advantage of the lower rate. The landlord of the case I am referring to would not make himself responsible and secondly, he would not pay which was worse. Eventually each tenant laid their own separate installation. The circumstances in this case are very special and, in fact, the safeguards are there. I would say that in any similar circumstances of any similar situation of course the Government would make the same arrangement.

HON ATTORNEY GENERAL:

Mr Speaker, there is one point raised by the Hon Leader of the Opposition. He wanted to be reassured that the owners of the building themselves would not profit unduly if in any particular apartment less than the maximum amount of water was consumed so that they got the benefit of what they consumed still under the maximum amount and perhaps the owners of the building might get an additional benefit. There is a provision in the Agreement in clause 5 to the effect that if any sub-meter shows that less than the primary amount, which at the moment is 1,000 gallons, if any sub-meter shows that less than 1,000 gallons has gone through that meter, then the total amount allowed to the building as a whole at the primary rate is reduced by that amount. For example, if there are 136 sub-meters which is the maximum allowed, prima facie, you would get 136,000 at the primary rate but if in any month it was shown that fifty of these submeters recorded no water at all because they were in apartments which

were not let, then the 136,000 gallons would be reduced by 50,000 so it is only the apartments which are genuinely occupied which get the benefit and if the water is not used the benefit is not passed on to somebody else.

MR SPEAKER:

If there are no other contributors I will call on the Hon Mover to reply.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think the points raised have been adequately and fully covered. I would just merely like to emphasise that the Government was concerned in this Agreement with three things. First, that the individual consumers would be treated as if they were in an ordinary residence and metered directly. Secondly, that the Government could be assured and assure itself that all the water supply to the building as a whole would be paid for and, thirdly, that as between the developer who would charge the water to the individual apartments there could be, if the Learned Speaker will forgive me, no jiggery-pokery.

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

The House recessed at 7.30pm.

THURSDAY THE 3rd NOVEMBER 1977

THE HOUSE RESUMED AT 10.40 am
BILLS

FIRST AND SECOND READINGS

THE ELDERLY PERSONS (NON-CONTRIBUTORY)
PENSIONS (AMENDMENT) ORDINANCE 1977

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Elderly Persons Non-Contributory Pensions Ordinance, 1973, be read a third time.

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

The Bill was read a first time.

HON A J CANEPA:

Mr Speaker, I have the honour to move that this Bill be now read a second time. The object behind this very short and simple bill, Mr Speaker, is to increase the rates of Elderly Persons Pension from £3.80 to £5 per week, thereby bringing it into line with the non-householder's rate of Supplementary Benefit which I informed the House yesterday evening was also being increased from £3.80 to £5 a week. The additional financial expenditure involved as a result of this increase, Mr Speaker, will be of the order of £60,000 in a full year and there is already provision in this item under the Head of Labour and Social Security to cover the additional expenditure for the three-month period from January 1978, to the end of March 1978. Sir, I commend this Bill to the House.

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

HON M XIBERRAS:

Mr Speaker, the Bill is welcomed because it increases the Elderly Persons Pension from £3.80 to £5 a week and this is in line with the other increases that the House has already approved in Social Insurance Pensions and Benefits. Mr Speaker, I would ask the Hon the Minister for Labour though whether the Elderly Persons Non-Contributory Pension is going to be a permanent feature or whether there is any chance at all that at some time other than by natural wastage, the pension would cease to exist. It was in the course of one of the motions that the Minister presented to the House yesterday that I think he said that in no other country had what I was suggesting should be done being done and that was that one should have universally of social insurance pensions to absorb this category of pensioner. I am asking whether, in fact, this is going to be a permanent feature or whether there is any possibility that this would cease and the beneficiaries of this legislation would come under Social Insurance Legislation. I think that in the United Kingdom there was a stage when the number of beneficiaries for this type of pension was diminished quite considerably, I think it was in 1946 or 1948. Otherwise, of course, the Bill is welcomed. Perhaps the Minister could also say something about taxation in respect of these £5. I do not know what the position is now but there was debate in the House about taxation, then there was a proposal about double taxation on this particular pension and perhaps the Minister could remind the House of what the arrangements are now and whether he considers them to be satisfactory.

HON A J CANEPA:

Sir, I think there are three points there that I need to cover. First of all, what is the position in the United Kingdom. The position there is, I am sorry to tell the Leader of the Opposition very different in fact to what he has inferred. In 1970 or 1971, the Government in the United Kingdom introduced what they called an old persons pension for those over the age of 80 who had not been able in the past to benefit from the provisions of the National Insurance Act and, in fact, that pension is still being paid to a decreasing number of persons well over the age of 80. In so far as taxation is concerned the position for....

HON M XIBERRAS:

If the Hon Member will give way. But no stage at which there was a deliberate incorporation of these persons into the Social Insurance Scheme.

HON A J CANEPA:

No, I am afraid that those that had missed the boat in 1946, I think it was, or 1947, those that had missed the boat did so for another quarter of a century before some gesture was made towards them. In so far as taxation is concerned, Mr Speaker, the position is that this pension is taxable and in the first place it is added on to an individual's assessable

income and then there is, if the income of the individual is fairly considerable, because it should not be forgotten that a couple aged over 65 are entitled to at least £1,420 of tax free allowance, so depending on how much higher than that figure their income is, then they would be taxed additionally double taxation. When we first introduced this pension some years ago, we were toying with the idea of making it non-taxable but there was some criticism of the fact that fairly wealthy people would be able to benefit out of a non-contributory scheme and so three or four months later we took the opportunity when the Income Tax Ordinance was being amended, to introduce a claw back mechanism which was very, very stringent initially and since then we have eased it somewhat and I think following the answer which the Hon Financial and Development Secretary gave earlier on, if the Government in connection with this year's budget has to consider any amendments to the Income Tax Ordinance, I think the opportunity should be taken to review the taxation applicable to this pension, perhaps, with a view to easing it further. But the object behind it is that the people who have a considerable income of £2,500 or £3,000 a year should not benefit from this and therefore that it should be clawed back but this is something that we have to keep under constant review.

MR SPEAKER:

I would like to say that at this stage we are discussing the general principles of the Bill. We are going into Committee Stage later on and whilst Members are entitled to ask to be given way to we must not make it into a personal debate between two Members of the House otherwise we defeat the object.

HON A J CANEPA:

There was a third point, if I may, Mr Speaker, now that we are on the general principles of the Bill which I think would be worth answering and that is what is going to be the future of this pension. At the moment, Mr Speaker, there are about 900 beneficiaries and the tendency over the years is going to be for that number to whittle away through natural wastage. Then there will remain a hard core of people who will become entitled to this pension because they have not been able to contribute to the Social Insurance Scheme. I am referring neither to employed persons nor to self-employed, I am referring to non-employed persons. The choice, I think, of the Government of the day will be either the non-employed are required to pay insurance as is done in many countries or else they do not pay insurance at all and are paid a pension from the Social Insurance Fund or else they do not pay insurance and are paid a pension out of the Consolidated Fund as we are doing for the elderly persons pension but at a level more commensurate with the general level of social insurance pensions. I think those choices are open and it is for the Government of the day to make a choice some time in the future.

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

HON A J CANEPA:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill should be taken at a later stage during these proceedings.

This was agreed to

THE FACTORIES (AMENDMENT) ORDINANCE
1977

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Factories Ordinance (Cap 56) be read a first time.

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

The Bill was read a first time.

HON A J CANEPA:

Sir, I have the honour to move that this Bill be now read a second time. Mr Speaker, at an inquest held last year into the death of a self-employed painting contractor who was working on his own and who fell from a height of about twenty feet, a verdict of accidental death was recorded but the jury added the following rider:

"That the safety regulations in the Factories Ordinance should be extended to cover self-employed persons and freelancers."

At present the Factories Ordinance only affords protection to self-employed persons and freelancers if there are two or more of them working at the same place of work. The Director of Labour and Social Security, who is responsible for the administration of this Ordinance is satisfied that the circumstances which surrounded that particular accident and which gave rise to the rider that I have referred to as well, in fact, as the circumstances surrounding a previous accident in which unfortunately a self employed young mechanic who was working on his own was very sadly electrocuted whilst carrying out repairs to a car in a garage, the Director feels that the circumstances in both cases were such that it is unlikely that the accidents could have been prevented in any case even if the Ordinance had applied to self-employed persons working on their own. However, the Director feels and he has advised Government that it would be a step in the right direction to make it so apply thus empowering the Factory Inspector to inspect such workplaces, give advice and enforce the safety provisions of the legislation as necessary. The effect of the Bill now before the House, Sir, is therefore to extend the definition of "Factory" under the Ordinance to include a workplace where just one person, whether self-employed or otherwise is working by way of trade or business. I commend this Bill to the House.

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

HON M XIBERRAS:

The two cases referred by the Hon Minister for Labour are well known to Hon Members and they fully justify the application of the Factories Ordinance to cases such as these. I have not got the Factories Ordinance itself available and I wonder if the Hon the Attorney-General would comment on the possibility of persons working, perhaps not very clearly for a wage but simply indulging in work, claiming under the Factory Ordinance when there is not really genuine employment especially since this will apply to freelancers.

MR SPEAKER:

I am afraid that we are going to start breaking the rules of debate. The Hon Member has the floor and he can bring up any matters he wishes to bring up and then other Members can have their say.

HON ATTORNEY-GENERAL:

Mr Speaker, the Factories Ordinance does not give a right to a worker to claim. If there is a breach of the Ordinance and a worker is injured then, of course, he has a civil right of claim against his employer. That clears that one. Where you have a free lancer or a self-employed person when he goes to somebody else offering his services as was the case of the painter, then it is the duty of the person concerned to observe the regulations laid down under the Factories Ordinance. For example, if there is scaffolding there are certain provisions of safety required there. The position at the moment is that if a shop in Main Street takes on a private contractor to paint the outside of the shop, if there is one painter only then the owner can ignore the safety regulations, he can allow the person to work under conditions of extreme personal danger. If there are two then he has to provide the safety conditions. There seems no logic at all why one man should be put in danger but that two men or more should not, and that is all that this is doing. Thirdly, of course, this only applies when you are working for somebody else. If I am painting my own house then I am under no obligation to observe any regulation under the Factories Ordinance.

HON M XIBERRAS:

Why was it two before?

HON ATTORNEY-GENERAL:

That I am afraid I do not know. We follow the legislation in the United Kingdom which is old legislation going back to 1937 and I do not know why there was that number put in but it would seem clear that there is no logical reason for maintaining that minimum number before safe conditions at work must be applied.

HON A J CANEPA:

I would reiterate the last point made by the Hon the Attorney-General, namely, that our legislation has been based on United Kingdom legislation and I am pretty certain that that is the reason why two was the limit applicable. I remember that in 1974 or early 1975 we

had a fairly lengthy visit to Gibraltar by a senior Factory Inspector from the United Kingdom to advise us about the provisions of our Factory Ordinance and other safety regulations and I remember pressing the person concerned about the need to amend the Ordinance and to widen its scope. At the time the point that was made was that this was unnecessary as we were fully in line with the United Kingdom so I am pretty certain that that is based on the relevant provisions of the United Kingdom Act.

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

HON A J CANEPA:

I beg to give notice that Committee Stage and Third Reading of this Bill should be taken later on in these proceedings.

This was agreed to.

THE GIBRALTAR COURT OF APPEAL (AMENDMENT)
ORDINANCE, 1977

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move the Bill for an Ordinance to amend the Gibraltar Court of Appeal Ordinance (Cap 177) by conferring additional rights of appeal in civil and criminal cases and for matters incidental thereto: to clarify the law relating to the reckoning of the term of sentence of appellants and to make consequential amendments to the Criminal Justice Administration Ordinance (Cap 36) and the Prison Ordinance (Cap 129) be read a first time.

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

The Bill was read a first time.

HON ATTORNEY GENERAL:

Mr Speaker, I now have the honour to move that this Bill be now read a second time. I hope the House will bear with me if I go through this Bill clause by clause as it is a matter of some considerable importance. Dealing first with Clause 2, Section 62 of the Constitution gives a right of appeal to the Court of Appeal and to the Judicial Committee of the Privy Council, but we are not concerned with that at the moment, in certain specified cases, they are very restricted, but include in such other cases as may be prescribed by the legislature. In fact the Constitution envisaged that at some time we might see fit to grant as of right further cases in which an appeal could be made. We did this in the Gibraltar Court of Appeal Ordinance in so far as Criminal Appeals are concerned, we did this in 1970, and what we are now proposing to do is to give as of right an appeal in certain civil cases and in this we have followed the practice in the United Kingdom. In fact, there is a general right of appeal now given in civil cases with certain exceptions which are listed here. I think Members will appreciate that the reason for this is that it can be embarrassing for counsel who has to ask for leave to appeal to go before the judge who decided the case against him and say: "My Lord, I think you were wrong, please may I appeal against your

decision?". It is preferable that he should have the absolute right and this we are doing by clause 2. Clause 3 rectifies an anomaly which exists at the moment. Under the Ordinance as it stands, in criminal cases which have come from the Magistrates Court to the Supreme Court, there is a right of appeal where a person has been convicted by the magistrates, the Crown has appealed to the Supreme Court who has refused the appeal, the Crown can still appeal to the Court of Appeal. Where an accused person who has been convicted by the magistrate when the Supreme Court has allowed his appeal, that is substituting an acquittal, the Crown can appeal to the Court of Appeal but where a person has been acquitted by the Magistrate but the Supreme Court has substituted a conviction, there is no power for that person, the convicted person, to appeal to the Court of Appeal. We are now providing that such a person can appeal to the Court of Appeal. It is putting the accused person on the same footing as the Crown. He now has the same right whereas before his rights were less beneficial than the Crown's right. One other minor point. At the moment there is an alternative procedure from an acquittal or a conviction by the Magistrate rather than an appeal it goes by way of a case stated. At the moment there is no appeal from a decision on the case stated to the Court of Appeal and we are now allowing an appeal either by the Crown or by the accused person to the Court of Appeal. Clause 4 deals with appeals in cases of contempt of court. This is not a very usual happening. There was, in fact, however, a case some two years ago where the Master of a ship was convicted of criminal contempt and sentenced to six months imprisonment. His counsel wished to appeal and when the appeal was brought and the proceedings were filed we had to advise him that in fact no appeal lies against a conviction for criminal contempt and the Court of Appeal cannot give leave in those cases. This was the position in England until 1961 when it was changed and now we think it right for it to be changed here because theoretically the Supreme Court could sentence a man to thirty years' imprisonment for criminal contempt and there would be no possible line of appeal, the only way in which he could get out would be if at some subsequent stage the Court allowed him to purge his contempt or if the Governor invoked the prerogative of mercy under Section 76 of the Constitution. It is only fair if you are imprisoned for contempt that you should have a right of appeal. Clause 5, although it merely changes the terminology of what is done where the Court of Appeal thinks the chap who is being convicted was, if you will forgive the expression, Mr Speaker, bonkers. There is a difference in terminology between the Criminal Justice Administration Ordinance and the Court of Appeal Ordinance. I do not think I need bother the House with this, it has no possible material effect, this is purely changing the wording so that it is consistent throughout our legislation. Clause 6 is consequential on the changes effected by clause 3 which, as I said, gives the right of appeal to the Court of Appeal from the man who is acquitted by the Magistrates and convicted by the Supreme Court. We have now given him the right of appeal and all clause 6 does is to make a consequential

change. Clauses 7, 8, 9 and 10 deal with at the same time because they all relate to the same point and are consequential to a certain extent on each other. At the moment the Court of Appeal Ordinance provides that the time during which an appellant is in custody pending the determination of appeal ~~shall, should not,~~ subject to any directions of the Court, be reckoned as part of the ~~term of the sentence to which he is for the time being subject, though it shall be reckoned as part of the term.~~ There is conflicting provision in the Prisons Ordinance which, of course, relates to appeals to the Supreme Court. Subject to any direction of the Supreme Court the time during which an appellant is in custody shall not count as part of his sentence, in which case the sentence shall commence, etc. What we are now doing is revoking the provision of the Court of Appeal Ordinance, putting a single provision in the Criminal Justice Administration Ordinance which is the one set out in clause 8 to provide that in every case time spent in custody pending an appeal, shall count as part of the sentence unless the Court orders otherwise and the occasions on which the court orders otherwise are very restricted. So again we are clarifying the law and making it quite clear that the general rule is time spent in custody waiting an appeal shall count as part of the sentence. Mr Speaker, I commend the Bill to this House.

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

HON MAJOR R J PELIZA:

Mr Speaker, I have been trying to find points to quarrel with the Attorney-General but on this occasion I am glad I cannot. Perhaps I should like to add that whilst this is again trying to perfect justice, a justice I think that we very much appreciate in Gibraltar and which we have inherited from the British system of justice, I think it is necessary as well as we progress on the actual procedure of justice, to take account of making it practical for those who may not have the means to try and make full use of all the facilities that there are and I would commend to the Government that whilst one does support this Bill I think one would like to see movement on the other side. It might be more business for the lawyers I know but at the same time I think it would be in the interest of equality of justice for all classes in Gibraltar and I hope that the Government will take that into account in another matter concerned with legal aid and things like that which I think should run concurrently with this progress.

HON CHIEF MINISTER:

I completely agree with the previous speaker's remarks and certainly my experience is, though I do not do too much of this kind of work now is that it is not difficult to obtain legal

aid to go on to a court of Criminal appeal, As regards legal aid on civil appeals like everything else one would have to look at the present rate at which you qualify to see whether it keeps with inflation and so on because it is all very well to say ten years ago that anybody with an income of £500 or £600 was not entitled to legal aid, now I think it is £950 or whatever it is and perhaps it has to go up. I entirely agree that it is not a question of just perfecting the measures of justice if it is not available for everybody. "Justice" one judge said "is open to everybody like the doors of the Ritz Hotel and that is everybody who can afford to go into it". That I think, fortunately, is no longer the case. I have one point to make and this I make purely as a practising lawyer in the interest of justice, a point which I have raised with the Attorney-General. I know that the Committee Stage of this Bill is not going to be taken at this meeting and it is one that I would want to take advice from colleagues at the bar and that is that up to very recently if you appealed against sentence of a Crown Court or any of the criminal courts in England you had to risk that either the sentence was left unaltered, you had the benefit that it might be considered too severe or you had the risk that it could be increased, so that really it was rather a gamble and it has been known of cases in which people have gone to the court of criminal appeal saying: "The sentence of four years that was passed on me was very heavy and I want it reduced", and the Court said "It wasn't half heavy you get six years this time". In England it has now been legislated that you can either be successful or not successful but you cannot lose. I know that some of the legal establishment here are not very happy about a possibility of limiting this but my view is that it would lessen the work of the Court of Criminal Appeal which has been quite heavy recently, as you will see in the Supplementary Estimates, about the cost of the sittings and so on. A lot of people appeal against conviction and sentence because at least they have gone on whether they can get the conviction quashed even if they have the risk of having their sentence increased. But if they knew that they had nothing to lose by appealing against sentence only, then the Court would only look at whether the sentence was too high or not and the appellant would not take the risk of having his sentence increased. Once you say you have the risk of having your sentence increased you say: "Well, I go for the whole hog. I go for appeal against conviction and sentence". Sometimes they appeal against conviction well knowing beforehand that there isn't a hope, but it goes through the whole process and it adds up to the expenses of legal aid which could well be devoted to better causes and, of course, requires a full transcript of the Court of Appeal which I can assure you in such cases far outweighs the volume of the Hansards of

this House when you have to go on an appeal of an action which has taken a long time, whereas if it is an appeal against sentence a shorter record would be required and it would be possible to decide and at least for the sense that justice was seen to be done to the appellant who felt that he has had a rather heavier sentence particularly if he goes into prison on a four year sentence when somebody else has done worse two or three years before is just coming out of prison at the end of a lighter sentence for a worse offence. It is very difficult because different magistrates and different judges have different views on what the sentence should be. In England there was a famous hanging judge, Mr Justice Amery, and nobody dared go before him because they knew they were in for it, he was a very severe judge. Other judges are less severe so the sentencing is rather elastic. There can be differences and that gives a sense of injustice to people who have felt that somebody else who did something worse, for example, the question of the exportation of drugs which is unfortunately one of the more common sentences. You find that somebody who was carrying thirty kilos of drugs got two years and you were carrying five kilos of drugs and you get four years and you feel aggrieved. Therefore this appeal against sentence would ease off the work and the load of the Court of Appeal. I know that the Attorney-General perhaps does not agree entirely with this point of view but I just want to give the House information that I propose to take up with the Bar and perhaps we could come to an agreed measure, I thought I would mention this now because it goes to the root of the right of appeal in Criminal Cases.

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

HON ATTORNEY GENERAL:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at a subsequent meeting of this House.

THE SUPREME COURT (AMENDMENT) (NO 2)
ORDINANCE 1977

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Supreme Court Ordinance (Cap 148) be read a first time.

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

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move that this Bill be now read a second time. I hope that at the conclusion of my speech the Hon and Gallant Major Peliza will be as kind to me as he was on the last Bill. I must confess I was unaware that there had ever been

between us other than the very best of friendship and relations. I will, if I may, again very quickly go through this Bill clause by clause. It, in fact, has very little practical importance. Clause 2; at the moment the Ordinance does not differentiate in many places between the administrative and the judicial functions. In many cases, concerning with the trial, it says: "the Chief Justice shall do so and so, in connection with the jury, the Chief Justice may do something else". If there should be an additional judge appointed as there is power under the Constitution, it is arguable that if he presides over the trial he cannot exercise those powers and so what we are doing throughout the Ordinance is differentiating between the Chief Justice exercising his administrative powers, that is, making rules of court etc. and the judicial powers and so where there are judicial powers exercisable by the Chief Justice we are saying they are exercisable by the Court which will mean of course, whoever is presiding over the Supreme Court at that time. So in Clause 2 we change the definition of "court" saying it means the Supreme Court Gibraltar and includes the Chief Justice and any additional judge thereof whether sitting in Court Chambers or elsewhere. Clause 3 revokes a section of the Ordinance which has been superfluous ever since the Constitution came into effect and made provision for the appointment of the Chief Justice. Clause 4 deals with the Registrar. The Registrar has certain judicial functions, for example, when there has been a trial in the Supreme Court and a Bill of Costs in a civil matter comes to be taxed, the Registrar acts as the Taxing Master. At the moment it is arguable that no right of appeal lies from the Registrar exercising his judicial functions. It is only right and proper that there should be a right of appeal and clause 4 confers this right. Clause 5 is consequential. Clause 6 is consequential. Clause 7 is consequential. Clause 8 applies to civil proceedings, a provision which at the moment only applies in criminal proceedings. If after a criminal trial it is found for any reason that one of the jurors was a person who unbeknown to anybody was not qualified to be a juror there is provision that the trial does not become void. That is common sense, there may be the very occasional case where, through no fault of anybody, it subsequently transpires that a juror was not qualified to sit as a juror but it would be quite impossible to go back and have a new trial. What we are doing therefore is applying that to civil proceedings as well as to criminal proceedings. The same provision applies in England, I will not say the United Kingdom because to be honest I do not know what provisions exist in Scotland which has a very different judicial system to that in England. Clause 9 corrects a typographical error only. Clause 10 relates to the death or other inability to act of a juror. At the moment, certainly in criminal proceedings, except in murder cases, if a juror dies the jury can go on sitting or if he becomes incapable of acting for any reason. Supposing he is run down and seriously injured the jury can go on sitting. It

does not affect the rights of the accused because there must still be at least seven persons in favour of a verdict. What we are now doing is saying this applies both in civil and criminal proceedings and also we are providing that if for any reason the Chief Justice or whoever is presiding discharges a juror. There could be circumstances, let us take the case of a jury sitting, it is going to be quite a long case, and after it has started news arrives that one of the juror's family is seriously ill, dying, perhaps, in the United Kingdom. he is not incapable of acting, it is not as if he is sick himself, but there is no power at the moment for him to be allowed to leave his jury duties and go off in what is common grounds of humanity and now the court will have this power to discharge a juror. It seems reasonable and sensible and such as, I am sure, anybody can accept. Clauses 11 and 12 are consequential and Clause 13 sets out again the provisions relating to verdicts in civil and criminal cases and majority verdicts, this does not change the practical aspect of the law at all, it is really a rewording and making more clear of the law as it stands at the moment.

MR SPEAKER:

On a matter of general principle could the Hon and Learned Member tell us what "reasonable refreshments" for jurors means?

HON ATTORNEY GENERAL:

I would have said luncheon. I do not know whether it will be a three-course luncheon. I think, in fact, the food is brought in from a restaurant which shall not be named on the other side of the road from the Supreme Court. Whether the jurors would regard that as reasonable, I think it is a question of what the Registrar regards as reasonable.

MR SPEAKER:

It does not say at whose expense, does it?

HON ATTORNEY GENERAL:

It is at the expense of the court and this is one of the items we vote for year by year in one of the subheads. I have no doubt that if somebody was not satisfied with the refreshments provided he could arrange to have it brought in at his own expense, he can bring his own sandwiches along. Clause 14, 15, 16 and 17. There is, in fact, a misprint here as Hon Members will see. There are two clause 13, there is one long one with some seven new sections coming in and the next clause is also numbered 13 and will be renumbered 14. These are all consequential. Mr Speaker, I commend the Bill to the House.

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

HON MAJOR R J PELIZA:

Mr Speaker, this time I go one further and I congratulate the Attorney General for so painstakingly and steadily tidying up our law.

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

HON ATTORNEY GENERAL:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken at a subsequent meeting of this House.

THE ESTATES DUTIES (AMENDMENT) ORDINANCE
1977

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Estate Duties Ordinance (Cap 52) by raising the minimum value of estates on which duty becomes payable, by altering the rate of estate duty payable and by exempting certain real property from the payment of duty, be read a third 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 beg to move that this Bill be now read a second time. I hope, Mr Speaker, you will not move me out of order if I repeat something I said in this House some two years ago when I quoted from a poem which I think most of us may have read when we were young: "Then up spake brave Horatius, the captain of the gate, to every man upon this earth, death cometh soon or late". Mr Speaker, that is now as true as it was two years ago. I doubt whether Horatius had estate duties in mind at the time he made the speech, I think, perhaps, the Hon Leader of the Opposition being a classical scholar may have more knowledge of Roman history than I have but be that as it may, as all Members of the House know when a person dies the State takes a proportion of the property which he has left. At the moment, under the Ordinance any property over £2,000 attracts duty. There is a sliding scale. At the moment in excess of £2,000 it is 1% and it goes up gradually up to a maximum of 20% where the estate is over £100,000. What we are now doing is to raise the bottom limit, if I might put it that way, so that in future no estate under £5,000 will attract estate duty. In practice, over a period of, I think, the last three years, the amount collected by estate duty, on estates between £2,000 and £5,000, which will now no longer attract duty, is something like £849 a year, that is the annual amount, so very little is being lost to the fiscus. The next provision which we are incorporating in the Bill is that where you have

spouses living together and on the death of one the property goes by will to the other, up to £20,000 of the value of the property, that is, the living property, does not attract estate duty, so that is a considerable benefit to a husband or wife as the case may be. They do not have to pay estate duty on the value of the house. That is only up to £20,000, if you have a house worth £80,000 then you get £20,000 relief but not £80,000. The only point I should make clear is that for the purpose of assessing the rate at which estate duty is charged the house is taken into account. As I have explained, there is a sliding scale of duty depending on the value of the property left. To give a concrete example the rate of duty of an estate between £40,000 and £60,000 is 12%. If Mr Y dies leaving a house worth £20,000 and other property worth £20,000 they will be added together for the purpose of assessing the rate of estate duty so the rate of estate duty will be 12% but it will only be charged on the £20,000, not on the other £20,000.

or on an intestacy

think under the Constitution if it is raising the rates of duty and imposing a greater tax under Section 32 of the Constitution the consent of the Governor has to be signified to the amendment.

HON CHIEF MINISTER:

Mr Speaker, the great advantage of this Bill which was brought to me sometime ago and I kept it a bit in cold store because I was not very happy about the increases but I was persuaded that, overall, it was not a tax raising measure, because of the relief given. There is one area in which it is going to be a great advantage and that is to the working people and to the more humble people. The bulk of the estates of working people and less wealthy people comes from the gratuity. The man suddenly dies and the widow finds herself with perhaps a few savings, £500, £600, £700, in the Savings Bank and a gratuity of, say, £1,800. You may have been surprised to hear that the estate duty collected from estates ranging from £2,000 to £5,000 is only £800 a year and this is because the estate duty starts to be payable if the gross value of the estate is over £2,000 which means that you have to go through all the rigmarole of the estate duty papers in order to establish what the value of the estate duty is and, in fact, sometimes it is established that the value of the estate is less than £2,000 and then you do not pay any duty but if you certify, as is done now in respect of £2,000, that the gross value of the estate is less than £2,000, then you do not have to go into any declaration of estate duty, you just sign an affidavit, a form which is provided under the Estate Duty Ordinance, certifying that the gross value of the estate is less than £2,000 and then you only have to swear an affidavit to obtain letters of administration and you get it much, much quicker. Therefore, all these people will benefit by not having even having to make an affidavit and in some cases not have to pay estate duty. There is also the advantage of the property and I wonder whether this should be limited to the spouse or not and that is a matter we might consider at the Committee Stage whether it should not also be applicable in the case of a son or a daughter living in the house at the time. The greater advantage is in the small estates where they have to pay duty and they have to go through a lot of procedure and the legal expenses are much higher in the case of an estate of £3,000 than in the estate of £1,800 simply because of having to prepare the estate duty declaration inventories and so on. Therefore, I was finally persuaded to support it and in fact I do so because I think it is good

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I would just like to add one point to the remarks made by the two very learned gentlemen and that is that if there is to be in Gibraltar a move towards home ownership, people owning their own property, then the fact that the value of the house when it comes to the

MR SPEAKER:

May I ask a question which might be pertinent later on at the Committee Stage: What happens to a house which is jointly owned by the husband and the wife? Does the deceased get the full benefit of £20,000 on his share or on the value of the house?

HON ATTORNEY GENERAL:

My understanding is that it will be the benefit accruing to the survivor. So if it is jointly owned then the benefit of the survivor will be up to £20,000. The last provision which we have put is that we have increased the rate of duty in each stage by 1%, but not the maximum. The maximum rate stays at 20% but the intervening rates are all increased by 1%. It is considered that although some people may pay more duty because of this, the benefit conferred on the relief of property will offset any degree of, I will not say hardship, any degree of benefit lost. We are going to lose a certain amount of income obviously by the relief we are giving and by the increase of 1% it is expected that we shall gain more from some people and this will balance out. Mr Speaker, I commend the Bill to this House.

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

HON M XIBERRAS:

I was just wondering, on a point of procedural order, would it be in order at the Committee Stage to suggest change in the figures even though it might be a money raising measure?

MR SPEAKER:

It will not be a revenue raising measure to that extent.

HON ATTORNEY GENERAL:

It is certainly in order to introduce an amendment reducing the rates of duty. I

unfortunate case of the husband dying, then at least it is some help and some encouragement, perhaps, to the person who wishes to invest his savings in property for himself and his wife and family during his working life that when the unfortunate day comes when he passes on then at least his wife and, as the Hon Chief Minister has said we will look at extending it a little, will not have to pay the full weight of estate duty on the property which has been their home for, perhaps, many years.

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

HON ATTORNEY GENERAL:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken at a subsequent meeting.

THE SUPPLEMENTARY APPROPRIATION (1977/78)
(NO 3) ORDINANCE 1977

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to apply for further sums of money to the service of the year ending on 31 March 1978, be now read a first time.

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

The Bill was read a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that the Bill now be read a second time. The purpose of this Bill is to appropriate, in accordance with Section 65(3) of the Constitution, a further sum of £760,101 out of the Consolidated Fund and to appropriate, in accordance with Section 27 of the Public Finance (Control and Audit) Ordinance of, 1977, a further sum of £251,672 out of the Improvement and Development Fund. The purposes for which these additional sums are required are set out in detail in the Schedules to the Supplementary Estimates which I tabled at the commencement of these proceedings and in accordance with our procedure these schedules will be the subject of such detailed comments and scrutiny as the House may wish to make when the Committee Stage of this Bill is reached. The format in which the Supplementary Estimates schedules have been prepared follows that which we adopted at the last meeting of the House and I may, perhaps, take the opportunity of reminding Hon Members that the Schedules of Supplementary Estimates in respect of the Consolidated Fund are in two parts. The first part, known as Part A, is what I called the last time, I do not think there is any other way in which it can be described as ordinary supplementary estimate and Part B contains details of the expenditure which I have authorised under the powers that I have under the Constitution to make advances out of the Contingencies Fund and the Supplementary estimate therefore which comes before the House is to

replenish the Contingencies Fund. Hon Members will notice that on the last page of the schedule there is the division of funds as between those coming from the MOD by way of grants and those which will come from local funds. In both cases, the majority of the items to which we are seeking an additional appropriation is a revote. I have the honour to commend the Bill to the House.

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

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at a later stage of this meeting.

This was agreed to.

THE DEVELOPMENT AID (AMENDMENT) ORDINANCE
1977

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that a Bill for an Ordinance to amend the Development Aid Ordinance (Cap 44) by increasing the minimum sums which must be spent by a developer to be eligible for a licence, be now 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 FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that the Bill be read a second time. The purpose of the Development Aid Ordinance is to grant relief from income tax for a certain period in respect of capital expenditure incurred by persons on development projects in Gibraltar. In Section 3 of the Ordinance, as it stands, it is stipulated that the monetary limits of any Development Aid Project which must be satisfied in order to bring the relief provisions of the Ordinance into operation are £25,000, if the scheme or project is to be completed within a period of one year, or £150,000 if the scheme or project is to be completed in a period of from one to five years. The Ordinance was originally passed in 1963 when, clearly, the Legislative Council of the day accepted that these monetary limits were realistic and reasonable, but in the light of the erosion of money value which has occurred since then the Government now considers that for the purposes of the Ordinance the monetary limits should be increased. It is therefore proposed in clause 2 of the Bill that the present minimum monetary limit of £25,000 should become £50,000 and that in relation of the projects for completion within the longer period of one to five years, the minimum limit should be £250,000. Clause 3 of the Bill is purely transitional, Mr Speaker, I commend the Bill to the House.

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

HON G T RESTANO:

Mr Speaker, whilst agreeing generally on the principles of the Bill, I feel I must say that the amounts by which the increases are intended to be made would appear to be directed at attracting the large fish and doing away with any smaller investors who might have good investments to be made though not of a very high amount but which nevertheless might be good for Gibraltar, so we would reserve our position on the amounts.

MR SPEAKER:

Are there any other contributors? Does the Hon Financial and Development Secretary wish to reply?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, there is nothing else I wish to say at this stage.

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken later at this meeting.

This was agreed to.

COMMITTEE STAGE AND THIRD READING

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that this House shall resolve itself into committee to consider the following Bill, clause by clause.

The Weights and Measures Bill, 1977.

The Elderly Persons (Non Contributory) Pensions Bill, 1977.

The Factories (Amendment) Bill, 1977.

The Supplementary Appropriation (1977/78) (No.3) Bill, 1977 and

The Development Aid (Amendment) Bill 1977.

THE WEIGHTS AND MEASURES BILL, 1977

HON ATTORNEY GENERAL:

I would like to give notice of certain typographical amendments which I would like to make without specifically moving an amendment subject of course to the approval of the House. The first amendment is in Clause 5(3). It talks of a "Gibraltar reference standard of any linear or cubic capacity measure", it should be any linear, cubic or capacity measure. Those two words have got changed round. In Clause 9(1), in the second line, the word after "equipment" should be "is" and not "in", and in the First Schedule, Part I, the definition of "metre", the figure "10" should be

set below the "2p" and the figure "5" below the "5d". It is base 10 and base 5, in the First Schedule, Part VI, Mr Chairman, in the definition of "Ampere" it should be 10 to the power of minus 7 again that is above, as opposed to level, and in the Third Schedule, Mr Chairman, Part V, Imperial System, reading down the first column after "1 oz", it should be "8 drams" and not "8 grams".

Clauses 1 to 12 were agreed to and stood part of the Bill.

Clause 13

HON G T RESTANO:

Mr Chairman, what happens under Clause 13? What is the position where goods are imported from abroad and the weight or the measurement is not marked on that particular packet?

HON ATTORNEY GENERAL:

In practice, as I understand it, every country from which we import has weight described on the outside. I think this is now certainly a common practice in England and anything coming from the Common Market would have the weight marked on the outside. If necessary we can prescribe a relief if it should become necessary to do so.

HON G T RESTANO:

There are certain foodstuffs which are sold by the packet rather than by the weight or the measurement and I just wanted to clarify whether, in fact, they would have to be sold by weight or measurement. These are goods that do come from the United Kingdom not marked by weight or measurement.

Clause 13 was agreed to and stood part of the Bill.

Clauses 14 to 31 were agreed to and stood part of the Bill.

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

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

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

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

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS (AMENDMENT) BILL, 1977

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

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

THE FACTORIES (AMENDMENT) BILL, 1977

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

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

THE SUPPLEMENTARY APPROPRIATION (1977-78)
(NO 3) BILL, 1977

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

SCHEDULE

Schedule of Supplementary Estimates No 4
of 1977/78

Item 1 Head 2 Consumer Protection Unit was agreed to.

Item 2 Head 4 Education

HON M XIBERRAS:

Mr Chairman, could the Minister give an indication for how long this supplementary expenditure will be needed?

HON M K FEATHERSTONE:

Sir, this is to pay the hotel bills of the teachers concerned up to the end of the present financial year. We hope that there will be a decrease next year when some of them will be accommodated in the Red Ensign Club and some in the Sacred Heart Terrace where we also hope to make accommodation available for teachers but as far as this year is concerned there will be no decrease.

HON M XIBERRAS:

What will happen to the Sacred Heart Terrace or establishment from then onwards?

HON M K FEATHERSTONE:

We presume that it will be used as a hostel for teachers for some considerable period of time to come.

HON M XIBERRAS:

What are the arrangements at present as regards the ownership of the place?

HON CHIEF MINISTER:

This used to be held by the Christian Brothers from the Bishop and the Bishop held it for the Government. Arrangements have been made to rent it from the Bishop. The Christian Brothers have given up their right to the remainder of the lease and it has reverted to the Bishop.

HON M XIBERRAS:

Mr Speaker, is the Government at present paying a rent to somebody?

HON CHIEF MINISTER:

It has not been formalised yet because I do not think we have possession of it yet. The date for the commencement of the occupation has not been fixed yet.

Item 2 Head 4 Education was agreed to.

Item 3 Head 5 Electricity Undertaking

HON G T RESTANO:

Mr Chairman, for how long have the fuel storage tanks not been used?

HON CHIEF MINISTER:

They have not been put into commission. There were questions about this earlier on.

HON G T RESTANO:

Under the explanation, it says they have not been brought into use because of leaks.

HON CHIEF MINISTER:

That is right, it has not been leak proofed.

HON MAJOR F J DELLIPIANI:

The storage tanks still have not been used because they were tested with salt water and they were leaking and a decision was taken to cover them with a fibre glass compound to make them leak-proof.

HON G T RESTANO

Were they purchased, or where they purchased here?

HON MAJOR F J DELLIPIANI:

They are tanks built into the bastion itself. They were covered with a special cement but it was found not to be leak proof and what we decided was to cover this coating with a fibre glass compound to really make them leak proof. This will give us a reserve of fuel in case the Shell Company are not able to supply us.

Item 3 Head 5 Electricity Undertaking was agreed to.

Item 4 Head 10 Income Tax Office was agreed to.

Item 5 Judicial (1) Court of Appeal was agreed to.
Item 6 Head 16 Police was agreed to.

Item 7 Head 17 Port was agreed to.

Item 8 Head 19 Prison was agreed to.

Item 9 Head 21 Public Works Annually Recurrent

HON M XIBERRAS:

Mr Speaker, are there any particular works in mind in connection with this item?

HON M K FEATHERSTONE:

Mr Speaker, general maintenance and repair work that the Public Works Department is doing or should have been doing all the time.

HON M XIBERRAS:

I was going to ask when the original estimate for this £2m. were prepared and

whether the estimates took account of the slippage or whether we are likely to get an increase of the order which the Hon Financial and Development Secretary indicated?

HON M K FEATHERSTONE:

This was prepared about September.

Item 10 Head 22 Public Works Non-Recurrent was agreed to.

Item 11 Head 27 Treasury was agreed to.

Supplementary Estimates No 4 of 1977-78 was agreed to and passed.

Schedule of Supplementary Estimates No 3 of 1977/78

Item 1 Head 3 Customs was agreed to.

Item 2 Head 5 Electricity Undertaking

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I do not want to start apologising for the length of the explanation but the intention has been to give the House the fullest possible description, consistent with reason, for a supplementary.

HON M XIBERRAS:

Mr Chairman, Item 21, Training of Apprentices, I am always concerned about the cost of training apprentices. Perhaps the Hon Financial and Development Secretary might comment on it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I am afraid I cannot add anything to the explanation which I have given there. I cannot, I am afraid, add from my memory anything that would amplify that.

HON A J CANEPA:

Mr Speaker, I think the reason for the very substantial increase in the cost of training an apprentice can be almost entirely accounted for by saying that the estimate of £1,100 each that went in the 1966/67 Estimates were probably pre-Scamp and £2,100 which is now in the event costing to train an apprentice accounts for the Scamp increases in 1974/75.

HON M XIBERRAS:

Is the Minister generally satisfied that this is a reasonable charge? For instance, how does it compare with other training undertaken by the Government?

HON A J CANEPA:

This is something we have gone into before in this House, Sir. I recall that in the Budget before last we had a very lengthy debate about this as a result of which I caused the Financial and Development Secretary then, I think it was before the time of the Hon Mr Collings, to endeavour

to find out for me certain information about the cost of the combined Dockyard Apprentices Training Centre. There is no doubt about it, the cost of training an apprentice for the Gibraltar Government in the Dockyard is far in excess of what it costs us to train an apprentice at Landport Training Centre, probably as much as double, but I remember at the time giving the House information as to what went into the computation of the cost of training an apprentice and there is quite an element of overheads which we are being charged for which of course we do not charge ourselves, nor do we charge the PSA at Landport and that was very, very sizeable, the overheads accounted for 40% or 50%.

HON M XIBERRAS:

Mr Speaker, as I recall it was suspected at one time that part of the overheads was in fact part of the capital outlay in the refurbishing of the Centre itself and my question to the Financial and Development Secretary is, is that element being continued in the present cost of training an apprentice or has it disappeared now and the increase is purely because the previous estimate was pre-Scamp?

HON A J CANEPA:

I would say that that was being continued and was already reflected in the £1,100 of the original estimate and probably the increase is mainly accounted for by Scamp and a proportionate increase in overheads. If overheads were 20% of £1,100 they are probably still 20% of £2,100 but it is a proportion of the higher figure.

HON M XIBERRAS:

I notice, Mr Speaker, that under the Industrial Training Ordinance the Board has certain powers and that these powers are applied in respect of certain courses in the Dockyard Technical College. Can the Minister remember off-hand whether equal powers would exist in respect of Dockyard Apprentices Centre?

HON A J CANEPA:

No, they do not and it is no secret that I have tried to have amalgamated the Industrial Training Board and the Gibraltar Official Employers Apprentices Board. I think that training should be wide, it should cover both the Public and the Private Sector and I have not succeeded in convincing the United Kingdom Departments of the desirability of doing this.

HON M XIBERRAS:

Would the Minister, if he still feels that the cost of training apprentices is unduly high and because of the continuing interest that the House has in this particular matter, could he try to argue the point with the Apprentices Training Centre that they do have an obligation to training generally under the provisions of the Industrial Training Ordinance and

that therefore they should be prepared to accept, in some measure, the yardstick provided for other schemes under the Industrial Training Ordinance.

HON A J CANEPA:

This is a point that can be made but I doubt whether they see it that way. However, perhaps the time is opportune arising from these exchanges in the House that I could ask my colleague, the Hon Financial and Development Secretary, to write to the Finance Officer in the Dockyard with a view to updating the information which was provided for us a couple of years ago.

Item 2 Head 5 Electricity Undertaking was agreed to.

Item 3 Head 10 Income Tax Office

HON M XIBERRAS:

Is this required in connection with providing facilities to the public?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Chairman, this is it. This is the original estimate for the transfer of the Income Tax Office from one side of the road to the other and in the course of which proper arrangements for the public and so on will be made. The original estimate was £7,400 at the time Schedule No 3 was prepared but before we could introduce No 3 to the House we now hear that it is £8,500 and as Hon Members will see we can find £400 of that now and the balance that we are asking in Schedule No 4 is £800.

Item 3 Head 10 Income Tax Office was agreed to.

Item 4 Head 11 Judicial (2) Supreme Court was agreed to.

Item 5 Head 12 Labour and Social Security was agreed to.

Item 6 Head 13 Lands and Surveys was agreed to.

Item 7 Head 14 Law Officers was agreed to.

Item 8 Head 16 Police was agreed to.

Item 9 Head 17 Port was agreed to.

Item 10 Head 18 Post Office and Savings Bank and Philatelic Bureau, (2)
Philatelic Bureau

HON G T RESTANO:

What commission is given to the agents for the sale of stamps?

HON I ABECASIS:

In most cases 25%, Sir. From the 25% that the agents get they handle the advertising for us and we are happy. We follow the pattern of other administrations but we are looking at future possible contracts where we intend to reduce the percentage to perhaps 20%.

HON G T RESTANO:

Who are the agents?

HON I ABECASIS:

For Europe, the Crown Agents and for the Western Hemisphere and Japan the Inter-governmental Philatelic Corporation of New York.

HON J B PEREZ:

Is the Hon Mr Abecasis satisfied with the work the Crown Agents are doing for us as regards the sale of stamps?

HON I ABECASIS:

We are more satisfied now than we were before. Perhaps because we appointed agents in other parts of the world the Crown Agents' performance has improved considerably.

Item 18 Post Office Savings Bank and Philatelic Bureau was agreed to.

Item 11 Head 20 Public Works was agreed to.

Item 12 Head 21 Public Works Annually Recurrent was agreed to.

Item 13 Head 22 Public Works Non-Recurrent was agreed to.

Item 14 Head 26 Tourist Office (2)
London Office was agreed to.

Item 15 Head 27 Treasury

HON M XIBERRAS:

I would like to make a comment, if I may, on the £250 financial provision which is being made as a grant to the European Movement. I think this is a most important vote, if I may say so as Chairman of the Movement, not so much because the amount is in any way exorbitant compared to the benefits which all Members of the House who are members of the Movement not only hope but already have in terms of agency fees, Mr Speaker, I hesitate what the Movement might have drawn in already if the same standards were applied as for our Philatelic Agents. I think that already the Movement has given Gibraltar ample publicity worth much more in financial terms than the £250, but I am particularly grateful for this because it is a vote made separately for the Movement in by this House and therefore the freedom of action of the Movement is subject only of course to renewal by this House or increases or decreases by this House and in a matter which affects many aspects of Gibraltar's future and present, it is very good to see a separate vote in the Supplementary Estimates. I must also express my thanks of the understanding which the Government has shown of the requests made from time to time by the Movement and I can report that members of the Movement, including myself, had a very fruitful meeting with the Chief Minister some time ago out of which we came away feeling very happy with the results. The Gibraltar Branch would wish to thank the

Chief Minister and the Government for the cooperation which has been found. I am sure the European Movement will contribute greatly to spreading Gibraltar's case abroad.

