

GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

26 October 1981

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Eighth Meeting of the First Session of the Fourth House of Assembly held in the Assembly Chamber on Monday 26th October, 1981, 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 and Trade
The Hon M K Featherstone - Minister for Public Works
The Hon I Abecasis - Minister for Tourism and Postal Services
The Hon Major F J Dellipiani ED - Minister for Education and Labour and Social Security
The Hon Dr R G Valarino - Minister for Municipal Services
The Hon J B 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 Major R J Peliza
The Hon W T Scott
The Hon A T Loddio
The Hon A J Haynes

The Hon J Bossano

ABSENT:

The Hon H J Zammit (who was away from Gibraltar)
The Hon G Restano (who was representing the Gibraltar Branch at the CPA Conference in Fiji)

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 7th July, 1981, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID

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

- (1) The Development Aid Licence Regulations, 1981.
- (2) Gibraltar Registrar of Building Societies - Annual Report, 1980.

Ordered to lie.

The Hon the Minister for Medical and Health Services (in the absence of the Minister for Housing and Sport) laid on the table the following documents:

- (1) The Gibraltar Museum Accounts for the year ending 31st March, 1981.
- (2) The Tourist Survey Report, 1980.

Ordered to lie.

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

- (1) The Educational Awards Regulations, 1981.
- (2) The Educational Awards (Teacher Training) Regulations, 1981.
- (3) The Accounts of the John Mackintosh Hall for the year ended 31st March, 1981.
- (4) The Accounts of the John Mackintosh Home for the year ended 31st December, 1980.

Ordered to lie.

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

The Imported Food Regulations, 1981.

Ordered to lie.

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

The Legal Aid (Fees and Expenses) Rules, 1981.

Ordered to lie.

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

- (1) Supplementary Estimates Consolidated Fund (No 2 of 1981/82).
- (2) Supplementary Estimates Improvement and Development Fund (No 2 of 1981/82).
- (3) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 2 of 1981/82).
- (4) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 2 of 1981/82).

Ordered to lie.

The House recessed at 1.05 pm.

ANSWERS TO QUESTIONS.

The House resumed at 3.25 pm.

MINISTERIAL STATEMENTS.

MR SPEAKER:

The Honourable the Chief Minister, the Honourable the Minister for Economic Development and Trade and the Honourable the Minister for Public Works have all given notice that they wish to make statements. I will therefore now call on the Honourable the Chief Minister.

HON CHIEF MINISTER:

Mr Speaker, it is with pleasure that I rise to make the customary annual statement on the affairs of the Gibraltar Regiment. This statement covers the period from 1 April 1980 to 31 March this year.

The establishment of the Volunteer Reserve is 191 and was 4 below strength at the end of the period under review. These vacancies have since been filled.

In addition to the three annual training camps held in Gibraltar during the period under review, a total of 114 members of the Regiment, drawn from the Light Troop, the Air Defence Troop and the Infantry Company attended training camps in the United Kingdom, at Larkhill, Manorbier and St Martin's Plain. Weekend and evening training continued to be held in the usual way. The Regiment also participated in Exercise Wintex. A number of the Regular members of the Regiment and volunteers successfully attended courses both locally and in the United Kingdom. In addition all members of the Permanent Cadre carried out a period of concentrated training spread over 10 days. The now traditional "local shoot" was held on 11 and 12 October. It consisted of firing to sea by both the 105mm PH and 40/70 guns. The 105s fired at oil drums and a barge in both the direct and indirect role whilst the 40/70 fired at a towed splash target and at the barge. A total of 100 105mm rounds and 250 40/70 rounds were

fired. Some Members will remember that the firing was done when there was an open day at Europa Point for the Military.

The Regiment performed the Ceremony of the Keys and carried out the ceremonial mounting of the Convent Guard as well as the usual ground holding party for the wreath-laying ceremony by His Worship the Mayor at the lobby of the House of Assembly on Remembrance Sunday. The Corps of Drums performed during Her Majesty's Birthday Parade, the Three Kings' Cavalcade and at the Royal Engineers Freedom of the City Parade. In addition, and as is now the usual practice, the Regiment provided a Port Sergeant and Escort to the Keys for all Ceremony of the Keys Parades. All Ceremonial Salutes were fired by the Regiment.

The House will be glad to note that the Regiment continued to participate in most sports, and assisted Youth Clubs and Organisations as well as participants in the Duke of Edinburgh Award Schemes. At this juncture, Mr Speaker, I am sure the House will wish to congratulate the Regiment's .22 small bore team for their performance this year. The Team won the Top Division of the Territorial Army Volunteer Reserve League and the Gibraltar Target Shooting Association 1981 League Championships.

The House will also be pleased to note that the Regiment run a weapons acquaintance course for members of HMS Calpe, the Royal Naval Reserve Unit. The aim of the course was to encourage competitive rifle, pistol and Sub Machine Gun shooting within the Unit and to improve weapon handling in general. Assistance was also extended to the Police. The Regimental Sergeant Major and other members of the Permanent Staff trained and prepared a Police Contingent for the 150th Anniversary of the Gibraltar Police Force Parade.

The Gibraltar Regiment Association met twice to deal with a number of matters affecting the Regiment.

Although this statement relates to a period ending on 31 March this year, I should like to mention one more item which I know will be of interest to the House. New rates of pay for the Regiment have been approved by the Ministry of Defence to be effective from 1 July 1981. I am informed that the increase in percentage terms are exactly the same as those awarded to the British Army. The increases vary from 8% to 15%.

Mr Speaker, should any member wish to have copies of the detailed Report I will be pleased to make it available to him.

In conclusion, Mr Speaker, I am sure this House will agree that the Gibraltar Regiment continues to play a very important and effective role in Gibraltar. Members will wish to join me in thanking the Regiment and wishing them well in all their endeavours.

HON MAJOR R J PELIZA:

Mr Speaker, on behalf of the Opposition I would like to join the Chief Minister in his last words of the report, in congratulating the Regiment. As I have heard nothing officially or even in the grapevine of any moans in the Regiment it is obvious that everything must be going well; otherwise it might have come to my ears. I am very pleased to say that all the problems of pay and equipment and things about which they seem to have an axe to grind seem to have been overcome in the last twelve months. I think it might be appropriate here to congratulate those who have retired and have done extremely good service in the Regiment over many years and also those who have been promoted in their places.

HON CHIEF MINISTER:

It is not included in the report because the report is until the 31st March.

HON MAJOR R J PELIZA:

The other thing, Mr Speaker, is that we also have another unit which does great work for Gibraltar, HMS Calpe, and I was wondering whether the Chief Minister might be able to bring a report to this House on HMS Calpe about once a year. I know we are not making any financial contribution to HMS Calpe and so this may not be possible from that point of view but I doubt very much whether HMS Calpe could have objection to our hearing of the performance of that Naval Unit in Gibraltar at, say, yearly periods as we are doing with the Regiment. I think it would of great satisfaction to the people of Gibraltar to know how much they are doing and particularly members of that Force themselves. Sir, I really congratulate the Regiment and even if we have not heard from HMS Calpe perhaps this is an opportunity to congratulate them as well for the work that they are doing.

HON CHIEF MINISTER:

Mr Speaker, I think there is a difference of principle. It is true that we make a contribution to The Gibraltar Regiment and I think it is also different in that the Gibraltar Regiment is the Gibraltar Regiment whereas HMS Calpe is a Royal Navy Reserve, a section of it, but insofar as the Naval authorities will be prepared to make available to us not a detailed report as is bound by the Ordinance to be done in respect of the Regiment but a report of progress and work, I am sure they are so proud of the good work that is done by the Calpe that I am sure they will give it and I shall be very happy to report yearly to the House.

HON MAJOR R J PELIZA:

Could I, Mr Speaker, ask the Chief Minister for the detailed Report, I would very much like to have one if I can.

HON CHIEF MINISTER:

Yes.

THE HOUSE RECESSED AT 5.10pm.

THE HOUSE RESUMED AT 5.30pm.

MR SPEAKER:

I will now call on the Minister for Economic Development and Trade to make his statement.

HON A J CANEPA:

Mr Speaker, in the course of my Ministerial statement during the last Budget session of the House I outlined the way in which the Government intended to give an impetus to private sector development with the emphasis on projects of a commercial and touristically oriented nature. The expansion of the economy continues to occupy a central pivot in our thinking and attention has also been given to other aspects of economic activity of interest to the building industry particularly in the field of housing. I considered therefore that this was an opportune moment to let the House know of Government's intentions in this matter.

Government would welcome proposals to rehabilitate and modernise existing Government accommodation aimed at helping to satisfy the continuing demand for more and better housing. This is particularly so in the case of young married couples who, for reason of their family composition and other factors, stand little chance of being offered Government flats in the near future but who would be prepared to invest in the purchase of a home as is normal elsewhere. A number of properties are available for this purpose and will be offered on conditions that will encourage this kind of development, thereby achieving earlier rehabilitation of property.

Government would accordingly consider, as an alternative, a form of cooperative venture development such as a Housing Association, in the case of the smaller properties, if satisfactory proposals were submitted that would ensure the proper modernisation or renewal of the buildings in question for the benefit of the participants. Such a scheme could not only directly resolve the problems of a number of families but could also result in a more in-kind return of the capital resources employed in providing the accommodation required.

We propose therefore to invite tenders in the near future for the re-development or modernisation of four derelict or sub-standard properties which will supplement the programme which Public Works Department themselves are scheduled to carry out in the short and medium term. The properties in question are two at Lower Castle Road, one at Devil's Gap Steps and one at Willis's Road.

There will in addition be a fifth property for which tenders will be invited. This is a derelict ex-MOD building in City Mill Lane. Tenderers will have the option of rehabilitating and modernising the four existing derelict quarters or of re-developing the property for residential or commercial purposes. The opportunity will be taken, as part of the scheme, to provide a footway which will link up City Mill Lane with Cannon Lane.

These proposals will I am certain be to the economic benefit of the community and will also inject a quasi-social element into the economic activity of Gibraltar which it is our aim to encourage and assist.

HON MAJOR R J PELIZA:

Will the Government be prepared to give some aid if associations in the nature that he says particularly from the social aspect that he has just mentioned, to give some aid if the Government finds that this cooperative is meaningful in this venture and needs some Government support to carry it out?

HON A J CANEPA:

I do not know whether the Hon Member means by aid, financial aid?

HON MAJOR R J PELIZA:

Yes.

HON A J CANEPA:

No, I do not think so.

HON J BOSSANO:

Mr Speaker, I take it that one of the main objectives, in fact, of this is to assist in the resolution of the housing problem. Consequently, will the Government, in looking at this project, give weight to whether people perhaps being willing to modernise these places for their own occupation, are in a position to give up existing Government property? Is Government looking at this in the context of one more approach to the overall problem of encouraging home owner occupation and releasing Government property, that is what I am asking; is that the main thrust of this?

HON A J CANEPA:

It is a fact that it would obviously be helpful. The properties in question are such that I very much doubt whether they could appeal to people who already have Government housing. I do not think it will appeal to them so much, I think what

we are hoping is to harness or mobilise the limited resources which young married people or people about to marry may be able to get hold of and the undoubted go and ability to do work for themselves which many young people seem to have. One can visualise that if a number of young people can get together and help each other out with regard to some of these properties, they might be able to undertake them as a joint venture with relatively small mortgage facilities, they might be able to modernise these into very reasonable accommodation for themselves but I doubt, having regard to the fact that they are old properties, that in some cases they are not in very accessible areas such as, for instance, the one in Devil's Gap Steps right at the top of Devil's Gap Steps, not very accessible and one is therefore, other than the one in City Mill Lane, thinking of this more in respect of young families who would otherwise have very little prospect of getting accommodation of their own in Gibraltar at a reasonable price.

HON MAJOR R J PELIZA:

If the allocation of the property available is not going to be done, the element of the social side as the Minister has just explained, young people who might be prepared to work to do it themselves, is the tender as it goes out going to go to the highest bidder or how is it going to be done? Is it going to be based on the money that is going to be paid for the house or other matters are going to be taken into account and if that is so, how is the whole thing going to be decided?

HON A J CANEPA:

What people are able to offer to the Government for these properties is not a consideration, the Government is not out to do business, the Government wants to help with the problem, generate some economic activity and that should be the main consideration. I do not think it makes sense when the Government puts something out to tender just merely to go by the fact that somebody may tender X and somebody else tenders X/2, when the person submitting proposals allied to the figure of X/2, those proposals may be of greater economic or social benefit so I do not think that we are going to be at all seriously guided by what is offered. The Government is not out to make money out of this, what the Government wants to ensure is that the people who come forward are able to carry the thing out. Do they have mortgage facilities? Do they have funds of their own? Can they get their hands on limited funds, perhaps, and what are they able to offer themselves by way of expertise and so on?

MR SPEAKER:

We are not going to debate this matter.

HON MAJOR R J PELIZA:

No, Mr Speaker, just a point of clarification. It is not quite clear to me, Mr Speaker, how it is going to be done, it is obviously a very complicated matter as I can see it, if it is going to be based on a number of people

MR SPEAKER:

This is what I am not prepared to allow. I think the statement has given notice of the policy and to clarify the policy you are entitled to ask any question you wish.

HON MAJOR R J PELIZA:

Mr Speaker, the policy is based, as I can see, looking at it not purely simply on the economic side, how much they are going to pay for the site, but also the social aspect which he mentioned and this is why I am drawing attention to this and therefore in allocating the particular site to an individual or individuals the question of finance alone does not come into it, it is not that it is going to be given to the highest bidder. I do not even know whether it is going to be given to a contractor who may be able to produce more houses than a number of individuals might and all those . . .

MR SPEAKER:

Order, this is what I am not prepared to allow.

HON A J CANEPA:

If I expand on the ground rules and on the objectives that the Government wishes to achieve then I think what I am expounding is policy, I hope he understands that, I am not going into the details of it but obviously we would give preference to tenderers who wish to occupy the dwellings themselves particularly if they are prepared to band with others to form a Housing Association to manage the property. We will expect them to provide evidence of financial capability, that must be a standard requirement of the tender conditions but what we want at this juncture, Mr Speaker, we have a development programme that we want to get going and these properties do not figure in that development programme so we are not going to be in a position to do anything with these properties for about five years. We want to relieve the Government of financial and other responsibility for the work, we want to give a welcome boost to the construction industry during a period of recession. We think that the cost per unit can be reduced to a point where it might induce local families to buy their accommodation particularly if they have no expectation of being allocated Government housing and we also think that it will encourage local residents to undertake and work on a cooperative basis. It

is again breaking new ground within the overall commitment that the Government has which we undertook in two successive elections of encouraging home ownership and of getting people to do something other than just the Government, we want to harness local funds, local initiative and give an input into the building industry. The City Mill Lane project is one in particular which I think would be of interest to a developer having regard to where it is situated.

HON A J HAYNES:

Mr Speaker, I would like to pre-empt one point I was going to make in my motion on housing. It is a welcome idea in that it attempts to utilize areas which otherwise would be abandoned for a long period of time and which anyway because of their restricted size may not be worthy of a major project but I would ask the Minister whether he has considered any other alternative uses for these small sites other than this general idea of a Housing Association. It is clear from his statement who he wishes to benefit from such a scheme and it is clear that the proposed areas are the most available or most suitable for this type of development but is he sure that this is the best way of going about it and is he also sure that through this system there won't be any abuse and the likelihood of these developments going to a private tenderer but not to help the young married couples would be avoided? Is there any way he can assure the House that this system in his mind works?

MR SPEAKER:

I think we have said as much as we are going to say on this one. We are debating the feasibility of the scheme and the policies, in other words, when a Minister makes a statement, I want to make this very clear, Members of the Opposition can ask questions to clarify anything which they may have misunderstood or not understood in the statement. How the scheme is going to be implemented or what it is intended to do can be a matter for debating at a later stage.

HON A J HAYNES:

Mr Speaker, is there a later stage with regard to this statement?

MR SPEAKER:

No, I think Government has now given notice of its intention and anyone can bring a motion to debate the scheme, in other words, on a substantive motion you can say what you feel you should say.

HON A J HAYNES:

It might be a matter for an adjournment motion.

MR SPEAKER:

It can be on the adjournment if notice is given. I think basically the way this system works is that the Opposition now have been given notice by Government of their intention. The Opposition might feel that it is worth raising it either at this meeting on the adjournment or at the next meeting by way of a motion.

HON W T SCOTT:

Mr Speaker, might I ask a question on information?

MR SPEAKER:

Yes.

HON W T SCOTT:

While the Minister under paragraph 5 of the statement dealing with the property in City Mill Lane mentioned the exact number of four existing derelict quarters, there is no mention in the other three properties what number of units we are talking about or is it just, for example, two units in Lower Castle Road, one in Devil's Gap Steps and one further one in Willis's Road?

HON A J CANEPA:

I can make that information available, Mr Speaker. At 4, Lower Castle Road there are three units at present; 6 Lower Castle Road seven units; Devil's Gap Steps two units; 8 Willis's Road one unit.

HON W T SCOTT:

One further question, Mr Speaker. The consideration on the City Mill Lane project, of commercial use of part of it, because there is a double alternative there, the existing derelict quarters or of redeveloping the property for residential or commercial purposes. It seems to me here that there is perhaps the danger of a developer using that property for speculative purposes if there is going to be a commercial element involved within the rehabilitation on that particular property?

HON A J CANEPA:

The conditions for this one will not be the same as for the other four. There will be no more danger of a developer using it for speculative purposes than there is whenever the Government puts any site out to tender like the Buena Vista Site, no more danger, but it is an area that does lend itself

to a mix because you could have an attractive walkway connecting City Mill Lane to Cannon Lane and shops and offices in addition to residential accommodation might be attractive to a developer and therefore this is one, as I say, that lends itself particularly to rather less of this innovative treatment and more along the traditional lines whenever Government puts a site out to tender for development.

HON W T SCOTT:

Can I ask you just one final question on this, Mr Speaker, I hope the Government can reply, and that is whether the tenders will be restricted to local residents?

HON A J CANEPA:

I do not think that we are able to do that, Mr Speaker, I think that it is against the Constitution to do that.

HON W T SCOTT:

Or at least people within the Housing List.

HON A J CANEPA:

Preference can be given and this has been done in the past, of course, yes. I want to clarify that provided by local residents we do not mean Gibraltarians, that is alright otherwise it can be discriminating.

HON A J HAYNES:

In paragraph 3 of the statement the Minister referred to satisfactory proposals in line 3. Has the Minister more information to give us on what he would consider to be a satisfactory proposal?

HON A J CANEPA:

For instance, what is happening with the Woodford Cottage Scheme that you see people getting together, coming forward with some very definite proposals as to what they want to do on planning grounds, their financial ability to go ahead with the scheme. We would leave it to people, apart from laying down the broad guidelines, we would leave it to people to come and suggest alternatives, it does not have to be a housing society in line with other precedents having regard to the fact that we are talking of modernisation as an alternative and not just redevelopment from scratch.

HON J BOSSANO:

I want to clarify one point. The statement says; "we propose therefore to invite tenders". The Minister has mentioned the ability to obtain mortgage so is he talking about a tender to rent the property or a tender to buy the property?

HON A J CANEPA:

To buy the property. Preference will be given to owner occupiers.

HON J BOSSANO:

The Government is more interested in selling these places than in renting them?

HON A J CANEPA:

Of course.

MR SPEAKER:

I will now call on the Minister for Public Works.

HON M K FEATHERSTONE:

Sir, Hon Members will remember that I undertook, some time ago, to consider further what could be done to resolve the unsatisfactory situation prevailing at North Front Cemetery as the result of private work being undertaken by gravediggers.

After consultation with the Board of Visitors to the Cemetery I am pleased to report that the removals and transfer of remains, which hitherto have been carried out by gravediggers privately, will in future be part of the service rendered by the Government on payment of a suitable fee.

A related matter is that the Cemetery fees which have not been revised since 1974. It is now proposed to bring these charges up to date, having regard to increases in wages and materials over the last 7 years, and to prescribe the amounts payable in respect of the new additional services.

This arrangement has been agreed with the Union as a result of which the wages of gravediggers are being upgraded in their banding. They will also be paid an allowance for exceptionally obnoxious work.

I am now confident that the difficulties experienced in the past will not recur in view of the arrangements outlined above.

HON P J ISOLA:

Can I ask, Mr Speaker, what will be the nature of the charges that will be levied on the customer because it seems to me from the statement made by the Minister and we welcome the abolition of the existing practice which was unpleasant to say the least as far as bereaved persons and families were concerned, perhaps necessary but nevertheless unpleasant and nauseating, I think, but as far as families and bereaved persons are concerned, will the procedure be that the graves will be automatically cleaned

or whatever is done there and that subsequently the families will be billed and what will be the sort and extent of the billing that the families will get, will it in effect be the same as now or will it be less?

HON M K FEATHERSTONE:

Sir, basically the work will be requested by the family, it will be done by the Government and a charge will be rendered in due course. The heaviest charge which is the rearrangement of remains in a vault for which I believe up to £50 has been charged in the past, has been put by Government at £20.

HON MAJOR R J PELIZA:

Can the Minister state, Mr Speaker, what increase this will have on the cost of dying in relation with the cost of living?

HON M K FEATHERSTONE:

I think it is a reduction, Sir.

MOTIONS

HON MAJOR F J DELLIPIANI:

Sir, may I have leave from the House to dispense with the reading of the motions that have already been circulated.

MR SPEAKER:

Copies of these motions have been circulated to Hon Members. Leave is granted.

HON MAJOR F J DELLIPIANI:

It is the Social Insurance (Amendment of Contributions and Benefits) Order, 1981. Mr Speaker, in this first motion which I bring before this House since I took over Ministerial responsibility for Labour and Social Security, I am asking the House to approve by resolution the Order increasing rates of benefits and contributions payable under the Social Insurance Ordinance for 1982. In the case of contributions the increases would be effective from the 4th January, 1982 and in the case of benefits from the 29th December, 1981. In determining the rates of benefits I am required by the Ordinance to take into account the general level of earnings and prices subject to the rate of Old Age Pension for a married couple not being fixed at less than 50% of the average weekly earnings of weekly paid full-time employees in Gibraltar. At the time of the preparation of the review, work which has been going on for some months, the latest available Employment Survey Report is that for October 1980 which showed the average weekly

earnings to be £97.50. This figure reflects in full the 1979/1980 Pay Settlement and it is not intended to allow for whatever increase in any earnings may occur during 1981 particularly when this is likely to be less than 10%. Having regard to this, it is proposed to set the 1982 standard rate of Old Age Pension for a married couple at £49 which when compared with the present rate of £41 means an increase of 19.5% and at £32.50 for a single person as against the present £26.70, an increase of 21.7%. Roughly, similar percentage increases of about 20% are being applied to other benefits shown in paragraph 4 of the Order. With regard to short-term benefits, that is, death grant and maternity grant, for the third successive year it is not intended to increase them. It is worth observing that these are still higher than in the United Kingdom. On the contribution side, the intention is to increase the male adult rate of contribution under the Social Insurance Ordinance by £1.21 of which 61p is charged to the employer and 60p to the employee and by similar cash amounts for females as a further step towards achieving parity of contributions by 1985 as we are required to do by a directive of the EEC. Juvenile rates as well as self-employed and voluntary contributors rates are being increased pro rata. I should mention here that my colleague the Minister for Medical and Health Services is not increasing contributions under the Group Practice Medical Scheme on this occasion. The proposals which I have briefly outlined will result in estimated total benefit expenditure for the year of £3.9m to £5m. exceeding contribution income by about £243,000. This shortfall is intended to be met once again from income from the Social Insurance Fund's investments as has been done for the last four years notwithstanding which the fund increased by £2.1m during this period and stood at just over £7m on 31st March 1981. In asking this House to give its approval to this motion I trust that I have been able to give some indication of the extent of the proposals. Later in these proceedings I shall be presenting two other motions affecting different Ordinances but which are all part of the annual review of the Social Security Scheme. Sir, I commend the motion to the House.

MR SPEAKER:

I will then propose the question in the terms of the motion moved by the Honourable Minister For Education and Labour and Social Security insofar as it applies to the Social Insurance (Amendment of Contributions and Benefits) Order, 1981.

HON W T SCOTT:

Mr Speaker, just a short word here. They are, quite obviously, quite acceptable to the Opposition, in fact, we welcome the measures as annually we come up to a situation where the beneficiaries also have their cost of living increased and it is right and fair, in fact, that those who work should be paying for the Pension of those who have already contributed in time gone by. We welcome the motion.

HON J BOSSANO:

There are two points I would like to make. One is that in fact in treating Social Security Benefits over the years we have tended to accept that the need for the revision in Unemployment Benefits was not as great as the need for revision in things like Old Age Pensions and Widows' Pensions and so on, on the basis that Gibraltar had a continuing situation which was as close to full employment as could be described by comparison to anywhere else. I would like the Government to note that that situation may be changing in Gibraltar and that people may find themselves out of work through no fault of their own and have great difficulty in obtaining further employment and that consequently I think the attitude we have had towards Unemployment Benefit in the past that there was a need to provide a sort of minimum safety net but also that we had to be conscious of not wishing to encourage people who prefer to be unemployed, is a philosophy that may require revision and that we may need to look at the provision of Unemployment Benefits in terms of an essential Social Services like we have come to accept the provision of Old Age Pensions and I think it is appropriate to mention it at this stage because we are at the period in time when we have record unemployment and there are a great many uncertainties about the prospects for future employment in Gibraltar. Secondly, Mr Speaker, in the proposals I made to the Minister regarding a possible system for creating employment for school-leavers, I suggested an amendment to the Industrial Training Board Ordinance as well as a result of which every employer in Gibraltar would be required to pay a levy in order to finance the cost of subsidising school-leavers undertaking apprenticeships or training courses approved by the Industrial Training Board. The implications of this would be that the cost of the training would be borne not by the employer providing the training or by the industry in which the training was provided but by the whole body of employers in Gibraltar including the public sector and that the sharing of the cost among the employers would make the scheme more attractive and have a greatest chance of success. In making this proposal I put it to the Minister that an effective way of collecting such a levy might be by adding it to the employers' contribution and collecting it through the machinery of collecting Social Insurance contributions, that seemed to be a relatively inexpensive method of collection. I would like to know from the Minister that even if he has decided not to include it in the provisions that he is making here, he can give me an undertaking that that does not mean that the Government has discarded the proposal or that the Government does not have the idea of collecting such a levy in some other way if it is implemented, as I hope it will be.

HON MAJOR R J PELIZA:

If the Minister is going to answer the last question, Mr Speaker, which I hope he does, which my Hon Friend Mr Bossano.

has brought up, I do not know what the proposals of Mr Bossano are in this respect but I was wondering how employers are going to make contributions, on what basis, on the number of employees that they have, on the size of the firm, on the tax they pay, how are they going to make contributions because obviously, the size of the employer commands more money, I imagine, if they are bigger, and less if they are smaller.

HON J BOSSANO:

If the Hon Member will give way. It must be obvious, Mr Speaker, if the proposal is that the Insurance contribution of the employer should be increased then it follows logically and of necessity that it must be per employee because that is how the employers' contributions is arrived at so what I am saying is, if the weekly rate of contribution is going to go up to £3.41 by the employer then if we wish to introduce a penny a week levy the contribution would be £3.42 instead of £3.41. I have not made a specific proposal as to whether it should be a penny a week or a pound a week, what I am saying is that one method of collecting a levy which does not require the employment of extra civil servants in order to collect the money, is in fact simply to raise the price of the stamp by whatever the levy is and I have made this proposal as a method of collecting the levy. Since we are now making provision for an increased employers' rates without such an amount being included, what I am asking for is an assurance that the fact that it is not here does not mean that the idea has been discarded or that the Government is not willing to collect whatever levy is arrived at, when it is arrived at, some other way.

HON MAJOR R J PELIZA:

I am glad that the Member has clarified the point which is in fact what I had in mind but I wanted to hear it from him because, alright, if it is a penny per employee that is not going to have any effect on the employer but if the amount does escalate as it might, depending on the amount of unemployment that may arise out of the cuts that are expected, then it may induce employers to reduce their work force precisely because that can become a heavy burden and that would be counter-productive, this is the point I am trying to make. Perhaps there might be other ways, perhaps from general funds, to make contributions towards this rather than do it in this way which could, in fact be counterproductive in the sense that employers may be encouraged to reduce their workforce rather than increase it.

HON MAJOR F J DELLIPIANI:

Mr Speaker, the fact that I have not mentioned any levy does not mean that the Government is not thinking about it. The Government in fact has agreed in principle with the suggestion

made by Mr Bossano to myself in my office. The Government has asked me to prepare a paper with regard to this question of introducing a levy for trainees and apprentices and I look forward to being able to meet with the Hon Member opposite to discuss various views that I have on his idea, so we have not discarded the idea and I think, Sir, it formed the basis of part of the debate on the motion brought by Mr Scott, that we could discuss this further. Therefore, Sir, I commend the motion.

Mr Speaker then put the question in the terms of the motion moved by the Hon the Minister for Education and Labour and Social Security which was resolved in the affirmative and the motion was accordingly passed.

HON MAJOR F J DELLIPIANI:

Sir, May I again have the leave of the House to dispense with reading the motion?

MR SPEAKER:

Yes.

HON MAJOR F J DELLIPIANI:

The Employment Injuries Insurance (Amendment of Benefits) Order, 1981. Mr Speaker, in my previous motion I outlined how the new rates of Old Age Pension and other Social Insurance Benefits for 1982 had been arrived at and I stated that the increase of about 20% would be applied to other benefits. The Order which the House is now being asked to approve therefore proposes, inter alia, to increase Injury Benefits under the Employment Injuries Insurance Ordinance from the present rate of £24.85 per week to £29.75 per week and the gratuity on death or for 100% disablement from £7,000 to £8,400. In reply to a question in this House of 25th March, 1980, from the Hon Mr J Bossano, Government undertook to consider legislation to provide increases in the rates of disablement and industrial death pensions in payment which had never been increased over the years. I, in fact, forgot about this and I have received representations from different individuals and this jogged my mind and I was put right that in fact this had been agreed to by my colleague so we started getting the thing in motion. Since the Employment Injuries Insurance Ordinance was enacted in 1952 the rate of disablement pension or industrial death pension has been dependent on the rate prevailing at the time of the relevant accident or death and there has not been any provision for uprating this pension as in the case with other benefits payable under the Social Insurance Ordinance. This has resulted in a wide disparity in the rates of the various pensions payable many of which are now at an unrealistically low level. Government has given this matter much thought and

I am very glad to be able to include it in this draft order paragraph 2(2)(2), the necessary provision which will result in these pensions being brought up to the present day level in January 1982 irrespective of the date on which they were awarded and to continue to uprate them as well as increases for dependants at every subsequent review. These proposals will involve additional expenditure to the Employment Injuries Fund in 1982 of about £18,500 per annum plus a further commitment of about £13,500 per annum in respect of pensions not being paid to residents in the Campo Area but which it is expected will be claimed when the frontier opens. A total commitment of about £32,000 which can be met without difficulty from the Employment Injuries Insurance Fund. In fact, the Fund continues in a healthy state and notwithstanding all the above proposals, no increases in contributions are proposed for 1982. Sir, I commend the motion to the House.

MR SPEAKER:

I now propose the question in the terms of the motion moved by the Hon the Minister for Education and Labour and Social Security in respect of the Employment Injuries Insurance (Amendment of Benefits) Order, 1981. Does any Member wish to speak on the motion?

HON J BOSSANO:

I welcome this, Mr Speaker. As I recall, I raised it at one stage in the House and the Hon Mr Canepa said that it appeared to be an area where it was not a question of policy as such but a question of oversight and that the group involved was a limited group. I am glad the Minister who is now handling the Department has been able to fulfil in fact what his predecessor undertook to look into and I welcome the motion.

Mr Speaker then put the question in the terms of the Hon the Minister for Education and Labour and Social Security's motion which was resolved in the affirmative and the motion was accordingly carried.

HON MAJOR P J DELLIPIANI:

Sir, I beg leave again to dispense with reading my next motion in respect of the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment of Benefits) Order, 1981. Mr Speaker, this third motion standing in my name relates to the proposed increases as from January, 1982, in the benefits payable under the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance, namely, Retirement Pension and Unemployment Benefit. The purpose is to apply, as far as possible, increases in line with those under the other Ordinances in the two preceding motions. The Order proposes to set the basic rate of Retirement Pension in 1982 at £26.30 per week as against the present rate of £21.60 and £13.30 per

week for the wife instead of the present £11.50, thus giving a married couple £39.60 instead of the present £33.10. As the House is aware, Retirement Pensions are paid out of the Consolidated Fund and the tentative financial provisions made in the current Estimates for an increase in respect of January/March, 1982, is unlikely to be exceeded so that it is not expected that additional funds will be required. In the case of Unemployment Benefit the proposal is to increase the basic weekly rate from £20.34 per week to £24.30 per week with corresponding increases for wife and children as shown on page 3 of the motion. The lower rates on page 2 apply to persons who qualified for the benefit but who have not been either ordinarily resident or insured in Gibraltar for at least two years since July, 1970. It should be noted that Unemployment Benefit is a weekly payment made to a contributor who is unemployed, capable of work and available to take up employment and is payable for 78 days only. No further benefit is payable until after a subsequent period of employment. Sir, I commend the motion to the House.

MR SPEAKER:

I will then propose the question in the terms of the motion moved by the Hon the Minister for Education and Labour and Social Security in respect of the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment of Benefits) Order, 1981.

HON P J ISOLA:

Mr Speaker, we welcome this proposed Order but I think I would like to make a comment, and we usually make a comment on this matter every year when it arises. The comment I would make is that as in the Social Insurance Ordinance where the rise in benefits for a married couple is from £41 to about £49 and in this case it is a rise from £30 or £32 to £39.60, in both cases of course these pensions are received tax free in the hands of the recipient and this of course is very welcome to those recipients and I rise to mention this point in this debate because this is the Non-Contributory Social Insurance Benefit, the retirement pensions for certain people who did not get into the Social Insurance Scheme and they will be receiving £39.60 for a married couple tax free and we do not object to that, we think it is a good thing, provision has been made as the Minister has said in the Estimates and he is unlikely to exceed the Estimates. What I would like to say at this stage is that later on in the proceedings there will be a Bill before the House under which the Elderly Persons Pensions are increased also by around 19% to £12.50 per elderly person, £25 for a married couple but these will bear income tax and therefore the benefit for these elderly people will be that much less and they will be subjected, in our view unfairly, to a tax which those receiving retirement pensions who also do not contribute will not bear and I would like the Government to

consider our attitude in the ElGerly Persons Pensions Ordinance re-consider their attitude to allow these to be received in the hands of the elderly persons tax, free, and that is what I would like to say at this stage so that they can think about it before the Bill comes and I hope they will vote for an amendment that we will put to enable these elderly people, the junior partners in the whole structure of the State Insurance Scheme, to be let off tax which those who are receiving more, both those who are contributing and those who are not contributing, receive free of tax. It seems to us to be wrong in principle and I feel it is about time if I may say so, that the Government gets off its high horse and decides to do justice among all pensioners; all recipients of state pensions equally.

MR SPEAKER:

If there are no other contributors I will ask the Minister whether he wishes to reply.

HON MAJOR F J DELLIPIANI:

I will answer, Sir, on the question of this pension being tax free that the Government is still of the same mind.

Mr Speaker then put the question in the terms of the motion moved by the Hon the Minister for Education and Labour and Social Security which was resolved in the affirmative and the motion was accordingly carried.

THE HOUSE RECESSED AT 6.25pm.

TUESDAY 27TH OCTOBER, 1981

THE HOUSE RESUMED AT 10.40am.

BILLS

FIRST AND SECOND READINGS

THE HOUSE OF ASSEMBLY (ELIGIBILITY OF PUBLIC OFFICERS) ORDINANCE 1981

HON CHIEF MINISTER:

Sir, I beg to move that a Bill for an Ordinance relating to the eligibility of persons holding or acting in specified public offices for election as Elected Members of the Gibraltar House of Assembly and for participation as candidates in such elections 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.

SECOND READING.

HON CHIEF MINISTER:

Mr Speaker, I beg to move that the Bill be now read a second time. Mr Speaker, this Bill is the culmination of long years of discussion over this matter on which considerable amount of consultations have taken place between the Government and the Opposition and the Opposition and the Government as it then was when there was a change and, really, it could be said that the position culminated after discussions and inability or rather ability to agree in various matters but inability to agree in others on which there was a matter of difference of principle, culminated in the position when in July, 1980, the Leader of the Opposition was given leave by the House to introduce a Private Members' Bill for an Ordinance to provide that the holders of certain public offices should not be disqualified for election and for the holders of other public offices to stand for election and for matters incidental thereto. At the time, Mr Speaker, you will recall that the Governor signified to you that the Bill related to a non-defined domestic matter. Ministers were agreeable to the introduction of and debate on the Bill but were not prepared to have the Bill passed in the House in the form then produced. Subsequently a draft Bill was produced by the Government which was reasonably on the same terms except that the schedules had not been finally completed. This was done by voting against the Bill that had been introduced but giving an assurance that another Bill would be introduced in its stead. In any case at the time, I am sure the Honourable Members will remember, the Attorney-General had said he had certain reservations about the way the Bill was drafted. This follows exchanges by the Government with the Ministry of Defence about the classification of Ministry of Defence employees and later, though there was an indication, in February of 1981 the formal intention of the UK Departments were communicated to the Government which were acceptable to the Gibraltar Government. These are set out in the schedule of the Ordinance. The point was that the Ministry of Defence thought that the question of eligibility of members of the Ministry of Defence employees should not be regulated by legislation but should be regulated by rules made within the Ministry of Defence Departments and that, of course, takes away a good slice of the people from the limitations in the Ordinance and left to be settled between employers and employees. It is understood that they will follow the same pattern and that is to say that except for people in sensitive areas they will give the same facilities or perhaps more facilities to members of the Ministry of Defence if they are not directly connected with the administration, directly or indirectly, of the Gibraltar Government. So that now the Bill which reproduces more or less a draft which I circulated at the time when the Leader of the

Opposition proposed his own Bill, has now been extended by covering in the Second Schedule as big a number of grades as consistent with the principle that we maintain was possible and that of course is where the nub of the difference lies but at this stage really we are dealing with the second reading of the Bill and we are not at the committee stage nor is it intended to have the committee stage at this meeting but to leave it until a subsequent meeting so that any further representations that may be made can be considered by the Government. The provision that it makes is for the reinstatement of civil servants who are not elected, for those in the Second Schedule, that is those who do not have to resign but have to have leave of absence for the period of 21 days. The main areas of difference, I think, there is no need to elaborate too much, the main area of difference in which we find ourselves at variance is the question of senior nurses and school teachers. The difference in that respect is that whereas the grades to which we agree the licence should, so to speak, be given they can have 21 days leave and stand for election whereas in the other case what they would have to do is resign, stand for election and in the case of the teaching grades, if in fact the applicant is not successful and applies within the 21 days, though no guarantee is given, the likelihood of a person being able to be reinstated after a short election campaign if the post was a reasonably general post, I think the teachers themselves agree that posts of higher responsibilities could not be held open for them even for the period because there would be other people who wanted it but certainly they could be reinstated or if in fact they did become elected and did resign, that if they applied within four years, though the Government could not undertake to reemploy them, it would not be unlikely that they would be reemployed, not perhaps in posts of responsibility but in what they call Scale 1 grades which is the grade of a qualified teacher. So, really, Mr Speaker, the Bill has given us time to specify the titles that have been changed as a result of staff inspections and so on and add as many of the persons that in the view of the Government could be added. It may well be, Mr Speaker, that if the Bill were to be passed as it is most likely, in similar form, that there may have to be every two years, perhaps, a review of titles and posts that may be created within the categories which the Government agree in order not to disqualify somebody who would otherwise have been qualified had the Bill been passed at the time when he took that employment. 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 principle or merits of the Bill?

