

HOUSE OF ASSEMBLY

HANSARD  
OF MEETING  
HELD ON

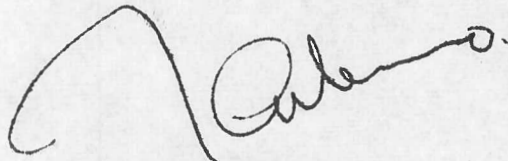
7th FEBRUARY 1978

House of Assembly  
Gibraltar

HOUSE OF ASSEMBLY - VERBATIM REPORT

A copy of the Report of the proceedings of the House of Assembly meeting held on the 7th February, 1978 is attached.

2. In case of any amendments Hon Members are kindly requested to hand them in not later than Tuesday the 18th April, 1978.

A handwritten signature in dark ink, appearing to be 'A. L. ...', written over a faint circular stamp.

17.3.78.

Clerk of the House of Assembly

TELEPHONES: A:4882  
OFFICE: A.70071 EXT. 36  
CLERKS: A.70071 EXT. 37

ATTORNEY-GENERAL'S CHAMBERS,  
GIBRALTAR.

No. L9/5(41)

21st March 1978.

The Clerk,  
House of Assembly,  
GIBRALTAR.

Mr Clerk,

HOUSE OF ASSEMBLY : VERBATIM REPORT: MEETING OF 7.2.78

I beg to give notice that on page 29, column 1, line 16  
the words "at least" should be deleted and there should be  
substituted the words "as soon as possible".

Yours faithfully,

*J K Havers*

J K HAVERS  
ATTORNEY GENERAL

*Done*  
*JP*

## REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Ninth Meeting of the First Session of the Third House of Assembly held in the Assembly Chambers on Tuesday the 7th February, 1978, 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 & 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 and Economic Development  
The Hon M K Featherstone - Minister for Education and Public Works  
The Hon J K Havers, OBE - Attorney-General  
The Hon A Collings - Financial and Development Secretary

The Hon Dr R G Valarino

### OPPOSITION:

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

### INDEPENDENT MEMBER

The Hon J Bossano

### IN ATTENDANCE:

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

### PRAYER.

Mr Speaker recited the prayer.

### CONFIRMATION OF MINUTES.

The Minutes of the Meeting held on the 13th December, 1977,

having been previously circulated, were taken as read and confirmed.

### DOCUMENTS LAID.

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

1. The Social Insurance (Overlapping Benefits) (Amendment) Regulations, 1978.
2. The Non-Contributory Social Insurance (General and Miscellaneous Provisions) (Amendment) Regulations, 1978.
3. The Conditions of Employment (Retail Distributive Trade) (Amendment) Order, 1978.

Ordered to lie.

The Hon the Minister for Housing and Sport laid on the table the following document:

The Traffic (International Circulation) (Amendment) Regulations, 1977.

Ordered to lie.

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

The Butter and Margarine (Amendment) Regulations, 1978.

Ordered to lie.

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

The City Fire Brigade and Fire Services (Warrant Card) Regulations, 1978.

Ordered to lie.

The Hon the Minister for Tourism, Trade and Economic Development laid on the table the following document:

The 1976-77 Tourist Survey Report.

Ordered to lie.

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

The Department of Education Report for the period 1974-1976.

Ordered to lie.



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

1. The Marriage (Amendment of Age of Consent) Order, 1978.
2. The Copyright (International Conventions) (Amendment No. 4) Order, 1977.
3. The Appeal Rules, 1977.
4. The Supreme Court (Land Titles and Enrolment of Deeds) (Amendment) Rules, 1977.
5. The Gibraltar Regiment (Amendment) Regulations, 1978.

Ordered to lie.

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

1. The Banking and Financial Dealings (Bank Holidays) Order 1977.
2. The Import Duty (Personal Relief) Regulations, 1977.
3. Supplementary Estimates No.6 of 1977/78.
4. Supplementary Estimates No.7 of 1977/78.
5. Supplementary Estimates Improvement and Development Fund No.4 of 1977/78.
6. Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No.2 of 1977/78).
7. Statement of Improvement and Development Fund Re-allocations approved by the Financial and Development Secretary (No.1 of 1977/78).

Ordered to lie.

ANSWERS TO QUESTIONS.

The House recessed at 12.55 p.m.

The House resumed at 3.25 p.m.

MR SPEAKER:

I would like to inform the House that the Minister for Medical and Health Services and the Hon the Attorney-General have both given notice that they wish to make statements. I will therefore call on the Minister for Health Services to make his statement.

HON A P MONTEGRIFFO:

As the House probably knows we have had in the recent past and indeed at present to make use of the Naval Hospital to transfer patients that would otherwise have been admitted into St Bernard's Hospital.

The reasons are mainly due to the fact that after six months of blacking action the pending completion of renovations within St Bernard's Hospital is now being carried out as the original scheduled programme went off the rails. It is also true to say that the number of patients needing admission to St Bernard's Hospital have during the recent past increased as never before, and additionally our Gynaecologist has recently been on leave and the Royal Naval Hospital took over part of these services.

It is obvious that during the process of renovation and decoration, which will take about six months to complete, the patients and staff will suffer some inconvenience. This we regret but eventually we shall all reap the benefits of a better hospital.

The system of transferring patients to the Royal Naval Hospital has worked well and falls within the principles recently agreed upon by both the Civilian and Naval authorities, that is to aim at this stage towards a 'merger of minds' and co-operation at a human level for the next 3 years or so before proceeding if necessary to a 'structural merger' and one hospital. It is hoped that this co-operation and liaison at a human level, which has already started, will increase and that it will both provide better utilization of existing manpower, better coverage and a greater practical knowledge of the needs and requirements of having one hospital service when and if a decision is finally taken. I am sure Hon Members will agree that these arrangements of first starting co-operation at a human level whilst keeping the long term aim of a possible structural merger in mind suits Gibraltar's needs best, as I myself feel, and I hope every other Member of this House feels likewise, that a Service Medical presence and commitment to Gibraltar are to be welcomed.

As part of this exercise the Naval authorities have confirmed that if it is not possible for us to recruit a Gynaecologist they will extend their gynae unit to look after the Civilian cases on a semi-permanent or permanent basis.

We have already had 10 enquiries from Gynaecologists following the advertisement we placed in early January. I am not however, prepared to take any chances and if by the end of February none of the applicants have shown a firm commitment to accept the post I will definitely

accept the Naval Hospital's offer as the Naval authorities are themselves anxious that we should take an early decision on this matter due to the fact that they have to re-arrange their postings.

I will refrain from speaking on the opthalmic services as I do not want to pre-empt the debate which will take place later on in the proceedings on this particular issue.

I think the House will want to join me in extending to the Naval authorities our gratitude for their co-operation which either short term or long term can only be to the good of Gibraltar. At the same time we must not forget our own doctors without whose co-operation and dedication it would be difficult for such co-operation to be meaningful.

MR SPEAKER:

I will remind Members that there was a question on this matter and that therefore I will allow more extensive questioning than is allowed under statements.

HON G T RESTANO:

Mr Speaker, I would like to say how much, on this side, we agree with the Minister on the thanks that Gibraltar has to give to the Naval Hospital authorities for the assistance they have given us in these difficult times. Whilst saying that the merger of the two hospitals, in principle, is a very good thing, on the other hand until such time as a merger may have been made if we have difficulties with specialist doctors in Gibraltar at the moment we are in a position to call on the assistance of the Naval Hospital but what would be the position once the merger takes place and we can no longer call upon the assistance of a completely different unit?

HON A P MONTEGRIFFO:

I can't follow the question. Are you talking about once the structural merger takes place?

HON G T RESTANO:

What I am saying Mr Speaker, is that at the moment if we have difficulties in St Bernard's Hospital with a lack of a particular specialist doctor, we are fortunate enough to be able to call upon the assistance of the Naval Hospital who help us out in these cases. In the case of a merger, should the situation arise where there is no specialist doctor in any particular branch, how does Government foresee overcoming the problem at that particular stage in time?

HON A P MONTEGRIFFO:

The idea of a structural merger when it does come, and it can never come before 1984 or 1985 if we launch ourselves into the project, is that the Ministry of Defence would, in instances where we would not be able to recruit doctors ourselves in any particular speciality, supply it because of their necessity to cover their own people whom we would be looking after. Of course it all depends at that stage what commitment and how many of those certain gentlemen are in Gibraltar at that particular time. That is why both sides have felt that working at the human level at this moment, and merging at a human level whilst not losing sight of the final aim, is a better thing than going right now into a structural merger.

HON G T RESTANO:

Mr Speaker, whether it is in 1984 or 1979 I think makes no difference at all to the problem that may arise in the future. Did the Minister say that the Ministry of Defence rather than the Naval Authorities would provide the specialist doctors?

HON A P MONTEGRIFFO:

Yes, I have really highlighted the Naval Authorities because it is the Naval Authorities which we are dealing with at the human level but really it is the Ministry of Defence who have got the responsibility. The hospital comes under the Ministry of Defence and we have been discussing the matter with them.

HON M XIBERRAS:

Mr Speaker, whilst entirely endorsing what my colleague Mr Restano has said about the desirability of the Minister's statement in general terms, could I ask the Minister whether he would be prepared to meet with my colleague Mr Restano in this developing situation to acquaint him with some of the details of the arrangements, because in these matters I think it is important that Hon Members on this side of the House should know exactly what is happening with this part of the Government's responsibilities.

HON A P MONTEGRIFFO:

Of course I am prepared to meet the Hon Member and any other Hon Member who would like to listen, but let me be honest with the other side of the House, there is not much more that I will be able to tell them.

HON M XIBERRAS:

I appreciate it. I didn't expect the Minister to make a completely detailed statement even if he had the details available but I think it is envisaged that this will be a developing situation and therefore it is good that Hon Members who shadow, as it were, the Minister, on this side, should be acquainted with developments.

MR SPEAKER:

I will then call on the Hon the Attorney-General to make his statement.

HON ATTORNEY-GENERAL:

Mr Speaker, in view of the considerable correspondence which has appeared in the local press - almost all of it mistating the position - over the detention of certain magazines I think it would be desirable for me to explain the true position in this House.

The term 'censorship' has been used of the detention and I must make it quite clear that there is no question of censorship involved in the present case. Censorship is an administrative power which can be exercised, generally under emergency legislation, by the executive in respect of publications which are considered contrary to public interest: the exercise of such power is not challengeable in the courts. Such publications are not per se illegal. For the benefit of the Leader of the Opposition may I explain that "per se" means "by themselves". Certain publications are, however, per se illegal and their introduction to Gibraltar is prohibited. Our Imports and Exports Ordinance as does corresponding legislation in the United Kingdom, prohibits the importation of various articles (and by the expression article I do not mean solely an article in a magazine but any object including, of course, an article in a magazine) such as books, magazines, etc which are indecent or obscene. Now although it is a revenue officer who has to decide in the first place whether a particular article is indecent or obscene and I should add that he invariably seeks legal advice, this decision is open to challenge. If the importer or any other person who has an interest in the detained article considers that it is not indecent or obscene he can compel the Financial and Development Secretary to take the matter before the Magistrates' Court for the court to decide the question. If the court decides that it is not indecent or obscene then it must be returned to the owner. In other words it is the court who is the final arbiter and not the executive.

I would also like to stress that because a particular issue of a magazine is considered to be indecent or obscene it

does not mean that subsequent issues will necessarily be indecent or obscene: each issue has to be judged on its own merits or demerits. Because an issue of, say, 'Gay News' is considered indecent or obscene it does not mean that an importer is prohibited from bringing in subsequent issues or that 'Gay News' is banned.

May I now attempt to explain the meaning of the words indecent or obscene. I can do no better, I think, than adopt a passage from a judgement in a case in England -

"The words 'indecent or obscene' convey one idea, namely, offending against the recognised standards of propriety, indecent being at the lower end of the scale and obscene at the upper end of the scale".

Although the court did not expatiate on the words "recognised standards of propriety" they are to be interpreted as meaning what the ordinary reasonable man or woman in the street would consider to be such standards. If, therefore, a court should decide that the standard adopted by the Financial and Development Secretary (for the revenue officers act on his behalf and are responsible to him) is too high and that the average Gibraltarian would not consider the publication either indecent or obscene then it will order the magazine be returned to the owner.

I would say that in the case which started the correspondence the importer did not choose to challenge the decision that the publications were indecent or obscene. He asked to be allowed to send the magazine back whence they came and was allowed to do so.

Finally, although this is not strictly relevant to the importation of indecent or obscene magazines, I would like to give the House notice that Government is proposing to introduce legislation in the near future to prevent the circumvention of the law relating to the showing of indecent or obscene films. As members will be aware certain cinemas have got round the law by forming clubs. This is considered undesirable and the proposed amendment will prevent such circumvention.

HON M XIBERRAS:

Mr Speaker, whilst assuring the Hon and Learned the Attorney-General I have no difficulty in following his latin, particularly as it is composed only of two words, I welcome the statement that he has made and in fact I have an interest in bringing this subject to the House and perhaps as a result of the statement it might be a matter

for discussion on the adjournment. Mr Speaker, whilst welcoming the statement, nonetheless I feel that such an important subject as censorship deserves a much broader and deeper treatment than is possible at this time in the proceedings of the House. I think that there are matters of considerable import not because they have to do with any particular publication or any particular incident but because it is a principle which is important in society, generally, and therefore, Mr Speaker, could I ask the Attorney-General whether the legislation which is envisaged is purely legislation against the projection of films or is it one that would deal with the censorship position overall.

HON ATTORNEY-GENERAL:

The legislation that is proposed will relate entirely to films. It is not considered that it is necessary to amend the legislation relating to the importation of magazines and books, it is considered that the legislation is sufficiently satisfactory as we have the powers we need to prevent these undesirable publications. It is only the loophole which has recently been discovered in the Entertainments Ordinance that needs at this stage to be closed.

HON M XIBERRAS:

Mr Speaker, could the Hon and Learned the Attorney-General illuminate me as regards a point of the law in the United Kingdom. Is there in the United Kingdom general censorship legislation empowering certain persons who are known to the public to be performing this function to censor publications or objects and so forth, and is the situation substantially different in the United Kingdom to what it is here?

HON ATTORNEY-GENERAL:

The position in the United Kingdom is exactly the same as it is here. The revenue officers there have the right to seize indecent and obscene publications and any other indecent or obscene matter. I have said that the law is the same here as it is in the United Kingdom, that is absolutely accurate, but now I have to say something, I am afraid, which I hope will not make the Speaker order me to withdraw or name me. It will call for cries of "shame" from at least one member on this side of the House and two members on the other side of the House. Mr Speaker, sometimes, the law is an ass and it is an ass, in my submission, both in Gibraltar and in the United Kingdom in so far as obscene

publications are concerned because you have two tests. The first test is with importation and it is an offence to import an indecent or obscene publication and it can be seized. It is also an offence for such an indecent or obscene publication to be sent through the post. However, for a magazine which is produced in the United Kingdom and is put on sale, in order for that to be an offence it must be not only obscene, it must be likely to deprave or corrupt. And so you get the quite ridiculous situation where certain American magazines which would not be allowed into the United Kingdom because they are indecent or obscene, can be printed themselves in the United Kingdom and put on sale because, although they are indecent or obscene they don't tend to deprave or corrupt. It was highlighted in a case about six years' ago, there was a magazine which I think had quite a large publicity when it was prosecuted. This was published in the United Kingdom, the publishers were acquitted of having a magazine for sale which intended to deprave or corrupt, but because one copy had been sent through the post they were convicted of an offence under the Post Office Act. In Gibraltar, of course, we do not produce magazines locally. If we did then you would have the double test which is quite ridiculous. But the law is the same here as in the United Kingdom and it tends to work here, in my submission, much more satisfactorily because of the fact that you do not print here, you haven't got this double test. The rights of Revenue Officers is exactly the same here as it is in the United Kingdom, no more no less.

HON M XIBERRAS:

Could I ask the Hon Member, *quot homines tot sententiae*, whether in the United Kingdom and, indeed here, there is any specific person in the Government, for instance, as the Director of Public Prosecutions in the United Kingdom, or who exactly judges on these matters. Is it a collective decision of the Government or are there members of the Government whose business it is to deal with these matters and to form a judgement and advise the Government on particular issues.

MR SPEAKER:

Let me make sure that we are not talking at cross purposes. I think Her Majesty's Attorney-General has said that the decision is that of the Revenue Inspectors as to whether any particular thing is obscene. Are you talking about policy or are you talking about the particular detention of one particular magazine?

HON M XIBERRAS:

I am talking, in fact, about all aspects. I am talking

about policy and about the actual implementation of policy. Do we have a parallel situation to that

in the UK here in formulation of policy and implementation of policy. Lastly, Mr Speaker, are there any Censorship Boards set up in major areas of controversy in the United Kingdom and, if so, does the Government in the United Kingdom have any say in the nomination of members and so forth to these Boards. I am thinking, for instance, of the Film Censors Board, as an example.

HON ATTORNEY GENERAL:

Can we leave the question of films for the moment. There is no Censorship Board or a body of censors as far as books and magazines are concerned. There a Revenue Officer will seize if he considers a magazine to be obscene. Whether he then takes legal advice I do not know, I would be inclined to doubt it. As in the United Kingdom, the importer can challenge the matter in the Courts. Presumably the Revenue Officer is given some guidance at some time as to what is indecent or obscene but I cannot imagine that the position here differs from that in the United Kingdom as far as practice goes. There would be no objection here, if the Revenue Officer was clearly of the opinion that a publication was obscene, not even coming to take legal advice. He could say to the Financial and Development Secretary; "I consider this to be obscene", and then that is the end of the matter, the publication is detained until the detention is challenged. If the Hon Leader of the Opposition would please forget this question of censorship, it doesn't exist in so far as indecent or obscene publications go, it does not come into it at all. In so far as films go, I understand the position to be that there are various authorities which are responsible for licensing films. I think it is possible for an urban authority, in one case let us take the Greater London Council, to appoint censors to see all films and to decide whether or not they may be exhibited. The position has changed in the United Kingdom. Until the middle of last year a film could not be shown if it was indecent or obscene. Now, a film has to have the tendency to deprave or corrupt before it is refused a certificate, but it was the British Board of Film Censors, they were the persons who decided and if they thought that a film was not indecent or obscene, they could issue a certificate and that was conclusive of the matter. It was the indomitable Mr Raymond Blackburn, who, I think, the Hon Leader will know by name, who brought an action against the Greater London Council some two/three years ago because he said the way they were conducting their censorship was wrong, because they were applying the wrong test, and he was successful. They had instructed the Board of Censors

to refuse a film a certificate only if it intended to deprave or corrupt and Mr Blackburn said: "No, you are wrong, you must refuse if it is indecent or obscene." He won on that but the law unfortunately has now been changed and the standards are dropping. The position there is that if the Censorship Board gives the certificate it can be shown and nobody can query that certificate. Here we have not yet, at this time, got a Censorship Board. The cinemas have cooperated in the past. They have voluntarily shown films to a small panel and if that panel has said "No, we do not want you to show this film", then the cinema has cooperated, although they could have been stopped under the provisions of the Entertainment Ordinance which do allow the Governor, that is the Governor acting on the advice of Council of Ministers, to refuse a particular public entertainment which is indecent. Whether Government will now set up a Board of Censors here is one of the matters which is under consideration. It could be very difficult because with some five different films being shown a week, it would be virtually impossible for the censors to see all these films. If a Board is set up then the Board will have to rely to a large extent on the certificate which has been issued in the United Kingdom and merely pass A and AA films on the nod and would require to see a certain number of X films. But this is still a matter for Government to decide and I think I can say that we would hope to have legislation before the House at the next meeting, but it is still in the melting pot and I would rather deal with that legislation when we get to the next meeting.

HON P J ISOLA:

May I have your indulgence to express concern that the provisions of the law in regard to cinema entertainment are being circumvented, obviously for purposes of financial gain. Can I suggest to the Hon and Learned the Attorney-General when he introduces the legislation, that he gives consideration to revising the penalties in the law in respect of the admission of young people under 18 into cinemas when X films are being shown so as to ensure that any financial gain that the cinema may have from turning a blind eye is offset quite substantially by penalties if he is caught in letting them in.

MR SPEAKER:

The Hon Financial and Development Secretary has given written notice that he wishes to suspend, under Section 60 of our Standing Orders, Standing Order No 19 to enable him to move a motion without having given the necessary five days' notice. I will now call on the Hon

the Financial and Development Secretary to move the suspension of Standing Order 19.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, under Standing Order 60, I seek the suspension of Standing Order 19 to enable me to move the motion which is standing in my name on the Order Paper and of which I gave notice on 2 February.

Mr Speaker put the question in the terms of the Hon the Financial and Development Secretary's motion which was resolved in the affirmative and Standing Order 19 was accordingly suspended.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move the motion in the following terms: "In exercise of the powers conferred upon it by Section 62 of the Public Finance (Control and Audit) Ordinance, 1977, and of all other powers thereunto it enabling this House resolves that the provisions of Part X of the Ordinance shall apply to:-

(i) the John Mackintosh Hall."

Mr Speaker, Sir, the only purpose in bringing this motion is to formalise an existing practice. Part X of the Public Finance (Control and Audit) Ordinance provides that the accounts of a corporate body which is in receipt of public funds shall be audited by the Principal Auditor. The Part also contains provision whereby if this House so resolves, a body of persons or indeed a single person who is not a corporate body can also be subjected to the same provisions, namely, have its accounts audited by the Principal Auditor if he or that body of persons is also in receipt of public funds of Gibraltar. As we all know the Government makes contributions to the John Mackintosh Hall from the Budget and it has been the practice for some time for the accounts of the John Mackintosh Hall to be audited by the Principal Auditor and as I said at the outset this motion is merely to formalise what is an on-going procedure. I beg to move.

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

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

#### BILLS

#### FIRST AND SECOND READINGS

THE PRICE CONTROL (AMENDMENT) ORDINANCE, 1978.

13.

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Price Control Ordinance (Cap 177) by conferring certain rights of entry and inspection, 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 A J CANEPA:

Sir, I have the honour to move that this Bill be now read a second time. Mr Speaker, the position at present under the Price Control Ordinance in so far as the extent of the powers or the authority vested in officers who are responsible for administering the law, is not entirely satisfactory. The position at present is that under Section 5(1) of the Price Control Ordinance the Governor has the power by notice in writing to appoint a person to examine accounts, books, other documents in the custody of the person so required or under his control which relates to that business being accounts, books or other documents the examination of which may be reasonably required in connection with matters of price control. In practice, Mr Speaker, what happens is that an application for such an appointment, a person would not be appointed so to do other than after the disclosure of an alleged offence and in fact it is because for every specific alleged offence the Governor would have to make such an appointment by issuing a warrant, it is because of this rather cumbersome procedure, that it could well happen that by the time the invoice, for instance, which corresponds to the item or to the goods which are the subject of the alleged offence, have been extricated, they have been uncovered from the hundreds or thousands of invoices which the Revenue people have, it could well happen that by the time that is done, either the goods in question could have been sold or, of course, it might be difficult to establish that the invoice actually applies to the goods in question. In fact, Mr Speaker, perhaps I should go further and inform the House that at present a trader may actually ask an Inspector to leave the shop as soon as he sets foot in it. Of course, it is true to say that the vast majority of shopkeepers will not do this and they do, in fact, allow a general inquiry to be made so long, of course, as the questions are not too searching. Mr Speaker, we find that there is, therefore, a need to provide authority as a matter of course for the staff of the Trading Standards and Consumer Protection Department to enter and inspect trade premises in order that they may carry out their duties under the Price Control Ordinance more effectively. There are occasions when it is necessary to check a trader's margin of profit. There are occasions when it is necessary to see why the

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cost of goods may appear to be exorbitant. There are occasions when it is necessary to inspect the books of a trader in order to determine the justification of a request for a price increase in price controlled goods. These general powers of inspection, Mr Speaker, we find, from experience, are necessary. More so if there were to be a case where a trader actually challenged the authority of the Consumer Protection Inspector. We are not proposing, under the legislation before the House, to use the powers which we are seeking in any draconian way, the practice will be as it has been up until now. The only thing is that it has been done on a voluntary, from the point of view of the cooperation of traders, on that basis, as it is also intended, in practice, that Warrants will only be issued to the Consumer Protection Officer himself, to the Assistant Consumer Protection Officer and to the only other people who are involved in these matters who are senior and experienced members of the staff, namely, the Consumer Protection Inspectors. The powers will be used very carefully and we will ensure that proper procedures are established but we have had one or two instances in the past, Mr Speaker, where authority has been challenged and the opportunity is being taken to put the matter right in a Bill whose main purpose is to allow for Warrants to be issued under the Price Control Ordinance as a matter of course. Mr Speaker, I commend the Bill to the House.

MR SPEAKER:

Before I put the question to the House does any Hon Member wish to speak on the general principles and merits of the Bill?

HON P J ISOLA:

Mr Speaker, Sir, I cannot say that we welcome the whole Bill, at least I think there may be differences of opinion. It seems to me that the powers that are being given to the Consumer Protection Officer are somewhat more stiff than one would have thought is necessary in order to administer the Price Control Ordinance. The repeal of section 5 and the replacement of it, seems to give the Consumer Protection Officer, Mr Speaker, the right to enter into any business premises where there are no price controlled goods and purely for the purposes of an inquiry be able to demand production of books, invoices, in fact, look at matters that apart from them being very private are, I should imagine, of very great commercial value or would be of great value in the hands of any competitor. One is a little worried that one should give the Consumer Protection Officer the powers to go into any business establishment of any trader to look at the books of the trader in question. One is worried that somebody is going to say: "I bought a transistor - or any good which is

a luxury - in that shop and I think they charged me too much," and you will get the Consumer Protection Officer saying: "Let us go to the shop, let us have a look at the books of this trader," and suddenly we are told the next day that transistors ought to be controlled. The whole purpose of competition in price and so forth would disappear and I do not think it is right, Mr Speaker, that in the case of luxury goods or luxury articles there should be a power to control prices. The market usually looks after that, the open market. There is plenty of competition in Gibraltar in a great variety of articles. Where there is some justification for price control is, of course, in essential goods, foods and so forth, groceries, fruit and vegetables, in which the Government have powers and which the part of the Ordinance that relates to the exercise of powers in relation to Price Controlled supplies is fair enough. The Government has a job to do, the Consumer Protection Officer has a job to do and he must be given any powers that are reasonable in order to enable him to do his job. But to go from that, Mr Speaker, and to give the Consumer Protection Officer the right to go into any business establishment in Gibraltar, no matter what the line of goods that are being sold by that establishment may be, and start an investigation and make reports about those prices, in our view that is rather a draconian power being given to an officer which could be used at the direction of the Government rather irresponsibly or even wrongly. So, Mr Speaker, I would suggest to the Government that they might like to consider leaving out that section 5, doing away with that section in so far as it gives such blanket powers. Possibly, if they feel there is a need to have powers to go into certain shops and control certain kinds of goods that might require being price controlled, that is another matter, but the wide powers given here in respect of non-controlled supplies would seem to us to be rather extreme. We would suggest the Government takes the opportunity in Committee Stage of dropping that particular sub-section.

HON ATTORNEY-GENERAL:

On a point of clarification. Which particular sub-section is the Hon and Learned Member referring to?

HON P J ISOLA:

I was regretting the insertion of the provisions in relation to uncontrolled supplies. The powers of the Consumer Protection Officer, or his Assistant, or anybody authorised by him, being able to go into business premises and have a look at books and invoices of goods that are not price controlled goods, that are not essential, they are luxuries. Mr Speaker, I do not know in practice how it works. We are glad to hear from the

Minister that in fact the officers that would be exercising these powers would be senior officers, but it is so much better, Mr Speaker, if we can have them actually designated in the Ordinance or in the Schedule. I notice some are designated in the Schedule, the Head Pharmacist and the Consumer Protection Inspectors, they are set out in the Schedule and I think it would be better, from the point of view of the House and from the point of view of traders, that instead of telling us that in practice the only people who would be doing this would be the Consumer Protection Officer or anybody authorised who would be these particular people, I think it would be much better if we have the Ordinance merely referring to the Consumer Protection Officer giving him those powers and giving powers to such other persons as are set out in the Schedule and the Schedule could then include any other person that the Government feels should have the right of entry. Otherwise, although the Minister has given assurances, as has happened in other cases, like in the case of the parking tickets, the Hon and Learned Attorney-General I am sure remembers about that, we were given certain assurances in the House and when we asked how many parking tickets had been issued and we found that it was rather a lot and we reminded the Learned Attorney-General of the assurance he had given us in the House, we did get a reply from the Commissioner of Police saying that he had to administer the law and that it was an offence, and that was that. It is better, because the Minister gives the assurances, and unfortunately those do not get down the line to the right person and then you get a situation where the law says "any person authorised by him in writing" and the Consumer Protection Officer might be rather pressed with staff and he will start sending comparatively junior people to look at the books of a private business. I think it would be helpful if we could in the Ordinance designate the people who can go in by having their names in the Schedule and, possibly, making an amendment that the Schedule can be altered by Resolution of the House and then if you want to add particular officers you can do it by Resolution of the House. We recognise that the Government has to have powers in order to administer the Price Control Ordinance but that is one thing, it is another thing to give the Government a sort of roving commission by which they can go into business premises and allow them to get material which is obviously highly confidential. We would suggest that the powers of entry and examination in relation to uncontrolled supplies be either deleted or watered down sufficiently to indicate the sort of uncontrolled supplies that they can inspect and that the names of people who have got this right to inspect we welcome the assurance that they will be senior people but we would be much happier, Mr Speaker, if they were

specified in the Schedule to the Ordinance. I would suggest that the Ordinance is amended to read: "The Consumer Protection Officer and the persons authorised in the Schedule" and not "any person authorised by him in writing" which will mean anybody including my Hon Friend the Minister.

