

# GIBRALTAR

## HOUSE OF ASSEMBLY



# HANSARD

5th DECEMBER 1979

## REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Seventeenth Meeting of the First Session of the Third House of Assembly held in the Assembly Chamber on Wednesday the 5th December, 1979, at the hour of 10.30 o'clock in the forenoon.

### PRESENT:

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

### GOVERNMENT:

The Hon Sir Joshua Hassan, CBE, MVO, QC, JP - Chief Minister  
The Hon A J Canepa - Minister for Labour and Social Security  
The Hon H J Zammit - Minister for Housing and Sport  
The Hon A P Montegriffo, OBE - Minister for Medical and Health Services  
The Hon A W Serfaty, OBE, JP - Minister for Trade and Economic Development  
The Hon M K Featherstone - Minister for Public Works  
The Hon Dr R G Valarino - Minister for Municipal Services  
The Hon D Hull - Attorney-General  
The Hon R J Wallace, CMG, OBE - Financial and Development Secretary

The Hon J B Perez

### OPPOSITION:

The Hon P J Isola, OBE - Leader of the Opposition  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon J Bossano

### ABSENT:

The Hon Major F J Dellipiani, ED -	} who were away from Gibraltar attending CPA Plenary Conference
Minister for Education	
The Hon I Abecasis - Minister for Tourism and Postal Services	

### IN ATTENDANCE:

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

### PRAYER

Mr Speaker recited the prayer.

### CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 31st October, 1979, having been previously circulated, were taken as read and confirmed.

## DOCUMENTS LAID

The Hon the Minister for Public Works (in the absence of the Hon the Minister for Education) laid on the table the following document:

The Report on the Education Service for the two year period ending 31st August, 1978.

Ordered to lie.

The Hon the Chief Minister (in the absence of the Hon the Minister for Tourism and Postal Services) laid on the table the following document:

The British Commonwealth and Foreign Post (Amendment) Regulations, 1979.

Ordered to lie.

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

Gibraltar Registrar of Building Societies - Annual Report, 1978.

Ordered to lie.

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

- (1) Supplementary Estimates Consolidated Fund (No 3 of 1979/80).
- (2) Supplementary Estimates Improvement and Development Fund (No 3 of 1979/80).
- (3) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 4 of 1979/80).
- (4) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 5 of 1979/80).

Ordered to lie.

### REPORTS OF COMMITTEES

The Hon the Chief Minister laid on the table the Report of the Standing Rules Committee.

Ordered to lie.

### ANSWERS TO QUESTIONS

The House recessed at 12.50 pm.

The House resumed at 3.40 pm.

Answers to Questions continued.

THE ORDER OF THE DAY

MR SPEAKER:

I will now call on the Hon the Minister for Medical and Health Services to make his statement.

HON A P MONTEGRIFFO:

Sir, following the policy enunciated by me at the meeting of the House of Assembly held in February 1979 the Government sought the support of the Kings College Paediatric Unit to obtain advice on whether or not a permanently based Paediatrician was needed in Gibraltar and, if so, to indicate the type of Paediatrician needed and the functions he would be required to perform taking into account the needs and requirements of child care in Gibraltar. This survey was undertaken by Professor Eric Stroud of the Kings College Paediatric Unit together with a team of Consultant Paediatricians who have visited Gibraltar during the last nine months. Their report was received on the 2nd November, 1979.

As the House is already aware both from the communique issued by the Government and from the advertisement which has appeared in the press, the report recommended that a Community Paediatrician, to carry out certain very detailed and specific functions, should be recruited.

The team arrived at this conclusion after a detailed analysis of the environmental problems in Gibraltar in relation to children, the requirements of neonatology, recurrent diseases amongst children in Gibraltar and the requirements of handicapped children.

I am arranging for copies of the report to be made available to Hon Members and to the Press. In the meantime, I can do no better than to quote the basic findings and recommendations of the report: "In our discussions and observations we have maintained an awareness of the facts which make the situation in Gibraltar almost unique (it is in this uniqueness that lie dangers if solutions are applied based on organisation of services in other places where the problems are completely different)."

"A major problem for any Paediatrician appointed will be the commendably low incidence of acute medical emergencies and therefore the difficulty of maintaining technical and clinical skills. For this reason we think it imperative that he maintains communication and possibly attachment with an academic

department in this country so that when the need arises he can have ready access to an academic department here in London for advice and, under certain circumstances and if necessary, for a 'refresher' of his clinical experience and abilities."

The report then gives details of the main recommendations of the work and functions required of the Community Paediatrician, as follows:-

1. Co-operating with the obstetricians in the delivery of any baby born to an 'at risk' mother and being in charge of the care of any sick newborn baby. He should also be involved in the genetic counselling of families and of pregnant mothers.
2. Organising for all babies a health card or document kept by the family and using this as a basis for regular developmental and clinical surveillance of every child. Such aspects of child health as development (both physical and intellectual), nutrition, growth and immunisation could in this way be accurately monitored. Any abnormality or needs could be identified early and corrective action taken as soon as possible. In this way it would also be possible to collect statistics of the health and development of children in Gibraltar and to identify the major problems of the community.
3. He should have a close relationship with the educational system, knowing and being known by the educators (teachers and head teachers) and help in the identification of learning or emotional problems if no 'system' is in operation.
4. Handicapped children. He should be regarded as the clinician in charge of co-ordination of care of handicapped children and, in particular, in charge of St Martin's School. Each handicapped child should be carefully reviewed and examined by him on a planned basis.
5. Acute paediatrics. He should be in clinical charge of the children's beds and neonatal cots in the hospital service and other consultants and doctors should accept that sick children should normally be referred to the paediatrician or the paediatrician should be intimately involved in their care. For this reason when appointed he should, as a priority, review the facilities available (equipment, staff, organisation, drugs, etc) and make his recommendations as to any changes or innovations needed.
6. General medical paediatrics. There would have to be official acknowledgement of the paediatrician as consultant in charge of paediatric services in Gibraltar and other consultants and family doctors

should recognise the paediatrician as the consultant to whom cases for consultation should normally be referred. For this reason it would be beneficial if he could have regular meetings with the group general practice and adult physicians to discuss paediatric problems."

In the interests of child care in Gibraltar, the Unit have reiterated their offer of placing all their paediatric facilities at our disposal and of continuing the relationship that has developed between them and Gibraltar during the last few months.

Professor Stroud has also stated that the regular visits of Paediatric Specialists to Gibraltar should continue in accordance with requirements to be assessed by our own Consultant Paediatrician when appointed.

The Government wants to make it quite clear that at no time has it rejected the engagement of a Paediatrician. What the Government has been trying to obtain, in the light of conflicting opinions, was proper advice as to whether or not this Paediatrician should be permanently based, what functions he should be required to perform, or alternatively, whether regular visits by consultants would suffice.

The Government is satisfied that it has taken the correct decision as evidenced by the very detailed report and recommendations made by the Unit, which we could not have achieved on our own. Furthermore, to have acted rashly without awaiting the report of the Unit would probably have meant severing our connections with them to the detriment of the child population of Gibraltar.

Finally the Government wishes to place on record its gratitude and great appreciation to Professor Stroud, to his team, and to the Kings College Paediatric Unit as a whole, for the painstaking trouble they have taken, at no charge to the Government, and for, their renewed offer of continued assistance.

HON G T RESTANO:

Mr Speaker, I think to start of with I would like to say that I consider it rather unfair for the Minister to come up with a statement on a matter which has been aired over the last year nearly without giving any indication that he was going to come out with this sort of statement. I suppose this is all politicking and trying to put one over the Opposition.

MR SPEAKER:

Are you asking questions on clarification of the contents of the statement because that is all you are entitled to do at this stage. You are not entitled to debate the statement.

HON G T RESTANO:

May I ask the Minister, according to what I have heard just now, is he trying to take all the credit, Mr Speaker?

MR SPEAKER:

No. If there is something in the statement which you have failed to understand and which needs clarification, you are entitled to ask.

HON G T RESTANO:

I would like clarification on that point.

MR SPEAKER:

No, that is the matter of conjecture. The statement can be debated at a later stage if you feel you should, either on the adjournment or if the meeting is long enough by giving notice of a motion, but at this stage it is exclusively questions of clarification.

HON G T RESTANO:

I will raise the matter on the adjournment, Mr Speaker.

HON P J ISOLA:

Mr Speaker, can I ask the Minister, does he not consider it rather unfortunate, this report came exactly one day after the Government overwhelmingly defeated a motion for the appointment of a paediatrician moved by my Honourable Friend Mr Restano? Does he not feel that the Government has come out rather foolishly from this?

HON A P MONTEGRIFFO:

No, Sir, because the Government has been consistent in its policy of waiting for the report and at no time said that it did not want a paediatrician. That twist has been given by other people but not by the Government.

HON P J ISOLA:

I notice the report bears no date at all, was a letter accompanying it, can the Minister tell us the date of that letter?

HON A P MONTEGRIFFO:

The letter, I think, was the 28th of October.



HON P J ISOLA:

Does not the Government then think that seeing as it had on the Order Paper for the House a motion for the appointment of a paediatrician without delay, did the Government make no telephonic enquiries from the paediatricians, from Dr Stroud, as to what the situation was with his report before deciding to vote against a motion in this House?

HON A P MONTEGRIFFO:

Yes, Sir, and I said in this House that the report was forthcoming within the first two weeks in November. I said that in the House when the debate was taking place.

HON P J ISOLA:

Yes, but if the letter was dated the 28th October, Mr Speaker, and the motion was moved on the 31st October, four days later, did not the Minister take the precautions of asking whether that report recommended the appointment of a paediatrician or not?

HON A P MONTEGRIFFO:

We asked whether the report was ready and what recommendations they were making. They said: "We will only give you the report after Dr Price has returned from Gibraltar and on that assessment which is the final man we are sending over before we make our report we shall give you the report."

HON P J ISOLA:

Yes, but when did Dr Price return from Gibraltar? If the report was sent with a letter dated 28th October, it had all already obviously been decided before that date. Does not the Minister consider he has some responsibility to the House in finding out the up-to-date position before coming to the House and defeating a motion and saying: "We don't consider it necessary," and a few days later announcing that they are going to appoint a paediatrician. Does the Minister consider that to be responsible Government?

HON A P MONTEGRIFFO:

Fully responsible, because we could not afford to accept a motion to appoint a paediatrician, a paediatrician of any sort, without knowing what the report would say and now we know what the report is saying and what sort of paediatrician they are telling us we should engage.

HON MAJOR R J PELIZA:

Mr Speaker, in paragraph 8 of the statement the Minister says: "What the Government has been trying to obtain, in the light of conflicting opinions", conflicting opinions between who, Government and Opposition or what kind of conflicting opinions?

HON A P MONTEGRIFFO:

No, Sir, the conflicting opinions of which the Honourable Member, Mr Restano, is very well aware when he consulted Dr Doherty, Dr Toomey, Dr Montegriffo, and he was told that we didn't require a full time paediatrician in Gibraltar and that the best thing was to get one of our consultants or a new consultant to take a course in paediatrics, that is the advice we have been getting for years in Gibraltar myself. Apart from that we had Professor Jolly saying that we need a paediatrician and then we had Professor Stroud saying: "You may not need a paediatrician, let us look at it and we will give you a full report as to the type of paediatrician you will need."

HON MAJOR R J PELIZA:

In fact there now seem to be three different opinions, but I thought there were two.

MR SPEAKER:

You have been given an explanation as to what the conflicting opinions were, not the conflicting opinions within Gibraltar but within the advisers.

HON G T RESTANO:

This letter which was apparently signed on the 28th, when was it received in Gibraltar?

HON A P MONTEGRIFFO:

I have already said so, the 2nd November. If you read the report you will find that I said the 2nd of November.

HON J ROSSANO:

Could I ask on the question of the appointment, it indicates here that in fact the nature of the appointment requires very special skills, that is, the indications in the report are that the paediatrician will be taking on more in Gibraltar because presumably, to compensate for its small size the range of duties are wider than would be normal, can the Minister say if the unit is going to be involved in selecting the person or is the Government doing the selection here? Is the unit going to be involved in selecting the right type of person to do the sort of job that is defined here?

HON A P MONTEGRIFFO:

No, Sir, the Public Service Commission having had the conditions of service which are mostly what I have read, will look at the applications, I presume, and decide who to take on in accordance with whatever qualifications the respective applicants may have.

HON J BOSSANO:

Mr Speaker, given the type that the unit says, that he will have to be a paediatrician with extremely good and wide training in paediatrics and that it gives him an opportunity to do something having a community basis and in involving himself with the families of the children rather than just seeing the children as patients, doesn't the Minister think that in order for the job to produce the results that are envisaged people with some knowledge of what the field is should be involved in the selection?

HON A P MONTEGRIFFO:

I would say, yes, but I don't want to commit myself on something which is not my prerogative. Perhaps, since it has been mentioned in the House and there are other Members here who are more concerned with establishment matters than I am, perhaps it is a point that should be taken into account and perhaps they should ask for their advice and a list of the applicants submitted to them or asking them to come over but I don't know whether that is permissible under the Public Service Commission or not.

HON J BOSSANO:

But the Minister would agree that it is important that we make the right choice?

HON A P MONTEGRIFFO:

I entirely agree.

HON G T RESTANO:

Mr Speaker, what system of selection did the Government have in mind? They have stated that the paediatrician is to be appointed, did they have no idea how the selection was going to be done?

HON A P MONTEGRIFFO:

The Honourable Member sometimes surprises me, he seems to be involved in so many things and he knows so little about so many things. The Public Service Commission is the body that selects and what the unit has done is to put forward a number of conditions like a job description, I think it was a good point raised by Mr Bossano that since this is a specialised area, it is not just a paediatrician, perhaps, it would be wise that the Public Service Commission should seek the advice on the appointment, or whoever it may be, of the unit. This is something that would be passed on to the proper quarters because I am not responsible for selection or how to go about selecting people.

HON G T RESTANO:

In other words, the Minister is saying or is he saying, that he had not thought of this before of passing on to the Public Service Commission his advice that the King's College should be consulted, is that what he is saying?

HON A P MONTEGRIFFO:

That is not my function, it is not my function or prerogative or jurisdiction.

HON G T RESTANO:

Who, then, is going to pass on this advice to the Public Service Commission, the Minister?

HON CHIEF MINISTER:

The establishment. Perhaps the Honourable Member should learn that there is a Public Service Commission in order that jobs are not given by politicians and are given by independent people in accordance with set rules and therefore that Ministers have no say in who is appointed though they have a say as to what is wanted and other people decide how it is achieved.

HON G T RESTANO:

Mr Speaker, sometimes I think the Minister goes completely off at a tangent. The Minister has said that he thinks it is a good idea that the King's College should be consulted by the Public Service Commission and presumably I would have thought that the Public Service Commission must be given that advice. If that is so, who is to give the Public Service Commission that advice, presumably, the Department concerned?

MR SPEAKER:

The establishment.

HON A P MONTEGRIFFO:

Mr Speaker, the unit has given a job description of what is required. If the Member wants to take credit for what Mr Bossano has said that perhaps the unit in the United Kingdom should also form part of the Public Service Commission, well, he can take the credit for that, too.

HON G T RESTANO:

On the contrary, I have said that it is my Honourable Friend here who has brought this question up, it is the Minister who is not answering the question.

MR SPEAKER:

We will leave the statement and go on to Motions.

### MOTIONS

HON CHIEF MINISTER:

Mr Speaker, notwithstanding the fact that at its last meeting this House passed a motion approving the report of the Select Committee on the question of the Declaration of Members' Interests, I have given notice of a motion the effect of which will be, if passed, to spell out the specific acceptance by the House of each of the recommendations contained in that report which are not already covered by the other motions standing in my name. Insofar as the recommendations relating to the new Permanent Select Committee and the new rule of the House are concerned, it was clear that separate substantive motions were required. It was my view and, indeed, I am so advised, that no further approval by the House was required to enable the other recommendations of the report to be implemented. Nevertheless, Mr Speaker, in informal consultations with you, you expressed a view that for the avoidance of doubt and ex abundante cautela, it would be as well if the specific approval of the House for each of the other recommendations could be sought. As always, Mr Speaker, I bow to your views and I therefore propose the following motion:

MR SPEAKER:

May I say perhaps in answer to that one that my worry was not so much as to the approval of the specific parts of the report but the fact that the House had already approved the report did not necessarily mean that it could be implemented forthwith because approval can be given to something which could be implemented at a future date and I feel that, perhaps, as the Chief Minister has quite rightly said, ex abundante cautela, it would be right that the House should pass a motion not so much to approve again the report which has been done already, but to implement it forthwith.

HON CHIEF MINISTER:

I was only saying why I have brought it because my view was otherwise. The motion reads: "That this House resolves that, following the approval by the House of the Report of the Select Committee on the Declaration of Members' Interests, the recommendations contained therein as to the establishment of a House of Assembly Register of Members' Interests and the arrangements for the keeping and public availability of the Register, the registration of their interests by all Members of the House, the headings of the interests to be declared, the procedure to be adopted by the permanent Select Committee of Members' Interests and the appointment and functions of the Registrar of Members' Interests, be adopted for implementation forthwith". In view of the circumstances surrounding

this motion it should not take us long to dispose of it. In paragraph 13 of its report, the Committee recommended that if its recommendations were generally accepted no effort should be spared to implement them during the light of the present House of Assembly. The House has already given its general blessing to this recommendation as, indeed, to the others and action on the implementation will be initiated as soon as this motion has been passed. I commend the motion to the House.

Mr Speaker proposed the question in the terms of the Hon the Chief Minister's motion.

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

HON CHIEF MINISTER:

Sir, I now move "That this House resolves as follows:

- (a) That a permanent Select Committee on Members' Interests consisting of four Members, two from each side of the House irrespective of the number of Members as between Government and Opposition, be appointed with the following terms of reference:-

To examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests, to consider any proposals made by Members as to the form and contents of the Register, to consider any specific complaints made in relation to the registering or declaring of interests; and to report on these and any other matters relating to Members' Interests.

- (b) that the Committee have power to send for persons, papers and records to sit notwithstanding any adjournment of the House and to report from time to time".

Mr Speaker, again I would repeat what I said earlier that this follows on the recommendation of the Select Committee. This, of course, is absolutely necessary, in this case I did not have any doubt that that was necessary and it is the natural result of the adoption of the Select Committee's recommendations.

Mr Speaker proposed the question in the terms of the Hon the Chief Minister's motion.

HON P J ISOLA:

Mr Speaker, of course, we support this motion. My only concern is that the Permanent Select Committee doesn't die once there is a dissolution of the House. It does die. What are we going through all these motions for now because if the House is going to be dissolved by the 27th of December, aren't

we rather wasting our time? All I can say then, as far as this is concerned, is that this, I suppose, is a House of Assembly public relations exercise to show the public that we are setting up a Committee, because I don't think it is going to do much between now and Christmas, Mr Speaker, but anyway, we support it.

MR SPEAKER:

May I ask, why between now and Christmas?

HON P J ISOLA:

Well, because by the 27th of December, 1979, the Honourable and Learned the Chief Minister will have to decide whether he is going to have a bye-election or a general election. Because his 90 days are up.

HON CHIEF MINISTER:

If there is a bye-election the House continues until the end of the year and the Members' Interests are as interested then as they are of interest now.

HON P J ISOLA:

Yes, this is perfectly true, Mr Speaker, but we have no doubts about the matter. Let us carry on with the public relations exercise.

MR SPEAKER:

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

HON CHIEF MINISTER:

If the Honourable the Leader of the Opposition has no doubt I don't know why he bothered on a public relations exercise to ask the last question I answered before the lunch recess.

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

HON CHIEF MINISTER:

Mr Speaker, I think perhaps if there had been any possible criticism about the necessity or otherwise on any of the motions, it might have been on this one but not on the other one because the other one has got a permanent nature, that is, the other one is a recommendation which is binding on this House and future Houses. The next one, of course, I leave it free to the Hon Leader of the Opposition to say what he likes but in the meantime things being as they are, the House being full of life, I vote that: "This House resolves that the following Members should be nominated to the permanent Select Committee on Members' Interests:

The Honourable A J Canepa, the Honourable A P Montegriffo, the Honourable Major R J Peliza and the Honourable G T Restano". It will be noted that the selection is in accordance with what I said at the previous motion that irrespective of the composition of the House, there should be two Members from each side.

Mr Speaker proposed the question in the terms of the Hon the Chief Minister's motion.

HON P J ISOLA:

Mr Speaker, the distinction for the shortest time in a representative office I thought was going to fall on our Honourable Friend Mr Serfaty as Mayor who is likely to have a very short reign, but it seems to me that there is now a competitor for the job because if the rumours I hear are correct, it is possible that the Honourable Mr Montegriffo who is appointed to this Committee will beat the record the Honourable Mr Serfaty is holding. I hope the rumours I hear are not true but if they are then he will go into the Guinness Book of Records and not the Honourable Mr Serfaty.

HON CHIEF MINISTER:

I do not have anything to reply to that.

MR SPEAKER:

What the Chief Minister said this morning is correct, he will do nothing to dispel speculation.

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

HON CHIEF MINISTER:

Sir, I beg to move: "That this House approves the recommendations in the report of the Standing Rules Committee dated the 28th of November and resolves that the Standing Rules and the Orders be amended in accordance with that recommendation". It will be recalled that earlier in these proceedings I laid on the table the amending Standing Rules required to deal with recommendations of the Committee on Members' Interests and this is the consequence of implementing the recommendations and making it a part of the Standing Orders. I commend the motion.

Mr Speaker proposed the question in the terms of the Hon the Chief Minister'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 SPECIFIED OFFICES (SALARIES AND ALLOWANCES) ORDINANCE, 1979

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to provide for the salaries and allowances to be paid to the holders of specified offices, be read a first time, Sir, may I by your leave at this stage say that of course I must myself in this matter and my colleague, the Financial and Development Secretary, must declare an interest because the Bill which is proposed will affect us. I shall confine myself at the second reading stage merely to explain the effect of the Bill.

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

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be now read a second time. The law relating to the payment of remuneration to specified officers, namely, to His Excellency the Governor, the Chief Justice, the Deputy Governor, the Attorney-General, the Financial and Development Secretary, the Principal Auditor and the Commissioner of Police is found, of course, in the Specified Offices (Salaries and Allowances) Ordinance, 1974 which, pursuant to the Constitution, prescribes the salaries and in certain cases the allowances payable to those officers as charges in the Consolidated Fund. Sir, that Ordinance was passed on the 7th day of February, 1974, since when as a result of cost of living increases and parity, the salaries for the various officers have been reviewed from time to time. Those reviews to date have not been covered by further Ordinance to sanction the increases and the purpose of the present Bill, Sir, is to do two things, first of all to provide for the salaries and remuneration that will be payable to these officers with effect from the 1st of January next year and the amounts are down in the First Schedule of the Bill and, secondly, with effect from that date, to retrospectively authorise the increases in salaries and allowances that have occurred since the 1974 Bill became law. Those increases are specified in the Second Schedule with the salaries and the periods for which they are shown and similarly the allowances being set out in columns. Sir, I would draw Hon Members' attention to one more feature of the current salaries and that is that in the case of the Chief Justice and the Deputy Governor while I said that the current salaries will take effect from 1st of January next year, in the case of those two particular officers there will be a further increase on the 1st of April of next year. Sir, all the increases are in accordance with the policy of parity. They are introduced in implementation of the parity policy. Sir, I shall not say I commend the Bill to the House on this occasion, I will say I place the Bill before the House.

MR SPEAKER:

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

HON J BOSSANO:

Mr Speaker, I assume that the increases, in fact, will be up to the end of July, 1980, which is when the next pay review is due, is that right? In fact, the salaries should go beyond the next increases of 1st of January and up to the end of June or do we have to legislate again in the new financial year?

HON ATTORNEY-GENERAL:

Mr Speaker, so far as the specified officers are concerned it is necessary to come back each time that there is an increase to obtain the sanction of the House by way of an amending Ordinance so I cannot say at this stage when they will be reviewed again. There is no limitation on the time limit for which the new salaries apply.

HON CHIEF MINISTER:

It does not cover any increases beyond July, 1979.

HON J BOSSANO:

The other thing which is not, perhaps, limited to this Bill but it certainly links the explanation we have had from the Honourable and Learned Member as regards his ability to defend the Bill given his pecuniary interest in it, and the amendment that we have just passed to Standing Orders, does that mean that in future no Member of the House of Assembly will be able to vote on a motion that raises the allowance of Members of the House of Assembly because we all have a pecuniary interest in it?

MR SPEAKER:

I have to study the implications of the way that the Select Committee has recommended the alterations of the Standing Orders. Up to today the rule is a simple one, you declare your interest and then you were able to vote and take part in the proceedings of the House. As it stands now, I am afraid that I would not like to pass judgement until I have given the matter some thought.

HON P J ISOLA:

I raised this query in the Standing Rules Committee but, apparently, the rules before prohibited voting as well. I was rather surprised by it.

MR SPEAKER:

No, I do not think it did in any manner or form. A Member had to declare his interest.

HON P J ISOLA:

And then he could not vote.

MR SPEAKER:

Let us leave the matter as it stands now.

CHIEF MINISTER:

I am glad that the Honourable Member has said that and for any interest that I may be involved in I hereby declare it. But if that is so we are going to find ourselves without the ability to vote on anything that affects Members. My Honourable Friend who presided over the Committee might, perhaps, be able to explain this to us but as I understand it the whole of the recommendations of the Select Committee were based on the practice in the House of Commons and, in fact, even the rules are copied and, for certain, in the House of Commons Members are able to resolve on their own allowances sometimes too quickly. Perhaps I should put in a word of warning that if there is any attempt in the rules by anybody who was responsible for its drafting to deprive Members to decide in future what their allowances should be, we should see that the Standing Committee meets in order to amend this. I would like to say in respect of the substantive Bill that as the Honourable and Learned the Attorney-General has said, there should strictly be a Bill every time there is an amendment. This has suffered delay from the beginning, the Constitution came into force in 1969 and it was not until 1974 that the then Attorney-General drew attention to the fact that there had to be a Bill to deal with this in the Consolidated Fund, it took five years to do that. The draft Bill has been put up in one or two occasions but because of this fluctuation in the question of how to deal with it, by the time it was ready the parity problem had come in and there were stages and it was thought pertinent to have it on a more permanent basis and that is why it has come so late. I am not directly responsible for that but because the Honourable Mover is interested I feel I should at least explain my understanding of the position.

MR SPEAKER:

The whole rule must be read in its strictest interpretation. It says "a personal pecuniary interest" and not just an interest in the matter and Standing Order 54(7) did say that specifically. I think Members will have to take a decision when they take part in the debate whether they have a direct pecuniary interest and then, of course, they will not be able to vote but not otherwise.

HON CHIEF MINISTER:

In fairness I think it can be distinguished as between a personal pecuniary interest or a collective one.

HON ATTORNEY-GENERAL:

Mr Speaker, I must say I did not intend by my disclosure to lead to this situation but I think a distinction can indeed be made between a direct personal interest and one which is a collective interest. I would submit, Mr Speaker, that the Standing Orders of the House are essentially orders of convenience and clearly, they would not override the intricacies of the House. It may be either that one interprets this in the manner in which the Honourable and Learned the Chief Minister has just indicated or where a question verging on allowances for the House is concerned is an appropriate case for suspending Standing Orders but I think the ultimate object of it is, surely, to guard against that.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1979/80) (NO 3) ORDINANCE, 1979

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to apply further sums of money to the service of the year ending 31st day of March, 1980, 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 FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill be now read a second time. The Bill seeks to appropriate, in accordance with Section 55(3) of the Constitution, a further sum of £14,300 out of the Consolidated Fund. The purposes for which the sums are required are set out in Part I of the Schedule of the Bill and in more detail in the Schedule which I tabled at the commencement of this meeting. If I may, Sir, I would like to mention at this juncture, that during the course of the Committee Stage I propose to introduce minor amendments which will increase the sum by an additional £200. In doing this I hope to give Honourable Members an opportunity to debate within the context of the Bill certain measures which the Government proposes to introduce. Sir, the Bill also



seeks to appropriate, in accordance with Section 57 of the Public Finance (Control and Audit) Ordinance, the sum of £200,000 within the Improvement and Development Fund, as noted in the Schedule of Supplementary Estimates (No 3) of 1979/80 for the Improvement and Development Fund which I tabled at the beginning of this meeting. This amount, if approved, would be required to meet a proposed loan to Hoods Development Limited to meet part of the cost of the waterproofing of the Both Worlds complex. Clearly, Mr Speaker, it would be more appropriate for me to go into details of the proposed loan to Hoods Development Limited during the Committee Stage of the Bill. However, Sir, I think there is a point of principle at issue here which I would like to mention at this stage. I will confine myself, if I may, to pointing out that earlier this year the company sought assistance from the Government to meet part of the cost of substantial waterproofing repairs required at Both Worlds, required because of a fault in design that failed to take into account the heavy water that would fall in the area from the overhang of the Rock and also the intense rainfall that from time to time comes to Gibraltar. The company, in submitting their request, gave full details of the work to be undertaken and demonstrated that the estimated cost of the work was then in the region of £500,000. They sought a loan of £200,000 on soft terms and asked for a five-year moratorium on a Government loan granted to the company in 1968. As an alternative method of raising finance to do this work, the company sought the Government's consent to the disposal of accommodation at Both Worlds as flats on long term leases. The proposal to dispose of accommodation as flats was considered by the Development and Planning Commission which is chaired by the Minister for Trade and Economic Development, it also includes two other Ministers. The Committee considered that approval of the company's proposal would not be in the public interest and accordingly recommended that it should be rejected. The Government endorsed the recommendation of the Development and Planning Commission. Following this decision the company pursued its original application for a loan which is the subject of the supplementary appropriation which the House is about to consider. I would point out, Sir, that if the provision for this loan is approved by the House, it will not be the first time that the Government has loaned monies to assist enterprises in Gibraltar which have found themselves in short term difficulties. Applications for such assistance are received from time to time and all are considered on their merits. The Government's ability to make such loans must depend on its own budgetary position at any given time. At present we have funds to cover the loan, they are funds which are on deposit in the Joint Consolidated Fund of the Crown Agents and stem from an earlier loan which was repaid prematurely. Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, could the Honourable the Financial and Development Secretary when he replies, I notice that the amount that is being sought from the Consolidated Fund is a comparatively small amount, not usual in these Appropriation Bills, can he tell us if these expenses are being met from savings?

MR SPEAKER:

If no other Honourable Member wishes to speak I will ask the Honourable Mover to reply.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I am grateful to the Honourable and Learned Leader of the Opposition for giving me an opportunity to give slightly more details about the loan.

HON P J ISOLA:

It is not the loan.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On the general appropriation, I am sorry. They will be met, Mr Speaker, from additional revenue which it is expected to collect during the course of the year. I am sorry if I misunderstood the question.

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:

Sir, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

#### COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that this House resolves itself into Committee to consider the following Bills clause by clause:-

The Price Control (Amendment) Bill, 1979;

The Specified Offices (Salaries and Allowances) Bill, 1979, and

The Supplementary Appropriation (1979/80) (No 3) Bill, 1979.

THE PRICE CONTROL (AMENDMENT) BILL, 1979

Clauses 1 to 6 were agreed to and stood part of the Bill.

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



THE SPECIFIED OFFICES (SALARIES AND ALLOWANCES) BILL, 1979

Clauses 1 to 5 were agreed to and stood part of the Bill.

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

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

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

THE SUPPLEMENTARY APPROPRIATION (1979/80) (NO 3) BILL, 1979

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

#### SCHEDULE

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move an amendment to Schedule Part I Consolidated Fund.

MR SPEAKER:

Perhaps those amendments to the Schedule should be moved once the House has had an opportunity to consider the Heads item by item. I think I ought to remind Members that you were circulated with one Consolidated Fund schedule of Supplementary Estimates and that one has been substituted for a subsequent one which is the one we are going to consider now. The first one which was circulated with the agenda has been withdrawn and replaced by a new one which will incorporate the amendments which will be moved in due course.

Consolidated Fund Schedule of Supplementary Estimates No 3 of 1979/80

Items 1 and 2, Head 2 - Customs, were agreed to.

Item 3, Head 5 - Fire Services, was agreed to.

Item 4, Head 10 - Judicial. (2) Supreme Court, was agreed to.

Items 5 and 6, Head 14 - Medical and Public Health

HON A P MONTEGRIFFO:

Mr Speaker, I would like to deal with Item 5 because I think Item 6 is self-explanatory in the sense that we need another £4,000 to meet the additional number of patients receiving specialised medical treatment. Going back to Item 5, the token vote of £100, it follows the motion of the Honourable Mr Bossano about increasing the establishment of nurses to meet the extra needs that has arisen after staff inspection was undertaken. I think the House agreed with the motion and today what we are asking is a token provision to increase the

establishment by six more, that is, two staff nurses, two state enrolled nurses and two nursing auxiliaries. Then they are asking for a new post of Registrar, the reason being that a young doctor who has been with us in the Health Centre for a couple of years and came over with the conditions that he should come over to the hospital to start learning academic medicine and eventually taking his membership. He is coming over at the beginning of January and for practically the whole of 1980 we shall not be needing one houseman because we have got a Registrar but we are not doing away with the complement of three housemen as you will eventually see at budget time because in 1981 he will have to go for long courses of study in the United Kingdom and then, of course, we have got to employ a houseman. In a way this post will not be supernumerary this year but in 1981 it is a supernumerary post.