HON G T RESTANO:

Mr Chairman can I ask for an explanation on the purchase of the computer. There is a token vote of £100.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, the token is of course to obtain the House's sanction and approval in principle, at this stage. The Government is convinced, on the basis of a feasibility study which was carried out on three particular areas of Government accounting, that the installation of a computer will lead to very substantial benefits and increases in efficiency. The three areas which were taken as the basis of the feasibility study were the computation of wages, the computation of salaries and then the keeping of the electricity/water/telephone accounts together with the preparation of individual bills. The study shows that of the personnel involved in those areas accounting processes the Government could expect to save possibly up to seventeen of the posts now engaged. Naturally those posts would not be made redundant, that goes without saying, it would be that seventeen would move to other duties. But in terms of the particular operation for computerisation, it is a reasonable argument to say that there would be a saving in cost from the wages of the seventeen who moved elsewhere. Another very great advantage undoubtedly in relation to wages which the feasibility study shows, is that given the trained operators, which I will come to in a moment, if as a result of any wages agreement, allowances or rates of pay then once the wages programme was set on the computer those changes could be given effect and payouts made within a fortnight or three weeks of any Agreement having been signed. In the manner of billing which is of very considerable, naturally to the public but it is also of very considerable interest to the Government in terms of revenue flow, there would be comparable improvements and it would be possible particularly to improve the overseeing of arrears because the computer could produce any given information regarding arrears as to the numbers, the amount or, indeed, the areas within which arrears were outstanding in order to give management a much better opportunity to follow up arrears. It will be necessary initially to recruit a computer manager. Computer operation is a skill which requires training and it would therefore be necessary initially to recruit a trained Computer Manager from Britain with the assistance of the computer manufacturers, namely IBM, and his services would be needed from some fifteen to eighteen months during which time it would be the Government's intention to recruit and train a civil servant to take over. At the same time it would also be the

intention to select and train a data controller and a computer operator who are the other key members in any computer team. The House will be pleased to know that the Ministry of Overseas Development, has agreed, in principle, to make technical cooperation funds available to meet the cost of the Computer Manager recruited from Britain and to meet the training costs of the local personnel who would be needed. The initial capital cost, Mr Chairman, together with an emergency power supply, is estimated at the moment to be £55,000 and if the House agrees to this token supplementary we shall be able to enter into a firm agreement which I am given to understand will commit the price. In other words, I am given to understand that there will be no increase in price once the agreement is entered into. The annually recurrent costs of the computer are estimated at about £5,000 a year for maintenance and what is known as computer software. As far as I am concerned this is the memory storage discs which remain, I am told, the property of the computer company, they do not sell that, and personal emolument given a local set up, as opposed to the technical assistance side, is estimated at about £8,000 at present levels of wages. So if the House approves this token provision, the next step will be to confirm the order, enter into agreement, and then immediately take steps to recruit the Computer Manager and to select and nominate the Data Controller. The computer operator, which is a much more lower level of operation, the selection for that can be made later on.

HON MAJOR R J PELIZA:

Can the Financial and Development Secretary say what the overall savings are by using a computer?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, it is difficult at this stage to be precise but bearing in mind the fact that I have said that in relation to the computer operation one would hope to save certainly seventeen jobs, then we estimate the savings would likely be of the order of about £30,000 a year.

HON M XIBERRAS:

Mr Speaker, in answer to a question some time ago about the use of a computer which I put to the Financial and Development Secretary, he said the staff were being consulted and there was, in fact, a seminar arranged which somebody from the Staff Association was invited to attend. I welcome the assurances that have been given that of course there will be no redundancy involved, but at the same time is the Financial and Development Secretary satisfied that there is positive support by the staff for this measure and will he undertake to continue at all stages to consult with the staff?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I am very grateful to the Hon Leader of the Opposition for raising this.

I can assure the House that the relevant Staff Association has been kept fully informed about the implications of the installation of the computer and the implication it will have on transfers of jobs and I am informed that the Association has raised no objection. I understand that there are a certain number of consequential matters as to the grades of staff who will become available for re-deployment which are currently the subject of discussion between the Industrial Relations Officer and the Association. I can certainly assure the Hon Leader of the Opposition and the House that the staff are being kept informed, have been kept informed, and will continue to be.

HON MAJOR R J PELIZA:

Mr Chairman, could the Hon the Financial and Development Secretary say how we go about acquiring the computer? Is it put to tender through special advice from any particular quarter? How do we know that we are buying the best available at the most competitive price?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is a very good question, Mr Chairman, but in the circumstances there are only, to my knowledge, about two or three recognised world wide computer people. In this particular case we have chosen IBM for the simple reason that IBM have just brought out the computer, which seemed to us from what we have read, as the most suitable for our limited purposes, and we are talking about a very, very limited computer operation here in terms of what computers can do, plus the fact that we have ascertained that IBM does have, and is well known to have, an extremely good follow-up service for its machines. We have in this particular case thought that it would not be necessary, not be appropriate, to go out for competitive tender because, apart from a couple of international firms there is probably nobody else who can compete. We have decided and selected IBM on the basis of all the information we have been able to acquire.

HON M XIBERRAS:

Mr Chairman, on the question of safeguards in the case of the computer breaking down, I appreciate it is not a big operation...

MR SPEAKER:

I would remind Members that all we are discussing at this stage is a token vote.

HON M XIBERRAS:

Mr Chairman, at one time my colleagues and I had a very big interest in this. Are we buying one system or do we have two systems, in fact, in case one fails?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, we are only buying one system but at the same time we are buying an emergency power supply, I do not think anybody ever buys a stand-by computer. One has to rely on the maintenance service and this, of course, will be part of

the training of the Computer Manager, that all ordinary breakdowns that one would foresee might happen in an ordinary operation, the Manager himself should be able to put right.

HON M XIBERRAS:

Is it of a type that it can be added on to?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, I understand it is.

Item 15, Head 27, Treasury was agreed to.

Replenishment of Contingencies Fund in respect of amounts advanced on the Authority of Warrants

Item 1, Head 14, Law Officers

HON M XIBERRAS:

Mr Chairman, I think the House should hear about how this matter has arisen.

HON ATTORNEY-GENERAL:

In February of last year there was a fire at the premises of Metalrock in Devil's Tower Road which destroyed a considerable amount of cardboard which had been stored there prior to exportation and it destroyed certain vehicles. The company claimed that the fire had been started by sparks emanating from the Refuse Destructor. Government denied liability and, indeed, there was certain evidence that although sparks were going over the fence they did not start the fire. A writ was issued against Government and the full amount claimed was £28,000. It was for decision whether we should fight this claim or whether we should offer to settle and, in the circumstances, a settlement for £8,000 appeared to be in the interests of Government.

HON M XIBERRAS:

Mr Chairman, what precautions have, in fact, been taken to avoid a possible recurrence?

HON M K FEATHERSTONE:

Sir, without saying that it was the fault to any extent of the Refuse Destructor staff, there is a certain amount of rubbish which is burnt on an open fire and instructions have been issued, in fact, they had been issued even before that when there was a high wind, especially an east wind, no such fire should be lit but a fire was lit on this occasion and, again, we will not say that it was sparks from this fire that caused it but the possibility is there and this is one of the reasons why we should not go to court on it. We have reiterated the instructions that when there is any reasonable or high wind no open fire is to be made.

HON MAJOR R J PELIZA:

Is it correct to say that this firm deal in scrap, is that right?

HON ATTORNEY-GENERAL:

So I understand, yes.

HON MAJOR R J PELIZA:

Is it possible that this old cardboard was worth £28,000?

HON ATTORNEY-GENERAL:

This was cardboard which was being exported to Kenitra. This was baled and compressed cardboard. Whether it had been first imported I do not know. There was a quantity of some 250 tons which was going to be exported for a considerable sum.

MR SPEAKER:

I am not going to allow Members to discuss the advice given by the Law Officers to whether Government should settle or not. We are voting a sum of money but we are not going into the merits as to whether the goods were worth the money.

HON ATTORNEY-GENERAL:

I am explaining that there was this cardboard and there were certain vehicles which were also damaged.

MR SPEAKER:

I will allow the Member to ask whether Government ascertained that the claim for which the money is being paid for warranted a settlement for this amount but that is all.

HON MAJOR R J PELIZA:

I cannot for the moment see a claim for £28,000 from a place which is a scrapyard being settled for £8,000 out of court.

MR SPEAKER:

I am allowing you to ask the Hon Attorney-General whether he is satisfied that this amount of £8,000 was a reasonable amount for Government to settle for in the light of the claim and the circumstances but I am not going to allow you to go into itemising the goods destroyed.

HON ATTORNEY-GENERAL:

Yes, I am satisfied that this was a reasonable sum at which to settle, that if the action had come to trial, I will say this, the claimant would not have got £28,000, they would have got considerably less but to settle for £8,000 I was satisfied because if they succeeded they would have obtained more than that sum.

HON MAJOR R J PELIZA:

Just one more question, Mr Speaker. Is this scrapyard properly protected, has it got a roof over it and, if not, isn't that something to be taken into account before settling?

HON ATTORNEY-GENERAL:

I can assure the Hon and Gallant Member that the legal position was considered with great care. I do not want to go into legal principles but you cannot blame in this case the scrap dealer. You cannot say: "If you had

a 100-foot high wall or if you had a roof you would not have suffered from a fire escaping from my land". You cannot impose on another party an unreasonable duty of taking care of his own property.

HON G T RESTANO:

Why is it necessary to have an open fire next to the Incinerator?

HON M K FEATHERSTONE:

Sir, the refuse incinerator is mainly for the burning of the normal household refuse etc, but it is not basically designed to cope with large quantities of wood which are sent to the incinerator for destruction. It is not either big enough in its mouth where it takes the refuse in to cope with this wood nor are the temperatures satisfactory for burning wood to any great extent. Since a great amount of refuse today is wood this is burnt on open fires.

HON M XIBERRAS:

Mr Speaker, I think what the Government needs to do is to build some sort of area where this open fire takes place. It is really primitive at present, a couple of corrugated iron sheets with some scaffolding and it is really in a very bad state, to my mind, and no burning should take place there at all.

Item 1, Head 14, Law Officer was agreed to.

Supplementary Estimates No 3 of 1977-78 were agreed to and passed.

SUPPLEMENTARY ESTIMATES IMPROVEMENT AND DEVELOPMENT FUND NO 2 OF 1977-78

Item 1, Head 101 - Housing was agreed to.

Item 2, Head 102 - Schools was agreed to.

Item 3, Head 103 - Medical was agreed to.

Item 4, Head 104 - Tourist Development was agreed to.

Item 5, Head 105 - Miscellaneous Projects was agreed to.

Item 6, Head 106 - General Services was agreed to.

Item 7, Head 112 - Potable Water Service Account was agreed to.

Item 8, Head 113 - Telephone Service Account was agreed to.

Item 9, Head 114 (New) Police was agreed to.

Supplementary Estimates Improvement and Development Fund No 2 of 1977-78 was agreed to and passed.

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

Clauses 2 to 4 were agreed to and stood part of the Bill.

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

THE DEVELOPMENT AID (AMENDMENT) BILL, 1977

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

Clause 2

HON G T RESTANO:

We feel that £50,000 is high for the minimum amount for a development and I would ask the Government to consider a reduction in this amount.

HON A J CANEPA:

It should be borne in mind that the figure of £25,000 when it was laid down at the time when the Ordinance was originally enacted in 1963 was a sum far in excess of what £50,000 represents today. Money has been eroded in value by more than 100% in the last fourteen or fifteen years and therefore £50,000 today does not represent a very considerable project. Perhaps proportionately, £50,000 is probably less than £25,000 was in the early 1960s.

HON CHIEF MINISTER:

The idea was at the time that it had to be substantial projects otherwise any improvement or anything else would seek that and it would erode considerably into the income tax structure in the sense that they would be exempt from income tax. If I remember rightly, and I stand to be corrected, the second figure was passed later. The original one was one for the big item of £150,000 only and then, as a result of representations for smaller schemes, we agreed to the £25,000. This is my recollection and the point is that unless the project is substantial and, of course, it has to be certified that it is in the economic interests of Gibraltar, a licence would not issue.

HON M XIBERRAS:

Does the Government get, at present, a flood of minor projects coming in?

HON CHIEF MINISTER:

That is really what has brought the matter to a head. Anybody who builds anything thinks that he can get development aid. They apply for it and half the time they do not get it because the requirements of the Ordinance are "for the economic interests of Gibraltar". I had somebody who was trying to persuade me that he should be entitled to development aid because he built himself a house and that is not for the economic development of Gibraltar.

HON G T RESTANO:

Surely, it is in the interests of Gibraltar to have a lot of development projects, even if they are small, if they are going to be in the best interest of the community as a whole.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I must reiterate what my colleague on my right said. The figures today in today's prices are not putting any greater strain on anybody than they

were when they were first enacted, less in fact, certainly the top limit of £250,000. I cannot accept the fact that we can invite, for any reason, all the small projects that come in every one of which has got to be critically and equitably examined to see what implications there are. If anybody is genuinely going to develop something for the overall interests of the economy and Gibraltar, it is going to cost him a lot more than £50,000.

HON M XIBERRAS:

Mr Speaker, we cannot accept that it is necessary simply to carry out a mathematical calculation on inflation. The House may very well feel that the smaller projects are worthwhile encouraging and then the Government will always have the safeguard of saying "this particular project is not in the interests of Gibraltar, this one is". We cannot accept the criterion of 1968 or whenever it was.

HON G T RESTANO:

I quite agree that there had been a great devaluation of money between 1963 and 1977 but the circumstances in Gibraltar in 1963 were totally different to the circumstances in 1977. Now we do need more development than we did then.

HON CHIEF MINISTER:

Let us put it this way, that the projects that we got for which approval was being sought showed that this was really not applicable. If we find that in the interests of Gibraltar there were projects that may be applicable and we thought that it was in the public interest, we would bring an amendment to the House perhaps with limitations. I give that undertaking.

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

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

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

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that the Weights and Measures Bill, 1977; The Elderly Persons (Non-Contributory) Pensions (Amendment) Bill, 1977; the Factories (Amendment) Bill, 1977; the Supplementary Appropriation (1977/78)(No 3) Bill, 1977 and the Development Aid (Amendment) Bill, 1977, have been considered in Committee and agreed to without amendment and now I move that they now be read a third time and do pass.

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

The House recessed at 1.15pm.

The House resumed at 3.30pm.

HON CHIEF MINISTER:

Mr Speaker, as it happens we have now finished with all the Government business on the agenda and there are four Private Members' motions on the agenda. The Leader of the Opposition is one of the movers of one of the motions and as it is public knowledge now, he and I are leaving this afternoon for other kinds of public business in London. It is the feeling of most Members that it would be a good time to adjourn now, as the Leader of the Opposition has got some business to do before we leave and so have I. I therefore now move the adjournment of the House to Tuesday the 8th November at 10.30 am.

Mr Speaker put the question which was resolved in the affirmative and the House adjourned to Tuesday 8th November 1977 at 10.30am.

The adjournment was taken at 3.45pm on Thursday 3rd November 1977.

TUESDAY THE 8TH NOVEMBER, 1977

The House resumed at 10.30 a.m.

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 Canepa - Minister for Labour and
Social Security
The Hon H J Zammit - Minister for Housing and
Sport
The Hon A P Montegriffo, OBE - Minister for
Medical and Health Services
The Hon Major F J Dellipiani, ED - Minister
for Municipal Services
The Hon I Abecasis - Minister for Postal
Services
The Hon A W Serfaty, 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, QC - Attorney-General
The Hon J J Castano, Acting Financial and
Development Secretary

The Hon Dr R G Valarino

OPPOSITION:

The Hon M Xiberras - Leader of the Opposition
The Hon P J Isola
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.

PRIVATE MEMBERS' MOTIONS

MR SPEAKER:

I have received two notices from Members who wish to raise matters on the adjournment. One is from the Hon and Gallant Major Peliza, who wishes to raise the matter of Air Communications and one from the Hon Mr Bossano, who wishes to raise the matter of the disturbances at the Civil Prison. On the adjournment therefore these two matters will be debated.

HON J B PEREZ:

Mr Speaker, I beg to move the following motion in my name: "That this House, bearing in mind Government's answer to question No.287 of 1977 in July, with regard to the industrial dispute at the Victoria Stadium and the disquieting information revealed therein and the subsequent events involving risks to health and the loss of the Victoria Stadium for sportsmen and young people, reminds the Government of its responsibilities to the Community in these matters and calls on the executive of the Transport and General Workers Union to withdraw all industrial action in the Victoria Stadium." Mr Speaker, the motion

really has a dual effect. The first thing that the motion asks for and calls on the Government, is to remind them of their responsibilities towards the running of the Victoria Stadium. The second part of the motion, in fact, calls on the executive of the Transport and General Workers' Union to withdraw all industrial action at the Victoria stadium. Mr Speaker, the present position is that due to union action, due to the blacking of the Victoria Stadium by the Transport and General Workers' Union, the Sportsmen of Gibraltar, the youth of Gibraltar and the schoolchildren of Gibraltar are deprived of the use of the Victoria Stadium. The problem arose last year in 1976 when the nortex which the Government had purchased to resurface the Victoria Stadium was blacked by the Transport and General Workers' Union. The blacking was in connection with a dispute over an agreement which had been signed by the employees and the Government. Due to the blacking of the nortex the management saw fit to cancel certain matches since otherwise it would have meant that the whole stadium would have to be re-done again at a tremendous cost to the Government and to the taxpayer. Subsequent to this, one of the water main pipes burst and the plumbing section of the Public Works Department refused to do this work. Mr Speaker, I myself have been to the Victoria Stadium and all that is required to be done is a one foot pipe and a stopcock, a job that could be done in half an hour and due to the burst water pipe none of the grounds are being hosed down which therefore renders the whole of the Victoria Stadium unfit to be used because it is impossible to hose either before the game or after the game as is required. If we were allowed to play on these pitches it would mean a tremendous cost to Government to have to resurface the whole of the surface at the Victoria Stadium. That is really the present situation of the pitches. Another effect of the blacking has been the non-availability of the gymnasium. As I understand the problem it revolves around two out of eight part-time cleaners and due to these two part-time cleaners not carrying out the work in the gymnasium the other six who are in disagreement with these two part-time cleaners are refusing to carry out the work at the gymnasium. This has meant that polishing has not been able to be done and I myself went to the gymnasium and saw tremendous cracks which were appearing all along the gymnasium and therefore I feel that the management had no choice but to cancel all matches at the gymnasium because otherwise it would have meant that tiles would have gone and the whole of the gymnasium would have to be re-tiled at again a tremendous expense. Mr Speaker, the first part of my motion which reminds the Government of their responsibility to the community in these matters is mainly due to the actual cost of the Victoria Stadium, I believe the project was in the region of £2m but most important of all we spend £74,750 a year for the maintenance of the Victoria Stadium. £74,750 for something which we are unable to use at present. In fact, to non-industrial we pay £18,230, to industrials we pay, including staff wages, public utilities and materials £56,520 and it is bearing in mind the tremendous cost to the taxpayer on the maintenance of the Victoria Stadium that I have put in my motion that I remind Government of its responsibility. I also am anxious to hear the Hon Mr Zammit, Minister for Sport, inform the House of what measures he intends taking to end the situation at the Victoria Stadium. I would ask him in his intervention to state the action that he has considered taking and what he proposes to do after this motion today should it meet with the support of all Members of this House. May I suggest to the

Hon Minister whether he has considered dismissal of the two part-time cleaners involved, whether he has considered a compulsory transfer of these two part-time cleaners involved or if he has considered meeting their demands. Mr Speaker the second part of the motion calls on the executive of the Transport and General Workers' Union to withdraw all industrial action in the Victoria Stadium. Mr Speaker, I have spoken to many people concerning this dispute. I have spoken to the cleaners themselves, I have spoken to members of the Government and I have also spoken to members of the Transport and General Workers' Union and I feel that I must quite categorically state who I think is right and who I think is wrong. I feel, Mr Speaker, that the action which has been taken by the Transport and General Workers' Union is unreasonable and totally unjustified. I feel it is totally unnecessary for what they are apparently trying to achieve to go to such extremes. Not only are they affecting all the sportsmen, schoolchildren and the youth of Gibraltar but they are affecting their own members themselves because due to the non-availability of the stadium the other employees, apart from the two part-time cleaners, are losing a lot of money. They are losing overtime and I think Government must seriously consider whether they are redundant at this particular moment of time because if they can't use the stadium why do you want people there. I think the Transport and General Workers' Union must take into account the wishes of the other members involved in the Stadium dispute and not just on two. The fact of the case, as I understand them, is that last year, I believe it was in August, 1976, an agreement was signed by the union and the Government in connection with conditions of staff at the Victoria Stadium. Prior to this the Union had been saying that 1½ hours per day and even two hours per day was insufficient to clean and to maintain the stadium, Government, in fact, gave in on this and it was agreed that part-time cleaners would work a period of 2½ hours for 7 days. This was after extensive discussions as to the inadequacy of two hours. In fact, the shop steward at the time who negotiated the terms with management was one of the part-time cleaners around whom the whole dispute revolves. Subsequent to this agreement, Mr Speaker, the same shop steward went to Government and sought to re-negotiate the terms and conditions of the August 1976 agreement. It appears that she, together with her mother, that is, two cleaners out of eight, wanted to do their cleaning work and then to leave before their two and a half hours were up. At this particular time, and I think this is in dispute, the other cleaners said: "We do not want to change the present existing conditions." They wanted to work for their 2½ hours as had previously been agreed in 1976. This ended up in one of the women concerned resigning her position as shop steward and she and her mother were supported in their claim by the Transport and General Workers' Union and I would say they were supported in the claim contrary to the wishes of the other six cleaners. They were then under union instruction, they used to go to the stadium, did work for a certain period of time and then left. The Government then decided to pay them for the hours worked because it was their argument that they had agreed to work for 2½ hours and if they worked for 1½ hours why should Government pay out that extra hour which they hadn't worked. Furthermore, the Government's view was that since in, 1976, the shop steward involved had argued that 2½ hours was insufficient, how come that she wanted to leave now after 1½ hours work? It was also pointed out, this time by the Transport and

General Workers' Union, that in other departments, like the Education Department, this is the normal procedure whereby part-time cleaners, although they have an agreement to work for a certain period of time like in this case 2½ hours, once they finish their work then they are allowed to leave, I believe that Government's answer to this is that it is impossible to compare part-time cleaners working in classrooms in the Education Department as to those working in a gymnasium where all the cleaners must work as a team and not individually. The next thing that arose, Mr Speaker, is the union informing the Government that they were taking sides in the dispute on behalf of the two part-time cleaners involved and they have sought certain information from Government and I would like the Hon Mr Zammit, during his intervention in this motion, to inform this House what is it that the union is really claiming because I don't really see what the claim is all about. Could he say what they are claiming and on whose behalf they are making their claim. Subsequent to this, Mr Speaker, the other six part-time cleaners involved have sent to the press copies of letters which they have written to Mr Nette, the Resident Officer of the local Transport and General Workers' Union and to Mr Harry Urwin in the United Kingdom at which they express the discontent with the Transport and General Workers' Union here in Gibraltar for taking sides. That, to me, Mr Speaker, leaves us in a really ludicrous situation. Let us suppose for one moment that Government now says to the two cleaners involved who are making whatever claim they are making; "Alright, we will accede to your demands, we will give you what you want." Then, Mr Speaker, what will happen is that the other six part-time cleaners will take industrial action. I ask myself, Mr Speaker, if this is the situation and if Government meets the demands of the minority, would the Transport and General Workers' Union then subsequently take sides on behalf of the other six part-time cleaners? This is why I feel that the position is a ludicrous one because whatever the Government does will still end up with the Victoria Stadium not being available and I think this is a very, very sad thing to happen here in Gibraltar, Mr Speaker. We are much harrassed by the Spanish restrictions and here we have the only real thing that schoolchildren are able to use, the Victoria Stadium, unable to be used. We are spending, as I have already pointed out, a lot of money on the maintenance, it is a £2m. project and it is a great pity. I therefore ask for the support of all members of this House on this motion and I would repeat that we should ask, as the motion does so, ask the Transport and General Workers' Union to withdraw all industrial action at the stadium and ask them to really consider the fact that they are taking the claim of two as against six and if Government were, to meet the demands of the two, then we would face industrial action from the other six. Mr Speaker, I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the Hon J B Perez's motion.

HON H J ZAMMITT:

Mr Speaker, Sir, I think that the Hon Member, Mr Brian Perez, can rely on support on this side of the House, I would say in its entirety, although there must be some qualification within the context of the motion and the first one, to which I think he has made some reference, is the question of "reminding Government of its responsibility to the community." Mr Speaker, needless for me to say that the responsibility of Government in this aspect is more than clear for our responsibility is one of providing

sporting facilities i.e., the Victoria Stadium, for maintaining the Victoria Stadium as we do and as has been mentioned by the Hon Member to the tune of nearly £100,000 per annum at taxpayers expense but what we cannot accept, Mr Speaker, is that we cannot have responsibility when a handful of individuals are prepared to hold Gibraltar to ransom over the matter and we cannot possibly go further than that because I will be answering the Hon Mr Brian Perez on a number of factors which will eventually boil down to a matter of judgement as to what we have done or what we haven't done. If we had done something possibly it would have had a different reaction for which we could have been very highly criticised although we can be very highly criticised at this stage for not having done something, so it is a matter of judgement. Mr Speaker I would just like, purely for clarification, to inform the mover of the motion that he has got his facts very right but not completely accurate and if he will bear with me I would just like to inform him that the blacking of the nortex was not in 1976 but in 1977. In 1976 we were unable to resurface the grounds because we had to buy nortex in conjunction with DOE to make things cheaper, obviously, in bulk, and it may be recalled that DOE had resurfaced all their grounds in 1975 and therefore there was no reason for them to have bought any in 1976 and that was why we did not resurface our grounds in 1976, hence the condition of our ground today is that it has gone two years without the normal maintenance. On the question of the pipe that the Hon Member made reference to which he saw at the Stadium, it is, Mr Speaker, quite pathetic that it is something just under a foot of piping that has caused the complete stoppage of the outdoor facilities. What happens, and it has been mentioned in the press release given by Government on this particular issue, is that nortex is a substance that depends entirely on its stability on water. It would be impossible for nortex to be used without water because once lifted it is blown away and the next thing we know is that we have no ground at all. May I say that our grounds are not at the moment in the best of conditions because of the resurfacing or the maintenance not having been done properly for the last two years. I would also like to remind Members, Mr Speaker, that the gymnasium, as probably members are aware, was only closed totally last Monday. After we had had a lot of pressure to close it down earlier on we have thought, again a matter of judgement, that we should hold out as much as possible but as the Hon Member has seen for himself the damage is very severe and needless for me to say that when we talk of damage at the stadium in the case of outdoor playing facilities, it would not be unreasonable to say we could well be faced with a bill of some £200,000 and I do not know what the cost would be to the indoor sports hall if the tiles were to lift as mentioned by the Hon Member. Mr Speaker, before I go any further I would like to answer a number of points raised by the Hon Brian Perez. Have we considered compulsory transfer? Yes, we have considered this, Mr Speaker, and it has been put to both the Union and to Mrs Vella and the answer is, no. Have we considered dismissal? Mr Speaker, needless for me to remind the House that during the previous months, we have suffered industrial action affecting Gibraltar in general on the blacking situation. Dismissal has been considered, but it was equally considered, as a matter of judgement which I made reference to earlier on, that it would have been very untimely to have dismissed this woman on these grounds because we did not want allegations of victimisation

against two unfortunate cleaners at a time when there was general industrial action. The other one is, have we considered meeting the demands of the two cleaners? I think the mover has very ably put it that it is an intolerable situation, for if we were to meet the cleaners requirement, not just six cleaners but something like 25 who oppose this at the stadium would walk out. I don't know, as the Member has mentioned quite rightly, if the union would then back them up. In my various interventions with representatives of sporting associations and individuals I have always tried to make my case on the grounds that we really have no dispute, that the dispute lies purely within the union. Provided the arrangement is satisfactory to Government, we have always accepted a majority desire. What we cannot do under any circumstances is to accept a minority desire over a majority wish. This is one particular case in industrial relations when Government, whatever people may say, just cannot move left or right. Whatever we do, we are wrong with the unions. I should also mention that every single member of the Victoria Stadium is a member of the Transport and General Workers' Union and in the case of the three supervisors they are ACTSS which is, I am told, a non-industrial branch of the Union. Every single member at the stadium is a member of the Transport and General Workers' Union but, alas, despite the fact that they have made representations, they are completely and utterly ignored and they must do, according to the union, what these two part-time cleaners want or nothing. Mr Speaker, I would ask your indulgence because there are a number of circumstances in this particular issue which have to some extent been mentioned by the Hon Member but which I feel ought to come from Government benches.....

MR SPEAKER:

I am not with you, what do you mean by that?

HON H J ZAMMITT:

There are certain points, Mr Speaker, that the Hon Member mentioned of what has brought about this particular blacking which I concur with and agree with but I think that from the Government one could clarify certain issues before the debate.

MR SPEAKER:

I was wondering whether it was an allegation that he had said something he should not have said.

HON H J ZAMMITT:

Far from it, Mr Speaker. As Members know the Victoria Stadium Sports Centre, which we refer to as Phase II of the Victoria Stadium, was completed in 1975. On the 21st February, 1976, the second phase of the stadium became fully operative. The staff complement at the time for Phase II were two supervisors, four attendants with cleaning duties, two full-time female cleaners, five female part-time cleaners on two hours per day, one handyman/craftsman and in the case of Phase I, which is the old phase, there was one part-time cleaner on a 20 hour week. On the 2nd February 1976, Mrs Vella, this is one of the ladies in dispute, was employed as a full time cleaner, and on the 7th February her mother, a Mrs Macedo, was employed as part-time cleaner at Phase II on a twenty-hour week primarily to clean phase II. On the 11th March, 1976, Mrs Vella was nominated shop steward of the cleaning staff and the management were officially notified by the union. On the 12th June, Mrs Vella at her own request asked to be

changed from a full-time cleaner to a part-time cleaner on a temporary basis, that is to say, on two hours per day. Mr Speaker, there were two meetings held with the Transport and General Workers' Union on the 14th July and again on the 4th August 1976. The union side were represented by a Mr Sufredo, the Hon Mr Bossano, Mr Drago and Mrs Vella herself as shop steward and they tabled a claim for a change in manning levels. I may remind Members that it was subject to some questions by the Hon Mr Kiberras at budget time and Government agreed to this, Mr Speaker, and we increased supervisors from 2 to 3. We increased attendants from 4 to 7 and we increased the part-time cleaners from 5 to 6 who would now be required to work $2\frac{1}{2}$ hours per day instead of 2 hours per day and for 7 days a week. It will be seen from these particular meetings that the union was making a claim that the 5 cleaners on a 2-hour per day basis were unable to clean the stadium and they requested $2\frac{1}{2}$ hours for 7 days plus an additional part-time cleaner, and Government agreed.

HON J BOSSANO:

If the Hon Member will give way. Is he saying that that was the union claim or that was the Government offer? Surely, the Union claim was 3 hours a day?

HON H J ZAMMITT:

Mr Speaker, I am glad to hear that. If it was three hours a day then I very much doubt how a cleaner can now say they can clean it in $1\frac{1}{4}$ hours. My information is that the Government certainly agreed to increase the cleaning time from two hours to $2\frac{1}{2}$ hours. The agreement also provided that these part-time cleaners would have to cover up for absences within the cleaning staff at the stadium and it was agreed there, Mr Speaker, that the whole cleaning staff, that is to say, the six part-time cleaners, the two full-time cleaners and the attendants, would work as a team. I see the Hon Mr Bossano shaking his head but I have minutes to substantiate, Mr Speaker, that the union agreed that they should work as a team. When this agreement was accepted by both sides, management brought up the question of another cleaner, one of the six remaining cleaners, who made representations that she was unable or unwilling to work the $2\frac{1}{2}$ hours per day because she had children and instead of coming in at 7.30 she much preferred coming in at 8.00 to see to her children going to school. I should mention, Mr Speaker, that this lady had in fact said that she was prepared to leave because the extra half an hour earlier meant some disruption in her own family chores. This was put, Mr Speaker, to both the Hon Mr Bossano and to Mrs Vella as shop steward and Mr Bossano himself stated that the cleaner would have to abide by the majority decision and the cleaner accepted this and is still happily employed to this very day. This new agreement came into effect and all went well until the 26th March when Mrs Macedo, Mrs Vella's mother, at her own request changed from Phase I to Phase II at $2\frac{1}{2}$ hours per day as she considered that to be better than work the normal 20 hours in the old phase. On the 10th April, 1977, Mrs Vella claimed that she would no longer clean at Phase I, that is the old phase, as she was previously been doing. What is done here is that working as a team somebody from Phase II goes over and assists in Phase I when required. On 18th April Mrs Vella, as shop steward, presented a claim to the Industrial Relations Officer that they would not allow their members to clean in Phase I, in other words, the team

was now beginning to be disrupted, because they maintained that they were being asked to work for what they were not being paid. We then found, Sir, that on the 21st April, Mrs Macedo went away sick, unfortunately, for some seven weeks. On the 12th May Mrs Vella, without prior warning, left her employment at 8.55, that is, one hour and five minutes before her time, stating that she was doing so under union instructions. The supervisor at the stadium informed her that he knew nothing about this and that he would be reporting her for leaving early. She continued doing this on a daily basis and during this time she also refused to clean in Phase I and to clean the Sports Hall. At least on one occasion she left without even telling the supervisor that she was so doing and it is usual that she leaves between 8.45 and 9.00 every morning. Mr Speaker, by this time it was clear to us that the union were backing up or supporting the claim of these 2 cleaners and then Government informed the union of the hours of work with regard to cleaners and this refers to all cleaners in Government. I quote: "All Government employees are employed and paid on the basis of conditioned hours. In the case of cleaners employed for fewer than 20 hours per week, the number of conditioned hours is calculated by reference to a square footage formula. The calculations or formula is purely a yardstick which has been used by Government since October, 1946". May I say that the formula is used with regard to manning levels as to how many people should be or should not be employed in a particular area. I continue to quote: "If some departments, as a concession, permit employees to leave early before they have completed conditioned hours, then it is purely a concession which, if abused, may be withdrawn by any particular department. It is for the department's to give this privilege and departments may require conditioned hours to be worked. No employee has a right to decide how many hours he or she works. If an employee absents himself without prior authority, disciplinary action may be taken and/or pay may be forfeited." Mr Speaker, it is here that Government then began to pay only for hours worked and it is here that the blacking at the stadium commenced. By this time, Mr Speaker, a certain amount of unrest was boiling up at the stadium between the cleaning staff and these two ladies. It escalated not only from the cleaning staff but from the general attendants and even to supervisors who were finding their position being undermined and found it quite intolerable. On the 24th May Mrs Vella was informed by the Supervisor on duty that she would only be paid for the hours actually worked. Mr Speaker, in an endeavour to stop possible friction between the other cleaners and these two ladies, management separated these two cleaners from the others. Management was informed that the six remaining cleaners had put pressure on Mrs Vella and Mrs Macedo to give up her claim to leave early and thus made Mrs Vella resign as shop steward of the union. Mrs Vella of course refused to clean the Sports Hall and as there was no other work available she left at 7.40 a.m., this is on the 30th May, having done no work at all and during all this time when she has walked away she has always insisted that she is acting under union instructions. Mr Speaker, needless for me to say again that the other staff at the stadium have very patiently continued to do their work despite the fact that they claim that they have been doing part of Mrs Vella and Mrs Macedo's job and they have been very patiently continuing to do the Sports Hall and other areas until two weeks ago when we were forced to close the Sports Hall. They made very strong representations to management that they wanted absolutely no change in their working arrangements and that they did not agree

with Mrs Vella's claim. It is here, Mr Speaker, that the first issue commences and that is that we find that the sewage pump which is by sheer geographical circumstances situated within the boundaries of the Victoria Stadium, is blacked, and it is here that one sees that it has an effect on the Stadium, as I will be mentioning later on, but Catalan Bay and all the North Front area including Glacis and Tower Blocks is served by this sewage pump, and I think Members can very vividly recall that it was intolerable to live in that area because of the smell that was caused and the health hazard that was caused to areas such as the marina, the Mediterranean Rowing Club and to the entire area. I should point out, Mr Speaker, that the toilets at the Stadium of Phase II are also served by this particular pump and there was around that time an international basketball tournament involving a Scottish team, an English team and a Portuguese team that came out to play basketball and we were only able to allow them to play and use the stadium on condition that they can not use the toilets or the showers or the changing rooms because as the stadium is on the lowest level the possibility of overflowing would obviously affect the stadium first and consequently it was agreed with the Gibraltar Basketball Association that they could certainly use facilities excluding the changing rooms, showers and toilets on the condition that if anything was to overflow from the toilets and ooze out on to the corridors, then I was not prepared to allow the stadium to be used at all. Fortunately, Mr Speaker, there was no overflowing and the tournament went through without the use of the facilities for which we have had to pay so dearly. Previous to that, Mr Speaker, we had only been affected as regards the supply of nortex and we understood that to be within the context of the general industrial action that the Government and the other official employers were suffering. On the 14th June, Mrs Macedo who had been away sick, returned to duty and she takes exactly the same stand as her daughter, i.e., walking away when it suited her and refusing to clean the hall and, again, she was also allocated an area to avoid friction with the other staff. On the 20th June Mrs Macedo refused to clean the Sports Hall, as I mentioned, for the first time and she had to leave as there was no other work on that particular day. I should mention, Mr Speaker, that because of the mere heavy use of the stadium, particularly during weekends, it is quite normal that the Sports Hall is given a particular waxing and polishing on the Monday and I must again emphasise that the other cleaners have continued to clean the hall under protest and they insisted that they were not prepared to continue much longer carrying out the work that these two other female cleaners should share with them. The other cleaners, Mr Speaker, informed management in writing that in future they would not clean the Sports Hall if the other two cleaners refused to do so. They also mentioned, Mr Speaker, because there were certain allegations, in writing, that this in no way meant any form of dissatisfaction with management or any other reason. Management has been able to convince the other cleaners day in and day out to do the hall in the hope that the union or Mrs Vella or Mrs Macedo would see the light that their claim is completely illogical and that we cannot under any circumstances impose a minority desire over the majority. Mr Speaker, in answer to question No. 287 in July 1977, a question put by the Hon Mr Maurice Xiberras, the Hon the Chief Minister made a statement in regard to the Stadium and there were a number of supplementary questions asked, including the Hon Mr J Bossano, who as I think I have mentioned was very much involved in the dispute at the stadium. One thing I would

like to say, Mr Speaker, is that at the time the Hon Mr Bossano mentioned that the whole dispute evolved on the difference of interpretation given by the Government and that of the union - and I refer to the agreement of working 2½ hours round about August 1976. It was here Sir, that the Chief Minister mentioned that if it was a question of disagreement or a question of a different interpretation of what 2½ hours meant or did not mean, then Government was quite prepared to put this to a third party but, Mr Speaker, reading through the Hansard I find absolutely no reply from the Hon Mr Bossano in accepting or rejecting such a proposal. Mr Speaker, I have read this Hansard a few days ago and I think that apart from the valuable contribution that other Members made, it ends with the intervention by the Hon P J Isola who ends up by saying "a great number of people in Gibraltar had to suffer because the shop steward does not agree with the six cleaners." Mr Speaker, as I mentioned earlier on Mondays is dedicated entirely to the Sports Hall. It was then found that invariably every Monday Mrs Vella and Mrs Macedo would fail to report for duty with absolutely no excuse and on the 4th September both Mrs Vella and Mrs Macedo informed the duty supervisor that in future they would not turn up for work on Monday mornings and again she insisted that she was doing so under union instructions. Subsequently, every Monday, there is no appearance from Mrs Vella or Mrs Macedo. I must also point out, Mr Speaker, that the question of having to separate these two ladies from the other staff is most unsatisfactory to management because it affects the cleaning of the stadium which should be carried out by team work. Now, Mr Speaker, we now come to the famous bit of piping that the Hon Mover has mentioned. In October due to the bad conditions of the outdoor playing areas and its need for a surface restoration, we had to inform all associations and schools that these facilities, because the nortex was being blacked, would have to be restricted i.e., we would have to cut down the main allocation block so that we could accommodate as much as possible but at the same time being very careful not to damage the existing surface beyond repair. We also mentioned that we could not increase until the Transport and General Workers' Union lifted the blacking at the stadium. The associations and the schools were, naturally, not very happy with this but I think they were quite reasonable in accepting that there was no other way but to restrict the use of the stadium for the time being. Having said that, Mr Speaker, we find that on the 7th October this famous little 9½ inches of pipe burst and that put a spanner in the works because now we could not even afford to allow restricted use. As I mentioned earlier on salt water is the main element that holds down the nortex and once we had no water we had to cancel all allocations. Mr Speaker, here I would like to digress slightly and say that if ever hockey in Gibraltar deserved the maximum possible facilities it surely should have been this particular season. Gibraltar has been able to qualify to play in Germany in the Nations cup. We also have the league champions who are away to Yugoslavia and they are being deprived completely of hockey because much to my regret the only other hockey pitch available to them at USOC which, of course, is not an ideal ground for training, is being resurfaced by the Department of the Environment or MOD and for the next two weeks there will be absolutely no hockey. I have still not spoken about our schoolchildren or about the other 7,000 people that go to the stadium on a weekly basis but there appears to be no concern whatever and the only concern is that we must satisfy the two cleaners and the union otherwise there is nothing doing. I would like to

mention, Mr Speaker, that members of our own staff at the stadium who are members of the Transport and General Workers' Union opened a little hole at the stadium and they found a burst pipe and they were prepared to fix it up but there was some.....

MR SPEAKER:

Let us not go into very small details. I have not interrupted all this time but we must draw the line somewhere.

HON H J ZAMMITT:

Mr Speaker, I have made reference to this matter to show the goodwill of our own staff in trying to restore even on a limited basis and against union instructions, some playing facilities for our sportsmen. Mr Speaker I must also mention that the burst pipe situation arose a few days before there was a commitment with the Gibraltar Junior Football League in providing the Victoria Stadium for something like four games and they had gone to no small trouble in arranging visits from a Scottish youth side and an English team from Sutton Coldfield. They made representations to the Union and our information was that the Union was prepared to lift the blacking if Government gave them an undertaking that Government would allow no other associations or sportsmen to use the ground with the exception of the Gibraltar Junior Football League for those 4 days. Mr Speaker it would be indefensible for Government to have a stadium which could be used but was restricted to a particular user. A number of letters of course appeared in the press Mr Speaker, one I think was from team managers and then one found that a meeting was held with the union and with the officials of the Gibraltar Junior Football League and for some unknown reason the Gibraltar Junior Football League came out with a communique saying that they didn't agree entirely with what the managers had said. Apparently there was some undertaking on the part of the union that they would look into the matter the following day. In fact, 5 days later they still hadn't had a reply. I should also like to mention, Mr Speaker, that on four or five occasions the staff at the Stadium had requested the presence of the Hon Mr Bossano and Mr Netto at the stadium to tell them quite clearly and leave them in no doubt that they wanted absolutely no change in their working arrangements and that they requested these two union officials to support the majority at the stadium and not to ignore them for the minority. Mr Speaker, absolutely nothing was achieved and they were told that they had to abide by the wishes of these two cleaners. Mr Speaker, on the 22nd October this year, the union claimed that if Government did not accede to the claim made by Mrs Vella and Mrs Macedo it would affect all other cleaners in Government departments. We sent Mr Netto a letter informing him that, without prejudice to any Government Department, the requirements at the stadium could not permit the system that is carried out by other cleaners in other departments. Mr Speaker, it was also mentioned to us that we should pay Mrs Vella for what she had not worked and that, possibly, the blacking would be lifted. This proposal was quite unacceptable because under no pretext could we pay Mrs Vella and Mrs Macedo what they haven't done. It was on the 24th October, Mr Speaker, that the Victoria Stadium staff in its entirety except, of course, Mrs Macedo and Mrs Vella, published a letter in the Gibraltar Chronicle expressing their free opinion and wishes on the matter and they also wrote a letter to Mr Harry Urwin, the General Secretary of the Transport and General Workers' Union in London, and they asked him to help them against Mrs Vella and Mrs Macedo's claim which was being backed by the local union and which was

affecting them financially. Let us not forget Mr Speaker, that because the football grounds are not being used all the ground staff are finishing at 5 o'clock in the afternoon and normally the outdoor sports go on until 9.30 or 10 o'clock at night. These members of the Transport and General Workers' Union are losing a substantial amount of money because the union are, apparently, only prepared to defend the wishes of two cleaners. Mr Speaker, there was of course a reply to Mr Harry Urwin but the reply was blacked by the Post Office staff. In fact, I would take this opportunity to apologise to the many people who have sent me correspondence and invitations to which I have not been able to reply or attend functions because my mail has been blacked by the Transport and General Workers' Union, as far as correspondence addressed to the Victoria Stadium was concerned. When things are addressed to the Housing Department I always get them. This blacking has now been lifted and last Thursday I got a backlog of mail.

MR SPEAKER:

How many parties did you miss?

HON H J ZAMMITT:

Funnily enough, Mr Speaker, there were several parties I missed. Mr Speaker, the industrial action at the stadium goes back to April or May. Mr Speaker, on the 25th October there was the formation of the Association of Gibraltar Sports that got together from all sporting organisations in Gibraltar in an attempt to resolve the Victoria Stadium dispute. They held several meetings, they held one with the union and they held one with us and I think, certainly on the Government side, I gave them the history that I am giving the House today and the Associations have throughout maintained neutrality, they have not so far taken sides, and I think they have made several attempts to get the blacking lifted. In fact, Mr Speaker, I mentioned that we had received unofficially an offer that if we paid Mrs Vella all the money that she had not worked, the blacking would be lifted. However Mr Speaker, I know that the Association of Gibraltar Sports offered to pay Mrs Vella, through the Union, all that she had not been paid and this was rejected by the union, Mr Speaker.

MR SPEAKER:

I take it that you are making yourself responsible for that statement.

HON H J ZAMMITT:

Of course, Mr Speaker, whatever I say here I can back substantiate otherwise I wouldn't say it. Mr Speaker, that brings us really to the basic problem and that is, why is it that the other cleaners at the stadium are not prepared to work less hours? Because it does seem quite illogical that the other cleaners would want to work more hours. There is a reason behind this, Mr Speaker, and the reason is that in order to leave early, cleaners would have to work at a much faster rate than normal and some of the cleaners who are of a pretty advanced age are not prepared to kill themselves and risk their work in order to be able to leave half an hour or an hour earlier just to satisfy Mrs Vella who, after all, were only employed for 2½ hours a day. It was agreed, as I have mentioned, that the six part-time cleaners work as a team with the two full time cleaners plus the two attendants and a change would detract from the work sharing which is an essential part of existing agreement. Mr Speaker, it must be clearly understood that the

Stadium has to be ready by 10 o'clock in the morning so that schoolchildren can come and use it and then the two full-time cleaners and the attendants with cleaning duties just go over what has been cleaned already to maintain it at the level which has been very highly commended by all users of the stadium. There is of course a difference between cleaning a classroom or an office and cleaning the stadium. There are showers, toilets, which are again re-used by schoolchildren and have to be cleaned again. It is not that we can work 1½ hours and go home. If they insist in working 1½ hours and leave it clean until the following morning, we can agree to that provided that we agree that the stadium has to be closed at 6 in the afternoon, or at 7, and then of course the use would be purely for educational needs but the Associations would get absolutely nothing from it. Mr Speaker, in other Government departments cleaners who are allowed to leave early are required to perform the required footage, that is to say, 700 sq ft per hour. At the stadium, for example, on the day that the Sports Hall has to be cleaned and maintained, by 10 a.m., that is when the part-time cleaners leave after 2½ hours work, the part-time cleaners would have only performed by the footage formula 1,000 sq ft each and not required 1,750. After 10 a.m. work on the sports hall is finished, as I mentioned earlier on, by the two full time cleaners and the two attendants and these 4 cleaners are quite prepared and have no objection to the 6 part-time cleaners leaving at 10 o'clock on that particular morning, having only completed a 1000 sq ft, provided that they all continue to work as a team. But if there is a change in the system they would expect the six part-time cleaners to complete their required 1,750 sq ft before they leave which would mean that they would leave at something like 11.30 a.m. and they are not prepared to have that. Mr Speaker, I would like to say that there has been a lot of correspondence in the press, and the matter has been discussed on radio and television except in "Vex" which has not said a single word about the poor sportsmen until a day before the demonstration. There were press releases and there were communiques by the Gibraltar Hockey Association, the Gibraltar Football Association and various other organisations, including a number of private people who have written a number of letters asking questions and making certain suggestions but, as I say, "Vox" which is published on Saturdays came out last Saturday with the whole paper dedicated to me Mr Speaker.

