

# GIBRALTAR

## HOUSE OF ASSEMBLY



# HANSARD

25 March 1980

Vol. 1

## REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Second Meeting of the First Session of the Fourth House of Assembly held in the Assembly Chamber on Tuesday the 25th March, 1980, 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 Economic Development, Trade and Labour and Social Security  
The Hon M K Featherstone - Minister for Public Works  
The Hon H J Zammitt - Minister for Housing and Sport  
The Hon Dr R G Valarino - Minister for Municipal Services  
The Hon J E Perez - Minister for Medical and Health Services  
The Hon D Hull QC - Attorney-General  
The Hon R J Wallace CMG, OBE - Financial and Development Secretary

### OPPOSITION:

The Hon P J Isola OBE - Leader of the Opposition  
The Hon G T Restano  
The Hon Major R J Peliza  
The Hon W T Scott  
The Hon A T Loddo  
The Hon A J Haynes

The Hon J Bossano

### ABSENT:

The Hon I Abecasis - Minister for Tourism and Postal Services } who were  
The Hon Major F J Dellipiani ED - Minister for Education } unable to attend due to illness

### IN ATTENDANCE:

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

### PRAYER

Mr Speaker recited the prayer.

## CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 28th February, 1980, having been previously circulated, were taken as read and confirmed.

### DOCUMENTS LAID

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

The Elections (Amendment) Rules, 1980.

Ordered to lie.

The Hon the Minister for Economic Development, Trade and Labour and Social Security laid on the table the following documents:

- (1) The Employment Injuries Insurance (Amendment of Benefits) Order, 1979.
- (2) The Social Insurance (Amendment of Contributions and Benefits) Order, 1979.
- (3) The Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment of Benefits) Order, 1979.
- (4) The Employment Injuries Insurance Ordinance (Benefit) (Amendment) Regulations, 1979.
- (5) The Employment Injuries Insurance (Claims and Payments) (Amendment) Regulations, 1979.
- (6) The Social Insurance (Contributions) (Amendment) Regulations, 1979.
- (7) The Social Insurance (Benefit) (Amendment) Regulations, 1979.
- (8) The Social Insurance (Overlapping Benefits) (Amendment) Regulations, 1979.
- (9) The Merchant Shipping Ordinance (Amendment of First Schedule) (No 2) Notice, 1979.
- (10) The Pilots (Amendment) Rules, 1979.
- (11) The Port (Amendment) Rules, 1979.
- (12) The Prison (Amendment) Regulations, 1980.

Ordered to lie.

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

- (1) The Landlord and Tenant (Rent Relief) (Terms and Conditions) (Amendment) Regulations, 1980.
- (2) The Traffic (Glacis Estate) Regulations, 1980.
- (3) The Traffic (Taxi Fares) (Amendment) Regulations, 1980.

Ordered to lie.

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

The City Fire Brigade (Discipline) (Amendment) Regulations, 1979.

Ordered to lie.

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

- (1) The Colouring Matter in Food Regulations, 1980.
- (2) The Preservations in Food Regulations, 1980.

Ordered to lie.

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

- (1) The Supreme Court (Barristers and Solicitors) Rules, 1980.
- (2) The Coroner's Rules, 1980.
- (3) The Denmark (Extradition) (Amendment) Order, 1979.

Ordered to lie.

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

- (1) The Explosives (Amendment) Regulations, 1979.
- (2) The Imports and Exports (Control) (Amendment) Regulations, 1979.
- (3) The Imports and Exports (Control) (Amendment) Regulations, 1980.
- (4) The Income Tax (Appeals) Rules, 1980.

- (5) Supplementary Estimates Consolidated Fund (No 4 of 1979/80).

- (6) Supplementary Estimates Improvement and Development Fund (No 4 of 1979/80).

- (7) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 6 of 1979/80).

- (8) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 7 of 1979/80).

- (9) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 2 of 1979/80).

Ordered to lie.

#### HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, with your permission I would like to make a short comment about the Estimates of revenue and expenditure for the year 1980/81. These are not ready to be brought to the House at this particular juncture and I am therefore unable to lay them but in accordance with Standing Order 44(1) the Clerk will send to Hon Members copies of these Estimates not less than 15 days before they are considered by the House. In due course, when I come to the House, I can ask leave to move under Standing Order No 7(3) that I be permitted to speak to the Estimates as they are laid.

#### HON CHIEF MINISTER:

Mr Speaker, before we start question time I would like to make two comments. First of all, the questions which were addressed to the Minister for Education will be answered by the Minister for Public Works who has considerable experience as he has held the portfolio of Education in the past because as we all know by now Major Dellipiani suffered a very severe accident over the weekend in the course of some Gibraltar Regiment exercises and it will take a little time before he is fit. I am sure I am expressing the views of all Members present in wishing him a speedy recovery. With regard to the questions down for answer by the Minister for Tourism and Postal Services, he is not able to be here because he is indisposed. I have had a word with the Leader of the Opposition and we will leave them till the end of question time to see whether he is able to do so when he comes, if not we could adjourn them to a later date because his indisposition is, fortunately, not a serious one and he may be back tomorrow or the day after.

#### ANSWERS TO QUESTIONS.

The House recessed at 1.00 pm.

The House resumed at 3.20 pm.

Answers to questions continued.

The House recessed at 5.40 pm.

The House resumed at 6.05 pm.

#### THE ORDER OF THE DAY

#### MOTIONS

HON CHIEF MINISTER:

Mr Speaker, there is nothing very new in this motion, it is only to bring up-to-date and to take into account the changes that have taken place following the election. The first motion is: "That a Select Committee be appointed, to be designated the Select Committee of Public Accounts, to examine the accounts showing the appropriation of the sums granted by the House to meet the public expenditure and such other accounts laid before the House as the Committee may think fit and to report from time to time". This follows exactly the same wording as the original Public Accounts Committee which, of course, came to an end with the end of the previous House of Assembly. 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:

Mr Speaker, following on the motion which has just been passed and following on consultation with the Leader of the Opposition, I now have the honour to move "That the following Members should be nominated to the Select Committee of Public Accounts: The Hon Major F J Dellipiani, the Hon B Perez, the Hon G T Restano and the Hon A J Haynes."

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

HON P J ISOLA:

Mr Speaker, I support this motion. In the course of consultation I did inform the Hon and Learned Chief Minister that it is proposed from the Opposition side that the Hon G T Restano should be Chairman of the Public Accounts Committee. I am quite sure that Mr Restano as indeed the other two Members of the Committee who have served on the Public Accounts Committee under my Chairmanship will continue doing the good work that I feel the Public Accounts Committee has been doing over the last year or so and may I express the hope that the recommendations that the Public Accounts Committee makes to this House will continue to be treated with consideration and the seriousness that they obviously deserve and I hope that, as I said earlier on during question time, that changes that are recommended by the Public Accounts Committee will not be dismissed lightly by the administration.

MR SPEAKER:

In order to obviate any misunderstanding, of course the Chairman of the Select Committee will be appointed by the Committee itself and not by the House.

HON CHIEF MINISTER:

Yes, except that in order also to avoid any misunderstanding it should not be a Member of the Government.

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

HON CHIEF MINISTER:

Mr Speaker, this motion also arises out of the change of circumstances following on the elections and the motion reads: "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".

Sir, again as with the previous motion, it follows the pattern of the previous motion which were passed too late in the light of the last Legislature to be effective.

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:

Mr Speaker, following on the resolution just passed I now beg to move "That this House resolves that the following Members should be nominated to the Permanent Select Committee on Members' Interests:- The Hon A J Canepa, the Hon I Abecasis, the Hon G T Restano and the Hon W T Scott". Again the question of Chairmanship of this Committee is a matter, of course, for the Members themselves but it is intended that Mr Canepa who chaired the Select Committee that led to the passing of the resolutions and so on, certainly would be the nominee of the Government to Chair this Committee, but that is a matter for the Committee itself.

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

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

MR SPEAKER:

When the Standing Orders were amended to incorporate the re-communications of the Select Committee, Standing Order 54(7) was amended to read as follows: "Where a Member has a direct personal pecuniary interest on any subject he shall declare that interest and shall not vote on the question". I have given this matter very careful attention and the way the rule is drafted it means that once a Member considers that he is in a position where he has to declare a direct personal interest, by making such a declaration he is automatically, in accordance with the Standing Order as it stands now, disallowing himself from voting. I do not think that this is what the Select Committee wanted to achieve. There must be circumstances where a Member should and where it is proper that a Member should declare an interest so that the House knows exactly what the personal position of that particular Member is at the particular instance but having declared an interest he can at a later stage take a decision as to whether the interest he has declared is one which he should consider as to nullify his right to vote. The declaration should be completely and utterly separate from a decision as to whether the interest in itself is of such a nature as to not entitle him to vote. I say this so that since the Select Committee has now been appointed to consider all these matters they might perhaps give this matter their attention and perhaps amend the rule so that Members should be required in all instances to declare an interest but they should be at a later stage entitled to decide whether the interest is such as to not entitle them to vote.

HON CHIEF MINISTER:

I think, Sir, that that follows the House of Commons pattern. As in fact we are going to have a review of the Standing Orders perhaps the Select Committee could give us their advice on that. Mr Speaker, I have given notice on the 19th March, 1980, of a resolution that the House approves the giving by His Excellency the Governor of a notice which appears in the Order Paper and which is titled "Licensing and Fees (Amendment of Schedule) (No 2) Notice, 1980", and it shall come into operation on the 1st day of April, 1980. May I have the leave of the House not to read the whole of the notice?

MR SPEAKER:

I will most certainly on your behalf ask the leave of the House that the Chief Minister should not be required to read the full text of the motion since it has been circulated with the Agenda.

HON CHIEF MINISTER:

Mr Speaker, the Passport Officer and members of his staff occasionally have to attend at weekends and after office hours in order to issue a passport. At present no fee is charged but the cost to Government at current rates of pay for attending outside normal business hours is quite considerable \$13.55 on Saturdays and \$18.06 on Sundays and public holidays. It is therefore proposed to charge the persons requiring the service a standard fee for attendance after office hours for the issue of a passport. The amount of the fee would be closely related to the amount payable to the staff required to attend. The table of fees levied under the Consular Fees Order-in-Council, 1978, in that table the fee charged by consular posts for attending outside customary business hours is \$16.50 for each hour or lesser period and it is therefore proposed that this fee should be charged locally to be reviewed in the light of future pay increases. This fee will however be waived in cases arising out of bereavement or serious illness and other cases of hardship, for example, sponsored patients in need of urgent travel to the United Kingdom. In no case will a charge in excess of \$16.50 be raised since the work concerned would not normally take more than one hour. Another fee, and that is the fee levied in Gibraltar at present for the legalisation of documents is 5p. This fee has remained static for many years and from what we have been able to look at the fee certainly it was there in 1932. It is therefore proposed that it be increased to \$3 which is the fee charged by the Foreign and Commonwealth Office and Consular posts for this kind of service. Sir, I commend the motion to the House.

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

HON P J ISOLA:

Sir, I would like to make a point on the passports. I do not know how many officers are required, if it's just one officer £16.50 per hour on a forty-hour week basis represents a salary of £600 a week. I don't know what sort of overtime fees the Government pays. I don't know on what basis the Government pays four hours overtime to a civil servant if they only do one. If the Government wants to be good and kind, fair enough, but I think it is wrong to charge a member of the public going for a passport and having to pay, apart from the passport fee of £10, £16.50. It is no use saying that that is the cost to Government. Is that a reasonable fee to charge somebody for an hour's work on the part of a Government civil servant? It seems to me that is rather high, Mr Speaker, and I think that although it is not unreasonable to expect a member of the public that wants a service outside working hours to pay for it, it seems to me it is totally unreasonable to ask a person to pay £16.50 who may be going on a holiday or something, to pay £16.50 because he forgot to get the passport in time. I think the Government ought to try and strike a balance between the reasonable and the unreasonable and I think somebody who needs a passport and has forgotten it or has lost it, I'm not talking of hardship, who has lost it and so forth and has to catch a plane and needs the passport, I think to punish him with £16.50 is an inordinately large sum. I would like Government to reconsider that.

HON A J CANEPA:

Mr Speaker, I don't think it is a question of the Government punishing anybody. I think it is a question of a person paying a reasonable charge for a service which is provided for him by the Government at tax payers expense and if the tax payer has got to pay a Government officer who is called out for an hour on a Sunday morning, £16.50, because this has to be paid as per the agreement signed with the appropriate Staff Association and it is based on the practice in the United Kingdom, you don't bring somebody out for 10 minutes, or a quarter of an hour and pay him a quarter of an hour, you have to pay a minimum amount because of the inconvenience that you are causing that officer through having him attend to a member of the public at an unsocial hour. This has to be reasonably remunerated in the same way as a solicitor or a doctor who might be called out at an unsocial hour would also charge someone very, very heavily, there is an element of deterrent, I think, in that and the Government is being very careful in drawing a distinction between cases of genuine hardship such as in the case of bereavement or a sponsored patient and what could, perhaps, be termed a rather more spurious application for a passport at short notice because the person in many cases may not have gone to the trouble of checking on his passport and availing himself of the reasonable opening hours which are available in the course of the week for this service to be provided. I think we must get away from this principle of the tax payer subsidising people.

HON CHIEF MINISTER:

I would just like to stress what my colleague has said. It is not a question of making profit with anybody. I am quite sure that in many cases the person who wouldn't have a passport otherwise would be under a bigger hardship to have to put off all his arrangements because of an oversight on his part. The cases that we have mentioned here are clear and there is no question of means in cases of bereavement or serious illness or other cases of hardship when it will be certainly administered benevolently. This is only an attempt to get the service which the Government renders to people paid by those who benefit by them.

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

HON A J CANEPA:

Mr Speaker, I would be grateful if I might be allowed by Honourable Members to dispense with the need to read what is a rather lengthy motion of which I gave notice on the 17th March and which proposed to raise crane charges.

MR SPEAKER:

I am sure the Hon Minister has the leave of the House not to have to read the motion. Will you please proceed.

HON A J CANEPA:

Sir, the purpose of this motion is to increase as from the 1st April, 1980, by 50%, crane charges. These were last increased in November, 1977, in other words, about 2½ years ago and the extra revenue that will accrue as a result of this measure is about £2,000 a year. The proposals have been cleared with the Gibraltar Shipping Association who have expressed no objection. Sir, I commend the motion to the House.

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

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

HON ATTORNEY-GENERAL:

Mr Speaker, may I, before we deal with Bills raise a point in relation to the last two motions?

MR SPEAKER:

Yes, most certainly.

HON ATTORNEY-GENERAL:

Mr Speaker, the motions are presented separately for the reason that although they are motions to amend the one Ordinance they were presented as separate motions because they involve Ministers with different responsibilities. The Ordinance requires that the House approve the making of such amendments before the Governor proceeds to make them. In view of the fact that they are brought before the House at this time and will be published at the same time, may I ask whether there is any objection by the House to the substance of the motions being combined and eventually made in the form of one notice thereby saving, I think, cost and also being more convenient to the reader who wants to see what amendments have been effected to the Schedule to the Ordinance.

MR SPEAKER:

That is a matter of form exclusively and will not change in substance in any manner or form the motions that have been passed. Is that correct?

HON ATTORNEY-GENERAL:

Yes, Sir.

## BILLS

### FIRST AND SECOND READINGS

#### THE PRICE CONTROL (AMENDMENT) ORDINANCE, 1980

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Price Control Ordinance (Chapter 177) be read a first time.

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

HON A J CANEPA:

Mr Speaker, I have the honour to move that the Bill be now read a second time. Sir, this Bill provides for notices fixing maximum prices and charges under section 3 of the Price Control Ordinance to be issued directly by the Minister charged with responsibility for price control and

not by the Governor acting on the advice of the Council of Ministers as is at present the case. The issue of notices is essentially an administrative matter and notices are often required as a matter of urgency. It is considered to be appropriate, therefore, for such functions to be exercised directly by the Minister. The powers which are contained in section 11 of the Ordinance whereby retailers may be required by notice published in the Gazette to display their prices, is in essence a machinery provision for the better implementation of the Ordinance and it seems also appropriate that this power should be vested directly in the Minister responsible. There is, Mr Speaker, a minor consequential amendment to section 15 which has become necessary if these changes are to be made. I ought to stress, Mr Speaker, that the powers in sections 4 and 5 of the Ordinance, whereby particular enquiries may be undertaken and prices fixed, will continue to be vested in the Governor acting on the advice of the Council of Ministers as will the powers under section 15 relating to the appointment of persons to advise on the determination of prices and the making of the rules. Mr Speaker, although this, as I say, essentially is an administrative matter, I would imagine that from a constitutional point of view, it will also have the support of the House involving as it does greater devolution of power to the elected representatives of the people. Mr Speaker, I commend the motion to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, I was very interested to hear the last remark about constitutional advancement by giving the powers under the Price Control Ordinance to the Minister. I suppose one could say it is a small advance in constitutional practice, possibly, but I wonder whether it is good practice to have an Ordinance in which you have the Governor and the Minister mentioned which is what is going to happen here. I notice that the Governor in the existing Ordinance is referred to right through, it may not be the case I haven't had an opportunity to look at this. I think the important point of principle that seems to emerge from this Ordinance is that the Minister for Trade is apparently now going to . . . .

HON A J CANEPA:

If the Honourable Member will give way. There is a mistake in the explanatory memorandum. If the Honourable Member will look at clause 2 he will see that "Minister" is defined as the Minister who is for the time being charged with responsibility for price control and it need not necessarily be the



Minister for Trade. Up to 1973 it was the Minister for Trade, between 1976 and 1980 it has been the Minister for Labour, and at the moment this happens to be me who has a very long title but it is the Minister specifically charged with responsibility for price control and not the Minister for Trade as in the Explanatory Memorandum.

HON P J ISOLA:

that  
I am obliged for explanation, Mr Speaker. I said the Minister for Trade but I am really thinking of any Minister who might have this responsibility. It seems to me that what the Government now proposes to do is that such a Minister will be able, unilaterally, to fix maximum prices in Gibraltar without consulting his colleagues in Council of Ministers.

HON CHIEF MINISTER:

No.

HON P J ISOLA:

Well, I think that is what the Minister said, that instead of the Governor acting on the advice of the Council of Ministers it will be the Minister who will do it. If the Minister is going to do it as a result of passing it through Council of Ministers then it is a very different matter but I would have thought that such a sensitive area as price control, it is indeed a sensitive area, it would be better that orders under the structure should be with Council of Ministers. The other point is that I don't think it is tidy, Mr Speaker, and I don't think it is an advance to have an Ordinance in which the more serious powers contained are given to the Governor and the minor powers are taken by the Minister. I would have thought that if the Minister is going to take responsibility for the Price Control Ordinance and we are talking of Constitutional advance, then the Minister should exercise all the powers in the Price Control Ordinance but I should say that if that was the proposition that came forward to this House I think that we would oppose it. However, if we are going to be logical, if the Minister is in fact going to be the person who is going to be responsible for price control, then all the responsibilities in the Ordinance should be on the Minister and not in the Governor, but we do not like that idea. One might vote for this slight increase, let us put it that way, in the powers of the Minister on the understanding that the Council of Ministers would still look at price control lists, I think we would oppose an individual Minister deciding what inspector should go into premises and so forth which is what is in the Price Control Ordinance.

HON CHIEF MINISTER:

Mr Speaker, the point is that the Minister has always consulted Council of Ministers particularly when the changes are of substance, the routine work is carried out by the department but we find that it is rather cumbersome to have to seek formally to make a resolution of the Council of Ministers which meets on Wednesdays and then get the decision and then get the Governor to approve it and it is therefore very difficult when it is necessary to make any alterations to have the thing set out in time for the Gazette on Thursdays. There is no element of change in the fact that the Minister is seeking, it is only in the sense of the mechanics of it that it has become necessary. With regard to the other matter raised by the Honourable Leader of the Opposition, it is not the only Ordinance which has powers vested in a Minister as well as vested in the Governor. I can think of the Social Insurance Ordinance and I am not sure whether it also applied in the case of the Education Ordinance. There are others in which the dichotomy is probably there so that it does not matter in that respect. It certainly would not be the intention of the Government to try and seek authority to visit premises and to look at books and so on on the instruction of a Minister, in fact, the Governor acts on the advice of Council of Ministers. But this in the every day administration of the Ordinance, we find is rather cumbersome and that is why it is thought to amend it.

HON ATTORNEY-GENERAL:

Mr Speaker, I, too, would like to add that I think that the fact that one Ordinance provides both the powers to be exercised on the advice of the Council of Ministers as such and also provides for powers to be conferred on a Minister particularly, this does not demonstrate any inconsistency in the Ordinance. I think this is not uncommon and I don't think it is bad practice. I think the main thrust of this Bill to be to provide for greater administrative convenience because these notices are notices which are issued every week, possibly, even more often on occasion and therefore it is essential to be able to fix prices and promulgate them as quickly as possible. Section 45(2) of the Constitution in fact contemplates that powers may be conferred and exercised in such a manner and I think that is the intention of this amendment. Another point I would like to speak to, Sir, is that the effect of this power is the power to determine goods which would be subject to price control and further to determine the actual prices, in other words, to review the prices from time to time. There are other powers in the Ordinance which deal with the investigation of prices being charged by particular dealers, these are investigative powers and these powers will be exercised on the advice of Council of Ministers.



MR SPEAKER:

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

HON A J CANEPA:

Mr Speaker, I would like to underline what the Chief Minister has said. I can think of at least three Ordinances which have been enacted by the House of Assembly in recent years which provide for this dichotomy of the Governor and the Minister in various sections, the Industrial Training Ordinance, the Social Insurance Ordinance and the Education Ordinance and the fact that this was done was regarded by Honourable Members at the time as of some constitutional significance. The Chief Minister is perfectly correct when he says that the time element is some times very limited as between a matter being brought to Council of Ministers on a Wednesday and the need for the notice to be published the next day in the Gazette but perhaps I can assure Honourable Members opposite that on all those matters which involve price controlled commodities of great sensitivity, the practice will continue to be as it has always been to take a well detailed paper to Council of Ministers and have decisions taken collectively. We want the powers vested in this Bill in order to avoid the Minister having to take formally to Council of Ministers a legal notice that will require or that will entail an increase of say 1p or 1p in a particular brand of milk, sterilised milk, of which there may be 20 or 30 brands, this is what we want to avoid, but if there is a need to increase, say, the controlled price of bread or frozen beef and any other commodities which are much more sensitive, I can assure Honourable Members that the practice will continue to be for the Minister involved to take a paper to Council of Ministers because I think that his colleagues would demand that of him. As regards the issuing of warrants and investigatory powers to Government officers which is what I referred to under section 4 and 5 would continue to be vested in the Governor, I would imagine, Mr Speaker, that having regard to the great deal of sensitivity in this House in the last two or three years on precisely that particular point, I would have thought that the House would very much prefer that it would be the Governor who would continue to be empowered to issue such warrants and not the Minister having regard to different approaches by the Minister responsible on purely ideological grounds whereas with the Governor having this responsibility I think citizens would feel, the trade in particular would feel, that there was a much greater deal of protection on a more objective and impartial basis. I disagree with the Honourable the Leader of the Opposition in that respect and as I say I do regard this as being of some significance in spite of the fact that the measure is intended mainly to be of administrative convenience within the parameters that I have mentioned.

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

HON A J CANEPA:..

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

This was agreed to.

#### THE PENSIONS (AMENDMENT) ORDINANCE, 1980

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Pensions Ordinance (Cap 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 ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be now read a second time. Sir, the purpose of this Bill is to provide that where a salary increase is awarded to public servants and where the payment of that increase is to be made in stages nevertheless, for the purposes of pensions under the Pensions Ordinance, if the Governor so declares the increase could have been treated as having been made either to the whole or to the part at the beginning of the period when the first stage was granted or at any time during the period of staging up to and including the last date on which the final stage became payable. Mr Speaker, the Bill, as drafted, would confer a discretion from the Governor to decide from what date pensions would become payable. It is the same Bill in substance as a Bill which Members will recall was introduced in 1979 - late 1979 - and did not go through all its stages at the event, it lapsed. The Bill has been the subject of discussion with the United Kingdom pension authorities and the Government is now proposing that this Bill proceed in its present form. I should perhaps mention that there are also the provisions in the Pensions Regulations relating to industrial staff to whom the Ordinance itself does not apply and it is proposed that similar regulations will be made to deal with industrial staff. Those regulations will require to be referred to the Secretary of State for approval. Sir, I commend the Bill to the House.

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

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

HON 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.

#### THE TRADE LICENSING (AMENDMENT) ORDINANCE, 1980

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Trade Licensing Ordinance (No 35 of 1978) 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 be now read a second time. Sir, this Bill contains various and not necessarily related amendments to the Trade Licensing Ordinance. Some of them are minor amendments and are intended to make drafting improvements or to correct minor drafting errors that exist in the Ordinance, others are more substantive. I propose to go through the Bill clause by clause and outline to Members the effect and purpose of the amendments. In clause 2 Members will see that the definition of the term "goods" as used in the Ordinance at present is re-arranged. This is purely a drafting improvement and is intended to make the definition more logical. In clause 3 there is also a drafting amendment. That clause at present contains an error referring to a subsection which is not in fact in the Ordinance and the purpose of the amendment to clause 3 is to delete that reference. Clause 4 is the most substantive amendment, it relates to the conditions on which an application for a licence may be refused. At present the circumstances under which licences can be refused are laid down in section 16 of the Ordinance. This inserts an additional situation in which the Trade Licensing authority may refuse the grant of a licence and that is on the grounds that the issue of a licence would unduly prejudice the implementation of price control under the Price Control Ordinance. At present one of the grounds is the public interest but the public interest is a wide term and this is designed as a specific amendment so that where the granting of a licence may create difficulties in the implementation of price control if the Trade Licensing authority is satisfied that this is the case, then it may decline a

licence on that basis. The provisions of the Ordinance of course provide that there is a right of appeal against the decision of the Trade Licensing authority, 6 and 16 is also amended in relation to the Development Aid licences that were issued before the commencement of this Ordinance. Under the previous Ordinance it was provided that where a person had been granted a Development Aid licence then he would automatically become entitled to a trade licence under the predecessor of this Ordinance. When the new Trade Licensing Ordinance was enacted in 1978 it no longer became automatic that the holder of a development aid licence would get a trade licence, they become discretionary but there are those persons who already held development aid licences at the outset of this Ordinance and therefore because they had existing rights under the old Ordinance it is only correct, in my opinion, that there should be a transitional provision providing that where they held a licence before the commencement of the 1978 Ordinance, they would be entitled to as of right to obtain a trade licence under the 1978 Ordinance. So far as is known I don't think anybody has in fact suffered because of the change from a mandatory entitlement to a discretionary entitlement because I believe that in every case licences were in fact issued but nevertheless the law should formally cover that lacuna and should provide transitional provision in relation to people who held development licences before 1978. Clause 5 of the Bill inserts the provision to make it quite clear that where the authority grants a licence it may specify either that the licence which must relate to particular premises will be for goods to be sold by way of wholesale or for goods to be sold by way of retail. At the moment the Ordinance does not make it clear whether the conditions to either of those effects can be attached to a licence and this will be a specific power directed to that end. Sir, clause 6 of the Bill is essentially a minor drafting amendment to spell out more precisely the procedural powers of the authority when it sits. It may regulate its own procedure subject always of course to the expressed terms of the Ordinance and also to any regulations made under the Ordinance. Finally, Sir, clause 7 of the Bill has the effect of deleting the present requirement for banks to obtain a trade licence and of adding two other types of business for which a trade licence will be required, namely, printing and welding. The reason for deleting the requirement that a bank should hold a trade licence is, first, that in fact the banking legislation already provides adequate control for banks and, secondly, that because of EEC directives I think it is desirable that one should look only to the banking legislation rather than this Ordinance as well. So far as the addition of the businesses of printing and welding to the list of businesses which will require a trade licence is concerned, clause 7 does contain transitional provisions the net effect of which I think can be summarised as being this, that if at the coming into operation of the Bill a man is carrying on business as a printer or as a welder then for three months he will be entitled to continue to carry on

business. Moreover, if he chooses to apply for a trade licence as no doubt he would within those three months, he would continue to be entitled to carry on business until the licence is issued and, finally, to complete the transitional arrangements once he does apply he must be given a licence on terms which enable him to carry on business no less favourably than before the licence was granted. That applies to existing printers and welders, of course. 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 MAJOR R J FELIZA:

Mr Speaker, I would like to say a few words on this because I am a great believer in competition and anything that restricts free competition in my view in the long run is harmful for the economy and above all I think expensive to the consumer. Because of that I always try and see from the point of view of how necessary is control and how can we if anything reduce this control, not increase it. Therefore, whenever I see an amendment to an Ordinance which introduces further controls I am sceptic in trying to see the reason why. Looking at this, in my view, I think certainly three items in the new Ordinance I would certainly try to hear more about before I am convinced that this is necessary. That is that under section 4 where the question of the issuing of the licence would unduly prejudice the implementation of price control under the Price Control Ordinance. I can see that there would be very good arguments put forward to try and prove that it could make difficulties under the Price Control Ordinance by perhaps arguing that if two people bring eggs into Gibraltar the price of eggs is likely to go up rather than go down for reason perhaps that the quantities that can be brought out at one time would be too large and so on and so forth. I think that people who are in the trade and who are very keen if possible to get a monopoly and therefore ensure that they are going to be in business until the year 2000 will produce very good arguments whereby new importers cannot be allowed to start the same sort of business in Gibraltar. I am not referring to eggs specifically, I am of course bringing this as an example, it could be anything else mainly, I think, perishable commodities, perhaps, open themselves to this sort of argument. I would like to hear stronger arguments on the part of the Government to prove that this would be necessary and perhaps to come out with certain examples to prove the point. I haven't heard that here today, Mr Speaker, and therefore at this stage I am not convinced that this is necessary. Equally, I think, if we go to section 5(a) that goods may

be sold wholesale and not by retail and (b) that goods may only be sold by retail and not by wholesale. I think it is also possible if we introduce this clause, I think it is possible that we may introduce the need of a middleman which will obviously increase the cost. Again I think wholesalers will be able to produce very good arguments as to why we should not have more wholesalers. I think that if you grant a licence for an individual to trade in one commodity then whether he brings it wholesale or retail I really cannot see the reason why this should be introduced. And again, Mr Speaker, on that particular point I would like to hear more from the Government and again perhaps give examples of how this could prejudice both trade in Gibraltar and above all the consumer. Perhaps the most important one is No 7 and I must refer to the printing side. If we are going to have a licence for printing we are endangering to some extent the question of the freedom of expression. We have got to look not at the circumstances as they are today but in the circumstances that could develop. We do not know to what extent the Committee concerned with the issuing of licence could be influenced politically, we do not know, or for any other reason and to what extent their deliberations may be affected by political views or other views which could affect the granting of a licence for printing. Consequently, I think we would be limited as to the number of people who could do printing to those who are already established in the community and any breakthrough would be impossible. Therefore, up to now I don't believe that there has been any problem. Perhaps it could be said that some business is going away from Gibraltar and therefore harming our local printers. Perhaps if the Government who are the greatest customers for printers in Gibraltar were to make it a point of giving their work to local printers that problem I doubt, Mr Speaker, whether it would ever arise because I think the amount of work that other firms do and that small societies and institutions in Gibraltar carry out are so limited that I cannot see how that work could really be done outside Gibraltar at a more advantageous cost. Therefore, Mr Speaker, for those reasons that I have explained, I at this moment would be inclined to vote against those three clauses that I have mentioned and I would be most obliged if the Government could explain in greater detail and in more convincing terms and above all giving convincing examples as to why this is necessary.