Item 5 and 6, Head 14 - Medical and Public Health, was agreed to.

Item 7, Head 26 - Treasury

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the House will be aware the contents of a Press Release issued on the 23rd of November, of the Government's decision to provide dry powder fire extinguishers in all Government owned dwelling. As stated in the Press Release these fire extinguishers will provide tenants with a first aid fire fighting facility against the common categories of domestic fires. The Government has also decided that it would be appropriate for the Gibraltar Government Insurance Fund to meet the total cost of this project which is estimated at some £25,000. In coming to this decision the Government has considered that the provision of fire extinguishers would reduce the cost of insurance premia if at any time in the future it were to be decided to insure Government housing estates against fire and other risks. But in any event the availability of the extinguishers should help to prevent the spread of fire in many dwellings thereby reducing the risk of a major fire with the consequential commitment on the fund. It is intended that the programme should start with the Alameda Housing Estate and the Tower Blocks and it is expected that the extinguishers will be installed during the first quarter of 1980. As I stated earlier today in reply to a question from the Honourable and Learned Member the Leader of the Opposition, the Gibraltar Government Insurance Fund now stands at approximately £400,000. Although the Fund can clearly absorb the cost of this project a token supplementary provision of £100 is being sought in order that the new policy should be formally approved by the House and thereby meet the financial proprieties of the House.

HON P J ISOLA:

Mr Speaker, it is a bit difficult to see the mathematics of this. I understand there are about 7,000 Government tenants and I understood from the Minister for Municipal Services,

when he was being asked, that the fire extinguishers were estimated to cost £10 upwards so if there are 7,000 tenants it will cost £70,000. How does the Honourable Member arrive at the figure of £25,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, first of all the price which was quoted by the Honourable the Minister for Municipal Services this morning related to the sale cost in Gibraltar. The Government would get the fire extinguishers free of import duty. Secondly, we would be able to reduce the cost of purchase of fire extinguishers by going out to tender and putting in a bulk order. And, finally, and I must confess that this is my error, the figure which the Honourable Minister gave this morning of 7,400 houses related to all houses in Gibraltar excluding the Ministry of Defence not merely Government houses. I apologise to the House for that mistake.

HON P J ISOLA:

Do we know what the number of Government houses there are?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Approximately 6,000.

HON J BOSSANO:

I think the Honourable the Leader of the Opposition has misunderstood the £20,000 that was already there as being a provision for fire extinguishers. That is a contribution to the Insurance Fund so in fact regardless of the cost, what we are being told is that since there is £400,000 in the Fund, the Fund doesn't require any more money.

HON CHIEF MINISTER:

I think I would like to state how I see the thing going through because on advice it seems a good idea and proper. We certainly have a commitment to the Alameda Housing Estate because, as the Minister has stated earlier, the cost of renewing the hoses would be unjustified having regard to the limitation of water for extinguishing fires. I would say that it is the general policy but that until the experience gained by installing them in the Alameda Estate and the Tower Blocks is seen in practice that then it would be the test whether we should continue generally or not. That is a commitment anyhow which we have to comply with because there are special reasons. If this is a success then, of course, the scheme will be extended throughout.

HON MAJOR R J PELIZA:

Mr Speaker, perhaps I should declare an interest here. The tender that has been put out is for 6,000 fire extinguishers, isn't that so?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On a point of explanation, Mr Speaker, no tender for a specific number has yet been put out. A notice has been put out stating that a certain type of fire extinguisher is required in quantity and would those persons who are interested in tendering inform the Government and on the basis of that, tender documents will be sent to the persons or firms interested but no tender has gone out for a specific number of extinguishers as yet.

HON MAJOR R J PELIZA:

Well, Mr Speaker, all I can say is that in the business world and even the United Kingdom by companies who are engaged in tendering for this, the figure 6,000 seems to be appearing everywhere. This somehow obviously dictates the price since the total number of extinguishers required is obviously the thing that is going to bring down or raise the price. As far as I understand from people I have been talking to, this magic figure of 6,000 is in the mind of everybody.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, this may well be so because there are 6,000 Government houses but no specific tender, to my knowledge, for 6,000 has yet gone out. It is merely inviting those who are interested in tendering to demonstrate their interest and to ask for tender documents.

HON MAJOR R J PELIZA:

It may be possible then that some people who have been tendering have been working on a figure of 6,000 and therefore the figure might fluctuate.

HON CHIEF MINISTER:

It may be that people are preparing tenders for 6,000 but that is their own responsibility if the Government have said nothing about it.

HON P J ISOLA:

It seems to me that part of the reason for installing fire extinguishers in Government houses or one of the principal reasons seems to be to protect Government property and also, of course, the tenant but it seems to be to protect Government property and that is why I presume the Government is paying the money out of its Insurance Fund. But there is another aspect to this which I have noticed and that is that it is intended to pass legislation obliging private landlords to provide similar fire extinguishers in private dwellings which of course already carry their own fire insurance, there are policies in relation to that. I am not quite sure on what basis the Government feels it justified in making it compulsory

for landlords to instal fire extinguishers in every flat. But anyway we are not dealing with that aspect of it now but what I think the Government ought to do in any event is to drop the duty on fire extinguishers, generally, because if it is Government policy that for safety reasons fire extinguishers should be installed in Government housing, Government should consider making them non-dutiable because otherwise it seems to me that they are putting a very unfair burden on a great number of people when they themselves hope to profit from the fact that they do not pay import duty in the price of fire extinguishers. Can we therefore expect that fire extinguishers will be taken out of the Schedule of the Imports and Exports Ordinance when these fire extinguishers are extinguishers for dwellings or which are proved to be in dwellings you get a claw-back but I think it seems to me that at least that should be done by the Government.

HON CHIEF MINISTER:

I think that is a very good point and when the legislation is brought here that matter will be taken into account.

HON G T RESTANO:

Mr Speaker, there is a point on which I am not yet very clear on. The Honourable the Financial and Development Secretary said that no tenders had yet gone out but I have in front of me a Government Notice asking for tenders for the supply of 1.5 kilo dry powder fire extinguishers, closing date today. So, in fact, tenders have gone out because today is the closing date. I have it here, this is a newspaper dated the 26th of November and it says quite clearly - "Description of work - supply of 1.5 kilogrammes dry powder fire extinguishers. Department inviting tenders - Fire Service." There are four tenders, there are other tenders for other departments. It says: "Completed tenders clearly marked Tender for; must be placed in Government Secretariat not later than 12 noon on Wednesday the 5th of December," which is today. I am therefore not very clear on the Government's explanation.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I understand that, in fact, tenders have been invited but not for a specified number of extinguishers.

HON MAJOR R J PELIZA:

It may not have been for a specified number but as I said before there seems to be a general consensus that the number is 6,000 and I just wonder how that number was arrived at. I don't think it is as simple as the Honourable Member is trying to make it.

HON G T RESTANO:

In the tender notice it does, of course, say that further details, terms and conditions of tender can be obtained on application. Were no numbers stated in those further details?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I would require notice of that question because it is not something with which I have dealt with personally. I will check up and I will let the Honourable Member know with copies to other Members.

HON MAJOR R J PELIZA:

Could I point out, too, Mr Speaker, that I think that even from the point of view of the Government it is of great interest that they should specify a definite figure as that will regulate the price, particularly on this very competitive tender.

HON G T RESTANO:

The other point that I would just like to clarify was on the mathematics that my Honourable Friend here has mentioned before, there are in fact 6,000 Government dwellings and the price was quoted this morning at £10, duty is to be removed from there but still that could bring the price down if one could get it at about £3.50. Is this the sort of figure that the Government is thinking of?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The figure £25,000 is one which I was given by the head of the department concerned as the estimated cost of fire extinguishers for all Government houses and, clearly, with 6,000 Government houses that was the sort of figure that he had in mind.

Item 7, Head 26 - Treasury, was agreed to.

Consolidated Fund Schedule of Supplementary Estimates No 3 of 1979/80, was agreed to.

Improvement and Development Fund Schedule of Supplementary Estimates No 3 of 1979/80

Item 1, Head 104 - Miscellaneous Projects

HON G T RESTANO:

What collaterals have been asked for in return for the £200,000 loan?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government already has collaterals in the form of a third of the value of Both Worlds and we have asked for this to be increased to 50%.

HON G T RESTANO:

What is the length of time of this loan, is it proposed to be paid on an annual basis, on a six months basis or how is it to be repaid?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the loan will be repaid in equal half-yearly instalments commencing six months after the withdrawal of the full amount or on 1st of January, 1981, whichever is the earlier and final repayment of the loan shall be by the 1st of July, 1987.

HON MAJOR R J PELIZA:

Is not the money required for what one might call maintenance and shouldn't this money be provided for in the actual running of the business by putting money aside for that kind of contingency? Why should the Government really do it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the money is not required for normal maintenance but it is required to put right design faults which have shown up in the building complex since it was opened. I myself have been along to Both Worlds to see what is involved and there is a very heavy fall of water, as all Members who know that area very much better than I do, from the Rock across the road which has seeped through into the upper buildings and has then gone through the various rooms down, and this has in itself caused cracks in the walls, peeling, dampness, various things which we are used to seeing here, it is being remedied by tar macadam being put on the roofs or the ground work which forms part of the roof of the complex and also by inserting glass panels across open patios which will then carry the water which is dropping onto the patio and going through the patio into the rooms below. Some of the work has already been done and I understand that during very heavy rains that came in October it proved to be satisfactory. I assure the Honourable and Gallant Member that this is not money for ordinary maintenance work but something to rectify a design fault.

HON G T RESTANO:

Mr Speaker, if it is a design fault as the Honourable Member has said, have the designers no onus of responsibility in this matter?

MR SPEAKER:

We must not get too involved in the questions that are being asked. The House is being asked to vote a loan and not to discuss the responsibility between either the consultants or surveyors or builders and the present owners of the place.

HON G T RESTANO:

But that has been one of the reasons given, Mr Speaker. The need for the loan is because there was a design fault and all I am asking is, does not the original designer have any onus of responsibility for the faulty design?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, that is not a question which I can answer because it is a matter between the owners of Both Worlds and the persons who designed and built it. All I can say is that this complex, which provides beds for the hotel industry which is badly needed in Gibraltar both now and in the future, is in urgent need of repair to obviate this design defect and the money is required now to do the work and that is why we are seeking to make the loan.

HON MAJOR R J PELIZA:

Mr Speaker, I must say I have very serious reservations about this. When were these design faults first noticed, because after all we are voting £200,000 of public money.

MR SPEAKER:

You are being asked to vote £200,000 because it is the Government's view that the complex is needed to meet the requirements of the tourist trade in Gibraltar, the reason why the repairs are needed is another matter.

HON G T RESTANO:

Mr Speaker, my point is that it is £200,000 of public money that we are being asked to vote and I would like to have as much detail as possible before being able to come to a decision.

MR SPEAKER:

I cannot allow and I will not allow discussion of any matters which are not answerable by any Minister because they are not concerned.

HON CHIEF MINISTER:

Mr Speaker, it will be recalled there was an uproar in Gibraltar and a considerable amount of insinuations in some of the media about the fact that Both Worlds was going to be fragmented, it was going to be sold out, this wonderful scheme, this wonderful complex of tourism so important for the economy of Gibraltar was going to be fragmented and was going to be deprived of the use that it was made for tourism. In fact, it was even suggested that some Ministers were concerned in the transaction and there was an uproar and when this was categorically denied, of course, the point was that the Government had not allowed the suggestion which had been made not as a proper and desirable proposition on the part of the owners of the complex but because they were, in this difficulty that otherwise they could not get out of the problem of having to deal substantially with the repairs involved. The Government said no to that because it did not think that it was in the interest of the economy that the complex should be fragmented. Equally because it thinks that it is in the interest of the economy that the complex should continue to render the service that it is rendering to tourism and the economy, the Government, and I am glad to say the Financial Secretary has taken great interest in this matter, have considered that having regard to loans which have been prematurely paid to the Government and without any loss to the Government in revenue, that this was a major salvage operation that the Government were making in order to maintain the complex in a good state because there were great complaints by disgruntled tourists and tour operators about the conditions of the complex because of the seepage of water. In fairness, I would like to say that it is on record that the developers themselves, or the owners themselves, have already put £150,000, into the first part of the scheme. This is in respect of the second part and just a little more and then there is a third part of the scheme because when the approach was made to the Government initially in January, the cost was £500,000 and I understand the cost now is near £2m. It is because we have this opportunity of premature repayment of a loan which is on deposit with the Government and having regard to all the conditions and in order to safeguard the tourist industry, that it has been thought proper to help this scheme in order that the project will continue. I think we ought to remember too that the figure already given this year with regard to the tourist arrivals in Gibraltar are up and if we were to lose the complex we would be in no position to improve the figures further, as it is hoped, this year because a great number of beds would not be available as the complex would not be able to work economically. As the Honourable the Financial and Development Secretary has said this is not the first time that aid has been given and it is in that context. The reference about the request for a moratorium which we were not able to agree to, is in respect of an original loan which was made through ODA for this complex

which was the first loan ever obtained in Gibraltar, the concept of loans to help development and this is one which has been paid regularly by the owners of the complex and which they wanted in order to ameliorate the position, to have a moratorium which we were not able to see our way to meet that. On the other hand, the amount requested originally on soft loans but now on commercial loans, that is to say, on the interest that the Government is getting on the money being paid and the conditions are as near as possible to the conditions on which we have to make that repayment back so that given collateral, the Government will have been able to help to some extent the maintaining of the complex in a proper condition without loss to themselves and in the interest of the economy.

HON MAJOR R J PELIZA:

Mr Speaker, my point is that this is not money for development, it is money for a repair of some sort, it may not be normal maintenance, but on the other hand one cannot say that this is a new development in any way. I believe that in any private enterprise, whatever the nature, if we are going to have a real competitive and realistic approach to the economy, the enterprise might find its way in the market as to how to find its basis of existence. And if there are difficulties in the way, as this obviously is one, I believe they should find their own remedy. Surely, there is plenty of money and I am sure that that particular company should be able to find a loan in the open market, I imagine that the asset is there to give it the collateral that it may require and I think that the Government is putting itself in a very dangerous position in that we could find other companies coming forward who find themselves in difficulties of one nature or another and quoting this as a very proper precedent for them to follow. Then we shall come into the difficult situation of having to judge as to how fair it is to give it to one and not give it to the other. I think, personally, that we are treading on very dangerous ground. So far, I don't think the Government has really made a good case for acting the way that they are.

HON A W SERFATY:

Mr Speaker, the Government has taken into account the possible repercussions in the case of other hotels and tourist complexes. This has been taken into account and we have done it with our eyes quite open. I would like to add to what the Honourable and Learned the Chief Minister said, that if this complex, or part of it, were to go out of operation not only would bed occupancy figures suffer but the whole operation, and we believe there may be next year about eight charter flights in the summer, would be affected. The number of charter flights coming into Gibraltar would be affected. I believe that the Government is doing the right thing by not taking the chance now that the tourist industry is improving and in fact we are now looking forward to the construction of more hotels, if that is at all possible, that we should put the brake on the

maintenance of Both Worlds complex as part of our tourist industry. It is interesting to note that the money that is now available to save Both Worlds, is money that is coming from a fund that has been raised for another tourist complex to become a hotel, Ocean Heights, and which unfortunately did not. It is an interesting thought to feel that that money which was not used for an increase in our tourist industry should now be available to save Both Worlds. The Honourable Mr Restano was asking about design faults and one thing and another. I know you have already said, Mr Speaker, that this is not a matter which should be discussed but let us bear in mind that this tourist complex has been built on a sand slope below a road and it is indeed not surprising that faults may have developed over the years. As an architect myself I am not surprised. It is not always possible to design, under those conditions, buildings that for ever will not require this kind of maintenance.

HON MAJOR R J PELIZA:

I see the point of the Minister. I think it is very worthy of trying to support concerns that bring in tourists to Gibraltar but we shouldn't be blinded completely by that. I think that there is a constant appreciation in the value of that property which must be taken into account and which I think the landlord will make sure that they keep the maintenance going to be able to preserve and enhance the value of that property. I think it is in their interest to find their own remedy and I don't see why the Government should come forward thinking that there might be even possible blackmail by saying; "We cannot rent those rooms to tourism and therefore we are going to suffer". I am not saying that has happened but the Minister already suggested that those rooms may not be able to be rented. But, surely, it is in the interest of the company concerned to keep those rooms available for tourists because it is in their own interest to do so and as I said not just for the sake of renting the rooms but also for keeping the standard of their own property in such a state that the value will increase and not depreciate. It does not really make sense to me that a property of that nature which must be worth quite a million pounds today, as against what it cost to build, the appreciation is there, it will carry on being appreciated, and I really cannot understand why this loan could not be found in the open market.

HON CHIEF MINISTER:

I think it is fair to say that there is an element of help in this respect, that the money is being loaned on the terms on which we are getting interest which is a little more beneficial than getting it in the open market. To that extent we are helping and, in fact, the rest of the money that they require is £300,000 and this will be obtained elsewhere. This is one small way of helping an overall scheme, it isn't a question of helping people who do not help themselves, it is helping people

who are helping themselves. This has been on the mat since January and then they asked for the alternative of selling some of the chalets in order to be able to get the money to put the others right and to that not only did we say no but there was an outcry in Gibraltar that we shouldn't allow it. We cannot really take an attitude and be very strict on the terms of the lease and not, if possible, because we might find ourselves in the position of being able to help, to help in the way we are doing.

HON MAJOR R J PELIZA:

The first thing, Mr Speaker, is that I don't understand why they have to sell to get the money, because surely they can get a loan on the value of the property itself. Could the Chief Minister tell me if the Government is getting such interest out of this loan as it would do if the £200,000 were otherwise invested?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, if I may answer that question. It is 'yes'. We are getting exactly the same interest as we get on the money invested in the Joint Consolidated Fund with the Crown Agents. At the moment that is 16% as at today and the interest rate will vary as the rate in the Consolidated Fund varies too so there is no loss to the Government of revenue in any way. There is one other point, Sir, whilst I am speaking, if I may touch on in reply to points made by the Honourable and Gallant Member and that is that I would assure him that we have seen the accounts of the company, we asked for accounts over the last three years, we have seen them and I can assure him that the company has been spending money on normal maintenance work as well as doing the first tranche of the work which is required to do the rewaterproofing and the cost of this work is now going up by about 50% so that we are finding only £200,000 out of a possible £750,000 as opposed to the £500,000 which was the figure originally given to us in January this year.

Schedule of Supplementary Estimates Improvement and Development Fund No. 3 of 1979/80, was agreed to.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move (i) that the Schedule Part I - Consolidated Fund, Head 14, Medical and Public Health. That the amount of £4,000 under Head 14, Medical and Public Health, be deleted and that the amount of £4,100 be substituted; (ii) that the following item be added to Part I of the Schedule: "Head 26 - Treasury £100"; (iii) that the total of the Schedule of Part I Consolidated Fund should read: "£14,500".

Mr Speaker put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and the amendments were accordingly carried.

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



## Clause 2

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that clause 2 of the Bill be amended by the deletion of the word "three" in the fifth line thereof and the substitution of the word "five".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and Clause 2, as amended, was agreed to and stood part of the Bill.

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

## Clause 4

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move that clause 4 (1) of the Bill be amended by the deletion of the word "three" in the second line thereof and the substitution of the word "five".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and Clause 4, as amended, was agreed to and stood part of the Bill.

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

The House resumed.

## THIRD READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to report that the Price Control (Amendment) Bill, 1979; the Specified Offices (Salaries and Allowances) Bill, 1979; and the Supplementary Appropriation (1979/80) (No 3) Bill, 1979, have been considered in committee and agreed to, in the case of the Supplementary Appropriation (1979/80) (No 3) Bill, 1979, with amendments and I now move that they be read a third time and passed.

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

The House recessed at 5.15 pm.

The House resumed at 5.40 pm.

## PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House considers that further steps now be taken to extend to employees of the Gibraltar Government the eligibility to stand for election to the House of Assembly without losing their employment and to give protection against dismissal to private sector employees standing for election". Mr Speaker, perhaps all of us who are in this House today and who were in the previous House of Assembly, are at fault and I am at fault, in having brought this motion to the House now rather than at an earlier stage because, in fact, the issue was raised shortly before the 1976 election when the House of Assembly (Public Offices) Ordinance was amended to allow Ministry of Defence and DOE employees, that is, the employees of UK Departments who previously were debarred from standing for election and retaining their employment as Crown Civil Servants, they were allowed, as the result of the amendment introduced in 1976 to stand for election without having to give up their employment. In doing so we went some way to increasing the potential pool of people from whom Members of the House of Assembly could be selected without those who are willing to take on the responsibility of becoming a Member of the House having to suffer an additional hardship which not every Member of the House is required to have to take on and, clearly, it is an issue on which there are different political views, different ideological views, in fact, the Honourable Mr Canepa, notwithstanding the fact that he has been one of the victims of the present system, defended in 1976 that it was the right system to have in Gibraltar's situation. I remember at the time that in fact it was quite a heated debate, three years ago, and I think the arguments put then have not changed and there is little new that can be added in terms of the arguments for and against but of course there is always a valid reason for raising the subject particularly when we are talking about an interval of three years because what was done in 1976 was in itself a departure from the previous practice in Gibraltar in allowing UK Departments employees up to Clerical Officer to stand without giving up their employment and if it was possible to go that far at that time it could be possible to go further now or in the not too distant future. Therefore I think it is worth reviewing the position once again and I would like to say for the avoidance of any doubt, Mr Speaker, that it is not a question that this motion is being brought by me on behalf of the Party that I represent, the Gibraltar Socialist Labour Party, because we are short of candidates and we need to have the not extended. My Party hopes to have the opportunity to contest a very near General Election, we are in favour of a General Election rather than a bye-election and we hope that there will be one very soon and we hope to contest it with eight candidates notwithstanding the limitations that there are on candidature at the moment. What I would put to the House is in fact that for me the issue is not just one of the persons who are working for Government having the same opportunity to be Members of the House as other citizens and the



held beliefs and matters of principle which must nevertheless be defended rather than simply becoming a shouting shop where one must of necessity to disagree with what everybody else does otherwise the price has to be paid in votes. I would feel that if the parliamentary system were not as inhibited by the necessity to put things across in what may be seen as the most palatable fashion however indefensible it may be even to ourselves inside our own hearts, if that were not the case, then I feel that the quality of parliamentary debate and the survival of parliamentary democracy would be enhanced. I believe, Mr Speaker, that we can do a great deal in Gibraltar to make Gibraltar a place that we can be so proud of that there will be few places to compare it with but we must all retain that, in my view, as the paramount objective in the conduct of our obligations as Members of the House and as citizens of Gibraltar. If we give that precedence over everything else I believe that it could lead to a situation where we may have on more than one occasion to disagree violently with each other but it is because we have got different views about how best to arrive at that ideal but that we should not be divided on what the ideal should be. I would hope that if we get to a stage where we have a House of Assembly that may have people perhaps who are less well equipped may be then I am myself in the use of language but who nevertheless can bring sincerity and integrity and common sense to a lot of our contributions that perhaps we all at one time and another neglect to retain a common sense in them, then the House may gain and Gibraltar may gain. I commend the motion to the House.

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

HON CHIEF MINISTER:

Sir, the responsibility eventually of the extent to which the motion can or cannot be accepted really rests with the Government. I was hoping to hear more views on a matter on which I know the Opposition hold very strong views otherwise I will not have an opportunity to dealing with them. I have already indicated to the Leader of the Opposition the view of the Government in this respect but I am prepared to give way to the Honourable Leader of the Opposition if he wants to speak at this stage and I would then be able to answer more broadly because there is a second aspect of this which as the Honourable Mover has said has not been raised before and which we hold views and in fact there has been no consultation on this.

HON P J ISOLA:

I was hoping to hear the Government's view on this motion. As far as we are concerned we of course have sympathy, in fact, great sympathy for the question of resolving the problems of eligibility of election to the House. In fact this Party and its predecessor and Maurice Xiberras especially have for years now been urging that there should be proper representation of the people of Gibraltar in this House and that the number of

reason why I have included a private sector protection which was not raised by me in 1976 and to my knowledge has not been raised before, is because in discussion of this subject within our own Party and in formulating our policy on the matter we came to the conclusion that the private sector employee who stood for election could find himself under pressure from his employer if in fact the stand that he was taking as a Member of the House was in conflict with his employer's interest and he should be free to express political views and he should be entitled to the protection of the law. Just like there is protection under the law for employees who engage in trade union activities, there should be protection in the law, in our view, for employees when engaged in political activities. I appreciate that this a new element that is probably being considered for the first time in the House whereas the rest of the motion, basically, I am raising issues that have been raised before. I would also like to take this opportunity, Mr Speaker, now that we are nearing a time when whether we are talking about a General Election in the immediate future or a General Election later on in the year, we are certainly talking about a General Election within the next 12 months, I would like to take this opportunity to say that I feel that we should all strive in the House of Assembly to create an image of parliamentary democracy which will make people continue to believe that it is something worth preserving. I feel that what has come to be known as the political animal, the professional politician, as if that was a species apart from the rest of the human race, has done a great deal in my estimation to make a lot of citizens think that the behaviour of politicians makes it seem as if their deliberations are a game that is played inside a very select club to which they are party and no one else and has no relevance to the rest of the community. I believe that the parliamentary ideal requires that Parliament should be a microcosm of society and that although it is perhaps unfortunate that by the nature of things it is those who are most fluent and who are the best orators and who are best able to handle words, who tend to stand the best chance of being elected, I would think that if any parliamentary institution is going to function well and take decisions which are consistent with what the community requires or wants, then that institution can do so the more representative it is and being representative doesn't just mean being popular or being able to capture a lot of votes, being representative means being in tune with what the people want. For that reason I believe that it is good to have a Parliament which has got a cross section of society in it and people from all walks of life because the fact that they are sharing experiences outside the House in their own area of society, in the section of society in which they normally live, in the sense of their circle of friends, or their social class, or the nature of their employment, means that they should be able to draw on that when things are being considered in the House of Assembly which affects the whole community and bring to any debate the important element that I feel, regrettably, is so often missing even in our own deliberations in the House of Assembly and that is that the debate should be determined by factual information as well as of course as by deeply

people who are able to stand for election in Gibraltar during the past years have been severely restricted by the fact that an uncommonly large proportion of the electorate is in public service and we certainly believe, and we have always said, that in order to get proper democracy there must be proper representation and to get proper representation the question of eligibility as to who can stand or not stand for election is of utmost importance. It is no use saying, as has been said in the past; "Oh, well, if you want to stand for election all you have to do is resign your job, if you are a teacher you resign, if you are a nurse you resign, if you are a civil servant you just resign, and you make this enormous public sacrifice and come and stand for the House and get paid very little as a Member, if you haven't got employment, and then you have done a great public service." Then your life collapses around you, you get possibly thrown out of the House, you don't know where to go back and I think that these are unfair sacrifices which the present system demands from anybody who wants to give some of his time to public service. They are unfair and they are unjust and of that we have said this all along and we have no doubt in our minds that it is wrong. During the life of this House, which is coming to a precipitated end, efforts have been made and are being made to try and put these things right. To my mind there are three things that have to be taken on this question of eligibility, we have to advance on three fronts. One of them is pay of Members of the House and Ministers, the other one is pensions for people who have given many years of service and will do so in the future and the third one is, of course, eligibility, that people who give up their particular service career, who give up their jobs, and I will come to the private sector in a moment, should get reinstated when they finish their period of service in the House. I don't think it is any use going back in the past of people who gave up things, they did it so why shouldn't everybody else do it. The modern approach in a House that is busy, when you are asking people to make tremendous sacrifices, the approach must be that a man who gives up his job to go into public service should not be unnecessarily prejudiced by it and, for example, it seems to me the two areas in which in the public service reinstatement should not present any problem at all is in the teaching and in the nursing professions. I am not talking of reinstatement of Headteachers, I am not talking of reinstatement of Matrons and things like that, I am talking of reinstatement of qualified nurses should be no problem because for example in the case of nurses we have a Minister for Medical Services who is unable to open up a ward in the hospital because of lack of staff so if that is the position what can be the problem, for example, with nurses, of reinstating them when they finish a period of service in the House. Similarly, Mr Speaker, with teachers we get the position now when the Director of Education every year takes a trip to London to appoint teachers to the Gibraltar Government because they haven't got enough qualified teachers, they move around and some go to another country and so forth. What can be the possible objection to teachers being able to resign on election from their jobs and

if they leave the House or if they have to resign from the House, what can be the possible objection to reinstating them? It seems to me that in those two areas, if there is a genuine feeling among Members of the House and I think there must be that the people of Gibraltar are entitled to have the best among them to represent them, that you are entitled to have a cross section of the community represented in the House and I can see no possible objection to that and of course in the case of teachers, those who have resigned their profession and come into the House, I don't think anybody will deny have been very valuable contributors in the work of the House but they were called upon to make very big sacrifices. In the case of one, I think, enormous sacrifice because he went into the Opposition, if you go into the Government it is not too bad, if you belong to a Party that seems to get them in, as it were, it is not too bad but a person who leaves a teaching job or a nursing job to try his luck, put it that way, with my Honourable Friend's Party, or my Party, or parties not represented in the House, and who gets in onto the Opposition benches, what is that person to do? Is that person to be told just when he is going in; "Alright, you want to do public service for Gibraltar but, by jove, if you don't get in or if you get in and then thrown out at the next elections you better worry about your wife and kids, there will be nothing for them, there will be no job for you." That is putting, I think, an unthinkable pressure on people. If we want a one party state we can have a one party state but we do not want that. But this is what brings about a one party state, a restricted candidature brings about people saying: "Well, unless you join the AACR, the Party in power, who seem despite all their errors, all their inefficiency, all their mismanagement, seem to find their way back into Government. Unless you join that Party, well, you better not go into politics, you are taking too big a risk". I think the Government Party who always seem to be so confident about their electoral prospects, should be generous, should be fair to people who want to have a go without joining their Party in public life. I think we have a duty to make it easier for people to serve the public in this day and age. I should say here, Mr Speaker, on this particular motion, that I think what the Honourable Mover is saying is, because he talked about the Ministry of Defence where they can stand for election and not resign from the job, I think he is saying here that civil servants should be able to stand for election and not resign their jobs whilst Members of the House. Well, I don't think we go along with that, actually, in the case of Clerical Officers. Although sitting in the Opposition benches might not be bad, I don't think you can be a Minister and a civil servant, I think we would all agree that that is not possible but on the Opposition benches possible in some cases but what we want to ensure is that there is reinstatement. What we want the Government to do in the same way as we are now trying to rush through, for example, pension legislation, we are trying to get agreement on pay for Members and Ministers, the same as we are trying to do that I think we should also try and clear the decks before the next elections on a limited front on eligibility, but if we were going to do it lets do it, I

think, in a practical fashion. As far as pay is concerned, well, our view is that we are being practical. A person who stands for election in Gibraltar because of what Gibraltar is if he is voted into Government, well, there is no problem, if he is voted into the Opposition bench he may find it difficult to get a job if he has to leave the civil service. If he is in private employment he may find, whatever legislation may be passed, he may find it difficult to go on working with a particular private employer not because of a threat of being thrown out or anything but because he may be expressing different views to the employer and it may be necessary for him to leave his employment not because he is being thrown out - and I agree there should be protection against being thrown out - but because he is uncomfortable in the employment with that employer. So that a person being elected into the Opposition benches who is not a businessman or a professional man or a man of independent means, has problems. If he is employed by a wealthy union he has no problems, Mr Speaker, I do not think any of us has problems in that respect but I think anybody else has problems and therefore we believe that if we are going to have a proper representation in this House, a cross section of the community, then there must be an opportunity for a cross section of the community to stand for election. For that we need a proper pay for Members and Ministers which I think is now going through the mill, I think you need a pension scheme for people who are silly enough to decide that they are going to spend most of their lives in the House, I think you need that too, give some encouragement that way and the third thing is the question of reinstatement. I have had correspondence with the Chief Minister on this and met him during the last two or three months. I understand that previous to that my Honourable predecessor had had meetings with the Chief Minister on that matter over the years, it is not something that no one has been doing anything about, but I think it is important that something should be done before the General Election, now likely to be sooner rather than later. I have had the Government's proposals on this before we came into this House and I think perhaps the Chief Minister will no doubt enlarge on them but I do not think that the proposals which the Chief Minister has made meet the criteria. There is one welcome thing in this proposal where it says: "Non-industrial of the grade of Clerical Officer or equivalent wishing to stand for election would be allowed unpaid leave during the period between nomination day and the day on which the results of the election are declared if they undertake to resign if elected". Without stating who are the people who can stand, leaving that to one side, I think that as a practical thing we would say: "We'll accept that, let us do it. Let them go on unpaid leave, between nomination day and election day. If they get elected they resign, if they don't get elected they can go back to their jobs". We would accept that but what we query is the actual grading. The detailed list of the grades which would qualify under the proposed arrangement is currently under examination. Well, we think steps should be taken and declare a certain number now so that they can stand for the next elections and the consideration of difficult ones can go

on after the General Elections but we think in the grades - and this is where I didn't agree with Clerical Officers or equivalent - I think in the grade there are two sections of people in the public service who are not considered really as members of the public service in England, as civil servants, although they are technically so and these are nurses and teachers. We believe that in the case of nurses and teachers there is no possible argument for not allowing them to pursue this procedure of unpaid leave between nomination day and election day results. I think they should not be treated as ordinary clericals, they just are not. To start with they get much more leave than ordinary clericals. Then it says: "The period of leave would not count for annual increment or superannuation purposes, but would not be regarded as a break in service for the latter." Frankly, the amount of time involved I think is so small that perhaps it is being a bit niggardly to say it will not count but we will go on with that for the sake of getting something done and then it says: "A non-industrial in the grades described who is elected will be entitled to reinstatement in his previous employment although not necessarily to the post previously held if (1) he ceases to be a Member of the House of Assembly after an absence from his employment not exceeding 4 years, (2) he has not less than 10 years service before election and (3) he applies for reinstatement within 3 months of ceasing to be a Member." If I may give our views on this, we think that the limit of 4 years is perhaps a bit short. We would think it should be not exceeding 8 years. But if that is going to hold it up we would agree with that but I think it would be in fairness to the future, not exceeding 8 years. The second one we do have objection to for a very simple reason. It says "he has not less than 10 years service before election". If he is established in the civil service then you shouldn't put a limitation on the number of years of service and I will say why. I think that seems to be interfering with the age at which a person can go into public life if he wishes. We think there is a need for younger blood in the House. The Honourable Members opposite have spoken often in glowing terms of the Honourable Mr Brian Perez when he makes a contribution, although they are rare, but he would not be able to stand if he was in the civil service so why should the Honourable Mr Perez, a lawyer, be able to stand for election and a civil servant who is a couple of years older than him cannot because he hasn't done his 10 years service? We do not see the reason behind that and we feel that in a House of 15 Members possibly in the future perhaps more fragmented than the present House, it is not a bad thing to have a couple of young fireballs, if I may call them that, in the House representing youth and getting experience in the process. We feel that this 10 years restriction seems to be substituting the Government or the civil service masters as judges as to who should or should not stand for election in a particular grade. We think that that should go. We would accept a man who is established, as long as he is established he should be reinstated. Then; 'applying for reinstatement within 3 months

of ceasing being a Member," we accept that, I think that is perfectly reasonable. On the question of political activities of civil servants, we accept this for the time being as is drafted. This has been going on for years, Mr Speaker, and I think that at a time when we are going to have a General Election with a new range of salaries and payments coming in, I think is the time to introduce some modifications so that it is not just a question of money for the existing Members. It precludes so many people from standing for election. I agree with the Honourable Mover, I agree that we should have as many different representatives of not just the classes in Gibraltar but the areas of activity in Gibraltar, in this House. This goes to a greater understanding of the problems of Government and a greater understanding of the problems of the House. As far as we are concerned, we think that this question of eligibility and reinstatement is very important and that we owe it to the people of Gibraltar to put these things into effect before the next General Election. I stress that and I stress that in that situation we are certainly prepared to compromise to get something done and leave anything that we cannot agree on to the future. But as I said I have suggested the areas where I feel these immediate decisions can be made. Teachers, nurses and, I presume, in the clerical grade I would have thought that one could pick areas in the civil service where one can agree it, grey areas, for example, I suppose you have an Executive Officer grade which may be OK in a particular part of the civil service but not in another, it may be a lower grade, alright, let us get in the chap who we all agree should go in in the civil service.