HON CHIEF MINISTER:

If the Hon Member will give way before he finishes. Do I take it that he does not object to the new 5B?

HON P J ISOLA:

Mr Speaker, I don't think we can. I think the new 5B is a nasty one but I think if you have got controlled supplies and there is legislation about it I think the right of entry and right of inspection is not unreasonable although we would hope it would be used with responsibility.

HON ATTORNEY GENERAL:

I would remind the Hon and Learned Mr Peter Isola that there is at present power under the Ordinance to make a specific order for Price Control in respect, not of essential goods, but of any particular goods or type of goods. I think that is the section 3A which we put into the Ordinance in 1974. What we have done, in this particular amending Bill, is to take out 3A as it stands at the moment and incorporate it really as in the new 5 and 5A. If I could deal with one point first of all. The Hon and Learned Member understandably expressed concern with officers having the right to go in and to inspect as then the access which they have to the books and invoices could be prejudicial to the trading practice of the particular firm which was being investigated. That I accept is a possibility but the Hon Member will appreciate that we have been fairly firm in trying to prevent this in section 5C: "No information with respect of any particular business which has been obtained as a result of the exercise of the powers conferred by section 5 or 5B shall, without the consent of the person carrying on that business be disclosed otherwise than in connection with the execution of this Ordinance." We are doing all that is possible to prevent any misuse of information. Going back to this power of entry, it is considered by the Price Control authorities, i.e., the Consumer Protection Officer who is responsible to the Hon Minister, that these particular powers are needed to avoid circumvention and to enable proper information to be gathered either for the control of what most people would regard as essential supplies and also for other supplies which it may be necessary to control because an exorbitant profit is being made.



HON J BOSSANO:

Mr Speaker, I would like to disassociate myself from the remarks made by the Hon and Learned Mr Isola. I think that if the Government is going to approach the question of controlling prices as an on-going exercise and not as a static list then it is quite obvious that there must be some sort of machinery to decide whether anything should be added to that list. I certainly do not agree with the Hon Member that the free market that exists in Gibraltar is sufficient, whatever he may say about competition, to ensure that in every commodity that is not regarded by him as essential, there is a situation where prices or profit margins are at a minimum. I think that the question of what is considered to be essential is an elastic thing and obviously with an improving standard of living the things that become essential today may be bread and butter and in five years' time might be colour television. I do not think one can draw up a static list of what is essential that will hold true for all time. I think any Government would like to keep the amount of price controlled items to a minimum because of the cumbersome machinery that may be required to ensure constant surveillance to catch any offenders infringing price control legislation but if it is accepted that when an article is price controlled a Consumer Protection Officer can be trusted to go into a shop and inspect the books and he may well come across whatever items in those books that are not price controlled items unless they keep two sets of books in businesses, which I am sure the Hon and Learned Member will tell me is not the case. I am sure that with the highly competitive system that he tells us there is in Gibraltar, people do not have two sets of books and therefore there will be one set of books with price controlled items in it and items that are not price controlled and the Consumer Protection Officer will have to be trusted not to divulge this information to competitors and it is the Government's duty, I think, if it gives these powers to public officers, to select people for these jobs that are themselves not connected with other business interests that might benefit from the information they obtain. I think there is a constant obligation on the Government to ensure this in the public service. I think it is right that if the Government wishes to increase the range of the Consumer Protection Office to ensure fair trading, then that office should have the right to investigate complaints of profiteering in any goods and follow the sort of procedure laid down in the Ordinance which would be that the profit margin would be investigated, no doubt, they would be able to look at more than one outlet selling the same commodity, they would be able to listen to any arguments in favour of what might appear at first sight an excessive margin of profit and make a report and if on the basis of that report the Government considers that it is unreasonable then they can

either try to persuade the businesses concerned to reduce their profit margins or legislate to control it. But the Government must have the information in the first place in order to come to a decision. As far as I can see all this gives it is that it gives Government the machinery in order to obtain that information without having to rely simply on what they are told.

HON CHIEF MINISTER:

Mr Speaker, as the mover has rightly pointed out, the main reason for this Ordinance is to substitute the right of inspection by warrant from having to seek a warrant from the Governor to certain senior officers who may have to carry out the work. Section 3A of the Price Control Ordinance is very wide because it says: "If it is represented to the Governor that any article or thing is being offered for sale at a price which may be unreasonable, he may issue a notice to the seller under the provisions of Section 5" and then, when a notice has been served under that provision, a Warrant can be issued to cover everything. So, really, the main purpose of the Bill is the machinery which was pointed out by the Mover that the time element could be essential in establishing that. Having said that, I appreciate, and my colleagues appreciate, the fact that once you give certain powers to executives one has got to be careful to whom you give them and how they are exercised and this has been a principle on which we have always been careful. Perhaps later on when we look at the Committee Stage, the only one where I think perhaps could be interpreted as being too wide though in fact it could not be because of the fact of the staff available, is the first one in Section 5 which says: "The Consumer Protection Officer and any person authorised by him in writing" which could mean anybody, I agree with that, but that of course is not meant so perhaps we could bring later on in the Committee Stage; "or any person set out in the Schedule of the Ordinance...." or something like that to be able to exercise that. Other than that I think Section 5B states where the supplies are being controlled, the others are of general application and I think should strengthen, as the Hon Mr Bossano has mentioned, should strengthen the good work already being done by the Consumer Protection Office quietly and unobtrusively but, I hope, effectively.

HON MAJOR R J PELIZA:

I would like to say a word on this and perhaps before starting I should declare an interest being a businessman myself and being very directly involved on how one can arrive at margins and things like that. Before going into the technicalities, it is very important for this House to consider the step that we are taking. It is deeply philosophical what we are about to decide and this is what I think my Hon Friend on the right objects to, the same as I would. Are we heading now for a society in which price

control is going to be extended to all items at the discretion of the officer mentioned in the Bill? How is it going to be controlled? Who is going to decide? The Government? Not according to the Ordinance, is it? As far as I can see it says quite clearly in the Section that my Hon Friend would like to see done away with, "the Consumer Protection Officer." Whether it is the Minister of Labour or not we are still coming back to the same position. The Chief Minister tried to explain that under existing legislation this could be done now. I agree, but it requires a Warrant and as it says the notice must come through the Governor which under the Constitution, if I remember rightly, means the Council of Ministers. What it means now, under the existing legislation, that for an item which is not price-controlled, if there is a complaint, the complaint has got to go through the Council of Ministers and if the Council of Ministers consider that that is an item perhaps that should be price-controlled, and I say that there might be other items which are not on the list at the moment which may require to be price-controlled, then the Council of Ministers will decide that the Warrant should be issued and the item can be investigated. But I cannot see why if at present things are working as they should, I do not hear of any strong objections publicly about any item and perhaps the Minister could say which are the items that he is referring to. Fish? Very well, that could easily be an item to be price-controlled with the provision that my Hon Friend Mr Isola has referred to, Section 5B(1), that should be enough to bring that under control. Why take the drastic measure of going right across the board and giving extraordinary powers to a Government official. This is why I say it goes down to the heart of our political philosophy. What sort of society are we aiming at? Do we agree on the sort of free market that we have now or are we going to change that. I don't believe that this Government was elected for that purpose. Certainly I do not think that that is what the Chief Minister has given the impression when he has spoken and condemned, in fact, my Hon Friend Mr Bossano with whom he seems to agree today on this particular issue. Are they both of the same political persuasion? It sounds as if he is by the way the Chief Minister has been speaking a moment ago. I would certainly object the same as my Hon Friend and I hope the Chief Minister can give it a little bit more thought.

HON M XIBERRAS:

Mr Speaker, the Hon and Learned Member might laugh today but I remember him making certain remarks in 1970 when the Statistics Ordinance was passed in respect of the powers of demanding information by officers in the Government service. The brunt of those results were in fact that we were going to be invaded by snoops, people

who would find out the private affairs of citizens and so forth, and I commiserate with the Hon the Minister for Labour when today in Government now for some time and trying to give effect to a perfectly justifiable Ordinance, he tries to increase the powers of his staff to give effect to that Ordinance. I can see the need for the Minister to make a move on this and to empower his officers so that they can give effect to the legislation but I would suggest to the Minister that the sort of powers which he is seeking and the exercise of such powers in the practice are quite distinct from the powers, say, of the Statistics Ordinance or the Weights and Measures Ordinance which we considered recently. The blanket nature of the provisions of the present amendment before the House are quite distinct from those in the Statistics Ordinance, they are quite distinct from those in the Weights and Measures Ordinance because the present amendment means that someone, at the moment anybody who is appointed by the Consumer Protection Officer in writing, can go and look at the whole panoply of facts that constitutes a business irrespective of the extent reached by the provisions of the parent Ordinance, the Price Control Ordinance, at any particular time. I would hesitate, Mr Speaker, that the House should give powers to officers in respect of the Price Control Ordinance wider than the provisions of the parent Ordinance in all respects. I agree that complaints can be made against profiteering on a wide range of goods but the interest of the House when considering Price Control legislation is directed not at the whole spectrum of goods on offer in shops but at particular goods which are considered so essential to people in society today that they should be price controlled by the Government. It is recognised when we consider such legislation as the parent Ordinance that it is an interference with the rights of individuals albeit one which is reasonable and necessary at a particular juncture in society and, therefore, the remarks of the Hon Mr Bossano appear to me to be not in tune with what Hon Members have said on both sides of the House on many occasions in respect of the need of Government intervention into the affairs of business and, indeed, of the individuals, be they businessmen or otherwise. Therefore, Mr Speaker, I would ask the House to direct its attention to what exactly in the practice we would be allowing such officers to do. I would suggest that such powers in the business field would be almost greater than those enjoyed by Revenue Inspectors today, that the information that could be acquired by this officer in the exercise of his duty would be of greater usefulness to the unscrupulous man and we must also beware of them in our legislation and take care against the unscrupulous operator even within the Government service that the powers that are being given are wider than those or more useful to such an operator than those which the Revenue Inspector has today because not

only will it be a question of knowing how much an article costs at source, it would be a question of having information about the full costing of that article until it is sold to the consumer. Mr Speaker, unlike the Statistics Ordinance where exercises or the scope of any particular statistical exercise is defined in the Ordinance, a situation comparable to the one pointed out by the Hon and Learned Mr Isola, we are allowing an officer, or officers, to go into any shop. I can sympathise with the Minister and I can sympathise with the points made by the Hon Mr Bossano to the extent that unless we investigate you cannot possibly know whether there is a potential breach of price control legislation. I can sympathise but I would suggest to the Minister that in this particular case we have a particularly difficult situation to deal with. We cannot afford to give these blanket powers even though without them we would have to rely on other methods of detection. Mr Speaker, I myself am not at all happy that all officers in the Government service are free of private interests. I believe that in certain sectors it is well known that there are private trading interests among certain, not all, Government officers who are at the same time in possession of very useful information as regards trade. I think this needs to be said, Mr Speaker, and therefore we must not legislate for an idyllic situation, we must legislate for a practical situation and on this point I entirely support what the Hon and Learned Mr Isola had to say and also what the Chief Minister had to say in reply to the Hon and Learned Mr Isola, namely, that the Government would certainly consider restricting the use of these powers to specific persons as named in the Schedule. Mr Speaker, I think the best way in which members of the Opposition Parliamentary Group can express their views on this legislation is to abstain on this reading of the Bill since the criticisms that we have made are quite substantial, in the hope that the Government might be able to consider the points that have been made and, perhaps, see their way to introducing amendments to meet these points. I would not like, however, the Minister of Labour to go with the impression that we wish Price Control legislation which is absolutely essential to the community in these days of inflation, to be without the necessary teeth. Certainly, let us give the Minister the powers, let us give the Consumer Protection Office the powers that it requires but let us not, in our keenness to do justice, in some cases create a very large source of potential injustice.

HON A J CANEPA :

I do not think, Mr Speaker, that the Hon Major Peliza should be particularly surprised that the Hon Mr Bossano is in agreement with what the Government proposes to do and

intends to support the Government. There is nothing surprising in that. What is more surprising is that a member of the Parliamentary Group, Major Peliza himself, should in the past have voted with the Hon Mr Bossano and against his other colleagues. Major Peliza spoke as if the Government is contemplating the introduction of a totalitarian State. What sort of society does the Government have in mind, he said, one with increasing price control and people going around snooping? Surely, Mr Speaker, what the Government intends to do, the best yardstick of that and the best way to judge, is what it has been doing in the past and I challenge anybody in this House to say that the way that the Government has gone about its business in price control matters has not been fair and objective. I challenge not just anybody in this House but outside the House because I know that that is not the view of traders. Traders in Gibraltar believe that the Consumer Protection Unit, or to give it its proper name, the Fair Trading Standards and Consumer Protection Unit, gives people a proper crack of the whip, that they are fair and objective and there is a good working relationship between the trade and the Unit, based on trust. Trust which, primarily, has been engendered, I will not say by myself, because they only act on my behalf, by the very senior officers in the Department concerned.

HON M XIBERRAS:

If the Hon Member will give way. I think the criticism has not been from this side of the House that the Minister or the Government has used its powers in a draconian manner or in an unfair manner, but perhaps I could put it to the Minister that there are many political parties in Gibraltar and we do not want laws in our statute books which would give leeway to people to use in their own way.

HON A J CANEPA:

I could not agree more, Sir, and it is precisely because there are many political parties in Gibraltar that this one is going to remain in office for very many years to come. Let me assure the House, as I have assured the Chamber of Commerce, that the Government does not have any wideranging plans about extending price control. If we wanted to we could under the existing legislation. We do not need any extra powers to widen the range of price controlled items. We have the powers now, we are not seriously thinking of extending the range of articles currently under price control. The Hon Mr Bossano rightly said that it is cumbersome, it is difficult to do so and we do not want to have more than what is absolutely necessary and, by and large, these are essential items and

that is what they should remain. In fact, I have got a good mind to get rid of one or two, to de-control one or two, were it not for the fact that price control on those matters was introduced by the previous administration and therefore they might not be very happy about what might appear to be a retrograde step and I am referring to draught beer and cigarettes which I do not consider need to be controlled but it would, perhaps, be a retrograde step to do so. Having said that we have no plan to significantly widen the extent of price control, I should also say that I have serious doubts about the extent to which so-called free competition works.

MR SPEAKER:

We must not extend the orbit of the debate. There has been no allegation whatsoever in anything that the Opposition has said that it is the intention of Government to extend price control. I have let you say what you said because it is fair enough but we must not go beyond that. You must reply to what has been said.

HON A J CANEPA:

I was just replying to a remark made by the Hon Mr Isola. I was going to go no further than that. I certainly was not going to go into any wide discussion about trading practice and I have no intention of doing so. We have the powers, Mr Speaker, at the moment, under section 3A of the Ordinance, through an amendment that was introduced in 1974 following the recommendations of Dame Elizabeth Ackroyd that the Government should strengthen its powers in price control, namely, that we should give teeth to the legislation, we have the power at present, Mr Speaker, to investigate into a complaint received from a member of the public about alleged over-pricing. If a member of the public purchases a washing machine and feels that he or she has been overcharged, they can come along to the Consumer Protection Department and make a complaint and we have got the powers to investigate this complaint. These are not price-controlled but the powers are there. The only thing is that a specific Warrant would have to be issued to an Officer in the Department to investigate into this. It could well be that by the time the investigation has been carried out, if you are dealing not with a washing machine, if you are dealing with a pair of shoes, the pair of shoes may no longer be available and therefore your investigations, by and large, have been futile because all the shoes in question in the intervening period by the time the Governor issues the Warrant and the invoices, because it would be the Officer himself who would have to go to the Revenue Department and search for the particular invoice and not go into the shop and ask the shop owner to produce the invoice applicable to that particular pair of shoes, by the time

obviously all the machinery has been put into motion, the whole object of the exercise will have been futile. But the powers are there, the powers exist, and all that we are doing in the proposed Bill is to make the machinery less cumbersome. The point that the Hon Mr Isola made about any person being authorised by the Consumer Protection Officer in writing is one that we will consider and I think we will bring an amendment to allay any worry. On the other points the Hon Gentlemen opposite have not convinced me because they are barking up the wrong tree. I am completely satisfied that we are going about this the right way. As I say, just to be absolutely certain that we are getting it right we will bring that amendment but in practice I do not know who it is that the Consumer Protection Officer can authorise other than the people already in the Schedule, unless he wishes to authorise his typist, but that might not make a great deal of sense. He could authorise his typist but in practice I think he is sensible enough not to do that. In fact, he has assured me already that even though he himself, the Assistant Consumer Protection Officer and the Inspectors will be issued with a Warrant, investigations will only be conducted by himself and by the Assistant Consumer Protection Officer until we are satisfied that proper procedures are working. Let me say that on these matters the instructions do filter down. This is not a police force with 180 or 200 constables, we are dealing with three or four people whom I know personally, who come to my office to see me to discuss whatever necessary changes are required in price control matters and the instructions will filter down because this is the way that they feel about it, this is the way that they go about it.

HON M XIBERRAS:

If the Hon Member will give way. Would he also, even at this early stage, give an assurance that those persons are no reflection on existing post-holders, that there is no repetition in this particular branch of the service of what there is in other branches of the service where people with direct business interests are empowered by superior officers to look into the books of firms in which they might very well be in direct competition?

HON A J CANEPA:

That is not really the point under discussion, Mr Speaker. I can tell the Hon Member that even though the Council of Ministers or any Council of Ministers, does not make appointments, nevertheless, as for instance we have done in the case of Prison Officers, we do ask the Public Service Commission to take certain matters into account when selecting applicants and I have no doubt that the Public Service Commission must be very careful when

appointing anybody in Gibraltar to the post of Assistant Consumer Protection Officer and Consumer Protection Inspector that such people do not have any trading interests. Of course, they must be careful. Having said all that I do not wish anybody to go away with the impression that we do not get complaints in the Department. Regular complaints are received from members of the public, not just on price control matters, on other matters, and usually a courteous approach to the traders concerned delivers the goods and we manage to put matters right. But there are two areas where I am worried about and where, perhaps, an extension of price control ought to be seriously considered. We very often find when we get an application from an importer, a wholesaler, to increase the price of price-controlled goods, we very often find that amongst the evidence which is submitted in support are the very considerable charges which they are having to pay in respect of, for instance, repairs to vehicles, vehicle spares, and this is an area that we would like to investigate to satisfy ourselves whether there is a need for price control or whether there isn't. Perhaps there is not but we are getting regular complaints and we would like to look into the matter. The other one that I should mention, which I have already mentioned before, are shoes. At first sight it does appear, if one looks around, it does appear that perhaps there might be some justification in levelling charges in certain quarters of overcharging. Again, we want to satisfy ourselves that people are not making an exorbitant profit. They may not well be and there are all sorts of considerations to be taken into account when investigating into a particular item. Shoes, for instance, the extent to which fashion changes and so forth.

HON M XIBERRAS:

Do it by Warrant.

HON A J CANEPA:

No, you cannot do it by Warrant unless a specific complaint is received. Mr Speaker, may I reiterate that the powers that currently exist under section 3A require a specific complaint, a specific allegation to be made and then a Warrant to be issued by the Governor specifically to investigate that complaint. So if I go and make a complaint that I have been overcharged in a particular pair of shoes, that does not enable the Government to investigate generally into profit margins in this particular line of business. That is what we would like to do and we have not got the power now to do it. We cannot, it is impossible to do it. We have tried and we have failed. Let me assure the House, Mr Speaker, that we are very circumspect in these matters. We are very careful and we will not do anything that is going to unduly inconvenience people, that is going

to put people out of business or anything like that. That is not the way that we work. We have been fair in the past and we will continue to be fair.

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

The Hon I Abecasis  
The Hon J Bossano  
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 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 Bill was accordingly read a second time.

HON A J CANEPA:

Mr Speaker, may I give you notice that I intend to take the Committee Stage and next Reading of this particular Bill at the next meeting of the House.

THE PRISON (AMENDMENT) ORDINANCE, 1978

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Prison Ordinance (Cap 129) by creating a Parole Board, providing for eligibility for release on licence and matters incidental thereto and to make other minor amendments to the Ordinance 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 the Bill



be now read a second time. The main purpose, as those members who read the Bill will have appreciated, is to create a Parole Board and to set up, if I might put it, the machinery and the guidelines for the Board. If I might turn firstly to Clause 4 of the Bill, this repeals the existing section 57 which deals with Parole, and which gives the function of advising on parole to the Prison Board, that section is repealed and it is replaced by the two new sections in the clause. I think the first new section 57A does not require very much explanation. It states there should be a Parole Board consisting of not less than three members appointed by the Governor, it provides for a temporary appointment, it provides for a quorum to consist of at least three and allows the Board to regulate its own function and provides that it shall report to the Governor ~~at least~~ after the end of the year. *as soon as possible* The next section is, perhaps, the important one. The first point is that sub-clause (1) lays down that a person may be released on parole after he has served one-third of a determinate sentence or twelve months' imprisonment, whichever expires the later. At the moment there is no provision in the Ordinance and, in fact, theoretically a prisoner would be eligible for release on parole after he has been in prison for a week. Now, he will not be eligible until he has been in for a year and this is the corresponding provision in the United Kingdom, third of sentence or a year whichever is the more. Subclause (2) deals with the case of a person who is not serving a determinate sentence. It is either a person who has been sentenced to imprisonment for life or, in the case of a person under the age of 18, who could not be sentenced to life imprisonment but is sentenced to be detained during the Governor's pleasure, that is the same both in Gibraltar and in the United Kingdom. In those cases he can be released at any time but if he has been sentenced to imprisonment for life the Governor cannot release him until he has consulted with the Chief Justice. It does not say that the Chief Justice's consent is necessary but there must be consultation, I think this is appropriate because, as members will appreciate, offences which carry life imprisonment are somewhat serious on the whole and it is only appropriate that the Judiciary should be in a position to tender advice to the Governor who is eventually, of course, the person who decides whether to release on parole or not. Sub-clause (3) is what I might call the humane provision where a person may be released on parole if he is going to a funeral, there is a particularly close relative dying, then he can be released for a short period and in those circumstances the Governor is not required to consult the Parole Board because, quite clearly, it may not be possible to get the Parole Board's advice in time. Urgent message arrives at the prison, Mr X's child has died, may he go? Perhaps one member of the Parole Board is out of Gibraltar, another one is busy, it is not possible, so you want to put in that provision.

Sub-clause (4) says that parole may be either for a particular period or until the end of the sentence so you can release a man on parole for a month, if necessary, rather than releasing him on parole for the rest of his sentence and, presumably, if it is found that on a shortened parole he behaves properly and there are no problems then, once again, you can give him full parole for the rest of his sentence. Sub-clause (5) provides that conditions may be imposed in the parole, that it is very reasonable, and sub-clause (6) that the Governor may revoke. Sub-clause (7) provides that if the person does not answer if his parole is revoked, does not come back, then he is deemed to be unlawfully at large and can, of course, be arrested, that is plain common sense. Any time he is unlawfully at large then that does not count as part of his sentence. Sub-clause (9) provides that any period of imprisonment between actual conviction by the Supreme Court and actual sentence shall not count as part of his sentence for the purposes of parole only. It counts as part of his sentence for determining when he is eligible for release at the end of the sentence taking into account remission but it does not count in so far as parole is concerned. That is the same in the United Kingdom. Lastly, sub-clause (10) makes it quite clear that the Parole Board can consider a case for parole before the man is actually eligible so they have not got to wait until the minimum period is up before they can consider it. They can consider it beforehand but, of course, he cannot be released beforehand, he has got to do his minimum time. The other two small provisions in the Ordinance, Clause 2, at the moment a prisoner only works if he is certified fit for work. It is considered more simple to provide that he shall work unless he is certified to be unfit for work. He is always examined by a doctor before he goes into prison so the doctor at that time will be able to certify, and until there is a certification he is not fit to work then he works. Clause 3 is a purely administrative provision. At the moment the medical officer is expected to inspect the prison, drains, lavatories, sanitary facilities, food. It is considered much more appropriate that this should be the Chief Public Health Inspector or a member of his Department and, in fact, clause 3 imposes the burden on him. Mr Speaker, I commend the Bill to the House.

HON MAJOR R J PELIZA:

Mr Speaker, we welcome the Bill and there are, I think, considerable improvements. The question of inspection just pointed out by the Attorney-General is a very good idea. It should, I think, at least prevent the quality of the food being below that expected and, perhaps, even prevent complaints having to be made. As to parole itself, I think it is something overdue in our society and should

decongest the prison to a large extent and also enable those who are serving a sentence to be given the opportunity of reform in and amongst the society in which they have to live the day that the release comes with, of course, always the provision which is clearly laid down that they can always be brought back into the prison if it is found that the individual concerned is not conforming with the behaviour that was expected from him. I think it is very welcome and very needed, particularly in Gibraltar, and it is gratifying to see what was once considered in this House very seriously due, that a measure has been taken to try and see if this can be resolved.

HON ATTORNEY GENERAL:

I would merely say that I hope the Hon and Gallant Major Peliza is not suggesting that we are introducing parole for the first time now. We have had parole here since 1975. His remarks seemed to me to be suggesting that this Bill was introducing parole. Of course it is not so doing.

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 stage of this meeting, today, if we should reach it and if all members of the House should agree.

This was agreed to.

The House recessed at 5.10 p.m.

The House resumed at 5.35 p.m.

THE SUPPLEMENTARY APPROPRIATION (1977-78) (NO.5) ORDINANCE 1978.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move that a Bill for an Ordinance to apply 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 and the Bill was held a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move that the Bill be now read a

second time. The purpose of the Bill is to appropriate, in accordance with section 65(3) of the Constitution, a further sum of £1,138,776 out of the Consolidated Fund and to appropriate, in accordance with section 27 of the Public Finance (Control and Audit) Ordinance, a further sum of £40,500 out of the Improvement and Development Fund. The purposes for which these further sums are required are set out in detail in the Schedules of Supplementary Expenditure which I tabled at the commencement of this meeting. I beg to move.

Mr Speaker 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, Sir, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken at a later stage in this meeting and, if the House so wills, today, if we reach that stage.

This was agreed to.

COMMITTEE STAGE

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move that this House resolves into Committee to consider the following Bills clause by clause:

The Prison (Amendment) Bill, 1978;

The Supplementary Appropriation (1977/78) (No.5) Bill, 1978.

This was agreed to and the House went into Committee.

THE PRISON (AMENDMENT) BILL, 1978

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

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

THE SUPPLEMENTARY APPROPRIATION (1977-78) (No.5) BILL, 1978

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

Schedule

MR SPEAKER:

We will now consider the Supplementary Estimates as part of

the Schedule. We will start with Supplementary Estimate No.6 of 1977-78.

HON CHIEF MINISTER:

Mr Speaker, since all the items in this Supplementary Schedule deal with one simple event, I suggest that unless there is any comment on the first one that the others be taken as agreed.

HON M XIBERRAS:

Mr Speaker, I would ask the Government, generally, about this payment of the interim award at the basic rate of £250, whether, in fact, all these payments have already been made to all officers in the Government service? I had complaints shortly before Christmas that some people had not been paid the £250 yet. Could the Financial and Development Secretary give us an idea as to whether everybody has been paid the amount, and whether the payment to some people was delayed unduly and, if so, why?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, as to the first part I cannot say categorically that every single officer to whom the £250 allowance is due has in fact received it. I have certainly no personal knowledge that anybody is still awaiting it. As to the second part I can assure the Hon Leader of the Opposition that there was certainly no undue delays other than the sheer physical work involved in getting out the payments. I have just been informed by the Hon the Chief Minister that one group certainly took a long time to make their minds up whether they wanted it or whether they did not want it but as far as I know when they did make their minds up it was paid without any undue delay at all.

HON M XIBERRAS:

If I remember rightly, there were a number in Refuse collection who told me shortly before Christmas that they had still not been paid.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I have no knowledge of that at all.

HON M XIBERRAS:

My question was aimed at seeing whether there have been any undue delay in the payment of those who had agreed.

MR SPEAKER:

I will then ask the Clerk to call exclusively the item number and we will take a vote on each.

Items 1 to 27 were agreed to.

Schedule of Supplementary Estimates No 6 was agreed to and passed.

Schedule of Supplementary Estimates No 7 of 1977/78.

Item 1, Head 3, Customs

HON G T RESTANO:

Mr Chairman, can I know what these vehicles are used for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not certain how I should answer that question. It is one vehicle which is assigned to the Customs and is used for Customs Duties.