MR SPEAKER:

Let us not dedicate the whole of the debate to "Vex".

HON H J ZAMMITT:

I can assure the House, Mr Speaker, that every week I get so much publicity in "Vox" that people say I am a director. I can assure the House I am not. "Government use the stadium to play politics." This is the Vox headline on Saturday 5th November. This is on the day that the demonstration is supposed to call on the Government and the union. Mr Speaker, I hope that I have been able to give a reasonable account of what has gone on and the only allegation that has been made to me personally by the poor sportsmen is that Government has not acted right in not having dismissed this woman from the outset. People ask how can Government tolerate a situation that Gibraltar is held to ransom on account of two cleaners, two cleaners who negotiated the present agreement, Mr Speaker, let us not forget that. It is not that somebody else negotiated on their behalf, they were

present at the meeting and they negotiated this agreement. In fact they asked for more hours at the stadium and two weeks later they can now work half that time and get more money. Mr Speaker, that is where the finger can be pointed at Government. It is not that Government takes an intransigent position, in fact, Mr Speaker, many people accuse Government of being too weak. If Government had dismissed the two cleaners there would have been a big rumpus over Government taking revenge on two poor cleaners. The situation, Mr Speaker, cannot be tolerated much longer and I think Government have done their utmost to keep the stadium going as far as they have been able and the course of action to be taken could well be as a result of this particular motion. One cannot allow the Stadium facilities to be brought to a grinding halt just because some particular cleaner wishes to change what she herself negotiated. That is intolerable, it is unfair on the sportsmen, it is unfair on our schoolchildren, it is unfair on our own staff. I would like the union to take note that they are their members also. It is discrimination against their own members and these poor people are suffering unduly because the union is just being stubborn. There is absolutely no justification whatever, Mr Speaker, for the union to take this kind of action against the stadium and there is no justification today as there was no justification to have stopped the pump and thereby create a health hazard caused by the discharge of raw sewage near the Mediterranean Rowing Club and the Marina. It is high time, Mr Speaker, that somebody should tell the union that enough is enough, that Gibraltar is not prepared to continue having to suffer the consequences of two particular females or two cleaners and have Gibraltar blacked because that is the only arm they have against logic Mr Speaker, in trying to coerce people into having to suffer the consequences which they themselves know, and when I say they themselves know, Mr Speaker, I take full responsibility for my statement, that even the union know that they are wrong and I say that, Mr Speaker, with authority. Thank you, Mr Speaker.

HON J BOSSANO:

Mr Speaker, the House has heard one version from both Government and the mover of the motion. There is no doubt that in supporting fully, not the motion, but the attitude of the Transport and General Workers' Union, I find myself in a minority of one in this House of Assembly. Perhaps it is not a bad thing that people should show themselves in their true colours so that the working people in Gibraltar know where each one stands....

HON H J ZAMMITT:

Mr Speaker, if the Hon Member will give way.

MR SPEAKER:

You have had your say without interruptions. You should now allow the Hon Member to expound his views and his explanations without being cut short every other minute.

HON H J ZAMMITT:

Mr Speaker, I probably have to ask your guidance on this but if I remember....

MR SPEAKER:

Do not ask for my guidance because the rules are very clear. You may ask Hon Members to give way occasionally but let us do so at the end and not at the beginning of an address because I do not think it is fair on the person who is starting an

address to be interrupted at the very beginning.

HON H J ZAMMITT:

Mr Speaker, I am very grateful to the Hon Member for giving way. I seem to recall, Mr Speaker, that at the adjournment of the last meeting of the House it was the Hon Member himself who refused to answer a question by the Hon Mr P Isola saying that he was not here as a member of the Transport and General Workers Union and that he was here as a member of the Gibraltar Democratic Movement and he made no comment....

MR SPEAKER:

Order. That is precisely why I interrupted you at the beginning. You cannot get up and interrupt every time you disagree with something that the Hon Mr Bossano is saying because otherwise we will not be able to debate the issue.

HON J BOSSANO:

Mr Speaker, I am not here representing the Transport and General Workers' Union. All I am saying is that it is not a bad thing, since everybody else is obviously united in their opposition to what the Transport and General Workers' Union is doing, perhaps the House should have the opportunity and benefit from my intimate knowledge and involvement in this dispute as an officer of the Transport and General Workers' Union, in hearing the other account of what has taken place, an account which I regret to say the Hon Mr Perez might have looked at in his motion if in fact, the motion is intended to be a balanced motion calling on one side to do something and on the other side to do something else. If that is not the case if the motion is a condemnation of the Transport and General Workers' Union for what they are doing, then it is a good thing that those who are wanting to make use of this opportunity to condemn the Transport and General Workers' Union, should say so quite clearly so that everybody knows where everybody stands. As regards the original agreement negotiated between the Government and, perhaps, Mr Speaker, although it may be difficult for members of this House who are not themselves trade unionists to understand, the question of the negotiating rights for pay and conditions of service in the Government is decided by virtue of the majority of industrial workers that belong to one particular union. So that, in fact, the pay and conditions of service of employees in the Victoria Stadium or anywhere else for that matter are held by the Transport and General Workers' Union by virtue of its majority in the public sector. When the union negotiates something for one particular area it must do so against the background of what it negotiates in the public sector as a whole. In the case of the Stadium, when the original manning levels were being agreed, the union adopted of course the stand that it adopts in all cases where it has to agree with Government the number of hours that should be worked and the number of people that should be employed to do a particular job. In the case of part-time cleaners the union's claim for three hours was based on two arguments, one, that taking into account the effect of UK analogues, people employed for less than 18 hours a week would stand to lose out on conditions of service, a case which has already materialised in the case of improved sick benefit allowances in the public sector which has been made available only to those conditioned to work more than 18 hours a week and where Government has offered to make an exception for those in service which would not apply to new entrants. That was one argument the union used. The other argument the union used was that the amount of

work required to be done in the stadium was worth more than 2 hours and more than 2½ hours a day, that it was worth 3 hours a day. For the other 250 cleaners that the Government employs, when the manning levels and the hours of work are negotiated with the Transport and General Workers' Union, in effect what is being negotiated is a price for the job and if the Government considers that the job should take 2 hours well they offer 2 hours and then in that process of negotiation the overriding criterion applied is the application of the square footage formula. In the case of the stadium, Mr Hedges, the person in charge of the stadium, has maintained throughout that his cleaners were not being employed on the same basis as everybody else, that he didn't agree with people being employed by square footage, that he wanted them employed by hours and the position of the union in fact who are not particularly in love with the square footage formula that limits considerably the room for negotiations because it takes no account of the nature of the work that has to be done, it just takes account of the size of the area that has to be cleaned, the union has maintained that if you are applying the square footage formula to arrive at the hours in the stadium, then you are not doing anything different in the stadium from what you are doing anywhere else and the staff in the stadium has got the same right to insist that they should be allowed to leave their place of work when they have completed satisfactorily all that is required of them, as cleaners do anywhere else in Government. That was the essence, in fact, of the claim put forward in April this year on behalf of all the part-time cleaners all of whom requested that the union should bring up with the management the question of why they were not allowed to go when part-time cleaners elsewhere were allowed to go. It was made exclusively on behalf of part-time cleaners and it was a unanimous decision of the part-time cleaners. When this was taken to the Gibraltar Government section of the Transport and General Workers' Union and was discussed to see whether it should begin an official backing or not by the Gibraltar Government section, the Gibraltar Government section agreed that it was a legitimate claim, that it was nothing extra that was being asked for, that it was a logical consequence of having accepted two and a half hours a day on the basis of the argument put forward by the Government that the three hours could not be met because the area was insufficient to produce three hours work, that the area only produced 2½ hours work and, consequently, the position of the union is that if there is a stipulated unknown area which requires 2½ hours work and if it is possible for the women to clean that area satisfactorily in less than 2 hours, there is no valid reason why the Government should insist that those women should stay behind in the stadium doing nothing until the 2½ hours had elapsed. Having put this forward on behalf of all the women and having had it rejected by the Government, it was found that of the six....

HON M XIBERRAS:

If the Hon Member will give way. He said that the matter has been put to the Gibraltar Government section of the Transport and General Workers' Union. Was this put as a dispute affecting all cleaners and did the other cleaners in other Government schools and so forth, were they aware of the dispute and did the Union carry out a sounding of opinion as regards what cleaners, generally, in Government service felt?

HON J BOSSANO:

No, the machinery is, in fact, that the Gibraltar Government section meets once a month,

Mr Speaker, and claims from different areas of the Gibraltar Government industrial employment are brought to the section to be formally tabled at the monthly meeting that takes place with the Industrial Relations Officer and this was a claim specifically for the stadium based on existing practice throughout the rest of the Gibraltar Government, that is, a claim was put forward on the grounds that the six cleaners in the stadium wanted to be treated the same as the 250 other cleaners. The 250 other cleaners didn't need to be consulted because they were already enjoying what Government has called a concession but what the Transport and General Workers' Union considers to be an established practice. At that stage there was no reason to suppose that it would be a very difficult claim to either pursue or justify. It was being justified on the grounds that it was possible to do and that it was done elsewhere and an explanation was wanted as to why it couldn't be done in the stadium. When it was made quite clear that it couldn't be done in the stadium because the management in the stadium would not accept it because they felt that it wouldn't work there, of the 6 cleaners who had already requested it there is a seventh part-time cleaner who has been enjoying this concession on and off, Mr Speaker, at the moment she is not enjoying it, of the six part-time cleaners who have requested that the union should pursue this, four came back and said that they now believe they would be worse off. It is quite obvious that they have been led to believe that they would be worse off. It had been suggested to them that they were not doing all the work they should be doing and that they really were in a situation where they were staying until 10 o'clock but not completing the work that they were supposed to be completing and that if they insisted on going when they had finished the work, then the actual footage that they were required to clean would be insisted upon. Although this was put across unofficially inside the stadium, officially across the negotiating table that argument, for example, the argument mentioned by the Hon Minister for Sport about the 1,000 square feet, has never been used, in fact, no argument has ever been used. No one has ever said what are the obstacles to applying in the stadium what applies everywhere else so that those obstacles can be looked at and the union can see whether in fact it is an unworkable system or not. At one stage the only argument that was used was that it was at the discretion of the head of the department and that if the head of the department in the Victoria Stadium didn't agree with it, well, that was it. The hours of work were decided by the head of the department and not by the workers, that phrase has been repeated on a number of occasions in a number of meetings and that in fact is an unacceptable policy statement as far as the Gibraltar Government section of the Transport and General Workers' Union is concerned because it implies that any Head of department affecting the other 250 cleaners has got the right to make his employees work their conditioned hours notwithstanding the fact that they haven't been doing so since 1946. When that statement was made it was made absolutely clear to the Government that, quite apart from the stadium dispute, unless and until an agreement was hammered out which protected the position fully of the other cleaners who already enjoyed this system of working, the union was prepared to recommend industrial action to its 250 female cleaners in respect of their own conditions of service since the position of the union in this matter is that if the Government wishes to employ people by the hour then it doesn't make any difference what the area is and if the Government

wishes to measure the area then once that area has been cleaned no additional work can be given. It is a pure and simple criteria which is identical, for example, to the criteria that is used in arriving at time rates as opposed to piece rates. If a worker is employed by the hour then he is paid by the hour regardless of his level of productivity in that hour. If the worker is employed to do a particular job in "x" number of hours then if he can do the job in less hours the benefit of doing the work quicker goes to the worker, it doesn't go to the Government. The Government cannot give additional work to take up the hours that have been saved. It is a fundamental policy which the Transport and General Workers' Union applies throughout its negotiating procedures throughout the three official employers and is not prepared to see an exception made to this in the stadium unless very cogent and valid reasons can be produced which to date have not been produced. To date the situation is, and it was yesterday, that after a two-hour meeting a number of detailed questions put forward by the union side as to what the problems in the stadium specifically were and as to how the work was shared out amongst this team, were not answered because the Government side said they needed advice. That was the position a fortnight ago that questions were not answered because the Government side needed advice. Of course it is impossible to make progress until the reasons can be given. The Hon Minister for Sport said that the reason is that the cleaners must work much faster in order to leave early. Well, surely the Hon Member must know that it has already been said from the union side that if the problem is that not all the cleaners can work at the same pace and the Government doesn't want a situation where a cleaner that works faster leaves earlier than a cleaner who works slower, then an alternative that can be looked is that nobody should leave until the whole work of the whole team is completed so that the faster cleaner would help the slower cleaner. But of course this is not a reason that has been put across in negotiations, it is a reason that has been mentioned here. The Hon Minister for Sport has also said that the team consists of six part-timers, two full-time cleaners and two attendants. One assumes that the seventh part-timer who works in Phase I is not a member of the team in which case, since this lady also wants to go when she has finished her work, then, perhaps, the Government may be able to produce an answer across the negotiating table, not here, because this is not the place to do it. The question has been put across the negotiating table as well, what is the problem with the woman whose work has been measured, who has been employed for 4 hours on the basis that there is 4 hours of work there, who is working on her own, who never goes to help anybody else and who never receives any help from anybody else, she does the work absolutely on her own, what is the problem with her going when she has finished her work if she does it, say, in $3\frac{1}{2}$ hours instead of four, what is the obstacle there? That is something that the Government Industrial Relations Officer says he needs advice on so, perhaps, if he can obtain the necessary advice it might be possible to make some progress. The other position regarding this team that the union has asked for information is that since the full-timers are employed for 8 hours a day and the part-timers are employed for $2\frac{1}{2}$ hours a day and since the area has apparently been measured to account for the hours of everybody, how is the relationship between the hours that people get paid and the amount of work that they are required to arrive at? Are the 8-hour employees expected to do three times as much cleaning as the $2\frac{1}{2}$ hours employees, or not? Again, Mr Speaker, there has been no

answer. As far as the Transport and General Workers' Union is concerned the original decision was taken by the shop stewards of the Gibraltar Government Section that the claim was a legitimate one, that it should be given Gibraltar Government section backing and that if, in fact, the claim failed to be settled by negotiation and industrial action was taken and any reprisals were taken against any of the people carrying out union instructions, then the dispute would be made an official one at the level of the Gibraltar Government section and all other Gibraltar Government section workers would be asked to give their support by blacking the stadium. In fact, Government was informed of this before the blacking started on the 19th May. It was never challenged at the time when the Government intimated that they were preparing to take money away from the two cleaners who left early. It was never challenged by Government that the work was being completed, that the workers were not doing less work although they were leaving early and, in fact, Mr Speaker, if the Hon Minister wants to satisfy himself on this point, I am sure that he can get a full account of the work that is done on a daily basis by all the cleaners and compare the amount of cleaning. In fact, it has been said by the other cleaners that the women who are leaving early are doing more work than they are although they are staying later and that that is proof of the fact that if you leave early you have to work more. The only thing of course that it has proved is that the management has wanted to use the allocation of work to convince the other cleaners that it is against their interest. The situation, Mr Speaker, in the stadium is that the Government accepts that the two women in question are doing as much, if not more, work but leaving earlier than the other cleaners, that they are being paid less for doing that amount of work, that if they stayed until 10 o'clock they wouldn't be required to do more, they would be paid more money for doing the same work and that if, in fact, their industrial action instead of completing the work that has been allocated to them they don't decide the work themselves, they just go in the mornings and they say "What am I supposed to clean?" and the work is given to them, and the only reason why they haven't been doing the Sports Hall on the Monday is because they have gone in and said, "What share of the hall am I supposed to clean?" and the management decision has been that you cannot apportion part of the hall. That is the reason why the hall hasn't been cleaned by these two women because the management said that you could not split up the hall, not because they said that they did not want to clean the hall but because the management said they couldn't divide the area of the hall that the two women in question should clean. So the situation is that if in fact the women do the same amount of work but stay there till 10 o'clock doing nothing they get paid 2½ hours. If they do the same amount of work in less time they get less money and if, in fact, the industrial action they were to take on union instructions was to go on a go-slow and they were to do less work in 2½ hours, they would get paid more money for doing less work, they would get paid 2½ hours. So the important thing is the physical presence of the cleaners in the stadium and not the amount of work they do. That may be an acceptable arrangement for cleaners whose hours of work have not been arrived at by virtue of the square footage formula. If, in fact, the square footage formula is not the criterion that has been used to decide how many hours they should work, then it is acceptable that women should work a stipulated number of hours because then nobody can insist on the amount of work that has got to be done. Just like if the full-timers have had their hours decided by virtue of the fact that all full timers work 40 hours, nobody can say to the

full-timer how much work she has got to do in 40 hours a week. If the full-timers' hours are part of a team, then the measurements of the stadium must have been apportioned, somebody must have decided how much of the work should be done by the people who were getting 8 hours pay and how much of the work should be done by people who were getting 2½ hours pay. As far as the agreement that was originally entered into, it was entered into by the Transport and General Workers' Union on the understanding, which appears to be mistaken now, that the reason for the 2½ hours was that a Mr Costa who was brought into the negotiations at the time and who claimed to have done so, a Mr Costa from the Productivity and Training Unit, had gone there and measured the area and produced 2½ hours, exactly the same thing as the Productivity and Training Unit does in all cases where cleaners are employed. It happened subsequent to this in the arrangements for the cleaning of the Varyl Begg primary school. When that was being negotiated there was a dispute between the union and the Government as to the number of hours that was required, the Productivity and Training Unit was called in, the Productivity and Training Unit went in and measured the area and the union had to accept, whether it liked it or not, that the measurements produced by the Productivity and Training Unit only justified "x" number of hours. Notwithstanding that, the lady who is now doing the cleaning there does not work those hours. Sometimes she may do more hours than she is paid and sometimes she may do less, depending on how dirty the place is from day to day. But that doesn't alter the fact that although on Sundays she is doing less hours than she is getting paid for, the union was claiming originally that more hours were required because that is part of the bargaining process. But when the application of the square footage formula enters into it, it isn't simply a rule of thumb that has got some flexibility, it is, in fact, a rigid formula, it leaves no room for negotiation. The union cannot argue, for example, and could not argue, although it attempted to argue this in the Victoria Stadium, that you couldn't talk about 700 sq ft in the Victoria Stadium when you were dealing with toilets and showers because cleaning toilets and showers requires more time than cleaning an office, that was not an admissible argument, the Government would not accept it, they said the square footage formula is area and that is area and you have got to take the swings with the roundabouts. The union's position at the time was that this wasn't a valid formula to apply to the stadium, that you couldn't take the swings with the roundabouts. It didn't make any difference if the swings were in the stadium and the roundabouts were in the Secretariat. It was no consolation to the women in the stadium if they were cleaning showers, that the women in the Secretariat were cleaning offices and that cleaning an office is an easier job than cleaning a shower. The position of the Government throughout was that the 2½ hours could not be acceded to because of the area and they called in the Productivity and Training Unit to prove their case and the union accepted what the Government wanted, it wasn't the other way round. The union accepted that there was no reason why the stadium should be treated differently from anywhere else and the 2½ hours were accepted and it was implemented and there were no complaints. But if six months or nine months after that the part-time women in the stadium come along to the union, all of them, and all of them say: "Why is it that part-time cleaners everywhere else finish early and can go and we are told that we must sit down there in our rest room and do nothing until 10 o'clock, why is that?" Mr Speaker, the Hon Member has made responsible for a number of statements based on information that has been given to him and I am making myself responsible on what I have

been told, I have been told that by the women concerned at the time and it was on that basis that basis that the claim was put forward. What is the logic of making women sit down there and do nothing just because they must not leave before 10 o'clock? And the answer was that it was at the discretion of the management. Well, that is not an acceptable answer. If the answer is that you have got a teamwork and that you cannot split the team, alright, then the position of the union is: "Let us find out what the obstacles are, how the team should work so that if it works well and, in fact, you are not taking a position where the Government is saying; "you can't have this because we don't want it." Because the reality of the situation, Mr Speaker, is that at yesterday's meeting, for example, when the Government representative, the Industrial Relations Officer, was challenged and he was asked if the Government was saying that provided an arrangement that is satisfactory to the majority or to the whole of the labour force is worked out Government is prepared to accept it and then the position of the Government is not the one that the Hon Member has said, the position of the Government officially at the negotiating table was, "No, because the number of hours that people worked is a matter for management to decide, not for the workers to decide themselves". Nobody is saying that people should be free to come in and out as they like at the stadium or anywhere else although, in fact, the operation of flexible working hours is something that is accepted now in a number of areas and it is something that operates in a number of cleaning areas in the Gibraltar Government where women not only leave early but in some cases come in late in order to fit in better with their home commitments. This should have been possible in the stadium if the Government had been prepared to accept it. If the Government had been prepared to accept, for example, that one lady instead of coming in at 7.30 a.m. as she was told to do, should come in at 8 o'clock and work faster than the other and do the same amount of work between 8 and 10 as the others were doing between 7.30 and 10, then it would have been possible but the Government's position was that everybody had to come in at 7.30 or nobody would get the 2½ hours, so the situation was that the choice between this lady was that either everybody else would lose half an hour or she had to come in half an hour early. That was the basis on which it was put to her because the Government would not accept that somebody could come in later than anybody else. There is no reason as far as I am aware why the flexibility that applied in other places of Government, cannot be applied here because no detailed argument has yet been produced, no detailed analysis of how the work is done has yet been produced of who does what and how the work is shared out. But, of course, if, in fact, what the Members of the House or what the Government wants to do is to exploit the present situation as an opportunity to indulge in union bashing thinking that perhaps on this one they are on a better wicket than in any other dispute, then knowing the executive committee of the Transport and General Workers' Union as well as I do, I am sure that they will not run away from that challenge. So if the Hon Mover of the motion thinks that sacking the women is going to resolve the dispute, then it would not be the advice that I would give but certainly it may help in his political education when he finds what the consequences of that move are. As far as the blacking of the stadium is concerned, Government was informed before the blacking started that the blacking would be implemented because of the deductions that Government had intimated they would be making. The position was made clear to the Government before the deductions actually

took place. The women went away early for a fortnight without having any money taken away from them and it was said to them that if they kept on going when they had finished their work the money would be taken off their pay every week. This was reported to the union and the union's position in the matter was that these women were not, in fact, leaving their work just because they felt like it, that this was an official action being taken on union instructions, that the union accepted full responsibility for what they were doing and that the procedure for people who absent themselves from work are laid down in the discipline code and you can only treat a situation where there is a discrepancy between what the management considers a worker should do and what the worker considers he should do, you can only treat them under two headings, either they are guilty of a disciplinary offence in which case the disciplinary procedure has to be followed before you can touch a penny. There is no stipulation in the discipline code that you can actually deduct money from peoples wages other than as a result of putting them on a charge and giving them an opportunity to defend themselves and finding them guilty or innocent. So as far as taking the money is concerned within the disciplinary procedure, the union's position is that what has been done is contrary to the agreement on the discipline code. If it has not been treated under the disciplinary procedure then, in fact, the money has been taken because they are taking industrial action and we have had a situation not where people have been leaving early after completing their work but where people have been all day doing nothing because of the blacking action for months and the Government has not attempted to touch a penny. In fact, they came out saying how lenient they were that they hadn't even touched the Productivity Agreement although they knew people were sitting down for 40 hours a week doing nothing. So, obviously, since no action has been taken against anybody else the reason why action is being taken against these two women is precisely because it is just two women involved. If we were dealing with another area the Government would not be touching any of their money and as I say the Government itself accepts that if the women were put officially on a go-slow as from tomorrow and did half the work they are doing today, they would get their full pay for doing half of what they are doing today, that has been accepted also across the negotiating table. In that situation, having given instructions to its members, having satisfied itself that the members concerned are doing the work that is allotted to them daily, the union's position is that the blacking was put because deductions were made and will be taken off when that money is reimbursed. Sacking the women would not change the situation and it is not a question of the money, it is not a question of us having a collection here at the House of Assembly in order to reimburse the women with the money they have lost. It is not the fact that she has lost money, what is at stake as far as the union is concerned is that individuals are being penalised or having reprisals taken against them, which the Government may consider to be perfectly legitimate, because they are doing what the union is telling them. But if they are doing it because they are acting under union instructions then the responsibility for defending them is the union's. If they did it off their own bat then the procedure is that the discipline code is applied and then it has to be established whether people have committed a disciplinary offence or not, so that if in fact people absent themselves from work without giving any explanation it is a disciplinary offence. But if people are told not to do something by the union and they don't do it then the responsibility is the union's and,

consequently, it is a matter that has to be thrashed out between the union and the Government and not between the women themselves even if the women themselves would not wish to press the position, the union would still in fact be fully committed to the stand that they have taken in this matter, a stand which was taken originally as I say at the Gibraltar Government Section Shop Stewards level and which has now been brought to the attention of the District Committee and which the District Committee has backed unanimously. I don't know where the Hon Member gets his information that this is not the case, but certainly I can assure him that at all the District Committee meetings that I have attended have had a unanimous decision on this issue. Perhaps, he has other access to the District Committee of the Transport and General Workers' Union that I do not have but, certainly, I would be very interested if he can tell me outside where his information comes from. I think, Mr Speaker, there are two fundamental issues that have got to be overcome before peace can be restored to this area which is, in fact, virtually the only area at the moment where there is a dispute between the Government and the Union. So I think there are two fundamental issues and one is that the Government must recognise that as far as the union is concerned the agreement that was entered into originally, was entered into on the understanding that the square footage formula was being applied to the stadium the same as it is being applied anywhere else, that the union is not closing any doors to anything else being negotiated, that anything that is negotiated would not be implemented without being put and explained to the employees in the stadium. But that is the role of the union, not the role of the management. It is the union who are asked to explain to the workers in the stadium the reasons why the arrangements that exist now cannot be allowed to continue by the union because those arrangements were accepted on the assumption and on the basis that they were the results of the application of the square footage formula and the application of the square footage formula carries with it, as far as the union is concerned, the right of the workers whose hours are decided by the application of the formula, the right to leave their place of work not as a given time fixed by the management but when the work that they have been contracted to do is satisfactorily completed. If this cannot work in the stadium then a different formula has got to be devised for the stadium and, consequently, it is up to the Government in the negotiating table to put up the problems so that, jointly, the Government and the union can see what the problems are and why what is workable elsewhere cannot work in the stadium. On that basis I think that it is possible to make progress in solving the underlying dispute although my own estimation, my own assessment of the situation, Mr Speaker, is that as far as the blacking is concerned, without an agreement on the question of the money that has been deducted, a situation which I may say has been made worse by the fact that the Government, in addition, has chosen to deduct from the hardship payment of account of these two women, has chosen to deduct some money as well from that, so that we have a situation that of the 6,000 workers in the Government, for example, 350 clerks who were locked out by MCD and DOE have had nothing deducted from their £250 for those seven months that they were out in the streets. That is the situation, they have received the £250 without having any deduction made. That the many Moroccans who are in the employment of the Government who have been absent in the last 12 months for a number of weeks during the course of the year, been absent on unpaid leave, have had nothing

deducted for that unpaid leave from the £250. That all the people who have come in late to work have had nothing deducted for coming in late, that the people who have been on unpaid sick leave have had nothing deducted for having been on unpaid sick leave, that the only two women who have had something deducted from the lump sum payment have been the two women who have been leaving early since May on union instructions. That is considered by the District Committee of the Transport and General Workers' Union, again unanimously, as a further provocation on the part of the Government and contrary to the terms of the agreement signed in JIC which stipulated that the £250 payment for full-timers and the pro rata payment for part-timers would be on the basis of their conditioned hours so that, for example, no part-time cleaner in the Gibraltar Government, other than these two women, have had any money deducted or have had the payment worked out on the hours they actually worked. They have had the payment worked out on the basis of the hours that has been agreed between the union and the Government as the hours necessary to do the work which are not the same as the hours that they actually worked. And if anybody has come late or left early unpaid, no money has been deducted, if anybody has been absent no money has been deducted. Notwithstanding this which in other circumstances would have been sufficient for the Transport and General Workers' Union to break off completely the attempt at negotiating a solution to the problem, following the peaceful demonstration of the Sports Association, a commitment was given by the District Officer to the Sports Association that notwithstanding this, a meeting would be called by the Transport with the Government in order to thrash out the problem and go into a detailed analysis of what the obstacles are supposed to be in this area and in fact to make it quite clear to the Government that the union was not closing any doors. On that basis, Mr Speaker there are two roads open to the Government at this stage, as I see it. Either they can attempt to do what has been done on many occasions and that is to sit down and spend as many hours as may be required in order to find a solution that will meet the requirements of the Government and the requirements of the union, or they can decide, as the Hon Minister for Sports has said, that enough is enough, and decide to escalate the dispute by taking sterner measures against the union members who are following union instructions. My advice would be that the first option should be chosen. I would also like to say, Mr Speaker, that although I want to make it quite clear that I fully support the decision of the executive of the Transport and General Workers' Union in the action that they are taking, and I do not think they should take off the blacking action until the money that has been deducted has been repaid, in other words, the decision that was taken by the shop stewards of the Gibraltar Government Section should be supported in full, although that is my personal view, I will not be voting against the motion because I do not want to give the impression in the House that the motion would not be considered and that a decision has already been taken because of the way I vote, I will obviously not be supporting the motion because I don't agree that the District Committee of the Transport should take off the industrial action without settling the problem, I want to make it quite clear that I will abstain but I will not abstain because I am not taking sides, I am very definitely taking sides. I will abstain in order not to create the impression in the House or outside the House that my vote in this House is what is going to decide the reaction of the Transport. There are 12 men in the Executive Committee of the Transport and General Workers'

Union and I am their servant, not their master.

HON A J CANEPA:

Mr Speaker, I do not intend to speak anywhere near the same length as my colleague the Minister for Sport spoke on behalf of the Government, generally, nor do I intend to speak for as much time as the Hon Member who has just put the case for the Transport and General Workers' Union and therefore, perhaps, there is no danger of my exceeding the time when we would normally recess for lunch. I find it rather extraordinary, Mr Speaker, to learn that amongst the two conditions that are necessary for a settlement of this dispute, the second one which the Hon Member mentioned, made reference to a new agreement being arrived at which the union would then put to their members at the Victoria Stadium. A new formula would be devised specially for the Victoria Stadium and that would then be put to the membership. But my understanding, Mr Speaker, is that the majority of the cleaners at the Victoria Stadium do not want any change in their conditions and if that is correct no doubt what the union would then be attempting to do would be to persuade the majority to fall in line with what the minority wants and not to persuade the minority that they should let sleeping dogs lie and accept what the majority want. That I find very extraordinary, I also find it extraordinary to be told that a dispute arises from the instructions which the union has issued to the two cleaners that they should take industrial action in pursuance of their claim. Again, this is contrary to the wishes of the majority of the cleaners of the union who are obviously not supporting the two cleaners. That is why I don't think there is any need to talk about a challenge being presented to the executive committee of the Transport and General Workers' Union by the Government or by this House. It isn't a case of that at all as I see it. To me, it is a case of 17 members of the House of Assembly having to devote more than a whole morning to discussing not what I consider to be a very crucial matter of principle but having to discuss something with very serious consequences, unfortunately, that emanates from the foibles of two particular cleaners wishing to have their own way. Where sacred principles are at stake affecting the rights of trade unions and so on, it is of course right and proper that the House should spend as much time as is necessary in debating these issues, but the central issues in this dispute, Mr Speaker, are not matters of principle, they are not sacred matters of principle, what is very serious is the consequences that this unfortunate dispute is having and that is why we are having to spend time and it is proper that we should spend time in the House discussing it because it has been the cause of the stadium being at almost a complete and utter standstill to the detriment of the community as a whole and it has also been the direct cause of a move to form a new association in order to defend the rights of sport. I do not propose to go into detail, Mr Speaker, I am not as well versed as the Hon Member who has put the case for the Transport and General Workers' Union is, I do not negotiate these things, I will not go into detail at all and I only intend to pick up one or two points. The Hon Member at the close of his speech said that these two cleaners have had deductions made from their lump sum payment and that that is contrary to the agreement that was signed at the JIC providing for a lump sum payment of £250. Mr Speaker, it is my understanding that that agreement was followed up by consultations and discussions with the union, generally, and another agreement that

provided for who would or would not get the £250, laying down the conditions under which employees of the Public Sector will in fact get the £250 because, for instance, part-timers who only work 20 hours a week may not be entitled to the £250 as they have not got the requisite number of hours and therefore £250 could amount to an overpayment. One of the conditions was that it would only be paid to new entrants or people who had been working for the Gibraltar Government for at least 40 weeks in the previous year and the 40 weeks is as a result of a computation that is arrived at in order to ensure that again whatever money is paid is not an overpayment. Therefore since there has been a follow-up to that agreement laying down the conditions applicable to the payment of the money, I have no doubt that if these two ladies had had deductions made it must be because it is in accordance with what has subsequently been agreed to, not only with the Transport and General Workers' Union but with the other unions. The Hon Mover of the motion asked very pertinent questions such as, why hasn't the Government dismissed the two cleaners, and my Hon Friend on my right answered it against the background of the general industrial situation at the time. But, of course, there is another thing that should be said and that is that whilst there is nothing to stop the Government from dismissing the two cleaners because, in my view, there is no contravention of the provision safeguarding workers against unfair dismissal because an employer can dismiss one or a number of employees for taking industrial action provided that subsequently there is no victimisation, provided that if 10 people take industrial action and you should dismiss them all and do not subsequently re-engage a few and victimise another few by not employing them. Either you sack everybody and do not take everybody or if you sack everybody you re-engage everybody or you don't sack anybody at all. If the Government had dismissed these two workers that would not have been the end of the dispute. What would there be to stop the union from continuing with the blacking? No doubt they would. They are supporting the cleaners on a whole number of matters that we have heard and, presumably, they would support them in respect of their having been dismissed. So, again, the dispute doesn't end there, perhaps, you are only exacerbating it further and making it more difficult to have to back-track, as we are being told that we must, in order to arrive at a settlement, we must reimburse deductions that have been made and so on. The conditions, Mr Speaker, at the Victoria Stadium are not necessarily the same as elsewhere in Government employment, and the union has been told this repeatedly. The position in Government departments, generally, is that in some departments, and only as a concession, cleaners are permitted to leave before they have completed their conditioned hours of work if the work that is allotted to them within the formula has been satisfactorily performed. The Government doesn't intend to alter this practice where it applies, it is a practice of long standing, it is a practice that has been found to meet the requirements of the departments that make these concessions. For instance, it operates in schools, and the reason for this is that the cleaners go into the school, the children are no longer around, they do whatever work is allotted to them, the school is closed for the rest of that day, it is not being used constantly and it is not going to be used again till the following morning and provided the Head Teacher or in this case, by delegation, the caretaker is satisfied that the school has been

cleaned satisfactorily they are able to go home and in no case that I know of do they work the four hours. In the Technical College, however, I know that the cleaners go in at 2 o'clock in the afternoon and they do not leave one minute before 6 o'clock. They do their full 4 hours because there are apprentices and so on and there they do the 4 hours. So it is only in departments where a concession has been made that they are able to leave earlier. At the stadium, however, Mr Speaker, the position is different and it has been different without prejudice to whatever arrangements there are in the other departments and because of the special circumstances at the stadium which we have heard about, it just is not possible to apply this concession. The reason, if I may sum up, being that the part-time cleaners, the full-time cleaners and the other cleaning attendants all work together as a team. It is therefore not possible to make arrangements for these one or two individual cleaners. The system of working as a team is, in fact, preferred by the majority of the cleaners and that is why I said earlier that it would be an imposition on the majority of the cleaners to change the system. Perhaps, we are told, it would be done by persuasion, I don't know. Therefore it seems to me, Mr Speaker, that if the majority of the cleaners would oppose any change in their working conditions and if the Government were to attempt to instigate such a change, it could find itself in dispute with the majority of the cleaners and there can be to my mind, Mr Speaker, only one solution, one proper and fair and just solution to this dispute, and that is that democratic procedures should be allowed to operate within the Transport and General Workers' Union and that the majority of the cleaners who have written to their head office in London telling them what they feel about the matter, telling them what their views are, that the majority of those cleaners should be allowed to have their views prevail. If democracy were to work, Mr Speaker, the dispute would never have arisen in the first place.

The House recessed at 12.55 p.m.

The House resumed at 3.25 p.m.

HON DR R G VALARINO:

Mr Speaker, there is not much I want to say though I agree with the motion. The Government is fully aware of its responsibilities and I fully agree with what my Hon Colleague the Minister for Sport has said. It is a shame that the union concerned has chosen to follow a path of conflict and disagreement. Conflict because most of the present members who play both hockey and football are union members and it has put them on a spot, and disagreement because the other workers at the stadium think completely different to the two members that the union are backing. The Hon Mr Bossano is a little bit like the "levante," he tends to coddle the issues and I am very grateful to the Hon Mr Canepa who put him right on a few occasions. My brief intervention cannot deal with all the major points as they have already been dealt with but I would like to make two points though, unfortunately, these two points lose a little bit of their strength as they are being made to an empty seat. First of all, that Mr Joe Bossano has been elected by the people of Gibraltar and is not here as a paid official of the Transport and General Workers' Union which he seems to be judging by his talk and, secondly, that I would hope that he turns up this afternoon to hear the views of both Government and Opposition, the views of the people of Gibraltar. Thank you.

HON M XIBERRAS:

Mr Speaker, I believe it was the Chief Minister, in answer to a question which I put on this issue, who said that it was not for the House to enter into a detailed negotiation of the claim in the forum of the House, and in the normal run of things I would have agreed with him. In fact, I would have gone further, it is not customary for this House to throw its weight, its very considerable weight, on one side or another in an industrial dispute. It also seems to me that in this industrial dispute which the House is discussing, the rights and the wrongs of the matter, not insofar as the two parties at the negotiating table are concerned, but regards our constituents, the people we represent, are concerned in this dispute, I would say, the methods employed by the Transport and General Workers' Union are so disproportionate with the issue at stake that Hon Members cannot but take sides in this matter and cannot but venture the opinion that there is no justification for the kind of industrial action which is being taken by the Transport and General Workers' Union in respect of this issue. Therefore, whilst congratulating my Hon Colleague, Mr Perez, in his presentation of the motion, I should also agree with what he had to say in respect of the dispute as a whole. It is said, of course, that it is for the Government of the day to try to propose a course of action which will overcome these difficulties but I would like to state, Mr Speaker, that the House, in considering this motion, is also considering a series of events and a number of attitudes which have been afflicting Gibraltar over a period of time and I cannot but recall that this dispute was in some way linked with the general escalation of industrial action in pursuit of a quite distinct end, namely, the issue of 100% parity of wages with the United Kingdom. I don't think I would be very much mistaken if I were to suggest to the House that this issue is not without parallel in a number of industrial action that has taken place over this period and that the situation where a group, a small group, of workers has brought about either with the tacit acceptance of the District Committee of the Transport and General Workers' Union or with its open support, has brought about a great deal of misery and unpleasantness on the people of Gibraltar when the causes of the action had nothing to do with the basic principles of trade unionism, had nothing at all to do with the welfare of the majority of the members of the Transport and General Workers' Union and, certainly, nothing to do with the welfare of the people of Gibraltar as a whole. I feel justified in broadening the terms of this motion precisely, Mr Speaker, because 7,000 people, as we have heard from the Minister for Sport, are being deprived of a very basic facility, basic in the circumstances of Gibraltar. Hon Members have had to endure considerable debate on the matter of provision of sporting facilities for the hardpressed people of Gibraltar and we, even taking the least possible objective view of the matter, cannot but be surprised that, as we have heard from the Hon Mr Bossano, the District Committee of the Transport and General Workers' Union has chosen with all its care and concern and sympathy for the working classes of Gibraltar who not only get paid but also play football, who not only get paid but also have to live in houses which are fit for them, who have to live a broad, general life with all its aspects and are not purely concerned about 6p more in the £ wages, are not purely concerned with a vague and remote point of principle as to what is the general rate at which cleaners, generally, in the Government

of Gibraltar are paid. The Hon Mr Bossano's contribution was of a very reasonable tone and a very reasonable nature. I do not know whether it was he who took the decision to stop the sewage pump which serves a good number of Gibraltarians, most of whom I have no doubt even accepting Mr Bossano's statistics, are members of his union. But if the same cool and reasonable approach had been applied on the 23rd June when the sewage pump broke down or when it had to be repaired, or if it were to be applied to this stopcock, or whatever it is, at the stadium, and if we were sensible and rational men looking to the whole of the Gibraltarians and the whole of the people of Gibraltar, then I doubt whether his present attitude in the House would be consistent with decisions taken at that time. If one is to be rational and expect rationality in return, if one is to be reasonable and expect reasonableness in return then, surely, one should be reasonable outside this House as well as inside and one should not cloud the issue with intimate knowledge of the negotiations because whatever the issues at stake at this present juncture, nobody would deny that the measures in this case are by no means justified by the end, and that even these two persons cannot in their own sane and cool consideration of the subject, cannot believe that so much disruption should take place for half an hour of work. I agree, Mr Speaker, that there are issues in which half an hour represents a cardinal point of principle. It takes only five seconds to strike a person on the face but, surely, it is not a question of fundamental principle that is at stake here because the conditions that are being applied at the Victoria Stadium to these two particular people are no different to what are being applied and, perhaps, even better than are being applied at the Technical College, as we have heard from one of the Members of this House. So it is not that a worker is being downtrodden, it is not that fundamental trade union principles are at stake. There might be of course, a hardening of the position. I understand that hardening, I wish it had been a consistent and across the board hardening but one that was used indiscriminately and fairly but Mr Bossano, I think, is on weak ground when he chides the Government with having applied greater latitude and flexibility in other cases at his own behest for not settling the dispute at the stadium. That is an argument which I cannot accept in sincerity though I am quite prepared to criticise Hon Members opposite for not adopting a consistent view in other matters to do with industrial relations....

MR SPEAKER:

Perhaps I might say not only in reference to what you are saying but in reference to anything that anyone else might say, that the motion does not refer to the Hon Mr Bossano. The motion calls upon the Government and the Transport and General Workers' Union to do certain things. I think, in fairness, one must not now try and move on to a vote of censure against Mr Bossano's attitude towards the actual dispute. We must, be careful to debate within the terms of the motion before the House.

HON M XIBERRAS:

Mr Speaker, I will pass on to the motion more directly in a moment. In fact, Mr Speaker, the Hon Mr Valarino, who has made a speech in the House, has said that Mr Bossano was making a defence for the position of the union and therefore I am commenting on that. I would, if I may, make one comment in respect of Mr Bossano's opening remarks, namely, that he was in a

minority of one in this Chamber and no doubt, Mr Speaker, other Members would find themselves in the same situation if they advocated principles or if he acted in a particular issue which other members did not share. But this exclusion does not arise out of a lack of consideration of Hon Members, certainly on this side and I would imagine on the other side, for the working classes of Gibraltar, for the standard of living and their wellbeing. I gather, Mr Speaker, that this exclusion as regards the present issue arises from the methods of disruption that have been adopted in respect of this particular issue and if it were to be Mr Bossano today and the Chief Minister tomorrow, he would still find himself in isolation and no Member of the House, in fact, could be exempted from that situation. But I do not think it is fair of Mr Bossano to suggest that nobody in this Chamber cares for the working classes, that nobody in this Chamber cares what happens to the employees of the stadium. Perhaps he might look at the situation of the stadium and see where the interests of his own members lie in this matter. Mr Speaker, I would also be interested in references made to the disciplinary code in the course of this debate and I think, Mr Speaker, the disciplinary code as applied in other Government departments leaves very much to be desired, I mean the application of it, I believe that a lot of middle management is under a state of siege virtually and this is not working class movement, this is not socialism, this is something quite different. So, Mr Speaker, let us not try to tar other people with that particular brush and let us look at the dispute itself and see whether a method can be found of overcoming the differences, differences which have now existed for something like nine months, Mr Speaker, there was a rhetorical question asked as to why it was that Government and union could not sit down together and negotiate a new agreement and answers have been given that is because most of the people at the stadium are satisfied with their present conditions. I would suggest another one and that is that industrial action of a particularly tough nature, as in the case of the sewage which luckily, has now been lifted, of a vicious nature, has been applied and that therefore in defence of two persons and not on a basic dispute, not on a dispute of principle, I would say it has been very difficult to view the matter objectively but I nevertheless ask the Government, without surrendering principles, to see what can be done if only, and I do not for a moment suggest that the Government's action has been wrong in this matter, that the finger cannot be pointed at them to say; "Ah, but you are not looking at the real issues." I believe the real issues are also being dealt with properly by the Government, I believe that. My main appeal must obviously go to the Transport and General Workers' Union. I think that very strange things are happening in the Transport and General Workers' Union and that is why I asked the Hon Member on my left, the Hon Mr Bossano, whether there had been meetings and at what level with the Public Sector Committee of the Transport and General Workers' Union and whether the cleaners apparently who had been drawn into this on the question of footage, whether these meetings had been genuine consultation with the affected party, and if the affected parties were cleaners in the Government sector, generally, whether they thought that there was an issue on which they should claim. I got an answer which was that the Public Sector Committee of the union had considered the matter and later we got an indication that the District Committee was unanimous, the vote may have been unanimous, Mr Speaker, but my information is that the feeling is not unanimous. Within that, Mr Speaker, I can see that the union does not like to

lose on any particular matter, I can see that position, but we cannot be understanding to the point of condoning the kind of action simply because the union on this occasion have got into a mistaken position. Surely, they must appreciate that they must go at least half way to getting themselves out of that particular hole and I think that the union on this one is in a hole. I think the union on this one needs to reconsider their position and I think that no possible or no proper reconsideration of the position can take place for as long as industrial action continues completely unabated. I think that it is going to be impossible to arrive at a solution and so long as two members of the union are persuaded that this is a proper stand to take, then the union can keep the stranglehold on sport in Gibraltar. What a way to deal with the community in our circumstances, a battle for the minds of two people or on the other hand the minds of six, or whatever it is. Mr Speaker, surely, the union has no right to concentrate the fate, an important part not the whole of the fate, but a large part of the entertainment and the joy of living of a good number of people purely on the narrow area of two minds of this kind. Surely there is a danger that these people, one way or another, will become pawns in this situation. Surely there is a danger that we are not talking about abstract formulae, that we are not talking about the footage and the yardage and the cleaning, there sure is a danger and people in this House should be educated enough politically to see this, that on this particular issue it is not the same as other issues. Surely there should be this discrimination among Hon Members that it is good to do battle on many things but there is a limit, a limit which only we ourselves as Members of this House can impose on ourselves and, surely, it is clear that in this particular situation any objective judgement of it determines that this industrial action is by far disproportionate to the dispute. I question, in fact, whether there is a claim at all. I question whether there is a claim at all and I would like Hon Members to enlighten me as to whether there is a claim, unless the claim is that people should be allowed to leave earlier. I do not know how long before, whether it is 20 minutes, 10 minutes or half an hour? Judging by what has been said, the two persons involved claimed longer hours, presumably, because longer time was needed to do the work. We have heard one idea which said it was really to set the rate for the job. This is all very well Mr Speaker, but what is the claim? Is it simply a breakdown of information that is required? Is it simply that the union in this matter is seeking a certain amount of information which it can apply to other areas? Is it really concerned with the situation in other places, in the schools, for instance, the Technical College, in the Hospital? Or is it concerned with the right of two persons to leave before the end of their contracted time of work and, if so, how much time? This is not, Mr Speaker, a question of we are entitled to so much more in our wage packet. It may very well be, Mr Speaker, that this will result in a benefit, it may very well be, and I know there are matters of principle not involving payment which are some times the source of industrial dispute, but on this occasion, Mr Speaker, I cannot clearly detect what the issue is and I couldn't certainly detect an animus negociandi. I cannot detect on the part of the union a real inclination to negotiate. That is why there is an appeal in the motion to withdraw industrial action. I think the union has a lot to gain from doing it, certainly from a de-escalation of

industrial dispute, certainly for a reduction. I hope that this motion presented by my Hon colleague will have that effect. If I have said things which exacerbate the issue, Mr Speaker, perhaps it would reflect that there comes a time when one should not be afraid to stand up and say this is right or that is wrong. I would commend that feeling to sportsmen as I would commend it to the rest of Gibraltar because we cannot have a "Broken Knee" in Gibraltar otherwise the position of Hon Members in this House would be completely incompatible with what the Constitution says, and I am not indulging in union bashing at all, and the Hon Mr Bossano, for instance, is the last person to be able to look me in the eye and say that I am a union basher and I know that he will not say it because it is not true and he knows it not to be true. But the industrial gun is as bad as any gun. The industrial gun can be used wrongly and on this occasion as, I am reminded, at the generating station, the industrial gun has not been used properly, and industrial muscle has not been used properly in my submission. That is my clear submission in this House. Therefore, Mr Speaker, if my words cause a reaction at the stadium with two members, as apparently it has done at the canteen, this is not going to keep my mouth shut on issues which are wrong and which I have an obligation to constituents and I have an obligation to my colleagues as well in the same way as Hon Members for sure expect an attack on them when the basic rights of workers, as I see them, are at stake. Hon Members know that I have spoken for a much longer time on other issues over industrial disputes, but Mr Bossano has no right to assure that he is the defender of the workers because he takes a certain decision or his committee take certain decisions in respect of certain matters because even the Transport and General Workers Union can be fallible, even they with their complicated affairs, they can make mistakes, they can get into difficulties and we need in this democratic society of ours not only a recognition of unions, we also need from unions a recognition of their obligations to society. Mr Speaker, perhaps some times there can be a little creative conflict and I hope that if my contribution to this debate has been one of controversy nonetheless it will stir in the people responsible for this dispute some reconsideration of their position and that as a result we will have the stadium facilities back and by we I mean the people of Gibraltar. Things have been said about the hockey and the football and so on but it is everybody, it is everybody who is a sportsman and who has anything connected with recreation, not only the playing people but the people who go on a Saturday to watch the football, the people who go on a Saturday to watch the hockey, the people who read about it in the newspapers, the people who care about the position of Gibraltar in these matters, all these people are affected and, surely, let the people involved in these decisions really search their heart and say, if there is so much sincerity, if there is so much goodwill, if there is so much looking after the interests of the majority of the people of Gibraltar and the workers of Gibraltar, let them search their hearts and say, "Are we doing this, really? Are we going to win this one to win another one in 20 years time and is it worth it? Are we going to consolidate our position so much by a victory here that is worthwhile sacrificing people for weeks or months and so forth in the very little things that there are to do in Gibraltar?" Mr Speaker, I am sure that my appeal will not fall on deaf ears. I am sure it will be listened to as will the contributions of other Hon Members. Whether for better or for worse I do not know, but one thing this House

should not do is to lose its confidence, it should not lose its confidence, it should not assume that this House is powerless before industrial action, I think that this House should be prepared to stand up where it thinks it is right, I would say that this House only has to fear taking a wrong course of action because then it is weak but if it is right, it is strong, and on this situation I feel, basically, that the proposition before the House that this action should be lifted and that the Government should take cognizance of its responsibilities in this matter, that this is a right proposition to make in this House and in Gibraltar.