MR SPEAKER:

May I interrupt. You are suggesting that they should be eligible for election and if they were elected they should resign.

HON P J ISOLA:

Yes, Mr Speaker.

MR SPEAKER:

Is that not against clause 28 of the Constitution?

HON P J ISOLA:

Well, I don't know, Mr Speaker.

MR SPEAKER:

"No person shall be qualified to be elected as an elected Member of the House of Assembly who holds public office."

HON P J ISOLA:

Well the principle is there and I would have thought that it can be constitutionally got round, I would have hoped. Certainly we would cooperate, not in breaking the Constitution, but in trying to get round it in a constitutional manner but we certainly feel that it is very, very important in this question of eligibility for some practical progress to be made in this area and that is why we welcome the spirit behind the motion of the Honourable Member although we cannot vote for it as it has been put because we cannot agree that employees in the Gibraltar Government should be able to stand for election, keep their jobs, go into the House possibly as a Minister and still retain their jobs, this we could not agree to, but I think what is behind the mind of the Mover is to open up the gates a bit and with that we agree and we concur. The question of private sector employees being given protection against dismissal, we agree with that, the only think is that we are not quite sure how this could be put in practice.

MR SPEAKER:

Could I again interrupt you. I am sorry I am misleading you. Clause 28 goes on to say: "If it is so prescribed by the Legislature a person shall not be disqualified for election as an elected Member of the Assembly by virtue of his holding or acting in any public office specified (either individually or by reference to a class of office) by the Legislature." So, perhaps, it could be done.

HON P J ISOLA:

But it has to be prescribed by the Legislature. Well, Mr Speaker, since the deadline is December 27, we are quite happy to come back on Christmas Eve and prescribe it if necessary. Anyway, Mr Speaker, as far as the private sector employees are concerned, we are certainly concerned about this problem and it is really because of that that on this side of the House we have made recommendations as to Members' salaries upping them in a way that any person in the House who is not in full-time employment as a result of election, we believe that that person should have an extra allowance per year whether he is a Government Minister or a Member of the Opposition and we thought that this was a practical way of getting over the difficulty that arises from the fact of membership of the House entailing loss of employment possibly voluntarily in the case of private sector employees because they feel they cannot go on working for their employer in this situation, or in the case of public sector employees because they have to resign their jobs and we have suggested, and I think this is being currently reviewed by Mr Pring, that there should be an additional allowance paid to the Members of the House, whether Ministers or Opposition Members, who have no full-time employment of any kind and this can occur by resignation from the public service or by difficulties with private employers. We think that is possibly a more practical way of dealing with what is a real problem. I do not know how

far a legislature is going to be able to stop private employers victimising Members of the House because I would have thought that if a private employer wants to get rid of a Member of the House he knows the problems because it is a Member of the House and he is going to somehow or other try and achieve it in a way that won't be terribly obvious. We think that the way to protect that position is to make allowances for situations that must arise and that is Members of the House without employment because (a) they have had to resign from the public service or (b) because they feel it necessary to leave their private employment. Mr Speaker, all I would say at this stage is that we support the spirit of the motion and we hope that it has the effect of getting eligibility opened up before the next General Election and as far as the Opposition are concerned we are prepared to cooperate fully in getting the proper legislation through without the need for notice of any kind so that at the next General Election a cross section of the community will be able to stand and the community itself will be able to vote a representative body of Members to the House, representative as far as possible, from a cross section of the community. Thank you, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, I understand Honourable Members opposite have got an important engagement at 6.30 pm. I have to make a long and considered statement on this matter. I suggest we adjourn the debate until tomorrow morning.

MR SPEAKER:

We will recess until tomorrow morning at 10.30 am when we will continue with this motion.

The House recessed at 6.15 pm.

THURSDAY THE 6TH DECEMBER, 1979

The House resumed at 10.30 am.

MR SPEAKER:

I will remind the House that we are on the motion moved by the Honourable Mr Bossano and that the Mover had spoken on it and that the Leader of the Opposition had also spoken. The floor is now open to any other contributor.

HON CHIEF MINISTER:

I was interested to see the terms on which the Honourable Mover had spoken in support of this motion. He expressed certain views some of which we can share but the problem is a more intricate one than he has made it and I think it is necessary to go through some of the serious considerations that we have expressed on many occasions about the matter

because neither the mover nor the Honourable Leader of the Opposition have really touched on the basic difficulties that have been found in dealing with this matter which is a question of being master and servant at the same time, that is to say, persons who are servants of the Crown should be masters by sitting in this House, as indeed we are by legislating. As the Honourable Mover has said the question of the eligibility of servants of the Crown to stand for election to the House of Assembly was last discussed in detail in May, 1976, when the Government put forward a Bill to restore eligibility to UK Departments industrials and non-industrials of the grade of Clerical Officer and other grades prescribed as equivalent. The Bill also restored the eligibility of industrials previously employed by the City Council and in addition afforded eligibility to those industrials employed by the Gibraltar Government. It was not a question of giving new rights to people of Clerical Officer and below in the MOD to stand for election. That right had been achieved some time in 1956 or 1957 but was lost by the 1969 Constitution and it was not until 1976 that we were able to restore that right which they had acquired which had been taken away by the Constitution and also because in fact the amalgamation of the City Council and the Government had deprived the industrials of the City Council who had been able before to stand for election and then continue in their employment and at the same time we added the industrials who were in the Gibraltar Government subject to resigning for 21 days during the period of nomination and election and if not elected that could then be restored back to their employment. The reason why it took so long to come here to restore the rights that had been taken away unintentionally of course or consequentially as a result of the 1969 Constitution was that the attitude of the then Leader of the Opposition, Mr Xiberras, was much more intransigent in this respect than it later became. Intransigent, perhaps, is not a fair word, what I would say was that he wanted all or nothing at one stage and he wanted the declaration of Members' Interests, he wanted allowances and he wanted everything and he wouldn't move at that time unless we went as far as he wanted and unless other things were settled. That is really what took so much to bring this matter before the House because we have always felt that this is a matter which is either done by consensus or not done at all because it is not fair that the Government should legislate in the manner that it thinks fit at any particular time that it has a majority on a matter of such fundamental importance if there is no consensus which can be said to be general because that would permeate along the service and whatever conditions are agreed are more likely to be beneficial than any that might be found by the particular Government with the majority of the day. In fairness to both the former Leader of the Opposition and the present Leader of the Opposition, I think it is no secret to say that they have moved somewhat in two respects. Maurice Xiberras had already moved in one respect prior to his leaving politics and that was that he was prepared to concede though he wanted the number of people who would be eligible to stand for election without resigning to be enlarged, he did accept, I am sure on behalf of his Party, that once



elected all should continue to be employed by the Government if they were not to be Ministers. That rather difficult attitude to sustain as far as we were concerned, he moved away from that and that made it possible for us to make further studies on the matter and reach recently proposals which I have already informed Members as far as we can go for consultation. I would like to say that yesterday the attitude of the Leader of the Opposition was, I think, also much more helpful in that he accepted that we should get on with what we agree and we should agree as much as possible and then, perhaps, from there we could go further on. I think that is a helpful attitude because in that way we can make progress in a matter which is difficult and on which there are different views, if I may put it, on a step by step situation, it might be possible to extend further subject, of course, insofar as we are concerned to maintain certain principles that we hold as most important. The principle that we hold and we have always held and that has been the reason why we have not made further progress, is the question of conflict of interest or the incompatibility of functions in the civil service and that is the principle is not altered by the argument that only a small number of civil servants would wish to take advantage of the relaxation of the rules. We feel very strongly that the crucial point of principle is that no individual can be employed and paid by an authority and therefore we require to serve that authority faithfully and to the best of his ability and at the same time work privately or publicly continuously or for a restricted period for the replacement of that authority by another. Participation in political activities by any non-industrial civil servant is bound to prejudice his prospects for transfer and promotion and hence his usefulness to management and may also prejudice his acceptability to Governments of different political views from his own. These are what I would call the traditional principles of the independence of the civil service to which the AACR make no apologies for having stood and having maintained despite the fact that we have moved also to some extent in matters which are pretty safe and that is in the industrials and in order to maintain a movement which we did in an attempt of compromise in negotiations with the Leader of the Opposition at the time, the fact that people of the Clerical Officers grade and equivalent would be able to stand for election without resigning and be able to be reinstated if not elected but always, on the basis that if elected they would have to resign. During the course of the second reading of the 1976 Bill which restored those rights that had taken away and restored the rights of the City Council industrials and gave rights to the industrials of the Government as a whole, I explained that the views of the two Parties had been put to the Secretary of State and that the essential difference between the Parties was that whereas my Party was prepared to allow a certain number of people to stand for election to resign if elected, the Opposition then held the view that they should be able to stand for election and retain their post if elected. Specific mention of school teachers was made in this context. The position now from the Members of the Opposition is slightly different as explained in the letter from the Leader of the

Opposition to me on the 30th of November which said: "We feel strongly that civil servants especially, for example, teachers and nurses should be allowed to stand for election and resign if and when they are elected. There should also, we feel, be provision for their reinstatement if they cease to be Members of the House in the following parliament or, possibly, even the one after next following", and this was the point that was made yesterday by the Honourable the Leader of the Opposition about the four-year period. During the Committee Stage at that time, Mr Bossano moved an amendment designed to enable Gibraltar Government industrials in the same way as UK Departments industrials to stand for election and to retain their jobs if elected. I said that we could not agree to the amendment without further consideration. We undertook to look at the matter again and if the Government found it possible to agree with the suggestion to move a similar amendment at the next meeting of the House of Assembly. Mr Bossano's amendment was then withdrawn and he moved a further amendment to enable the Gibraltar Government Clerical Officers to stand for election in the same way as UK Departments Clerical Officers provided they undertook to resign, if elected and that amendment was defeated. After the lunch recess Mr Bossano said he would not be moving a third amendment which he had previously mentioned and then I clarified the Government's position as follows, and I am quoting from Hansard: "An industrial employee should be eligible to stand for election without previously resigning. On nomination as a candidate he should be given unpaid leave from date of nomination. If he is not elected he would be reinstated in his previous capacity. In the intermediate group which will certainly be of people of a Clerical Officer type to which the Honourable Member was referring, we recommend that officers in this group will be in the same position as those in the politically free group, that is, the industrial employees. So that in fact in our recommendations in this respect civil servants in that group would not have to resign but would be on unpaid leave for the purpose of election and this is what we will urge." - In fact this is in our present proposal, I will refer to the list later on. - "In addition to the extent that it is right and permissible I can certainly give an undertaking that any person under that group of Clerical Officers who have to resign in order to stand for election, the Government would certainly urge most strongly the Public Service Commission to reinstate him in his employment were he to be unsuccessful in the elections." I would like to say since then, other than the matters which have been recently raised with me by the Leader of the Opposition, the only time that his predecessor that I can remember, I may be corrected if I am wrong I will certainly tell the House and Members opposite, has been when the question of allowances has been raised when he always wanted the sort of package to which the Leader of the Opposition was referring yesterday, about pay to Members, pensions and eligibility. The question has been considered afresh by the Government very recently in the light of the present situation and in the light also or perhaps despite I should say rather than in the light, despite the fact that the Armitage Report which has been published in the United Kingdom,

comes out much more strictly against the participation of civil servants in politics than was the case before. There is, however, one point that I would like to make clear because this could be wrongly interpreted and that is the question of nurses and teachers. It is true, as the Honourable the Leader of the Opposition said yesterday, that nurses and teachers in England enjoy wider flexibility of standing for election and participating in politics but it should not be forgotten that nurses and teachers in the United Kingdom are employed by the local authority and not employed by the central authority as is the case here and that to us, having said what I said about the considerations that we have in these matters, is to us very important. The proposal that we have considered are that the question of the eligibility of civil servants to stand for election should be considered in consultation with the other two Parties represented in the House to establish whether there is sufficient agreement on the Government proposals to enable the matter to be proceeded with. Given such agreement, draft legislation would then be prepared which would then be forwarded to the Foreign and Commonwealth Office. The draft Bill if agreed would then be discussed with the Staff Associations who are particularly concerned in this matter. As I outlined yesterday, but I think for the record I should put it in because I would like to make some comments as I go along, the Government's proposals may be summarised as follows: Non-industrials of the grade of Clerical Officer or equivalent wishing to stand for election would be allowed unpaid leave during the period between nomination day and the day on which the results of the election are declared if they undertake to resign if elected. The detailed list of the grades which would qualify in the proposed arrangement is currently under examination and I think that this is a matter that I can make very good progress, I can provide a list for Hon Members opposite by early next week. The point about this is because the salaries review has made such great variations of scales and so on, it is difficult to identify people by saying "of Clerical Officer status or equivalent" which before was easy to identify equivalent in the sense the people earning the same amount of money but that has upset it both ways, it might prejudice some and benefit others, and therefore in order to identify this it would be better to put in a particular list who should be the equivalents who would then be able to stand for election without resigning. I would like to say that there isn't that great difference in this matter for that type of people in resigning and then if not elected being restored to their employment, there is not that difference really particularly if it is taken into account that one of our conditions is that the period of leave would not count for annual increment, or superannuation purposes but would not be regarded as a break in service for the latter, and a non-industrial in the grades prescribed who is elected would be entitled to reinstatement in his previous employment although not necessarily to the post previously held if he ceases to be a Member of the House of Assembly after an absence from his employment not exceeding four years he had

not less than 10 years service before election and he applied for reinstatement within 3 months ceases to be a Member. Reinstatements in 1 and 2 when 1 and 2 are not satisfied will be sympathetically considered on its merits. I don't think I need go into this because this is really the subject on which we should have early consultation if there are any areas where we could come to some kind of movement though I think that the point made by the Leader of the Opposition yesterday about the need of having 10 years service is a very valid one because otherwise it would mean that there would be a tendency in the early stages of people trying one thing and if they are not happy, trying another and I don't think that that would be very beneficial. Then, of course, on that basis, the existing General Order on the question of political activities by civil servants which is out of date and, if I may say so, too stringent, would be revised in order to bring it into line with new arrangements proposed and more specifically to make it clear that no civil servant is allowed to engage in any form of political activity at any other time other than during the period of unpaid leave granted for the purpose of standing for election. In effect, the Government propose to extend to certain non-industrials the same opportunities and facilities which at present exist in respect of Gibraltar Government employees. So, really, we have moved somewhat in this respect. Unfortunately, the wording of the motion does bring something back into the arena from which the other Members of the Opposition have moved away and therefore I am afraid we cannot accept if it means what I think it does because I think the words "without losing that employment" is ambiguous. I don't know whether it is that the Honourable Mover has in mind simply to extend to certain grades of non-industrials the same facilities as at present extended to industrials or whether in fact he is proposing that those industrials and some non-industrials should be able to retain their posts even if elected. If that is what he is saying, that is really not the thinking of Honourable Members on this side or what remains of the rest of the Members on the other side of the House insofar as the first part of the motion is concerned with regard to civil servants. I think the door is open for early discussions, a list will be prepared of the people we say, there may be a little moving about in the list in one area or two and then, perhaps, we can make progress. Now we come to the other part which is mentioned in the motion regarding the people in the private sector. The Government does not agree with the last clause of the motion that protection against dismissal should be afforded to private sector employees standing for election. It is not considered that the freedom of action of employers should be restricted in this way. The Government certainly believes that in a democratic society employers in the private sector should not dismiss their employees simply because they stand for election or because they are elected. It would, however, be wrong in principle precisely because this is a democratic society, to legislate as proposed.



If the Government itself, for very good reasons, cannot confer full eligibility on all its own employees, it would not be right to require other employers to do so, so one really goes with the other. Private employers could produce valid reasons why it would not be in their interest for certain employees of theirs to stand for election and a small firm might not be able to allow an employee the amount of free time he would require if he is to carry out his duties as the Member of the House properly or particularly among certain kinds of employees if the political views held were considered to be incompatible with the interests of the firm. I think it would not be practical to legislate in this area. The Honourable Leader of the Opposition did mention two other aspects of what was called "the package", that is to say, pay of Members, pensions and eligibility. I think the order perhaps is not an order of priority, they are just all one and together, I would have thought he would have said eligibility, pay of Members and pensions. Anyhow, be that as it may, the three of them to some extent go together and as the House knows, proposals for increasing the allowances payable to Members in this House are under consideration following a report by a member of the staff of the Clerk's office in the House of Commons, and once these are finalised and implemented the opportunities for standing for election among those both in the private and public sectors who may encounter difficulties at present I think will be widened. As I said before, it is important that in these matters before any new legislation is enacted there should be a broad consensus of agreement. With regard to pensions I would like to say that this is a matter that was raised after the election to this House by the younger Members who felt that something should be done about that and I am pleased to say that today the Gazette will publish a draft Bill making provision for pensions which it is hoped will be taken in the latter part of this meeting next week. The question of the allowances is one on which the views of the Honourable Members opposite and ours have been sent back to Mr Pring for further consideration and we await his reply. I think it is fair to say that it was never intended, whatever remains of the life of this legislature, it was never intended that the new allowances should be for present Members but for future Members, that is, for Members standing for the next elections and not for this one. This House will have to be happy with the little bits that come around as a result of following the Morgan formula and the consequences that that has on allowances of Members and Ministers. My Honourable Colleague points out to me that it could be argued in respect of the private sector people that there is some protection under the fair dismissal legislation. The onus would be on the employer to prove that dismissal in connection with political activities was fair. It would be very interesting to know who would have to decide that because the political complexion of anybody who had to decide may have a lot to say in the approach to it but still there is an element of protection in that respect. I think there was a decision yesterday in The Times about the fact that it was fair to say

that people, not with moustaches but certainly with beards in certain places where they objected to, it was a fair ground on which to dismiss people if it was objectionable generally that people should have beards. There is a decision in The Times I have not reached the point of reading the whole of it but I read the headline in the Law Reports in The Times yesterday. Apart from the desirability of a general consensus in this matter it is also important to guard against pressure for legislating in conflict with sound democratic principles for the sake of a particular situation or, if I may say so, for any particular party at any particular time. I am glad to hear that the Honourable Mover has no problems about this and that he can muster his eight candidates for a full attempt at taking over the State and I am sure that if he can do that in his solitary confinement that he finds himself in this House it will not be difficult for the remainder of the Opposition to do so though, of course, I believe that there were some approaches even for a bye-election to find a candidate but that is a matter for them to decide what will happen in the future. A lot has also been said about the number of people who are deprived of the right to stand for election. Before the 1976 Ordinance was passed, 4,800 people were barred from standing for election. After that the number was reduced to approximately 1,800 and if our proposals are considered, I haven't been able to quantify, but a fair proportion of that 1,800 would be qualified. Of course, we must think of the fact that there are 14,000 other people who can vote and who can stand for election. Really, it is a matter of maintaining principles and within those principles insofar as the Government is concerned, being as reasonable and as accommodating as possible without in any way departing from the principles. I am afraid that for those reasons we cannot go all the way much as we would like to to some extent, because of the rather strong terms on which the motion stands. I thought I should give a guide of what the attitude of the Government is in this matter in order that we would be able whatever happens to the motion to make progress on the lines on which I have stated the Government's view.

HON MAJOR R J FELIZA:

I was a little concerned when you said yesterday that the Constitution might make it impossible to change the position of the civil servants in Gibraltar with regard to election. I am glad that it was clarified later and it appears that there is no hindrance because I remember distinctly when we got the new Constitution, at the Constitutional Conference with Lord Shepherd, when he very clearly said when some of us wanted teachers to stand for election and he gave us the impression that he was on the side of that but it would be up to the legislature to change the situation if they so wished. It is unfortunate, of course, that here we are, many years later, still having made, in my view, very little progress in that respect. I say so because as a genuine believing democrat I

find that it is very easy to make principles so holy that in the end you lose what you are really after which I believe, certainly in this House, is genuine democracy. If we are going to have genuine democracy in Gibraltar it is very, very essential that we should analyse the situation as it applies to Gibraltar because we are unique even in that respect and then, perhaps, see to what extent certain principles of one type or the other have got to be slightly diluted to arrive at something that will be nearer the ideal democracy which of course perhaps can never be achieved. I am not a perfectionist, I do believe that in this world that is a goal that can never be achieved but I think we can get somewhere near there and it is a question of balancing. I say this, Mr Speaker, because if we are going to make the independence of the civil service the holy of holies, in the circumstances of Gibraltar I believe we would have no democracy or at least not as much democracy we would like to have. Equally, if we were to say in Gibraltar that any person who becomes a Minister would have to resign his employment, we would come to the same situation so if we were to make that principle that no Minister should have any interest other than that of his Ministry which I think is a perfectly proper principle to accept and, in fact, it is accepted as far as I know in most places, certainly in the United Kingdom, yet, Mr Speaker, here we bend that principle. Very rightly too, in my view because otherwise we would not be having in this House certain people who can make great contributions to Gibraltar because, obviously, economically they would find it impossible to do so. If we look at the other side, the independence of the civil servants. In a little place like Gibraltar where so many people are connected with the administration of Government, it would be, I think, a great pity if out of there, within the limitation that would not completely destroy the so-called independence of the civil service, of which I have my own views and I will explain later to what extent the civil service is genuinely independent, but let us accept that the civil service is totally independent, even within that, Mr Speaker, I think we can erode that position slightly for the greater good which is more democracy in Gibraltar. My Honourable Friend, Maurice Xiberras, unfortunately he is not in the House today, I think had identical views with me on this and that is that it was again a question of the declaration of interest, whichever those may be, the income of the Member and then the function of that Member in private life. This applies, I think, to any person who comes to this House. As that applied to the civil servant, we felt that the greater the allowance granted to the Member, the less there was a need for that Member to depend on other incomes for him and his family subsistence. This is why we have always been pressing and still continue to press for the allowances of the Members of this House to be raised so that they really become more independent of their own profession or of their own business or of their own employment. On that, I am glad to say, there has been some movement in that respect and we hope that there will be even more movement in that respect and on this particular aspect of it, Mr Speaker, I would like to stress the

importance of enabling, certainly Members of the Opposition who have no employment, to be able to attain an extra allowance to make their income what you might say is perhaps slightly below average in Gibraltar even with the extra allowance. That is, of course, the person who would have no other employment or no other income and this again would be a matter of the declaration of a Member which I think is feasible, the same as we now accept the declaration of a Member with regard to his employment and his interests in this House I think we would have to accept the declaration from a Member who says: "I have no other job, I have no other income and I sign here on the dotted line". Then, of course, it would rest entirely on his honour as to whether this was so or not as it now rests with the question of declaration of interests whether, indeed, we have or we do not have any other interests, because it is not sufficient just to resign as a director of a company, of course, you can resign as a director of a company but you can still have exactly the same say as if you were a director. In the end it is a question of the honour of the individual and in the same way as it applies to the position of a Minister, I think we have got to apply it to the position of a Member of the Opposition with regard to the extra allowance. I think that would help considerably in enabling many people in Gibraltar, including civil servants, if they so wished, to come forward and stand for election because in my view democracy does not start and end purely in giving a vote at election time. It is also very important that any individual who wants to stand for election and come to the Legislature and express a view or participate in the running of Government, should be able to do so and only in extreme circumstances should a citizen of Gibraltar be deprived of that very fundamental right of democracy. This is, Mr Speaker, where we have got to balance the independence of the civil service and the right of the individual to participate in Government. Whilst I fully agree, having been a Chief Minister myself, of the difficulty of having within your walls people who might think completely differently to your point of view in politics and who could indeed undermine the running of Government by being there not to help but to upset and to disrupt, I am fully conscious of that situation so I am not speaking without taking into account that aspect of the consequences of relieving certain civil servants from that so-called sacredness of not being able to participate in politics. Let us not make that a sacred call, Mr Speaker, it will only hamper democratic progress in Gibraltar and I cannot be a party, Mr Speaker, to any political force which is adamant in preventing that type of democratic progress in Gibraltar because what we are doing really is making a sort of closed shop for the Members of this House, a kind of privileged position which anybody who can come in to it must be at tremendous sacrifice. As we all know there have been instances of this and in fact there are two Members today in this House and there was another one before who have really had to give up everything for the sake of enjoying a democratic right which most of the people of Gibraltar are entitled to enjoy and I hope that this House will not be the villain of the piece to stop that progress which I

hope is the wish of every Member of this House that it should take place. If, indeed, the will is with all of us to see as many people in Gibraltar having all the democratic rights, not one or two, but all democratic rights in our society, I think it is essential that we, the Members of this House, should get together and see how we can best do this. I was pleased to hear the Hon and Learned Chief Minister say that they could share some views with regard to the motion put in this House by my Friend Mr Bossano, I was very pleased to hear that. Let us see if we can find some more views which we can all share. Let us see if those high principles on which we are all sitting at the moment cannot be somehow bent so that we meet a bit more and find our way ahead by proving as we go along that fears that we have are not all that genuine, that perhaps in many instances it is more the fantasies of our mind than the actual reality of what would happen and in my view, I might as well say this now so that the Members understand the way that I am proceeding, my view is that I do not think that we should take a vote on this motion today. I hope it will be possible, as we have done on many instances before, for the Chief Minister, the Mover of the motion and the Leader of the Opposition to get together and see if there are a few corners we can cut and arrive at a consensus because I agree with the Chief Minister that it is very important there should be consensus on that, it is very important that the three persons that I have just mentioned should get together and see if there is a way of gaining some ground in all directions. I was very happy to see a principle that my Hon Friend enunciated today about the rights of persons employed in private firms to some extent being safeguarded and still being able to participate in politics and I was very glad that immediately the Minister for Labour found that there was already legislation which would help in that respect. It is not such an impossible situation if there is a will. There might be a way of finding a formula which will give a little bit of more guarantee to the person in employment to be able to participate more in politics and perhaps even to stand for election and may I add that the employer himself should welcome people in private employment to come forward because it is they who understand the problem of the private employer better than anybody else and I believe it is in the interest of the private employer to encourage people in their employment to come forward and participate in politics. I do not think it should be taboo, I think it is the wrong approach to and therefore I think that any encouragement that would come through some form of legislation to strengthen the position of the private employee would be a step in the right direction and therefore I do not dismiss it although perhaps it could not be put in the way that my Hon Friend has put it in his motion. I know the difficulties and I think the Chief Minister brought one up very quickly, if you have a firm with one or two employees and that employee becomes a Minister, well, that firm just cannot function, obviously it cannot function, and that firm could not possibly carry another employee during the time that he is away. I am very lucky, I am an employee and I have been able to get away with it, I have

bee able to do both jobs, I was lucky. If we look around in this House, Mr Speaker, we find that some of us are here by accident, as it were, in that, for instance, if my employer had point blank refused that I should stand for election I would not be here today because I could not have afforded to do so, it might have been a good thing for Gibraltar, but the fact is that I was able to exercise a democratic right simply because of the kindness of my own employer but this does not happen in every instance. Equally, I think, if we look around this House we find that most people here are either self-employed or professional men, or unemployed. I am a great believer that politics is very much connected with interests in that a Member is usually subjective to the kind of life that he was born into and he will see things in that way however much he may try to be objective. Therefore, Mr Speaker, if we are going to have a truly representative House here, it would be much better for everybody for the good running of Government for the benefit eventually of the whole community, that we should have people here of all classes, not just professional or businessmen. We should give the opportunity to other classes to be able to stand for election and hear subjectively, as I do not think it can be done in any other way, with certain exceptions, and in that way we would have a genuine picture of what is happening and a policy which is reflective of what Gibraltar really is. Therefore, Mr Speaker, in a small place like Gibraltar where the proportion of civil servants to the rest of the community is extremely high, it is necessary to look into that particular sector of the community in more detail that you can look at any of the others and whilst one can fairly dismiss the question of the private employee without going into too great detail, I think with respect to the civil servant, one has to concentrate a little more. My view has always been that with regard to the civil servant it was not the income of the civil servant that mattered and therefore they could not be classified by income but by function and I remember going into great detail into this, Mr Speaker, and producing a long list which must still be available in the Secretariat because we submitted this to the Deputy Governor and to the then Leader of the Opposition, to find ways and means of selecting and eliminating people within the functions of our civil service who could, by and large, participate in politics without in any way disrupting the normal running of Government, without being say, Trojan Horses in the different departments of Government. I think that can easily be achieved. May I add one point here, Mr Speaker, my own experience of civil servants is that once they get to a certain grade, the same as any other professional man they have a code of conduct which no matter how strong their views may be, overrides over everything else and therefore they are capable of giving loyalty to the Department and the Minister whatever their views may be and I do not think that is likely to change because we are going to change slightly our legislation. If that was so, Mr Speaker, that loyalty would not be there and I do not believe that the slightest change that we may make in our law is going to change that one way or the other because if

that individual is not genuinely going to give his loyalty and support to the Minister then he is not really competent to be there. I believe, the same as the lawyer gives all to his client and the doctor to his patient, I think the civil servant gives it to his department and to his Minister and that has been my own personal experience knowing very well in many instances that they were not Members of my Party or even supporters or sympathisers but I never had any doubt in my mind and I put all my trust in them and I always felt that they were behaving correctly with me. This had nothing to do whatsoever with whether they had a right to participate in politics or not. I am not for one moment suggesting that that calibre of civil servant should be allowed to participate, I am not saying that, but I am just bringing out this argument to prove that if we give way to that principle of the independence of the civil servant in certain levels according to functions I do not believe that this is in any way going to disrupt the proper running of Government and this is why I fully agree, Mr Speaker, with the Leader of the Opposition that straightaway you see that there are two categories of the civil service which in no way can affect the running of Government, that is, the teacher and the nurse. If we had a local authority here as we had before and as is the case in England and the teacher was paid by the City Council and the nurse was paid by the City Council, that would be alright, they could stand, but because now they are being paid by the Government, they cannot. I cannot accept such an over-simplified argument, Mr Speaker, because I do not believe that it holds water. A teacher is not concerned in any way with the running of a Government department or with the making of policy. I am not going to say that the Director of Education or perhaps a Headmaster should be allowed but I believe that the ordinary teacher who wants to stand for election should certainly have a perfect right to do so much more so when now we are really giving most of the things that we held sacred before for the sake of achieving something, or reinstating them, or letting them have to resign when they come forward, having unpaid leave, if necessary resigning after election. We have really gone a long way in that respect and I do hope that the Government can see the merits of this because the contribution that that particular profession has made, is making and could make to politics in Gibraltar is very great indeed. It is a potential that is waiting to be used and it is very sad if we are not going to make use of that potential. I believe that here we have a sector of the civil service which if they were not paid by the Government would be allowed to participate in politics and simply because they are paid directly by the Government are not going to be allowed to participate and very likely even if it was not paid by the Government they would still have to be subsidised by Government as is the case in England. Education, in England, is subsidised by the central Government and the same thing would apply to the nurses because the hospitals in England are subsidised by the central Government.