HON P J ISOLA:

Mr Speaker, I think when the Private Members' Bill was rejected by the House by a Government majority, now I think it is over a year ago, I think the Government told the House at the time that they intended putting a Bill and in fact a quick piece of paper was circulated, if I remember rightly, to Members and there was an undertaking from the Chief Minister that he would bring a Bill at the next meeting of the House. Well, it has taken approximately a year for this Bill to appear and frankly, Mr Speaker, it differs little to the Private Members' Bill that was rejected basically because we had teachers in our Private Members' Bill. It has taken the Government a year to come round with basically, the same Bill except that in the First Schedule there has been a welcome extension to include every public office under the Crown in right of Her Majesty's Government in the United Kingdom which confirms, Mr Speaker, it confirms what I was told just before the last general elections by senior Ministry of Defence officials, that as far as they were concerned everybody except people in the line of top management or first management, I think it was called, could stand for election. This Government Bill confirms that to be the position although we are told that under Regulations they will of course restrict the people who can stand for election in the top jobs and nobody I think can reasonably object to that. That is a welcome change but one that was expected. As far as the people who can stand for election are concerned, we have been told that they have enumerated the grades and again all the Government does, really, is to leave out teachers. In my Bill, Mr Speaker, as far as nurses were concerned, we did exclude Nursing Sisters and Charge Nurses from the provisions of the Bill. We did that precisely because the Bill that was put before the House was a moderate Bill, a very moderate Bill, designed to permit those people who could obviously contribute to the public life of Gibraltar to be able to stand for election without losing their jobs or without having to resign before they stood for election and, basically, this Bill does nothing more than repeat the position, but of course the teachers are conspicuous by their absence from this Bill. I have heard, however, that the Gibraltar Teachers Association has made representations to the Chief Minister on the question of being allowed to stand for election and perhaps when replying to the debate the Honourable and Learned Chief Minister could tell the House something about the representations that the Association has made and could also tell the House something of the attitude the Government takes to those representations and is likely to take. Because, Mr Speaker, let the Chief Minister have no doubt at all in his mind that by keeping teachers out of the Second Schedule, the effect of this Bill as far as people in the Government service is concerned, is likely to be minimal because people who want to contribute to public life are not, in the normal run of events, likely to be recruited from the persons set out in the Second Schedule to

the Bill and he must know that, with the exception, possibly, of enrolled nurses and one or two other categories of people set out in the Schedule. If the Government is really putting itself forward as heading a movement for liberalisation for public service in Gibraltar and is not bringing this Bill purely and simply to fob off criticism, purely and simply to resist accusations and allegations that they are reactionary and that they are not prepared to allow people to stand for public life and contribute to the public life of Gibraltar without making inordinate sacrifices, then I would ask them to think again on the all important and crucial question of teachers who have the qualifications and the ability to contribute to public life in Gibraltar as the Minister for Economic Development has done in the past and as my honourable predecessor, Maurice Xiberras, also did in the past. I think that the Government should not take the narrow view which has been taken by the Minister for Economic Development, the narrow view that because he had to resign as a teacher before he stood for election then he expects everybody in Gibraltar for evermore to do just that to prove to him that you must make the sacrifice. I say, and my side of the House has inconsistently said, it is not right or fair that the people of Gibraltar should expect every teacher who wants to stand for election to have to resign his job and then have no guarantees at all of getting it back if he fails to get elected. As I said before and I say again that is a completely impossible position to put anybody in in this day and age and all this Bill does, Mr Speaker, the Bill before the House, all it does is what my Private Members' Bill did, it does nothing more, it does nothing less, it merely requires a person from the public service who stands for election to resign his appointment on election, that is all it does and all we are talking here, Mr Speaker, all we are talking here is the period of roughly 30 days, 30 days is what divides the position of the Minister for Economic Development and those of his colleagues who support him because he has made it almost a point of confidence in himself, I suppose, and myself and my colleagues on this side of the House, thirty days divides us, that is all, because the Honourable and Learned the Chief Minister has said: "Well, they can resign their jobs and stand for election and if they do not get elected they could apply and possibly they could get their jobs back or after they have done four years they could apply and probably they would get their jobs back." All we are talking about is 30 days on which the Government is not prepared to give way and I cannot follow the logic of the argument of the Chief Minister who says they can resign their jobs, stand for election and if they don't get in they would probably get their job back, the difference between that and our argument that they are allowed to go on unpaid leave and if they get elected they have to resign, if they do not get elected they do not have to apply for reinstatement because they held their jobs through the period of election. I don't see the difference in principle. If the Government

doesn't believe that teachers should stand for election, the Chief Minister should have told us: "Well, and if they resign their jobs then they are not going to get it back if they do not get elected because they have chosen the path of politics and we do not want politicians in the teaching service of the Government of Gibraltar." This is one of the typical stands that the Government has made where through sheer obstinacy it refuses to budge because it has committed itself to one thing and refuses to budge against all arguments unless they have got, of course, the Trade Union movement against them as a whole, then they budge very quickly on every single occasion, Mr Speaker, but here they haven't got the Trade Union movement lined up against them, they have got a small teachers' association and they have got the Opposition here before them who cannot marshal troops to march on them and so forth and so therefore they do not give way. It is the same as in the Elderly Persons Insurance, every single member on that side of the House knows it is wrong for them to make those payments subject to tax when the other social insurance pensions don't pay tax. They all know it is wrong but because the Minister for Economic Development said: "No, we do not give way on this" they all had to toe the line and on teachers it is the same thing again. The Minister for Economic Development says: "Teachers must resign if they are to stand for election."

HON A. J. CANEPA:

If the Honourable Leader of the Opposition will give way. That just shows that I have greater qualities of leadership than what he has when he has got to give in to his No 2.

HON P. J. ISOLA:

If I may say so, it shows the great qualities of, possibly, leadership that the Minister has and also great qualities of persuasion and also possibly that they cannot do without him and if he sticks his feet in they have got to give. On my side of the House, Mr Speaker, we are called the Democratic Party of British Gibraltar and we take decisions by democratic majority and let me tell the Chief Minister, I am overruled on a number of occasions by a majority vote in my party. And this happens, as my colleague will tell me, not frequently, fortunately, but it does happen and I accept it and I wish the Minister for Economic Development and Trade would do the same, Mr Speaker, because the position that the Government is taking on the question of teachers is patently absurd. These are people who do not administer, they do not help in the administration of the Government, their job is to teach, their vocation is to teach and all they are asking is not that they should be able to stand for election, get elected and carry on teaching, they are not asking for that, all that we are asking for is that they should not have their jobs put at risk, that they should be able to go on unpaid leave which is what this Bill virtually means, stand for election and if elected,

resign from their jobs. That is what we are asking for and the Chief Minister is saying: "Well, they can resign and they will probably get their jobs back." Why not then accept the principle? Because the Minister for Economic Development has said 'no'. And that is it. So, Mr Speaker, having heard my contribution on this it will not come as a surprise to the Chief Minister if at the Committee Stage of the House we move an amendment to include teachers in the Second Schedule and that is what we shall be doing. Apart from that, Mr Speaker, we support the Bill as being the reincarnation of my own Private Members' Bill and therefore having proposed that, we support it, we support this move towards liberalisation and of course, Mr Speaker, as we haven't had that much notice of this Bill, we have only had it a few days with us, we will of course be examining the Second Schedule to see whether this can be usefully extended or not, or whether we have any amendment made on it. It is impossible for us in this short time to say whether we agree or we don't agree with the people in the Second Schedule, but we will have comments to make on this probably at the Committee Stage. One amendment we will be making, of course, let us have no doubt about that, is that we will propose that the teaching grade be included in the Second Schedule subject to the reservations in my own Bill which is that we will exclude Head Teachers and Deputy Head Teachers from the provisions of the Second Schedule. Apart from that, Mr Speaker, we support the Bill.

HON J BOSSANO:

Mr Speaker, as the House knows, I do not support the Bill and I did not support the Honourable and Learned Member's Private Members' Bill when he brought it to the House and I agree with him that the views reflected in this Bill and the views reflected in the Bill that he brought to this House are very similar and this is the reason why I oppose both the Government view and the Opposition view on this matter. I would remind the House that in May, 1976, in fact, on the 18th of May, I moved an amendment which was then unacceptable to Government on which I had the support of the Opposition at the time, which sought to include industrial workers in the category of Schedule I, that is, that there would be no distinction between the right to stand for election of industrial workers in the employment of the Gibraltar Government and industrial workers in the employment of the United Kingdom Departments. I also sought to provide for clerical workers, for non-industrials, the right which the Government was prepared to give to industrials and the right that is being given to them in this Bill so I can point, I think, accurately not just to having gone back twelve months but to having gone back to five years in the proposal to allow people to stand for election and not have to resign on standing for election but agreeing to resign on being elected in the case of non-industrial workers. Even though I proposed that myself five years ago and even though I will support that today, that is, the provisions in the Second

Schedule in respect of non-industrials, it is only, Mr Speaker, because I consider it at this stage impossible, given the difficulty of persuading the Government that industrials should not be treated in quite the same light as non-industrials when it comes to considering them civil servants. I would remind the Honourable and Learned the Chief Minister that when I proposed on the 18th of May, 1976, that industrial workers should be given the right to stand for election without having to resign on being elected, he did not discard the idea completely, he said he needed a little bit of time to think about it and I wonder if I have given him enough of a little bit of time in the elapsing five years, Mr Speaker. I think the right to stand for election, subject to the conditions to resign on being elected, is already sufficient of a deterrent, Mr Speaker, I think to say that people are being given some great advantage, that we are opening the door simply by saying that one does not have to resign in order to be nominated is, in my judgement, to show very little knowledge of the way that people react to the situation. It is difficult enough to persuade people that it is desirable to stand for election from all walks of life and when we are talking about manual workers in particular who feel that they stand at a disadvantage because they are not as articulate, then I think one should do everything possible to encourage the House of Assembly to be a microcosm of society, it is a phrase I have used many times in the past, I believe that the good running of any community suffers from a situation where the decisions taken on behalf of the community are taken by people who come from one sector of society, who are familiar with the problems of one area of society and other areas of society are under-represented in Parliament, under-represented in the House of Assembly because there is not the intimate contact and knowledge with our everyday problems. I think the House of Assembly would benefit, it might not have as long debates as it tends to have and perhaps the use of the language might not be as accurate as it otherwise would be but I think the House would benefit from the ideas and the approach of ordinary working men, if we had more of them in this House and I think that in order to be able to achieve that, we need to give the employees of the Gibraltar Government, the industrial workers in the Gibraltar Government, the same rights that industrial workers working for anybody else in Gibraltar have got. Under the proposed legislation and under the existing legislation an industrial worker in the private sector, an industrial worker in the UK Departments has the right in law to stand for this House without having to give up his job whether he is elected or not. There may be situations where the employers themselves want to discourage their employees doing this because they feel that it would take the employee too much away from his job but here we are not talking about the Government as employer as far as I am concerned because this is the Government legislating as Government, as to who is eligible as a citizen to stand. Because if it is a matter for the Government to deal with its employees as employer then the Government should be discussing that with the representatives of

the employees, with the Unions, as to the conditions of service of Government employees and why they should be different from the conditions of service of other employees. But here we are talking about a political decision, a decision being taken about who can be a member of this House, by people who are already Members of this House. In doing so, I think the onus of responsibility is on the Members of this House to show why it is in the interest of the community, in the interest of Gibraltar political life, to limit the scope of eligibility. As an employer the Government has got to explain to its employees why they should not enjoy rights that other employers give their employees in Gibraltar, including the UK Departments. Why cannot somebody who is doing a job as a caretaker in a school, Mr Speaker, stand for election, where is the conflict of interest there, and there is no conflict of interest if that person is a caretaker in the Mackintosh Hall where Government is still paying the wages, but where the person, technically, is not in the employment of the Gibraltar Government? Or a caretaker in GEC where the bulk of the wages are being paid out of the Government subsidy but the person is not technically an employee of the Gibraltar Government? How is there a difference between somebody who works as a porter in the Naval Hospital and somebody who works as a porter in the Government hospital in their political rights and in their political life? I am not saying that if we were to change this we would get an immediate avalanche of Government industrial workers wanting to stand for election because we have seen, in fact, that opening the doors for the employees of the UK Departments as we did after the 1976 debate did not produce such an avalanche and we think that in any case industrial workers start off with a handicap in any electoral campaign. Irrespective of their rights to stand or not stand, their chances of being elected we know from experience are less because they have difficulty in public speaking, they have difficulty in expressing themselves in a way that conveys the message adequately to the electorate and therefore I think that if it is desirable that they should be represented in this House, in the knowledge of the difficulties that they already have, one should be going out of one's way to encourage them and not to discourage them. I shall therefore once again, five years later, be moving the same amendment as I moved in 1976 and I hope that between now and the Committee Stage, if the five years has not been enough for the Honourable and Learned the Chief Minister, the little bit of time less will enable him to give some further thought to this matter and to accept the amendment to include the industrial workers in the First Schedule and not in the Second Schedule of the Bill.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I will speak on the words used by the Honourable the Leader of the Opposition, logic. He did mention logic. To me it is quite logical in the approach he takes to this Bill in that in Question Time when we were discussing summer time, he mentioned the special privileges of civil servants

who could afford to go to the beach before other people who were not civil servants. This was a privilege, he said, that civil servants had. And here he is now giving more privileges to more civil servants and even more civil servants and my reaction to the Bill, and if it is a free vote I will vote against it, is because the Bill does not go far enough. There should be a system where everybody in Gibraltar is protected, that is my reaction, not only civil servants. There are good people who work for small employers who will never be allowed to stand for election, there are self-employed people who cannot make the sacrifice to be able to stand for election. So here we are illogically asking or helping the Honourable Leader of the Opposition to give more privileges to civil servants and I am not prepared to do that, they have enough privileges already. If we could think of a system where everybody in Gibraltar is protected in his employment, whether he is self-employed or not, I would vote for that but I will not vote for further privileges for civil servants. The other point which I would like to bring up is the question of the Honourable the Leader of the Opposition's remark about my Colleague, the Minister for Economic Development and Trade. The Hon Leader of the Opposition says he has a great influence. Of course he has a great influence and we all respect him. But this shows you that the Chief Minister is not the dictator that everybody thinks he is. A week ago he is a dictator, today he is not a dictator. The dictator has changed. The logical thing here is that yesterday you were quibbling about civil servants' privileges, today you want to extend more privileges.

HON MAJOR R J PELIZA:

I really do not understand the last speaker, calling a democratic right a privilege and almost calling his Chief Minister a dictator. Mr Speaker, first of all, I don't believe the Chief Minister is a dictator, he carries a lot of pull, we all know, but it seems to him that the public does believe that he is a dictator and I wonder why, perhaps the Chief Minister should stand up and defend himself on that issue later on when he has the right of reply. But at the moment let us concentrate on what I think is a very erroneous impression that the Minister for Education has on the civil rights of Gibraltarians. This Bill, as we know, has been one of the most controversial Bills that we have ever had in this House because it goes back to the days when we were in Government in 1969 when it was then my intention as Chief Minister at the time, to try and liberalise as many people in Gibraltar to have the most important right of being able to stand for election. Democracy does not just consist of being able to go to vote on the day of election, it also consists in having the right of being able to stand for election. This is what the Minister for Education doesn't seem to understand Mr Speaker, and calls that a privilege. It is a right.

HON MAJOR F J DELLIPIANI:

The right to stand is still there, Sir, it is the right to make sacrifices.

HON MAJOR R J PELIZA:

Mr Speaker, there are two ways of standing, one is to stand as a normal human being expecting that he will be able to carry with him his family at home and all the rest of it, another one is to be put in the very awkward position that if you want to stand for election and use that democratic right you almost have to give everything up and go through hardship as I know from experience was the case of Maurice Xiberras when literally he had to give up his job. Eventually, many other things happened which I don't think we need discuss in this House publicly, Mr Speaker. There, if anything, is a glaring example of an issue which is so vital to democracy in Gibraltar. It so happens because a great number of people in Gibraltar are civil servants due to the nature of our society, that a great number of individuals in Gibraltar simply haven't got the right, the full democratic rights, and it was my intention then of trying to bring in every possible person to come in except those who through very serious conflict of interests, it would be impossible in the interest of good administration to include them as candidates if they wished to stand. My thoughts then, and they still remain today, is that we should look at the function of the civil servant, not the grade, but the function and if that function of the civil servant conflicts with the good administration then he obviously willy nilly have to be excluded because I think it is common sense and reasonable in the interest of good government that that should be so. But if there is no such impediment then I think we should be liberal and allow him to stand. My Honourable Friend on the left just said it. Who are we to say who can stand for election and who should not stand for election? Is it that we want to keep our jobs here and therefore we try and stop as many people as possible to stand for election? Is that democracy? Is it that I, because I have eight good candidates and I can keep coming on and winning elections time and time again, I am going to do my best to try and stop as many people as possible from standing for election because I do not want competition, Mr Speaker? Is it something to be proud of to be in Government for a long time at the expense of not allowing people to stand for election? Is that any credit to anybody, Mr Speaker. I don't think it is, I think this is a game as any other game and you should allow as many people as possible to play it and if you happen to be a better man than the other politically, then you win, but not because you are acting in such a way that you make sure that the rules are all on your side. This is, Mr Speaker, what this very important Bill

MR SPEAKER:

We must not subscribe ulterior motives which are improper.

HON MAJOR R J PELIZA:

Mr Speaker, I am not attributing any motives, all I am saying is that we, and I am including myself, if we who are already elected put it in such a way that the number of people who can stand are going to be minimised, the rules are in my favour and this is what I would not like to see and I hope that nobody else in this House would like to see it happen that way. If in logic it can be proved that a civil servant because of his position would in the interests of good administration have to be excluded, I am the first one to say yes, but simply to say that there is a general conflict of interests, I don't think that holds water. If we go into the question of interests, Mr Speaker, then we have got to take account of so many things, not just in Government but even outside Government which we all know in this House because the nature of Gibraltar cannot be applied as it is applied in other places. We all know, Mr Speaker, that a Minister anywhere else cannot have any private position such as Director or a professional position in private life. No other legislature of any magnitude allows this but we understand that, we have gone through all this and sincerely we know that in the present stage of development of Gibraltar that is inevitable because otherwise we wouldn't have the people with the calibre to stand for election. I am a great believer that a member of this House should represent the interests of the people that he is speaking for because then he does so subjectively and knows what he is talking about, because he is going through the difficulties and he can speak, Mr Speaker, from experience and all the legislation and everything that goes through, will reflect that particular class that he represents and I agree that it is not only intellect that is required, lots of other factors go into the making of a candidate for an election and lots of other factors go to the good legislation so that all interests of our community are properly represented. That, Mr Speaker, is what this Bill is trying to do in the manner that my Honourable Friend the Leader of the Opposition first embodied it when he brought it forward and this is what we are trying to do, to see if we can still at this eleventh hour convince the Chief Minister that there is a lot of merit on what the members of the opposition have been saying in this respect. I cannot see, and even the Chief Minister, Mr Speaker, is really arguing the unarguable. I cannot see the difficulty of a teacher standing for election. He can resign and he is also assured that he can get back into his job. In practice, therefore, Mr Speaker, what the Chief Minister is saying is that he can do it if he wants to, the only thing is that he has got to take that jump. That jump, Mr Speaker, which is very difficult for a family man, extremely difficult if he has got children to look after, when he knows perfectly well there is no guarantee. The first one who is going to tell him; "What are you doing?" is his wife and, naturally, Mr Speaker, he has got to listen to that because the first thing that should count is his family and all the other things can come afterwards and he can then participate in the political life of

his community if he knows that he can do one without prejudicing the other. That is what you are asking for. The Chief Minister says that there is nothing really to stop him from doing it. The Chief Minister should understand that if in practice it can happen then let us have the thing legalised so that the individual can have his 21 days leave, if he fails he goes back to his work, and carries on the same as all the other people who have been included in the Schedule. To me, Mr Speaker, that is very reasonable, to me, Mr Speaker, that is real democracy. I hope, Mr Speaker, that the Chief Minister who is listening here today and who I am sure will hear further arguments about this, not only from us, but I hope, too, from the Teachers Association, that he will be able to allow what he thinks is possible, in practice, at some risk to the teacher, to be done in the normal way as with other civil servants and I do hope, too, Mr Speaker, that when the Committee Stage comes, that my Honourable Friend on the left will find it possible to be accommodating with the amendments, I am sure, my Honourable Friend the Leader of the Opposition will be able to put forward and that also the Government will be able to meet this so that we see that all members in this House are true democrats, that we are capable of finding a formula for the very difficult situation of Gibraltar where so many civil servants and that like the United Kingdom employers, who I think have realised that there is nothing that really can happen to their department by allowing their employees to stand for election. I cannot see why we cannot at least emulate them and if there are certain sensitive posts which obviously we should not allow those people to stand, that we do exactly the same thing. I think he will have the full support of the Opposition and I include even my friend on the left, I am sure. We are all, I am sure, sufficiently grown up politically to understand that, Mr Speaker. It isn't that we don't understand the point that he is trying to make about the conflict of interests, we understand that, but we also see that this can easily be bridged to the satisfaction of everybody in Gibraltar and I think that then it will show maturity on the part of this House, that we are not trying to keep our jobs and that this House is open to everybody in Gibraltar.

HON A J CANEPA:

Mr Speaker, where I think that members on this side of the House and one or two members, notably Major Peliza and the Honourable Leader of the Opposition and we differ fundamentally, is in our whole attitude to politics. Once again one has heard Major Peliza refer to politics as a game. It is not a game, politics is a very, very serious business and has got to be approached with seriousness. And because it is not a game there are certain basic principles that one must abide by and one must try to implement and guide one in one's approach to the serious business of politics.

HON MAJOR R J PELIZA:

I am sure he knows perfectly well that I referred to the question of rules, not the game. He knows perfectly well I do not mean this, this is very bad debating, I would say.

HON A J CANEPA:

I am glad that he has clarified the point, and that it isn't just indicative of an attitude. Mr Speaker, the Leader of the Opposition has launched an attack on me, a personal attack on me, and accused me of taking a very narrow view on this matter insofar as teachers are concerned. I think that he will agree with me that I have made it abundantly clear in this House in past debates that the view that I take is one that is based on the fact that the hardship that was a very serious obstacle in 1969, in 1972 or before those dates or up to 1980 even, is no longer the case. There is no longer hardship involved for anybody wishing to stand for election, certainly not if he is elected. All members of the House are reasonably remunerated, all members of the House can look forward to a pension which wasn't the case in 1969 or 1972 and it is in that context only that, perhaps, I would accept that I take a narrow view. I would say that if a person had to take the step that Mr Xiberras took or that I had to take in 1972 it is, by and large, asking too much that for an allowance of £700 as it was then if you became a Minister, or £350 a year as a member of the Opposition, well below the wage of a labourer at the time, that you should expect that person to resign, stand for election and face an uncertain future. Perhaps both in the case, in fairness, of Mr Xiberras and myself, our prospects, and time has proved that with all due humility, our prospects were good and some other aspirants are not so convinced as to their own prospects, but today an ordinary member of the House, a back bencher of a member of the Opposition, gets nearly £5,000 a year and that is well in line with average earnings in Gibraltar, we heard the Honourable the Minister for Labour say yesterday that average earnings are about £98 a week. And I will also say that there are many people with family responsibilities who are in fact getting less than £100 a week in Gibraltar even today. So provided a teacher has reasonable prospects of being elected and he should because I think the point made by the Honourable Mr Bossano is valid that it is an industrial who has got everything stacked up against him but not a teacher. A teacher is used to speaking in public in front of a classroom and there is no more critical audience than a class, I won't say of children, a class of young people, particularly sixth formers. Anybody who has to teach an examination class has a very critical audience and that training is perhaps the best training that any professional, and I will even include the legal profession, because in the legal profession you don't spend in Court as much time as a school teacher spends in front of a classroom. So it is the best possible training and I have no doubt that automatically,

I would say, any teacher standing for election would be elected unless he stands for a real minority party because the prospects of that party are poor. I think Honourable Members of the Democratic Party of British Gibraltar know who I am talking about because that has been a bone of contention, and that person should have come forward at the time because he would have been elected in the same way as the Honourable Mr Scott, Mr Haynes or Mr Laddo were elected to the House in February last year and there would have been no hardship involved in getting a salary of £5,000 a year and being able to take up another job if you so wished because when you are in opposition you have the time to do another job or the time to devote to private lessons and increase your income in that manner. I don't think it will surprise the Honourable the Leader of the Opposition that, of course, we will be voting against the amendment that he is going to introduce to include teachers in the Schedule. I think that it will not surprise him either if I say that the view that we hold is one that has been held consistently just as we hold the consistent view in respect of the matter of the Elderly Persons Pension, not because we are obstinate but because this is something that we believe in in principle, something that in our Party we have discussed ad nauseum and we are in agreement on that issue. There is a majority view taken and that majority view is party policy and we subscribe to it whatever our own personal views may be on the matter. But, of course, I expect from a reactionary like the Honourable the Leader of the Opposition perhaps the greatest reactionary in political circles in Gibraltar, that he should accuse us of obstinacy and not strength and if we were to agree to something then it is weakness just as we are weak and we give in to the trade unions.

HON P J ISOLA:

If the Hon Member will give way. Could he address us a little on the principles behind his objection to a teacher getting three weeks leave for standing for election especially against the background of his rather forceful argument telling us all that the teachers are the best equipped for public life. If that is the case, Mr Speaker, why does he object so strongly in principle to allowing them to have unpaid leave for three weeks so that they can stand for election since they are obviously, from his own speech, the people best qualified to be in this House?

HON A J CANEPA:

Mr Speaker, we are at the second reading of a Bill which nowhere has the word 'teacher' in it and I am talking to the general principles of the Bill. I will come to the question of teachers. I will return, I should say, to the question of teachers but I am speaking to the general principles of this Bill. The Government Mr Speaker, by the nature of things cannot proclaim from the rooftops when it scores a victory against a particular

trade union or the trade unions. Of course, I know that the attitude and the thinking of the Honourable the Leader of the Opposition is that virtually every claim that we get from the trade unions we agree to, but that is not the truth of the matter and I think the Honourable Mr Bossano will bear with me out. But we just cannot proclaim that because it is not in the nature of things that we should. The other difference of course is that given the background of our Party, we believe in the principle of cooperating with the Unions, something which I wonder whether he does and if he ever finds himself in Government, if he doesn't cooperate with the Unions I wonder how long he will last in Government, less than the 2 years and 10 months of the IWBP administration, I would say. But of course he is well known as a Union basher, the only thing is that he expressed those views in private and doesn't have the political courage to express them publicly.

HON P J ISOLA:

Sir, my name is not Mr Tebbit.

HON A J CANEPA:

Unfortunately, Mr Speaker, it was only between 1969 and 1972 that the Honourable Member became an enlightened conservative, since then he has once again moved to the extreme right. Our objection, Mr Speaker, our objection to including certain class of civil servants in the Schedule to this Bill is based on the principle that it isn't just Gibraltarians who wish to stand for election that have civil rights, it is other Gibraltarians that also in the exercise of civil rights rightly expect that the public service, the civil service, should be politically impartial and whether we like it or not, school teachers are employed by the Gibraltar Government and it is a fact of life that a school teacher in the United Kingdom cannot stand for election to his local authority. He can stand for central Government, he can stand for election to the House of Commons and if he is elected, though invariably they continue to describe themselves professionally as teachers, they don't continue teaching, they give up their employment because it is impossible for a teacher to be teaching in the North of England and to come down to the House of Commons in Westminster.

HON P J ISOLA:

We haven't suggested that he should carry on teaching once elected, have we? We are just asking that he be allowed leave to stand for election and if elected he must resign.

HON A J CANEPA:

I will come to that in a minute.

HON MAJOR R J PELIZA:

The only thing, Mr Speaker, is that he is now comparing teachers in the United Kingdom with teachers in Gibraltar and he says they cannot stand for the Local Authority but they can stand for Parliament. In Gibraltar the situation is such that you cannot say that but, equally, if you carry that comparison to its logical conclusion, no one who has a job in Gibraltar could be in Government and therefore we would probably have no Government at all. If he makes comparisons with one he should apply it to the other.

HON A J CANEPA:

The objection that we have for the inclusion of teachers in the Schedule is a fundamental one which is shared by the political wing and the administrative wing of the Government of the day and it emanates from the principle that I have mentioned that other people also have civil rights. We believe that there is a substantial body of parents who also wish to ensure that teachers are politically impartial. I think Honourable Members have heard me say in the past that I have no doubt that any teacher worth his salt will not bring politics into his classroom and that I think has been the experience of the last few years. The danger of course is there. I also happen to know that, as I mentioned to a delegation of the Teachers Association the other day, something that they weren't aware of, but when I was deputy headmaster of the Grammar School a particular Christian Brother had to be sent packing by the Order itself because he was bringing politics into the classroom in a manner which was not acceptable. He was bringing politics into the Sixth Form, he was advocating communism and this was something that the Order of Christian Brothers could not accept and without the Government having anything to do with it I am sure, and this is something that is not publicly known, very quietly, arrangements were made to send him home. The objection I think stems to that principle, that there are many parents who in the exercise of their civil rights, want to ensure that undue influences are not brought to bear on their children at school, by a teacher who could be politically motivated. In the majority of cases I am sure that it will not happen because people are professionals and they are guided by a certain code of ethics but it can happen, therein lies the danger and that is the view and that is the attitude that we are taking in our approach to this legislation.

HON A J LODDO:

Mr Speaker, a very small intervention. I must thank the Honourable Mr Canepa for having thrown some light on the question of the Christian Brother. I now know where Mr Bossano, who was a member of the Grammar School, got his left wing views. Mr Speaker, on this question of teachers if it were not a matter of principle which is being debated, I would think that this House was in danger of developing a teacher

phobia. I agree with the Honourable Major Dellipiani that what we should do is try and protect more people but unfortunately that is not the case, I might even say it is not logical. And talking about logic it appears to me that we use the argument that this is not the practice in the United Kingdom when it suits us and not when it doesn't suit us and of course I am referring to the fact that in the United Kingdom, members of the Cabinet, members of the Government, have to give up all their interests and dedicate themselves exclusively to the governing of the nation. I am going to leave this House with one question. I know the answer to it as far as I am concerned, but if I had been told when I stood for election that if on being elected in a majority party I would have been elected to Government and I would have had to sell my business and do away with all my interests, I can tell this House that I would not have stood for election, I wonder how many of us would?

HON A HAYNES:

I would like to clarify a point. We on this side, Mr Speaker, are asking that a teacher be allowed to go on unpaid leave during the time between the run-up to an election and that following the election if he is elected to the House of Assembly that he should resign from his post as a teacher and if he fails to be elected, which is not something he cannot expect, it is something to be expected if it is the first time he is standing, if he is not elected we ask that he should be allowed to return to this post. We are not asking that teachers should be allowed to stand and thereafter to remain in their posts as teachers, we are asking simply that the decision to stand for the House should not be made at the cost of his family i.e. at the cost of his job. Admittedly, during the run-up to the election he will be on unpaid leave so he will not be remunerated during that period, it is not normally a long period, it is about six weeks, and we ask that during that period he be given some security of tenure. We have the Minister for Economic Development who himself was a teacher who took the risk, making it more difficult for others. I think the point is that justice, must be seen to be done, in the same way that there must be justice. Mr Speaker, this House runs the risk of gaining a reputation for monopoly, a reputation that this House does not want to increase or broaden the sphere of those eligible to stand in order to secure their own post and that is an undesirable state of affairs, one which this House should make every effort to avoid. Added to that we also have the clarion cry of Mr Bossano; "Who are we to decide who should stand?" and in a way we are deciding that by making it difficult for others. We know that Gibraltar has severe problems, it has been in a state of crisis for 12 years, the crisis is not abating we need all the talent we can possibly muster. I have heard no reasoned argument for giving a person with a sense of public spirit, for giving a person who wishes to serve his community every possible aid and opportunity to fulfil that talent or that desire. I see no arguments to that effect. We would like to know at the

Committee Stage just how many people we are talking about when we go through the other areas which are going to be assisted by Government and compare those figures to the figures of possible teachers to give some sense of proportion to the Bill. Mr. Speaker, having said that I would like to hear some refutation of this argument from the Chief Minister though I fear that in usual fashion what will happen is that in a bumbling manner it will come to be passed in the way that we want it and all the kudos will go to the Chief Minister but as long as it is done we do not really mind who gets the credit for it.

HON M K FEATHERSTONE:

Sir, it seems from the Honourable Mr Haynes' contribution and from other contributions from the Opposition, that they have missed the whole point of this Bill. The Bill is going to widen the enfranchisement of a great number of people but the overriding principle is that people in a reasonable position of administrative responsibility should be precluded. A great number of people are going to come into the enfranchisement, in particular all the people under the United Kingdom Departments and all the people in industrial employment in the Gibraltar Government, and this is a very good thing. The suggestion put forward by the Honourable Mr Bossano that the House would do well to have the benefit of the thinking and the knowledge of a person of what one might call the humbler classes is very conducive to the good affairs of Government, in fact, AACR for many years enjoyed the benefit of a member of the industrial classes which redounded, I think, very well indeed for the thinking, not only of the AACR but of the House in general. I take the point by the Honourable Minister for Economic Development that if a teacher did stand, because he is articulate, because he has a presence, he has a good chance of being elected, but God forbid that we should have a House full of teachers or even a House full of legal practitioners. What we want is a cross section and I think this Bill is going to give us a pretty wide cross section of all people in Gibraltar.

HON P J ISOLA:

Do you mean to say that one teacher is enough in this House?

HON M K FEATHERSTONE:

I am not saying that one teacher is enough, perhaps a teacher on your side might make you a little bit more sensible he could keep you in order, you need a little bit of classroom discipline. But one thing the Opposition does forget is that not all teachers are simply teachers as such, many of them do have administrative responsibility. Are you then going to fragment your teachers into those with administrative responsibility as being unable to stand and those without administrative responsibility then being able to stand? This, I think, would make

a dissention amongst the teaching force and if you were to say that all teachers could stand even those with administrative responsibility, then of course the civil service would say; "Why should teachers be singled out, why shouldn't Executive Officers come in, why shouldn't this one come in?" I think the answer that has been taken by the Government that all persons up to a certain level, basically a level of people who do not have reasonable administrative responsibility, should be permitted to stand, is a good principle and I think that the widening that we are going to offer to the general electorate of Gibraltar is going to bring in practically 95% of the total population. As the Honourable Minister for Economic Development said, when the amendment comes forward that the Opposition intend to put, we shall vote against it not because we are scared of teachers taking our jobs, if we were to do that then I think the Honourable Major Peliza would be putting forward a motion that only the people of this House should be allowed to stand ad infinitum. We are not scared on this side of any person coming forward, what we do wish to do is to protect the overriding principle that people in a measure of responsible administrative capacity should not be allowed to stand.

HON A T SCOTT:

I had no intention of making a contribution to this Bill, there are others who are greater advocates but I must take exception to a number of the comments that were made by the Honourable Minister for Economic Development. I think he really went off at a tangent, perhaps purposely. Surely here we are not discussing about the rights of the individual to belong to a political party or to have certain political ideas of his own. Here we are talking about a 21-day period being extended to certain individuals, as we feel, also to include teachers because surely if a teacher who obviously has political ideas of his own might perhaps even be a member of a political party, a member, perhaps, of the executive of a political party, perhaps even be a chairman of a sub-committee of that political party, I am sure he will agree with me if I were to say to him that this in no way should influence the way he teaches the pupils under his care. I am sure it did not happen to him or to the Honourable Mr Xiberras, the ex Leader of the Opposition, and I think this is a very valid point, Mr Speaker, we are talking about a period of 21 days because if a teacher being a member of a political party as the Honourable Minister said before and the example he used was a Christian Brother, he is at liberty to do so now, it is of no consequence whether he stands or he does not stand.

MR SPEAKER:

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

HON CHIEF MINISTER:

Thank you, Mr Speaker. I think the points that have been made mainly by the Leader of the Opposition were answered adequately by my colleague on my left and I don't propose to repeat them. The impression has been very clear except for the contribution of the Honourable Mr Bossano who dealt with the matter of the Bill as a whole, that the Opposition are only interested in teachers being given the right to stand for election.

HON P J ISOLA:

If the Honourable Member will give way that is the only substantial point of difference between my Private Members' Bill which I brought to this House which was rejected by the Government and the present Bill before the House the Chief Minister has put forward. That is the only difference, they have left out teachers and that is why we have been arguing the point.

HON CHIEF MINISTER:

Yes, of course, it is the difference but the point is that there are other people involved in the service who haven't been mentioned but have only been mentioned by Mr Bossano which shows the persistent cussedness of the Opposition with regard to teachers. I can understand their difficulties in getting people to stand for their Party and they find that their catchment area, perhaps because of the reactionary background of the Leader of the Opposition, he is unable to find other people that will stand for election and he has an eye on one or two particular teachers. This thing is being done ad hominem, it is being done because it suits the party in the Opposition to do so. It is not a question of principle, it never was in this matter.

HON P J ISOLA:

If the Chief Minister will give way.

HON CHIEF MINISTER:

No, I am not going to give way, I am sorry, I am not going to give way. I have given way once and I am not going to give way. All the remarks made by the Honourable Major Peliza about the question of having as many people as possible, all that has all been forgotten simply because teachers are not included when, in fact, as the Honourable Mr Featherstone has said, a considerable number of people are being enfranchised and are entitled to stand for election by this Bill about which very little notice has been taken. Not having the members of the Ministry of Defence included is only that it is going to be regulated internally and not by legislation as I think it is right that it should be done. I was asked about

the meeting and the representations of the teachers in this respect. I will quote from a minute of a meeting I had with the representatives of the Teachers Association recently where I will give the GTA point of view and I will give the Government point of view as reflected in that minute: "The overall view of the GTA was that their case was one of principle. The reasons which had been given in the past for not allowing teachers and nurses to stand for election seemed irrelevant since according to one of the members, teachers have no access to sensitive political information. Specific proposals were put forward that teachers should be given unpaid leave during the election period, that if elected into Government or into Opposition the teacher should resign from the service." That is different from the original proposals of Mr Xiberras which was that if you were in the Opposition you could carry on teaching and you could come and sit in the House.

HON P J ISOLA:

That was also the proposal in my Bill. Don't talk about Mr Xiberras.

MR SPEAKER:

Order. Has the Chief Minister given way?

HON CHIEF MINISTER:

I am not giving way. You can stand for as long as you like but I am not giving way. What I am saying is that this is a sensible approach, apart from whether you agree with it or not.

HON MAJOR R J PELIZA:

Mr Speaker, on a point of order.

MR SPEAKER:

What is the point of order you want to raise?

HON MAJOR R J PELIZA:

The Chief Minister is introducing matters that have not been debated at all before.

MR SPEAKER:

The Chief Minister is replying to something which was said. So far he has not brought in any new matter, he is replying to what has been said by the Opposition. If he does bring in a new matter I would most certainly stop him.

HON CHIEF MINISTER:

Thank you, Mr Speaker. I hope I may be allowed to continue, I

can understand the anxiety and the interruptions in order that I may not have a proper say but I will. What I am saying is that, one may not agree with it, but this is a sensible approach which is not the same as was held at one time when the views that have been expressed here about the long period in which this has been in gestation, there was time when it was advocated by those who wanted teachers in politics that they could sit in the Opposition so long as they didn't discuss matters of education. I am not talking about the Leader of the Opposition's Private Members' Bill, I am talking about the history which has been mentioned by Mr Bossano so I am perfectly in order, if I may say so with respect, in mentioning that in passing, and the GTA point of view which was raised in the debate. That is what they said: "That if elected into Government or into Opposition the teacher should resign from the service, that the teacher who had been elected to the House of Assembly and subsequently wished to return to the teaching profession after serving in the House should have a Scale I post guaranteed provided he returned after the term of four years in office and if the teacher continued in the House of Assembly for over one term of office and then decided to return to the former profession and if he applied for a teaching post through the usual channels, re-appointment would then depend upon the availability of the post at the time." That was the representations and in reply I commented: "That the political objection which existed against teachers standing for election was that while accepting the integrity and devotion of most teachers as a profession, situations could nevertheless arise which politically motivated teachers would have a powerful tool in their hands which could be used to influence their pupils." That has been our policy all the time and that has been expressed and this is in reply to the question put to me as to what has been the result of the meetings with the teachers. They are, of course, perfectly free between now and the Committee Stage to make any further representations if they wish to and they will be looked at. Generally, it would have to dispose of that concern which has been constant. The Honourable Major Peliza spoke about his intentions when he went into Government. He had two years and ten months of intentions and did nothing at all. In fact, he never achieved anything at all in this respect and he had plenty of time to have done it. He found himself against a great difficulty which was challenged here at the beginning of the Private Members' Bill and has not been mentioned because we have a Bill before this House and that is that there is an ultimate responsibility in respect of this which has been considered domestic not to be a defined matter entirely, as you have been made aware of, under the Constitution. That is what prevented the Chief Minister at the time from getting on with it. They question that now. The Bill that has been produced here is of course a Bill approved in Gibraltar Council precisely because it is not a defined domestic matter. That is one aspect of the matter that would stand in the way of any future attempt at introducing this matter in certain areas. I am not saying whether it applies to teachers alone or it applies

to others that is the point. However, the point should not be missed that the Bill itself, in its broad purpose gives the right to a considerable number of people to stand for election who cannot do that now and further that if it had not been because of the insistence by the Opposition over the years that it should be all or nothing we could have had this enfranchisement long before. It has been the obstinacy of the Opposition in this respect that has prevented other people who may be equally keen and able to do so, to do so in the future.