HON G T RESTANO:

Did the Hon Financial and Development Secretary say there was one vehicle because I think it is in the plural in the remarks column.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is the standard title for the subhead which runs throughout the Estimates - Maintenance and Repairs of Motor Vehicles.

Item 1 Head 3 Customs, was agreed to.

Item 2, Head 4, Education

HON M XIBERRAS:

Sir, Item 3 Sacred Heart Terrace lease.

The House has shown an interest, I think, in this particular matter from time to time. Could a member of the Government inform us as to what the present position is in respect of the lease and the terms of the lease?

HON M K FEATHERSTONE:

Sir, we have taken a lease from His Lordship the Bishop for a period of 25 years at the rate of £7,000 per year increasing every five years by 5% per annum.



HON M XIBERRAS:

And the use to which the premises are going to be put?

HON M K FEATHERSTONE:

We hope when we get some financial provision to turn it into a school to take over the St Mary's Middle School.

HON M XIBERRAS:

And the lease comprehends the whole of the school exclusive of the living accommodation?

HON M K FEATHERSTONE:

No, the school includes what used to be the accommodation of the Brothers.

HON M XIBERRAS:

But I would imagine that as regards the living accommodation it is Government's intention to adhere to flats for teachers or is it going to be used as part of the school as well?

HON M K FEATHERSTONE:

Part of it will be used as part of the school. We will have to drive corridors right through because of fire regulations.

HON M XIBERRAS:

Is it not intended to use it for living accommodation?

HON M K FEATHERSTONE:

No, not at the moment since we hope that most of the teachers will be able to go to the Red Ensign Club once it is done up.

HON M XIBERRAS:

There has been a change therefore on the previous position of the Government in this. I seem to recall that it was going to be used originally for accommodation for teachers.

HON M K FEATHERSTONE:

It was going to be originally because the number of teachers we had would be more than the Red Ensign Club could take, but a number of teachers have found private accommodation already so that we feel that the Red Ensign Club will be adequate for them.

HON M XIBERRAS:

Is it a fact that St Mary's Middle School would require the whole of the premises?

HON M K FEATHERSTONE:

Yes, at the moment St Mary's Middle School has got an Annexe in Castle Road and the idea is for the whole school to be in one place.

HON M XIBERRAS:

Mr Speaker, on the Teacher Training and Development. The additional financial provision required is for the maintenance of the trainees?

HON M K FEATHERSTONE:

Since these people are under United Kingdom Technical Assistance we follow the United Kingdom Technical Assistance gradings and they increase for maintenance usually in September. We normally do our increases for our scholarship people in April but this comes through in September and we have to follow suit.

HON M XIBERRAS:

Is there a comparable increase for scholarship holders?

HON M K FEATHERSTONE:

No, that will probably be coming in this Budget like we did last Budget, in April.

HON M XIBERRAS:

Item 4. Share of running expenses of the Gibraltar and Dockyard Technical College. This is on the basis of 50% share agreement, Mr Speaker. What sort of a case has been made out by the College?

HON M K FEATHERSTONE:

The main reason why this has come so late is due to the CPSA dispute. They did not work out any accounts for last year and we had to do it mainly on guesswork of the previous year. They do provide a Statement of Accounts. I am afraid a great deal of the money goes on Personal Emoluments to Overseas Staff, otherwise it seems to be reasonably justified.

Item 2 Head 4 Education was agreed to.

Item 3, Head 5, Electricity Undertaking

HON M XIBERRAS:

Could the Minister concerned say, roughly, what is the Staff at the Generating Station now? Has the introduction of shifts meant an increase in the staff?

HON MAJOR F J DELLIPIANI:

The staff is still the same.

HON M XIBERRAS:

At what level, roughly?

HON MAJOR F J DELLIPIANI:

I will find out. It is based on four shifts.

Item 3, Head 5 Electricity Undertaking was agreed to.

Item 4, Head 7, The Governor was agreed to.

Item 5, Head 8, House of Assembly was agreed to.

Item 6, Head 11, Judicial, (2) Supreme Court was agreed to.

Item 7, Head 12, Labour and Social Security

HON A J CANEPA:

I would like to clarify the item on Supplementary Benefits. The increase in the rates was not with effect from 1 1 77, it was from 1 1 78 and the reason for the increase is that there were more people on Supplementary Benefits than anticipated.

HON M XIBERRAS:

On the first item there, General Office Expenses, does the £500 cover the case of one Mr J Wilkie?

HON A J CANEPA:

I do not know, Mr Speaker. It probably does if there have been hearings. The Hon Member might tell me whether there has been a hearing in respect of this at all.

HON ATTORNEY GENERAL:

Mr Chairman, if I might be allowed a little latitude. In view of the question put by the Hon Leader of the Opposition at the last meeting of this House, I have been pushing

gently the Counsel concerned to inform me whether they are about to take the necessary action to obtain a judgement in this case and I think proceedings will be issued within the next week or so.

HON P J ISOLA:

I would like to refer to the initial financial provision to meet higher electricity and water charges in the hostels. Item 13 - Accommodation for Labour. Presumably the electricity and water is included in the rent charged. Is there a corresponding increase in accommodation rates?

HON A J CANEPA:

We have recently increased the accommodation charges at Devil's Tower Hostel from £5 to £7 a week and I have informed representatives of the Moroccan Workers' Association, who came to see me with the District Officer of the TGWU, that I intend to increase the charges, generally, at the hostels as soon as there is an increase in wages. I thought it fair because of the delay in the public sector that we should not increase the charges in anticipation of increases in wages but the increase in charges is going to have to be dependent on the increase in wages because we have got to pay the same wages to our own employees. Whilst we are on this subject perhaps I might inform the House at this stage that we have given notice to the residents at North Pavilion Hostel, which is a small hostel accommodating about 60, that we propose to close the Hostel down at the beginning of March. It will mean considerable savings of not less than about £20,000 a year. We are doing rather badly on the Hostels. Revenue is seriously down and the Hostels are being very heavily subsidised by the taxpayer and we are taking this measure to rationalise. We have got room at Casemates so we might as well put everybody under one roof if we can. I can also inform the House that the Government has quite considerable plans involving very substantial expenditure to carry out major improvements at Casemates, and I mean major expenditure. In fact, I can inform the House that it is an item which has been put into the Development Programme.

HON M XIBERRAS:

Mr Speaker, would the Minister bear in mind, however, that the less accommodation is provided by the Government the greater the pressure on housing as workers from abroad move in to the private sector of housing.

HON A J CANEPA:

Yes, it is not entirely germane to what we are discussing

but the two really go hand in hand. We are being careful, also, about the extent to which our immigrant labour force is moving into the private sector and taking up accommodation which is required by Gibraltarians. We have not lost sight of this.

HON M XIBERRAS:

The item specifically says "Cost of Maintenance and Repairs to Hostels". Does the item refer to Devil's Tower Hostel?

HON A J CANEPA:

No, probably not. Mainly here we have been renewing the bedding at Casemates. New mattresses, sheets, and so on and the day-to-day maintenance of a minor nature such as broken windows, doors, but mainly the other hostels.

HON M XIBERRAS:

My final question, Mr Chairman, is what about the occupancy of hostels, say, at Devil's Tower?

HON A J CANEPA:

At Devil's Tower the numbers are very low. There are only about eighty there now and the capacity is for 300.

HON J BOSSANO:

I would like to ask the Hon Member whether he agrees that if, in fact, pressure were not put on people to leave the hostel when they lose their job it might be possible to increase the occupancy.

HON A J CANEPA:

There is no pressure. There might have been pressure three years ago when we had a very serious problem with lack of beds. In fact, so much so that the Government was contemplating purchasing the Filipino hostel - I am talking of eighteen months' ago - for this purpose. Now we are going to purchase the Filipino hostel but for another purpose, to help my colleague with his problems of decanting. There is no pressure now for beds. We only have about 650 residents at Casemates whereas in the past Casemates in difficult times has accommodated as many as 930. There is no reason why pressure should be put on anybody to leave his accommodation because he is out of a job. I am sure the Department can be much more amenable even than it was in the past, provided the individual can pay for his bed.

HON J BOSSANO:

Would the Minister agree then, for example, that workers who are seeking employment should be allowed to use the Government hostels as well?

HON A J CANEPA:

If they have become unemployed, they are receiving unemployment benefit and they are going to be with us at least for three months, if the prospects of their becoming re-employed are good, because we are finding that some people who have become unemployed because of the changing situation do not have very good prospects. What used to be more essential labour is now less essential because of something of a recession. I think in the past the practice was to give about a week and may be turn a blind eye for another week and there is no reason why the Department should not be more flexible on this. I have not issued instructions to that effect but they could be. I am sure that, in practice, no one should find any serious problem in this respect. The beds are there.

HON MAJOR R J PELIZA:

Perhaps the beds are there because there is no Development Programme and therefore there is not enough labour required? The Minister said he was going to shut down one hostel and was not going to buy one from the Filipinos but if there is a Development Programme wouldn't the situation change?

HON A J CANEPA:

I do not think this is the occasion to discuss the Development Programme but the beds are there for two reasons: there is less immigrant labour in Gibraltar than what there was, say, a year ago or 18 months' ago and there has been some move of immigrant labour into the private sector of housing. There are certain areas in Gibraltar that are being almost entirely taken over by immigrant labour.

HON MAJOR R J PELIZA:

Isn't that affecting the local accommodation?

HON A J CANEPA:

Of course. This is probably part of the reason why this morning we were debating the question of the increases in the accommodation lists.

HON M XIBERRAS:

It seems to me, Mr Speaker, that it is a matter of concern

that in a hostel with a capacity of about 300 at Devil's Tower, only 80 beds should be in use. That, I think, is a matter for concern. At one particular time it was the practice of the Department to ensure that the hostel was used at least above that level with a bit of slack for increased development at any particular stage but it seems to me that the old conditions whereby certain firms on Development jobs were almost obliged, as part of the contract, to make use of the hostel has gone into desuetude. That, to my mind, gives rise for concern on two counts. One, it means that private accommodation is being used increasingly by labour from abroad on a sharing basis creating, perhaps, bad conditions in that sector, increasing the pressure on Government housing and, at the same time, we have perfectly good accommodation which is not being used and, apparently, which is being heavily subsidised. Would the Minister not agree that it is time to take a good hard look especially at the Devil's Tower Hostel and, unless, conditions such as the ones I have described can be put on developers, then consideration should be given to making some other use of the hostel. I, myself, am a believer, Mr Chairman, in providing accommodation for the labour that comes in because it relieves a great deal of pressure from the private sector of housing and that is the direction in which to go rather than to make makeshift accommodation for Gibraltarians in the hostel. I think the Minister might consider re-applying the old conditions when the new Development Programme gets under way and enforce developers to make use, as part of the contract, of those hostels. Otherwise we are paying for nothing and we have got facilities going vacant.

HON A J CANEPA:

That is a good suggestion, Sir. The hostel at Devil's Tower is not ideal for Moroccan workers primarily because they prefer to make their own arrangements as regards catering and facilities are not available there, there is a restaurant, and for that reason it is not popular with Moroccan workers and even at the time when we had serious shortages with accommodation and I remember offering up to forty beds at Devil's Tower provided they were skilled workers, there were only a handful of takers and that is the position there, there is only five or six Moroccan workers, the others are European. We are giving very serious consideration and I had very lengthy discussions in the Department last week about making it a condition in the issuing of a work permit, that it should be conditional on accommodation being taken up at Devil's Tower but it is very difficult to discriminate between one hostel and another and one is wondering whether the Government by doing that would not be taking on a statutory obligation almost, or at least a moral one, in future to provide accommodation even over and above what

we are doing now. The suggestion that perhaps it can be made by the Public Works when giving out a contract that it can be made a condition that the labour imported into Gibraltar, fresh labour it would have to be, is put up at Devil's Tower, is one which is worth exploring but if the contracts are going to be given to local contractors with their labour force here already, there could be problems. I am grateful for the suggestion and I think it is worth pursuing.

HON J B PEREZ:

Mr Chairman, in view of what the Hon Minister has said that immigrant workers are moving into the private sector, could he inform this House of how many licences there are in existence in connection with the Accommodation of Labour from Abroad Ordinance?

HON A J CANEPA:

I do not know what the figure is, Sir. It does not really come under my Department, it comes under my colleague's Department but they are very considerable, there are very many licences. The Labour from Abroad Accommodation Rules are being currently and for some time now being applied rather more stringently than what they were at the time when we had very serious difficulties.

HON M XIBERRAS:

Is Devil's Tower Hostel fully manned?

HON A J CANEPA:

Yes, over full if one is to judge by a letter in last Saturday's Gibraltar Evening Post.

HON M XIBERRAS:

Mr Speaker, it would seem to me that a good hard look is necessary because we have had that level of occupancy now for quite a while.

HON A J CANEPA:

No, it has gone down in the last year or so when we had it at about 150 or 160 for about two years.

HON J BOSSANO:

The Minister mentioned that the Moroccan workers did not find the hostel attractive because they liked to make their own catering arrangements and that there was a restaurant. In fact, the restaurant is closed so would he not agree that one of the factors that has tended to reduce the number of people staying there was the closure

of the restaurant?

HON A J CANEPA:

If the Hon Member will give way, I can answer that. Even at the optimum level that we have had of 150 or 160 residents there, not more than about 30 were making use of the restaurant and with 30 having their meals there we could about break even or make a small loss but since about April last year the numbers have gone down to a mere ten or twelve and we were making rather huge losses on the restaurant so we closed it down. I do not think that has been a deterring factor.

HON M XIBERRAS:

Was the restaurant given out to people to operate or was it operated by the Government?

HON A J CANEPA:

It was originally given out in my Hon Friend's time to somebody. He did not operate it very successfully so it was taken back and taken over by the Government and run by the Government for about three or four years.

HON J BOSSANO:

Would the Hon Member not agree that, in fact, if he is looking at the rent of £7 just for sleeping there without the possibility of either cooking one's own meals or being able to obtain a relatively cheap meal on the premises, he is going to find himself in great difficulty in increasing the occupancy. Would he not agree that it might be better to try and fill up the hostel and have a lower rent than have a hostel practically empty with a very high rent?

HON A J CANEPA:

I agree with the Hon Member that we have got to do some rethinking fairly soon and we are in the process of considering some ideas about what the future of Devil's Tower Hostel is going to be. Perhaps the answer might be that, to have a very, very low charge and hope to fill it up but I do not think we would be able to succeed even then. I can guarantee the House, which obviously has got an interest because it controls the finances in this matter, that we are taking a very serious look about the whole future of Devil's Tower Hostel.

HON MAJOR R J PELIZA:

Is it possible to convert the existing restaurant area into self-cooking facilities for the occupants?

HON A J CANEPA:

It is neither possible nor desirable. It would be dangerous. You have got a hostel there which will burn very easily.

HON M XIBERRAS:

Item 22. Construction Industry Training Centre. Could the Minister give an indication of progress there? Do we have enough people coming into the Centre?

HON A J CANEPA:

It just started in January, Sir, once again, after a lapse of about a couple of years. It has once again started the Labourer to Craftsman A courses. The main reason why we are seeking more money is the fact that PSA are making less use of the Centre than in the past and because the accounting is on a pro-rata basis and naturally the Government share therefore increases proportionately. That is why we need more money.

Item 7 Head 12, Labour and Social Security was agreed to.

Item 8, Head 13, Lands and Surveys was agreed to.

Item 9, Head 14, Law Officers was agreed to.

Item 10, Head 15, Medical and Public Health.

HON G T RESTANO:

What staff shortages have there been?

HON A P MONTEGRIFFO:

Three or four clerks, on and off, during the year. We have been short of Porters too and, of course, we have a perennial shortage of senior staff ranging between six and eight because the posts of senior staff depends on promotion and on people passing examinations and we find that if we try to recruit too many from the United Kingdom they will not come on less than two-year contracts and it may well be that during that period there are people due for promotion and therefore it is not easy to fill these posts.

HON G T RESTANO:

Item 6. Provisions. Are provisions not supplied under contract prices?

HON A P MONTEGRIFFO:

They are supplied under contract prices and this is the

result of prices that went up some time round July or August. I think I am very pleased with this particular vote. Taking into account the inflationary process that have taken place during the year if we can stick to the £4,000 additional provision now required I think we have done alright.

HON G T RESTANO:

Items 9 and 10. Drugs, Dressings, Pharmaceutical Sundries, Medical and Surgical Instruments. Is Government satisfied that it is getting the lowest competitive prices for all these items?

HON A P MONTEGRIFFO:

The prices of the Group Practice Medical Scheme is governed by contract and we are still waiting for the results of the report that is supposed to be produced by the Costing Department of the Ministry of Health as to whether prices go up or down. The reason for the increase is that there are more items being prescribed in Gibraltar than probably in the rest of Europe. Whereas the average in Britain is about six point something, including Jersey and Guernsey which are the territories I am more in contact with, in Gibraltar it is nearly ten. We are in the habit of going to the doctor more frequently. I reckon about 2,200 people a week go to the doctor in Gibraltar. Let me give a warning to the House that I may have to come before the end of the year for more money. The other £25,000 for drugs, these drugs are bought from the best possible sources available. At one time we are talking of generic drugs and there is now a tendency to beware of generic drugs. A wider range of new drugs has come into the market which attracts people and doctors but the World Health Organisation is telling the whole world that with 500 or 600 drugs as they have got in Sweden which is a very sophisticated country, it should be more than enough. The coming into the picture of chemotherapy drugs is creating a hell of a lot of expenses to the drug side of the hospital. As regards the dressings etc, they have gone up by about 10% to 15% in the last few months.

HON G T RESTANO:

On the question of the amount of drugs being prescribed being so much higher in Gibraltar, has the Minister put this to the doctors and has he had a reaction from them?

HON A P MONTEGRIFFO:

I have put this to the doctors and I have put this to the chemists. At long last both the Health Centre doctors and the Consultants have agreed, in principle, to try and work

on the national formula of Jersey which is prepared by the Ministry of Health. Whether they will finally agree to that or not is another matter because if it is a case where they do not agree it is very difficult to push down the doctors' throats what they ought and what they ought not to prescribe and certainly though I will try to persuade them to be reasonable I will not stop them prescribing what they think is right.

HON M XIBERRAS:

Mr Chairman, could the Minister explain who decides on the range of drugs to be used?

MR SPEAKER:

I would like to say that these are Supplementary Estimates and not Annual Estimates.

HON M XIBERRAS:

My question is who makes the recommendations for the range of drugs?

HON A P MONTEGRIFFO:

The doctors are free to prescribe. I am trying to persuade them to stick to a national formulary that is reasonable for Gibraltar. In Britain they have got a national formulary but nobody sticks to it. They use the national formulary of the commercial people and that is the one they use in Britain and, by and large, the one that is being used in Gibraltar.

MR SPEAKER:

Am I right in saying that what you are being asked to vote is a sum of money due to the increase in the cost of drugs and not due to an increase in the use of drugs?

HON A P MONTEGRIFFO:

Sir, the actual cost of drugs under the GPMS have risen slightly. The cost per item has very slightly risen but the number of people and the number of items have increased because people have attended the Centre more. We are getting, roughly, about 1,700 to 1,800 a week.

HON M XIBERRAS:

I am talking, Mr Speaker, about that element which is due to increase in the cost of drugs and I am talking not of the drugs that the doctors are prescribing at the Health Centre, I am talking about the drugs which are prescribed within the Hospital, which are used within the Hospital, and I am asking who decides on the use of those drugs and what drugs are available for use

in the hospital?

HON A P MONTEGRIFFO:

The doctors only.

HON P J ISOLA:

Item 15. Wages Staff. Could I ask what the efficiency bonus is about?

HON A J CANEPA:

This is a weekly payment of £2 which has been negotiated with the TGWU. It covers all industrials employed by the Government and in exchange for their complying with certain things, doing certain things or not doing certain things, for instance, not having certain restricted practices or demarcation and so on, they are paid this bonus of £2 a week. When this was negotiated it was too late for the payments to be reflected in the Estimates of the current financial year. I think the agreement was negotiated early in 1977 and therefore the Estimates had already been sent in.

HON P J ISOLA:

Isn't this word a bit of a misnomer? Can the Hon Minister explain how you can be efficient if you are engaged in a go-slow action. Did it cover that period as well?

HON A J CANEPA:

Yes, but the Government does feel, in fairness, and I know that the other Official Employers feel likewise, there should be a limit in the extent to which one should knock our employees. I think we must keep a sense of balance. We feel that we are getting something in return for that money. We certainly do and I know that the other Official Employers share this view.

HON P J ISOLA:

I am not objecting to it in any way but it just seems a little bit odd to call it "Efficiency". Why did that term arise?

HON A J CANEPA:

It is the equivalent of an Efficiency Agreement that they had in UK.

HON G T RESTANO:

Item 21. Medical Expenses of Government Employees.

Can we have an explanation of what these claims are.

HON A P MONTEGRIFFO:

A greater number of Civil Servants who were previously entitled to get free medicine, get the refund for the fees they pay to the doctor and there are a greater number now of Civil Servants attending the Health Centre.

Item 10 Head 15 - Medical and Public Health was agreed to.

Item 11, Head 15 Police was agreed to.

Item 12, Head 18 Post Office, Savings Bank and Philatelic Bureau (2) Philatelic Bureau

HON G T RESTANO:

I think on a past occasion the Minister said that he was considering reducing the commissions to agents. Has he in fact reduced these in any way, or are these at the same level?

HON I ABECASIS:

The existing agents will keep the same commission. If we appoint some others then we will look at it. What I said the last time is that if we appoint new agents then we would look at the question of their commission.

Item 12, Head 18 Post Office, Savings Bank and Philatelic Bureau was agreed to.

Item 13, Head 19, Prison was agreed to.

Item 14, Head 20, Public Works was agreed to.

Item 15, Head 21, Public Works Annually Recurrent

HON J BOSSANO:

Item 24, Importation of Water. The note in the margin says that it is offset by Revenue of £43,954. Does that mean that you were buying the water for £80,000 and selling it for £43,954?

HON M K FEATHERSTONE:

No, Sir. When we started the year we decided to import ourselves 100,000 tons of water. Then the MOD asked us if we would import 50,000 tons for them which we agreed to do. The £80,000 is the actual cost of the purchase of the water which theoretically was to go to MOD but as we have been rather short of water ourselves we have kept some of it and only some £43,000 has been sold to MOD.

Item 15 Head 21 Public Works Annually Recurrent was agreed to.

Item 16, Head 24, Secretariat

HON J BOSSANO:

Item 7, Rents of flats and offices. The additional provision required to meet the rents of flats. Has the Hon Minister for Labour considered putting some of these expatriate officers in under-utilised hostels and making a saving under that Head?

HON A J CANEPA:

It might be very difficult to do so, Sir, because invariably they are accompanied by their families. For instance, I happen to know under my Consumer Protection hat that it is quite likely that the two Trading Standards Officers who are being provided for here are married with young families. I recall having had professional people such as teachers accommodated there. There is no problem in that respect.

Item 16, Head 24, Secretariat was agreed to.

Item 17, Head 25 Telephone Service

HON MAJOR F J DELLIPIANI:

Mr Speaker, I would like to take this opportunity to give the information that the Leader of the Opposition asked regarding the shifts at the Electricity Generating Station. It consists of 19 men, in three shifts.

HON M XIBERRAS:

Has there been an increase in the number of men as a result of introduction of shift allowances?

HON MAJOR F J DELLIPIANI:

No.

Item 17, Head 25 Telephone Service was agreed to.

Item 18, Head 27, Treasury was agreed to.

HON M XIBERRAS:

Going back to page 2, Electricity Undertaking, Item 3, Wages. The Explanatory Note reads: "Additional financial provision is sought to meet (a) retrospective payments of new allowances applicable to shift working conditions with effect from 1 10 74 (£15,727)".

HON MAJOR F J DELLIPIANI:

These are the new condition of allowances which applied in UK and we adopted it in Gibraltar.

HON M XIBERRAS:

It turns out, in fact, to about £1,000 per man?

HON MAJOR F J DELLIPIANI:

That is correct, yes.

HON J BOSSANO:

That is going back to 1974, isn't it?

HON MAJOR F J DELLIPIANI:

That is correct.

Supplementary Estimates No.7 of 1977-78 were agreed to and passed.

Improvement and Development Fund, Schedule of Supplementary Estimates No.4 of 1977/78.

Item 1. 104. Tourist Development

HON MAJOR R J PELIZA:

Mr Speaker, is the Government taking into account, when making provision for this new office, the possibility of having a Department within the office to project the image of Gibraltar, not just the tourist side of Gibraltar, but also the political image of Gibraltar to enable Gibraltar to be known amongst Members of Parliament and other bodies and also to keep the public of Britain informed of the situation of Gibraltar. Is any provision being made?

MR SPEAKER:

I am afraid that is a question which is going to be difficult to answer under this particular Head. We are going to have a Budget meeting next month and I am sure there will be a Tourist Vote. All we are being asked to vote now is a Supplementary Estimate of £30,000 to rehabilitate the new premises. With due respect to the questioner we are not being asked to vote monies for the purposes of the Tourist Office and therefore we are not talking about the policy as to whether the Tourist Office should be used for a particular purpose or for another. We are just voting an item for the purposes of extra expenditure.



HON MAJOR R J PELIZA:

Mr Speaker, what I am trying to say is cannot we make better use of that money and therefore I think I am entitled to make the suggestion. Not just spend £30,000 for the tourists only but also for the very important function of having Gibraltar projected into Britain in more than just the tourist aspect.

HON CHIEF MINISTER:

May I help the Hon Member in saying that I have not forgotten the matter that he raised before and we will talk about it perhaps at the end.

HON MAJOR R J PELIZA:

That is a very reasonable answer, Mr Speaker.

HON P J ISOLA:

In these £30,000 is the fitting out of the office included? What does this include?

HON A W SERFATY:

This includes the structural works that we have to carry out because it is a new building and it includes decoration, a counter and furnishing.

HON P J ISOLA:

How is this offset by savings of £26,000?

HON A W SERFATY:

These are works which it has not been possible to carry out during this financial year and which we voted and were included in the Budget. One of them, if I remember rightly, is £14,000 for the repair of the airport roof. I believe the other is some money left from St Jago's where work has not been carried out. It is a Public Works vote.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I speak from memory but Head 107, the principal item under that was £100,000 which was voted for the conversion of St Jago's and to the extent that has not been spent there is £26,000 available for offsetting. It cannot be re-allocated because it is between two separate Heads, hence we have an offset.

HON P J ISOLA:

Could I ask the Minister what is the rent that the

Government is going to pay as compared to the rent in the previous office?

HON A W SERFATY:

In the previous office we were paying £5,500 and we are leaving because we have been asked £15,000 for 800-odd square feet. In this office we shall be paying £3,000 for over double the area for the first year and £9,200 thereafter a year for twenty years and with rent reviews every five years.

HON P J ISOLA:

Doesn't the Minister feel he is getting into a rent racket that he may ill afford in respect of tourist development in other areas?

HON A W SERFATY:

I am not afraid. Britain still is and will continue to be our main market for tourism. Rent reviews will have to bear some comparison with inflation. It is subject to the normal standards of rent reviews.

HON P J ISOLA:

Mr Speaker, the only reason why I asked the Minister that question is because I notice in the Tourist Survey Report and Statistics that they set out in that report what percentage of tourism can be attributed to the tourist agents and so forth, and nothing seems to be attributed to the Tourist Office in London and I was just wondering what useful purpose it is serving, as a matter of interest.

HON A W SERFATY:

For one simple reason and that is that we do not compete with the tour operators and the travel agents. We help them to sell inclusive tour holidays to Gibraltar. We do not compete with them.

HON P J ISOLA:

In other words, the Tourist Office in London does not really do anything productive?

HON A W SERFATY:

Of course it does and the Hon and Learned Member should know that it does because his Hon brother was doing good work from that office and I like to think that I carry on doing it.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member whether he is aware that for an additional £3,500 it would be possible to partition the much larger office that he is acquiring in London so that there would be a lobby like there is in the existing one where people can be received and allow some sort of privacy as there is at the moment where perhaps the people working in the Tourist Office in London might be dealing with tourists' agents or representatives from other Government offices, etc. The money there is not sufficient to allow the thing to be done really properly. With this all that they will be able to do is to patch up the walls of the building and have an open-plan office.

HON A W SERFATY:

I see that the Hon Member knows quite a bit about what is going on. I have had chats with the designers in London and it is not going to be an open-plan. There is going to be an office for the Manager at the end of the shop but there was going to be a small office before getting to the Manager's office, for interviews, which meant that the counter for attending the public was not more than one metre from the door. I did not approve of that so we have put the counter back from the door another couple of metres and they have done away with the small office for interviews. The ground floor will have a Manager's office at the end and an open-plan in front right to the shop front with a counter about 3 metres from the front and there there will be a couple of seats where people can talk and interview. In addition, there will be a room down below of equal area where people can also be interviewed without being upset by anybody. The ground floor will comprise a large room where travel agents in the London and south east area can be attended to and shown all the literature on Gibraltar. There will be a store and lavatory accommodation.