Therefore the strict and narrow argument that because it is paid by the central Government they become 100% civil servants and then they cannot participate in politics, I do not think it is a valid one and it is one that I hope that if the three wise men that I mentioned earlier could get together and find a way of overcoming this problem of high principle, I think, Mr Speaker, we would be moving forward in the right direction. The same argument that I have applied to the teachers apply to the nurses. They are a profession who through their training are highly disciplined, are high socially conscious and the more people of that kind, the teachers and the nurses, who we can attract into this House the better it is. It will certainly help considerably to change the balance. Mr Speaker, I think that the merits are there and very strongly there. Democracy cannot be of one kind for one particular sector of the society and for another kind to another sector. I hope that some of the things that I have said, if there is a will, will make a slight difference in the approach to this motion, I do hope that my Hon Friend, Mr Peter Isola, is more than willing to cooperate to try and bring a genuine consensus. It is also important that we move fast in this respect because the elections, whatever the Hon Chief Minister may say, are not so far away. At the most it is a question of months, it is certainly not a question of years, it could be a question of days, but one thing is sure and that is that the writ has got to be issued, I believe, on the 27 December so after that if the Chief Minister wishes to carry on ruling without the mandate of the people he can do so . . . . .

MR SPEAKER:

Let us not go beyond the point.

HON MAJOR R J PELIZA:

The fact remains that the date is getting nearer one way or the other and I believe that we ought to move fast in the interests of genuine democracy in Gibraltar and I do hope that it will be possible for this House to get together and arrive at a consensus which will make more democracy for Gibraltar.

HON J BOSSANO:

Mr Speaker, the motion does refer to individuals standing for election not having to give up their employment and it seems that that is unacceptable both to the Government and to the other Members.

HON MAJOR R J PELIZA:

I did not say it was unacceptable.



HON J BOSSANO:

It may not be unacceptable to the Hon Member but it appears to be unacceptable to the Leader of the Opposition according to what he said yesterday on the subject. He said quite categorically that it was unacceptable that a civil servant should continue in employment after being elected. That supposed incompatibility is based on certain premises about how a parliament should function and what the relationship is between the politicians in the House of Assembly and the civil service as the bureaucracy that implements administratively the political decisions that are taken here. Clearly, if one does not share the premises then one cannot share the conclusions and if one cannot share the conclusions then I do not see how one can arrive at compromise. Therefore, I must make it quite clear that my position, really, is to all intents and purposes unchanged from May 1976 and from what I said then. In fact, my position could only change in that respect if the Party that I represent took a different policy on the matter and I decided that the new policy was sufficiently acceptable to me not to resign from the Party because this is the way we function. The motion that I have brought to this House is a policy decision of the party, it is not just that I happen to think like that and feel like that but that in fact the party feels like that on this issue and consequently the proposals that the Chief Minister made available to myself and to the Hon and Learned the Leader of the Opposition yesterday, I am unable to react to at all without it being first put through the party machine so that a policy decision is taken on it. It is important to understand that, Mr Speaker, because that is part of the fundamental difference in premises to which I say that I subscribe and I think perhaps there may be a difference in the views of other Members is that I believe that the individuals who are elected to the House of Assembly may or may not make a contribution in the sense of the impact that they make by the way they express themselves or the way they can elucidate arguments but really, essentially, it is immaterial who is the individual in the House of Assembly if that individual is acting on directives from a political party that tells him how he has to vote and what he has to do and consequently the intellectual calibre of the person is not a major factor and I therefore do not think that it is in any way more important to have middle class intellectuals in the House than it is to have manual workers. In fact, to have manual workers who may be less able, as I said before, linguistically to handle debates might nevertheless bring into the House a badly-expressed point of view but a point of view which is missing and which the House should have. However, given that the Constitution of my own party requires that anybody who represents us in this House of Assembly will be told by the party what he has to do and this is, of course, a fundamental dichotomy in the concept of who the Member of the House is responsible to, the controversy that has raged for many years inside the British Labour Party as to whether the policy-making body is the

Parliamentary Labour Party or the Annual General Conference and the National Executive Committee and I, of course, subscribe to the view put by good Socialists like Mr Tony Benn that it is, in fact, the party that is responsible to the electorate and the party that decides and the parliamentary representatives really are there to pursue the attainment of party objectives. This, of course, is a view of political life which is different from the one that we are used to where the contribution of the individual has a much higher rating and the freedom of the individual in terms of his voting behaviour in the House of Assembly is much greater. In fact, there is a conflict between the whole approach of party political machines and the collection of the best brains to run the affairs of the community. In Gibraltar, many people feel that party politics are perhaps superfluous because of the size of the place but the evidence of recent development seems to be quite the contrary to that often-expressed view. If anything, we are going in the direction of entering the Guinness Book of Records to which the Hon and Learned Leader of the Opposition makes references occasionally for the per capita proliferation of political parties that we have. We are, if anything, on the road to having 25,000 political parties for the 25,000 inhabitants that we have in Gibraltar. In 1976, Mr Speaker, the Hon Mr Canepa, as I said, stated quite categorically his political view on the matter and said that it was incompatible, if not physically impossible, that somebody should become a Member of the House and continue to be a school teacher and he gave a school teacher as an example. He himself has been a school teacher and therefore I think that coming from him, that is a very clear-cut statement of policy because it might be easier for somebody who was not in that position to make pronouncements but when we find somebody who has been in it himself saying that he believes that it is wrong for someone to continue teaching and be a Member of the House then that must be, of necessity, a deeply-held view. I do not know whether the Hon Member has changed his mind since 1976.

HON A J CANEPA:

If the Hon Member will give way. I hope that what was in my mind then is clearly reflected in Hansard. My belief has always been that it is a practical impossibility. As regards principles, I also hold the view, very deeply, that any teacher worth his salt who is committed in his political views manifestly will not use his position in the classroom to influence the children that he is teaching. On the other hand, what may well happen and I know cases where it has happened, is that the school teacher who has not made his political standpoint publicly apparent has endeavoured to use his position unfairly to ram down the throats of the very susceptible young people that he teaches the views which he may hold and I am on record as having made that point of view clear this summer when the Teachers' Association invited Mr Xiberras and myself to address them on the

political activities of civil servants and in particular teachers and I made that point clear. I do not believe that those teachers that I am conscious of the fact that they have taken a clear political standpoint, Mr Xiberras, for instance, I know that they have not used their position in any way, they have been only too careful not to influence the young people that they are teaching and those are the views that I have always held and with regard to what he has just quoted it was the physical and practical impossibility of doing a proper job in politics, particularly being a Minister, and looking after a classroom. I think that is a clear-cut incompatibility.

HON J BOSSANO:

I am grateful to the Hon Member for that clarification. I did misunderstand the sense in which he was using the word 'incompatibility'. For me, whether it is a physical impossibility or not that probably depends on the ability of the individual and the time he devotes to teaching and the time he devotes to politics. I think it does not necessarily have to be a physical impossibility but the Hon Member did say that it was untenable for a civil servant and for a school teacher to be both a Member of the House and an employee of the Government and I took that to mean that there was an incompatibility in the duality of the two roles. That is something different from saying that a man cannot do the job because one might also say that there could be a whole range of jobs, from being a manager in a shop to being a shift-worker in the Generating Station, and obviously if there was a Member of this House who was a shift-worker in the Generating Station he could not be both here and producing electricity but I do not think that the House, in its sittings, anyway, takes up so much time that it physically interferes with the doing of a job outside. We are talking about meetings which take up a total of 20 days a year, something like that. The degree of work that one does in addition to one's work inside the House today can span a very wide range and that anybody who is politically active can be as involved without being a Member of the House. As I say, for me the fundamental principle which I am asking for support on is that basically membership of this House should not be considered incompatible with any type of employment in Gibraltar and that people should have the same right of job-protection because they want to give public expression to their political beliefs as they have today job-protection because they want to exercise their belief to be an active trade unionist and the law says that a man cannot be dismissed either for exercising his right to join a Union or for taking an active part in trade union activities and we have got laws that enable a person to be protected from dismissal because he spends too much time attending union committee meetings or too much time working as a shop steward, notwithstanding the fact that an employer may argue

that the time he is spending on the union work is detrimental to the performance to his functions as an employee. For me, it is an extension of that democratic right into the political arena that the motion basically is talking about. It may well be that this motion goes further than what is standard practice either in the United Kingdom or in other Western European countries but I do not see why that should in itself inhibit us. The last time that the matter was raised I got very hot under the collar because it seemed that we were facing the monolithic Foreign Office as the obstacle to extend the franchise to other people and I got very upset with the Chief Minister because I felt that it seemed to me that Members of the House were prepared to go further than the Foreign Office was prepared to contemplate and I thought really that it was our prerogative to decide how we run our affairs in Gibraltar and who should get elected or who should not get elected to the House of Assembly or have the right to enjoy the protection in his job and still stand for election. As regards the immediate future, as I say, Mr Speaker, the fundamental ideological position is not going to be changed by the advent of an election and certainly as far as my own Party is concerned it is less important who the individuals are who stand for election than who are the people who run the show and the people who run the show are the membership of the Party and therefore it is consistent with our own structure and philosophy that the House of Assembly should be an integral part of the community and that the idea that there are civil servants who have got no views about anything is nonsense if we are talking about a mature citizenship interested in running the affairs of Gibraltar for their own welfare because the people who are in the civil service are not just civil servants, they are also trade unionists in the majority of cases, they are consumers, they are parents, they are tenants and therefore the fact that they happen to be employed in the provision of certain services which are publicly provided as opposed to being privately provided does not, in my view, in any way inhibit the view that they may have about how well those services are being run or controlled and essentially, in Gibraltar, politics can be reduced to that, essentially, for most people what politics is about is how well Gibraltar is being run. If we all accept that those views are held, and it is logical that they should be held, then it is better. I believe, that if they are held they should be expressed publicly than that people should be allowed to express them in a bar or in private and even, perhaps, work in a way that is consistent with their views and not with their theoretical impartiality and pretend that it is not happening because we legislate against it than to recognise that it is there and open the system completely and work towards creating an open political system and an open society. Therefore, Mr Speaker, I feel that this is such a fundamental issue that the principles involved for me and for my Party take precedence over immediate short-term objectives. I commend the motion to the House.

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

The Hon J Bossano

The following Hon Members voted against:

The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon A P Montegriffo  
The Hon J B Perez  
The Hon A W Serfaty  
The Hon Dr R G Valarino  
The Hon H J Zammit

The following Hon Members abstained:

The Hon P J Isola  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon D Hull  
The Hon R J Wallace

The following Hon Members were absent:

The Hon I Abecasis  
The Hon Major F J Dellipiani

The motion was accordingly defeated.

HON P J ISOLA:

Sir, I have the honour to move the motion standing in my name which reads: "This House has no confidence in the Minister for Municipal Services because of the way he has mishandled the responsibilities entrusted to him particularly in relation to power and telephones." Mr Speaker, we do not come with a motion of no confidence every day in this House, in fact, there have been few and it is a good thing that a responsible Opposition should think carefully before asking the House to have no confidence in a particular Minister or in the Government. I know the motion, to a certain extent, is academic in the sense that it will be defeated but I think that the facts and the situation in the Municipal Services of Gibraltar require some public protest from those of us who are elected to see in this House that the services the Government provides to the community are efficient and adequate. Mr Speaker, the charge against the Minister for Municipal Services that we are laying is one of mishandling responsibility, one indeed of incompetence in his Ministry and, as I say, we do not move this sort of motion lightly but the motion, if I may say so, has been provoked really by the Minister himself, by the manner and way in which he has been providing information to this House and answering questions, not really caring whether

the answers that he gives are accurate or correct. We have noticed this over the time since he has been Minister. He has answered questions almost off-the-cuff not really caring that the information that he provides to this House is accurate and correct and this is something that we must protest against. Then, Mr Speaker, there are also the substantial issues involved, the question of power and of telephones, two services so vital to the running of a community, so vital to good Government, so vital to keeping people with the necessities of life and as far as business people are concerned, traders and families who have loved ones out of Gibraltar keeping proper communication. Since the Minister has gone into office there has been a marked decline in these services and he has done little or nothing to improve them and I will substantiate this. Let me just, as an illustration and I would like to deal with telephones before I deal with power, let me just give a small illustration where telephones is concerned. Yesterday, the Minister, in answer to a question from my Hon Friend, Mr Restano, No 202 of 1979, asking him to give reasons why it is that the Telephone Department does not seem able to cope with the demand made upon it by the subscribing public, the Minister answered on the question of repair of telephones, he told us about main cable faults and then he went on: "The reason for the delay in the repair of some lines suffering from this particular fault is the labour shortage presently being suffered." This was said in this House yesterday, 5 December, and on 31 October, Mr Speaker, only a month ago, when we were pressing him about the repairs of main cables and he told us it was going to take five years, my Hon and Gallant Friend Major Peliza asked the Minister: "Couldn't the Government do something to speed this up? Are we going to be burdened with the terrible state of the telephones for five years? Could the Minister state if they could do something to speed it up?" That was in Question 133/79 and the Minister answered: "Mr Speaker, there is nothing we can do to speed the process up, the process must take its time. There is no point employing more people now and have those people without any jobs in five years and then the Opposition will complain that we have spent money needlessly." So there was the Minister in the last meeting of the House saying: "we are not going to speed it up, we are not going to employ more labour, and then have them unemployed in five years' time" which is a matter ridiculous in itself, but he was saying he was not going to do it and now he comes to the House yesterday thinking we all have a very short memory and says that one of the problems in repairing the cables is labour shortage. Mr Speaker, a more inconsistent and contradictory statement one cannot imagine. What is the reason for this? The reason is, Mr Speaker, that the Minister is not bothered what he answers in this House. He will answer a question on the day without even bothering to read what he said just a month previously. Why should the House have this sort of treatment? Why should the public have this sort of treatment? In the answers the Minister gave the House yesterday on telephones, Mr Speaker,



let me just refer to the particular question regarding the installation of telephones and telephone systems which had met with long delays due mainly to staff shortages and general lack of cable working pairs and then he said: "The international service is now functioning well" and the in answer to a question from my Hon and Gallant Friend, Major Peliza, who asked again about International Subscriber Dialling equipment, the Minister answered in (No 203/79) "No decision can be taken with regard to the equipment to be used in Gibraltar for International Subscriber Dialling until the British Post Office Consultants' Report is available. It is expected that the Consultant will arrive in Gibraltar in the next couple of weeks. He will be here for two months and the report will be produced as soon as possible thereafter." That was the answer yesterday. Mr Speaker, there has been consistency in one point and that is that it will take three years to install International Subscriber Dialling, that has been said now for some years but the extraordinary thing about this is that a year ago we were having a Consultants' report on International Subscriber Dialling and we come yesterday to the House and we discover that the Minister has not even brought the Consultants here yet and that International Subscriber Dialling will now not come until 1983 because of lack of activity by the Minister. If the Government, and I presume the Government wants International Subscriber Dialling, if they want International Subscriber Dialling, and this is what they have been saying in this House for the last three years, surely, this step should have occurred a long time ago, Mr Speaker, not now. Now the Minister tells us we have to have a report before we decide on the equipment and I think it is interesting to go back as to what has been said by this Government on International Subscriber Dialling during the last three years and to show the complete inactivity and the complete inability of the Government or the Minister to do anything about providing this modern essential service in any community and especially in a community as small as Gibraltar's if it is to survive as a telecommunications centre. Mr Speaker, the question on International Subscriber Dialling was first raised in November 1977, over two years ago, and the then Minister for Municipal Services informed the House that he would be arranging for about 200 subscribers to be offered the automatic dialling. This was on 2nd November, 1977, and the Minister said: "I have just said I would be doing this in the not too distant future. I cannot commit myself to a definite date." That was the previous Minister and I cannot labour this Minister with responsibility for that even though it is the same Government, but in February 1978, it was still the previous Minister, there were further questions on international dialling and in fairness it was linked with the question of Morocco and I will not burden the House with the questions that were put because again it was the previous Minister. In June, 1978, the present Minister was answering questions in the House, and I refer to No 101/78 on 26 June, 1978, eighteen months' ago, "Will Government inform the House if the investigations to purchase STD equipment have now been completed and, if so, what were the findings of

the investigation?" The answer was: "The Telephone Department has already received a quotation for the equipment necessary to introduce international call metering facilities. The equipment does not, however, provide for the signalling part of the equipment as this has still to be decided upon." Then, my Hon Friend, Mr Restano, asked what the quotation was and is Government going to buy the equipment and then he was asked to repeat the question and then the present Minister answered: "The quotation is in the region of £100,000. As for the second part of the question, Government will have to decide on this considering all other matters involved." The thing the Government had to decide was "has Government decided to purchase this equipment?" So they had not decided. It is interesting to note that there it was £100,000, compare that to yesterday's answer when we were told that the introduction of International Subscriber Dialling in Gibraltar would cost in the region of £1m and one gets the uncomfortable feeling that the lack of activity of the Minister in this matter is not just costing us a bad service but it is also costing the taxpayer who are going to pay a lot of money. Delay is costing money. That is what we were told in June, 1978, that a quotation had been given, this was the amount and Government had to consider "all other matters involved". I do not know what they were but, anyway, they had to consider them. Then, Mr Speaker, in October, 1978, a further question was put in the House by my Hon Friend, Mr Restano who, as Members know, is a persistent person: "Has Government taken a decision to purchase STD equipment?" (Question No 174/78). The Minister answered: "Yes, Sir, preliminary discussions have already taken place with the manufacturers of the STD equipment. Since it has now been decided to install the earth station these discussions can now be pursued in a more positive way." So there we were told that Government was going ahead and discussions had already taken place with the manufacturers. Then, my Hon Friend, Mr Xiberras, asked what sort of equipment his Department was buying and the Minister could not answer that one, that was in October, 1978. There, the impression the House got was; "Yes, we are now buying the equipment and everything, it is all being done." This is the impression the Minister gave the House so that we could say: "Well, he is going his job, this man". But in December, 1978, my Hon Friend Mr Restano, in Question No 244/78 asked, "Will the Minister for Municipal Services state when Government intends to provide a limited number of STD lines?" Then the Minister answered: "Government intends to provide the ISD facility to all subscribers. It will take 3 years to introduce ISD in Gibraltar since the manufacturers need two years to engineer the project and the installation and commissioning of the equipment will take over a year." That was a definite answer, "We are going to do it, it will take three years." This was in December, 1978, and we got exactly the same answer yesterday that they were going to do it and it would take three years, we have lost a year. Then he talked about the correct terminology of subscriber dialling

and then there were other questions at that meeting and then, I think, that after that we come to this House. So that in December, 1978, we were told about the ISD and we come to another December in 1979 and not only are we told that we still have consultants to see, that consultants are now going to come to tell us what has to be done, but we are told that this will take another three months before their report comes. So that from the first time in 1978 when we were going to have ISD and we were told definitively here that we were going to have it by the Minister and that they were having talks with the manufacturers and so forth, we find that a whole year and a half has gone by and the Government has not even got a Consultant's report on the matter and the Minister now tells us they are going to consult with the British Post Office and that a chap is coming out in two weeks' time and he is going to take another two months to consider his report and it will be another year, Mr Speaker, and Gibraltar will be the only place in Europe and possibly in the whole world that will not have ISD by the time it is put up and that is Ministerial incompetence, Mr Speaker, by any definition of the word. If you decide as a Government or the Minister decides that ISD is going to be installed and eighteen months later we are still waiting for a Consultant's report or for a Consultant to come to tell us how to implement it after he has told us in the House that he has already had talks with the manufacturers and how the equipment is going to be provided and all that, Mr Speaker, either he was not telling the House the true facts, he was hiding things from the House, which I am sure Hon Members will agree is completely wrong, or he is incompetent, he has not got down to do the job that he told the House he was doing and therefore we cannot have confidence in a Minister who tells us over a year ago he is going to introduce the matter and tells us eighteen months' later quite blandly that he is going to get a Consultant out now to discuss the matter and to advise him on it. Mr Speaker, that is one aspect of the telephone services that we criticise. The other aspect of the telephone services that have been criticised in this House is the apparent inability of the Government to repair telephones. For the Minister to get up as he did yesterday and express satisfaction with the situation relies in the face of truth, flies in the face of public anxiety about our telephone services. It is not uncommon to have somebody putting an advert in the newspaper telling his customers please not to ring him because his telephone is out of order and it is not equally uncommon for that telephone to be repaired on the following day so as not to cause embarrassment. This is a well known fact. People are very slow to write letters in Gibraltar but the question of telephone repairs is something that has caused quite a lot of correspondence in Gibraltar and quite a lot of anxiety because people have had their telephones in a state of disrepair for over a month, Mr Speaker, and some even two months and I understand that people go to the Accounts Department and refuse to pay their quarterly bill and I understand, too, that that is accepted by the Government because their telephone has been

of repair for two or three months. Is that a position that we can be satisfied with? What does the Minister do about it? Listening to the Minister we do not know what the problem is because according to the Minister industrial relations in his department are probably better than in any other department of the Government, so what is his problem? What is he doing to get the telephones repaired properly and quickly and to get the cables laid that are required in Gibraltar properly and quickly and what is his policy? Is his policy to employ more labour to meet the needs of the people who pay, because this is a revenue-producing service, or is his policy what he said in the last meeting of the House: "We are not employing any more because in five years' time they will be out of a job". This is an extraordinary statement to make by any standards. What is it? The answer, Mr Speaker, is that the Minister does not know what he is doing. The answer is that our telephones continue to be in a state of disrepair and as Minister he is responsible for that state of affairs to the House and to the public of Gibraltar and nobody else. He must take that responsibility and we are concerned that he does nothing about it or very little. Then, Mr Speaker, and I will not burden the House with the question of the extra people in the Telephone Exchange to give a better service to the public, I will not go through the Hansards under which we had to push the Minister into taking more operators in the Telephone Department. My Hon Friend, Mr Restano, again had to press the Minister and he would, at first, get away with it by saying that there was not enough room in the Exchange, that they had to do this, that they had to do that and eventually one more additional operator was taken on and now we find yesterday, a whole year and half afterwards, after thousands of complaints of people who ring up 00 and get no answer, of people who have given up ringing 95 to make enquiries because they do not get a reply, a whole eighteen months afterwards now we are told that more telephone operators have been employed. Too late, of course. Alright, he has done it at long last, but what about all the long suffering over the last eighteen months of the public and the subscribers in Gibraltar, why wasn't it done sooner? Even today one is still suffering from delays and, of course, the real reason, Mr Speaker, is that in any civilised part of the world because of the increased use of the telephone as a means of communication, it is impossible to give an adequate service to the public through a manual exchange. It is just not possible, you have to computerise, you have to go automatic dialling and that is why I started with that aspect of the matter because this is an Achilles heel of the Minister. He will never give satisfaction to the telephone public as far as international dialling or international telephone calls are concerned until he has got automatic dialling. He can have twenty operators, he can have forty operators in the Telephone Exchange but he will never be able to provide an efficient telephone service until there is automatic dialling because of the increase in the number of international calls.

Of course, with the telephone situation with Spain having been let loose upon us the more so. This question of ISD should have been a high priority in his list. He should have done something about it and should have seen this was going to happen, he should have seen the situation as it was occurring in the Telephone Department through no fault of anybody as far as the operators are concerned or anybody else, it is not their fault. If there are 100 lights lighting up at the same time how can they cope, they cannot, obviously, but this should have been foreseen by the persons responsible for the efficient running of the Telephone Department and that is the Minister and nobody else and if he has been held back by his colleagues then he should say so but it is the Minister who is responsible and therefore I think we have given him a long run of one and a half years as Minister and we think it is a poor show, to put it very mildly, for a Minister to come to the House yesterday and tell us we are going to have a Consultant coming to advise us on the ISD and we will have a report in three months' time. We think it very odd that he should tell us "we are not going to employ more labour for the Telephone Exchange to repair and renew cables" and then come to this House today obviously having made up his mind to employ more labour because then he tells us we are suffering from a labour shortage. Which is it? Why should the Minister lack so much forthrightness with the House in making his statement? Mr Speaker, that is what I have to say as far as telephones. Now, of course, as far as telephones are concerned, admittedly it is a serious matter, it is an important and vital service for the community but only on rare occasions is it a question of life and death so I suppose if the public want to do without a good telephone service, if the public are quite happy to have a situation where if your telephone goes wrong you have to wait three months, if you want a new telephone you have to wait, if you are a business and you want to install a telex you have to wait 2 or 3 months, if the public want that they can have it, it does not matter, it will not kill anybody, I suppose, but when it comes to the provision of power, Mr Speaker, this is a more serious matter and one that can have very, very serious consequences for the community. Sudden power cuts can be dangerous. Unless somebody is listening to the radio all day and is informed of the time of the power cut, it can be dangerous. Old people, young children, babies in arms, all can suffer swift and sudden accidents as a result of unannounced power cuts. Fortunately, as far as I know, there have been no serious accidents, fortunately for us and we must thank God for that, not the Minister for Municipal Services. Mr Speaker, when the Minister was answering a question yesterday on the number of days in each month for three years that we have been without power in Gibraltar, he gave us a list and his answer, I believe, showed a lot of complacency when he said sixty-five days out of one thousand, one hundred and eighty-six, that is just under 5.5%. He did not compare

us to any other country but he said: "You are lucky you have only had 5.5% of the days without power." This was the message he was giving but it is interesting to note that in five months during the last three years there have been a minimum of seven days in each of those five months when there have been power cuts. In July, 1977, thirteen days, that is more than a third of the month the people were having power cuts. August, 1977, seven days; September, 1978, nine days, almost a third of that month people suffered power cuts; October, 1979, eight days and November, 1979, nine days. Mr Speaker, what is worrying is what are the reasons for these power cuts? What worries us on this side of the House and what must worry the people of Gibraltar greatly if they turn their minds to the subject which they probably will not if they have no power cuts between now and the Elections but what must worry them is, what is the real power situation at the Generating Station? What is the reality? What is actually happening? On looking through the evidence, as we see it, we feel that irreparable harm has been done to the generation of power in Gibraltar. We feel that there is serious risk in the next eighteen months, or until a new generator is put up there is serious risk in the provision of continuous power to the people of Gibraltar. A Government that gets into the situation that it has to cut off power even once in three months, not every month almost, but a Government that gets into that situation and we find that the situation is because there is not enough power in your Generating Station, that you have not made provision for breakdowns, that you have been over-working your engines so as not to invest in a new power plant, that is irresponsible, Mr Speaker, and again here we must hold the Minister responsible for this. Let me go to the statement he made at the last meeting of the House when he gave us an account of the power availability in the Generating Station. Let me say straight away that it is quite clear to us, as I am sure it must be to the Government, that the old part, the King's Easton Generating Station that provides 4,500kW of power, that should have been phased out or should have been in the process of being phased out (a) because it uses light fuel which is far more expensive for the consumer (b) I understand that the old generators take 50% of the cost of Generating Station. I understand it is far more expensive to run those 4,500kW of old power than the other generators in the Station partly because of the light fuel that is used which is now completely out, as I understand it, and partly because they break down so much more often and require so much more work and so much more spare parts and obviously as they get older, and they are very old, Mr Speaker, I do not know where they are going to get the spare parts from, they will have to wait for the parts to be made. That is inefficient, Mr Speaker. We have got to get out of those situations and we should have got out of those situations and I come now to the Minister's statement at the last meeting of the House when he told us all this, we were very concerned,

it was a long considered statement by the Minister of what the situation was and he ended up saying: "Well, if everything goes well and we keep our fingers crossed and all those marvellous people carry on working the way they have done in the Power Station, we should be out of the mire in three weeks' time." Actually, we continued with power cuts almost to the last day of those three weeks after the meeting of the House. He said 2 or 3 weeks, well, it just went and now it seems to be O.K. although he cannot guarantee us power over Christmas or he gives us a reasonable assurance of it. He made this statement, which is a considered statement of seven pages, and he was then questioned on his statement and my Friend the Hon and Gallant Major asked the Minister about it and was very unhappy with the answers he was given. We got the suspicion that the Minister could not get away with the present generating power that he has got for the next eighteen months to meet all needs likely to arise and the Hon and Gallant Major Peliza said he would raise it on the adjournment and then a very curious thing happened. The next day we debated it on the adjournment and the Chief Minister pops up and tells the House out of the blue that there will be a 5 megawatt generator in office within eighteen months. That was an interesting statement, Mr Speaker, and I will tell you why, because it was quite clear that the Minister who had been asked about a new generator in one of the questions at that meeting and he said to the House that he was making a statement on this, he had been asked about the installation of a new generator and he said: "I am making a statement on this at the end of the meeting of the House." He had not mentioned the provision of a new generator in that statement and what I am sure has happened, Mr Speaker, and I will stick my neck out on this, is that after all the questioning in the House the Chief Minister must have turned round to the Minister and said: "Are you sure you can provide this electricity for the next eighteen months? Are you telling me that you can?" And then the Minister got cold feet and realised he could not and the Chief Minister then said "The we must have a 5 megawatt" and he announced it the next day. If my Hon and Gallant Friend had not raised it on the adjournment we would never have got to know anything about it. This was a decision obviously made in twenty-four hours and, Mr Speaker, the interesting thing about it is that three years ago the Government had been told by their consultants that they should provide a five megawatt generator. They had been told as long ago as three years' ago and they had done nothing about it and now, suddenly, they decided to implement that recommendation because in questioning yesterday the Minister conceded that the report of Preece, Cardew and Rider had recommended a five megawatt generator to be put in and we were told by the Chief Minister almost by accident, Mr Speaker, after a considered statement by the Minister. And then what does the Minister for Municipal Services do? He goes on television the following week and in answer to a question of "Why didn't you announce it in your statement, the new five megawatt generator?" he answered: "Because this was such an important thing that we thought it was important that the Chief Minister should say it." Of course the public did not realise that it was quite

fortuitous that the Chief Minister had said it because if my Hon and Gallant Friend had not raised it on the adjournment it would not have been said at all. So here is a Minister who made a considered statement of seven pages to the House and misses out from that statement the only thing that we were all interested in, what plans did the Government have to enable us to have continuous power in Gibraltar in the future. How can we have confidence in such a man? Then, Mr Speaker, we go to the statement that he made and the question of the Report. "In, 1975, the Government Consultants, Messrs Preece, Cardew and Rider, were appointed to undertake a study of the power and water requirements of Gibraltar up to the year 2000". We are not so far away, Mr Speaker. These gentlemen did their study and they submitted a report in May, 1976. They considered all aspects of the matter, they were experts, they were Consultants, and they made their report and then he goes on: "These recommendations were discussed with Government officers both in London and Gibraltar during the course of 1976 and 1977". Here is the report done up, it tells you what you want, it tells you what you require, we do not know what it told them because the Government are being very sheepish about this report, they are not letting it out because they know that if they do they will have a lot of questions to answer, but we know one thing the report said because the Minister has admitted it in the House yesterday, it said "you should provide a five megawatt generator". That is one of the things it said and that was three and a half years ago, Mr Speaker. If the Government had accepted that recommendation we would probably have had no power cuts this year and we would probably not have had to look with any anxiety as to whether our Christmas' turkeys are going to be cooked or not. Anyway, the Government took a year and a half looking at it. Mr Speaker, the report on Members' Interests takes you half an hour to read it, or an hour, it takes you another two hours to consider its implications and two weeks whether you implement it or not. This, I accept, is a much more technical thing but then we have technical people who should be able to read these documents. As a lawyer we can read law books very easily and grasp it. An architect can do the same thing in his profession, an accountant or a technician, and a Minister is there to be advised and make sure he has advice on the matter. After that year and a half which they took to look at it, a Working Party was set up with the Ministry of Defence in 1978 and the Working Party made its report in April, 1979, and then the report was submitted for consideration by the Government and the MOD. The Government thought the MOD were going to come in with them and what basis they had for thinking that should be even a possibility I do not know, perhaps they will explain but one would have thought it was completely out of the question but, anyway, in April, 1979, Mr Speaker, eventually we got the Working Party report which the MOD do not accept in August, 1979. Meanwhile, Mr Speaker, one must not forget that during



the whole of that period of time we had been suffering power cuts, a generator took three years to overhaul, the Government was aware of the crisis situation in the Generating Station because we had power cuts. Since November, 1976, we were having power cuts on and off and here was a report that was telling you what you required for your future power necessities, telling you the condition, I presume, of the generators and the Government did nothing, Mr Speaker, it did absolutely nothing. Even today it has done nothing, it has made the decision to order a five megawatt generator and the manufacturers, as soon as it got out that the Government was going to buy one, manufacturers came to Gibraltar. They were not invited by the Government to come, it was not the Minister getting on the telephone to the manufacturers of generators, saying: "Come to Gibraltar", they came on their own, they wanted to do business. Even for that the Minister can take no credit, the manufacturers come and now we are told that they have to consult again Preece, Cardew and Rider, who when they are consulted will probably say "My God, do you mean to say you have done nothing since I last advised you? Are you going to ask me three and a half years after I told you you should have a new five megawatt generator, what is the type of generator that you should have?" They must think the Government are crazy, Mr Speaker. The stark reality, is that we have not got enough power in Gibraltar today to meet comfortably our needs, that is the reality. For this we condemn the Minister and if it is not just his fault but also his colleagues, we condemn the Government and it is a serious dereliction of duty in our view that the Government have committed with regard to the population of Gibraltar. Mr Speaker, an engineer had a look at the Generating Station, I understand, some time ago and he wrote a letter and all I can do really is adopt what he says. I would say that with all the plant in operating condition we do not have installed capacity to ensure security of supply and increasingly as load grows and the existing plant gets older the incidence of power cuts will increase unless new plant is installed and I would say off-the-cuff, Mr Speaker, it seems to me that we should install either one new ten-megawatt generator or perhaps two five-megawatt generators to give greater insurance against breakdown and subject to calculation I suspect that the exhaust heat from this new installation would probably be enough to supply a desalination plant, but that is another matter. It seems, Mr Speaker, that we do not have installed capacity to ensure security of supply and increasingly as load factors grow, as they will over the Christmas period, the incidence of power cuts will increase unless new plant is installed. In other words, Mr Speaker, there is an urgent need for the installation of new plant. It is obvious that the existing plant is being overworked and overloaded and consequently it requires, I suppose, I am not an expert and I do not speak as an expert, all I do is suffer the consequences of the departmental power cuts, but it looks from everything one hears, from everything one reads, that we do not have enough capacity

in our Generating Station to be comfortable about a continuous supply of power. This is dreadful from the point of view of the people of Gibraltar and it is serious and although the Government is now rushing to do something about it we still know that there is nothing they can do physically for eighteen months. We in this House seriously doubt that we will have a five-megawatt generator within eighteen months because if we take all the assurances we have been given in this House about, for example, the Public Works Garage or development or new housing or what the Government will spend in every year and all the assurances we have got that it will be done and the latest from the Chief Minister himself at the last Budget when he said they would spend the £7m/£8m in development this year and we find that they have only spent £1.5m in the first six months, we wait with anxiety and with everything else and hope. We cannot be sure that the new five-megawatt generator will be installed in eighteen months but let us suppose it will be. What is going to happen during that period? We feel, we sincerely hope we are wrong, that the city of Gibraltar will be subjected to power cuts on and off with different excuses, with different justifications, for the next eighteen months and what will happen if more housing is built when more power is required, what will happen we do not know but what we do know is that it could all have been avoided if the Minister had set his mind to solving the problem, getting something done and not just making airy statements in this House, telling us everything was well and telling us how marvellously everybody was doing, which we are sure they are, but it is not good enough as far as the public is concerned because the public are not getting a continuous supply of power and the public knows there are problems and the public knows there are serious problems in the Generating Station in relation to the generation of power due to lack of planning and foresight on the part of the Minister. Accordingly, Mr Speaker, it is not often that we move motions of no confidence in the House but we feel that there is every justification for saying that we have no confidence in the Minister for Municipal Services and the charge that we lay against him is one of incompetence, Mr Speaker. He has not met the needs of the people of Gibraltar in the services for which he is responsible to this House and I accordingly move the motion in the terms that I have already stated to the House.