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

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

The following Hon Members voted against:

The Hon J Bossano.

The following Hon Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The Bill was read a second time.

HON CHIEF MINISTER:

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

THE POST OFFICE (AMENDMENT) ORDINANCE, 1981

HON CHIEF MINISTER:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Post Office Ordinance (Chapter 128) 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.

SECOND READING.

HON CHIEF MINISTER:

Mr Speaker, I beg to move that this Bill be read a second time. The purpose of the Bill set out in the explanatory memorandum, is to amend the Post Office Ordinance to empower the making of regulations for freeport and business reply postal facilities under licences and without prepayment of postage. I should of course explain that freepost doesn't mean post free. It means that it is sent in advance and that postage is paid by the recipient rather than by the sender. It has been a matter which has been raised before and it has been raised by certain charitable organisations who want to have the possibility of having replies and also it is very practical in commercial terms. 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 PELIZA:

Mr Speaker, the Opposition welcomes the Bill, I think it is very sensible and it might even help to decongest the stamp counters which as you know I have criticised on many occasions here by the lack of staff, long queues and all that, in that respect it might help. In fact, if anything, I am surprised that this has not been done before, I was under the impression that this was possible in Gibraltar and it has taken us quite a while, I think, to catch up with other places. It could be extended, Mr Speaker, as a gesture of goodwill on the part of the Post Office. In England, I think telephone bills usually are freepost. I don't know whether it is the intention of the Government to extend that to telephone bills as well. It might even be extended to other things. It is helpful in a way in that it does decongest counter work and if they were to apply freepost for rents, free post for electricity, there might be a quicker collection and an easier system at the other end so I do commend the Bill and I think it has great possibilities if the Government shows more imagination than it does in other things.

HON J BOSSANO:

I wonder if the Government could say whether in fact the freepost will work only for local post or whether the arrangements cover freepost arrangements from overseas to Gibraltar.

HON CHIEF MINISTER:

I cannot give a categorical reply to that but my impression is that until we see the regulations

that it is only in the first place for post within Gibraltar. You will notice that the freeport in England is not applicable outside the United Kingdom.

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

HON CHIEF MINISTER:

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

This was agreed to.

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS (AMENDMENT) ORDINANCE, 1981.

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Elderly Persons (Non-Contributory) Pensions Ordinance, 1981 (no 27 of 1973) 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.

SECOND READING.

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that the Bill be read a second time. Sir, the object of this Bill is to raise the weekly rate of non-contributory Elderly Persons Pensions from £10.50 to £12.50 in January, 1982, in line with the increases in other benefits which have been approved through the three motions in my name. As there are close on 900 persons in receipt of this pension the cost of this increase will be of the order of £93,000 per annum. In so far as the current financial year is concerned, the extra cost for January/March, 1982, will be about £23,000 but some provision for this increase was made in the approved estimates so that if additional provision has to be sought it should not be more than about £3,000 but even this may not be necessary. Sir, I commend the Bill to the House.

MR SPEAKER:

Does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON P J ISOLA:

Mr Speaker, predictably, I would like to speak on this as I cannot lose an opportunity to show the injustice of the present

system of state pensions in Gibraltar. Mr Speaker, under the Social Insurance Pension, a married couple will be receiving under the Social Insurance Contributory Pension Scheme £49, a 19% increase which we all approve and agree to. People who receive retirement pensions, non-contributory, such as this one, will be receiving as from January 1982, £39.60 tax free social insurance pension tax free, retirement non-contributory, tax free. The people receiving the Elderly Persons Pension are getting the same increase percentagewise but in effect a married couple who are in receipt of Elderly Persons Pension will be receiving £25 upon which they will have to pay tax. This seems to me basically unjust and unfair. Three state pensions, two are tax free one, admittedly, contributory, the other one non-contributory, tax free, and the third one has to pay tax whatever their means. To me this is basically wrong as between state pensions. If it were said to me: "Let us make all the pensions subject to tax," which the Government I am sure would hesitate to do but if that should be said to me, my answer would be: "Well, at least you would get away from the inequality of the system because then everybody would pay tax according to their scales." But obviously I can understand the reason why Government is not going to tell the old age pensioners that they will pay tax on their social insurance pension or tell the retirement people in receipt that they are not going to pay tax. If that is the position of the Government as it clearly is because they have never brought legislation to amend the position with regard to the social insurance pension and the retirement pension, then they should have the guts and they should have the principle to say so will our other state pension be tax free, we know this will help someone or another, in the same way as in the social insurance pension there are some in receipt of this pension who are extremely wealthy people but they receive it tax free and in the same way as in the retirement benefits they receive it tax free. As I said in the House, at Committee Stage, I will put my annual amendment to make this particular pension tax free the same as the other two, to bring them into line and get away with this feeling of injustice that people who are in receipt of the Elderly Persons Pension which is the least of the three sets of state pensions in Gibraltar, to get away with the sense of injustice they have receiving less than the other two for good reasons, perhaps in one case, not necessarily in the other, getting less than the other two, should on top of it have to pay tax on their pension. We are not putting a case for those who are better off here, Mr Speaker I have got to be careful not to be accused of being the leading reactionary on the Opposition side. Whenever the Government is on a little bit of trouble on anything they accuse me of being a reactionary. Whenever I am accused of that I know they are in trouble with their arguments, Mr Speaker. I think this is the enlightened approach, social justice demands equality between state pensioners as in other things and as I said before the only thing that stops them taking this step, because in the general election the Chief Minister gave a knowing wink on this one, I don't know how you give a knowing

wink on radio or television, I know he gave it somewhere. I was told this quite authoritatively on the matter, he may wish to confirm this or not, that this would happen, but it is only the obstinacy, and I use the word again, the obstinacy of the Minister for Economic Development, who has got it into his head that the Elderly Persons Pensions shall be subject to tax whether it is fair or unfair he has made the decision and that's it and the Government has to toe the line and if that is not reactionary, Mr Speaker, what is. Mr Speaker, I hope the Government still has time to agree the amendment I will put later on in these proceedings in Committee Stage and I hope they will appreciate the justice of the case of the people in receipt of the Elderly Persons Pension to be treated exactly the same as people in receipt of other state pensions.

HON MAJOR R J PELIZA:

Mr Speaker, I would just like to ask the Minister for Education and Labour and Social Security to address himself to these points that my Honourable Friend has today introduced. I would have thought that in his introduction of the Bill he might have raised this matter knowing perfectly well, Mr Speaker, that we were going to raise it and therefore have given us an opportunity to discuss the point in the light of the way that the Government sees the issue. I think it is rather a poor way of bringing legislation to this House if it is intended to prevent debate on an issue which is of great public interest. Mr Speaker, by not bringing out the point that I think he should have done, already we are arguing on our own premises. I am afraid I cannot find a better word than prevent debate, with all due respect, because by not introducing this he is in fact doing it. Now he will stand up and perhaps put a case which is not logical in any way and yet if we stand up to try to ask him to give way he is quite entitled to say no, of course, and equally, Mr Speaker, you yourself would not like us to keep doing that for the sake of good order in the House.

MR SPEAKER:

I do not allow the rule to be abused.

HON MAJOR R J PELIZA:

Yes, Mr Speaker, but it tends to do that because obviously if the argument is not put as it should be done, before, it is very difficult, Mr Speaker, to be able to discuss the matter reasonably and this, I am afraid, is not going to take place now. What we are going to have, if it is true that school teachers keep order in the class, is the sort of order that obviously the school teacher in the Government side has done, and this kind of order is now implanted with so much strength that no Minister dares stand up and express a view as to what should be done. I think my Honourable Friend the Leader of

the Opposition, Mr Speaker, has put a very reasonable case. Why make the exception of one state pension? Why ignore a number of individuals who are obviously suffering because of the application of tax where in other instances they are not? Why in the case of teachers you apply a blanket right through whether it is right or not, and in this case we don't? Where is the logic there? Could the Minister who thinks himself to be so logical bring out the logic behind the argument. Where is the logic, Mr Speaker, where is the fair play? If the principle is that people who have the means should not get this extension of the pension perhaps in all pensions, a means test could be applied and in this way at least everyone would be in the same boat, but I think it is discriminatory to pick up a particular section of the public in Gibraltar for reasons that obviously have been inevitable that this should happen this way and make them victims of the rigid approach to this matter of the Government. I do hope, Mr Speaker, as I said before, that the Minister can address himself to this very important issue when he stands up to wind up the debate.

HON CHIEF MINISTER:

Mr Speaker, I am not going to speak to the Bill, I am only going to make a few remarks about the last speaker's intervention. His sojourn in the United Kingdom and his frequent visits to Parliament doesn't seem to teach him anything. The Government hasn't got to instigate debate, the Government brings proposals and the Opposition are the ones, if they don't agree with it, to raise it and it is for the Government to answer. This is how Parliamentary practice is conducted and it seems ludicrous that a man who lives in the city of the oldest Parliament in the world should come and try and teach us another kind of procedure in this House.

HON J BOSSANO:

Mr Speaker, I will be supporting the amendment to make the pensions tax free like I did last year. I think the arguments that are repeated every year, clearly are arguments that we are putting to ourselves because it is quite obvious to me whether debate is instigated or not, instigated as the Honourable and Gallant Member wanted, that all we are going to hear is a repetition of the Government view and a repetition of the views of the Leader of the Opposition and I said last year that he persuaded me in the course of the debate by the arguments he put on then which he has repeated now which is essentially that while there are some merits in the arguments put by the Government that the fact that this type of pension is liable to the payment of tax, the people who would actually pay tax are only those who have already exhausted their personal allowances and their elderly persons allowance and that nobody in receipt of only this income would in fact exhaust those allowances, so the people who would be paying tax on this would be people who have other source of income besides this in order to bring them into

the taxable range, but of course that argument, as the Honourable and Learned the Leader of the Opposition has said, equally applies to people in receipt of old age pension and of retiring pension who span a whole range of income from those who have no other income other than that, and who would not pay tax at all so in essence, in fact, by making something non-taxable, in real terms the greatest beneficiaries are those who have got other income on which they are already paying tax, because in fact any measure of that nature essentially takes you out of your marginal tax bracket and if the marginal tax bracket is 50%, then making a pension not taxable saves you 50% and if your marginal tax bracket is nil then making the pension non-taxable gives you nil, that is inevitable but I have been persuaded by the argument he put last year that the irrationality of the system cannot be defenced by applying that irrationality to one area and ignore it in other areas and therefore unless the Government can come up with an argument that defeats that I shall be supporting the amendment for the same reason as I did last year.

HON W T SCOTT:

I would like to make a small contribution. It never ceases to surprise me, Mr Speaker, sometimes, not the obstinacy, as used by my Honourable Leader, but the rigidity of an entrenched position on this matter, something which to me personally is incomprehensible. The general principle behind not making this particular pension tax free. We have in fact solicited information to see if perhaps the argument could be financial through the tax yield on the something like £2m on the Elderly Persons Pensions that we had in this year's approved estimates. But we do not seem to get a tangible answer on this, it is estimates, estimates and estimates. In fact I would like to bring out a new point with people in receipt of the Elderly Persons Pensions. We know full well that that is the only pension that is subject to tax and I invite the Minister for Education and Labour and Social Security to correct me immediately if I am wrong, but quoting the facts and figures. It is the lowest of all the three state pensions. It has always been the lowest of all the three state pensions. The way in which they increase year by year, the percentage used are I think virtually common to the three state pensions so that in real value terms, in real spending money, the Elderly Persons Pensions pensioner or the person in receipt of the Elderly Persons Pensions pension as years go by is far worse off than he was the last year or the year before in comparison to people in receipt of the other state pensions. In fact, the proportion becomes less and less as the years advance and I would be grateful, as I said earlier on, if the Honourable Minister would be able to reply to me not in general terms but in more specific terms. Thank you, Mr Speaker.

MR SPEAKER:

If there are no other contributors I will call on the Honourable and Gallant Major Dellipiani to reply.

HON MAJOR F J DELLIPIANI:

Sir, I think the views of the Government are well known, this matter is raised year after year and I will not mention them again. I will point out a couple of things. It is true the Elderly Persons Pensions is the only one of the benefits that is taxable but we might be getting to a position, if it is necessary due to finance, that we might make all the other pensions taxable in the future but at the moment we only have one that is taxable. The second point is that for obvious reasons the Leader of the Opposition mentions the highest figure quoted which was £49 on the old age. But there are people who are not receiving old age pension at £49 because they haven't got the necessary contributions and that is their only source of income so to me the arguments are still valid and I commend my motion as it stands.

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

HON MAJOR F J DELLIPIANI:

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

This was agreed to.

THE NON-CONTRIBUTORY SOCIAL INSURANCE BENEFIT AND UNEMPLOYMENT INSURANCE (AMENDMENT) ORDINANCE, 1981.

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (Cap 113) 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.

SECOND READING.

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, unemployment benefit is paid up to a maximum of 13 weeks to an unemployed person who satisfied the requisite contributions conditions, is under pensionable age, 65 for men, 60 for women, and is capable of work and available for employment. A person may be disqualified from receiving benefits for a number of reasons one of which is if he has voluntarily left his employment without just cause. But such disqualification can only be for a maximum of six weeks after which the benefit is payable if no suitable employment has been found. Of all the social insurance benefits, unemployment

benefit is perhaps the most complex and lends itself to some abuses which it is extremely difficult to prevent. In terms of numbers such cases of abuses are not many but one has emerged in recent times, especially nowadays that people no longer attach any stigma to being on the dole. This concerns retired persons such as quite senior Government officials for whom there are rarely suitable vacancies notified to the department which can be afforded to them and it is felt that the unemployment benefit could never have been intended for such cases and certainly not for those who choose to retire before reaching the age of compulsory retirement. These cases although few are totally contrary to the spirit behind the benefit. Even if they were to be disqualified for having left their unemployment voluntarily and without just cause, such disqualification can only be for a period not exceeding six weeks after which the benefit becomes payable unless in the meantime it has been possible to find them employment. This is usually most unlikely, because the jobs for which such retired persons are suitable are such as are not normally notified to the Department of Labour and Social Security. It is felt that a stop should be put to these cases of abuse. As the law stands these claimants may be disqualified under Section 2 (2)(a) of the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (Cap.113) which enables such disqualification to be imposed if he has voluntarily left his employment without just cause. However, as I have said, the disqualification can only be for a maximum of six weeks. It is therefore proposed to add to the provisions of Section 10(2) by inserting a new subsection to the effect that a person who has retired from his employment on pension at his own request before reaching the age at which he would have had to retire compulsorily from such employment, shall be disqualified from receiving unemployment benefit until he reaches such age even if in the meantime he has lost other employment. However, this would preclude such person even on reaching compulsory retirement from satisfying the prescribed contribution conditions for the receipt of unemployment benefit if having continued as a voluntary contributor after premature retirement he was registering for employment. This is because the proviso at paragraph 3(3) of the Non-Contributory Social Insurance Unemployment Benefit Regulations requires that the last 13 contributions should have been as an unemployed contributor. It is therefore proposed to amend the regulations so that a person who satisfies the prescribed conditions as to contributions but who is disqualified from receiving benefits unless he reaches compulsory retirement age as a result of this Bill, shall on reaching such age be regarded as still fulfilling the prescribed conditions. 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 W T SCOTT:

I would like to speak, Mr Speaker, if I may. I think, in general, we agree with the principles, the merits and the spirit, certainly the spirit behind it, but since the Honourable Member made an observation at the beginning of his contribution as to what or who were the people who would benefit from the Unemployment Insurance Ordinance and there perhaps being certain loopholes which is inevitable and that although people genuinely in receipt of unemployment benefit are perhaps a little bit more acceptable to the rest of the community, I would urge him to continue to find and plug perhaps some other loopholes that might exist so that the person who is in receipt of unemployment insurance is in fact the genuine case and he does not continue to be regarded as somebody who is not worth his salt or perhaps he is not making, nor is capable of making a contribution to the community that we all live in.

MR SPEAKER:

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

HON MAJOR F J DELLIPIANI:

Sir, I thank the Honourable Mr Scott for his contribution. My office is always open to him if he wants to discuss with me any question on this Bill as to whether we can plug any further loopholes and I welcome the spirit of his contribution. Sir, I commend the Bill to the House.

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

HON MAJOR F J DELLIPIANI:

Sir, I beg to propose that the Committee Stage and third reading of this Bill be taken at a later stage in this meeting.

This was agreed to.

HON ATTORNEY GENERAL:

Mr Speaker, if I may move that Standing Order No. 30 should be suspended in respect of the Public Health (Amendment) (No 3) Ordinance, 1981, and in doing so I must apologise to Hon Members on the opposite side that it has not been possible to have this Bill printed the required 7 days before its First Reading.

Mr Speaker put the question in the terms of the Hon Attorney General's motion which was resolved in the affirmative and Standing Order No.30 was accordingly suspended.

THE PUBLIC HEALTH (AMENDMENT) (NO 3) ORDINANCE, 1981

HON J B PEREZ:

Sir, I have the honour to move that a Bill for an Ordinance to further amend the Public Health Ordinance (Cap 131) 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.

SECOND READING.

HON J B PEREZ:

Sir, I have the honour to move that the Bill be read a second time. Mr Speaker, early this year the Government established a Committee to look into and report on ways of dealing effectively with persistent accumulations of rubbish and litter in Gibraltar, a problem that poses danger to public health and has an adverse impact on our image as a tourist resort. In reporting to Government, the Committee made a number of recommendations to combat the problem. These included an intensive publicity campaign directed to the public generally and traders in particular and health education programmes in schools aimed at emphasising the need to keep Gibraltar clean and the high cost of doing so. Strict enforcement of the existing anti-litter provisions of the law and the introduction of a number of legislative measures designed to reinforce the present provisions for enforcing anti-litter laws. The legislation that Government proposes to promote for this purpose has a number of facets, some of which fall to be implemented by amendments to Ordinances and others by means of subsidiary rules. This present Bill, Mr Speaker, will amend the Public Health Ordinance by incorporating into it new provisions to protect neighbourhood amenities from the detrimental effects of accumulations of rubbish on vacant sites and in yards, on penalty of substantial fines. Further provision is made enabling the Government, on giving notice to the owner or occupier of such a site, to take steps to remove such accumulations and to recover his expenses from the person on whom the notice is served. An owner or occupier on whom the notice is served will first be given the opportunity to propose and carry out his own remedial measures and will also have the right to appeal to the Magistrates Court against the reasonability of the measures that the Government proposes to take. These new powers are in addition to the existing powers which are already contained in the present Principal Ordinance. They are, Mr Speaker, in fact modelled on the provisions of the United Kingdom Public Health Act of 1961. The Bill before the House, Mr Speaker, contains further provisions creating offences for abandoning on open land other than public highways, motor vehicles or parts or other items brought on to the land for the purpose of dumping. Substantial penalties are also imposed for this offence and the new provisions are based on section 2 of the United Kingdom Refuse Disposal Amenity Act of 1978.

Finally, Mr Speaker, the Bill substantially revises the penalties for other litter offences in the principal Ordinance and in rules made under the Ordinance. On first conviction a maximum fine of \$100 may be imposed while on a second or subsequent conviction the offender will be liable to a fine of \$200 or imprisonment for 3 months or both fine and imprisonment. As I have intimated, the Bill is only one of the legislative measures proposed to deal with the problem of litter and this, Mr Speaker, I think is a convenient time for me to outline the other measures which Government are prepared to take because this is by way of a package. At this meeting of the House, Mr Speaker, a further Bill is before the House, namely, one which seeks to amend the Criminal Offences Ordinance to increase the penalties for damaging flora in public walks and gardens and in Crown Land. Shortly after this present meeting, Mr Speaker, a number of new measures of subsidiary legislation will also be promulgated and these will deal with the following matters.

- (a) The hours at which refuse may be placed in the streets for collection in a defined inner city area; and by this, Mr Speaker, I mean from basically the whole of the Main Street area of Gibraltar including junctions, Town Range, Governor's Street, Engineer Lane, Cooperage Lane, Irish Town, etc.
- (b) The types of refuse that may be placed for collection.
- (c) The places at which such refuse may be placed.
- (d) The mode of placing of refuse for collection and in particular the types of containers that may be used; and
- (e) Safety measures relating to the placing of refuse in the streets for collection.

Mr Speaker, all these rules will in fact be brought, I feel, within a period of a fortnight after the meeting of this particular House. This is proposed to be done by way of rules which we are empowered to do under the Ordinance and of course we shall give due notice to the public, the public will have plenty of time and they will be told exactly what particular streets are in fact covered by the rules and at the precise times in which they will be allowed to place the litter out for collection.

Finally, Mr Speaker, it is also proposed to include in an amendment to the Animal and Birds Ordinance which is being prepared at the moment by Her Majesty's Attorney-General, for provision for the better control of dogs in public places. I think, Mr Speaker, although the Bill is not before the House, what Government has in mind in this particular amendment which I hope to bring shortly to the House, is that Government is thinking of making it compulsory for all dogs to be held on leads. In other words, we want to prevent what I feel is happening in Gibraltar now which is that people with dogs tend to open the doors in the morning and they let their dogs go out, roam about the streets and then the dog returns in the evening. This is the practice which Government wishes

to put an end to and I am sure all members will agree will lead to a much cleaner Gibraltar. But, Mr Speaker, I must stress that the Government is in fact conscious of its obligations as far as legislation and the administration is concerned but I must stress here, Mr Speaker, that no amount of legislation or measures or rules made by the Government can succeed without the cooperation of everybody in Gibraltar. I think, Mr Speaker, that the problem of litter is mainly caused by a minority of individuals who not only do not have any regard for the law but in fact have no regard and no consideration for others and I think, Mr Speaker, a stop must be put to this particular attitude of these individuals. So, Mr Speaker, I would once again say that it is not only by Government intervention that we can put a stop to the litter problem in Gibraltar but I ask for the cooperation of everybody living in Gibraltar. I commend the Bill to the House.

MR SPEAKER:

Does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON A T LODDO:

Mr Speaker, we welcome the Bill on this side of the House. I am particularly pleased. This is obviously meant to be a bung or a stop for a loophole, the fact that now it is an offence as well to have these accumulations on open sites. I was pleased to see the Committee's recommendations going as far as to encourage a publicity campaign and health education in schools. I also notice he said strict enforcement to anti-litter rules. Earlier in the proceedings of this House, I had a question down which asked how many prosecutions for litter offences had there been since the last industrial action regarding refuse and the answer was none. It is all very well to pass Bills, to make laws, but these laws are meaningless if they are not enforced. It would be ideal if everything could be done by persuasion, by persuading the public not to drop litter, not to abandon cars, to have their dogs on a lead. This would be the ideal situation. Unfortunately, we all know that that is not the case, so if you cannot persuade then you must punish the offender. The only way that this Bill will become meaningful is if those persons responsible for the enforcement of this Bill, which I presume are the Environmental Health Department and the Police, if they come up with prosecutions which will subsequently be dealt with by the court and the stiffer penalties which I am sure once a few of these are imposed, the stiffer penalties will act as a deterrent like none other. I welcome the Bill, Mr Speaker.

HON P J ISOLA:

Mr Speaker, you heard the Opposition viewpoint from my Honourable Friend, Mr Loddo. The only point I would like to

make is in that particular new section about vacant land. I wonder whether that could not be amended at Committee Stage to include not just the owner or occupier, but also a person being on vacant land whether as supervisor or chargehand or whatever. The reason I say this is that most of the land in Gibraltar is, in fact, owned either by the Ministry of Defence or the Gibraltar Government. Obviously you cannot summon the Gibraltar Government or the Ministry of Defence for leaving rubbish but what you can do is summon people who are responsible for it and I think this is something that should be borne in mind because if we are talking of clearing and tidiness all round I think it is important that anybody who is responsible for a rubbish dump wherever it may be, should be conscious of the fact that he is liable to this law as well and that is the point I would like considered there, Mr Speaker. That is really all I have to say. As my Honourable Friend Mr Loddo has said, we welcome this Bill.

HON ATTORNEY GENERAL:

Mr Speaker, if I may come back to this point in a moment. First can I return to the question of prosecutions for infringement of the litter laws and as it has been said and as is well known, there was a period when a number of prosecutions early this year were discontinued, did not proceed. I would just like to make the point that does not imply that prosecutions will not continue in the future. One has to look at the situation that prevails at the time because I can say something about this. It was an appeal in a situation where trade refuse had to be taken as having been left outside but with the authority of the Government because the Government had invited people to leave their trade refuse on the streets. In the appeal it proved to be a successful ground of defence that this authority existed and because of that decision the cases we had before us which to us seemed to be all of the same kind were cases which we felt we could not properly proceed on but of course that does not mean to say that for the future we will not prosecute appropriate cases. I think, myself, that there is no need to amend the laws, strictly speaking, to cover the situation that could be done administratively but in fact the new subsidiary legislation which we will be producing will make it easier to enforce these provisions. If I can come to the second point. Clause 2 of the Bill and particularly the new Section 68A, I think it is really directed towards imposing a liability on the person either who owns the land or, what is more likely in Gibraltar, the person who is in occupation of the land such as the leasee. I think that is the primary purpose of this clause. There is another clause, Section 68(b), which deals with dumping things on land that, it seems to me would be wide enough to cover the point which concerns the Honourable and Learned the Leader of the Opposition although I would like to examine the point he made in detail but it does seem to me at this stage that that will cover the point.

HON P J ISOLA:

It would cover the point, Mr Speaker, if he didn't just use the word "abandons" in section 68(c) but used various as a permutation, causes, allows or suffers, as well, if he put it all in there, yes.

HON ATTORNEY GENERAL:

I take the point, it is something we can look at before the Committee Stage.

MR SPEAKER:

If there are no other contributors I will call on the Minister, if he wishes to reply.

HON J B PEREZ:

One particular point, Mr Speaker, if I may. I am grateful for the contributions of the Honourable Mr Loddo and the Honourable the Leader of the Opposition. I think as far as the legalities of the comments made by both members, they have been dealt with by the Attorney-General but I would merely say to Mr Loddo that, yes, I entirely agree with him that it is really a question of enforcement and this is something which the Government intends to pursue once our legislation is, I wouldn't say in a perfect state, is in a state in which prosecution can be brought and can be successful then Government will do its utmost to ensure that the legislation is, in fact, enforced, both by the Police and the Environmental Health Officers who come under my responsibility but I do agree with Mr Loddo it is no good having legislation if one is not prepared to enforce it. I commend the Bill to the House.

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

HON J B PEREZ:

Mr Speaker, 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 CRIMINAL OFFENCES (AMENDMENT) ORDINANCE, 1981

HON J B PEREZ:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Criminal Offences Ordinance (Chapter 37) 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.

SECOND READING.

HON J B PEREZ:

Sir, I have the honour to move that the Bill be read a second time. Sir, the Bill before the House is quite a short Bill and I think I will merely deal with it by reading the explanatory memorandum which is contained in the Bill itself. The purpose of this Bill is to increase the penalties for damaging or interfering with flora in public walks or gardens or on Crown Land. The increase also applies to seats in public walks and gardens. The present maximum penalty is a £100 fine. The new maximum penalty will be a £250 fine or twice the value of the thing damaged or interfered with. This provision is based on Section 15 of the Civil Amenities Act, 1967, of the United Kingdom. Mr Speaker, I commend the Bill to the House.

MR SPEAKER:

Does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON MAJOR R J PELIZA:

I just wondered, Mr Speaker, whether as it stands now it would include things like fountains or, say, the sundial and places like that which could obviously also be vandalised. Does it, in fact, include that.

HON ATTORNEY GENERAL:

Mr Speaker, in fact, no. It is really directed towards flora, plants, shrubs. We have not changed the scope of the existing law, we are simply increasing the penalty so it does no more than increase the penalty for an offence which already exists. That is the scope of it, it is really only what I would call flora plus, for some reason, seats, but that is the existing law already.

HON M K FEATHERSTONE:

Sir, I would like to say something on this. I am afraid, Sir, that Public Works which has over the last few years been doing its best to beautify Gibraltar by the planting of trees and shrubs in various areas, has been fighting a losing battle against, unfortunately, two types of vandals. The first type of vandal much to, should I say, our disrepute, almost, happen to be local school children who I am afraid on many occasions seem to think that trees can be treated with impunity, branches broken off, that they can walk through flowerbeds on their way to school because it is a little shorter that way than round

the pavement and I would hope that both parents and school teachers would try to inculcate in our youngsters a love of trees and shrubs and the fact that Gibraltar needs all the greenery it can possibly have to be beautified. The other type of vandal, Sir, again very regrettably are some of the UK visitors, in particular from naval ships. They seem to think that they can come ashore to have a good time, drink far more than they need, perhaps vomit at the pavement corners and just as an extra little bit of exuberance, the breaking of trees. One place in particular seems to be the trees in Cornwall's Lane where three times we have replaced a tree and three times it has been broken almost to the ground. I would hope that any bar owner who sees one of his customers getting a little bit exuberant would stop plying him with liquor and that any person who happens to see them when they get out of the bar start damaging a tree would ring the police as quickly as possible. It is not for this House to tell the judiciary what to do but I would express at least my own hope that if anybody is caught damaging a tree, a tree or shrub, the maximum penalty should be imposed on them forthwith. I would have no compunction to say they are sky-larking, I think that they really need to be dealt with very seriously and perhaps the word could get to the naval authorities that if youngsters, and most of them are youngsters, do come ashore and indulge in this type of sky-larking then they are going to be very roughly treated if they land up in court.

HON P J ISOLA:

I am glad to hear the Minister express such forceful views on the matter but I thought that perhaps one way this could be done would be for the naval authorities to be informed officially of the severe penalties that are being put in now for this sort of offence and I would also suggest that school authorities are also informed so that the two kinds of people who are doing this sort of damage should be told that there are heavy penalties now and that prosecutions will be made whether it is a young man or a young sailor or a young boy. I would have thought that prevention is always better than punishment and cure and I would have thought that if the provisions of this new section were brought to the attention of schools as well as the naval authorities it might help the respect for the law that we would all want in this particular area.

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

HON J B PEREZ:

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

This was agreed to.

THE HOUSE RECESSED AT 1.05pm

THE HOUSE RESUMED AT 3.20pm.

THE REVISED EDITION OF THE LAWS ORDINANCE, 1981

HON. ATTORNEY GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to authorise the preparation of a revised and consolidated edition of the statute law and to provide for a continuing process of revision and consolidation of such law 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.

SECOND READING.

HON. ATTORNEY GENERAL:

Sir, I have the honour to move that the Bill be read a second time. As Honourable Members are aware the Government is proceeding to have a reprinting of the statute law of Gibraltar carried out. Such an undertaking is now due. The last edition of the statute law was in 1965. Since that date the statute law, predictably, has grown as it has become increasingly more complex. One notable factor is the obligation to meet EEC requirements and no less importantly, Gibraltar has a requirement for modern legislation for commercial, administrative and social purposes. It is important for the statute law of Gibraltar to be comprehensively stated in clear, logical and up-to-date form and should also be readily and conveniently available to administrators, to the profession and, generally, to the public at large. As the House is aware, Sir John Parley Spry has already been appointed to undertake this project and as a former Chief Justice of Gibraltar I am sure everybody will agree we have been fortunate to secure his services and the advantage that will accrue to us because he is familiar with the laws of Gibraltar. The Bill before the House would invest him with the necessary powers to undertake the work and it would also provide for a continuing process of annual law revision. I should like to say something about the nature of the reprint. The work will be presented as at present in a series of volumes suitably bound and inscribed and designed to enable material to be added or removed. It will be arranged in strict alphabetical order except that certain statutes of major importance or of general application will be placed at the beginning of the series. The statutes we have in mind at present are first of all the Gibraltar Constitution Order, 1969, the Interpretation and General Clauses Ordinance, which of course is the statutes' dictionary, the Application of English Law Ordinance and also this present Bill. The reprint is going to contain all the statute law of Gibraltar other than laws that are temporary or a specific or of a private nature and it will also contain all prerogative Orders-in-Council.

MR SPEAKER:

If I may interrupt. What do you mean by "temporary measure" is it defined what temporary measure is?

HON. ATTORNEY GENERAL:

No, it is not defined, Mr Speaker. The type of measure I have in mind would be, I think, a loans empowering measure, for example the Ordinance which the House passed last year which was authority to raise money for the period 1980-83, that type of measure. It is something which is of temporary duration and after a given period of time will cease to have effect and therefore really is not needed in a continuing general statement of the laws. In addition to the prerogative Orders-in-Council the reprint will also contain those other English statutes which apply to Gibraltar and which by reason of their size or the frequency with which they are used or their importance, it is convenient to include in the reprint. So far as other United Kingdom Orders-in-Council are concerned, the Commissioner will have power not to include them in the reprint but in such cases he would either put a reference or, perhaps, if the situation warranted a more extensive summary of the effect of the statutes not so included the reprint will also contain a full chronological list of statutes that have been enacted in Gibraltar over the years, an historical record, and indices so that anybody who wishes to will be able to refer to these tables and trace the history of the statutes of Gibraltar and I think that is essential to any general re-statement of a territory's law. As at present subsidiary legislation such as Regulations, Orders, Notices, Rules, will appear in the reprint immediately after the parent ordinances under which they are enacted so if we take, for example, the Coroner's Ordinance, one would find the Coroner's Rules under the same part of the reprint and immediately following. It is proposed that the reprint will be in what is known as the loose-leaf form and it will be an entirely loose-leaf form. By that I mean that every page contained in the reprint will be removable. At present the laws of Gibraltar are loose-leaf but only to the extent that each particular statute may be removed, at present you cannot take each page off. Given the resources of Gibraltar and the practice already established here, it is considered that the loose-leaf form as opposed to the presentation of the law in bound volumes, is desirable. The reasons why it is desirable I think are these. It enables the law to be updated more economically by reprints of particular statutes from time to time and it is convenient to regular users. Although there is in fact a shortage of sets of the laws of Gibraltar at present, nevertheless experience, I think, has shown quite clearly that the binders used to contain the existing reprint have in fact proved durable and have proved practical. Mr Speaker, careful consideration has been given to the respect and merits of, on the one hand, a system such as the present one in which the reprint is only partly

loose-leaf i.e. it is loose-leaf to the extent that each statute is detachable and on the other hand the proposed new reprint, where every page will be detachable. The advantage of the present system is that it provides for greater integrity in the presentation of the laws, it is physically harder to lose copies of the laws. As against this, the entirely loose-leaf system we think has this advantage, that it enables the laws to be printed completely up to date shortly after the end of each year by an annual supplement and this should result in a significant saving in reprinting costs for individual statutes because if a statute is extensively amended such as the Landlord and Tenant Ordinance or the Companies Ordinance, instead of having to reprint the whole set of it will be possible to take the particular pages and reprint those. On balance we prefer the entirely loose-leaf system. It does call for greater discipline in keeping up-to-date and in keeping intact the annual supplement but it is nevertheless the same kind of system that is adopted in many legal encyclopedias and other legal periodicals which have to be brought up to date from time to time. At the same time there is a need, for the purposes of our records, to keep fully bound copies of the laws of Gibraltar in certain places. In fact, five such sets will be ordered, one for the House itself, one for the Judiciary, one for the Chief Minister's Office, and on this I will be moving an amendment at the Committee Stage of the Bill because I think it is important, that such a bound record should be kept in the Chief Minister's office, one in the Deputy Governor's office and one in my own Chambers. We will make some provision for any private individual who wishes to, to be able to order a bound set. I doubt that there will be much demand but anybody who is prepared to go to the expense of ordering an entirely bound set will be able to. It will also continue to be the case that people who want to, will be able to obtain stapled copies of the individual statutes because I think this is a matter of some practical convenience, in other words, if an individual wishes to obtain the Landlord and Tenant Ordinance or the Coroners Ordinance it will be possible to get this as a stapled Ordinance. Mr Speaker, I mentioned that the reprint will be alphabetically arranged and I would like to elaborate on this. The present practice of assigning a chapter number to every statute in addition to the fact of alphabetical arrangement will be discontinued. To do so would, in our view, be to compromise the alphabetical scheme of the reprint and if we adhere to the alphabetical scheme, in principle, it should mean that there will be no further need for a reprint because new material could simply be inserted as the occasion arises in its appropriate alphabetical order within the 1982 reprint and as the volumes fill up it will be possible to obtain new binders and put them into that. I did say, in principle, because in practice I think, given a measure of wear and tear, the time will in fact eventually come when a reprint is necessary. In theory we think it won't be necessary but I think in practice Gibraltar is going to find that a further reprint will become necessary.

To put the matter in its proper perspective I would say that the scheme that we are adopting should mean first, that the need for a general reprint becomes less frequent and also that the production costs, this may or may not be a significant factor but the production costs should be able to be kept down because it does appear to me that each individual statute being more up to date then there will be less need for editing when the time comes to do a comprehensive reprint. The reprint will not be a revision of the laws of Gibraltar in the strict legal sense of that word because there is a need to have a reprint as soon as practicable and the Commissioner is in fact working to a fairly tight schedule on this. The reprint will state the law as at the 31st of December, 1982, and time does not permit extensive or substantial revision of the laws. Having said that I would like to stress that the reprint will nevertheless take the opportunity of modernising terminology, consolidating different statutes wherever possible, if it seems that two statutes can conveniently be brought together then the opportunity will be taken to do that, bringing references up to date, of course, and generally to improve and simplify the overall presentation of the laws of Gibraltar. I think more than that, the adopting of an alphabetical and entirely loose-leaf system of statutes will mean that in the meantime we can continue with the on-going process of revising laws and as we do so they can be incorporated into the new reprint without immediately beginning to detract from its integrity. There will also continue to be a need as at present to annually bind the statutes which have been passed by the House or under the authority of the House, during the course of the year. I think that is necessary to maintain a complete historical record of the statute law of Gibraltar. The Bill now before the House has been drafted by drawing on precedents from other jurisdictions. I should say that it confers wide powers of editing and of reorganisation on the Commissioner but at the same time this is subject to the important qualification in clause 8 of the Bill that he will not, in fact, be empowered to make substantive changes of laws, I think this is a very important qualification to stress. In fact, it is anticipated that in the course of this project it will become apparent that certain substantive but perhaps particular changes need to be made from place to place in the laws as part of the overall process of reprinting and accordingly I expect that what will happen in the course of the project is that the Commissioner and I find it necessary to present Bills which strictly are of a miscellaneous nature but I think are properly characterised as law reform bills, picking up small but nevertheless substantive points of law and asking the House to endorse these as part of the project, in other words, we will be bringing specific measures to the House rather than seeking to rely on the Commissioner's powers or I should say, strictly speaking, lack of powers to do this in the process of editing. We will seek the approval of the House to these proposals. Once the reprint is completed it will be brought into force by proclamation. I have also referred to the continuing process of

annual revision hereafter because I am talking at present about the initial reprint, of course, and once that is established then there will be a need for an annual process of revision. The scheme is contained in the second part of the Bill and the scheme is that as early as possible after the 31st of December in every year, once the reprint has come into force, the Attorney-General would cause all amended pages during the course of that year to be reprinted and would then issue an annual supplement containing the pages to be added, the pages to be removed and instructions for the guidance of users. He will also appoint a date on which the annual supplement will come into effect. I should draw your attention to the fact that the Bill in this respect confers on the Attorney-General the same powers as the Commissioner so far as the annual supplement is concerned, subject however to this requirement that he must lay the supplement before the House of Assembly and the House of Assembly may of course, if it sees fit, annul the supplement. I would like just to revert to two other aspects of the project, Mr Speaker. We anticipate at this stage that we are talking about an exercise of some 7,000 pages and we have at this stage also assessed what we see as the demand for sets of the reprint. Our present reckoning is that we will probably be able to dispose of about 300 sets though having regard to the fact that at the moment it is difficult to get sets of the laws of Gibraltar we will pay special attention to the need to make sure that in a manner which is consonant with cost, we do have enough copies to carry us through until such time as there is a further reprint. Mr Speaker, may I conclude by saying that Gibraltar's need for legislation is extensive and the production of the statutes is a demanding task to meet those needs. I think the proposed reprint is a matter of considerable importance in the administration of the laws and I would commend the Bill to the House.