HON P J ISOLA:

Mr Speaker, I am rather intrigued on this question of interviews. Does the Tourist Office keep statistics of the numbers of visitors to the Office on tourist matters and the number of interviews?

HON A W SERFATY:

I have not got them here with me but we have statistics of telephone calls, letters received and people attended personally.

HON P J ISOLA:

Could I ask the Minister if he would be kind enough to bring these statistics when we have the Budget session so that we can evaluate them.

Item 1 Head 104 - Tourist Development was agreed to.

Item 2, Head 105, Miscellaneous Projects

HON M XIBERRAS:

Item 12 (New) Gas Works site investigation structure. Investigation to be carried out of the site. Which part of the gas works site? Is this the part that is going to be used for Government houses, or part of this is going to be used for private development?

HON A W SERFATY:

We may finish up with no private development in the Gas Works site, because the top part of the Gas Works Site is definitely out for housing altogether so this money is required to investigate further the bottom part so that we can design the right type of foundation and it may all be Government housing.

HON M XIBERRAS:

We are talking of the area north of the Rosia Dale site?

HON A W SERFATY:

I am talking about the whole length of the Gas Works site but at the lower level.

HON M XIBERRAS:

Mr Speaker, isn't this an area which has been of considerable interest to Hon Members, they will recall, in connection with Penney House and possible subsidence? I remember receiving a report of the area in question from the Hon and Gallant Col Hoare in his time. Could the Minister make available some information of the sort of building that can be carried out there?

HON A W SERFATY:

This information we shall be able to give when we have made the investigation.

HON M XIBERRAS:

That is what I mean, once the results are available.

Item 2, Head 105 - Miscellaneous Projects was agreed to.

Item 3, Head 107, Government Offices and Buildings was agreed to.

Supplementary Estimates Improvement and Development Fund No.4 of 1977-78 was agreed to.

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 House resumed.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to report that the Prison (Amendment) Bill, 1978 and the Supplementary Appropriation (1977/78) (No. 5) Bill, 1978, have been considered in Committee and agreed to without amendment. I now move that they be read a third time and passed.

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

The House recessed at 6.45 p.m.

WEDNESDAY THE 8TH FEBRUARY, 1978.

The House resumed at 10.40 a.m.

MR SPEAKER:

I think we are on Private Members' Motions.

HON ATTORNEY GENERAL:

With your leave, Mr Speaker, I would like to correct what I said yesterday in my statement on the magazines. In relation to the magazines and the importer, I said that the importer asked to be allowed to send the magazines back whence they came and was allowed to do so. In fact, having been told he could send them back he changed his mind and said to the Revenue: "No, you keep them". They are therefore still with the Revenue but the offer is open and he can send them away if he wishes to do so. In fact, they haven't left Gibraltar.

PRIVATE MEMBERS' MOTIONS

HON J B PEREZ:

Mr Speaker, I beg to move the following motion standing in my name: "This House is concerned at the possible penal effects of the application of the Housing Special Powers Amendment Ordinance, especially those provisions

relating to continuous occupation."

Mr Speaker, way back in 1972, this House passed the Housing Special Powers Ordinance with I believe a certain idea in mind. The main principle was that a person who is a Government tenant, or any person who takes accommodation from the Government, is entitled to possession of those premises provided that he is in personal occupation of the said flat. Certain loopholes arose, I think, in the Courts, as to the interpretation of "personal occupation" and in order to block the loopholes which were there, in 1976 the Housing Special Powers Ordinance was amended and it now provides that personal occupation is defined as having to sleep in this Government house for a minimum period of 270 days. That, I think, is the law in a nutshell, Mr Speaker. The motion says that this House is concerned at the possible penal effects of this legislation, of this amendment, and I can do no better, Mr Speaker, but to remind Members of this House of a very recent case in which the Housing Special Powers Ordinance, as amended, was invoked. I refer to the case concerning a Mrs Recagno. Mrs Recagno was a tenant of a Government house, she had been a tenant prior to eviction, for a period of ten years and the flat in question was No.17 Ark Royal House. During the last month Mrs Recagno has been evicted from this flat under the Housing Special Powers Ordinance on the grounds that she was unable or had not lived in the house for the required minimum period of 270 days in one year. I will make no comment, Mr Speaker, as to whether the law was applied correctly or wrongly because this is not the feeling or the idea behind this motion but what I do want to inform the House is the human element, the human element concerning this case of Mrs Recagno which I feel has been lacking in certain quarters. Mrs Recagno is a widow and has to look after her niece, a Miss Magda Valarino, who is a handicapped child. I believe in fact the family doctor and in fact who is in charge of looking after Magda Valarino is the Hon Dr Reggie Valarino who is a member of the Government at the moment and I think he could very well verify the medical circumstances concerning this girl, Magda Valarino. Throughout the last year Mrs Recagno has had to cook, to wash, to feed and to generally look after Magda Valarino whose parents are deceased, the father died three years ago and in consequence of this and in consequence of a deterioration of the health of this handicapped child, Mrs Recagno has been forced to sleep at the residence of Magda Valarino but she has only done so for this basic reason, out of charity, out of compassion for her niece who has nobody to look after her, she has taken it upon herself to give all the help which is necessary to look after this handicapped child. Mr Speaker, when the amendment was passed in this House in 1976, if I may be allowed to refer to the explanatory memorandum of the Bill which reads as follows:

"The principle Ordinance was enacted for the purpose of ensuring that the best use should be made of Government premises by providing that a tenancy may be terminated where the tenant is not in personal occupation. Difficulties have been caused in the interpretation of personal occupation and in one case at least the intention of the Ordinance has been defeated. For this reason it has been decided to provide that a tenant to avoid being liable to having his tenancy terminated must personally occupy the premises for not less than 270 days in a year and that personal occupation means sleeping in the premises." Mr Speaker, I fully agree that this legislation is necessary. I think it is a good thing, I think we need this in Gibraltar. I think all Members of this House are conscious of the housing problems there are in Gibraltar and I think it is wrong for somebody, for example, to have a Government flat and to be away, say, 9 months of the year in the United Kingdom or even Spain. I think that is morally wrong when you have other families in Gibraltar who are living in extremely bad conditions so therefore I am not quarrelling with the legislation, I am not asking for a change of the legislation, this is not the idea of the motion. What I must point out and what my own personal feelings are is in fact that I believe in the case of Mrs Recagno, the human element, the morality of the matter has gone astray to some extent. What I would ask this House is to vote in favour of this motion to show the concern, the penal effect that this legislation has had in this particular case of Mrs Recagno. May I also add that I could possibly take the opportunity of asking the Government, now that they have got judgement, now that they have got Mrs Recagno, shall we say, half way out in the street, to see if they can possibly see fit not to enforce the judgement only under this special circumstances and in future not to enforce this legislation against a person who is really not at fault, a person who is doing a charitable deed to somebody else, somebody who is looking after a handicapped child which I believe, Mr Speaker, is the strongest case. I would ask Government to see if they can see their way to leaving Mrs Recagno there. After all, it is her own flat, she is a widow, she has been living there for 10 years and, possibly, in the future, not to invoke the legislation in such cases. 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, not for one moment since I saw the motion have I come to any conclusion that I will be able in my intervention to convince, not only members opposite, but even members on this side of the House because I was aware that we were talking of a particular case which is emotive and with which I myself, the Housing Department and I

understand even the courts shared particular concern. However, having said that, Mr Speaker, because it is one isolated case where the human element overrides, it has demanded particular attention. Mr Speaker, I think the Hon Mr Brian Perez has explained briefly the requirements of the Housing Special Powers Ordinance which was introduced in 1972 by the Integration With Britain Party and I think, as the Hon Mr Perez has said, with some merit because it is "an Ordinance to further the proper and effective use of accommodation allotted by the Government in such a manner as to promote the public benefit by providing for the resumption of any such accommodation whenever it is not in the personal occupation of the tenant to whom it has been allotted and for certain ancillary purposes." Mr Speaker, although I will refer to this particular case, it is obvious that we never legislate for a particular case, we legislate for the community as a whole and therefore when one pinpoints a particular case such as that of Mrs Recagno, then one can forget the reason behind the legislation which is to the benefit of the community as a whole. Needless to say, Mr Speaker, that it is quite true that there were a number of Government flats being kept here as holiday flats in the Mediterranean whilst there were people for two and three years living in the United Kingdom, paying rent through a relative and there were nothing less than 53 cases of such a nature. Mr Speaker, as Minister for Housing, I think I need not remind the House of the pressure that exists by people living in overcrowded conditions knowing that next door there has been a house completely unoccupied for very long periods, as I say although it isn't general, we have had a case of three years, of somebody going to the United Kingdom and in the Costa del Sol, having a flat in Gibraltar for the luxury of coming back 15 days per annum. We in the Housing Department get many threats from people on the waiting list saying that they are going to break into a house as it is not being occupied. Mr Speaker, one particular case that forced this Government in 1976 to bring the amendment was a case of a certain gentleman who lives in Algeciras. He is an old age pensioner and he comes to Gibraltar once every four months for a weekend. He would collect his pension on a Friday, stayed here Saturday and Sunday and go back to Algeciras on the Monday. The house was completely unoccupied and he was certainly not dwelling in that house for more than a weekend per 4 months. It was then that this case went to court and the judge ruled that personal occupation did not necessarily mean dwelling upon, and because this gentleman had a table, four chairs a bed and a wardrobe there was an intent of return. In fact, we have never had a case of anybody taking all his furniture and leaving a completely empty house. We have had many cases of people leaving but leaving their furniture there in case things don't go well for them wherever they may be, in order to return. So we

found that the legislation as it stood in 1972 did not cover for the individual who was prepared to go away and keep paying the rent. The Hon Leader of the Opposition, who has been Minister for Housing, very well knows the threats that one gets of places being allowed to be vacant and people saying that so and so is not using the house and that they are going to kick the door in. How can one allow a house to be empty for two and three years? Since 1976, since this amendment was passed, we have dealt with 16 cases in court and since 1972 there has been a total of 53 cases. One can see that between 1972 and 1976 there was much more than the 16 between 1976 and the present date. Mr Speaker, in the case of Mrs Recagno, with which I have tremendous sympathy, the situation is that unfortunately she is compelled to look after the wellbeing of her handicapped niece. The handicapped niece has a bachelor brother and of course he is at work and this poor child obviously requires special attention. They have no other family but Mrs Recagno who very kindly looks after the child and as I say when one looks at this particular case then of course it has the merit of receiving certain consideration as opposed to the other cases which do not merit as much consideration if any at all. Sir, for the last 11 months we have been having representations in the Housing Department that Mrs Recagno has not been living at her residence. It is no secret that it is quite simple for my department to check and find out if there has been any consumption either in water or electricity during a particular period and we find that for the last 9 or 10 months there has been absolutely no consumption in water or electricity and in fact, through the warden structure, it is possible today to check if anybody is at all going to that house. I think it will be accepted by Members opposite that it has not been occupied, it has not been used. Were it not that this lady is compelled on humanitarian grounds to look after her niece, I think this case would not be in issue at the moment. The Hon Leader of the Opposition telephoned me about this particular case and I gave the Hon Member an assurance which I would not give, let me assure Members opposite, to any other case unless the circumstances were similar that if, Mr Valarino, the nephew, was to marry and his wife were to look after his sister and Mrs Recagno was no longer required to look after her niece, Government would reprovide Mrs Recagno with accommodation. What I would ask Members opposite to consider is that the Housing Department and Government as a whole has viewed this particular case with tremendous sympathy but what we cannot allow, Mr Speaker, is for the house not to be occupied. Mrs Recagno, as I say, is now dedicating her life to looking after the welfare of her niece and she is living at the residence of her niece. They are not badly off as regards accommodation and she accepts that she has been living there and not living down at Ark Royal House. One finds, Mr Speaker, that nowadays

people are prepared to come and tell you that so and so has left for the United Kingdom or Canada or wherever. It wasn't so before, in fact, we have had cases of neighbours paying the rent for those people who are absent. Now it is not the case, the moment they get to know it soon finds its way to the Housing Department. I agree that this particular case is worthy of the highest consideration but as the Hon Mr Brian Perez said, legislation in this aspect is required. We cannot allow empty houses in Gibraltar under any circumstances and the best I can do in these circumstances is to enter into a formal commitment as I did with the Hon the Leader of the Opposition that if Mrs Recagno ceases to live with her niece and wishes to be re-accommodated then provided she occupies the house there is absolutely nothing that I will do to prevent her from being re-accommodated. I entered into this commitment with the Hon the Leader of the Opposition and I think he will agree, Mr Speaker, that not only did I say I would reprovide Mrs Recagno but I said I would instruct my department not to enforce the eviction at the time, and I think I gave something like 14 or 15 days grace so that it wasn't any further hardship on this unfortunate lady. However, Mr Speaker, having said that, I think that the general principle of the Ordinance and the general principle of the amendment is required.

HON J B PEREZ:

Could I hear again what commitment the Hon Minister has made as regards Mrs Recagno?

HON H J ZAMMITT:

Mr Speaker, the commitment I entered into with the Leader of the Opposition was that if Mrs Recagno no longer had need to look after her niece and wanted to live by herself and was going to occupy the house, I would reprovide her with accommodation. What is impossible to do today is to hold a house vacant which is unoccupied. The threats are tremendous and I am constantly faced with people saying: "That house is not being used, I am kicking the door in and I am going in." That is the situation. I think, Mr Speaker, that the motive behind the original ordinance in 1972 was well-intended. It was passed because we have a very severe housing problem and we cannot allow people to have a flat in Gibraltar for a mere £5 or £6 a week to come here with the Gibraltar Group for 15 days a year when you see somebody next door in crowded conditions in three rooms and a kitchen and yet you find a 4-roomed flat lying completely unused. As I said before, because of the circumstances in the case of Mrs Recagno, I assured the Hon Leader of the Opposition that it was not a question of evicting and leaving her out. That had to be done because the house was not being occupied but if ever this lady has no need to look after this particular child, then, of course,

Government will reprovide her with accommodation. The legislation in question, as I have explained, is one which is required in the circumstances of Gibraltar's housing situation. Mr Speaker, other than that I am afraid I can add very little more.

HON M XIBERRAS:

Mr Speaker, first of all let me remind the House that it was during my tenure of the office of Minister for Housing that the parent Ordinance, as it were, the Housing Special Powers Bill, was introduced and passed and Hon Members will recall that in introducing it I made reference to the difficulties which there had been within the Government in trying to bring about this very stern piece of legislation and that there had been consultation between the Attorney General at that time and London as to the merits of the proposed legislation on grounds of human rights and so forth. I for one, am under no illusion as to the need for a Housing Special Powers Ordinance and some of my colleagues on this side will recall that it was quite an issue as to whether the legislation came to the House or did not come to the House. Some Hon Members on that side of the House will recall their reaction to the legislation. The Hon Mr Montegriffo, I recall quite clearly, was in sympathy with the object of the legislation but was most critical of the manner in which it had been presented to the House. He thought it draconian, he thought it was the advent of the Police state and members opposite were severely critical of the legislation. I am very glad, listening to the Minister today, that the legislation is on our statute book because, obviously, it has served the community well in its purpose of making the best use of available accommodation. It is, therefore, not with the mind to attack the legislation which I had the honour to bring to the House in the first place that this motion is put forward but rather to bring to the notice of the House the inflexibility of an amendment to that legislation which was introduced in the meeting of 29th June, 1976, and there is not the slightest inconsistency in the attitude of Members on this side of the House in respect of the amendment to the legislation, to the Housing Special Powers Bill, when we bring this motion to the House because Hon Members will recall that we expressed very serious doubts about the amendment. We agreed that there was a loophole in the Housing Special Powers Ordinance, that there was a need for further definition of "occupancy" but we thought that the definition as put into the amendment to the Ordinance was too inflexible and might give rise to difficulty. If Hon Members would care to refer to the Hansard of the 29th June they will see that the Hon Mr Peter Isola spoke about the matter as well as other Members and we warned the Minister that there might be cases where he would not be in a position to exercise discretion and this case of

Mrs Recagno is one such case. I am very glad, first of all, to hear the Minister speaking in this vein about this particular case but I am not surprised because he was, if I may say so, perfectly understanding of the nature of the case and within the limit of the action taken by his department and the decision of the court, he has gone, if not 100% of the way towards meeting my request, and I refer only to the 2% whereby it was not possible to find accommodation for the furniture, I don't know whether this has been done or not. The Minister tells me that this has been done so I can say, within the limits of the judgement of the court and the action of his department, he has met my request 100%. But within those limits only because if one has regard to the judgement in Court, I have it here, the judgement of the court indicates that the Court was aware that this was a case which did not quite fit into the purpose of the amendment and in a sense the court was bound by the nature of the amendment to do something which it was not entirely satisfied with. Mr Speaker, I think that Hon Members on this side of the House would not begrudge the Government an amendment of sorts to cover the point of occupancy, to define occupancy, but the purpose of the motion is not so much to air the case of Mrs Recagno, the purpose of the motion is rather to make the Government consider....the Hon the Chief Minister smiles, I don't know why he is doing it.

HON CHIEF MINISTER:

Because the purpose of the motion normally comes from the person who moves the motion and he said other reasons.

HON M XIBERRAS:

Well, Mr Speaker, I think it was implicit in what my Hon and Learned Friend Mr Perez had to say.

MR SPEAKER:

Perhaps the Hon Member is entitled to say that that is the way you look at the motion. It is a matter of interpretation.

HON M XIBERRAS:

The purpose of the motion as I see it. Mr Speaker, the purpose of the motion, as I see it, is to bring to the notice of the hardpressed Minister, the Minister who is in difficulty over housing already because he does not have sufficient houses to allocate, to bring to his notice the fact that the pressures can lead his department with such a law to be indiscriminate in the treatment of cases, namely, that he will have to deal with all cases in the same way if his department, or his Committee decides to prosecute. I don't think that anybody in the Housing Department can be particularly happy about this case or other cases that might

arise of a similar nature. We have not brought an amendment to the legislation to the House, we have asked the Government and the Minister in particular, to consider the position to see if some legislative improvement can be made to cater for this sort of case. Mr Speaker, again I am sure my colleagues would be available for consultation on this matter to see if there is a way of allowing flexibility both to the department and to the courts. It is a difficult proposition, I agree, but I think it is one that should be attempted. Let us take the case of Mrs Recagno. The Minister has been understanding of this case but is it really fair that a lady who is carrying out an errand of mercy, who is doing a good deed taking care of a handicapped person and dedicating a great deal of her life to this should be dispossessed of her house. This is the point. The point is not, to my mind, whether she has well done by the Government or well treated by the Government, the case is that she is in Gibraltar and a lady of her age might even consider it to be an embarrassment of being dispossessed of her house by the court. That lady, I understand, does not live in the house but she does sleep there with some regularity. The court accepted, I am told, that she does sleep in the house with some regularity and she has her furniture in the house and she has her home in the house. To my mind we cannot for all the pressures in the world and according to the philosophy of Hon Members on the other side of the House when the Housing Special Powers Bill was introduced, we cannot equate this case with the case of the man who lived in Algeiras and took the money from Gibraltar. How can one with a clear mind say that the legislation should apply equally to these two? So, Mr Speaker, understanding fully and sympathising with the pressures on the Minister, I ask him to stand up to these pressures in a different way. I ask him to stand up to the pressures in such a way that he does not treat unfairly the one, two or three deserving cases and that he continues to bring these matters to court in accordance with the spirit of the original Ordinance and that he continues to get possession of houses lying vacant as I would have done in his position. I think this requires a great deal of guts and I think it is absolutely necessary but at the same time we must in this House spare a thought for the deserving case and our legislation should be such that the deserving case is allowed for and that there is flexibility and discretion for that deserving case. Perhaps the Attorney-General could put his thinking cap on and try to devise something and then, of course, we would be much happier with the situation.

HON CHIEF MINISTER:

Mr Speaker, I am reminded of the saying of an old Managing

Clerk I had who before he came to work with me when I was starting very many years ago, he had already done 20 years somewhere else, and he used to say "Woe of the legislation in which both parties are right." This is the situation in this case, that both parties are right in this matter. I commend both the Leader of the Opposition but in particular, if I may say so, the mover, because of the way in which he introduced the motion and I took a good note that he said that he wasn't quarrelling with the legislation and he wasn't asking for a change. It seems that there is a misunderstanding about this question of the possibility of changing the legislation because whatever the legislation says there is no statutory compulsion on the part of the Minister or of the Department to take action simply because somebody doesn't sleep in the house 270 days in the year. Not only is no action taken in a case like this without the prior consent of the Minister, but the matter is then finally decided by the Housing Allocation Committee. It is not only a Ministerial decision though of course it is a ministerial responsibility and he has to answer in this House for the action that he or the Allocation Committee takes. That is the political situation and therefore it is ultimately a matter of judgement and a matter for criticism if the judgement is wrongly exercised in accordance with the views of the other side of the House. That is why I started by saying that this is a case in which it appears that both sides are right because the Minister started by saying: "This is a very exceptional case, this is a case where because of the special circumstances I have given an undertaking and I renew this undertaking and I have carried out my promise to provide accommodation for the storage of furniture," and so on. The easy way out would have been to leave her there from one point of view of one part of the possible criticism to which he would submit himself. On the other hand whereas that would have been easy, as he said before, when other tenants were paying the rent for those who were living next door, other tenants are now telling the Housing Department: "There is a house empty next door. My son-in-law or my cousin has been asking for a house and they are living in very bad housing conditions." Those pressures are the pressures that surely must graduate the extent to which these powers are exercised and if I may say so the fact that 53 cases have been exercised and only one has been chosen for criticism, of a nature, shows that there must have been an element of considerable compassion in the way in which this has been done or, perhaps, considerable judgement. There may be other cases where he should have taken action, I don't know, that is a matter for him and for the pressures under which he is working. Any re-definition of the law would not alter the position in so far as there is no compulsion. This is a civil action taken



under the Ordinance and no compulsion is on the Minister to exercise his discretion but it is of course a political decision and if he takes a line of action in respect of a number of cases at a particular time because of the pressures then being exercised then, of course, he must be consistent. What he cannot do without considerable criticism is to measure out some people in one way and measure out other people in another way. That is what he cannot do and if he does that he does so at the risk of being the subject of criticism. I think there is general sympathy for the Minister in his plight and I would like to take this opportunity of saying that I commend his courage in carrying on and therefore one might commiserate with him on this matter. The case that has been mentioned of course has every possible sympathy but on the other hand what is the Minister to do if a situation such as this however emotional, however sympathetic, he allows a house to go empty for a considerable time whilst other arrangements are being made and whilst most naturally the person thinks that the arrangement may well be of a temporary nature but there are arrangements of a temporary nature that last a life time as we all know and therefore it is a matter that he could well be under very severe criticism not, perhaps, from members of the House but from the general pressure and body of opinion of people who are living in bad conditions. Having said that, it is very difficult for the Government to express concern at the possible penal effects of the application of the Ordinance because I think the Minister has dealt with the case very fairly. On the other hand I think, in fairness, the mover has carried out a public service in bringing this matter to the attention of the House if only for those who are not so well or sympathetically placed to realise that when the time comes for the axe to fall that it has fallen on other more worthy than in their cases and therefore it has to fall on everybody if the case is a hard one. For those reasons I would ask the Mover, having obtained, I hope, the effects and the purpose for which the motion was brought as he understands it and not as the Leader of the Opposition understands it, because after all he is the mover, that he might well decide after the debate is taken not to pursue with it in order not to give the wrong impression that a necessary voting against it by the Government because of the reasons that I have stated and without in any way belittling the heavy responsibility placed on the Minister to act with compassion but with conviction, if I may say so, on justified matters. Having said that I think that the Minister can gather strength from this case to continue in the difficult task that he has undertaken in carrying out this problem at a difficult time and commiserate with the lady in question and with the Minister at the same time.

HON J BOSSANO:

Mr Speaker I am not clear, really, what the objective of

the motion is. I take I think the point that the Hon and Learned the Chief Minister made that whatever the legislation is, it is impossible to draft legislation that ties down completely the hands of the executive and leaves them no room for manoeuvre so in the sense that any legislation puts discretionary powers in the hands of the executive then the exercise of that legislation can have penal effects depending on the judgement or the degree of sympathy for a particular case that is exercised by the people who have to take a decision on whether, for example, to take somebody to court or not take somebody to court. This would happen, I would imagine, not just in this case but in things like arrears of electricity bills which the Hon Mr Restano was raising before. Obviously the powers that the Government has got to take somebody to court for being in arrears can have penal effects if the Government takes an attitude of disregarding all the attenuating circumstances that there may be. If we are saying that the Housing Special Powers Ordinance has got certain clauses in it that pre-disposes towards decisions which will have penal effects, then I think those clauses should be altered so that that inclination is removed. If, in fact, what we are saying is that the Minister has made an error of judgement in a particular case and as a result produced penal effects, then I think the Minister's explanation appears to have cleared that particular incident to the satisfaction apparently of members of the Opposition who are familiar with the case. If what we are saying is that we want to make sure that the Housing Special Powers Amendment Ordinance is not used in future, if that is what the motion is saying, then, perhaps, it might be better to have a motion where we are looking to the way in which the Ordinance is put into effect from now on and where the Government would not see it as a criticism of the way that they have been exercising it up to now, in which case the Hon Mover might prefer to have the support of the Government and a commitment from the Government that the Housing Special Powers (Amendment) Ordinance will be used in such a way that it won't have penal effects or that there will be a disregard for the special circumstances surrounding each individual case, if that is what he wants to achieve with the motion.

HON J B PEREZ:

Mr Speaker, I am surprised that this motion has been given so many different interpretations. I think there is one clear interpretation and that has been reflected quite clearly by the contributions made by Members of this House on both sides. We have heard the Hon Mr Zammitt, the Hon Minister, say the great sympathy he had for this case, also the Hon and Learned the Chief Minister said the same thing and this is clearly what the motion says "that this House is concerned at the possible penal effects." It appears, to my mind, that we all agree that the example I



gave of the possible penal effects are highlighted by the case of Mrs Recagno. This is merely what I was trying to put forward in this motion, the possibility of penal effects and also with the idea in mind for the Minister of Housing, the Hon Mr Zammitt, to be aware of these cases which have cropped up and not to enforce the legislation against a particular individual. Where I think the Minister went wrong was in taking that decision to go for an Order for possession against Mrs Recagno. I think he was fully aware of the circumstances surrounding the semi occupation, shall I say, Mr Speaker, of the flat in Ark Royal House in which Mrs Recagno was a tenant and he ought to have exercised his discretion in not taking the matter to Court. What I still ask the Government to do is, now they have got an Order for possession, it isn't necessary for them to enforce this judgement. There is no need for them to enforce that Judgement, they have made their point. There is another point that I would like to make and that is in connection with what the Hon and Learned the Chief Minister said when he recalled a previous Managing Clerk of his who used to say: "Woe of the legislation in which both parties are right". What I would say to the Hon and Learned the Chief Minister is let him apply the burden of proof as in criminal cases in which the benefit of the doubt is given to the defendant.

MR SPEAKER:

If I may join the debate. The only possible solution is to call Solomon. If both parties are right I do not think the benefit of the doubt can be given to anyone.

HON J B PEREZ:

I would ask them to reconsider and not to enforce this Order against Mrs Recagno. There is another point that I would like to mention. I think I am right in saying that the Court accepted that Mrs Recagno was living in the flat for approximately two days a week, I think this is accepted, so therefore I would once again reiterate the point I have made, Mr Speaker, I realise that legislation is necessary, I realise the purpose and I fully agree with the purpose behind the Ordinance, with the spirit of the Ordinance, but in this particular case, the case of Mrs Recagno, it shows quite clearly the possible penal effects and I would ask the Minister to be more aware of the penal effects and in the future not to take this matter before the Court and in this particular case not to enforce the Judgement which they have obtained against Mrs Recagno.

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

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

The following Hon Members voted against:

The Hon I Abecasis  
The Hon 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 Member was absent from the Chamber:

The Hon J Bossano

The motion was accordingly defeated.

HON P J ISOLA:

Sir, I have the honour to move the motion standing in my name that reads: "This House is concerned at the effect on youth and Sporting Clubs and Associations of the requirements to vacate the Old Command Education Centre and considers it to be the duty and responsibility of the Government to provide adequate alternative accommodation."

HON CHIEF MINISTER:

Mr Speaker, may I have your leave to clear something up from what the Hon Mover of the previous motion has said. There is no question of not enforcing the Judgement, the Judgement has already been enforced and possession has already been obtained.