HON A J CANEPA:

Mr Speaker, I think the Honourable Member has a point to the extent that the Government should outline its policy and the reasons that have motivated the Government to bring these amendments to the House. There are three points that the Honourable Member has mentioned. Let me deal with the one that I think I can dispose of rather more easily and that is the question of freedom of expression. I don't think it has ever entered the mind of the Government that it should use printing by including it in the Schedule of the Ordinance in order to lessen freedom of expression.

HON MAJOR R J PELIZA:

If the Hon Member would give way. I wasn't suggesting for a moment that Government was doing it specifically for that purpose in mind but what I said is that we have got to see when we are legislating that we should see ahead and see all the consequences.

HON A J CANEPA:

I don't think freedom of expression is so much limited by printing as by publishing, I think that is the cardinal issue. Anyhow, the reason why the Government considers that printing should be included in the Schedule has been that we have considered representations that we have received from all local printers in Gibraltar who are afraid that there might be unfair competition from people across the way under the guise of a company that could be registered in Gibraltar and it is they who have asked the Government to give them this protection by including printing in the Schedule and bringing it within the ambit therefore of the Trade Licensing Committee as guardians of this Ordinance. That would give them really an opportunity to object before the Trade Licensing Committee if there is an application for somebody else to set themselves up as printers. In all cases of course there would be an appeal from the Trade Licensing Committee to the Magistrate which therefore provides sufficient safeguards. On the question of price control, I don't think that what we are intending so much is that traders who might wish to bring about a monopolistic situation would be empowered to put price control considerations to the Licensing Committee, what is intended is that the Government itself through its Consumer Protection Officers, would be able to put before the committee considerations of policy on price control and I can give a specific example, which is what the Honourable Member requested. The present price list of fruit and vegetables was fixed some time ago on the basis of 38 retail outlets being the reasonable number that would be deemed to cater for the needs of the community. If you are able to have certain prices based on 38 retail outlets then if there were to be further proliferation in that number of retail outlets and you had 55, say, then because of lower turnover and because of overheads the Government would receive representations from retailers to have higher prices to compensate them for lower turnover. This is the kind of consideration that the Government wants to be able to put to the Trade Licensing Committee as perhaps justifying their refusing an application for a licence. It could be said that public interest covers that but the advice of the Attorney-General is that we ought to be rather more specific than to try to cover price control by wider public interest because that might not stand the test on appeal and therefore his advice is that we should be more specific and directly empower the Government to be able to put this aspect of public policy of price control and bring it for the attention of the Trade

Licensing Committee. The third point is the question of trading as wholesaler and retailer. I think I can explain to the House in some detail what has led to this. In December, 1977, when considering an appeal against a decision from the then Trade Licensing Committee to refuse an application for a wholesalers licence, the Magistrate ruled that it was difficult to justify a refusal for a wholesalers licence on the grounds that the needs of the community were adequately provided for. He expressed the view that wholesalers diversified sources of supply and were of benefit to the community as a whole and the appeal was granted. Following this decision there has been a noticeable increase in the number of applications for wholesalers licences in different commodities and the trade licensing authority has to a considerable extent been tied to the ruling of the Magistrate. It is not unlikely that this situation is being abused by wholesalers who are trading as retailers and again the advice of the Attorney-General has been sought on this matter and his advice is that it would be useful to include a provision in the Ordinance to make it quite clear that as a condition of a licence the authority may require wholesale and retail operations to be kept apart, in other words, on separate premises. These are the considerations which have motivated the Government to bring amendments to the House on these three areas which the Honourable Member was worried about.

HON P J ISOLA:

Mr Speaker, I can understand the reasons for bringing these proposals to the House but I am not entirely convinced on the arguments about the implementation of price control under the Price Control Ordinance. It seems to me that that provision is an unduly protective provision. I would have thought that the Consumer Protection Officer is able to go to the Licensing authority to object and that the Licensing authority has power under 16(f) "that the needs of the community either generally in Gibraltar or in the area thereof where the trade or business is to be carried on are adequately provided for". I would have thought that that was a general statement of the principle which should cover this particular situation. I think that by putting a provision like this in, I think it would certainly give the impression of the Government supporting unduly monopolies in Gibraltar. Price control tends to produce this, it is not something that is peculiar to Gibraltar that when you introduce price control as an instrument of keeping down cost of living, inevitably it seems that those goods that are price controlled are the ones to go up most for one reason or another. It may be for the reason my Honourable and Gallant Friend set out of lack of competition, it may be other reasons, I don't know what they are, but I do think that my Honourable and Gallant Friend is right in disagreeing with the insertion of that particular clause in the Ordinance and certainly I am sure that the Opposition as a whole will vote against the inclusion of that clause, which would make it unduly restrictive. I think it is up to

the Consumer Protection Officer to go to the Trade Licensing Committee and put his case for not granting an additional licence. For example, the Minister mentioned fruit and vegetables, if there are already too many fruit and vegetables, well, then I would have thought that the Trade Licensing Committee would not give any new licences and would say that the needs of the community are adequately catered for. I don't see why there should be an additional factor to prevent the normal process of businesses being opened by people and the Trade Licensing Committee looking at an application on its merits under this general guise of 16(f). Mr Speaker, the question of goods being sold by wholesale and not by retail, section 5 of the Ordinance that my Honourable and Gallant Friend spoke about, I think there the Minister for Labour has given us an explanation which if you are going to have the system of licensing then I think perhaps it is fair. I have been slightly surprised, for example, in recent weeks by seeing notices in the press on behalf of people applying for licences to sell everything under the sun almost, wholesale, selling electronic goods and all that. Of course, it is well known by everybody in the trade or in the business, let me put it that way, that the Trade Licensing Committee has decided or decided some time ago that there should be no more licences for electronic goods and I am surprised to see the number of applications I see of people applying for electronic licences. Of course, if this is being done to get round the policy principle that there should be no more electronic shops in Gibraltar then of course I think we should agree with this amendment, it is as simple as that. We didn't necessarily agree with the trade licensing and I share very much the sentiments that my Honourable and Gallant Friend has put forward about free competition but I think that if we are doing it, I think people are going to sort of say they are selling wholesale and then they sell retail should be stopped. However, Mr Speaker, on section 7 of the Ordinance I think there we must maintain our objections. First of all let me just mention banking. I am a little surprised to hear something about EEC directives, I don't know whether EEC directives would affect other matters that are controlled by the Trade Licensing Ordinance but I see no objection in principle to keeping banking in the Trade Licensing Ordinance. And the reason I say this is that the whole purpose of the Trade Licensing Ordinance as was passed by this House in 1978 was that as many trades and businesses as possible should require a licence under the Trade Licensing Ordinance whether they required to be licensed under other Ordinances or not and banking was one of them. It seems to me that a day could come when banks established in Gibraltar feel there are too many banks and I feel they should have a right to object to other banks setting up in Gibraltar. It may well be that the Trade Licensing Ordinance as presently composed will give short shrift to their argument that there are enough banks in Gibraltar but I see no reason why banking should be taken away from the Trade Licensing Ordinance. And as far as printing is concerned, Mr Speaker, the argument that printers think that somebody could come from Spain or anywhere

else and establish themselves as printers, that is an argument that is open in every sphere of trade in Gibraltar. I think the House has to remember that linked with printing is publishing. Nobody can start a newspaper in Gibraltar and survive unless there is a printing business attached to it, and there are examples of this, or they are heavily subsidised. Therefore by making printing an item in the Ordinance that requires licensing, Government are interfering with the freedom of expression. They are ensuring in an indirect way that no new newspapers are established in Gibraltar except with permission of the Trade Licensing Committee on which are represented various sectors of the community and not all sectors of the community. We do and we will maintain our objection on printing as being as interference with the liberty of expression of the individual and a threat to the right of people to publish newspapers, not that I like newspapers that much, and there are a lot of them I think we could do without, I won't mention which, but that is the position, people must be free to express their views and people must be free to express views from whatever side of the political spectrum they come. As far as unfair competition is concerned in printing we see no reason at all why Government who are, I believe, the people who give out advertisements to all the various newspapers, Government who are the providers of advertising space to a great extent and also the people who give most of the contracts in printing, there is no reason why Government should not take a policy decision as to who they give their business to as long as they are fair about it. Nobody in this House is going to get up and say: "Why did you give the printing of this particular Government order to people whom we know come from across the border?" We wouldn't get up and object to the Government taking that view but I think it is strange in the present situation of a closed frontier to find an argument being put forward that somebody from across the way is going to come round the corner and round the way and into Gibraltar to set up a printing works in competition with local printers. Here it is the question of principle that is involved and the question of principle is that it would tend to interfere with the freedom of the press, so we object to that, there is no question about that one. Mr Speaker, I think that the attitude we must take on this Bill is to abstain on the second reading and if the Government persists with the Bill as drafted then, of course, we will vote against it at the third reading.

#### HON CHIEF MINISTER:

Mr Speaker, I am glad of this debate because it certainly gives me an opportunity of stating quite categorically that the representations which were made by five printers about this matter were considered in bona fide as being a grievance of possible competition from outside and the question of liberty of the subject and of printing never entered my mind until I heard the Honourable and Gallant Member's speech this afternoon. Whether I accept his argument or



not is another matter but I would like to assure the House, my Party having been responsible in 1943 of removing the licensing of newspapers from the old law which held them subject to a licence by the Governor, having fought for that and obtained it, I would never dream of doing anything that would be considered like that. On that one all I will say is that I will think about it because I think it is worth thinking about it and in any case there will be the licensing committee which is representative of both sections of the community, the Chamber of Commerce, the Trade Unions and independent people and even then it is subject to an appeal to the Magistrate who will always be, whoever he may be, an independent person who would see through any attempt at preventing this even if that were the intention of the committee which I doubt it. Having said that of course I would like to think about that aspect of the matter which in fact had not occurred to me because this thing was done absolutely bona fide on the strength of these representations. I am glad that the Honourable Leader of the Opposition sees the point about this question of wholesale and retail because it is fair that if there is a licensing procedure that it should not be abused, that people should go straight forward to whatever they want to deal with and they should know. Incidentally, with regard to printing, we did have objection from an Honourable Member opposite about the fact that the Government had given some contract to some printers from outside so, indeed, there it was an element of protection to the printers in Gibraltar. The objection was made by the Honourable G T Restagno in the past and we did say that though they are going to tender for substantial orders we would certainly not consider that as less competition though it may be interesting to note if you look at some of the volumes of Halsbury's Statutes of England published by Butterworth that they are printed in Austria, it may be cheaper to print in Austria than it is in England. Anyhow, we will think about that one. The other point certainly we will proceed with because we think it makes the position tidier and the question of public interest and the question of price control I really haven't been convinced by the points raised by the Honourable Leader of the Opposition. I think in any case it will be up to the Consumer Protection Officer to make his point except that instead of doing it under the umbrella of public interest he will do it under the specific umbrella of his own department.

MR SPEAKER:

If there are no other contributors I will ask the mover to reply if he so wishes.

HON ATTORNEY-GENERAL:

Mr Speaker, I would like to speak to a few of the points that have been raised by Honourable Members on the opposite side. If I could deal first with clause 4 of the Bill. I take to some extent the point made by the Honourable Member

that subsection 1(f) of clause 16 does go to the question of whether there are sufficient businesses or too many businesses already in the community and therefore to that extent is not irrelevant to the purposes for which the price control provision has been made but even though in strict logic there may be an overlap, there is also the question of the practicability of enforcement and this, as the Government has indicated, the implementation of price control is a matter which is regarded as being important, then I see nothing wrong with putting in a provision specifically addressed to being able to deal with that situation and you will see that the provision is in fact worded in those terms where the issue of a licence will unduly prejudice the implementation of price control. Of course it is one ground on which a licence may be refused but I accept that on principle it is a restriction. It is a ground on which it may be refused, the matter is discretionary and there is a right of appeal. The second point, Mr Speaker, I think perhaps I am covering ground which has already been accepted but so far as the amendment relating to clause 5 is concerned I think the point was well made that the principle is established that one may control premises by licensing them and therefore to distinguish between wholesale premises and retail premises is essentially, in my view, a machinery extension of the principle. The first point which I would like to speak to is the question of banks and the Honourable and Learned Leader of the Opposition referred to the EEC directives. I think there are two points about banks, the first is that there is an Ordinance which is specifically addressed to the regulation of banks and under which a licence is required and it would seem to be unnecessarily duplicated administration to also require a further licence under this Ordinance. I appreciate that there may be some Ordinances where more than one licence is required but in the case of banks I don't think that is a reason for saying that banks should remain in this Ordinance. The second point is that so far as the directives are concerned the fact of the matter is that there is an EEC directive which is specifically addressed to banks. There are, of course, provisions in this Ordinance which are addressed towards safeguarding the rights of EEC Nationals but in the case of banks there is a directive which is specifically addressed to that subject and I don't think it is appropriate that this Ordinance should regulate banks. Finally, Mr Speaker, if I may come to the point of printing because I must confess it is a point which I had not taken myself. I will certainly from the point of view of a lawyer look at the implication of the reference to printing and advise the Government, from a technical point of view I should make it clear, whether some modification or whether some safeguard should not be built in, and possibly these are matters which could be looked at before the Committee Stage of this Bill.

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

The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon D Hull  
The Hon R J Wallace

The following Hon Members abstained:

The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Loddio  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon W T Scott

The following Hon Members were absent from the Chamber:

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

The Bill was read a second time.

HON ATTORNEY-GENERAL:

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

This was agreed to.

The House adjourned at 7.30 pm.

WEDNESDAY THE 26TH MARCH, 1980

The House resumed at 10.30 am.

#### THE ADMINISTRATION OF JUSTICE ORDINANCE, 1980

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend various Ordinances to provide for the better administration of justice 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 be now read a second time. Mr Speaker, this Bill contains various provisions; some are related and some are not. They all have in common the theme that the short title indicates and are to provide for the improved administration of justice. When one has under consideration matters which need revision they are of course ongoing, there are points coming up all the time and one has the choice of two approaches either to deal with each point by a specific Bill as it arises and in cases of urgency or particular importance that may well be necessary, or to gather the points and to present them in a single measure periodically which except in the case of urgency or special importance I think is the more desirable approach because it collates and consolidates the various items and brings them together at a point where they can be duly considered collectively.

MR SPEAKER:

I take it that it is not going to be the practice now to amend Ordinances by general amendment Bills, it is in this particular instance that you are doing it.

HON ATTORNEY-GENERAL:

Mr Speaker, I think myself the matter would be governed by two principles. First it would have to be a matter where there is a practical reason for bringing everything together under one heading and, secondly, I think there would always have to be a common theme, in other words, I think any single Bill should preserve a common theme. It has been the practice in the past here and I think elsewhere, to present law revision measures in a single Bill because of the common theme. I don't propose to do the same thing all the time by any means but periodically I will be presenting such a Bill to the House. If I can deal with the first group of amendments which are the most numerous and which relate to one particular point of administration. They are to be found in clauses 2, 3, 4, 5, 6, 12, 13, 15, 16 and 23. These amendments all provide in the case where an Ordinance appoints a Registrar such as companies, friendly societies, trade marks patents, for the appointment of officers as either deputy or assistant registrars and further provide, and this is really the substance of the provision, that those officers may exercise all the powers of the Registrar subject to certain specified exceptions where it is considered that the power by reason of its gravity is too important, perhaps, to be delegated to an Assistant Registrar or to a Deputy Registrar.



I should perhaps refer to the various powers that are reserved from the ambit or the fiat of the Deputy and Assistant Registrars. In the case of companies you will see that the power to appoint an inspector to call a special meeting of a Building Society which is one of the powers that the Registrar of companies has reserved, in the case of cooperative societies the powers of winding up, of appointing a liquidator and controlling a liquidator, the powers of surcharging officers, attaching properties and settling disputes are all powers which will not devolve upon the Assistant Registrar. In the case of patents the Registrar's power to make rules will not devolve on the assistant. In the case of friendly societies the powers of investigation and dissolution will not devolve. When I say the powers otherwise will devolve on the assistant, of course, the Registrar himself in every case retains both the power to exercise the function in his own name and also the power to control his subordinate in exercising the function. There is one other point I should make, Mr Speaker, and it is this, that these provisions in themselves do not authorise an increase in establishment, I think that is a very important point to make. They are capable of being exercised so as to have existing officers in departments designated officially as Assistant Registrars or as Deputy Registrars. Any question of appointing further officers specifically to fill those posts is a matter which would have to be dealt with separately, this Bill contains no commitment to proceed to that stage. The second amendment relates to the Coroner's Ordinance and the effect of the amendment essentially is to provide for the fixing by secondary legislation of the fees and expenses that are to be paid to people who are performing functions under the Coroner's Ordinance, for example, medical practitioners. This is, if you like, a provision intended for the more orderly, the better administration and control of the Coroner's Ordinance. In saying that I would not like anybody to think that it is being suggested that the control at the moment is inadequate but I think properly fees should be provided by regulations or by rules and this amendment so provides. The third amendment, Mr Speaker, relates to the Criminal Justice Administration Ordinance, it is a procedural amendment, it follows a court decision in the United Kingdom, in 1978. The law at present permits the cross examination of a defendant as to his previous convictions and bad character where he has given evidence against another person charged with the same offence. The proposal in this amendment is to widen that in effect so that such cross examination will be permissible where he has given evidence against another person charged not necessarily with the same offence but in the same proceedings. This proposal has arisen out of a case in the United Kingdom where it was ruled that two defendants, one of whom was charged on one count of one indictment the other of whom was charged in another count of the same indictment, were not regarded as being defendants in relation to the same offence. The amendment has been made in the United Kingdom, it is being considered here and it is felt that it would be desirable to

follow suit in Gibraltar. The next amendment is to be found in clause 14 and it provides that Justices of the Peace should be transferred to the supplemental list once they reach the age of 70 instead of the age of 75 as is the case at present. This is a provision which is considered to be desirable as a general matter of policy. It is felt it is more appropriate that the transfer to the supplemental list should occur at the age of 70 than the age of 75. The next group of provisions to which I would like to refer, Mr Speaker, all relate to the Supreme Court Ordinance. The first of these deals with the provision in the Supreme Court Ordinance at present which requires that the Registrar of the Supreme Court and other specified officers of the Supreme Court are appointed by the Governor but their appointment is subject as a matter of statute laws to the approval of a Secretary of State. It is proposed to omit that requirement from the statute law as such for two reasons, the first being that it is essentially an administrative matter anyway rather than a matter of law, the second being that more than that at this stage it is not considered appropriate that one should have to obtain the consent of the Secretary of State to such an appointment. The next amendments relating to the Supreme Court Ordinance are designed to spell out more clearly the powers of the Chief Justice in relation to the discipline of barristers and solicitors. To this end clause 18 of the Bill spells out the various powers which the Chief Justice may exercise for reasonable cause. These include the powers of striking off, of suspension, of reprimand, of ordering a barrister or a solicitor to repay or forego fee, and to order costs on an investigation into a complaint of professional misconduct. All of these powers are in fact inherent powers of the court already but in the interests of clarity and certainty it is considered to be desirable to actually set them out in full in what is section 20 of the principal Ordinance. I should say, perhaps, that this amendment has not been occasioned by any need within the profession to take such measures, it is purely a measure which has arisen in the course of reviewing the law generally and tidying the law up and seeking to improve it. In every such case the Chief Justice has the power for a good cause to annul any such order. More than that the power of appeal is revised. At present a person who complains about the conduct of a barrister or solicitor in the first instance to the disciplinary committee has a right of appeal against the conclusion of the committee to the Chief Justice as, of course, has the barrister or solicitor affected. More than that both parties have a further right of appeal to the court of appeal. What clause 18 proposes is that so far as that further right of appeal to a court of appeal, that for the future, and I stress the words for the future, will be limited to the barrister or solicitor himself. So far as any cases are concerned which are proceeding at the present time, the rights of the complainant will be preserved so this will not affect any existing right of a complainant to be able to appeal from a decision of the Chief Justice to the court of appeal, I think that is an important reservation

and that would protect persons who may feel that they are being deprived at this stage of a remedy they already have. So far as the justification for the limitation of the right of appeal by a complainant is concerned for the future, the reason for it is this that whereas the person who is affected by the finding of the Chief Justice, the barrister or solicitor himself has a clear interest in appealing to seek what he may consider to be a vindication of his rights for the future, it is felt that in principle it is not a correct conception that a person who is a complainant, who brings the matter before the appropriate disciplinary body, should have a right beyond a right to bring it to the Chief Justice who is in the first instance the judge who is responsible for the proper conduct of barristers and solicitors. No reason in principle was seen why a complainant should have a right of appeal against a decision of the Chief Justice. He has been afforded the avenue of complaint, the complaint has been brought to the attention, as I say, of the judge who is responsible for the profession, and it is felt that in principle that is what should be so provided but no more. If I can go ahead, Mr Speaker, to clause 22 of the Bill because this is related to the matter I am now speaking about. I should explain that whereas the Chief Justice administers the disciplinary provisions of the Supreme Court Ordinance and has all the powers himself in his own name, as a matter of practice he delegates the majority of those powers to a professional committee in the first instance. That committee comprises barristers and solicitors, complaints are made to that committee, there is a right of appeal as I mentioned before from that committee to the Chief Justice. It is considered that the committee should not have the power of dis-enrolment and suspension and the amendment to clause 22 is to provide first of all for the delegation of the Chief Justice's disciplinary powers to a committee consisting of two or more barristers and solicitors and, secondly, reserving the powers of ordering a dis-enrolment or a suspension from the powers which that committee may exercise. The next amendment, Mr Speaker, relates to jurors. It is really purely a technical matter but at present the people who are excluded from service as jurors are described as being exempted from liability to serve whereas properly they are excluded because it is not appropriate that they should serve and therefore a minor amendment is made to provide that they shall be ineligible, which is the correct terminology, rather than exempted which gives a misleading impression. At the same time the opportunity is taken to spell out specifically that police officers and prison officers and any other officers who are involved in the administration of justice are not eligible to serve as jurors. At present so far as police officers and prison officers are concerned that, in my view, is the law in any event but it is a provision to be inferred rather than one which is expressly provided for. The amendment in clause 20, Mr Speaker, is procedural and provides for the court to adjourn proceedings to such date as it thinks fit. In criminal matters as well as in civil matters this provision applies

when a jury is not able to reach a verdict. The reason for saying "until such day as it thinks fit" is that in criminal matters these days there are no sessions as such, it is an ongoing process and it is not possible to say immediately when the next sitting will be. Finally, a very minor amendment in clause 21 to delete references to the Coroner's Court. At the moment the Supreme Court Ordinance, I think incorrectly in principle, refers both to the Coroner's Court and also to the Supreme Court in section 51 and this section, Mr Speaker, relates to the remuneration of jurors. This is in a sense consequential on the amendments which I have already referred to that are proposed to the Coroner's Ordinance. Coroners matters will be dealt with in the Coroner's Ordinance exclusively, Supreme Court matters will be dealt with in the Supreme Court Ordinance. Mr Speaker, 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 or merits of the Bill?

HON P J ISOLA:

Mr Speaker, if I may first of all commence with what you asked the Honourable and Learned Attorney-General at the beginning. We are not very happy about having an Ordinance that amends a number of Ordinances although in this particular case we know it is really the same sort of thing that is being done by the same Ordinance and it is more or less on the same subject matter, but even though that may be so it is still a little confusing, I think, this system of amending a number of Ordinances by one particular Bill. At least this way it is not too bad but as it was used to be done I think it was very misleading and lead to a lot of confusion among those who are concerned with the law and the practice of it. However, I must say, Mr Speaker, that the Index of the laws that have come out only recently is extremely - if I may say so - well drawn-up and makes things much easier. Anybody who has that index really knows where to go for his law or under different amendments that have occurred so with that sort of index then the problems are not as great as they would otherwise be. We welcome the appointment of all these assistant registrars, we hope that this will not involve great financial consequences but I think it is necessary, personally, with regard to the administration of justice, as a practitioner I do find that the fact that there is only one registrar, one person who has to see everything at the end of the day, causes tremendous delays in the companies courts so that the adoption of having assistant registrars is certainly a step forward as long as these assistant registrars in fact do the work and don't keep referring to the Registrar. I hope that this will mean that responsibility in that building will be shared by the various

senior officials there. Mr Speaker, I notice we are amending the Coroner's Ordinance and I think that consideration should be given by the Government to following the procedure that now exists in the United Kingdom, generally, and that is of making a doctor the Coroner. We heard a lot of talk in yesterday's meeting of the House in lots of questions in which we were told that we were following the practice in England. I think this is an area that ought to be considered of having a doctor as a Coroner, this seems to be now the general practice in England and I think there is a lot to be said for it because they are particularly suited to sit as Coroners in cases enquiring into the deaths of people. I don't think we need an Assistant Registrar of cooperative societies, Mr Speaker, I do not think there is one but if there is one it is lying very dormant but, anyway, I suppose once the law is being passed we might as well provide for it. Apart from that, Mr Speaker, I have little further to comment on the Ordinance but we welcome, I think, the idea of spreading the responsibility in the administration of justice and this should help quite considerably to deal with the number of complaints that one hears today. Thank you.

HON CHIEF MINISTER:

I would like to make clear that the idea of the Assistant Registrar means of course that if there is one Registrar there will be one assistant but it isn't intended for each case in which the point is made that there has got to be an Assistant Registrar because there is not a Registrar for each one, it covers all the province of the Registrar as at present. With regard to the question just mentioned by the Leader of the Opposition about the question of Coroners and people with medical experience, it is true that in England they have doctors but they also have people who are both medically and legally qualified and that, of course, is very advantageous. The difficulty about this, I have a little experience of this because I was Deputy Coroner for many years, the difficulty about this of course is that the office of Coroner is combined with that of Magistrate because the work of the Coroner is not that much to have another person to do it. Perhaps it could be tried in having a Deputy Coroner who would be a medical practitioner and therefore make the inroad into the practice in that way. At present the Deputy Coroner is the Registrar, just to quote another of his many hats. That perhaps could be considered but the difficulty then lies in the appointment because if it is going to be a medical practitioner who is in private practice then of course the numbers who could give evidence, independent evidence, in many matters in which there were Government officers concerned giving evidence for the police and so on in inquiries, the numbers at present would be very limited who could be independent and who could be free to do so. I see difficulties in it and also of course that the Deputy Coroner must have some element of judicial training

in addition to having a medical training even though he may not be strictly speaking a qualified lawyer. It is a point that one should keep an eye on but my experience, and I have a little experience of that, in England because of the number of cases involved, Coroners and solicitors and/or barristers and medical practitioners mainly except for those who have devoted their lives to the post of Coroner which is full-time job in some big areas and of course get virtually legally qualified in the course of their experience.

MR SPEAKER:

Could I ask the mover to clear a point. In section 1 the Ordinance is called the Administration of Justice Ordinance. If it were to be called the Administration of Justice (Miscellaneous Amendments) Ordinance would that not bring to the attention at least of practitioners that it is an amending Ordinance?

HON ATTORNEY-GENERAL:

Mr Speaker, this is a point I had given some thought to. By your leave may I take it into account in my reply?

MR SPEAKER:

That is why I have raised it, most certainly.

HON ATTORNEY-GENERAL:

Thank you, Sir. In reply, Sir, I really wish to dwell primarily on the question of presentation. I take the points that have been made, I understand very clearly the need to ensure and the general desirability of ensuring that each subject has its own Bill so that the subject being amended is clearly understood and the subject can be addressed as a single measure and I can give the House an assurance, Sir, that I will use very great discretion in proposing to the House a measure which combines several topics and as I have said I would only do so where I can see a clear theme and where there are also advantages by way of practical convenience in presenting it in this way. I would also assure the House that I will be most sensitive to any expression of concern about a Bill which may be thought to unnecessarily seek to bring matters under a blanket heading. I do think administration of justice as I have said before is a matter which in a sense is well established or has long been established as a common heading under which various measures of law revision can be brought. I did give specific consideration to whether or not the title should include the words "(Miscellaneous Provisions)". The reason I omitted it, Sir, was this, that to my mind it rather detracted from the common theme of the Bill. I realise that on one point of view it may be said to draw attention to the fact

that various matters are being amended. From another point of view I was keen to stress the common theme of the Bill which is the administration of justice and on balance I did not include the provision. I think people who are dealing with this subject matter of law revision, if I may say this without causing any offence, I think would tend to be lawyers and I think it is well recognised in the profession that there is a general heading "Administration of Justice". But one way of making quite clear what is happening, I think is to ensure that in the index a measure of this nature is indicated as affecting other Ordinances. The index which has just come out of course does not do this because this Bill is before the House and that index takes effect as from the end of last year. I will make a note I think for the future and the Law Clerk who is responsible in the first instance for the index will make provision so that it is very clear what an Administration of Justice Ordinance is doing. Mr Speaker, so far as the registrars are concerned, I think I should reiterate that there is, indeed, no commitment to appoint further officers but as the Honourable and Learned Leader of the Opposition has himself observed there is nevertheless point in containing these provisions because they do or perhaps more actively they should avoid the need for an assistant registrar to go back to a Registrar and obtain formal endorsement for what he has done which of course is time consuming in itself. I hope I am not taken amiss if I say that whether that will happen is something which will have to evolve in time and I think it would need time for an assistant registrar to take over functions and do them, develop confidence and confidence at them but in time I would hope that it would lead to the more rapid despatch of work in registries. The only other matter to which I would refer, Mr Speaker, and it is really just to enter a mild reservation. I note the point made about doctors being coroners and from my own point of view I would entertain some reservations, I don't mean that not in a constructive sense, it is a matter I would like to think about and present my views to the Government. One of the advantages of a periodical Bill of this nature I think is that it gives the opportunity for matters like this to come up to be considered and when we come to presenting a further Bill on the administration of justice, the question of doctors being coroners is a matter which we could have looked at in the meantime. 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:

Mr Speaker, 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.