MR SPEAKER:

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

HON A J HAYNES:

Sir, we commend, in principle, the idea of a reprint of the laws of Gibraltar and most especially we are pleased to see Sir John Spry in the post of Commissioner. We think he is a man truly able and capable of such a task. There is, however, one drawback we see in the matter and that concerns the terms of reference for Sir John. We believe that in the same way as the Landlord and Tenant Ordinance in Gibraltar has become over the years a baggy monster and generally is outdated that this is true of much of the other legislation which is current in Gibraltar to wit for instance, trust law in Gibraltar has been undertaken alarmingly by statutes in England and we believe that before this mammoth task, as it would appear to be, of revising the laws is undertaken, that as a primary step

the Attorney-General should be satisfied that these are the statutes that he wants to see incorporated in the new laws of Gibraltar. I think if the Commissioner were to be given authority or if some way were to be found to examine the validity and especially the long-term validity of much of the legislation, that this would ensure that the revision once it was undertaken, it would be of a more lasting nature. I think, and all praise to the Attorney-General that certainly as regards criminal laws we are up to date but even here we have got certain anomalies which I think could be looked into. What I would like to say, Mr Speaker, is that I feel that there is much legislation in Gibraltar which could be revised generally and not just in a printing sense but in a legal sense and that as such before expending quantities of money on the subject we should ensure that these are the laws that we want. Perhaps the Bar could be approached on this matter and suggestions from the Bar as to which statute or which legislation they feel this House should consider incorporating into our own laws, should be borne in mind. I think the Attorney-General's Chambers could also advise on any recent United Kingdom legislation which is worth embodying in Gibraltar. Also related to this matter I think the increasing legal machinery in connection with the European Community ought to be taken into account when a revision is contemplated and perhaps one volume should be dedicated to European law and the growth from that Community. I foresee an increased load on our legislation deriving from the Common Market, and it is only fair that if we are to participate fully within the Common Market, that we should be prepared to incorporate directives and regulations as and when they appear. This at a practical level, may require certain provisions for volumes and bindings which may require a separate volume for that law and I think that when we talk about revising our laws we should bear in mind the directives in the various fields that the Common Market is already putting out and even if the House is satisfied that our legislation is suitable for our needs, the House may feel that nevertheless the Common Market will be in its wish to uniform the laws of the Community, may be pushing us to a change of or a radical look at some of our legislation and therefore now is the time to examine these laws. Therefore I feel that in view of the fact that much of our legislation derives from the nineteenth century, in view of the fact that the Common Market is taking a far greater word in the legislative aspect of community life, that the revision of the laws should come about after we have examined these two factors in the light of our own law. Therefore, I would like to see the Commissioner advising, if possible, in this respect. I think the Commissioner, Sir John Spry, is again a man with the ability to undertake this task and having served in Gibraltar as Chief Justice I think he is particularly aware of our needs. Lastly, Mr Speaker, I would refer to the binding proposals made by the Attorney-General. I am pleased to note that consideration has been taken into the binding of the revised laws. I feel that perhaps the idea of a loose-leaf binding may not be practical. I wonder whether it has been

considered having two forms of binding, loose leaf binding for those Bills or statutes which are perennial visitors in this House which are annually revised, and stapled binding for those statutes which, generally, are not subjected to any change and that might, in practical terms, result in a longer life for the revised edition. Mr Speaker, my primary concern is for the timing of this revision of the laws. I believe that we are now on the threshold of a wind of change blowing from Europe, a wind of change which requires uniformity within Europe, and also we have come to the cross-roads at which much of our statute law is outdated. Perhaps now is the time to examine the value and the usefulness of these statutes before embarking on a scheme which will lumber us with them for some continued years at considerable expense.

MR SPEAKER:

Are there any other contributors?

HON MAJOR R J PELIZA:

I would like to support my Honourable Friend, Mr Speaker, in the very sensible suggestions he has made and one cannot but agree with a lot of what he said. After all, it has been nearly over 15 years now, according to the dates given by the Attorney-General, since the laws were revised last. This is an exercise which is taken at long periods and therefore I think we should try and make the best of it now. I am very pleased to hear him say that he is going to improve the binding and that he is going to bring up-to-date the terminology of the law in certain instances, that he is going to make it very comprehensible. I think this is very important because after all I think it is a rule of law that ignorance of the law is no excuse and I challenge the layman to look at some of the legislation and make any sense out of it. I think the more plain language one can put into the law the better it would be. I think, Mr Speaker, that another point is that there should be a place where any individual can go and have a look at the law. If it is available at the Mackintosh Hall, well then that is fine. I just wondered whether these facilities were available. All I can say is that if this is being brought up-to-date and it is going to be made more comprehensible and the laws are going to be bound together by subjects, it would be a tremendous improvement, I think, for the layman like myself who may feel that they want to know something about it and it is much easier to get at it. I think particularly the index which the Attorney-General has said he was going to try and improve and extend, the more that is done the easier it will be for the layman to be able to get at it. I am very glad to see, Mr Speaker, that this is being done. On the other hand I think he gave a target date of the time by which it has to be ready and my own view is that taking into consideration the suggestion made by my Honourable Friend today, if for the sake of getting the law up-to-date, really up-to-date in the sense that my

Honourable Friend suggested, it may take a little longer, I think it would be worth the slight delay for the sake of having completed this exercise in a proper way on this occasion.

HON CHIEF MINISTER:

Sir, I can understand the last speaker being slightly ignorant of the difficulties involved in a law revision and I certainly cannot understand how the Honourable Mr Haynes could have said the things that he said. When we talk about the trust laws are we going to leave it to the Commissioner to change the law of trust in Gibraltar? If we talk about the land law are we going to leave it to the Commissioner to review the land law? If we talk about company law these are all matters of policy, matters which are the responsibility of this House to review. The fact that they may be out of date of course we have a very practical means of having English statute law by the Application of English Law Ordinance. I was successful, when in the Opposition, in getting the Variation of Trusts Act which is a very necessary one in charitable trusts, incorporated into that as a Private Bill and this we can do quite easily as we go along but I do not think that Honourable Members opposite, certainly not Mr Haynes, realises what it means to revise the laws. We are trying to reprint and bring them up to date. In one thing he is certainly wrong, and that may be a matter of appreciation, he may think it can be done quicker. I think it would take years and years to review all the statutes that we have in the statute book and bring it up to date and by the time you finished that process then what you did at the beginning of a long process would already be out of date that that is why the law is being revised continuously. But where he is completely wrong, where the facts in England have shown that he is completely wrong, is in the question of the European Law. In England, on the entrance of Britain into the Common Market it was thought that the EEC statutes and regulations was going to flood the profession and that the High Court was going to be concerned continuously with European law. As it happens, anybody who looks at the reports or looks at the law report in the Times finds out that occasionally one of these cases come up. So that if we wait to revise in addition to our laws to bring up the date that terrific bureaucracy which is created in Brussels and which issues out directives as to the synchronisation of lawn mowers or the rationalisation of labelling and so on, we would never finish. It is impossible. There are two very important factors why this has got to be done quickly. First of all, because it is now seven or eight years since the revision was done; secondly, because with people interested in Gibraltar as a finance centre and so on, wanting to know what the laws are, they naturally want to see the laws applicable in Gibraltar, generally, and it is of course regrettable that we haven't got sets of laws available to be sold to people. There are some Ordinances that have been made and one or two others which are under review. I think the criminal law and the Income Tax Ordinance have been revised overall from time to time and

there is a very useful little book which is published every year which gives you the amendments that have been carried out to the different Ordinances during the year. But all this will certainly go into the sets and the sets will be much better. We are going to have a loose leaf set and we are going to have a bound set, according to the Attorney-General, so the point made by the Honourable Major Peliza is covered. For record purposes we will always have to have what was passed during the year but for daily purposes of looking up the law we have to have it up to date so we will have both in any case. I think this is a very necessary one and I would like to hear the views of the Leader of the Opposition who I am sure has got a better knowledge of the vast work involved in doing what Mr Haynes has suggested and the endless time that it would take. Another thing, of course, is that if we want to embark in a short period, we are talking about another year or two years, then I am afraid that the House of Assembly will have to be sitting day in day out for a year if we have the necessary servicing from the already hard worked legal department to provide all the ordinances

HON A J HAYNES:

If the Hon Member will give way. The Chief Minister seems to be, in fact, agreeing with what I am saying. He says the work would be, if they were to do what I suggest, would take years which means that the problem is there. He would rather leave it for another day and the longer you leave it the bigger the work.

HON CHIEF MINISTER:

I have not said anything of the kind.

MR SPEAKER:

I think what the Chief Minister is trying to distinguish is between a revision and an amendment to the laws. The law, perhaps, need amendment but the amendments should come to the House of Assembly serviced by the Attorney-General's department in due course, a revision would not require that.

HON A J HAYNES:

Initially I thought I made it quite clear. I did not suggest the Commissioner should pass the laws of Gibraltar. I merely said that he should at an initial stage, indicate to the Attorney-General and therefore to this House those laws or those statutes which in his opinion could do with revision and it would be up to the House then to decide on the merits of the matter. What I would emphasise, Mr Speaker, is that the Chief Minister seems to me to have indicated that it is his wish to produce a revised laws of Gibraltar quickly in order to enhance our finance centre capacity.

HON CHIEF MINISTER:

I cannot allow the Honourable Mr Haynes to make a speech. I am prepared to be interrupted to clear up a point but I am not going to allow him to make another speech. I wasn't saying anything of the kind. I did say that it was necessary but that was not the purpose of the revision, that is one of the reasons for having it. There are commissions for revision and commissions for reprinting and commissions for revisions. We have got very, very wide powers once you give them the outline of what you want. You could tell the Commissioner to prepare a draft Bill on the basis of the Law of Property Act in the United Kingdom and he would produce that after a long time and then it would be up to us to decide whether it is applicable or not. The Land Law is one which we have to tackle and we have to tackle it with purpose and that will take a long time to do and we cannot wait for a reprint of the laws until things like that are done. The question of law is fundamental. We are still dealing with the 1889 Conveyance Act and so on and no one has had the time or the courage to tackle that, either politicians or lawyers in the Attorney-General's department because of pressure of work. The Companies Ordinance requires review and now there is a huge new companies Bill in the House of Commons already revising the 1948 and the 1952 and the 1962 Bills. That doesn't mean that we have to do exactly the same though we have to decide on certain matters. Matters of policy, for example, the Company Law. If we are going to have a new Company law like the 1948 Act in England then we have to decide matters of great policy because there are certain advantages in keeping the 1929 Act and that cannot be done except by the legislature. The legislature must devote a lot of time if it wants to revise the laws but it is a continuing process, you never finish. Here at least we know that if we rely on United Kingdom statutes we have the common law on which to rely and the equity, but in England you have the whole spectrum as background on the common law and equity. I think it is a completely impossible task if we would be aiming for something ideal which we would never get. What we must do is get our laws reprinted somewhat revised as proposed and make up our minds what are the laws, and that would be perhaps a bipartisan approach to the matter, what are the laws in the statute which do not affect really fundamental policy but affect the question of the administration of justice, what are the laws that we should revise and what are the priorities we should give. Should it be the trust law first, should it be the company law, should it be the land law? All these matters are very important but they cannot be settled by saying instead of having a reprint in the form that has been proposed, we should have a revision of the laws before and as I said the question of European law really that would be a monstrous task to try and incorporate into our law. It is bad enough to keep up with the directives that we receive, let alone try and incorporate it into our law. I think the Commissioner has got

a very, very clear picture in his mind of what his duties are going to be, he thinks it is going to be very worthwhile. I don't know whether it has been mentioned but we are being given the benefit of his advice through the Overseas Development Administration, he is doing the work as has been said, with the knowledge of the practice in Gibraltar and I think he can do nothing but good to get on with this reprint and then from there and in the meantime carry on revising the laws and bring them up to date. As far as criminal law is concerned we seem to be pretty up to date on revisions in England but of course the amendments there are so often that we do not meet that often here to be able to bring them up to date immediately after but we have, I think, most of the provisions of the criminal law. Mr Speaker, we of course think that this is a very worthwhile exercise which has taken a long time to mature and that it deserves the support of the House.

HON ATTORNEY GENERAL:

Mr Speaker, I would like to thank the Honourable Members for their comments and their ideas in respect of this Bill. I would like to say that while it is important to keep laws up to date, I think here the immediate need and urgent need is to consolidate the laws in an up-to-date form and a comprehensive form and more than that in a readily available form as they now stand. It seems to me this is the first priority. I would also like to make the point that nothing in the process of reprinting or nothing in this project will in itself preclude an on-going process of law revision, especially when you have regard to the form of the reprint that is being adopted. I understand, of course, the distinction between a substantive revision of major laws that may have been on the statute book for many years and a revision in the less strict sense of the word. I would not like to leave the Second Reading of the Bill on the basis of understating the amount of work which will be done by the Commissioner and by my Chambers helping him in bringing the laws up-to-date. I have mentioned that as the occasion arises we would bring Bills to the House if we see points which need substantive review and indeed I can say at once that the Commissioner himself has already identified a number of points and we will be bringing Bills to the House on these points after they have been cleared by the Government. The process of editing itself, while it is not the same as revision in the strict legal sense of the word, the process of editing itself should make the law much more presentable and much more readable because laws are evolved empirically or pragmatically over the years and it is not a reflection on anybody really, that the longer that time goes on the more lack of order you may get so that the very process of editing itself will resolve and simplify presentation. Again I can say that the Commissioner has already made certain proposals in this respect and I can think of one particular set of subsidiary legislation which I prefer not to mention because it will have to be referred to Government where

he has said: "Can this be referred to the departments concerned?" which I will do, and: "Can we combine these regulations into one to make them more presentable or readable?" so that process is going on. As I have just indicated, we do have it in mind to consult departments that are affected and of course, the Bar's views will be very welcome and I think views generally are welcome on this sort of exercise. I don't think it is really practicable and certainly if one accepts that the immediate objective is to get a consolidated statement of the laws of Gibraltar out to the public, I don't think it is really practicable to go on within the time frame we are working towards, to undertake a major revision of the substance of the law in that period of time. The point was made that we hoped that the reprint would be stated in as plain language as possible and indeed the Bill itself provides for the Commissioner to have powers to modernise language. I would only add that anybody who had had the advantage of submitting to the judgement of the Commissioner in particular cases will be aware that he is a man who is something of a master of plain language. Finally, the point was made, and this is a very important point I think, I know I have referred to it several times already myself, but it is important that the law should be available, I think this is a very important matter. I can confirm that a set of the statute laws does seem to be kept at the John Mackintosh Hall Library although I don't think the judiciary would welcome a rush to the Court to look at it and in fact I believe one of the purposes of having a set available in the judiciary apart from the fact that the judges themselves would wish to look at it, is so that there is somewhere an authoritative statement of the laws of Gibraltar. This really is another reason why it is important to get the reprint done as quickly as possible because I know that actual sets of the law are in short demand and I think this is a very important reason why we should go for a reprint now and get it done as quickly as possible so that more copies will be available for the public. Sir, I commend the Bill to the House.

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 subsequent meeting of the House.

THE DEVELOPMENT AID (AMENDMENT) ORDINANCE, 1981

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Development Aid Ordinance, 1981 (no 15 of 1981) 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.

SECOND READING.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill be now read a second time. After the Development Aid Bill, 1981, had been published and whilst it was still before the House, an application was received by the Treasury for the transfer of a Development Aid licence under the then existing Development Aid Ordinance. This was referred to the law officers and we were advised that there was no provision in that Ordinance to authorise the transfer of licences. Furthermore, the Bill then before the House made no specific provision for the transfer of licences. The Government was therefore faced with the alternative of either amending the Bill before the House in Committee or of introducing an amending Bill at a later date. After consultation with the Attorney General it was considered that it would be wiser to examine the problem in detail and to introduce an amending Bill later rather than make hasty amendments at the committee stage.

An examination of the drafting instructions for the Development Aid Ordinance (Cap 144) has thrown up no indication that transfers of licences were originally contemplated. Similarly, there is no indication that the draughtsman of the Ordinance ever contemplated that licences would be transferable. We have also examined the papers that show that the practice of allowing transfers grew up following an administrative decision in 1973. In practice, the transfer of licences has not given rise to any administrative problems either in the Income Tax department or in the office of the Surveyor and Planning Secretary. The transferee takes over the balance of the amount qualifying for relief from income tax as well as the unexpired period qualifying for relief from the payment of rates. In effect, the Government has not conceded any additional benefits by such transfers.

As a matter of policy the Government wishes to encourage private development which would be reluctant to commission projects in Gibraltar if there was no provision for the transfer of the Development Aid licence.

If transfers are to be permitted, it is clearly necessary to define the respective rights of the transferors and the transferees to tax relief, i.e. there is a need for express provisions as to the apportionment of the capital expenditure incurred on the project as between the two of them in order to assess the limits of their respective entitlements. Similarly, it is necessary to make provision for the conditions on which the transfers might be made. The Bill now before the House empowers the Minister responsible to authorise the

transfer of development aid licences from the licensee to another person subject to the submission of such information as the Minister might require if the application were being made de novo for an original licence and also to such conditions as the Minister may think fit. The transferee will only succeed to the outstanding benefits under the licence so that the Bill will confer no benefits that in aggregate exceed the benefits provided in the original licence. Finally, Sir, the Bill validates transfers made under the earlier Development Aid Ordinance (Cap 144). There were nine such transfers. To date no transfers have been approved under the new Ordinance so that no provision validating any such transfers under that Ordinance is necessary. 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? I will then put the question which is that a Bill for an Ordinance to amend the Development Aid Ordinance 1981 (No 13 of 1981) be read a second time. Those in favour, those against, carried.

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 of the meeting.

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1981-82) (NO.2) ORDINANCE, 1981

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill for an Ordinance to appropriate further sums of money to the service of the year ending with the 31st day of March, 1982, 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.

SECOND READING.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill be now read a second time. The Bill seeks to appropriate, in accordance with Section 65(3) of the Constitution, a further sum of £89,983 out of the Consolidated Fund. The purposes for which this sum is required are set out in Part I of the Schedule to the Bill and are detailed in the Consolidated Fund Schedule

of Supplementary Estimates (No 2 of 1981-82) which I tabled at the commencement of this meeting. The Bill also seeks to appropriate, in accordance with Section 27 of the Public Finance (Control and Audit) Ordinance, the sum of £1,542,561 from the Improvement and Development Fund. The purposes for which this amount are required are set out in Part II of the Schedule to the Bill and are detailed in the Improvement and Development Fund Schedule of Supplementary Estimates (No 2 of 1981-82) which I tabled at the commencement of this meeting. Somewhat more than £1 million of the funds required under the Improvement and Development Fund are a revote to meet the 15% down payment on the new power station at No 5 jetty. I think, Sir, that Honourable Members may remember that during the budget debate, I did mention that it had not proved possible to complete the agreement for the new power station by the 1st of April, and that the sum of some £1m which had been included in the Estimates last year for the down payment, would have to be brought forward into this year. This project is being financed mainly from export credit guarantee funds and one of the requirements of this funding is that a 15% down payment is required on the signature of the contract and the contract was not signed until the first week of April. £320,000 of the total amount sought under the Improvement and Development Fund is for the cost of purchasing the present Ice Box and Honourable Members may recall that in the detailed statement on the Port Study which my Honourable Friend the Minister for Economic Development of the Port made at the last meeting, he mentioned the Government's intention to purchase the present Ice Box. Sir, I would like to give notice at this stage of the Bill of the Government's intention to move an amendment at the Committee Stage to increase provision under Head 104 - Miscellaneous Projects by £100,000. That is to increase the provision for restoration of communications with Spain from £50,000 to £150,000. This change has been occasioned by the return of land no longer required for defence purposes at the North Front which can now be used for parking and as a vehicle holding area. Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, I think we have dealt with this in previous occasions. We do not really debate the second reading of this and when we get to Committee Stage we will be able to talk in some detail on the matters which the Financial and Development Secretary has raised and I wouldn't wish that our silence at this stage should be interpreted as acquiescence to everything he has said.

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 this Bill be taken at a later stage in the meeting.

This was agreed to.

COMMITTEE STAGE

HON ATTORNEY GENERAL:

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

- (1) The Post Office (Amendment) Bill, 1981.
- (2) The Elderly Persons (Non-Contributory) Pensions (Amendment) Bill, 1981.
- (3) The Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment) Bill, 1981.
- (4) The Public Health (Amendment) (No 3) Bill, 1981.
- (5) The Criminal Offences (Amendment) Bill, 1981.
- (6) The Development Aid (Amendment) Bill, 1981.
- (7) The Supplementary Appropriation (1981-82) (No 2) Bill, 1981.

This was agreed to and the House resolved itself into Committee.

THE POST OFFICE (AMENDMENT) BILL, 1981.

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

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

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS (AMENDMENT) BILL, 1981.

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

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

MR SPEAKER:

Perhaps we might seek the advice of the Attorney-General. Is it in order to amend an Ordinance through an addition of a clause to an Ordinance which has nothing to do with it. I think one would have to bring an amendment to the Income Tax Ordinance.

HON P J ISOLA:

Mr Chairman, that is exactly the same amendment I moved last year. I moved it here in this Bill in November the 14th, 1980.

I have taken my amendment straight from the amendment of last year. I know it is not good legislating but I am only following the practice that has been carried out by successive Attorneys-General in this House.

MR SPEAKER:

Other Attorneys-General have had Miscellaneous Amendment Ordinances where they deal with amendments to different Ordinances. That is another matter.

HON ATTORNEY-GENERAL:

Mr Chairman, I am not aware myself of an absolute rule against inter-mixing. It is not normally a desirable practice. I must say myself in drafting laws I have found that you may be dealing with a certain subject and it is only convenient but also I think not wrong at the end of the Bill to have an amendment to another Bill. It is a question of degree, I think, at the stage where it becomes so substantive really as to detract from the scheme of the Bill before the House, I think as a matter of practice that may be the guideline.

HON P J ISOLA:

I move it here because I think it is very much essentially part of the Bill because we are talking of whether the amount that is paid is paid net of income tax or not. It makes a difference of, say, £2 or £3 on the main purpose of the Bill which is to give people more money or a certain class of people more money.

MR SPEAKER:

May I confirm that you most certainly did move this amendment last year and that we have accepted the practice:

HON P J ISOLA:

Unfortunately this will happen every year. Perhaps, Mr Speaker, this may be the last time I have to move it because it maybe that the Government will accept the amendment. I move the amendment standing in my name for the addition of a new clause to be numbered subclause (3) to read as follows:- "Section 2 of the Income Tax Ordinance is amended by the addition of the following words at the end of the definition of "Pension" therein contained:" or the Elderly Persons Non-Contributory Pensions Ordinance. "Under the definition of "Pension" in section 2 of the Income Tax Ordinance, Mr Speaker, are the Social Insurance Pension and the other one, if I may call it the retirement pension, it has got a much lengthier name, the pension under the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance. The purpose of this amendment is to add this particular Ordinance to those two and of course the effect of doing that is that the

increased pension of £12.50 will then be paid over to the elderly persons free of tax and thus put the persons in receipt of the Elderly Persons Pension, put them in exactly the same position as those persons who receive the other two State pensions, i.e. Social Insurance Old Age Pension and the Retirement Pension. I argued this matter, Mr Speaker, in the Second Reading of the Bill so I do not think I have to say anything further. I think the Members on both sides of the House are fully aware of the argument and I accordingly comment the amendment to the House.

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

HON CHIEF MINISTER:

Sir, I do not propose to discuss the matter but I would like to say, as a matter of principle, I am going to reserve the position of the Government until a more detailed study can be made of this situation. The fact that it was done last year or done this year may or may not be relevant. I am attempting to try not to allow it but I must say that I may be prepared to argue next year that this is wrong.

MR SPEAKER:

May I say that I am allowing this due to the fact that we did it last year and therefore we have established a precedent. When I refer to Erskine May and to the rules of practice, if I come to the conclusion that it is against parliamentary practice I will most certainly bring it to the notice of the House so that we know where we stand on the matter but I think I am entitled to make an interim ruling.

HON CHIEF MINISTER:

Mr Speaker, because we could well have accepted an amendment and had we been minded to object to it we would have given notice to the other side, I accept that, but I do not want to be told next year that we have had it for two years and now we must have it three years.

HON P J ISOLA:

All I can say to this is that my present practice has been only to introduce it at the November session when the benefits are increased but perhaps I should do it twice a year, when the Finance Bill comes before the House in April, I shall do it then as well just to preserve the position.

MR SPEAKER:

If there are no other contributions I will ask the Hon Leader of the Opposition to reply.

HON P J ISOLA:

This is the essence of democracy, Mr Speaker, no argument, you just use the vote. I am sorry the Government are just sulking but there is nothing else I have to say. I have nothing to reply to.

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

Hon J Bossano
Hon A J Haynes
Hon P J Isola
Hon A T Loddó
Hon Major R J Peliza
Hon W T Scott

The following Hon Members voted against:-

Hon I Abecasis
Hon A J Canepa
Hon Major F J Dellipiani
Hon M K Featherstone
Hon Sir Joshua Hassan
Hon J B Perez
Hon Dr R G Valarino
Hon D Hill
Hon R G Wallace

The following Hon Members were absent from the Chamber:-

Hon G T Restano
Hon H J Zammit

The amendment was accordingly defeated.

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

THE NON-CONTRIBUTORY SOCIAL INSURANCE BENEFIT AND UNEMPLOYMENT INSURANCE (AMENDMENT) BILL, 1981.

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

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

THE PUBLIC HEALTH (AMENDMENT) (NO 3) BILL, 1981

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

Clause 2

HON A J HAYNES:

Under Clause 2, Section 68A, will the Minister for Medical and Health Services inform us whether Government will seek to bring

a ruling under Section 68A before using the procedure empowering it under Section 68B to give warning of its intentions. Is the practice going to be that first of all the offending person or occupant will be fined and that thereafter he will be given a notice to remove the debris or is the procedure going to be that the notice will precede the fine.

HON J B PEREZ:

The Government's position on this matter is that in fact Government will give notice to the owner or occupier and give the owner or occupier the advantage or opportunity to remove the accumulation before we invoke the particular legislation but without this particular clause Government did not have the power to actually do so. The intention is not to fine people, the intention behind this particular clause is to give people the opportunity to remove the accumulation. However, if they fail to do so then obviously, we will have to take action.

HON A J HAYNES:

The time factors involved in the individual that has been put on notice which he may offer to Government as a reasonable time, is there no standard for a reasonable time?

HON J B PEREZ:

This obviously depends on the type of accumulation that one is talking about. I can give an assurance that we will look at the whole thing on a reasonable basis. The Environmental Health Department acts on a reasonable basis in most matters concerning public health and obviously that is an assurance that I can give as Minister responsible for the Department.

HON A J HAYNES:

Can I get confirmation that the notice does not of itself carry any cost to the occupier or other offender provided that he acts on the notice

HON J B PEREZ:

That is correct, Mr Chairman.

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

Clauses 3 and 4 were agreed to and stood part of the Bill.

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

THE CRIMINAL OFFENCES (AMENDMENT) BILL, 1981

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

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

THE DEVELOPMENT AID (AMENDMENT) BILL, 1981

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

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

THE SUPPLEMENTARY APPROPRIATION (1981-82)(NO 2) BILL, 1981

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

Schedule

Schedule of Supplementary Estimates Consolidated Fund (No 2 of 1981/82).

Item 1, Head 5, Fire Services was agreed to.

Item 2, Head 10, Judicial, was agreed to.

Item 3, Head 12, Lands and Surveys.

HON W T SCOTT:

I take it that this is in relation to the statement made earlier on in the meeting by the Hon Minister?

HON M K FEATHERSTONE:

This is the cost of upgrading the Gravediggers from Band 6 to Band 10.

Item 3, Head 12, Lands and Surveys, was agreed to.

Item 4, Head 13, Law Officers, was agreed to.

Item 5, Head 15, Police.

HON P J ISOLA:

On this Contribution to Police Reward Fund. Could I ask if this is the usual procedure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is not an unusual procedure, Mr Chairman. I have come across it on a number of occasions where the Police do a good job of work and part of a reward is paid to them in this manner.

Item 5, Head 15 - Police, was agreed to.

Item 6, Head 16, Port.

HON P J ISOLA:

What brought about the need to spend these funds. In what way did the Government require advice?

HON ATTORNEY GENERAL:

The way this came about was as follows. As the Honourable and Learned Leader of the Opposition knows there are conventional and unconventional ferry services across the Straits and the Government had occasion to consider the requirements governing these services and for that purpose we thought it necessary to bring down a nautical surveyor from the Department of Trade and Industry in London to advise and he came down and spent some days. I think this was a valuable visit and we maintain liaison with him over nautical matters in respect of ferries across the Straits.

Item 6, Head 16 - Port, was agreed to.

Item 7, Head 18 - Prison.

HON W T SCOTT:

Can I ask, Mr Chairman, whether this was in fact the subject of a tender?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would need notice of that question. I shall check it and let the Hon Member know. If it is below a certain amount no tender is necessary and a direct contract will be awarded.

Item 7, Head 18 - Prison, was agreed to.

Item 8, Head 20 - Public Works Annually Recurrent.

HON A T LODDO:

Could I ask whether all the banners and bunting that were used for the Royal Visit were recovered? Have there been any unaccountable losses?

HON M K FEATHERSTONE:

The majority were recovered but there were unfortunately some losses, some people took away flags from various places.

HON A T LODDO:

Has the Minister any idea how much that amounted to out of the £3,800?

HON M K FEATHERSTONE:

Only about £100.

HON A J HAYNES:

How much of the bunting actually displayed was out of stock and therefore not included in this sum? What percentage of the bunting used was old stock?

HON M K FEATHERSTONE:

I think we had in stock bunting to the value of some £2,000 and we purchased the extra that was needed. Most of the extra was flags.

HON A J HAYNES:

Can the Minister say how this bunting has been stored and is it likely to last for a considerable period of time or not?

HON M K FEATHERSTONE:

Yes, it has been very carefully stored and we would hope to use it on another joyous occasion in the future.

HON W T SCOTT:

I think initially we ought to congratulate the staff of the Public Works Department for having erected it with the rapidity that they did. I see no element of labour within the £3,800, I presume that figure is just obviously the cost of the material?

HON M K FEATHERSTONE:

That is right, the labour has been provided out of our normal recurrent votes. I am very grateful for the kind words the Hon Member said and I did at the time pass the congratulations of the Government and the rest of the House to the Public Works Department employees.

Item 8, Head 20 - Public Works Annually Recurrent, was agreed to.

Item 9, Head 22, Secretariat.

HON J BOSSANO:

I am abstaining on this item because I think it is most inappropriate that the gun should have been placed where it was placed outside the Health Centre.

MR SPEAKER:

You do not have to give reasons as to why you abstain or vote against.

HON J BOSSANO:

But I do not want anybody to think that I am against the Royal Artillery because I am not.

HON A J HAYNES:

Can we have more information on this history of Gibraltar's population during the war years and the reason for commissioning such a history and its intended purpose?

HON CHIEF MINISTER:

Mr Speaker, some time ago we had the visit here, this originated the matter, of the first former Auditor of Gibraltar and subsequently the first Welfare Officer, a man called Mr Ewan Hughes. He just visited Gibraltar and informed us that he had been carrying out at the request of the Singapore Government, research at grass roots level of memories and individual accounts of the Japanese occupation of Singapore and subsequently to supply the material for a history to be written. He gave us the idea about something which had been in our minds and that is that we should have material to provide for the archives a history of the evacuation and the experience of those who remained behind in Gibraltar. This could be done by school sixth formers mainly and I think I saw the other day one particular enquiry which had been answered by my colleague on my left about his experiences during the war, what he remembered, etc. This was on a general basis and he did not suggest that he should be paid any fees and in fact I do not think warrants any fee, he was quite prepared to help us, he did help us originally in the form that the enquiry should take and I think it is being done through the Department of Education where Sixth Formers are making enquiries of people and helping people, particularly those who may not be in a position to do it. One Education Officer and one Graduate Teacher are paving the way in doing this and other schoolboys, sixth formers some of them, are helping those who are not literate enough to be able to describe their experiences and their memories of the evacuation and subsequent repatriation. I think it is a vote which is required for General Expenses. This is the idea, that we should have material collected at really grass roots level of the experiences of people. I am sorry I have not got a form here but I will send Hon Members a form and they might even be able to fill some of it because some of them may be old enough to be able to help us in this respect and to be able to gather information and this is done then a little more scientifically when all the material is gathered and then you write a general account of the experiences of people.

HON A J HAYNES:

Will there be more money needed for this project? Is it Dr Hughes who will be writing the book and, lastly, is it going to be published in a manner or with the aim of recouping those expenses.

HON CHIEF MINISTER:

As it will be noted here it will be a token provision to meet the expenses, as I said, including the visit of Dr Hughes. No there is no idea yet what it will be, we are certainly not throwing money away easily but we are making a token provision for a couple of visits over a period of a year, perhaps, and to see what the response is. Until we know what the response is it will not be possible to know exactly what can be made of it but I think we have the opportunity and the voluntary services of somebody with considerable experience. In fact, he has gone back to finish the job he is doing in Singapore and he has offered for the sake of his old relationship with Gibraltar to come and help us do it ourselves so that there is no question of any profit motive on his part. Whether the material that is gathered is worth publishing, that is a matter that will be considered when the report is forthcoming and I shall be happy to give all information possible, to Members. Of course, as he was saying, time is running short because the Evacuation was started in 1940 and it is 41 years ago so that is something that unless we do it now time will take it away to the benefit of the gravediggers whom we have upbanded recently.

Item 9. Head 22 - Secretariat, was agreed to.

Item 10. Head 24. Tourist Office.

HON MAJOR F J PELIZA:

I wonder if the Minister could explain what the increased activities by the Tourist Office Public Relations Consultants consisted of?

HON J B PEREZ:

The explanation is that arising from the Seminar, one of the things I am told that was agreed was that we should take more time from the Consultants. This is something which I think the Hon Member himself has been advocating for some time. The position is that the Government buys time from these Consultants. For example, they say: "If we spend ten hours a week on Gibraltar you pay so much," and this is as a result of increased activity an increased amount of time which the Consultants will be spending on Gibraltar, as such, to help our tourist industry but as I said it has arisen directly from the Trade Seminar which was held in Gibraltar. It is increased use of the Consultants.

HON MAJOR R J PELIZA:

Does the Minister mean that this is what we pay the Consultants for coming to Gibraltar to attend this Seminar?

HON J B PEREZ:

No.

HON MAJOR R J PELIZA:

It is increased time they have given us?

HON J B PEREZ:

Yes.

HON MAJOR R J PELIZA:

I am not asking for it now because perhaps other Members are not interested but I would like to know, if the Minister would be kind enough to give me, in detail, what it is that the Consultants are consulted about?

HON J B PEREZ:

Yes, I will give the Honourable Member the information that he has requested.

HON MAJOR R J PELIZA:

On Advertising of Field Sales, could the Minister give some information?

HON J B PEREZ:

I thought the answer that I gave before applied to the three items. The answer that I gave the Honourable Member was in fact precisely not only under Entertainment and Travel but also for Advertising and Field Sales.

HON MAJOR R J PELIZA:

What you said is that you were going to give me a breakdown of all this when you explain to me what it is all about.

HON J B PEREZ:

I thought that the explanation I gave you was clear but since the Honourable Member requested specific information I said I would let him have it.

Item 10. Head 24 - Tourist Office, was agreed to.

Item 11. Head 26, Treasury.

HON W T SCOTT:

On G.B.C. colour television. May I ask the Government the nature of the commitment referred to under this particular revote?

HON CHIEF MINISTER:

This is in connection with the transfer of the Radio Studios to Mercury House. There had been a saving the previous year, but it was found later that the Radio Studios were not sufficiently sound-proof to ensure good broadcasting and considerable changes had to be made to the structure of the building in order to be able to instal the Radio Station, that is why it took longer to leave from Wellington Front. In fact, it may be recalled that television was in Mercury House for quite a while before radio was finally transferred there.

HON W T SCOTT:

Could the Government say whether contained within this £30,000 is the element of broadcast from the FM waveband?

HON CHIEF MINISTER:

I could not say but it is likely I will get that information before the meeting is over.

Item 11, Head 26 - Treasury, was agreed to.

Schedule of Supplementary Estimates Consolidated Fund (No 2 of 1981/82) was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund (No 2 of 1981/82).

Item 1, Head 101, Housing.

HON W T SCOTT:

Mr Chairman, we see here from the remarks that other than the £108,000 asked for as supplementary provision, there is also an extra £145,000 amounting to just in excess of £.25m. Can the Minister say, in fact, whether also added to this would be certain elements of increased costs both in labour and materials within this project, what figure he now has available per unit in this modernisation project in relation to the figure that was available at tender time?

HON M K FEATHERSTONE:

Sir, at tender time the original plan was that some 22 flats altogether were going to be modernised in Phases I and II, or I and IA. However, when work commenced and after a number of investigations were done, it was found that some of the buildings were in such a bad state of repair they could not be modernised at all, they had to be completely demolished and new buildings actually built so that the final result is going to be a number of new buildings and a number of modernised buildings. I think the overall cost, on average, is something about £35,000 but I cannot say exactly how it is apportioned between the new and the modernised.

HON W T SCOTT:

But, in fact, the section of the project that had to be demolished to make way for new building, was any thought given by Government to increase the number of homes within that particular demolished building that had originally been planned?

HON M K FEATHERSTONE:

Yes, I think that what was demolished was two flats and four are being built instead.

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

Item 2, Head 104, Miscellaneous Projects.

HON CHIEF MINISTER:

Mr Speaker, I would like to draw attention to Item 2 at the top of page 2 and say that though I do not have any direct professional interest, I think I should declare, perhaps, an indirect possible interest. I have had nothing to do with any of the negotiations and in fact I have a certain view on the matter but I would like to record by abstention completely on this item.

HON W T SCOTT:

Head 2, Subhead 4, Transfer of Stores and Depots to Ragged Staff. The slippage in the motor vehicle examination facilities project, what was that due to?

HON M K FEATHERSTONE:

This has been due to a number of changes in design partly because it is in an area which is dominated by the Royal Navy Aerial Farm and we have had to make one or two changes in design, especially with the height of the building, which has put back the actual designing and the possible starting of work by a number of months. Therefore, the £36,000 is money which will not be spent this year, it will be spent in subsequent years.

HON W T SCOTT:

Yes, but the cost of re-building it somewhere else, of course.

HON M K FEATHERSTONE:

No, the intention is to rebuild it where it always was going to be rebuilt, at the Slaughterhouse. It has not been started yet.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, Members of the House might find it helpful if I gave some indication of the reasons why the Government is seeking financial provision for this project i.e., the Resiting of the Ice Box. The genesis of the proposal is to be found in the Gibraltar Port Study where it was stated that the area occupied by the Ice Box Store would be better utilised for the handling of transit cargo and that the basic structure of the newly-erected shed could be adapted for the use as a transit shed with the demolition of only the existing interior of the store. The Report suggested that the re-provisioning of the Store elsewhere would cost in the order of £200,000 for the building alone but for that investment the Port would acquire the use of an additional shed with an area of 1,050 sq. metres, regain the full use of the deep-water berth due west and due east and remove the non-Port traffic along the North Mole and Western Arm generated by the business. The consultants' figure of £200,000 for re-provisioning was based on a unit rate of £190 per sq metre to allow for the provision of a new building of an area equal to the extended Ice Box. Following consideration of the Consultants' Report, the Government agreed, in principle, that the Ice Box should not be in the Port and that it was essential for the efficient operation of the Port that the Ice Box should be moved. My colleague, the Minister for Economic Development and Trade, made reference to this in the comprehensive statement he made to the House on the Port Study in July 1981. But, Sir, of equal, if not greater importance than the operation of the Port was the fact that the Government was faced with the cost of renovating the Bonded Stores at Waterport Wharf. The steel structure and corrugated steel sheets are badly corroded and the wooden floor has been affected by termites. If this building is to continue in use a major renovation programme would be necessary. This would need to include the destruction of the termites. The estimated cost of the work, including exterminating the termites, is of the order of £350,000. Furthermore, and this is very important, the store occupies a prime site which in the City Plan is earmarked for development as a marina. The purchase of the Ice Box would enable the Government to move the Waterport Wharf Customs Bonded Stores to the present Ice Box building on the Western Arm and release for early development a prime commercial site at the Waterport which at the moment is totally underutilised. The owner of the Ice Box in discussion with the Government pointed out that the new site proposed for the Ice Box is much less advantageous than the present site in that the goods can be moved straight into and out of the Ice Box from the berths. The proposed new site is well away from the Port, being at the end of Devil's Tower Road, and is exposed to the Levanter. The price of £320,000 which the Government negotiated with the owner is based on an up-to-date unit rate for a new building of this type of construction. A similar building is the Motor Testing Centre which the Government proposes to build at the old Slaughter House site. The

cost of this building is £300 per square metre and if one takes the Ice Box as an area of 1,050 square metres at £300 per square metre, the cost is some £315,000. However, it was possible to check the building cost valuation by reference to the investment value of the leasehold interest of the Ice Box. We had a lease of some 20 years at the present site and on that basis the valuation of the building is some £325,000. In effect, Mr Chairman, what the Government proposes is that we should move a commercial facility on the Waterport which is blocking development of the Port, move into that building the Customs Bonded Stores from the Waterport which in any event would have to be renovated at a cost greater than we are proposing to pay for the Ice Box and thus release for early development a prime site which is totally under-utilised.