HON P J ISOLA:

Mr Speaker, the Old Command Education Centre has now, I think, for quite a number of years been the home of many clubs, youth clubs and associations. I think the oldest club in that centre that has been there is the Manchester United Football Club which I think went there well over 10 years ago. It is true that the conditions under which these clubs were allowed into the Old Command Education Centre was that they were there on licence and that they had to go at 48 hours notice, or 24 hours notice, if

the Old Command Education Centre was required for any purpose. But I don't think that is very relevant, Mr Speaker, because the main problem, and I am sure that everybody must recognise in the House, that sporting clubs and youth clubs must have a home, must have a place where they can develop where they can have their members and can carry on their activities. I think we must all accept in the modern world that that is very necessary and I think we must all accept that in the situation of Gibraltar it is, if anything, more necessary to encourage sport, to encourage youth to have their clubs, to have their places where they can meet and develop their activities. Mr Speaker, I don't think that this House can accept the proposition that because the Old Command Education Centre is falling to pieces or because it is required for some other purpose, that the Government can discharge its obligations to these clubs and to youth just by giving notice and saying: "Well, we will see what we can do and we really have no obligation to re-accommodate you anywhere." That is, perhaps, the legal position, although I am told even that is in dispute but, anyway, that could be the legal position. But certainly I don't think that anybody in this House could accept that Manchester United Football Club, Gibraltar United Football Club, Lion's Football Club, the Gibraltar Football Association, the St Jago's Youth Club are told: "Go, look for other premises and if you can't find other premises, that is your bad luck." I think the Government must know and I think we must all know that it is almost impossible for these clubs to find accommodation on their own account. I would think that if there are any places available the sort of rent they would have to pay would probably be well beyond their means. I think the principle has to be established that the Government has got responsibility towards youth, has got responsibility towards these clubs. These clubs have been there for so long and the Government has got a responsibility to re-accommodate them. We are bringing this motion forward, Mr Speaker, to give strength to the Government in accepting this responsibility. I think it is very encouraging the other day to read a letter in the press from the President of the Gibraltar Youth Association who I am quite sure was speaking for all his members when he spoke on the question of Gibraltar and how youth regarded Gibraltar and after all, Mr Speaker, what are we fighting for for all these years of isolation and so forth, who has it been for? It has been, surely, for our youth, for the future generation and it is very encouraging to see that that youth a lot of whom were probably very young people when these frontier restrictions started, can still hold the views that they do and I think it is very encouraging. I think that if the Gibraltar Government were possibly to preserve its legal position or otherwise, were to say: "Well, we have given you notice to quit. It is up to you to reaccommodate

yourselves. After all you came here 12 years ago on the condition that you could be thrown out." If we do that, Mr Speaker, I think the amount of frustration that this would cause among our young people in Gibraltar, the disillusionment this would cause, would be permanently damaging to the way our youth think of what they have been fighting for and what they are living for and what they can look forward to. I think it is important and indeed vital and indeed right that the Government should take on the responsibility of providing adequate alternative accommodation. We brought this motion, Mr Speaker, as well, so that we can at this stage start indicating places to which these clubs might be sent. One place that springs to mind of course is the Key and Anchor complex. I was concerned to hear that the tentacles of the Education Department had sort of spread there because I hope that the idea is not to have a sort of annexe to the School at the Key and Anchor Club. I would have thought that the Key and Anchor Club could be used for youth activities, for clubs, because it is all part of a complex of culture. You have got the John Mackintosh Hall and, hopefully, the school in the John Mackintosh Hall will move out one day and then you have got the Key and Anchor Club and I think the whole area could be developed as the home of Culture, Sport and so forth. There is also, of course, Wellington Front which we understand is going to be vacated during 1978 and what we would like to do with this motion is get Government thinking on the basis of: "We have got to find alternative accommodation for our youth clubs. We have got to find places where the youth clubs and the sporting associations can go to, so let us not start making other plans for places like the Wellington Front or the Key and Anchor Club until we know where we are going to put them, let us not just say, well, we haven't got the Key and Anchor, that is out so bad luck for the poor youth clubs and the poor football clubs." It cannot happen, it must not happen that way because I think the effect on our young population, the effect on the clubs would be disastrous and the frustration that this would cause in Gibraltar would be very prejudicial to Gibraltar. We on this side of the House accept that it must be the duty and responsibility of the Government to reaccommodate these clubs and we are asking the Government to do so. There are other places that are becoming vacant and that are going to become available to the Government. Let us not use them for Government departments or for the accommodation of Civil Servants, office accommodation, let us put them to this use and, accordingly, Mr Speaker, I hope that the Government can accept that it is their duty and responsibility, in other words, can accept the motion so that you don't get all this uncertainty, all this despair at the moment until the matter is sorted out because probably at the end of the day, even if the Government says it is not their

responsibility, I think they will find places for them, they will have to find places for them. You cannot tell a club that has been 12 years in a place that they are out in the street in the same way that you cannot tell a tenant who is in a house that he is in the street. Somehow or other you have got to find a way and, Mr Speaker, we think, and I am sure Hon Members will agree, that the successful operation of youth clubs, of sporting clubs and the successful promotion of youth clubs and sport in Gibraltar is extremely beneficial and, indeed, vital to the wellbeing and the progress of our community. I accordingly commend the motion to the House.

Mr Speaker then invited discussion on the motion.

HON H J ZAMMITT:

Mr Speaker, Sir, I will limit myself to sporting clubs and make brief reference regarding youth clubs for which another minister is responsible. Mr Speaker, I cannot agree with the Hon Mover that Government can take on as a duty and responsibility the question of rehousing just the existing associations, youth clubs and football or sporting clubs at the Old Command Education Centre because if that were to be the case one would have to accept equally the responsibility of providing club premises to no less than 38 governing bodies of sport that exist in Gibraltar. Mr Speaker, the Hon Mover did make reference to the present day and age and the way of modern thinking. I think that when he talks of providing clubs in Gibraltar, in fact, there are too many clubs being provided in Gibraltar by Government. Let us look at the Youth Complex at Montagu Bastion. One finds that there are 5 or 6 youth clubs within that complex, 300 yards further up the Rock we have the Plater, in the South District we have the Dolphins, in town we have St Jago's, just on youth clubs. As regards recreational activity for particular areas Government have provided accommodation at Catalan Bay, Moorish Castle and St Joseph's Football Club in the South District. Mr Speaker, anybody who has been concerned with sport in Gibraltar will know that in particular the Football Clubs of the so-called good old days all rented their club premises privately. Government was fully aware, Mr Speaker, that it was not a popular decision to have to ask associations and clubs to vacate premises and in fact some two weeks ago I held a meeting with the Hon Mr Brian Perez who did say that the associations that had been given notice to quit from the Old Command Education Centre had accepted this with tongue in cheek and were under the impression that it was not Government's intention to evict them, that this was not possible, that this had been done because at the time there was an ODA team here looking around and one thing and the other. Mr Speaker let me assure Members opposite

that this decision came far before the ODA team came to Gibraltar. For a very considerable period of time we have considered the Old Command Education Centre, through the advice of the experts, to be in a state of danger and anybody who goes around that particular building can quickly see the possibility of, I wouldn't say collapse, Mr Speaker, but certainly of the need of very urgent repairs just to hold it up. Mr Speaker, I don't think, quite honestly, that Government can accept the responsibility for the provision of premises for clubs, I would like to say to the Hon Mover that we have something like 32 applications for club premises. I think the GHA, Mr Speaker, the governing body of hockey, hasn't got premises and they have been asking for premises for a long time but unfortunately, we cannot find premises. What I think Government could accept, Mr Speaker, is that we will be only too willing to provide accommodation if and when possible but we cannot as a responsible Government, delay any form of development within any particular area because we happen to have a club there, particularly, Mr Speaker, if housing is going to be provided which I think we all agree is very much required.

HON M XIBERRAS:

If the Hon Member will give way. It would be of interest to the House to know what the development is.

HON H J ZAMMITT:

Mr Speaker, the first priority to my understanding...

MR SPEAKER:

No, we are not going to discuss the development plan under any circumstances.

HON H J ZAMMITT:

Mr Speaker, the first priority there is that that particular area is required for housing development. Before you can build in that particular area, I think all Members will agree that we have to knock down what is there already, if it does not fall down of its own accord. Mr Speaker, I can assure the Hon Member that we have been thinking about trying to help as far as possible as regards the reprovisioning of these clubs and although I will say categorically that the Key and Anchor Club to my mind is the most inappropriate place for youth clubs, sporting clubs or what have you, Wellington Front was considered and is still being considered to see if there is a possibility. It is not that Government will not do its utmost to try and accommodate them but there can be no guarantee at all of finding these clubs and associations alternative accommodation. It may be possible

to house one or two and goodness knows who one selects as an order of priority but we cannot accept, Mr Speaker, that Government is going to be duty bound and to have a responsibility to provide clubs for anybody. We already have a proliferation of clubs which are costing Government a reasonable amount of money. This is not the first time, Mr Speaker, that clubs have been given notice to quit. I see from the letterhead of the Manchester United that the Hon Mr Peter Isola is the patron of that club. In my days, Mr Speaker, with my attachment to a particular football club, we were given notice to quit from Casemates when it was required for accommodation for Moroccans. We accepted it, we wanted a club and we still want a club, or should I say, Europa still want a club. However, it is impossible and I would be only too pleased to see my team taking an active part in local sport. What is Government's responsibility without any doubt is the provision of sporting facilities. That is a responsibility which Government has and I think I need not remind the House that we do provide these facilities when we are allowed to do so by courtesy of the TGWU but we do provide sporting facilities to the best of our ability and at no little cost. The Hon Mr Peter Isola said you just can't ask people to leave a club after 12 years in the same way that you cannot ask a person to leave a tenancy of a house. I do not agree as they are completely different cases. Government has never evicted anybody from a house without providing adequate alternative accommodation. I don't think any member on this side of the House will be able to enter into any commitments that we will be able to rehouse any of these clubs and further more I very much doubt that we will ever assume the responsibility of having to provide clubs with premises. The other thing which members may not have given much thought to is the number of football clubs that exist in relation to other clubs.

MR SPEAKER:

Yes, but that is not relevant.

HON H J ZAMMITT:

I am just saying this, Mr Speaker, because at Bell Lane out of the ten clubs I think there are five which are football clubs. Mr Speaker, there are 63 football teams in Gibraltar, there are 18 hockey teams, there are 32 handball teams.....

MR SPEAKER:

You are not being asked to provide premises for all kinds of sporting associations. You are being asked whether the people who are going to be moved out of the Old Command Education Centre are going to be re-accommodated.

HON H J ZAMMITT:

I couldn't agree more, Mr Speaker, but the terms of the motion imply that if we accept responsibility and a duty in respect of these particular clubs then how can one not assume responsibility for all the other clubs. I would like to know how can Government defend not providing Gibraltar Hockey Association with any accommodation. What I can never accept is that because the clubs were housed at the Old Command Education Centre that Government has a duty to re-accommodate them. We would like to do as much as we possibly can but we can only do what we can and I don't think that any member of the House would be prepared to see a development programme, particularly on housing, being held back because there happens to be a club in a particular building which we had to demolish or construct upon. Mr Speaker, finally I would like to say that when I saw the Hon Mr Brian Perez two weeks ago I said to him that I was prepared to consult my colleagues with a view to extending the period by which the clubs had been asked to vacate the premises for a few more months to give them more time to find alternative accommodation. Mr Speaker, Government has not done this to deprive the clubs of their premises. Government has had to do this because of the advice we have received about the dangerous condition of the building which is in a very bad state. Mr Speaker, although Government would very much like to be able to provide every single club, association and group of people with club premises Gibraltar cannot afford the luxury of doing so. We cannot afford premises for clubs at this stage and I think Members opposite well realise this.

HON MAJOR R J PELIZA:

Mr Speaker, I am very surprised to hear the Minister responsible for Sport and Recreation in Gibraltar thinking as if this was not really absolutely important in the present state of Gibraltar. I am really surprised that a person who is supposed to be dedicated to sport and recreation should speak in terms of this as a luxury. It is in fact a necessity in the present situation of Gibraltar. We are, as it were, on board a small ship and within our small area we have got to try and have as much social activity and sporting activity as is possible. We find the Minister saying that this building is going to collapse. It has been there for about 250 years, I think, and suddenly it is going to collapse. Then it transpires that that site is to be used for housing development but knowing the time the Government takes between conception and actual birth I would have said that the clubs could well stay there for a good number of months, if not years, before the Government finds an adequate place for these clubs and other associations to have a proper meeting place where they can exercise their social and sporting activities. In the present circumstances of Gibraltar I would give that a very, very

high priority and not try and say there is nothing we can do. The fact is that here we have a number of clubs which over the years have created their own membership and now are active in that respect. To take that away from them is to have a number of people extremely dissatisfied and frustrated. That should not be the attitude of the Minister. The Minister should use his influence with his other colleagues. Perhaps his other colleagues are not prepared to help him out, I don't know, but, surely, his other colleagues should see the importance of the part that this Minister is playing and try and help him to find places where the Minister could accommodate the clubs in question. My Hon Friend has offered the Minister a number of suggestions as regards alternative sites and I am glad to see that the Minister has taken one of them, Wellington Front. The Minister knows full well that it is impossible for the clubs to find alternative premises in Gibraltar without assistance from the Government. In the previous motion we have heard how the Minister has had to act cruelly against a person because there is no accommodation in Gibraltar. He has had to go to the extent of having to evict a person from her house. Yet in the same breath he says that these clubs can find a place knowing perfectly well that this is impossible in Gibraltar. No one expects the Government to say that they have an absolute responsibility towards them but I think they have a moral responsibility, they have a very strong moral responsibility to find another place for them. I hope that the Minister has been impressed by the case that we have been trying to put here for these clubs and associations. I believe that there is also a nursery at the Old Command Education Centre which I think enables a number of mothers to go to work because they are able to leave their children there. If the Minister doesn't take that into consideration it may mean that a number of wives may be unable to work and consequently cause even hardship in those homes because those children are thrown out of the nursery and the mothers are unable to earn their living. We also have the Girl Guides housed in that building. Does the Minister say that the Government has no responsibility for finding them alternative accommodation?

HON H J ZAMMITT:

If the Hon Member will give way. I have only referred to youth clubs. The question of the Girl Guides is the responsibility of my colleague the Minister for Education.

HON MAJOR R J PELIZA:

They happen to be in the same premises. The fact is that these people are going to be out in the street without any form of accommodation to conduct their activities.

HON CHIEF MINISTER:

What the Minister is telling you is that he has no responsibility other than for sporting clubs. The question of the responsibility for others will be explained by those who are responsible and by myself.

HON MAJOR R J PELIZA:

It therefore looks to me that the Girl Guides may after all find a place. I hope so, anyway, but we will hear more about that later from the Chief Minister himself. Is the Chief Minister going to discard the other clubs altogether?

MR SPEAKER:

Order. Let us be sensible about the debate. The Hon the Minister for Housing who is responsible for sporting activities has answered that part of the Government's collective responsibility which affects his ministry. You have been told that other Ministers will be giving replies on their responsibilities.

HON MAJOR R J PELIZA:

I know the Minister is responsible directly but this is very much a Government affair since I think....

MR SPEAKER:

You must give a chance to other Members to explain.

HON MAJOR R J PELIZA:

Very well, Mr Speaker. I do hope that the reply is a most favourable one for the clubs and other associations. I think the point has been made that there is a necessity, I think, to find accommodation for these people. It is no use telling them to go round looking for a place themselves. I think this is very much a social matter and in the present circumstances of Gibraltar I think the Government should give a very high priority to providing accommodation for the clubs that have to leave those premises and I do hope that if they look around hard enough they will be able to find a place for them and that they put them at ease as soon as possible by saying that they have found a place where they can conduct their own activities.

HON M K FEATHERSTONE:

The Hon Major Peliza's ship seems at times to be one of those ships where you want to scrap the engine room and put in a swimming pool. I think that whereas one is liable to be somewhat in agreement with the first part

of the motion, "that the House is concerned at the effect on youth and sporting clubs," one cannot be in agreement with the second part that "the House should consider it the duty and responsibility of the Government to provide adequate alternative accommodation." Unfortunately, Sir, in Gibraltar, over the last 15 to 20 years the attitude of let Government provide has grown up to too great an extent. Anybody who wishes anything these days expects that Government should provide it and in many instances where in the United Kingdom they would never consider that the local Council or the Government at Westminster should provide it, they expect that here it should be as a matter of course provided by the Government as such. I could give one instance of this, Sir, where the Government, out of kindness of heart, when St Jago's School was closed down allowed a certain entity to use one or two rooms there on the clear undertaking that as soon as the future of that building were determined and work was to commence on it, they should leave within 24 hours. This entity was quite willing to accept this, they said "yes, we will accept this, we will accept the 24 hours," but when the time came they said, "Now you must find us alternative accommodation. We have been in here, you must reprovide for us, we can't leave until such time as you give us this alternative accommodation" and as a result of this we have seen the whole saga of the St Jago's School being left for practically 18 months without any work being done on it at all mainly due to the difficulty in trying to get these people out. We did offer to reprovide in one place and they said; "We don't like that place, it is not good enough. We want something better." Well, Sir, these people who I would mention are the Jehovah's Witnesses, have given a considerable amount of trouble and have assumed that they have acquired rights when they agreed to go there on a 24-hour notice basis and to a great extent the same must apply to all this number of clubs who inhabit what is almost a rabbit warren at the Old Command Education Centre. There is no doubt, Sir, that part of that centre is in a dangerous condition and there may be a collapse of the roof or a collapse of the structure at any time and it would be most likely that if there were to be such a collapse then some member of the Opposition would come up and try and slate the Government for not having done something beforehand. However, Sir, Government feels that the easiest method, though perhaps not the happiest method, is to vacate these premises and not to spend money on propping up what is almost a derelict area, moreso if by vacating it it can become a development area and possibly a housing development when housing is, I think, accepted by everybody to be one of the most urgent priorities in Gibraltar. There are two main elements in this area which would come under my ministry, one is the St Jago's Youth Club and the other is the Girl Guides Association. I commiserate with them that they should lose their premises but I cannot accept that that it is

Government's duty automatically to find new premises for them. We have, unfortunately, none available. We have had the suggestion put forward of the Key and Anchor Club. Well, the Key and Anchor Club is not as big as people would think it is, it looks a very large area but the biggest part of the area is the actual garden and patio. Part of the area has been taken over by the Education Department as an annexe to the Bishop Fitzgerald School. This is something which could not wait because the Bishop Fitzgerald School has been increased in numbers considerably with the closing down of the Christian Brothers College. Another part of the area we are hoping will be earmarked for the Education Department for a children's library and a school library service. This is something that we accepted when the British Council came out here and offered to give Gibraltar £50,000 if we were to put up proper library services for schools and try and commence a fully integrated library service and a full public library somewhat along the lines that one has in the United Kingdom and we hope that part of the Key and Anchor Club would be available to start on that to have a good reference library. We already have some £5,000 worth of reference books sent by the British Council, there is no room for them at the John Mackintosh Hall and we hope that we can get a part of the Key and Anchor Club to have this reference library and to have a children's library there. I would also mention that one section of the Key and Anchor Club is not being handed over to Government, it comprises....

MR SPEAKER:

In other words you are saying that the Key and Anchor is not available for the purposes that have been suggested by the Opposition.

HON M K FEATHERSTONE:

Even if it were available it is not big enough to house all these twelve clubs. On the question of the youth clubs, it has been the policy of our Department to try and have youth clubs in area developments and we have the Dolphins Club which caters for the South District, the Plater Club which caters for Moorish Castle and the youth complex at Montagu which caters for the town area and for Glacis and much as I accept that the St Jago's Club would not be happy to lose their premises there is always the possibility that they can go to the youth complex at Montagu and amalgamate with one of the clubs there so that we don't have too great a proliferation of youth clubs. It is hardly the best thing to have six clubs or eight clubs each of about 40 or 50 members whereas it might be better to have some bigger clubs of perhaps 100 members each where expenses can be shared amongst them and they do not come to Government each one for a large amount of money to



keep up a club which may be in a derelict area and which, of course, is extremely expensive. Therefore, Sir, I do not consider that it is the duty of the Government to provide accommodation for these clubs, it is the duty of Government to do as much as it can to give accommodation if it should be there but if there is no accommodation and if the clubs have gone into this area on an agreement that they would leave as and when required, then I think that the situation, unhappy as it is, must be as such and that we cannot expect Government automatically to provide alternative accommodation or alternative places where these clubs can automatically be located.

HON CHIEF MINISTER:

I think first of all there has been some element of confusion if we keep on talking about clubs. The number of places at the Old Command Education Centre which concern us are not all clubs. There are a number of clubs, there are one or two rooms which are occupied by associations, ICPS, CPSA etc., and my information is that they mainly use them for one occasional meeting. This is the sort of accommodation we really cannot afford in Gibraltar, that one association should have, particularly at public expense in terms of area, a place for the occasional meeting. I say nothing derogatory about them but there is also the Loreto Convent Past Pupils Association who meet. I think, once a fortnight to play Canasta or something like that, I hope Members opposite will accept the view that I take about this, that there must be priorities in the granting of such alternative accommodation as the Government can obtain to rehouse these clubs which is, I accept, to some extent a moral responsibility if we have the availability. We accept that, there is no question about it. What I don't want is that the motion should be interpreted as a right that might lead, I hope unsuccessfully, to any attempt at establishing a tenancy there because then the position of the Government would be very difficult in any other area where it could be usefully occupied for some time, it could create tenancies that we would not be able to obtain back if it is required for development and so on. One of the associations that has been mentioned is the Girl Guides. The Girl Guides do have 400 or 500 members overall in Gibraltar and they have a number of places where they carry out their activities. I am not the Patron of the Girl Guides so I am not speaking especially about them but I have got my colleague's consent because I think it is fair and responsible, that within the possibilities that we have that they should get priority. The Commissioner came to make representations very strongly on their behalf. I have also offered them the possibility of having on a more permanent nature a tenancy which the Government controls in its own right in Devil's Tower Road where they

say they would be able to build a Headquarters so to that extent we are also going to help them. This, I think, is a top priority as are the clubs that carry out youth activities so long as they can be rehoused somewhere else. A word about the nursery the Hon Major Peliza mentioned. It is all very well to say that mothers are not going to be able to go to work. There are a number of nurseries in Gibraltar and they are all subject to the payment of normal commercial rent because it is a commercial enterprise and whilst we would help this, in my view, with the greatest respect, takes second priority to voluntary activities like the Girl Guides. It isn't a Government nursery, it is a private nursery and therefore it is doubtful whether that should qualify for very top priority, not on the basis of leaving soon but on the basis of being reaccommodated. It would be invidious from the point of view of others who have to pay normal commercial rent, to give priority to somebody who is carrying out a commercial activity however laudable that may be and however convenient. There are, as I mentioned before, one or two areas in Wellington Front which may be coming to us, apart from the eventual vacation of GBC, which is a different matter, but even within Wellington Front there may be and there may be others and of course we will do our best to help. What we cannot accept is a legal responsibility to rehouse these people because then the question of granting facilities to clubs in temporary premises would become completely nullified in the future. Mention was made of a football club, the Prince of Wales Club. Well, the Prince of Wales Club premises became, as I happen to know, very expensive from their point of view having regard to their activities and yet they found themselves private premises which they have rented in the town area. People must also help themselves, they cannot expect the Government to do all the helping. Ideally, one would expect that so many more clubs should have a bigger building, and this is what we have in mind long term, where bookings could be made the same as bookings are made in the Mackintosh Hall for other kinds of activities because it is impossible to house so many clubs. Some like to belong to a number of clubs and therefore their activities could well be centred as has been pointed out and as has been done at the complex at Montagu Bastion where considerable activities are carried out and where, to the extent that the Government help, it is easier to help collectively than individually. I do accept that we will do our best to house them but there will have to be priorities. I don't want to single out anyone in particular but there are people, apart from the nursery, that is carrying out a business. The Gibraltar United have got a bar and it may well be that it is limited to members. I don't normally visit bars but the facility with which you can have a drink at the Manchester United gives me to indicate that it is unfair competition with those

opposite who are paying commercial rent apart from the fact that we have the overall responsibility due to the bad condition of the building to make sure that there will be no responsibility on the part of the Government for any damage or any injuries caused because we have allowed these premises to be occupied for longer than they are fit for.

HON M XIBERRAS:

Mr Speaker, I quote from the letters of notice sent by the Surveyor and Planning Secretary on behalf of the Government of Gibraltar: "I, Mario J Byrne, Surveyor and Planning Secretary of the Government of Gibraltar, Government Secretariat, Secretary's Lane, Gibraltar, for and on behalf of the Government of Gibraltar, hereby determine your licence to occupy the premises," and so forth. These are the terms on which rather valuable associations and institutions have been notified that they had to leave their premises. To listen to the Hon the Minister for Sport and perhaps to a lesser degree, the Hon Minister for Education, the attitude is one of some rigidity I would say and they are not, in their fear of being swamped with applications from other clubs, they are not, to my mind, conveying to the House the importance of the problem that they have to deal with. I do not know what instructions the Chief Minister gave the Minister for Sport when he stood up but his contribution is one of relative mildness and relative understanding of the problem compared to the stern, almost uncompromising line that the Minister for Sport was taking and it seems to me, Mr Speaker, that the position of the Chief Minister goes quite a way towards meeting what the Motion is asking for whereas the position or the arguments of the Minister for Sport and the Minister for Education were much more opposed to the spirit of the motion. I think it is perfectly reasonable, Mr Speaker, that a club that is not in regular use, is not well supported, should not receive premises from the Government. I have done the same thing myself at one time in connection with the development of the Health Centre. I have told Clubs of some repute that had fallen to disuse, like the Europa Football Club, that I could not provide them with alternative accommodation, and it is a reasonable proposition. I do not think that clubs should be used either purely for money making. But we are talking about associations and clubs to which Government has an undoubted responsibility because Government took them there in the first place, admittedly, telling them that one day they might lose their premises, but that does not exonerate Government if the day comes when those premises are needed, really needed, does not exonerate Government from the duty to try to reprovide for those clubs and to accept that duty, not to shirk the obligation as the Hon Minister for Sport appears to be doing. I hold a lot with what the Chief Minister had to say and I hope that that is

the position of the Government. I thought that the contribution of the Minister for Education in respect of possible alternative sites was somewhat grudging. Surely, Mr Speaker, the Minister will agree that some space could be left over at the Key and Anchor Club and surely the Minister can see some possibility of housing, not the thirty clubs I think he mentioned but the twelve clubs and associations, in the region of Wellington Front and, surely, he has a ministerial obligation to try to see the possibilities in a positive way rather than to place impediments in the way of rehousing these clubs as he appears to be doing. No one here, on this side of the House, is saying that clubs have a priority over housing. It is a ridiculous argument. The Minister for Sport and Housing made it appear as if we, on this side of the House, did not want houses to be built. The Hon Member will find out in the course of these proceedings that this side of the House is most critical of the lack of building that has taken place. Of course we feel that housing has priority over clubs if it is a real choice between them implied but this is not the case. One has to juggle around with the possibilities in Gibraltar, with all the good will or the energy which the Government appears to be lacking in, to try to fit in all our social needs. As my Hon and Gallant Friend said the provision of sporting and other communal club facilities is very important to Gibraltar. I am surprised that the Minister for Education, I think it was, should tread out the old philosophy that the people of Gibraltar feel that the Government should provide many things which in the United Kingdom would not be provided for. In the United Kingdom you have a different problem. You do not have the shortage of space, you do not have, perhaps, the Government owning as many of the buildings as they do in Gibraltar and even then local authorities are quite generous in the provision of premises. What concerns me more is the attitude of the Minister. It is an attitude which he has expressed in the House and I thought he had got over especially in answering questions on Varyl Begg and the youth club there. He seems to think that there is no obligation, no duty. The Chief Minister has put him right on that. There is an obligation on the part of Government, a moral obligation to say the least. It is a very definite obligation. I should ask the Minister for Sport and the Minister for Education to look back at the records and see when these clubs and associations were given the premises and why they were given the premises. Some of them might have been around election time, the IFCS and other Unions there. Mr Speaker, I think the Gibraltar United club has just been given the club. It has been inaugurated very recently. Surely, the Government can meet this problem of twelve clubs. It can do justice to eight if not to the twelve. Surely, it can summon up enough imagination, enough energy, to cope with this problem. It is not the first time it has happened and surely they can be

aware because of the numbers involved that this would be a very retrograde step in the development of youth facilities if they were not to be reprovided in some way with premises. Has the Government totted up how many people are involved in all? Will it be about a thousand, and if it is a thousand of the young people of Gibraltar then isn't it worthwhile make a special effort to try to accommodate them? So, Mr Speaker, taking what the Chief Minister has said as an indication of what the Government attitude is going to be, I congratulate my Hon and Learned Friend for bringing this motion to the House and impressing upon the Government that the social needs of Gibraltar are worthy of the greatest consideration, that they do not have priority over housing but it is a false proposition to say either we have housing or we have clubs. We have always had housing, more housing than the Government is providing now, and clubs have been developing pari passu.