## THE SUPPLEMENTARY APPROPRIATION (1979/80) ORDINANCE, 1980

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 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:

Mr Speaker, Sir, I beg to move that the Bill be now read a second time. The purpose of the Bill is to appropriate, in accordance with section 65(3) of the Constitution, a further sum of \$544,390 out of the Consolidated Fund and to appropriate, in accordance with section 27 of the Public Finance (Control and Audit) Ordinance, a further sum of \$248,466 out of the Improvement and Development Fund. The purposes for which these sums are required are set out in detail in the schedule of Supplementary expenditure which I tabled at the commencement of this meeting. Mr Speaker, Sir, I beg to move.

Mr Speaker then 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 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 and with the leave of the House today.

This was agreed to.

HON ATTORNEY-GENERAL:

Mr Speaker, before moving that the House resolves itself into Committee I would like to request, having considered the points raised yesterday by the Honourable Members on the opposite side in relation to the Trade Licensing (Amendment) Bill, 1980, I would not propose to seek that the House resolves into Committee to deal with this Bill today but rather that it be left and taken at a later date.

MR SPEAKER:

Let us be clear on one thing. Are you suggesting that this particular Bill should take its Committee Stage and Third Reading at the subsequent part of this meeting?

HON CHIEF MINISTER:

That is right. Having regard to the discussion we had yesterday in particular in the aspect of printing, a point which had not occurred to us, which of course as I stated at the time is a valid one and since we do not intend in any way to interfere with the right of freedom of printing or the expression of views or opinions, we are trying to find a way where we can protect the trade that we consider should be protected in such a way that it will not in any way leave it subject to licensing the publication of newspapers and so on, it is really commercial printing that we were concerned with. In order to give us a little more time to be able to prepare an amendment which might well be acceptable to the Opposition and of which when we are ready I will give notice to my Learned and Hon Friend the Leader of the Opposition, we would leave this to the tail end of the second part of this meeting after the budget.

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 Price Control (Amendment) Bill, 1980;

The Pensions (Amendment) Bill, 1980;

The Administration of Justice Bill, 1980, and

The Supplementary Appropriation (1979/80) Bill, 1980.

THE PRICE CONTROL (AMENDMENT) BILL, 1980

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

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

THE PENSIONS (AMENDMENT) BILL, 1980

HON ATTORNEY-GENERAL:

Sir, Members will recall that when I, at the second reading of this Bill, referred to the fact that so far as industrial personnel in Government were concerned there would be regulations being made complementing the measures contained in this Bill to enable the backdating of salary increases for pension purposes. I think, Sir, that it is desirable in the interest of consistent treatment that there should be the procedural mechanism whereby those two matters can be brought into force at the same time, in other words, whereby the regulations and the Ordinance could be brought into force on the

same day. I have referred to the fact that the regulations require to be submitted for approval to the Secretary of State. For these reasons I therefore propose, Sir, that clause 1 be amended as follows: by being renumbered as sub-clause (1) of that clause and by adding to clause 1, as so renumbered, the following subclause: "(2) This Ordinance shall come into operation on a date to be appointed by the Governor by notice in the Gazette." A similar provision would be inserted in the regulations that would then enable both measures to come into force simultaneously. Sir, I move accordingly.

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

Mr Speaker then put the question which was resolved in the affirmative and Clause 1, as amended, was agreed to and stood part of the Bill.

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

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

THE ADMINISTRATION OF JUSTICE BILL, 1980

Clauses 1 to 23 were 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) BILL, 1980

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

Schedule

Consolidated Fund - Schedule of Supplementary Estimates No 4 of 1979/80.

Item 1. Head 2 - Customs

HON C T RESTANO:

I would like an explanation on the overtime payments underestimated. Can I know what those savings are in salaries?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, yes, it is savings on salaries. There is always on salaries a certain amount of slippage, posts not filled immediately they become vacant, that is where the saving arises on this.

Item 1, Head 2 - Customs, was agreed to.

Item 2, Head 4 - Electricity Undertaking

HON P J ISOLA:

Mr Speaker, have the increases in fuel prices been due to the higher cost of fuel for the old generators as opposed to the new generators, in other words, have the prices of fuel used in the old generators gone up more than the prices of the fuel used in the newer section of King's Bastion?

HON DR R G VALARINO:

Mr Speaker, Sir, the FCA takes into account both oils used at the King's Bastion. This is a generalised increase in the cost of both oil prices and as I have said in the last report the price of the FCA has come down and we gave a detailed explanation as to why it had come down.

HON P J ISOLA:

I am not talking of the prices coming down, Mr Speaker, what I am really asking is how far is the increased cost attributable to the use of the fuel in the old generators in the old King's Bastion Generating Station. How is this divided up?

HON DR R G VALARINO:

Mr Speaker, Sir, the percentage as laid down in the law is in the ratio of 10% to 90%. At the moment the percentage is slightly different and the percentage is over the 10% for the light fuel. The actual figures I can find out and give to the Honourable Member.

Item 2, Head 4 - Electricity Undertaking, was agreed to.

Item 3, Head 5 - Fire Services

HON MAJOR R J PELIZA:

Is it possible that the increase is as much as 50%? Is that how everybody is affected in Gibraltar, by over 50%? Could he give me an explanation as to how this comes about.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, perhaps I might make mention here that the increase for the Fire Service is 63.96% which is somewhat higher than the next highest increase which in fact happens to be the House of Assembly where there is a 52.26% increase

over the amount. The Income Tax Office public utility cost is only 16%, there is the hospital fuel increase which is a 4.7% increase and the public utility cost under recreation and sport is 100%. I just mention these figures across the board to indicate that it is very difficult. I myself when I got the supplementaries, was trying to find a common factor for increases in wages and the actual cost of oil etc, but it is difficult to localise this because of the different usage in different departments of electricity, water and telephone and you cannot estimate accurately.

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

Item 4, Head 7 - House of Assembly, was agreed to.

Item 5, Head 9 - Income Tax Office, was agreed to.

Item 6, Head 10 - Judicial (3) Magistrate's and Coroner's courts, was agreed to.

Item 7, Head 14 - Medical and Public Health

HON P J ISOLA:

Is this due to underestimating in the original estimates for 1979/80?

HON J B PEREZ:

One is a slight underestimation and the second reason is due to the budgetary increases and also I think arising under the FCA formula that the amount has gone up and therefore we have sought these necessary supplementaries. It is a mixture of both.

HON P J ISOLA:

Mr Speaker, in fuel there seems to me an extraordinary underestimation as well, there is a 50% increase.

HON J B PEREZ:

Mr Chairman, the fuel relates to the heating at the hospital and that is purchased from a local company here in Gibraltar, that is purchased from Shell. That is fuel oil for the boilers.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I would like to bring to the attention of Honourable Members that when estimates are prepared they are prepared on current costs, we do not build inflation into the estimates to do so would be wrong because one has no idea what the future inflation will be. The only provision we do make is for increases in salaries which is done under a separate head. So that it is inevitable, unfortunately, in this day of high inflation, that on such things as fuel costs the material costs there are supplementaries throughout the year to cover increased costs. I think that Honourable Members will agree that it is better that such increases should be referred to the House by way of supplementary rather than building them in.

Item 7, Head 14 - Medical and Public Health, was agreed to.

Item 8, Head 15 - Police, was agreed to.

Item 9, Head 17 - Post Office, Savings Bank and Philatelic Bureau (2) Philatelic Bureau, was agreed to.

Item 10, Head 18 - Prison

HON G T RESTANO:

Mr Chairman, can I have an explanation of what the escort duties entail?

HON A J CANEPA:

It is the requirement by prison officers to escort prisoners to and from the court.

HON G T RESTANO:

May I ask what transport is being used for that?

HON A J CANEPA:

A van which the prison has.

HON G T RESTANO:

Is local transport ever hired?

HON A J CANEPA:

No, the prison never hires transport, they have a van which has been adapted for purposes of conveying prisoners to various places, to the court, to the hospital and working parties and also for conveying stores and the meals from hospital to the prison are also conveyed in this prison van.

HON G T RESTANO:

Could the Minister investigate that because it has come to my notice that in fact local transport has been used. I don't know whether this is true and I haven't seen it myself but it has come to my notice and I would like to know whether in fact transport is being hired.

HON A J CANEPA:

If there has been a need as a result of the prison van breaking down I am not aware of it, it could be that reason but it would not be the normal practice. The prison is able to manage, by and large, with the van that we do have and it must have been on an isolated occasion that transport may have had to be hired. Transport is required every day for conveying meals from the hospital to the prison so if the van had broken down they might have had to hire transport. It may have been met from the subhead of running of motor vehicles if there were some funds available there, otherwise they may have had to request a virement from the Financial and Development Secretary. But this would have been done by the Controlling Officer, the Superintendent of the prison, without the need to refer it to me.

Item 10, Head 18 - Prison, was agreed to.

Item 11, Head 19 - Public Works

HON P J ISOLA:

Could I ask, Mr Speaker, on this one, there is a similar one in the next section of an officer who accepts at last after about 5 years, apparently, the analogue offered by the Establishment Division. Are there any other people like this still pending? It seems very strange that it should take 5 years to settle the dispute of one officer.

HON A J CANEPA:

I do not think there are any other officers concerned. There were two or three. In fact, there is one particular officer who had not accepted a pay settlement going back to 1970 in the days of the IWPB administration. He did not accept the second Marsh award and until fairly recently, I think, until the advent of parity, he did not accept and therefore there were very considerably funds involved. I think there were two or three cases of people who did not accept the analogues offered to them under the Scamp report and I have no knowledge of any other. I may be wrong but I do not think so. If there were to be any others it might just be one or two more.



HON P J ISOLA:

Mr Chairman, I thank the Minister for that explanation but it seems to me a bit odd that there should have been even an officer from the time of the second Marsh award, that officer must obviously had other means. If this sort of thing happened I presume the Government had a look at that too, I mean about his other means.

HON A J CANFPA:

I am sure that it is being investigated generally under the investigations which the administration are carrying out following the complaints by the Chamber of Commerce.

Item 11, Head 19 - Public Works, was agreed to.

Item 12, Head 21 - Recreation and Sport

HON P J ISOLA:

Here the original estimate was £5,500 but supplementary requires another £5,500, this is 100%. Is there any particular reason for this?

HON H J ZAMMITT:

Mr Speaker, this refers to a meter which was not read for a number of years, funnily enough, at the Stadium and they had been using water without paying for it and it has got to be met.

Item 12, Head 21 - Recreation and Sport, was agreed to.

Item 13, Head 22 - Secretariat, was agreed to.

Item 14, Head 23 - Telephone Service

HON P J ISOLA:

Can I ask how many telephone trunk operators there are now, temporary and otherwise?

HON DR R G VALARINO:

Mr Speaker, on this vote of Public Utility Costs £2,390, this is the additional electricity and water and it is also the additional telephone allowance for the seven temporary telephone operators.

Item 14, Head 23 - Telephone Service, was agreed to.

Item 15, Head 26 - Treasury, was agreed to.

Item 16, Head 28 - Pay Settlement

HON P J ISOLA:

This 1979 pay settlement seems to have been remarkably well forecast by the Government at the last budget but if I remember rightly it was forecast on the basis of an increase of 10% on average. This would seem to indicate that with this supplementary the settlement seems to have been of an order of just around 11% on average. Is that the case and if not what is the reason for the supplementary provision now being sought being only £130,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, the original figure of 10% was, in fact, adjusted before the estimate went through to a more precise figure on indications from the United Kingdom settlement which we had before the final figures went through and that is why we have been able to be so accurate on this.

Item 16, Head 28 - Pay Settlement, was agreed to.

Improvement and Development Fund. Schedule of Supplementary Estimates No 4 of 1979/80.

Item 1, Head 101 - Housing

HON G T RESTANO:

What are the additional works being carried out?

HON M K FEATHERSTONE:

It is not any new work it is just that they are working faster on the schedule.

HON G T RESTANO:

When will the project be completed?

HON M K FEATHERSTONE:

The project will be completed we hope by July or August.

HON P J ISOLA:

Could I ask, generally, on this estimate, is the figure that we are voting in all which is \$248,466, is that an amount that will go into the revised estimates of expenditure for 1980/81 in addition to the figures given to me yesterday by the Financial and Development Secretary?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This increase was taken account of in the revised figures that I gave the Honourable Member yesterday.

Item 1, Head 101 - Housing, was agreed to.

Item 2, Head 104 - Miscellaneous Projects

HON G T RESTANO:

Mr Chairman, may I know if the whole of the North Gorge Hostel is now fully occupied?

HON H J ZAMMITT:

With the exception of two rooms that are being earmarked for the Vietnamese refugees every other unit is occupied.

HON G T RESTANO:

Is it known when these refugees will come?

HON CHIEF MINISTER:

The members of the committee mainly concerned with this have gone to England over the weekend to see and interview people and to explain the limitations, what is available and so on and will then decide (a) whether there are two suitable small families who could come and (b) whether they want to come, I believe they are sometimes very selective. One of the members of the committee is actually in the United Kingdom now and it is for that reason that these two units have been left open without allocation.

HON G T RESTANO:

If it drags on for too long would the Government consider making use of those two rooms for local people who might be in sore need, perhaps on a temporary basis, rather than leaving them vacant when there are people seriously in need of housing?

HON CHIEF MINISTER:

Once the decision was taken one had to honour it and there has been delay for a number of administrative reasons at one end and I think by lack of realisation of the problems involved by these very well intended people who are dealing with this matter but it cannot last much longer because as I say at this moment the selection will be made or will not be made and if it is not made, of course, the Minister has got enough pressures to be able to fill it otherwise.

HON J BOSSANO:

I am abstaining on this vote. In fact, I believe that the hostel should have been retained as a hostel, I think I made that point at the time that the Government was considering what use to put it to when it obtained the property after the DOE project in Europa finished. I feel that the retention of that place as a hostel for immigrant workers would have released more property in town which could have been used to house Gibraltarian families and that retaining it for its original use for which it was designed and equipped would not have involved additional cost there and this money would have been better spent elsewhere. However, I understand that now that the people are there the money has got to be spent to make the place as habitable as possible but I am abstaining on this one.

Item 2, Head 104 - Miscellaneous Projects, was agreed to.

Item 3, Head 106 - Government offices and buildings

HON G T RESTANO:

What are these increased interest charges?

HON CHIEF MINISTER:

The payment of the capital sum by agreement with Cable and Wireless was made on a basis of regular yearly payments and subject, of course, to the minimum lending rate and that of course has altered.

HON P J ISOLA:

Mr Chairman, isn't it cheaper for the Government with present interest rates to pay the full amount, it wasn't that much. To pay another \$8211 in increased interest considering the cost of Mercury House, I would have put it to the Government to pay the capital off. It seems to have a lot of unspent funds.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, in order to pay the capital off we would have to borrow money in order to pay that on commercial loans paid in to the Improvement and Development Fund so we would have to pay interest on that bill.

HON P J ISOLA:

As far as local funds are concerned the Government estimated it would spend a certain amount in the current year from the Improvement and Development Fund. It has fallen far short of what it said it would spend on local funds so I would have thought if we voted this expenditure last year the funds were there available. How is it that this money would have to be borrowed? I would have thought it could have been one of these virements that you do to reallocate funds.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, the funding of the local element of the Improvement and Development Fund for this year included borrowing from the commercial sector of £2½m on which we have to pay interest so that any switches would have to come from that fund.

HON A J HAYNES:

Mr Chairman, could the Minister explain to me the nature of the works and what is meant by 'continued' with regard to money to be allocated to the prison?

HON A J CANEPA:

These are the works which became necessary following on the disturbance last August.

HON A J HAYNES:

When it says continued does it mean that they have been interrupted?

HON A J CANEPA:

No, it means that the £20,000 of supplementary provision which was voted by the last House of Assembly was insufficient.

HON A J HAYNES:

Does this work then have nothing to do with works previously in action or under way before the riots?

HON A J CANEPA:

That is quite right, in fact, we had £20,500 provided originally in the Estimates which we had to subsume because the total cost of the work that became necessary following on those disturbances and the fire and so on, has been in excess of £40,000 and therefore what is likely to happen is that in the 1980/81 Estimates under Government Officers and Buildings, I will have to come to the House for what virtually amounts to a revote of funds which were earmarked in the current year for certain purposes and which we haven't been able to use for that and the work still requires to be done so I will have to come to the House for funds for those things.

HON A J HAYNES:

Does Government envisage in the future allowing prisoners to help in remedial works or other works in prison?

HON A J CANEPA:

Not remedial works of this nature which are fairly skilled. They help in the general upkeep and tidiness of the prison, whitewashing it, painting it and so on, unskilled work, but work of this nature required rehabilitation, rebuilding, in fact, of cells and facilities and so on they would not be able to do..

Item 3, Head 106 - Government Offices and Buildings, was agreed to.

Item 4, Head 107 - Port Development

HON P J ISOLA:

Mr Chairman, this is a surprising item because to the naked eye nothing much seems to have happened. I know the tender has been awarded, I know that has happened, and we know it is confidently expected that reclamation will actually start but where, can I ask, have the £500,000 gone? The £500,000 and £190,000, that is a total of £690,000 in this financial year, can I ask how that money has been paid out please?

HON M K FEATHERSTONE:

£250,000 was the purchase of the steel which is here lying on the jetty if you care to go and have a look. It came from Luxembourg not from British Steel. If you also care to inspect the area carefully you will notice that at one corner you can actually see sand and this is sand that has been put in from dredging operations and the whole of the basin has had its floor lifted approximately 10 to 15 ft,

this was quite a considerable amount of money on its own. There is also the temporary jetty that has been built across which is going to be the basis for the actual piling. I think all these things put together make up the total amount of money. I am sure the Honourable Member is happy that we are working faster than was anticipated.

HON P J ISOLA:

Yes. I am, but can the Honourable Minister assure me that in fact all this money has been paid up?

HON M K FEATHERSTONE:

It will be before the end of this month because we have the bill coming in now.

HON P J ISOLA:

Mr Chairman, the bill is coming in now, can the Minister explain what that means? Has it been posted from somewhere?

HON M K FEATHERSTONE:

No, Sir, the bill for each month is sent in near the end of the month and it is paid accordingly. You pay the work as it is done.

HON P J ISOLA:

The February bill has come in or hasn't it come in?

HON M K FEATHERSTONE:

The February bill is the one coming in now.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If I may, Mr Chairman, the March bill up to last Friday has also been received by telex, it arrived on my desk and the Minister won't have seen it yet. When the Honourable Member asks has this money been spent yet, the answer is that of the additional £190,000 only £20,000 of that has been paid over, it would be quite improper of us to pay over the money without the House having voted it. I signed a supplementary warrant for the £20,000.

HON A T LOEDDO:

Mr Chairman, seeing that this work is proceeding at such a cracking pace perhaps we could know the completion date.

HON M K FEATHERSTONE:

I think if the Honourable Member will cast his memory back to question time, I said late December, 1980.

Item 4, Head 107 - Port Development, was agreed to.

Item 5, Head 109 - Public Lighting was agreed to.

Item 6, Head 110 - Electricity Service

HON P J ISOLA:

We have something to ask about this. First of all, could I ask is this money being paid or has been paid to Messrs Preece, Cardew and Rider, are these the people who are getting it? Question No 2, what for?

HON M K FEATHERSTONE:

Yes, Sir, these gentlemen have been given the consultancy to prepare the drawings, etc, for the Generating Station to be situated at No 5 Jetty.

HON P J ISOLA:

And this payment, Mr Chairman, is it payment in full or payment on account? What is the total cost going to be to the taxpayer of this further power consultancy?

HON M K FEATHERSTONE:

This is a specific consultancy because they are doing the actual drawings, the working drawings, etc, for the whole thing. I believe it will come to about £50,000 to £60,000.

HON P J ISOLA:

Mr Chairman, the Government considers that it is justified in withholding from the public the report of these gentlemen upon which this further contract is now being entered into with the Government and expects the Opposition to vote in favour of this, well we are not.

HON M K FEATHERSTONE:

I cannot see that one ties up with the other. I am sure that the Opposition is only too happy to hear that we are going ahead with our promised plans to put the new power station as rapidly as possible.

HON P J ISOLA:

Mr Chairman, if these gentlemen made certain recommendations in their report which we have not seen and these recommendations were not followed by Government, presumably because the Government did not agree with them, it is very difficult to ask the Opposition to vote for funds for the same gentlemen to draw up plans for Gibraltar when those gentlemen's recommendations were not previously obviously followed or approved by the Government. Until we see the Preece, Cardew and Rider report we cannot vote a single penny in relation to this and we believe that the Government is wrong if it did not consider it necessary or advisable to follow these gentlemen's recommendations in their report of 1976, to engage the same gentlemen to carry on with this work.

HON CHIEF MINISTER:

Mr Speaker, the Leader of the Opposition wants to have his cake and eat it and he has been doing that ever since he came back from the elections. He may get an indigestion one day. In the first place I think it is very unfair to personalise these persons and so on. It is a firm which has been advising the City Council in power and other aspects for many years, in fact, they opened recently new premises in Brighton and we were invited but couldn't go, of course, and they described Gibraltar as one of their oldest clients for many years and therefore they are a firm of great repute and we refer to them as Preece, Cardew and Rider, not as these gentlemen or these persons. They are a firm of consultants who deal with different matters and they have different experts to deal with these different matters. The point is not whether the previous report was acted upon or not, a whole situation has arisen over the years for reasons which if the Honourable Leader of the Opposition is patient enough he will hear in the course of the debate on the motion raised by the Hon Mr Bossano in the Order Paper, and that is the future of the power station. We cannot expect to expand and provide and meet all the criticisms about lack of power and lack of foresight and so on if what we do is not completely up to date and it matters two hoots to us, with the greatest respect, if the Opposition vote against this because it shows their bad faith and nothing else.

HON MAJOR R J PELIZA:

I think the Hon the Chief Minister is being very unfair, first, in trying to make the whole thing personal which I think doesn't do him much credit. We are not being personal in any way with the firm of consultants.

HON CHIEF MINISTER:

I think the Honourable Member has misunderstood me. I didn't say that and I didn't mean that and I am sure the Honourable Member hasn't understood it properly. I said that it is no use attempting to speak about a firm of consultants as persons, that we would rather deal with the firm of consultants by their name and not personalise them in respect of anything to do with their work, only in respect of their consultancy. They have been invited by us and therefore they are responsible people and they should be called by their proper name, that is all.

HON MAJOR R J PELIZA:

Mr Chairman, it has nothing to do as to the qualifications, or the quality of the work of those consultants at all. I don't think that is the case that my Honourable Friend raised. We are being told now that we should pay for consultancy fees on a scheme we do not know in what way that scheme is related to the scheme that was originally offered by the consultants in the report. That is the point. That is the point, I think, my Honourable Friend was making. That is how I see it. I think that however much the Honourable and Learned Chief Minister may wish to find excuses for not releasing that report, whatever he does, this I am afraid is very much a black mark in the attitude of the Government towards the general public debate in this House. I think that there are consumers in Gibraltar who have got to pay for the electricity, who have got to put up with the black-outs and yet we cannot get down to the real reason as to why this is happening. I think that report must give a lot of information which I think the consumers of Gibraltar are entitled to know and certainly this House is entitled to know. There can be nothing there which is a military secret in any way or that can harm the security of Gibraltar. It is obviously a political point that the Chief Minister wants to hide that I think is most unfair and because of that Mr Chairman, on the basis that we do not know what the situation is, on the basis that we cannot accept that the procedure that the Government has adopted in the past, that the procedure that the Government is adopting now for the future, the way for instance that the 5-megawatts engine was produced out of a hat at an adjournment debate and the fact that the position as explained very definitely then that it would take 18 months and now it is going to take 2 years and so on and so forth, all those facts do not hold the argument that the Government is using and makes it absolutely the duty of the Opposition if we stand in any way for the people who have voted for us on this side of the House, that we should not accept the payment of this new consultancy that we cannot vote in favour of that until that report has been released and we can decide whether this is justified or not.

HON M K FEATHERSTONE:

I think as usual the Honourable Major Peliza has done his bull in a china shop act and has tried to bring all sorts of red herrings into the situation. It is quite a different matter from the original report to the situation today in which the Government which gives the terms of references to a consultancy, has said: "Now we have No 5 jetty available, we have obtained it from the MOD, we want to build a power station there, will you please tell us whether it is feasible and if so draw up the plans and working drawings". That is what has been agreed and that is what we are asking the money for. What we are trying to do is to go ahead with the utmost despatch and it appears that the Opposition which in one breath shouts for the solving of the electricity problem on the other hand tries to be as delaying as possible.

HON P J ISOLA:

Mr Chairman, the Opposition has not delayed a single thing. We have been pressing the Government and if we had not pressed the Government in October last year the announcement of a 5 megawatt generator might have been announced today as a result of the motion of the Honourable Mr Bossano, that is a fact. We are voting against this, Mr Chairman, and I know the Minister for Municipal Services whom I have no doubt will not be Minister for Municipal Services for that long; I know he doesn't care two hoots whether we do or we don't. We have noticed in his attitude in this House that he has never cared even since the days the Government had a majority of 10 over 5 he has never cared two hoots for what this side of the House thinks so we accept that situation and we accept the arrogant attitude of the Minister concerned. But, Mr Chairman, we are not going to vote this money, we know this will not delay the construction of the power station, we are not going to vote it as a mark of public protest at the attitude that the Government is taking in covering up on the Preece, Cardew and Rider report. Because if the Government has nothing to hide we cannot see why they couldn't make it public so that there could be public discussion and debate on this most important aspect of the community and the survival of the community of Gibraltar as far as power is concerned. We have not been given a good reason, we were given a good reason before the elections because the Chief Minister was not going to put into our hands ammunition for the election. We accept that that is a difficult point but the elections are four years ahead. I think we are entitled to know, I think the public of Gibraltar are entitled to know what these recommendations contain and what they are before being asked to vote blindly further monies and we are doing it as a mark of protest.

HON CHIEF MINISTER:

If the Opposition did this as a mark of protest they would do it in the usual parliamentary manner by suggesting a reduction of £10 but not against the whole thing.

HON P J ISOLA:

It is for us, Mr Chairman, to decide how we do it.

MR SPEAKER:

As I understand the vote that we are considering now has nothing to do with the actual report of Preece, Cardew and Rider but on the report and the consultancy fees as to the viability of installing a new Generating Station, is that correct?

HON CHIEF MINISTER:

That is right.

MR SPEAKER:

I think I have been very liberal insofar as these matters are concerned.

HON J BOSSANO:

Mr Speaker, I welcome the provision of this sum in the supplementary estimates as a first step in the urgency that I am urging the Government in my motion to adopt in the introduction of the new service and I shall therefore be voting in favour. I respect the right of the other Members of the Opposition to choose to make this a mark of their protest at the non-publication of the previous report and I agree with their view that the previous report should have been made public just like I have done on previous occasions disagreed with both Government and Opposition about the secrecy surrounding the Working Parties and the Strasbourg talks and all these things. I believe that the people of Gibraltar should be as fully informed as possible and at the same time I believe that Members of the House of Assembly should, in fact, not attempt to gain political advantage out of every possible mistake or error of judgement on the part of the Government otherwise I think the parliamentary system can be made totally sterile. It is a view that I expressed during the election campaign, it is a view that I still hold and a view which I will adhere to in conditioning my voting behaviour and my views in this House of Assembly for the next four years.

HON M K FEATHERSTONE:

It is very good to hear the Honourable Mr Bossano who speaks with a sense of realism and not a sense of pique as the Honourable the Leader of the Opposition but I would remind him that other reports have not been given in the past through secrecy and I think the IWP kept the Beeching Report very much up their sleeve.

HON P J ISOLA:

Mr Chairman, may I just say that I welcome the support that Mr Bossano gives to the publication of the report and I also welcome his new found interest in providing a new Generating Station. I can only say it was perhaps a pity that he did not attend the debate that we had in October on this matter especially the motion of censure on the Minister for not carrying on with proper planning of our power requirements but, anyway, I welcome that the Honourable Mr Bossano now considers this matter an urgent one in the same way as we do. But let me assure him that in voting against the fees for power consultancy we are doing it because we feel it is the only way that we can bring and keep in the public eye the need for the publication of the Preece, Cardew and Rider Report.

Mr Speaker then put the question and on a vote being taken on Item 6, Head 110 - Electricity Service, the following Hon Members voted in favour:

The Hon J Bossano  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon D Hull  
The Hon R J Wallace

The following Hon Members voted against:

The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Iodice  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon W T Scott

The following Hon Members were absent:

The Hon I Abecasis  
The Hon Major F J Dellipiani

Item 6, Head 110 - Electricity Services, was passed.

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

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

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

### THIRD READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to report that the Price Control (Amendment) Bill, 1980; the Pensions (Amendment) Bill, 1980; the Administration of Justice Bill, 1980, and the Supplementary Appropriation (1979/80) Bill, 1980, have been considered in Committee and agreed to, in the case of the Pensions (Amendment) Bill, 1980, with an amendment, in the other cases 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.

### PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

I beg to move that: "This House considers that the provision of a new Generating Station must be treated as a matter of urgency and that work on this project should start in the financial year 1980/81." Mr Speaker, the position of my Party regarding the problems we have been facing in the Generating Station is, in fact, that one of the things that can fundamentally be said to be wrong in the way the present electricity supply cannot be maintained continuously is that there has been insufficient emphasis placed on the long term planning of the economy of Gibraltar, generally, and that in the case of the Generating Station because of the obvious impact that deficiencies in planning have on the maintenance of electrical supplies, people are more conscious of it but that in fact it is a symptom of an overall policy approach which we have urged on the Government on a number of occasions and which we hope the Government will be placing more emphasis on particularly once the input output study for the economy of Gibraltar is completed. Clearly, the provision of a Generating Station and the planning of a Generating Station should play an integral part in an economic plan because one must look at projections into the future of demand for electricity and plan a Generating Station which would be able to expand consistent with anticipated demands. It is obviously not an easy thing to be able to look into the future with a very high degree of accuracy and one can in any future planning make a mistake in one of two directions, that is, one can over provide facilities or under provide them so, clearly, what we need is a development programme for Gibraltar's economy which can adjust to changes in the world economic climate or to changes in the internal situation or other factors affecting Gibraltar's economy. Therefore the Generating Station in itself, although our concern, the concern not just of the Members of the House, the concern of every householder in Gibraltar, is to have a regular uninterrupted supply of electricity in terms of the



Government responsibility for the economy of Gibraltar, the role of the Generating Station and the provision of electricity must be vitally important in terms of its impact on economic activity. Let me say, Mr Speaker, that the motion has been put in the language that it has been put because its purpose is not to apportion blame for past mistakes or shortcomings but to concentrate the attention of the House and particularly of the Government on the necessity to proceed to rectify matters in the shortest possible time consistent, I think, with not rushing into something and trying to patch up a problem today which will only create more problems in the future which sometimes in a situation of crisis, sometimes we tend to make that sort of mistake in Gibraltar and find that we have stored up much more trouble for ourselves in the future and what we have solved in the immediate term. Therefore the urgency that the matter requires is because what it cannot allow to do is to stay in suspended animation because then the situation can only deteriorate. The position in the Generating Station of which I have quite a lot of personal knowledge because of my involvement as a Union official representing the labour force employed there is one where people are working under extremely difficult conditions in terms of their physical environment and it has to be understood that an unpleasant and difficult working environment militates against harmonious relations and we tend to talk sometimes about industrial relations and industrial action and not really understand the terminology that we are using and therefore one can have a situation where there is not a dispute, where we do not have a claim being submitted on behalf of the workforce and the workforce withdrawing their labour either totally or in part, because there isn't a dispute, and nevertheless people working in a situation where they are not happy and because they are not happy there is friction between management and workers where people's nerves are on edge because there is a lot of noise, the place is dirty, equipment breaks down more frequently than it ought to, spares and tools are not easily available and this creates a situation where you cannot get the best out of people because they are working under pressure which should not exist. That has got to be understood and that has been a problem that everyone in the Generating Station is conscious of and is trying very hard to put right. We can make a contribution in helping to do that which needs to be done until such time as people move into a new and better working environment. We can all help to do that by not trying to exacerbate an already difficult situation and try to blame each other for the mistakes of the past although I think that inevitably it is the Government that must bear the responsibility just like they bear the responsibility for having chosen not to make public the report and having chosen to adopt a policy on that report. I believe that the Government carries the responsibility for its own decisions and is answerable for them and I have no wish to run the Government

from this side of the House, all I wish to do is to be able to persuade them sometimes that it is in their own interests to take one particular course of action rather than another but they do not have to take my advice all they are required to do is to listen. I commend the motion to the House.

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

HON M K FEATHERSTONE:

Mr Speaker, basically we welcome this motion although it has a slight error in it. It is suggesting that work should start in the financial year 1980/81 and I am happy to inform the House, and I am sure the Hon Mover of the motion, the work has already started. Following the visit, a week ago, of a team from Preece, Cardew and Rider, one of the suggestions that they made that was necessary in the provision of the new power station was a certain amount of in-filling of sea in the North East corner of No 5 Jetty and this filling is already under operation. With that reservation, of course, which I am sure the Hon Mover will be very happy to accept, it is obvious that we consider that this work must be treated and will be treated with the urgency it deserves. We are already preparing the tender notices for the trial holes on No 5 Jetty and this tender will probably appear either this week or next week so that the information can be relayed to Messrs Preece, Cardew and Rider with regard to the situation for the working drawings of the actual building. The building will be the commencement of a power station. It will be built, in the first instance, to house three engines but it will be capable of extension in the future and the intention is to build the beds for the first two engines, one engine, of course, will come and the whole thing will be phased over a period of 3/5 years with the first part coming in by the winter of next year and then progressively improving on that and then, of course, the second phase can come in which the whole station is actually increased so that the eventual object is to close down the King's Bastion North and South Stations and move to this new site. At the same time the Preece, Cardew and Rider team are looking into the question of further desalination plants and the intention there, of course, is to try and use the waste heat from the Generating Station so as to feed the desalinating plant and get water as cheaply as possible. I do not think I need to go into much further detail on this but I would assure the House that every urgency is being put into this and we hope to start building in September. It will take a little time to get the working drawings and the tenders through but as the House can appreciate the Government is treating this with the greatest of urgency and although the motion asks us to do so I once again reiterate we are already doing it.

HON MAJOR R J PELIZA:

Mr Speaker, I think that the motion is really a follow-up of what happened before the Election. The question of the shortage of electricity, the lack of capacity, whatever the Government may say, is basically the cause of the trouble. It is not because we have X number of engines with so much capacity that we have got to interpret that capacity is available, it all depends for how long those engines can maintain that capacity. If the state of the engines is such that breakdowns are occurring, and this has been seen during the past, it is, I think, living in dreamland to suggest that the capacity is there when in practice it has been proved over months that the capacity was not there and that action should have been taken to ensure that whatever capacity we speak of was practically available and not just a number of figures on paper. Therefore, what my Hon Friend Mr Bossano is really doing by introducing this motion, however much he may not wish to attack the Government, however much now he is taking the role of the mellow politician, however much he may give the impression to some people that he is going to cross the floor, I know he will not, but his attitude might give that impression, Mr Speaker, however the attitude may be and whatever he may say, this is critical of the Government. Otherwise there would be no need to bring a motion that this must be treated with urgency. What Mr Bossano obviously is saying is that there was lack or urgency in the past on the part of the Government and that he doubts whether this urgency exists today otherwise there would be no need to move this motion.

HON CHIEF MINISTER:

Mr Speaker, on a point of order. Is there provision in the Standing Rules for one Member to speak on behalf of the Mover instead of the Mover speaking himself?

MR SPEAKER:

Provided that the person who holds the floor speaks on the question before the House he can direct his attention to whatever part of that question he chooses. In fairness to everyone, we are speaking about the future and not the past.

HON MAJOR R J PELIZA:

What I am speaking about, and I think I am entitled to do this, is proving that by pointing out those matters that my Hon Friend has brought out, one is being critical of the Government. I am just explaining what I consider the motion to be. If the Hon and Learned Chief Minister does not want me to comment . . . . .

MR SPEAKER:

No one is entitled to inhibit the right of Members to speak, other than the Speaker, for good reason. I do not think that has happened in this House and I do not think it will happen.

HON MAJOR R J PELIZA:

I know you would not allow it, Mr Speaker, but that does not deter other Members of this House to attempt to do so. Carrying on with the motion as I see it, I think that we cannot, as laymen, talk about a future plan of electricity without professional advice. I do not know how my Hon Friend on my left could possibly make a judgement of what are the requirements of Gibraltar in the future without a report . . .

MR SPEAKER:

Order. We have had our say on that Report and we are going to speak on the motion and nothing else.

HON MAJOR R J PELIZA:

Let us forget about the report, whatever the report may say. All I am saying is that in my view no one in this House, except perhaps my Hon Friend on my right who happens to be an Electrical Engineer and even so he would have to have all the facts and the expertise to project what is required in Gibraltar and which is the best place to put these engines and how they are going to be placed and all the rest of it. I think it is only fair that in making comments today as to the future requirements of Gibraltar one should base ones argument on some technical facts and planning which we have not got. I think it would be very useful to this House, what we are debating here today about the urgency, because it is no good really doing things in a very fast way to find that we have done the whole thing upside down in the end. I think that however fast we move it is important that at least we should know where we are going and when we make a decision that we do so with knowledge of the technical facts. This side of the House have not got it. I believe that my Hon Friend on the left has not got it either. All he is doing is talking generally but I think to talk generally is not going to be that useful in a constructive way. Therefore, I must urge the Government again to produce the facts that have led them to decide that this generator is going in the place that it is going and what it is going to fulfil. That, we do not know, Mr Speaker. It has not been made public yet. We have heard about where the holes are going and all the rest of it, how the bed is going to be laid, etc, but that I do not believe is the kind of information that will lead us to make a decision on the projection of the needs of Gibraltar in the future and how best this can be fulfilled. Mr Speaker, therefore, I think that this motion may well require some amending to bring out what I believe are the real necessities that will be required for the Members of this House to make an intelligent decision on this matter.

HON DR R G VALARINO:

I welcome the motion put forward by the Hon Member on the provision of a new Generating Station. This is the policy of the Government and I am glad that this is reiterated by a Member of the Opposition, Mr Joe Bossano, who has talked sensibly and honestly and not like the Leader of the Opposition who is obviously canvassing for another four years and does not know what he is talking about half the time. Sir, there are some parts in this report which are highly technical and therefore I crave your indulgence as I may have to read them for the benefit of the Opposition . . . . .

HON P J ISOLA:

If the Hon Member is going to quote from a report should it not be laid on the table? Perhaps it could be circulated, Mr Speaker, and then we could save him reading it.

HON CHIEF MINISTER:

Mr Speaker, the Leader of the Opposition is really attempting to abuse his position as Leader of the Opposition. It is perfectly proper for the Member to ask permission to refer to his notes without any nasty comments and this is really not helping in the good conduct of the House. If the Leader of the Opposition has come here now as a prima donna to take over the place of Mr Kiberras and to emulate him in the element of time given to his speeches, then we better prepare ourselves for such an ordeal for the next four years.

MR SPEAKER:

I think the Hon Minister did not make himself clear as to which report he was referring to. He has now clarified the matter and that is all there is to it.

HON P J ISOLA:

Mr Speaker, I have a perfect right when somebody refers to a report to speak on it. The Standing Rules of this House say that speeches will not be read and it is by the indulgence of the Chair and the Chair, if I may say so, is extremely indulgent in this respect as far as Government Ministers are concerned.

MR SPEAKER:

I think the Chair is extremely indulgent in every respect. Let us continue the debate.

HON DR R G VALARINO:

Mr Speaker, the report I was obviously referring to is my report and none other and I have craved your indulgence.

MR SPEAKER:

To the extent that you will be using technical phraseology then you are certainly free to quote from your report.

HON DR R G VALARINO:

As my Hon Colleague on my left has already said preparatory work connected with the design and the drawing up of specifications and preliminary site investigations is already in hand. This is the first time that the Gibraltar Government has engaged Preece, Cardew and Rider directly and not through the Crown Agents. This will not only save time but money. Two of the potential tenderers have expressed an interest in the project and they have estimated 17 months and 12 months respectively from the time of order to commissioning of a nominally 5mw generator. Therefore, there appears to be justification in stating that 18 months is the most optimistic date by which the initial stage of this project, by that I mean one generator, could be completed. The Chief Minister has already stated in a previous speech that the new engine will be in operation in time for the winter of 1981/82. This is, however, intrinsically linked with the development of a new Generating Station. The new set will be the first engine of the new power station. This will be designed so that future extensions can be provided as they become necessary as my Hon Colleague mentioned. Obviously, this will incur further work and the date has had to be put slightly back to winter 1981/82 where the demand will be most needed. When we provide the potential for future expansion to meet this growth we shall make the best use of all the heat available. This, inevitably, links power development to water desalination. The Hon the Leader of the Opposition has mentioned previously slippage. I think if he refers to the relevant part, we have always talked about a new 5mw engine and we have not talked about a new Generating Station. Obviously, in providing a new Generating Station, a lot of further work is entailed and it is impossible to just fit an engine anywhere but it will incur much greater building and associated complexes. As I have already answered in the House, the consultants, Preece, Cardew and Rider, have been appointed to the project and the development of a new Generating Station on No 5 Jetty will be an important step in the development of Gibraltar and in bringing continuous supply of electricity to our homes. I am sorry at this stage that the Opposition Members have chosen to vote against the money allocated for payment to the consultants as they show a complete negligence of the needs of the people of Gibraltar in developing a new Generating Station which will be for their benefit. Obviously, they are electioneering again but I wonder why they are electioneering since it

is impossible for them to have a Chief Minister. We are very definite. We do not gamble. The choice of No 5 Jetty as the site for the station has certain inherent advantages militating in its favour. With this choice the possibility of delays in the reclamation of land elsewhere can be ruled out immediately and the site's proximity to a sea berth would allow a vessel equipped with the necessary cargo handling facilities to discharge a fully assembled engine thereby cutting down on both stripping and packing time at the manufacturer's works and erection time at site. This possibility represents potentially large savings in costs involved in commissioning a vessel to make a special call to Gibraltar. To meet the target date it is the aim of policy to gear all our resources towards constructing the main foundations which will accept the engine and its auxiliaries even though civil engineering works may still be in progress. The chances of success might be further enhanced if this engine were designed for use with a maximum of pre-fabricated equipment. Let me add that in time, with the complete changeover of the present Generating Station to No 5 Jetty, a prime site will be left in the middle of town for development and possible decongestion of Line Wall Road. There is nothing much further for me to add. The red herring produced by the Members of the Opposition about the Preece, Cardew and Rider Report is merely a red herring and nothing more. They have been, to some extent, annoyed by the honest and forward-looking motion of Mr Bossano and it is only because of spite of the Leader of the Opposition that this red herring has been brought up in this House. Let me finally add that this development will be a tremendous step for the future in Gibraltar and contrary to the expectations of the Leader of the Opposition. I hope that as Minister for Municipal Services I shall be proud to see the end result. Thank you.

HON P J ISOLA:

Mr Speaker, we are grateful to the last speaker for giving us the other recommendations of the Preece, Cardew and Rider Report which was a long term plan for a Generating Station and giving us the site that they chose in 1976. We get bits and pieces of the Report from time to time. We will, of course, support the motion of the Hon Mr Bossano because I think it is a self-evident fact that a new Generating Station must be treated as a matter of urgency. This has been said in this House since October of last year and before when the incidence of power cuts made it clear to the Hon Members of this House that the Government did not have sufficient generating capacity. It was only after severe questioning from my Hon Colleagues in the Democratic Party of British Gibraltar of the Government benches, that we were able to get from them the admission that Preece, Cardew and Rider, these eminent consultants, had told them as far back as 1976 that there was a requirement for a new 5mw generator. It was only because the Opposition fulfilled its role as an Opposition that this came out. If the Opposition had acted, if I

may say so with the greatest respect to the Hon Mr Bossano, in the way that he suggests that we should act, and that is wait till the country is in complete darkness and then put in a mild motion saying; "Please can we have a new Generating Station", and the Government replies; "You are all very good boys, we will support this". If we had followed that attitude of Opposition, Mr Speaker, the new Generating Station would not have been planned yet and no statements would have been made by the Government and we would have gone into utter darkness. That is a reality of political fact and I can only remind the Hon Mr Bossano before he gets up to explain that I heard what he said during the election campaign about providing a real Opposition with his six members and if this is going to be the example of what he meant by a real Opposition, I think it would have been better if he had told the public when he was asking them to elect him to become a real Opposition, an Opposition of yes-men.

HON J BOSSANO:

I have asked the Hon Member to give way, Mr Speaker, to give him an opportunity to correct the misleading things he has been saying because I could have the last word and launch an attack on him and not give him an opportunity to answer me. I have tried to put a motion which is not being used either as a censure motion on the Government or as a censure motion on the Opposition. However, if the Leader of the Opposition chooses to support my motion by making it a censure motion on myself then I suppose I cannot stop him. It is a motion concerned with the need for a new Generating Station and not with his conduct as the Leader of the Opposition or as a Member of this House or his election campaign. He can, if he wishes, on every single occasion take the credit for everything that has ever been done or said in this House for the Democratic Party of British Gibraltar in the hope that in four years' time he will be there when no doubt all the things that he says he is going to do will not be done and all the things he says should not be done will be done because that is the way politicians of his formation think and act. I am not telling him how he should act, I am just telling the House how I will act and I said how I would act in the election campaign and I think people were sufficiently impressed by what I tried to make a very honest and sincere campaign, to vote for me. I think I owe it to the people who did. But, of course, if he wishes to carry on in that vein it is his prerogative. I will not use my last opportunity to launch an attack on him.

HON P J ISOLA:

Mr Speaker, I am glad that the Hon Member has made his intervention at length. I must assure him that I have nothing further to say. I was not doing a censure motion on him but I was replying to the implied criticism in his motion or the way he put it forward which implied a different style of

Opposition to that employed by the other Members on this side of the House and what I wish to stress on him is that with the present Government as he well knows in other areas in which he is involved, the Opposition has to be strong and constructive. That is what we are doing now and I know the Minister for Municipal Services gets very angry whenever we attack him, whenever we say he is doing things wrong and the answer is to do it right and not to say things in this House and to give assurances in this House which three months later he is going back on and for that he must expect criticism. Going on, Mr Speaker, with the motion, I think the Hon Mr Bossano, who is an experienced politician as we all are here, must realise that such a quick and ready acceptance of his motion by the Government shows that it was couched in terms which are very convenient to the Government and I equally say, as my Hon and Gallant Friend Major Peliza said, that I do believe that the Hon Mr Bossano was being critical of the Government in putting this motion. Mr Bossano's Party was saying: "We had better put a motion down that a new Generating Station is put up because if we do not put it down they may never do one", and that is also a reasonable stand to take and to put a motion of this nature down. But, Mr Speaker, we come to the Minister for Public Works and he says Government was already treating this urgently. He said: "We did not need your motion, we were all doing it, we were already treating it urgently", and it is to that aspect of the matter that I would like to address myself and ask whether this is the case. It is not easy to go back on the past but I think one has to in the case of power development and one has to, Mr Speaker, because Thank God the power cuts do not continue every day of the year. We do have respites, we do have periods of time, for example, to the lead-up to the election when there were no power cuts and then we had power cuts and then we have another period of time and then we have more power cuts and it seems to me and of course we cannot tell this because we have not seen the Preece, Cardew and Rider Report but this situation is likely to continue until a new 5mw generator is installed. We have said this and it has been denied by Government spokesmen that this will be the case and it has happened, it happened after the election. Before Christmas we were told that it would be OK for Christmas and it was OK but we do not know at what cost, Mr Speaker. We do not know whether the engines were overworked to provide a continuous supply right up to the elections. We do not know whether maintenance was neglected in order to have a continuous supply. We do not know whether overhauling was put back in order to supply electricity continuously till the elections. We do not have that information, we can only speculate but we do know that there were power cuts. Mr Speaker, we do know that there were power cuts and very serious power cuts only two weeks ago and we do know that there was a dispute between the Government and the TGWU or the people who work there as to the causes of these power cuts. We do know that there was considerably dispute and if there is no dispute as the Chief Minister is saying then I am sure he will be able to accept the amendment that I am going to propose to this motion because it is couched in the terms of the TGWU communique. So if there is no dispute he will be able to defend himself.

HON CHIEF MINISTER:

Yesterday the Hon Leader of the Opposition was praising Mr Netto and putting him forward in his personal communique and supporting him. This is the latest development in political thinking in Gibraltar. First of all they try and get the TGWU to join with them in representations about the Estimates and now he comes in aid of the TGWU when there is no dispute. This is a fantastic development for a right-wing Party.

HON P J ISOLA:

I always like to give way to the Chief Minister to make all his interesting interventions and they all require a lot of reply but I will deal with them as we go along. If the Chief Minister would have waited, he is telling me he agrees today with what the TGWU communique said, yesterday the Minister was denying that the Government agreed to what they said.

HON CHIEF MINISTER:

I think he was using Mr Netto's report in trying to help his case against the Government and now I am telling him that this is a new development because he says that he is putting an amendment that will show that there is a dispute when the Union says that there is no dispute. Perhaps, there is another aspect in this Party's development to swing to the left, towards Transport House.

HON P J ISOLA:

Mr Speaker, I am dealing with the remarks of the Minister for Public Works that the Government was already treating it urgently. I am disputing that and the reason I am disputing it at this stage is because I am proposing to move an amendment to that effect and I mentioned the TGWU communique because I was leading to the fact that the power cuts two weeks ago that were continuous and there was dispute. I was not saying that there was an industrial dispute, there might have been as well, but I was saying that there was dispute between the Government and the TGWU or the men working at the Generating Station as to the causes of the power cuts and the reasons for them and the continuing reasons for them. It has nothing to do with the political colour of my Party. But, Mr Speaker, I should say I am leading to proposing an amendment and so when I propose it I will probably sit down. The amendment will be regretting the lack of planning and I say that, Mr Speaker, because I think it is necessary to remind the Government and to question the question of urgency on the part of the Government on their own statements and on their own declarations in this House. In October we had power cuts and as you will recall, Mr Speaker, we had a lot of debate in

this House and after the very unsatisfactory answers given by the Minister for Municipal Services who read a statement of I do not know how many pages long that had no mention of the need of a new 5mw generator and our dissatisfaction with it, my Hon and Gallant Friend raised the matter on the adjournment. On the adjournment the Chief Minister said categorically and I will quote from the Hansard of 31 October, 1979, which is now, Mr Speaker, five months' ago, he said: "First of all let me say, when I was in the ante-room having a word with our City Electrical Engineer, I heard that the Hon and Gallant Member said that we were not going to have an engine until 1984. That is absolute nonsense, we hope that eighteen months from now a 5mw engine can be installed which is really what is wanted for the next three years". That statement was taken at its value, coming from a Chief Minister who had had a word with the City Electrical Engineer following a very detailed report from the Minister for Municipal Services in this House who said nothing about it but they were obviously apprised of the problem, they had the Preece, Cardew and Rider report, this statement was made. This was a statement that was reassuring to the Members of the public and to the Members on this side of the House because at least we could see an end to power cuts within a defined period of eighteen months. It is no use the Minister for Municipal Services coming here and telling us that now they are planning it, now they are engaging Preece, Cardew and Rider or have engaged them because this has to be planned carefully. We expect statements in this House, Mr Speaker, to be planned carefully and for reasons to be given for them and for Ministers and Chief Ministers to say in this House we will have this, it must be based on the fact that they have done the planning, that they have considered a plan, they have got expert advice and they know they can do it. That is the responsibility that we are entitled to expect from the Government in power. On 5 December we asked questions on this and there was a lengthy question time and it became, as it always seems to do when the Minister for Municipal Services is involved in answering questions, it became rather acrimonious but in the course of supplementaries, my Hon and Gallant Friend Major Peliza asked why was not this 5mw engine mentioned in the statement of the Minister for Municipal Services and the Chief Minister said that what had happened was that the Minister simply omitted to mention that fact. He said: "It was an important fact and I gave the fact as it happened and that is the end". A 5mw generator in 18 months. And the Hon Minister for Municipal Services who was questioned very closely on this matter he said in that debate, not today when he is telling us as if it is something new that the three different manufacturers have quoted between 12 and 18 months. It is nothing new, he said it on 5 December, over three months ago and he said then that the order would be placed within three months, which have now gone by and no order has been placed for the new generator, and when the Chief Minister said in this House there was going to be a 5mw generator within 18 months, on 31 October, 1979,

am I to imply from what the Minister for Municipal Services has said today that he did not know where it was going to go then and if he did not know where it was going to go then how could he say we were going to have one within 18 months? We are not talking about buying a motor car for the Public Works Department, we are talking about a 5mw generator and I can only assume that they did know where it was going to go otherwise they would not have said so. Then, the Minister for Municipal Services who was questioned at great length, when I asked whether he was confident that we would have it within 18 months he said: "I am not only confident I give the House every assurance that we will have one". Didn't he know then where it was going to go? Is this all something new? That is why, and I hope the Hon Mr Bossano will take, if he thinks it is criticism of his motion, as an honest criticism of it, this is why it is not just a question of asking the Government to treat it urgently it is a question of censuring almost the Government for not having given this the urgency that it obviously requires and for not having lived up to their commitment to this House and to the people of Gibraltar, before the election, as to when the 5mw generator would be in operation in Gibraltar. Mr Speaker, how quietly the slippage occurred. How quietly it was introduced in the inauguration of this House on 28 February, a mere four months since the statement was made in this House that we would have one within 18 months, a mere four months, and the Chief Minister quietly says that we will have the new 5mw generator, according to plan by the winter of 1981/82. The winter, of course, of 1981/82 is like the Spring of this year as far as the Varyl Begg Estate. Some people think the winter starts in October and does not finish till April and others think it starts earlier on, that is a matter of opinion, but winter 1981/82, Mr Speaker, if we take one extremity of the winter and call it October, that is two years from the date of the statement less one month and if you take winter 1981/82, take it to the other extremity, that is 2½ years from the undertaking and assurance given by the Chief Minister and confirmed by the Minister for Municipal Services in this House on 5 December, it takes it to 2½ years. That is a serious matter because power cuts will occur again and we know it. There is new development going on that requires new power. I do not know what will happen when they get it. You have got the MOD in the situation now that the Government for the first time in I don't know how long has had to pay the MOD for the power it has acquired and according to the mathematics that we have done on this side of the House, very expensively, but I may be wrong. We will ask for details at the time of the Budget. Mr Speaker, all this slippage of a year is a very serious matter for the public who have to suffer these power cuts. All this, and this is where I come back to the origins of the motion of my Hon Friend, Mr Bossano, seems to indicate to us on this side of the House, a lack of planning, a lack of foresight. Not seems, if I may say so, it convinces us because if the Preece, Cardew and Rider Report has



said there is a 5mw generator required in the next three years, all we can rely is on what the Government tell us it says, but if we could see it then we could judge for ourselves, but if it said that then, surely, the Government must have made plans with all these working committees etc, of what it was going to do and surely when the Chief Minister got up in this House on 31 October, 1979, he must have known what he was talking about and when the Minister for Municipal Services in December, 1979, said they would make an order within 3 months, he must have known what he was talking about and what we know now is that they did not know what they were talking about because it is only now that the consultants are being paid, it is now that they are being asked to design a new power station and we have this red herring coming across of a new power station, we are now going to do something better than what we said in October and that is the reason for the delay of a year. Nonsense, Mr Speaker, they had the plans, they had the advice as far back as 1976 for the new Generating Station and what the October statement was is; "we know we need more power and we are giving it to you within eighteen months". Of course, we all know you need more power, it is nothing new, the Government itself has said it. We have been lambasted with the year 2000. Of course, I agree with the statement of the Minister for Municipal Services that it is impossible to fit an engine anywhere. But why didn't he tell us this in December when he made his statement and gave us all the assurances that it would be in within eighteen months? We do not expect the Minister to say you will have an engine in and then not know where he is going to put it. We assumed they knew where they were going to put it. We were entitled to make that assumption. So, Mr Speaker, I am going to move an amendment to the motion and I will just say very few words with it to explain it and the amendment is that the motion be amended by the addition of the following words at the end thereof: "and regrets that due to lack of planning, vision and organisation the generators are now incapable of meeting continuously and without interruption the demand for power of the City". When I mentioned, Mr Speaker, the TGWU which always seems to provoke a certain eruption from the Government benches, I am not trying to disturb in any way the close relationship that exists between the Chief Minister and the Resident Officer. The reason why I mentioned the TGWU and agree with them is because we agree with the statement made in the communique of the Resident Officer of the TGWU to the effect that the generators are not capable of meeting the demand because of lack of planning, vision and organisation. I think this debate has illustrated this to the full and the statements that have been made by the Chief Minister on October 31st and the Minister for Municipal Services on 5th December and 28th February and in this House today and that is what we were agreeing with with the TGWU. We were not and I have not attempted and it would have been extremely easy for the Democratic Party of British Gibraltar to have interfered during the recent power cuts in the obviously volatile situation that arose between the Government and the

Transport and General Workers' Union and we showed our responsibility as a party, Mr Speaker, in keeping our mouths shut about the dispute there seems to be between the Chief Minister and the Resident Officer. We were worried, everybody in Gibraltar was worried about 2½ hour power cuts or does the Government expect the people of Gibraltar to accept 2½ hour power cuts daily as a matter of practice and have to accept everything else? We took the responsible way out of my Hon Friend Mr Restano who has interested himself enormously on the power situation and on the power problem to go and visit. We were not interfering. It would have been an easy matter for us to have taken political advantage of that situation and we did not, we kept absolutely quiet. Coming back to the TGWU we agree, the Party that I have the honour to lead agrees that the generators in the Generating Station are now incapable of meeting the requirements of the City and the reason that the Resident Officer gives are the reasons that we have given in this House and what we have complained about. We do agree and we do wish to express regret in this House and we know this part will be defeated but we feel we must put it forward and I hope the Hon Mr Bossano will vote with us in this to express his own regret and then quietly accept our defeat on that part of the motion and then go on to greater things with the acceptance of his motion which will of course have our support. Mr Speaker, I commend this amendment to the House.

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

The House recessed at 1.15 pm.

The House resumed at 3.20 pm.

At this stage of the proceedings the Hon I Abecassis joined the Meeting.

HON CHIEF MINISTER:

Mr Speaker, I propose to speak on the amendment. I am glad in a way to be able to do so because in order to be able to speak on the motion I will only talk about the past. I shall talk about the future in the substantive motion which is the one on which we talk to the future. Insofar as the past is concerned the amendment deals with the past and I therefore limit myself to giving a little historical background to the situation. I think this is a red letter day for the House of Assembly when we see the right-wing party of DPEG copying the text of a TGWU communique and incorporating it into its amendment because the wording here follows exactly the wording of Mr Netto or whoever wrote on his behalf. I do not know whether the next thing we will see is any Member on the opposite side contributing to Gibraltar Libre or to attending meetings of the PSG.