HON A P MONTENEGRO:

Mr Speaker it was not my intention to take part in this debate though my feelings are well known. There has been mention of two subjects by the hon Leader of the Opposition and I am going to take it from there. The first one was the issue of the pump. I was involved right from the very beginning when the pump was first blocked to the extent that the situation was thought by experts of the Public Health Department that it was so serious that they got me out in the middle of a dinner which I had to miss in order to tackle the problem. Discussions went on until the following day when the answer came back in plain language that the union did not care two hoots what happened. Eventually, in fairness, they were made to see reason for a while because then the pump broke down again and we were back to square one. The danger was a real one and we must thank our lucky stars that nothing more serious emanated from that particular situation and I don't think that it is fair for any union or for anybody else to jeopardise the whole community, particularly as has been said by all Members of the House, on an issue which is not of fundamental principle. The next thing he mentioned was that of the sportsmen. I think I ought to say to this House that I had the honour and the privilege of meeting the sportsmen when they delivered a petition to me, as acting Chief Minister, and immediately I read that petition I was surprised and I told them in no uncertain terms that I found it very odd that people should wash their hands completely as if nothing was happening and saying that they were not taking part in the rights or wrongs of the dispute and that all that they wanted was for sportsmen to play sport. My answer to them was that sport was as important, perhaps, as the hospital I was trying to run but that what was happening at the stadium was symptomatic of something that is sweeping throughout Gibraltar and poisoning industrial relations and that is a struggle for power which I feel has very little to do with the welfare of the workers and which is strangling the goodwill of the Gibraltarians and the life of Gibraltar. Unless this attitude of mind is changed, unless certain threats, as has been mentioned in the House this morning by the Hon Mr Bossano, came to an end and there is a willingness to get along together, Gibraltar is not only going to suffer even more industrial action but, what is worse, is going to suffer a complete strangulation of its own life and the community as a whole to which the workers belong and of which the workers are the great majority, will suffer more than many people are prepared to realise. I hope that this motion will not only help to sort out the problems at the stadium but will help those who are probably blinded by what I think are principles which have nothing to do with the real principles with which the workers are connected, to bring them back to their senses so

that Gibraltar can not only live in peace, but can carry ^{on} living in progress and harmony which is so necessary at the present time where we need all the unity in the world to fight for our very survival.

HON MAJOR P J DELLIPANI:

Mr Speaker, the Leader of the Opposition, the Hon Mr Kiberras, has been very explicit on the way he feels that the situation at the Victoria Stadium has been brought about not only because of two cleaners, but because of other implications of a power struggle in Gibraltar which has again been repeated by my colleague, the Hon Mr Montegriffo. What struck me from the very beginning when the Hon Mr Bossano got up was that he started saying that he was glad to be in a minority of one because it would show the people who had the interests of the workers at heart and he was then interrupted by the Hon Mr Zammit. Mr Bossano is trying to convey the impression that we are all anti-union, that we are all anti-workers and that he is the champion of the workers of Gibraltar. Mr Bossano seems to forget that all the sportsmen, all the spectators, all the people who read the sports column, who watch television, they are also workers. Mr Bossano seems to forget that when the power at the generating station is cut off due to industrial action, that there are workers at home and old people at home, not only in Mount Alvernia, but people living on their own who are old and sick and they are also workers, or have been workers. Mr Bossano is not alone in being the champion of the workers. Everyone who sits in this House must be the champion of workers because the majority of Gibraltarians are made up of workers. It is funny that we have had no meetings between the Opposition and the Government on the way to tackle this motion, but yet three members have spoken already and they have all mentioned the same subject, that is, the attitude of the Gibraltar Sports Association. If this Sports Association had come out and said that the Government was completely at fault, it would have been because they were convinced that Government was completely at fault. They wouldn't have hesitated to hit out at the Government if the Government had been at fault. But they know that it is the union who is at fault, so instead of criticising the union what do they do? They sit on the fence, they are neutral. If the Government had been in the wrong they would have hit out at us but, no, they sit on the fence. They sit on the fence because they are scared. When the Association handed in that letter, however commendable their action might have been, I knew that the Government was in the right if I needed convincing that the Government's attitude during the whole dispute had been correct and proper. Then, of course, it was verified by the "Vox" headlines on the Saturday hitting out at Government policy over the stadium. That convinced me again that Government must be right. If Vox hits out at Government, Government must be right. The whole point at issue today is not a question of the Victoria Stadium, really, it is a question of industrial relations and it is a situation where the union has created a monster it cannot control. We had this, and my Hon Friend Mr Montegriffo mentioned it, at the Generating Station and we have proof in writing that it is a monster they cannot control because there appeared in the "Gibraltar Chronicle" in relation to the dispute between the Supervisor and one of the shop stewards, there appeared a letter in the Chronicle saying that Mr Netto had implored them to go back to work - this is in relation when they downed tools without any warning reference this dispute - and we had 42 members signing that letter, four days later the union declared it an official dispute, yet three or four days later

Mr Netto was imploring the members to go back to work. When he couldn't he declared it an official dispute and he apologised because he couldn't control the men. He said "I am sorry, I cannot convince them to go back to work" and I have witnesses to prove he said that. So there we have the real situation in Gibraltar, a monster that the union cannot control or do not want to control. The Hon Mr Kiberras said there might be a way for the Government to help in finding a solution and I think I have the solution. These people want to work less hours, they want to work 1 1/4 hours. Let us transfer them to another department where they only have to work 1 1/4 hours. If they want to work less hours then let us transfer them to another department where they will work less hours. I liked the way the Hon Mr Bossano said, in relation to a Mr Costa who did some figures on footage and areas, that the Union accepted it whether they liked it or not. The union in Gibraltar never accepts anything that it doesn't like. The Union in Gibraltar is not a reasonable union and I say this with all sincerity because I know from Mr Bossano's own words that he always says when he signs an agreement; "I always try to find a loophole to be able to get out of it," and he has said that to me personally.

MR SPEAKER:

We must come down to earth. I have already had occasion to remind the Leader of the Opposition that we are not here censuring the Hon Mr Bossano or his attitude to this industrial dispute. We are discussing the particular dispute which has arisen at the Stadium and how it can be solved for the good of Gibraltar in general and the sporting community in particular. Let us come back to that now.

HON MAJOR F J DELLIPIANI:

Sir, the only reason that I mentioned Mr Bossano is because Mr Bossano has tried to paint a picture.....

MR SPEAKER:

Mr Bossano has contributed to the debate like any other Member of this House and he is entitled to hold his views.

HON MAJOR F J DELLIPIANI:

But by inference he is saying that we are not concerned with the welfare of the workers and that only he is, Sir. To me the fundamental issue here is two persons against six. The rest of all the arguments which Mr Bossano has so ably put across about footage and square yards and time relation and all the rest is wonderful, he is a very capable trade unionist, I quite admit that, but it all boils down to a minority of two and a majority of six. Why should the six accept what the minority want? Thank you, Mr Speaker.

HON M K FEATHERSTONE:

Mr Speaker, I would not like the House to go away with the impression, as the Hon Member of the Opposition, Mr Kiberras, apparently has, that the blacking of the pump has now finished. It is not a question of blacking a pump, it is a question of blacking the Bayside Pumping Station and I think it would be a useful exercise if the Members of the House knew the exact situation that is prevailing at the moment at the Bayside Pumping station. The history of this pumping station is that it is a reservoir where sewage from North Front, Inundation Glacis, collect in a reservoir and is pumped by an electric pump into the main

sewer so that it can be carried to the normal outfall at Europa Point. Some time ago the motor on the electric pump broke down and until a new motor could be ordered from England, a diesel pump was put in its place. As you have heard each time the diesel pump breaks down, as it did in June this year and several times after that, it was a question of whether it could be repaired by courtesy of the Transport and General Workers Union who as a concession, they used to say, allowed it to be repaired after a vast amount of raw sewage had gone into the sea at Bayside Marina. The position today, Sir, is as follows as it has been all the time. If during the night the reservoir gets completely full of sewage and the pump obviously is not working during the night hours, it will overflow into the Bayside Marina and this has happened on two or three occasions in the last fortnight. The electric motor has now arrived but the Public Works Department are not permitted to install the electric motor which is automatic and which will work day and night and so stop any overflows at all, because the Bayside Pumping Station is still blacked by the union, blacked because they say it is part of the Victoria Stadium complex. This, geographically, may be so, this is an accident of location but there is no connection between the Bayside Pumping Station whatsoever other than that it does take the sewage away from the Victoria Stadium and not even by the greatest stretch of imagination can the dispute of two cleaners at the Victoria Stadium really be linked in any way with the sewage pumping station at Bayside. This is something that the union wish to use as one more effort to blackmail Gibraltar to make Gibraltar suffer unnecessarily because they wish to have their way in all things come what may. I think that puts the situation as regards the blacking at the moment into perspective. We are still having to work on the diesel pump, the diesel pump is old, it tends to break down regularly about once every month or six weeks or so, in fact, it has to have the glands re-packed and each time that it breaks down we have an argle-bargle with the union whether it may be repaired or whether it may not. It is probably due to break down any time now and we will then once again see raw sewage flowing into the Bayside Marina which I must say is a joy to all the boats that are there and I am sure the tourist attraction is something that the union must be proud of.

HON M KIBERRAS:

If the Hon Member will give way. Aren't negotiations taking place between his Department and the Union with respect to the sewage pump?

HON M K FEATHERSTONE:

We have had negotiations with the Transport and General Workers Union to fit in the electric pump so that it will work day and night and we have been refused. We have been told this area is blacked. I am not going into the whole story of the actual dispute of the cleaners themselves but I would make just one very short comment. The cleaners in the Education Department work on a task job. The cleaners in other places I know do a specific area, for example, in the Secretariat one cleaner does three offices and as soon as she has done those offices she has finished and she can go home. In the Education Department, as far as I know, if one cleaner works faster than the other and she does a certain area, she then goes and helps the other cleaners and when the whole school is cleaned all the cleaning staff then go home. They help each other out,

some work faster than the others. What does seem strange to me in this present dispute, is that here you have on the one hand six people who say they are satisfied with conditions yet the union support two people against six. That, Sir, is not what I understand as the will of the democracy being put into effect and I think the sooner the will of the democracy, the will of the six against the two, is put into effect, the better.

HON P J ISOLA:

Mr Speaker, this motion reminds the Government of its responsibilities to the community and calls on the Executive of the Transport and General Workers Union to withdraw all industrial action in the Victoria Stadium. It is clear, I think, from the wording of the motion, that the mover has no doubt at all that the industrial action that is being taken in the Victoria Stadium is entirely unjustified and I think there can be little doubt that that feeling is shared by all Hon Members who have spoken, and there have been many, and I think it is right that many have stood up and spoken because if the elected representatives of the people are not prepared to stand up and criticise a body, however big, however strong, however powerful, however representative, then democracy in Gibraltar is finished. I think it says a lot for this House that Hon Members are prepared to stand up and voice their genuine feelings in this matter knowing full well that one of the big boys, if I may call him that, the Hon Mr Bossano of the Union, is there listening and ready to criticise us and possibly, tell people what we said and what we have done and what we stand for and so forth. It is interesting, I think, to see the Hon Mr Bossano really speaking in his union hat today, quite clearly and unambiguously, and quite rightly so, putting forward the Transport and General Workers Union position in this dispute. I think the strongest case possible appears to have been made by him. In his argument he has not given any views, really, as a Member of the House, any broader views as a representative of the community of Gibraltar what he thinks as an elected member of the House, elected by members of the community, members who suffer the discomfort of any industrial action. He has directed his argument, Mr Speaker, entirely at justifying the union position, or not really the union position, I would say the union executive position, justifying that to an extreme, or trying to justify it to a degree that I am afraid it is difficult to follow. If I may give just one example. The Hon Member spoke of the fundamental position of the union in this question of the part-time cleaners as it affected all the union membership and in the next breath he was quick to all that action was only taken by the union in the Victoria Stadium on the unanimous representation of all the part-time cleaners. So that the union executive that is so concerned about the principles involved never did anything about it till the unanimous decision of the part-time cleaners at the Stadium said they ought to do something about it.

HON J BOSSANO:

If the Hon Member would give way. I wouldn't like him to have misunderstood the information I have provided the House with since the reason for providing it was not to justify the union's case. The union doesn't have to justify anything in the House of Assembly. It was simply so that he would have an accurate picture of the situation. The position is that the agreement covering part-

time workers at the Victoria Stadium to the best of the union's knowledge is no different from the agreement operating anywhere else in Government and it was only until somebody came to the Gibraltar Government section, which is the one that represents Stadium workers, and said that they were not being given the same concession or privilege, or call it what you like, that other part-time workers have, that the matter was officially raised with Government. It is as simple as that.

HON P J ISOLA:

I am grateful to the Hon Member for the explanation but what I understood him to say was that when it came to the Public Sector Committee of the union, it was then apparently it was the unanimous decision of the part-time cleaners, so that obviously the union executive gives weight to what the members say in a particular area and I think it is rightly so that they should. But then he never told us what happened to that unanimous agreement because it appears that there is a majority view in the Victoria Stadium against the view put forward by the union executive. So who is it that the union executive is trying to help, and why? Why is it seeking to assert, to the great discomfiture of the community at large, to the great detriment of sport lovers and sport players and so forth, why is it trying to assert the rights of two people against the wishes of another six? It really is a very, very simple issue, Mr Speaker, and I think it is an issue that surely most people can understand. There must be something more to it than just this, because it seems so simple a question to resolve. If you have trouble in the Dockyard you don't ask your workers in the RAF Camp what they think about the trouble in the Dockyard, you ask the workers in the Dockyard and they tell you what they want and, by jove, you do it. And if you have trouble in the Gibraltar Government sector you don't tell all your members in the Gibraltar Government sector you are not going to have this because the chaps in the Dockyard say that you must not have it, you wouldn't dare to do it. Why, then do the Union dare to do it at the Victoria Stadium? I don't know, Mr Speaker. I don't know whether it is the personality of the cleaners involved. I don't know whether they wield greater power among members of the union executive than the other poor six who, apparently, have their rights trampled on and whose wishes are completely and entirely disregarded. I don't know what efforts the union has made to convince these six wayward cleaners that they are prejudicing the whole working class movement in Gibraltar. I don't know how successful they have been. But one thing is certain, Mr Speaker, and that is that the union in this case hasn't even convinced the people affected which are the workers at the Victoria Stadium, who have had to go above their heads to the Assistant General Secretary of the Transport and General Workers Union in London to complain. What the District Officer has told Mr Harry Urwin in London I don't know, no one has told us anything about it. The Minister for Sport told us his mail had been blacked and I thought he was about to tell us what Mr Harry Urwin had written and then he didn't tell us anything more, so on this side of the House we don't know what happened. The facts, as far as the problem at the Victoria Stadium itself, seem to speak for themselves. There is no logic at all, I am sorry to have to tell the Hon Member, there is no logic at all in the stand of the union in this matter. In England and everywhere Union practice seems to be that you consult the workers in a particular field at

dispute, you consult the shop stewards and then you make a decision. There are grumblings in England that the shop stewards govern particular area, the union executives no longer have that power. Well, here it is still the good old days, apparently, because the union executive decides over the heads of the workers in an area affected, what should be done. Whether that is democratic or not, I don't know, Mr Speaker. I would have thought with my limited experience that this isn't democratic but then I may be wrong, I don't know. Mr Speaker, the motion reminds the Government of its responsibilities. I think that this has gone on long enough. This dispute has gone on since May or June of this year. Many months have gone by and the stadium activity has been gradually more and more curtailed. Then you have got the deterioration of the situation of the stadium itself, the problems of the nortex, then you have got the problem of the sewage pump, and we have heard the reason why it is not by any means settled. You have got all this damage, damage and more damage to the community of Gibraltar in an issue where the Union doesn't even have the majority in the area of dispute, and we all have to put up with it. Mr Speaker, since the Government is elected to govern, it is primarily their responsibility. I think that the Government having heard how people think about it, how strongly people think about this position, they should really start doing something about it. I don't know whether the answer is dismissal, I don't know whether the answer is compulsory transfer to another department. I don't know whether if these two cleaners were to transfer to another department despite unanimous unity, put it that way, in the stadium, and unanimous agreement as to how the stadium should be run, whether blacking would still go on. The Government has a responsibility here to the community and it has to discharge it and I would not be too worried by the warnings of the Hon Member that this would be union basking. Well, Mr Speaker, what about community basking? What about sportsman basking? Don't they have to be balanced as well? Are a set of people, an executive, the names of which we still don't know who they are because they are not public, we know who all the Ministers are, but not the names of the Union Executive. Is it fair that because they decide that Mrs Vella must be supported against all odds, that the whole of the community of Gibraltar has to suffer indefinitely until the Government gives in? Is that what the people of Gibraltar are made of? I would respectfully suggest that the people of Gibraltar are not in agreement with the union executive in this and I would recommend to the union executive that they consider seriously their position in the Victoria Stadium. There is nothing wrong, there is nothing disgraceful about a person saying; "Well, perhaps, the other cleaners have got a point, perhaps, in the circumstances of the Victoria Stadium we should carry on in accordance with the agreement we entered into in August 1976". They would not be told; "You are finished, you don't have any power or anything." People would think that the union had acted responsibly. The same way as when there is a fight and they have right on their side, people would admire them for fighting for it. They mustn't think that we are anti-union because we criticise them when they are wrong. I am sure the Hon Mr Bossano would be the first to admit that not every decision the union executive makes is the right one and a wise one in the same way as not every decision the Government makes is a right one or a wise one or any decision members of the Opposition Group make is a right one or the wise one. Unfortunately, when a union of the size and the strength and wielding the power that it does, like the Transport and General

Workers Union, makes a decision and it is a wrong one, unfortunately, the whole community possibly suffers and can suffer as in this case the whole community is suffering. All the many families in the Glacis area, in the Tower Blocks area, have been suffering the stench and they have been running the health risk brought about by this dispute with two cleaners, Mrs Vella and Mrs Macelo, in opposition to the wishes of the majority. Mr Speaker, there is one thing I think I must say and the Hon Mr Dellipiani mentioned it, and that was that I also must take umbrage at the statement made by the Hon Mr Bossano when he started speaking and when he said that he knows he is going to be in a minority of one in this motion so that the working classes of Gibraltar will now know where they stand and who supports them and who does not. I think that is a pretty serious allegation to make because I think that all Members of the House here are very conscious of the fact that the majority people of Gibraltar are working class people and we look to their votes as much as anybody else and I think that most of the legislation, I would say 99% of the legislation that has been passed in this House certainly in the twentyone years I have been a member of the House, has been aimed at bettering the conditions of the community as a whole. I think this is an outrageous statement to make. Why, because we do not agree with the union executive on a particular position? Are we anti working class when we get up and we publicly criticise the District Officer of the Transport and General Workers Union for talking about having for Gibraltar "independence or whatever" as a constitutional decision for Gibraltar? Are we going against the interest of the working classes because we stand up and publicly criticise possibly the most powerful man in Gibraltar? Are we going against the interest of the working classes, Mr Speaker, if we criticise the District Officer for all the things he is meant to have said to a newspaper in Spain which are then quickly denied?

MR SPEAKER:

I think we have had enough examples.

HON P J ISOLA:

May I give one more. Are we acting against the interests of the working classes if we make public our criticism for Gibraltar having been put in complete darkness for six hours because one person in the Generating Station didn't like what somebody else told him? We have to put up with this constantly, Mr Speaker. I think the Hon Member will have to think up something a little more cogent in argument to convince this House. It may be easier elsewhere, I don't know, but I would say in all seriousness to the Hon Member that I think it does not befit him to say that if we vote in favour of this motion and are critical of the union executive, exercising our democratic rights to criticise, that we are therefore against the working classes of Gibraltar. Mr Speaker, I do believe in all sincerity that this business in the Victoria Stadium is ludicrous and that it has gone on long enough. It is, I think, a great shame that a great number of the school children in Gibraltar should be deprived of the use of the Victoria Stadium because of the attitude of two cleaners. It is a great shame that there should have been a health hazard in the Glacis area because of two cleaners in the Victoria Stadium. If these two cleaners had been the only two cleaners in the Victoria Stadium and a great question of principle had been involved, yes, possibly, even though it would be hard to

justify. But with six cleaners not being in agreement, a clear majority against the union position, it is a great shame that Gibraltar and sports lovers in particular should be suffering the way they are, that the whole image of Gibraltar, for example, in the field of hockey should be at risk, that youngsters, who have got very little to do in Gibraltar and everybody I think is trying their best to give them a fruitful life and a reasonable life of sport and leisure, should all be prejudiced because of the arrogance of the union executive who are not big enough to recognise what democracy really is and are not big enough to climb down when justice demands that they should. Mr Speaker, I think that all Hon Members would think quite a lot of the executive of the Transport and General Workers Union if, having heard how strongly Members feel on the situation in the Victoria Stadium, they were to do something a little more generous and a little more realistic to resolve this situation and allow peace once more to reign in the Victoria Stadium.

HON CHIEF MINISTER:

Mr Speaker, I would just like to put some points in their proper perspective in this matter on the merits of the dispute without in any way dealing with footage or sizes or anything like that because it seems to me, with respect, that the union have altered their approach to this matter from the time that I made a statement on the 19 July 1977, to more recent times. At that time I was asked; "Will Government make a statement with regard to the industrial dispute involving the Victoria stadium." We were very concerned at that time about the sewage pump and I made a long statement and then there were quite a number of supplementaries. I did say in my statement that this had been an agreement which had been freely entered into and that the person who was now objecting had then been the shop steward who had negotiated that agreement, and in the course of supplementaries the Hon Mr Bossano asked; "Is the Hon and Learned Chief Minister aware that the Union has informed management, in writing, that management's interpretation of what the August, 1976, Agreement was is not the union's interpretation of what was agreed then and that consequently the essence of the dispute is as to what was agreed last August." Really at that point it was a question of interpreting what had been agreed in August 1976. I replied: "In fairness, I cannot say that I am not unaware that there is some dispute as to the interpretation of the Agreement. But, surely, in a matter of this nature simple arbitration of the interpretation of the Agreement would satisfy, certainly the Government, and I hope it would satisfy the union in a matter of such great importance." The Hon Mr Bossano replied; "Well, Mr Speaker, I am grateful to hear that this is the case. No doubt when the report of what is said here gets back to the union the matter will be looked at." Since then, it seems to me unless I am completely mistaken, since then the union because perhaps, of the general support to that Agreement against the objection of two of them, the union has tried to encompass the whole question of part-time cleaners over the whole of the Government service in order to dilute the issue at the stadium into a bigger issue in which there are differences of principle involved and so on. At this stage in time the union, if I understood the Hon Member rightly, were prepared to look at the Agreement of 1976 and see what the areas of disagreement were. Now we are told that it is the whole question of the majority of all the cleaners in the Government service and that you cannot have an agreement with one side and an

agreement with another.

HON J BOSSANO:

If the Hon Member will give way. That has never been said, what has been said affecting all the other cleaners has been the question of the statement made by the Government on the 19th of May, 1977, to the effect that the privilege enjoyed by all other part-time cleaners is a concession which is at the discretion of the Head of the Department. Quite apart from the question of the Victoria Stadium dispute that statement in itself is unacceptable to the Transport and General Workers Union and it was stated in the same meeting that the statement was made that it was unacceptable and that statement in itself unless agreement is reached in respect of that statement, that in itself would certainly create a dispute. It is a completely separate issue from the question of the Victoria Stadium and that was made clear to the Government when the statement was made on the 19th May. If the position of the Government is that the right that is enjoyed by other cleaners and has been enjoyed since 1946 is a matter for the discretion of the Head of Department to take away or give, then that is not acceptable. The position of the Transport and General Workers Union is that if the square footage formula is introduced in a particular way to arrive at the hours of work, an inevitable consequence on the side of the Government is the right of people to go when they finish the work, just like the inevitable consequence on the side of the union is that their hands are tied by the operation of the formula and they cannot argue about the intricacies of the work which was the point I made before.

HON CHIEF MINISTER:

That may be very well but, certainly, these objections and these technicalities were not raised at the time that the question of the Victoria Stadium cleaners was discussed. At that time all that was done was reference to the Agreement reached for the Victoria Stadium which is here on the minutes and which is what all the members of the union have agreed and, in fact, what the members of the union in a majority in that area desire to have. It is obvious that whereas before it was a question of whether this interpretation was right or wrong, the union have now widened the field of the conflict, whatever it may say, because otherwise why was that not raised when the question was raised by Mr Xiberras at the time when the Victoria Stadium action was biting in another respect, that is, in the health hazard respect. It is not for me to comment on the machinery or the bureaucracy of a district, of a section, etc, like any other organisation, it is not for me to comment on that, but in an issue of this nature which it is perfectly proper to pursue if there is a grievance in the sense of what Mrs Vella or Mrs Macedo think but is an issue of this nature which is isolated, which the majority of the workers are happy with the conditions, and which the industrial action is out of all proportion because it affects things which have nothing to do with the stadium, it has nothing to do with the cleaning of the stadium, it has to do with the running of sports in Gibraltar. It may well be that there is a link and that two women can hold the whole of Gibraltar to ransom. It may be that that is the natural result of the way the bureaucracy of the union works, but in its substance, and this is where if I may say without in any way attempting to tell the union what they

ought to do, they know well what they do and whether they want to do it or not, this is not a matter for me, but in the substance of this debate and in the feelings expressed here, the matter which the union is attempting to establish and the action which it is taking is completely out of proportion to the issue that the union is attempting to decide. Because if Mrs Vella and Mrs Macedo had not raised any objection the people would be working happily there and the union would still be arguing about the May 1976 agreement and good luck to them if they were able to establish some better conditions. That is what I think is the essence of the matter, the non-attempt at isolating the issue on these two persons against the wishes of the others and escalating it out of all proportion into areas which have really nothing to do with sport. True that water has to do with sports because of the nortex, but what has the sewage pump got to do with sport. This, in my submission, is an attempt to escalate a small matter out of all proportion and in that respect I would urge the union to consider the matter in the light of what has been said here. We know that in the end if they want they can have us to ransom on many things. We know that because we have been reasonable over the blacking action in order not to escalate it, it has been thrown at us that we have been paying money which was not warranted in the productivity agreement and that we have been paying people when they were doing nothing. And if we had tried to stop the productivity agreement, they would have told us: "There you are, you are escalating the action, you are depriving the people of £2 which they badly want", and then you are anti-worker. So the Government is never right with the union. I think there comes a time for reckoning matters and reconsidering attitudes and I think, and this is my appeal to the union in support of this motion, that they do consider isolating the problem and pursuing the matter. We are not saying that we will not negotiate or we will not talk about possible ways of solving the problem. The Government has not shut the door to the union, I said here that if it is a matter of interpretation let us have an arbitration on how the agreement is interpreted and I say so now, let us have an independent person to arbitrate into this matter and bring all this to an end. Or is it that the union really want conflict? I would like not to believe that but if things go like this one would be led to the inevitable conclusion that, perhaps, the union is not justified unless the pot is boiling somewhere. I would hate to believe that because the day that I believe that, I think it would be a very sad day because then it would be a security of our ruin as a free community in Gibraltar. With a union that is determined to destroy the rest of the community, no community is ever safe and I want to believe that that is not the case.

HON MAJOR R J PELIZA:

Mr Speaker, I think my Hon Friend Mr Brian Perez has shown tremendous valour to have picked up this very hot chestnut from the fire and brought it to this House to give it a good airing. The importance and the far reaching under current connected with this motion I think has been brought up by the surface by the amount of passion that most of the speakers who have risen today to speak have shown. I, for a change, am going to try and restrain my views as much as possible and, perhaps, act more like a fireman by pouring water into the fire, some of which I hope will spill onto the ground and see if it is possible to bring about some kind of reconciliation in this dispute which I think

to any ordinary observer would seem to be somewhat out of all proportion if related to the actual cause of the dispute. I believe that it is precisely because of that that everyone in this House is showing so much concern. I think that whatever I say no one can say that I am biased against the union. I am a great admirer of the union, I think we owe a lot to the unions in Gibraltar. The unions, in fact, have been one of the most effective institutions in the world, I won't say Gibraltar, in the world, in bringing about the progress that, generally, the western world is enjoying today. Having that very strong belief it is not possible that I who on other occasions have stood four square behind the actions of the union, that whatever I may say could possibly be interpreted today as meaning that I am biased against the attitude of the union. Equally, I think we all know that if I have to speak forcefully to the Government I am not the type who tries to pull back but today, because I feel especially after the last speech made by the Hon and Learned the Chief Minister, that there is a possibility that out of the discussion that we have had here today there will be some form of reconciliation between the union and the Government, I will even restrain myself even more. I have been listening and trying to sit in judgement of what is going on. It is, in fact, very difficult to follow the arguments, extremely difficult. For instance, I understand from what my Hon Friend Joe Bossano said, that it is the general agreement of the Government to work on footage and not on hours. I heard the Hon Minister for Labour and Social Security saying that that is not so, that there are departments where, in fact, people do work by the hour and footage does not come in.

HON A J CANEPA:

If the Hon Member will give way. There is this formula which is and has always been in fact since 1946, as the Hon Mr Bossano rightly said, applicable throughout the public sector. I didn't refer to the question of footage, I said that whether people left early or not after having completed their allotted work was discretionary, that it was a concession on the part of the departments that allowed it, I said, witness the fact that the MOD in the Technical College insist that people must remain there at work for the full four hours, from two in the afternoon to six in the evening and they are not allowed to leave earlier whether they complete their allotted tasks or not and yet this is accepted.

HON MAJOR R J PELIZA:

I misunderstood that, I didn't realize that, in fact, people would be allowed to go out before the time whether or not there was an agreement and I imagined what my Hon Friend Joe Bossano was just saying was that it was a concession which is given by the Head of the Department. Be that as it may, I think we have a problem in a department of Government where, as I understood it here, the majority of the workers there feel one way and two of them feel another way. The union, and I don't think it is fair to accuse my Hon Friend Joe Bossano of any bad motives in this, I think that as I understood it again from him, it was up to the 12 members of the executive committee of the union and not himself, as an official of the union, to decide which way the union would move and therefore I think, perhaps, it would be slightly unfair to condemn him for the attitude of the union over which he has no control any more than it would

be to accuse a counsellor of any kind for the actions of his client. I think it would not be proper to do that. I feel that we are not going to make much progress if we direct our thinking along those lines. It is a fact today that unions are a powerful source in our society, all over the western world, not just in Gibraltar and the problems that we are meeting here today are being faced and have to be resolved in all the other nations of the western world. Some people would advocate drastic action but I do not believe that that in the long run would bring about the desired effect. I think what is necessary is to try and bring about a very high sense of responsibility to all those who have the power to make decisions within the union. That, I think, is the primary task. The problem today is in the stadium but we know that there are problems in many other departments and that there are even bigger issues ahead which we shall always have to overcome and the only way to do so in my view is by trying and imbuing a very high sense of responsibility on the people who have to make these decisions. This can only be brought about by moral pressure which as one can see is already beginning to build up in Gibraltar. The statements made by sportsmen these last few days where, clearly, they disassociate themselves from any political bias proves that the ordinary man in the street, and I would say even ordinary members within the union, cannot possibly be in agreement with the kind of action that has been experienced over the dispute over the stadium. I think that if gradually we can build up this moral pressure on the men who have the responsibility within the union, it might be possible with time to try and get those men to realise that although they have a lot of power, and this is really the trouble now, there is a lot of power without direct responsibility, that although they have a lot of power, that power must never be abused because in the long run the whole of society is going to suffer. I believe that the discussions that we have had here today may apportion some small grain, perhaps, because it is not going to happen overnight and this is where we have to be patient, will apportion a grain or two towards creating this new atmosphere of responsibility in those who have suddenly found themselves with so much power.

HON H J ZAMMITT:

If the Hon Member will give way. Is the Hon Member aware that the entire staff affected at the stadium called upon the Executive Committee and they themselves complained to the Branch some time ago and they asked the members of the Committee to consider their loss, not only financially, but they put their claim to this Committee and it has had absolutely no effect whatever. I certainly made reference to that this morning and I think it has come out that there have been meetings of the staff with the Union officials.

HON MAJOR R J PELIZA:

This is precisely what I mean my moral pressure. If members of the union find themselves rather helpless in trying to change the decision of the Executive Committee, there is little doubt that that will spread amongst other members of the union so that eventually I hope that those responsible will find that they do not have the backing of the membership for that kind of action. One can see that this is the way that the British Government is handling a somewhat similar situation. I know that the British Government are going to use troops if the Firemen go on strike but, in fact, that may not be in all regions. I was listening

to the news yesterday and they are not going to use troops in Merseyside. What is happening is that there are a lot of people coming forward as volunteers to act as firemen if the firemen do not come out to extinguish fires and so you see how, gradually, public opinion is mobilising itself against the attitude of irresponsible action from whatever body it might be. What I am trying to say is that I do not believe that drastic action is going to be the cure in the long run and this is, perhaps, where I agree with the Chief Minister. I think he is trying by every possible means to see if it is possible to find a way of resolving this particular issue and if it could lead to greater and closer understanding between the Unions and the Government, this might result in a better future in industrial relations and of course also for Gibraltar as a whole. There is little doubt that a lot of suffering has been caused by this sort of attitude from the union. There is no doubt about it I think that, generally, the public is against the manner that this dispute is being handled. I do not believe that the union can carry on for so long acting in this way without drawing the odium of the people of Gibraltar. I do not believe it is in the interest of good trade unionists to proceed and carry on proceeding in the way that is reflected in this dispute. I hope that today's debate will bring about better understanding between the Union and the Government so that the bigger problems that lie ahead which are of greater significance than the one that we are discussing here today can be resolved in a more peaceful way.

HON G T RESTANO:

Mr Speaker, I must say that this morning I was dismayed and surprised to hear from the Hon Member on my left that he was, and in fact he repeated this on a number of occasions, that he was not completely sure in his own mind of what Government's attitude was in certain areas within the Victoria Stadium. I am quite at a loss to understand how the Hon Member insofar as he is also negotiator in these negotiations cannot, on the one hand, be quite clear in his own mind in certain areas as to what the Government view is, but on the other hand, quite willy-nilly, industrial action is imposed on many sectors of the community without those people who are initiating the action really knowing what the Government attitude is. It seems to me that this is just industrial action for industrial action's sake.

HON J BOSSANO:

If the Hon Member will give way. The action at the Victoria Stadium, the Hon Member appears not to be aware of, was officially notified to the Government on the 19th May because the Government chose to stop the money of two workers. The issue is that if workers are carrying out industrial action on official union instruction, then the Government hasn't got the right to stop their money because you can only stop money if you charge people under the discipline code and they are found guilty and then they are suspended without pay or fined or something like that. The issue of the blocking of the stadium arises out of the fact that people have had their money stopped. What the union is unclear about are the fundamental reasons which the Government say make it impossible for anything different to be negotiated in the stadium because whenever detailed questions have been asked of the Industrial Relations Officer, the Industrial Relations Officer has said that he had to get expert advice, I said that this was said a

fortnight ago it was said yesterday and until that expert advice is forthcoming the union doesn't know what are the major obstacles which prevent any progress being made.

HON G T RESTANO:

Mr Speaker, I think the point still holds. Without having a complete idea of what the Government position is, industrial action is slapped on, and many people in Gibraltar are suffering because of this. When the Union is right I certainly will be the first to support the union but where I think it is acting without knowing what the other side's position is and, in fact, that was confirmed in the question in July where the Hon Member said that there was a difference of interpretation but it turns out this morning that apparently he doesn't know what the Government's interpretation is, I think that before any industrial action is slapped on it would have been a responsible attitude on the part of the Transport and General Workers Union to have found out what that position was and if that position was unfair then, possibly, industrial action could have been justified. In having this industrial action at the Victoria Stadium and causing hardship to sportsmen and school children there is one point which I think the union is not being consistent. Whilst agreeing that athletes should not use the stadium, and being quite happy to see that schoolchildren cannot either, the Union certainly seems to have no qualms about using it themselves when they had their two public meetings earlier in the year. I think, Mr Speaker, the union leadership should take this motion very seriously and take into account schoolchildren who are not being allowed to use the facilities, which is prejudicial to their health as they do not have physical exercise. I completely agree with the motion and would urge the Transport and General Workers Union to withdraw all industrial action at the stadium.

MR SPEAKER:

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

HON J B PEREZ:

Mr Speaker, in the time I would like to say that I am very happy to see that this motion has met with the approval of all Members of this House, except one, who will abstain. I am also grateful to the many valuable contributions made by Hon Members of this House and I am also very grateful to the Hon Mr Joe Bossano for, in his own words, giving the other side of the coin to this House. I must inform the Hon Mr Bossano that my views on the matter have not changed one iota, and I think it is the view of the Members of this House that the Union have been unreasonable and unjustified in the action that they have taken at the Victoria Stadium. As has been pointed out by many of the speakers it is not a case of whether one supports the working class of Gibraltar or not, it is not a case which depends on our own political philosophy, it is not a case of whether one is a capitalist, a socialist or a communist. Neither is it an exercise in union bashing. As the Hon and Learned the Chief Minister said, one has to take the Victoria Stadium in isolation as was the original position when the question concerned with the motion was asked. One has to go to the Victoria Stadium and ask the workers there, not just one or two of the workers but all of them what is it that they want. And it is clear Mr Speaker, from the position as explained by Mr Bossano himself and Mr Zammit, the Minister for Sport, that all the employees at the Victoria Stadium, except two, are in agreement with their

present conditions of employment. They are happy with the conditions and do not wish any changes to take place and it is in that light that the motion asks the executive of the Transport and General Workers Union to lift the industrial action because they are not, as Mr Canepa so rightly pointed out acting in a democratic manner. They are taking the side of two cleaners against six. I must say, Mr Speaker, that I sympathise entirely with the position that Government is faced with, not only before the motion but even after this motion is passed because should the Government consider taking any disciplinary action or should they consider giving in to the demands of the two cleaners involved, as the Minister for Sport remarked they would be with the position when the 25 other employees at the Victoria Stadium are likely to take industrial action. This is one of the questions that I hoped the Hon Mr Joe Bossano would answer and I am prepared to give way. The question I ask myself is this. The Transport and General Workers Union is taking sides on behalf of two of the cleaners against the wishes of the others. If the Government were to give in to these demands and the other employees of the Victoria Stadium then took industrial action, would the Transport and General Workers Union go in their favour against the Government? That is the question I ask myself and I hope Mr Bossano will be able to answer. Mr Speaker, I give way to the Hon Mr Bossano.

HON J BOSSANO:

Mr Speaker, as I said before, and as the Government has been officially informed by the union, there will be no change in the conditions in the Victoria Stadium without full consultation with all the people there and without full acceptance by everybody concerned, so the matter does not arise.

HON J B PEREZ:

Mr Speaker, I am extremely happy to hear Mr Bossano give that reply because it seems apparently that as I said in the beginning, there is no claim and they are not claiming anything. Mr Speaker, without any further ado I commend the motion to the House.

Mr Speaker then put the question and on a division being taken 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 Massan
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 following Hon Member was absent from the Chamber:

The Hon J J Caetano

The motion was accordingly passed.

PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move the motion standing in my name that: "This House is opposed to any talks or negotiations taking place between Britain and Spain on the question of the sovereignty of Gibraltar."

Mr Speaker, the House will have an opportunity in debating this motion to let the people of Gibraltar know to the extent that the people of Gibraltar pay any attention to what the House says or does, whether there has been any fundamental change in the position of Members of the House of Assembly who have now been elected for just over a year. In my own view, all the Members of the House were elected on the ticket that they would oppose any question of the transfer of sovereignty to Spain and, consequently, as a logical follow-up to that, any question of the issue of whether a transfer of sovereignty to Spain should or should not take place not being a matter which was open to discussion on negotiation, a matter on which all members of the House stood firm and, indeed, I think that the three candidates in the last elections who felt that it was right and in the best interests of the people of Gibraltar that the question of sovereignty of Gibraltar should be discussed between Britain and Spain, were defeated, so I believe that Members of the House of Assembly were elected precisely for this reason as well as for whatever other platform they may have adopted in their election campaign. I think it is important also in view of the recent changes that have taken place in the ideological composition of the House, to know whether as a consequence of any of those changes there has been any change in this respect. There is no doubt, Mr Speaker, in my own mind that the position of the Spanish Government is contrary to what many expected with the change that took place in Spain after the Referendum and the holding of free elections. Contrary to the expectation that existed the position of the Spanish Government, in fact, is in respect of sovereignty absolutely identical to that of its Fascist predecessor and it would appear that Spain is not prepared to contemplate the removal of the restrictions which constitute a war of attrition against Gibraltar unless and until it has had some sort of assurances from the British Government that the question of sovereignty is going to be put on the negotiating table. I think it is therefore important that Members of the House at this stage should make quite clear what their own stand is on this matter, whether they are prepared to see for the first time the sovereignty of Gibraltar being a matter for discussion between Britain and Spain. It is something on which Members of the House have taken a stand as long ago as 1963 when it was made clear by the then Members of the House that the unanimous view of Members at that time was that it was not a matter for discussion between Her Majesty's Government and the Spanish Government. I am not sure whether my motion is one which will elicit controversy in the House or whether it is one which will find unanimous support because it is one in which we are all agreed. Therefore, in proposing the motion, I do not intend to dwell in any arguments as to whether Members should support the motion other than to say that it would be the natural expectation, I would say, of the electorate, that the motion should meet with the support of Members given the stand that Members took when they stood for election in October last year.

Obviously, if I find as a result of intervention by other Members that there are different views, then I would attempt, Mr Speaker, in rounding up, to influence those views in order to get the House to support my motion.

Mr Speaker then proposed the question in the terms of the Hon J Bossano's motion.

HON CHIEF MINISTER:

Mr Speaker, normally I would not stand up immediately after the mover. I would expect to get some Members of the House to speak first in order to cover any point that could arise in the course of the discussion, but for reasons that will become obvious in my contribution, I consider it my duty to speak first on the matter.