HON P J ISOLA:

I think the Hon Leader of the Opposition has really replied on the Motion for me and I am very grateful to him for this and agree entirely with what he says. I think the Hon and Learned Chief Minister has, in fact, gone rather further, for which we are very grateful, than the other Ministers have done in this matter and I think he has said enough to convince us that the Government places a very high moral obligation to find alternative accommodation and I think that we welcome it. Mr Speaker, there is another point on this question of moral obligation which I think is worth considering and that is that the position appears to be that the Government requires the Old Command Education Centre for a housing project and although we are told that the place is in a bad state of repair it is obvious to me that if it was not for the fact that the Government had intention of building the place up, that they would possibly have spent a minimum amount of money in making the premises safe. As they want to have a housing project there then, obviously, they require the premises to be vacated so that they can build houses there. This is a very good idea but, of course, in doing that they are depriving the people who have accommodation there of that accommodation. If it had been, for example, a private developer I would have thought that he would have had to find alternative accommodation before knocking the place down and re-developing or face the alternative of having to re-provide accommodation in the re-developed premises for the people he had deprived the accommodation of.

HON CHIEF MINISTER:

If the Hon Member will give way. I think he is making a wrong assumption because I do not think that any private

developer would accept licencees nor would any licencees go into a private development paying proper rent on a licence basis. It is precisely because it is the Government that has given the licence at a nominal rent that this is the situation.

HON P J ISOLA:

I mentioned that point because I think anyway on the moral grounds it is obviously the responsibility of the Government and as the Government requires it for a Government project, the responsibility is thereby increased. A short answer to the Minister for Sport in respect of his long list of people awaiting accommodation, would be; "Well, for goodness sake don't add to the list." If you have got 63 football clubs and 18 hockey teams and 22 handball teams all waiting for premises, don't just throw up your hands in despair and say that we will never do it, start reducing the list and you do not reduce the list by increasing it, by depriving people who have already got accommodation, of alternative accommodation. Mr Speaker, I am glad that the Wellington Front area idea is being pursued and that the Government will be able to re-accommodate the clubs in these premises. I agree that where it is associations who just have the premises to hold a meeting every now and then, like the CPSA and IPCS and, I imagine, they are likely to have more meetings when there are industrial problems, I would imagine that sort of association could well fit in to the Mackintosh Hall complex or anything else that is done in the area and go into the basis of using rooms for the meetings. I do not think that would trouble us very much. What troubles us is the youth clubs which have a soul and a heart and have loyalty to one another and all makes for good citizens. I cannot agree with what the Minister for Education says that we should try having mergers and reducing the number of clubs. If it happens, fine, but I think it would be wrong to try and force a youth club to become part of another youth club. It destroys the identity, it destroys quite a number of things. Mr Speaker, the plea that we make, and I am glad that it has not fallen on deaf ears and I am glad to see that the Government does accept moral responsibility for re-housing the clubs mentioned in the motion, I hope that the Government can assuage the fears of these youth clubs and sporting clubs that they are, in fact, going to try and find them alternative accommodation.

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

The Hon P J Isola  
The Hon Major R J Peliza

The Hon J B Perez  
The Hon G T Restano  
The Hon M Xiberras

The following Hon Members voted against:

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

The following Hon Members were absent from the Chamber:

The Hon J Bossano  
The Hon Major F J Dellipiani

The motion was accordingly defeated.

The House recessed at 12.55 p.m.

The House resumed at 3.20 p.m.

HON G T RESTANO:

Mr Speaker, I beg to move the motion standing in my name which reads: "This House is deeply concerned at the absence of a full-time Ophthalmologist at St Bernard's Hospital and urges Government to take all necessary steps to rectify the position as soon as possible." Mr Speaker, in broaching the subject of the absence of a full-time Ophthalmologist I think it would be useful to go through the sequence of events since we last had a full time Eye Specialist and this would perhaps clarify in Members' minds exactly what the position is. On the 17 February 1977 the Minister received the letter of resignation of the incumbent at the time, Mr Suarez. Perhaps one could say at this point that the Specialist at that time employed did not have any contractual obligations to give notice of his leaving which I think is possibly regrettable. Five days later the Department sent to the Secretariat the information of the resignation for financial calculations as to what payment needed to be paid to Mr Suarez and 11 days after that the reply was received from the Secretariat on the 28th February. It took the Department two weeks to prepare papers in order to try to get a replacement for Mr Suarez and, in fact, those papers were not sent to the ODM until the end of March and this was 1½ months after the resignation letter received from Mr Suarez which seems to me to have been a very long time for an

application to have been made to the ODM. The next step in this rather sad story was the actual departure of Mr Suarez in early April and although he had no contractual obligations at the time to give three month's notice, in fact he left two months after he had given his resignation so whether he had had contractual obligations or not there wasn't all that much difference in the time lapse than if he had had those contractual obligations. Since early April, when Mr Suarez left, until early November last year, the situation as far as the public is concerned was left in abeyance, there was no news, no new developments had been announced until at a meeting of this House the Minister announced on the 2nd November, proudly, I think, that he had finally been able to engage an Ophthalmologist on an OSAS contract through ODM who would be arriving in Gibraltar some time in February. Shortly after this there was an exchange of press releases from the Gibraltar Nurses Association and the Government and in both cases the Gibraltar Nurses Association complained rather bitterly that the post of Eye Specialist had not been filled by the Government. The reply from the Government to the press release of the 24th November was very prompt, it was two days later, on the 26th November. However, on the 3rd December, a much more virulent press release was issued by the Gibraltar Nurses Association and it took nearly three weeks for a reply to be given to that release. If I may, I would just like to quote from the release of the Nurses Association because I think it is very relevant to the subject that is being discussed and after all the Nurses Association do represent very qualified people at the Hospital and I would imagine and I have confidence that they know what they are talking about. They said: "The present system of recruiting doctors is patently a failure when the Government openly admits that it is taking one whole year to replace the eye specialist. The Gibraltar Nurses Association would like to suggest that a more direct method be used, for example, advertising every single week in the Lancet and the British Medical Journal for a period of time, specifying closing date for applications and giving an address in London where the interview should take place. These interviews should be conducted by local officials who would be in a position to offer firsthand information on conditions of service. If these conditions are found not to be good enough to attract a suitable candidate the obvious solution in the best interest of the whole community is to immediately improve on those conditions." It took nearly three weeks for a reply to be issued to this press release which also said, in fact, that as a professional body the Association had not taken kindly to being told by laymen - who exactly those laymen are I don't know - that the situation regarding the recruitment of doctors is no cause of anxiety when they say that they know from

their own experience that there was cause for anxiety. I realise that this can be a very emotive subject and I am satisfied that urgent cases and serious cases, cases of emergency, are being dealt with adequately and efficiently no thanks to the Government of Gibraltar or to the Department of Medical and Health Services, but thanks to the cooperation and assistance which we have received from the Royal Naval Hospital. As I say these cases which are being attended to by the Ophthalmologist of the Royal Naval Hospital are for serious cases, cases of urgent attention, not the routine cases which I suppose must comprise the greater majority of patients who visit the Eye Clinic at St Bernard's Hospital and these patients are not being attended properly today. That has been commented and, in fact, it has been admitted by the Minister on a number of occasions in this House. I think that is a very serious situation because sight is something which affects people, it has a tremendous traumatic effect for obvious reasons. If somebody has been accustomed to seeing well and correctly for many years and suddenly he finds a certain failure in the way that he is seeing things this has a traumatic effect on that person and I suppose that on many occasions the concern can very well turn into alarm in the patient and people who have a slight failing in their sight immediately feel that they are going to lose their eye sight and they need the reassurances and they need the treatment of an eye specialist to be able to either reassure them or to correct any slight lack of vision they may have. This routine service is the service which is not being afforded to Gibraltarians at the moment. It certainly is not a gratifying situation when we see that for over a year we have had in Gibraltar to rely on the services and the assistance of the Royal Naval Hospital Ophthalmologist. I ask myself what would have happened in Gibraltar if there hadn't been a Royal Naval Hospital? What would have happened if there hadn't been an Ophthalmologist at the Royal Naval Hospital? I suppose that Government would have had either to have spend an awful lot of money sending patients to the United Kingdom. Certainly, they haven't been able to recruit a doctor of sufficient calibre to take over the department and to look after the patients and may I add that I do not think that it has been for want of trying. I think the Minister has put in a lot of work into trying to recruit an eye specialist. It is obvious that he has failed and possibly he has failed because as the Nurses Association so rightly put it, perhaps too much emphasis has been put on the ODM recruitment. Perhaps had more urgent emphasis been put on direct recruitment then, possibly, today we might have an Ophthalmologist. Difficulties may have arisen although those, generally speaking, are not known and I hope that the Minister will be able to inform the House and inform the public generally who are concerned about this as to why the recruitment has not been possible. I think it is a pity that no real

information has been divulged, no real reassurance has been given as to why Gibraltar which has always been accustomed to having a full-time Ophthalmologist does not have one today and why Government has not been able to recruit one. I think there is a very special need to have a full-time doctor. I don't think that visiting consultants is the answer. I think in Gibraltar we have always been accustomed to a full time Ophthalmologist and therefore I think people want a full time doctor and I think that is the way that the Government has to view the problem. I must say that the staff at the eye clinic must be given the very greatest of praise for having gone through 12 months of very difficult times and having coped as they have done with the problems that they have had to face and I think they faced them very well indeed. Mr Speaker, I commend the motion to this House and ask the House to vote that it is deeply concerned at the absence of a full time Ophthalmologist and urges Government to take all necessary steps to rectify the position as soon as possible.

Mr Speaker then proposed the question in the terms of the Hon GT Restano's motion.

HON A P MONTEGRIFFO:

Mr Speaker, I don't think the Hon Member, though I appreciate his sentiments which I share because I live more closely to the problem than he does, has done justice to what has been said in the House and to the explanation I have given in this House on different occasions plus the communiques that the Government has issued to allay anxiety, alarm and undue concern. First of all I would like to say that we did not stop at ODM. The period of 6 weeks while the bureaucratic procedure had to be followed, filling papers, filling forms, informing the ODM of the resignation of this particular man and all the other paraphernalia which I find frustrating and which I gave an undertaking to this House that I would give time to this particular problem to see whether we could break through this bureaucratic procedure and shorten the period in which advertisements are placed, and it has happened now, it is also equally true to say that it took the Government three weeks to answer the second communique from the Nurses Association. When I was asked why the Government was not prepared to answer that second communique I gave reasons so the Government never answered. The people who answered were the Board of Management who happened to meet and take that action when I was not in Gibraltar. I was in London from the 3rd to the 9th so we never thought it was necessary to answer that communique precisely because we had answered it before. During the 6 weeks from the time that Dr Suarez resigned to the time that the ODM was informed, I started making enquiries myself and was on the phone and on the telex to different parts of the world, not only Britain. Apart

from contacting friends in Britain and sending telexes to different medical schools of people that we know from the consultants that come here to Gibraltar, we phoned Rabat through the good offices of the Deputy Governor's office, we also phoned Malta and we contacted Moorfields. At that time there was a gentleman who was interested in taking up the post but then he decided that he wouldn't come. We also had 8 applications which we processed during the period, and that has also been explained in the communique, and people opted out for one reason or another which I will come to later on in my speech. I am not supposed to approach ODM direct yet I have broken all the rules and I have been on the phone talking to the recruitment officers and they have been moving but if there is no response, there is no response. I give all credit to the Royal Naval Hospital, but this has been as a result of negotiations started by me. They have cooperated and we are very grateful and so we ought to be so and that is why I myself asked the House to join me in recording that appreciation. But the negotiations were started by me and I have got them round eventually to the human merger and to their helping us as much as they could and we also helping them whenever possible. That is how hospitals work in the United Kingdom where they do not work in isolation. For many years now they work in Regional groups so if there had been no Naval Hospital it would have been a catastrophe for Gibraltar and that is why I am not in such a hurry about a structural merger, for that reason and for other reasons that I don't want to spell out but I am sure that Hon Members will understand. I received quite a shock after negotiating with a man who seemed to me to be quite responsible and of a very high calibre where we went to the extent of bending conditions of service which might have had repercussions throughout the medical profession employed with the Government, we went as far as that. We were also prepared to allocate him the house of his choice and we bought all the equipment that he said would be needed as every professional man likes different type of equipment, and then on the 9th January after going to London in December and being told that he was going to come and sign the contract but in the meantime of that process there were also three to four months of locums in Gibraltar which was also covered by people that we were able to recruit. I will also mention them later on because the advice they have given us is very important. So it is not quite true to say that we have done nothing or that we have not exerted ourselves. Within the limitations or potential of Gibraltar we try to offer the best coverage possible and I don't think anybody who has been really in need of seeing an Ophthalmologist has been deprived of it. I know of a case where a patient who had need to see an Ophthalmologist was seen within the hour and that was not on a weekday, it was on a Sunday. It is true that I myself have confirmed that I am not satisfied with routine cases which

are basically refractions because we cannot get a full-time ophthalmic optician and again that is a problem. The letter that we received in Gibraltar dated the 8th stating that the Ophthalmologist wasn't coming, wasn't received in Gibraltar till about the 12th but it so happened that we ourselves telephoned this gentleman on the 9th and he was still in doubt as to whether he was coming out or not. However, he did write to us telling us that he wasn't coming because he was not prepared to abide by the three months notice and also because of the uncertain political situation. By that time not even the ODM knew about it as he hadn't told the ODM that he was no longer interested in the job. I became a little suspicious when he had not signed the contract in December and we immediately set in motion an effort to try and recruit locums but the immediate steps we took was that apart from the two morning clinics that the Naval Hospital Ophthalmologist does for us in St Bernard's and apart from the clinic that he does at the Naval Hospital, he is now dealing with what we call cold cases. Cold cases in medical terms mean cases that are waiting for an operation at a particular date and needs reviewing and this man was not going to review them if an Ophthalmologist would have come in February. This has now been done so that whatever operations need to be done the Naval Ophthalmologist will do them. Apart from that we immediately asked the ODM to advertise again for an Ophthalmologist and also contact the College of Opticians. We have also been in contact with the firm of Consultants that previously came to Gibraltar to come over as locums but they have confirmed something that perhaps I do not share as a layman and that is that with one Ophthalmic Surgeon in Gibraltar, an Ophthalmic Optician could more than meet the requirements of Gibraltar. We have also been told that the difficulty in obtaining an Ophthalmologist for Gibraltar is that when we provide the Job Description 80% of the work is mainly refractions which Ophthalmic Surgeons do not want to do, they now pass this to this new speciality of Ophthalmic Optician. Another factor is that the number of operations in Gibraltar involving eyes are about 30 on an average a year and consultants do not want to grow stale. This is also confirmed by the team that went into the structural merger at a human level of the Naval Hospital and St Bernard's and they also advised that one Ophthalmic Surgeon and one Ophthalmic Optician would be sufficient to meet the requirements of Gibraltar. It may well be that at the end of the day that is what is going to happen, provided that we can also get a full-time Ophthalmic Optician of the calibre that we need because at the moment we have got one but he only does a certain amount of work and no more. These are options that we have and we have now got a little more elbow room to be able to study. The reason is that this firm of Ophthalmic Consultants have found a locum



to come to Gibraltar from 15 March to 15 April. This gentleman has committed himself to come out but I am only now telling you what the letter says because I do not want to say that we have got a full commitment and then have a failure and then myself get the blame. During this month we shall be able to see what the response is to the Ophthalmologist. We also tried to advertise in Malta but we were told that the situation in Malta was such between the Government and the doctors that it was better for the Gibraltar Government not to advertise. Nevertheless, I have taken other action which I hope the House will not press me into spelling it out. We have got a friend in Malta called Guido de Marco and I will leave it at that. The third possibility that we can now study, whether it comes about or not is another matter, is that with their contacts with St Mary's Hospital they were going to see whether the Ophthalmic Unit would send us, in rotation, Registrars coupled with a visiting Consultant on a two or three month visit but though I have pressed very hard to get a reply from a very good friend, Dr Oscar Craig, I have not yet been able to get a reply. It may well be that at the end of the day we may have to do with an Ophthalmic Surgeon at the Naval Hospital, an Ophthalmic Optician plus a visiting Consultant which this firm of Consultants that came to Gibraltar are prepared to supply at two-month intervals and staying in Gibraltar for 5/6 days. Before concluding I would like to remind the Hon Member that though I happen to be the Minister for all the nursing profession and all the doctors and I would not like in any way to be more divisive than they are at the moment amongst themselves, I would like to say that the nurses, unfortunately, and I am not saying which side they should join, are split right down the middle in the hospital. I have got authority from the Ophthalmic Nurse to say that he completely disassociates himself from those communiques that the Nurses Association put out. In fact, he came to me immediately that communique came out. He rang up the Director of Medical and Health Services to say that he had nothing to do with that and that it should not have happened. It is easy when you get a difficult situation like this to shout as much as you like and blame the Government but you are only going to cause more concern than is absolutely necessary by dramatising the thing unduly. I would also like to say that it is not a question of money. Any Consultant coming today to Gibraltar at the maximum of the salary scale which is what we offer when we recruit people on this basis, with the 25% on top free of tax and all the perks and the OSAS allowances is in many cases better off than the Consultants in the United Kingdom. The problem is not that what we offer is insufficient, the problem is that these people leave Britain to go to the Common Market countries or they go to Canada, or Australia or they go somewhere else where they can obtain much higher salaries than in Britain. However, we shall carry on pressing and we shall carry on doing our

best to try and recruit an Ophthalmologist but I must warn the House that it may be difficult to get an Ophthalmic Surgeon full-time. You can blame the Government as much as you like, that is your privilege, but I can tell you that it has not been for lack of wanting and for lack of effort and for not doing everything that has been humanly possible to do.

HON M XIBERRAS:

Mr Speaker, I think that we all agree that the mover of the motion was extraordinarily well documented in his contribution and not unreasonable in tone and approach because whatever the efforts the Minister and his staff have made in this matter the fact remains, and this is an important fact, that there is no Eye Specialist and it appears the prospects are somewhat dim of getting one on a permanent basis. I always react to statements by the Minister when he says: "I am closer to the problem than other Hon Members in the House", not because it is not true but because the implication is one I reject that because he is closer to the problem he does not need to be chivvied, he does not need to be pressed. I hope the Minister will accept it in good part that it is necessary for him to be chivvied, as I say, or to be chastised verbally whenever Hon Members on this side of the House consider it necessary. I appreciate that the Minister has of late seen the importance of the problem but he lives with so many problems, Mr Speaker, that there is a danger that he might consider all of them to be so difficult that they are near insolubility. I feel that my Hon Friend Mr Restano has made a very good case, by quoting dates, to show that the Government did not appreciate the nature of the problem, I refer to the early stages, the nature of the problem which they were about to face. There was considerable criticism of the last Eye Specialist and the Minister should have been aware that at a certain stage this man was to disappear. He was aware the conditions of service did not bind him to a period of notice on quitting and I feel that it was quite a long time before the Government reacted and pulled out the stops and entered into a phase where they were really trying to recruit. The efforts the Minister has made by-passing ODM, bending the rules, money no obstacle, and telexes and phone calls and so forth, are very much appreciated but he must appreciate that there is still no Eye Specialist and he now comes to the House, an ardent suitor jilted at the last moment, when everything was apparently arranged for this man to come, and we were expecting him around February and now we are informed that there might be a locum from 15 March to 15 April.

HON A P MONTEGRIFFO:

Sir, I explained before that the letter is a firm commitment to come from 15 March to 15 April but I am just quoting the letter. I am no longer saying that he is committed to come until I see him here.

HON M XIBERRAS:

Mr Speaker, so the Minister now is not in a position to assure the House that there will be.

MR SPEAKER:

The Minister has said that he has a firm written commitment from someone, to come. He will not give a firm commitment that he is coming because he has been let down before.

HON M XIBERRAS:

Therefore, Mr Speaker, the Minister is not in a position to assure the House that there will be.

MR SPEAKER:

The Minister said that he has done as much as he can possibly do. He cannot guarantee whether the doctor will turn up or not.

HON M XIBERRAS:

But the point is, Mr Speaker, that whereas before the Minister thought himself in a position to assure the House that there would be someone here in February, now he is not in a position to do so in respect of this locum between 15 March and 15 April.

MR SPEAKER:

Having lived through one experience the Minister does not want to give assurances which can be thrown back at him as has been done now.

HON M XIBERRAS:

I think they are two distinct points, if I may say, Mr Speaker. The point that he would like to be in a position to assure the House and because of his experience he has been able to go only as far as quoting from the letter. That is a position which does not reassure Hon Members on this side of the House that much and therefore, Mr Speaker, for the purpose of the point that I wish to make it means that the Government is now considering

advice that was received previously as to how the Department should be manned and is thinking now of a surgeon and an optician because 80% of the cases are refraction cases. Mr Speaker, if something comes of this, I do not know, I am no expert in the matter, I do not know how kindly either the surgeon or the optician would take to sharing this job. I do not know whether in fact it would be easier to be able to recruit two men instead of one. It seems, on the surface of it, rather more difficult to recruit two persons rather than one if there is already difficulty of recruiting one, but the Minister is in a better position to judge but it certainly seems to me that it is quite an important decision to make especially if the surgeon were to come on condition that there is an optician as well and he might not be willing to carry on his duties if the second of the two is not recruited. Mr Speaker, enough has been said about the nurses and whether it is cause for anxiety and whether the person in charge in the Department agrees or dissociates himself from what the nurses had to say and of the union divisions between the nurses. I think that there is absolutely no doubt even to a layman that the situation does give grounds for concern to patients. I do not doubt the loyalty of the nursing specialist. I think his attitude is perfectly proper within the Department. I do not think it is even necessary for the Minister to say that he has the authority of the nursing specialist to say that he dissociates himself because we are not dealing with him as a Union Member, we are dealing with the Department as a whole. I can assure the Minister, and the Minister is well aware of this, that in a good number of cases what my Hon Friend Mr Restano had to say with regard to psychological problems inherent in eyesight situations or possibility of something going wrong with the eyes, the psychological problems and the anxiety caused in certain types of patients which are not few, are serious and I think the Minister will agree that before a case is considered serious enough to be referred to the Naval Hospital there has to be quite a deal of examination, quite a deal of judgement as to whether that particular case can be classified as one deserving of treatment under the special provision of consultation at the Naval Hospital and for a considerable period of time patients go to the Hospital and however competent he is, and the nursing specialist is very competent, very praiseworthy, it is not fair neither on the patient nor on the nursing specialist himself who is faced with jobs almost of diagnosis which he can not be expected to perform. I know the Minister, I am sure, gets upset.....

HON A P MONTEGRIFFO:

If the Hon Member will give way. Mr Speaker, I do not get upset. The Hon Member is talking in all sincerity,

I do not doubt it, but it does not work that way. The patients that the Ophthalmic nurse sees are the ones referred to by doctors and the Ophthalmic nurse is the one who makes the arrangements with the Naval Hospital. At the moment the Ophthalmic Nurse sees whatever notes the doctor has put down and he is the one that refers cases or refers it to the morning clinic at the hospital. On the other hand as regards anybody going for refractions when the optician finds that it is not a question of glasses, that it is a question of seeing an Ophthalmic Surgeon, again the patient is referred back to the clinic and then that person is put down for the morning clinic or sent to the Naval Hospital.

HON M XIBERRAS:

I do not believe, Mr Speaker, that the Hon Member will say that I am talking rubbish completely. I think, Mr Speaker, that one positive thing that has come of this, apart from urging the Minister to do his mission impossible, I think that one thing that should be done is to review the arrangements for seeing new patients at the moment to ensure that there is not too much responsibility placed on the nursing specialist and to ensure that the decision to send a person to the Naval Hospital is taken by a doctor promptly and that the patient is not left in doubt, attending a regular clinic conducted by the nursing specialist. I know that the recommendation of the doctor is always a general recommendation, i.e., this person is suffering from eyesight trouble and it may be this or it may be that. Perhaps the Hon Member would consider reviewing these arrangements in the interim and, secondly, I hope that the motion that my Hon Friend has put forward will make him aware of the difficulties that are faced by patients and that whatever the problems there must be a prompt solution to this. It is an important area, and I am sure that the Minister who takes to heart what is said about these matters in the House, will in fact comply with the terms of the motion, whatever the Government decides to do about it, and will share the deep concern at the absence of an Ophthalmologist and the Government will take all necessary steps as a matter of urgency to rectify the position as soon as possible. It is not an exorbitant or inordinate demand and I am sure the Minister will do his best to meet it.

HON G T RESTANO:

Mr Speaker, I would like to take up the Minister on a statement which he made concerning the way that I had broached the motion which I felt was completely unfair. He said that I was trying to dramatise the situation. I think I took particular pains to try precisely not to dramatise the situation and I said right from the

beginning that I was satisfied that urgent and serious cases were being dealt with adequately and I think for the Minister to say that I was trying to dramatise the situation is completely incorrect. He should never have said that. He himself has admitted that there is a need to have an Ophthalmologist to deal with routine cases at the hospital. That is not dramatising the situation, that is a need for Gibraltar. Another statement that the Minister made was on the question of remuneration. He said that the remuneration of an Ophthalmologist in Gibraltar, with all the perks and so on would be well above what he might expect to get at least in the United Kingdom. I think he mentioned that they could go to Australia and get more but that the local salary was very comparable to the United Kingdom salary.

HON A P MONTEGRIFFO:

I am sorry, Mr Speaker, what I did was that with the salary they get in Gibraltar at the maximum, plus the 25% gratuity non-taxable, plus the perks and allowances from overseas, some Consultants were better off here than in the United Kingdom.

HON G T RESTANO:

I think, Mr Speaker, that is roughly what I was saying, that possibly that Consultant could be better off in Gibraltar than in UK and when he said this he was saying it with regard to an Ophthalmologist. I distinctly also remember him saying in this House that the reason why the Government had not made direct approaches at the time and had preferred to make approaches through ODM and OSAS, was that then they would get more money. I am glad that he says that money is no object in getting the Ophthalmologist but he did say in this House that by recruiting through OSAS the Ophthalmologist would be better off and that is why I say that possibly the direction in the way the recruitment has been done may not have been as wide as it might have been because it has proved that OSAS has not been able to present us with the required doctors. However, I do not think that any purpose can be achieved in going back on the past. What is necessary for Gibraltar is the future and I certainly wish the Minister every possible fortune in obtaining an Ophthalmologist and that is what the Motion really is all about, that Government should take all necessary steps possible to rectify the position as soon as possible. That is in the interests of the whole of Gibraltar. Mr Speaker, I commend the motion to the House.

Mr Speaker then put the question in the terms of the Hon G T Restano's motion and on a vote being taken the following Hon Members voted in favour:

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

The following Hon Members abstained:

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

The following Hon Members were absent from the Chamber:

The Hon J Bossano  
The Hon Major F J Dellipiani

The motion was accordingly passed.

HON G T RESTANO:

Mr Speaker, I beg to move a motion standing in my name which reads: "This House calls on the Government to state whether it has made investigations through the appropriate channels and, if so, to explain why the rate of exchange of the Gibraltar pound is lower than that of the pound sterling in Morocco, thus decreasing the acquisitive value of Gibraltar tourists visiting Morocco." Mr Speaker, whilst realising that the subject matter of this motion is not a defined domestic matter and therefore not a direct responsibility of the Gibraltar Government....

MR SPEAKER:

In so far as the Motion is concerned you are perfectly in order to move it.

HON G T RESTANO:

Although the subject matter is not a defined domestic matter and therefore is not a direct responsibility of Ministers, I am sure that the Government must have, at some stage or another, made investigations as to why the Gibraltar pound is sometimes worth 2½% less than the pound sterling in Morocco. Obviously, I suppose there could well be a very reasonable answer to this and the motion is put mainly to obtain information. I am sure that Government

will realise that Gibraltarians going on a weekend to Morocco and taking over cash are certainly worse off in what they can acquire in Morocco as opposed to, say, if they were to take sterling because the rate of exchange is different and I suppose in some cases there may be a little bit of indignation because they are getting less than what they feel that they should be getting and possibly also a question of pride that the Gibraltar pound is deemed to be worth less whereas in Gibraltar it is worth the same. I remember once being given a reason why, which was a very logical one, why the Gibraltar pound if exchanged in England is worth less than a pound sterling and the reason was that there were charges in sending the Gibraltar pound back to Gibraltar and that, of course, is quite acceptable. However, Morocco is much closer to Gibraltar than the United Kingdom is and that particular reason would not seem to apply. Mr Speaker, I would call on the Government to say whether it has made investigations.

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, forgive my puzzlement, but if I explain to the Hon Member what it calls upon the Government to explain, how then do we vote? It seems to me that this is more a question than a motion. However, the Hon Member has, in fact, said precisely the reason why the Gibraltar pound in Morocco is exchanged at a lower rate than the pound sterling. Exactly the same as he has discovered in the United Kingdom. There is no need for any investigation because the reason is both simple and obvious. In a word, so to speak, there is little market for it. Foreign exchanges are merely markets where currencies are bought and sold and as in any market place the price of a particular commodity, and in relation to foreign exchanges currencies are commodities, the price of any particular commodity depends upon the level of demand for that commodity. The more people who want to buy it the higher the price at which it can be sold. Sterling is an international currency. It is one of those currencies which is freely traded throughout the world in the daily currency dealings on foreign exchanges. It is in common use for the settlement of international trading accounts. Morocco, as other countries, wants the pound sterling, amongst other things, for the payment of imports into Morocco from the Sterling Area. There is, therefore, a permanent and fluctuating worldwide demand for sterling which is measured by the daily variations of its exchange rate in terms of other currencies. It is a fact that the Gibraltar pound possesses none of these attributes. Its usefulness as a medium of exchange is confined to Gibraltar and the holder of Gibraltar pounds, and in this particular context we are talking about the Moroccan monetary authority,

the holder of Gibraltar pounds can only really do one thing with it and that is to send it back to Gibraltar at his own expense. I think, Mr Speaker, this must explain to anybody the reason why a small individual state currency with a circulation which is miniscule in relation, for example, with the circulation of any of the major world currencies, has little to commend it in the hands of international trade. There is little demand for it outside its own area of circulation and therefore if it is exchanged it will be exchanged at a lower level than you will get for, in this particular case, the internationally traded pound sterling.