Mr Speaker proposed the question in the terms of the Hon P J Isola's motion.

The House recessed at 12.45 pm.

The House resumed at 3.25 pm.

HON DR R G VALARINO:

Mr Speaker, first of all I would like to deal with certain inaccuracies said by the Hon and Learned Leader of the Opposition. He mentioned that I had stated certain inaccuracies in ISD and he mentioned the sum of £100,000 to £1m. The question from the

Hon Kr Restano, (Question No 101/78), was the equipment necessary to introduce international Call-Metering Facilities. This was the equipment needed to introduce those facilities and this was the £100,000. He then referred in the same breath as to ISD and in fact in Question No 134/79, Mr Restano himself said: "Is that quotation that the Minister is referring to the one that he has mentioned in this House before, is it the one of £100,000?" and I said: "No, Mr Speaker, I wish we could install ISD for £100,000". Mr Restano asked: "Can he give an indication of what amount he has received already in the quotation?" I said: "Mr Speaker, the quotation is in the region of £1m including the ISD equipment and a 3,000 extension to the cross bar exchange". But if this is the sort of rubbish that the Hon Member Opposite is going to produce in order to substantiate his motion, then God help him. He then talks about labour problems. He talks about the delay in restoring main cables and he says that the delay is totally due to the lack of manpower. He ought to read the answer properly. I said: "The reason for the delay in the repair of some lines suffering from this particular fault is the labour shortage presently being suffered. The rest of the lines the faults are due to the cables". This is another distortion which the Hon Member has decided that for reasons best known to himself he has misrepresented to the House. He then spoke about payments, that we do not accept payment for people whose telephones are out of order. He should know after being here this long that we accept payment every time. In fact, it is under General Orders that we accept payment and, if I remember rightly, one of the Members opposite put a question on this very subject to this side of the House and we said on no account would payment be deferred. The fourth point on the telephone situation was the consultants. He said we had employed a consultant last year. He knows very well that the consultant referred by the Hon Member was in order to advise Government of the routing of Gibraltar's international traffic, i.e., whether by satellite, radio link or by some other method and this has no direct link with the ISD project. The consultancy that we want now from the GPO experts is concerned mainly with the type of equipment to be used in the Exchanges bearing in mind the changing technology which is presently taking place. Surely, we do not intend to buy stuff which may be obsolete in a number of years with the subsequent problems of spares, etc. Therefore, I have given you four quotations because funnily enough the Hon Member's motion talks about my lack of responsibility. Yet, what he has mentioned in his statement have been answers to the House which he has twisted for his own convenience and for the few people who listen to him. Going on to generation about which he has said very little, he has referred again very little to power. What he has done mainly is tried to twist the answers to the questions in his own particular fashion. Question 193/79 "Can Government state month by month on how many days in each month, in September 1976 there have been power cuts up to and including November 1979". He has said that this is 5.5% of the days involved and yet he has forgotten the subsequent answer which I gave him and which I will repeat:

HON P J ISOLA:

Mr Speaker, I was not making it up myself, it was from his answer that I was quoting. If the Hon Member wants to quote again, he is welcome.

HON DR R G VALARINO:

Exactly, Mr Speaker, but as he knows very well he only gave half the truth, half the statement, the other half he preferred to keep to himself and I will read it again for his information: "Of course, this does not mean that the town has been without supply for 5.5% of the time, nor does the answer make any differentiation between those days on which the restrictions have been rather light and on those which it has been necessary to share restrictions amongst several districts. I should clarify further that the above should not be interpreted as meaning that each district suffered interruptions on every one of the days mentioned above". This, he omitted to quote. It is shameful that the Leader of the Opposition after being so many years in the House should act in this manner. He has referred to the fact that we do not have adequate plant in the Generating Station. He seems to have forgotten a statement I made on 31 October in which I told the House that we did have adequate plant and I shall read this again for his benefit: "As was explained in the second press release (we are talking about King's Bastion North) with the proper plant maintenance and assuming no unscheduled breakdowns is by itself perfectly capable of meeting the normal winter peaks which are of the order of 13,000 to 14,000kW and also still to cope with the load that has to be met at this time of the year which are of the order of 10,000 to 11,000kW. With this state of affairs it is therefore possible to keep the 4,500kW of older plant in the South Station to cope with peak lopping". Another misrepresentation of the facts. He talks about the Preece, Cardew and Rider Report of which he has no knowledge. He seems to think that the generator had to be installed in 1976. I do not know what crystal ball he was gazing into but the fact is that the report said that the generator should be in by 1979/80 as part of the long-term solution.

HON P J ISOLA:

If the Hon Member will give way. Did the Hon Minister say that the Report said that the generator should be in by 1979/80 Is that what the report says? It is nice to hear bits of the Report now and then. It is very illuminating.

HON DR R G VALARINO:

What the report said was that the extra megawatts should be in by this time of the year to cope with what they suspected was an increased rise which I will refer to later on and I shall show that this rise has in fact not occurred. He then talks about the MOD. He seems to forget about the MOD. He simply does not know that the Preece, Cardew and Rider Report had



subsequent reports to it and that the final report of the MOD, the Working Party, submitted its report and recommendations in April, 1979. The Working Party identified several alternative long-term options but the report was not available to us until August, 1979, and certainly I myself have spared no effort in trying to hurry up all ideas put forward by the report concerned. Mr Speaker, in both telephones and power, I have found myself with many problems but I have been a Minister for one and a half years. There have been other Ministers in this capacity before me, dating back to the Hon W M Isola, and I have responsibility for this department but the problems go back for a long time. Let me talk about telephones. I would crave your indulgence, Mr Speaker, to refer to my notes as they are rather technical.

When I took over Ministerial responsibility for the Telephone Department in June, 1978, I was faced with major problems affecting both the local and the international service.

The local service was suffering principally from an inheritance of many old cables which broke down continuously during periods of rainy weather. An all time record of faults occurred in November of 1978, when over 1000 faults were recorded.

The Department was able, only last year to introduce for the first time and I take credit for this, nobody else had introduced it before, a Cable Replacement Programme which has already been put into practice with the replacement of five main cables supplying parts of Waterport, Moorish Castle, Devil's Tower and South Barracks. A further cable, now partially replaced, feeding the Marina Court area, will be completed in the near future.

The second phase of the Cable Replacement Programme will, it is hoped, continue into 1980/81 as I have said before with the replacement of another five main cables feeding South Barracks, Artillery Arms, Gavino's, Irish Place and Cooperage Lane.

It is envisaged that this whole programme will continue for a few years until the Department is satisfied that the External Network is sound and adequate for our needs. The Department will then be in a position to control the network with a well planned preventive maintenance programme which up till now has been impossible to implement.

The International Service was suffering from both a lack of international circuits as the Members opposite well know and a deficiency in operator positions due to problems of space at the old switchboard room.

Traffic had increased by nearly 100% due to the Spanish re-opening of the telephone link and only three outgoing semi-automatic circuits were available to the UK. The operator positions were four fully operational and one auxiliary position which could only deal with 00 and 95.

I take pride that within a period of about three months, when the decision to install the Satellite Earth Station was taken, our Exchange Telecommunications Officers, moved the existing switchboards to the second floor of the City Hall and increased the number to 8 fully operational positions. This was achieved without interruption to the public and our Officers worked at night, during periods of low traffic to effect these changes. Technical problems were sorted out during a short visit to the UK by the Deputy Superintendent and a Telecommunications Officer from the Exchanges section, before realisation of the project.

The capacity of international circuits was then increased by 18 both-way satellite circuits which became operational in June of this year.

Consequent to this increase in international circuits and operator positions, the Department engaged 8 temporary trunk operators to meet demand for the years leading up to the introduction of International Subscriber Dialling facilities.

The Hon Member opposite inferred that it is only now that we have employed the eight temporary trunk operators. We have been doing this for some time, except some of them have left and we have gradually replaced them and we now have a full complement of eight temporary trunk operators, so this is something which the Government nor I have done recently just to satisfy the need of the Opposition.

It is expected therefore that the subscribing public will have already noticed the improved service being offered and once our temporary operators have been fully trained, Gibraltar should be proud of a good operator-controlled international service.

The other area of concern when I took over responsibility for this Department was of course the ISD project.

This year has seen intensive investigations into this complex project culminating in a visit by the Superintendent and Deputy Superintendent to Geneva in September, to the World Telecommunications Exhibition. At Geneva, they were able to gain first hand knowledge of the advances and changes which have taken place in telecommunications technology and were able to talk to leading experts in this field. It is now thought that micro processor controlled electronic exchanges to meet the ISD project may be possible in Gibraltar. A quotation for cross-bar 5005 techniques has already been received. I have said this before, and another employing electronic technique is awaited later this year following a consultant's visit to Gibraltar, and I met this consultant, in October this year. Because of the tremendous advances in technology, because of the tremendous differences in technology, the Government has engaged the service of a British Post Office consultant to advise on the type of equipment which will serve Gibraltar in future and his report is expected to be completed in early March, 1980.

These advances in technology in exchange equipment are also reflected in PEX equipment, telephones, coin boxes, etc. The Department has already acquired and is due to install early next year a micro processor controlled electronic PABX. Training of exchange and external plant officers in this field have already taken place and this move represents a giant step forward for Gibraltar in the world of modern telecommunication apparatus. Other areas of activity during the year have included items such as the production of the 1979 Telephone Directory, the formation of a fault analysis section, the ordering of electronic coin boxes suitable for international calls via the operator and the provision for next year of staff training courses in the United Kingdom for meeting demands in modern apparatus. Here we come to a very important point. The department is presently engaged in the evaluation of new avenues of recruitment with a view to taking advantage of the Gibraltar and Dockyard Technical College's course for telecommunication technicians for apprentice training. The old avenue of recruitment of craftsmen from the Boy Labourer's grade is now inadequate and the Department is hoping to attract GCE 'O' Level entrants into its apprentice Scheme. The successful outcome of this type of recruitment will enable the Department to meet the future squarely. I am not saying that the solutions we are striving for will come easily and that the service will be improved overnight, but we know what has to be done, and the process of preparation for the future has already commenced and it has been commenced at my instigation, when I have been Minister for the Telephone Department. I am confident and I can give an assurance to the House that Gibraltar will have an internal and an international system of an extremely high standard in the near future.

HON P J ISOLA:

Mr Speaker, on a point of order, I know Members are entitled to refer to copious notes but when a Member is obviously reading a speech is that in accordance with the Standing Orders of this House?

MR SPEAKER:

The Standing Orders of the House say that with the leave of the Speaker Members can refer to copious notes. I have given leave and so far I see no reason why I should interrupt the Minister.

HON P J ISOLA:

Perhaps the Hon Minister, since it is obviously a prepared statement, will circulate it to us so that I can deal with it in more detail.

MR SPEAKER:

Perhaps he will, let us wait and see.

HON DR R G VALARINO:

Now we move to the second part of the motion, that of Power, about which the Hon Member had little to say, for too long a time probably. This answer covers more aspects and is slightly more technical than the previous one.

In my answer to one of the questions from the Opposition earlier this meeting, I have already stated that the situation can no longer be described as critical in so far as no power cuts have been necessary lately and I am made to feel more optimistic by the prospect of having the two machines which are now out of commission restored to service during the course of next week. This represents an anticipated additional capacity of close on 8,000kW being available to meet demand during the remainder of this winter and particularly during the Christmas period; a time which the Honourable Leader of the Opposition has specifically highlighted as being of greater importance.

The sets involved are in fact Nos 12 and 13. The former was recently overhauled completely but it was considered necessary to undertake a repair to its foundation before restoring it to service. This has been the cause of the delay. However, at this stage we have had the first grout poured and the levelling pads have been fitted so that the engine can be re-aligned. This work will be completed once eight additional units of grouting material are received, probably by the weekend. In connection with engine No 13 the first stage of a top overhaul which requires the engine to be out of operation for a few days is now in hand and once this has begun, the remainder of the work required will be undertaken during those periods of the day when the engine can be shut down for a few hours without affecting the supply capability at peak times.

This improvement in the situation since the last meeting of this House when I made my statement is due to the re-commissioning of engine No 10 which has been successfully put back into service after passing the trials and as you all know after a long outage of nearly three years.

As for the remaining two engines in the North Station, No 11 is in the process of receiving a top overhaul and bar a couple of minor defects which have to be corrected is working well. This leaves engine No 9 which is due for a major overhaul but in this case the principle cause for concern is again the state of its foundation and the consequent problem of alignment. This particular problem will have to be dealt with in due course and in a similar manner as was done for No 10 but hopefully in a shorter time. For the time being the alignment will have to be checked again and, if necessary, corrected once more and as soon as possible to allow the engine to continue in service with a minimum risk of damage during the next couple of months. In consequence, by next week I hope that the capacity of the North Station should be restored to virtually its full potential, the only shortfall being limited to any derating which engine No 9 may require due to its advanced operational time between overhauls.

This potential capacity will represent a total of about 14,000kW and if we consider that the maximum demand so far this winter has been about 12,000kW then the House will appreciate the correctness of our earlier statement that the plant at the North Station alone will be capable of meeting the system demand.

The problems we have been facing are not unique to Gibraltar but are common to small public undertakings like our own. This is evident from the reports which are submitted every year by these undertakings to the Diesel Engineer and Users' Association. The only real difference has been that whereas they have been able to cope promptly with such problems, as indeed we have always done in the past, our own capacity to do so lately has been severely handicapped by the accumulated backlog of work resulting from long periods of industrial unrest and the associated problems to which we have referred in the various press releases and, indeed, in my statement to the House.

In fact, there was blacking action between March and September, 1977, and that caused considerable delays in the normal maintenance of engines at King's Bastion. Mr Speaker, in previous references in the House the Joint Consultative Council has been mentioned many times. I would like to explain how this Council works for the benefit of Members opposite who are under a false impression. The Joint Consultative Council, which has been established initially in the Generating Station is not a negotiating body as such and its purpose is not to deal with claims or industrial disputes. The forum which has been created in addition to the normal negotiating machinery will nevertheless have some relevance in the field of industrial relations and eliminating as a cause of possible friction between Management and shop floor on all the minor issues which are, in the main, the result of lack of communication. Because the Council is a consultative body which cannot take majority decisions, it is not a question of one side imposing its views on the other but both sides working today to resolve the technical and human relations problems that exist in the Generating Station and as indeed they exist elsewhere. The physical conditions under which people have to work in the Station are undoubtedly difficult and those can be made better or worse to some extent by the degree of job satisfaction that those employed there are getting, by giving everyone an opportunity to get together and discuss problems openly and honestly and I firmly believe that there is a good chance of achieving this.

Mr Speaker, the Government is naturally aware and concerned at the possible dangers and the considerable inconvenience to which its electricity consumers are subjected whenever there are cuts in the supply and naturally very much regret it. Every effort continues to be made to overcome the problems which are the cause of this trouble and thereby it is hoped to reduce the risk of further cuts both now and in the future. However, the Opposition has suggested that if there have to be cuts then consumers would suffer less inconvenience if they could be given greater warning of such cuts. Whilst we do not

disagree with this sentiment, there are however a variety of technical reasons why this is not possible and for the benefit of the House I would like to explain further.

There are in all 11 Districts which can be switched off when load shedding is necessary as the 12th, St Bernard's Hospital, is never cut off.

Some districts cover a wider area than others and therefore not only does the load on each district vary according to the time of day and according to the day of the week but also it varies considerably between districts.

Some of the districts represent a larger percentage of the total load at any given time, than others.

Since every attempt is made to restrict cuts to the minimum extent and duration, it must be left to the Shift Engineer to decide, according to the circumstances prevailing at a given time, the extent of load which has to be shed. This is usually the minimum required to reduce demand to the level of the generating capacity available at the time.

Forward planning is made difficult for two reasons: (a) plant capacity in a small system like Gibraltar's can change substantially in far less than a 24 hour period; and (b) once the system is interfered with the whole pattern changes so that if, say at a given time of the day a certain load is predicted, once consumers have been advised of a cut they will obviously prepare for it in advance and the load may rise to an unacceptable level and the cut may be required before the time for which it had been advised.

Similarly, restoring the supply to districts which have been cut off presents considerable difficulties due to the complete loss of diversity in the system. This means that the demand on restoration is very often as much as twice or sometimes even three times the load of that same district when it was cut off. This, obviously, varies with the duration of the cut and the time of the day the supply is restored.

With all these complications it will be appreciated that especially in a small system like Gibraltar's it is impossible to accurately estimate either the shortfall in available power or the particular demand of a district once supply is restored.

Any system of advance warning would have to make due allowance for these circumstances and would reflect a set of circumstances that could be worse than those imposed by real conditions on the actual day. It might be argued that it is better to be told that your supply is going to be cut and find that it is not cut when expected, but the disruption to the community and the station resulting from such a procedure and arising from the changing load patterns are hardly likely to be diminished.

Under the conditions explained above, advance warning has to be limited to that of short notice, and for this reason use is made of the broadcasting media.

Suggestions have from time to time been made that warnings might take the form of a short cut preceding the definite cut but for a variety of technical reasons and operational difficulties which follow logically from the reasons explained above, in the particular case of a small system, this is impractical. It would produce unnecessary voltages and current surges which could result in damage to the plant and equipment or at best cause unnecessary and additional stress in equipment. Additionally, it must be realised that if the supply of electricity to lifts in particular is cut off for only a few seconds the result could be identical to a cut of far longer duration, since equipment may require resetting, etc. It is, therefore, in the interest of public safety that any warning of a power cut should be transmitted to the general public by a means that allows such awkward situations to be avoided.

The conclusions normally arrived at during panic situations such as provoked by power failures and cuts are not always the correct ones. For example, much has been made of the fact that in the ten years between 1960 and 1970 four new sets were installed at King's Bastion with a capacity of just over 10 megawatts, whereas in the succeeding 10-year period only one set was commissioned, albeit with twice the capacity of any one of the other four sets; that is, 5 megawatts approximately.

What has, however, generally overlooked is the fact that in the first 10-year period the demand grew from just 5000kW in 1960 to 13000kW in 1970; an increase of 7000kW. This represented a growth rate which during the prosperous 1960's was typical of most of the developed countries. The annual growth rate was of the order of 7% which meant that demand doubled every 10 years.

In contrast, and again in common with other European countries, demand during this decade of the 1970's has been substantially damped. In spite of this, countries like France are short of capacity at the present time whereas the United Kingdom generally has a surplus capacity to the extent that some of the older and less efficient power stations are being closed down prematurely.

In fact, as far as Gibraltar is concerned, the growth in demand from 1970 to date has been a mere 1000kW compared with the previously recorded figure of 7000kW. This is what I meant, in the previous answer, quoting the report of Preece, Cardew and Rider. To cope with this increase a machine with nearly 5 megawatts capacity was installed in 1972. Consequently, the reserve capacity in the system since that year has been the highest in our history, which records a short period during most of 1961 when the demand was higher than the total available capacity. The House will surely appreciate that with these facts there can be no element of irresponsibility on the Government or on my handling of the situation. Government has always kept the situation under review and the proof of this is the commissioning of consultants in 1976 to enquire into and report on our power requirements up to the year 2000.

I have already dealt at length with their recommendations and the reasons why there have been delays in their implementation in the statement which I made to this House during the earlier meeting. We live in an age when suddenly we have had to come to terms with the cost of energy and everywhere efforts are being made to achieve the highest possible thermal efficiencies in any power-producing plants. We must do likewise and while there is a definite need to replace old and inefficient plant we must make sure that when this is done and we provide the potential for future extensions to meet this growth, we make the best use of all the heat available. This inevitably links power development to water desalination.

In the meantime, we have already given the House the assurance that shorter term measures are in hand and that additional generating capacity should be available in eighteen months. Lately, we have had visits at our request from various diesel-producing engineering factories. We have had the Managing Director of Mirlees, Blackstone Ltd, who has made some very helpful suggestions, and not only that, has invited both the City Electrical Engineer and myself to go to Mirlees in the very near future, in fact, in January. We have had frequent consultations with Preece, Cardew and Rider. The latest letter I have received from them is that a member of that firm will visit Gibraltar for 2/3 days during the period 10 to 15 of December. This does not show that the Government is irresponsible, this shows that Government is aware of the situation. The Government is constantly aware of what has to be done and can be done and will be done. Further to this, another visit is expected towards the end of the year. With the information available, formal terms of reference, as I have intimated before, will be drafted for our consultants to undertake the work which we require and to give the advice needed to enable an order to be placed within a timespan which will allow Government to meet the commitment given to this House.

Mr Speaker, I have dealt with and, hopefully, destroyed the inaccuracies produced by the Hon and Learned Member of the Opposition who completely quoted out of context questions and answers in the House. I have given him a detailed answer to both the telephones and the power situation, the progress that we have made in both and I cannot understand his motion in which he states: "This House has no confidence in the Minister for Municipal Services because of the way he has mishandled the responsibility entrusted to him". I have in no way mishandled any responsibility, in particular to power and telephones. I shall make it my duty to continue my work in this field with the same enthusiasm, the same progressive outlook that I have carried out in the last year and a half. Thank you, Mr Speaker.

HON MAJOR R J PELIZA:

Mr Speaker, I think it is one of the principal roles of the Opposition to be critical of the Government when this is called upon to be done and I find it is very responsible of the Leader of the Opposition to bring this motion to the House given the

circumstances as they are today, particularly on two services for which the Minister concerned is responsible, ie, power and telephones.

I do not recall, certainly in my time and possible in living memory, the situation of both services being so catastrophic, because that is the word, as it is today. I do not believe that the Minister can make any impression by excusing or suggesting that the services are not in the state that they are, by trying to find little faults in the speech that my Hon Friend on my left has made through misquotations. That is not the substance, that is not the reason why we have got this motion here, because he said one or two things which may or may not be inaccurate. The reason why we have got this motion here today is because there are serious power cuts in Gibraltar, no one can deny that, and they could be even worse in the future. This is why we have brought this motion forward. Equally, no one can deny that the telephones today are just not reliable. I think the Minister himself must have had that experience of about 1 in 5 times the wrong number appearing or getting the signal of ringing when in fact it is not ringing, or sounding engaged when it is not engaged, all sorts of queer things do happen on the telephones these days. Crossed wires as never before. One accepts that these faults can happen but when they persist in the way that they are persisting in Gibraltar I do not think really it is any longer a laughing matter and I think the Minister on the other side of the House knows that what I am saying now is the truth. It is very bad when people from abroad ring and you hear the ringing tone. I am surprised that the Minister has not said that this is due because I am not in Gibraltar because this is what he usually says. However, that, Mr Speaker, is not the answer to the problem. The real answer to the problem is that someone must take over the Ministry and should make it work, that is the answer to the problem and this is what the vote of censure is all about. If we wanted to find out in detail exactly who is responsible for this we would have to carry out an inquiry into every detail but that is not the way that votes of censures are carried out, Mr Speaker. A vote of censure is normally moved because a situation is very unsatisfactory and it calls upon the Opposition to take the matter up and make the Government aware of the situation as it is. I was really surprised to hear the Minister going back to 1969 when my Hon Friend Mr Willie Isola was responsible for that, as if in some way the reason why there are power cuts today was because Mr Willie Isola was Minister in 1969. That, to me, is farfetched and I just don't see the connection. In fact, it was during that time that it looks to me from the quotations of the Minister later that there was over capacity in Gibraltar for the first time. The figure was given in 1972, that is what he said. If the Minister was wrong again I am not surprised I just don't trust any more what the Minister says because quite honestly I don't believe he knows what he is talking about, in fact, he is not talking he normally is reading from copious notes because he just doesn't know what is going on and this is the tragedy that he doesn't really seem to know what is

happening in his Department and he is incapable of standing up and making a statement just like that off the cuff as he should do and you expect a man to answer if he knows all about it. In his case he has got to stick to a bit of paper or listen to what the Chief Minister has got to tell him from the side. This is very obvious, Mr Speaker. Luckily we are here and can see what is happening. Unfortunately, this is not televised and this doesn't go out on the air, Mr Speaker, otherwise I think we would know very exactly and I think what we are saying here today would be much more meaningful if this was so. Mr Speaker, the way we have got to see it is, has the person who is responsible for this particular Department shown he has vision and has he got the ability to administer? These are matters, Mr Speaker, that we have got to look at. Has he got a consistent policy? Since he has been in the Ministry can we honestly say that we get the feeling that the Minister has got vision as to the future, that he has got administrative ability and that he has had a consistent policy? I honestly ask every Member in this House if truly they believe that this is the case, because that is what we are talking about. Well, personally he has not convinced me that he has. Has he ever had a policy because if he has had I think we would have heard about it here. On the contrary, when we talk about policy what do we find, a statement in which there is nothing new except that we are looking into this and looking into that and we are considering that or we have to consider the other thing and suddenly the Chief Minister says we are producing a 5 megawatt generator in 18 months. If the Chief Minister was intending to make that statement why did he have to make it when I pressed him into it on the adjournment? Obviously, that could not be correct, that cannot be held to be the truth because it would be impossible unless the Minister has confused himself to such an extent that he didn't know what he was talking about and that may be so because this is the impression that I have, that most of the time he just does not really know what he is talking about with regard to his Department and this is the tragedy which I think Gibraltar is suffering from. It is quite true that we cannot put all the blame on the Minister because he cannot produce a completely new Generating Station in 18 months, no one expects him to do that, so to some extent in fairness to the Minister some of the blame must go to this administration for those who were responsible before him and the previous administration because it needs careful planning. We hear of the report dated May 1976 and that report, Mr Speaker, no one knows what it is about, certainly not the Opposition. Mr Speaker, is it fair that in the circumstances that we are today, on an occasion when we are bringing a motion of censure on the Minister, that that vital report should not be made public if only to clarify the position? What secrecy can there be about that report? This is why I asked the other day if there was any military secret attached to this that you cannot make it public, is it a question of national security? It isn't, so if you begin to ask yourself why isn't the report made known to us? Obviously you come to the conclusion that the Minister is trying to hide something because you cannot really find any other logical answer to the close secrecy of that report, it just does not make sense and certainly nothing has been said in this House to change



anybody's mind from that logical conclusion. All you can say is that if this report is not made public it is because something is said there that has not been carried out which may have given rise to all the power shortage that we are facing today or something else that has not been done that has got us into the situation that we are in now. That is the logical conclusion, Mr Speaker, if it isn't so the Minister and the Government are to blame for not making that report available. I think that the Opposition is fully justified under the circumstances to come here and assume that there has been lack of responsibility on whoever was responsible for looking at the report and arriving at some conclusion from it and implementing something from it, obviously that was lack of responsibility and I think that we are absolutely entitled as an Opposition to behave in the way we are behaving today if only on that point along. What we see then is that possibly there was no vision on the part of the Minister to think ahead with that report and get things ready for the time that we have now reached when, clearly, we have shortage of power otherwise the 5-megawatt generator would not have been ordered in such an indecent haste as happened here in this House at the last meeting. As to the administrative ability of the Minister we see clearly from the statements made about employment, shortage of staff, not wanting to employ staff, I'm not talking about power, I'm talking about the two services generally, that he doesn't seem to know what is really required and how to proceed. Equally, I think he loses the sense of proportion with regard to the advancement of technology which is constantly going on and which if we are going to wait for something better, we will always be waiting because there will always be a tremendous improvement and we shall never have what we need except that eventually at the last moment when the situation gets so critical that nothing can be done and we cannot wait any more, we are going to pay for much more for what we could have had before and this is in fact what is happening both in the telephone exchange and in the electricity Department. I think we must not lose sight that every day that goes by the cost is rising and we have to equate, this is very important, this is where the judgement of the Minister comes in. He listens to advice of the technical men but the decision eventually has got to be taken by the Minister and he has got to make a judgement as to whether he is going to wait longer for better technology or whether he is going to act and get what is available. What we are saying is that he is very, very wrong in delaying a decision for so long as it has been delayed because now we shall be paying for the consequences, in fact, we are already paying for the consequences. On the administrative ability, Mr Speaker, I think that the Hon Minister has said nothing today to convince me that the judgement that I have made since he became a Minister and from his attitude generally in this House that he has the administrative ability to carry on with that Department and make it function properly as it should. I grant him that perhaps he found things in not such a good way as he would have expected, I grant him that, and I would be the first one even to congratulate him if I could see and sense that on the difficulties that he encountered when he started he was making a go of it and that things were improving or about to improve. However, this is not the impression

I have unfortunately, the impression I have is that he is out of his depth in that Department, that he has been unable to tackle the situation when he got there and that the situation has been getting worse since he got there; not better, and this is my criticism of the Government allowing that to carry on. He is responsible for the Department but the Government cannot shirk the responsibility of the situation and I hope that what is being said here, Mr Speaker, will, I think, be listened to with attention by the Government to see what can be done, if they are not prepared to change the Minister perhaps help, if necessary. This is not the first time, Mr Speaker, that I have spoken in this House about a change of Minister. The last time it seemed to work a few months later and the results were proved, in fact, Tourism is never better than it is today, I don't know whether the change of Minister had anything to do with it but I was the person who suggested it here at one time. I am making the same suggestion now and I hope the Chief Minister is listening. In any case I suppose it is too late in the day for any change to matter all that much at this stage. The fact is, Mr Speaker, that the situation is critical both in the telephone department and in the electricity department, no one can deny that. In my view that need not have happened if the administration, generally, over a time had looked into it and taken action as it should have done at the right time. The situation has worsened until we have got to the very critical situation that we have today. That is the impression that I and my colleagues have because I think generally that is the general opinion in town, that something is very wrong both with the electricity and the telephones and this has not been inspired by anybody, this is because it is actually happening, the subscribers don't want to pay their bills, why? The electricity goes out, there have been more stoppages than usual and it is no good saying that in little communities like ours this sort of thing is bound to happen. Little communities like ourselves don't have the Dockyard to give us assistance time and again. Thank goodness that there is a link with the Dockyard and I think that took place in my time although whether it took place in my time or not doesn't matter. Thank goodness that the link was established and that today there has been a lot of support coming from the Dockyard otherwise I think the incidence of black outs would have been much higher than it is today. There is really no point in bringing out a red herring and saying that in little communities this sort of thing happens. In little communities like Gibraltar this has never happened before and we should try and make sure that it doesn't happen in the future and, equally, I say we have even more resources in that respect than in other little communities. So, Mr Speaker, nothing has been said by the Minister that has convinced me that we should change our minds about our position and, therefore, Mr Speaker, I support the motion of my Honourable Friend.