HON P J ISOLA:

Mr Speaker, I am very puzzled by this statement because unfortunately as I said when I started we were at a disadvantage in the sense that I got my copy of the Port Study Report just before I left for the United Kingdom and since I have come back we have had all these matters to worry about and deal with. I have not been able to read it at all so we do not really know first hand what the Port Study Group recommended. The statement of the Financial and Development Secretary already, as I see it, goes against the Port Study Group Report which from what has been said and from what I recall was suggesting that this particular building should be used for both berths on either side for transit cargo and I notice that the Honourable Financial and Development Secretary on the Government is now proposing to move Bonded Stores to that building. I do not know whether the Port Study people recommended the moving of Bonded Stores away but if they did not then we are already varying from the recommendations which we have not read and we are at a disadvantage and I would like the Honourable Financial and Development Secretary to consider leaving this particular item for another meeting of the House because, Mr Speaker, it does raise some very serious problems on our side of the House because of the facts as they have evolved. I would like to remind the House that I think it was some time in 1980, this side of the House questioned the Government as to rumours, if I may put it that way, that it had heard that the Government was disposing of land or increasing disposition of land in the Port area, and I think one of them was to do with the Algeciras ferry, where it was, the other one was, I think, the Ice Box, when it had already commissioned the Port Development Study and we questioned the wisdom of the Government dealing with land. I think, if I remember rightly, we did get a reply saying that as far as this particular entity was concerned, the Ice Box, this was in 1980, the previous Minister for Economic Development had committed himself to give extended space to the Ice Box. We queried the wisdom of that but we were told that it was part of the Government commitment and that was it. We still query that and we would like to hear more about it now in view of the

fact that it is going to cost us £320,000, this particular extension due to a commitment. The sort of questions that come up to my mind, Mr Speaker, are these. If the Government were giving this extended area to the Ice Box, did they tell them or should they have told them or should they not have told them that there was a Port Development Study

HON A J CANEPA:

If the Honourable Member will give way. We are in Committee and it will save a great deal of time if I can clear up the dates on the matter because he has got the dates wrong. The Port Study was commissioned in March 1980, after the General Election. The Company applied for the allocation of an area of land adjoining their premises, in other words, the extension, in 1978 and the Government agreed in principle to the allocation of the land in April, 1979, so when I was referring in the House, in answer to questions by the Honourable Leader of the Opposition to the commitment which my predecessor had entered into, that is what I was referring to, the fact that it was in April, 1979, nearly a year before the Government commissioned the Port Study that the Government had entered into this commitment to give the extension to the Ice Box.

HON P J ISOLA:

I am grateful to the Minister, I know that, but what I also, know and this is the point I am trying to make, is that when the Government commissioned the Port Study Report the extension had not yet started, the extension to the Ice Box was actually physically built during the summer of 1980 and what I am asking now is ought not the Government to have told the Ice Box as soon as they commissioned the Port Study that they had consultants who were doing an in-depth study of the port, that they knew it was very much an in-depth study of the Port which could affect their particular premises, so even though they had given them an extension they should not carry out building works etc. till the Government found out what the recommendations of the Consultants were. I think this was a grave error on the part of the Government not to have done that and perhaps they would tell us why they did not that because there were the Port Study Group doing a study of the Port and at the same time there were a commercial firm extending the building and, incidentally, Mr Speaker, quite substantially. We were told in this House it was a small extension but anybody who knows what the old Ice Box was and the new one is will know that it was not a small extension, it almost doubled the area.

HON A J CANEPA:

Who said it was a small extension?

HON P J ISOLA:

When the question was asked in the House.

HON A J CANEPA:

Not by me.

HON P J ISOLA:

I will find out who said it. I remember going past on a pleasure boat during that summer and looking at the building and saying what a big building it was and I remembered being told in the House this was a small extension and the total area going up and out I think must have doubled the area of that store and I think that was a grave error on the part of the Government especially having commissioned a Study that cost us £100,000. That is one point I would like to make. The other point is this, and that is why I was hoping the Government would agree to defer this item because we have had since the Port Development Study was made and it was made on certain assumptions, and one of the assumptions was that the Dockyard would continue, unfortunately, the Defence Review came in afterwards and one of the assumptions on that report on what should be done in the Port area was that the Dockyard would continue to work in its present form. I have not read the report and I have not been able to link that or their reasons for saying this. But it seems to me that we now have another report, as the House will be aware, I think there was a press release on it, in relation to the Dockyard position, the Defence Review. Again, Mr Speaker, another very voluminous report. I do not know whether the Government has done any exercise yet, I am sure it cannot have done because the report, I believe, was delivered on 20 February of comparing the two reports, comparing whether recommendations are effected by others, in a week.

HON A J CANEPA:

Of course we have.

HON P J ISOLA:

You have done it in a week, the Minister has read the Defence Review, he has read everything.

HON A J CANEPA:

And if the Honourable Member were to be in Government he would have to work a darned sight harder at his politics than he seems to be working because it is a very poor excuse to say that he had to go off to the United Kingdom and could not read the Port Study Report.

HON P J ISOLA:

Unless the Minister would like me to take confidential stuff with me on the plane. I believe it is contrary to the Government regulations to carry confidential material with you.

Perhaps the Minister who is so knowledgeable in these matters would confirm that to be the position.

HON A J CANEPA:

Mr Speaker, when the Government received the report I was being pressed by the Honourable Leader of the Opposition very hard for the Government to take a decision on the matter. I shall say another thing to the Honourable Leader of the Opposition. What does he have a shadow Minister for the Port for? Why couldn't he leave that report behind for the shadow Minister of the Port to read the report and to be ready for this meeting of the House?

HON P J ISOLA:

I shall tell the Minister. Because I had to give certain undertakings in relation to that report in writing to the Chief Minister and I have not let that report go until I have given those undertakings so that I can give it to my colleague the undertaking on the matter so that he can be clear on the matter and I got it because it was only two days before I left that I was told the sensitive matters in the report and I went to the office of the Administrative Secretary two days before I left and I read all the pages in the Port Study Report that were considered to be sensitive by the Government and obviously before agreeing them I had to read them and having read them I agreed them.

HON A J CANEPA:

I can tell the Honourable Member categorically that there is nothing in the Consultant's document on the Defence Review which has a direct bearing on this issue.

HON P J ISOLA:

I prefer to see that for myself, Mr Speaker.

HON A J CANEPA:

Then it is a matter for us, Mr Speaker, to judge whether the item is going to be deferred or not.

HON P J ISOLA:

Of course it is a matter for the Minister to decide, if the Government wants to pass the vote let them pass it. That happens on every occasion. I am only asking it as a matter of courtesy because we have not been able to read these reports. I got the Gibraltar Dockyard Study in confidence yesterday.

HON CHIEF MINISTER:

If I may say so, because according to my information you said that because the Leader of the Opposition and the Deputy were away it should not be delivered.

HON P J ISOLA:

No, Mr Speaker, the Honourable and Learned the Chief Minister is wrong. It was suggested to me by the Deputy Governor that as this committee was an on-going committee, he would not like to part with the Gibraltar Dockyard Study to anybody other than myself or my Deputy Leader. I did not suggest it, it was put to me and I agreed and I will go further, Mr Speaker, I got a telex from the Deputy Governor telling me that the report was at The Convent for collection by me. This was done and I agreed, it was a perfectly reasonable thing to suggest and to accept. I am not told when a report is going to be ready, I am not told when a meeting is going to be held. In fact, a meeting was held of this Committee I believe on the 19th after I had been told no meeting was going to be held for some time after the report had been delivered. A meeting was held on the 19th and notice was given about two days before and I had already left Gibraltar. But whatever the situation may be, Mr Speaker, I think being asked to vote £320,000 to put right what is in my view a monumental error on the part of the Government and to be asked to vote that money without being able to study the report in question, is asking too much of the Opposition. I am trying to keep this on a low key but if on top of that we are going to be attacked for not agreeing to this, then I think we must speak more bluntly than we might otherwise have spoken. The other point that I would like to mention is that the Financial and Development Secretary has talked about the effects of the Levanter in the new site. Doesn't the Levanter affect the existing site? That has the ravages of the sea on both sides all the time. I cannot think for one moment that moving the Ice Box, from that point of view, from the North Mole to wherever it is going in the Industrial Area is a disadvantage for the developer or whoever did it, I cannot believe that. I can believe that it is inconvenient for the Ice Box to move because it is convenient from the point of view of ships to load but then, Mr Speaker, another question comes to my mind and it is how on earth did the previous Minister for Economic Development agree to give the Ice Box a bigger chunk of valuable port area. How on earth did he agree to do that? He is not here and we cannot bring him here but the Minister for Economic Development was a member of that Government and he must have been privy to the particular decision made.

HON A J CANEPA:

Again, Mr Speaker, he asked a question on the matter and I gave him an answer on that. I do not know whether he has forgotten but I will repeat what the position was. The main

reason which was given by the Company for the request of an area adjoining their then premises, and the Honourable Leader of the Opposition seems to forget very conveniently that we have had the Ice Box there since 1965, not the extension, but there has been an Ice Box since 1965 in the days when he was a member of the Government, in 1965. Perhaps in those days there was no economic planning, I know he was not responsible for the economy, but he was a member of the Government just as he is accusing me of being a member of the Development and Planning Commission. The main reason given for the application was that the conditions of the Cold Stores had deteriorated to such an extent that major works were urgently required in order to comply with the Food Hygiene Regulations. The Company also wished to avail themselves of the opportunity to increase its storage capacity. The possibility of erecting an additional store had had to be discarded as the structure was not sufficiently strong to sustain the additional load. The question of the public health hazard, in fact, worsened between 1978 and 1979 when in April the Government agreed, in principle, to the allocation of the additional land.

HON P J ISOLA:

Yes, Mr Speaker, I remember that answer very well and I appreciate that they had to do repairs. I recall now the Minister telling us what he told us in 1979, the opportunity was being taken to have additional space and my criticism here, this minute when he jumped up to reply, was that I could not understand why additional space had been given to the Ice Box in that area. My criticism at this point of time was not why the space was ever given at all because as he pointed out that is a long time ago and I cannot remember the circumstances then, but I do know that in 1978 or 1979 when the decision was obviously made, there were a lot of calls on the Port area, you had containers starting to come into Gibraltar or threatening to come, put it that way. You had the sand problem, part of the area was being used for sand. In 1965 we did not have these problems, we were beginning to have them of course because that is when the Spanish campaign started and the actual construction of a Cold Storage Chamber at that time was probably put forward as a means of defending Gibraltar against the situation of increasing Spanish restrictions as they were starting then and you needed places for storage so probably the decision was made on perfectly good and valid grounds in 1965. I cannot remember but I can imagine from the date that the Minister has given me that those would have been the considerations then. But, Mr Speaker, I am criticising the decision of 1978/79 when there were a lot of other considerations with regard to the Port, when, clearly, there were so many considerations with regard to the Port that the Government was considering then, and must have started to consider, the need to look at the needs of the Port as a whole, because you do not decide to commission a study in January, you must have thought about it before, and this is the matter

that to me are matters of criticism and, I would say, fair criticism on our part of that decision because I think that a public health hazard could have been gotten over by carrying out the necessary repairs to the existing chambers. I agree that the Government could not know in April 1979 that the Port Development Study which they were going to decide on and which they had not yet decided on was going to recommend what it did, that I agree, but what I question is the wisdom of having given the extra space, that is past history. The Government should have tried by some way or another to stop the developer carrying out the extension that it did when it had already commissioned a Port Development Study and it already had the Study under way. If I can criticise, I think that is a fair point of criticism.

HON A J GANEDA:

I am prepared to take the criticism on my shoulders and the reason is that it is extremely difficult particularly for one Minister of an on-going Government. If there is a change of Government, fair enough, but it is extremely difficult when you take over from one of your colleagues not to honour commitments that have been honourably entered into. It happened with my colleague the Minister for Labour taking over from me or taking over from the Honourable Mr Featherstone when he became Minister for Education and exactly the same in my case. I say that not only with regard to the Ice Box, I say that with regard to Gibraltar Underwater Contractors who were given certain assurances about the seafront at the Bonded Stores by my predecessor and also with regard to Mobil Oil who were also promised an area within the Bonded Stores for their activities having regard to a case that they had made for the uprating of the Port by Mobil Oil. These were commitments perfectly honourably entered into by my predecessor. They were valid commitments as he saw them and it is extremely difficult in all good faith for anybody taking over to run roughshod over them and I honestly felt that I should honour those and stand by them and defend the decision.

HON P J ISOLA:

Mr Speaker, the Minister has got me wrong. I have questioned the wisdom for the allocation in 1979. What I am questioning now is not that the Minister should not have honoured the commitment of a previous Government if it was a legal and honourable commitment and so forth, what I am questioning and saying is that the Government should have told the Ice Box as soon as they commissioned the Port Study, they should have told them: "We know we have given you this piece of land and we know that you are entitled to build on it but we ask you not to proceed because there is a Study that could affect this particular building. Therefore, in the interests of yourselves and ourselves please do not extend." Mr Speaker, what would be the position if the Ice Box turned to the Government and said that unless the Government paid £320,000 they were staying there. What would the Government do?

HON A J CANEPA:

I shall tell you. We are going to declare the Port to be a security area as soon as the frontier opens and then we will see how the Ice Box is able to conduct its activities on the same basis as they are now because they are not only wholesaling but retailing, they will have to seriously think about what is going to happen to the retail side of their business. They will only be able to carry on with the wholesale because we will allow and authorise certain people to enter into the Port but not anybody to drive up in a motor car to purchase a few boxes of ice cream. That is what is going to happen. Perhaps the whole thing is academic because I have no doubt that the Government has made a perfectly strong and valid case for our taking over the Ice Box. It is in our interests to do so. We are getting a very good deal out of that. A building that we are going to be able to use for a purpose that we want, an area that is going to become available where the Bonded Stores are now which no one has previously thought of developing. Not even the Port Consultants have thought of developing that area in the way in which my colleague the Financial and Development Secretary has thought. It is his idea that we should have substantial development of that area, a marina, a multi-storey car park you can have there, right on the fringe of town where it is required, the sky is the limit in that place. It is a huge area and having regard to the need in Gibraltar for economic diversification in the future, I think that we have taken the right step, I stand by it regardless of the wisdom of what we did last year or not. Now we are wise to do this, we are doing the right thing and I stand by it.

HON P J ISOLA:

Mr Speaker, I am glad the Minister has said that. In other words, he would do something if the Ice Box turned round and said that the Government either paid them £320,000 or they stayed there. The Government would have done something, obviously, in the public interest but this brings me back to my point that the Government could have told the Ice Box not to continue their development until the Government had the Port Study and if they continued their development after this warning, so be it, they had to take the consequences. Having said all that, Mr Speaker, because this is really all water under the bridge. We are being critical of the way the Government has acted with this particular project but obviously it is there, it has been built and we are not suggesting that the Government puts in its troops in the Ice Box and ejects them, we are not suggesting that at all. What we do suggest, however, Mr Speaker, what we are not convinced on is the question of the price, for example.

MR SPEAKER:

Perhaps, Mr Isola, we could curtail slightly this debate. I think you have made a suggestion that this particular item should be left over for another time. Perhaps we might have the Government's views on that matter.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, unless the sums are voted at this meeting the owner of the Ice Box would not be prepared to sell because they have been holding up development and holding up material in the United Kingdom which is on order for some months to enable the Government to reach a decision on whether or not to purchase and having made that decision to seek funds from the House it would be grossly unfair to expect them to defer the development further. It is costing them quite a lot of money in interest waiting to go ahead with the development. I wonder if I might comment briefly on the discussion so far. First of all, I accept full responsibility for the advice which I have given to the Government on this matter. If it had merely been a question of purchasing the Ice Box to facilitate the running of the Port I would have been very doubtful as to whether the money was worthwhile. However, given the advantages of getting the Customs warehouse away from a prime development site, given that we have got to spend money to renovate it and to get rid of these termites and to get rid of the termites alone is going to cost us £100,000, I considered that, on balance, it was worth buying the Ice Box and transferring the Customs Stores. The Customs Stores is called the Queen's Warehouse, in fact, a tremendous amount of transit work goes on there. Companies have areas allocated to them, containers are unstuffed, material is held there for a period until room can be found in town and then it is moved. That is the activity that would go on at the Ice Box if that were purchased. What I do ask is that leaving aside the water that has gone under this particular bridge, leaving aside whether or not the Government has made mistakes in the past, I am asking Members to look at this objectively and to say it is worth paying this money as a negotiated price. This was not the price that we started off at, it has come down a bit, is it worth spending this money to get the Store to help clear up the Port area, to move Customs, to pay the expenditure on a customs building occupying a prime site, to get that site and to start a development on it which could be somewhat similar to the development at the new marina, including car parking. Is it worth it or is it not? That is really the question which I am asking Honourable Members to address themselves to.

HON P J ISOLA:

Could I just answer that argument quickly because there is one thing that worries me a lot here and that is that this sudden emergence of a new factor - Customs Warehouse moving to where

it is proposed, to the Ice Box. Presumably it is going to cost £320,000 to acquire this site and I dispute the price, we must dispute it, because the consultants have said the cost of re-provisioning the Ice Box should be £200,000 and we are now talking of another £120,000 on top of that, we are not convinced, we cannot be convinced that that is the right price to pay. The other point that worries me is that whilst we have been sitting here I have been flicking through the Port Study Report, Mr Speaker, and the use that I saw there is not the use that is being suggested now by the Financial and Development Secretary. The use that the Financial and Development Secretary is suggesting may well be the best use for it, I would not argue that, but I certainly would like to make an objective judgement having regard to the fact that we have got a Port Study Report, having regard to the fact that we have got a Gibraltar Dockyard Study Report, I do not think we can in conscience, Mr Speaker, at least I cannot, go along with this just as it is being put over without being able to make an objective judgement from reading the very voluminous evidence that we seem to have about this. That is why I was asking for it to be deferred. As for the arguments that we either buy now or we do not get it, that is the sort of argument I do not like to hear because the Government has it within its power to say that they do not buy and make it a security area and you have all the problems that the Minister has said. Frankly, I would take with a pinch of salt the argument that interest is being paid on all this by the developers.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I would like to make quite clear the last remarks that I made and were then followed by the Honourable and Learned Leader of the Opposition and that was I said that time was against us and that the owner wanted an early decision. I want to make it quite clear that in no way is the owner holding a pistol to our heads and saying: "If we do not give this decision then you will not get it." It is not that at all. It is just that negotiations on this have been protracted and the time has come when they can no longer hang around, it is costing too much money.

HON M K FEATHERSTONE:

We have had a very interesting point put across by the Honourable Leader of the Opposition who as usual wants to have his cake and eat it. He commented that when he went out in a pleasure boat some time in 1980, after the Port Study had been commissioned, he saw the building going up and he thought that it would have been better if Government had stopped the building in view of the Port Study. Sir, first of all we have to look at the exact dates. They asked for the extension, in 1978, and they were granted it in April, 1979. I am sure the Honourable Leader of the Opposition has some knowledge of the owners of the Ice Box and he must know they do not sit on their

laurels or on their bottoms and do nothing. It is pretty obvious that as soon as they were given the permission to extend the Ice Box they must have been in negotiation with firms in Britain to get the necessary equipment and I am sure if we had in February 1980 told them that they could not continue with their plans to build the Ice Box, they would have come to us and said they had ordered all the equipment and that we would have to pay for it and I am sure if this had been brought to the knowledge of the Leader of the Opposition he would be the first to have been in this House saying how high-handed of Government to give with one hand and to take away with another. Sir, it has been stated by the Financial and Development Secretary and quite clearly that on current cost to put up a building the size of the Ice Box is around £320,000/£325,000. The consultants have given a figure of £200,000, but consultants are not always right and when the consultants did it, it was about a year ago so that there have been increases in the meantime and the figure of £325,000 is quite a reasonable figure because I have heard a valuation put on the Ice Box which was very considerably higher than that sum so that Government in getting a figure of £320,000 after quite a considerable amount of reasonably hard bargaining, have not done a bad job at all. But the most important thing which I think has got to be taken into consideration is that if we were to leave the Ice Box where it is, we would have to do something about the Bonded Stores and to do that would cost not £320,000, but on today's estimates £350,000 and by the time we get down to doing it, which would probably be another 3 to 6 months, it would probably have gone up to £400,000. We would have found ourselves with a bigger bill to face and we would have found ourselves still using the old Bonded Stores or the old Queen's Stores, as they are known, and not get the benefit of a really prime site for development which is one of the really big features of this scheme. It was a scheme, as the Honourable Member on my right has said, that was thought out by the Financial and Development Secretary and I think it is an excellent scheme. It gives us an area where we can really develop an entry to Gibraltar to get not only a possible multi-storey car park but increased marina area, possibly other commercial development - something which Gibraltar is in urgent need of especially in these days. The comment that the Honourable Leader of the Opposition has made about the levanter affecting the Ice Box where it is, can be discounted because the place where it is intended that it should go is much closer to the eastern seaboard and does suffer more strongly from the levanter. We have been at some considerable effort to convince the Ice Box to go to this area but they have agreed and the position now is that time is of the essence. I am sure the owners of the Ice Box could not see their way clear, and I agree with them, to be waiting another two months while the Honourable Mr Isola does the homework he should have done some time ago in reading the Port Study. I would support fully that we spend the money today, it is money well spent. We are getting a brand new shed for ourselves where we can do

all our transit operations and customs bonded stores. We are getting a prime site for development and we are removing the Ice Box from the Port area where sooner or later it would have presented a difficulty in security.

HON J BOSSANO:

Mr Speaker, I am astonished at the arguments put by the Honourable Member opposite because if in fact, this is such a magnificent idea, why didn't the Government do it in the first place? Why didn't the Government, instead of giving the extra land to the Ice Box for the extension, move the Ice Box then and get all the benefits that they think will come out of releasing the Bonded Stores, having that space on the Port and all the rest of it. I can tell the Honourable Member that I will not be supporting the amount of money that is being asked for now. I think the Government is trying to produce post Port rationalisation for their action. Having taken a decision they are now producing arguments in support of the decision and I think the only trouble is that they are producing so many arguments, one after another that they are overstating their case. One is beginning to wonder whether we have won a first prize in the lottery, it seems to me, with this thing which is costing us a third of a million pounds. I accept that the Government is trying to produce the maximum return possible from a decision which, to me, is clear has been forced on them as a result of the Port Study and which they would not have taken in the absence of the Port Study, a Port Study which I certainly have not had a copy of, so it is not a question of not having done my homework and I do assure Members that I am quite happy to stay up all night reading the Port Study, but I have not had a copy of the Port Study and I would certainly have thought myself that if the future use of much of the land that is occupied today by the Navy is unclear then of necessity that must require a re-assessment of the use of land envisaged in the Port Study. I cannot see how one can say that because the Dockyard Study does not make any direct recommendation about the Port Study, although I must say it makes a lot of references to it, references which are incomprehensible to anybody having access to one and not to the other. If one is looking at the Dockyard Study and the Dockyard Study says: "as was said on page so and so of the Port Study", and one has not seen the Port Study then one does not know what the Dockyard Study is talking about. There is an inter-relationship with them and I would myself think that the implementation of the recommendations of the Port Study cannot be proceeded with without taking into consideration what is going to be the long-term future of the Dockyard, and how the Dockyard use impinges on the use of the areas that were looked at by the Port Study as the development of the commercial port. I do not think one can divorce one from the other and I think if there is one thing that one can point the finger to in the past in Gibraltar which I think has been a serious omission in terms of planning, is in fact looking at a place as small as Gibraltar in a piecemeal fashion whereas the whole development

of Gibraltar must, of necessity, be looked at as a total unit where one piece of the jigsaw cannot be removed without changing the composition of all the rest. I would think the Government would do well to reassess the Port Study recommendations in the light of the Dockyard Study not so much for what the Dockyard Study itself says but for what may come out of it eventually. I cannot agree that the arguments that have been put justify the decision that was taken to make the land available originally for the extension of the Ice Box and then subsequently to pay people off and buy something that they have really only had for a few months. I wonder what the capital gain is, Mr Speaker, on the value of that building as regards its construction costs a year ago, and the price the Government is paying for it now with capital gains which, of course, in Gibraltar are not taxed. I accept that what the Government is doing is to say: "If we are going to have to do this, then let us maximise the benefit that we make of the place once we own it and therefore let us move other things so that at least if we are spending £320,000 it is not money that we are throwing down the drain but something which will save us some money somewhere else." I am not disputing the logic of what the Financial and Development Secretary is saying in support of the decision but it is one thing to say: "Because we find we have to do this we might as well take advantage of it," and another thing to say: "The reason why they are doing it is because we want to do it for those reasons." If in fact the Financial and Development Secretary has had, as his intention all along to move the area occupied by the Bonded Stores, to release that area for development because it was the Government's economic plan that the area should be released for development, it would be a different kind of argument. That is not the argument that has been put. In my judgement it is not an argument that justifies my voting in support of a measure which I think the Government must bear the responsibility for. I am not convinced that in spite of the attempt that the Government will be making to get value for money there, at the end of the day when the whole thing about the future of the Port and the future of the Dockyard has settled down, we will find we have got such a big bargain after all.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, if I may I would like to put the record straight on what I said originally. I think that a reading of Hansard later will demonstrate this. I think I said that if one were merely looking at the purchase of the Ice Box for £320,000 merely to facilitate operations in the Port, I doubt whether the money would be well spent. However, if one takes into account that we have got to move for a time the Customs Shed whilst it is being renovated, to totally renovate it is going to cost us £350,000 and if at this time we can get permanently an area for development then the money is well spent. It was not a rationalisation of a decision that had been taken, it was a rationalisation of shall we or shall we

not take this decision. That is the way in which the Government looked at it and that is the way which I put it to them. Secondly, ever since I came here in September, 1979, I have looked every time I have been to the Waterport at that squalid building which is the Customs Shed and thought what a pity that this site cannot be developed.

HON J BOSSANO:

Yes, but, Mr Speaker, the Honourable Member does not know at this stage how many other sites he is going to have available in which to put the Customs Shed because he does not know what is going to be left of the naval presence in Gibraltar.

HON W T SCOTT:

Mr Chairman, if the Government is talking about re-providing or developing the old Customs Shed I can only assume that the offices at the moment occupied by the Customs are also going to be re-provided elsewhere. Could I have an answer to that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir, they are going into the Captain of the Port's present offices when he moves down on to the west side.

HON W T SCOTT:

I am very grateful for that, Mr Chairman. I have only got one point to make, Mr Chairman, and that is that we seem to have been talking about the cost of a new purpose-made Customs Transit Shed which is the figure of £400,000 that the Honourable Minister for Public Works just mentioned. Surely, we are not looking at that, what we are looking at, as I can judge by the remarks, is the cost of re-provisioning the Ice Box, not the cost of moving a Customs Shed from one place to another. In fact, what I am really suggesting is that by the time that new Customs Transit Shed becomes operational, the cost of that will be far nearer the £400,000 that the Honourable Member opposite suggested that a new Shed would cost us rather than the £320,000 because that will require substantial conversion, I should imagine, at least on security perimeters, perhaps different offices, etc.

HON MAJOR R J PELIZA:

Mr Speaker, I think the thinking of developing the area to which the Financial and Development Secretary has drawn attention is a very good one. I think it is an excellent site and the potential there is extremely great, particularly in relation with one of the industries in Gibraltar which is proving extremely successful. But, and this is a big but, I think just to do it because we find that it is necessary to clear the Customs Shed now just like that, because we feel

that people are pressing to spend money on that when there might be no urgency to have to spend the £100,000 that the Financial and Development Secretary said before it would cost to get rid of the termites, I doubt whether that is justification to act with so much speed. I think that what my Honourable Friend is saying here is to give it a bit of more thought. Do we want to have the Shed that they want to replace in the area where the Ice Box is today or is it possible that after we have made a thorough study and we see how things are developing with the Defence cuts, etc., we find that we have only duplicated the blunder that was made in the first place. It is fair not to move with indecent haste in this particular matter. I believe that the owners of the Ice Box got an extremely good deal in the first place. Quite honestly I do not think it was necessary to spend £100,000 in the Study Report to find out that that place could be used for something else. It is so obvious that even before I was in Government I always used to question myself how originally they were ever allowed to build a site for refrigeration in a place where the cost of the jetty itself must run into millions of pounds so that a square yard of that area where the Ice Box was built must cost a fortune. Purely on that basis of giving away that very expensive land for almost nothing, it is to me impossible to understand how they came to that conclusion of giving that valuable land away for something that could easily have been built somewhere else. It is incomprehensible as far as I am concerned. That the blunder should have been repeated later by giving more room in that area just cannot be explained. I think my Honourable Friend is very right that if someone who replaced the previous Minister for Economic Development saw that this was absolutely unfair and wrong, that an attempt should have been made to change the course that the Government had taken previously. I think it would have been an honourable thing to do because, after all, we must not just think of the situation of the individual who got the contract in the first place but of the value that that place has got for the rest of the community and now the price that we are asked to pay is £320,000 plus, of course, something that at the moment is unquantified, the amount of money that may be required to re-furbish the Shed, the building of the Customs; although I must say the building of the Customs we should not really take into account, that was in fact way back when the Veryl Fegg Estate was built, the idea was to move the Customs to that area and the idea was eventually to get rid of all the sheds from there. I know that it has not been done and I know that certain expenses would have to be carried out in any case so therefore, Mr Speaker, must we act with so much haste? Is it not also to be taken into account that the Ice Box has a very good deal, that the Ice Box will be looked after in the proper way when the time comes, that pressure, as the Minister for Economic Development has said, can be put on them when the time comes and therefore it is possible to evaluate the real cost of transferring that shed to another place which if the Government is not satisfied with the estimate given by the Ice Box

they can do it themselves perhaps at a lower cost. Justice will be done in that way but there will be no element of capital gain as my friend here has said out of a situation which is in the interests of Gibraltar that a change should take place. In that respect, Mr Speaker, I think this House should give more consideration and listen more to what the Honourable Leader of the Opposition has said. We are not against, it is obvious that this is a question of amputation, the mess has been made and it has got to be cleared up. Let us look ahead - what are we going to do to put matters right? Obviously that area must be cleared, obviously the suggestion of the Financial and Development Secretary is an excellent one. The site that is going to be released is something that will be for the good of the economic development of Gibraltar. All those things are good ideas so the only question that counts now is should we do it here today or should we wait a little longer, give it more consideration? I think my Honourable Friend is right, let us give the matter a little bit more thought so that when we do act we know that we are acting knowing exactly what the position is.

HON A J CANEPA:

I know that I did not say that the decision that had been taken with regard to the extension was wrong or unfair. I know that I did not say that. I also hope that I did not give the impression that I thought that the decision was wrong or unfair because I did not think it was wrong and unfair because I was a party to that decision and it seems to me that if I was a party to something not only because the matter came up in the Development and Planning Commission, but then in Council of Ministers one was collectively responsible. If something is wrong then you change course, by all means, that is the Honourable thing to do. But I never for one moment thought that it was the wrong thing and at the time right till the Port Study had been commissioned, we did not know what was going to come of it. We now know. We have not acted in haste, I took a paper on the Port Study to Council of Ministers at the end of May, Council of Minister took decisions on the Port Study then at the end of May, I made a statement in the House in July and I did say in that statement that the Government had decided to enter into negotiation on the resiting or reprovisioning of the Ice Box. If I said that it was because we had decided at the end of May that this was the direction in which we should move. Here you have before the House this afternoon, the result of those negotiations in financial terms, in cas terms, and we have explained fully, which I did not do in July, the reasons that have motivated us, that have impelled us to arrive at the decision that we have taken. That the Government has thought carefully over the matter I think there can be no doubt when we have been considering the Port Study for over five months and negotiations have been taking place for four months. That is the result and we are not acting in haste. I can appreciate that

it is unfortunate that Honourable Members opposite did not have more time to have read the Port Study but they have it and the Port Study will, I am sure, enable them in future debates in the House to be better informed which was the intention all along. I also quarrel with one other remark and I am sure the Honourable Member did not really mean that. Of course it is not worth spending £100,000 just to be told: "Move the Ice Box out of the Port." When he sees the Port Study I hope he will realise that there is a great deal more to it than that and it is a very valuable document that will enable us to plan, broadly speaking, the direction in which Port Development should move in the future. Not that we are going to accept every single item or recommendation but the Government have accepted the broad strategy in that report and we mean to implement the broad strategy in the report.

HON MAJOR R J PELIZA:

Mr Speaker, perhaps I will clear the mind of the Minister why I suggested that perhaps it was not in agreement with the course that the Government had taken before. One thing is to be a member of the Government, the other one is to be actually responsible for a particular Ministry. Obviously different people have different ideas as to how to conduct the policy of particular ministries. The reason why I implied that he thought it was wrong and unfair was that he said that the honourable course for someone who took over from the previous Minister was to abide by the undertakings of the previous Minister. It was not a question of a new Government coming in which were free to change course but that he had inherited - that was the impression he gave to me - he had inherited the situation from the previous Minister, an undertaking had been given and therefore it was difficult if not impossible to change. This is why I put it in that way. Perhaps I exceeded myself in the words I used, perhaps if I had used the same words as the Minister he may not have quarrelled but to me the implication was that the Minister who took over was not quite in agreement with it. If he was in agreement, therefore, Mr Speaker, then he is just as much to blame as the previous Minister.

MR SPEAKER:

I think we have said as much as we can say on this particular matter. Unless there is any other contributor who feels he can contribute something new I feel that we should take a vote. I would remind the House that there is another item - Restoration of Communications with Spain - on the same vote. Does any member wish to say anything on that?

HON M K FEATHERSTONE:

Sir, I would like to move an amendment on Item 2. I would beg leave to move that the figure in Item 2, Subhead 12, should be

increased from £50,000 to £150,000. The idea behind this, Sir, is that as the Honourable Financial and Development Secretary mentioned earlier, a large piece of land at North Front, approximately some 4 acres, has been given to Government by the Ministry of Defence and if the situation with Spain were to become regularised then we would need to do a considerable amount of road works in that area and it would be wise to have the money ready. The funds, of course, if approved, will still be reserved. At the same time there is also an area in the RAF Camp where a car park could also be made and funds might be needed for that as well.

Mr Speaker proposed the question in the terms of the Honourable M K Featherstone's amendment.

HON A T LODDO:

Could I ask the Minister, in that £150,000 is there provision for traffic lights?

HON M K FEATHERSTONE:

Yes, Sir.

HON A J HAYNES:

Can we have some further ideas as to what kind of provisions are being catered for, what is it that the Public Works Department have in mind for the opening of the frontier?

HON M K FEATHERSTONE:

In the event of an open frontier it would, of course, be necessary to have a large holding area for some 300/400 cars waiting to proceed through the frontier into Spain. There would also be a parking area for coaches, there would also be a parking area for containers and an unstuffing area for containers. There would also be public toilets at the frontier area.

HON A J HAYNES:

Is there any proposal to have a dual frontier system one frontier for cars going in one direction and another for cars coming in the other direction?

HON M K FEATHERSTONE:

That is something that we have had in mind because there is another road in the Spanish neutral ground area which might provide perhaps an exit road and the one exactly at North Front might present the entry road. This, of course, will have to be something negotiated with the Spaniards once the frontier was open. It would still not preclude the use of the area in question for what it was intended.

HON P J ISOLA:

Could I suggest that the words "token provision" are taken out from that explanatory note. £150,000 can hardly be regarded as token provision unless the Minister is thinking that the opening of the frontier is going to involve us in still more money in which case the whole thought might be re-thought.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, the word "token" was there when the £50,000 was there. Also the funds were reserved at that time but in the light of the latest explanations they will not be.

Mr Speaker put the question in the terms of the Honourable M K Featherstone's amendment which was resolved in the affirmative and the amendment was accordingly passed.

On a vote being taken on Item 2 Head 104 - Miscellaneous Projects - Sub-head 11 (New) Resiting of the Ice Box, the following Hon Members voted in favour:

Hon A J Canepa
Hon Major F J Dellipiani
Hon M K Featherstone
Hon J B Perez
Hon Dr R G Valarino
Hon D Hull
Hon R J Wallace

The following Hon Member voted against:

Hon J Rossano

The following Hon Members abstained:

Hon Sir Joshua Hassan
Hon A J Haynes
Hon P J Isola
Hon A T Loddó
Hon Major R J Peliza
Hon W T Scott

The following Hon Members were absent from the Chamber:

Hon G T Restano
Hon H J Zammitt

Subhead 11 (new) Resiting of the Ice Box, was passed.

Item 2, Head 104 - Miscellaneous Projects, was passed.

Item 3, Head 105, General Services

HON P J ISOLA:

When is the removal of the Romney Huts at Queensway likely to occur, could I ask? The other question is the purchase of car

parking metres. Is it the intention to buy individual meters or just one meter for an area in which people take tickets out, which seems to be the more common and economic practice than having individual meters.

HON M K FEATHERSTONE:

Yes, Sir, the idea is to have the meter where you put in a 50p coin, you get a slip of paper out, which you put on your wind-screen and that lasts you for as long as you wish to stay in the car park throughout the whole of the day.

HON P J ISOLA:

When is this going to happen?

HON M K FEATHERSTONE:

The tender is already out for the removal of the Romney Huts and as soon as that tender has been granted and one or two legal agreements with the MOD have been finalised, which should be within a matter of a month, then we hope to remove the Romney Huts. The meters are on order, they would take approximately 12 to 16 weeks so I should hope by December or January we would have it ready.

HON A T LOEDO:

Are these meters to be installed regardless of the frontier opening?

HON M K FEATHERSTONE:

The intention was yes, Sir.

HON A T LOEDO:

Does this mean that the Government has changed its policy as regards the meters? I ask this because in answer to my question No. 159 the Honourable Mr Zammitt said that this had been discussed in the past and it was not considered a practicable proposition at present to which I replied that presumably whether and if the frontier opened again it would be considered and the Honourable H J Zammitt said "Yes, Sir."

HON M K FEATHERSTONE:

I would not say it is a U-turn, Sir, perhaps it is a little swerve to the right or the left. It is a somewhat change in policy but part of the idea is that this is a new parking area. I think the idea in the past, where parking areas were in very short supply, it was not considered fully reasonable to charge. Since this is a completely new area and it will be

for about 160 cars, quite a reasonable size, then we want to start the new policy of charging. I think the area is fairly wide and there will be two meters, one at each end.

HON W T SCOTT:

Is the Government considering installing meters in areas other than the one occupied at the moment by the Romney Huts?

HON M K FEATHERSTONE:

Not at the moment, except for any new areas that may come along.

HON W T SCOTT:

Does the Government therefore not consider it a rather pie-in-the-sky attitude to have just that one car park meter-controlled and no other in Gibraltar? Doesn't the Government realise that eventually it will get no feedback?

HON M K FEATHERSTONE:

I am sure once there is a nice big parking space there people will start using it and paying the money. We have to start somewhere.

HON J BOSSANO:

Mr Speaker, I take it the Government has given consideration to whether those huts can be put to any use rather than be demolished? Is the best use to which that area can be put, i.e. demolishing the huts and just leaving it for parking cars?

HON M K FEATHERSTONE:

The request that we made to MOD to remove the Romney Huts was that we thought that on environmental grounds they were rather an eyesore because they hid the City Walls, etc. Initially they had wanted to charge us for the value of the Romney Huts but because they accepted that it was on environmental grounds they were willing to give the huts to us free of charge or to allow us to demolish them free of charge. One of the conditions was that, of course, no other building would be in that area since the intention was to make the City Walls visible to all and sundry.