Anything like that can happen in Gibraltar. Anyhow, this is progress. We know now where the sources for amendments come from the right-wing party of the DPEG. On the question of the past, the motion speaks about lack of planning, vision and organisation. It would be very long to go further into the past but it is fair to say that all this hulabaloo came around October shortly after a number of power cuts which we unfortunately suffered. After that the Minister made a very comprehensive statement in the House giving the whole history of the situation. There are aspects of that statement which spoke about the way in which the matter was being dealt with. He mentioned in that statement, in paragraphs 25 to 28, the question of the joint venture of the Gibraltar Government and the Ministry of Defence Working Party. I would like to say that this is really one of the reasons, it may be a good or it may be a bad reason, but if it is a reason we have to state it in the House and it is for people to decide or not. Much earlier than that, shortly after the arrival of this Governor, when the future of the power supply in Gibraltar was discussed we were concerned with two things, first of all with the question of power and, secondly, with the question of water and whereas there had been plans for a power station, the question of what kind of power station we would have, and this is why the Preece, Cardew and Rider Report would have given a completely disjointed view of the matter if this background is not known, the question was posed rightly by the local MOD and by the PSA those responsible for the supply of water and electricity for the MOD, and the question of the possibility of a joint Gibraltar Government/MOD Working Party on power supply was discussed by the Governor with me in September 1978, that was at the time when plans were being prepared for the future of the power station. The terms of reference were drafted and agreed in October 1978, and they were amplified. The first meeting of a Working Party was held in November so you see once it was decided that there should be an attempt at a joint venture things moved very quickly, far from the days when there were cuts or anything, when we were planning for the future. The first meeting was in November, 1978. Five formal meetings and a considerable number of informal technical meetings were held. The Working Party's Report was submitted on 26 April, 1979, and considered by Council of Ministers on 23 May and by Gibraltar Council on 4 June. The Working Party considered five options, (1) a new joint Gibraltar Government/MOD Generating Station on the North Mole; (2) a new Gibraltar Government Generating Station on the North Mole; (3) a new joint Gibraltar Government/MOD Generating Station at King's Bastion; (4) a new joint Gibraltar Government/MOD Generating Station in the Naval Base; (5) King's Bastion and the Inter-Services Generating Station to continue as now. The Working Party recommended option No.1 which was a new joint Gibraltar Government/MOD Generating Station on the North Mole and may I say that the Working Party consisted of our engineers and engineers from the PSA and MOD. The Working Party recommended option No.1 and this was endorsed by Council of Ministers and Gibraltar Council and after that the Working

Party recommendations were sent with the recommendations of the Gibraltar Government to London and after some time the recommendation was rejected by London on the grounds: (a) that the present Dockyard power station is adequate for MOD purposes and will be so for several years; and (b) the time-scale for the building of a new station is beyond the period for which MOD (Navy) are allowed by Treasury to commit financial resources, that is to say, that it was looking far beyond what, according to Treasury standards, I do not know whether it is normal standards or under the present restraints on capital expenditure for the future, I could not say that, the reply was that it was beyond what the MOD (Navy) are allowed to commit financial resources. As I say this was a general statement and it was not expounded having regard to present circumstances, that was the recommendation. Then it became necessary to study the construction of a Gibraltar Government power generation, water distillation plant on the North Mole which was the second option and the need to take steps to reinforce the generating capacity at King's Bastion to meet the short-term needs was also noted. The Working Party had observed that the implementation of the recommended short-term solution, the purchase of a 5mw engine should be deferred until a decision had been taken on the long-term solution as the latter might influence the choice of the plant. Here was the Working Party saying: "If you are going for this kind of recommendation, a final decision should not be taken on the purchase of the 5.7mw set until a decision has been taken on the long-term solution as the latter might influence the choice of plant". But it added that any delay which could prevent commissioning by December, 1980, would not be accepted as nugatory expenditure would thus be incurred.

HON P J ISOLA:

If the Hon Chief Minister would give way. I do not know whether this is a point of order or a point of practice. It appears he is reading from a report which has not been laid on the table of the House. If the Report is made available to this side of the House then by all means, but is it in order for him to read from a Report that has not been laid on the table of the House?

HON CHIEF MINISTER:

Mr Speaker, this is the report and I am reading from notes that I have prepared from the report to give the House a summary of it. I am paraphrasing part of the report and I am informing the House of events and not of policies. I am informing the House of the sequence of events of matters which are of a historical nature in the sense that they have happened in this form.

HON P J ISOLA:

I did get the impression from the way the Chief Minister was talking, I know he was not actually quoting from the physical report, but he seemed to be quoting verbatim from contents of the report.

HON CHIEF MINISTER:

I can confirm that because this has been prepared for me, naturally, and each time where I have said something in brackets it says (paragraph 4, on page 8 refers), so really it is not the report, it is a Secretariat note that has been prepared for me for the purposes of the history of the matter in order to inform the House of the events that led to it. It is no use coming to the House and suggesting the lack of planning and my not being able to say what has happened and in the way that it has happened. I am not questioning the wisdom of the report or anything, I am quoting the fact that there was a report and I am saying what I think the report recommended for the purposes. It is not only a summary it is a couple of pages of notes to which I am referring. It is interesting because my intervention in the adjournment debate which was based as I stated on urgent advice I obtained but the text of which I was only speaking entirely off-the-cuff as Members will remember, it is interesting because this was surely in my mind, this question of where the engine was going to go being a very important factor in the whole question is reflected in what I said at the end of my intervention in that debate and I am quoting from Hansard because I had not remembered and this has been brought to my notice by my colleague the Minister for Municipal Services and as you all know I was speaking entirely off-the-cuff after having come down from speaking to the people concerned. I quote: "Anyhow, all I say at this stage is that the question of the installation of an extra engine be it at King's Bastion where I would not like to see it but where it may have to go in lieu of the old engines that will have to be scrapped albeit somewhere else, a new engine of about 5mw can be and will be, we hope, in operation within 18 months at the most from about now". A lot of weather has been made this morning about whether it is 18 months or not, in fact strictly 18 months would not be when the engine would be really required because 18 months, on my understanding, would take us to April or May and about that time there would not be any need to supplement and what we say now is having regard to the new set of circumstances that it will be in operation for the winter of 1981/82 and my understanding of the winter of 1981/82 and you could strictly say that it will be in operation for that time even if it had come within the 18 months, is from about September/October, 1981, that is the winter of 1981/82 and not October of the following year and take 2½ years as the Leader of the Opposition is trying to make.

HON P J ISOLA:

If it is April, 1982, it is 2½ years from October. The winter of 1981 was the date when it was promised, the winter of 1981/82 takes us, using your own words, takes us to April, 1982, which is 2½ years.

HON CHIEF MINISTER:

The winter of 1981/82 which is what I said, is October, 1981, onwards. The arrival of the engine within 18 months would have brought us to April, 1981, when it would not really have been as necessary as in October, 1981, so that the urgency of the matter, the fact that there may or may not be a three-month slippage in the operation of the engine, is neither here nor there. In any case the statement was made on the advice I got and I said we hoped, because we know that there are matters in this respect, in fact you hope to get sometimes a letter from London within three days and it takes two months and sometimes you get it the next day but be that as it may, I think in the general context of the question of supplies to Gibraltar it will not be of any substantial or even important or any difference at all whether the engine is working in May or in October because it will be for the September/October, 1981, period that the engine will be required. I do not want to tread on the future because I am speaking on the amendment. On 31 October which was when the statement was made by the Minister and the matter was raised on the adjournment on 1 November, in reply to Question No 195 on 5 December, 1979, the Minister stated that discussions on the installation of a new generator had been held in Gibraltar with representatives of three of the major manufacturing firms, and we are now talking about what happened after the statement was made in the House about the purchase of a 5mw engine. This happened on 1 November and at the first meeting after that which was 5 December, 1979, the Minister reported progress and stated that discussions on the installation of a new generator had been held in Gibraltar with representatives of three of the major manufacturing firms. Representatives of another firm would be visiting Gibraltar shortly, he said at the time, for discussions. He added that it was hoped that formal terms of reference would be sent to the consultants before the end of the year. That would cover both the short and the long-term problem which he said were obviously inter-related. It was hoped that an order for the new generator would be placed within the ensuing three months, ie by early March. The dissolution of the House occurred on 21 December. In accordance with normal practice the Government does not take major decisions between a dissolution and a general election. However sure we are that we are going to get back, we never do it. Despite that, the necessary consultations continued at official level and because of the importance which the Government attached to it, the matter was dealt with as I announced at the Ceremonial Opening of the House on 28 February at the very first meeting of the Council of Ministers held after the election. That was one of the first things that the new Government did at the first meeting of the Council of Ministers after the election.

At that meeting the Council decided that the consultants should be formally appointed to carry out the designs and prepare specifications in order to invite tenders and place an order within the time scale originally envisaged. I know that all this must be very unpleasant to the Leader of the Opposition but these are facts. The consultants visited Gibraltar early in March and they were instructed to proceed. Tenders will be invited, it is hoped, by May and an order will be placed by the end of June. Here, I just want to say this purely for the record because I do not want to get into the future and away from the amendment but, certainly, it is relevant insofar as to say that there has been lack of planning, vision and organisation in the question of the power station. Then in a statement to the press on 14 March, I stated that the new engine would be in operation by winter next year. The question of a new power station has also been discussed with the consultants and it has been decided that the new engine would be the first engine to be installed in the new power station and that the latter would be designed in such a way as to provide for future extensions as they became necessary. Even if there is slippage it is expected to be in the order of three months from my first estimate of April, 1981, but these arise from the extent of the work that is necessary following the decision to have a new Generating Station as distinct from simply installing one engine which would have been much simpler in a way but certainly not as satisfactory as a general proposition. The other point that has been raised about disputes at the power station. What we have to take into account is first of all in our concept a dispute between a Union and an employer arises when the Union makes a claim and the employer does not meet it and then a dispute is declared between the two then there is arbitration, conciliation, or whatever it is. What has been the case and I made a statement at the time is that there have been difficulties in connection with working conditions and an element of difficulty of understanding in certain aspects of work but it is not as a result of any of the conditions of which we are accused by the pamphlet of Mr Netto which is adopted by the Leader of the Opposition that at no time have we said that the power cuts are purely the result of that nor in fact can it be said that it is only purely as a result of the engines, it is a matter of circumstances that have arisen. It has to be remembered that this power station was started in 1898 at King's Bastion by the Government and then passed over to the City Council who run it beautifully until 1969 but that conditions are not ideal, it is a bastion and the growth of the demand for electricity has been such that King's Bastion North is fully occupied with engines to take it to its fullest use and therefore conditions of work there are not ideal and that is one of the factors that can make conditions of work much more difficult in the ordinary sense of the word that would otherwise be the case. Fortunately, instead of taking the rather abrasive and explosive approach that Mr Netto took, the attitude of the men has been much more reasonable and working methods have been evolved whereby conditions have improved in the output and people are generally as

happy as they can be in the difficult circumstances in which they are working at the power station. I would like to say that we have had special work to be done in the last two weekends and it has been done with great satisfaction and with great enthusiasm by the men and with the best possible industrial relations between management and men. To introduce into this debate acrimony about the trade unionists and the employer is really to attempt to throw coal into the fire and try and create more animosity about the difficulties that have been experienced by the people and making political capital out of difficulties that people have had to put up with, a thing which is very unfair and it is beneath the dignity of this House that Members should take that kind of stand in matters.

HON P J ISOLA:

That is an unfair allegation to make. I took great trouble to say that what we agreed with in the Union communique was this part that we have adopted, that the situation in the power station is due to lack of planning. I deliberately said that I was not intervening nor did we intervene at any time either then or now in any dispute there may have been between the Government and the Union. I think it is unfair of the Chief Minister to say here that I am bringing in the Union. What I am saying is that as to the causes of the power cuts we agree with what the Resident Officer has said. We have been saying that ourselves since October. If that causes embarrassment to the Government I am very sorry.

HON CHIEF MINISTER:

We were talking this morning and people's memories are not so short. When I said that there was no dispute he questioned the matter and said: "Of course there was dispute that was the reasons for the cuts", that was the Leader of the Opposition.

HON P J ISOLA:

No, that is not so. I specifically told the Chief Minister when I was referring to a dispute I was referring to a dispute as to the causes of the power cuts. I made it very clear and I am sorry he is going along these lines because it just does not follow what I said.

HON CHIEF MINISTER:

Well, it may be that I have misunderstood him but certainly on this side of the House we had no doubt in our minds and having regard to the support generally because the reference to the statement by Mr Netto was not in respect of the motion only, it was referred as a whole and there there is very explosive stuff. Anybody listening to the Leader of the Opposition would have thought by the way in which he was speaking that he was supporting every statement that the Netto communique contained. Anyhow, if that was not his intention and he says so now I accept it but that is certainly the impression he gave us this morning.

HON P J ISOLA:

I was not concerned with that statement, that is what I am saying, but what I am concerned is with that part of the statement and I took great care on this.

MR SPEAKER:

Yes, I have to confirm that the Leader of the Opposition most certainly stated that all he identified himself with insofar as the statement made by Mr Netto was concerned were the causes for the present position.

HON CHIEF MINISTER:

I am sorry, Sir, but the statement must be looked at as a whole when you refer to it and it is very difficult to say: "Three lines that I am going to put into the amendment are the only things that I support". It can be tactically correct on the one hand and give the impression that it may have meant to give in another. But if in fact that was not the impression that he wanted to give I accept that. Be that as it may, it shows that the question of the future supply of power in Gibraltar has been the subject of study and concern by the Government for a long time. There is one other aspect of this that has also brought some delay into the matter and that was that if in fact we were going to go for our own new power station in the port area, that we also ought to go as was mentioned this morning, for desalination but on that score no plans would be made and therefore the whole of the thing was rested for a while while we decided on this issue was that if in fact the result of the drilling for water was very successful, and we were told by the consultants that it was a 50/50 chance, but if in fact we did really hit water in a big way then the question of desalination would not arise and the capital value of that aspect of it would have to be reconsidered because it would be at any time, we do not know the results yet, but it would be ridiculous if we really found a real good source of water by drilling, to spend a lot of money in distillation which even on the basis of harnessing the exhaust heat of the generators, the cost of production will always be high and the capital cost will be high so that for these reasons, Mr Speaker, we reject the amendment with indignation and we, of course, will vote against it.

HON MAJOR R J PELIZA:

Mr Speaker, no doubt the Chief Minister is quite an expert at bolting the stable door after the horse has run away. That is what I gather from what he said here today. So much so, that I do not think it is worthwhile spending too much time commenting on what he had to say. All that he has said he could have said a long time ago and this would have enabled the Opposition to argue perhaps even on a stronger basis. Be that as it may, what one

has to question is that if the report was available in 1976 why did it take two years for the Working Party to start working on it? Isn't that a long delay of two years? Isn't that perhaps what we are suffering now? If in fact more urgent action had been taken at the time the two years that are now causing all the trouble obviously would not have arisen if the time factor had come into play two years before because by now we would have had that generator in working condition. To say that they had a plan based on the Working Party, to suggest that there were five alternatives, I think he said that one of the alternatives was the North Mole but I understood later that the generator that is coming is for No 5 Jetty. Isn't that a change of plan? As I see it, North Mole is the furthest out and No 5 is one of the pockets.

MR SPEAKER:

North Mole is the whole complex.

HON MAJOR R J PELIZA:

Fair enough, then there has been no change there.

HON CHIEF MINISTER:

At the time it was in the North Mole area and subsequently it has been identified and we have obtained agreement formally from the MOD that it will be at No 5 Jetty in the North Mole.

HON MAJOR R J PELIZA:

I just questioned it because it sounded rather strange and I wondered whether there was a change of plan because there have been many changes of plan and I wonder whether there will be any more changes by the time we get on to the actual generator being finally installed. To come along and suggest that another delay was the fact that we are waiting for whether or not there is going to be fresh water under the Rock, I think this is really going too far. Surely, the answer is to put our situation right on the question of the electricity supply which is what we need badly and then if it is not necessary to have another distilling plant we just do not buy it. In fact, the possibilities are that we are going to need another distilling plant. I think if you put it on balance I would say there is a 75% chance that we are going to need more distilling plant in Gibraltar not just because the amount of water we are likely to find will not be enough to supply Gibraltar 100% but also because the old distilling plants obviously are getting older and will have to be replaced so I do not see quite honestly the logic of delaying one because of the other. It does not seem to me from the knowledge that I have that that would in any way have delayed the ordering of the generator.

HON CHIEF MINISTER:

I did not say that. What I said was that in the study of the whole question originally as to the nature of the power station one of the things that was considered was the site of the power station and whether it was going to have distillation plant or not. In fact, there is a question on the Order Paper which was answered saying that until we knew what the result of the drilling was we could not take decisions on future distilling plant.

HON MAJOR R J PELIZA:

All the more reason why they should have gone ahead even faster. I thought the way he put it, the impression he gave me was that that was one of the things that had to be considered and therefore if there was any delay that was one of the factors that affected the delay. That is the way I understood it, this is the reason why I thought he had brought it out because quite honestly I think it is a little bit at a tangent of what we were discussing which is really the 5mw generator.

MR SPEAKER:

I think the Hon Member will accept, in fairness, that the Chief Minister was saying that there was no lack of planning because he was giving the kind of thought and planning that had taken place and he was giving that as an example.

HON MAJOR R J PELIZA:

I do not think we can really say that there could have been no planning at all, that would be ridiculous whatever Government might be in power but I think there might have been some planning, that there was no decision and this is where obviously one blames the Government above everything else. First the decision to start the Working Party in time and finally having got the answer from the Working Party, a decision to order the generator and get on with the work. This is where I blame the Government, this is why we say lack of vision, lack of capacity and all the other qualifications that we say here and I think that it is only fair that we should regret this lack of planning, lack of vision and lack of organisation. I think they are all justified if we see the results. We can only go by results, Mr Speaker, all the other arguments that have been brought out, lots of reports, some of which we are not allowed to see, all that is really of little importance. What really at the end of the day counts is whether the Government is capable of making a decision and making a decision in time and I do not think that the Government, in this instance, has done it.

HON G T RESTANO:

I want to begin by referring to the accusation that the Chief Minister made this morning about me personally that I had gone to the Generating Station to make political capital.

MR SPEAKER:

May I say that you have not contributed as yet to the question before the House. You will have an opportunity to do that once we deal with the amendment. We are dealing now exclusively with the amendment moved by Mr Isola.

HON G T RESTANO:

I find the Chief Minister a very difficult man to please. If I go to the Generating Station he says that I am trying to make political capital. I would like to refer the Chief Minister to his own statement on the motion on the adjournment in October when he said: "Nowadays Members of the Opposition spend years and they never go anywhere near the Power Station. They do not know how the thing works. They do not know what the problems are. They do not know anything except, of course, to come here and criticise".

HON CHIEF MINISTER:

If the Hon Member would give way. He had already made a visit and he wanted to go at a time of great tension there, that is what I accuse him of.

HON G T RESTANO:

Mr Speaker, I was not going to bring up the question of my visit at all. If I had wanted to make political capital I would have publicised the fact that I was going to the Generating Station but I am sure that he has not heard other than from his Minister than I went. He certainly has not seen any press releases or anything. But, anyway, the Chief Minister, of course, seems to like to say yes when it is convenient to him and no when it is not convenient to him, the same sort of inconsistency which we have seen in the manner which the power situation has been covered by the Government over the last few years. First of all, the placing of the new engine now at No 5 Jetty. I seem to remember quite well after the October debate when I did go to the Generating Station, that there was planning being done at the time as to where within King's Bastion that new generator could have been placed. This was said to me at the time in the presence of the Minister who accompanied me on that visit. Now, of course, there is a change of plan. I am not saying that this is a bad thing, I think it is probably a good thing to have this generator placed in No 5 Jetty, I think it is probably good planning but

what I insist upon, and I am sure that I am right, is that there has been a change of plan and the Government does not wish to admit it. They have changed from the statement which the Chief Minister made in October saying that there would be a new generator put in and he said that whilst he was not very happy about it, that it might well be that it would be installed at King's Bastion. At the time when he made the announcement it was very definitely a possibility that that generating set could be placed in King's Bastion. Certainly that was the impression that I got when I visited the Generating Station the following month and they were then thinking, within that station, as to where that generator should be placed. I think the fact that the Chief Minister said that we could have that set operating within eighteen months of October the 31st was based probably on the assumption that it would be placed in King's Bastion. This morning the Minister for Municipal Services said that there might be delay because in fact it was not going to go into King's Bastion, it was going to go into No 5 Jetty where there would have to be all sorts of extra work done. It makes it absolutely clear to me that there has been a change of plan and this is not admitted by the Government. The Chief Minister also said that in the planning that followed two years after the Preece, Cardew and Rider Report, all these committees that looked into the different aspects, there hadn't been any power cuts or any difficulties at the station. Mr Speaker, again sometimes I do not know what the reason is but the Chief Minister seems to get his dates all wrong. He said at the beginning of his contribution this afternoon that in the days when these planning committees got together there were no power cuts.

HON CHIEF MINISTER:

If the Hon Member would give way. I know that he is a great archivist. He seems to have nothing to do except to look back at Monsards. All I said at the beginning was that the whole hullabaloo about this question arose out of the power cuts in September/October of last year. That is what I said.

HON G T RESTANO:

Mr Speaker, I certainly took that down because I thought it was very significant that he should say that they met before any hullabaloo of the power cuts. Surely, there have been power cuts for long before then and I remember the previous Minister for Municipal Services in 1977 giving warning to the House of the difficulties being experienced. In the Budget of 1978 he again stressed the fact that it was very important to really start planning things properly. This is now nearly two years ago, Mr Speaker. That is why those words of warning by the Minister in charge of that Department were not heeded clearly by the rest of the Government and that is why the amendment of the Hon and Learned Leader of the Opposition is

absolutely relevant to what has been the situation with power in Gibraltar. There has been lack of planning, lack of vision, although as I have just said the Government was warned by its own Minister apart from the fact that the Preece, Cardew and Rider team presumably had warned them about this two years before that. There has been lack of organisation. Of course, Mr Speaker, we welcome the introduction of the new set, it is very necessary, and we are pleased that at last the Government has decided to do this but it is necessary to point out that it should have been brought to Gibraltar long before. Just one other point that I would like to make. I was, I must say, very disappointed this morning to hear during an intervention by the Chief Minister, an intervention which I felt was really very unworthy of a Chief Minister, getting up, interrupting the speech of the Hon Leader of the Opposition and saying that all he wanted was publicity, that he was a prima donna, that he was trying to take over the mantle of Mr Xiberras. I think this is unworthy and perhaps the reaction of a man who lost more votes in the last election than anybody else.

HON J BOSSANO:

Mr Speaker, I shall be voting in favour of the amendment, not because it happens to be a quotation from a press release issued by the District Officer of the TGWU because I do not represent the TGWU in this House, I am one of its employees and therefore the stand that I adopt in the House of Assembly is one that is consistent with the policies of the Gibraltar Socialist Labour Party which is not linked or affiliated in any way with the TGWU. I would like to make that clear. I would also like to make clear that I regret the amendment, as well as regretting the lack of planning, because if I had chosen to censure the Government I am quite capable of drafting my own censure motion without any help from the Democratic Party of British Gibraltar and my Party discussed the situation when the TGWU issued its statement in answer to the statement issued by the Government, and came out with a press release of its own which was determined by our decision on the matter that the way we should act should be to point to the future rather than get involved in controversies about who was to blame for the past. Let me say that the statement issued by the District Officer was an attempt to ensure that the employees of the Generating Station who are members of the TGWU were not being held responsible or blamed for the power cuts. Whether the Government was intending to shift the blame or not must depend on one's ability to understand English, amongst other things. I certainly did not take it that the Government was blaming the workers otherwise, if I had done so, my own stand would have been different in this matter. In fact, I can tell the House that one of the things that I try to impress the officials with whom I deal, because I do not deal with Government Ministers in matters like this when I am involved in an area where there are problems involving the workforce but the officials that I was dealing with I tried to impress on them the importance of not coming out with statements saying, for example, that the



condition of the engine was the accumulated effect of past industrial disputes which is a point of view that had been put across the negotiating table and which has never been made in public and I think it was felt that it should not be made in public in the sense that if one is trying to get people to cooperate then the last thing one wants to do is to try and shift all the blame on to one side because that automatically produces a reaction of having all the blame shifted on to the other side and, generally speaking, in real life no one is completely black or completely white and nobody can escape some portion of blame and it is true to say, honestly, that although the main responsibility for the state of the Generating Station is the Government's because it is the Government's responsibility to be answerable for the Generating Station, nevertheless the fact that the IPCS had a dispute in the summer of last year when they banned overtime meant that the whole industrial labour force was put on a 37-hour week and it meant that the volume of maintenance work done last summer was less than is normally done in summer and consequently the back-log of work needed to be done this winter was higher than would normally have to be done in winter. That is one factor and it is a real factor. Of course, if the Government had come out and said that it was the fault of the, in this case it was middle management who were taking industrial action and not the industrial workers, but if they had said that it was the fault of the employees for taking industrial action then automatically we would have said that it was the fault of the employer for not saying yes to the claim without having to take industrial action and then, of course, one can say it is your fault for having put the claim in and there is no end to that. Eventually, if one comes to having to take a stand as to who is ultimately responsible then we have to take sides on ideological lines and if in fact the present situation is an indication that ideologically everybody is moving left then I am very happy the only thing is I hope they don't shift me off the edge of the seat. I think there has been a lack of planning and I think to a certain extent we cannot accuse the Government of a multiplicity of sins unless we are just interested in accusing them for everything conceivable under the sun in order to do them as much damage politically as we can. I think we should try, after all this is the first working session of the House of Assembly after the Elections, I really think we should try and make an attempt, Mr Speaker, to work positively during perhaps the next three years and leave the political battles for the last twelve months. Otherwise I think we are going to spend a hell of a lot of time in this House getting very heated and I have been one of those who got very heated in the past. I have learned that in the House of Assembly sometimes one gets more positive results by taking a more low key approach than by trying to hit everybody inside over the head with some accusation or other. I think there has been lack of planning because I think that is not something, as I mentioned in my introduction to the motion, it is not something that is limited to the Generating Station or the production of electricity or the capacity that we need. The whole of the economy of Gibraltar

requires a long-term plan. This is something to which my Party is committed ideologically because this is a standard Socialist policy economic planning, and it is one that people who are not of that persuasion ideologically are beginning to accept as having merit. The position as regards the capacity of the Generating Station to meet without breakdowns or interruptions the needs of the City today arise out of the state of the engines rather than out of the quantity of the engines, that is, that if all the engines were working normally one would expect periodic shutdowns for maintenance and periodic breakdowns but there wouldn't be so many sets affected at the same time that it would be noticeable because we would have spare capacity and we should be able to shut an engine down and get on with the work and with that margin then one would be able to plan ahead the maintenance of those engines and be able to shut down for example on nights when there is a low demand and get the engine back into operation in the morning. That can be done when the management of the station is not working from one crisis to the other. But when the management is working from one crisis to the other it is in a very difficult situation, it tends to lean on the people in the shop floor because they want to get the thing repaired as quickly as possible and the people on the shop floor tend to react by feeling that all their hard work is not being appreciated and on top of that the first time they stop to have a smoke everybody is on their backs. That situation exists in the Generating Station. It is a situation which is in nobody's interest that it should continue to exist and I think we should try and help, as Members of the House of Assembly, to restore the Generating Station, difficult as it is because of a backlog, an accumulation, of mistakes of the past, and I do not want to say whose mistakes they are, an accumulation of those mistakes are now bearing fruit. It is in our interests to try and work towards rectifying the results of those mistakes rather than dwelling on who carries the principal share of the blame. But as I say I will be supporting the motion that regrets the planning and I regret the amendment at the same time.

HON P J ISOLA:

Mr Speaker, I praise the attempt of the Hon Mr Bossano to be all things to all men. Whilst he was talking I was saying, well, does he really support it or doesn't he? I think on balance he generally does support the amendment and I refer to two of his statements about the spare capacity point which is what has been aimed at the Government for so long and which they have kept quiet and consistently denied and, of course, the overworking of people in the Generating Station because you are trying to make do with old machinery, old plant and it cannot take it. This is the reality. This is the reason why we regret it because, Mr Speaker, this is going to happen, it has happened and until the new generator is in operation nothing that the Government can say will alter the situation that we are in for power cuts for the next two years on and



off. There is not a single Minister on the Government side then can deny that or give us any assurances to the contrary. Mr Speaker, the Hon Mr Bossano need have no fears of falling off that end of the bench. I must remind him that at the beginning of this particular House I, in fact, offered him a seat on the extreme right but he preferred to keep his seat on the extreme left. I do not know whether that has any political connotations or not but anywhere he is safe there, I can assure him. Mr Speaker, the defence of the Government to the amendment has been, if I may say so with respect, pitiful. I think the Chief Minister has tried to cover up the mistakes that have been made by somebody or other on the Government side. I do not know whether it is his colleague on the right, whether it is the consultants, whether it is the Working Party or whether it is somebody else but there is no question about it, Mr Speaker, that there has not been a reply and there has not been a reasonable response or a convincing response to the amendment. The reason is that there just is no defence in the action. As my Hon Friend Mr Restano said it was the Minister who first raised the warning signal about the power station. The Hon Major Dellipiani, he was the one who said all this development is nonsense in Gibraltar until we improve our power situation and our capacity. He said it in April, 1978, two years' ago and when the Chief Minister talks about planning let me remind him that the 5mw generator was not mentioned in the statement of the Minister for Municipal Services in October which in fact gave rise to all the concern in the House and it was because the Minister was unable to assure the House and reassure the House on the power situation that the matter was raised on the adjournment and the Chief Minister came out with his promise. The Chief Minister has talked about planning, has talked about the working committee, Working Party and the Preece, Cardew and Rider Report, all these things are very nice and are brought out to defend the Government's position but not made public and this is one of our causes for complaints as I have already said. But, Mr Speaker, in October when the statement was made by the Chief Minister, the Government had a whole month and they said they were going to look at it urgently, they had a whole month. Let me remind the House that the Minister for Municipal Services said that the order for a new generator would be placed within the next three months, he said it in a substantive answer to the question. In other words, it had been looked at by his Department and all the other Ministers, I do not know whether they do or not, before it was given in the House. Anything he said in supplementary questions was admittedly off-the-cuff but that was a considered Government statement and we are now told that the order will be made around the end of June and the Chief Minister seeks to justify this slippage because of the General Election. A Government that stays in office of course should not make new policy decisions but it has a responsibility and it had already made the policy decision and announced it before the House was dissolved. So it was only implementing a policy decision, so that is no defence. We say lack of planning. It is no use

telling us in defence of lack of planning; "we have got the Preece, Cardew and Rider Report and we have got the Working Party", that is no defence. Lack of planning means lack of planning and action. You can have 100 reports but if you do not plan and you do not make a decision you are still not planning. Lack of vision, yes. We accuse them of lack of vision because Gibraltar is in a mess over its generating capacity and it will continue to be in a mess until the new generator is there and therefore it is a charge well made - lack of vision and organisation. Isn't that what has happened? Of course, we should work for the future but we are convinced on this side of the House that unless we ask a question on power at every meeting, unless we keep the Government on their toes, the slippage that has occurred of from 6 to 12 months will get wider and therefore we will press and that is the duty of the Opposition. We have committed ourselves in our manifesto on this question of power and we will press on with it whatever we may be accused of. We are accused of doing a deal with the Union, we have not spoken to the Resident Officer or anybody else. We merely identified a paragraph in the statement of the Resident Officer of the TGWU and we said he was right there. If the Union is right we say they are right and if they are wrong we say they are wrong, others may not but we say they are wrong. The Chief Minister will recall that yesterday in Question time I asked were the facts set out in the statement of the Resident Officer correct or not and he said no. We have not spoken to the TGWU about who was right or who was wrong, it was not really our concern, it was a matter between the Government and the Union but this is a matter that affects the whole of Gibraltar and we feel that it is necessary that this amendment should go in the motion and should be passed with the motion because in that way perhaps this may have a salutary effect on the whole development programme of the Government is so important for the well being of the people of Gibraltar, a Development Programme of \$22m in which in two years . . . . .