I wondered why this motion had been brought to the House at all. I now see the reasons given by the mover that it is a year since the election and he wants to know whether people have changed because of the change in political ideology that has taken place. I thought he was going to carry on saying, because of the changes in political ideology that have taken place in Spain. I thought that that was going to be one of the grounds on which he wanted to know whether there was any change but, apparently, the Hon Mover was referring to the political ideology of the collapse of his Party and that, of course, is a different matter because, as I understand it, the Gibraltar Democratic Movement when it went to the elections, went on one ticket only and that was the decolonisation of Gibraltar. It is true, let us make it quite clear, that there was no question of siding with Spain or with those that sided with Spain. There was no question about that, in fairness to the mover, that has been his attitude always in that respect. I wish all the members of the union to which he belongs were as loyal to Britain as he is showing himself to be by bringing this motion here. Insofar as the political side is concerned, I do not remember in the course of the election campaign of the Gibraltar Democratic Movement any affirmation of continuous British Sovereignty on the part of the Party though I think that it was taken for granted and I do not dispute that that would have been the attitude had they been asked. The ideological changes that have taken place in this House means that two Members have joined in a group under the leadership of Mr Maurice Xiberras and I do not think that anybody who joins the group of Mr Maurice Xiberras would be contemplating a transfer of sovereignty to Spain if they wanted to remain in that group for a long time. Insofar as the Member who chose more wisely to join the Government, the Government in this respect has not changed at all in this matter. The elected Government as elected and as it is today and as I have stated so many times to so many people, stands squarely on continued British Sovereignty for Gibraltar. To my knowledge nobody other than the Spanish Government and a very small quite unrepresentative minority in Gibraltar, is prepared to discuss the transfer of sovereignty to Spain and, of course, there is no representation of such a minority in this House. Having said that, the Hon Mover finds himself today in the unaccustomed position of having someone agreeing with him, indeed, not just someone but I would go as far to say possibly the entire House and just as the previous debate showed that he was in splendid isolation, this time he will find that he has got the best company that he could ever look for. I would of course congratulate him for seeking and achieving such wide and distinguished support were it not for the fact that the people of Gibraltar

as a whole had made up their minds on this point long before Mr Bossano was around, in 1963 and before that in 1954, if there was any need to take the matter further, at least manifestly. So that really what is happening is that he is stating what has been blindingly obvious to everyone in Gibraltar and outside Gibraltar for a good many years. There have already been and it is only fair that there should in a Western free society, as we understand it, some comments and some speculation about this motion. Those Hon Members, if any, who read the "Calpe News" of the 26th October will find that on that date in that issue the newspaper thought that the motion would provide an ideal opportunity for the elected representatives to tell the people just how they proposed to lead them. I will revert to this a little later. I will not comment on the political slant of the "Calpe News," I think it is well known. It is somewhat different to "Vox", I understand. I think in this House we have two functions, the first one is to lead and the other one is to represent the views of those who have elected us. Insofar as this particular question is concerned, the question of talks about sovereignty, there is no distinction, there is no difference between those two roles. The leaders and the people are at one. Let us look again at the "Calpe News" of the 2nd November. In that issue, in the opinion column, presumably the editorial column, the Hon Mr Bossano is castigated not only for not attending the wreath laying service for the dead of two World Wars last year, but also for baiting Hassan, and this from a newspaper which never finds anything pleasant to say about Hassan and which, indeed, has a go at him in the same editorial. I really do not know what to make of all these complications in the papers. Does the "Calpe News" support the Hon Member or does it not? I suppose when the writer is not realising that he is writing for the "Calpe News" but he thinks he is writing for "Vox" then he supports the Hon Member and then if he thinks he is writing for the "Calpe News" proper then, of course, he has got to castigate him and me and everybody else who doesn't stand for the principles for which the "Calpe News" apparently stands which just by coincidence was launched the same day as the PAG was launched in Gibraltar just by coincidence. On this question of leadership and what has to be done about these matters, the House may recall that at his press conference in October, in London, following his meeting with the Prime Minister, Mr Callaghan, and the Foreign Secretary, Dr Owen, the Prime Minister of Spain, Senor Suarez, said in answer to a question that if Britain were to decide that Gibraltarians were to form part of a United Kingdom delegation on talks on Gibraltar, he himself would have no objection. In pursuance of this remark, and for reasons that I will say later, I suggested to Dr Owen during my meeting with him last Friday, that it might be useful if at a meeting between the British and Spanish Government I, as Chief Minister, and the Hon Xiberras, as Leader of the Opposition, could be present. The main object of this meeting would be to provide an opportunity for the two of us to have a talk with representatives of the new Spanish Government so that they should know directly from us the views and feelings of the people of Gibraltar. Major changes have taken place in Spain itself since the end of the Franco Regime and although these changes inexplicably have so far brought about no change in the Spanish Government's attitude towards Gibraltar, at least no apparent change, it seems to be right that we should not let this opportunity pass without taking some initiative in order to see whether the new democratic Government of Spain takes a more up-to-date and a more enlightened view on the question of Gibraltar. I stressed to Dr Owen that the talks, if held, would be purely

exploratory and that this would lead to better understanding, but I should like to stress a few important points in respect of this. The first is the purely exploratory nature of such a meeting, if it were to come about. As I envisage it, such a meeting would be held without any commitment whatever on any side and would be completely without prejudice to the position of any of the parties. It would provide an opportunity for the parties to state their views directly to each other. Secondly, I would stress that the initiative is entirely mine, although I hope it has the support of the Leader of the Opposition who will no doubt express his own views on the matter. What I am very anxious to make absolutely clear is that this is not an idea put to us by the British Government at all. I put the suggestion to Dr Owen when I met him on Friday and had indeed mentioned it to the Governor a few days before we left for London. Subsequently, after Dr Owen had seen Mr Xiberras separately in order to inform him of the talks held with Senor Suarez as he had done with me previously, we all met again jointly and Mr Xiberras was asked for his views on this proposition. I would not wish anyone to think that this is something that we had been asked to consider by the British Government or by anyone else. Indeed, I would go as far as to say that Dr Owen himself was rather intrigued by the idea and that after some thought he concluded that it would be worthwhile pursuing. Thirdly, I would stress that the meeting, if the Spanish Government agrees to the idea, would not be between them and a Gibraltar delegation, it would be between them and the United Kingdom Delegation which would be included Gibraltarian representatives. As we all know and as I have so often said not only recently but when it was perhaps not so popular to say so, the modern world is a world of dialogue so that those in dispute can at least be sure that they fully understand each other's point of view. We believe that we understand the Spanish point of view but are prepared to listen to any further clarification they might wish to make, but I do not know whether they fully understand our point of view. Sometimes, or most of the time, they act as if they didn't. The meeting I have proposed should make everything clear to everybody. Certainly any suggestion of this nature would have been fruitless with the previous dictatorial regime as was shown by the meeting held in Brussels in 1975. The difference today is that with a democratically elected Government in Spain there is a greater possibility of understanding of positions. I must in all honesty say here and now and obviously without in any way wishing to prejudice my own initiative, that the continuing hostile attitude towards Gibraltar and, indeed, to those Spaniards who have attempted peacefully to improve the present situation, is regrettable. But it is precisely in order to discuss this sort of thing that I am putting forward the proposal. I am not suggesting that this initiative is going to solve the problem, in fact, I am as conscious as anyone of the enormous difficulties which lie in the way of reconciling the two points of view but I do believe that we owe it to ourselves to make this endeavour. Too often it has been said by the Spaniards that we do not get to hear their wonderful proposals for the Gibraltarians because the British Government won't tell us. Well, let them tell us what they have and let us tell them what we think about what they have, if they have anything. Should it fail to produce any kind of progress at all I do not think we would have lost anything. We will, on the other hand, have shown that we are at least willing to discuss the problem and this, in terms of the spirit of the European Economic

Community to which Spain aspires to belong and in terms of Helsinki, if it really means anything, to which Spain has already subscribed will, I am sure, weigh heavily in our favour in the light of international opinion. The United Nations session is coming up, there has to be the usual consensus if they are going to take the matter in a low profile as has been done before and even then there would be a request for Spain and Britain to speak about Gibraltar. What better proof can we give that we are prepared to meet the leaders of Spain with a British Delegation and tell them what we think and what we think is that we support the motion.

HON M XIBERRAS:

Mr Speaker, I have of course, as has already been indicated, no difficulty whatsoever in voting in favour of this motion and, of course, whatever changes there have been in the ideological distribution of the House, I can assure the Hon Mover that the Chief Minister was quite correct in saying that no one, in fact, would last a very long time within any group which either I led or I was a part of, that did not subscribe to the inviolability of British Sovereignty over Gibraltar and I welcome the opportunity, whatever the motivation behind this motion and whatever aspersion have been cast on Hon Members of this House as to the consistency with which they hold views on British Sovereignty, I welcome this motion because it gives all Members an opportunity of renewing their pledge to British Sovereignty, and I assume that the motion means British and that an amendment will not be necessary to include the word "British" over Gibraltar. Mr Speaker, whatever has been said so far in the debate would therefore have to be taken in the context of the vote on the proposal itself and I will go further than the Hon and Learned Member opposite and say that the House will have no difficulty in supporting the motion unanimously. I do not think ideological changes and composition distribution will affect the matter one iota despite the fact that I do not share the view of the Hon and Learned the Chief Minister that Dr Valarino made a wise decision in crossing the floor of the House. Mr Speaker, the mover of the motion said that he was not quite sure as to what effect what is said in this House has on the rest of Gibraltar. I think he has probably been here long enough to know that it has some considerable effect and this is, perhaps, the best place in which responsible views can be expressed. One thing I am sure and that is that his moving of this motion is bound to have an effect within the trade union circles in which he also moves and I am sure that Hon Members of this House will be comforted by the idea that some of the views expressed in union circles which have been the source of divisions in various meetings that have taken place, the "independence or whatever" line that was mentioned by my Hon and Learned Friend Mr Isola in the other motion, that this view is not shared by the Hon Mr Bossano and I would not expect him to deviate himself from that proposition. Therefore, Mr Speaker, again, the motion is welcomed for that reason. There was a time, of course, when one was not completely aware as to who, within the militancy of the union, held sway and what were the views on constitutional matters that predominated within the Transport and General Workers Union. I am glad to see the Hon Member, who cannot divorce his position and his example from that of his other role within the union, again has made his own position quite clear in moving the motion. Mr Speaker, I think it is

perhaps fortuitously a good thing, too, that this motion has been moved in the context of what the Chief Minister has had to tell the House. I think against the background of this vote, which I am sure will be a unanimous one, for the motion, the Chief Minister's suggestion or 'initiative' as he has called it, bears with it all the necessary safeguards that people in Gibraltar need to have if those to whom the suggestion is made or, indeed, the people of Gibraltar themselves, hear now a reaffirmation, a solemn declaration by Members of the House, that sovereignty essentially is not negotiable, that we are not prepared to barter away our sovereignty as, indeed, I am not prepared and I believe the Chief Minister used the same words, not prepared to barter on the restrictions either, that against this background the purpose of the Chief Minister's initiative will become more clear and the people of Gibraltar will know that if and when this initiative achieves fruition there is no question whatsoever either that the persons who would represent Gibraltar there are going to deviate from the solemn declaration which I say this motion would suppose, or from the fundamental stand they have taken on the matter of restrictions. Mr Speaker, I think the argument is timely as put by the Hon Mr Bossano. We know, in fact, what it is that the Spanish Government want. I think, at the same time, there is a tactical point to be made. I think that it is now possible to do things that were not possible before. I believe, and I am told, "El Pais", for instance, made reference to this, that outside the Government Party politicians in other parties are seriously considering whether in fact their claim, no doubt they all feel equally strongly about this, to Gibraltar can be pursued in the same manner as it was pursued under the Franco regime. I believe that people here in Gibraltar feel that perhaps it is justifiable for them to think that a Spanish society and Spanish political spectrum as a whole could not be impervious to the argument of the people of Gibraltar, if only it were put directly and sincerely enough. During the dictatorship this was not possible, there was no chance of influencing public opinion in any way. Now, there is a chance, perhaps a ghost of a chance, that an appeal to reasonableness on the basis of the struggle of the people of Gibraltar over a very long time would, in fact, cut some ice if not solve some of the problems. The decision whether such talks should be held or not is not, in fact, as I see it one for this House. The decision whether such talks should be held or should be suggested to my mind is Britain's because Britain is responsible for our foreign affairs. The initiative can come from the Chief Minister and, as the House has heard, it has come from the Chief Minister, but the responsibility at all times for the conduct of our foreign affairs lies with Britain and the House has heard the Chief Minister say that Britain would not be against the initiative of the Chief Minister.

HON CHIEF MINISTER:

If the Hon Member will give way. One point which I didn't make which, of course, I take it for granted but perhaps it bears mentioning it at this stage is that this idea which has been put forward was said in talks with the Secretary of State against a background of the most solemn assurances that the right of the people of Gibraltar to determine their future would be upheld by the British Government at all times.

HON M XIBERRAS:

I am grateful for that contribution and I was going to move on to this. Mr Speaker, I think it has already been reported that my impression of the London visit was a favourable one and that solemn assurances were given which I think have been made public already in respect of Britain's adherence to the wishes of the people of Gibraltar. If the situation were otherwise, if we were not speaking, as I have heard another Hon Member comment recently, from a position of strength, then, of course, it would be foolish for such an initiative to be taken because then it would not be a question of carrying this initiative to the other side but of reacting out of weakness and I do not think that that is the state of our relationship with Britain. However, we must safeguard and be very careful about our position at all times. Responsibility, as I say, for the foreign affairs of Gibraltar lies with Britain. There is another condition which I think Hon Members on this side would like to see fulfilled and that is that there should be agreement between Gibraltar leaders as to what line is to be followed before one goes to any such talks and here, again the motion of the Hon Mr Bossano has given a chance to express this agreement if this was necessary, again, openly and publicly, namely, that sovereignty is not negotiable. Therefore the people of Gibraltar on this basic subject again would receive public confirmation of the views of their leaders. The next thing, of course, is that these talks, in the words of the initiative of the Chief Minister, would be exploratory. This of course is much less and perhaps I need not make this point but I will, it is much less than saying that anything there would be as referendum, that no decisions will be taken there. Again Hon Members will remember that this was a basic condition set by my Hon and Gallant Friend Major Peliza when he was Chief Minister in respect of any participation in talks of this nature and that therefore, as I say, no decisions will be taken there Mr Speaker, I think if these talks are acceptable to the Government of Spain they can serve no higher purpose really than expressing directly to them, to the Spanish Government, and to whoever cares to listen in Spain, the views of the people of Gibraltar. It would be a question of putting the case formally and directly. One should have no illusions either that the Spanish Government is going to accept this or that anything much should come from it. Certainly if, as they are, Gibraltar leaders are absolutely firm on the question of sovereignty and the allied question of how to tackle the lowering of the restrictions, no harm can come of that. There is an obvious point, of course, that these talks could not take place in Spain, that, I think, goes without saying, because Hon Members are of the view, I believe, that it would be an undignified position for Gibraltar leaders to agree to talks in Spain. Mr Speaker, I would be glad to hear from Hon Members their views on the motion however brief they are in their contribution because I think that it would serve the useful purpose of conveying this testimony to the people of Gibraltar. I do not think that it is necessary but the broad sweep of the debate, in fact, will serve to put into perspective the views of all Hon Members and I can assure the House that as far as the Opposition Parliamentary Group is concerned, the initiative of the Chief Minister would be acceptable on the terms he has set it out and that, of course, the motion will be

supported as well so that an attitude of firmness as well as of reasonableness will emanate from the House. I would hope, Mr Speaker, that not only the motion but what has been said in support of the motion, carries with it the support of all Members of the House so that people in Gibraltar will feel sure that if this initiative takes place that basic rights are going to be safeguarded and that there is certainly no question of deviating in any way from British Sovereignty over Gibraltar.

HON A P MONTEGRIFFO:

Mr Speaker, I was rather bewildered when I first read the motion of the Hon Mr Bossano in the Order Paper and I was bewildered precisely by the very words he used in the opening remarks in moving the motion. We had been elected, he said, on the retention of British Sovereignty only about 14 or 15 months ago. If that was so, I asked myself, what was the use of putting us to the test. He was almost casting an aspersion and doubt in the minds of people, particularly people who do not belong to this House, i.e., amongst the general public. I now see that his motives were different. He thought that because three of the members of his Party had left him they might have possibly changed their minds or become contaminated with the ideas of other members of the Opposition or the Government who might also have changed their minds, I hope that he is now quite happy and reassured that we have not but in his other role as servant of masters, as he described himself this morning, I do hope that he will show the same concern as he has shown in this House and that he will also try to convince other people in the particular institution where he is their faithful servant that they are as strong in the desire to retain British Sovereignty as all Members of this House are because I can remember only a few weeks ago some of his associates shouting down the National Anthem whilst it was being played at an international hockey match in the Stadium and also more or less the same people shouting down someone else who was carrying a Union Jack at the frontier. I hope that his concern about sovereignty and his concern about Members of the House not changing their minds is also expressed to other people outside this House with which he is in close liaison. I am all out for British Sovereignty over Gibraltar. I stood by that in 1954 and I stand by that now, that is why I am baffled when some people talk about "independence or whatever." In my case there is no doubt as I am sure there is no doubt in the case of any Member of this House. As regards the initiative mentioned by the Hon Chief Minister I agree with it not just because I am a member of the Government and I have been given a whip because we had a free vote and if there was no unanimity there was nothing to be done. I am not basing myself on the Suarez offer or on the fact that Señor Suarez mentioned that he had no objection to Gibraltarians being present in talks with Spain as members of the British delegation, I am going back to the statement made by Dr Owen to 35 million Spaniards over Spanish television and of course to the Gibraltarians who also happened to be listening to that particular channel at that particular time and he told the Spaniards in no uncertain manner that the wishes of the people of Gibraltar were paramount, that if they wanted to find out let them talk to the people of Gibraltar themselves but if they were going to talk about sovereignty they were going to

find themselves in difficulties. On that basis I accept the initiative because although the Spaniards may know it perhaps they think that because other people are whispering in their ear other sorts of versions as to how the people of Gibraltar feel, it is very pertinent and very proper that we, the people of Gibraltar, the representatives of the vast majority of the people of Gibraltar, should have that opportunity of telling them in no uncertain terms what we feel. It may well be that after that they may become more stubborn, it may well be that they may change their minds because they will find that as far as sovereignty goes we are not going to budge one inch. I support the motion.

HON G T RESTANO:

Mr Speaker I welcome the opportunity of giving my full support to this motion, especially as there has been the implication of the Hon Mover that those of us who may have left the Gibraltar Democratic Movement and moved to other groups may have had any different views. Let me assure him that those of us who joined the Parliamentary Group on this side certainly put our views in no uncertain terms in the declaration of aims of the Parliamentary Group and we said that as a group we wished to state our unswerving dedication to a British Gibraltar. I hope that the Hon Mover can give the same assurances about the Party that we have left, about the Gibraltar Democratic Movement, and I hope his members also feel the same way about British Sovereignty. Personally, British sovereignty to me has always been something of vital importance and it is today and it always will be.

HON A W SERFATY:

I would like to say that the idea of the Chief Minister that he should face representatives of the Spanish Government is a very good one. I think it is high time that the Gibraltarians even though Britain is responsible for our foreign affairs, it is high time that the Gibraltarians should face the Spaniards because there is a danger which was pointed out by the Hon Mr Montegriffo, that the Spaniards may be under the illusion, perhaps as a result of things which have been whispered in their ears by Gibraltarians and by others, that if they carry on turning the screw the minds and the opinions of the Gibraltarians are going to change. They may have a false impression of what the Gibraltarians are like. May be they think that because we are so pro-British that we are perhaps phlegmatic and pragmatic. I think that we are, if that is the right word to use, as quixotic as the Spaniards themselves and this is something that has to be explained to the Spaniards. I fully support the motion.

HON J B PEREZ:

I would like to concur with the remarks made by my colleague, the Hon Gerald Restano, since it appears that apparently the reason for moving this motion by the Hon J Bossano was in fact to put us to the test. I would like to assure Mr Bossano that it was for this same reason that both myself and Mr Restano left the Gibraltar Democratic Movement. We left the Gibraltar Democratic Movement because we felt that it was moving in a direction contrary to what our beliefs were and still are, and that is on British Sovereignty over Gibraltar. I also take the opportunity of saying that I am also in agreement with the initiative which the Hon and Learned the Chief Minister has taken on the question of talks and I will be voting in

favour of the motion. Mr Bossano can rest assured and I thank him once again for the opportunity he has given me of emphasising the reason why I left the Gibraltar Democratic Movement.

HON CHIEF MINISTER:

If I may make one point. It seems to me that there is not likely to be such dramatic changes in the set-up of this House again and I wouldn't like this to be like the St George's Day Parade when the Scouts have got to renew their Promise. I hope now that the House has readjusted itself to a proper set-up that we are strong enough not to have to have a renewal every year of the Scouts Promise as on St George's Day.

HON H J ZAMMITT:

Mr Speaker, I don't know if the Chief Minister has peeped at my notes but I also was going to make the same point. We on this side of the House on foreign affairs have always insisted that we have spoken with one voice and our leader has very ably dealt with this throughout the many years and when he speaks, particularly on foreign affairs, he speaks with our entire support. I think it should be unnecessary to have to re-state that we would like to have anything in Gibraltar other than British Sovereignty. Mr Speaker, one thing that has impressed me about this question of the new initiative is the fact that it can be recalled, possibly on the first visit of our delegates to United Nations, it was put in no uncertain way that if anybody understood the Spaniards it was us, the Gibraltarians, and therefore despite the fact that the United Kingdom has very eminent politicians and civil servants, no one better than us who have been living here for 270 years in the southern tip of the Iberian Peninsula can evaluate the Spanish sentiments. Mr Speaker, my colleague the Minister for Tourism made a very valid point which I think can be overlooked if it is not emphasised and that is that there is a possibility that in recent events, particularly since the last election, there have been a number of letters written in correspondence to the editor in the "Gibraltar Chronicle" by one particular gentleman and of course we have the "Calpe News" and then we had the formation of the PAC. What I think Gibraltarians are finding is that there is little doubt, at least in my mind, that there is some whispering going on and that through contacts as a result of trips across the Bay, through visits to London and one thing and the other, the true sentiments of the Gibraltarians are not being reflected. It is here, Mr Speaker, that the Gibraltarians fail to understand the Spanish reaction today. I think it is no secret that we all assumed that on the passing away of General Franco there would be a more moderate political approach on the question of Gibraltar on the part of the Spaniards but, alas, Mr Speaker, if anything it has hardened because we find that whereas other groups in Spain have through amnesty found themselves liberated, we find that Gonzalo Arias is banned from having a demonstration over the border, is put in prison apparently, and so are two of his followers. That is what the Gibraltarians fail to understand and it is here, Mr Speaker, that one wonders if in fact what my colleague the Minister for Tourism has said is not a reality. Is it not a reality that there is someone telling the Spanish Government to apply pressure in the hope that the Gibraltarians will give in? I think this point should be made clear by our leaders whenever they meet, if they do meet, that

the immense majority of Gibraltarians are not prepared to hand over sovereignty under any circumstances, that we wish to remain British, Gibraltarian British, and we will not surrender this right which we have acquired over the years. Thank you, Mr Speaker.

HON A J CANEPA:

I welcome the opportunity that this motion has given Members on both sides of the House to deliver perhaps more than one bombshell, two bombshells, at least I would say, not only the announcement by the Chief Minister of a bold initiative to attempt to break the present impasse but another bombshell just now round the Hon Brian Perez. I have been very impressed by Mr Perez today, particularly in the latter part of the motion that he moved. I thought he revealed that he has got the makings of a very good lawyer the way he very cleverly laid the trap for the Hon Mr Bossano. But whereas he may make a very good lawyer in the future, I do not think he is a very good diplomat judging by what he has just revealed about his reasons for leaving the Gibraltar Democratic Movement and whilst, perhaps, the Hon Mr Bossano is not here in a capacity as member for the Transport and General Workers Union and therefore is not able to reassure the House with respect to certain tendencies which one has observed in recent months amongst certain elements within the Transport and General Workers Union on the question of British Sovereignty over Gibraltar, nonetheless he is here in a capacity as leader of the Gibraltar Democratic Movement and perhaps if I give way to him he would reassure the House that the reasons why the Hon Mr Brian Perez left the Party, namely, that the Party appeared to be leaning in a way with regard to British Sovereignty that disquieted him, are unfounded. I think, Mr Speaker, that this motion which no doubt the House will unanimously pass, will be the best possible basis on which this initiative can be taken. I think that a number of safeguards have been mentioned. It has been made clear that we are in a position of strength. It is clear that there is an impasse between the British Government and the Spanish Government and it is clear that this initiative not only fits in with what Senor Suarez had to say in the press conference in London but, perhaps, it also fits in with what Dr Owen had to tell the Spaniards in Madrid, namely, that if there is any proposals that the Spaniards have to make they have got to put them to the people of Gibraltar. Unless headway is made with the people of Gibraltar then you are in trouble and specifically on the question of sovereignty Dr Owen said: "If you are going to make an issue of British Sovereignty then you are going to have trouble with the people of Gibraltar, then there are going to be difficulties." So it isn't just from the visit of Dr Suarez but also by virtue of Dr Owen's visit and I think this initiative is timely. The Hon Mr Xiberras, we heard on Friday evening in Gibraltar from London, was eminently satisfied with the way that the talks had gone and since then those of us who stayed behind have had an opportunity to obtain a full first hand account of the meetings in London and one is very heartened to have had reiterated the strong assurances from the British Government and on this occasion we hear coming from the Prime Minister himself as well. They didn't meet the Prime Minister but we do have certain information about the strong attitude adopted by Mr Callaghan and this is excellent and this is the best possible send-off that we could have to take this bold initiative. I support the motion, I support the initiative and I do very much hope that we will get this

opportunity to tell the Spanish Government the sort of things which I feel and have felt for very many years we need to tell them. I am glad that the Hon Mr Xiberras made one further safeguard about the question of no concessions on the restrictions. To me, personally, the restrictions today are more repugnant than they were in Franco's time. I expected that from Franco but I do not expect that from a so-called Spanish Democratic Government and the sooner they change their tune the better and let us see whether we can persuade them to do so.

HON P J ISOLA:

Mr Speaker, I support the motion. I thought I had better say it otherwise one would risk, quite rightly so, utter condemnation from the mover in reply. I think I was most impressed with what the mover said in relation to the Gibraltar electorate. He was quite right, he said the electorate voted and he would expect all Members of the House to support a motion of this nature in view of the clear wishes of the electorate expressed in the elections. I agree entirely, that was my reading of the elections and I am sure that was the reading of all Hon Members of this House. In the same way as the Hon Mr Bossano would in his reply have roundly condemned any Member of this House who appeared to be veering away from this mandate from the electorate, I hope that he will be equally ready to condemn publicly any person outside this House who appears to be veering away from the wishes of the electorate whoever that person may be, whether he is an industrial baron or the other kind of baron, whoever it may be, I hope he will do that because I think if he does that would probably be possibly the most effective way of ensuring that the wishes of the people of Gibraltar as expressed in the elections are forever before our eyes, not only before the eyes of Members of this House who are committed to follow that course, but before the eyes of other people equally important in our society. I think there he can be effective and one hopes that he will use his undoubted powers of persuasion in this direction. Mr Speaker, one is heartened with the events in the international scene. One is heartened by the events of the last few months although one is naturally disappointed that the democratic Government of Spain has not felt it possible to remove restrictions imposed by the Fascist regime with no regard for human rights and no regard for human feelings, one would have expected a different attitude emanating from a country that is now sanctioning all the things that are normal and normal in a democracy. That is not yet the case, but I think one can be confident from the fact that Spain has applied to join the EEC, that it is inexorably bound along the path of democracy. I think one can gain confidence from the multiplicity of political parties that have mushroomed in Spain. Given time, and I think they must be given time, the democratic processes will succeed in Spain. After forty years it takes a long time to change and these are things which we must accept but it is heartening to hear the assurances that one is getting, specifically from British Ministers and the British Government as a whole after their talks with Spanish Ministers. The British Foreign Secretary, Dr Owen, couldn't have been clearer, I think, with Spanish newsmen when he addressed them after his meeting with the Spanish Foreign Minister. The British Government on the occasion of the visit of Senor Suarez, the Spanish Prime Minister, couldn't have been clearer in their position and the assurances they had given our

representatives I find most satisfying and of course expected. One expected these assurances to continue. I think against that sort of background, Mr Speaker, of strength of our position I think the idea of suggesting a meeting with the Spanish Government at which Gibraltar representatives would be present, the elected representatives of the people, is a good thing and can do no harm at all. I think the point that has been made by the Hon Mr Zammit and the Hon Mr Serfaty are very valid ones. I think it is time the Spanish Government heard from the lips of elected leaders of Gibraltar what we think and how we feel or what we feel about our situation or what we feel about our relations with Spain and not hearing it from every Tom, Dick and Harry that goes across in a yacht or gets a lift on a yacht to Spain or goes around to the Spanish Embassy on quiet visits and meets trade union colleagues possibly, in Spain and tells them how we feel and so forth. It is time that the people of Gibraltar spoke and it is time that the people of Gibraltar spoke in a direct way and in a direct manner to the Spanish Government and they should have no doubt at all about what the vast majority of the people of Gibraltar feel on the Gibraltar situation. I think therefore the timing of the statement or the taking of the initiative I think is a good one and I think it is right that it should be announced in the context of this debate because at least we know how the elected members of the House feel on the issue of British Sovereignty over the Rock. We can afford to let them go and talk, we can't say the same for other people who one day say they are in favour of British Sovereignty and the next day they are derogating from that sovereignty in the sort of solutions that they are suggesting. Therefore, Mr Speaker, I think that as one democracy to another we can now talk and I wish the Chief Minister and the Leader of the Opposition the best of British luck if the meeting takes place.

HON I ABECASIS:

I stand up for two reasons, Sir, first because my Hon Friend opposite the Leader of the Opposition invited everyone to speak even if it was a very small speech and as usual mine will be a small speech, but I would like to say one thing at least and that is that there is no need for me to take the Oath of Allegiance because I have not changed sides. I have always been British since I was born and a member of the AACR since I had common sense because one has to have common sense to join the AACR as has been shown by Dr Valarino because to be a Doctor you must have a lot of common sense but to be a member of the AACR you must have added common sense to that. The Chief Minister always consults the Council of Ministers and we are all aware of his initiative and what he has in mind but even if he had not told us we have blind faith as far as the Gibraltar issue is concerned on the Chief Minister and there is no question about it. I would like to say that recently I had the opportunity, together with my Hon Friend Mr Brian Perez, to be in Canada and we both had the opportunity of addressing the 23rd Commonwealth Parliamentary Conference and I can assure you that the delegates at that Conference were left in no doubt as to the position of the Gibraltarians and how strongly we feel about it. Thank you, Sir.

HON MAJOR F J DELLIPANI:

Mr Speaker, I have known the Hon Mr Joe Bossano

for some years now and I remember years ago when I worked for the Transport and General Workers Union that I used to help him out in the duplicating machine when he was forming the Integration With Britain Party so I have no doubt whatsoever of Mr Joe Bossano's allegiance to British Sovereignty over Gibraltar but I am disappointed to say that he seems to have doubts within the House of our own loyalty and allegiance to the British Crown and to British Sovereignty because I could not really, like other speakers have said fathom the reasons for this motion. I hope that during the term of office that is still left to me I will not be called upon again to reassure anybody as to how British I feel. I think there is a certain element in Gibraltar and I am convinced that the Hon Mr Bossano is not a party to this element, that a minute part of the trade union movement in Gibraltar might be causing some of this industrial unrest we are having in Gibraltar so that a situation might arise where there is internal security problem and in this internal security problem our own police force might not be able to deal with it and then we would have to call, not the Police from Liverpool or Manchester as happened in London, we would have to call in the British Forces in Gibraltar and thereby create an anti-British feeling, because you don't feel too British if a British soldier is hitting you in the head. I wonder if this certain small element who shouted down the God Save the Queen at the hockey match and at the frontier night not be doing something in the industrial relations field to create this kind of situation. Of Mr Bossano I have no doubt about the way he feels on British Sovereignty, I have doubts about other members of his union. I think what is important at this meeting, taking into account the very recent events just across the border on our doorstep, is the fact that we have a Government in Spain which claims that it is now a democratic Government and it is moving more towards a democratic Government when they introduce some time or other their new constitution. But as yet they are not a fully democratic Government because most of the laws and the constitution is the work of the previous Fascist Government. At the same time we see the reaction that the Spanish Government has had against three pacifists in La Linea and what they have done to them and in the same context we see that they have granted amnesty to members of GRAPO and ETA who have actually killed and caused bodily harm to innocent people in Spain. There is a contrast there, peaceful people being put in prison, aggressive terrorists being let loose and in this context that Sir Joshua has shown statesmanship by saying "Let us talk". Let us talk to a Spanish Government using dictatorial powers against pacifists, a Spanish Government which hardened their line of talk in the talks in the United Kingdom. This is showing Spain that we are far more mature than they are. We are more mature, we are more democratic than they are and if it is one good thing that talks with Spain will bring about it is that they are going to get it at first hand just how democratic we are, just how sure we are and how right we are in the way we feel and if they refuse to have talks with us that will be a great moral victory for Gibraltar because we will show in front of the whole world that despite everything they have done to us we have never given up the chance of dialogue with them. Thank you, Mr Speaker.

HON M K PEARLSTONE:

Sir, when I first saw this motion, I wondered like my Hon Colleague what the Hon Mr Bossano

was getting at. Had he ever any doubts that this House would never agree under any circumstances to negotiate the Sovereignty of Gibraltar with Spain. I almost felt insulted. Then I thought again and I thought that perhaps he had doubts of the British Government that they might be willing to have negotiations over sovereignty. Yet this was a little strange because it came after Mr Bossano had heard what Dr Owen had said in Madrid and I am even more heartened and I am sure Mr Bossano will be very reassured and heartened from the message brought back by the Chief Minister and the Hon Mr Xiberras that Britain is 100% behind the Gibraltarians and that it is the wishes of the Gibraltarians which will remain supreme. Then I thought I wonder if it is his friend, the gentleman who edits the newspaper named "Vox", which Mr Bossano is I understand to some extent connected with - I believe he repairs the machinery occasionally - this newspaper editor who is now running a paper of a different ilk, a paper which is almost advocating, perhaps, selling Gibraltar down the river. So perhaps he wanted to reassure these people that this was not the attitude of the House and the majority of the people of Gibraltar in the hope that they would desist and if we see "Calpe News" go out of circulation within the next two or three weeks then the Hon Mr Bossano's motion will have done one very good thing indeed. Sir, there is a very good opportunity now that the initiative has been taken by the Chief Minister and the Hon Mr Xiberras, that we should have some talks with the Spaniards in which we can put across our point of view and I am sure they will put across one point of view which is mine and which I make my oath of allegiance and that is British We Are, British We Stay. This we will get across to the Spaniards in no uncertain terms and let them please take heed of it.

HON MAJOR R J PELIZA:

I would like to support the motion and I do not quarrel with my Hon Friend Mr Joe Bossano bringing a motion of this nature at this particular juncture. I think it was timely though perhaps the motives he expressed were not delicately put and perhaps he could have extended the matter to the international field where I think this decision in this House today will carry considerable weight. As a person who spends quite a bit of time away from Gibraltar and has contact with people who are politically involved away from Gibraltar, and who get the impression that because there has been a change of Government in Spain there is a change of attitude in Gibraltar, I think it is good now and again to have a motion of this nature presented to the House so that, if possible, from time to time, when one is asked to say that as recently as one month, two months, six months, one year ago, that was the position of the House of Assembly of Gibraltar where the views of the elected representatives are expressed and that views expressed outside cannot possibly carry the weight that ours does. I think it is good to have a motion of this nature presented to this House now and again and this one if I may say so is most timely. It is, I think, a matter of concern to the people of Gibraltar after the initiative taken by the British Government of having what people thought must have been serious talks with the Spanish Government, that the position of the elected members of Gibraltar should be made known

publicly, happily, by everyone of us as in fact is happening here today. It is unfair to expect a politician not to be able to change his mind. In fact, one would not consider such a politician to be of any value to society if noticing that there should be a change because circumstances as far as his good judgement is concerned suggest that the change should be made, that that man should be unable to do so or should be criticised from making such a change. Therefore I think it is good that we should have an opportunity after having assessed the situation as it is today, after the change of Government in Spain and after the recent talks between the British Government and the Spanish Government, that every Member of this House should express his views. What is not expected of a politician is that he should be expressing a view here today and that suddenly out of this Chamber he should be acting differently, that is what is not expected, but I am sure that this will not be the case. It has also I think given us a wonderful opportunity to discuss the initiative of the Chief Minister. This I consider to be a transcendental step. Never before have the elected representatives of Gibraltar suggested talks. I think it is a very serious step taken by the elected members of Gibraltar. Never before has it been suggested by the elected members publicly that there should be talks with Spain and far more that this should be carried out by representatives of Gibraltar. In fact, the position some time back was the very opposite. We were all very concerned because the British Government having said, quite rightly, that they would not talk under duress, talked under duress and it is normally, I think, in world politics a sign of weakness to ask for talks when individuals are under duress and this is precisely what we are doing, we are asking for talks under duress and this could be taken as a sign of weakness. Happily, I think the position of Gibraltar today is morally strong. I think one only has to walk about Main Street to discover that the people are more firm than ever to retain their British Sovereignty and therefore I do not believe that people generally will feel that the elected members are acting out of weakness to suggest talks. When I was Chief Minister my position regarding talks was that since Britain was responsible for foreign affairs and obviously they had all the information available that we do not have plus the expertise, it was up to them to decide whether to talk or not to talk and that as far as representatives from Gibraltar were concerned it was again up to the British Government to decide whether, in fact, it would be in the interest of Gibraltar to have Gibraltar representation at those talks. But I made certain conditions and they were that if we were going to have talks and Gibraltarians were to be present, it was important that the Government and Opposition was represented at those talks, that before going to those talks the elected members agreed on their position and that at the talks they would not take a decision and that they should always come back and refer it to all the elected members and, finally, if necessary to put it to the people to decide whether the solution was acceptable or not. My position has not changed from that and I think that the attitude taken by the Chief Minister on this occasion is similar, I hope it is. I made it very clear that the question of talking on sovereignty was absolutely out of the question and could not be entertained. I am happy to see that this seems to be the position today in this House too.

HON CHIEF MINISTER:

If the Hon Member will give way. I must take him up on something that he has said which I think shows that he does not appreciate the extent of what I have said on the safeguards. I refer to what the Hon Member said about "talking under duress." These would be exploratory talks about the situation. We are not going to negotiate anything whatever.

HON MAJOR R J PELIZA:

I think that is even better. All I am saying is that talks whatever their nature could obviously be interpreted that way and I think it is very important that we make it quite clear, and I think it is being made clear today in the House that we are not moving out of weakness. In fact, it could be said it is precisely because we have now acquired as you might say a superiority complex in the situation that we feel that we can do it, let us put it that way. This is the way that I see the move. We are not worried that we are moving from a position of weakness, we feel absolutely convinced that the British Government is 200% behind us, we have been given categorical assurances that finally it will be the will of the people of Gibraltar that will decide the issue and it is in that context and only in that context that I support the idea of talks. Whether this is the right moment, whether they are going to be successful, I from my position, cannot say. I do not have the information, the Chief Minister has the information so therefore it is his judgement that one has to accept and it would be wrong, I think, not to accept his judgement because obviously he must have weighed this up very carefully and he must have a reasonable hope of success when taking this initiative. I do hope that it will not be a total failure. I can see the advantages of the Gibraltarians talking to the Spaniards. One is that I think we can put our case with greater emphasis as a party much more directly affected and not indirectly through a third party. In this respect I think we could have an impact on men of goodwill. But there must be the goodwill on the other side otherwise I doubt whether they are going to be effective because in this kind of politics it is horse trading that counts, it is what you can give in return. If there is anything that we can give in return then we may get somewhere and Gibraltar I should say has very, very little it can give in return. The horse trading can be done between Britain and Spain because there is a lot of course that Britain can give to Spain excluding Gibraltar. There are many things, I think, that Britain can trade with Spain over a solution over our frontier difficulty. The other aspect, Mr Speaker, is that one does come across on many occasions with people who tell you that it is not the will of the people of Gibraltar, that we are under pressure of the British Government. I am sure there are lots of Spaniards who genuinely believe that this is the case. Someone said that when we voted at the referendum we did it at the point of the naval guns out in the bay which of course is completely absurd. We all know here that our decision was completely free, we are not coerced or cajoled in any way by the British Government to stand on the views that we do hold in Gibraltar in this respect. It is therefore, Mr Speaker, right that we should support the Chief Minister 100% on his initiative subject to the reservations that I have made and to wish both him and the Leader of the Opposition every success. Thank you, Mr Speaker.

HON DR R G VALERINO:

Mr Speaker, Sir, three brief points if I may. First, that I support the motion and take the oath, secondly, I totally welcome and support the initiative taken by the Chief Minister and, thirdly, that in my opinion my decision to join Government was and is the right and wise decision.

HON J BOSCHINO:

Mr Speaker, obviously I welcome the unanimous support of the House, a rare experience these days for me, on this motion and I would like to remind Hon Members, in view of certain reservations expressed by some members about the propriety of the motion which appeared to cast doubts and aspersions on the stand of Members, and in fact a lot of doubts and aspersions have been cast by a lot of people in recent times not a few of which have been aimed at me, so I welcome the opportunity myself, of course, to express the views that I hold on the question of Gibraltar's future which are the views on which I stood for election, fundamentally, that Gibraltar should never under any circumstances be incorporated into Spain and that the only people who have the right to decide Gibraltar's future is not the Spanish Government or the British Government but the people of Gibraltar themselves exercising their right to self determination. Whether we are British, Russian, Chinese or North Vietnamese is another matter.

HON M XIBERRAS:

It is not a question, Mr Speaker, of self determination as I see it, it is a question of British Sovereignty over Gibraltar, the sovereignty that we have now.

HON J BOSCHINO:

The sovereignty that we have now, Mr Speaker, I have no desire to change. The motion which I have moved is in fact to find out whether anybody else is prepared to see negotiations taking place between Britain and Spain on the question of the sovereignty of Gibraltar and in any circumstances if there should ever arise a situation where Britain wants to pull out of Gibraltar, then I would oppose Gibraltar being handed over to Spain. I would not want the British Government to pull out of Gibraltar but I am not myself convinced, and I have said so publicly on many occasions and I have made that point of view, for example in the Constitutional Committee, I am not convinced that these are not the British Government's long term intentions and nothing that has happened in recent times has caused me to change my mind. I don't think one can rub out the logical consequences of the Hattersley Memorandum or of the Green Paper or all the doubts that were produced in the minds of many of us by those things simply by the fact that the British Government is giving no indications that it is prepared to hand over the sovereignty of Gibraltar to Spain against the wishes of the people of Gibraltar, I have no doubt at all that the overwhelming majority of the people of Gibraltar do not wish Gibraltar to be anything other than British and I myself do not wish this either, let there be no doubt about that, but I myself are not convinced by anything that has been said recently either in London or Madrid that the British Government itself is not prepared to see a non-British Gibraltar at some time in the future.

HON CHIEF MINISTER:

Mr Speaker, on a point of order. The right to reply

must refer to the subject that has been dealt with in the substance of the debate and not to raise new issues.

MR SPEAKER:

I don't believe that the Hon Member has raised any new issue on what he has said up to now. If my attention is brought to any such issue, perhaps, I will rule.

HON CHIEF MINISTER:

The new issue is that he thinks that Britain in the long term wants to get rid of us.

HON M XIBERRAS:

On a point of order, Mr Speaker. Am I in order in raising the point that in order to vote in favour of the motion one must know what the motion stands for and therefore am I in order if I ask the mover of the motion to state quite clearly, for the benefit of Members, which sovereignty he is referring to.

HON J BOSSANO:

British Sovereignty of course. I ought to make quite clear, Mr Speaker, that the Hon and Gallant Major Peliza said that we were now enjoying a superiority complex and that the United Kingdom was 200% behind us. Well, there is nothing in this motion as far as I am concerned that says anything about what the British Government feels about Gibraltar's future. What I am asking in the motion is how Members of the House of Assembly feel and I have not changed how I feel and I am delighted to know that neither has anybody else. If, in fact, the reason why Hon Members in this House feel so strongly on the question of sovereignty is because the British Government feels strong on British Sovereignty, well, that is up to them. I feel strong on the question of sovereignty in Gibraltar regardless of the views of the British Government and I certainly don't share the apparent blind faith that other members have in the long term intentions of the British Government because I don't think that what has been said in relation to Gibraltar's future in the Hattersley Memorandum has been corrected. I asked Mr Judd when he visited Gibraltar and he told me that the British Government stood by every word that was said in that memorandum. I am certainly not satisfied with the situation regarding the nationality of the people of Gibraltar as envisaged in the Green Paper and I do not think that there is anything in this motion that can reassure us, for example, on the doubts created by the Green Paper so that if in fact one of the Members on the Government side said in his contribution that he will always be British, well, of course, he will always be British for as long as he is allowed to be British because I recall distinctly the sense of anger expressed by the Hon Major Dellipiani when the Green Paper came up when he said that he felt that his birthright was being taken away from him. I must make quite clear that I am not putting this motion forward to indicate that what I have said in the past about my doubts about the British Government's long term intentions have changed. All I am saying is that I haven't changed whatever doubts may have been cast by other people on where I stand and I welcome the opportunity to find that all the elected members of the House of Assembly still stand by what they stood for in the election campaign and I think only the elected members of the House of Assembly are entitled to speak on behalf of the people of Gibraltar on this issue. I will, of course, defend the right of other people to express views with which I disagree. Although I will condemn the views I don't believe

in condemning the people who express them. For example, I have no hesitation, Mr Speaker, in being able to inform the House that I am totally opposed to the ideas propagated by the MAG for an autonomous Gibraltar which I think would be a complete sell-out to Spain. It is up to the people of Gibraltar to decide whether they are taken in by those ideas or not. I will always do everything in my power in the House of Assembly and out of the House of Assembly in any other capacity, because one cannot change one's view simply because one is acting in a different capacity, I will always do my best for as long as I am convinced, as I am today, that the best thing for the people of Gibraltar and particularly for the working class of Gibraltar is not to allow Gibraltar to be handed over to Spain and to cease to be British. I will always use whatever influence I can exercise to influence the decision of the people in that respect and against any question of Gibraltar being handed over whether it is called autonomous or called anything else which I think would just be a mere paper exercise. References have been made by the Hon Major Dellipiani about this question of industrial unrest and the reference to a dedicated bunch of people planning industrial unrest in order to create strife, in order to destroy our community and in order to create anti-British feeling. I have no hesitation in saying that I do not believe this to be true and I have never come across any decision being taken based on this premise in any dispute that I have ever been involved in and if I ever did I would have no hesitation in condemning it publicly. It is a question of judgement whether this is happening or not and it is my judgement that it is not happening and it is my judgement that there is no group of people doing it. It is my view that it may look like that sometimes to the Government and sometimes it may be politically useful to be able to use this in order to cloud the issues at stake, it may be regrettable that it happens. As to the reasons that Mr Perez gave for his decision to resign from the Gibraltar Democratic Movement, as I understood those reasons, in fact, they were precisely connected with this thesis that was doing the rounds in Gibraltar that the industrial dispute that we had about pay was designed to bring about a clash with the troops and a complete upheaval in Gibraltar when in fact it wasn't, Mr Speaker, it was designed to achieve what has been achieved, the basis for negotiations which I sincerely hope will produce a 100% of UK wages for the workers of Gibraltar. There is nothing in fact that the Gibraltar Democratic Movement or I, inside or outside the House of Assembly, have done in the last twelve months since the election which has changed our stand from the stand that we used as our platform for the election campaign, the need for the immediate decolonisation of Gibraltar which I am sorry to say has not been put forward to Dr Owen on the occasion of the Chief Minister's visit notwithstanding the fact that the Hon and Learned Chief Minister has now got an advocate of immediate decolonisation on his side of the House and I think the pre-occupation with the necessity for getting the restrictions against Gibraltar removed should not blind us to the more fundamental and important problem which is to have a permanent solution to our relationship with Britain which will meet what we want and will not cause Spain to be forever more on our backs trying to take over Gibraltar. The removal of the frontier restrictions, to my view, is perhaps the thing that concerns the ordinary Gibraltarian, the ordinary man in the street,

most. They are concerned that Gibraltar and the people of Gibraltar should be able to lead a normal life which is a natural expectation which they are entitled to expect. In fact, our claim to play any sort of leadership role would fall, I believe, Mr Speaker, if we ourselves were as limited in our objectives, if we ourselves were simply satisfied with seeing the restrictions removed and the question of Gibraltar's future still left hanging in the air. I welcome in fact the initiative that the Chief Minister has informed the House he has taken. It was a complete surprise to me, I didn't know that this had taken place until I heard it in the House, I welcome it and I welcome even more that he has said that this will give him an opportunity to say to the Spaniards precisely where we stand and how we feel. I think that if the Spaniards have gained a false impression about what the majority view is they must be very ignorant of how democratic processes work because the only people who are entitled to express particular views are those people who put the views that they hold, which they are entitled to hold, to put them to the test to find out to what extent those views are shared by others. There have been a great many references by a number of contributors to my relationship with my colleagues inside the Transport and General Workers Union and whether everybody feels the way I do about a number of issues. Well, the Transport and General Workers Union is completely united as a union in its stand in industrial matters which is the reason why it exists. Inside the Transport and General Workers Union members of the AACR are as welcome as members of any other political group, including the PAC, and although I may disagree violently with both of them, I would willingly devote as many hours of my time and attention to solving their particular preoccupations at their place of work as if they felt or they held different political views from my own. Inside the Transport and General Workers Union everyone is free to hold personal views but, of course, those views are personal views and not the views of the Transport and General Workers Union. Well, that is a matter for the membership to decide not a matter for the members of the House of Assembly to decide.