HON CHIEF MINISTER:

Mr Speaker, I really don't know what is worse, referring to sensible copious notes or unprepared repetitive nonsense like the last speaker has meted out to us today. I would rather have the



first because at least it has an element of thought in it but when the Honourable and Gallant Member starts speaking, first he doesn't know what he is going to say and secondly he doesn't know when he is going to sit down. As long as he has got energy to repeat himself over and over again he carries on and may he do so from those benches for many years to come. There was a reference in the course of the intervention of the Mover about a power cut today and of course we would have expected the Minister to know that there was a power cut today if there had been one, of course, but there wasn't a power cut today. What happened was, and I have been able to find out since because it cannot be expected for any Minister or anybody in a place of responsibility to know everything that is happening over the whole of the network, that somebody improperly interfered with a cable in Horse Barrack Lane and cut off the electricity to that small district served by that cable. It was somebody unconnected with the Electricity Department, and it is being repaired. I can assure the Hon Leader of the Opposition that he will not suffer any cuts and he will be able to have a roast turkey tonight even if it is in anticipation just in case there isn't one for Christmas. One point has been made, and I made a reference yesterday and I want to make it very clear now, that the Preece, Cardew and Rider report has nothing secret, nothing sinister about it, it is a straightforward report of the future of the electricity, some of the recommendations of which have been implemented, others have not because it dealt with the long term and, in fact, the reason why no more progress had been made or should have been made in the long term one was because we were involved in an earnest attempt, and I think the Leader of the Opposition mentioned something as to why should we do anything with the MOD, in an earnest attempt on both sides, an attempt at local level and at regional level of trying to see whether it would be better in the interests of the economy of the whole that the future Generating Station should be done in conjunction with the requirements of the Services and added to it, of course, was the question of distillation of water which could be done by harnessing the heat of the generators as was done in the small pilot scheme that was started in King's Bastion some years ago. And it was at the very highest level after all the work had been done, and without the work being done nobody can take decisions at high level, it was after all the work had been done encouraged by everybody in the Ministry of Defence as being a sensible thing, that at the highest level in the Ministry of Defence they decided that for the time being, perhaps it has to do with the present policy of stringency in development and so on in the United Kingdom, that they were not interested. It was a really honest attempt at doing something that would have been perhaps good for Gibraltar. They have decided not to come in with us, well, we shall have to do it alone. The only point I made yesterday was when I offered that we should have a Committee system it would have done the same as we used to do in the City Council that everybody knew what all the others were doing, but what I am not prepared is for an Opposition which is only set out to make propaganda and

to try and bring down the Government, to give them material which is not necessary for them because they are going to use it for improper purposes and for political purposes because there is nothing in that report that would in any way be possible to be wrongly interpreted but I am not prepared, as I say, to give ammunition to the Opposition in order that they should do that. They must share responsibility if they want to share information, that is what I have decided and I have said so yesterday.

HON MAJOR R J PELIZA:

Is that going to be his attitude with all other reports, that we are not going to share information?

HON CHIEF MINISTER:

I am not establishing any new principle, I am stating on this principle and on the attitude taken by the Opposition that it was not in my view proper that that should be done, there is nothing secret and in due course we will publish it, and by publish I mean making it available because it is a huge document full of graphs and things which is not really easy reading for the best of the intelligent people unless one, of course, is versed and I do not pretend to be versed, I have seen the basic recommendations of it and this is what we are really talking about. I think the Minister, if I may say so, has made a very good case for his participation in the Department in the time that he has been there. It is true, as the Hon Major Peliza has said, that in 18 months he could not have done anything very dramatic certainly in the Power Station, it is a matter for planning which has been done and which we hope will yield the necessary fruit. Because of this decision of the MOD not to come in on the longterm this is now being thought completely separate and it is in order to be able to fill the gap between now and the planning of the longterm which has to be somewhere else than in King's Bastion, that the engine that was due to be ordered in the short term will fill the gap together with the improvement of the Power Station as it is and the stronger position in which the Power Station will be and the less subject to pressures that the Power Station will be if the generating position improves. I would like to draw attention to the third paragraph of the press release which was issued on the 19th of October which said: "The usual maintenance programme was prepared for the summer but the situation has been aggravated both by the constant problems presented by the backlog of maintenance and by differences of view between management and the staff on methods of working in the Generating Station as well as on certain aspects of conditions of service." On the first part, it is no secret that between March and September of 1977, the whole of the community of Gibraltar suffered from blacking action which had effect on building, on maintenance, on all the services, a very long period of blacking action which put back the whole of the programme a considerable time and in fact if you go back to the Autumn of 1974 when there was also

industrial trouble, really, the programme of maintenance has been completely upset and this is one of the reasons that this has happened. Luckily, because of the introduction of parity and because, therefore, there is no major confrontation on wage claims and so on, they are all settled in London and we have to follow suit, the kind of problem that had arisen in the Power Station were much more of a smaller nature but nevertheless one that was not conducive to good relations and that is why the Minister has referred to the Joint Consultative Council which is a forum where all matters connected with the workforce and management can be talked about. The Minister has mentioned the difficult conditions under which people work at King's Bastion. This is something that really cannot be blamed at anybody but those who thought first in 1901 or 1899 when it was decided to have a Power Station in that place and then it grew bigger and bigger. That is really something that has been inherited from the past and that is something that really we want to avoid in the future by having a Power Station (a) outside the congested areas in which it has grown and (b) in conditions like all new workshops that are being built now which are fit and proper for the workforce to work in an atmosphere of much more comfort and certainly not constrained behind, literally, a bastion wall, because that is what King's Bastion is. I remember when the Ministry of Defence were anxious to start selling properties some years ago in the time of the City Council, being asked by the Ministry of Defence representative whether we wanted to buy the freehold of King's Bastion as we hold it on some kind of permanent lease and I said: "Well, what if we don't, are you going to ask for vacant possession?" We are there, for better or for worse, until something else is built somewhere else and unfortunately that has a bearing. Not only has it got a bearing in the conditions under which men work which makes them unhappy, it has a bearing unfortunately nowadays when everybody is looking over everybody else's shoulder, when people say: "Why should I work very hard here in these bad conditions where there are other people in other workshops with the same wages as I get working in much better conditions?" Fortunately, that is a sign of the times and not typical in Gibraltar, it is typical of the industrial attitude towards management and one which one has to meet, it is a fact of life that you have to meet that and you have to improve and that is why as far back as 1976 this report was commissioned with the help of the ODA, then came this question of the possible joint venture which prevented from making more progress which I am sure will be possible now. What the report says is that if in fact the long term recommendations therein set out were to be implemented, the first time we would need extra power on the basis of the installed capacity now would have been 1979/80. It may well be that 1979/80 may just run a little into 1981 but that really, having regard to the load growth of consumption no doubt created by the cost like everything else of electricity or because we might have been reaching saturation point because we have reached a stage where we are providing every consumer with electricity for

almost every gadget and therefore the growth is not that big except insofar as new development is concerned, that is, the natural growth of the body of consumers is not in the same proportion as it was before because the affluent society has by now provided itself with all the washing machines, with all the cookers, with all the gadgets that are required, certainly in Gibraltar that is the case and that really the growth that will come out of demand of electricity will come out of new development and out of new housing and so on and that of course is proportioned to the general body of consumers who are, I think, 14,000 to 15,000. In fact, the temporary difficulties that we have had and in fact the question that was asked was hardly consistent with the motion because there was a question going back to 1976 when in fact the Minister insofar as he is responsible, he is responsible for the last 18 months, provides rather interesting figures but it will be seen from all the figures that have been mentioned that since 1976 to date there have never been any cuts at Christmas time, so that should relieve anybody worrying about that. The situation is not happy but it is getting happier but to talk about it is catastrophic is, I think, catastrophic in itself. Insofar as the telephones is concerned what has not been mentioned is the terrific growth in the number of telephones that has taken place in the last few years, the terrific expansion of it and the fact is that because of new technology the people who are now being employed have got to be of a much higher academic qualification and higher training than was required before and we have for more lines less people, not because there isn't provision and we are trying to save money in not employing people, but simply because there are not the people perhaps because the matter has become so technical that in order to attract people to that kind of job it has to be revalued upwards in the sense that it has to be categorised on a much higher technical level and therefore higher pay in order to attract the right people. We have a limited labour force in Gibraltar, a limited number of young people who can study, a limited number of people who can take jobs and the demands are bigger and bigger on all sides and this, of course, is a matter which we have to cope with and you can only do that by making the conditions so attractive that you will be able to get the people you want. At the same time you have to be careful that the comparisons that it raises with other people in more or less equal jobs makes it much more difficult to attract them. I think the figures that were given yesterday in one of the questions as regards faults shows that the faults have been dealt with but, of course, because of the greater number of telephones the problem is bigger. My colleague spoke about the fact that England had a surplus of capacity and the other European countries didn't have but the United Kingdom has also got its power cuts in certain parts of the country. There were very heavy power cuts in the north very recently. There are problems in every Power Station and, of course, it is easy when there are others to supply to be able to get the help from

other people. Here the question of the interconnector which was subject of mention before is a two-way thing. We have been supplying electricity recently through the interconnector to the MOD because fortunately our peak hours do not coincide and this is why it is sensible and it would have been much more sensible to have had a joint Power Station but if it is not to be then we have the resources, we have the ability, what we will need, of course, and we are well on the way to trying and solve the problem is the considerable amount of capital that is required which will have to be found if Gibraltar is to continue to enjoy the standard of living that it enjoys today.

HON G T RESTANO:

Mr Speaker, in three years that I have been sitting in this House it has been my fortune or misfortune, I don't know which, to listen to answers and contributions from Ministers on the other side of this House but I think today the level of standard of a contribution has reached an all-time low. The contribution of the Minister for Municipal Services other than, of course, perhaps when he was reading or making use of those copious notes that he had in front of him was really the poorest contribution that I certainly have ever heard in this House in the three years that I have been here. In those short sentences when he did not use his copious notes, he said that the Hon Mover of this motion, Mr Peter Isola, had made inaccuracies and one of these was the £100,000 which he himself had quoted in June of last year but he said was not in relation to what was then in those days referred to as STD equipment.

HON DR R G VALARINO:

On a point of order, Mr Speaker, it has never been referred to as STD, STD is in the United Kingdom only, we have always referred to ISD except that the Hon Member wrongly calls it STD.

HON G T RESTANO:

Mr Speaker, I will refer the Member to the first time that STD was used and I would need a little time, about ten minutes, and I will certainly show the Hon Member that it was a Government Minister who first used the term STD equipment and it was following that that we used to ask questions on STD equipment. In any case, as I was saying, in those days it used to be called STD equipment and this inaccuracy which he accuses my friend of having stated this morning was in relation to a question in June of last year when I personally asked him to inform the House as to the investigations on the purchase of this type of equipment, if those investigations have been completed, and what were the findings of those investigations. In a supplementary I asked what was the cost or what would the cost be of the purchase of that equipment and he said that the quotation was in the region of

£100,000. It is quite clear that it wasn't any misquotation from my Hon Friend here, it was exactly what the Minister himself had said. The motion is a motion of no confidence in the Minister for the way that he mishandles his responsibilities and it has been said earlier that he has no knowledge of his Department and I would like to bring up one more question which I put to him once, Mr Speaker, and of which he had absolutely no knowledge again on this type of equipment. This was a question a few months after June, it was in October of last year when I asked him what type of equipment was being used or was being contemplated to be used or was it to be a computerised equipment or mechanical and he just did not know. This is yet one other example of the fact which has become obvious over the months since he has been appointed Minister, that he has no knowledge or very little knowledge of what goes on in his Department, certainly as far as the telephones are concerned. On the question of electricity, it has been mentioned already before, but I think the report of the recommendations of Preece, Cardew and Rider require even further airing. The Chief Minister in his contribution earlier said that one of the reasons why he had decided not to pass this report to Members of the Opposition was that he did not want to give the Opposition ammunition. Surely, if he says that he does not want to give the Opposition ammunition it means there is obviously something in there which the Opposition could use as ammunition because there is something which they should have done which had been recommended to the Government and which the Government has done nothing about and he is clearly afraid at this time of the year with the election coming up fairly soon, no doubt, that not just the Opposition but the people of Gibraltar should get to know the failures of the Government. He is afraid that the people of Gibraltar should realise that recommendations had been made to the Government years ago to set the Electricity Service right but the Government did nothing about it and as a consequence of that the people of Gibraltar have been facing unnecessary power cuts over the last 18 months or so. I was surprised as well to hear nothing in any of the contributions either by the Minister or by the Chief Minister on what these consultants had to say about the old Generating sets, the seven sets between one and eight, one of them has, of course, been scrapped, those sets which really produce little power which apparently give a lot of trouble and where the conditions are as described by the Chief Minister a few moments ago, working conditions for the men are really rather deplorable, I heard nothing about those, I heard nothing about what the consultants have to say about those sets. The Minister said that he had only been a year and a half as Minister and that people before him had to take a certain amount of responsibility. He mentioned, in fact, that between 1960 and 1970 new power up to 10 megawatts had been received in Gibraltar and that between 1970 and 1979, 5 megawatts of new power had been received. I think that is a misleading statement, Mr Speaker, in fact, the accuracy of it is that in 1961, we are talking about the new sets, in 1961, the oldest of the new sets, Number 9, was received, in 1962 the next year Number 10 was received, in 1967,

five years after that, Number 11 was received, in 1968, again one year later, Number 12 was received so, therefore, between 1961 and 1968, we had approximately 10 megawatts and then in 1972 we had the largest set which accounts for about 4.8 or 5 megawatts. Why I say that I think this is misleading, Mr Speaker, is that it is not between 1970 and 1979 that 5 megawatts were brought into Gibraltar, no, since 1972 nothing at all has been brought in to implement the power that we have, it was in 1972 that engine Number 13 was brought into Gibraltar and that was the last time that any extra power was brought into Gibraltar. Mr Speaker, it is not between 1970 and 1979, that 5 megawatts were brought in, it is in 1972, between 1970 and 1972 and this is the sad aspect of this whole matter that since 1972 nothing has been done by the Gibraltar Government to deal with the increased demand for power that is required for Gibraltar. It is inaccurate to say that it was between 1970 and 1979, because in 1972 and 1979 nothing has been done. Mr Speaker, I don't want to speak any more on telephones and power, I think both have been amply dealt with by my two Honourable colleagues but the motion does say "That this House has no confidence in the Minister for Municipal Services because of the way he has mis-handled the responsibilities entrusted to him, particularly in relation to power and telephones." But, of course, power and telephones are not the only responsibilities that he does have, he has one other, and that is the Fire Service of Gibraltar and one other aspect of the Minister's absolute inefficiency was clearly seen in the meeting of the 25th of June of this year when on the other responsibilities that he has on the Fire Service I asked him a question about the state of the fire hoses at the Alameda Estate and he said that those hoses were in good condition, that there was nothing wrong with them, that there were inspections every year and I said to him that that was not so, that I had been round to see them myself and he argued against this but, of course, the next day he had to come back to this House and make a statement and apologise to the House and say that he had misled the House with the statement that he had made about the fire hoses at the Alameda Estate the previous day. This just shows the type of inefficiency that we are seeing from the Minister. That is why, Mr Speaker, I fully support this motion.

MR SPEAKER:

If there are no other contributors I will ask the Hon Mr Isola to reply.

HON P J ISOLA:

Mr Speaker, I noticed the Minister, when defending his position, had two prepared statements, one on the Electricity Department and one on the Telephone Department. I don't know whether he composed them himself or not but it would be interesting to know because they contrasted rather sharply with his opening remarks which were obviously off the cuff and quite inaccurate but I

don't think one has to bother much about them because they don't take the argument further and do not constitute any defence of what we are saying about his Ministry and the way he has conducted it. It is quite extraordinary in a way, if I may deal with the telephone argument. In my address I referred with some detail to the international dialling position and I referred also to the fact that time and time again we have asked about International Subscriber Dialling and we have been told that it is coming and it has never come but the only consistent thing that we have been told is that it will take 3 years to install. At the end of his written statement the Minister said about looking forward to the future, I caught the words, of course, he didn't give us copies of the statement only the press are fortunate enough to get them but not the Opposition Members, but I think he said something at the end about a new system of international dialling and domestic dialling and he used the words and he stressed them because usually he stresses the wrong words but here he stressed the right ones, he said: "in the very near future", which to me is a remarkable statement to make after having told us every time in the House that the international dialling from the time you order the equipment is 3 years, to tell us that we shall have all this in the very near future. It may be that 3 years is the very near future for the Minister, it could be that, the same way as the Preece, Cardew and Rider Report the fact that it's been with them 3½ years is nothing, is a short period of time, I suppose it is if you take a century as a reasonable period of time.

HON DR R G VALARINO:

On a point of order, Mr Speaker. I said "in the near future", I said nothing about in the immediate future or in the very near future, I said in the near future.

HON P J ISOLA:

Mr Speaker, I took this down. It may be he departed from his text, naughty boy, that is all I can say, but I took down what he said and that was "in the very near future". Perhaps he got himself worked up by then on the great prospects we have in the Telephone Department but that is what I took down, I took it down and I took careful note. It may be his prepared text says near future and not very near future, but then perhaps near future, 3 years, is near future, in which case a general election is always in the near future because the life of the House is only 4 years. But that is a typical statement thrown out at the end of a defence to try and calm everybody down; "don't worry, great things are coming in the near future" and he said "in the very near future" to stress it and that's it. We take a note of this and in a year's time when we come back and the Minister has done nothing about International Subscriber Dialling we will get explanations of what the Post Office Consultants said, we will get explanations of a new

Geneva show and so it will go. This is what we are concerned about and I think the public of Gibraltar must be concerned about, a Minister who makes these statements, who leads people up to thinking great things are coming and then they don't and then he has got an excuse why they haven't come and then he says "don't worry, they are coming". This is the position in the Telephone Department and I am very surprised at the Chief Minister getting up in defence of his Minister and trying to justify, because that is what he was trying to do, the appalling situation that we have with regard to the repair of telephones and with regard to International Subscriber Dialling and trying to make out that everything is fine. Is the Chief Minister ready to tell the public: "You've got a jolly good service, if your telephone goes out of repair the fact that you've got to wait 3 months to have it repaired or 2 months, is not unreasonable". Is that what he is saying? I know that loyalty demands that he supports his Minister but I think the Chief Minister should think along the lines my Honourable and Gallant Friend has suggested of making a Ministerial change although, obviously, this will not be necessary in view of the fact we should be going to the polls next month or the end of it. Mr Speaker, on telephones I think the situation is self evident. You have International Subscriber Dialling in Spain, you have it in France, you have it in every country in Europe except in Gibraltar even though we were told, 1½ years ago that the equipment quotation had been received and we are told now: "You have to wait for the consultants to come in 2 weeks' time and they'll take two months to decide and then we'll get a report", and then I suppose there will be a working party on that report which will take another year and so on and so on and so on and the price will go up from £100,000 that we were being told eighteen months ago, we are now being told £1m, and "don't worry, we put up the telephones subscriptions, we put up the telephone charges and that's it". The fact that power in Gibraltar, for example, costs almost double what it costs in the United Kingdom that doesn't matter. We seem to be paying, using my own words, about 5p per unit for electricity whereas in the United Kingdom they are paying slightly over 3p a unit, not quite double, I agree, but considerably more but it doesn't worry the Government, all they have to do is put up the charges and explain the problems and that's it and people pay and pay and pay and go on paying, this is the extraordinary thing about Gibraltar, they go on paying. That is not good Government, Mr Speaker, and I think a Minister who puts that forward and tries to justify it shouldn't be in that job and that is why we are moving a motion of censure. When we get to power, Mr Speaker, I notice, and I'm sure Honourable Members will also have noticed, the pattern of the statement by the Minister, the prepared written statement on power, was a justification for not having any more power and the whole statement worked up as to how we had enough power and so forth and then at the end it said: "With the King's Bastion North Generating Plant you will see that the maximum is 14 megawatts in 1979 and we have more than 14 megawatts at King's Bastion North, and we have King's Bastion South and there we have another 5 megawatts". He was justifying to the House that we have sufficient capacity. This is what I think was his policy and that

is why the statement was made by the Minister of seven pages and no mention was made about extra capacity being provided because that is what the Minister feels and he thinks that with all these power cuts we are still alright and it was when the Chief Minister took a hand after hearing the questioning in this House whom we were guaranteeing that there would be enough power in the next eighteen months and the Chief Minister possibly then had another look at the Preece, Cardew and Rider Report and saw that they said we should have 5 megawatts by 1979 and 1980 that the Minister for Municipal Services was quickly over-ruled and the Chief Minister announced a new 5-megawatt generator. This is what comes through the prepared statement of the Minister. It was interesting to see, Mr Speaker, that the Minister yesterday admitted in question time that one of the recommendations was that there should be a new 5-megawatt generator. Today he gave us a little more information. We have no means of knowing whether it is true and accustomed as we are on these particular issues not to be told the full facts, he told us this afternoon or he let out the fact that Preece, Cardew and Rider had said for 1979/80. We don't know whether they said early 1979 or late 1979, we haven't seen the report, we are being refused the report because we are told that if we see it we'll make improper use of it, in other words, we might tell the public: "Look here, these chaps were told 3½ years ago to get on with it and to start work on a new generator and they did nothing about it, and they got a working party on it and the working party said the recommendations of Preece, Cardew and Rider are correct and they did nothing about it." That is the sort of information the Government wants to keep away from the public and that is why the report is not made available to the Opposition and that of itself is a good reason for us not showing confidence in the Minister responsible for power in Gibraltar, and I think if the public really got to know of these things, really heard about these things which they do those who read the papers, I think there would be a lot of sympathy on the part of the public and we would start getting letters in the Chronicle asking for the report to be shown and then, of course, once that started happening I think then we could confidently look forward to seeing the report, once that sort of pressure started building up on the Government. The Chief Minister, in defence of the Minister, has made surprising statements. He has said; "but you know, we had industrial relations problems". Mr Speaker, sitting in this House in the last six months and hearing the Minister telling us how wonderful everybody was in the Power Station and how perfect everything was going and so forth, the thought of some industrial problems never even entered our heads, we never thought that this was a factor in the Power situation, we've never been told about it, no one has ever said that this was a factor. Now we are told that we must remember that between March 1977 and September 1977 we had industrial action. Well, it is interesting, I've taken quickly from the statement of the Minister 3 years, March 1977 to September 1977, March 1978 to September 1978, and



March 1979 to September 1979. There were 24 days from January to October again, you find you have 19 days on which there were power cuts and if you go to January 1979 to November 1979 you find there were 20 days in which there were power cuts. We got an explanation for 1977 but what is the explanation for 1978 and 1979?

HON CHIEF MINISTER:

If the Honourable Member will give way I will tell him. The backlog maintenance.

HON P J ISOLA:

But it is remarkable, Mr Speaker, that a backlog of 9 months, March to September 1977 should not have been worked through in 2½ years after, it is remarkable. Certainly we have never been given this as a reason and what surprises us is that it should now be brought up I suppose in one last desperate attempt to try and show that it wasn't all the Minister's fault, poor chap, he had problems in industrial relations. It is rather interesting that no Ministerial statement on power in the House has made a reference to that problem and we don't believe that that is the problem at all. We believe that the problem in the power station has been lack of foresight and lack of planning. I think the Minister thought perhaps honestly but wrongly that his power requirements were ample and he has been shown to be wrong and he had opportunity of experts to advise him or the Government in 1975. I don't think we have to go back to 1899 or any other period in our history. The point of starting is that in 1960 you had 6 megawatts, 1970 you had 13 megawatts, 1980 you can expect to require more, not perhaps the same increase but you expect to require more. What was done about it because this was obvious and consultants were appointed in 1975 and they report in 1976 and then there were working parties and so forth and nothing was done to implement the consultant's recommendations and it is because nothing was done to implement the consultant's recommendations that Gibraltar finds itself in the position that it finds itself when the provision of a continuous supply of power is dependent on, hopefully, engines not going wrong, is dependent on, hopefully, there not being breakdowns, is dependent, hopefully, in there not being some sort of minor industrial dispute, is dependent, hopefully, on a hundred things and those considerations would not be necessary and would not have to be in our minds if the Government or the Minister following the recommendations of this report had made his order for a 5-megawatt generator so that it could have been in motion now and then the public of Gibraltar would not have had to put up with the power cuts that we are being asked to put up with and now being told it happens everywhere in the world. Of course there are power cuts everywhere in the world but not with the monotonous regularity that it happens in Gibraltar, Mr Speaker, and not with the frequency and this is obvious. I have never had a power cut in my many visits to London and I don't know whether my Honourable and Gallant Friend could be helpful as to whether his power is cut on these number of days.

HON MAJOR R J FELIZA:

In my district not even during the strike.

HON H J ZAMMITT:

They wait until he comes out to Gibraltar.

HON P J ISOLA:

You see, Mr Speaker, the Government takes this lightly because they are, not they, the Chief Minister is a good psychologist I reckon. He knows that the people of Gibraltar will stomach everything. The important thing about power cuts is that if you make them frequent enough and you let them happen regularly enough then people will get used to them and they accept them and this is what is happening and this is what the Government proposed for the people of Gibraltar until we kicked up a row in this House and my Honourable and Gallant Friend questioned the Minister on his statement and I questioned him on his statement and we said: "Can you guarantee us that it will be OK for the next 18 months?", and after dithering and not being sure and so forth and we saw all that, my Honourable and Gallant Friend said he would raise it on the adjournment and then the Chief Minister came the same day and said: "It's alright the bluff is off, we are going to buy a 5 megawatt generator and it will be installed in the next 18 months". It is only then that that happened and therefore how can this House, how can the Government vote in favour of the proposition that the Minister put forward in this House in his long prepared statement when they themselves over-ruled it within 24 hours and told the people of Gibraltar that they were buying a 5-megawatt generator. But, of course, the Minister must continue although the Government doesn't require his vote to maintain its majority but it wouldn't look right if there was a vote of no confidence actually passed in the House on a Minister. So the Honourable Members opposite will defeat the motion but I think, Mr Speaker, the lesson that we will all learn on this is that we must not be complacent about departments such as Municipal Services which people have learned over the years to regard as something that happens and nothing ever goes wrong. Now things are going wrong and perhaps the effect of this motion will be to ensure that things go better in those departments and if they do, none will be happier than the Members on this side of the House. Mr Speaker, I commend the motion to the House.

Mr Speaker then put the question and ruled that the motion was a motion of no confidence in the Minister for Municipal Services and consequently the ex-officio Members of the House were precluded from voting in accordance with the proviso to Section 44(1) of the Gibraltar Constitution Order, 1969.

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 G T Restano

The following Hon Members voted against:

The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon A P Montegriffo  
The Hon J B Perez  
The Hon A W Serfaty  
The Hon H J Zammitt

The following Hon Member abstained:

The Hon Dr R G Valarino

The following Hon Members were absent:

The Hon I Abecasis  
The Hon J Bossano  
The Hon Major F J Dellipiani

The motion was accordingly defeated.

#### ADJOURNMENT

The Hon the Chief Minister moved the adjournment of the House to Thursday the 13th December, 1979, at 10.30 am.

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

The adjournment of the House to Thursday the 13th December, 1979, at 10.30 am was taken at 6.30 pm on Thursday the 6th December, 1979.

THURSDAY THE 13TH DECEMBER, 1979

The House resumed at 10.30 am.

PRESENT:

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

GOVERNMENT:

The Hon Sir Joshua Hassan, CBE, MVO, QC, JP - Chief Minister  
The Hon A J Canepa - Minister for Labour and Social Security  
The Hon H J Zammitt - 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 Education  
The Hon I Abecasis - Minister for Tourism and Postal Services  
The Hon A W Serfaty, OBE, JP - Minister for Trade and Economic Development  
The Hon M K Featherstone - Minister for Public Works  
The Hon Dr R G Valarino - Minister for Municipal Services  
The Hon D Hull - Attorney-General  
The Hon R J Wallace, CMG, OBE - Financial and Development Secretary

The Hon J B Perez

OPPOSITION:

The Hon P J Isola, OBE - Leader of the Opposition  
The Hon G T Restano  
The Hon J Bossano

ABSENT:

The Hon Major R J Peliza

IN ATTENDANCE:

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

PRAYER

Mr Speaker recited the prayer.

MR SPEAKER:

Gentlemen, before we proceed I would like to say that I have received notice from the Honourable Mr Restano to the effect that he wished to raise on the adjournment a matter in respect of the Paediatrician. He has subsequent to that asked for leave to withdraw this notice and has given notice that he

wishes to raise instead, on the adjournment, the question of the answer given by the Minister for Trade and Economic Development regarding the Housing Development Programme at Catalan Bay. This notice has been received too late to entitle him to raise the matter as of right, but in accordance with the provisions of Standing Orders I have a discretion and since he had already given notice that he wished to raise a matter on the adjournment, I feel that it is right that he should be allowed to raise the matter on the final adjournment of this sitting.

HON G T RESTANO:

Mr Speaker, on a point of order, may I crave your indulgence for a few minutes?

MR SPEAKER:

On a point of order?

HON G T RESTANO:

Yes, Sir. When this House discussed at Committee Stage on the 5th of December the Bill for an Ordinance to apply further sums of money to the service of the year ending 31st day of March, 1980, and in particular the Schedule of Supplementary Estimates No 3 of 1979/80 dealing with the Government loan of £200,000 to Hoods Development Limited, the Chief Minister participated in the discussion and voted on this item. It was subsequently brought to my notice that the solicitors for Hoods Development Limited are the firm of J A Hassan and Partners. Under the recent amendment to the Standing Rules of this House, I would have considered that such an appointment constituted a direct personal pecuniary interest and under such the Chief Minister, being a partner of that firm, should have declared an interest if the information which has been passed to me is correct. I feel it is my duty, Mr Speaker, to bring this matter up although I wish to make it quite clear to the House...

HON A J CANEPA:

Is the Honourable Gentleman reading a statement?

MR SPEAKER:

Order. Please continue.

HON G T RESTANO:

I am in no way implying that such a declaration was omitted deliberately. Bearing in mind the fact that the new amendments to the Standing Rules of this House requires that where a Member has a direct personal pecuniary interest on any subject he shall declare that interest was only recently introduced,

I am confident that the omission can only have occurred due to an oversight. However, since this matter has already given rise and could give rise to further public comment, I would invite the Chief Minister to rectify the position if he is required to do so in accordance with the new Standing Rules. Thank you, Sir.

HON CHIEF MINISTER:

I think the most operative words of the Honourable Member's remarks were "if he is required to do so", the answer is no, I am not required to do so. My firm is not acting for Hoods Development in respect of this loan at all. The Financial and Development Secretary can confirm that this is a matter which the management themselves have come here to Gibraltar to deal with, have negotiated with the Financial Secretary and with myself. The firm does represent Hoods in their day-to-day matters in Gibraltar but that has nothing whatever to do with the merits of the loan or the merits of the case or my participation. I do not think in the circumstances that I have any direct pecuniary interest in the matter and, therefore, I have nothing to withdraw. I am grateful for the opportunity given to me to explain because if this is the attitude that is going to be taken by Honourable Members without reference to the other side to see whether statements are right or wrong, this is going to be a slanging match in the future. I think the least that the Honourable Member could have done is ask me whether that is true or not and in that way his last words would not have been necessary. The answer, Mr Speaker, is that at the time I voted and now, I have no pecuniary or indirect interest insofar as whether the loan was given to Hoods Development or not. If it had been in any way in my mind that that could have been thought of, I would not have advocated so strongly as I did because I thought the merits of the case warranted it. Let me say something else to show my impartiality. In the course of my speech I said that in this House we ought to help those who help themselves because in the course of the communications which were addressed to the Government and to me, Hoods Development have stated that they were paying £150,000 in respect of the first stage of the repairs and they wanted the £200,000 for the second stage and I said in my statement that we ought to help them because they have helped themselves. Subsequently to that the Financial Secretary was approached about whether we could make an advance on the agreed loan ahead of the time in respect of the £150,000 that they had paid, and my advise to the Financial Secretary was that that should not be the case because we had given it on the basis of the way in which they helped themselves and that this was not the spirit in which the order was made. I call upon the Financial Secretary to bear out the statement and the fact that he dealt with this matter. The Financial and Development Secretary asked the Clerk of the House who kindly provided the Hansard of my particular remarks in order to honour what I have said in this House and be able to inform them that the condition were to be as I have outlined them which were much more restrictive than they wanted to make them.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, if I may intervene on this. First of all, I would like to confirm what the Honourable Chief Minister has said that in the negotiations for this loan since I arrived I have taken the leading part with Hoods and have prepared all the telegrams and had telephone conversations with the gentlemen concerned from Hoods with the loan and that prior to that the acting Financial and Development Secretary was working on this, I would also like to confirm what the Chief Minister has said that following the meeting of this House in which the Supplementary Appropriation Bill was approved, I was approached by the Hoods representative and asked whether in fact we could advance £100,000 of the £200,000 loaned for work that had already been done. I pointed out that so far as my memory served, the Chief Minister had made it quite clear in the Committee Stage that the loan was for the second tranche of the work and that we were helping a company that helped themselves. However, I did check on the Hansard that this had been said and checked with the Chief Minister on his memory of it and in accordance with that statement in the House I informed the Hoods representative that we could not advance any money for work that had already been completed, that we could only give the money against the work that was to be done. Thank you, Sir.

MR SPEAKER:

As the Chief Minister has quite rightly said, the operative words in the matter raised by the Hon Mr Restano is "if he is so required", and therefore it seems that it is for me to take some decision on the matter. I want to give it a little thought, but it will not take long and in any event before we rise for the lunch recess I will be making a statement on the matter raised.