HON W T SCOTT:

Would the Government consider giving one of these Romney Huts to one of the youth associations or perhaps the Adventure Playground, wouldn't that be possible?

HON M K FEATHERSTONE:

No, Sir. The consideration agreed with the MOD was that all the Romney Huts would be cleared.

HON A J CANEPA:

Even at this stage I think that Honourable Members have not understood that under the Lands Memorandum any land handed over to the Gibraltar Government on which there are buildings which have continuing use have to be paid for.

HON M K FEATHERSTONE:

Does the Honourable Mr Scott mean should we give them the empty shells to put them somewhere else? I think part of the idea of the tender was that the tenderer would probably give us a cheaper price if he would be able to keep the huts when he had taken them down. Whether he might be willing to give one to a youth club etc. I do not know.

HON W T SCOTT:

I am thinking in particular about the Adventure Playground where a nissen hut as a clubhouse has been erected with some help from the boys themselves.

HON M K FEATHERSTONE:

I do not think we need any more nissen huts there.

HON MAJOR R J PELIZA:

This undertaking is that no building will go up there indefinitely or is there a period of time after which you might be able to build if you feel that we should not have a car park or perhaps a multi-storey car park?

HON A J CANEPA:

Not only is it indefinite, Mr Speaker, but the policy of the Development and Planning Commission now would preclude building in front of the City Walls there. We would like to expose the City Walls in the manner that is done elsewhere, in cities for instance, like York. I think this is a great step forward which has got great potential not only for tourists but for residents as well.

Item 3 Head 105 - General Services, was agreed to.

Item 4 Head 110 - Electricity Services, was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund (No.2 of 1981/82) was agreed to.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I beg to move that in Part 2 of the Schedule, Subhead 104, Miscellaneous Projects; substitute "£90,000" for "£390,000" and in the total for the Part 2 substitute "£1,642,561" for "£1,542,561".

Mr Speaker then put the question in the terms of the Honourable Financial and Development Secretary's amendment which was resolved in the affirmative and the amendment was accordingly passed.

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

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

Clause 3.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I beg to move the word "five" in line 6 of the paragraph be deleted and the word "six" substituted. This would have the effect of voting a sum of £1,642,561.

Mr Speaker then put the question in the terms of the Honourable the Financial and Development Secretary's amendment which was resolved in the affirmative and Clause 3, as amended, was agreed to and stood part of the Bill.

Clause 4.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I beg to move that in subsection 2 of Clause 4, in line 2, the word "five" be deleted and the word "six" substituted and this again will have the effect of making the provision £1,642,561.

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

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

THIRD READING.

HON ATTORNEY GENERAL:

Sir, I have the honour to report that the Post Office (Amendment) Bill 1981; the Elderly Persons (Non-Contributory) Pensions (Amendment) Bill 1981; the Non-Contributory Social Insurance Benefits and Unemployment Insurance (Amendment) Bill

1981; the Public Health (Amendment) (No 3) Bill, 1981; the Criminal Offences (Amendment) Bill, 1981; the Development Aid (Amendment) Bill, 1981, and the Supplementary Appropriation (1981/82) (No 2) Bill, 1981, have been considered in Committee and agreed to, in the case of the last-mentioned Bill, with amendments, and in the case of the other Bills without amendments and I have the honour to move that they be read a third time and passed.

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

The House recessed at 6.45 p.m.

WEDNESDAY THE 28TH OCTOBER, 1981

The House resumed at 10.40 a.m.

SUSPENSION OF STANDING ORDERS.

The Honourable the Chief Minister moved the Suspension of Standing Order No.19 to enable him to move the motion standing in his name.

Mr Speaker put the question which was resolved in the affirmative and Standing Order No.19 was accordingly suspended.

MOTIONS

HON CHIEF MINISTER:

Mr Speaker, it is with a sense of great satisfaction and happiness that I stand up to move that: "This House: (1) Welcomes and rejoices in the decision of the British Parliament on the question of the citizenship of the people of Gibraltar; (2) Records its profound gratitude and that of the people of Gibraltar to all those friends in the House of Lords and House of Commons led by Lord Bethel and Mr Albert McQuarrie, respectively, whose painstaking and devoted efforts have brought about this result; and (3) On this auspicious occasion expresses to the British Crown its reaffirmation of the loyalty and affection of the people of Gibraltar."

Mr Speaker, this motion has been co-sponsored by the Honourable the Leader of the Opposition and the Honourable Mr Bossano. Mr Speaker, perhaps it is a happy coincidence that we are meeting at the time precisely when the amendment was passed in the House of Commons last night which has given us the entitlement to registration as full British Citizens and that we can so early after that in this House be able to record our gratitude in the terms of the motion. At this stage it is not necessary to elaborate and expand at length on what this means in terms of morale to Gibraltar and the fact that despite initial severe British Government resistance we have won the day and I

think the significant step in this effort was first of all the motion originally moved by Mr McQuarrie, the fact that the amendment had equal number of votes in committee and naturally the Chairman had to vote for the status quo which is the normal situation. As it happened, in reply to the letter we sent to all the MPs just before this amendment was coming up in the House of Commons again I had a letter yesterday from Miss Fookes, who was Chairman, saying that she was the Chairman and that it is customary once you are the Chairman of a committee, not to take part in the debate much as she appreciated the arguments that had been put forward. She had the courtesy of writing to say that she would not be able to vote even if she had wanted to because of the convention. That was the first step - the second step was when in the House of Commons itself 21 Conservative MPs defied Government Whips and voted for the amendment which was not carried but by a rather reduced majority which I think shook the Government. Then of course, finally, the House of Lords' motion for the amendment was strongly supported by a number of Peers and Peeresses who have stood by us and have attended every meeting even though their mission had been finished, such as Lord Boyd-Carpenter, Lord Boyd of Merton, Baroness Vickers, Lord Boothby himself who, despite his years, turned up the other day at the House of Commons to greet us at the reception we had for members of both Houses. That amendment which was passed by such a large majority of a largely attended House, a majority of 57, set the feel to the feeling permeating across the whole spectrum of the British Parliament on the case for the people of Gibraltar. That, of course, and the further efforts made by MPs and, if I may say so with some humility by the efforts we made last week when we were in London to bring up to date and chiving up those who were on our side lead the Government to realise that everything had been in our favour for once, the time-table was not very comfortable for the British Government because the Bill had to go through all stages etc. and this lead the British Government spokesman last night - I think it was the Secretary of State, we will see the Hansard when it comes - to concede that the feeling on this matter was such that they could not rely on a majority and then it would bring about the possibility of the whole Bill going by default so, in fact, everything has turned out the way we would have wished. It will be recalled that the original motion did speak about people who were entitled, Community Nationals under Article 227(4), or who had the right of abode in Gibraltar, which was concomitant with that but on which the British Government had some reservations. Even some of our friends in the House of Lords last Wednesday expressed to me fears about the possible danger of Gibraltar providing a loophole whereby large numbers of people might be allowed by Gibraltar law to acquire the right of abode in Gibraltar and might then apply for British Citizenship and go on to settle in Britain. It is clear that this possibility cannot arise because of the amendment made to the clause in the House of Lords last week at the suggestion of Lord Bethell. I wish, however, to place on record in this House in the clearest

possible way and in fact I was told that it would be welcomed if that was made, that had the clause been passed as drafted before it was amended last week, the Gibraltar Legislature would never have allowed such a loophole to arise and it was certainly never in our minds that this might happen. As I have said, Mr Speaker, the possibility cannot arise now but the matter has been put to me in London with some force and I therefore feel it desirable to clarify it and put it on the record. Having made that clear it only remains for me, perhaps in the easiest motion that I have ever brought to this House, to seek the support of all members to it.

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

HON P J ISOLA:

Mr Speaker, it is with the greatest of pleasure, pride and humility that I co-sponsor this particular motion and I think it is most appropriate that it should be brought before the House at the first possible occasion since the amendment was passed in the House of Commons which, of course, would have been this morning. This is a symbol of our deep welcome and appreciation of what the British Parliament has done for the people of Gibraltar and it is with the very greatest pleasure that I support the motion. Mr Speaker, one of the marvellous things about the amendment to the British Nationality Bill has been the wide support it had from all sections of Parliament, ranging from the perhaps correctly described reactionary of Mr Enoch Powell to I suppose the correctly described left-winger of the Tribune group Mr John Tilley, both of whom have done sterling work to achieve this end for Gibraltar. It is impossible to mention all those who have helped in this struggle and I think it is appropriate that we should only single out the leader of each group in the House of Lords and in the House of Commons for particular mention in this motion because if we were to mention others the list would be extremely long but I am sure the House is deeply appreciative of what every member of the House of Commons and House of Lords have done for us in this matter. Mr Speaker, I did have some representation myself in the House of Commons last night and I did get a report of it and members might be interested to know that Mr Enoch Powell thought that the people of Gibraltar have been extremely generous in accepting the amendment that had been passed because he had thought himself that we should have become British subjects without the need to register, that is one extreme, and on the other side people might be interested to hear that the question of possible British withdrawal from the Community was mentioned and Mr John Tilley, on behalf of the Labour Party, said that if and when that occurred by then no doubt all the people who wished to be registered as British citizens would have been registered and that position would be fully protected. I think that will, I hope, allay the fears of people who consider that if the Labour Party came into power

our citizenship would be in danger. I am sure that would not be so, that would be obviously for the politicians of the day, but if that did happen, and I have serious doubts that that will ever happen, but if it did happen I am sure that with people like Mr Tilley in command of the British Labour Party, provisions would be made to protect the position of the people of Gibraltar to whom they have fully committed themselves in the Nationality Bill. People may also be interested to hear that in reply to queries in the House of Commons, the Home Secretary did give the decided impression that it would be possible for people in Gibraltar to register in Gibraltar, it would not be necessary for them to travel to the United Kingdom to register as British Citizens. In other words, Mr Speaker, I say this because I was listening to a television interview yesterday of a panel and I was getting depressed as the interview went on. It showed how good we are in Gibraltar in trying to find some problem when we have just solved the biggest problem I think that we have had and I must say that I am very impressed by the ingenuity of some people in Gibraltar who have to find new problems to start worrying about. Let me say straight away that I have no problems now and on this question I am perfectly happy, I am fully satisfied and I do not know what I have to say to reassure the people of Gibraltar that this has been indeed a great and glorious victory for the people of Gibraltar and for the Elected Representatives and for all those who have taken part in what really became a crusade, Mr Speaker. Although here we are expressing our very deep appreciation to the people who have been our instruments, as it were, the people who have fought for us, I am sure that we all have in mind how this has been achieved through the united efforts of the political parties in this House and their elected leaders and the united efforts of the tremendous number of people in Gibraltar going back to the people who actually signed the letter to Mrs Margaret Thatcher. Let them have no doubt about it, that that signature was a help, it has been the continuous campaign that has been waged by the people of Gibraltar ever since the White Paper was published on British Nationality that has had its effect culminating in the visit last week of the elected leaders of the political parties in the House of Assembly because I am sure that also must have had its effect on the Home Secretary because obviously he got to know about it and must have said "My goodness, they are here again, they are not giving up". I think that could have been a decisive factor in the British Government's acceptance of the amendment. I have no doubt, Mr Speaker, that we had extremely good chances of success from the very first day of our visit when I saw the number of MPs, old friends of Gibraltar and new friends of Gibraltar, who came in to assure us of their support and that message must have got back to the British Government who have accepted with extremely good grace and wholeheartedly the feeling of the British Parliament. That is important as well because I think that although regretably we have had to fight the British Government on this issue, and I say regretably because the relations between Gibraltar and the British

Government have always been very good, although regrettably this had to occur, I am very happy myself that it was not necessary to take it to a division in the House of Commons and the British Government accepted the will of Parliament as it had been reflected in successive votes, as the Honourable and Learned the Chief Minister has said, in the Standing Committee, in the House of Commons on the Committee Stage and finally in the House of Lords. I think that is a matter for great congratulations.

Mr Speaker, the other point I would like to say is that I do hope people have not got the impression that the whole purpose which was unfortunately an impression I gathered from one of the speakers in the panel yesterday evening on television, I hope people haven't got the impression that getting British Citizenship only means that people will now have a right to go to England and work. That was not the purpose of the exercise of the elected leaders of the people of Gibraltar. The purpose of the exercise was to acquire for the people of Gibraltar their nationality, the nationality to which they are entitled to, that of British Citizenship. The question of immigration and the question of being able to go and work in England were entirely side issues because we already had them as EEC nationals in the European Community and in accordance with the special arrangements that had been made. The whole purpose of the exercise was to acquire for the people of Gibraltar their rightful status as British nationals. This does not take away from our identity, as seems to be suggested by another speaker in the panel last night, this does not take away the identity of the people of Gibraltar no more than British Citizenship takes away the identity of the people of Scotland, the people of Wales, the Channel Islands and the Isle of Man. It has brought to us our rightful nationality, our citizenship and something of which we can be truly proud. That is the extent of our victory. To bring in questions of immigration and being able to work, Mr Speaker, those are just side effects and unimportant as far as those who have been fighting for this are concerned. We have not fought for British Citizenship so that we can have a place of refuge in the United Kingdom, that has not been in our minds. We have fought for British Citizenship so that the people of Gibraltar may have their rightful nationality, their rightful status, so that the position can be put back to what it was when the British Nationality Act of 1948 was passed. There have been erosions of this principle ever since the first Immigration Act was passed in the United Kingdom. The principle has been eroded year in year out and we have fought against this because we do not feel the people of Gibraltar have deserved this. Finally, after struggles of over seventeen years, Mr Speaker, we have regained our rightful status. For this we must be truly grateful and truly appreciative and therefore it is with considerable feeling and sincerity that we give our wholehearted support to every single word of this motion.

Thank you, Mr Speaker.

HON J BOSSANO:

Mr Speaker, I think the occasion is an auspicious one in that we have achieved something that is important for the people of Gibraltar and that they wanted but that I think also transcends the issue itself in that it should be a lesson to us in the many problems that we may have to face in the future. A lesson that if we devote our energies to quarreling with each other, our chances of success are almost nil and if we are able to produce a united position whilst retaining our own respective point of views on an issue, our chances of success are very high because then we are able to go to the United Kingdom, to Parliament, to the Labour Movement, the Trade Union Movement, the different organisation that there are in the United Kingdom who have got very strong links with the people of Gibraltar, who see the similar organisations that exist here, the institutions that have taken root here on the basis of what has developed over the years in the society in the United Kingdom, those institutions that we have got here are seen by their counterparts in the United Kingdom as part and parcel of their own organisation and we can tap that sense of identity and channel it on to a specific issue as we have done on the question of nationality. This is why we have had across the political spectrum almost unanimous support for the Gibraltar position because we have had in Gibraltar across the political spectrum unanimous support for the position. I think if there had been some people advocating a different kind of passport for Gibraltar then the situation from the United Kingdom end would have been completely different because we would have had the response of being told that we had to agree amongst ourselves first and then go and tell them what we wanted, which is sometimes used in fact, to delay things in Gibraltar but which nevertheless has got a great deal of validity in it. Therefore, the fact that we were able to take a common position was in itself a tremendous asset. Secondly, we have learned from this that whatever may be the official policy and on this question of nationality it is instructive to see how in Opposition the Labour Party was able to take a line which was obviously very different from the one it was taking in Government, and how the line it was taking in Government was very similar to the line being taken by the present Government which shows how much of the policy decisions are formulated by the permanent officials as is accurately reflected every week on that programme on Gibraltar television. But we have shown that because there is an intimate knowledge of Gibraltar amongst so many people in both Houses of Parliament and people who are able to carry a certain amount of weight outside Parliament, that can be used to reverse the official advice that is being given to show that that official advice is not accurate. That is something else that we have learned and which we have got to be grateful for because it has shown that the depth of feeling that there is in both Houses of Parliament and outside Parliament on Gibraltar is unique in the whole

spectrum of the relationship between Britain and the colony. I do not think any other colony has been able to mobilise anything like the support that we have been able to mobilise and I think even to say that we have mobilised it is an exaggeration. I think the reaction that we found was that people did not need mobilising, people needed informing, people needed to be told what was the feeling of Gibraltar, what was the concern in Gibraltar but they wanted to know whether the Gibraltarians were happy with the situation or unhappy with the situation. They did not have to be chased, Mr Speaker, and I think that shows that there is a receptiveness to Gibraltar's problems in the United Kingdom which has been used to very good result on this occasion which we can now be confident is there, I am not suggesting we go running off on an expedition to the United Kingdom on every issue we have a disagreement with the British Government, but nevertheless there may be other major issues where Gibraltar's security as a community, whether it is survival, whether it is a sense of identity, is in our judgement put at risk and I think the operation that we have now carried out may be worth repeating and Her Majesty's Government itself will no doubt be conscious after the result, and I would agree entirely with the Honourable and Learned Leader of the Opposition that it is preferable that it should have come about this way rather than it should have been a Government defeat. I do not think the British Government would have been very pleased with that and I do not think we should go out of our way to displease the British Government if we can avoid it, we are too small to be able to indulge in luxuries like that. Therefore, although the position was accepted gracefully, one has seen a reluctant recognition on the part of Her Majesty's Government of the strength of feeling that there was in Parliament and the recognition of that strength of feeling is something that the British Government itself will need to be conscious of on other issues where there may be differences of opinion between ourselves and the policy that the British Government wishes to formulate in respect of matters affecting Gibraltar. I also think that it is unique in recent Parliamentary history that there has been such a situation developing where it is almost seemed at one stage as if the Nationality Bill might be lost if Gibraltar was not in it which would really have been a momentous situation, it would have been Parliament saying: "Either you give the Gibraltarians British nationality or you do not give it to anybody else." At one stage, when we were in the United Kingdom, we were told that if in fact the thing had been taken to a vote in the Commons and lost by a very narrow margin then it was on the cards that the Lords would reject the Government's proposals once again and that then the timetable would mean that the Bill would be lost and would have had to be reintroduced. One can think of an even worse situation where the Bill kept on to-ing and fro-ing between the Commons and the Lords and there was a constitutional crisis because of our nationality. I think there is always this humorous situation depicted of the

the roar had worked. I am very happy to associate myself with the views and comments of the Honourable and Learned the Chief Minister and the Honourable and Learned the Leader of the Opposition and I think it is a happy day for Gibraltar, Mr Speaker.

HON A J CANEPA:

I think it is perhaps not inappropriate that as someone who has already had full British Citizenship for the last 40 years, since I was born in the Royal Borough of Kensington, I should join my voice and place on record the gratitude and appreciation which we all feel for the historic vote taken in the House of Commons yesterday evening. I am sure that I am speaking on behalf of the few hundred full British Citizens that there were already in Gibraltar, prior to the 27th October, in saying that we welcome you all into the fold. I would also like to underline that I am sure that those of us who already held full British Citizenship are living proof of the fact that we need not fear that the Gibraltarian is going to lose his identity as a result of acquiring full British Citizenship. I hope that my identity is well in keeping with that of the majority of Gibraltarians. I am sure that there is no difference between us and the others. I say that because there was some talk in this programme on television last night about division, that there are going to be divisions between Gibraltarians who have full British Citizenship, those who have Citizenship of the Dependent Territories and those who have Spanish Citizenship. I really think, Mr Speaker, that we are bending over backwards in Gibraltar to be democratic and to give a platform to minority views, perhaps we are taking that a bit too far. But to talk of Gibraltarians with Spanish nationality, fair enough, if that is the choice that some Gibraltarians are going to make, well, good luck to them. That is what freedom is all about, that is what democracy is all about but I do not think that that is going to bring serious division into Gibraltar based on the result of the 1967 Referendum, on the result of the 1976 General Election, the 1980 General Election and I am sure many more General Elections to come when I know that the people of Gibraltar will take no notice of those who would perhaps not mind seeing Gibraltar under Spanish sovereignty. I remember, Mr Speaker, that there was a motion on this matter earlier in the year and I remember saying that I fully supported the campaign that we were going to undertake and that I thought that even if we were unsuccessful the whole exercise would stand us in good stead because it would help to bring across the aspirations of the people of Gibraltar to the Mother of Parliaments and generate feeling for Gibraltar at a crucial juncture in our affairs. I think the exercise has more than achieved that and, of course, the fact that the result has been 100% positive is all the more satisfying. What I have found extraordinary about this has been not just the depth of feeling that there has been in Parliament in both the House of Commons and the House of Lords, but throughout the British

general public that I have come into contact with in the last year or so. I think we have had great support in the British press other than for some reason best known to themselves from the Sunday Times, extraordinary that we do not seem to be able to get the support of this most Conservative of all British newspapers but there must be some reason behind that, Mr Speaker, and perhaps we should not go into that. That there has been great support amongst the general public I was able to confirm myself because when I heard of the result of the vote in the House of Lords, I was on holiday on the continent in Austria, I was on a coach tour, and the satisfaction amongst the other British people who were on this coach trip at the favourable result for Gibraltar was very great indeed. When I came back to London, meeting fellow Gibraltarians, they also had been very struck by the awareness, the knowledge that there was in every quarter about what was going on in the House of Lords. I remember friends telling us that on their return from a cruise to Southampton they had been queuing in the other channel, not the one for United Kingdom citizens, and when they reached the front of the queue the Immigration Officer ushered them into the other channel saying; "You are now like us, you do not have to queue here and you can go straight in with other British subjects." So there was awareness at every level and I think this has strengthened the position of Gibraltar in a very, very concrete matter. Mr Speaker, earlier in the month, on the 12th October, on the other side of the frontier they were celebrating El Dia de la Hispanidad. I think that it is perhaps appropriate that in the same month of October, on 27th October, we in Gibraltar should in future celebrate the Day of Britishness if that is an appropriate phrase to use. Thank you, Mr Speaker.

HON MAJOR R J PELIZA:

Mr Speaker, it is with tremendous delight and very high spirits that I stand here today in what I think is the greatest day that Gibraltar has seen in its history, of I believe it, is 278 years. It is something that since 1964 I have been struggling in every possible way, in my own small way, to see the Gibraltarians attain a national status that was second to none, an international status that would be respected wherever a Gibraltarian ever went, conscious that by having British Nationality in no way was that going to diminish our Gibraltarian roots and our Gibraltarian feelings which was very well put by my Honourable Friend the Minister for Economic Development when he explained very clearly that having been a British subject born in England he has felt as Gibraltarian as anybody else here in Gibraltar and in fact I have always sensed, if anything, an extremism for Gibraltarianism, if you can use that phrase. I never thought by the way he used to speak that he himself held a British passport which entitled him to full United Kingdom Citizenship with all its attributes. Since 1964, Mr Speaker, I have been lobbying the House of Commons even in the days when I lived in Gibraltar. I remember going with Mr Recagno, paid then by the

Party that I belonged to and that started all this, the Integration with British Party, and there forming a little lobby, paid of course by the membership, and from there on we have been keeping it up, in fact a lot of Gibraltarians who have never ceased writing to Members of Parliament and at one time we even had a headquarters very near here at Ferrary's shop where Mr Cullatto used to give out the names of MPs to which members of the party used to write. Having said all that, Mr Speaker, and notwithstanding all the letters that have gone from Gibraltar, I am sure that we would never have got it if it hadn't been because the Chief Minister and the leader of the other Party made visits to the United Kingdom and showed the feeling of the people of Gibraltar which they represented through their own parties and in their own positions. I think the people of Gibraltar must be very grateful to the leadership in Gibraltar for having achieved this. They should be particularly grateful to the Government because it is very difficult for the Government to confront the British Government and in this respect the Government has shown tremendous courage and has been well paid for it. I think the Chief Minister knows very well and so does the Government, that this is no flattery because I am not the kind that usually lets the Government get away with it. If anything, it is the other way about. I think the sincerity of my words are very clear and I hope that this is taken seriously. I say this for the same reason that my Honourable Friend has said here, that with a united Gibraltar in the way that it was on this occasion, we may be able to achieve many things that seemed impossible at some time in the past and that now it has been proved is possible. I have one in mind that I do not want to mention here, Mr Speaker, but I know which one it is and I will only say we have in fact decolonised the people of Gibraltar and this is why I feel so happy, this is the decolonisation of the people of Gibraltar and we have got to think very hard of decolonising the territory and I think that that can be achieved in the same way as this has been achieved. Mr Speaker, the MP's having seen the genuine feeling, this unity is not something that can be treated with words by making it appear that there is unity, this is the great thing about this House, that there are times when we genuinely believe in what we are doing, we unite and when we genuinely believe that there is something wrong that we cannot possibly make it up, in a true democratic manner, we disagree. This is the exercise of democracy. How beautiful it is that here where we follow almost to the letter the pattern of British democracy in the United Kingdom, that we have seen how democracy works at the other end and how it is possible for elected members to literally change the thinking of a Government in the way that this has been done. This, Mr Speaker, is true democracy and this is what basically and deeply the people of Gibraltar feel and want to defend and this is why we have been able to resist all the pressures that have been coming upon us, and this is why I have faith that we shall carry on defending ourselves and resisting any pressure that is likely either to divide us or which is likely to take

away the values that we have inherited from Britain. In the past, Mr Speaker, we have called Britain our mother country. We feel it is our mother country because we have so many values that we share. We saw it gradually by events, the 1962 Immigration Act, which had nothing to do with nationality really in that we still had the nationality of citizens of the United Kingdom and colonies, that although we still had the same nationality, barriers were coming up. It was not just a question of not being able to go into Britain, it was the drifting away, I think, that was worrying the Gibraltarians but now, in the process of redressing our way we came to a cross-road; there is now going to be a completely different citizenship. Instead of being citizens of the United Kingdom we were going to be another type of citizen, citizens of the Dependent Territories. A transitional citizenship, Mr Speaker, intended for territories which were on the way either to independence or to some other form of evolution, an evolution that we did not accept and could not accept because for us Britain was the mother country and we wanted to remain this way and now we can call Britain our mother country in the full sense of the word, in no way diminishing the right to Gibraltar and the way that we feel Gibraltarian. This is our town, this is our home town, Britain is our nation. There is great rejoicing in Gibraltar but there is also great rejoicing in many places in the world of Gibraltarians who will recall during their stay here how much they were trying to achieve this. I can mention a few names but there are many others, Mr Speaker. I can mention Joe Caruana in Canada and Lloyd Devincenzi, in Canada.

MR SPEAKER:

Let it be said that I would not like to interfere with the rejoicing but we must not go into too much detail.

HON MAJOR R J PELIZA:

My list will not be all that long, Mr Speaker, but I think we ought to mention names like that, of people who really stood very firm for that. I can think, Mr Speaker, of Maurice Xiberras in the United Kingdom, all those people and many more, the Gibraltar Group and all the members of the Gibraltar Group who also helped from the other side, people all over Britain who, conscious of the feelings of Gibraltarians, have done their best in their own little way to try and make sure that we get it. Of course, our thanks must go to the MP's above all. Men who really in no way being vote catching in Gibraltar because they are not likely to be elected by the result of this, felt very strongly in a true democratic manner that they had a responsibility towards those British subjects abroad who felt a strong allegiance for Britain, Enoch Powell is one of them. He spoke of allegiance and he saw what was meant there, he knew that with allegiance goes values and responsibilities as well. He sensed it and he defended it and

he spoke for us and so, Mr Speaker, along the spectrum of the different political parties in Britain we had Members of Parliament who supported us. But we have got to be grateful above all to the Conservative Members of Parliament who literally voted against the Government and got themselves in the black books. I heard someone tell one of them: "You'll never be a Minister because of this". A man perhaps who had risked his future career within the Party simply because he felt that this was a matter of great principle and he stood by that in a true good politician manner who put his principles and honour before any personal gain. I think to those Members in both Houses but particularly the House of Commons we must be very grateful. I fully agree with the suggestion of the Minister for Economic Development that we should have a day in which we celebrate Britishness. I do hope that this will not be very far from today so that we can give an opportunity to the people of Gibraltar to express their feelings in the emotional way that we have always done, with the bunting, with the flags, with the cars moving about Gibraltar, perhaps we might be able to arrange for a delegation to take this motion, having been passed here, to the Governor in a demonstration and handed over to the Governor. I think that something has got to be done so that the people who have given so much for us in Britain, particularly the MP's, can see how we have appreciated the way that they have stood by Gibraltar. I think it is vital that we should do that. Words count, of course, but feelings count much more and if it is seen to be spontaneous all that better. This is not the last battle, Mr Speaker, we may have to fight many more battles ahead. Let us show that we appreciate what is done for us so that if at any other time in the future we are going to need their support that it will be readily coming.

I therefore sit down a very happy man today and hopeful that if the occasion ever were to arise again when this House has to unite, that we will do so with the same effectiveness as we have done on this occasion.

HON M K FEATHERSTONE:

Sir, underneath the arches of Charing Cross there is a modest little theatre whose mctier is to put on nightly Victorian Music Hall and they have a Master of Ceremonies who is given to very great verbosity and long alliterative statements but he does have a lot of perspicacity in what he says and he is very succinct and to the point. One of the features during the performance is to ask the audience if there is anybody from overseas and if somebody from Australia or New Zealand should stand up he says: "I am glad to see you in this country. How does it feel to be the right way up?" I have been to this music hall and I have stood up and I have said I was from overseas, from Gibraltar, and he said "Oh, you are not from overseas, you are one of us". This, Sir, I think is the situation that very many people in Britain have always taken

about Gibraltar, that we were one of them and not least in the help that the British public has given to Gibraltar in their struggle over recent months, has been the help from the Albrighton Working Men's Club, who wrote to Mrs Thatcher on Gibraltar's behalf saying almost the words that we were one of them and we should not only in theory but also in fact and although Mrs Thatcher turned it down at the time they continued pressing, they wrote to the Commons on our behalf and yesterday it has become an actual fact. I myself, Sir, as members will know, have like my colleague on my right, had a British passport from the beginning but I feel myself just as much a Gibraltar as anybody else in this House and Gibraltar has been very good to me, they have taken me to their hearts, I am very proud to be a Gibraltar and I have been with the people of Gibraltar in their fight all the way through to achieve full British citizenship. We have a great debt of thanks to offer Mr McQuarrie, almost a Gibraltar himself, he spent quite a number of years out here, and to Lord Bethel who when he first came out here was not so sympathetic to Gibraltar but we taught him and he turned round and he has become a stalwart on our behalf and he has done wonderful things for us. Apart from all our many friends in Britain and especially, of course, Mr McQuarrie and Lord Bethell, I would like to give my appreciation to all the public of Gibraltar who have responded in this struggle from the very beginning and especially to Sir Joshua and the Leader of the Opposition and Mr Bossano who on several occasions have gone to Britain and have lobbied and have done a wonderful job. It is a great day for Gibraltar. I think it would not be a bad idea that we should celebrate it every year. The Army celebrate Sortie Day, it was a great day for them. Yesterday was a great day for the Gibraltarians, it is something of which we must be very proud and very happy and now we can say fully in fact as well as in theory: "You are one of us".

HON A T LODDO:

It is very true to say that we have achieved what we have achieved because of the sterling work done by our friends in both Houses of Parliament, also very true that the contribution made by the Chief Minister, the Leader of the Opposition and Mr Bossano has played a very significant part. Also very true that every little grain of sand that could be added to the labour has helped but the most important thing is, in my opinion that our cause was just. Had our cause not been just no amount of pulling together would have achieved the purpose of the exercise. However, that in no way diminishes the effort put into this by all who have been mentioned here today. All I could do, Mr Speaker, would be repeat what has been said over and over again. One thing I would like to repeat, because my initial reaction was precisely that, that we should have a Gibraltar Nationality Day which we should celebrate every year. Thank you, Mr Speaker.

HON CHIEF MINISTER:

There is not very much I want to say. It is an easy notion to reply to. Everybody is on my side or I am on the side of everybody, but there are one or two points that I would like to make which have arisen out of points made by speakers. First of all, there will be a press release being issued today saying that people should wait until the Bill is put into effect because it has to have the Royal Assent and a date for its introduction, and that they should not apply to the Passport Office for application forms of which there have already been some enquiries, because it is going to upset the day-to-day work of the Department which has still to carry on issuing passports and providing registrations and additions to passports. We do envisage, of course, that the registration will be made either here or through the Secretariat, the paper work, etc., will be undertaken by the Passport Office in the usual way. That is the first point I would like to make that people should not be unduly perturbed if they have to wait a little. The other point made about the question of the possibility of a future Labour Government taking Britain out of Europe. At the same time the same manifesto that has committed the Labour Party to do that has committed the Labour Party to scrap the Nationality Bill so we would certainly not be put in a worse position and we are now equals and we will remain equals whatever equality means after that. The other one is the twist and possible intentions that can be given locally or elsewhere to what has happened. I am not surprised because I heard Spanish Television saying this morning from London that the people of Gibraltar had now ceased to be Gibraltarians, they are now British Citizens of first class living on Spanish territory. Let me warn people seriously that they will be submitted to a considerable amount of propaganda of that nature the same as they were being submitted to propaganda that we were being relegated to second class citizenship when the Bill came up. But unfortunately there are still people who believe everything they read and believe everything they listen. I am sure that it will save all of us quite a number of telephone enquiries of "Are we alright now?" after what Spanish television, radio or the occasional performer on Gibraltar television might say. Other than that, Mr Speaker, the suggestion as to how we ought to celebrate this and so on, I will now take the cautious line of saying it is a matter to be considered. We must not take hasty decisions about this matter. I think that is a matter for consultation and decision and also consultation with a set of people who have not been specifically mentioned but I would like to mention them collectively and that is the Representative Bodies. The Representative Bodies who subscribed to the original memorandum and who were kept informed and they will be got together, certainly as soon as possible, to show our appreciation because it is through them that all the efforts emanated along the line. Other than that, I have nothing more to say.

Mr Speaker then put the question in the terms of the Honourable the Chief Minister's motion which was unanimously resolved in the affirmative and the motion was accordingly passed.

HON CHIEF MINISTER:

Mr Speaker, I have given notice that I propose to move the suspension of Standing Order 19 to bring in a motion in respect of the appointment of a Select Committee to look into the question of the Landlord and Tenant (Miscellaneous Provisions) Ordinance and for the composition of the Committee.

Mr Speaker then put the question which was resolved in the affirmative and Standing Order 19 was accordingly suspended.

HON CHIEF MINISTER:

Mr Speaker, I have the honour to move: "That a Select Committee of this House be appointed to consider the Landlord and Tenant (Miscellaneous Provisions) Ordinance and to make recommendations on the legislative changes that should be made in relation to residential and business premises."

Mr Speaker, as is well known, in July of this year we published a Bill which went through First Reading in this House, with amendments to the present Landlord and Tenant (Miscellaneous Provisions) Ordinance. Since then, Mr Speaker, we have received very strong representations from both spectrum of society and in fact from all aspects of it, of different matters according to the view from which it was looked. One thing has come clear from those representations and that is that the matter deserves more than a debate on Second Reading and Committee Stage. There are aspects, representations have been made and the suggestion has also been made and this has been taken into account, that a Select Committee should be appointed. I think we have decided it on the merits but we have also taken into account those who have suggested it and having regard to that, it is felt that it would be better for the purpose of dealing with this rather knotty and difficult problem which has not been touched a long time, to appoint a Select Committee on the matter. I have been in consultation with the Leader of the Opposition and he is agreeable to this procedure and I propose to move subsequently for the appointment of the members of this Select Committee. Sir, I commend the motion.

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

HON P J ISOLA:

The appointment of a Select Committee to consider the Landlord and Tenant Ordinance and indeed we would hope to consider, generally, the relationship of landlord and tenant in Gibraltar as it affects accommodation of all kinds and as it affects

business premises. Let me say straight away that I am glad that the terms of the motion refer to the existing Landlord and Tenant Ordinance on which a Select Committee is being appointed and not on the Bill which brought before the House although the Bill that was brought before the House is a document on the House and no doubt the Select Committee will want to look at it, but I say I am glad because when the bill was read a first time because of the nature of our procedures it was not possible for Members to comment on it and nor do I wish to do so now except to say that we did find serious defects in the Bill that was brought before the House both as regards drafting and as regards content and we hope that the Select Committee which will sit to make recommendations on the Landlord and Tenant (Miscellaneous Provisions) Ordinance will be guided by its general attitude towards the whole of the legislation and not necessarily the legislation covered by the Bill. Mr Speaker, we have not discussed the question of landlord and tenant in this House nor do I think that it is necessary for us to discuss it except that I think I ought to say something briefly on how my Party views this question. We think that the question of landlord and tenant is indeed complex. We think that normally the legislature only has to interfere when it is necessary to do so and where there is obvious abuse. We feel that a case has been made out with regard to abuse in this sphere of landlord and tenant relations and that when abuse is made out it is appropriate for the legislature to step in and interfere so as to bring about a more just relationship between landlord and tenant. That are general principles with which nobody would disagree. We also feel, Mr Speaker, although it was not provided for in the Bill, that it would be appropriate for the Select Committee to look at the question of furnished accommodation as there is evidence of abuse there and we do think that a new look has to be taken at the whole question of landlord and tenant legislation although in saying so I would hope that the Select Committee would be guided by English precedent and not try and embark on legislation totally different to anything in existence in England because if you do that then you start running into problems of interpretation of the law because my experiences have been as a lawyer that very often what people think the law says is not so. Therefore, it is essential, in my view, that the Committee should be guided by normal principles as they exist in England. We feel that as far as housing accommodation is concerned the Committee will have to take a very close look at the matter because in Gibraltar there is serious accommodation shortage and therefore the temptation for abuse is there and must be curbed. We also feel, Mr Speaker, that the Committee will have to take into account the general need in Gibraltar for an alternative economic strategy and that here we are, and this is one of the main reasons why I agree to a Select Committee and why I think this is the appropriate place for this legislation to go to, because there is undoubtedly a clear conflict between the interests of development and the interests of protecting people in their homes and the interests of protecting people from rent.

abuse. Therefore, there is a conflict of interest and I hope the Select Committee will be able to resolve this conflict of interests in a way that is beneficial to the development of our economy and also protective of the rightful interests of people who live in Gibraltar and have a right to expect security in the accommodation in which they live. I am sure that members of this House would not quarrel with these principles and we hope that the Select Committee can come up with legislation that balances reasonably the interests of the landlord and the tenant and protects the tenant from abuse. As far as business premises are concerned, Mr Speaker, I think I ought to say something although I would myself be inclined to leave this to the Committee obviously but as far as business premises are concerned my own feeling on the matter is that there is a need not so much for restriction in some respects but there is a need as far as rentals are concerned for the Select Committee to look at the definition of market value. I think that there is great difference of opinion as to what market value is. It is, in my view, totally wrong that market value should be determined on the basis that some valuers in Gibraltar determine it today which can be frankly quite outrageous. Equally, there is no particular reason why a business which runs on the basis of profit should not pay the reasonable market rent. How the Select Committee is going to solve that one out I would have thought the best way to do it would be to look at the definition of market value and come up with a definition that produces a market rental which is market rental but not an extortionate market rental. I think again in this area we want to prevent abuse. That is what we are here for, to prevent abuse. In this respect, no doubt, they will take into account the representations that are made to them on behalf of landlords and on behalf of tenants of business premises. The other problem they will have to face, Mr Speaker, is the question of a landlord who wishes to take over business premises for himself. That, again, is a serious problem. Unfortunately, or fortunately, depending on how people look at it, there has been a certain amount of property speculation in Gibraltar in the last two years and people have speculated in property and paid inordinately high prices in the hope that they would get possession of business premises and this has tended to distort the market. At the moment people who purchase property have to wait five years before they can acquire possession of business premises for a business to be carried on by themselves. I think the Select Committee might do well to look at the possibility of extending that period of time from five years to, say, ten. I think the benefit of that would be, it would put a brake on sheer property speculation and property acquisition would then be based on normal business norms and not speculation. It would then help people who find they have new landlords, it would give them a longer period of time in which to re-arrange their affairs. One of the provisions I did like in the existing Bill was the longer notice that had to be given to people who had been in occupation of business premises for a long time. I think again that is

something that I am sure the Select Committee would wish to look at and examine. My own feeling on that of course is that if the longer period of notice is to be effective based on the number of years the business has been in occupation of business premises, there should be provisions that the notice cannot be given before a year the tenancy expires otherwise if the period of notice, for example, is to be four years, you would be in the position that landlords could give a notice as soon as a new lease had been signed to get them out and get round the provisions so therefore I would expect the notice to start running after a minimum period before the termination of the lease. Mr Speaker, those are just ideas I put forward to the Select Committee and ideas that I feel from my experience in this matter would be helpful to getting a more just position between the landlord and the tenant. But again I would urge the Select Committee to take a completely fresh look at the whole question of landlord and tenant and not be influenced in any way by any arguments that I may be putting forward in this House. It is a matter entirely for them to make recommendations and then it is a matter for us to make comments on those recommendations. I would also hope that they will invite, obviously they will, they will invite the opinions of all the people who are so intimately concerned in these issues. The Action for Housing Group, for example, are showing real concern for people whose interests are affected by the Landlord and Tenant legislation and I hope that the Select Committee will pay due weight to the arguments that they may put forward as well, indeed, Mr Speaker, as the arguments that may be put forward on behalf of the landlords. They are equally a part of our community and are equally entitled to have justice done to them. One thing, Mr Speaker, that I would like to make a comment and I am glad to have heard from the Honourable Chief Minister that the Government is going to put forward a legislative measure, some sort of emergency Bill, for the interim period because there has been a lot of concern expressed that a Select Committee would inevitably take time and I think they will take time and I think they have to take time and I think in Gibraltar we must accept the constraints upon which we work. It is not possible for a Select Committee of the House to sit every day until it comes to a solution. It is not possible for a Select Committee of the House to produce a result quickly if it is to do its job properly, indeed, it is not possible for any Committee in any sphere of our life to produce a report within six months. It is not possible to have justice done in this very complex subject in a matter of days, weeks or even possibly months. I would hope that the Select Committee will in fact do its work as all Select Committees of this House do, as expeditiously and as efficiently as we are accustomed to from them. But there is this interim period and I think there is a need to ensure that nobody starts getting possession of premises, or accommodation, or evicting people in this interim period. I have just been handed the Bill, I will talk about it obviously when we consider it but I think there is a need for the interim period to be protected and we would support legislation to this

effect. Our own view was that for a period of six or twelve months there should be no possibility of executing any order of possession in respect of any living accommodation of any kind except one or two exceptions, one of them of course is if the tenant is not paying his rent, the other one was where the tenant isn't the tenant, for example, where he is living in a tied house which he has got by virtue of his employment. That I think is something that you have to get possession because he should not be there, he is not a tenant, he is a licensee. Those are the two main things. As far as living accommodation is concerned it is not such a problem because there you get an order for possession. We see no reason why proceedings should not continue right up to possession but you cannot get possession and then I would expect the Select Committee to recommend transitional provisions to deal with the particular cases. As far as living accommodation is concerned it is no problem because you have got to get your judgement for possession. As far as business accommodation is concerned it is more intricate because what happens is that a tenant is given notice to leave and then at the end of the notice he has to apply for a new tenancy and then the court dismisses the application if the landlord proves he wants it for himself or proves whatever and that is it, his tenancy is finished, but still even in that case, I am sure that could be dealt with by the Attorney General either by again stopping proceedings for possession following the dismissal of an application or making the application to no effect. There is a need for a moratorium, Mr Speaker, the request has been put and I think it is a fair one because we cannot have the Select Committee of the House working under pressure of people being thrown out of their homes or thrown out of their businesses by landlords trying to get in before the new legislation comes in. I think that is an impossible situation for any Select Committee to be under and, of course, it is unfair. It is unfair because it is wrong that somebody should be turfed out of his accommodation and then find that the legislation passed a year or six months later would in fact have protected him. That would be unfair and therefore we would support temporary legislation to deal with the interim period so that the Select Committee can get on with its work, I hope, expeditiously. I hope we do not have to have Bills coming to this House extending the temporary provisions. I think it is essential that the Select Committee should do its homework. I would have thought a period of about a year would probably be able to meet the problem and enable the Attorney General to work on the Bill during the summer holidays. Mr Speaker, we support the motion for a Select Committee as being the fair way of trying to get a new Landlord and Tenant Bill into this House. The last one was in 1958 and I suppose that every 20-odd years there would probably be a need to revise this legislation. We support the motion.