HON G T RESTANO:

As I said originally the main purpose of the motion was, in fact, to obtain information and I can understand that the Financial Secretary wanted to know how he was going to vote either way. I will put him at ease and say that since the information has been obtained I will withdraw the Motion and I will spare him the embarrassment of having to vote with the Opposition on the motion. I realise entirely that the Gibraltar currency is miniscule as compared to any currency of larger nations. Tangier is, possibly, the main point where the Gibraltar pound is taken and Tangier, I would imagine, whilst it has probably an extraordinary inflow of pounds sterling still has in negotiating those pounds sterling to send them back to United Kingdom, perhaps, or at least calculate presumably the insurance and the transport where they to be sent back to the United Kingdom, whereas the Gibraltar pound really does not have to go very far. In any case, Mr Speaker, I would ask leave to withdraw the motion.

MR SPEAKER:

Has the Hon Member the leave of the House to withdraw the motion? Leave is granted and the motion is withdrawn. We now go to the last motion on the Order Paper which is in the name of the Hon the Leader of the Opposition.

HON M XIBERRAS:

Mr Speaker, I have the honour to move that: "This House is concerned at the effects on the economy and the quality of life in Gibraltar of the lack of development projects and the slippage in those few in progress and calls the Minister to account therefor." Mr Speaker, I have not counted the number of times the Government has been attacked by the Opposition of the day in respect of the Development Programme but they are legion and on all occasions I think they have been attacks fully warranted. The Government that holds office today had much to live up to in its Development Programmes in

comparison to the 1969/72 Programme which was not only one involving very substantial amounts of money but also one which was undertaken at a time when Gibraltar was almost without construction labour and very serious problems to attend to following the closure of the frontier. I remember, Mr Speaker, the AACR Opposition of the day being most unfair with the Government of the day in respect of that Development Programme. Then I was surprised when they came into office in 1972, with the attitude taken by some Members of the Government in respect of the Development Programme since they gave the impression that, along with the Financial Secretary of the day, they were not terribly keen to see a large Development Programme going mostly because of the inflationary effects which a large Development Programme might have on building costs, etc., but also because it was felt that the previous Programme had been too ambitious. Mr Speaker, the results of that philosophy and that attitude are manifested in the Programme which is just ending now. The Development Programme, Mr Speaker, as is known, is an absolutely essential part of our economy. It fertilises the private sector, increases the yield in taxation, provides jobs, increases our economic activity in a very important way and so it is almost a Budget, if I may call it, within a Budget and a very substantial part of our economy. It reflects directly on the quality of life of Gibraltarians by way of housing, by way of education and any Government worth its salt must deliver the goods in respect of the Development Programme if it wishes to be pleased with its performance at the end of the normal period of three years. The last Government which some Hon Members formed a part, was so keen to ensure that there was no hiatus between one Development Programme and another that the present Chief Minister anticipated the date of his visit to the United Kingdom on aid talks so as to prevent a hiatus occurring. At the time a number of press releases were issued because it appeared that the Chief Minister and his team had not got much joy in London but the Chief Minister insisted that the time had not yet come to make the announcements of what had been achieved by way of aid and the House waited in expectation for the Chief Minister to announce the Programme and as soon as it was announced the flaws in it were obvious to Members of the Opposition. Not only was there a question of local difficulties, but the nature of the Programme itself was such that inspired no confidence in Members of the Opposition. The Housing programme, for instance, as proposed, came under immediate attack because it was dependent, apart from Varyl Begg which was still continuing, it was dependent almost entirely at that time as announced on modernisation. The desirability of modernisation in the long run was agreed to by Members of the Opposition but it was pointed out very clearly that modernisation would take time, it was a complicated process, it would not provide the houses fast enough and there would be a

housing crisis in Gibraltar. Well, Mr Speaker, some years later as recently as this last meeting, it was quite obvious from the figures given in answer to questions by the Minister for Housing, that such a crisis does exist and it is affecting the quality of life of Gibraltarians and is not the fault of the British Government in not providing the necessary funds because the Chief Minister has assured us that this Development Programme was the largest Development Programme Gibraltar had seen in terms of the expenditure per annum and the money was available and, in the course of various Budgets, we have been voting extra money into the Improvement and Development Fund and the schemes which were submitted were of such a piecemeal nature that in the end Hon Members opposite had to rely on the lack of cooperation of ODM as an excuse for the failure to produce the necessary housing quickly enough. I have no doubts that tussles between ODM and the Gibraltar Government are the order of the day in the implementation of the Development Programme but I would suggest to the House that the nature of the Housing Programme was such that it gave ODM the advantage in the argument of the provision of funds, for whereas in respect, say, at Rosia Dale, there is a once-and-for-all battle and once that is over the building continues apace, in respect of modernisation one has to obtain approval for individual schemes apart from the surveying and the decanting and all the rest of it, and, Mr Speaker, ODM is perfectly capable of taking advantage of a situation which was agreed to by the Gibraltar Government, by the Chief Minister and the Minister for Economic Development and that put housing in Gibraltar in very difficult straits. I am glad that a motion which I moved in the House concerning housing had some effect. It seemed to have caused some sort of re-thinking and from the modernisation programme we have moved into the area development programme and certain schemes were announced at the time of area development which are, in concept, much more promising than the individual bits and pieces of modernisation that were being attempted. But still, Mr Speaker, we will not reach the rate of production of houses that was envisaged as necessary to break the back of the housing problem. In respect of housing, Mr Speaker, I have not the slightest doubt that Hon Members opposite are going to blame the Varyl Begg Estate for the slow-down. I have not the slightest shadow of doubt. They will attack the Varyl Begg Estate as a mistake, they will say that it was the then Government, that members on this side were responsible for it and so forth. Mr Speaker, it is a very, very old rabbit to pull out of the hat particularly when this Government has been in office from 1972 and it is now 1978 and the job lingers on. Whereas all the mistakes of the administration previous to 1969 were tackled energetically and most of them

corrected by the administration of 1969 to 1972, the Government of today and the last Government we had with practically the same composition, has failed to get to grips with the problem of Varyl Begg. It was late in detecting the fault, at most it is a question of structure or bad workmanship on the roofs of certain blocks of flats, they were extremely late in getting to grips with the problem. Yes, Mr Speaker, it is our legacy. I do not know what legacy the Government will leave to its successor because there is not much there, Mr Speaker. The Minister for Housing was telling us that only 95 cases had been dealt with by the modernisation programme since it began in 1975. Mr Speaker, perhaps the legacy the present Government will leave is the Gibraltar Plan and the exhibitions that can be put together in time for the next election at the John Mackintosh Hall. But, Mr Speaker, the fact of the matter is that the Government has not been energetic enough to come to grips with the problems at Varyl Begg and it has not made use of the funds which were available to it in respect of Housing in its own term in office and that brings me, of course, to the question of slippage and, Mr Speaker, of slippage we have heard a great deal in this House. I will leave it to the expert on slippage to continue the argument but, Mr Speaker, it is interesting to note that industrial action in this direction now takes the place of Varyl Begg Estate and now industrial action becomes the bogey, industrial action is the thing to blame for the slippage and the problem of industrial action, Mr Speaker, to my mind, as far as the Development Programme is concerned, is not of major consideration since most of the work is done by private contractors and private contractors have not been subject to industrial action to the same degree or anywhere near the same degree as the Gibraltar Government and the Official Employers have been and consistently at Budget time we have come to the House and we have heard the Hon Mr Bossano go through the Estimates of Expenditure of the Improvement and Development Fund and it has become almost a ridiculously funny situation, Mr Speaker, the amounts that were left unspent. Well, Mr Speaker, these are problems of Government and the Government has to face up to them and the Government must overcome them. But, Mr Speaker, perhaps if I move to Education, Hon Members will find me more convincing. If I move to the area of planning Hon Members will, perhaps, say that there is a grain of truth in what I am saying, in the blame that I attach to Hon Members opposite. The saga of the Public Works Garage, Mr Speaker, is too well known to Hon Members. I believe that there is an epilogue in this saga. I believe that there is now re-re-consideration afoot and the Hon Member perhaps will enlighten us in the course of this as to where the beams or the equipment or the materials that have been brought for the construction of the Public Works Garage are eventually to



go, whether it is on the same site or whether it is going to be changed.

MR SPEAKER:

That is not subject to any slippage and it is not part of any Development Plan. It is under consideration but it has not been approved. Am I wrong?

HON M XIBERRAS:

The material is already here and not only that, Mr Speaker, but also it is very important in respect of the argument about the siting of the school and the beginning of work on the school and it has to do with all sorts of things, the Mediterranean Rowing Club, it is a veritable bottleneck, Mr Speaker, with the Minister, I think, providing the constriction, the Minister who cannot make up his mind, Mr Speaker, about these matters and is holding up so many projects. He is like Atlas, Mr Speaker, with the weight of the Development Programme on his shoulders. Mr Speaker, I think it is fitting at the end of this Development Programme and before we hear the next set of announcements in respect of the coming Development Programme, I thought it was opportune that I should once again call the Minister to account for the delays in this Development Programme. I hope the school goes on, Mr Speaker, it will not be part of this Development Programme or the previous Development Programmes, I hope it will be part of the coming Development Programme. I do not know what kind of a school they are going to get but I think I am right in calling the Minister to account for having to put off the school until the next Development Programme and even then they are not sure when it is going to start. Mr Speaker, there have been achievements of the present Government. I find it difficult to recall any in respect of development but I suppose the building of the cargo handling shed at the airport is useful. It could not be considered a major project by any stretch of the imagination but it has improved slightly, I suppose, the quality of life in one respect for a limited area, it is helpful but at something like £80,000 it can not be considered a major work of development of which Hon Members can be proud of. Mr Speaker, there are so many things which have already been said over and over again. The proof of the pudding is in the eating, the work has not been done, the economy has not been fertilised. We have seen in unemployment figures and the number of people employed a tendency towards a diminution of economic activity, we have seen all the signs of what one Hon Member called before, a recession in Gibraltar, in the course of this meeting, a recession in Gibraltar and I do not feel a community in our circumstances should put up with this poor performance in this respect by the Government and should put up with it without calling Hon Members or the

Minister responsible to account for it. I have suggested it before, I will suggest it again in view of the impending Development Programme, that the Minister has too much on his plate to cope with these things. He has too much on his plate. He needs assistance, some of his activities or the responsibilities need hiving off, other members in the Government with fewer responsibilities, less onerous responsibilities, could give him a hand because he is controlling a very substantial part of the economy and whether Council of Ministers or Gibraltar Council ultimately decides these matters, the day-to-day matters so many of which have gone wrong, rest on his shoulders and he has Economic Development, Port, Tourism, Trade, he has all these responsibilities, Mr Speaker, and he is a man of some experience in these matters and I think it should come from him, it should be at his own suggestion, that he should pass on some of his responsibilities to his colleagues and devote himself more single-mindedly especially with a new Development Programme coming on and in view of the disaster that has preceded it, I feel that the Hon Member should ask the Chief Minister to divest him of some of his responsibilities so that he can do a better job. The Government of the day now has an extra member in the person of the Hon Dr Valarino. There is no excuse for a Minister being saddled with all these responsibilities especially if it is now beyond doubt that he has been unable to keep up with them. I challenge the Minister not to agree that he has been completely unsuccessful in overcoming the local problems of planning, that he has not been definite in his decisions, he has not stuck to them and this has hindered progress. Therefore, Mr Speaker, I honestly think that the Hon Member, who is much respected in the House, should see clearly that he cannot cope with the responsibilities. I will leave it to other Members to contribute in respect of various items of the Development Programme. I have not gone into the number of housing cases we are getting a year and the number of houses that are being allocated, that the pointage has gone up for a four-roomed flat from 250 two years ago to, I think the Minister said 400, or so. I am not going to talk about any of these things, Mr Speaker, even though I feel they do affect the quality of life in Gibraltar. I do not bring this as a vote of censure on the Minister but perhaps as a vote of kindly censure on the Minister urging him and encouraging him to take the necessary steps to give up some of his responsibilities and go into the coming Development Programme with some degree of energy, determination and single-mindedness otherwise the recession is going to continue and we must snap out of it. I call upon the Chief Minister also to realise that he has the proof of this year after year, debates, questions in the House which the Government has been unable to answer. I call on the Chief Minister to account for allowing the Hon the Minister for Economic Development to be over-burdened with responsibility. He is far away from an election now. He has got an extra

member in the Government. He need not bother about political considerations but he must, Mr Speaker, do something about the coming Development Programme on the basis of the disasters of the past.

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

HON P J ISOLA:

Mr Speaker, I am taking the unusual course of getting up before the Minister replies because when he does reply he might add in his reply the minor points that I may bring up in addition to those which my Hon Friend the Leader of the Opposition has mentioned. I would like to know, Mr Speaker, as we are all very concerned at the apparent slippage that is occurring in our Development Programme and in development, generally, I would certainly like to know from the Minister and I would like him to rivet his attention on what he said in April or March 1977 would be done by the Government in the year 1977/78. I think it is quite a good thing if he could give us this report because it would save us asking all these questions next month at the Budget meeting. We are, after all, only a month away from the end of the financial year of the Government. It seems to me that the Government told us that they would spend something close on £6m. in development projects in the year 1977/78 and there was the income there or the receipts were there or money was going to come in to meet this expenditure. It was questioned whether they would be able to do that because it appeared from the Estimates of the previous year that the Government had only spent £1,775,000 in the year 1976/77 but the Minister with his usual confidence and optimism reassured the House at that meeting that we were under way and that all these projects would be completed in the year under review so really it would be very interesting to know how far he did get under way and how far we did go full steam ahead and certainly it would be very helpful if the Minister were to tell us the sort of expenditure there has been in the Improvement and Development Fund since 31 March 1977. I do not think I am going to ask him to report on the Varyl Begg Estate position because we have had that ad nauseam over the years. But, for example, Rosia Dale. We were told the Government would spend £350,000 up to 31 March 1978, it would be interesting how much has in fact been spent because that would give us an idea how far Rosia Dale is, in fact, full steam ahead. Then there were area re-development schemes on which the Government was going to spend £820,000 in the year under review. How far has that gone on? Then housing modernisation, close on £2m. was to be spent in 1977/78. How much has been spent? This will give us an idea of how much has been done and the extent of slippage. The restoration of Penney House was to be completed by 31 March 1978. I asked a question, has it

been completed? Apparently there was not much left to do because there was only something in the region of £48,000 to be spent. According to the estimate that we got last year there was £48,000 left to spend in 1977/78 so I should imagine that that is ready and people are already living in it. I think it would be worth telling us about this. I will not ask about the Girls Comprehensive School because we know that nothing has happened. What about the proposed extension to the college of further education, a project which was estimated to cost £60,000 and was going to be done during this year, has that been done? There is also the school in the Varyl Begg Estate, a third of that was going to be done during this year, has it been done? The Leader of the Opposition has mentioned the re-siting of the Public Works Garage. There, Mr Speaker, the Government was going to spend £200,000 during this year. Have they done it? Apparently it had spent £102,000 up to 31 March, 1977, it is difficult to see on what that was spent. I presume it must have been in the structure which is lying by the Distillation Plant. It has been lying there and the grass seems to be growing round it. It has been there some considerable time. What has happened to that? Why hasn't that gone ahead? Then the Government was going to spend £186,000 in winning sand from the Upper Catchment area. I do not know whether that has happened. And then, I hope this has not been done, Mr Speaker, they were going to spend £60,000 in hostel accommodation. I hope that has not been done because we heard earlier on in the House that you were closing hostels. Mr Speaker, I think those are the main items of expenditure that the Minister hoped to embark on during the year and on which, I may be wrong, very little has happened. A lot of money was going to be spent but I do not think it has been spent. There were a lot of others, Mr Speaker, but I think they are comparatively minor. One of them is conversion of St Jago's school into offices. That was going to be done at a cost of £100,000. I do not know whether that has happened but that was going to be spent apparently in 1977/78. Mr Speaker, if, in fact, as I suspect, very little has been done in all these projects that I have mentioned, I am sure that the Minister will agree that there is cause for very, very great concern because if the money is not spent and no money is injected into the economy, the building trade will I suppose go into recession and that has, of course, its effects generally on the whole economy of Gibraltar and I think that is something that we must be very concerned about. We have been mentioning this, of course, in every Budget. Every Budget the Government has spent less on the Improvement and Development Fund, i.e., done less than on the previous year and this, of course, is a tendency which must be arrested at all costs. We must get this development going. It is no use saying we are going to do it and producing Estimates of Expenditure of £6m. for a year and then to find you have only spent £1½m., if that. I am sure the Minister will agree

that this is not on. Accordingly, Mr Speaker, I support the motion. Certainly I would welcome from the Minister an explanation and certainly a progress report because if he is able to tell us that all these things that I have mentioned have been done then I might even vote against the motion.

The House recessed at 5.00 p.m.

The House resumed at 5.30 p.m.

HON A W SERFATY:

Sir, if in my own mind I thought that the criticisms which have been levelled at me by the Hon Mr Xiberras, Leader of the Opposition, and Mr Peter Isola, if I thought that these criticisms were justified it would not be a question of my leaving one Ministry but it would be a question of my leaving all my Ministries and placing them at the disposal of the Hon and Learned the Chief Minister. I am satisfied, in my own mind, I do not know whether I will be able to convince Hon Members opposite, that there is a justification for everything that has happened with the Aid Programme. First of all I am going to try and answer the questions put to me by the Hon and Learned Mr Isola on actual expenditures in 1977/78 and in the period 1975/78. I have been looking at the very latest figures that have been shown to me, and which will be reflected at Budget time, of the actual expenditure that has been incurred in the Aid Programme, excluding other works done with our own money during the period 1975/78. I can say to within £100,000, more or less, that the total expenditure including Varyl Begg expenditure during that period is just £6m. which, if we take into account that we are spending virtually nothing on the Girls' Comprehensive School and on the Port, I will come back in a moment why we have not spent it, and on a couple of other jobs, I do not think it is too bad going. I have felt myself a very frustrated man as I have never done in my virtually thirty years in public life because of the lack of cooperation from the Foreign and Commonwealth Office and I make no bones about it. I am not going to shove all the blame on the Foreign and Commonwealth Office. We may have been partly to blame but a very big share of the blame must go to the Foreign and Commonwealth Office. I am saying these words with a sense of responsibility of the importance of what I am saying. First of all, let us try and give the Hon and Learned Mr Peter Isola details of the 1977/78 expenditure as far as I have been given them by the Treasury. In the Varyl Begg Estate this financial year we shall have only paid £161,000 but there is about £1m. at least to be paid out of that and that amount of money we are not in a hurry to pay because of the outstanding dispute on the Varyl Begg roofs. So, generally speaking, we can say that we have spent on the Varyl Begg Estate during this last year, or at least bills to be paid, about £1,160,000. I hope to have the time and to be able to mention later on what I

think of the Varyl Begg housing project as a politician and as an architect, and about the responsibility which the IWPB Government had, in my opinion, on this tragic fiasco of Varyl Begg. On the Girls' Comprehensive School we have spent nothing. Varyl Begg First School, we shall have spent this year £10,000. Extension to College of Further Education, nothing, though £35,000 will be included in the 1978/79 Estimates. School for Handicapped Children, £22,000. Boys' Comprehensive School, £13,000. Repairs £328,000. Modernisation, £255,000. New housing, £400,000. Penney House, which, by the way, I should say will be ready for occupation early March, £54,000. Cargo Handling Shed, £3,000, remainder of the job which was done previously. Public Works Garage and Workshop, £83,000. Restoration of Moorish Castle, £21,000. Port Development £33,000. This accounts for fees which have been paid to Halcrow and Partners for the drawings and Bills of Quantities which are completely ready to go out to tender when we get the OK from the Ministry of Overseas Development. Thank God, it is the Ministry of Overseas Development that we are dealing with now and not the Foreign and Commonwealth Office. Hospital renovation, £71,000. Winning of sand, £67,000, I am told, will be spent by the end of March this year. Then there are other minor items; Sewage system, £138,000. Deep drilling, we do not know, perhaps, £100,000, perhaps less. All that adds up, as I have said before, if we add it to the two previous years of the Aid Programme, to £6m. I would like, Mr Speaker, to mention some of the delays which we have had to face. As every month goes by the cost of the Girls' Comprehensive School will be between £50,000/£60,000 more. The date of the project application for the Girls' Comprehensive School was 1 December, 1976, after all the drawings and everything had been done. We all know that we have not followed that up and that the British Government has not seriously considered approving the Girls' Comprehensive School in this Programme. Varyl Begg First School; our first application was dated 6 April, 1976. Eventually, because of increased costs, and I cannot be made responsible for inflation, even if the Government may be made responsible, perhaps, for under-estimating in some cases, eventually the Varyl Begg First School was submitted for the second time on 19 November, 1976. The project was finally agreed on 8 July, 1977, soon after ODM came into the picture. Rosia Dale; I feel very strongly about Rosia Dale. The project application was sent on 14 November 1975 and it was approved on 6 September, 1976. Hon Members may remember that 6 September, 1976, was about the time of the Elections. I am not normally a vote catcher but I went to London and I told the FCO pointblank that I could not face an election unless they approved the Rosia Dale project and I like to think that the Rosia Dale project was approved because I went to London and told them pointblank that I could not face an election, and that was ten months after the project had been submitted. We were told even then

not to submit any more projects for new houses at £20,000 per unit, which, by the way, now they are in the region of £22,000 per unit. They were enamoured, as I am, of the Modernisation Scheme because when all is said and done, the Modernisation philosophy is here to stay long after I have left politics because this is the way to do away with the slums of Gibraltar. Even if it has had a very difficult birth modernisation is here to stay. Of that I am sure, as an architect and a planner that I am by profession, apart from being a politician. Even on the repairs programme jobs of about £5,000 have taken 3/4 months to be approved. I must say that when the ODM came into the picture things changed very quickly. Bedsitters at Glacis were approved within seven weeks. A new block of bedsitters at Prince Edward's Road was submitted on 1 June, 1977, and approved on 28 July, 1977, and so on and so on. Public Works Garage was submitted on 23 February, 1975, and finally approved on 26 May, 1977. I will say, because I like to be fair and just, that the cost of that scheme increased considerably and that may have put a brake on the willingness of the FCO to approve the construction of the Garage and Workshop. It took two years and three months to get that job approved and if I have anything to do with the matter, that Workshop and Garage are going to be built at the Slaughter House. Three sites have had to be very seriously considered. First the Old Refuse Destructor and we had the Union saying, rightly or wrongly, that they would not allow that Garage to be built there because of the possibility of danger of falling stones. We looked for another site and we found one after a lot of bellyaching with the Ministry of Defence who finally gave us a strip of 60 feet in width of the sacred area of the X-Y line and again the Union said they would not agree to that site. Finally, the leaders of the Union did not have any objection, talking for themselves and not for the men who had to work there, to the Slaughter House site. I do sincerely hope that that building is built there because it is an ideal site for a Garage. It is not an ideal site for tourism development but it is an ideal site for the Garage as it is almost within the industrial area. It is a bit far from Main Street, I agree, but now most of our workers have their cars. Port Development; an application to appoint consultants was made in May 1975. Agreement was obtained in September 1976 and the application was made formally once we got the drawings and the Bills of Quantities and Specifications, in May 1977. Now we get the Director of the Port of Southampton who within hours of arriving in Gibraltar had made up his mind that our application was fully justified. The Director of the Port of Southampton was sent by the Ministry of Overseas Development, at my suggestion, so that they could be convinced that we were not talking through our hat when we said we wanted more space in the Port of Gibraltar. Finally, the winning of sand. First application 11 June 1976, second application, 3 November 1976, approval 109.

28 October 1977. Nearly one year after. Hon Members should not be surprised that I felt a very frustrated man. I like to think I am a hard worker. I like to think that I have done my job in all those Ministries that Mr Xiberras wants me out of and I will always do what the Hon Chief Minister tells me to do and if the Chief Minister tells me: "I want you out of Development," out I go because I have great faith in the man. I am satisfied that I have done my job in those four Ministries whatever the Opposition thinks and I will carry on doing it whilst the Chief Minister wants me to do them. The height of irony is that one of the most important members of the IWPB Government who got the Varyl Begg Scheme going should now come with a motion to criticise me and the Government for what has happened in the Aid Programme and it is not untrue to say....

MR SPEAKER:

May I say that I do not consider this to be a vote of confidence. I am saying this because if it were I would be required to take certain decisions on the voting. I consider the Minister is being asked to account for certain of his responsibilities but the Chair does not consider it to be a vote of confidence.

HON A W SERFATY:

With all due respect, Mr Speaker, the way that the two previous members have spoken I take it virtually as a vote of confidence. The Hon Mr Xiberras said he was proud of the 1969/72 Aid Programme of Varyl Begg, those were his words. May be he should have said of the 1969/78 job of Varyl Begg and still we have not seen the end of it because I can tell the House that the very first thing I did when I became Minister for Development was to give instructions that there should be no flat roofs on Government houses in the future. It is a pity, but of course I am not criticising the IWPB Government for that, that they didn't have an architect as one of their politicians. I know that the politicians are not always to blame for the things that are carried out by the administration but I cannot help feeling that the system that the Hon Mr Xiberras called, the system of construction, does not really give results and the IWPB Government were looking for trouble when they appointed the Consultants. I do not like to give excuses, it is silly to do so in politics, facing an Opposition who want you out of Government, but the question of modernisation which I have defended a moment ago, is full of difficulties and, I will admit, more difficulties than I realised in 1974. The problem of decanting is fantastic and this is where there is a certain connection between Varyl Begg and modernisation because if Varyl Begg had gone forward as it should have gone, then a number of flats in the town would have become available for decanting

apart from the fact that if we had had those 600-odd flats I think I would have been able to convince my colleague that one of the blocks in Varyl Begg should have been set aside for decanting, but that was only if we had had those 600-odd flats. Blacking action has also something to do with the matter, particularly modernisation and repairs. I remember being told by the Public Works Department Drawing Office that they could not even get paper to make prints. It is a pity that the Hon Mr Bossano is not here. I know Mr Bossano has to defend the interests of his members, of course he has to, but let him appreciate that the economic activity of Gibraltar is linked with all these matters of industrial action. It is not that easy to get schemes for new housing off the ground. The IWBP Government was lucky - it is a pity they did not do a good job of it - in getting the British Government to agree to selling us for £360,000 the Viaduct Reclamation site and may I say, in passing, that the Aid Programme of the IWBP was not entirely a grant from the British Government. Twenty five per cent of it had to be contributed by the Gibraltarian taxpayer. The money we are spending, the Aid Programme negotiated by Sir Joshua for 1975/78, is a complete grant by the British Government. We have been in difficulties on the question of looking for sites for the next Programme. I am a man who likes to look forward and I can tell this House that we are much better prepared now for the 1978/81 Programme than we could ever have been for the 1975/78 in spite of the shortage of space for clubs to which the Hon Mr Xiberras was referring earlier on. The Government of Gibraltar has also to meet these difficulties of shortage of space but we are solving them. I must give the Architects, Drawing Office Staff and staff, generally, of the Public Works Department full marks for the way in which they have prepared the ground for the 1978/81 Programme.

HON MAJOR R J PELIZA:

Mr Speaker, once upon a time, back in 1969, there was a shadow Economic Minister sitting on this side of the House who was never satisfied with what the Government was doing. He had great dreams of a kind of Monaco in Gibraltar with hotels spurting up everywhere, with housing increasing by leaps and bounds from year to year and he was not satisfied with the Sports Stadium which, apparently, we did not do. He was not satisfied with the clinic, he was not satisfied with the hotel which had to be subsequently converted into flats, the reason for which I will explain later. In fact, all the projects that were initiated by the then Government today carry the plaque of the people who eventually took over the Government and because of that I suppose they claim all those development projects to be theirs. But when there is a problem in any of those development projects then it is the old administration that is to blame and if they themselves cannot make any headway, any new

substantial project, then it is not their fault, it is somebody else's fault. It is the FCO's fault. And so, Mr Speaker, the tragedy goes on and Gibraltar very unfortunately because that shadow Minister became the Minister for Economic Development, today finds itself from the Economic Development point of view, at a complete standstill. How he is going to start again to get things moving, I do not know. All I can tell him is that it was a very difficult job when my administration took over, to get ODM to provide the money to go into a big Development Programme because they said that we did not have the capacity to build and we had to prove it and we had to get very firm and I personally had to get very firm to the point of nearly walking out because I was convinced we had the capacity to build. In those days we had one great difficulty, we had no labour at all. It was not a question of industrial action for a short period, we had no labour at all. The Spanish Government, as you know, had withdrawn the labour overnight. That was a big problem which the then Shadow Minister could not understand. However we managed to build the hostels and we filled those hostels and look at the position today, the hostels are empty again. It was an urgent matter for us to provide accommodation for workers in order to be able to have the capacity to build. We did it and we built quickly and we built perhaps more houses in Gibraltar than have ever been built in one Development Programme and we obtained a commitment to the programme. And if the roofs are leaky, then those who supervised the construction of those houses, which is the present Government, are to blame for the leaking roofs. You cannot blame that on the people who got the money to build the houses. It is those who built the houses that are to blame.