MR SPEAKER:

You are replying and you are not going to bring any new matters in your reply.

HON P J ISOLA:

It is important, Mr Speaker, to the whole of the Development Programme of Gibraltar, the power situation is very important and we on this side of the House have to say this and it is not electioneering because the Chief Minister knows and the Hon Mr Bossano knows and we know that in 1984 the people will have forgotten the power cuts of 1980.

HON A J CANEPA:

And vote AACR again.

HON P J ISCIA:

Well, I don't say they will vote AACR again although I know that is the hope of the Hon Members on the other side. But they know that they can get rid of the bad stuff now and that is why they had the dissolution before the Budget, Mr Speaker. What we are anxious is to see Gibraltar supplied continuously with power and with spare generating capacity so that people need not go round rushing home because there is a power cut. Therefore, I think the Government should eat a bit of humble pie and accept this motion because they know it is justified and it is true. That is why nobody in the Government benches has got up to oppose the amendment except the Hon the Chief Minister and only partly the Hon Mr Bossano but we welcome him into our lobby to vote with us on the amendment. I commend the amendment to the House.

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

The Hon J Bossano  
The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Lofdo  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon W T Scott

The following Hon Members voted against:

The Hon I Abecasis  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit

The following Hon Members were absent from the Chamber:

The Hon Major F J Dellipiani  
The Hon D Hull  
The Hon R J Wallace

MR SPEAKER:

There are three Members absent from the House. Seven Members have voted in favour of the motion and seven Members have voted against the motion and since there is an equality of votes, in accordance with Clause 44(4) of the Constitution the amendment is declared lost. We now have before us the original motion as moved by the Hon Mr Bossano and I will remind the House that Mr Bossano, Mr Featherstone, Major Peliza, Dr Valarino and Mr Isola, the Leader of the Opposition,

have spoken on the main motion and any Hon Member who has not spoken is now free to do so. If there are no other contributors I shall call on the Hon Mr Forzano to reply to the motion.

HON J BOSSANO:

Mr Speaker, perhaps I can just first of all return to the Hon and Learned the Leader of the Opposition my gratitude for the fact that I am going to get now six votes in exchange for the one I have just given him on his amendment. Mr Speaker, one point that is important in the context of what the Minister for Municipal Services said about the siting of the new Generating Station and in particular the way that the Government intends to proceed in this matter, certainly it seems to me that the impression was created at least at one stage last year that the introduction of the 5mw set was a sort of short-term stop-gap solution to meet the immediate problem of the shortage of generating capacity before or in the interim period whilst the matter of a new Generating Station was still being studied and looked at. Clearly, if the new 5mw set is the first stage of the new Generating Station, this is in fact a far better situation because we are now talking about the new Generating Station sort of being phased in as the old one is phased out and that seems to me a much sounder policy. The only thing that I had some concern about was whether the siting of the Generating Station in the Port area would be something we might live to regret in the future if there was a time when we needed to concentrate economic resources on the expansion and development of the Port and we found that the existence of a Generating Station in that area was a hindrance. I am sure that this must have been looked at by the Government. I took note of the fact that the Minister for Municipal Services said that one site of the Jetty would still be used for the unloading of ships. It is a difficult thing on the one hand to urge the Government to plan into the future and to deal with this as a matter of urgency and on the other hand to tell them to look at all the possible consequences of following one line as opposed to another because, of course, if one looks at too many different options then that can become an excuse for indecision and therefore, on balance, the Government has got a political obligation through having obtained the support of the majority of the people, to come to decisions. If they make a mistake because they have to take a decision I think we cannot accuse them both of making mistakes because they have to take decisions and of not taking decisions because of not wishing to make mistakes. On balance, clearly, the situation is now that the new Generating Station cannot be delayed any longer. Whatever other factors one might wish to take into consideration a decision must be taken now and must be proceeded with otherwise Gibraltar would be in very, very serious trouble in a couple of years' time. The object of the motion, as I said,

was a policy decision taken by the Executive Committee of my Party in that we wanted to tie the Government down to getting on with the job at this stage and to dwell on the future rather than the past. I commend the motion to the House and I am grateful for the support that has been expressed for it.

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

The Hon I Abecasis  
The Hon J Bossano  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Loddio  
The Hon Major R J Peliza  
The Hon J E Perez  
The Hon G T Restano  
The Hon W T Scott  
The Hon Dr R G Valarino  
The Hon H J Zammitt

The following Hon Members were absent from the Chamber:

The Hon Major F J Dellipiani  
The Hon D Hull  
The Hon R J Wallace

The motion was accordingly passed.

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House considers that the professional competence of nurses trained in Gibraltar is of the first order and equal to that in UK and that within the coming financial year 1980/81, the necessary steps must be taken to ensure that locally obtained qualifications are recognised in UK and the EEC". Mr Speaker, the situation as regards the training of nurses in Gibraltar is that the school in St Bernard's Hospital has been producing local staff which has meant that whereas in the past we were obliged to go to the United Kingdom to recruit senior nursing staff we produce all of our own now to the extent that the grade of Sister, for example, today can only be filled by promotion. We specifically do not allow even somebody who is qualified to act as a Sister to come into our medical services at that level and they have to enter in at the grades of Staff Nurse which is the basic grade for a State Registered Nurse. I think there can be no doubt as to the service that is provided by the nursing profession in St Bernard's Hospital

because that has been more than adequately testified to by all those who have the misfortune to use it. We can get the benefit of a personal report from the Hon and Gallant Major Dellipiani when he returns to the fold and, of course, we also have the Clerk of the House. But I think there is of course a very important aspect to that in that it is the personal interest that is shown in the patient which is what makes people basically react as favourably as they do and express their appreciation of the way they are treated in hospital when they come out. But apart from the personal interest and concern shown for the patients, clearly, it must be important both in terms of protecting the interests of the staff employed in the Hospital and in terms of protecting the welfare of the patients, that we should be satisfied ourselves that the quality of their training is as good as they could get elsewhere. If we were not satisfied with that we should either update the facilities that we have for training them in Gibraltar or send them overseas but we should not be content to produce inferior trained staff in our own Medical Department. The history of this situation is that, initially, locally-trained nurses could only obtain UK registration as a State Registered Nurse in the Register for England and Wales by going over to UK for a period of time and being examined there and if they failed the examination there then they returned back to Gibraltar and we have had a couple of cases where because of this they have not been able to get subsequent registration in UK. Eventually the General Nursing Council in UK accepted that the local training was sufficient subject to their being satisfied with post-training experience and there has been a variety of treatments for individual cases. Some people have been accepted for UK registration immediately after finishing their training, other people have been required to spend a year in the Naval Hospital in post-qualification training and other people in recent times have been asked to go to the UK and the most recent situation is one which is quite alarming in that a number of those who qualified last year wrote to obtain registration in UK, were told that they could not obtain registration in UK without getting training in UK and that then it would depend on the reports of a Senior Nursing Officer in whatever hospital they went to, but that they had to apply to the individual hospitals themselves and that they had to be accepted by the individual hospital themselves and that the Nursing Council would give them no assistance in this. These people then wrote to a number of hospitals and were told by the Hospitals that they could not be accepted because of the financial restraints of the National Health Service in the UK and there was no money to employ people coming in from overseas. In one particular case one individual was eventually told that he would be accepted provided he went to the UK for an interview and then when he made all the arrangements to go to the UK for an interview he was told that because he did not have a residence permit in the UK he could not be interviewed. So one can see that on the one hand people are being told that

they need to go there and that there are all sorts of obstacles to their going there. I think it is important for us to defend the training that is given in Gibraltar and the qualifications that are given in Gibraltar rather than to try and find a loophole or a back door to get them recognised in the United Kingdom. The recognition of the local qualifications which effectively means the registration of our nurses on the UK Register automatically means that they then become recognised throughout the Common Market. This is an important thing although it is not very likely that we shall have an exodus of Gibraltar-trained nurses willing or wanting to move into France or Italy or anywhere else in the Common Market. We must be conscious of the fact that we are required ourselves not to discriminate against other EEC nationals in obtaining employment in Gibraltar. We are required ourselves to recognise EEC qualifications in Gibraltar and consequently if we have a situation where a Gibraltar-trained qualified SRN cannot obtain employment anywhere in the Common Market in her own or his own profession and yet we are required to give employment in our hospital to any EEC-trained SRN, we are putting our own people at a serious disadvantage in respect of the rest of the Common Market. So there are more than one facet to this particular problem and it is a problem which has been hanging around for too long already. It has been dealt with in consultation between the association that represents Nurses, where I happen to be involved as an Officer, and the Administration, and therefore the purpose of the Motion, basically, Mr Speaker, is to try and put a time limit within which the Government will try to come to grips with the problem because it will probably require Government representations directly to the Nursing Council in UK to find out what it is that they wish to see introduced in Gibraltar or how they wish the thing to be changed in Gibraltar so that it meets their standards. They did send an Inspector out from UK in 1978 and that Inspector produced a report to which references have been made in public and in fact the report was confidential to the Nursing Council in UK and the Nursing Council wanted to keep it confidential, they would not even agree to that being made available to the Nursing Staff here. But that was only a preliminary report in any case and it was not a question simply of carrying out a few minor changes and we would get automatic registration. The report itself went through the whole system of working in the hospital and pointed out in detail to some things but did not go on to say if you do this automatically we will give you registration and because it failed to do that the feeling amongst the staff is that it is only by the Government taking up the matter at the highest level, possibly through the British Government to the Nursing Council, and pointing out to them that because we are obliged by our own laws and by the Treaty of Rome to recognise other qualifications issued in other countries and give employment here that it is only fair that we should get reciprocal treatment. Perhaps, one of the barriers that we may have faced in the way this thing has been handled by the Nursing Council is, quite frankly, because I

have seen the correspondence myself, that there is an overseas section of the Nursing Council which tends to deal with the whole of the Commonwealth and one of the things that they insist on in all the letters that they send out is that unless the standard of English of the applicant is up to scratch they need not even attempt to apply. Clearly, as far as the overseas section of the Nursing Council is concerned, they may feel that Gibraltar is part of the Commonwealth and that the facilities here may be as rudimentary as they obviously are in some parts of the Commonwealth. They may not be conscious of the way our own educational system is geared up to the British educational system and that many of our SRNs have already got 'O' or 'A' levels in English. That may be something that has not penetrated into the people who send out these letters. I am bringing the Motion to the House, Mr Speaker, in the hope that with the support of both sides of the House the Government will have the necessary backing to expedite this matter and that by putting down the financial year so that if there is expenditure involved that can be provided for as well, we have a time limit within which we can hope to see this problem resolved to the satisfaction of all and I think this is something not just as I said in the interests of the staff but also in the interests of the patients in that we want to ensure that the training that we give in Gibraltar is as good as that given anywhere else in the EEC and recognised as such and in the interests of Government itself that it is paying UK wages and it should be insisting on UK qualifications. That is the whole basis of parity.

HON J B PEREZ:

Mr Speaker, Sir, first of all let me say that I welcome the motion of the Hon Mr Bossano and also the manner in which he has presented this motion today. I find from the facts as he has represented that there is very little or hardly anything on which I can disagree with the Hon Mover and I would say that he is extremely well-informed of what the present situation is. As he has pointed out, and as most Hon Members will know, we run in Gibraltar a local Nurses Training School which is responsible for the exclusive training of our local student nurses - they come in as Nursing Auxiliaries, take the intermediary exams and become Enrolled Nurses. Subsequently, when they take their final examinations after a period of, say, about five years they become eligible for registration under Section 13 of the Medical and Health Ordinance. It has been the practice during the last fifteen years and it has been a practice which has been encouraged for our local nurses, once they pass the final exam after they have registered locally, to seek registration with the General Nursing Council of the UK and Wales. The practice has been considered desirable and has been encouraged throughout the years for several reasons. The first reason is one of promotion prospects because it is the practice in Gibraltar that no registered nurse can qualify for the status of Sister

until that person has been registered in the UK. The second advantage which accrues to registered nurses to seek registration in the UK is one in connection with additional training like, for example, midwifery, mental welfare or even a nurse wishing to take a course to become a Tutor in our local hospital, because when they apply to the UK or any hospital there for this additional training after they are locally-registered it is normally a requirement imposed by the hospitals in the UK that that particular applicant before he or she can gain admission into that hospital that he or she must be registered in the register in the UK. Another advantage which accrues is one which I would call one of professional satisfaction and one of status. The fourth advantage that I can see has been pointed out as well by the Hon Mover and that is the question of job prospects in the UK but more important of all is to ensure the freedom of movement of our locally-registered nurses within the whole of the EEC. Having said that, Mr Speaker, I think it is useful to outline the position as it has existed way back in 1970 to the present day. As I have already pointed out once a local nurse passed the final exam she gets registered in Gibraltar and then has to make individually under her own steam an application to be registered in the UK. In 1970 the General Nursing Council of the UK and Wales were requiring our locally registered nurses to undergo a period of assessment ranging from 12 to 18 months in a UK Hospital and on completion of this period of assessment and on the recommendation of the Senior Nursing Officer of that particular hospital they were then registered in the UK. Between 1970 and 1975 there was a slight change and the reason for this was that as more of our locally registered nurses went to the UK to the different hospitals they began to recognise that in Gibraltar we had in fact a very high standard and the period was reduced to about a period of assessment coming down to six months. Between 1970/75 there was a general recognition of the standard of our local school and the period was reduced to six months. In 1975/77 this period was further reduced to a period of three months and in 1976 we had applicants applying to the UK hospitals and they were accepted either attending a three-month assessment course in the Royal Naval Hospital in Gibraltar and others were in fact accepted merely on a personal interview basis in the United Kingdom. The best year as far as locally-registered nurses were concerned was 1977/78 when we had quite a few cases in which our locally-registered nurses applied to the United Kingdom for registration and were accepted automatically and in some cases the assessment period was not required. As the Hon Mover has pointed out to the House in moving the motion the matter has become more urgent now as from 1979/80 and the main reason has been that those nurses who qualified in June, 1979, and who individually applied to the UK hospitals for admission to the register were in fact first of all asked to wait for a period of six months before seeking application. Subsequent to this they waited for the six months period to elapse and when they applied they found that it was indeed very difficult for them

to find any hospital in the United Kingdom that would in fact accept them so that they could undergo this required period of assessment and I think the main reason for this was due to the general election which they had in the United Kingdom and the Conservative Government came in and they introduced certain financial restraints on the National Health Service because we must remember that when our locally trained nurses go to the United Kingdom to undergo this period of assessment the wages and salaries are in fact paid by that particular hospital and not by us in Gibraltar so therefore I agree with the Honourable Mover of the motion that the position today in 1980 has become much more urgent than was originally the position way back in 1973 or in 1979. There is one point which I would like to make clear and I would like Honourable Members to have it clear in their own minds and that is that the motion calls for recognition for the locally obtained qualifications by the UK and by the EEC. I think it is wrong to be under the impression that we do not get any recognition, I think that is wrong, because if we did not obtain any recognition from the UK then our nurses would not be undergoing a three-month or six-month period of assessment or adaptation. If there was no recognition our locally registered nurses would have to undergo the full whack of a three-year period of training. There has been some recognition up to this stage and I think it is wrong to say that we are not recognised at all. However, let me qualify what I have just said and let me add that I myself am not satisfied with the present situation which I find unsatisfactory due to the inconsistency, to the different approaches of three months, six months, personal interviews and the matter as I have said is more urgent now because our locally registered nurses simply cannot get into UK hospitals and if they cannot get into UK hospitals then they cannot be registered in the United Kingdom and therefore there is no freedom of movement as far as the locally registered nurses are concerned. But I wanted to make that point clear that there is in fact, even today, some recognition. Coming back to the actual working of the motion in the first part it says: "This House considers that the professional competence of nurses trained in Gibraltar is of the first order and equal to that in UK". Let me say, Mr Speaker, that I agree entirely with the sentiments expressed in that part of the motion and I would say that I am entirely satisfied with the very high standard that we have here in Gibraltar of our nursing staff and also not only the nursing staff but with the excellent work and the standards which are set by the Tutor that we have at the St Bernard's Hospital. I have no doubt in my own mind that not only are our nursing staff at par with the United Kingdom or with other nursing staff in the EEC but I would say that in some aspects we are even better, the standard is slightly higher, because here in Gibraltar there is a difference of training periods. In the UK you can only go in at the age of 18 and you undergo a three-year training period whilst here in Gibraltar in order to help local recruitment we take in student nurses at the age of 16 and they do in fact do a five-year course. I would say that in that aspect we are

slightly better off than what the nurses are in the United Kingdom or within the EEC. The second part of the motion in fact says that within the coming financial year 1980/81, the necessary steps must be taken to ensure that locally obtained qualifications are recognised in the UK and in the EEC. Here again, Mr Speaker, I entirely agree with this proposal and I would now try to explain what I consider to be the necessary steps and what the Government has been doing for the last 4 or 5 months, what this present Government has been trying to do. As I said already there are two choices available to our locally trained nurses and for the Government. One is to continue with the individual applications and that is the old procedure going back to 1970, individual applications by nurses. Then we would have to sort out the question of getting UK hospitals to accept our locally registered nurses, we would have to sort that one out and to continue wanting our nurses to make this actual individual application. That is one way of looking at it. The second mode of approach which is the one that we are looking into and it is the one which I personally favour and I think it is a long term solution, and that is to have automatic registration. What I mean by automatic registration is this, that we would have to get our local school actually approved as a training school for the general purpose of the register of the United Kingdom and Wales. In other words, as soon as our locally trained nurse passes the final examination not only would he or she be entitled to seek registration in Gibraltar under our Medical and Health Ordinance but he or she would get automatic registration in the United Kingdom register. That would require us to comply with the statutory nurses rules of the General Nursing Council for England and Wales and obviously I think it is clear that in order for us to be in this position it will require changes. It will require change for many reasons and one of the most important ones is due to very recent EEC directives. In fact, even today the General Nursing Council is in fact undergoing certain changes in their training school so we would have to adapt our own syllabus and conform with other directives that have come from the EEC. We would have to move in line with the General Nursing Council of the United Kingdom. I can assure the Honourable Mover and Members of the House that the Government has in fact been looking into the matter for the last few months and we have been trying to identify the changes that will be required locally and we are studying the full implications that these changes will have on our locally registered nurses and our student nurses and in fact what the financial considerations would amount to in this particular case but I can give my assurance to the Honourable Mover and to the Members of the House that I will be giving this matter my full attention within the coming year.

HON G T RESTANO:

Mr Speaker, we intend to support this motion. We think that nurses who have to go for training to the UK do have to suffer like other professions, too, but in this case it can be overcome, a certain amount of sacrifice. One finds that it happens



quite frequently that nurses who have to go to the UK or who have had to go to UK to train in the past have been married women and they have had problems with their small children that they have had to look after or with their husbands employed here in another employment. It has been found difficult in the past for nurses to leave Gibraltar and train in the UK. The point that has been made already but which I think needs stressing is that the tutors that we have in Gibraltar have high tutorial qualifications obtained in the United Kingdom and they themselves if instead of being registered or working in Gibraltar were working and tutoring in the United Kingdom would be taking their students up to the level of State Registered Nurse which is the grade we would like for our own nurses so that other than perhaps refresher courses from time to time it would appear that the qualifications that the local tutors have are no different from those the tutors in the UK have. Therefore there would appear to be other than perhaps as the Honourable Minister has said, an adaptation of syllabuses to work in to the directives of the EEC and that I am sure would not take very long, there seems to be no reason why locally trained nursing staff should not be able to qualify as State Registered Nurses recognised by the General Nursing Council and be given certificates accordingly. I hope one of the last statements of the Minister was one on financial considerations and I hope that there will be no constraints financially by the Government to stop this possibility of State Registered Nurses in Gibraltar going through. I think it is of course terribly important that in Gibraltar nurses qualified here should have full freedom of movement within the EEC. I was interested to hear from the Honourable Member that there had been a report in Gibraltar, I understand it is called the Briggs Report and I wonder whether the Government could say whether there is anything within that report, because I understand it has been done in order to look into the training facilities of nurses and . . . . .

HON J B PEREZ:

If the Honourable Member will give way. The Report has not been made available to the Minister.

HON G T RESTANO:

Would the Minister not consider that it might be useful for him to try and get hold of the report and see whether there is anything in there which would obviate the possibility of having the local training recognised at a full level with training in the UK?

HON J BOSSANO:

If the Hon Member would give way. The report, Mr Speaker, was a report from an inspector of the General Nursing Council for England and Wales and the report went to the General Nursing Council for England and Wales and although, for example, the staff association felt that they had an interest in knowing what the inspector had found out and they should be told what the inspector says about the facilities here, the Nursing Council said that it was confidential to the Nursing Council and they wouldn't make it available to anyone else. Perhaps some of the problems which they see might have been influenced by the report the inspector made when the inspector went back but the report was not to the Government or the staff associations here but to the Nursing Council in the UK and they are the ones who made it confidential.

HON G T RESTANO:

I was coming to one of the points that the Honourable Member has brought up. First of all I think it would be a good idea for that report to be made available to the Government because I am sure that if an officer or a representative of the General Nursing Council has come out to Gibraltar to make a survey on the general conditions of training for nurses and perhaps even with the EEC context in mind it would be very useful for the Minister to have a copy of that report to be able to see whether there is anything of interest which he could implement straight away.

HON J B PEREZ:

If the Honourable Member will give way. That is why I said that we have already taken steps to identify the changes that would be needed as the General Nursing Council would see it in order to get our local school approved as part of the UK schooling. That is exactly what we are in fact doing.

HON G T RESTANO:

Presumably, Mr Speaker, if somebody has come out here specifically to look at the nursing situation then that report should be made available to the Government and perhaps to other people as well. I hope that nothing that has come out in that report has been the cause for this slight difference of procedure that we have experienced recently in that in the past the personal application with, I believe, a local recommendation as well, was sometimes sufficient to have an SRN certificate automatically granted by the Nursing Council. I think in that respect if we have found difficulties now in the recent past other than the cuts, it would be of interest to find out whether that report in fact contains anything which



has caused these new conditions to come about. Mr Speaker, having said that I would urge the Minister to continue his good work and take the necessary steps as soon as possible to ensure that the training here is at a recognised level with that of the EEC and England and Wales.

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

HON P J ISOLA:

Sir, I have the honour to move the motion standing in my name which reads: "This House congratulates the Gibraltar Police Force on the occasion of its 150th Anniversary and wishes to record its appreciation to the Gibraltar Police Force for the work it has done for the Community over many years". Mr Speaker, I think it is fitting that this being the 150th Anniversary this year being the 150th Anniversary of the inauguration, if I may call it that, of the Gibraltar Police Force, that this House should formally record that fact and formally express its congratulations to the Gibraltar Police. I was looking at a booklet on the Police Force of Gibraltar on which it appears that the proclamation of the establishment of the Gibraltar Police Force was signed by General Don on the 21st of June, 1830, which was really barely a year after Sir Robert Peel established a Police Force in England. So even going back 150 years you have examples of Gibraltar following very closely what happens in England. The first Police Commissioner kept the job for 29 years which I think would be very unlikely in present day Gibraltar. He started off as an Inspector of Strangers which is the title for Immigration Officer today so that the police have been dealing with immigration it appears ever since 1830 and it appears that the numbers in the Police when it was first established in the Force would have been around 71 as against the full complement today of something like 191 which is not such a big change considering the population increases there have been since those days. Over 150 years I think as far as the general public is concerned there have been ups and downs and sometimes the Police are popular and sometimes they have not been so popular but by and large I think, and I am sure the House will agree, they have done a good job for the community, they are a modern Police Force today, they have been transformed into a modern Police Force I think really over the last 20 years and in this connection I think I can speak to some extent with some experience of this because only about two weeks ago a delegation from my Party, the executive of my Party and two elected Members, visited the Police Station, the Police Force and we spent some three hours there. We were shown the way the Police was working, how it was organised and the various departments in the Central Police Station and I must say we were very impressed with the up-to-date standards of our Police. I think that on this auspicious occasion, the

150th anniversary, I certainly and I am sure the whole House would wish to congratulate them on having achieved their 150th anniversary and at the same time say some words of appreciation for the work that they do for the community and have done for many years. In our visit we noticed that the police are making real attempts to be identified as part of the community as opposed to "we and they" and this idea they have got of having open house on Saturdays during their anniversary year I think this is a very good idea because it gets people to know more about what they are doing and their work and so forth. Certainly, we in the DPBG were very impressed with what we saw and we are very grateful for the experience. I think the work of the Gibraltar Police Force has been at times difficult in the last few years when there have been problems but I think, by and large, they have tried to keep a balance between the various sections of the community and I think today we have a Police Force we can be justly proud of and I have pleasure in commending the motion to the House.

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

HON H J ZAMMITT:

Mr Speaker, Sir, I would like to associate myself with the sentiments of the motion moved by the Leader of the Opposition. Indeed, I feel every Member on this side of the House supports this motion. I do so with some pride because I have been associated with the Police Force for many years. I think one thing about the Police Force which we tend to overlook is the fact that it is possibly one of the only Police Forces in the world, British Police Forces, that incorporates much more than normal Police duties and as has been mentioned by the Leader of the Opposition, direct contact with the public in immigration duties, ambulance services and other extra police duties makes the Police Force of course an important part of our society. But I think the greatest sense of pride that we can have is the standard of our Police Force and experience has shown that we have even had to stop sending our officers over to certain courses in the UK because they were virtually banned because we were picking up every baton of honour and it went to show that our standard was I would say equal if not better than many Police Forces certainly on the aspect of the knowledge of law which is something which I think the Police Force or Police Officers are underestimated. Whereas we have always said that lawyers have much more time to look up the book the policeman has to act on the spur of the moment. The other sense of pride which I have always drawn from the Gibraltar Police Force is the fact that we are the oldest overseas British Police Force in the world and although the Leader of the Opposition is right in saying that we are one year younger than the Metropolitan Police we certainly are the oldest established, then

known as Colonial Police Force within the British Commonwealth. I think we have stood up to our name particularly in courses in England where we have licked even those who have later come to Gibraltar to be our Commissioner. I would not like to go further into that aspect but I do feel very pleased because I was a police officer during the 125th anniversary and of course 25 years later I am in the House to be able to congratulate them from a different point of view. I feel that every Member in this House, indeed, all Gibraltar owes the Police Force a great debt of gratitude. Very rarely they are congratulated for an excellent job and in fact they are all too often criticised for carrying out their duties in a very able manner. A policeman virtually knows everybody in Gibraltar and the job is made even more difficult than being a police officer elsewhere. I am very glad to associate myself with this motion, Mr Speaker, and I hope that we can see them celebrating their 200th anniversary and that most of us will still be here. Thank you, Sir.

HON A T LODDO:

Mr Speaker, for personal reasons I have always had a soft spot for the police and the reason is that my father was for many years a police officer. It should be a matter of pride for Gibraltar as a whole to have a Police Force celebrate 150 years in the best traditions of the British police. The British Bobby and, indeed, the Gibraltar Bobby, is considered by and large by the majority of people, the citizens friend. Unlike other countries where the police inspire anything from mistrust to outright fear, in Gibraltar and in Britain the Bobby on the beat is a reassuring sight and in fact the violent death of a policeman is something which fortunately we don't see in Gibraltar and thankfully we do not get in the UK very often. It is something that produces a reaction of outrage and indignation whereas in other countries this is looked upon as just an occupational hazard and raises no public outcry. This, if nothing else, should be a measure of the esteem in which we hold the Police Force in Gibraltar and in England. As the Honourable Mr Zammit said, something which is overlooked by and large is the very different roles the police in Gibraltar are called upon to perform. Gibraltar is a port authority, an airport authority, we have problems with immigration and we also have a naval dockyard. These are all problems which no comparable city in UK has to deal with and yet here in Gibraltar the police cope admirably. From time to time the police is open to criticism from all especially when we get a parking ticket but by and large I would say that the performance of the police in Gibraltar is exemplary and the fact that we no longer have criminal sessions but a continuing legal process is probably indicative of the success of Gibraltar's police in combatting crime today and I have no hesitation, in fact, I am honoured to be able to support this motion.