HON J BOSSANO:

Mr Speaker, I shall be voting against the motion. Let me say

first that I find it quite extraordinary that the Government should at this late stage find it necessary to set up a Select Committee to establish what are the requirements for a substantial revision of the Landlord and Tenant Ordinance when they have been promising this House over the years that such an exercise was taking place and that the delay in seeing reforming legislation was precisely because it was a very complicated matter which was being studied by Government. I would have thought that if the Government has spent the last 2 or 3 years studying the Landlord and Tenant Ordinance, the Government itself would by now be in a position to have taken a political decision in the matter and to know where it stands, as Government, as a political party, on the issue of rent control and on the issue of the relationship between the landlord and the tenant. I do not think that it is a matter on which one can take a position which is non-ideological, if I may put it that way. The question of rents and private property go to the root of some of the fundamentals of political ideology and certainly I would not support the Select Committee for a number of reasons. On the one hand, the policy of my party is a policy decided by the Party Executive and by the party membership as a Socialist organisation with clear-cut concepts. Secondly, as I say, having pressed the Government in the past on when the new legislation was going to appear, I would have thought that it is difficult for the Government now to come and say that they need to do something which they have already been ostensibly doing for a number of years. Thirdly, the new Bill introduced by the Government which did not, as far as I could see, reflect a very deep analysis of the existing legislation or a reform of the existing legislation. Effectively, all the Bill did was to attach a new part to the legislation, to extend some protection, some control, to the area that is at present not controlled and it left the existing situation unchanged. This Select Committee, presumably is going to go not just into what is being proposed in respect of post-war accommodation but into the situation of pre-war accommodation and I do not think it can look at private property exclusively without looking at publicly-owned property and I think there is one particular area which is the area of rent control and in a system where one believes in supply and demand and where one believes in commodities determining the price depending on the availability, then the decision to control rents, like the decision to price control any other commodity, must stem from a political position. I think that a Rent Act is one specific area which in many other legislatures is provided for separately from other legislation covering the question of landlords and tenants. Rent control, Rent Acts, the existence of Government machinery for assessing or determining fair rents; the criteria upon which fair rents are arrived at and, in fact, the necessity to have criteria that are common and that are accepted and that are standard rather than ad hoc decisions on what is the rent and what is not the rent. One of the objections that I have, Mr Speaker, to the Government's Bill published in July was that it

legitimised the rents that were in existence on the day the Bill was published in July and that seems to me to be unfair to those landlords who were either charging reasonable rent or even charging relatively low rent in that on that particular day they were caught with the rent they had and there was nothing they could do about it. They were limited then to a 10% increase of what could be a very modest rent. On the other hand, the bad landlord who had tried to extort the maximum from his tenant, was rewarded for this by being allowed to increase that exorbitant rent by up to 10% and therefore it seemed to me to legitimise, to freeze the situation as it was and in freezing the situation reward the bad landlords and penalise the good ones. To simply now go into the Select Committee and leave the situation as it stands is going to make the possibilities of altering that even more difficult. I think the Government will have great difficulties in a year's or eighteen months' time in going back and re-assessing the rents in July, 1981, and getting people to have presumably the money refunded if they have been overcharged throughout the period that the Select Committee has been sitting. I think we need to do something on rents now, immediately, irrespective of the longer-term reform of the law. I think the demand that there has been from the public organised by the Action Committee, shows that people are expecting from this House immediate action on what is becoming an increasingly serious problem and the reason, of course, and one has to recognise that that is the reason, the reason why we have got this situation of exploitation is because housing is being exploited as an economic commodity in a situation of shortage, and one cannot really cure the symptom without curing the illness that is giving rise to the symptom. High rents and key money are the reflection of a mad scramble for houses and of the chronic housing shortage that Gibraltar is suffering and of the mal-distribution of that housing and the fact that the people who are in desperate need of housing may be people who have got very limited means and there may be, on the other hand, people who can well afford to provide for themselves and who are living in either highly subsidised Government accommodation or pay very low rents in pre-war accommodation that is rent-controlled. There is no relationship between what people have to pay and their ability to pay. In that situation what tends to happen is that when anything becomes free, when anything comes on the market, the landlord will try and get the maximum return on that property particularly if the landlord has been in a situation of getting a return on the property over a number of years which has not even allowed him to cover the maintenance cost of that property. We need to do something to prevent that because whatever the justification from the landlord's point of view the person that is at the receiving end is not the person responsible. If somebody has enjoyed a property for 40 years at a peppercorn rent the poor successor of that situation is now being made to pay for all the years the other one did not pay. We cannot allow that situation and this is really where the public outcry is greatest in the question of privately-owned accommodation which is rented 'furnished' only to try and

get round a commitment in law which gives protection to tenants where the places are furnished with a few old sticks of furniture. The question of key money which is rife in Gibraltar, which is now running into thousands of pounds and which we all know is happening and it is no good saying in this House of Assembly that it is illegal, like the Honourable and Learned Leader of the Opposition said once on a television programme, all you have got to do is invoke the law. It is not all that easy to invoke the law. It is not very easy to find out today who is responsible for enforcing the Landlord and Tenant Ordinance because certainly I have made enquiries in the past and nobody seems to be quite sure what is the Government Department which has responsibility and the onus to get the machinery moving in any case is put on the tenant and most tenants are not very conversant with the law and not familiar with it and in any case they are afraid for the security of their tenancy, they are afraid of being evicted if they complain. People do not like paying £2,000/£3,000 key money but there are two things that constrain them and force them to do it; one is that given that every time one unit comes on the market there are a dozen families chasing it, every one of those families knows that if they even hesitate there will be somebody else who will pay and that happens constantly. That is one factor; the other factor is that people are afraid that if they complain, even if they get their money back, they will lose their accommodation and once they have done that they will be blacklisted by any landlord that charges key money because nobody is going to put themselves in the hands of a tenant like that twice and in Gibraltar there is no question of anybody being able to make a complaint without the information getting back to people it shouldn't get back, that has never happened in Gibraltar and it will not happen. The person that takes a stand must be prepared to suffer the consequences of it being known that he is the one pushing for it. The Bill that the Government intends to propose as far as I can tell simply gives protection in the sense that rents cannot be increased at shorter periods than six months since six months' notice has got to be given. Am I right in thinking that?

HON CHIEF MINISTER:

An extension of six months to any period, this is an emergency Ordinance. Incidentally, Sir, that is a printing error in Clause 2, it should read "expires on 30 April 1982". I shall discuss this later but this is intended to hold the position with regard to people who are in possession now and there might be attempts at evicting them or increasing the rent whilst the matter is being considered.

HON J BOSSANO:

In the context of what I am saying about the need for immediate legislation that is one of the basic arguments that I am putting to the House. One is that there is need

for immediate legislation irrespective of what is being done on the major exercise of the Select Committee and, secondly, I think it is a matter for political decision for party policy, rather than for a Select Committee and that the investigation and analysis of the situation, the Government is supposed to have been doing already for three years. But on the question of immediate legislation I am saying that this is not sufficient and therefore if I am mistaken obviously I stand corrected. I am saying this is not sufficient because it seems to me all that it is doing is to say that you cannot increase the rent more than twice a year until the House decides otherwise because if you are required to give six months notice of any rent increase then presumably you can give six months notice today and then in six months time give another six months notice. There is no limitation as to how much the increases may or may not be and, presumably, when the House eventually decides to come up with proposals, if those proposals eventually become law once they are debated here then I think it would be extremely difficult to undo whatever has happened in the interim. I would have thought that the Government would have been better in spite of the limitations of their proposals because as I said before, Mr Speaker, as far as I am concerned the Government's Bill published in July was not an attempt to reform the whole question of the relationship between landlord and tenant which the Honourable and Learned Leader of the Opposition says is what he understands the Select Committee is going to do, it did not do that at all; it left the relationship unchanged. All it did was to say that whereas before properties built before 1940 had been controlled and those built after 1940 had been freed, we are now going to introduce a measure of control for those that have not been controlled before, that is all the amendment did. That is an area which is growing quite substantially by older properties being converted and modernised rather than by the construction of new property. When we are talking about new construction we are talking about three or four hundred houses only out of a stock of 2,500 in the private sector. I think that should be preceded with, I think the Government should take into account the representations that it has had from the Action for Housing Committee supported by 6,000 or 7,000 signatures as to what further should be included in it and then take a look at the whole question of the Landlord and Tenant Ordinance and the relationship between landlords and tenants following the views put to the House by the Select Committee at which stage, when that stage is arrived, certainly I shall be putting the views of my Party or we may even decide to put our views at an earlier stage to the Select Committee but that is our position at this stage.

HON A J HAYNES:

Mr Speaker, I would like to make a small contribution. Mr Speaker, may I say that we on this side of the House read this motion with some trepidation for the reasons that Mr Bossano

has stated in giving his explanation for refusing to go along with this motion, is any attempt to water down his own Party views on the matter is anathema to him, I suppose, but nevertheless I feel he has gone on to state and to make a very good case for the very reason why we will participate in a Select Committee to amend the Landlord and Tenant Ordinance. I think the importance of the Landlord and Tenant Ordinance of Gibraltar cannot be overstated, the need for revision is clear to all and I think this revision must be given all the help and the people that are to revise the law must be given all the encouragement possible in order that the result be one equitable to all parties and that, primarily, is why I would like to make a contribution at this stage of the debate because I would like to hear it from the Members of this House who are going to vote in favour of the Bill, their sense of hope and trust in a Select Committee. I would like to hear them give their encouragement to this measure. I would like to make it clear also for the record, I do not think this is the intention of the Government, but I would like to make it known that from our point of view or from our side of the House, neither Mr Lodo or myself are going into this Select Committee in order to effect a whitewash for Government. We, and I trust that this is also the view of Government, we will be going in there to study in detail and in depth the amendment of this legislation and I hope we will have the courage to go through with what we really believe to be necessary in order to result in equitable reform. I would also like reassurance from the fact that our studies and our investigations can be as thorough as we would like them to be. As I understand it, the areas in the legislation are the pre-war unfurnished flats, furnished accommodation, business tenancy and the landlords and on the other side our aims are to encourage development, to ensure a realistic and an equitable protection and to ensure also a fair rent. It is not my intention to make the landlords into a scapegoat or to make them by statute into a welfare state and neither is it my intention to allow the genuine and escalating problems faced by the tenants to remain as they are. As I see it, Mr Speaker, it is going to be very difficult to reconcile the different political views

MR SPEAKER:

I do not think we must say anything now which might inhibit the work of the Committee.

HON A J HAYNES:

I just wish to make clear the extent of the problem and the hurdles that are facing us. As I understand it, it is going to be very difficult to see the best path when there is going to have to be a compromise forced on the various different parties and the various different equations as listed in my list of ingredients but in the same way that through unity, on the matter of British Nationality we have carried the day, I

believe that through unity in this House and with the good will on all sides and with determination to reach the bottom of this matter, to investigate it fully, I think that we will be able to produce legislation which is seen to be just as well as being just. I would also like to hear from the Chief Minister, in particular, the time which it is proposed for the Committee to take in this matter, whether

MR SPEAKER:

No, I am afraid that there again it is a matter for the Select Committee to decide.

HON A J HAYNES:

On a point of clarification, Mr Speaker. Will the Select Committee be empowered to assure that it has priority, say, in sittings in this House?

MR SPEAKER:

The Select Committee will govern its own procedure, the Select Committee will decide when and how to meet, it is their prerogative to do that and not for this House to tell them how to do it.

HON A J HAYNES:

So, in fact, it would be empowered to assess and dictate the pace of its progress.

MR SPEAKER:

Most certainly, yes.

HON A J HAYNES:

Mr Speaker, I did mention this because I am aware of the considerable secretarial and other difficulties facing this House at present.

MR SPEAKER:

May I, perhaps, say that provision will be made in that respect as far as secretarial work is concerned.

HON A J HAYNES:

My comments have been prompted by the proposed interim Bill which as the Leader of the Opposition has stated it was our intention also to adduce. I feel also again on this point certain hope for the Select Committee in that we have obviously been thinking along the same lines till now, we have also considered the problems which exist for the interim period and

I am happy to say that Government and ourselves have been thinking along parallel lines and that therefore here, in the very first step, we are in unity. Mr Speaker, as I was saying, the Bill is for a period of six months.

MR SPEAKER:

I did stop Mr Bossano when he spoke on the Bill. I think to the extent that it might affect the workings of the Select Committee, it is relevant, we will discuss the Bill on the First and Second Reading.

HON A J HAYNES:

I am really concerned with the time of the Bill. Our proposal had been for a year, an interim period of a year. We feel that to be realistic, for the Select Committee to analyse the problem in depth and to make its recommendations will take at least a year but obviously every effort will be made to expedite the matter. Also, Mr Speaker, from my understanding of the motion and I hope this is the correct interpretation, we will not as a Select Committee be bound in any way to the draft Bill which was produced in this House in July of this year but we will be free to point the legislature in the direction that we consider as a Committee and that therefore we will not be bound in any way by this previous Bill. As I say, Mr Speaker, despite the risks associated with any attempts to tangle with this legislation which, as I say, from the position of an Opposition include the risk that the Kudu's will go to the wrong party which from the Opposition's point of view also resulting in a minority in the Select Committee, may mean that your ideas may not be fully incorporated. Nevertheless, in spite of all these considerable checks or drawbacks we feel that it is our duty to take up the invitation from Government on the understanding that the goodwill which will be necessary to succeed will prevail from all parties and we for our part as a measure of our goodwill accept the invitation, we endorse the motion and we look forward to meeting as a Select Committee.

MR SPEAKER:

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

HON CHIEF MINISTER:

Mr Speaker, I will deal with the last speaker first, I will deal with Mr Bossano's argument later. I am glad of his remarks at the latter part of his intervention because at the beginning I was wondering whether pre-conditions were being put to his forming part of this Select Committee. As far as I am concerned I dealt with his Leader, we agreed on the terms of the Select Committee and on the composition and that is

that, it is for the Select Committee to decide its procedure, the frequency of its meetings, the extent of its intervention and whether they want to take into account the Landlord and Tenant amendments or not, they are not part of the thing, no doubt they will look at that as they will look at everything else. There is no question of other Members of the Select Committee appointed to come out now and say what their views are because then the whole purpose of the Select Committee would be frustrated. The Select Committee is a powerful Committee of the House with proper representation of both sides, if they do not agree they can always come back to the House, if any Member one way or the other were trying to drag his feet in order not to bring about any amendment or not to bring about any recommendations they could refer back the matter to the House and I think, with respect to the Honourable and Learned Mr Haynes, despite the fact that he belongs to one Select Committee already he does not seem to be very well aware of the extent of the powers of the Select Committee and the freedom that it has as to when it meets and so on, it is not for me to say. Anyhow, I am glad that he finished up with, first of all, the fact that we are thinking parallel in other respects and, secondly, that he hopes that there will be cooperation as I am sure there will be. The question raised by Mr Bossano with regard to the fact that the Government should have a view and should have gone ahead with its own view of the study, is a dogmatic one, I would say, and it goes against the spirit that he always argues in this House about the open Government which is really what we tried to do with the Bill that we published and had its First Reading not to go into its Second Reading in order to give the people an opportunity to express their view. It may well be that in some respect it is a matter of ideology but the point is that there are dimensions in the problem in Gibraltar of housing that do not exist elsewhere. It has been mentioned, I think rightly, by the Leader of the Opposition that on the one hand you have to look after the interests of the tenants, on the other hand particularly at the time which we are going through, we must be careful not to deter people from investing in Gibraltar by too many restrictive practices that would not allow them a reasonable return for their investment. It is difficult enough to get people interested and coming to invest in Gibraltar and we have to be careful whilst protecting tenants in every reasonable and equitable way not to deter the people who can come and activate or reactivate or make a contribution to the general economic life of Gibraltar which is increasingly necessary particularly now with the possible effect of the Defence Review so that the balance is very difficult and it is not for a Government dogmatically to take a view and go through with it.

HON J BOSSANO:

If the Honourable Chief Minister will give way. It is very welcome for this Government or any other Government should

not dogmatically push its view through but listen to what other people have to say. Presumably, it is correct that the Government should have a view and that the Government should make its view known and then be prepared to listen to reactions to that view and be prepared to modify its view.

HON CHIEF MINISTER:

In so far as the views of the Government at the time, they are reflected in the Bill that was produced. Whether that is good enough for the Honourable Member or not that is not a matter for me but there were reflected the views of the Government at the time it was done. That has generated an element of awareness on the part of tenants and on the part of landlords as to the problem and has made a lot of people think one way or the other. I think for that we must be grateful to the preparation of the draft Bill even if it is only that it has generated a considerable amount of objection of one side and the other and when I see both extremes worried then I think we may have got it about right. It is an indication I think of the fact that it is a difficult problem, there are conflicting interests, it is necessary to amend the law, I think generally, we have had amendments to the Landlord and Tenant Ordinance but there has not been a Select Committee for about 20 odd years, so it is necessary that this matter should be looked into. The virtue of a Select Committee, apart from considering the matter, is that they can hear different views and then give weight according to their judgement, to the value of those different views because no doubt the views that have been expressed by both groups that have been created or generated as a result of the draft Bill have taken, if I may say so, rather extreme views and there must lie somewhere along the line a reasonable approach that will safeguard the interests of tenants in the difficult situation of Gibraltar and at the same time not discourage development and also give the new developer or the person who has property and wants to spend money on it to improve it, a reasonable return for his investment. We are still in a capitalist state, we haven't nationalised housing yet though we have a considerable amount of it, we do not propose to take over private housing and therefore private landlords have got rights that must be respected and tenants of private dwellings must also have rights that must be respected. It is therefore necessary to have a Select Committee, it has been agreed between the two parties, and I just confirm my original motion.

Mr Speaker then put the question in the terms of the Honourable the Chief Minister's motion and on a vote being taken the following Honourable Members voted in favour:

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone

The Hon Sir Joshua Hassan
The Hon A J Haynes
The Hon P J Isola
The Hon A T Loddo
The Hon Major R J Peliza
The Hon J B Perez
The Hon W T Scott
The Hon Dr R G Valarino
The Hon D Hull
The Hon R J Wallace

The following Honourable Member voted against:

The Hon J Bossano

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The motion was accordingly passed.

HON CHIEF MINISTER:

I now beg to move that the following members should be nominated to the Select Committee of the Landlord and Tenants (Miscellaneous Provisions) Ordinance in accordance with the terms of reference, and that is:

The Honourable M K Featherstone
The Honourable D Hull
The Honourable J B Perez
The Honourable A T Loddo
The Honourable A J Haynes

This has been the subject of discussion with the Leader of the Opposition and I beg to move.

MR SPEAKER:

Can the Honourable the Chief Minister confirm that the Members mentioned have signified their willingness to serve?

HON CHIEF MINISTER:

I have had it signified from the Leader of the Opposition, I haven't asked them individually.

MR SPEAKER:

Fair enough.

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

HON P J ISOLA:

Mr Speaker, I should say that when I was asked to nominate members from the Opposition to sit in the Select Committee I did ask the Honourable Mr Bossano as to whether he would wish to be considered for the Select Committee on the Opposition side and he declined because he said he was proposing to vote against the motion for a Select Committee. We support the motion with the two members from this side of the House who have been mentioned in the motion sitting as our representatives on the committee.

Mr Speaker then put the question in the terms of the Honourable the Chief Minister's motion and on a vote being taken the following Honourable Members voted in favour:

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

The following Honourable Member abstained:

The Hon J Bossano

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The motion was accordingly passed.

HON CHIEF MINISTER:

Mr Speaker, Sir, I have the honour to move the suspension of Standing Orders Nos 29 and 30 in respect of the Landlord and Tenant (Temporary Requirements as to Notice) Ordinance 1981.

Mr Speaker put the question which was resolved in the affirmative and Standing Orders Nos 29 and 30 were accordingly suspended.

BILLS

FIRST READING

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) ORDINANCE, 1981.

HON CHIEF MINISTER:

Sir, I beg to move that a Bill for an Ordinance to make temporary provision in respect of contractual and statutory landlords and tenants, relating to the period of notice required to increase rents and terminate tenancies, and to matters relating thereto 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 CHIEF MINISTER:

Mr Speaker, I was going to say that it had become a convenient time at which not to take the Second Reading and I suggest that we have the lunch adjournment for Members to look at the Bill and we will be quite happy to hear any views within the parameters of the Bill before we go into Second Reading in order that we would save a lot of time. We have done this at short notice and we are quite open to listen to any views within the general parameters of the Bill before we take the second reading.

HON P J ISOLA:

I think we would like to consider it. I am not sure whether the lunch break would be enough. I was just wondering whether perhaps we could proceed with the other business to give us a bit more time.

MR SPEAKER:

There is no reason why we should not do that.

HON P J ISOLA:

The Honourable Mr Bossano mentioned the idea of possibly coming back half an hour later this afternoon. But I don't think we will be able to do it in that time.

HON CHIEF MINISTER:

I think it would be better if Members had it overnight I am not prepared to rush through a thing like this.

The House recessed at 12.40 p.m.

The House resumed at 3.10. p.m.

PRIVATE MEMBERS' MOTION

HON W T SCOTT:

Mr Speaker, I beg to move the motion standing in my name:
"This House is deeply concerned with the existing unemployment

situation in Gibraltar and urges the Government, as a matter of the highest priority to action the measures necessary to lead to full employment in Gibraltar". Mr Speaker, this motion is purposely phrased covering the widest possible terms and I hope as with the motion this morning, that the Government might perhaps recognise the existing unemployment situation, will see its way to supporting the motion. I had hoped also that the Honourable Mr Bossano would have been present not only to listen to my contribution but also to make his own. I hope that in fact he will be able to come in the next half hour or so. Mr Speaker, this motion does not say that it deplores the inactivity of the Government, this motion does not censure the Government, this motion just recognises what I feel is an already existing situation and that is the unemployment situation if one is to judge by the public figures given monthly from the Department of Labour and Social Security. If we look at some figures of a year ago, that is September, 1980, we find that the total unemployed personnel were 241. A few weeks ago, at the end of last month, this figure progressively rising over the last 12 months has now reached 400 the greatest of which are the juveniles where last year at the end of September we had a figure of 67 and by comparison at the end of last month they shot up to 105. On this point I remember distinctly a few weeks ago when the Minister for Education and Labour and Social Security had occasion to appear in an interview on television, and I was a little bit surprised because he did not seem to recognise a situation which had been there and was rising and had been rising over the last few months. He seemed to think that at the end of every summer we do have a number of school leavers who for reasons perhaps of wanting to enjoy their last summer holidays after having left school, do not look purposely and objectively for employment until perhaps the end of August or the beginning of the next school year and I think and I am sure he will correct me if I am wrong, that the figure we used at the time was that there was always something like 20 or 30 youngsters involved. These 20 or 30 is certainly not reflected in the last public figures given by his department. Perhaps he was trying to minimise publicly an already existing situation, that is of course entirely his own prerogative. With respect to young people, Mr Speaker, I did move a motion in this House in November of last year where my original intention, and it is still an objective of mine, was to have a form of commitment not only from Government but through Government from all official employers to enter into commitment to train young men and perhaps young women as well who have not been found wanting in the skills required for industrial training leading to a full craft apprenticeship course. As events have turned out, and I accept this, that has not been possible to the extent of a four-year course. It has been limited now to a one-year industrial training scheme but I hope that when this scheme eventually gets off the ground, and we have been led to believe up till last

Monday that this scheme was envisaged to have been started this last September, whether or not, as I think one of the headlines in the Chronicle had this morning: "I don't want to make things easy for the Dockyard". It is not as far as I am concerned in this particular point, not trying to make things easy for the Dockyard but making things less difficult for those young men. I recognise the problems involved and realise that perhaps a step by step approach was necessary and more to the point at the time, but my final objective has not changed. In time to come, when this course has taken off, I hope to come to the House again in a motion to propose my final objective once again and I hope the Government, having had the experience of this one year industrial course, will find a way in which we can move forward into the next step. By so doing I would not want to commit ourselves at this stage, as far as the Honourable Member who should have been on my left now, in committing the Government after an apprenticeship course has been given and has taken place over the last four years or four years prior to that, to commit the Government necessarily to employing that new craftsman the same as the Government cannot commit itself to employing a recently qualified doctor which the people of Gibraltar have assisted in training this young man through a mandatory scholarship, I say this, Mr Speaker, and it is not at a tangent, it is a very integral part of my motion because I did ask a question on Monday as to whether or not the Construction Industry Training Centre was being fully utilised. I recognise that there are only four trades that are catered for there but it seems to me that the numbers that could be catered for at that centre falls far short of the ones that are actually being trained and there is certainly a lot of scope left that the Construction Industry Training Centre could be utilised for and perhaps with that added experience leading to other areas in which not only young people could be trained not only in skills but also in environment but some sort of re-training could take place, given what we are now going to expect sadly the effect of any proposed cuts in the Dockyard as a result of MCD spending. I have been attempting but sadly I have not had any feedback on a paper submitted to the Honourable Minister, I think by the Honourable Mr Bossano, dealing with young people and an opportunities programme. I have asked for a copy of this paper or a meeting with the Honourable Member but unfortunately it has not been possible for him to meet me. Although in principle one would agree with a programme of this nature, what one still has to be convinced about, not knowing the exact details, is that which the Honourable Minister said on Monday in answer to, I think it was a supplementary promise to Bossano on some other matter, that the Government had agreed, in principle, to increase the value of insurance stamps to all employers to help pay for the scheme. I am looking forward to some form of scheme from the Government, particularly to the young people, something of the nature of what has been running

reasonably successfully in the United Kingdom, the Youth Opportunities Programme, which I think was introduced by the Callaghan administration. I might warn the Government that there are certain pitfalls involved here because, as I understand it, one of the major problems involved in that particular programme was that given a background of the unemployment problem in the United Kingdom where there were a substantial number of redundancies of craftsmen and other workers, both blue collar and white collar workers, heads of families, family men with children and so forth, it was found that some employers, precisely because they were receiving financial aid in wages and salaries for these young people, decided that it was far more economic for them to employ young people than it was to declare an old established worker with 15 years service, to declare him redundant, pay him the redundancy pay and then employ the young worker. There is a very major pitfall with this that the United Kingdom Government has already gone through and in fact I understand that it was a Labour Member of Parliament who introduced a motion at the last Labour Party Conference precisely to scrap that scheme in its totality. I have no idea what result it had. Generally, Mr Speaker, I think that after this proposal of a type of Youth Opportunities Programme, there are other areas as well that Government ought to look into such as the re-training of older personnel and so forth, not necessarily restricted to the youth. On that, Mr Speaker, I see that in a memorandum that the Transport and General Workers Union submitted to Government which was published in the Chronicle, in principle there is very little that I personally in fact could disagree with. But in reality there is one point which appears I think towards the end, talking about the lowering of the retirement age or the pensionable age, from 65 to 60. I am sure the Government has already made its representations known to the Union but if it has not I am sure that they will say that there are several enormous pitfalls involved. We already have a situation where retirement age being at 65, there are a substantial number of people in receipt of pensions who are re-employed both at public sector level and private sector level who have a second source of income thus perhaps doing the younger man out of the job that he in other circumstances would legitimately aspire to. The issue of course will be further complicated if the man is now 60, not 65. The man who is now 60 thinks perhaps and rightly so that he can still make a valid contribution to the society that he forms part of but it must be weighed with the background of this increasing unemployment situation that we are facing and will continue to face in Gibraltar unless some positive action with a substantial amount of vigour and commitment is initiated by the Government. The further setback of course to this lowering of the retirement age from 65 to 60 is that it is alright in principle and as a long-term objective. But what would be the consequences to the Social Insurance Fund even if it staggered over a period of years lowering, say, on the first year from 65 to 64 and progressively so on? Does this not mean surely that either the Fund will

lessen or that perhaps greater contributions will have to be made, and very substantial ones at that, will have to be made by the contributors to the Fund who very naturally will grow lesser in number. Talking about pensioners and second jobs after retirement and so forth, leads me to a circular that the Government passed round to all civil servants on their possible business commitments. I personally and my Party would agree to that circular but we wonder in fact whether it goes far enough. We wonder whether it should be restricted to the white collar workers, we wonder whether it should not also encompass the industrials, the blue collar workers, and I say this because in private industry, particularly in the construction business, there are a substantial number of either business name partnerships or limited companies that are registered and licensed whose directors, shareholders and operatives are full-time blue collar workers of the Government. They therefore have two bites at the cherry; they get their security guaranteed by the employer, the Official Side, and they also can come into open competition with their fellow workers in the private industry and this is happening and has been happening continuously now in ever increasing numbers for a substantial number of years. They are having the cake and the poor industrial in private industry has to work hard for his bread and butter and perhaps have his job at stake as well. Mr Speaker, on Monday I also asked a question of the Honourable Minister for Economic Development about the grave consequences as we see it on our side of the House, of the next development programme not dove-tailing into the present one and the possible very grave consequences that it will have to the construction industry where I would have thought we should have been looking at the situation where a very major part of that construction industry are locally trained people, people who do not come here for a year or two and we are grateful that they do but, hopefully, should be looking at a situation where we can provide the needs of the community using our own resources and if we cannot guarantee some form of security in employment to these people that we have trained, to these people that the public have spent a lot of money in training, surely we will come up to a situation where we will again and again have carpenters, joiners, plumbers, electricians, painters, having served their apprenticeship perhaps some of them coming into the industry and then perhaps after two or three years there is no job for them in that trade and then they join the Police Force or the Fire Brigade and so on. This trend is still there and there is also a lot of moonlighting been done which acts to the detriment of the people still employed in the construction industry and I would have thought that Government would be looking to a situation where it could guarantee some form of tenure of security in employment. There is also another great danger with this employment, Mr Speaker, with the development. Development not only has people in employment in the construction industry and so forth but it also does

another thing to the economy. Government directly and indirectly accrues a lot of money through direct and indirect taxation and the more money that is spent in the construction industry, in the economy, the more money Government receives, it is a simple arithmetical formula. The less money spent obviously the lower the yield so we are looking to a possible very highly dangerous situation where unless that money is available to be spent in construction, in development, are we not looking perhaps of whether the Financial and Development Secretary can balance his books or can come up to this House at the next Budget session with perhaps not having this development money available to spend, saying: "All these services will have to be paid for, so the taxes have to be raised, the money has to be raised in some other form," and we will have a situation of increased taxation, increased money for services and so forth. The greatest danger of all, Mr Speaker, and that is perhaps why purposely I have left it to the end, is the possible effects of the MOD cuts in the Dockyard. I have not obviously read the document, I hope to in days or weeks to come, and the proposals contained therein, but I think this motion is even more timely if one is to consider it in the light of Government having received and read that particular document. I hope that when the Government have read it, taking into account all that has been said and will be said this afternoon, that they can affect with some form of vigour, not, with respect, the reluctance which I felt, I might be wrong, that the present Minister for Education and Labour and Social Security seems to have in introducing this industrial training programme. I hope that they will approach this with the vigour and the commitment that it rightly merits. I will be very interested to hear what other members have to say, particularly the Minister for Labour and Social Security, and what proposals he has already made or will make because let us not be under any illusions, Mr Speaker, the commitment and the executive of this House is on that side, they are the ones that govern Gibraltar, not on this side. Mr Speaker, I beg to move.

Mr Speaker proposed the question in the terms of the Honourable W T Scott's motion.

HON MAJOR R J PELIZA:

Mr Speaker, I think it is fair that some other member on this side should speak if the Minister responsible for Labour and Social Security is going to be the only one to stand up and answer, although I hope that by the time I finish I might have been able to draw other Ministers out. First of all, I am extremely pleased that my Honourable Friend has thought it opportune to raise this matter at this meeting of the House because although one might say the situation is not serious it is clear the tip of the iceberg is beginning to show. I think we are all very conscious that this is not going to be an easy matter by any stretch of the imagination, it is not going to be an easy matter, it is something that bigger nations than ourselves with more resources than we have are finding it

extremely difficult to overcome, we seem to have been got into a downward spin and there is not stopping it, we seem to go deeper and deeper into recession and although directly, industrially, we are not affected I am sure that one of the reasons why we are seeing the defence cuts is simply as an indirect result of the recession itself otherwise, perhaps, the Government wouldn't have been so keen in cutting out employment, not just in Gibraltar but in places like Chatham and Portsmouth and so on. I think that whether we like it or not we have been caught in this whirlwind and we are going with it and it is going to be extremely difficult for little Gibraltar to swim out of it but I think within that context we should try and do our best to come out of the situation with as little damage and as few people drowned as possible. I am pleased that my Honourable Friend Mr Bossano has arrived because he was speaking earlier today about what can be done when there is unity and on this issue I think we are going to need more unity than ever before because it is going to very much directly affect the wellbeing of everybody in Gibraltar. I think Government can be assured that as far as the Opposition is concerned we will try and work as a team to tackle the consequences that unemployment has not just on the individual himself but the ripples that carry on and all the effects that this has on the community as a whole and it not just to do with the suffering and the hardship in the home but the moral effect that it has on the youth and also the moral effect that it has on the older people and the middle-aged and the people who are responsible with families and those who want to see the standard of living and the quality of life continuing to improve. I think this is really at the root of our society and I think that in the same way as we were able to rally together on the question of our citizenship I think more so on this occasion which is so close to us I think if we can get together we should be able to overcome it. I would say that the first thing that is required is a partnership, a partnership between industry and labour, that is of primary importance. Then of course, there is the question of understanding by Government of the problems of the people and also on the understanding on the part of the people of the difficulties that Governments necessarily find in sorting out the situation. We of course on the Opposition you might say we are sitting pretty, we might say we are neither with the people nor with the Government and we are just here to keep a very watchful eye as to what is going on, to try and use our leverage one way or another to try and get the best of the situation and I hope that this is the role that we will be able to play, if called upon, with some success. I said that I wanted to speak before the Minister for Economic Development because quite honestly, Mr Speaker, there is a conflict of interest, you might say. If we ask for more productivity in the present situation it means that we are going to have a lot of people out of work and if we don't ask for higher productivity we are going to have a rather unnecessary cost on what is produced which, perhaps, is not beneficial. This is a very tight rope that we have to gradually get across but it is

obvious that eventually the aim must be higher productivity but in the process, as we go along the tightrope, we have got to see that in the process we do not cause a lot of hardship. If we look at the report of the Public Works Department at a glance you see that productivity in Gibraltar is very low. I am not going to go into the report but I am sure that the Members who have read it have seen a number of points where it clearly says so in comparison with other communities of which I think we have exactly the same ability because I think we are just intellectually and physically as good as they are, it would be shameful if we said that we are not and yet somehow we are not getting to that level. I think this is where the partnership comes in between the union and the employers to find out how we can go across that very difficult tightrope without falling one way or the other. I am sure that my Honourable Friend on the left who has got the political knowhow of the situation and also has the Union ability as well, should be able to play an extremely important role in this difficult situation that Gibraltar is about to face in the future. In the meantime, Mr Speaker, the Government has got to find a way of cushioning the situation. My Honourable Friend here said training and retraining. I do hope that the Government can look into this fairly quickly without a lot of delay because nothing in my view is worse than having young lads coming out of school with nothing to do and some occupation must be found for them. I understand that some people are staying at school a little longer. I hope that this process is kept up and also that they are encouraged if perhaps they are incapable of finding the solution in books, that they can be taught crafts from which I am sure they will get a lot of personal satisfaction and in fact they might even be able to trade their goods for good money if what they produce is excellent. In fact I am looking to my day of retirement and I must say there are at least two of us here who are over 60 who would not like in fact to retire so early. Only me? At least the Chief Minister feels younger than 60. I don't know what the Financial Secretary thinks, he looks a lot younger, Mr Speaker. Anyway, it looks as if I am the only one of retiring age but if I can help it I won't. That is why when people are more or less compelled to retire at 60 one has got to be careful because I think it is a little bit unfair that people who like myself feel 16 at 60 should be asked to retire. Therefore it is a bit hard I think to do this to anybody and as long as they want to carry on working and being productive to society I think we should allow them to carry on. At the same time I think we should give an opportunity to those who feel like it, because obviously one of the things I do hope to do is, to do lots of things I have liked doing like painting, using my hands at crafts and so on, all this I look forward to doing some day. I think as far as those people are concerned the Government should think of how they can make their retirement much more enjoyable. I think the Minister for Education should give a lot of careful thought of what he should do for the senior citizens of Gibraltar, it is not a question of pensions, to keep them occupied in their retirement and make their retirement as

enjoyable as possible. I don't believe that this is going to cost all that money, in fact, I am sure that within the resources if they can be mobilised if that energy can be mobilised there is plenty of energy there. People are prepared to help themselves if only the Government can give them encouragement and I think that these are things that we have got to think about today. My belief always is, having been an antiaircraft gunner, that you never aim at the plane, you aim in front of the plane so you think ahead, don't look at the position as it is today, look at the position as it is going to be tomorrow. We have got the warning, we have got the tip of the iceberg there. I think we have to look ahead, give careful thought, think hard and see what we can do in that respect. One has got to accept and one has to be fair to the Government, this has come rather suddenly, it is beyond our control. MOD, DOE, PSA all those letters that we know what they mean suddenly have descended on us with a lot of terror and they say: "God knows what lies ahead for you. We are cutting, we don't even know today what is going to happen." Obviously in that respect we have to fight a battle, we have to fight a battle away from here. We are going to fight to ensure that the employment that was obviously required from Gibraltar in the past by the MOD and all the other services, that this commitment is helped by them and they can find other jobs for them. At the same time, of course, it is only fair that we should do what we can within our resources to cushion the effects, if there are going to be any or if there are not going to be any, the intermediary effects which possibly will be there. I am now going to address myself, having asked the Minister for Education to give thought to this, to the Minister for Economic Development who I think if it comes to the worst is the man that we are going to depend upon so much and I think he has proved in the past his enormous capability to resolve problems even if I don't agree with many things he does and he loses his temper with me sometimes. I think Mr Speaker, that he has got to really give a lot of confidence to those people in Gibraltar and abroad who can see that by investing in Gibraltar they are capable of getting return for their money. I say this because it has been proved clearly in the world today that at the end of the day it is public enterprise which produces results and without offending my Honourable Friend on my left, we can see clearly in the world today that it is public enterprise which is speeding the communist world so if they have been incapable of speeding themselves for about

HON J BOSSANO:

If the Honourable Member will give way. I am delighted to hear him say so, I am fully in support of public enterprise.