MR SPEAKER:

Would the Hon Member please let us into the aside that he has replied to.

HON J BOSSANO:

I think the Hon Leader of the Opposition said "except the District Officer" and I am saying that whether the District Officer's personal views are what they are alleged to be and whether people agree or disagree with them is a matter for union members to put right if there is something that needs putting right but, certainly, it seems to have escaped the notice of Members of the House that at the last General Meeting in which two branches of the Union were convened involving some 4,000 workers, a resolution was passed calling on the Transport and General Workers Union to oppose any attempt to hand over Gibraltar to Spain and it was carried unanimously so I think that that is quite clear of the sense of feeling that there is in this matter and there is no reason, of course, why people should feel or think differently on what is purely a political issue just because they happen to be a member of the union that exists to look after their interests as workers in their place of work. I am glad, Mr Speaker,

that notwithstanding the puzzlement that I have caused on Government benches by moving the motion, puzzlement as to why it was necessary or timely or desirable, I am glad that, in fact, it has given the opportunity to other Members to air the sort of misgivings that they have mentioned and, perhaps, also given me an opportunity to reassure some of them where I stand myself in case anybody had any doubts.

MR SPEAKER:

I now put the question which is that: "This House is opposed to any talks or negotiations taking place between Britain and Spain on the question of the sovereignty of Gibraltar."

On a vote being taken the question was resolved in the affirmative and the motion was carried unanimously.

WEDNESDAY THE 9TH NOVEMBER, 1977.

The House resumed at 10.40 a.m.

HON J BOSSANO:

Mr Speaker, I beg to move the motion standing in my name. "This House shares the concern expressed by the tenants of the Tower Blocks in Glacis Estate about the safety of their homes and condemns the failure of the Government to act decisively in this matter." Mr Speaker, the people living in the Tower Blocks in the Glacis Estate have publicly stated their disquiet about the safety of their homes. There have been a number of instances of individual tenants getting letters from the Electricity Department of the Government telling them that the wiring in their homes was not safe because of it being permanently affected by dampness and that the root causes of the problem needed to be put right rather than simply re-wiring being done. It is a natural thing for the tenants of the Tower Blocks to feel disquiet and concern about the safety of their homes (a) because when Government was questioned on the matter they were unwilling or unable to give a categorical reassurance that the Tower Blocks were in perfect condition and that nobody had anything to fear (b) because, of course, we have got a bad history of the quality of public housing in Gibraltar. We have, of course, the glaring example of the inadequacy of the Varyl Begg Estate, we have had previous to that the catastrophe of Penney House and, of course, we have had a fair amount of work being done on the pillars supporting the blocks in the Alameda Estate about which there has been no public limelight but, which nevertheless, has meant that the pillars have had to be cut back to the reinforcing iron girders and these have had to be painted with rust proof paint and recovered with concrete. The quality of public housing is a vitally important thing particularly in a place like Gibraltar where public housing accounts for a much bigger share of the total than is the case in many other places in western Europe and the Government has got two fundamental responsibilities, the first of which should be exercised at the time when they take into acceptance from the contractors the completed houses. Again, the most recent example in the Varyl Begg Estate shows that it was only very late in the day that the Government realised that there was something dramatically wrong there and refused to accept any more.

MR SPEAKER:

I am going to interrupt the mover so that I give a warning now to every Member of the House. We are discussing the Tower Blocks. The general complaints which have been lodged and have been brought forward in respect of other buildings in Gibraltar can be referred to, generally, for the purposes of substantiating or denying the justification for the complaints being made in respect of the Tower Blocks. I will not allow any Member, and I better to say it now, to go into details or explanations in respect of defects or complaints on any other building other than the Tower Blocks. I think it is fair that I should make this comment now so that all Members can direct their minds as to how they should tackle this particular motion. The Hon Mr Bossano has made reference to the complaints or disquiet being voiced in respect of the Tower Blocks and that is fair comment.

HON J BOSSANO:

The point that I am making, Sir, is that if there was nothing wrong with the Tower Blocks

it would be the exception rather than the rule. In fact, the people in the Tower Blocks have themselves had a history of complaints associated with the construction of the Glacis Estate partly due to the changeover that took place from the firm of contractors that went bankrupt in the middle of the project to the changeover to the Crown Agents and the disruption that went along with it. But, of course, members will recall, I myself was not very fully involved in politics at the time, but even then as a lay citizen I can remember and I am sure other Members will know better than I do, the turmoil that there was then about the situation in the Glacis Estate and whether it would ever be completed and whether all the materials were there or whether half the materials disappeared somewhere else and the enquiries that were being conducted and so on. Against that background of what took place there, and given that in a lot of other estates a lot of defects have appeared at some stage either at the inception or unexpectedly as in the case of Penney House after a number of years, I think it is to be expected that any rumour or any indication that something could prove to be drastically wrong with the Tower Blocks would spread among the tenants and, in fact, would be readily believed by the tenants and it is natural that the tenants should be very concerned. In addition to that, of course, we know from experience in the United Kingdom and in other places, fortunately not in Gibraltar, that tower blocks themselves appear to be prone to certain structural complications which would not have the same disastrous consequences in different types of construction, so that if something goes wrong in one flat you can get a situation where it affects all the people on top. Given that situation, I think the Government had a clear obligation to squash this if there was no truth in it absolutely without any hesitation and going straight to the people concerned and reassuring them that they had nothing to worry about. I think, in addition to that, Government must exercise far greater control in the quality of the work that it gets from its contractors, not just in anything that may need to be put right in the Tower Blocks but, as a general policy, it must insist that the quality that it gets is of a high enough standard to dispel any future reservations that people may have about how good our public housing stock is.

Mr Speaker then proposed the question in the terms of the Hon J Bossano's motion.

HON M K FEATHERSTONE:

Sir, a certain amount of alarm and dispendency, I feel, has been disseminated by the newspaper "Vox" about the Tower Blocks. This came at a time when there had been a number of questions from the Editor of "Vox" and a number of rumours floating around that the Tower Blocks were dangerous and that five storeys were going to be taken off because the RAF so desired. Well, Sir, if Government is going to listen to each and every little rumour that goes round they are going to be in a difficult situation all the time because, as we know, Gibraltar is a place where rumours run round very quickly but fortunately they do die down very quickly. If we look at the history of the Tower Blocks, when they were built there was a certain element of saving required and the ultimate rendering of the walls was done in $\frac{1}{2}$ inch rendering, I understand, is put on as one job by itself whereas had it been $\frac{3}{4}$ inch then the way it would have been done is that a first coat is put on about $\frac{3}{8}$ th and then a second coat after it. With one single coat we do tend to get a certain amount of

crazing in the concrete and in driving rain this can let water through. We did get in the very first stages of the Tower Blocks, in very wet weather, a certain number of houses complaining that dampness was getting in and remedial measures were taken and these remedial measures have proved quite successful. The time will, of course, come when this remedial measure must either be repeated or we must hack off the old concrete and put on a $\frac{3}{4}$ inch rendering which is probably the best answer to the whole situation. It is a fact that over the last 4 or 5 years, dampness due to rain has been practically negligible. There have been a number of tenants who have complained of difficulties with their electrical systems and it is rather interesting to note where these tenants actually have the trouble and where they actually live. In practically every instance the trouble has been in either the bathroom or the WC and this section of the house is away from the outside walls, it is on the interior side next to a main duct which takes all the plumbing pipes, a duct which I would mention is there for the convenience of people who have to work on the house and not as it is often wrongly used by tenants throwing rubbish down the ducts. The worst instance that we know of is the bathroom of a Mr Davies who lives at No.30 and I think that is on the 5th floor so that even if a little rain were to get into the duct at the top it is not going to affect a bathroom on the 5th floor. Mr Davies' house is still giving us trouble, it is still dripping and as far as we can ascertain the difficulty is most likely coming from the actual outlet pipe of the bathroom above and we are going to have to ask the tenant living above Mr Davies to let us into his flat so that we can investigate the piping situation with the outlet of the bath above because it appears to us that this pipe has either got a small leak in it or is completely broken so that every time the tenant above has a bath some of the water leaks into the actual roofing of Mr Davies' house and drips through into his electrical system. The Hon Mr Bokzano has said that a number of tenants have had letters from the Electricity Department stating that their installation is not in good condition and I have had my department contact the Electricity Department and since 1975 they have only experienced nine instances of water leaking into electrical installations of the building and three of these instances was water leaking into the actual rising mains of the electrical supply itself and not into tenants' flats. Again it is interesting to note where these leakages have taken place. In 1975, there was a leakage into flat 19, I think this is on the 3rd or 4th floor, the bathroom lighting point. Again in 1975, in flat No.5, this is on either the ground or the first floor, again the bathroom lighting point. There was nothing in 1976 according to the Electricity Department. In 1977, Flat 119, the Bathroom lighting point; flat 113 the bathroom lighting point; flat 30 - this is Mr Davies' flat who we are still having trouble with - the bathroom lighting point; Mr Zammit Flat 114, the bathroom lighting point. So it appears pretty obvious that the difficulty is being experienced by the tenant through something that is going wrong in the bathroom above his own bathroom. What goes wrong could be two or three things. It could be that the tenant in the flat above allows the water to overflow the bath, doesn't mop it all up or by the time he mops it up some of it has got into the floor, it slowly penetrates through and you get a leak. This would appear to be what has happened in most instances because once the leak has been repaired there has been no recurrence. It is only in the case of Mr Davies that we are getting continual trouble. Twice, I believe, the actual wiring has been redone and a third time the

dripping has started again so it does seem to us now that the fault with Mr Davies' flat is, as I say, something wrong with the outlet pipe of the bathroom above and this is going to be investigated with of course the permission of the tenant in the flat above. The Electricity Department carry on in their letter to my Department saying, and I quote: "Though water affects the insulation level of the cables and is something which has to be corrected, we do not think the situation, as our records show, gives rise to the alarm and panic which is apparent from a sector of the press. We do not consider any of these flats to be death traps. It is the established policy of this department to cut off supply immediately and without prior warning to any consumer whose installation is considered to constitute a dangerous hazard. This has not been the case to date in any of the flats in these blocks." End of quote. It would appear, therefore, Sir, that as far as the Electricity Department feels, the water that has come through has caused, of course, a nuisance to the tenant but has not put his installation into so bad a condition that they would, as they say, take the immediate action of cutting off the supply so that there could be no danger whatsoever. In fact, Mr Davies himself came to our department and I would comment that he is the only person of the general public who has come to our department and has told us that he is suffering considerably from difficulty with his electric supply. We have had no panic stations from the general public but, of course, with a certain experience myself of how the press works, if one wants to make a sensational story it is not difficult to whip up some enthusiasm and get people to sign their names to letters and create a little bit of mass hysteria. This is a common feature of the press. It is a common feature of the press when they want to make a hysterical story to say something is not true and, of course, immediately people say "Ah, now they are denying it, where there is smoke there is fire, there must be something."

HON G T RESTANO:

If the Hon Member will give way. Could he say, for clarification, was the information sought by the press and, if so, was it given. I mean the information that you are giving the House today.

HON M K FEATHERSTONE:

We had questions from Vox. They started off by asking: "What is wrong with the Tower Blocks, is anything wrong with the foundations?" Then they asked another question. In fact, we had a whole series of questions which were duly answered and I think the main details of the answers that were given to Vox was very similar to the answer I made here in the House earlier when I was asked a question on it. This was done some $\frac{3}{4}$ weeks' ago. Anyway, Sir, I would state categorically now that there is no truth whatsoever in the rumour that we are going to lop off five floors of the Tower Blocks because they are dangerous to the Royal Air Force. Now, Sir, it has been mentioned that there was some structural work done at the Alameda Estate and, of course, we know that there was a considerable amount of work done at Penney House. In any building with a steel frame it is obviously necessary that from time to time, especially in the sort of climate we have in Gibraltar where there is salt in the atmosphere and where there may be salt in the actual sand that has been used for mixing the cement, that the steel frames are checked and any remedial work is done. Checks have been made and will continue to be made in the Tower Blocks on

the steel and, up to the moment, we have found no evidence that there is anything wrong in the steel. There is no staining, there is no sign whatsoever that there is anything wrong with the structure but this does not mean that we will say that that is the end of the matter. We will continue periodic checks as is done with all Government property that has got steel frames because, obviously, anywhere where there is steel there is the possibility that some rusting can occur and this must be dealt with at the earliest opportunity. In fact, in 1975, after the difficulties were found in Penney House, specific instructions were given out to all persons dealing with our housing in Gibraltar and it says; "There are probably many reinforced concrete buildings and other structures which may show signs of deterioration similar to the defects in Penney House. All officers should be vigilant regarding this problem and report any suspected defects so that the Structural Engineer can inspect and, if necessary, arrange for the required remedial action". This, of course, is why action was taken at the Alameda Estate which is now some 30 years' old and, of course, in time one has to do repairs even on the very best of buildings. I should imagine in the skyscrapers in New York they are taking this sort of action all the time but we do not hear the "New York Times," which I wouldn't really compare to "Vox", saying that the Empire State Building is going to fall down any minute. Therefore, Sir, I think I can state quite categorically now that as far as my Department is aware there is nothing vitally wrong with the Tower Blocks. As the Electricity Department has stated there is no need for panic stations. We ourselves will continue to look into these electrical leaks but, as I have said, it appears that in the majority of instances the trouble is coming through the plumbing and this, as I know myself from my own home, you can get any time that you get a burst pipe, and burst pipes occur even in the best regulated of buildings, you get a pipe burst, the water floods through the ceiling and affects the flat beneath. I would have no hesitation in telling the Hon Member that if there were any difficulty about the Tower Blocks then this Government would be the first to act on it and I hope that the Hon Member will go away reassured that the tenants of the Tower Blocks can live in safety and, as far as their bathrooms are concerned, as long as the flat above does not have a leak, in relative comfort for many years to come.

HON G T RESTANO:

Mr Speaker, I am glad to note that the structural alterations are not serious to the point that the public were led to believe by Vox and that there is, therefore, no danger to human life, as we were led to believe. I would like to know, because the Minister has said that the newspaper was informed of the facts as stated today, when the Minister informed Vox of the situation because I think it is necessary to know whether, in fact, it was with real concern about the tenants that that article was put through or whether it was just a question of sensationalism.

HON M K FEATHERSTONE:

I think I already said that this was given some three or four weeks' ago. It was given before the article first appeared in Vox.

HON G T RESTANO:

Mr Speaker, we don't really like the way that the motion has been phrased and we intend to make an amendment if we could be given five minutes to circulate it.

MR SPEAKER:

I cannot give five minutes because we are not going to sit here for five minutes while the amendment is being drafted. If an amendment is necessary I will accept the amendment but I am afraid I am not going to hold up the work of the House. Perhaps the amendment can be drafted whilst you speak.

HON G T RESTANO:

The amendment reads: "That all the words after "This House" be deleted and substituted by the following "takes note of the statement of the Minister of Public Works that there are no structural defects in the Tower Blocks at Glacis Estate and that there is no reason for concern about the safety of homes there; it regrets, however, that Government did not publicly re-assure the tenants at an earlier date and urges Government to remedy those lesser defects that may exist as soon as possible"."

Mr Speaker proposed the question in the terms of the Hon G T Restano's amendment.

HON G T RESTANO:

Mr Speaker, I would like to apologise for the delay in preparing the amendment. I think it is necessary, Mr Speaker, that the tenants be completely reassured. They should have been reassured a long time ago. In fact, they should have been reassured at the time when these allegations about the structural defects were published. I think, in general terms, whenever any statement is made publicly anywhere which is liable to cause concern and alarm, if there is no truth in those allegations this should have been stated by the Government immediately.

MR SPEAKER:

We will now speak on the amendment exclusively. It is very difficult to divorce the matters which appertain to the amendment from the matters which also relate to the original Motion before the House. I will warn Members that they may speak as much as they like on the amendment if they wish to do so but that we cannot have two bites at the cherry. If they take the option to speak generally now I will rule them out of order for repetition when they speak again on the original motion.

HON CHIEF MINISTER:

This is going to be very difficult, Mr Speaker, because the situation is now completely different. We have a substantial motion of concern about which I will have something to say as to the way in which the information was sought and given, and other things in respect of it. I think we must first of all deal with the substantial one even though I know that the amendment takes precedence in debate, but there may be an amendment to the amendment if that is going to be the way in which things are going to be done. I have asked for certain papers which I am expecting and which could deal with part of the motion which is really objectionable to the Government and that is the question of information.

MR SPEAKER:

We have before the House the question moved by the Hon Mr Restano which is the amendment to the original motion, of that there is no doubt.

HON M KIBERRAS:

Mr Speaker, the House, I am sure, has taken note

both of the terms in which the Hon Mr Bossano has introduced this motion and, of course, the text of the motion itself, which I might say are slightly different, but I think the main thing that the House was interested in learning was whether there were any structural defects and we have heard from the Minister of Public Works that there are no structural defects and that there is no danger to the homes at the Tower Blocks. That is essentially the matter that we, on this side, would like to clear up. However, because there has been a degree of sensationalism in the report in Vox which preceded the motion and because the Minister has said that there were a number of questions put to his Department about the matter insinuating, as I understood, that there were difficulties with the foundations and various other things, I heard the Minister say, and since he has been able to deny this, the only points that really remain is to reassure the tenants by means of this amendment by taking note of the Minister's statement and, the Minister is the person who is qualified to make such a statement. We take note...

HON CHIEF MINISTER:

If the Hon Member will give way. In that respect we welcome that part of the amendment.

MR SPEAKER:

What the Chief Minister has objected to is that it is a censure on Government's procedure as far as information is concerned.

HON M XIBERRAS:

I think my Hon Friend, Mr Restano, in fact, asked the Minister to give way because we understood that replies to these questions were somewhat delayed and even if they were not delayed then the Government, in our view, should have made a categorical statement to stop these stories. We had a similar case, I remember, on the question of the Medical Department, I think it was the Paul Henwood case, and therefore we, on this side, are regretting the fact that a public statement was not made on this matter. Obviously there has been a campaign of questions and the truth was not getting out.

MR SPEAKER:

If I may interrupt. Since the debate is at a very early stage and since we do not know what Government may still have to say, perhaps, this amendment may be slightly premature in so far as the second part of it is concerned. Perhaps it can be moved at a later stage and it can still be debated if the Opposition will feel that after all the information which will be elucidated by the intervention of Government Members it still warrants the moving of the amendment.

HON M XIBERRAS:

Mr Speaker, that depends on how full the Minister's statement should have been.

MR SPEAKER:

This depends on whether Hon Mr Restano is prepared to withdraw the amendment in the knowledge that there will be an opportunity to move it at a later stage.

HON M XIBERRAS:

May I suggest, Mr Speaker, that whatever the

Chief Minister has to say he can say in the context of this particular amendment. We do not know when the Chief Minister is going to speak and we do not know what he is going to say and therefore we have heard a contribution from the Government side and this contribution did not contain the necessary reassurance in respect of the information to the public statement and reassurance to the tenants.

MR SPEAKER:

I do not think that anything the Minister said stated categorically that the tenants were not reassured. I do not think that he said that they were, either, I accept that.

HON M XIBERRAS:

Perhaps the amendment may have ^{been} put in rather early or the contribution from the Government side has come rather late. If there is a contribution from the Government side, it can be made perfectly well in the context of this amendment, I would suggest.

HON CHIEF MINISTER:

Of course it can be made. I have asked for some papers but I have not got them at hand yet. The fundamental thing is that if reasonable information is given and a paper is not satisfied with it and it makes a splash of it and makes a threat that it is going to make a splash of it, has the Government got to come out to play up to that paper in order to satisfy them. That is a matter of principle on which I will have something to tell the House because, in fact, at some stage Mr Campello said to the Press Officer that he would scare the living daylights out of all the tenants of the Tower Blocks by splashing it in his paper. If that is the kind of journalism we are going to have in Gibraltar then, of course, the Government is not going to be making reassuring statements to people who are scared to death deliberately by a newspaper in order to make a sensation because they were piqued at the beginning that they were not given all the information that they thought should be given.

HON M XIBERRAS:

I do not disagree with what the Hon Chief Minister is saying. We wanted to hear what the Government had to say on the matter and we thought that what the Hon Mr Featherstone said was as much as the Government was prepared to say. It is the custom of the Government to have one Minister answering a motion of this kind and I did not expect other Members to contribute. However, if they wish to contribute in the line in which the Chief Minister has mentioned then, of course, they can do so in the context of the amendment.

HON CHIEF MINISTER:

If the Hon Member will give way. May I just say that I have responsibility for Information and it is in that capacity that I propose to address the House.

HON M XIBERRAS:

Mr Speaker, I am sure the House will listen with great interest. The point about this is that we wish to reassure the tenants of the Tower Blocks once the matter has come out and therefore we are changing the motion quite substantially in order to achieve this. However, the situation has arisen apparently over a period of time that that rumour has gained strength, promoted,

as the Chief Minister has said, by a particular newspaper which has used the most frightened terms to describe the situation and which has based itself on certain authority, I believe, not named, but certain expert opinion. I would like to know whether the Government is aware of what expert opinion was sought by the newspaper. Whether it was the subject of questions to the Government and the Minister for Information would be able to comment on this. Because of the rumour, however irresponsibly spread, we would like to know also whether the answers from the Government to the press questions came in time. If, in fact, the Government acted wisely in this of course the Government itself or any other member is free to move an amendment on this matter. So we certainly would like to hear accurate information, we certainly would like to allow the Chief Minister, now that he has declared his intention of producing certain papers, we would like to hear accurate information from the Chief Minister and we have no objection to this. But who was to know, Mr Speaker, that the Chief Minister was going to stand up and speak on these matters and, more so, produce actual documentation in support of what he has to say? Mr Speaker, I will support this amendment pending what we hear from the Chief Minister.

HON CHIEF MINISTER:

Mr Speaker, I can speak from memory now of the events but it would be much more accurate if I had the record of the questions and the answers given. I have asked for that when I heard Mr Restano's intervention at the early part of the debate asking the Minister to give way to ask about these matters.

HON MAJOR R J PELIZA:

Mr Speaker, first of all I think it is rather unfair to criticise a newspaper for using a right which is the freedom of expression in the manner that they wish to exercise it and I would have thought that the Minister responsible for this particular matter should be the last person to criticise the action when we know from experience, I think an experience which he himself said he had, of the manner in which a newspaper for which he was responsible was doing this sort of thing for years.

MR SPEAKER:

Order, I will not have side issues of: "You should not do this because someone else did it before." That has nothing to do with the question before the House.

HON MAJOR R J PELIZA:

I am sorry, Mr Speaker, that I have upset the Chief Minister so much, I am really sorry.

MR SPEAKER:

Order. You will direct yourself to the question before the House.

HON MAJOR R J PELIZA:

Mr Speaker, I think that it is the duty of the press to act, one might say, slightly irresponsibly. This is the essence of good journalism, if I may say so.

MR SPEAKER:

Order, Order. We are not going to discuss the duty of the press. We are going to discuss the amendment to the motion.

HON MAJOR R J PELIZA:

But the whole thing hinges on this.

MR SPEAKER:

No, it does not.

HON MAJOR R J PELIZA:

What I am coming to is that it is the duty of the Government to correct such statements if they believe that they are untrue. In fact, Watergate started in that manner, if I may say so. Do we expect a newspaper to have all the facts before they publish them; to carry out a thorough enquiry, particularly on building structures? Of course they cannot, and the only way that a newspaper can move Governments and Oppositions is precisely by making such type of statements which will stir up public opinion and therefore bring the matter to a head. If I may say so that is precisely what the newspaper Vox has done. It has brought the matter to a head and now, through the next step which was taken by the Opposition by my Hon Friend Joe Bossano, we now have a reassurance in this House where it had to be given and now obviously it will spread to the public, that the tenants need not be afraid of living in those blocks and for that I am most grateful both to Vox and to my Hon Friend. Mr Speaker, I think that it is the duty of Government to come out with public statements on such serious allegations as the one made by Vox. They have not done so, not, obviously, to the satisfaction of the tenants in the first place and, secondly, to the press. Because of this the Opposition, certainly, my Hon Friend Mr Restano, found it necessary to amend the motion since the motion as it stands now, and I hope the Mover himself will realise that, is slightly out of date. We know that, through the assurance given by the Minister, that there are no major structural defects in the Tower Blocks. We do not expect them to collapse nor do we expect the tenants having to be moved out of the buildings. To that extent, I think, we are now happy to know that the Tower Blocks are safe and sound and will carry on standing for many years to come. But there are other minor points, other defects which, again, it is the duty of the landlord to put right. I just wonder what would be the position of a private landlord if they were getting such complaints and were taken to Court? I think, under the existing legislation, the landlord would be compelled to readily remedy those defects. I think as a good landlord the Government should act in the same manner. I think that this is what the amendment to the original motion reflects. Perhaps the Government will not find it possible to go along with at least part of the amendment. Possibly, they object to the middle bit about not giving the reassurance to the public. I hope that they will be prepared to accept the end of the motion and the beginning of the motion with which, I am sure, they must agree. Perhaps their objection is to the middle part. I think that it is going to take a lot of convincing for this side of the House to believe that this reassurance was given. If it had, my Hon Friend Mr Bossano would have been incapable of bringing this motion here because there would be no substance for doing so. It would be absurd to come here and show concern for the collapse of the Tower Blocks after the Government reassured Gibraltar that this was not the case and therefore, the motion would never have been introduced. If there are any risks on the Government side they have only themselves to

blame as usual. I think I have had my say and I can see that there is another Minister who is very anxious to stand on his feet so I give way.

HON H J ZAMMITT:

Mr Speaker, it is not the first time that I have followed the Hon Major Peliza and I am going to commence again by saying what a load of rubbish. It is surprising, Mr Speaker, that a man who has been Gibraltar's Chief Minister should stand up and make a statement in this House to the effect that irresponsible journalism is good journalism. That is absolute rubbish. Mr Speaker, the history of Tower Blocks goes back for some years as my colleague, the Minister for Public Works, mentioned....

MR SPEAKER:

Are you going to speak on the amendment?

HON H J ZAMMITT:

Yes, Sir, on the amendment. From a housing point of view, and I am not prepared for one minute to talk about the responsibility of my colleague the Minister for Public Works or on behalf of the Chief Minister's Information responsibilities, but I am going to speak about my responsibilities of the housing situation. How can the Hon Major Peliza, a man who has been Gibraltar's Chief Minister for a very short period, thank God, say that it is right to scare and put panic into 120 tenants at the Tower Blocks? It is rubbish, Mr Speaker, there is no better word. It is cheap journalism under all contexts. I would not compare Vox with the New York Times, I get much more joy in reading the Beano and Dandy, Mr Speaker, than getting this kind of stuff. It is irresponsible. Mr Speaker, from the housing situation we have had two letters, one from Mr Davies which has been mentioned here....

MR SPEAKER:

I am afraid I am going to have to call you to order. That is not relevant to the amendment. If you would like to speak now on the general question I will accept it, but you are now going into the details of the original Motion, not the amendment. I will not deprive you from speaking on the original Motion later on, on other matters, but not on the matters which you are now touching on.

HON H J ZAMMITT:

May I just say, Mr Speaker, that despite all the panic that has been created over the information that Government gave to Vox, or didn't give to Vox, it has resulted, as far as my Ministry is concerned, in two letters asking for assurances and this has been done, Mr Speaker, as much as has been possible. What has made me stand up, Mr Speaker, is the attitude of the Hon Major Peliza. It actually makes anybody stand up, Mr Speaker. How can anybody, despite all the tragic consequences that Gibraltar has been suffering over housing, put panic into people? Is the Hon Major aware that there have been people who have had to go to a doctor to seek medical advice because of the panic spread by these rumours? The only good thing about it, Mr Speaker, is that Vox is absolute rubbish, the circulation of it has absolutely no impact on anybody, it is absolute trash.

HON MAJOR R J PELIZA:

Mr Speaker, he was just saying that people have been seeing doctors. I think all that would have been avoided if the Government had come out with a public statement to the effect that there was no truth in it. The Government is to blame.

HON H J ZAMMITT:

But, Mr Speaker, Sir, when Government tells Vox that there are electrical faults, that there is a leaking bathroom ceiling, does that warrant the headlines "How many of these flats are death traps?" Does that warrant that, Mr Speaker? You have said, Mr Speaker, that we should not divert to other areas but I can think of other areas where there isn't leaking just in the bathroom there is much more leaking and they have not been described as death traps. It is completely and utterly irresponsible, Mr Speaker. That is the situation. It was said to Vox quite clearly that there were electrical faults in that building. Not that the Tower Blocks were going to collapse as interpreted very clearly to the many hundreds of unfortunate people who have been very worried over this report, very worried over this report. Does a faulty fuse or no lights in a bathroom turn two blocks at Glacis into death traps? Of course, it is irresponsible, Mr Speaker and I very much regret that the Hon Major Peliza should say that that is right, that it is good journalism. It is absolute rubbish, Mr Speaker. Absolute rubbish. What I would like the Hon Member to consider and, for that matter, Vox, and Mr Bossano, is that they well know that the blocks are not going to crumble, they well know that there has been a lot of suffering brought to many people on this particular issue, and if that is good journalism, Mr Speaker, then I honestly don't know. I honestly and sincerely do not know. Mr Speaker, we will not be able to accept this amendment in this particular way because Government has done nothing wrong. We have provided information requested by Vox and if Vox is prepared to twist a 240-volt defect in a ceiling rose into a possible collapse of the Tower Blocks and goes round getting 100 or so many signatures then I am afraid that it is far beyond my understanding. The people of Gibraltar already live in a very serious situation without having to be worried by such irresponsible journalism and, regrettably, may I say, aided and abetted by a Member of this House, or two Members of this House.

MR SPEAKER:

I must ask you to withdraw that last sentence.

HON H J ZAMMITT:

Well, I will not say aided and abetted, Sir, but I see that Vox certainly has support from the Hon Major Peliza and, no doubt, from the Hon Mr Bossano, mover of the original Motion.

HON J BOSSANO:

Can I speak on the amendment now and give the Hon Mr Zammit the opportunity of my views. Mr Speaker, it is difficult not to be diverted from the subject matter both of the original Motion and of the amendment which I myself regret to the extent that it does away with sharing the concern expressed by the tenants. Obviously one has to accept the statement of the Minister that there is absolutely nothing wrong with the Tower Blocks for which he makes himself, of course, completely responsible and

would have to answer for if anything did go wrong and, consequently, the concern stops the moment the statement is made and the concern was there, as far as I was concerned, until, in fact, such a statement had been made. What Vox was asking for on 15 October, precisely, was a public statement to dispel concern on the 15th of October and on 29 October again there was a call for a public statement saying that there was absolutely nothing wrong with the Tower Blocks. So the Government was being asked to produce a public statement saying there was nothing wrong with the Tower Blocks and that, of course, Mr Zammit considers to be not an example of good journalism. But, of course, we have already been told by the Hon Member that his normal reading the "Beano" and the "Dandy" so I do not think that we can really rely too much on his judgement as to what constitutes good journalism if he has not, in fact, progressed beyond the "Beano" and the "Dandy" which does not surprise me at all from the Hon Member. I suppose this is standard reading on the Government benches, one supposes, Mr Speaker. Again the Hon Member in this diatribe against a newspaper, and I think it is regrettable that in this Chamber that is supposed to be the epitome of democracy, one should encounter this symptom of the persecution mania which we have witnessed on the part of the Hon and Learned the Chief Minister and now on the part of the Minister for Housing and which we witnessed yesterday, Mr Speaker, also, in respect of two other Motions. The idea that one has to indulge in invective and accusations against people who express views contrary to one's own. The Hon Minister for Public Works wanted to see "Calpe News" out of circulation yesterday. It would appear that the Hon Minister for Housing wants to see Vox out of circulation today and we are closely progressing to a situation where people will be required by the AACR to read the "Gibraltar Evening Post".

MR SPEAKER:

But this is democracy, isn't it, for people to express their views even in newspapers.

HON J BOSSANO:

Yes, this is what I am wondering, Mr Speaker, the connection between democracy and the sort of situation that Government Ministers would welcome. I can understand the ex-Minister for Information whose incumbency of that particular Ministry was remarkable for the fact that he never said anything throughout his whole period as Minister for Information. He never made any statements at all on Information, that is the most remarkable thing that one can recall of his tenure of as Minister for Information. No doubt, however awful the record of the Hon and Learned the Chief Minister may be in giving information he cannot possibly do worse than his predecessor. I think the part of the motion where, in my case, I condemn the failure of the Government to act decisively in this matter, part of that has, in fact, been accurately reflected in the amendment moved because there is two sides to the original. One is that if there was something wrong immediate steps should have been taken to put it right and if there was nothing wrong then immediate steps should have been taken to issue a public statement, an authoritative statement making it absolutely clear that what Vox was saying was a lot of eyewash and I accept that even the Vox can, sometimes, produce a lot of eyewash, this is not the sole prerogative of the New York Times even if it is not in the same class as Vox. The failure of the Government to produce a statement I think is reflective of the attitude of the Government, generally, which

we have seen on a number of occasions in a number of approaches from the Hon and Learned the Chief Minister on the occasional waving of his 7,000 votes, that they are a law unto themselves and they do not owe explanations to anybody and they are angered when anybody seeks to question them, when anybody seeks to hold them responsible for things. I can understand that the Hon the Chief Minister would like to have a peaceful life in his old age where nobody questions him but then perhaps he ought to seriously consider retiring and joining Mount Alvernia and then he would not be subjected to the strains of political life.

HON CHIEF MINISTER:

I hope I see the day when I can see Mr Bossano in Mount Alvernia with multiple sclerosis and I can go as a strong man to visit him. By that time the trade union movement in Gibraltar will have got rid of one of its greatest trouble makers. Let us put the matter in its proper context from the point of view of information. If this was so very important to the newspaper which, of course, must carry the weight and the morality of everybody in Gibraltar except the Government. The information was first asked by Vox on 29 July 1977, the first information was published no doubt because there was no other material provided by Mr Bossano over the weekend because he was busy with other union matters. I am now quoting from Secretariat records: Mr Campello, Vox, yesterday asked the following questions about the Tower Blocks: The Director of Public Works after consulting his Minister, has replied as follows: (a) cost of building the Tower Blocks? £983,500; (b) when were the Tower Blocks completed? In 1971; (c) what is wrong with them now? Nothing. Apart from normal minor repairs to which the flats are subject, in the case of all other dwellings we are not aware that anything is wrong with them nor have any complaints been made. Question: Could the trouble affect the steel foundations? Answer: There was never any trouble that would affect the foundation. Question: Will work require families to be moved elsewhere? How many families are involved? Where will they be accommodated? The answers to the questions do not arise in view of the previous answers. May I inform Mr Campello? And I said, yes, and add that research is still being made as to the incidence of complaints of recurring dampness over the years and the action taken and particulars will be supplied when available. This was on 29 July. That was the information in the hands of Vox on 29 July, that there was nothing wrong with the steel frames, there was nothing wrong with the structure and all the other requirements were given. The next one is on 25 August. That was at the height of the industrial trouble and again he needed information because Mr Bossano was busy and couldn't write the paper for him. I quote. Mr Campello of Vox had asked the following question: What is the trouble with the Tower Blocks? Who were the constructors, and how were they selected? He must have forgotten the previous question because he was asking the same a month after. Who were the constructors and how were they selected? Now we are talking about who selected the constructors. The Public Works Department have provided the following reply: A reply was given to Mr Campello by the Information Officer on 29 July on information supplied by Public Works Department that there is no trouble with the Tower Blocks other than the normal problems of maintenance and repairs. The constructors for the foundations were Messrs Pyling Constructors Ltd, for the supply and erection of steel frames, Messrs Watson Ltd. Walls, roofs, floors, flats etc., were carried out by Messrs Whatlings and Constructors Ltd on a

joint venture. In all cases the work was awarded to the various contracts under tender procedure. Mr Campello was informed and nothing was heard anymore. All the trouble about the Tower Blocks recede into oblivion after 25 August. No doubt, the people in the death traps were allowed by the Editor of Vox to live there happily without any concern until October. But he comes back on 21 October to the charge. I quote: Mr Campello of Vox asked the following questions yesterday: The leaks of the Tower Blocks result in water filtering through the light fittings. It also contravenes the IEE Regulations for electrical equipment in buildings. What does Public Works Department intend to do about this? Does Government intend to take up the challenge issued last week by Vox regarding the Director of Public Works' statement that there was nothing wrong with the Tower Blocks. The record continues: On 10 October Mr Campello asked whether there is any problem which would affect the life of the Tower Blocks. The Public Works Department have confirmed the information at B.3 and the Minister agrees. May I so inform Mr Campello please? This is the Information Officer. I gave Mr Campello the answers agreed in the preceding minute. He said that he wanted a "yes" or "no" answer to his question and that unless he obtained this he would publish a front page article in tomorrow's paper which would scare the living daylights out of all the tenants of the Tower Blocks. I referred the matter back to Mr Sharratt who said that it was obvious from the reply given that the answer was 'no'. On 21 October Mr Campello asked about the leaks and whether the Government was going to take up the challenge of Vox. This is the answer given: Out of 240 flats in the Tower Blocks five flats have been affected by water penetration into part of the electrical installation. This may happen to any building and the causes are being investigated in the normal way to put matters right. The answer given to Vox was that there was nothing affecting or that could affect the life of the Tower Blocks. The need to repair part of the electrical installation of five flats is no indication that the life of the Tower Blocks is being affected. The question does not therefore arise. End of quote. There is a rule which is observed with newspaper people and which has been observed in this case and that is that if a question comes from a particular paper and the answer is given to them, then that subject cannot be the subject matter of a statement to the general press because otherwise it takes away the initiative of the paper who asked and this is why the information was given to Mr Campello. Because he did not get the sensational news that he was looking for, no doubt, he was trying to challenge the Government into scaring the people by publishing the headline: "How many of these flats are death traps". Perhaps he can answer the question now, we have answered it long ago. We answered it on 29 July 1977. I leave it to the House to say whether the Hon Mover still wants to say that there has been no information conveyed in respect of this matter. First of all, let me say this. Some of these questions come sometimes on a Thursday afternoon or a Friday morning because, of course, Vox goes to press late on Friday evening and sometimes we are under pressure to give immediate replies to questions. A question put to Government in respect of anything which is technical and which is the responsibility of other departments is received by the Information Officer and the Information Officer must refer the matter to

the Head of the department concerned who deals with it as quickly as possible. Mr Campello occasionally gets very annoyed because he does not get quick answers to questions. When he doesn't get quick answers to questions in a typical colonial manner which the paper is so fond of condemning, he rings up "The Convent" to see whether the Governor would give him the information. He rings up the Military Secretary to the Governor who, of course, informs him that it is a defined domestic matter and the concern of the Government. Actually he says he is going to ring up the Governor but in fact he speaks to his secretary. The Governor is not waiting there on a Friday to see whether Mr Campello rings or not. This is what happens really with the way in which this information is obtained. The Press Department, let me say quite clearly in fairness to them, deal with these matters with a sense of urgency. But sometimes the questions require research in papers which have been laid away for nine or ten years and yet these questions were asked one day and the answers were given the next day. The Government, has given all the correct information which is the same that has been given here with more details and the Editor of Vox had no right whatsoever to scare the lives, as he threatened to do, out of the tenants of the Tower Blocks because he did not get the information he thought he was on to and because the answer was that there was no danger to the blocks. Of course, if he was so concerned about them I wonder why the newspaper allowed from 29 July to 22 October for those poor people to be living in such dangerous conditions without Vox considering it its duty to publicise the fact. The Government have got every consideration for the press and every respect for their right to information and I do not resent or regret anything that the press ask for. In fact, if I may say so, there is for press questions machinery which works quite well and this is the information that has been given.

MR SPEAKER:

Are you going to move an amendment to the amendment?

HON CHIEF MINISTER:

Yes, perhaps, I will. I have the honour to move that the amendment be further amended by the deletion of the words "it regrets, however, that Government did not publicly reassure the tenants at an earlier date" and the substitution of the word "and" by the word "but". I think that the Government did what was necessary to reassure the only questioner, because if in fact we had gone public to everybody then the thing would have been taken out of proportion from an inquisitive "Watergate" investigator, if you want to put it that way, into the whole spectrum of the media of Gibraltar and there is this undertaking that when we reply to questions to one paper we do not issue a communique of a general nature. I am not prepared, and I say so quite clearly here, I am not prepared to be threatened for public statements, or for inquiries, from the press for any whims and it is obvious that this is what has happened in this case and the connection with Vox of the Mover is too well known to link up one thing with the other.

Mr Speaker then proposed the question in the terms of the Hon the Chief Minister's amendment to the amendment.

HON J BOSSANO:

The last absurd statement of the Hon and Learned

the Chief Minister was almost to suggest that there is a long plan going back to July culminating in this motion jointly fabricated between the Editor of Vox and myself.

HON CHIEF MINISTER:

No, I do not think that this is beyond possibility but I did not suggest it. I suggested that when two splashes were made in Vox and nothing arose then, of course, the obvious thing was for the Hon Member to put in a motion.

HON J BOSSANO:

I am glad that the Hon and Learned the Chief Minister has not yet got to the stage of thinking that I spend all my nights scheming on how to do things to make life difficult for him because that is not the case.

HON CHIEF MINISTER:

Oh, no, you make them without scheming.

HON J BOSSANO:

Well, if the opportunity happens to pass my way, Mr Speaker, I certainly don't turn my back on them, I can assure the Hon Member. The first article, as far as I am aware - I try to buy Vox every week but I don't always get to read it - the first article appeared on 15 October, Mr Speaker, and there the article says that there were questions in July and that there were further questions on 26 August and the questions are printed and the answers are printed so that if, in fact, the answers that the Hon and Learned Chief Minister was responsible for giving to Vox were considered sufficient to put everybody's mind at rest, anybody reading the article would not have been worried because those answers were printed and then there was what is known as fair comment in journalism. The Hon and Learned Member can check that with the Hon Minister for Education and Public Works, fair comment, where the paper said: "Vox is not satisfied with the answers - after printing the answers - and calls on the Government to make a public statement in the public interest." The article was headed "Tower Blocks - not all well?" There was a doubt being put in the public mind about whether everything was OK with the Tower Blocks and the Government was being asked on 15 October as a result of the dissatisfaction of the paper with the answers that they had obtained in July and August which were mentioned, and whether the answers were exactly what the Hon Member has said or not one has got to accept that. I have got no way of checking that, of course. Nevertheless, there are answers and questions printed here, references to the fact that those answers and questions were made in July and August so the public was not being kept in the dark about when the questions had been put and what answers had been received and then the paper thought that those answers were insufficient to dispel, obviously a suspicion that must have been created by something having been heard somewhere. The Government was invited to dispel the suspicion. That is responsible journalism of the highest standard, Mr Speaker. I do not think that the Government can complain about that. But, of course, once the Government refused to do that then the suspicions were increased and if it has been possible for the Government to make a categorical statement today in the House, it would have been possible for the Government to have made a categorical statement and there would have been no motion and everybody's time would have been saved. I do not think that the Government can, in fact, excuse its procedure in this matter and it is quite

obvious that the most effective way of getting answers is the way that this has proceeded, regrettable although it may be, even though some of the effect of this may have been as the Minister for Housing claims, that people have been so worried that they have had to have medical attention, but so little worried that they have made no complaint. It seems quite extraordinary to me that people should be sufficiently worried by this article to go to their doctor and not sufficiently worried to put a complaint to the Government. I think, Mr Speaker, that the Government cannot get itself off the hook although, no doubt, it can exercise its newly-increased majority.

MR SPEAKER:

In other words, you are against the amendment to the amendment.

HON A P MONTEGRIFFO:

Mr Speaker, I support the amendment to the amendment. We are not saying that Mr Campello didn't print the answers. What we are complaining about is that he twisted the answers which he was given. I have not read the articles myself but I take Mr Bossano's word that the answers that have been read as being given to Mr Campello by the Chief Minister were the ones that appeared in Vox.

HON M XIBERRAS:

I do not follow the Hon Member's reasoning on this point. Is he saying that Mr Campello printed the answers as given to him and, if so, how were they twisted?

HON A P MONTEGRIFFO:

What I am saying is that I am taking Mr Bossano's word for it that the answers that the Chief Minister read as having been given to Mr Campello appeared in the paper and I am going to accept his word for it but the trouble is that irrespective of that, if the answers had been printed as given, which was the truth, as has been borne out in this House now, instead of "How many of the flats are death traps etc, etc," there would have been no need for the scare which Mr Campello deliberately told the Press Officer he was going to create when he said he would scare the people out of their wits. This happened between 27 and 29 October by which time questions in the House had already been placed. Therefore, not only did we think that we could make the matter clearer in this House but we did not think that in fact the impact that this article would have would scare the wits out of people. I wonder how the 106 signatures were collected? Did they queue up in the Vox office to sign against the picture of the blocks? It is very odd that the Government never received more than half a dozen complaints about what is reasonable leakages as indeed is happening in my own flat. Unfortunately my flat is not a Government flat and it takes much longer to have it repaired. By accepting the original amendment it is almost condoning that the irresponsibility shown about this problem, we would be almost condoning that this problem was right, and it is all wrong.

HON G T RESTANO:

The Hon the Chief Minister in his amendment to my amendment has completely avoided replying to the part of the original amendment that he proposes to delete. I am quite satisfied that the information given to Vox was properly given. It was given when the questions were asked but that is not the point because the information was given and certain articles were subsequently printed by the newspaper which caused alarm and concern such as the reference to "death traps".

That is alarming, that is what could have caused the greatest concern and, according to the last speaker, this was certainly not the information that the Government gave the newspaper. It is ludicrous for the Hon Minister for Medical and Health Services to say that he did not know that such a headline would cause concern or alarm. I think it is ludicrous.

HON A P MONTEGRIFFO:

I never said that. I said that it appears that it did not scare the people all that much because despite collecting 106 signatures, it is very suspicious that we never got any complaints except the normal ones of the four or five flats that had leaks.

HON G T RESTANO:

The Minister knows perfectly well that there has been considerable concern and any newspaper which publishes the statement that a particular block of flats is a death trap puts the tenants under considerable strain and if such a statement is made by a newspaper it is up to the Government immediately to refute that statement and make it known that it is untrue and therefore I think that by trying to delete from the amendment the words "it is regrettable, however, that the Government did not publicly reassure the tenants at an earlier date" I think the Chief Minister is being quite unfair. He did not reassure the tenants and he does not want to admit that he did not reassure the tenants. We will certainly vote against the amendment to the amendment. I think if the Chief Minister was fair he would withdraw his amendment.

HON H J ZAMMITT:

Mr Speaker, just a very quick one on the amendment to the amendment, and that is that Government has refuted the rumours concerning the Tower Blocks to those who have written in. In the Housing situation, Mr Speaker, I mentioned I had a letter from one particular gentleman and a reply was sent saying: "The Minister for Housing has asked me to thank you for your letter of 29 July and to refute the rumours concerning Referendum House which you claim are circulating about Gibraltar." It certainly was refuted to those who have asked.