HON ATTORNEY-GENERAL:

Mr Speaker, I would welcome the opportunity to speak in support of this motion. I have the very good fortune to be associated in my daily work with this long established Police Force. It gives me great pleasure for that reason to be able to speak in support of the motion and in support of the words of the Honourable Minister and Honourable Members on the other side to mark this occasion of the 150th anniversary of the Gibraltar Police Force. The advantage I think of Gibraltar, Sir, is that the size of the force is such that it is possible not merely to have an association but a close association and not merely with the senior officers of the force but with the officers who undertake the daily work of the force on the ground as it were. The most immediate characteristic I think of the work undertaken by the Gibraltar Police Force is one to which reference has already been made and that is the very wide variety of the work undertaken by them and perhaps it would not be inappropriate for me to refer to the various elements of work which the Police Force does undertake. Apart from the usual areas of police work we have marine work which other forces do undertake but by no means all other police forces, community work which is becoming an increasingly prominent element of police work. In Gibraltar we have the work of the police which I think brings them into very direct contact with the community and beneficially so when they man pedestrian crossings during the time the children are coming to and from school and I think that is something which is obviously a duty which brings them into contact with the public in a very acceptable way. Beyond that they have two other roles which are by no means common, in fact, I don't believe that I have come across them anywhere else, and one is immigration and the other one is providing the ambulance service. Sir, the police work is a very demanding form of work, it requires many qualities, it deals with all facets of life, it calls for tact, it calls for firmness, it calls for discretion, it calls for courage, perseverance and it calls for compassion. I think that when all is said and done the fact of the matter is that the most important side of work which the police do and the work which ultimately the police are really concerned with is that of law enforcement and on this occasion I would like, if I may, to make some comments on what I see as respective roles of the police and of those other bodies which are involved in law enforcement and perhaps to underline my view and I think it is the established view, of the police role. Law enforcement falls into three recognisable elements. The first is the task of investigating and deciding whether or not to commence proceedings for an offence. The second is the task of prosecuting the offence before the courts and the third is the task of adjudicating as to whether or not an offence has been committed. The first is primarily the role of the police, the second primarily my role and the third is a matter for a judge and for a jury. I

think if I can underline what is a most important principle that while lawyers may advise the police on the investigation and on the charging of persons for offences, I think it is essential to the eventual due administration of justice that at the end of the day if a police officer decides that an investigation warrants laying an information and saying: "I believe this charge should be brought", ultimately he should be free to do so. Thereafter what happens may indeed be a matter for the Law Officers and of course it will come under the ultimate review of the courts. But I think that is a most important principle to establish that up until the time that proceedings are instituted a police officer is an officer of the law in his own stead and is free to vindicate his judgment by laying an information. Sir, I don't want to dwell unduly on that side of police work. I would like to say if I may that in my experience the police force of Gibraltar is most ably led by a senior cadre but equally the men of the police force and the women of the police force who undertake the daily police work are of a noticeably able calibre and it is a great pleasure to be associated with them. There are two features of police service in Gibraltar which I think should not be lost sight of and which should be valued. One is the close contact which they have with the community and the other which arises from the variety of work that I have already referred to, is the element of versatility and I cannot but feel that in Gibraltar's circumstances versatility is a most desirable attribute. I think both of these aspects of police work in Gibraltar are very well depicted in the commemorative stamps which were issued to mark this occasion. Those stamps show very clearly how closely the police force works with the community and how wide a range of work it undertakes. It is impossible to see into the future, Sir, but I believe the Police Force will have many more similar anniversaries and I would like to be able to predict what the commemorative stamp in the next anniversary are able to illustrate as being the range of work undertaken by the Police Force. I wish them many more such anniversaries and I take great pleasure in associating myself with the remarks that have been made.

HON MAJOR R J PELIZA:

I, too, would like to associate myself with the words of praise for our Force. I think they have a very difficult task in a small place like Gibraltar and sometimes we take a lot of things that they do for granted. I think if we have a good public order in Gibraltar of which I think we all feel so proud and which I think also impresses our visitors, I think we owe a good deal of that to our Gibraltar Police. As a child and as I grew up one thing I was never afraid of in Gibraltar was a policeman. I saw him as my friend and not as a chap who was going to come and take me to jail. I feel that generally the attitude in Gibraltar, and I must say equally in Great Britain, is precisely that. The policeman is your friend

and that perhaps is one of the greatest things that we have inherited from the police in the United Kingdom. Our standards, and I have every opportunity of comparing it since I come and go, I think our standards certainly are no lower than those of the United Kingdom, with the added advantage here that you really know your policeman in this place, he is either related to you or he is your friend or sometime before you have seen him and spoken to him. This, of course, makes his task all the more difficult in that whilst being friendly he has got to be firm and that is no easy task when under certain circumstances they have to use force against a friend or even a member of his family. Because of that I think we should give them all the greater praise for the important function they play in our small community. One thing that I would like to see changed, perhaps after the 150th anniversary, is the name. I would like to see only "Gibraltar Police" with the "Force" bit omitted because it gives the impression of the use of force - Gibraltar Police Force - and I wonder if whoever is responsible for that could give some consideration to calling our police the Gibraltar Police and not the Gibraltar Police Force. I do not know if that is the official title that they have but certainly that is what they say in the leaflet. There are others who say it should be the Royal Gibraltar Police. Obviously, I do not think that in this House, I imagine, we are anybody to recommend that title but perhaps again, somewhere, somebody might be able to make the suggestion. I understand that this is the only Police Force in the whole of the British Commonwealth now which does not have the prefix "Royal". If this is so perhaps we have a strong case to make that possible. I am not suggesting that the House does it but there are people in this House who may take note of that and perhaps see if this is possible. It might be too late for this occasion, I do not know, but be that as it may, I think my sentiments are expressed and in doing so I myself feel that this change should perhaps be carried out for the enhancement of our Police Force. One of the great things that we sell as a British people to our colleagues 1,000 miles away in the British Islands is our Bobby. The mere fact that they see the police in Gibraltar which are almost identical if not identical to that of the United Kingdom puts them at ease which is something perhaps they do not feel when they go to other countries where the attitude of the police is different, where the general belief is that they use much more authority than we are used to with our own police. I think this perhaps is an occasion when very rightly a motion has been introduced in this House to commemorate the 150th anniversary and I certainly will support the motion.

HON CHIEF MINISTER:

Mr Speaker, it would be idle of me to repeat all over again what has been said about the Police with which I entirely agree. I have been connected with the Police Force professionally the first 15 or 20 years of my life very closely particularly during the difficult days of the evacuation and so on and I was able to see how helpful they were during that

time and throughout after. I will just mention three aspects of the Police work which have not been mentioned. The first one is the fact that the Gibraltar Police Force is part of Interpol which helps in the overall detection of theft and particularly in the traffic of drugs which in turn requires, too, in the day to day running of the investigation department an element of scientific study and knowledge in order to be able to particularise and identify drugs quickly for prosecution. The third aspect is one which has been introduced in the last few years and which has a very good and salutary effect particularly on young people and that is the appointment of community constables in big housing estates and areas where a constable is identified with that area and is like the village botby in the sense that he is there always available to give advice and to help and to soften up any problems that may arise. I think we should be proud of the fact that now no post in the Police Force is unavailable to the Gibraltarian if he is worth his salt, that the bulk of our officers are local people and that we hope that in the future the Commissioner will also be from our own. That is in no way any aspersion on the fact that people do have to come from abroad from time to time but it is also an indication of our ability to be able to hold the higher posts in the Government and in the public service which the Government renders. Therefore, I think that on the whole it is very appropriate that the police should be celebrating the 150th anniversary and that this House should take the opportunity of congratulating them.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, this is one of those occasions where, thankfully, the mover doesn't have to say much in reply. I think all I have to say is to agree with all the sentiments that have been expressed and commend the motion to the House.

MR SPEAKER:

To the extent that I am entitled to do so may I associate myself with the feelings of the House.

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

HON P J ISOLA:

Mr Speaker, I have the honour to move the second motion standing in my name which is that: "This House calls on the Government to improve upon its plans for new housing as announced in the election manifesto of the governing Party

and at the meeting of this House on the 28th of February, 1980". I do not propose, Mr Speaker, this motion will have such a peaceful passage as the last one although I hope it will. It is couched in general terms, Mr Speaker, because on this side of the House we are certainly very distressed with the fate of housing and we have talked about development generally and I don't think I have to talk about that in this motion. We consider, and I am sure that Government does, that housing is the most important priority in our community. With a housing waiting list of 1800 which may now have gone down as the result of the allocations at Varyl Begg Estate just before the election, may be less, but still with a very large housing waiting list, the housing targets set by the Government are just not good enough. In the election manifesto, I mention both in the motion, because certainly there is a slight conflict it may be explained, but in the election manifesto the Government said or the governing party said that they had plans to build 120 new and above 80 modernised housing units between 1980 and 1982 and further plans for further housing with the highest priority for this most important aspect of our social progress. Mr Speaker, I don't mind telling you that we used this figure, obviously, in our election campaign and said that this was very poor and I think this did cause an impression among the people to whom we spoke. I think people were alarmed at the low target set for itself by the Government in a period of two years. In the inaugural session of this House the Chief Minister putting forward Government's policy said that within the coming financial year which would be 1980/81 they hoped to finalise the construction of 66 units and commence work on a further 150 units for completion by 1982. That is why I opened by saying that I referred to both of them because what was said in the House seems to be - and I hope I will be corrected if I am wrong - seems to be a great improvement on what was said in the election manifesto of the governing party and if that is so then I am sure that this must be because the governing party found during their election campaign the concern there was at the lack of progress in housing in Gibraltar or for some other reason. But it does seem to be a significant upsurge, if I may put it that way, on the election manifesto of the governing party. As far as modernisation is concerned, we have expressed our doubts about modernisation and how far it is in fact interfering with the construction of new housing and this is something I am sure we will talk about at the Budget session. At the moment the purpose of this motion is purely and simply to try and get from the Government a commitment at this stage for new housing and to complete the housing programme already in the Development Programme, to make special efforts to complete it within the development period and it looks very difficult from what I can see from the expenditure there has been under the Improvement and Development Fund for the first two years of the development programme of 1978, it is going to be an extremely hard job for the Government to fulfil its targets for housing as stated in that Development Programme. Mr Speaker, what I

would like to see is that we get told whether this scheme, because the 1982 completion is under the new development programme which starts at the end of 1981, it should start at the end of 1981 and what we would like to see is to have an explanation, an explanation of what are the Government targets in housing, do they consider that they can no longer fulfil the target they set themselves in the 1978 development programme for completion by the end of the programme? Are the new figures that have been set out less than those in the development programme? Does the Government not consider the target that has been set for new housing in Gibraltar for 1982, in other words, two years hence, are much too low and what are the reasons for setting such low targets? The Government announcement for new housing must make depressing reading for those in the housing priority list. We would have thought that there would be ambitions and bold planning of new housing to give those people in the housing priority list some hope of getting a house within a reasonable period of time. Mr Speaker, I think that is all I would like to say in proposing this motion. I would certainly like to hear what Government plans are and I would like to hear encouraging noises that the low targets set are in fact going to be uplifted radically.

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

HON M K FEATHERSTONE:

Mr Speaker, one is always willing as far as possible to improve on whatever plans one has but the obvious position that has to be taken into account is two-fold, firstly, the supply of money available and, secondly, the labour capacity to actually do the work even if the money is there. We have, as we have stated, a number of on-going schemes and these in particular are White Stores, Tank Ramp, Lime Kiln Steps Phase 1 and Naval Hospital Road. These are schemes which are at the moment on-going and will be finished before 1982, in many instances they will be finished before the end of 1981 and in some instances they will be finished this actual year. Then there are of course the schemes that will be started this year and should finish within 18 to 24 months and that is why we have said, this is what our programme is up to 1982 and they include Catalan Bay, St Jago's, St Joseph's, for which the tenders have just been given, Flat Bastion Road for which the tender should be given fairly shortly, Lime Kiln Steps Phase 1A which has just started, Road to the Lines and Castle Ramp. This will provide the approximately 150 further units that will be ready by 1982. This does not preclude that Government has other plans to continue, improve and enhance the housing programme. When we started the 1978-81 development programme we had to go to the ODA with suggestions of schemes that we would like to put into effect and the situation at that point was that these were absolutely schemes in the air, there was nothing other than the projected sites prepared, there were no

plans, no working drawings nothing whatsoever. For the next development programme we are in a much happier position. We already have plans and in many instances working drawings ready so that once we can discuss the question with ODA, if we get further support from them as we trust we shall, there will not be a tremendous period of time while we are getting the working drawings ready, while we are getting the Quantity Surveyors works done, all this will be absolutely ready and so we will be able to push straight into the new schemes. This, I think, is an obvious improvement on the further plans but of course it is in the next development programme and I do not want to commit ourselves too fully in this at the moment. I can only say that with the momentum we have at the moment we will as promised get our 66 finalised and our 150 further housing, 150 plus actually, further housing done by 1982. That will give us about 212, 220 houses - 100 a year - which I do not think is a very bad effort.

HON CHIEF MINISTER:

Mr Speaker, I am sorry that the Honourable Leader of the Opposition has thought it necessary at this first meeting of the House to bring this motion. It is interesting that if in fact our electoral programme had promised something and I had said something less, I would have been accused of having promised something that I couldn't perform but in fact what we did in our electoral manifesto was to be perfectly honest and made an assessment of the situation at the time when it was drafted which as time has passed has been possible to improve and in fact the number of units in total by 1982 is 218 as I have just seen because sometimes schemes make it possible. What did we say in the manifesto? I quote: "Housing: This must be a continuous concern of any Government and despite the fact that inflation has caused havoc with building costs, we have plans to build 120 new and about 80 modernised housing units between 1980 and 1982 and further plans are under study for further housing with the highest priority for this most important aspect of our social progress". These were facts of what we have done and a promise as to that. What did the DPBG say about housing? I quote: "We will also dedicate ourselves to the acceleration of the existing housing programme so that it is brought up to date. Only by an ambitious reclamation programme can we have a site on which a large housing estate and associated amenities can be built". That was a bit of a pipe dream because there are not many available sites for re-claiming that are not already earmarked for other priorities too but in fact it is less fair even to have put this motion and to mention that they are not satisfied with what I have said at the House of Assembly. I said: "Our energies and resources should be primarily devoted and foremost among these will be housing. The main element in the last development programme was education, before that it was housing and it is to that problem that we will now once again attach the highest priority". Further on I said: "Within the coming financial



year we hope to finalise the construction of 66 units and to commence work on a further 150 units for completion by 1982. Even those figures now are bettered because instead of being 150 it is 153. So instead of overstating the situation I was trying to be as cautious as possible in order not to be told that we were promising what we couldn't deliver. Then I put into that speech precisely what is in our manifesto: "We propose to make the construction of further new housing one of the main issues in our proposals for the next development programme. The bulk of social unhappiness in Gibraltar derives from inadequate housing and we are confident that the Government will receive general support for its decision to make further substantial inroads into the problem". But instead of getting that general support we get this perhaps in the hope that unless we do that we are not going to build housing because earlier today the Honourable Leader of the Opposition said that if he doesn't bring a question every time there is a Meeting of the House of Assembly we won't have electricity. Well, he is living in cuckoo land or he needs an electoral campaign to go round and find out for himself what the position is. We in this Party do not need to go round the districts in electoral campaigns to find out the situation, we know it because we live very near it and we live with it all the time. Therefore I think this motion is really very ill-timed, unjustified, unfair and not warranted. The other thing which we must take into account when we speak about resources as the Minister for Public Works mentioned, we have an on-going plan of other priorities of great importance. The school which has at last got off the ground which I think the contract is going to be signed tomorrow morning, ceremonially I hope, which is going to be more than £5m. That is an on-going project. Then there is the Port Development Programme and within all those, that is why we said that our foremost priority will be housing and we have said much more and promised less in the sense that we have said what we would do which was less than in fact we are going to do, already at the first meeting of the House. I think this motion really does not only call for being defeated but it also calls for it to be amended and I am proposing an amendment now and I am not trying by this amendment to exalt anything but to take note of the situation because it is very easy for a motion to say "that this House urges and calls on the Government" but the Government is here all the time. The amendment is to delete all the words after "This House" and substitute the following: "notes the plans for new housing announced in the election manifesto of the GLP/AACR and at the meeting of the House on the 28th of February, 1980, endorses the Government's intentions to make the provision of additional housing one of its main priorities in the next Development Programme and looks forward to an early announcement of the Government's detailed plans". That will put the matter in its proper perspective and will give the lie to an attempt again at creating in a very sensitive area ideas that by motions you can build houses. By motions you do not build houses, you build houses by being at it all the time and by doing the very best of what is being done. A lot has been said about modernisation.

Well, I know that we have had difficulties on modernisation and I would like to say that it requires a considerable amount of courage to carry on with modernisation because it is unpopular in many ways, it delays the overall housing progress but what we could not envisage for the future is a slum Gibraltar in the middle with houses dilapidating and coming down and in the periphery big blocks of new flats. That I don't think future generations would feel very well that we had allowed the state of some of the housing districts in Gibraltar to deteriorate and not do something about them. Modernisation has got a number of virtues. We knew that we were in for a labour intensive scheme which was slow but on the other hand we needed to put a little pride into neighbourly housing and so on as in fact you already have in Flat Bastion Road and the fact that not everybody wants to live in a huge housing estate, there are still people who want to live in a reasonably modern flat in a neighbourhood where he or she has lived all his or her life and there is a lot to be said for the fact that as you go round and you see modernised houses you feel that it is a continuation of the old Gibraltar under modern conditions apart from, of course, new housing as and when sites can be obtained. Really, I do not think that it is fair that we should at this very first meeting where in fact already it is shown that the figures given in our manifesto have been improved that there should be an attempt to belittle the statement which I made which entirely complies with the manifesto and that is that we were going to make housing our top priority. If, after a little time we had produced nothing or we had produced something very poor then of course it would be right and proper for the Opposition to have criticised it and in fact they can do what they like but in fairness if in fact there is going to be that spirit which was mentioned earlier by Mr Bossano and which was apparently well received by the Leader of the Opposition about cooperation and so on, it seems to me a very negative attitude at this very first meeting to try and belittle our efforts in this respect particularly, as I say, when in fact we are going to improve slightly on our promise and we have made a firm determination and at very great cost as it will be seen because not only are we carrying housing as part of the development programme but the Government is going to make a big inroad into its finances in order to build houses beyond whatever we can get from the development programmes in the next development programmes which we hope will not be disappointing. That, of course, still remains to be argued but as the Minister for Public Works said, we now have the advantage of having had the set-up and the impetus which was given again another thing which was a most unfair remark which was made in the elections about the fact that all the contracts were going out because there was an election. I had a list made at the time to see how the contracts had come through and how in fact it so happened that because Mr Xiberras went and because there was a general election the contracts came out at the same time and I therefore feel that the best way in which this House can reflect the true feelings of the people who voted for the majority of the AACR to stand in Government, is by putting the amendment which I commend to my colleagues.

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

HON P J ISOLA:

This is an extraordinary amendment, Mr Speaker. Here we are 1979/80 being asked to endorse a development programme which is to commence in 1981 when the existing development programme has some £14m unspent and the Government asks us to say: "Look, forget about what you say about building more houses now, forget about all that", and cheer everybody up saying that we note their plans for 1980/81 the next development programme, I hope the GLP/AACR manifesto wasn't referring to housing after 1981, that it was referring to housing now. Is the noting of their plans an admission by them that there is no hope left for the present development programme and for housing targets to be achieved? Let me say why this motion was put now, we are accused of unfairness in it. It was put before the Budget deliberately, to make sure that housing was in the forefront of the Government plans for next year. And why was this done? A very simple reason, Mr Speaker. The Government said in 1979 that it would spend £3m on housing between 1979 and 1980. We had our question answered yesterday that they spent just over one third of that money, £1,163,423 and to complete the programme you need another £3,893,003. That's another nearly £6m just on housing alone if they are going to complete their target for housing by the end of 1981. And they are asking this House now in an amendment to endorse their proposals to make housing not the main priority, which it should be having regard to the fact that they failed miserably in the new housing required in Gibraltar, not the main priority but one of the main priorities. If the motion had said "endorses the Government's intention to make the provision of additional housing its main priority in the next development programme and looks forward", well, alright we would support that motion. If you want to talk about what is going to happen after 1981, alright, we will talk about it now. We are more concerned ....

MR SPEAKER:

If an amendment is going to be made which is going to be acceptable, let us do it now.

HON CHIEF MINISTER:

I think that this may have been very quick drafting over lunch and therefore it is not intended to dilute in any way what I said on both occasions. They have talked about "its main priority". If the Honourable Member will allow it I will now amend it technically without having an amendment to an amendment moved by another member of my Party.

HON P J ISOLA:

Yes, let it be moved, Mr Speaker.

MR SPEAKER:

Let us move it so that we do things properly. Let us have a Member of the Government proposing an amendment to the amendment.

HON CHIEF MINISTER:

It will be moved by the Hon Mr Abecasis.

HON I ABECASIS:

Mr Speaker, I propose that the words "one of" between the words "housing" and "its" in the fifth line be deleted.

Mr Speaker put the question in the terms of the Hon I Abecasis' amendment to the amendment which was resolved in the affirmative and the amendment to the amendment was accordingly passed.

HON P J ISOLA:

May I say, Mr Speaker, how delighted I am that we have made progress to the extent of getting Government to agree that in the next development programme housing should become the main priority.

HON CHIEF MINISTER:

If the Honourable Member will give way. I think it is a most unfair way of conducting business. We said this in the manifesto "its main priority". We say this in the speech and now we have changed it because Mr Isola has spoken. He is not God yet.

HON P J ISOLA:

Well, I am glad that that at least has been cleared up but, Mr Speaker, I would like your guidance as to whether we can vote on this and then vote on my motion, my motion disappears, does it not, if we agree to this amendment?

MR SPEAKER:

I will read you exactly what Erskine May says on this one. "The object of an amendment may be either to modify a question in such a way so as to increase its acceptability or to present to the House a different proposition as an alternative to the original question. The latter purpose may be effected



by moving to omit all or most of the words of the question after the first word 'that' and to substitute in their place other words of a different import. In that case the debate that follows is not restricted to the amendment but includes the purpose both of the amendment and of the motion both matters being under the consideration of the House as an alternative proposition". If we go on to page 378 it says: "In case of amendments of this type the proposal of the question 'That the amendment be made' effectively places before the House two alternative propositions contained in the motion and in the amendment respectively, between which the House has to make a preliminary choice before deciding finally to agree to either of them. Consequently, if the question 'That the amendment be made' is agreed to, this vote does not by itself express a decision against the motion, but only a preference for taking a decision upon the alternative proposition contained in the amendment. When, however, the main question, as amended, is agreed to, the original motion may be regarded as having been negatived by implication".

HON P J ISOLA:

Mr Speaker, from what I gather we have to vote against this and then vote for it afterwards.

MR SPEAKER:

If you so wish, yes, but you can vote in favour of both. My duty is to place the amendment, have a vote on it and then to put the motion as amended to the House again even though it reads exactly the same.

HON P J ISOLA:

Well, Mr Speaker, as I said, the motion before the House is entirely different to the one moved and as amended now if we can say at least that in the next development programme housing will be the Government's main priority then at least one can say that there is something positive, we have committed the Government to making housing its main priority in the next development programme. Having said that, I have to express great concern that what the Government have in fact done by this amendment is to push the problem under the carpet, to get the people of Gibraltar to forget their failure to fulfil what they said they would fulfil and they said with confidence in April, 1978, and I was surprised to hear the Minister for Public Works saying that the Ministry of Overseas Development were saying: "Well, all you have got are schemes but you have got no plans and you have got nothing else". I was very surprised to hear that because it was in April, 1978, during the budget session two years ago, when the Opposition questioned the Chief Minister as to its ability to spend the £14m to be granted by the British Government and the £8m from

local funds, £22m, when we questioned him on that the Chief Minister then said: "Well, we now have our establishment in the Public Works Department right up to strength, we are ready to go and I can tell the House that we will spend the money", and two years later we have the Minister for Public Works now telling us: "Don't worry, we have got our plans for the next development programme and we will spend it then". Of course they have got their plans for the next development programme. The next development programme, Mr Speaker, is going to be mainly completing the present development programme because the Government has spent, as we heard in an answer to a question, they have spent £6.6m in 2 years out of £22m and again we have to spend in one year double what they have spent in two years to complete the programme. So having swept the programme under the carpet and got everybody to forget it they say: "Don't worry, fellow citizens, forget this development programme, the next one we are going to make housing the main priority". And of course you will believe us when we say that because after all look at our record". And then if people look at their record then they will get worried about whether they can in fact fulfil and deliver in the next development programme. This amendment, Mr Speaker, is really an attempt on the part of the Government to get the public to forget our development programme, the present one, and just think of the next one and this is why we have a problem because of course we want housing as the main priority. In the amendment they are only asking us to note their plans and therefore if they ask us to note their plans for the development programme, well, we note them. They do not ask us to approve their plans because then we would have to say no we don't because we think that their targets are sighted very low indeed. They just ask us to endorse their intention to make the provision of additional housing the main priority, well, that we do and look forward to an early announcement of the Government's detailed plans. However, frankly, we would much prefer to hear at budget time the Government's plans to complete the existing development programme.

HON CHIEF MINISTER:

If you had waited until budget time and not rushed into this motion you would have got it.

HON P J ISOLA:

Mr Speaker, the purpose of this motion was precisely to ensure that the Government had housing in the forefront of their minds when it came to the budget and what Government is doing is telling us: "Forget the uncomfortable year that exists between now and 1981, forget that. We will get over it and we will say something in the budget and explain about what the Minister for Public Works has been telling us, high costs and all the other problems, no labour and everything else and let us think of the future, think of 1981 and we will announce great things for 1981". Well, alright, Mr Speaker, we have to

vote against the amendment to start with because that means eliminating our motion which we think is much more down to earth and much more constructive, we have to vote against the amendment because it eliminates our motion but once our motion is completely eliminated then we will vote for the second best which is that they are going to make housing the top priority in the next development programme and they are going to announce their detailed plans very soon because the motion says "and looks forward to an early announcement", and as it is the Chief Minister who moved the amendment we can only assume that there is to be an early announcement of the next development programme and that is how I see the game.

HON A J CANEPA:

Mr Speaker, I had not intended to participate in this debate but having regard to what has happened at this first meeting of the new session of the new House of Assembly, I think perhaps I should not allow this opportunity to go by without making some general remarks prior to having something to say on the amendment before the House. I think we are heading, Mr Speaker, in this House for a great deal of acrimony in future meetings. I say that, not because of the actual criticisms which we are having but with the manner in which that criticism is being levelled in particular by the Leader of the Opposition. The Honourable Mr Bossano said earlier today something about the political formation of the Leader of the Opposition being different to his own formation. I think that the political formation of the Leader of the Opposition is also different to mine. I do not believe that politics is a game, I do not believe that politics is necessarily a dirty game. I believe that there are certain standards of ethics that can be maintained in politics and I have tried to do that myself during the eight years that I have been a Member of this House and I am certainly not going to allow myself now, over the next 4 years, or, please God, over the many more years that I intend to be a Member of this House provided that I get the support of the people of Gibraltar, to allow my standards to be lowered to the level of those of the Leader of the Opposition. I think it is about time that at this first meeting of the House we should issue some timely warning to the Members opposite that if they carry on this way we are going to be in for big trouble in Gibraltar and it is not going to do the good name of this House or of politics in Gibraltar in the eyes of the electorate any good, but if the Honourable Members opposite want trouble they will get trouble and in the knowledge that in four years' time we are going to beat them again . . . . .

MR SPEAKER:

Let us speak on the question before the House.

HON A J CANEPA:

Yes, Mr Speaker. Let the Honourable Leader of the Opposition keep that in mind because if he wants to carry on being the prima donna that he has been for the last two days let him carry on but we are not going to take things lying down.

HON P J ISOLA:

Mr Speaker, I want to make a point of order. Is it in order for the Honourable Member to threaten this side of the House?

MR SPEAKER:

I don't think that the Hon Member was threatening.

HON A J CANEPA:

I am not threatening, Mr Speaker, in a physical manner, I am just saying that they are going to get as good as they give, if not better. Coming to the motion, Mr Speaker. At the very first meeting of Council of Ministers, having just been appointed and been given new responsibilities over and above what I myself already had, namely, Economic Development, I formally proposed to my colleagues in Council of Ministers that we should make housing the main priority in the next development programme, in fact, the main priority of Government policy. I said that we should allow no considerations to stand in the way of that, that no matter how costly the building of new flats was becoming, \$40,000 per housing unit, that if anything had to suffer as a result of the need to earmark funds for housing, that we should allow something to suffer. That if there had to be slippage that there should be slippage in other areas of the development programme and not in housing. I think that that proposition was accepted by my colleagues at that first meeting and hence the statement which the Honourable Chief Minister made at the opening meeting of the House. The Leader of the Opposition has said that he moved his motion so that housing would be in the forefront of the Government's policies with an eye to the budget. We have been working on the estimates, Mr Speaker, for the last month. We did not have to come to the House today to be asked to put housing in the forefront. The Estimates of Expenditure are ready, the Estimates of Expenditure in the Improvement and Development Fund have been approved by Ministers and they are now ready to be circulated in due course and housing has been given the priority which it merits before notice was ever given of this motion at this meeting of the House. We are sensitive, Mr Speaker, to the housing needs to the people of Gibraltar. I myself have never enjoyed particularly good housing conditions, I have always lived in a district of Gibraltar where housing conditions have been none too good. Perhaps members of my family have suffered from the poor

housing conditions which have been a feature of life in Gibraltar for some decades, perhaps, to a greater extent than the families of many of the Honourable Members opposite. I have lived the problem and I continue to live the problem and therefore I am very sensitive to it. We are honest about the way that we conduct our business. It was clear in the election campaign that in the eyes of the people of Gibraltar housing continued to be the main social priority. We had to give in the last and in the current development programme priority to education because there was also a crying need for a new comprehensive school and unfortunately the building of that school has been somewhat delayed but now it is a reality and therefore once again we can return to the approach of years past whereby housing has been the top social priority. Over the years I think that the number of new houses built in Gibraltar has averaged somewhere in the region of 100 or 110 and what we have been concerned has been to keep that momentum going in spite of escalating costs. In the Development and Planning Commission, Mr Speaker, we see proposals, we consider proposals for housing development in the private sector; one is able to note for instance that there is a project to build 30 housing units in Gibraltar at a cost of £750,000 which is £25,000 per unit yet the lowest tender which the Government has had to accept, the tender which it has had to accept in respect of forthcoming housing projects works out at £40,000 per housing unit. We are wondering why, why is this, why are we having such high tenders or is it that there is an attitude on this matter which is a fairly generalised attitude in Gibraltar that when it comes to the Government we might as well fleece them. Could that be part of the problem, I ask this House, as to why we are getting very high tenders which are not being reflected in the cost of new housing in the private sector and this is a matter which we have very much in mind and it is a matter which we hope to be able to put to the test over the next two years. If a scheme that we have in mind comes up, if we are able to perhaps prove that houses can be built in Gibraltar for much less than the £40,000 per housing unit that is being quoted, I think everyone will thank us because we will be able to build houses more cheaply and therefore the rents will not have to be as high as they might otherwise be. But I reject totally, Mr Speaker, any notion of Honourable Members opposite that this Government and this Party do not deal with the social, the compassionate approach that we have had over the years, that we do not give housing the priority that it needs. We have built the houses in Gibraltar over the last 30 years, even the houses that were planned by the Honourable Members opposite and about which, unfortunately, there have been problems, nevertheless, it is a fact of life that there are 700 families living in that housing estate and when those problems are out of the way that will have gone a long way towards alleviating what would otherwise be an even more intolerable problem. I think it was sensible of the IWPB administration to take advantage of a very good reclaimed site for that purpose but the fact of the matter is that we came in

in 1972 and we built those houses and to my mind the only houses that they were actually responsible for building unless I am wrong, were the ones at Glacis Estate. Wherever you look around Gibraltar, public housing has been provided by this Party and we would not change because we haven't changed in our basic policies over the years that is why the people continue to return us again and again.