HON CHIEF MINISTER:

Mr Speaker, following on that I would like your ruling on another point of order and that is that the resolutions were passed on the question of the Declaration of Interests at the last meeting and I would like some guidance whether we should not all file in our declarations within seven days from today so that there is no misunderstanding in the future as to whether we have started, not that there would have made any difference in this case, but there could be a misunderstanding as to when the Declarations have to be made and when the registration and the voting and the non-voting takes place.

MR SPEAKER:

I understand that before the declarations can be made there are a fair amount of papers to be circulated.

HON CHIEF MINISTER:

In any case I would like to be reminded technically whether the Honourable Member is not completely out of order following your ruling that made it necessary for me to move the motion. Did we take the Supplementary Estimates before the motions or after the motions?

MR SPEAKER:

After the motions.

HON P J ISOLA:

Mr Speaker, may I say that certainly there was no need for the Financial and Development Secretary to rise to confirm what the Chief Minister said. Obviously, we accept what the Chief Minister says entirely. There are two problems here as I see it. One is the Standing Rule that relates to actual debate in the House and the other one is the Committee's Report on Members' Interests, on Declaration, which I thought caused me a certain amount of difficulty myself and I did talk to the Chairman on it and I was reminded of the procedure in the House of Commons and so forth which I accepted. It is a problem for lawyers, this question of interests, because our interests are so vast in actual fact, so whilst accepting entirely what the Chief Minister says, we don't wish to question that for one minute, it is certainly useful for me looking at myself in my position as Leader of the Opposition, it would certainly be useful to have a ruling, I would have thought, once and for all, of when we must and when we must not.

MR SPEAKER:

Members have undertaken to make a Declaration of Interests which should be done in accordance with the procedure prescribed in the House of Commons and, secondly, a decision by the particular Member at any given moment as to whether he is entitled to vote because he has a direct pecuniary interest on a particular question at a particular moment which is being debated in the House.

HON P J ISOLA:

It seems to be two separate things and certainly any guidance that the Chair can give on this matter I would certainly appreciate from my own personal point of view because I have these problems, too.

MR SPEAKER:

I think on this one I can straight away say that we are at the beginning of a new era insofar as the conduct of Members is concerned in accordance with the amendments of the new rules. There is a fair amount of thought to be given, I will most certainly give it some careful thought and come back to the House in due course on the matter.

HON CHIEF MINISTER:

Mr Speaker, with regard to your earlier remarks about giving a ruling before the end of this sitting I would be most grateful, for obvious reasons, if that were given whilst we are sitting this morning.

MR SPEAKER:

Yes, I have said that I will most certainly do that.

## BILLS

### FIRST AND SECOND READINGS

#### THE LANDLORD AND TENANT (MISCELLANEOUS PROVISIONS) (AMENDMENT) (NO 3) ORDINANCE, 1979

ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Landlord and Tenant (Miscellaneous Provisions) Ordinance (Chapter 83) be read a first time.

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

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill now be read a second time. Sir, this Bill contains four groups of amendments designed to confer greater protection on tenants under Part 2 of the Landlord and Tenant (Miscellaneous Provisions) Ordinance and the Bill takes into account proposals made by the Hon and Learned Leader of the Opposition which have been under consideration by the Government for some time. The first of the amendments simply extends the definition for the general purposes of the Ordinance, the definition of the terms Landlord and Tenant and incidentally mortgagee and mortgagor, to cover successors entitled or persons deriving title, I should say, from those persons. The second amendment which relates only to Part 2 of the Ordinance which deals with the protection of tenancies for residential purposes, amends the definition of the term "tenant" in that part. At the moment that term is defined to include specified members of the tenant's family and the purpose of the amendment is to widen it. At present the family means the tenant himself, the widow, the father or the mother or any child who have resided with them for at least six months before the tenant's death and we are proposing its widening to include not merely those specific members of the family but any member of that family, the term "any member" being a term which has been interpreted by the Courts under the English legislation. I should make

the point, clearly, that it is any member of that generation of the family. The third amendment which is found in clause 5 of the Bill, deals with what I might describe as the next generation of the family and the design of that amendment is to provide that where the original tenancy has come to an end because the final member of the family has died, then the next generation will have the option to acquire for that generation a tenancy under the same terms as the previous tenancy was held except in one respect and that respect insofar as the rental is concerned, because at that point of time the rent will fall to be agreed again at current rates between the landlord and the new generation, as it were. If they cannot agree the matter will be referred to the Rent Assessment Tribunal who will settle the rent and it will do so by comparison to rentals agreed under Section 7(a) which is also a clause which provides for current rates of rental to be settled. Finally, Sir, the amendment in Clause 6 provides that where prior to 1975, a notice of termination of a tenancy held under Section 10 of the Ordinance the effect of converting the tenancy to a statutory tenancy because that was the case at that stage and where the tenant concerned has remained in possession of the tenancy ever since so that there is no change in status between the parties, then the notice that was served will be deemed not to have converted the contractual tenancy into a statutory tenancy. Sir, I wish to mention at this stage that at the Committee Stage of this Bill, I propose to move two amendments. The first is to amend Clause 1, subclause 2, to enable different parts of this Bill to be brought into effect at different times and the second is to amend the new Section 7(b). The purpose of that amendment will be to make it clear that where an option is to be exercised after the original tenant dies and in the event the option is not exercised, then so long as the successors remain in possession even though they choose in the end not to exercise the option, nevertheless they must pay, which is only a matter of equity, I think, the old rental up until the time they choose to exercise the option, and they have two months in which to do so. Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, we welcome this Bill especially in the widening of the definition of the family of a tenant. The existing definition of a tenant in the Landlord and Tenant Ordinance is much too narrow and we had the situation where people living in the same house, only one could become a tenant and if by any chance there were somebody living, a nephew for example, of a tenant



living with him for 5 years and the tenant died that nephew no longer was protected in possession and this, I feel, is wrong and therefore the definition that we now have brings it into line with the definition in England of a tenant and this gives much wider protection which I think is very necessary in Gibraltar where you have got all kinds of relatives living in the same flat. I don't propose to move any amendment to this. I would have liked to have seen but I appreciate it is a thing that has to be thought out very carefully, to allow for the position of joint tenant so that you don't get a situation where a person becomes a tenant and has a brother-in-law and a sister living in the same house and then goes off to England for some reason or another and it leaves the other people unprotected, but I appreciate there are difficulties here and certainly something that I think could be given thought in the future. The other major amendment which I think is very necessary in Gibraltar is to protect a second generation. At the moment in Gibraltar only the first generation is protected and there must be a great number of people in Gibraltar who today could be ejected from their homes and I think the second generation amendment is a very necessary one. I did have an amendment myself to this because it wasn't quite clear to me that that particular section 5 did in fact protect the second generation but on reading it carefully I find it does and therefore there is no need for me to move an amendment which is really in terms of the English, 1965, Act. However, there is a difference between this proposed amendment and the amendment that I had and that was that the amendment I had would have maintained the rents at the same level as they were before for the first generation and the second generation would have paid the same rent. Under the proposed amendment, of course, they will be paying an increased rent based on Section 7(a) tenancy. The problem that could arise there is that there are some Section 7(a) tenancies that by agreement of Landlord and Tenant and approved by the Commissioner of Lands and Works have produced some pretty high rents and the Rent Assessment Tribunal might find itself having therefore to make a second generation pay what I would call the premium for getting a flat which is inherent in a Gibraltarian getting a 7(a) tenancy and this is something that could be, I think, worrying if the Rent Assessment Tribunal started using its powers by reference to the higher rent that had been agreed in the private sector which had been agreed by the need to find accommodation. Certainly, this is better than not having it and certainly I think this is something which should be kept under review. I would certainly like to see that this Ordinance is not used as a means of increasing rents to the whole series of second generation tenants that exists today in Gibraltar and whom the Landlords believe are protected but who in fact are not protected and who might suddenly find themselves overnight having to pay the Section 7(a) rent. That is why the amendment that I was proposing to move I would have thought would have been possibly more appropriate but I won't move it because I appreciate the Hon and Learned Attorney-General wants to look into the matter and I notice that the date for putting parts of the Ordinance

into effect is going to be left in abeyance and rather than move an amendment and ask the Government to take a decision on it on the spot, I would just commend my comments to the Government and the Hon and Learned the Attorney-General to consider with the draft amendment that I had and which I am not proposing at this stage in the House. Subject to these comments, Mr Speaker, we support the Bill.

#### HON CHIEF MINISTER:

Mr Speaker, as the Honourable the Leader of the Opposition knows when he raised the matter here I expressed my instant approval because I have known of very hard cases and looking back on the legislation it so happened that more or less this kind of definition was in the original Rent Restriction and Mortgage Interest Act, 1922, and for some reason or other it was taken away and the more restrictive one was taken in 1933 from which this one was copied. There is, I think, apart from anything else being the law now, there is also a lot of case law on the original 1922 definition of member of a tenant's family so I think it will not be a paradise for lawyers to argue about because there are plenty of decisions on which to go on. With regard to Section 7(b) I would like to commend the Attorney-General for the way in which he has tackled this matter because it was a difficult one. Under Section 7(a) which was passed, I think it must have been some time in May, 1969, before the House was then dissolved, that one authorised negotiating a new rent for what had been pre-war restricted premises if the premises became vacant and therefore the landlord was negotiating afresh provided that it was a bona fide case of local people seeking accommodation. That was in order to encourage people to let flats unfurnished at a higher rent to local tenants rather than put a few pieces of furniture and let them furnished at a higher rent. That, in general, has worked reasonably well because a very considerable number of new agreements have been made and it has made it possible for people to have reasonably moderate increases in rent. Section 7(a) gives the same protection to the new agreements as the rest of the Ordinance other than in respect of rents. So really tenants under Section 7(a) are protected tenants at the new rent that they have negotiated and it is only fair than anybody who obtains protection, second generation as the Attorney-General has called it, who obtains protection under those kind of tenancies should have also the right or rather the landlord should be able to negotiate a new rent if he wasn't a protected tenant already under the old Ordinance otherwise it would perpetuate that and in time one would find that the Section 3 protected tenants might catch up on the second generation of the Section 7(a) by reasons of authorised legislation increasing the rents of tenants of the old protection. All in all, I think it is a very helpful Ordinance. I am glad that the Honourable Leader of the Opposition accepts the view that subject to anything being looked at the Ordinance should go as it is and if in fact any snags are found they can subsequently be amended but I think the main gist of the legislation is that whereas now the people living with tenant's

family which are protected are limited to the widow or the husband or the father, mother or any child who has resided with him for not less than 6 months, that in fact does not cover grandchildren and this is very much the case now where a lot of grandchildren have become the tenants with the grandmother because the parents have left and they have remained behind either on their own or as a result of the son or the daughter of the tenant having been married and gone away and left the child there with perhaps another husband. So that in that case it is going to be a much more protective Ordinance than it has been up to now and will avoid many hard cases some of which have been brought to the notice of the Honourable Member and myself.

MR SPEAKER:

If there are no other contributors to the debate I will ask the Hon and Learned Attorney-General to reply.

HON ATTORNEY-GENERAL:

Mr Speaker, the Honourable and Learned Chief Minister has spoken in reply on policy aspects of the Bill. I do not have a great deal to add but I think a Bill of this nature involving property rights is one where even from a purely legal point of view policy considerations are not entirely irrelevant. I welcome the remarks of the Honourable Leader of the Opposition and if I can briefly reply to one of his points made by him. It is correct, of course, that the Bill provides under Section 7(b) that it will be a market rate at the time the new tenancy is negotiated. The circumstances of Gibraltar's housing I think are well known, there is a question of balancing the interest of the landlord and the interest of the tenant and I think while on the one hand one has concern to protect the security of the tenant in the house where he has lived in for some time, on the other hand I think it is a reasonable thing at that point of time to review the rent and bring it into line with current market rates and that really I think is the object of that clause. Mr Speaker, I note the comments made as to joint tenants. The question of a joint tenancy, I think, is not an easy question, it is one which we are still looking at. I may say that the whole subject of landlord and tenant, the whole subject of this Ordinance is one which I think must be kept under continuing review and I can assure the Honourable Member that we will continue to look at the question of the possibility of providing for joint tenancies. Thank you, Mr Speaker.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that Standing Order No 30 in respect of the Pensions (Amendment) Ordinance, 1979, be suspended.

This was agreed to.

#### THE PENSIONS (AMENDMENT) ORDINANCE, 1979

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Pensions Ordinance (Chapter 121) 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 FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to give notice that the second reading of this Bill be taken at a subsequent meeting. It had been expected that consultation on this Bill with the Foreign and Commonwealth Office and other United Kingdom Departments would have been concluded by today but this has not been possible. Nevertheless, Sir, the Government regards this as a matter of urgency and I take the opportunity to state again that the increases awarded in this year's pay review will, for pension purposes, be back-dated to the 1st of July, 1979. Mr Speaker, Sir, I beg to move.

#### SUSPENSION OF STANDING ORDERS

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I have the honour to move that Standing Order No 30 be suspended in respect of the Pensions (House of Assembly) Ordinance, 1979.

This was agreed to.

THE PENSIONS (HOUSE OF ASSEMBLY) ORDINANCE, 1979

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to provide for pensions and gratuities for the Speaker and Elected Members of the Gibraltar House of Assembly be read a first time.

MR SPEAKER:

Perhaps before I put the question I should declare an interest in this Bill since it specifically mentions the Speaker.

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that the Bill be now read a second time. The purpose of the Bill now before the House is to provide for the payment of pensions and gratuities to the Speaker and Elected Members of the Gibraltar House of Assembly. In 1976, four of the younger Members of this present House of Assembly suggested that a Pension Scheme should be introduced. However, Sir, I suggest that the genesis of this Bill goes back beyond that date and, in fact, it goes back to the United Kingdom Parliamentary and Other Pensions Act, 1972, which provided for pensions for Members of the House of Commons. Since then it is my understanding that the legislature of a number of Commonwealth countries and dependencies have introduced new or revised pension schemes for their Members. Work on this Bill began over a year ago and the scheme embodied in the Bill was prepared by the Treasury in consultation with the Establishment Branch of the Secretariat. I would like, Sir, to take this opportunity of expressing my appreciation to all those officials who have devoted time and thought throughout the past year to the proposed scheme. The scheme is based on the superannuation principles which are reflected in the Gibraltar Civil Service Pension Scheme adapted as necessary to meet the different circumstances which apply to politicians, in particular, Sir, the need for elected Members of the House to present themselves for re-election, if they wish to stand, at least every four years. In preparing a pension scheme, a number of essential features must be considered. Who is entitled to a pension under this scheme? Is it to be contributory or not? What is the minimum qualifying period of service to earn a pension? What should be the date on which reckonable service started? What is the maximum pension and how long must a person serve to earn it? At what rate is the pension to be earned? Is the pension to be inflation-proof?

At what age does the pension become payable? Can a person eligible for a pension opt for a reduced pension and a gratuity and, if so, at what rate? And, finally, what happens if the person dies before reaching pensionable age? In the scheme now before the House the proposals are that entitled persons are those persons who are Members of this Third or any subsequent House of Assembly, that the minimum qualifying period of service should be ninety months, that is, 7½ years, just under two normal lengths of life of the House, and that that should be ninety months service in aggregate. Service from 1964 should count for pension purposes. It is proposed that a pension should be payable when an entitled person who is no longer a Member reaches the age of 55 years. The proposed scheme is not contributory. The maximum pension would be earned after 28 years aggregate service and would be  $\frac{2}{3}$  of the rate of the average rate of remuneration received by a Member during his period of office converted to the corresponding rates of allowance payable immediately before he ceased to be an Elected Member. It is proposed that eligible Members would be able to opt for a reduced pension of not less than  $\frac{1}{2}$  of the earned pension and a gratuity equal to 12½ times the amount by which such pension would have been reduced. Provision is included for a death gratuity in the event of a Member who would otherwise have been eligible for pension dying before reaching the age of 55 years. This gratuity would be calculated on the basis of the maximum gratuity to which the deceased person would have been entitled if he had not died but had on the day following the actual date of his death opted a  $\frac{1}{2}$  pension and a gratuity equal to 12½ times the amount by which his pension would have been reduced. The Bill also provides, Sir, for increases in earned pension where there have been increases in the cost of living after a person has become entitled to a pension. However, cost of living increases would not apply when persons drawing pensions are between the ages of 55 and 60 years. Members will, I am sure, Sir, have a number of points to raise on the Bill and I would hope to answer points of principles in my closing speech in this second reading debate and points of detail at the Committee Stage. Finally, I should make it clear that Her Majesty's Government and in particular the United Kingdom Civil Service Department are aware of the proposals in this Bill. The Foreign and Commonwealth Office have advised that on the basis of information available the scheme does not seem objectionable. They have, however, indicated that the scheme is one that must be decided by this House. Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON CHIEF MINISTER:

Mr Speaker, on a point of order. Is it possible in view of the fact that Members have a pecuniary or direct interest in the result of this Bill, whether it is a personal pecuniary interest that the Committee recommended or a collective one?

MR SPEAKER:

This is most certainly a collective one in a matter of policy which will affect all Members of the House in the future and I don't think that one has to declare an interest or is prevented from voting.

HON CHIEF MINISTER:

Any more than the increasing of income tax or the decreasing of income tax where one would benefit by any motion that one would bring to this House.

MR SPEAKER:

Precisely, it is a matter of policy.

HON CHIEF MINISTER:

I think that should be made clear because otherwise it would mean that there would be only two Members who could vote in this matter. Those are the ones who are provided with pensions which is the Attorney-General and the Financial and Development Secretary.

MR SPEAKER:

I think it is clear that this is a matter in which no one has to declare an interest or even abstain from voting. This is the ruling of the Chair on this matter.

HON J B PEREZ:

Mr Speaker, I think I would like to start my contribution by saying that I believe that this Bill is in fact presented not for the exclusive and direct benefit of the present Members of this House but it is rather presented for the benefit of past and even moreso for the future Members of the Gibraltar House of Assembly. I think this is quite clear from the actual entitlement to pensions section which is section 3 which provides that subject to the provisions of this Ordinance every person who (a) has served as an elected Member of the Assembly for a period or periods being in aggregate not less than 90 months and has served as an elected Member in the Third or any subsequent House of Assembly shall be entitled to a pension under this Ordinance. This clearly means

that an individual entitled to the pension will have served in the House of Assembly for 8 years 4 months but more important is the fact that he will have been elected by the electorate on at least 3 separate occasions. As I have said already in my opinion, it is really for the benefit of past and future Members of the House. Mr Speaker, I think that this Bill is in fact rather overdue. I was one of the main proposers when I was in the Opposition together with other Members of this present House of Assembly in proposing that legislation be brought to provide pensions to Members of the House of Assembly with particular reference to Members who have served the people of Gibraltar for a substantial period of time as it provided in this Ordinance, for 12 years, and I must say that one of the main problems that the proposers of this piece of legislation have come across has been a certain amount of reluctance from some of the older Members of the House of Assembly. I think the reluctance of some of the Members which has been expressed throughout the years is quite clear and that is that obviously some of these Members feel that they are more directly affected by this legislation than the younger Members and these are Members who not only are Members of this present House of Assembly but have been Members of the House of Assembly way back to 1964. Mr Speaker, the grounds on which this legislation is based I would like to term as being just and equitable and I say so because I feel that the community in general does have certain obligations to its representatives, that is, certain obligations towards the representatives they have elected in order that these individuals represent Gibraltar as a whole and, in fact, as the Bill provides, it is in respect of Members of the House who have been in public service, who have been in politics for at least, I would say, not really 90 months because in practice it would be on the third House of Assembly which is a total period of 12 years, although the law on this is a period of a minimum of 90 months but I feel that in practice a person who first becomes entitled to a pension will in fact have served the Gibraltar House of Assembly for a long time which is a period of 12 years. In a way I feel, Mr Speaker, that this particular obligation is somewhat similar to that which Society owes to senior citizens, civil servants and others. I must stress at this stage that obviously there would be no obligations in cases in which you have a dictatorship because in that particular case you obviously have one man's will imposed on the rest of the people but in Gibraltar I think we are very happy to say, Mr Speaker, that the Members of the House of Assembly are freely elected by the people of Gibraltar, they are elected as a representative with inherent and substantial responsibilities and I would again stress and ask Members to take a good look at section 3(1) at the time period involved which is as I said in practice, although it says 90 months but it is going to really mean that a Member will have served 3 Houses of Assembly which would be a total period of 12 years which he has dedicated to public life and, of course, Mr Speaker, there may be

many other cases where it could be for much longer periods than 12 years. Mr Speaker, the procedure in the United Kingdom I think is somewhat similar to this on the question of pensions but I would like to say that it does appear to me that even in the United Kingdom the position is even more favourable towards politicians not only because of the pensions and not only because of the much higher allowances that are paid to Members of Parliament in England but also I think an important factor is that on the retirement of MP's in England you find that they are more or less slotted into directorships of certain large companies and in other situations you find that their own political party tends to help them out to a very considerable extent. Unfortunately, Mr Speaker, this is not really the case in Gibraltar and specially the older Members of this present House of Assembly can appreciate it even more to a greater extent than I can by bringing to mind some of the older politicians who have retired throughout the last 10 or 12 years in Gibraltar. Mr Speaker, in order to highlight the main concepts in having this particular Bill which I have termed as being just and equitable, I would like to consider two practical situations, two situations that I feel tend to arise that I see in this present House of Assembly and that is, first of all, the example of (a) a full-time politician, and (b) the example of what I call a part-time politician. With reference to the first situation, the full-time politician, here we are dealing with a man or a woman, an individual who has left his employment completely, it could either be that he is employed by a firm, it could be a self-employed man, he may have a trade but the important thing is that he leaves his job completely with the honest belief that he has something to offer for Gibraltar as a whole, he has a desire to serve the people and therefore presents himself as a candidate in an election and, I think, Mr Speaker, the sacrifice that this individual has to take is really quite a substantial one, he does give up many things and most important of all I think there is obviously an element of risk that after being a Member of this House for two Houses of Assembly after two elections there is always this risk that he may not be re-elected when the next elections come up and also he may when he comes to retire after serving for many, many years in the House, I think he would find it very difficult to seek useful employment because he has left his job and he has probably nowhere else to go so surely, Mr Speaker, in this case I think there can be no doubt whatsoever that it is in fact just and equitable for this particular individual to receive a pension after he retires after so many years serving as a Member of the House of Assembly and serving the people of Gibraltar. In the second example, the second practical situation which I think can be clearly envisaged, is that of the part-time politician. Here, Mr Speaker, the individual whether he is in employment with a firm or as I said before self-employed or a businessman, is a situation where he does not give up his other interests completely but I think, Mr Speaker, that for my short experience in politics I find that politics in Gibraltar is becoming more and more time consuming as the years go by. I think this is obviously apparent in respect of

certain Ministries which are really concerned with increasing social legislation which is required today by a modern society. Furthermore, Mr Speaker, I think that there can be no doubt that the trend is or has been throughout the years that I've been a Member of this House, the tendency is that we are moving, I feel, towards full-time politicians due to the amount of work that is being involved. So even in the second situation, in the situation of a part-time politician I feel that this individual tends to dedicate or he has to dedicate a considerable amount of his own private time to politics and there can be no doubt whatsoever that his employment or if he is a professional man, his profession will suffer as a result of his participation in politics and in this situation, Mr Speaker, I again pose the question surely it is just and equitable for this individual to receive a pension on his retirement in particular after serving three Houses of Assembly and a minimum period of 90 months which he will have served. Mr Speaker, I think that Members of this present House should feel quite honoured to be given the opportunity and privilege of voting in favour of this particular legislation in this Bill which I think will really go down into the history of Gibraltar. I feel also that the Bill is a very important one because it goes hand in hand with the general principle that it is desirable that Members of the Gibraltar House of Assembly should as far as possible represent the vast majority of Gibraltarians of all walks of life and also I think that membership of the Gibraltar House of Assembly should not in practice be available only to individuals with sufficient means of their own, membership, I feel, should not be available for the privileged few. Mr Speaker, this Bill has my full support, I have already said I was one of the main proposers of this Bill a few years ago when I was in Opposition and I sincerely hope that it has the support of all the Members of the House of Assembly. We must remember and I must emphasise, Mr Speaker, that this Bill is not for our exclusive and direct benefit but rather it is for the benefit of the past Members of the House of Assembly and more important it is indeed for the benefit of future Members of the Gibraltar House of Assembly.

HON P J ISOLA:

Mr Speaker, I would have been more honoured and more privileged or felt more honoured and more privileged in voting for a Bill that extended the question of eligibility to this House so that a greater number of people could with some ease have come and become Members of the House of Assembly. I think the only criticism I have of this Bill, which is quite irrelevant but the only criticism I have is that we in the Opposition consider this to be all part of a package to enable a greater cross section of the community to come forward and stand for election and give service to the people of Gibraltar. I agree entirely with the last Member of the House who spoke when he said it would make it easier for people to come forward to know that there is a pension at the end of the day, it will make it



easier for people to come forward to know that the pay of Members of the House and Ministers is something commensurate with their responsibilities and it would make it better still to have a procedure under which that large number of people who are employed in the public sector are able to retire for the time being from their employment and give service to the House of Assembly. We have considered the question of pay and we are waiting for decisions on that. Hopefully, these will come before the next election so that people who stand for election will know the sort of remuneration they can expect because Members of the House are human like everybody else, they have families to support and so forth and I think a person, an individual, a new prospective Member of the House before he stands for the House of Assembly has to assess how he is going to be able to feed his family. If he is in self employment or he is a professional man or a business man, of course, that consideration doesn't arise but if he is not, if he is an employed person, be it whatever, these considerations have to apply and, therefore, we support any measure that makes it easier for people who have a desire to serve to come forward and stand for election and we agree with this particular Bill of pensions and gratuities for Members who have served in the House and for you, Mr Speaker, as well, who have served in the House for some years when they retire or leave the House or they get thrown out to get a pension like everybody else does in any other employment. But, Mr Speaker, what is missing from this package in our view and I think it is impossible to put it right now before the elections, is the question of eligibility for standing in the House, it is a question of making it easier for people to stand for election. I was greatly shocked after the last meeting when I went to see the Chief Minister, last Friday I think it was, to ask about the persons who could stand for election as far as the Government was concerned, and to be told that as far as teachers were concerned the Government was not prepared to budge one inch, that his Party, I think his words were, his Party was not prepared to agree that teachers should be able to resign and then be reinstated if they failed to get into the House at a later date and I thought that that policy is disastrous as far as the people of Gibraltar are concerned because two of the greatest Members of the House, I feel two of the Members who have contributed most in the House are both and have been both ex-teachers and I think it is unfair, I think it is wrong and I would almost say it is outrageous that the teaching profession who are really apart from the Civil Service, apart from them altogether, should not be able to get unpaid leave, stand for election, if elected resign and then be reinstated especially at this period of time when the Director of Education goes regularly every year to England to recruit teachers. In my view there is no serious problem in the Government agreeing the same terms for teachers as they are proposing for a number of comparatively junior civil servants in accordance with the list that I was given. I will accept that list, I

will take that list because something is better than nothing. What I want to explain to the House is that our first reaction is refusal by the Government party to allow teachers to resign and be reinstated when they fail, our first and immediate reaction was going to be: "Well, then we can't vote for pensions either", because we consider this as part of a package, we consider it wrong that we should have pensions just for the exclusive few and so forth and we were about to vote against pensions, Mr Speaker, to show our disgust, if I may put it that way, at the situation revealed. But we are not going to vote against it because we are a responsible Opposition, we are not going to vote against it for a very simple reason, not because I want a pension, I probably have got many years to go, we are going to vote in favour because we don't see anything positive is gained by rejecting the Pension Bill which we know the Government is anxious to put through but we don't see any good reason for voting against it because as a matter of permanent policy we think that Members of the House, people who give service to the House for many years, should get a pension and we are not going to deprive an existing Member of the House from the opportunity of a pension or you, Mr Speaker, merely because we are annoyed because the Government hasn't done what we want on another matter which we considered to be part of the package, but we think it is wrong in the present time of Gibraltar it is wrong for the Government to tell teachers today in 1979 or it will be in January 1980: "Well, chum, if you want to stand for election you are not going to be like the Senior Clerical Officer or the clerical assistant, or so forth, no, you take the plunge and you take the risk, and if you don't get elected bad luck old boy. Perhaps, if you stood for the Government party you may be reinstated. If you stood for the Opposition parties, it is your risk". And this is a section of the community that can contribute so much to public life and who can be reinstated into Government service so easily because of the need for teachers and indeed the need for professional people in public service, architects, nurses, technicians and so forth. They are not going to be allowed that they are being deliberately, in my view, discriminated against for party political reasons. But, Mr Speaker, having said that, having said the reasons why we very nearly voted against the Bill, we are going to support it. The Members of the Government laugh but it might have been a bit embarrassing for them if they had been the only people voting for this Bill, it might have been a bit embarrassing. We are voting in favour of the Bill out of a sense of responsibility to the community and out of the realisation on our part that it is important to get people from all sections of the community, it is important to get a truly representative House of Assembly in Gibraltar and not a House that merely represents the doctors, the lawyers, the businessmen and the school teacher who is prepared to give up everything, otherwise he is not welcome in this society of our, Mr Speaker. I think it is important to make the point because we feel let down on this because we feel

that the House of Assembly is being deprived of the opportunity of being truly representative. The pensions Bill will help towards that but, of course, only to a limited extent because a young man who goes into the House of Assembly or stands for election for the House of Assembly is not thinking of the benefit of the pension he is going to get at the end of it all because for a young man retirement is a long way away though I can assure him it comes sooner than he expects but, anyway, it is still a long, long, way away so it is not such an important contributory factor, it is a contributory factor but not such an important one. We will vote in favour of the Bill because we feel that anything that can be done to encourage as large a cross-section of the community to stand for election, the House of Assembly will be the better for it. Thank you, Mr Speaker.

#### HON CHIEF MINISTER:

Mr Speaker, I do not propose to speak on the Bill, I propose to answer the Honourable Leader of the Opposition on the last remark about the eligibility. I did say the last time that I had circulated a list of people or rather the principles and I subsequently provided the Honourable Member, and I hope the Honourable Mr Bossano, with a copy of the list of people and he did mention, I don't know why this obsession with teachers, but he did mention the question of teachers and the point about teachers is, and if there are any archives of the defunct INBP and others he will see that that was one which has been consistently the view of my Party that teachers being in politics or being available like that is not in our view conducive even though we have had it stated here that the teacher is likely to leave politics away from the school room but there is also a danger of that and it is for that reason that we feel that teachers should not be included but I think the Honourable Member has so much stressed teachers that it makes it very unfair for the rest of the people in equal status in the service who may be as distant from the heart of Government in the way he mentions and who may be less acceptable to have a good or a bad influence on the people that surround him than a teacher and it is for that reason that it is nothing new that the Honourable Member did not get what he really thought he would get. I don't think that he should have been surprised because that has been our stand all the time from the very beginning. I'm glad that I said last time that he considers the step by step approach acceptable and perhaps we can make further progress in the basis of accepting a consensus, if there is a consensus, because otherwise we would not touch this question in other grades in order to amplify that. I did mention that by the 1976 legislation we had put back into the eligibility side 4,800 people and of the 1,800 that remain it could well be that between 500 or 600, we haven't gauged the thing, could be done even on our rather limited proposal.

#### HON A P MONTEGRIFFO:

Mr Speaker, I just want to speak for men like myself because we talk about Civil Servants and I have got certain sympathy with the views expressed by the Honourable the Leader of the Opposition. The problem is the difficulty of involving certain sections of the Civil Service in politics but what I really cannot understand why this soft spot for Civil Servants paid out of public funds, the advocate of this principle that they should be protected so that they can opt in, opt out, go back and all at public expense whilst there are other people, people like Aurelio Montegriffo who had to leave everything in order to be in politics and if I had not had the luck to be elected I would have gone back to nothing so why all this slant on one particular section of the community, on 1,800 persons, of which as the Honourable the Chief Minister has said 500 could be brought back and what do we do then with people they could have a very big grievance if they thought that Civil Servants could be well protected at the expense of the public and they had to give up their small business because they cannot go back and even claim from an employer because they were self employed and those people, of course, nobody ever mentions in this House. That is all I want to say and there are quite a number of them. There has been no pressure for teachers to stand for politics, the teachers haven't and the nurses for that matter have not gone up in arms on this matter.

#### HON J BOSSANO:

Mr Speaker, I shall be voting against the Bill. My Party has considered the proposals and have decided as a matter of policy, and I have been given a directive in this respect, that I should oppose the Bill before the House at this stage and I would like to explain what the view of my Party is on this matter which is different, in fact, from that of the Honourable and Learned the Leader of the Opposition. We support the principle of pensionability and we consider that in providing pensions for Members of the House of Assembly there are two aspects that need to be looked at. One is the aspect that has been stressed by the Leader of the Opposition in terms of making membership of the House something that doesn't carry with it so many disincentives that it is only attractive to a section of the community and we don't consider that there is a great need to stress the extension of opportunities to stand as a Member of the House of Assembly in the case of teachers as opposed to other people, that is, that we don't think that there is a great need for more professional or more intellectuals in the House of Assembly, we think there is a great need for more working class representation in the House of Assembly and, therefore, teachers for us are not a special case but just one particular example of what we would like to see which is complete protection for everybody in all walks of life, in the civil service and in the private sector.