HON M XIBERRAS:

Mr Speaker, this is clearly a question of judgement in a particular situation. The Government is obviously satisfied that they have exercised that judgement correctly and we, on this side, are not satisfied that this was the case. If it had been a matter less serious than I would certainly hold to the rule that the Chief Minister has mentioned, namely, that if a certain paper asks a question, the reply to that question should not be circulated to other newspapers. But in this particular case I can assure him, and he knows, since now it appears that there was also a question to the Hon Mr Zammit, as Minister for Housing, that people at one time were quite genuinely concerned about the situation and that this anxiety

was not allayed by the answers printed in Vox whose relevance, of course, was far outweighed by the consideration of the so-called scandal. I think that the Chief Minister again, taking the words of my Hon Friend on my left, must admit that in certain circumstances it is fair and the public is entitled to be given, rather more direct communication by the Government than the simple information provided as an answer to the newspaper. The Government should in certain cases, especially if in its view the editor of a newspaper is not acting responsibly and has not given due prominence to Government's answers, then the Government has an obligation to push forward with other means and a public statement should not be made, obviously, every day in answer to any petty fogging complaint, but in a matter of this seriousness which was cleverly allied to the question of taking off the last six floors of the Tower Blocks, a rumour that was also circulating, which quotes, as I recall, a certain authority, unnamed, I believe, to say that there was trouble with the Tower Blocks, in such a circumstance, and we all know about Centrepoint, a building in UK which caused over concern.....

HON M K FEATHERSTONE:

That was a gas explosion and we have no gas in Gibraltar.

HON CHIEF MINISTER:

And it was not Centrepoint, anyway.

HON M XIBERRAS:

Well, in any case, Mr Speaker, generally, there is concern when one lives in a tower block. The Chief Minister cannot hide behind this rule of communication with a newspaper and practice with a particular newspaper. The matter transcended that due to the irresponsibility of the approach of the editor, in my view, but the Government should have issued the statement for which it was asked and given the newspaper that pyrrhic victory and allowed the newspaper and other news media to publish that article and therefore we cannot support the amendment to the amendment. This is the second case, Mr Speaker, in my experience here, where the Government has failed to act decisively enough in a matter of information.

HON CHIEF MINISTER:

Mr Speaker, I am not trying to hide behind this rule at all. I am just explaining the matter and, since, in my judgement I acted rightly I cannot agree to be a party to a censure against me on a matter which I thought was proper and, therefore, I do not want to vote against the whole of the amendment because I think there are very constructive things there which I accept and I welcome and therefore it will be childish to expect that I should accept a censure on a matter on which I am convinced at the time was not done. I do take the point of the Hon Leader of the Opposition and, in fact, I will not be constrained, I will say that clearly now, I will not be constrained now if I see that there is good faith in

information sought, I will not be constrained in the future by this rule and will make whatever public statements are required whether they come from one place or another. I have learnt a lesson, I accept that, but I will do that in the future. I did it in the best interests and because I thought it was an absolute bluff and so it was and so it has turned out to be. I have learnt the lesson of trying to play fair with journalists and I have learnt the lesson and I know how to play in different circumstances, in different ways, still fairly, but perhaps not as cautiously as I have done on this occasion in order not to break the rule. In those circumstances, of course, I must insist on the amendment. I think Mr Restano's amendment is constructive if you take that part away.

Mr Speaker then put the question in the terms of the Hon G T Restano's amendment, as amended by the Chief Minister and on a vote being taken 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 A P Montegriffo
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon H J Zammit
The Hon J K Havers
The Hon J J Caetano

The following Hon Members voted against:-

The Hon J Bossano
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 Hon G T Restano's amendment, as amended by the Hon the Chief Minister was accordingly carried.

MR SPEAKER:

I will then put the question which is that the original Motion as moved by the Hon Mr Bossano should be amended by the deletion of all the words appearing after the word "House" and the substitution therefor of the following words: "takes note of the statement of the Minister for Public Works that there is no structural defects in the Tower Blocks at Glacis Estate and that there is no reason for concern about the safety of homes there" and the substitution of the word "and" where it appears in the ninth line for the word "but" and which should read: "but urges Government to remedy those lesser defects that may exist, as soon as possible". What is the Opposition doing? Are you voting against your own amendment to the original motion as amended?

HON CHIEF MINISTER:

If that is going to be the attitude then we will abstain on that amendment and vote against the original substantive motion.

MR SPEAKER:

We will ask for a division then. Mr Clerk, will you call a division.

HON J BOSSANO:

On a point of order. With the Government having voted in favour of amending the motion and having succeeded in amending the motion....

MR SPEAKER:

The Government voted in favour of an amendment to the amendment.

HON J BOSSANO:

Right, and the motion before the House is the amended amendment.

MR SPEAKER:

That is correct.

HON J BOSSANO:

The amended amendment has been amended as a result of the Government majority being exercised and I am asking, on a point of order, what is the logic of the Government now, having succeeded in amending the amendment wanting to defeat the amendment.

MR SPEAKER:

That is their prerogative.

HON CHIEF MINISTER:

I explained it. I did say that I welcomed part of the aspects of the matter which made the reassurance but we are certainly not going to have an amendment initiated from the Opposition passed against their own better judgement because we have taken a few words out of it. As far as we are concerned we abstain.

MR SPEAKER:

The question before the House is clear and I will read it again. The question is whether the original motion as moved by the Hon Mr Bossano should be amended by the deletion of all the words after "House" where it appears and the substitution of the motion as I have read it which leaves out: "it regrets, however, that Government did not publicly reassure the tenants at an earlier date". That is precisely what we are voting for and we will take a division on that, Mr Clerk.

On a division being taken the following Hon Member voted against:

The Hon J Bossano
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 abstained:

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 A P Montegriffo
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon H J Zammit
The Hon J K Havers
The Hon J J Caetano

MR SPEAKER:

There are eleven abstentions and six votes against the motion. The motion is therefore defeated and the original question is not amended and it reads as it was moved by the Hon Mr Bossano. Mr Bossano, Mr Featherstone and Mr Restano have already spoken to the motion and the floor is now open to any member who wishes to speak on the original motion.

If there are no contributors, I will call on Mr Bossano to reply to the motion.

HON J BOSSANO:

I will not say very much, I think all that needs to be said on the matter has been said. Perhaps, I can just make use of the opportunity to say that I certainly do not share the view of the Hon and Learned the Chief Minister that if one moves a motion in this House which is subsequently altered to the extent that the original meaning and intention of the motion is completely deleted, that still remains the motion introduced to the House under the responsibility of the original mover and that there is anything illogical, for example, in opposing what was originally being moved. If, in fact, the Government had chosen they could, of course, quite easily have moved an amendment removing everything after "House" and substituting words saying that they praised the Government for their diligence and concern but it would not be my motion or my sentiments, so I would logically have to vote against the motion I had moved. So I do not think there is anything inconsistent when being faced by a Government majority. As regards the original motion, Mr Speaker, which is about to be defeated by the Government, all I can say is that I trust that there is at least a minute element of doubt still left in the mind of the Hon and Learned the Chief Minister that my intentions in moving the motion might not have been exclusively designed to making him uncomfortable and that some minor element might have been, as the motion says, out of concern for the people in the Tower Blocks.

MR SPEAKER:

I will then put the question before the House as moved by the Hon Mr Bossano which reads as follows: "That this House shares the concern expressed by the tenants of the Tower Blocks in Glacis Estate about the safety of their homes and condemns the failure of the Government to act decisively in this matter".

On a vote being taken the following Hon Member voted in favour:

The Hon J Bossano

The following Hon Members voted against:

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 A P Montegriffo
The Hon A W Serfaty
The Hon Dr R G Valerino
The Hon H J Zammit
The Hon J K Havers
The Hon J J Caetano

The following Hon Members abstained:

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 motion was accordingly defeated.

HON M XIBERRAS:

Mr Speaker, I have the honour to move the following motion standing in my name: "That this House, bearing in mind the proposed enlargement of the European Economic Community and the forthcoming Direct Elections to the European Parliament: (1) urges Her Majesty's Government to recognise that the entry of Spain into the Community would be contrary to Community rules for as long as the blockade of Gibraltar continues; and (2) welcomes the campaign for the enfranchisement of the people of Gibraltar in respect of direct elections to the European Parliament." The reason for this motion is that I have no doubt that Hon Members would like to give explicit support in the House to a proposition which is very similar to that which is going to be debated on 25 November at the annual Congress of the European Movement in London, in the name of Gibraltar. Resolution from Gibraltar: This is a notice that has gone out to members of the European Movement. "The Executive Committee meeting on 24 October 1977 received notice of the following resolution and agreed for it to be moved at the Annual Congress of the Movement." Here it says that I should be moving it and my Hon and Gallant Friend Major Peliza would be seconding it. That is a matter which has, obviously, to be discussed within the branch of the Movement in Gibraltar. I should say, Mr Speaker, that this is a very important motion bearing in mind that the Movement is quite powerful in the United Kingdom, I believe that three quarters of the Conservative MP's at Westminster and half the Labour MP's have some sort of connection with the Movement and that therefore, a proposition of this kind if carried at the Congress, would stand Gibraltar in very good stead. I think the House would join me in thanking those who have been responsible for getting the Resolution on the Order Paper, especially Mr Ernest Wistrich and Lord Thompson, Chairman of the Movement, and Miss Belle Goldsmith who was present at the meeting. I am also sure the House would join me in thanking my Hon and Gallant Friend Major Peliza for putting the question to Mr Wistrich on behalf of the Gibraltar Branch and in following it up and, eventually communicating it to the Branch in Gibraltar. Mr Speaker, I think Hon Members are conversant with the various arguments that have been used from time to time in support of the two propositions here. I feel the first one of these requires some explanation. I refer, of course, to the

connection between or what the policy should be as regards Her Majesty's Government in the question of the restrictions in relation to Spain's entry into the Common Market. There are four possible positions, perhaps, and I would like to go through them very quickly because I would like to mention what, in fact, is the view of the Branch as expressed to the Chief Minister and expressed elsewhere. There is, of course, the question of a precondition being set at this stage to Spanish entry, namely, that Spain would have to lower the restrictions before Britain will allow Spain to enter EEC. This, I might say, Mr Speaker, has received support from at least one quarter in England, namely, Mr Willie Hamilton M.P., for which we are grateful. The second position is, perhaps, that which has been adopted by the British Government officially and by Dr Owen in particular in Madrid, namely, to keep separate, at the visible level, the two issues of Spain's entry into the Common Market and the question of the lowering of the restrictions. The third position is the one adopted and, I should say, the third position is also shared by Her Majesty's Government, namely, that in the belief that it will take some time before Spain enters Europe, it is thought that it might be counter-productive to insist on a veto and that this should not be made at this stage because other arguments and other forms of leverage can be used against Spain which might yield a result before the actual crunch, if I might put it that way, came and Spain was due to join the Common Market. This view has been expressed by the Chief Minister. The view which I expressed on behalf of the Branch of the Movement was contained in a letter to the Chief Minister of 7 September which I think I have quoted in the House before but I shall read a bit of it with your permission, Mr Speaker: "We feel as I made clear to Sir Anthony Acland during his visit earlier this year, that without explicitly laying down relaxation as a pre-condition of entry at this stage Britain, even now, should convey by diplomatic means that should other arguments fail Britain would establish the pre-condition at the appropriate stage on the grounds that the continuation of the restrictions would be inconceivable once Spain was a member of EEC or NATO. The Ambassador's reply to me did not rule out this course of action, rather he sought my views as to how this object might be achieved. The Secretary of State, through the Governor, intimated the time for detailed consideration of the point had not yet come." I went on to say, Mr Speaker - that there were two provisos, in fact, and I will quote the second one first. It follows from the paragraph which I have just read: "The second proviso follows upon the first and it is that you should be satisfied and the Chief Minister should be satisfied, that the pre-condition would be laid down at the appropriate time." Mr Speaker, it seems to me that the majority of people in Gibraltar would be prepared to follow that particular course of action. Mr Speaker, there is, perhaps, a slight difference of nuance in the proposition at present before the House and which will go to the

European Movement's Congress in London, and that is that in the first part of the motion Congress and, of course, the House in this present motion, would be asked to urge Her Majesty's Government to recognise that the entry of Spain into the Community would be contrary etc., to community rules unless the blockade were lifted. This, Mr Speaker, I do not regard as inconsistent or in any way prejudicial to the position adopted by the Branch here in Gibraltar or, in fact, adopted by myself or, I might suggest respectfully, the position of the Chief Minister, because a recognition of this kind has already been sought by the Movement in letters to Mr Jenkins, the President of the Commission, and my Hon and Gallant Friend Major Peliza who will no doubt inform the House in the course of the debate that an indication of the view of the Commission has already been received by him and such indication, of course, does not commit Britain to exercising the veto nor does it commit us to asking Britain to exercise the veto before due time which, happily, will not be necessary at all. It simply asks for a recognition of what the political legal position would be if, eventually, the frontier restrictions had not been lowered by the time that Spain entered, or was due to enter, the Community. As Hon Members know, the estimates of the negotiation period for Spain to enter the Community has varied from one and a half years, I believe, to ten years. Perhaps, we could assume that it will be in the region of five years or so. Certainly, I think that we should not dally on this matter and we should try to make known to Her Majesty's Government how in earnest we are about the importance that we attach to the entry of Spain into the Community and its relevance to the position of Gibraltar and indeed to our status as European nationals. Mr Speaker, I should also mention in respect of the enfranchisement paragraph which I quoted "welcomes the campaign to the enfranchisement of the people of Gibraltar in respect of direct elections to the European Parliament" that the Branch has made a good number of representations already setting out the case and I have letters of acknowledgement and comments from various people, from the Prime Minister's office, from the Leader of the Opposition, Mrs Thatcher, from Mr Michael Stewart, Mr Jeremy Thorpe, of course, Lord Thomson, Mr Russell Johnston, Sir Douglas Herd, John Biggs-Davidson, Sir Frederick Bennett and a good number of others and I would like to thank my colleagues in the European Branch for the great deal of letters, mailing etc, which has been going on and which, I think, will stand us in good stead though I cannot, of course, guarantee that this is going to be successful at this stage but I do think that these representations might bring about a consideration of the enfranchisement of the people of Gibraltar at the Committee stage of the legislation which is before Parliament. If this motion should be carried here in this House and if it should be carried at the Congress of the European Movement, then I think we would add to the commitment of MP's at least to ventilate the question in Parliament of enfranchisement and I think people here

in Gibraltar would feel much more satisfied that Parliament is paying due regard to our aspirations in this respect. Therefore, Mr Speaker, it is in the hope that Hon Members will be aware, will recognise, the importance of having a unanimous vote on this issue so that it can be pressed in the European Parliament by our own proposers but I commend the Motion to the House.

Mr Speaker then proposed the question in the terms of the Hon M Xiberras' motion.

The House recessed at 1.00 p.m.

The House resumed at 3.25 p.m.

MR SPEAKER:

I will remind Members that when we recessed for lunch the Hon M Xiberras had moved his motion on the European Economic Community and that the question had been proposed and therefore the floor is open to any contributors.

HON A P MONTEGRIFFO:

Mr Speaker, I have got little to add to what the Hon the Leader of the Opposition said. It is nice to see that the activity of the Gibraltar Branch of this Movement is having its effect and its activities are reflected, perhaps, in bringing this motion to the House. I entirely agree with all his words. I wasn't going to speak at this stage, I wanted to know how other Members felt about it and I am sure that there will be complete unanimity, but rather than just remain quiet and just lift my hand at the time of voting, I think it is only proper that as many Members as possible will say as little as possible but enough to signify their intention of supporting this worthy motion. Sir, I support the motion.

HON MAJOR R J PELIZA:

Mr Speaker, I think I am going to extend myself a bit more than usual on this occasion although I promise this House that it won't be more than the 20 minutes that I was told is the most that an intelligent person can keep up with any other speaker. However, I think it is fair that this House at least should justify the £250 that we are getting from the Government which we are all most grateful for because little as that may be, I think it does help to keep the Movement going, a Movement, I think, which already one might say has possibly produced more in terms of productivity in the sense of the image of Gibraltar abroad and in strengthening the position of Gibraltar within the European Community. For instance, Mr Speaker, one cannot ever forget the first publication of Gibraltar within the Movement in the now famous "Facts" of April, 1977, which described the situation of Gibraltar as the iron curtain in Western Europe. I think that the circulation of this bulletin alone more than justifies the £250 that the Government has so graciously donated to the Movement. This, Mr Speaker, does go I know to all the embassies in the

United Kingdom, to all the members of Parliament and House of Lords and to many other influential institutions and individuals and it is also extended within the Movement outside Britain and in Europe. Then we had the very successful visit of the Mayor of Gibraltar, the Hon Mr Canepa, who I am sure will, be able to make a contribution later in this debate and I am sure we shall hear from what he has got to say that his visit was of great interest to those who also participated on that occasion. I am sure that he, too, must have planted a few seeds during his stay there. Mr Speaker, coming down to the motion, I think it is vital for Gibraltar that the principles which the motion enunciates are upheld, not only within the European Movement itself when it is taken to the Congress, but by the British Government subsequently and by all the other European Government and that eventually I hope as regards Spain that it will not be necessary to enforce the conditions of the Treaty to bring about normality to our relations with our neighbouring country and also I think as to the second part of the motion of which I will speak in detail further on, the second bit about the Gibraltarians as nationals of the Community, participating in the direct elections to Parliament. They are two very fundamental matters, Mr Speaker, which through the Movement we might be able to pressurise the influential people who, we hope, will be able to grant this to the people of Gibraltar. It was, in fact, a long way back when first the notion of a united Europe was ever mentioned, even before I was engaged in politics directly, that I always felt that a united Europe would be a great thing to the world and very particularly to Gibraltar. One sees right through that as far as the European Movement is concerned, the small units are there to receive protection and that is precisely what Gibraltar needs all the time, protection, and also to receive assistance which is also something that Gibraltar will always need as a small unit. We therefore fit in very correctly in this large and, I hope, some day powerful and effective United States of Europe of which Gibraltar, small as it may be, will be able to participate and derive all the benefits of such a large Community. Because of that at the last elections I make it one of my cardinal points and that can be seen in my manifesto and also I think when I was Chief Minister of Gibraltar I did everything possible to get Gibraltar included. As a result we are in Europe under Article 227(4). I am going to digress slightly to see what the status of Gibraltar is and with this in mind, because it is sometimes very difficult to arrive at what the position is, I wrote to the President of the Commission, Mr Roy Jenkins, on the 11th May this year. I got, of course, an acknowledgement more or less by return but it took some time before I had a detailed answer to my letter. I am glad to say that on the 10th of October I did receive one and I hope the House will bear with me if I read it because it is an important document which I consider should be recorded in our Hansard. This letter

comes from the Commission of the European Communities, Directorate-General for external affairs. The number of the letter 5516 and it is addressed to myself and it reads as follows: "I am sorry that it has taken so long to reply to your letter of 11th May addressed to President Jenkins. The President has asked me to comment in some detail to your letter regarding the status of Gibraltar in the Community. Under Article 227(4) of the Treaty of Rome only certain of its provision regarding the free movement of goods, (apart from certain agricultural products) persons, services and capital, apply to Gibraltar. Thus Gibraltar is not an integral part of the Community in the sense in which you use the term, that is, in the same sense as is the United Kingdom or metropolitan France. As a result, the Act of direct elections signed by the member states include in its Annex 2 a statement specifying that its provisions will, for the United Kingdom, apply only in respect of Great Britain and Northern Ireland. Gibraltar is thus excluded from the ambit of direct elections to the European Parliament. With regard to the EEC Passport - I think on this one the Attorney General might be interested - discussions are still in progress within the Council of the Communities on this question. However, once agreement is reached on the form of a passport, the issue of this document will continue to be governed by the domestic legislation of the different Member States. The eligibility of Gibraltarians for the passport will therefore depend on the relevant provisions of the United Kingdom legislation introducing the passport change. Finally - this is very important - the provisions of the Treaty of free movement of goods, persons, services and capital will apply to Gibraltar and Spain if and when Spain becomes a member of the European Community." The letter is signed by Roy Denman, Director-General. I think it is pertinent to make a very short analysis of this letter because obviously one would say this represents the legal position of Gibraltar in the eyes of the Commission which I have no doubt whatsoever at the moment one would think is the highest authority, in the civil service sense, of the Community in Europe. As to the third paragraph where it refers to article 227(4), this one, I think, needs clarification and I take it upon myself to pursue this. But as I read it, the only difference that exists between us and France is one that we are not a State of our own and we are therefore within the Treaty because Britain is responsible for our Foreign affairs, but also because in certain instances we are excluded from, as is said here, certain provisions of the Treaty regarding the free movement of goods, apart from certain agricultural products. Because of this difference that we are not a state in our own right, and because we don't seem completely to follow all the provisions of the Treaty with regard to free movement, in this case agricultural products, C.A.P. and a few things like that, as a result of that, we have no right of our own to be included in the direct elections. But if

Britain had included us in the Annex, then it would have been perfectly correct for us to participate as nationals of the Community. This is something, again, that I shall come back to. We go on to the EEC Passport where it has been made quite clear here that now the position rests entirely with the decision of Her Majesty's Government since this, as it clearly says, is dependent on United Kingdom legislation and nothing else. The Green Paper in this connection you can well imagine is a very important matter which I hope this House will be able to look into on another occasion. Going back to the first paragraph about the freedom of movement, let me state categorically in this House that when we had to make the decision as to whether we would be inside or outside the tariff barrier we had to do it fairly quickly. We got the cable about midday and we had to give a reply that same afternoon. The position was very much one of "if you don't accept this the possibility is that your whole position will have to be re-negotiated but if at any subsequent time you wish to go behind the barrier then that will be possible." This was reiterated to me by Sir Alec Douglas-Home when he came here as Secretary of State in September, 1971, and I think it has been re-stated recently when Mr Judd came over last month. Therefore, we are free at any time to opt to go behind the tariff barrier should we so desire. This, I think, would rather strengthen our position in the eyes of the Commission today but I doubt whether that is the case because again when a Mr Ford who was a Civil Servant who was very directly concerned with the inclusion of Britain in the EEC and therefore also with Gibraltar, visited Gibraltar, he made it clear to me and I think Hon Members will also remember to all of us, that whether we stayed in or out of the tariff barrier was of no political significance and I stress this because if that is of no political significance that should have no effect on our right to the passport subsequently or, now, to the participation in the direct elections. Having said that, therefore, and seeing that I think we have a perfectly good legal case and, certainly, a much stronger political case, I think we have a jolly good opportunity of being able to get friends in Britain and also in Europe to try and support what this motion in one and two paragraph aims. Already I had an opportunity of attending a committee meeting of the Labour Committee for Europe which is the Labour side of the European Movement. I am happy to see that the manifesto of the Labour Party for the direct elections was being discussed there and they found it possible, notwithstanding that they have of course many issues which directly concern the nation itself, to include under the paragraph of enlargement, and you can see the leaflet of the manifesto which says, under enlargement: "The opportunity should be taken to persuade Spain to relax their attitude towards Gibraltar". Here is already an attitude that almost, if not all, the Labour candidates for the European elections will be taking up as one of their electoral points. Mr William Hamilton M.P., has already made quite a good statement in Europe about that. I have already done my best to try and get

something similar in the manifesto of the Conservative Party and also in the manifesto of the Liberal Party. In the process, I have written to quite a number of people, not just Members of Parliament, but people who I know are very directly engaged with the production of such a manifesto. I think that one point that is made now and again with regard to the freedom of movement is whether it will apply to land movement. As I understand it and much as they may wish to bring the Treaty of Utrecht into this, the Treaty of Rome supersedes all the other Treaties and, therefore, in that connection if there is something in the Treaty of Rome which clashes with the Treaty of Utrecht which in this case is the freedom of movement, I think, that whatever nation it might be which wants to adhere to the principles of the Community will, obviously, have to surrender. In that respect we are on a very strong wicket. If this were not so it still remains the principle of the Community that this should not exist and I very much doubt whether any nation which belongs to Europe would try and produce such an outdated Treaty into play to try and foil the principles of that organisation. I do not think that would be tolerated and certainly it would not be seen with sympathetic eyes by any of those members and I doubt whether, in the process of time, that would not happen. Lord Thomson himself said it would be inconceivable that Spain could belong to the European Community and still continue with the blocking of Gibraltar. He is a man who has had experience in the Foreign and Commonwealth Office and is also very concerned with foreign affairs generally. He has been a member of the Commission and therefore that could not possibly be a wild statement and I have no doubt that his words must carry some authority. I think we have a very good case, we have every right to pursue what we want and I think we may be able to get it through the Congress of the Movement. I found little difficulty in persuading those responsible for taking it to the Executive Committee of the Congress to take it forward and, I must say, I was a little bit worried about it thinking that, perhaps, since there are many other interests, that this one might clash with some of the other interests. I was at one time a little bit apprehensive as to whether, in fact, this would be accepted as a resolution for Congress. When I telephoned, with some apprehension that morning just to make a few suggestions I was told not to worry that this would easily go through. When subsequently I telephoned later in the evening the reply came loud and clear: "It has gone through without any difficulty whatsoever". The idea is that the representative of the Movement of Gibraltar should attend this Congress on Saturday 26 November and there propose the Resolution. I had, at the time, to decide who would do it and the person that came to mind was Mr Xiberras and as I was going to be there in any case I thought I might also attend. That does not mean to say

that if those who should go should be other people I do not believe that that would be an impediment. I will obviously be in Britain but if somebody else is required to be there somebody else will go. I would like to add that at this Congress - and I have attended one already - not only do you get representatives from Britain, but also representatives from abroad, mainly from the Continent, and also from those who aspire to be members of the Community. It is very possible that a representative of the Spanish Embassy, if not the Ambassador himself, will be present. Again I think this is another opportunity of making our Gibraltarian sentiments well known there as British Europeans. As to the Direct Elections, it is sometimes very sad to read in the briefings that come on the European elections now and again, to find therein a list of territories which are spread out all over the world who will be participating in this election. I can quote straight away two of them. One is a French territory which is way out off the North East Coast of Canada which is called St Fierre et Micquelon. The electorate of that territory is only 4,000. They are miles away from Europe and yet they will have a right to participate in this election and elect a member for the European Parliament. Another one is Mayotte off the Malagasy Republic in the Indian Ocean. Their electorate is 25,000 and again they are very distant from Europe. We find that we, who are of European descent because if one looks at Gibraltar carefully this is a mixture of most of the European races and therefore we might well be called the first united little spate of Europe because here there is unity, real unity and we are going to be left out of this important election whilst people miles away are not. I think it is not just pride that should move us to ensure that we participate in this election but I think it is also the fact that it will have, in my view, tremendous importance for the status of Gibraltar. This is even more important than our continental pride, if you do not want to call it national pride. Even more important than our continental pride is the fact that it will have very considerable importance to our status and if we allow this to go by we are not allowing our position to strengthen for the other struggles that may lie ahead for us such as the right to self-determination. Through election we would start receiving important recognition in Europe and this is why we have to do all we can to get on the elections this time but if we fail this time at least to lay the foundations to carry on fighting for the next occasion so that if we have been forgotten, I hope it has not been deliberately done, but if we have been forgotten this time that we may not be forgotten next time. It is clear that we were left out of the Annex. That is clear. If we had been included in that Annex we would be participating in the election. It is also clear that although the Government of Gibraltar has had repeated assurances that they would be consulted on anything affecting foreign affairs, and this is foreign affairs for us since we have no direct right to talk about it, we were not consulted and I think there should be a very strong protest because on that

score we have not been consulted. In fact, the first we heard about it, as I remember, was when I brought out a copy of a Hansard where a member of the House of Lords made a statement which was completely incorrect. But, obviously, that is not the way to consult the Government of Gibraltar, with a Hansard which says already what has happened. That is adding insult to injury. I do hope that this matter is not left as it is now because if we enter into this campaign with the Movement we shall have friends not only in Parliament but outside Parliament. The question of participating in this election is the basis of democracy. What we do not realise is that we have been disenfranchised. We had a vote because we were Community nationals and that vote has been taken away from us. It is an undemocratic act and therefore it is something that people who stand for freedom should not allow to go by without making, at least, some noise. I shall certainly continue to do all I can but I am well aware of my limitations and I know the House also is well aware, perhaps even better than me, of my limitations and therefore I hope that they will take seriously what I say that on this occasion we need everybody to do something about it. I think it might be a good thing to look into the status of French territories such as the Overseas Department and the French overseas territories and look into that and found out what could happen in that respect. I think it is absolutely important that by hook or by crook we get if not this time, then subsequently, into the position where we will be able to participate in the elections. They say it is not practical for the people of Gibraltar to participate but I do not believe that this is so because if we have the Forces stationed in Gibraltar voting at other elections and voting at these direct elections, a few thousand more in the same place should not make all the difference. This great argument that is used that it would not be practical, I do not think holds. In any case, if it is practical in the Indian Ocean and even further than that because there are little French Colonies on the other side of Australia, such as Fortuna, if they find it possible to participate we, who are only 2½ hours from London, should find it, I suppose, not all that more difficult to do it. I think that there are no convincing arguments as to why we should not take part in these elections. I would like to take this opportunity Mr Speaker, to thank the Government for so readily agreeing to somebody going to Greece to attend a conference organised by the Association of Studies of European Problems which is meeting on 2 December and one of the things that they are going to discuss is the enlargement of the Community. I know that leading personalities of the British political world will be attending, amongst them Geoffrey Rippon. I have not found out who else will be going but I have no doubt that there will be a conglomeration of people who are very directly concerned with the enlargement of the Community

where, of course, Spain will be one of the applicants and I have no doubt that the question of Spain will be discussed. We, in Gibraltar, will have an opportunity once again of putting our point of view and I think that by planting our seeds there we should be in a position to generate interest about our problem. Above all we shall have implanted within this Study Association a problem that, perhaps, they had overlooked and that now will keep reappearing whenever the question of the enlargement of the Community is examined. Mr Speaker, I said I would extend myself a bit more than usual. I think I have done so and I do not want to belabour my points any more. There are, of course, many details that one could go into but that is not my intention and all I can say is that because in the past I have always been able to say, and I am sure that this will apply to any other Member who has been engaged in this, that every elected Member of Gibraltar is behind the idea of a united Europe and that they all belong to the Movement, that one is listened to with great attention. I am sure that if this motion is passed in this House today it will add force behind it when whoever attends the Congress stands up and says that this is the view of all the Elected Members of Gibraltar, the Government and the Opposition, and I think it will carry considerable weight if this were said, and I do hope that this will be the result when put to the vote.

HON CHIEF MINISTER:

Mr Speaker, I would like to say a few words on this. I certainly won't go into any length on the matter. First of all I would like to congratulate the Leader of the Opposition for the manner in which the motion was phrased because I think it keeps within the spirit of what the Movement is doing on this matter in Gibraltar and it also keeps within the spirit of what we have been saying all the time which is that one cannot understand, in a concept of a United Europe in which Spain could take part, one could not believe that a united Europe could put up with a piece of frontier stopping one part of Europe from the rest of the continent. I think that is the generally held view in Gibraltar which has been brought to the notice of Her Majesty's Government in no uncertain manner. There was then the question of whether we should demand that it should be a condition of Britain's support for Spain's accession on that basis and I made public a letter which I may say so, the Leader of the Opposition explained quite well, that one would hope that we would not have to wait all the time or that it would be the last card that the British Government should play on that basis. We have made representations and as recently as last Friday the Leader of the Opposition and I saw the Secretary of State on this matter and the wording of the first part of the motion I think will carry sympathy on the part of the British Government who had said, and this I ought to tell the House, that their support for Spain's entry into EEC is unequivocal and without condition but that they continue to hold the view that it is

necessary for Spain to remove the restrictions in the spirit not only of the EEC but also of the Helsinki Agreement on freedom amongst the nations. It is against that background that I accept the burden placed on me by the letter sent by the Leader of the Opposition as Chairman of the European Movement, "that you should be satisfied, yourself as Chief Minister, that the pre-condition be let down at the appropriate time, if necessary." Well, if there is an opportunity it will be used but I wouldn't like the House to be under any misapprehension that we would have considerable difficulties if we tried to enforce that as a pre-condition having regard to the statement that we received from the Secretary of State on this matter. They do expect and will continue, this was quite certain, quite clear, quite categorically stated, will continue to press for the lifting of the restrictions. And when he said the restrictions, he said of all the restrictions, not just bits and pieces of it, all the restriction must be removed. This is how the matter was put, but insofar as the question of a pre-condition that was not certainly not now acceptable to the British Government but that is no reason why we should not urge Her Majesty's Government, as the motion states, to recognise, I think, probably, they recognise it, I think they would recognise the fact that the entry of Spain would be contrary to Community rules for as long as the blockade of Gibraltar continues.

HON J BOSSANO:

Whether they are prepared to do anything about it is another matter.

HON CHIEF MINISTER:

I agree that that is another matter. I am satisfied that they are prepared to do quite a lot about it. What we have been told and it is just as well that people should clearly appreciate it is that for other political reasons, no doubt also of a major nature, the support of Spain's entry into the EEC was without conditions and unequivocal so that they could hardly expect to receive a condition that we would impose upon them. This is, I think, plain speaking against the background of what we had already said and what they know but in fairness too, it was against the background of this other assurance that they would expect the restrictions to be removed and that this has been the continuing theme. They feel that because they have not made it a condition, this is a matter of judgement again and a matter of the ultimate result, because they have not put a condition in their support, they are in a stronger position to pressurise for the removal of the restrictions. It remains to be seen whether that is not a more subtle way of dealing with the matter than in another way and I am glad to see the Leader of the Opposition assenting to that sentiment at least on the basis on which we have had it done. With regard to the second part of the motion regarding the question of direct elections to....

MR SPEAKER:

I will say that I had some reservations when I was deciding whether to accept the motion as to whether it should be put in one part or two because if the views of Members were divided it would be two different questions on which a vote should be taken.

HON CHIEF MINISTER:

Some people could agree to one and not to the other.

MR SPEAKER:

I am glad to hear that there is no division on these two matters.

HON CHIEF MINISTER:

If the Leader of the Opposition had said something that would make us not be able to carry on with the first one then, of course, we would have had to split it but, fortunately, we go along with the two of them. With regard to the second part a lot could be said about this matter. The matter of course is not new, it has already been represented to the Foreign Secretary and after the recent questions and answers in the House of Lords which I think I read here and I made public the reasons why this was not acceptable, nevertheless after that, we had a motion which was passed on the 15th July 1977 and that, together with the Hansard of that motion, was also passed to the Governor for transmission to the Foreign and Commonwealth Office so it will come as no surprise to them that we are insisting. In fact, the wording of that part of the motion is, if I may say so, much better because it welcomes the campaign for the enfranchisement of the people of Gibraltar so that it shows that we have friends who are with us and that we are not alone in this matter as has been explained. There is one point that I think it is fair to say and I am only saying it for factual information, not because I have any qualms about it and that is that as I understand it, the remote places which will have rights to the direct elections to the European Parliament participate in the electoral right to elections to the French Parliament, that is to say, they are integrated to France unlike Gibraltar which is not integrated with Britain. That is the reasoning given before and no doubt that is the reasoning that takes us to the peculiar position that people near Malagassy can vote for the European Parliament and people living near Europa Point cannot do so. There was one point mentioned by the Hon and Gallant Major Peliza about the fact that the Treaty of Rome supersedes the Treaty of Utrecht. Well, we also thought that the Charter of the United Nations superseded the Treaty of Utrecht and that therefore the conditions of the Treaty of Utrecht were not applicable insofar as certain aspects which were mooted in the United Nations by Spain were concerned, but that would require a decision from either the Court of International Justice or in this case,

perhaps, the European Court or what have you. I think we mustn't rely too much on that because it is a point of view which I share, certainly, in respect of the Charter of the United Nations. I have looked at the Treaty of Rome to be able to say that I have a separate and considered view, but that is as far as it goes because the Power responsible for our Foreign Affairs would not pursue the matter. However, there is no difficulty in supporting this motion, I think it will help those who are helping us in this matter, apart from helping ourselves in being on the picture, it will help those who are helping because they will be encouraged to see that the work done individually by Major Peliza, by the Movement and by others has got the support of the House. The Government will, of course, vote in favour of the motion.

HON A J CANEPA:

Mr Speaker, I welcome this motion and I support it wholeheartedly and I think that the Leader of the Opposition has acted correctly in bringing it to the House in the terms in which it has been phrased and I think that it will have the desired impact when presented in similar terms at the Congress of the British Branch of the European Movement. I remember during the general election in the summer of 1976, that when the Hon Major Peliza described himself as a British European Candidate it caused a certain amount of mirth. I don't very often agree with him but I have no doubt in my mind judging by the way events have unfolded in the last eight or nine months, that Major Peliza was correct in his enthusiasm for the European ideal and I have no doubt that the manner in which we have supported the activities of the local Branch of the European Movement have, together with his own efforts, first hand, as it were, in London, done a considerable amount of good and has been an excellent public relations exercise and will, I am sure, have gained for Gibraltar tremendous support in the right quarters. The Hon Major Peliza during the election campaign spoke in terms of it being a pre-condition to Spanish entry into the Common Market that the restrictions should be lifted, a view which I must say that I share and I am on record publicly as having said this both in my intervention at the Council of European Municipalities in Lausanne in June, and subsequently on my return to Gibraltar publicly on television, I said that it was my own personal view that it should be a pre-condition. However, it is clear, as Chief Minister has said, and in fact we knew beforehand, that this is not the way that the British Government is approaching the matter and it could well be, perhaps because it is a matter for judgement, it could well be that their approach, their attitude, may, we can but hope, yield results before the other approach would of making it a pre-condition, particularly if the negotiations surrounding Spanish entry into the Community are likely to be somewhat protracted. It would be pointless to wait until then when we have got so much in our favour in order to encourage and press the British Government to press for the lifting of restrictions well before Spain does formally enter the

Community. I made a brief reference to the question of the public relations exercise that has been unfolding over the months, and I think that for a community of our size, the efforts, really, have been quite excellent. We had my own visit to Lausanne, it entailed recognition for Gibraltar, and even though people were very ignorant of what was happening here, there were a very considerable number of people that heard what the facts are and people who even though they may not be at the centre of national decisions, nevertheless, are active in public life. More recently we had the visit of my Hon Colleague, Mr Abecasis, and the Hon Mr Brian Perez, to the CPA Conference in Canada, where again an excellent exposition was made there of our case. Within the British European Movement this is being done constantly and already I think we are seeing some results and I think it is another very good thing to do to send a delegation to this Congress in the United Kingdom in London on the 26th November, this is a very, very good thing, as is also the projected visit to Greece where the enlargement of the Community is to be discussed and it is very appropriate that there should be representation from Gibraltar there to put our case against the background of the Community. We have seen from the literature that the European Movement makes available to its members here, we know that the Member of Parliament, Mr William Hamilton, raised the matter in the European Parliament itself, and he made it very, very clear that it was inconceivable that Spain would be allowed to come in unless the restrictions were lifted beforehand. Subsequent to my visit to Lausanne, I wrote to the President of the Commission, Mr Roy Jenkins, who personally answered the letter and in his reply he stated that the argument which I had put across in support of the clear incompatibility of Spanish entry and a continuation of the restrictions, that those arguments would be borne in mind when the time came for the Commission to advise the Council of Ministers of the Community and that has been followed up by a number of letters from members of the European Movement to Members of Parliament, to the European Institutions and more latterly even, a letter from which the Hon Major Peliza read extracts from; and all that, I think, is a very good thing and it has all happened in the space of a few months. We haven't seen dramatic results but I don't think we can expect dramatic results. This is a very lengthy process, it is a battle which we have got to persevere at, and I think the results will come in time, I fully support the motion and I am certainly very pleased with the terms of the first part of it. As for the second part of the motion, it seems to me from my reading of the situation, that we have probably missed the boat this time. There are far too many preoccupations in the United Kingdom with all sorts of things surrounding the system that is or is not to be adopted for conducting these elections for the British Government, perhaps, to give the necessary weight that they ought to give our arguments in support of enfranchisement. We may have missed the boat though I do note that the

legislative process is no more backwards in the United Kingdom than it is probably in the majority of the Community. I cannot think of any country offhand that has completed the process, that has enacted all the necessary legislation in connection with these direct elections. So Britain isn't doing bad in that sense and if we are not able to persuade during consideration at the Committee Stage of the Bill in Parliament on this occasion, no doubt the arguments that are going to be adduced and the support that we are going to get on this occasion may stand me in good stead for the future. Whilst these remote French territories that are integrated are going to be enfranchised, it is sad that we who are European by virtue of culture, identity, geography and so on, are going to be denied the right to elect members to the European Parliament. I think it is a very sad thing not only in real terms but moreso even perhaps in symbolic terms and it cannot but make one wonder where does Gibraltar stand with regard to the Community. We haven't yet, I understand, received any reply to the second motion that was debated here very passionately on the 16th July and, perhaps, we will get a reply before long and let us hope that it isn't as negative or as inept a reply as we got to our previous representations. The Chief Minister said that unfortunately people living near Europa Point are not going to be able to vote, but, perhaps, they are going to vote because it is the Services that live near Europa Point and perhaps arrangements are going to be made for them to vote in the same way as they were made for the Referendum. But it is a very sad thing that here are the people of Gibraltar living at what is the gate-way of Europe and with such great historical connections over the centuries with the continent of Europe and we are not going to be allowed to vote. I fully support this motion and I am sure that our very good friends in the European Parliament will continue this campaign not only to enfranchise us but also to ensure that the rights which the people of Gibraltar have to all the human rights which are envisaged and which are enshrined in the Treaty of Rome, such as free movement of people, that these rights will be recognised and that the aspirations of the people of Gibraltar in this context will be fully realised.

HON J BOSSANO:

Mr Speaker, I will be supporting the motion although I can't say that I share the enthusiasm for it that the Government does because I don't feel the motion goes far enough and there seems to be a great deal particularly in the Hon and Learned the Chief Minister's own position that I find incomprehensible, for example, in particular, his own view regarding the question of whether entry of Spain into the Community whilst the restrictions is on is something that Britain should object to or not, that is that there should be a pre-condition put on

the part of Britain that Spain should not enter whilst the restrictions are on, I recall that in fact the Chief Minister said his own view, not that of the British Government but his own view, was that there should not be a pre-condition and, of course, he expressed his own view as far as I remember for the first time when he returned from his somewhat accidental encounter with Dr Owen in London when he went there on a sort of a courtesy visit and it turned out that they talked about Gibraltar whilst he was there and when he came back he expressed then his own view that it should not be a pre-condition and as we have heard from the Hon Minister for Labour, Mr Canepa, Mr Canepa's own view is that it should be a pre-condition. So that, in fact, it isn't a Government view, so the Government itself is undecided as to the policy it should adopt in this very important matter. Whilst I can accept that the British Government might consider it against Britain's national interest to lay down such a condition and I prefer to have Her Majesty's Government being honest with us and telling us what they can or are prepared to do to look after the interests of the people of Gibraltar and what they cannot or are not prepared to do, I prefer to be told the truth, I think that it is possible, and I have always maintained that it is possible, for us to disagree violently with the British Government without that involving a confrontation with the British Government or meaning that we are anti-British. So we could all feel very strongly that Britain should tell Spain in no uncertain terms that Spain cannot expect to this support for entering the EEC if Spain is prepared to discriminate against British subjects in Gibraltar and Britain can still turn round to us and say that she is not prepared to do it. I don't think it is our function to save Britain any embarrassment by not making quite clear what our own views are in this respect. The motion urges Her Majesty's Government to recognise this and I would have thought that if Her Majesty's Government recognises this as a result of the motion and still refuses to do anything about it, in fact, Her Majesty's Government is willing to support the Spanish Government in its application for entering into the EEC, cognisant of the fact that it is in breach of Community rules, which is an extraordinary thing for the British Government to do. We have a situation where the support of other EEC members to Spain's application has been tempered by the protection of national interest. For example, the West Germans have made it quite clear that they would dearly love to have the Spaniards in provided they don't export their unemployed to the Federal Republic and the Italians and the French have made it quite clear that they would love to see another mediterranean partner in the EEC provided they don't compete with their citrus products and their wine. The commitment to the European ideal at this stage is still tempered by the protection of national interests and it might well be that if we were integrated as these French Colonies who have got the vote are, it might well be that Britain's order of priority regarding

our interests might be different from what they are in the circumstances in which we find ourselves as a British Colony. Regrettably, as far as I am concerned anyway, we know that that is not an option open to us and I think that that is a fundamental factor making things difficult for us in respect of the second part of the motion and the question of the enfranchisement of the people of Gibraltar in respect of direct elections because our status and our citizenship, as we know, is peculiar to put it at its mildest. It has been shown to be peculiar in the context of the Green Paper and the proposed changes on British Nationality Laws and our relationship with Britain and our relationship with the EEC is again peculiar in that, for example, it is possible to get a stamp on the Gibraltar passport that says that we will be considered by the rest of Europe as United Kingdom nationals for Community purposes except of course, by the United Kingdom who insist that we cannot go through the EEC gate when we get to the United Kingdom and we are treated differently.

HON A J CANEPA:

If the Hon Member will give way. I remember distinctly this summer leading a whole plane load of Gibraltarians through the EEC Channel.

HON J BOSSANO:

Well, it obviously depends on the Immigration Officer on duty. It is just a symptom of the confusion that exists about what we are and what we are not. The scrutiny to which passports are subjected, certainly from the experience that I have had, appears to be greater at Heathrow than it is in other places in the EEC once that stamp is obtained saying that the holder is a United Kingdom National for Community purposes.

HON M XIBERRAS:

If the Hon Member will give way. I have also received a letter from Mr Judd giving certain assurances to representations made by the Parliamentary Group to him and also by the European Movement in which he has offered to take up any particular case of difficulties at London Airport and where.....

MR SPEAKER:

I think the Hon Member will have the opportunity to reply.

HON M XIBERRAS:

I thought the House might be interested at this particular stage on this particular point in which it is said that cases of difficulty of this kind are on the decrease and that is certainly my experience.

HON J BOSSANO:

I am grateful to the Hon Member. I think that is a very welcome innovation if the incidences at London Airport are on the decrease and certainly any incidents,

that come my way I shall pass on to him. Mr Speaker, the other thing that puzzles me about the motion is the question of it being transmitted to the Congress of the European Movement. I will willingly give way on this point if I have got the wrong end of the stick, Mr Speaker. I thought that this was the object of the exercise which puzzled me because I couldn't see how we could transmit. So I take it that, in fact, the question of urging Her Majesty's Government will be put to Her Majesty's Government and one can expect a reply from Her Majesty's Government and not from the European Movement on the first part of the motion. I accept, of course, that the people whom we have to express our recognition to for the efforts that are being made regarding the question of direct elections are, of course, our friends in the European Movement in the United Kingdom who are, I understand, the ones doing the work. Mr Speaker, the other point I want to make about the motion as a whole, as I said I shall be voting in favour, I am not as optimistic as other Members appear to be that this sort of approach of Her Majesty's Government of gentle persuasion of Spanish intentions over Gibraltar behind closed doors is anything other than an attempt to keep us happy without at the same time publicly upsetting Spain. It may well be that I am mistaken and that the old lion is going to show some teeth for the first time in a very long period of time, but it will certainly be a remarkable sense for the better in Gibraltar's fortunes in my estimation if Britain were going to take a tough line with Spain regarding her attitude to Gibraltar. One caveat I feel I must make on the motion as indeed I have done whenever we have spoken not just in the House but in the European Movement itself on the question of the restrictions, is that I do not attach to the lifting of the restrictions, perhaps, as much importance as other Members appear to do because I feel that in many respects the restrictions are a symptom of the disease and we have got to go to the root and cure the disease, that we are faced with the problem of Spain's ambitions over Gibraltar. This is, I think, something that we have got to have a sense of urgency about and which all elected Members must really get down to the task of trying to evolve, a solution to. The permanent solution to the problem of Gibraltar's future, I feel, is the one that must take precedence in our own minds over everything else although I would not of course for one moment suggest that we neglect a reiteration of our stand on the inhumanity of the restrictions on their undemocratic nature and on the contradiction that there is between Spain being welcomed as a newly born democracy into the European democracies and everybody turning a blind eye to the reality of the situation that exists in Gibraltar. Our condemnation of that must not, I think, make us devote so much energy to that that we forget that if the problem of the frontier were resolved tomorrow we would still be faced with the problem of Spain's claim on Gibraltar which we are all committed to resist.