HON MAJOR R J PELIZA:

It was not my intention at all to speak on this motion. I will try and keep it to a low key so that I am not accused of trying to create a revolution in Gibraltar, Mr Speaker. Certainly, there will be no threatening on my part. I am really amazed that the Honourable Minister for Economic Development, Trade and Labour and Social Security should really accuse the Leader of the Opposition of behaving in a manner that is not accepted by this House. If it were not so, Mr Speaker, you would have been the first one to stop him. Therefore, one can only say unless we do not accept you as being a fair Speaker, that my Honourable friend must have behaved in a proper parliamentary manner.

MR SPEAKER:

Please do not bring me into this. I will apply the Rules and Standing Orders of this House but beyond that Members are entitled to conduct their affairs in accordance with their best concepts and precepts.

HON MAJOR R J PELIZA:

We are obviously operating within the rules and nothing that has been said on this side of the House has required your intervention, Mr Speaker.

HON CHIEF MINISTER:

On a point of order. If every criticism that is made of the conduct of any Member in the course of debate because it is allowed or rather because its previous conduct has been allowed by the Speaker is going to be the responsibility of the Speaker and the hallmark of proper conduct, I think the whole of the Parliamentary system will go to the ground.

HON MAJOR R J PELIZA:

Mr Speaker, there is nothing therefore that we have said that goes contrary to the rules of this House and I can see now that it is the Chief Minister who is behaving like a prima donna, if I may say so. First of all, I think my Honourable Friend was more than justified in bringing forward this motion at this early stage of this new Government. It is

most important that Gibraltar should have a good development programme and not one in which we have to send money back to our benefactors because we are incapable of spending it. That is the position. The Honourable Mr Canepa may not like that but those are the facts and who has been responsible for that, the previous Government no doubt. And who are the present Government, very much the successors of the previous Government and the same people more or less in charge. So therefore I think that looking at the past history of this particular Government in their previous administration I think we are very justified at this early stage in order to ensure that as many houses as possible are built, that we should take it upon ourselves to introduce the motion that was introduced in this House. I think we must be thankful to our Honourable Friend, Mr Peter Isola, that through that we have now the Government fully committed with a motion to give housing their first priority. Like my Honourable Friend I don't think that really means all that much, it is the old carrot being moved further away but it is the old carrot that the people never ate and this is in fact what has happened and this is what my Honourable Friend was trying to explain. It is always tomorrow and never today. This has been the historical background of the present administration in their previous Governments and therefore I think we are very justified in introducing the subject in this House. I do not see why the Minister should get so worked up about this motion. In my view he gets so worked up because it really reflects the performance of the previous administrations. It is quite true that over the years they have built houses, no one is suggesting that they haven't, but it is also quite true that they had the opportunity of building more and they didn't and this is what we are critical of. We are entitled to be critical and I do not see why we should have threats from the other side purely and simply by introducing that into this House today. I do hope in fact that we do not hear more threats like that; we have never threatened the Government in any way. I was very surprised to hear the Minister who was talking of good Parliamentary behaviour to start making statements which gave me the impression that he was behaving in the very opposite way that he wanted us to behave. Mr Speaker, if one looks at the list of 1,600 families in the waiting list, I believe that was the last figure, it might have increased, I think we have got to accept that this is an enormous problem. We still do not know whether we have the capacity to build. Have we thought about the building capacity in Gibraltar today? Have we allowed the momentum to die down so low that to start getting it into motion again is going to take a long time? We found when we started the Varyl Begg Estate it was not really the actual laying of the bricks that was the problem. The problem was, first of all, to get the acceptance of ODA to give us the money; secondly, to get that land which was extremely difficult to obtain; thirdly, to make sure that we had the building capacity. When we went to see the Minister of State responsible for Gibraltar the things that the official told us was that we did not have the capacity of build and because of that they were quite entrenched in not giving us the

money. We had already made our plans. With the help of the DOE we had already prepared ways and means of turning it over from one building to another so that the building force would be in Gibraltar at that time and remain in order to carry on the building programme with their help and therefore because we had the plans and we knew that we had the capacity we could tell at that time the Minister of State that we had the capacity. At one stage I nearly walked out because they insisted but eventually they gave way. This is the way that that development programme was started in Gibraltar but unfortunately we were not re-elected, that was a great misfortune I think, because if we had been elected, Mr Speaker, there would be no dispute then as to who was responsible for what with regard to those houses. But, unfortunately, it happened. That does not mean to say that because we were not elected those houses were not really built because we gave the money, we gave the capacity, as you say, to build, we gave it. If, unfortunately, there might have not been proper supervision, I do not know what happened, things went wrong later, that blame cannot be, I think, attached to us. We have always said that we wanted an enquiry on that question and the Government for some unknown reason is not prepared to carry it out. I am not disputing that. The other thing that I want to clear, Mr Speaker, and I am not claiming that we built those houses, is Glacis. At the time that we took over, the company that was building those houses went bust and we had to take over very quickly and I believe, and I think we must give praise to the then Minister for Public Works, Joe Caruana, who was very quick off the mark and managed to get that done in very quick time. There was no delay there and there was no delay either with Varyl Begg. Of that I will say, we were proud.

MR SPEAKER:

Let us come down to the question before the House. We are digressing.

HON MAJOR R J'PELIZA:

Mr Speaker, I think I had to clear that point. As I said perhaps those are the two things that made me stand up. If we look at the record of the Government, in their building and the amount of money that has gone back I think we are very justified at this stage to try and pass them on. This is the role that we have to play as the Opposition. If they all want us to come here and look at them and smile then I think we shall not be performing our function in this House, nor should we be, I think, carrying out what is expected from those who voted for us and therefore I am extremely surprised at the attitude of the Minister for Economic Development in this respect. I do hope, Mr Speaker, that in future meetings he doesn't get so worked up as he did today when we have a matter that we want to introduce in this House which we feel

we are entitled to whether we are critical or we are praising the Government and there have been occasions when we have been able to agree with the Government but certainly we are not going to be a rubber stamp of the Government if that is what they expect us to do. I certainly will not be a rubber stamp of the Government, I shall praise the Government when praise is due and criticise it when necessary. I think on this occasion criticism is necessary. It is more than justified if we look at our waiting list, it is more than justified if we look at the performance, it is more than justified if we seek the amount of money that is going back which could be spent in housing and other projects and above all the amount of money that that would leave in the economy as well. I know the Chief Minister said that that is not going to happen but this he has said many times before, Mr Speaker, and it has happened and many times before he has given out target dates which have not been met and so we go on. We have seen it with the generator earlier today, Mr Speaker, and there are thousands of excuses of why this is not done and this may be so but the proof of the pudding is in the eating, Mr Speaker. If he can deliver I think we accept that he has done a good job. If he cannot deliver, if that Government does not deliver I think we are justified in criticising. Therefore whilst voting for this motion and I am glad it has turned up this way because now I think it is total commitment by the Government to housing which is absolutely essential for the well being of the people of Gibraltar since practically the whole of life formation is in the home I think it is No 1 priority and should have been No 1 priority for a long time. It certainly was No 1 priority in my Government and the result is seen in the biggest housing project ever carried out in Gibraltar. The commitment that the Honourable Member has undertaken today will be carefully watched by this side of the House and I think in watching the performance we shall be doing a great good for the people of Gibraltar.

HON H J ZAMMITT:

Mr Speaker, Sir, I feel that the Honourable and Gallant Major Peliza should not be allowed to get away with or give the impression to the public, to the House and to the press or any other news media, that the Government is committed to its priority in housing as a result of the motion introduced today. It is quite clear that the Government is committed in its political manifesto way back before this motion and as reiterated by the Honourable the Chief Minister in the Ceremonial Opening of the House of Assembly on the 28th of February so it must be absolutely clear that whatever the result of this motion is today that it is not that that has made Government give housing its first priority. As Minister for Housing and having had 4½ years experience in housing, no one in this House knows the consequences of the housing situation better than I and I feel that we have gone a long way and I say this with some pride. It has been laborious for the Government has taken a number of very important factors into mind to do away with the present situation of the

housing problem. We have actually 1900 applications as at the end of February but that does not mean that there is a need for 1900 houses and earlier in answer to a question I explained that my department was very much involved at the present time on the new housing allocation scheme which was introduced and we hope to be able to put into effect as soon as we can, it is a laborious exercise, one will have to go through 1900 applications but the 1900 applications are in more than one case sometimes duplicated and sometimes are not applications for new housing but applications for exchanges and my department is now trying to segregate those who are transfers, in other words, giving up accommodation for another probably even similar accommodation but elsewhere to try and bring . . . . .

MR SPEAKER:

We are not going to diversify this debate as to how the allocation list is prepared because we run the risk that if we go into that topic then the Members of the Opposition will be entitled to reply to this and we will be running in to great difficulties.

HON H J ZAMMITT:

I am saying this, Mr Speaker, purely to show that the figure aimed at that by the Government of 253 houses would cut off a tremendous burden of the housing list. The other aspect of course which has been done quite silently yet quite effectively is on the modernisation where we have been giving houses out according to family requirements which solves a problem and I am a firm believer that the possible cancer in the housing situation today is as a result of the overhousing.

MR SPEAKER:

That is what I am not prepared to allow you to go into.

HON H J ZAMMITT:

Therefore, Mr Speaker, when it comes to expenditure and the number of houses to be constructed I would like to remind Honourable Members opposite that the main requirement today in the housing situation is the building of bedsitters which solves an enormous amount of problems, particularly social problems, and creates musical chairs which in most circumstances triplicates the number of bedsitters to be constructed but I would like to say, Mr Speaker, that I reiterate that. I am not prepared to allow Members opposite to get away with the idea that this motion presented by the Honourable Leader of the Opposition has in any way convinced us of selecting our priorities. Our priorities were selected prior to the election. Mr Speaker, I have no further contribution to make

other than saying that as long as I am Minister for Housing and I don't know how long I will be, I think that I have now sufficient experience to convince my colleagues that housing is to be a priority and it is quite alarming to hear the Honourable Major Peliza because I remember vividly when we were talking of £2.8m expenditure in the Girls' Comprehensive School, I said at the time, Mr Speaker, and I was very much criticised even by the Teachers' Association, that I found it an intolerable situation if ODA was to have given us £Xm after we had selected our priorities whereby housing would be affected because the lump sum of the Development Aid was going to a particular school. So I have always defended that there is a need for more housing but I must reiterate for planned housing not just housing without taking into account what are our requirements and as the Chief Minister mentioned in the Ceremonial Opening of this House, education did take priority in the last development programme but we were committed in our manifesto, we were further committed at the opening of the House and we are committed for the next four years to give housing top priority in our development programme. Thank you, Sir.

HON A J HAYNES:

Mr Speaker, I am glad to note that the main priority has been given to housing but I would like to note a discrepancy with what the Chief Minister said in his speech at the Ceremonial Opening. He said: "We propose to make the construction of further new housing one of our main issues in our proposals for the next development programme". We also heard and it was confirmed in the Chief Minister's opening speech that education was the chief priority in the last development programme. I thank the Government for making this clear since it was not obvious from the results. I hope therefore that Government's priority on this occasion will have some genuine meaning. I note also the Chief Minister's statement . . . .

HON CHIEF MINISTER:

Mr Speaker, if the Honourable Member will give way.

HON A J HAYNES:

Is it a point of order, Sir?

HON CHIEF MINISTER:

I am asking you to give way. This morning my colleague was very severely criticised because he was looking at notes of a technical matter. Already two speeches have been read from the opposite side. We wouldn't mind normally but if we are being put to order we should also draw attention that speeches should not be read.

HON A J HAYNES:

I am referring to my notes.

MR SPEAKER:

You may most certainly refer to your notes.

HON A J HAYNES:

I note also the Chief Minister's statement at the Ceremonial Opening to the effect that Gibraltar's future depends on our youth. I concur wholeheartedly with that statement but it is also true however that the youth of Gibraltar depend on the Government for their inheritance and it is for Government to help them to help themselves and to show them the way. It is Government's duty to ensure that the youth of Gibraltar can remain in Gibraltar. They can only do this by providing houses for all Gibraltarians and Government is failing and has failed in its duty. Gibraltar's future depends on our youth but Gibraltar's youths depends on us for the moment and Government cannot believe or understand the statement 'Gibraltar depends on its youth' if it does nothing for them today. Gibraltar needs more houses, many more houses. The Government's commitment, according to the Chief Minister's statement in his speech at the Ceremonial Opening to the effect that 66 units will, hopefully, be finalised by the end of this financial year and that work will be commenced on a further 150 units for completion by 1982 are not good enough. I realise that Government shun responsibility for their shortcomings, we have heard it today in relation to the power cuts and the accusations levelled at Government and they denied them all throughout so I imagine they will deny any accusations that they have failed in their duty in the past in the matter of building houses and they will claim to be satisfied with the general progress of housing today. But I nevertheless maintain that the Government's housing record has been dismal to date. We heard Mr Bossano on an earlier motion advocating a conciliatory attitude in order to achieve positive results. I would like to see positive results but I believe that it is fundamental in order to have positive results that an honest approach be taken and in this case it is essential therefore that Government accepts responsibility for their shortcomings in the past and they accept that their proposed plans as per the Chief Minister's proposals are not good enough. There are, we have heard today, 1,900 families on the waiting list and the plans offered so far I must say are piddling. The problem is not just to house those 1,900 families, it is to house them before the next generation starts clamouring for houses. The Honourable Member may be sensitive on the question of housing but I do not see that his sensitivity has pushed him from his lethargy. Government needs better and more ambitious housing plans to meet the enormous demand and they can only improve their plans by increasing their efficiency and by spending the ODA money.



MR SPEAKER:

If there are no other contributors I will call on the Chief Minister to reply on the amendment to the motion.

HON CHIEF MINISTER:

I wish I could stand up in the usual way and congratulate the last speaker on his maiden speech but I am sorry to say I cannot do so. First, because he was reading most of it, secondly, because the first part of it was part of his electoral address which he had delivered on radio and television and we were having exactly the same thing and therefore he has not been original at all. I am sorry because as I said at the opening I wish him well in the House but I wish he would think a little more before he speaks because words like dismal and so on for a newcomer are a little too strong to throw at people who have been trying to do their best for a long time but, anyhow, I suppose that is the courage of youth which one has got to nurture until they come to more mellow and probably more reasonable attitudes. Anyhow, he has had his say with which of course we entirely disagree. There are one or two points that have arisen in the course of this debate that I would like to raise. In the first place, we heard the old story of the Honourable Major Peliza about what they did in 1969. We have had that many times before. He always says something that I must draw his attention to.

HON MAJOR R J PELIZA:

If the Honourable Member will give way.

HON CHIEF MINISTER:

I will not give way because otherwise we are going to be late for the match. I am not going to quarrel with what he said. I think, in general terms, I would accept that we have heard it so often but I always have to take exception to one thing about his administration having achieved the obtaining of the land where Varyl Begg Estate is built. Well, it is true to some extent but what he never says is that £750,000 in 1969 value was paid out of ODA funds to the MOD for that piece of land. £750,000 less at that time that there was for development in Gibraltar. He was made to pay for it, he never says that but he was made to pay for it out of the development programme. We are now in the process to be able to announce reasonably soon on the much more important matter on the principle of the holding of land in Gibraltar which will be of great interest and of great value to the future of Gibraltar as a whole, about the holding of land and the right to hold land, on which the Government is very interested and I would like to say that the Honourable the Attorney-General is doing excellent work and giving excellent advice on this matter.

The other point was this question of having to send money back. I remember one night on television when the Honourable Major Peliza was appearing in letter box and instead of replying to the question that was put to him he was having a tirade as he usually does on television with his eyes bulging saying that we were going to send £8m back to England which we had here standing by. I wonder whether when he goes tomorrow or the day after he can take it for us and avoid the transfer charges of the bank. But there he was, telling the people we had to send £8m back. Of course, I had to say at the next opportunity that that was absolute and utter nonsense and in fact it is regrettable to see the attitude of the Leader of the Opposition to which my Learned Friend referred in the way in which he behaves. It is regrettable that the only other person in the history of Gibraltar who has held the office for a little time should be so irresponsible and tell the people that we had £8m here which we had to send to England. The fact is that some people believed it because he was spending all his time around Gibraltar saying the same thing with the loudspeaker and even interfering with people's peace day and night that he made some people believe it and in fact that is why he got some votes despite the fact that he is not a resident of Gibraltar.

HON MAJOR R J PELIZA:

Is it right for the Chief Minister to introduce new matters the more so when he does not even allow me to defend myself after having said all sorts of things about me?

MR SPEAKER:

I was bearing that in mind but no doubt you will have an opportunity because you will still be able to speak on the main motion.

HON CHIEF MINISTER:

I was merely talking about the question of sending the money back and giving the background of the person who was saying it.

HON MAJOR R J PELIZA:

That is simply a way of saying, Mr. Speaker, that they didn't spend the money. He knows perfectly well what it means, it means that a certain amount that was allocated for Gibraltar was left unspent. It is exactly the same thing in plain simple language as sending the money back. The money had not been used.



HON CHIEF MINISTER:

It is, Mr Speaker, sheer demagoguery and misleading, maliciously misleading, deliberately misleading to get votes and that is the only way he can get himself elected to this House unfortunately for him time after time not into Government. What the Honourable Mr Canepa said at the beginning of his address I have tried to point out in a different way this morning and of course we are not trying to muzzle the voice of anybody. Of course we know we couldn't if we wanted to but there are ways of conducting the Opposition speeches and the Opposition attitude. Mr Bossano gave two different aspects of it this morning and he was listened to with great interest and great concern. He may not be right, maybe the Honourable Leader of the Opposition may be right and by the next four years he may be able to make it, I don't know, but certainly it is not conducive to the good name of this House and to the despatch of business in a way that is in keeping with our traditions. Certainly, since he became Leader of the Opposition and particularly since the elections he has taken on a mantle which really is not befitting this House because he attacks everybody, he ridicules everybody, he doesn't give credit to anybody and therefore he is bound to come under criticism. I loath to have to criticise Members personally but if this is the pattern, as my Honourable Colleague has said, then we are in for long sessions and for not a very good impression of what this House can give outside. One of the main problems that there is today with democracy is that people do not get interested or are disgusted with it because of the performance of people fighting each other. I am not making his words my own but I have expressed it in another way yesterday because I don't think that we are going to make much progress in that way. By all means let the Opposition carry out their duty we do not want to interfere. It is not our fault if we are elected time and time again and they are in the Opposition. We still have to govern, we still have to live with Oppositions but I hope that this debate will make the Honourable and Learned Leader of the Opposition think a little about his tactics in future. Yesterday morning we had schoolchildren present and he was playing to the gallery all the time and this is very improper. I am just saying that if we are going to conduct business efficiently and properly we have to keep to reasonable standards. This is another indication of the irresponsibility of the Opposition, for Major Peliza and the Honourable Mr Haynes to say that at least they had obtained a commitment that housing would be a top priority as a result of the debate when in fact this is what I said here and this is what I said in the manifesto. The confirmation of our manifesto on this matter was clearly committed by the Government at the first meeting after the taking of the Oath of Ministers and that is what we propose to do and nothing that has happened in this debate changes the matter at all. Earlier today we were talking about the top priority for electricity. Of course it has top priority, because without electricity it is no use having houses. However, these are all inroads into our resources and the resources are limited in many respects and for many reasons which are beyond our control. Mr Speaker, I commend the amendment.

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

The Hon I Abecasis  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammitt  
The Hon D Hull  
The Hon R J Wallace

The following Hon Members voted against:

The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Loddo  
The Hon Major R J Peliza  
The Hon G T Restano  
The Hon W T Scott

The following Hon Members were absent from the Chamber:

The Hon J Bossano  
The Hon Major F J Dellipiani

The amendment of the Hon the Chief Minister, as amended, was accordingly passed.

The Hon P J Isola's motion, as amended, was now before the House.

HON P J ISOLA:

Mr Speaker, I have been subjected to considerable fire from the Government benches, very considerable fire, and I think it is appropriate that I should say something. First of all, I am sure the House would like to congratulate two Honourable new Members who have made maiden speeches in this House. I am very glad that my Honourable Colleague, the Honourable Mr Loddo, was heard without any interruption and I am sorry, I won't say anything more, I am sorry that the Chief Minister thought fit to bring his guns to bear on my Honourable and Learned Friend Mr Haynes in his maiden speech in this House. I am sorry he did it, it is all over, but anyway I would also like to congratulate the Honourable and Learned Mr Haynes on his statement which I think is a sort of fresh approach, a young person comes along and sees these things and criticises. Mr Speaker, the world is made of all kinds and I think we have to understand. A new Member of the House, newly elected, young generation, possibly a bit of a chip of the old block,

very interested in housing and, of course, about the situation. Why shouldn't he say so, and he did. The Honourable Minister for Economic Development, Trade and Labour and Social Security. Let me say something about him. I think it is a pity he didn't speak earlier on in the debate because this amended motion making it its main priority housing was not absolutely clear and my Honourable and Learned Colleague Mr Haynes pointed to the considered Government statement made in this House on the 28th February where it referred to housing and making it one of the main issues. It didn't say the main issue, Mr Speaker. That wasn't drafted hurriedly. "One of the main issues in our proposals for the next development programme". The Minister for Economic Development and the Chief Minister complain and refer to me as a prima donna. Well, I am not a prima donna because I have been in this House and I never fail to remind my colleague, Mr Restano, of the number of years that I have been in this House, I think it is coming up to 24. Mr Speaker, and I have filled this office before but I will admit I have never filled it with as much support as I do today, electoral support, and support in numbers in the House and that gives me a responsibility in this House to those who elected me and I shall be fearless in defending those responsibilities. If I have injured the sensitivities of Members opposite I apologise and I am sorry if I have been, perhaps, a little too strong. I am sorry. But I had to be strong, Mr Speaker, and I will continue to be strong on matters such as this. I think for the Honourable Minister for Economic Development to look at my speech now as something new is to misread my history on this side of the House for the last eight years. I have been a prominent Opposition spokesman at every budget on the question of development, on the question of slippage, on every single budget before this House and I have warned the Government on every single budget of the said slippage and the continuing slippage. I think it was only last April when I pointed out to them that their expenditure on development was still lower than what had been spent by the last INEP Government in 1972. The Honourable Mr Canepa complains about the political standards. Well, let me put a complaint to him. He is a fair man. Let me ask the Minister to read the budget statements of his predecessor in his office, a Member of his Party, and the budget statements of the Chief Minister during the last four budgets and I ask him to say, having read those statements, whether those statements comply with his political standards. Because we were told in 1978 that the development programme would be completed by 1981 by the Chief Minister, £22m, and after two years we have £6,600,000 spent with no hope of completing the development programme and he is angry because I get angry about that. And power, Mr Speaker, what we have said today is not anything new. We have complained, we are concerned and let the Minister put himself in my place if he saw the slippage on such a vital matter, such slippage as we have witnessed in the last two days on answers to questions. Wouldn't he be justifiably angry and this is what we are. We are angry.

HON A J CANEPA:

I agree with him that over the years at budget times he has been critical of the performance of the Government on the development programme, I know that he has been, but I will say this, it has always been worth listening to him in this House in the past. I don't want to be patronising but I don't know whether he has noticed that many of the Members in the Ante Room very often would come in to listen to him. It was worthwhile, we had something to learn from him and invariably he would insert a note of humour in his remarks which I think was perfectly acceptable but what we have noticed, Mr Speaker, in the last meeting of the last House of Assembly and more so in these two last days, has been a great preponderance not of humour but of ridicule and that is very difficult to accept. I think constructive criticism is acceptable and I myself have found myself very much in agreement with many of the sentiments that he has expressed in the past. But I feel that the manner in which he is making his points these days is not the manner in which he was doing that over the years up to a year ago. That is where the difference lies, Mr Speaker.

HON P J ISOLA:

I take due note of what the Minister has said, of course, and certainly I do not wish to in any way upset the Government more than is necessary but I want to impress on the Government that the question of development which we have been building up in the Opposition over 8 years and which strangely enough has not really captured the public imagination at all until now, yes, you have the Transport and General Workers Union, it is the first time that they have made representations to the Chief Minister expressing concern of the economic effects of the Government not spending the money given to it. We found during our election campaign, we did find an awareness and surprise amongst the people of Gibraltar at the low performance of the Government. I think there must be various reasons for this sort of apathy on development and one of the things must be, surely, that people just do not get to know about it. It may be the times of the meetings of the House, it may be the fact that the proceedings are not broadcast, it may be the press is not sufficiently interested in the work of the House always, but now, Mr Speaker, and this is perhaps why the Government may well be a bit annoyed, we have got to the climax, we have got the biggest development programme in our history gone sour because that is the truth and the reason for that is that the governing party in power has not heeded the continuous warnings given from this side of the House of the deteriorating situation. We brought the motion on housing precisely to keep this in the forefront of the Government. They may think it was not necessary but we think it was because when we look at the budget and we look at the Government's programme will the Government be annoyed or angry if

we tell them what we told them last year: "Judged on past performance you won't spend what you say you will spend". And we will be told: "We will spend £7,700,000 on the development programme". We said: "You will not do it according to your record", and the Chief Minister said: "We will, we have got the expertise now". The Minister for Economic Development promised 450 houses in five years and 300 modernised houses in 1978. All that is in the record of Hansard. And instead of £7,700,000 we have £3,600,000, a mere £600,000 more than the previous year despite inflation and so forth.

HON CHIEF MINISTER:

If the Honourable Member will give way. He had his figures for the end of February.

HON P J ISOLA:

I agree but when I heard today, when we voted supplementary provision, the Financial and Development Secretary did say that only £29,000 of that had actually been paid out under special warrant and the rest was included in his statement of today, if I remember rightly. I stand to be corrected.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If I may rise, Mr Speaker, to clarify the point. The figure that I included was in the total expenditure up to the end of February. We are expecting to spend the additional amount which was voted today by the end of March so the figure will be rather high.

HON P J ISOLA:

Anyway, bringing it up to around £4m. A mere £1m more, Mr Speaker. That is why these motions are put forward. The Opposition have a job to do, Mr Speaker, and we will do it and we have seen this in development, we have seen this year in year out. I started answering the Minister for Economic Development and I said I was glad he spoke and the reason why I say I was glad he spoke was not because of the remarks he made about the Honourable and Learned the Leader of the Opposition and my colleagues in this House but because he at least came out and said and told the House that shortly after the election the Government got together and that he insisted that housing should have first priority and that he insisted it should have first priority at the expense of other things if necessary. That we had not heard and as the Minister responsible I am glad he got up and told us. At least, we have learned something positive in this debate. Mr Speaker, as I said, I would have hoped that the Government would have been able to put an amendment in that gave us some hope for the coming year not just in the future. And on this question of

development aid and money going back and this controversy as to whether it goes back or it doesn't go back, Mr Speaker, it is an unfortunate fact that if you go to the British Government for new development aid talks there are two unfortunate things that occur. The first is that they tell you: "Are you sure you can spend this money? You convinced us three years ago and we gave you £14m and you have only spent whatever it is". That's one unfortunate result, it makes the credibility of the Government arguing with the British Government, less. The other unfortunate fact is that there are financial constraints on the British Government and the present British Government has certain policies as regards overseas aid which may affect us, I hope it doesn't. Certainly we will support the Government fully in hoping that it doesn't but again they may tell them: "Alright, we will give you £20m development aid but of course part of that £7m or £8m or whatever it is, is what we have already given you", so the Government will not be getting £20m, it will be getting £12m net because £8m is only a revote from the previous three years. That is what my Honourable and Gallant Friend was saying and what he meant and I think he is right when he said that the money goes back to the British Government because it is not spent and the British Government then puts the board down and looks again for the next three years and says: "Yes, you haven't finished the Comprehensive School, you haven't finished this, you haven't finished that, we will put that £8m in the new development programme", and the amount will be less. And that is what we criticise the Government for. I know it is hard for the Government to be criticised in this way and to a certain extent I sympathise with them but we have been consistent in our policy for many years and it is my feeling, in my submission, a very fair criticism of the performance of the Gibraltar Labour Party/AACR over the last 8 years, it is a fair criticism and the facts speak for themselves. You only have to read the budget speeches of the Chief Minister and other Government Ministers over the last 8 years, their promises and their performance, in development I am talking of, their promises and their performance and you will see that our criticism is both fair and justified. But, Mr Speaker, the motion is amended which is "This House"; that is all I have got, but the rest is the amendment we will now vote for because we have noted the plans, we have criticised them and we endorse the Government's intentions to make the provision of additional housing its main priority and we look forward to an early announcement of the Government's detailed plans. Thank you, Sir.

MR SPEAKER:

I will then put the question before the House which is that: "This House notes the plans for new housing announced in the election manifesto of the GLP/AACR and at the meeting of this House on the 28th February, 1980, endorses the Government's intentions to make the provision of additional housing its main priority in the next Development Programme and looks forward to an early announcement of the Government's detailed plans".

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

The Hon I Abecasis  
The Hon A J Canepa  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon A J Haynes  
The Hon P J Isola  
The Hon A T Lodd  
The Hon Major R J Peliza  
The Hon J B Perez  
The Hon G T Restano  
The Hon W T Scott  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon D Hull  
The Hon R J Wallace

The following Hon Members were absent from the Chamber:

The Hon J Bossano  
The Hon Major F J Dellipiani

The motion was accordingly carried.

#### ANSWERS TO QUESTIONS

The Hon I Abecasis sought and obtained the leave of the House to answer the four questions which he had down for answers as he had been unable to do so earlier in the Meeting due to his indisposition.

#### ADJOURNMENT

The Hon the Chief Minister moved the adjournment of the House to Monday the 21st April, 1980, at 10.30 am.

Mr Speaker put the question which was resolved in the affirmative and the adjournment of the House to Monday the 21st April, 1980, at 10.30 am was taken at 8.00 pm on Wednesday the 26th March, 1980.