MR SPEAKER:

I am going to repeat something that I have said often enough but not lately, and I had hoped I did not have to say again. The person who holds the floor is entitled to have his say without interruption and I will make sure that he is not interrupted.

HON MAJOR R J PELIZA:

Thank you very much, Mr Speaker. It is always the same, they always try to stop me from speaking. They do not like to hear the unpleasant truth but I think it is most important that the Government who seems to be blind, perhaps because they have not got the Eye Specialist in Gibraltar yet, who seem to be blind to their own blunders, it is very important that we should remind them of this because if I have got my sums right and of course I do not have the means of doing the sums, but I think the position is that in this Development Programme out of £8m. I believe £5m. have been spent. Perhaps they could tell



me what the figure is. How much was going to be spent and how much has been spent?

HON A W SERFATY:

Mr Speaker, out of £7.6m, £6m have been spent even though one of them has not yet been paid because of the reasons I gave.

HON MAJOR R J PELIZA:

Certainly £1.5m has not been spent. That is a lot of money and I am not talking about the Development Programme I am talking about the actual money being spent here. £1.5m is a lot of money for an economy with a total current Budget of about £14m. The fact remains that at the end of the period we have £1.5m which could have been used and has not been used. In a business a person who had incurred that loss would have been kicked out of the business and any official of the Government who had not spent that money, if it had been his duty to spend it, would have been kicked out of the administration. £1.5m is a lot of money. The Government think that it is only them who are presented with difficulties. Everybody has got difficulties, the important thing is to be able to overcome them and if you are unable to overcome them that is failure. There is no other excuse, it is failure. A General who goes to war and tries to fight a battle, if he loses the battle he loses the battle and he can have lots of excuses as to why he has lost the battle and the Economic Development Minister who set himself some targets to arrive at in his Development Programme and fails to do that, he has failed and it is no use saying that he is satisfied that he did his best. He may be satisfied that he did his best but I think the onlookers cannot be so satisfied no matter what the excuses are. If the Government has got no influence whatsoever in convincing the FCO that they should accept and approve the plan, it is entirely the Government who is to fail, not the FCO. It is they who have been incapable of convincing the FCO that they should carry out their duty and approve those projects. If I had been the Chief Minister and what the Economic Minister has told me had happened, I would not have remained Chief Minister for very long, that I can assure you, because if I had been promised money for the Development Programme and that money had been given to me I expect at least to be able to spend it. But to give it to you with one hand and then take it away with the other, I am not prepared to play that game but that is the game that the Chief Minister of this Government has played. I can understand the Minister for Economic Development feeling so frustrated, of course he is frustrated. He is too busy trying to present the image of Gibraltar to tourists in England, he has got to go round doing that, and he is too busy to try to find out about the shipping in the port.

MR SPEAKER:

I said it when the Minister was speaking and I will say it again. This is not a vote of confidence on the Minister, this is a motion on a particular issue which is the Development Plan and its slippage and we must stick to it.

HON MAJOR R J PELIZA:

Mr Speaker, what I am trying to explain is that the main reason why, and this is very important to Gibraltar, the money is not being spent is because the Minister is either incapable or has not got the time to do it and of the two I would like to say, in fairness to him, that he has not got the time to do it because he has got so many things to do whilst perhaps another Minister of the Government is busy selling stamps. Surely, some more worthy job could be given to him. We have a Government with nine members. We have never had in Gibraltar a Government of nine members but quantity is not the point it is quality that counts. Mr Speaker, the result is in the Development Programme, what have we got: nothing. But what is even more interesting is that they have nine and they feel that one of them need not do anything because there is really nothing for him to do. Of course, there is nothing for him to do, there is nothing the Government is doing. The Chief Minister continues to laugh. Mr Speaker, it is indeed very sad because Mr Speaker, we are just about to ask the ODM for more money for the next Development Programme. When, and I am sure this is what is going to happen, the applications are made again the first thing they are going to ask is: "Have you got the capacity to use that money?" This is the first thing they are going to ask because the way that they allocate the money on these development programmes is that since they have to allocate the money available to different applicants, which are from all over the Commonwealth, it is necessary for them to know that whatever money they allocate that money is going to be used otherwise we are depriving somebody else of enjoying that aid. By the past record of this Government I think we are going to find it extremely difficult to convince them that we are going to spend what we ask for. This is the difficulty, this is the trouble of letting the side down in the way that the Government have done. I hope it will be possible for you to convince them that you have the capacity to build in the future. The money that comes from Development Aid does not only provide Gibraltar with new projects such as more houses which we are clamouring for, it not only does that but it also injects a lot of money into our economy and that, I think, raises the standard of living and the quality of life in Gibraltar. This is the big responsibility of the Government. This responsibility, I would like to suggest, has not been fulfilled in this past development period.



HON H J ZAMMITT:

Mr Speaker, Sir, it is a great pity that the Hon and Gallant Major Peliza having started with the words "Once upon a time" did not end up with "and they lived happily ever after" because it has seemed to be a very good fairy tale all the way through. I would like the Hon Members opposite to try and understand and search their own conscience and see if ever Gibraltar has had to put up with, for a period of nearly two years, with 200 vacant flats which has, as the Minister for Development has said, in no small way prevented further decanting for the modernisation of other flats. There has always been a shortage of houses, that we can all accept, certainly since the Second World War, but never ever have there been 200 vacant flats unfit for human habitation. That is one of the problems. The other problem which my colleague has also mentioned and which has been taken very lightly by the Hon and Gallant Major Peliza, is the fact that we have had to put up, particularly last year, with the blacking action brought about to all Official Departments. The amount of leaking roofs, excluding Varyl Begg, and if the Hon Major Peliza were to spend one or two days more in Gibraltar and go up to the Rock and look down, he may find much more green canvas over the roofs that he has seen for many a year. The Hon Major knows very well that on the question of decanting, for which I have a certain responsibility, is not as easy said as done for there are many instances where we have to decant two and three families from one dwelling. A lot has been done in that respect and the results are now beginning to be seen. I think, Mr Speaker, that it is very easy to point a finger at my colleague the Minister for Development, Tourism, Trade and Port but I can assure Hon Members opposite and those who know my colleague well will agree with this, that his output is possibly in every Ministry as much as any individual in this House could give to one Ministry. His devotion to his Ministries, Mr Speaker, is completely and utterly commendable and I have experienced this, Mr Speaker, in my capacity as Minister for Housing in the many meetings that I have held with my colleague. The Hon Mr Serfaty dedicates basically his whole day to meeting after meeting and I think it is very unfair for Members opposite to criticise him for his output. As far as I am concerned, and I am sure all Members on this side of the House will agree, that if there is a hard working Minister in this Government it certainly is the Hon Mr Abraham Serfaty.

HON MAJOR F J DELLIPIANI:

Mr Speaker, it is always a pleasure to be in the House when the Hon and Gallant Major Peliza is sitting opposite us because he does provide a certain amount of comic relief to the whole business of the House. The way this Motion has been debated by the Members of the Opposition, it has become

to me a question of no confidence in the ability and the capability of the Minister for Economic Development. I am a new member, the youngest Minister in this Government, and one of the things that impressed me most was the capacity and the time that the Hon Minister for Economic Development gives to all his Departments. There is no question about the amount of sheer hard work and number of hours per day that my Hon Colleague puts in. Of that there is no doubt and the fact that he is an architect and a very experienced architect, is of great help to his Department, certainly of greater help than his predecessor who was a fishmonger. I am going to repeat what my Hon Colleague the Minister for Sport has said. Varyl Begg has been the biggest piece of prime land available to Gibraltar since the Humphreys Buildings, and there we had the best land available but what has happened? We did not approve the Consultants or the Architects or anyone connected with that development. That development is causing Gibraltar great hardship. It has caused a lot of slippage, and we did not design or approve or consult or had anything to do with that programme. The Hon Minister for Development has informed the House of the struggle he has had with the Foreign and Commonwealth Office to get our Development Projects approved. He has also explained that the situation has changed with the ODM and he is confident that this will not happen again. If there has been slippage it has not been because he has not been able to do his work, because he has not put enough hours into his job. He has worked very hard at his job. I can assure the House that he spends more time on development and in committees to do with development than anything else. Then there was a remark about my colleague, the Hon Mr Isaac Abecasis. He is working very hard too, otherwise we would not have a profit of £½m from the sale of stamps. At the time of the IWPB Government the sales were something like £10,000 or £12,000 a year and now we are talking of £½m. Mr Abecasis has been doing his work. There is no doubt in my mind about the great capacity for work, the sincerity and the technical ability of my colleague the Minister for Economic Development.

HON A J CANEPA:

I think by now the Hon Major Peliza must realise that he has really stirred up a hornet's nest. The Hon Major Dellipiani was saying at the beginning of his contribution that Major Peliza seems to provide a great deal of comic relief in this House. Unfortunately, the comic relief, in my view, is being provided in the wrong place. It is elsewhere, on television, in the circus, where comic relief should be provided but not in this House of Assembly if we value the good name of the House.

MR SPEAKER:

Let us not debate the performance of Major Peliza on a particular debate.

HON A J CANEPA:

Is Major Peliza then in meeting after meeting in this House of Assembly to stand up and make the kind of remark...

MR SPEAKER:

The Hon and Gallant Major Peliza is entitled to make any remark and only if I find that remark out of order I will call him to order.

HON A J CANEPA:

Surely, Mr Speaker, I am entitled to comment on the remarks which the Hon Major Peliza has made.

MR SPEAKER:

I have not suggested that you should not. I have suggested that it should not be made the subject matter of the debate.

HON A J CANEPA:

The Minister, Mr Speaker, is being called to account in this motion and whilst I, for one, do not particularly quarrel with the approach of the Hon Mover of the Motion or, indeed, with the approach of the Hon Mr Isola, I certainly do quarrel with the approach of the Hon Major Peliza. The Hon Minister has answered, as he has been asked to do, with spirit but with facts, with honesty and political and personal integrity. In my view, we have seen this afternoon, certainly in the six years that I have been in the House, possibly the best performance from the Hon Mr Serfaty. He has been armed with facts, not with lies, and when a politician has got facts at his disposal with which to answer then life is made much easier for a politician than if he has to prevaricate. We heard it said by the last speaker from the Opposition side that the hostel had been built during their administration. I do not wish to say anything this afternoon here which is going to cast any aspersions, any doubt, on the very good work that I have always thought the Hon Mr Xiberras did in very difficult circumstances in 1969 with a very difficult Ministry, but it is not true to say that the hostels were filled, not Devil's Tower Hostel. When I took office in late June 1972 there were 20 residents at Devil's Tower. Devil's Tower was only filled for a very short period of time in 1975 when it had 280 residents at the time when the Filipinos were here, initially, before they were moved over to the hostel at North Gorge. For most of the time the

numbers there had been 150 or 160 during my time in office. We have also heard about the start on Varyl Begg. Varyl Begg houses being built, who by? Was it by the IWBP? Do I have to remind the House that building at Varyl Begg did not start till October 1972, by which time the electorate, in its wisdom or in its folly, I like to think that it was in its wisdom, had given the Hon order of the boot to Major Peliza in June 1972. But the project, of course, was there, all the planning and everything else had been done by them and we inherited it. Unfortunately, what could have been an excellent project which would have been of great assistance to the people of Gibraltar and of which we could all have been proud, in their case for planning it and we for building the houses, unfortunately, that is not the case and either we take the blame equally or they take it but please do not cast the whole blame on us, we are not to blame. The Hon Major Peliza said that the Foreign and Commonwealth Office were not really to blame for the delays. We were to blame perhaps for not pressing them sufficiently hard. He would have resigned if the Foreign Office had behaved in the same way. Well, let me tell the Hon Member that we are not having the same trouble from the Ministry of Overseas Development. We are not experiencing those serious delays. The position has improved considerably. I do not know whether he is aware of the facts, because maybe he does not get an opportunity to meet people in the street the way that those of us who are always in Gibraltar do, I do not know whether he is aware of the facts but there are people in Gibraltar who voice certain fears about what may or may not have been the reasons for the delays at the Foreign and Commonwealth Office. People who voice fears which brings the whole policy of support and sustain into question and I do not have to tell the House that perhaps the views of officials in the Foreign Office on a whole lot of matters, not the least Gibraltar, are not necessarily the views of politicians in the United Kingdom. Perhaps this is not the sort of thing that we should say a whole deal about at this juncture. We do not want to frighten people in Gibraltar but I am telling the Hon Member that those fears are expressed by the ordinary man in the street. I am glad to see that we have not been experiencing in the last year or so the very serious problems and I have no doubt that when Mrs Hart is here next month, because she is a very good friend of Gibraltar, I do not doubt for one single moment that we will not get the kind of response and the kind of aid which Gibraltar needs and deserves, because the people of Gibraltar do need to have a good quality of life, the people of Gibraltar are entitled not only because of the stand that they have been taking in the last years in defence of their rights, but also because of the neglect that there was in Gibraltar in building the social capital of Gibraltar, housing, schools, hospitals etc before the War. We have no reason to be afraid that we are not going to get a fair crack of the whip but, Mr Speaker, if you will

allow me to end on one note, that it does not do any good to cast disparaging remarks at the efforts of Ministers. We have been accused here in the past of being unimaginative in the way that we have tried to raise revenue and if one Minister is responsible for bringing into our kitty £½m in a manner which is painless to the Gibraltar taxpayer, I think that is a matter for congratulation and not a matter to make fun of such good work. We are fortunate to have in the public gallery this afternoon, young people. We don't very often have them and I think that our behaviour here should give a good impression of what we are trying to do in the House. I have always thought - it happens to be the fact - the highest that any Gibraltarian can aspire to is the office of Chief Minister and I have always had a great deal of respect for the Hon Major Peliza. I certainly had a great deal of respect for him because he was the Chief Minister of Gibraltar for three years and he ought to behave as an ex-Chief Minister otherwise it is no wonder that in 1969 he was able to get 5,500 votes and in the last General Election that has come down to 3,300 and if he carries on this way he will be hard put to be re-elected.

HON CHIEF MINISTER:

Mr Speaker, no doubt because of this composition of the House, as the Hon Major Peliza has said, the contributions this time appear to have come mainly from this side and at the pace we are going we might, perhaps, finish with not enough room over here for people who want to come and support the Government. Therefore, I do not want to repeat what my colleagues have said but just to highlight one or two points. First of all let me say, with regard to the original remarks made by the Leader of the Opposition to whom I listened with great respect and attention even though I did not agree with a word he said, that I decide, in my judgement, what Ministers hold what posts and I need no prompting from the other side as to whether I should relieve any Minister of any duty. That is my duty, that is my function and I shall continue to do it to the best of my ability irrespective of the unwanted voluntary advice that may come from the other side. Therefore, as far as I am concerned, in so far as the Hon Minister who is under fire today is concerned, he has my full support and I have full faith in his ability to carry out the very difficult task that he has assigned to himself. It is not only once but many times that I have asked him whether he wants to be relieved of any of the responsibilities he carries out and he has always said: "It is a matter for you. Whatever you decide I shall do." And it is because I have decided that he should carry on with the responsibilities that he is carrying them out and I would like to say that he is carrying them out to my full satisfaction. I shall continue to support him in every way and I think the facts that he has set out

this afternoon were clear, simple and to the point. It is ridiculous for Major Peliza to say that if he had not got the money he would have resigned. Well, he only resigned once and probably he will regret it for ever because he was not re-elected. The difficulties that were found were, in my judgement, administrative difficulties and this was seen clearly when, despite the fact that there was an element of alarm in respect of another aspect of the re-arrangement of the Foreign Office set-up on the Gibraltar question when the Gibraltar and General Office was passed over to the Southern Division there was certain concern in respect of other aspects of matters with regard to the Foreign Office to the question of Gibraltar, which I did not share, but which I know did concern some members opposite. One of the results of this re-arrangement was that we would have in respect of Development Aid direct access as was the case at the time when the Conservative Government was in office, that is, that they were a ministry unto themselves but in this case, though it still remains a Ministry of the Foreign Office, we have direct access to them. It is fair to say, too, that in the previous period before this Development Programme, we had a team at the Foreign Office who were most helpful in respect of Gibraltar. Unfortunately, when the whole of that team was changed, a matter of personality perhaps, all these difficulties came about and I am convinced, despite the fears that have been expressed to my Hon colleague in respect to another matter in so far as the delay is concerned, I am quite convinced that it is shown by the fact that the new set-up which is working much better is the answer to any fears that anybody might have thought that there was less support for Gibraltar in the Foreign Office in respect of other matters and that these were the reasons for the delay. I think the delays were purely a matter of administration which has been corrected but, unfortunately, before it has been corrected it has had the damaging effect which has been so clearly pointed out, with facts and with figures as to the time that it took to approve projects in the past and the time it has taken to approve projects now. In fairness I should like to say that the response that we got for the preliminary talks we had with the ODM team that came here a few weeks' ago was nothing but excellent in their appreciation. Naturally, they did not commit themselves, but they are not entitled to commit themselves since all they were doing was preparing the brief for the Minister for decisions that have to be taken at Ministerial level between Mrs Judith Hart and the team of Ministers and Officials that will have to discuss matters with her when she comes out. I would like to say that all along, from all the officials that came out in that team, one could see nothing but appreciation, inquisitiveness, rightly so, that is what they are there for, probing, very rightly so, but nothing but appreciation of our difficulties and a desire to help within their province or sphere of work to help us in preparing the case for the visit of Mrs Hart which I hope

will reflect the continuing interest, the continuing undertaking of the British Government to support and sustain Gibraltar in its difficulties. It is true that as a result of this slippage and as a result of a number of other factors including the blacking, the element of economic activity has slowed down. I think it is also fair that one should refer in the general context of the economy of Gibraltar to the fact that after the Europa scheme that the Ministry of Defence had completed, they have no major works in hand now which is also responsible for the element of unemployment, as it has been described, but mainly the fact that the overall labour force has been diminished in the last few months because they have no major project in Gibraltar at the moment as was the case when they were doing the Europa project. This, of course, accounts for an element of recession in the building industry. Of course, the sustain and support element of development aid is absolutely necessary to keep the economy ticking apart from the fact that it will improve what I would call the social stock and which is described in the motion as the quality of life which, I think, means the same thing. Whilst, as I say, the inquiries and the criticisms contained in the contribution of the Leader of the Opposition and the Hon Mr Peter Isola have been properly answered certainly to my satisfaction by the Minister and have been presented in the way that these matters should be presented, I cannot but regret that the Hon Major Peliza should take the attitude that he has taken. Perhaps it is because he spends all his time in London and he must go to Speakers' Corner in Hyde Park, and that is where he gets all his training because this is the attitude that he takes instead of a dignified attitude worthy of the only man in Gibraltar who has held the post that I have the honour to occupy and I hope I will occupy for a long time to come.

HON M XIBERRAS:

Mr Speaker, perhaps I could start by making a few points of clarification. First of all, the Consultants for the Varyl Begg project were not appointed by the Gibraltar Government, they were, in fact, appointed at the insistence of the Ministry of Overseas Development. I believe that Ministers who call themselves Ministers should be men enough to stand up to criticism and say: "We have done this or we have not done that," and not pass on the blame to someone else as in this case the Ministry of Overseas Development. The Ministry of Overseas Development, Mr Speaker, the difficulties of the modernisation programme, the question of land, the union, all these things have been blamed to explain the obvious and the obvious is that between 1972 and 1978 there is not one major project that has taken shape. When the Minister says that he has spent £6m. out of £7m., I ask myself, on what? When he talks about spending money on the

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reclamation of sand, I ask myself where and how much sand has been produced? All I can see, Mr Speaker, is a project which was already conceived in my time, in 1972, namely, the School for Handicapped Children, the Varyl Begg School, which is minimal, and what else is there?

HON M K FEATHERSTONE:

Is the last Integration Government taking credit for the Handicapped Children School?

HON M XIBERRAS:

No, Mr Speaker, and there is no need for that. Neither will we go and call it a white elephant as the Hon Mr Montegriffo called the Health Centre, but he is using it now and he cannot get enough people in. I don't know where he would have put all his doctors if it had not been built. Or the Hon and Learned the Chief Minister saying you haven't put a brick upon a brick. Or the Hon Mr Serfaty at that time saying where are the hotels? It was worked out that we needed 27 hotels immediately in order to follow his economic policy and not increase taxation. He hasn't built one and he has probably lost one along the way. The infra-structure of tourism. Mr Speaker, then there is the Union. The difficulties raised by the Union in respect of the Development Programme which, of course, was not largely affected by Union hostilities that have taken place or differences, put that in the balance with the withdrawal of 46% of the labour force, of 98% of the labour force in construction. I hesitate to think, as I have often said in this House, what would have happened if Hon Members opposite had been in power in 1969. We probably wouldn't be here because if they boggle at problems like this, if they have to turn round and almost accuse the Foreign and Commonwealth Office, as the Hon Mr Canepa has done, of exerting political pressure with the restriction of funds to Gibraltar....

HON A J CANEPA:

If the Hon Member will give way. I said that there were people in Gibraltar who were voicing those fears.

HON M XIBERRAS:

The Hon Mr Canepa does not want to attribute those remarks to himself. If he does not make himself responsible for those remarks I do not know why he bothers to mention it.

MR SPEAKER:

What he is saying is that what you said is not what he said.

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HON M XIBERRAS:

But if he holds those views or shares those views perhaps he could stand up and say, "I do" or "I do not".

HON A J CANEPA:

I am not saying I share those views or that I hold those views. I have not said so.

HON M XIBERRAS:

In that case I do not see the relevance of them. Mr Speaker, the modernisation programme, I thought I had made that quite clear, is a good programme provided it is accompanied by faster development and houses are produced. I was very impressed with the loyalty of the Minister for Housing, the way he defended the Minister for Economic Development, Port, Trade, Tourism, Airways and other things. I was very impressed by that because what the Minister for Economic Development etc., is not getting done for one reason or another, the ill-effects of this are landed fairly and squarely on the ministerial platter of the Minister for Housing who is unable to allocate any houses because they are not coming on the market. I believe that we should plan ahead for the next generation, I believe we should clear slums, I believe we should do all these things but I also believe, Mr Speaker, that it is right and proper that what has been considered by both sides of this House as the major social need in Gibraltar, namely, housing, that in this field there has been no development at all between 1972 and the present date. So some of the figures the Minister is talking about, some of the projects, minor though they may be, that I am talking about, have been accomplished, if such is the word, between 1972 and 1978. We are comparing this with the achievements between 1969 and 1972, two years and nine months, Mr Speaker. The Hon Mr Canepa is quite right in reminding the House that building on Varyl Begg did not start till later than the impression given by Hon Members on this side of the House. That is true but the Government will not accept the responsibility which we accepted in respect of the Humphrey's project which was taken over by the Crown Agents, or getting the Portuguese workers to stay there, or facing up to the bankruptcy of Humphreys. All these things, Hon Members opposite have forgotten. I accept the tone of the remarks. Hon Members opposite obviously feel hurt because the Minister is vulnerable. He is not vulnerable to attacks on his integrity. We have not suggested for a moment a lack of integrity, political or otherwise. We have not suggested that he is slothful, that he does not do his work. We have simply suggested, as it is our right to suggest, though not to decide, that the Minister is grossly over-burdened and if the Hon Mr Canepa appeals

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to the young people present in the public gallery, Mr Speaker, I will put it to anyone in Gibraltar to judge a priori on the pure basis of the fact whether the Ministries which the Hon Mr Serfaty, for whom I have the greatest respect, holds, are not excessive in number. It stares one in the face. Mr Speaker, it is my belief that there should be a division of functions there. I think it would be effective at this particular stage as we move on to the next Development Programme. When the Hon Mr Serfaty gave us figures or dates for the application made in respect of the Garage, he did not say a word about the chopping and changing on the siting which he went through. He said the Union was responsible.

HON CHIEF MINISTER:

He mentioned the difficulties in getting a site from the Ministry of Defence. He mentioned the whole spectrum.

HON M XIBERRAS:

Yes, Mr Speaker, I can see that but the fact of the matter remains that the Minister is on shifty ground when he argues with ODM Officials and he tells them: "I would like the Garage here today, I want it here tomorrow and then I want it over there and next day somewhere else." Today he said: "If I have anything to do with it it will be built there. I do not know what he meant by that. When he spoke about the Port development, which I did not mention in my original speech, I did not want to go into that, we heard only in the course of this meeting that the original application which was the filling in between Nos 1 and 2 Jetties, there was a recommendation now to fill in between Nos 2 and 3. We heard this at this meeting of the House and we have been pressing the Minister for Port and Development for ages in this House about Port development. What was he going to do? Where was he going to do it? When was he going to do it? And now, at this late stage, on a recommendation which he calls favourable to the Government because this expert had said that there was a need for Port development, he omitted to say in the course of this debate that there were views about not doing the reclamation where the Minister had told the House over and over again where it was going to be done, it was going to be done somewhere else. These things, Mr Speaker, surely can be avoided with a bit of firmness and decision on the part of the Minister and this has nothing to do, to my mind, with ODM, with the chopping and the changing.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Hon the Leader of the Opposition will give way. The move between filling in between Nos 1 and 2 and Nos 2 and 3 Jetties was the direct result of the expert's examination who came out here at the behest of ODM to evaluate the project. It was his suggestion and he suggested that the

project would be improved if it were conceived in this other way.

HON M XIBERRAS:

Thank you, Mr Speaker. I suppose that the original site was also chosen by ODM or was chosen by the Minister, I don't know, but the point of the matter is that at this late stage we have a variation in siting. Mr Speaker, turning to Varyl Begg, how many times did the Hon and Gallant ex-Member, Col Hoare, say that there were no problems at Varyl Begg? We had lengthy debates on this. Hon Members opposite are very quick to disown him, I can see that. The Hon Member said that there was no widespread dampness in Varyl Begg Estate. Mr Speaker, we are not criticising the Minister for not working, we are criticising him because he always offers excuses and he is not here as an architect, he is here as a politician and as a politician he is supposed to get things done and it is normal for a politician to find as a problem that he has to convince the British Government, that he has to have tussles with the Unions, that he has got difficulties of flood and rain and what have you and it is his business to try to sort these things out. I think the Minister would stand a better chance if he had one Ministry of doing all these things but the House cannot accept excuses of this kind and if Hon Members opposite take umbrage when we say these things I feel it is because they have no other defence. I would be as loyal as anybody in defence of a colleague of mine in Government but to say he works very hard, Mr Speaker, reminds me of a school report. He tries very hard but he could do better. I have the greatest liking for the Hon Member. We will see what it is proposed to do in the coming Development Programme and when Mrs Judith Hart comes to Gibraltar I hope Hon Members will be able to use this debate and tell Mrs Hart that we are not satisfied. If they feel it is the fault of ODM they can tell Mrs Hart; "Look at the battering we got in the House because we got no cooperation. Cooperation from Her Majesty's Government is absolutely essential for Gibraltar otherwise these nasty people in the Opposition give us veritable hell." Therefore I hope that Hon Members will be able to use this kind of ammunition with the Minister when she arrives from London. I ask Hon Members from the Chief Minister downwards to be a wee bit firmer in these things and to be firmer sooner, not to come at the end of six years and say; "We had no cooperation." Not to come at the end of six years and say; "We had problems."

HON CHIEF MINISTER:

If the Hon Member will give way. When he was saying that he hopes we are firmer I would like to say that I had no quarrel, despite all the difficulties with the Development Plan, of the outcome of the Development Talks last time with the Minister and therefore there is no question of

taking any other tactics because at that time we got everything we asked for. Whether we got it dished out later or not that was another matter but in so far as the talks with the Minister were concerned, there was nothing to quarrel about.

HON M XIBERRAS:

I know that, Mr Speaker, that in fact the Hon Member was very satisfied with the talks and no doubt he will continue to be satisfied but what I am saying is that I hope that he is able to say this of the treatment he receives from officials, that the projects get done. Mr Speaker, I have no hesitation in commending the Motion to the House and I am sure that it will spur on the Government to greater efforts.

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

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

The following Hon Members voted against:

The Hon I Abecasis  
The Hon 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 Dr R G Valarino  
The Hon H J Zammit  
The Hon J K Havers  
The Hon A Collings

The following Hon Member abstained:

The Hon A W Serfaty

The following Hon Member was absent from the Chamber:

The Hon J Bossano

The motion was accordingly defeated.

ADJOURNMENT.

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

The adjournment of the House sine die was taken at 7.05 p.m. on Wednesday the 8th February, 1978.