MR SPEAKER:

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

HON M XIBERRAS:

Mr Speaker, as on another occasion, I must express my gratitude to the House for its unanimous support of the motion to do with the European Movement activities. There are a good number of points which I would like to take up in reply but I think I should deal with the main ones. When this issue of the pre-condition is mulled over or every time it is, I feel that more and more Members who support the general proposition before the House tend to emphasise a difference of approach. I think in my letter to the Chief Minister of the 7th September I tried to strike a balance of views between those who wished Britain to exercise the veto now, or threaten to, and those who would trust entirely the British approach to the problem and impose no kind of condition in the support of Britain's attitude. I would say that all members should, leaving aside their general analysis of the problem with which in the case of Mr Bossano I find rather cold, though of course strictly analytical and strictly logical and somewhat unproductive, and that of the Chief Minister which I find to be quite frank and somewhat lacking concern for what the Movement means to the people of Gibraltar.

HON CHIEF MINISTER:

If the Hon Member will give way. It gives me an opportunity of mentioning two things. First of all, my view of that, which is my judgement and I may be wrong, was held before I saw Dr Owen. I thought that that, as a pre-condition, Britain would not accept it. It is not, and the Hon Member will bear me out, that we didn't put all the emphasis on the need to have the restrictions removed but as the Hon Member says rightly we might as well be told the truth as it is and know where we stand and that is why I have said so here. I had my view of that and that was explained at length in my letter to the Hon Member as Leader of the then GDM and now GSLP. The other analysis I came to was that if we were to see the restrictions removed we should not wait for the period of negotiation and we should advocate for them now. I am sorry to hear the Leader of the Opposition say that my contribution has not supported his motion in the way he would have liked it but my assessment of the situation is a realistic one having regard to all the circumstances and not wanting to live under any illusions which is one of the things politicians should attempt to do all the time.

HON M XIBERRAS:

Mr Speaker, I do not think I am suffering from an illusion when I use the word that visibly Britain would not connect one issue with the other. That I say in full awareness of what Dr Owen told me as well as no

doubt the Hon Member opposite. Without being naive about it or without pretending to myself, I still take the point and it might very well be more effective to keep both issues separate, I take the point, I have a view from Mr Wistrich on this matter which my Hon and Gallant Friend knows about and I think it is quite obvious that unless Spain is attracted into the fold of Europe it is impossible to put any conditions on her at all. If she stayed out then Britain would have to deal with her not as a future ally but as another country in Europe, probably beyond the pale. I think there are very great and very real considerations which must be borne in mind which arise not out of any disregard for the position of Gibraltar, as I think I heard a hint in the Hon Mr Bossano's contribution, but simply because it is a logical consideration for any country who is already a member of the European Community. I do not go with the Hon Mr Bossano when he suggests or insinuates that some of the countries have put pre-conditions already to Spain's entry. What they have done is to establish negotiating positions but the use of the veto even if it appears to be signalled now, is a very drastic thing and I think the Hon Mr Bossano would be naive to suppose that this veto would, in fact, be exercised when the moment came on the basis of the treatment of labour in the case of West Germany, or oranges or lemons in the case of something else when, in fact, the political considerations are really huge, I don't think that the whole course of Europe's destiny is going to be held up on a question of olives no more than the fate of the West Indies was held up by the question of sugar. I think, Mr Speaker, that Hon Members are right to debate these things and to try to disabuse each other of any illusions there might be and in discussion a truer perspective will emerge. At the same time I would not like, as present Chairman of the Movement, to leave the Chamber with the idea that support for this working idea, this possibility of argument, is less than it should be because otherwise we are ourselves weakening our position and I would hate to be surrounded by Enoch Powells of the Left or of the Right, voices crying in the wilderness about certain analyses which do not help in the development or in the advancement of the situation in which we find ourselves, I think that the House owes it to Gibraltar to support this, not only with its vote but with its effort and in this context I think I should say a very special word of thanks, to the Members who have contributed to this debate and, of course, everyone has seen what a contribution Major Peliza is making in the United Kingdom and I think I should also single out the attitude of the Hon Mr Canepa who is terribly enthusiastic about the matter and is prepared to help at every turn. However, without the full support of all Members, as the Hon and Gallant Major Peliza said, then a tremendous weakness would emerge. This is our strength within the Movement that even though we might disagree about analyses, yet, when it comes to action to be taken we are united in this, we are able to support it and it has been my

policy and the policy of the Branch to steer this course, a course of effectiveness, a course which may be down the middle, which may not satisfy all sides but can keep all sides together and in this way Gibraltar will benefit more than by sterile arguments about things that may happen one way or may very well happen another. Mr Speaker, I am reminded by my Hon and Gallant Friend, Major Peliza, and it appeared in "Panorama", that Dr Owen had said that for the moment Britain would not link the Spanish entry issue with the restrictions issue. This was reporting a BBC Spanish service interview. I have no doubt that there is more than meets the eye in the position of Her Majesty's Government on these matters and diplomatically it may very well be the way to approach this even while falling short of the absolute veto. The Helsinki Agreement has been mentioned, Mr Speaker, and again I think this forum is a relevant one in which Her Majesty's Government can, if she so wishes, put the argument to Spain. I asked a question some time ago, in fact, about the Helsinki Agreement and I know that the Foreign Office is considering the matter. On the question of which should have precedence, the Treaty of Utrecht or the Treaty of Rome, well, Mr Speaker, I think there are a number of issues involved here and different trains of argument. On a legal plane I suppose the only way of finding out which would predominate would be to take the matter to Court as in all other legal issues to be resolved. No one can guarantee which way a judgement will go before it goes to Court but I think every intelligent person can arrive at his own judgement of the situation and arrive at that judgement not purely on legal grounds but also on political grounds. I think it is quite clear that the living and developing reality of the Treaty of Rome will not be completely extinguished by outdated consideration of the Treaty of Utrecht and freedom of movement or the limitation of it, cannot possibly be justified within a geographical and economic area such as the EEC would be with the incorporation of Spain, Portugal and Greece. In any event what choice do we have but to argue this particular point and should we not do it with enthusiasm and with faith and not with naivety or even with an exaggerated degree of pessimism? I have no more important points to make, Mr Speaker, and therefore repeating my thanks to the House and repeating my thanks to anyone who has had anything to do with the European Movement progress in Gibraltar, I would commend the motion to the House.

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

HON CHIEF MINISTER:

Mr Speaker, I formally move the adjournment of the House sine die.

MR SPEAKER:

I will remind the House that I have received, within the time required, two notices from Members who wish to raise two different matters on the adjournment. The first notice I received was from the Hon and Gallant Major Robert Peliza who wishes to raise the question of Air Communications. When that is dealt with we also have notice from the Hon J Bossanc that he wishes to raise the question of the recent disturbances at the Prison. In calling the Hon and Gallant Major Peliza I will remind the House as I normally do, that there is a 40-minute time limit to a debate on the adjournment and that of course at the end of the debate there will be no vote taken. I now call on the Hon Major Peliza.

HON MAJOR R J PELIZA:

Mr Speaker, I will take off without delay to make sure that whatever discussions are held here on air communications an opportunity is certainly given to Government to reply and I think also to other Members of the House who might wish to say something. I think this has two aspects, the economic aspect and the social one. From the economic point of view there is really no need to emphasise the importance to Gibraltar of having regular flights capable of bringing over as many tourists as there are hotel beds to fill in Gibraltar and also, perhaps, a bit more than that to allow for those who may think that they would like to develop this aspect of commerce in Gibraltar are in a position to go ahead and produce more tourist beds in our city. If this is not the case not only will development be stultified but also perhaps what there is could well be decreased. On the social aspect, I think, no one has any doubt that in the confined conditions of Gibraltar, this being our only link, as it were, with the outside world, every individual in Gibraltar should have the possibility of being able to go abroad for a change of scenery and of environment, if not once a year at least now and again. In this connection I think we find it very difficult to meet the costs. I think there are lots of families in Gibraltar who find it extremely difficult to be able to have a holiday abroad because of the high costs of the air fares. The situation gets even worse because of the few seats available. The position sometimes becomes completely impossible even if one has the cash. I know from my own personal experience that sometimes unless one has given a certain amount of time, it is impossible to get on the plane. But I am not going to bother the House with the sort of repetitive arguments that we have heard time and again here in this House. I think everybody knows the consequences of having insufficient air passages available and I am not going, Mr Speaker, to repeat myself in that way. What I am going to try and do is to see if the Government can see its way to improving the situation once and for all because in the past all that has been happening is that there has been a lot of talking but nothing drastic has been done. The time has come when the bull should be taken by the horns and something definite produced which will make it possible both touristically, commercially and socially for Gibraltar to develop in this way. I have just been looking at very rough figures because I am afraid I haven't got the information and if I am wrong I hope the Minister will be

able to correct me. If one looks at the air passages one finds that now, which is the cheaper season of the two, an excursion fare of one month, the minimum stay of 6 days is £102 return. The APEX is £77 and ITX is £76.50. For the validity of a student's fare of one year it is £102, a youth fare, validity one month is £76 and validity of youth fares for 1 year is £112. The Forces Fare, validity one year is £102. That I have only said to give you an idea of the cost. I think I should slightly digress and say that at the present time we find ourselves with only five scheduled flights and I understand that a new charterer is operating by the name of Marshall Sutton of Yorkshire Ltd who, I believe, takes passengers from Gatwick at £63 return but if a particular passenger does not stay in a hotel he is refunded £10, so it comes to £53. If this is so we are beginning to see a much more reasonable fare and it makes you wonder why something like this could not be operated on a kind of semi-scheduled flight, a sort of air bus, first come and first served, with extra costs, if necessary, for those who want to book ahead. I doubt whether we are ever going to get British Airways or any other airline whose main purpose naturally is to make money and profit motive is the be all of their particular operation, and one cannot blame them. However, I think the Government has got an overriding interest in all this and must look at it not only from the profit making of the airline but also from the commercial and economic aspect of Gibraltar and also from the social point of view. I believe that for this to be achieved it is vital that the Government should seek some participation in some form of air cooperation which I agree perhaps a commercial operator would be more than welcome because they have the knowhow and they can look after the commercial side but, on the other hand, I think it is very important that the Government of Gibraltar should have a hand in that to ensure that the interests of Gibraltar as a whole are not completely forgotten. I am sure the Minister has a tremendous interest in this and would like to see it today but may find it impossible under the present circumstances to exercise the authority that he would like to bring this about. I doubt whether seeing through the years how much he has tried and how much he has failed that he is not likely to carry on failing in the future unless something radical is done. The charter of one of those planes I believe, is about £6000, I understand that the 727 which is a very good aircraft for Gibraltar because it can move 151 passengers, if that were operating, if one can imagine how much it would cost with a full aircraft say of 150, I think it comes to about £40 return. I am not talking about profit at the moment. If it is £40 return it means that an aircraft move in one day would produce 40 times 150. If one can add £10, if you so wish, to the fare, it comes to the region of £50. If the profit is £5 per passenger it is clear that with a full load, and I am not agreeing that we are going to have a full load every day but with a full load, it would come to about £1,500 a day.

I have just brought this out to give a very quick indication of how it might be possible to reduce the air fares between Gibraltar and London by some scheme in which the Government could participate. I don't even know whether my figure of £6000 is right, it might well be less. I understand that on one occasion there was a local

operator who was prepared to do something like that at the cost of just over £50. Admittedly, since then the prices have gone up of fuel and perhaps the running cost and the rest of it, but at that time in comparison with the airlines, already there was a big saving and this particular firm was even prepared to allow a number of free seats to the Government to be used, perhaps, for schoolchildren, elderly people and that sort of thing which I think would be very convenient for the sort of people in the social side of the argument that I am using who might not be able to afford it and which I think the Government could make use of. I think the whole scheme was conditional on the Government underwriting losses if there were any and I think they also undertook to give a percentage of the profit to the Government if it went above a certain figure. I understand in fact that this particular company may be coming again to make another offer and I hope that if the offer is something on the lines of those that they once submitted, that more serious consideration should be given to their offer. Mr Speaker, I think I have made my point. The important thing, as I see it, is that the Government must now give up the approach that they have taken so far without any signs of success, that that line is completely and utterly wrong and hopeless, that they have now got to direct their thinking to something new and more constructive and I hope that if not the suggestions that I have made, something on the lines that I have suggested will be followed up and taken up by the Government and, hopefully, perhaps next year we may have cheaper and more frequent flights to England if the Government is prepared to do something about it. If they are not then I think the situation may get worse, not better.

HON P J ISOLA:

Mr Speaker, I would like to say a few words on this. There is no question about it that on the figures given by the Minister for Tourism in answer to Question 319, that is on the figures of load factors to and from Gibraltar, there is no question about it that we have an inadequate number of seats on the scheduled services between Gibraltar and London. When you are getting load factors of over 90%, it means that a whole lot of people who want to travel on that flight are being turned away. Most airlines overbook to the extent of something like 50% because they know that a lot of people who book on a plane don't turn up. This is a common thing, people change dates, they don't turn up but it means nothing because they can use their tickets on any other day. If they are running at 95% full it means that lots of people who are ringing up are being told: "Sorry, no room." So, clearly, there is an inadequate number of seats and when you see this load factor continuing throughout the winter months on the scheduled services then I think there is real cause for concern and I agree entirely with the Hon and Gallant Major Peliza that the tourist trade must be hit very hard. With the number of planes that are coming to Gibraltar there is no hope of ever filling the hotels even if the planes are literally full. There is a need obviously to do something about this. Lots of remedies have been suggested. My Hon and Gallant Friend has suggested a remedy of selling charter flights as was suggested to the Government, a different kind of plane, but of course it means somebody has to charter it. Will the plane be flying just to Heathrow or will it be flying to Patrick? All these considerations, I think, have an effect on fares but they also have an effect on people who travel. Exchange Travel did a charter during the summer months but they stopped during the winter

and in fairness to the scheduled services they have carried on, they have cut one flight but they have carried on during the winter and it is very difficult to draw a balance and I think we have to try and draw a balance, I think there is a need for the Government to put into effect the recommendations of the Select Committee on Air Communications which went into all this very fully and there is a need for the Government to have some frank talking with the scheduled airlines. I think there may well be a need for participation but I was thinking of a different kind of participation to what my Hon and Gallant Friend is thinking about. I think there may well be a need to try and get some effective voice within the airline operating the Gibraltar route. I think there is a need for full and frank discussions between the Government and the airline. I don't think that fares is the problem, the amount you pay, I think the major problem is the seats that you have. The major problem is that people cannot fly into Gibraltar or out of Gibraltar on the date of their choice. The problem is that no royal mail comes to Gibraltar now on two days out of the week. The problem is that no newspapers come. The social needs of the community are not being met with the present scheduled services, I think if the airlines would prove that their load factor on a scheduled flight was under 65% on any month then I would agree with them but I don't think they can show a single month in the year where this is the case. Load factors since April appear to have been 75% and over. That is a very high load factor and some months 80% and 93% which is incredibly high. There is conceivable excuse for the airline cutting one scheduled service during the winter. But of course they can look to the other one and say; "Well, he has cut it so why shouldn't we?" I think there is need for Government participation and there may well be need for Government underwriting but not underwriting in competition between one airline and the other, Government underwriting to ensure a stable service to Gibraltar and to ensure a balance between scheduled services and charter services so that we get the maximum benefit of everybody working together. I think there is a need for some forceful talking. Mr Speaker, I am glad the Hon and Gallant Member has raised this point which I am sure is crucial to the economic and social well being of Gibraltar.

HON MAJOR F J DELLIPIANI:

Mr Speaker, when the Hon and Learned Mr Peter Isola gets up to talk I prick up my ears because he usually talks very sensibly and he always brings out the important points of whatever motion or debate is being discussed in this House. What I am concerned about on the question of flights to Gibraltar has been mentioned by the Learned Member of the Opposition, and that is the regular scheduled flights. This is what is important. There is a clash between the regular scheduled flights and the flash-in-the-pan operator where the operator in summer is so unwilling to put in extra flights etc, like Exchange Travel and to cash in on the extra passengers during the summer but immediately the winter months come along they disappear. I think there is an unfair limitation on how the regular scheduled flights work whereby one person is conditioned to provide certain flights a week another person is conditioned to put in as many flights or as few as he wants during three months of the year or none at all during the winter. I think what the Government should do is to find this balance where we can have sufficient regular scheduled flights throughout the whole of the year because it is not only a question of newspapers, it is a question of mail,

the importance of communications, of parcels. This is the kind of service we should have in Gibraltar. It is not a question of making cheaper fares for the summer and all the rest, it is a regular schedule where all the needs of the passengers are met but it is unfair to ask the two regular carriers, and I have no interest in either of them, to have conditions imposed on them whilst other flash-in-the-pan operators have no conditions. I think that there must be a fair balance and if there is a need, as the Learned Member has said, of tough speaking with the two scheduled airlines, let there be tough speaking but let there also be reasonableness in the balance between the flash-in-the-pan and the regular scheduled flights.

HON A W SERFATY:

Mr Speaker, I will try and answer the points made by the previous speakers and to give the House a general idea of what is a very complicated matter and how I look at this problem. There are two different kinds of interests in the question of air seats between London and Gibraltar and that is the regular passenger, the student and others who are entitled to a seat in a scheduled flight. People who go for a few days on business and then come back and then there is the tourist, the tourist from the United Kingdom and the tourist from Gibraltar who has a perfect right to go out to London on a holiday. The trouble is that the tourist, whether they go from Gibraltar to England or whether they come from England to Gibraltar, must pay the kind of fare of £102 or £149 as has been mentioned by the Hon and Gallant Member that the scheduled airline insist should be paid if they are to have any hopes of covering expenses. The Hon Mr P Isola and the Hon Mr Brian Perez who have both been with me on more than one occasion at the Civil Aviation Authority, have heard the airlines insist that they have for the last few years been losing money on the route. The reasons as far as I can see, why they lose money on the route are two-fold. One is because the plane that British Airways have at their disposal for this kind of route is the Trident Two and Trident Three, mainly, the Trident Two. The Trident Two will bring 104 passengers to Gibraltar and the cost of flying a Trident from London to Gibraltar and back according to the airline is £10,000, which is roughly £100 a seat. Gibraltar Airways is also flying Tridents. I have tried to prevail upon Gibraltar Airways to fly the Boeing 727 which holds 142, not 151 as the Hon Major said, or the Boeing 737 which holds 135 seats. The 727 flight from Gatwick, that is Danair, and the 737 flight from Luton, that is Britannia Airways. These planes are far more suited to the London/Gibraltar route because they are cheaper to operate. Coming back to the £10,000 that British Airways say, according to their system of airline accountancy, that it costs to fly a plane. The Hon Mr Peter Isola must have heard me say on more than one occasion at the CAA that I do not believe British Airways when they say that it costs £10,000 to fly a plane to Gibraltar and back to London. They say that this is their system of airline accountancy but I must say that I have never been shown accounts of how the route works financially, I have asked for the figures and I remember once I was able to have a very quick glance at the Foreign and Commonwealth Office at some of the accounts, just one sheet of paper, and I noticed that they said that they were charging £40,000 on the route because of advertising and I kicked hell about it with the CAA because I asked British Airways to justify this expenditure of £40,000 on the London/Gibraltar route when I had never seen an advertisement of British Airways promoting Gibraltar and on the

last visit of the Minister of State, Mr Frank Judd; I insisted that in future we must be able to scrutinise the accounts of British Airways and Mr Frank Judd has taken note of my request. That is as far as I can go. The Hon and Learned Major is quite right when he says that the cost of a charter to Gibraltar is about £6,000. If you divide £6000 by 142, though we must always bear in mind that when calculating the cost of a seat on a charter flight, normally the charterers calculate an 85% load factor but even then that is about one half of what it costs to fly on a trident, I come back to what I was saying before about the requirements of a normal traveller and the requirements of the tourist, both the United Kingdom and the Gibraltar tourist, and the Hon and Learned Mr Peter Isola says, and this was one of the recommendations of the Select Committee, that we should try and strike a balance. It is a very difficult balance when one is begging most of the time and hoping for the best. I will come back in a moment to the proposal of the Hon and Learned Major about participation. The Hon Messrs Perez and Isola are well aware that on the 7th July this year we sat around the table with representatives of the airline and tried, and tried, and tried to get them to agree to 6 flights a week and this was virtually a condition which we placed to our agreeing to a 5% increase on air fares as from the 1st November. Eventually, the airline said that there might be a possibility of getting a sixth link with London by means of the Gibraltar Airways Viscount flying to Lisbon and connecting with a London/Lisbon flight. This, because of political reasons as apparently the Spaniards put a spanner in the works, has not materialised and we are back to the 5 flights and the airlines have not implemented this increase of 5% on air fares as from the 1st November. I should explain that the CAA have no authority to tell the airlines how many planes they should fly to any particular spot and I have said quite openly to the CAA that if they do not have any authority to insist on certain frequencies and which we have tried to justify with figures, then all we can do is to try and negotiate with airlines on the question of fares. We agree to an increase if we get another flight or two or whatever we think we are justified in asking. This winter, as I have just said, we are only getting 5 because British Airways were unable, according to their system of working costs, to put six direct flights London/Gibraltar.

HON J B PEREZ:

If the Hon Member will give way. Would he not agree with me that in the actual meeting the indications given by British Airways was in fact that we would have a further reduction from 2 flights a week to one resulting in this summer or in winter of next year in a total of 4 flights. Was not this indication given to us?

HON A W SERFATY:

I was reading this morning the minutes of the meeting of the 7th July and I have no record of this having been said. It may have been said in passing but we have not been told point blank that there is going to be a further reduction in flights. On the contrary, what we naturally expect is that in the summer there will be more flights. Now on this question of striking a balance. This is the situation with British Airways, I have had communications from tour operators saying they wanted to bring a number of tourists during the weekend and they cannot come because there is no Monday flight and we have communicated by telex to London and they say they are not interested in a low fare passenger, they are not interested. As long as we are unable to scrutinise their accounts we must, though I carry

on repeating and I don't believe the cost of £10,000 for a trident flight, we must take the things that the airline says at their face value and concentrate, and now we are talking of the tourist industry and of the Gibraltarians and the British, we must concentrate on getting more charters to Gibraltar. This last summer Exchange Travel produced 31 flights with a load factor of over 90%. Let me say in passing that Exchange Travel bellyached and asked for a subsidy in advance of any possible losses and the Government refused to give this subsidy and, happily, at the end of the operation it has been found and I have told Exchange Travel to their faces when I have met them here and in London that the subsidy was never required. We have had also charter flights from Ireland. We are getting some charter flights from Berlin as from next month and recently we have had a very important visit to Gibraltar and that is Mr Corkhill, Chairman of Thomson Holidays who has, I will not say assured me, but I am very hopeful, I am not the optimist that I used to be before but I am optimistic that Thomson Holidays may get into this business of Gibraltarian tourism which will do us a lot of good and as we all know Exchange Travel will be flying in the summer one flight and again I must give Exchange Travel full marks not only for being the first with inclusive holidays in Gibraltar, for being the first with Charter flights to Gibraltar from Gatwick and for being the first with charter flights from a provincial city in England to Gibraltar. They will be flying two flights a week during the summer and I have committed myself to promoting their charter flights in the different areas in which they are going to be marketed with advertising for which the Gibraltar Tourist Office will pay. This is something that we are going to do to encourage people to bring more charter flights to Gibraltar. The question of the balance remains in the balance because we have to try and make headway with the airlines. Coming back to the proposal of the Gallant Major that perhaps the company will approach the Government with certain proposal involving perhaps Government involvement in the operation, all I can say is that I personally like the idea and I will do my best and I will take the matter to the Council of Ministers and the Government to consider whether Government can really get involved in these matters. I think that if people, a company I suppose it is, want to launch....

MR SPEAKER:

I think what the Hon Member suggested was that the Government should participate in the operation of a regular air service between London and Gibraltar and if it is practical to invite any interested company to participate in this.

HON MAJOR R J PELIZA:

I think the confusion has arisen because I said that one company offered to operate and I thought that the same company was going to come back again. But the question of participation I mentioned generally but not directly concerned with this particular company.

HON A W SERFATY:

I look forward to this proposal from whatever company to try and see whether Government can, for the first time ever, get involved in air line operations between London and Gibraltar. I will not go further than that but we will look at it with interest and sympathy. Thank you very much.

MR SPEAKER:

There is one more item on the agenda. I think we will have a short recess of a quarter of an hour and then we will take the final debate on the adjournment which is the recent disturbances at the Prison of which notice was given by the Hon Mr Bossano.

The House recessed at 5.35 p.m.

The House resumed at 5.55 p.m.

MR SPEAKER:

I will now call on the Hon Mr Joe Bossano.

HON J BOSSANO:

Mr Speaker, the recent events in the Prison have drawn public attention to the complaints of the inmates of the civil Prison and I think it is a matter for serious concern in the House of Assembly. There is an excellent report in the "Calpe News" today which I recommend the Minister for Education and Public Works to read before it completely goes out of circulation. My own experience of prison conditions has been limited to the four hours that I spent locked up in the jail in the police station after being arrested on a picket line outside Cable and Wireless and I had some of my colleagues, one of whom was kept for three days....

MR SPEAKER:

Yes, but that is not at all relevant to the disturbances at the Prison.

HON J BOSSANO:

I think it is very relevant Mr Speaker. I am able to speak with experience and not just from hearsay.

MR SPEAKER:

That is your experience at the police station and we are talking about disturbances at the Moorish Castle Prison.

HON J BOSSANO:

I was saying, Mr Speaker, that some of my colleagues were kept in the Moorish Castle, one of them for three days, and I am told that the conditions at the Moorish Castle are if anything, inferior to the ones that I myself experienced in the cells as regards the physical condition of the cells and so on, I think that if that is indeed the case then, certainly, the adjective of sub-human conditions is very apt to describe them. The prisoners, in fact, have complained about the inadequacy of the diet and again my trade union colleagues who found themselves refused bail and locked up in Moorish Castle tell me, and indeed their complaints were made to the Establishment at the time in some sort of an official capacity for investigation and I do not know what followed those complaints, tell me that the diet and the treatment was absolutely atrocious. People were given a tin plate and a spoon and expected to eat all their meals off the same plate and given inadequate facilities for cleaning the plates that had been used for breakfast before they had to use the same plate for lunch. The Prison Regulations lays down a schedule stipulating what the food for prisoners should be. I think there are two fundamental things that need to be done. One is to establish beyond any doubt to the

extent that the requirements are being complied with, people are getting what they are entitled to and, if this is being complied with as it should be, to investigate whether it is adequate and whether a revision is required or not in the regulations that lays down the food for prisoners. It is certainly difficult to translate a list of one ounce of sugar for breakfast and two ounces of milk and so on into meals, in any sense of mind, as to how adequate they are, but I am told that meat is seen so rarely that I would say that the eight ounces a day which is laid down in the schedule does not seem to be translated into reality. The other thing that is very important in relation to the complaints is that both the Regulations and the Ordinance itself lay down machinery for dealing with complaints which do not seem to be adequate because they are obviously not fulfilling the role which the law intends them to do. In Section 9 of the Ordinance it says that the Prison Board shall meet once a month and that they shall listen to any complaints which any prisoner may desire to make. Obviously, complaints are either not getting to the Board or they are not being listened to. The other thing is that the Superintendent, under Section 7 of the Regulations, shall give any prisoner who complains every reasonable opportunity of being heard. One does not know whether prisoners are inhibited, for fear of upsetting people, from making complaints in that manner but it is obvious that the law accepts that there must be a standard below which the conditions of prisoners does not fall and therefore the House must ensure, in the first instance, that the law is being absolutely complied with and, in the second instance, whether the law is out of date now and requires bringing up to date. This is dealing with the specific complaints as regards diet and conditions. The other complaints, Mr Speaker, have dealt with enforced idleness. In this respect the law is not mandatory, in fact, where it makes reference to exercise and training &c, it says that prisoners may spend, for example, an hour a day on exercise if the Superintendent thinks that it should be the case. I think it may be important to lay down more rigid standards and I think it is also important to look at the philosophical point behind this question of the occupation of the inmates of the civil prison which I think, as politicians, we have got particularly an obligation to look at. I think that enforced idleness of someone who has been found guilty of anti-social behaviour is an almost sure recipe for ensuring that when that person is released he reverts to unsocial behaviour and, therefore, I believe that in most modern, progressive communities, the putting into effort of a prison sentence is not seen as a way for society to get its own back, it is not seen in most progressive communities and it is a view that I share completely, it is not seen as a way for society to make people pay for whatever they have been found guilty of, but rather as a way of putting somebody out of circulation for a period of time within which it is hoped it will be possible to rehabilitate that person to make up for whatever has gone wrong in the past and produced the anti-social behaviour in order to ensure that the person that comes out views society with a different perspective and, in fact,

accepts his place in society. In Gibraltar, of course, I can vouch from personal experience that we have a particular problem in this area which I know of, as a trade unionist, of the difficulty of integrating somebody from prison back into the community because, of course, it is a very small place, whereas in a place like the United Kingdom one can travel from one end to the other and be completely unknown. We have a particular problem here and therefore the strains on somebody coming out not to go back, say, to his bad old ways for want of a better way of putting it, are greater in a small community because that person will tend to find friendship and warmth in the circles in which his having been in prison is not looked down upon and tends to find less welcome in other circles. So, I think, in particular in Gibraltar we have got a tremendous task to try and achieve for persons who are unfortunate enough to find themselves in this situation and I feel that however much one may be able to point the finger at somebody found guilty of breaking the law, I do not think society itself can disclaim all responsibility. I feel very strongly myself that human behaviour can be accounted for, to a great deal, by the society and the shortcomings of society and the contradictions of society and that, in fact, the whole object of political involvement and political ideology is to try to create a better society in which anti-social behaviour, hopefully, will one day completely disappear and certainly be lessened in the interim stages. I think there is an important philosophical point which we, as Members of the House of Assembly, above every other sector of the community, are called upon to analyse and question ourselves on and on a more mundane level we have got an important role in ensuring that the laws of Gibraltar are kept, not only by those who have been found guilty and have been put in prison but also by the people who are responsible for their care and if those laws make the task of those who have to look after the inmates of the civil prison more difficult then we should not hesitate to alter those laws to make life easier for everybody concerned, both the staff who have the difficult task of looking after prisoners, and the prisoners themselves so that their enforced time away from society is, to some extent, productive and not totally negative. Obviously, we cannot allow ourselves to go over to the other extreme of making the civil prison into a holiday camp, I do not think anybody would want that to happen, but the idea of the harshness that was once associated with punishment for crime, the eye for an eye and the tooth for a tooth, is no longer a part of our society and we, in Gibraltar, who pride ourselves at being, in many respects, a progressive legislature in the concept of Western Europe which I think we have proved in the field of pensions and social insurance and so forth, should not allow this to be a black mark on our institutions.

HON J B PEREZ:

Mr Speaker, I would like to briefly comment on the question of the parole system which I believe is also one of the complaints that have been made by the prisoners. Mr Speaker, the legislation we have, our Criminal Law in Gibraltar, is based entirely on the English legal system

on the English laws and not only do we apply the laws but the same principles of sentencing are applied and to take it even further when there is an Appeal, when we have the Court of Appeal here in Gibraltar, we bring English judges from the United Kingdom who, in their deliberations, in fact, once again apply the same principles as they apply in the United Kingdom. In my submission, Mr Speaker, I do not see why our parole system in Gibraltar lags behind the United Kingdom system when we are applying the same legislation as in the United Kingdom.

HON M XIBERRAS:

Mr Speaker, I was, as Hon Members know, Minister responsible for the prison for two years and nine months, I believe, and also Chairman of the Prison Board during that period and therefore I do speak with a certain amount of experience in this and a great deal of interest, as the Hon Mr Canepa will bear witness to, since I always ask him at Estimates time about the state of the prison, the diet, the recreation room, the cells, number of prisoners, state of the staff, numbers of the staff. I have, however, no experience of conditions in the United Kingdom but I do gather that overcrowding there is a serious problem and, to judge from the Spanish television, there is a similar problem in Spain, where demonstrations of the kind that were witnessed here last weekend are quite prevalent. I have no doubt that the prison building itself is not an adequate one and that severe constraints are placed upon the staff there and, obviously, on the prisoners also. In my time there was an investigation into a possible alternative site, at that time the estimate was £300,000, on a site around Princess Caroline's Battery, as the proposal was. Now, I would imagine, that the cost of building a new prison would be in the region of half a million pounds or so, probably more. There is a problem in that respect. There was also, in my time, a problem of staff and I am really posing some questions for the Minister to hitch his answers on. There was also a problem with the recruitment of staff at that time, there was severe difficulty, productivity deals had to be introduced and so on, for the men to cover the hours of work. I heard reports over the years that the staff situation had improved in numbers and I invite the Minister to comment on that as well. I do not know that I would go as far as the Hon Mr Bossano has gone, to call the conditions there sub-human. I do not think that that is a proper adjective to apply, certainly in my experience, though some of the cells suffer from dampness, one or two from severe dampness. Certainly in 1969/72 this was the case. Recreational facilities were very limited but the House has voted something in the region of £3,000 and the prisoners themselves carried out the work towards a recreation room and some improvements have been made over the years. Nevertheless, they would not compare, I would entirely agree, with conditions in the more progressive prisons in the United Kingdom, though I do not think that this bears comparison to say that we should compare ourselves with the most progressive prison in the United Kingdom, even though, obviously, we would desire this to be so. Therefore, Mr

Speaker, though I agree with a lot of what Mr Bossano has said in his rather philosophical exposition of the subject and it is a view of the treatment of offenders which I agree with, I think that we must also, if we are to look in all justice at the complaints which have been brought before the House, by the motion of the Hon Mover, then we must really examine the situation as it is and certainly aim towards the ends which the Hon Mr Bossano has pointed out. We would not be doing justice to the complaints if we kept to a metaphysical or philosophical level and did not look at the facts. On the question of work, there have been arguments for and against. Again, it is an argument which I have sympathy with. In my time we were just about to get this off the ground, the question of work outside the prison, and this is a two-edged thing because not all prisoners, in my experience, would like to have work outside the prison area because of the size of Gibraltar and the fear of criticism and so forth if they are seen with prison parties outside the area. On balance, I still think that it would be a good thing, with a good choice of site, with proper supervision and in my time supervision was at a minimum and could not be spared for this kind of exercise unless they took all prisoners out at the same time. Therefore, I would welcome comments by the Minister on this point which I think is justifiable. I think there is a danger of enforced idleness and I think that some measures might be taken to remedy this. On the question of diet this, of course, is difficult even for an ex-Minister responsible for the prison or as a Chairman of the Prison Board, it is difficult to determine whether people get the food which they are entitled to under the Ordinance. It is difficult because one pays a visit there only occasionally and usually, to be absolutely frank, people at the prison know when one is turning up and therefore I cannot vouch myself personally for that and therefore we can only take the word of the Minister and the staff as to what rations are provided and, of course, give consideration to the complaints which have been made in this respect. It is not only the amount of food or the kind of food, but the preparation of food which we must consider. Certainly, I feel that prisoners do have a right to be supplied under the terms of the Ordinance which I think are adequate, if they were adhered to I think they are adequate, they were pronounced so by a dietician in my time, Miss Gomez had a look at the prison diet in my time and certain recommendations were made and the Minister brought certain proposals to the House, I believe, if my memory serves me right, which the House approved. But on the present state of affairs only the Minister can pronounce and I welcome the motion which gives the Minister an opportunity to do so. On the machinery for dealing with complaints, I tend to think that certain improvements could be possible, not so much in the machinery for complaints but on the question of visits where it might be possible to bring about an improvement. Facilities at the prison are not good for visitors. The prison is not broken up into self-contained compartments and the area of the Superintendent's office was, in my time, really a shambles. That building should not exist and the room in which the Prison Board meets was also very old at the time and in dire need of repair. Therefore, again I

would invite the Minister to comment on this aspect of it. On the treatment of prisoners, by and large, I would say that prison officers do not have constant experience of a wide variety in temperaments of prisoners. I think it is no secret that a majority of the prisoners, certainly since 1969, have been of a particular kind and the person who is in prison for a different reason, perhaps, a more serious reason, than the one I am suggesting, is a rare experience and in a small prison like that it depends very much on the combination of prisoners that one has at a particular time which presents the staff with a particular challenge. The staff, in my experience, is not faced with the same problem all the time. It has moments of very hard work and perhaps of difficulty and one must be careful that the reaction to these challenging times is adequate. I would welcome the Hon Member's comments on that particular score. On the question of parole....

MR SPEAKER

There are exactly seventeen minutes left.

HON M XIBERRAS:

This is my last point. On parole, I would say that this is an innovation which we owe, in great measure, to a particular gentleman on the Prison Board and I think it is at the transitional stage at present. I would hope that it is at the transitional stage at present. It is very much of an experiment, I would say, at the present time. I would favour, of course, a transition to the same conditions obtaining in the United Kingdom if, in the judgement of the prison authorities, this is going to be for the good of the prisoners themselves and if it is a manageable change. If it is not, I do not mind having to defend the position where we stick with the present parole arrangements. There might be difficulty in going to the one third of sentence and then being able to apply for parole. I would favour a movement forward in this, an immediate movement forward if it is possible, but I would like to make sure that we are not taking a step backward by introducing a modification in the parole system which has had results and discredits the system consequently. Therefore, I very much support what has been said by the Mover in general terms and I would ask the Minister to inform the House, in the light of what happened last weekend, in respect of these points.

HON MAJOR R J PELIZA:

I would like to say that I am fully confident that the Minister is very much dedicated to anything to do with the social aspects in Gibraltar, as we have seen time and again in this House, and I have no doubt that he will give his full attention to any complaints that have been made. The other thing I would like to say is that I used to be a voluntary visitor to the prison long before I took up politics and I was very aware at all times of the smallness of the place and this was something that was practically impossible to overcome unless, I would say, another prison was built. Because of that the question of some other form of bringing about reform, particularly on young offenders, should be looked at very seriously to find out if something even new could be thought of in Gibraltar that has not been

done somewhere else but, certainly, we should try and copy as much as possible from Britain such as youngsters doing social work instead of being locked up in prison. I would like to know to what extent that sort of thing is going on here or whether it might be possible here.

HON A J CANEPA:

First of all I would like to say that I am sorry that I am not being given sufficient time to deal with all the points that have been raised as adequately as I would have liked to, in addition to a whole lot of other material which the House, if they had allowed me more time, might have found most useful and interesting. Having said that I think I had better get a couple of things said immediately before I do run out of time. I am seeking immediately, as a matter of urgency, a clear, unequivocal definition of my constitutional position as Minister for the Prison, which I have never had and which has caused a great deal of confusion. It causes confusion in so far as the Prison Superintendent is concerned, in so far as the Chairman of the Prison Board is concerned and so forth and the position is not at all satisfactory, and this I am requesting officially at a meeting of Gibraltar Council on Friday morning. Once I know exactly where I stand I will ensure that certain things that are now being directed elsewhere, to the wrong office, get to me. Because if things are directed elsewhere and nothing can be done for some reason or other, other people are not here to answer, I am the one that has to answer and I am the one that is given ten or twelve minutes to answer. Secondly, the other thing is that the Gibraltar Council, which would have met beforehand but for the fact that we have been otherwise occupied here in the House, will also be considering on Friday morning whether the Government should recommend an inquiry to investigate into the circumstances surrounding the disturbances at the prison last week and the terms of that inquiry. The immediate cause of the disturbances last Friday was the question of parole. On 31 October, on the Monday of last week, two prisoners appeared before the Prison Board on application in relation to the parole system. They made representations on behalf of all the prisoners with references, precisely, to the differences which exist between the local system and that in force in the United Kingdom. It is unfortunate that they appeared before the Board on the Monday and on the Friday the disturbances took place. They were not prepared to wait even four or five days. Because that was the immediate cause of the disturbance, I want to dwell on that in some greater length and to give what the legal position is. The Hon Mr Perez did not consider that there was any reason why there should be any differences between Gibraltar and the United Kingdom. I think they are obvious, Gibraltar is a small city of 25,000 the United Kingdom is a very large country and in the United Kingdom prisoners are not necessarily sent to prisons in their own home town. They may be hundreds of miles away and therefore they never see their families and rehabilitation is so much more difficult in that respect that they have been uprooted from their own community. But what is the legal position in the United Kingdom and what is it here? The local system of parole, and let me say, Sir, that it is the present Government which introduced it recently, a couple of years ago, because we considered it to be a progressive

measure, the local system of parole which, in so far as the time for eligibility for consideration for parole is concerned is administrative and not statutory, provides that a prisoner serving a term of imprisonment of 24 months and over will automatically be considered for release on licence after serving half of the original sentence. The period and the form of the release and the conditions will be as appropriate as they will be in keeping with the circumstances of a particular case. In the United Kingdom the system is different. There a prisoner may be released on licence, on parole, after serving not less than one third of the sentence, but there is a proviso, or twelve months whichever expires the later. So a prisoner in the United Kingdom cannot be released on parole before twelve months. In Gibraltar, however, a prisoner can be considered for parole at any time after he has started to serve his sentence, almost immediately he can be considered for parole and he does not have to serve a year. So there are differences which can work both ways. In the case of a longer term prisoner, with a sentence of four years, if you just take it on the basis of a half as against a third, you might think that the United Kingdom system is more favourable, but if you bear in mind that he can be considered for parole immediately and that if there are humanitarian reasons he would certainly be released on licence immediately, no problem about that, then you might consider that the Gibraltar system is more favourable. The difference, of course, is that since we implemented the parole system we have had, unfortunately, a spate of prisoners with longer sentences and there, really, stems the trouble. Undoubtedly the prison is inadequate. It is an old building and it is small. Whereas in the past there have been few or no complaints because the number of prisoners was relatively small and because prisoners were only going there for very short sentences, now you have got a difficult situation, you have got a different type of prisoner, you have got a number of young men who naturally find themselves restless in the prison, there has not been sufficient work to keep them occupied and the prison is not geared for this type of prisoner and there is very little that we can do to improve the conditions in that respect other than to build a new prison. The prison was never meant for this type of prisoner and, in fact, the practice has been in the past that where you had, particularly non-Gibraltarians serving sentences of two years or more, they did not remain in Gibraltar, they were sent to the United Kingdom and this is a problem that we can attempt to alleviate by all sorts of measures such as parole, work and so on. But the basic and the fundamental point is that there is very little that we can do other than to build a new prison. On the question of work, if I may expand at greater length, and recreation. As the Hon Mr Aberras said we built a recreation room, competitions have been arranged, table tennis, outsiders to go to the prison and play with the inmates, courses of first aid have been arranged for them, work has been arranged. Over a year ago quite a lengthy programme of work involving painting all the chairs at St Michael's Cave, lockers have been taken, but there is a problem of transport. It is not easy to arrange for things like this to be taken up to the prison. We have made attempts to arrange what is termed "extra mural" work, to take the prisoners out. Very recently, about a week or so ago or maybe slightly more, they were working in the Tankerville area and three weeks' ago we had plans, at an advanced stage

when they would have started work in the cemetery, but because of the non-availability of covered transport and the shortage of manpower within the prison that was brought about due to hospitalisation of prisoners, and they had to be supervised, the work programme had to be postponed and, in fact, a party of them were due to have gone to the cemetery on Monday of this week and I had given clearance to the Prison Supt for this to be done last Wednesday but, unfortunately, because of the events over the weekend, this is not immediately possible and we shall now have to put it back for a short period of time, not that we will abandon it, we naturally intend to go ahead. The staffing position has been improved with one main object in mind, to enable work to be given to the prisoners. We have sent one of the Prison Officers to the United Kingdom and he is currently undertaking a course to train him as a Trades Officer so that when he comes back he will be able to teach the inmates a basic trade that will not only keep them occupied within the prison usefully but will be of assistance to them in rehabilitating them when they leave the prison and we have got plans to increase the staff further if necessary. I say if necessary because this is the subject of staff inspection and I need to be convinced because I must look after public finance as well. But we have increased the prison staff in a few years and, as I say, we have got a man being trained in the United Kingdom. On the question of food, yes, there have been complaints about the diet. Although it has not been mentioned here I am informed that it is in "Calpe News" and, perhaps, for the record I should state that the complaints that are referred to there are instances of the 18th and 19th of September this year when the prisoners complained of the presence of weevils in spaghetti. This was found to be correct and the ration, of course, was immediately withdrawn and sent back to the contractor who replenished the consignment. It is not unknown for spaghetti or pasta at home in any house, to be found to have deteriorated after it has been kept on a shelf for a week or so. This was a genuine complaint and we must ensure that it does not happen. Already a study being undertaken by a dietician in the RAF as a result of the interest taken by the RAF representative on the Prison Board and he has made arrangements for a Flight Lieutenant, who is a qualified dietician, to inspect our cooking facilities, the diet, etc, and to make recommendations. Unfortunately, we have not yet received his report but no doubt the incidents will give whatever necessary push is required. They do get meat as stipulated, eight ounces a day. The conditions at the prison, as the Hon Mr Aberras has rightly said, are by no means sub-human. Anyone who is a regular visitor to the prison can testify to that. They are not ideal, as I say there is dampness, it is an old building, but unfortunately one does not like to have to say it, but for nine months there has been no maintenance done to the prison. This is a fact of life. We voted money in this House to carry out improvements and nothing has been done. There have been no materials taken to the prison for the prisoners themselves to paint the premises and the premises always look spic and span from that point of view and I was there two weeks ago and they looked very dilapidated. I do not know whether I have covered everything that has been mentioned, four or five months ago, I asked that the Prison Regulations and the Prison Ordinance should be updated. Probably it is out of date, it needs reviewing, it needs to be brought up to date in keeping with present day reality and this is a task which I hope the Prison Board themselves will give some attention to. It has been referred to them and they have not yet

submitted any recommendations and I shall be asking them will they please tackle this as a matter of urgency. All the grievances will be looked into. I am already in possession of the grievances as recorded by the Rev Father Caruana in his capacity as an intermediary and I am grateful and I think he was an ideal person in many ways because he had previously been a prison chaplain and yet he is no longer connected with the prison and I am very grateful to him for his intervention over the weekend. It is unfortunate that things like this should happen. Let me say that it did not catch me by surprise. It did not catch me by surprise because we are not geared to have in a small prison in Gibraltar young men of eighteen detained there for three or four years. We are not geared for that. I hardly ever listen to Spanish radio but on Wednesday night I did, trying to get the football results, and I heard about the disturbances at a prison in Jaen and I remember turning to my wife and saying "Before very long we will have trouble in our own prison here", and I was not wrong. Anyhow, that is no excuse. The fact is that we shall lock into all the points that have been made here today, into all the grievances of the prisoners, we will be setting up an Inquiry and I hope that if I have my own position made absolutely clear and I am able to take into my hands those matters which are really my concern and which have nothing to do with security of the prison, I hope that we will be able, gradually, and it will have to be a gradual process, to improve the conditions there.

The adjournment of the House sine die was taken at 6.35pm on Wednesday the 9th November, 1977.