The other aspect which is more fundamental, is that the question of providing for senior citizens should be looked at globally and we have a situation where in the UK Departments although we are now nearer agreement we still do not have pension rights and have not had them since 1972. We have a situation where occupational pensions in the private sector are not a statutory requirement like they are in the United Kingdom. We have a situation where in the proposed pension scheme for UK Department employees the period required for the maximum pension is 40 years, in the Gibraltar Government it is 33½ and in the case of the House of Assembly it is going to be 28. We consider that we should take a look at what we want people to have to look forward to in their old age and our policy in fact is that on the Social Insurance side we have gone as far as it is reasonable to go in linking the Social Insurance Pension to average earnings, to 50% of average earnings, and that that should be complemented by an Occupational Pension Scheme that should, in fact, provide the other half of income, so that if somebody gets to retirement age he can look forward to having an income comparable to that of somebody in employment. The Social Insurance side already provides half, the Occupational Pension Scheme in some cases provide more than half and in other cases don't exist and there are vast areas of employment in Gibraltar where there is no Occupational Pension Scheme and consequently we think that there is a need to provide for Members of the House when they reach an age when they are no longer able to make as useful a contribution perhaps as younger and fresh people in the House of Assembly and they are entitled to security in their old age but no more and no less than any other member of the community and our policy is that the position of Members of the House should be looked at in the context of a scheme which would be a policy which we politicians would want to see implemented for everybody and not just for ourselves. We also think that in terms of the eligibility of Members of the House the point made by the Honourable and Learned Leader of the Opposition that this is one element in the attraction in the security that being a Member of the House provides, then it has to be looked at in that and as you know, Mr Speaker, our policy in that is for a much wider franchise for much greater safeguards against loss or against lack of security being a concomitant of entering the political arena. In taking this stand at this point, Mr Speaker, I cannot agree with the Honourable and Learned Member that that is an irresponsible position to take because in any case I don't think the vote of the depleted Opposition as we are constantly reminded from Government benches, is anything that puts any piece of legislation on a knife edge, unless there was a free vote on the issue and, secondly, there is no particular reason why legislation had to be passed in this House because even if we want to afford protection to Members who are here today and who may not be here in a future House of Assembly, there is nothing to stop us doing that when the Bill is passed by making it retrospective. In fact, I would inform the House that in the case of the pensions scheme that is going to be introduced

in the UK Departments, the employers have already agreed that all those who retired subsequent to March 1972, that is for the last seven years, people who have retired without a pension from the UK Departments for the last seven years are going to get a pension made retrospective seven years and their service is going to count back to 1949. This is a very good scheme that has taken 3½ years to negotiate but it is possible in fact to afford protection retrospectively to people and I think we have had examples of men like Alberto Risso who as representative of the working class whatever difference one might have about their own political philosophy, were dedicated men in the House of Assembly and at the end of their political career were left with nothing and for people like that we are not making any provision at all. I would say that if the Bill had not been taken at this House it would not preclude us making at a subsequent meeting necessary arrangements to protect not just the people that are being protected here but perhaps be able to extend it to others who have done service earlier and to look at the protection that we are affording retiring politicians in the context of the protection that is afforded to other people in other walks of life. Mr Speaker, although the principle of pensionability is something that we support completely because we believe in protecting people in their old age when they are no longer able to provide for themselves from employment, I have a directive on this occasion at this point in time to vote against the Bill.

#### HON CHIEF MINISTER:

If the Honourable Member gives way before he sits down otherwise I will not be able to say what I want to say. I am sorry that the Honourable Member has made these remarks about the neglect or the apparent neglect of the people who have served in the past. He did have a copy of the draft Bill some time ago given to him as was given to the other Members of the Opposition for his remarks and his views and had he mentioned that we would have considered it, that does not mean that that cannot be considered at a later stage. Again that is a thing on which there would have to be a consensus but we felt very sorry about that and we feel that if there is sufficient support that can be done at a future date because if in fact it is felt that some people are, he has mentioned one but there may be others who could have benefitted and have given good service to this House but indeed we were particularly meticulous about the retrospection in not making it any longer than any other period that one had heard had been made retrospective, in one case it was made for 18 years in other cases it has been made for 15 so we felt that we should not take it any further back than the average one which we have done. This idea of the negotiated one is one that really should be the concern of all Members and consider it and extend it if necessary. Thank you for giving way.

HON J BOSSANO:

Well, Mr Speaker, as I say the fact that the Bill is passed in its present form, as the Honourable and Learned Chief Minister has said, does not mean that nothing can be done at a subsequent date to improve on it. I would say to the Honourable Member that, in fact, the machine of my own Party although not as cumbersome as that of the Civil Service, does take some time to digest things because everything is circulated internally and the views that I am putting forward have been very thoroughly thrashed out within the Party. Certainly I would be quite happy at a future date to come up with specific proposals on this, Mr Speaker.

MR SPEAKER:

If there are no other contributors I will call on the Financial and Development Secretary to reply, if he so wishes, of course.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you, Mr Speaker, I am grateful to all Honourable Members who have contributed to the second reading debate. I think most of the points of principle which have been raised have been replied to and I look forward with interest to receiving any proposals for an amendment which the Honourable Mr Bossano's Party may wish to put forward. Thank you, Mr Speaker, I beg to move.

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

The Hon I Abecasis  
The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon P J Isola  
The Hon A P Montegriffo  
The Hon J B Perez  
The Hon G T Restano  
The Hon Dr R G Valarino  
The Hon H J Zammitt  
The Hon D Hull  
The Hon R J Wallace

The following Hon Member voted against:

The Hon J Bossano

The following Hon Members were absent from the Chamber:

The Hon Major R J Peliza  
The Hon A W Serfaty

The Bill was read a second time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir; I beg to give notice that the Committee Stage and Third Reading of this Bill be taken at a later stage in the meeting.

This was agreed to.

HON ATTORNEY-GENERAL:

Mr Speaker, I beg to move that Standing Orders No 29 and No 30 be suspended in respect of the Elections (Amendment) Ordinance, 1979.

This was agreed to.

THE ELECTIONS (AMENDMENT) ORDINANCE, 1979

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Elections Ordinance (Chapter 48) 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 now be read a second time. Mr Speaker, this is a very short Bill and I will speak very briefly. It has but one purpose and that is to increase from £250 to £400 the permitted amount of expenditure that can be incurred on behalf of a candidate in the month before any election. Sir, I will say no more than that, it is a self-explanatory Bill and I commend it to the House.

MR SPEAKER:

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

HON CHIEF MINISTER:

Mr Speaker, this mainly arises out of a letter written by a person who stood as an Independent Candidate at the last election and has made it very clear that he proposes to stand at the next election and stating that the amount of money that an Independent Member can spend is limited whereas those who stand together in parties do have the benefit that the same or

about the same cost is made by presenting 2, 3, 4, 5 or 8 candidates in respect of propaganda than it is for one and he said that this was an unfair advantage of people who stood together to those who stood on their own. I understand that the last time this was revised in 1969 or 1973, I am not quite sure when, since when of course the cost of printing and so on has gone up considerably and we feel that it is only fair for those who do not have the support of others that they should get a more substantial amount to be able to spend in promoting themselves in the hope to be elected.

HON P J ISOLA:

Mr Speaker, for us this is a very academic Bill. I do not think there is a slightest chance that my Party will spend £2,000 on election expenses which is what we would be allowed to spend under the old law and still less will we spend the £3,200 allowed under this Bill. As far as an Independent is concerned I suppose that he may require more funds than a Party. It is going to be a very interesting election, Mr Speaker, proliferation of parties and the proliferation of independents, goodness knows what will come out of the wash. We will support the Bill as I think it is fair to the Independent candidates.

MR SPEAKER:

Does the Honourable Member wish to reply?

HON ATTORNEY-GENERAL:

Mr Speaker, I don't think I need to reply.

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

HON ATTORNEY-GENERAL:

Sir, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

HON ATTORNEY-GENERAL:

Sir, I have the honour to move the Suspension of Standing Orders No 29 and No 30 in respect of the Income Tax (Amendment) Ordinance, 1979.

This was agreed to.

HON ATTORNEY-GENERAL:

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

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

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill now be read a second time. This Bill has two purposes. The first, which is contained in Clause 2, is to provide as follows: That where a person is in receipt of a pension from Gibraltar but does not in fact reside in Gibraltar nevertheless even though he is living overseas he will be entitled to the full relief granted under section 19B of the Income Tax Ordinance as for persons over the age of 65. The present law provides that in those circumstances where somebody is otherwise eligible for that relief but is living overseas, who is non-resident in Gibraltar, then the amount of the eligible deductions is reduced by 1/12 for each month of the year that he is living overseas. It is considered, Mr Speaker, that where a person has earned a pension in Gibraltar and in his old age decides to retire and live outside Gibraltar, it is equitable that he shouldn't suffer the reduction in the allowance. The second amendment, Mr Speaker, which is in Clause 3, is in pursuance of an undertaking given at the Budget Session sitting of this year relating to the change of the Income Tax year. Members may recall that earlier in the year the Finance Ordinance changed the date of commencement of the Income Tax year from the 1st of April in every year to the 1st of July in every year and in consequence of that there was an extended 15 month year from 1978 to 1979. Transitional provisions were contained in section 77 of the Income Tax Ordinance and an undertaking was given by the Financial and Development Secretary at the time that if anybody could show that because of the change in the Income Tax year and because of the extended year they would in fact have to pay more tax than would have been the case if the year had not been changed, then the Government would take measures to ensure that they did not suffer any loss by virtue of the change of year. At the time the provisions that were made and could be foreseen were such that it was felt that nobody would be in such a position but in relation to businesses it has now been shown to the satisfaction of the Government that there may not on every case, but there may be particular cases in which a person by virtue of the change of the tax year would, in fact, have to pay tax at a higher rate and the purpose of this amendment is simply to provide that where that is so, he may have the benefit of paying tax at a rate which means that he is not penalised by the change of year. Sir, I commend the Bill to the House.



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

There being no response Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

HON ATTORNEY-GENERAL:

Sir, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

MR SPEAKER:

We have now come to the end of the Second Reading of Bills and before we go into Committee I think that this would be an appropriate time for me to give my ruling on the matter which has been raised by the Honourable Mr Restano this morning.

I have given careful consideration to what has been said by Mr Restano and by the Honourable the Chief Minister and the Honourable the Financial and Development Secretary. I feel that the operative words in what the Honourable Mr Restano has raised are as he himself said, "to rectify, if he is so required to do, the position in accordance with the new Standing Rules". I think that is the extent on which I am being asked to make a ruling. I would like to say that the old rule required a Member who had a direct pecuniary interest not to vote on the matter. The new Rules as they stand now, as amended at the first part of this meeting, requires a Member who has a direct pecuniary interest on any subject to declare that interest and not to vote on the question. I think that is the change that has been brought about. One has to go into the consequences of this rule and I think the consequence of a Member not declaring such an interest or, I should say, not voting on the matter, is that a motion to disallow that Member's vote on this ground has to be made as soon as the number of Members voting on the question has been declared; that is clear from the new Standing Orders. If such a motion is moved, that is, to disallow a Member's vote, in accordance with the provision of Standing Order No 54, I, as Speaker, must decide whether such a motion should be proposed having regard to certain principles. A Member is given the inherent right to move that a particular vote of a particular Member should be disqualified and it is then up to the Speaker to decide on certain guided principles whether such a motion should be proposed and the principles which are enunciated in Standing Order No 54 in this respect are the following. I have to consider the character of the question upon which the division was taken, secondly, I have to consider whether the interest therein of the Member whose vote is being challenged is direct and pecuniary and not an interest in common with the rest of Her Majesty's

subjects and, finally, I have to decide whether the vote was given on a matter of state policy. Insofar as the present instance is concerned, since the motion to disallow the vote was not made as soon as the number of Members voting on the question had been declared in accordance with the provisions of Standing Order No 54, I have considered this very carefully and I have come to the conclusion that I have no ruling to make since my only power under this Standing Order lies in deciding, in accordance with the principles which I have already enunciated and which are detailed in this Standing Order, whether such a motion, if moved at the correct time, should be proposed or not. In other words, there is nothing I can do at this stage. If the matter had been brought up at the proper time I would have had to decide on the principles I have already described whether a motion should be proposed. I think the matter has been ventilated in the House, the Honourable Member has exercised his right to bring the matter up, the Honourable the Chief Minister who is the affected Member in this particular instance has been given an opportunity to explain and in the circumstances I think there is nothing further than can or should be done. I will now ask the Clerk to call the Committee Stage.

#### COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that this House should resolve itself into Committee to consider the following Bills clause by clause:

The Landlord and Tenant (Miscellaneous Provisions) (Amendment) Bill, 1979;

The Pensions (House of Assembly) Bill, 1979;

The Elections (Amendment) Bill, 1979, and

The Income Tax (Amendment) Bill, 1979.

This was agreed to and the House went into Committee.

THE LANDLORD AND TENANT (MISCELLANEOUS PROVISIONS) (AMENDMENT)  
(NO 3) BILL, 1979

#### Clause 1

HON ATTORNEY-GENERAL:

Mr Speaker, I beg to move that Clause 1 be amended by omitting sub-clause 2 and by substituting the following sub-clause:  
"(2) This Ordinance shall come into operation on a date to be appointed by the Governor by notice in the Gazette, and for

that purpose the Governor may by different notices appoint different dates for different sections of this Ordinance". Sir, as I indicated in the second reading stage of this Bill I propose this amendment in order to provide flexibility in bringing various parts of the Ordinance into force at different times. It would be proposed, I think I can say, to bring in the earlier clauses, the clauses changing the definition of tenants and landlords into force as quickly as possible and it would be hoped to bring the others into force as soon as possible thereafter. Sir, I move accordingly.

Mr Speaker proposed the question in the terms of the amendment moved by the Hon the Attorney-General.

HON P J ISOLA:

We agree with the amendment, the only thing is that I am glad to note the Honourable and Learned Attorney-General has said that he will get the definition of tenant clauses in at an early date. I hope that will be the case because this is something that could affect people at any time. I welcome that and we agree with the amendment and, of course, I trust that an early date will be an early date as far as section 3 is concerned.

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

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

Clause 5

HON ATTORNEY-GENERAL:

Sir, I beg to move that Clause 5 be amended by inserting in the proposed new section 7B after subsection (4) the following new sub-clause: "(5) Where an option under this section is not exercised within the time specified in subsection (3), the person by whom the option was exercisable shall be liable to pay to the landlord rent, at the rate payable under the previous tenancy at the date on which the vacancy occurred, from the date of the vacancy until the expiry of the time by which the option was exercisable under subsection (3) or such earlier time as he notifies the landlord in writing that he does not wish to exercise the option (which notice shall terminate the option)". Sir, this is a technical amendment which I am proposing. The scheme of section 7B is to confer an option on the family of a deceased tenant, the second generation, but the person entitled to exercise the option has two months in which to do so. If he does so then it has retrospective effect so that he must pay rent back to the day on which the vacancy occurred. There is, of course, also the second possibility

that he may choose not to do so in which case I think it is only equitable that so long as he holds his right to exercise the option so that the landlord is not able to let to some other person, then even though he eventually does not take up his option he should still be liable to pay rent at the old rate for that period. That is the intention, Sir, of the amendment and I move accordingly.

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

HON P J ISOLA:

Mr Speaker, I am glad that this particular section is not coming into effect immediately and is going to be considered further with my amendment because as the Hon and Learned the Attorney-General was speaking the thought occurred to me that there might have to be need at a future date to have an amendment to this Bill that will protect a number of people who are unprotected at this moment of time, in other words, this section talks of somebody dying so that it starts off as from today that if anybody dies one is protected. This amendment, for example, of referring back to the date when the option could have been exercised I trust cannot be used, for example, if one protects people who have been unprotected unknown to themselves and unknown to the landlord for say 5 years, or 6 years, it won't enable the landlord to go back and get a section 7(a) rent for 5 years back, I don't think one would want that at all. As this is the last amendment on the Bill, could I ask the Hon and Learned Attorney-General whether he would consider (a) the position of people who are unprotected today of which I believe there must be quite a number of tenants who are unprotected and therefore try and get some retrospective provision to put those people in a state of protection and then the other point of the question of an option not having been exercised, I would have thought that there was a need to put a time limit as to what back rent you can get an option that hasn't been exercised. Under the Landlord and Tenant Ordinance there is provision that if you over charge your tenant he can recover back excess rent six months and consideration might be given to making a limit of six months of the new rent not being able to go back further.

HON ATTORNEY-GENERAL:

May I ask whether he means by putting a time limit on back dating when you can collect rent under the option? As things stand at the moment the position is that you have two months in which to exercise the option and once exercised the rent starts from the day on which the tenancy occurred. If that is the point that is concerning the Honourable and Learned Member, well, I can assure him it is covered but if the point is that the landlord should have some limited time in which he must take steps to recover that rent which is a rather different point, well, that is a point I will certainly look at carefully.

Mr Speaker then put the question which was resolved in the affirmative and Clause 5, as amended, was agreed to and stood part of the Bill.

Clause 6 was agreed to and stood part of the Bill.

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

THE PENSIONS (HOUSE OF ASSEMBLY) BILL, 1979

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

Clause 2

HON ATTORNEY-GENERAL:

Sir, I beg to move that in subclause 1 of Clause 2 in the definition of the term "Assembly" that the figures "24" be deleted and the figures "25" be substituted. This is the reference to the section in the Constitution which establishes the House of Assembly.

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment and Clause 2, as amended, was agreed to and stood part of the Bill.

Clauses 3 to 5 were agreed to and stood part of the Bill.

Clause 6

HON G T RESTANO:

Mr Speaker, may I ask for further explanation on Clause 6 on how the reduced pension and gratuity is payable?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I will be happy to give the Honourable Member an explanation. If one assumes that a Member at whatever date he becomes eligible for a pension has a pension of £1,000 he has an option of taking the pension of £1,000 or of commuting up to  $\frac{1}{4}$  of that pension which would be £250 which would then be multiplied by  $12\frac{1}{2}$  which is an actuarial factor which is used for this purpose and receiving a reduced pension of £750 a year instead. You would make the option at the actual time at which the pension became payable.

Clause 6 was agreed to and stood part of the Bill.

Clauses 7 to 12 were agreed to and stood part of the Bill.

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

THE ELECTIONS (AMENDMENT) BILL, 1979

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

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

THE INCOME TAX (AMENDMENT) BILL, 1979

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

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

### THIRD READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to report that the Landlord and Tenant (Miscellaneous Provision) (Amendment) (No 3) Bill, 1979; the Pensions (House of Assembly) Bill, 1979; the Elections (Amendment) Bill, 1979; and the Income Tax (Amendment) Bill, 1979, have been considered in Committee and agreed to in the case of the first two Bills with amendments, and in the case of the second two Bills without amendment and I now move that they be read a third time and passed.

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

### ADJOURNMENT

HON CHIEF MINISTER:

Mr Speaker, I now move that the House do adjourn sine die. I know there is a motion on the adjournment but before I sit down in proposing this adjournment formally I would like to draw the attention of the House to the fact that the Honourable Isaac Abecasis has just completed three years as Regional Representative of the Commonwealth Parliamentary Association British Islands and Mediterranean Region. At great sacrifice he has had to travel a lot during this time but, be that as it may, by the reports I get both from Members of the Government and Members of the Opposition who have been to Conferences and so on, they all agree that he is an excellent ambassador for the Gibraltar cause and particularly for the CPA. I think it is a distinct honour which for the first time was conferred on a Member of this

House, that of being a Regional Representative and he has performed his duties with great zest and enthusiasm and has made a considerable number of friends and made great impact in big countries and I think the House should show its gratitude for what he has done.

HON P J ISOLA:

Mr Speaker, as Vice Chairman of the CPA Executive Committee I certainly join in those remarks on the Honourable Mr Abecasis' term of office as a Regional Representative of the CPA. I think we all accept that he has spent a lot of time in his job and we hope that he has had a fruitful time, we are sure he has had a fruitful time and we are sure he has contributed much to the Councils of the CPA and we applaud the sacrifices that he has made in this respect.

MR SPEAKER:

Perhaps, as President of the Gibraltar Branch of the CPA I should join with the words of thanks and gratitude which have been expressed to Mr Abecasis at the end of his term as Regional Representative. We have, as I have said in another forum, relied very heavily on the CPA and we have made use of that forum and I think it is right to say that the Honourable Mr Abecasis not only as a Member of the CPA that as Regional Representative had done Gibraltar a great service I do most certainly associate myself with the words that have been expressed by both the Chief Minister and the Leader of the Opposition.

HON I ABECASIS:

Sir, may I thank you and through you the Chief Minister and the Leader of the Opposition for your kind words. I can assure you that I have been very proud throughout the three years and I have done my best to keep the Gibraltar problem very much alive in every venue I have attended. Thank you.

MR SPEAKER:

I will now propose the question which is that this House do now adjourn sine die and in so doing I will call on the Honourable Mr Restano to move the matter in his name which he has give notice.

HON G T RESTANO:

Mr Speaker, the purpose of the question which I raised earlier in this House on the Catalan Bay Development as to why only six units were being constructed was to find out from the Government why exactly it had decided to build on a fairly large site only six units. The Minister in his reply intimated that there were problems of finance. We all know that Catalan Bay is a very

compact and closely knit unit and there is very little space for development and I definitely feel that where in a small place like Catalan Bay there is limited land available and a development programme is going to be put into progress then it is essential to make optimum use of the land available and to my mind to build six units on that site is simply not a viable proposition. If I may refer to the supplementaries, the Honourable Mr Serfaty did, in fact, agree with me that optimum capacity could be fifteen or sixteen units and he went on to say that maybe it would make sense to build more than six flats at this moment of time but it would have to be a political decision by the Government. It seems to me that unless there are very serious financial constraints, and I am sure that the Minister for Housing would be the first to agree, the more houses that can be built the better for Gibraltar and certainly to use that small area for just six flats to me does not make sense. However, after further prompting from the Opposition the Minister said that he was considering an alternative scheme of converting those six flats into ten smaller ones including bedsitters. I suggested that he should have a meeting with the villagers and in fact a meeting apparently had already been arranged, and it has come to my notice that different promises have been made to the villagers than what was said in this House only less than two weeks ago and I find it very strange and I have no reason at all to doubt the information that has been given to me, that a completely new project was promised to the villagers. I entirely agree with that project, it would appear to be a five-storey building and the architects apparently have been asked to restudy the position and, as I say, I entirely agree with such a project, I think it would be putting the area to better use but certainly I think it was wrong for us not to have been told here in this House when the question was put before and it smacks to me, Mr Speaker, of a bit of electioneering. However, what I would like to have assurances on from the Government is that it is seriously thinking or it has committed itself to constructing a five-storey building in that site, to inform us how many units such a building would include and whether, in fact, the Minister can say if there were serious financial restraints last Wednesday how is it that there are no financial restraints today? It seems, Mr Speaker, that this is just another case of the Government changing its mind within days of having made a statement in this House. We had the same thing with the Paediatrician case, the Generating Station, the generating set, the Auditor's Report and here is another one, yet another case where the Government says that they are only building six units and now we hear that they are going to build more. This is not governing with conviction, Mr Speaker, I cannot consider that decision to have now changed to fifteen flats to have been a genuine one of governing. It has been taken because there has been pressure and because the elections are round the corner, Mr Speaker. Therefore I would wish to get an assurance from the Minister whether in fact he has promised a much larger unit there and if so exactly what he intends to do there. Thank you.

HON A W SERFATY:

Mr Speaker, first of all I would like to know who is doing the electioneering, whether on this side or that side. Let me state quite categorically that I have not made any promises to anybody. This meeting with representatives of the villagers of Catalan Bay, was quite a big meeting which lasted very nearly two hours, with the architects, was held to discuss what the villagers had to say, to look at the problem to see to what extent I could go to Government, because I am not committed, I haven't committed Government to anything, to what extent their requirements could be made. It is a question of finances and it is a question of space. We had a long meeting, we discussed the matter with the architects, originally we had included in the budget for six units for one block. The villagers made the point that it would be a pity to just build one block on what is relatively a large site and when further, they proposed that the existing block which now has six units, six family units, should also be demolished. Ideally the best way of making the best use of the site would be undoubtedly to demolish the building which is on the southern end of the site and that we should as I have just said comprises of six family units. This is what the architects are looking at. I have not committed the Government, I haven't even committed myself to the provision of a specific number of units. We have discussed with the architects at that meeting what would be the ideal planning to make the best of that site, whether we should, as the architects were pressing, whether we should carry on with the construction of what we call Medview Terrace houses as have been built several years ago very close to that site to maintain the village character, whether as I myself say, we should try and see how we could provide more than six units at a relatively lower cost than the Medview Terrace housing, what would be the optimum that could be built, perhaps even leaving a space, as I have told the architects, why not have a different look, why not just build on what has been demolished, see whether we could provide an open space which we could landscape in addition to the provision of much needed car parking. This is what the architects in the Public Works Department are now looking at, to see as was suggested to the architects, forget for a moment the Medview Terrace type of housing and see whether we could build not houses that look like match boxes, no, but see whether by a simpler form of planning and the villagers were with me completely in that, they would be prepared to sacrifice if there is any sacrifice, in living in a rectangular or L-shaped block, whether by doing this we could provide for a few more houses and at the same time do some landscaping and perhaps have a different look at the development of that site. This is what the architects are now in the process of doing in the Public Works Department. They are looking at the possibility of building a different type of building which I hope might be cheaper and which they think may not be, but this is a matter that we shall discuss in depth with the architects, and see whether something can come out that is cheaper and that I can take to Government and as

I said in the answers to the supplementary questions, I would be delighted that instead of building six units, which is more than it would take the relative number of requirements of Catalan Bay village and, mind you, they have all my sympathy because compared to the whole of Gibraltar they have only got about a right, put it that way, to five units but I myself would be delighted to go to Government and see whether by some kind of planning we can provide seven bedsitters, 1 - 4RKB and 2 - 3RKB for more or less the same money and that would be I think a good solution. This is what we have been thinking and it is not because we have been pressed by the Opposition that we are thinking on those lines. At the same time I asked the architect to see what could be done in a second phase by demolishing the existing building on the south side of the site and in a second phase see whether we can provide the ten and perhaps some more in a simpler form of construction, whether four storey or five storey it is all a question to be decided later on. This is the position, Mr Speaker. I am prepared to answer any questions, I don't know whether that is possible, but I think there is nothing more to say. I have described the position, I have not made any definite promises, I have been very careful to tell the village representatives that we are going to look into the matter without any commitment in an effort to try and solve the problem to the extent that Government can, taking into account all the circumstances.

HON P J ISOLA:

Mr Speaker, only 20 minutes have been taken up so I would like to say shortly that we are very glad that the Government, after pressure from this side of the House and a visit from a number of Catalan Bay villagers, the Government is looking at it again. What amazes me, Mr Speaker, what amazes me is that the Government should now ask the architects to see what better use can be made of the land in question when they have already included the construction of six dwellings under the current Development Programme. Haven't they looked at this? Hasn't the best use of this land already been looked at? I mean, listening to the Minister speak . . . . .

HON A W SERFATY:

If the Hon Member will give way. The better use of the land in question is not the point, what better use of the land if we demolish the building on the south side which had not been envisaged until now.

HON P J ISOLA:

Be it as it may, Mr Speaker, I am amazed that now they should be looking at it again, a project that has gone into the current Development Programme and approved, that now we should find that the Government does not seem to have the answers to



questions I would have thought would have been there. I understood the position to be quite a simple one. We either give Catalan Bay six flats or we give them twenty flats. We can give them 20 because we know what use can be made of the land, we knew that already, to be told at this eleventh hour that now that the Government is going to look at it, I'm sure they are going to look at it very quickly because I'm sure they are going to make a decision, he is going to go back to the Government and he has got to make it go back very quick. It is surprising, let me put it that way, that the Government should now require to have to examine the position, ask architects to spend time, I would have thought that all this work would have been done when you were looking at the area in question when decisions were being made at that time. This seems to me to be another instance of Government reacting under pressure. Mind you, I think in this case perfectly proper pressure because it seems to me a great pity that with the lack of space there is in Gibraltar, it seems to me a great pity that a decision should have been taken or should be maintained under which an area only has six dwellings when it could take more merely because the Government feel they had better only give them six because there is the rest of the town area to think of. That was the consideration in the mind of the Minister when he answered about the number of people on the waiting list; that was the consideration in his mind when he talked about 1,800 people in the waiting list. The impression I got from the Minister was that the Government said that they were only going to spend so much on Catalan Bay because there were only 30 applicants out of the total of 1,800 which is a logical way of arguing but it seems to me wrong because whatever you may say you've got to make the best use of available building land and if the Government has not spent the money and have got money to use as it has, then make the best use of the site and then afterwards worry about other areas. Anyway, Mr Speaker, I think the House must be grateful to my Honourable Friend for having pushed this cause forward which will result for Catalan Bay in an improvement, will result in better housing for Catalan Bay even if the Government do take the credit for it as they undoubtedly will seek to do. They will not tell the Catalan Bay villagers that they have looked at the whole thing again and they now find they can build 18 flats a month or 3 weeks before an election. Good luck to them, I am glad they will seek to take the credit for it but at least we will have the satisfaction that Catalan Bay is being properly developed as opposed to non-user of land which is so precious in Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, I'm glad that the Honourable Leader of the Opposition is happy with satisfaction only and not with electioneering or with trying to boost up his depleted and only Member now present in a matter which is really of a long going concern. The Village Council have not had to wait for Mr Restano to enter politics to pressurise Government, they have been doing that ever since I have been in Government in 1950 and they

will continue to do so, bless them, but that doesn't mean that they have to get everything they want because, in fact, nobody does in a community where there are competing priorities and the fact that my Honourable Colleague the Minister for Labour and Social Security has visited members of the Village Council on many occasions so has my Honourable Friend Mr Serfaty and so have I. We don't publicise this, we don't just wait until there is a meeting of the House of Assembly in order to gain all the credit or change tactics at the last moment. No longer is the paediatrician the important thing, it is Catalan Bay that may be more vote catching than the paediatrician, so that is why we change tactics half way. There is one very important element in this and that is if you do everything that the Catalan Bay people want you to do and it is so much out of proportion to the general claims then we cannot maintain an undertaking which has been maintained that the Catalan Bay Housing List applies to Catalan Bay only. Immediately you start building in Catalan Bay a five storey block or a Tower Block or whatever it is, you will get the people and already there are people who complain and say: "Why shouldn't I get one? I have many more points than the people in Catalan Bay, why should I not be considered for a house in Catalan Bay?" There was a case in the Supreme Court on the matter so that is one of the factors that the Government has got to take into account. Of course, it might be easier and dispose of it but what about the others and, in fact, if we do give much more housing than is really required then other people would say: "Well I have got 400 points in the waiting list in the town and I don't get a house and somebody in Catalan Bay with 250 gets it." We do appreciate that there are characteristics in Catalan Bay that must be maintained and we have done so all the time. The Minister could easily say: "Well, I'm not standing for election in the future, I'm leaving politics, I can promise what I like and then let them blame it on me." He has been honest enough to say: "I have not committed myself to it because I want to think about it." It is because we do what we think is right and not what we think is immediately popular as the less initiated and recently recruited Members of the House think that things in Government happen. If the Minister had said: "We are not going to look at it", they would say: "What a stubborn man this is, he will never look at anything". If the Minister, in an attempt to be sensible and to be reasonable and to see every option, asks people to look at it they say: "Why do it at the last moment?" No, this is happening all the time, it doesn't need the Honourable Mr Restano to come here and recite it. As the Honourable Mr Canepa says, 'Government is the exercise of limited options'. Priorities are very important, money is very important and the interests of the people of Catalan Bay are also important.

HON H J ZAMMITT:

Mr Speaker, may I say that Mr Restano as usual has charged at this like a bull at a gate without even asking for facts and what Mr Restano has failed to accept or even consider is the fact that the decanting problem at Catalan Bay from the particular building that has had to be demolished that Government has a commitment to those people in the way of rehousing them and it is there and not because there is pressure applied as the Honourable the Leader of the Opposition has said, it is from the decanting problem that we have a commitment to rehouse them, that we have to rehouse these people, Mr Speaker, and it is there that whether we have six, seven or twenty units, the first commitment is to rehouse the people that were decanted because of a building that was collapsing. I think that many Members on this side of the House have been aware of the problems of that particular dilapidated building. Mr Speaker, another thing that the Honourable Mr Restano fails and I think even the Leader of the Opposition fails to understand is that although we are talking about the requirements today of seven bedsitters, 1 - 4RKB and 2 - 3RKB, there is something like 29 applications in Catalan Bay and there is also the fact that there are many people living out of Catalan Bay that would like to go back to Catalan Bay, but one cannot focus all the modernisation programme just to satisfy Mr Restano's whim that we should go ahead on a 5-storey block. There is absolutely no need for that as the Chief Minister has rightly pointed out. A 5-storey block of flats could well accommodate 50 families which are not required at Catalan Bay. Things are considered quite carefully, Mr Speaker, and although I agree that as Minister for Housing I would like to see 4,000 flats going up, at least from this side of the House we plan, we consider and try to do things properly despite the fact that the Opposition fails to understand that.

MR SPEAKER:

I would like to take this opportunity since I do not think we will meet before, to wish all Members of the House a very Happy Christmas and a prosperous New Year.

HON CHIEF MINISTER:

The same to you, Mr Speaker.

Mr Speaker then put the question which was resolved in the affirmative and the House adjourned sine die.

The adjournment of the House sine die was taken at 1.10 pm on Thursday the 13th December, 1979.