HON MAJOR R J PELIZA:

I meant private enterprise. Well, perhaps he will not support me so much now but at least I got him on my side for about two seconds. It is clear that the experiment, which is purely

theoretical, has been tried for about 50 years and has been found so far, and I would not like Gibraltar to become another guinea pig, it has been proved that it does not deliver the goods and that, by and large, the standard of living in the Western World which we enjoy is much higher than that of the other side of the Iron Curtain where there are so many people wanting to come across and are shot in the process because they just do not want them to come across, a place with absolute censorship where what is happening on this side of the world cannot take place there. On our side people who we do not agree with the atom bomb are free to demonstrate but on the other side they are not. And all this freedom and wellbeing, Mr Speaker, is seen on this side of the world which we are happy to live in. I am not saying because of that that there are not many good things which in fact we utilise on this side of the Iron Curtain. You might say the Social Democrat, perhaps, is the balancing of the two, where socialism without the copybook socialist and public enterprise without the ugly face of capitalism, join together and they produce the right stew, shall we say. Within the ambit of the Western world I think that we have the right concoction, if you want to call it that, which is producing what we enjoy here today, Mr Speaker, the freedom of the wellbeing that we all enjoy in the western world. I say all this because it is going to be, I think, very much connected with ideology. As soon as we start stepping into serious unemployment there is going to be an outcry to carry out certain things that may appear to be very good in the short run but which in the long run, perhaps, will be to the detriment of Gibraltar and therefore I think we must make it clear to the world that Gibraltar is a stable society in which money can be put in and from which good results can be obtained and in its process can generate the right kind of industries and economic activity which will bring us the kind of income and therefore the kind of quality of life that we have always enjoyed and we want to carry on enjoying. In this respect I think very quickly, Mr Speaker, there are three things, Tourism, the Port and the Yacht Marina and I think the Tax Haven as well because that will employ quite a number of clerical grades.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On a point of clarification, Sir, finance centre not tax haven.

HON MAJOR R J PELIZA:

I stand to be corrected, the finance centre. Call it what you like, Mr Speaker, but to attract companies who want to do worldwide business and want to find a place where they can have their headquarters and so forth, these four things are the ones that I would like to hear if possible, if not possible I grant it is very short notice and it is most unfair I think to demand from the Minister more than he has been capable to digest so far, but I would like to hear what promise does he see in these

four branches of our economy which could be developed and I am certainly not demanding from him, I am only saying if he can to come forward mainly to give a glimmer of hope particularly to parents. I had one who met me this morning and said: "My boy has left school and has been out of a job for one year". I don't know whether that is reasonable or not, because one has to accept it. It might be that this is the general situation or it may be just a particular situation but all I know is that he told me and obviously he is a worried man. And I can understand that that young man must feel very frustrated. This is why I am saying it is important at this stage to give a glimmer of hope. I know that the Minister always says: "You are out of Gibraltar, you don't know what is going on". But perhaps because I am out of Gibraltar and I do come about once a month, that very soon I can get the feeling of how people are thinking, how they were thinking last time and how they are thinking now. People who are here all the time perhaps don't notice it, you live with it, but I do notice it. Believe it or not, I haven't got to get to Gibraltar, as soon as I get to the air terminal in London I meet a Gibraltarian and straightaway I know what the position of Gibraltar is. The moment we start talking it is obvious that if you talk to a Gibraltarian almost certain the most important things will come first, because that is what is topical here and then you get the feel of how things are going. I think that the feel already in Gibraltar is that people are worried about employment, they believe that there is a possibility that this is going to escalate and I think that the time has come when the Government must give serious thought to this, when the Government must try and get the unions to cooperate, the Government must try and get commerce to cooperate and so create an atmosphere of goodwill on every part of our society so that we are able to tackle this very difficult problem that we seem to be heading for. I hope it is a storm that will pass by but I feel we can see the dark clouds in the horizon and perhaps the wind will not blow them towards us. Let us do everything possible to prevent it from coming our way but if it does come, let us make sure that we have secured everything that had to be secured so that when the wind does blow and it begins to rain and it gets cold we have the shelter that will see us through the storm. Mr Speaker, perhaps I have become poetical on this and perhaps it is completely out of place because it requires less emotion and more down to earth logic as my friend says although I always believe that the art of leadership in the end is whether the individual is prepared to take the plunge because if he does it with logic he will never do it. I don't think Churchill if he used logic would have fought to win the last war and I commend my Honourable Friend on my left to give thought to that.

HON J BOSSANO:

He might not have won the war but he might have won the 1945 election, Mr Speaker.

HON A J CANEPA:

Mr Speaker, I think I should express gratitude on the positive and constructive approach of both the Honourable Mr Scott, in presenting the motion, and the Honourable Major Peliza who has through his contribution rounded off the position rather better. I think I can straight away reassure the Honourable Major Peliza in one respect and that is that the Government is fully awake to the possible seriousness of the situation, that the Government has already secured the cooperation of members of the Opposition, of the Unions, of business interests in Gibraltar, the Chamber of Commerce, banking, in this Consultative Committee which has been set up for a specific purpose, admittedly, to look into the question of the Defence Review, but from there many ramifications will flow and it is an ideal forum, I think, it can become a very valuable forum not just in dealing with the specific problems of the Dockyard but with any resulting problems that could emerge from that. I think the Government is tackling the problem with vigour and we are fortunate in many respects. We are fortunate in having a Governor who feels very strongly and who takes a very great personal interest in the welfare of Gibraltar, a Governor who has tremendous energy, who wishes to use that energy and the creative imagination that is behind it, in helping Gibraltar, a Governor who knows his way around Whitehall and who is prepared to go there and fight on our behalf. And when there is leadership of that calibre I think it is a fairly straightforward business, a fairly straightforward matter for politicians and others of goodwill to respond to that kind of leadership. I think we are also very fortunate in having convinced the Honourable Mr Wallace to stay on in Gibraltar beyond his initial tour of duty and I think the House has already seen evidence of the contribution which he is making and we can be absolutely secure, I am sure, in our appreciation that he will be able to make a very valuable contribution in the future in tackling the problems that may face Gibraltar. Though I thought it was a good contribution I was slightly disappointed that the Honourable Mr William Scott in presenting the motion limited himself in the field that he tackled. He did not go far enough in dealing with other areas of the economy he just spoke about the building industry, he spoke about the problems of young people, I think he should have gone beyond that but on the other hand when the Honourable Major Peliza having followed him immediately, this is why I said that the matter had been rounded up rather better, the Honourable Major Peliza highlighted the important areas of the economy which we are concerned to expand such as tourism, the port, yacht marina facilities, a finance centre, banking and so on and so forth. Up to a point I think it is fair to say between the two interventions that we have had from the Honourable Members of the Opposition, we have a fairly good composite picture. The problem at the moment of unemployment, in my estimation, is not a serious problem seen in itself. It is I think the fears that rightly lie at the back of our minds, the spectre

of mass unemployment, which is really worrying us and worrying people in Gibraltar. At present the problem is not a serious one, the level of unemployment has increased, I would say that it has increased for three main reasons, because of the moratorium by the PSA/DOE last year, because of the delay in the dovetailing of one development programme with another and because of the general recession that there has been in Western Europe which is affecting Gibraltar. But I think if it is kept within reasonable bounds and provided our young people in particular change their attitudes as they may well be forced to do by events, the problem would not be serious. If they are prepared to consider employment of a different nature to the traditional employment, there should not be serious problems. For instance, if the frontier opens in the near future and the tourist industry benefits, as I am sure that it will, there will be plenty of opportunities for young people to take up employment in the hotels if they so wish. I am sure the Government will be able to re-introduce once again the hotel apprenticeship scheme which my predecessor as Minister for Labour, Mr Xiberras, left in the pipeline and which I was privileged to introduce in November, 1972, and which for 4 or 5 years was quite a successful scheme. If young people from Gibraltar don't take up those opportunities then labour will have to be imported either from Morocco or from Spain because the vacancies will occur, there will be expansion in the tourist industry, there will be more hotels built, I am sure. As I say, I don't think the problem at present is a serious one and the measures, indeed, which the Honourable Mr William Scott has referred to, the need to provide courses of training for young people, the need to, I think he made reference to second jobs or business activities by industrials, these are not far-reaching measures in themselves, they would not be enough to tackle a serious problem of unemployment but they would help in the present situation because the present situation, I maintain, is not such a serious one. But if the situation does worsen we will have to think about rather more radical measures more radical measures may be required. We may have to think of lowering pensionable age and getting people to retire at 60, not continue in employment with an occupational pension, a Social Insurance Pension, and a job. We may have to change our policy in respect of encouraging women to take up work because to my mind it doesn't make any sense whatsoever to have the male breadwinner in a good job and his wife working as well when another male bread winner is on the dole, this doesn't make sense so we may have to reappraise such policies as the situation develops. I hope we won't have to because if we do change it will be because we are faced with a serious problem. I think Major Peliza is only correct when he says there is an awareness amongst ordinary people in the street, that they are worried, yes, but that there is an awareness of the full seriousness of the problem that could emerge I am not sure that there is. I have seen the attitude that, well, we don't really have the problem because we have got 3,000 immigrant workers, that we don't have a problem in the Dockyard because, surely,

it is going to be the immigrant workers that are going to be the first ones to be made redundant. No, because the spread of skills is such in the Dockyard that an unskilled Gibraltarian may become redundant before a skilled Moroccan or a skilled Portuguese or what have you. It is in that respect that I think the people of Gibraltar do not fully understand the nature of the problem, the inter-relationship that there is in the employment situation and I think that we have a duty to educate them, we have a duty to try and make them understand what could be the underlying causes of unemployment and that the principle, the policy of priority of employment for Gibraltarians has got certain constraints though it is a policy that we all subscribe to, in its implementation there are certain constraints which may require Gibraltarians to be unemployed for certain periods of time when there are outsiders who are in employment because they have got certain skills which our Gibraltarians do not have. There are going to be problems of retraining, perhaps, and that will take a certain amount of time but I do want to reassure the Honourable Major Peliza in this respect, that for our part in the Government I think we understand the nature of the problem and I think we have the plans to make major inroads into that problem. We have short-term plans, we have medium-term plans and we have long-term plans.

HON MAJOR R J PELIZA:

If the Honourable Member will give way. Are these plans in agreement with the Unions or purely plans that have not been consulted with the Unions yet?

HON A J CANEPA:

I didn't want to preempt my Honourable Friend Major Dellipiani but the Government has already had a meeting with the Transport and General Workers Union specifically on the issue of unemployment, the memorandum that they submitted, and as I say there is representation of the Trades Council in the Consultative Committee on the Defence Review and therefore by having brought in the Trades Council at an early stage in these matters I think the right climate has been created for fruitful discussions with the Unions. I hope that it has, I believe that it has. Already in this meeting we have spoken about a number of schemes and proposals that will provide work for the building industry. There is the development Programme that I said on Monday is designed to inject capital expenditure into the building industry of at least equal magnitude to previous building and civil engineering works programmes. There are a number of schemes in the private sector which may get off the ground soon, over the next few months, which are of a medium-term nature and some which are of a more long-term nature and I would like to deal with some of these. I have mentioned the minor schemes in my statement but the Buena Vista Cottage scheme is one which could get off the ground within six months. If the indications are more, how shall I say, encouraging in respect of the opening of the frontier, I think there will be developers

interested in developing that side because one of the things we have become aware of in the Development and Planning Commission is that there is a requirement in Gibraltar for office accommodation, on the one hand, by people interested in developing Gibraltar as a finance centre, banking activities, insurance, and there is hand in hand with that a requirement for more housing accommodation for the managerial staff that would come to Gibraltar to head such enterprises. Some of the schemes for private sector development that we have in mind, the mix of development that we are inviting people to submit proposals for, are geared to meet that requirement. Buena Vista, I think could provide reasonable housing for, in some cases, outsiders who are looking for housing in order that they can come and work in Gibraltar to develop this aspect of the economy. The Woodford Cottage scheme is one which could get off the ground within six months and will inject about £2m of expenditure into the economy. There is a scheme that I haven't mentioned as yet in Gardiner's Road, west, involving the building of over 30 flats and outline planning permission has already been given by the Development and Planning Commission subject to some minor reservations. This is a scheme which again I very much hope that it will soon get off the ground but there is an underlying problem at the moment, I think, about investment and that is the uncertainty. I think before the signing of the Lisbon Agreement people knew that they were planning in a closed frontier situation. If the frontier had opened by now our planning would be in an open frontier situation but I think we have been bedevilled in the last 18 months by this uncertainty. The worse thing that could have happened, to my mind, for our economic planning in Gibraltar is the uncertainty that has surrounded us for 18 months. That is one respect in which I, as Minister for Economic Development would welcome the opening of the border because then at least we and developers would know against what background they were planning. Hotel development schemes like Parsons Lodge don't get off the ground because of this uncertainty. Kaida Vale again is bedevilled by this uncertainty and this is what I feel is delaying the implementation of these schemes and is holding people back. In the Command Education Centre we want to see a scheme that Gibraltar can be proud of, that will embellish a key area of the inner city, that will provide a mix of commercial, residential and touristic orientated development and again it is this dimension of an open border which I think is required to give it the necessary fillings. Some of these schemes are of a medium-term nature. The two major schemes that I would say are of a long-term nature are the reclamation scheme of the east side of the Rock which could involve a touristically orientated complex and yacht marina and repair facilities that we think in the Development and Planning Commission would entail a population there, a transient population, perhaps, of well over 2,000 people and the spending capacity of those people would be of great benefit to the economy. I think it is well known that yachtsmen spend a great deal more money than your ordinary package

tour holiday maker. Another long-term scheme, perhaps even medium-term depending on how quickly we can make progress is the one that was referred to yesterday in the debate on the Ice Box, the development of the Bonded Stores. That, I think, has great potential again this mix of development that one has got in mind because we feel that that is what Gibraltar really requires. Schemes are rather more viable, they become more viable when there is ancillary development that will complement the main development. This is the approach that we have with respect to the Casemates multi-storey car park, where ancillary commercial, office, residential, accommodation will make a scheme that would otherwise in itself not be viable because multi-storey car parks are not considered to be viable in themselves. The Port is a key area in the Government economic thinking. We already have provision in the 1981-86 Development Programme and we are looking to quite a few million pounds from the British Government. We think our prospects are good because it is revenue producing and we hope to tackle the reclamation scheme in the Port, starting off with Waterport Basin because of the problem of the viaduct, and going on beyond that over a period of time. The strategy is spelt out in the Port Development Scheme, I think it is a sensible strategy and the first phase could very well come in over the next 3 or 4 years which will provide the facilities in Waterport Basin for the ferry services. As I say, Mr Speaker, I am confident that we know the direction in which we want to go. The interest is there, the energy is there, the team-work is there. I feel that I am working very well with the Financial and Development Secretary and with the Economic Adviser, we see eye to eye on many things; we are ad idem in many respects, the ideas are there, they are on the drawing board and what is really required is that the confidence which I think a lot of people have in Gibraltar because they do, the Chief Minister and I had meetings the other day with American businessmen who are interested in developing our trans-shipment potential. And why do they want to come here? Because in Gibraltar you have stability and you have a friendly Government. That is a very positive aspect and I think that if the problems that the Defence Review may pose for Gibraltar can be tackled with imagination, we have every prospect of securing our economic future not just in the short-term, not just to deal with a minor problem of 300 people unemployed but to give real prospects to our community of prosperity and full employment, I would say, for Gibraltarians for many decades to come.

HON J BOSSANO:

Mr Speaker, I propose to move an amendment to the motion so do I speak on the amendment or do I speak on the motion?

MR SPEAKER:

I would suggest, if you do not want to lose your right to speak on the motion as it stands, that you speak on the motion and then move the amendment. Then you can speak on the amendment.

On the motion, clearly, I support the motion as it stands, my amendment is not, in fact, to take anything away from it but simply to add a further sentence at the end, seeking the support of the House for the proposal on the levy which I will explain as I read the amendment out. On the motion as it stands I support it completely but what I question is what full employment means and I find it very surprising, for example, that the Honourable and Gallant Major Peliza should stand up to make a very emotional speech in support of a policy that to my knowledge is only advocated throughout Western Europe by socialist parties and, if anything, by the left wing of socialist parties. I am not aware of any Social Democrat in the United Kingdom or of any Liberal or any Conservative anywhere in any Parliament in Western Europe that believes that it is a legitimate objective of Government to achieve full employment. In fact, we are seeing massive unemployment throughout Western Europe because most Governments believe that full employment is unattainable in the free market system because full employment in the free market system, so these people argue, inevitably generates inflation in that the pressures drive wages up. I think the existence of unemployment is not just a coincidence, it is the result of the move towards an ideology which is neo-classical in economics, it is a return to pre-Keynesian in economics and it is leading us now in the 1980's to the sort of situation that we had in the 1930's. Gibraltar has been sheltered from the world economic environment, we have been cut off from it, and when we are talking about full employment in Gibraltar which as I say I support fully as an objective of Government, we have got to understand that what we are saying is in fact that the Government, as far as I am concerned, should be embarking on a socialist programme of economic management where the creation of jobs is an end in itself and that runs contrary to all the theories that I have ever been taught in economics concerning how the capitalist system is supposed to work and function properly so I find it, to say the least, confusing that the Honourable and Gallant Major Peliza should at the same time denigrate the potential for public enterprise and say that the answer lies in private enterprise, he kept on saying public when he meant private, of course, that is why I was able to jump up and congratulate him on it, but on the one hand to say that public enterprise has proved a failure and yet talk about full employment. If we are talking about full employment what happens if private investors are not interested in investing? Because let us face it, Mr. Speaker, the man that invests his money in a business is not doing it for the purpose of creating jobs, he is doing it for the purpose of making money. A businessman will not come to Gibraltar and invest money in Gibraltar unless the return he gets on his capital in Gibraltar is greater than the return he gets on his capital elsewhere. And whether it creates one job or 100 jobs is irrelevant from the point of view of a private investor. Generally speaking, the creation of jobs for the sake of

creating jobs has only been achieved in any Western European capitalist economy by the expansion of the public sector and no other way. I think in those considerations one has to understand the concept of wealth creation that we are expected to accept in the West without question and I think a great deal of the problems faced in Western economies my objective in this motion is not in fact to cure the economic crisis of capitalism throughout Western Europe, just in Gibraltar, Mr. Speaker, but I think a great deal of the problem stems from the definition of wealth which we have so that in fact we improve our educational services that does not necessarily show up as an improvement in the standard of living but if we pollute our streets even more by jamming even more cars than it does show up as an improvement in our standard of living. I believe that as long as the ethos of the consumer society is the main objective that we set ourselves, not only is full employment an impossibility but if it were even to be achieved it would be achieved by even lowering more the quality of life. Where people recognise that an improvement in the quality of life is an improvement in the standard of living, then it is possible to create jobs in the public sector where the employees in those jobs are providing services to other members of the community and those services that are provided must be seen as contributing as being wealth creation, as being a part of the wealth of the community. So that in general terms I would say that it is an attainable objective provided we understand what it is that we are seeking. I think it is not attainable if we are talking simply of generating jobs by building more car parks to house more cars so that people who build the car parks then buy more cars and we seem to be entering into a never ending spiral. I think the area of education, the area of social services is the area of expansion of wealth and of job creation that the Western economy should be looking for and I should say that Gibraltar should be looking for in tackling unemployment problems. I think another important consideration, a word of warning if you like, Mr. Speaker, on the concept of full employment is that we have got a commitment under our obligations through the Treaty of Rome to allow all European nationals to seek employment in Gibraltar and I don't think one can ask the Government to take on the task of providing seven million jobs. I think when we are talking about full employment, who are we talking about and, clearly, we could not undertake to provide full employment with an open tap supplying labour because then as soon as we created the jobs there would be more people coming here to seek jobs and consequently the unemployment queue would be never ending. I think in terms of planning our own economy, in order to create full employment, of necessity we must be limiting our size to creating employment for what would be the natural rate of growth in the supply of labour using the word "natural" in the same sense as one uses it in terms of population growth, that is, the natural rate of population growth would be the growth of the local population by the excess of births over deaths and I would say that the natural rate of employment growth would be those who enter the employment

market after leaving school and the excess of those who enter over those who leave the employment market through retirement and so on. That is something that can be quantified using demographic data showing us the level of population in a number of years ahead we can then plan to bring together supply and demand in labour but this is without taking into consideration an influx of labour from outside the economy of Gibraltar which we at the moment do not seem to be able to do anything to stop, which could become a serious threat to economic stability in Gibraltar in an open frontier situation and which no Government in Gibraltar can guarantee jobs for. Therefore, in dealing with this matter with the highest priority I think the Government does not only need to look at specific measures such as the one I shall be making reference to in the amendment I propose to move, but also I think the Government must give a sense of urgency to the Committee that was set up following my motion in the House something like 18 months ago, Mr Speaker, on the need to protect the economy of Gibraltar in the advent of Spanish entry. I think we need really to get that moving and to see how the employment situation in Gibraltar would be affected and particularly whether frontier workers have got an automatic right to go across the frontier and register as unemployed because then if that happened then to talk about full employment would be absolute nonsense. No Government, whatever its policies, whatever its ability to manage the economy, could handle a situation like that I would say that as far as I am concerned, in reading this motion and in supporting the motion, one interpretation I am putting to it additionally to that which the Honourable Mover has put on it, or he may have thought of that as well, I do not know, is that we should be looking very seriously at that as one of the measures that we need to take in order to ensure full employment in Gibraltar because full employment in Gibraltar means planning the economy so that the jobs are there but also ensuring that Gibraltar is not flooded with labour over which we have no control. In looking at the actual unemployment situation let me say, Mr Speaker, that I cannot share the confidence expressed by the Minister for Economic Development, nor do I share the view of the Honourable and Gallant Major whose heart is in the right place, and I have no doubt that, but I do not think it is enough to say: "We are going to win the war, we are all very enthusiastic, we will fight them on the roof tops, we will fight them in the streets and that is it". That will not, I am afraid, create the necessary jobs. Unless we draft everybody into the Army I am afraid Churchill will not win it for us. He may have eliminated unemployment then but I can assure the Honourable Member that as far as I am concerned the founder and General Secretary of the Transport and General Workers Union in the war years, who was Minister for Labour, played

an even more important role than Churchill in winning the war, so it is all a matter of interpretation. I am not going to go into the War Years any more. Returning to the subject at hand, we had in September 400 people registered unemployed. At the same time, in the month of September, we approved 33 permits for new entrants. To that extent one can say that the situation in Gibraltar is not as serious as it appears at first sight because clearly notwithstanding the fact that we have 400 people unemployed, amongst those 400, the skills were not available to satisfy the needs for 33 jobs in the economy. Had we been able to meet the need for those 33 jobs our unemployment would have been reduced by 33, we would not have had to import new labour and we would not be facing 33 future unemployed when the jobs that they have taken on for some reason or other come to an end particularly since a lot of those jobs were in the construction industry and we know the fluctuations that that industry is subjected to. However, within the 400 the situation is more serious than appears at first sight. If we analyse the composition of those 400 I believe that about 88 were alien workers and that a year ago the proportion of unemployed was something like 50% local and 50% alien so one of the things that the unemployment figures mask is that the trend in rising unemployment is steeper than shown by the figures because a lot of Moroccan labour once their employment benefit runs out and they tend to stretch it as much as they can, in fact by not taking the 13 weeks consecutively but eventually it runs out and when it does run out then they have great difficulty in being allowed to stay. I believe the Labour Department allows them to stay for an extra three months since they are allowed a total of six months but eventually even if the authorities do not expect them to leave, economic pressures make them go away from Gibraltar and they leave the labour market and consequently the increasing trend in unemployment is greater than that shown by the figures because the reason why the alien element has been decreasing is

not because the alien element on the unemployed has been getting jobs whilst the Gibraltarians haven't, it is because the alien element in the unemployed have been gradually leaving Gibraltar so that the long-term alien unemployed do not stay here. But the Gibraltarians have got no choice, they stay here, and consequently the higher proportion of Gibraltarians in our unemployed shows that we are talking about longer-term unemployment than we used to in the past when we were dealing with short-term unemployment and we had a much higher content of alien workers because a lot of them got a job well within the 13 weeks and they never left the economy. However, the fact that we had to import 33 new workers in September at the same time as we have 400 unemployed, clearly indicates to me where we can actually plan even within the constraint of a non-expanding economy, we can plan to bring about a shift in skills so that we become less reliant on immigrant workers so that we replace immigrant workers by local workers through a process of natural wastage and not in fact by undertaking any racially discriminatory policies of saying: "If there are two people working then the non-Gibraltarian must be sacked and the Gibraltarian must stay in employment. The Honourable Member was quite correct in saying that if people think that the major run-down of the Dockyard would of necessity mean that the Gibraltarians would not be touched and all the alien workers would be sacked, he is right in saying that people are wrong in believing that. Not only would it be the case that the people at risk would be determined by the jobs those people do and inevitably a lot of jobs at risk would be managerial jobs, higher paid jobs, clerical jobs and the jobs least at risk in fact would be the unskilled jobs which the Moroccans tend to do because whether you do a refit or you don't do a refit you still need to tie up a ship and it is the alien worker, as a Band 2 labourer, that ties up the ship but the highly skilled diagnostician doing work on weapon systems in frigates has no work left. So it is the Gibraltarians that are at risk there and it isn't a question of saying: "Well, all we are going to do now is get all the diagnosticians who are PTO II or PTO III and regrade them as Band 0 labourers and have them tying ships. That is not on, it would be unacceptable to the people concerned, it would certainly be unacceptable to the Trade Union Movement and as far as the Trade Union Movement is concerned any redundancies will be looked at in the context of protecting the rights of Union members irrespective of nationality. So I think in that area it is not a problem we are looking at now and I think the motion is intended to make the House conscious of the problem as it exists although at the back of all our minds, I think, we are aware that the prospects could either be very rosy, as the Minister for Economic Development has suggested is a possibility, or catastrophic, both possibilities are there in the future but we do not know and it is early days yet to say what the effect of the frontier opening, if it does open, and let me say that having said to the House that he thinks the worse thing at the moment is the uncertainty about whether it will or it won't and that he as Minister for Economic Development would welcome the Spaniards

saying that they are going to open it in order to remove the uncertainty, I assume that he would equally welcome them saying that they are not going to open it because that would also remove the uncertainty, and make a lot of other people happy in the bargain. In looking at the present problem I think the present problem is manageable within its present proportions. I think we have to understand at the same time that when we are talking about the jobs that we can supply in our economy, within a shrinking size of labour, and I think we are facing that situation, I haven't seen the figures for April last year I don't think they have come out, they usually come out I think, Mr Speaker, about six months after but I don't think the April figure which usually comes out in October has come out yet but I wouldn't be surprised if the employment survey for April shows that the total number in employment was actually down on last year. It has been fairly stable, I think, for very many years so that we could be looking at a situation where we can still retain full employment but in fact the size of the economy in terms of jobs would be smaller than it has been in the past. That necessarily means a lower standard of living whatever way you like to put it because if there are less people employed in the economy and less people creating wealth and less consumers, then the whole of the economy suffers from it. If the reduction in the creation of wealth is brought about by the people who are no longer in employment leaving the economy of Gibraltar for one reason or another and not being replaced, the economic damage to the whole economy is less than it would otherwise be. If you have got people who are unemployed or prematurely retired then whether we are aware of it or not in terms of the fact that the man may be getting a pension or may be getting money from social security, in macro economic terms, looking at the economy as a whole, what you have got is X number of people on the consumer side and X minus so many on the production side and that necessarily means that the size of the cake available for consumption is getting smaller and the people consuming the cake is the same and the share that each person can have of that cake must of necessity be smaller. As an ideal optimum the Government should be seeking to enlarge the cake. I am saying that in my judgement the Government is not in a position to do this with the uncertainties that there are at present. I think when the picture becomes clearer on the Defence Review, when the picture becomes clearer on development aid and when it becomes clearer of the impact and possible timing of the frontier opening then and only then will the Government be able to put up a defensible and coherent economic programme which will talk about wealth generation and job creation. I think in the present circumstances that the most that we can hope to do is to talk about replacement for those who leave our economy by local labour rather than by continuing to draw in labour from outside. Therefore, in that context, I would like now to move my proposed amendment which I think fits in quite well at this point of my argument. My amendment is that the motion be amended by deleting the fullstop in the last sentence and

adding the words: "such as the recent proposal for the introduction of a levy on all employers in Gibraltar to finance the creation of trainee vacancies for school leavers." This proposal, Mr Speaker, which I put to the Minister for Labour and Social Security but which in fact is simply an idea which I have put to the Government for their consideration and therefore it isn't a question of the thing not having been worked out in any detail in terms of where the jobs would be created, is that I feel the limitation in the past on the attraction of taking on trainees in the private sector has been brought about by the cost to the employer or to the industry of taking on those trainees. Under the Industrial Training Ordinance, I am not sure what the name of it is, but it is the Ordinance under which the Industrial Board is set up, there is a power to place a levy on an industry. The way that would work effectively would be that if we noticed, for example, that in hairdressing we were constantly relying on workers in the hairdressing business leaving Gibraltar and being replaced by new entrants and we thought it was a good thing to encourage people to go into hairdressing, as the Ordinance stands at the moment any levy put on the employers to finance the cost of the industry would have to be limited to hairdressers themselves. If you have got 3 or 4 hairdressers, then to try and introduce a training programme in that industry and to have them finance it would, I think, make the cost prohibitive for those employers and would discourage them from doing it. What I am suggesting is that the cost of financing training in Gibraltar should be shared equally by all employers in Gibraltar proportionate to the number of employees that they have. I thought an inexpensive collection system in terms of administrative resources would be simply to put the levy at so many pence per week on the employers contribution under social insurance. This would mean that the administration of collecting it would be automatic, the employer would just pay so many pennies more. As an example, given the sort of proportions we have today in the economy, if there was a levy of 30p a week it would produce £150,000 and if we were to give a subsidy to any employer who took on a trainee we would be able to pay a subsidy of £30 a week and subsidise 100 jobs. I think a subsidy of £30 a week for an employer taking on a trainee hairdresser, a trainee baker, any youngster that is being trained for something where in fact the Industrial Training Board would have to satisfy itself that it was a genuine training programme and that we were not just having a situation where employers were using school-leavers as cheap labour, using them in non-skilled work where they were not acquiring any skills, were they were just being made to run around doing messages and doing it very cheaply because they might be getting paid £35 or £40 of which the £30 would be subsidised out of the levy and the employer would only be paying £10. In order to avoid that I believe that the system must be monitored by the Industrial Training Board and that the schemes must be approved by the Industrial Training Board so the Board, as provided for in the Ordinance, would have the responsibility for administering the allocation of these grants in respect of trainees. The

proposal that I have made to the Government is loose enough for them to deal with it as they think in terms of either collecting the money in a different way or administering the scheme in any other way but I think it needs to be done early early if we are going to deal with the problem of school-leavers now and we must remember that every month that passes, when we draw in labour from outside, is another month which we have lost an opportunity of employing those today who have left school and who are out of work. The long term effects of this may well take six months or a year to show up. I do not think when we are talking about these training programmes we have of necessity to think of somebody having to do a four-year apprenticeship. I remember we had a recent case of an employer who insisted that in spite of the fact that there were something like 250 unemployed Gibraltarians, he had to recruit a Spanish national in order to cut ham in his shop because nobody knew how to cut ham in Gibraltar. I think that in that situation we should teach somebody to cut ham in Gibraltar. I don't know how many years of apprenticeship is required but I imagine it does not have to be 4 years of apprenticeship and then we do not have to have unemployed Gibraltarians and import ham cutters. But the span of skills in fact, in these 33 permits that were allowed in September we had a situation where we were talking about people like fork lift drivers and lorry drivers so we are talking about skills that do not require in many cases very long-term training. Although my proposal was linked to the unemployed school leavers, there is no reason why the scheme could not be adapted to dealing with adult male unemployed who are unskilled and who have got very little prospect of employment as long as they are unskilled and I think it must be allied to the Government itself offering these opportunities so I would say that the public sector should be treated no differently from the private sector in this respect. For example, if the MOD is no longer offering apprentices then I think it is only right that the MOD should be making a contribution towards the cost of those other people who are continuing to offer apprentices. I think that if the Gibraltar Government is expanding its intake of apprentices to take up some of the vacuum left by the MOD, it is only right that the MOD as an employer should make a contribution to a problem it has been responsible itself for generating. I think this would be a much more equitable system than the system that we have got today where to some extent the public sector does the training, and this is something that I have heard the UK Departments complain about on occasions, that they train people and then when they train people at the end of the four years they are hardly a week out of the apprenticeship when the private sector employer comes along, offers them more money and pinches the trained employee. This does happen, the UK Departments do complain about this on more than one occasion in terms of their commitment to training, when they say that they are training for the whole economy and not just for their own employment. I think the system where every employer pays a levy in proportion to the number of employees he has would mean

that every employer would be making an equal contribution to the cost of training. It wouldn't cost any more to train or not to train and the employer that doesn't want to provide the training facilities would be helping to subsidise the one that does. I believe that there are merits in the proposal and I would welcome the support of the House on that proposal and that is the reason why I am putting the amendment because I believe that it isn't enough to talk about the situation of unemployment in terms of a commitment in principle, I think we need to have specific things done and we need to have those specific things done with a sense of urgency even to deal with a situation as we have today and I believe we should be tackling the present situation of unemployment before it gets worse, if it is going to get worse. I think if we have got already methods lined up to deal with the present situation, then it is easier to cope with an increase than if we find the increase and we are not ready for it. I commend the amendment to the House, Mr Speaker.

Mr Speaker proposed the question in the terms of the Honourable J Bossano's amendment.

THE HOUSE RECESSED AT 4.55 PM

THE HOUSE RESUMED AT 5.15 PM

HON MAJOR F J DELLIPIANI:

Mr Speaker, when I moved an amendment to the Unemployment Benefits I did mention that unemployment benefit is perhaps the most complex and I think employment and full employment is the most complex of all our social obligations to society. It is a very complex matter and one which needs a lot of thought and a lot of planning. Mr Speaker, I think I welcome the attitude of both the Honourable Mr Scott and the Honourable and Gallant Major Peliza's contribution and I welcome some of the thoughts that the Honourable Mr Bossano has contributed. I think both of you have talked of two different societies, you have talked of the socialist society meaning the society east of us and the capitalist society of which we form part and the European Common Market forms part and I myself believe that there are evils in both systems. I think that there are a lot of things wrong in the socialist system and by the socialist system I mean the marxist system and there are a lot of things wrong in the capitalist system otherwise we wouldn't have 7 million unemployed in Europe alone. I think Mr Bossano mentioned the question from a socialist point of view about the progress in education, in social activities etc., etc., and it reminds me of a programme about Cuba where before Fidel Castro came into power the literate population of Cuba was something like 20% they had 80% illiteracy and now after Castro has been there some 20 years, they almost have 100% literacy. The only trouble with that marvellous step in education is that they cannot read all the books they want to

read, they can only read the books that the socialist government allows them to read so here we have a socialist system that has worked beautifully in the field of education but hasn't allowed them the freedom to read what they want and in the other extreme we have a capitalist system, and I would mention a country which I admire a lot, the United States, which has a higher infant mortality rate than Western Europe. The infant mortality rate of a country is indicative of the social services of that country, it is used as a marker, and it has malnutrition problems, it has something like 2 million people who do not have enough food to sustain them and keep them healthy. So we have two systems, one of them after 50 years still has problems, one of them after some hundreds of years is having terrific problems now. What I am saying is that none of the two systems really work but it is a combination of both. It is a combination of government and the private development, and I insist on the word 'private' because I know the Honourable and Gallant Major Peliza meant the private sector and not the public sector. It is a combination of both; the Government through the public sector and the private sector that works, it is not one extreme or the other extreme because the other extreme is producing 3 million unemployed in Great Britain and percentage wise I think that is more or less about 12%. The unemployment situation in Gibraltar at the moment has not even reached 3% but that doesn't mean that we are not concerned, of course we are concerned. A lot of ideas have been thrown across today, the idea of early retirement, but that has tremendous pitfalls. I can visualise, in fact we know of certain posts where we have old age pensioners working for Government. I will mention one, a lavatory attendant. He is holding a job which a normal able young man could do but can you imagine one of our youngsters at 18 who has got no work at all wanting to get that job? He would refuse it. So if we said to the man: "We will have to retire you because you are 65," what do we do. Do we import another alien to take over his job? That is one of the pitfalls of retiring people over 60. Retire people over 60 years, yes, if we have one Gibraltarian who is going to fit in into that job and this situation is happening at this very moment. Today, this very minute, I have 36 vacancies in the construction industry and they are all skilled jobs and I haven't been able to find one replacement for those 36 jobs. There are carpenters, masons, brick layers and plasterers and we haven't been able to locate one of them. This is the situation that we are facing in Gibraltar, that there are jobs existing but that we haven't got the mentality yet in Gibraltar to realise that we can no longer be choosy about jobs. I thought there was a glimmer of hope when the Government offered 3 apprenticeships in gardening and after a little bit of delay, for the first time three youngsters took it up. But there is also the other spectrum of the situation where we have 47 successful people in the apprenticeship scheme, both in the construction and the other crafts scheme who declined to accept the apprenticeship offered because they were being choosy. Obviously it hasn't sunk into

them yet that the situation in Gibraltar has changed, that we are no longer in a position to say that we are going to have 500 jobs for 500 doctors 500 jobs for 500 mechanical engineers or electrical fitters, this is what hasn't filtered through to the youngsters yet or to their parents. It is a natural thing that parents want their children to aspire to the highest possible career structure but we must face reality. We must try and become dependent on our own labour and we are not able to do this unless we can convince youngsters that they can no longer be choosy. The situation has changed completely. Before we could say: "I will be a mechanical fitter, I will be a ships fitter, I will be an electronic engineer, I'll be this, somebody else will be the mason, somebody else will be the plasterer, somebody will be the bricklayer". That has changed now. Here we have 100 youngsters unemployed, there we have 36 vacancies for skilled work in the construction industry. We must change attitudes and I hope that this attitude that I am explaining here is conveyed to the parents and to the youngsters concerned. They can no longer be choosy. I read somewhere in a local paper that there was no employment for a young boy mason. That is not true, there is employment for a mason and there was employment when that article in fact came out because there was employment for three masons at that time. But they don't want to be masons and they have not had the training to be masons so they cannot be masons. We cannot allow a situation to continue where we have to be dependent on foreign workers however grateful we are for what they have done, when we are going to have foreign workers employed in Gibraltar and Gibraltarians not working and this has been the trend the Honourable Mr Scott mentioned the fact that last year I think it was 67 and this year it had gone up to 107. In actual fact it would have been 87 instead of 67 if the Ministry of Defence had already come forward with 20 because that is what they were offered last year, 20. So in actual fact we are talking in terms of 20 youngsters who have not been given the opportunity of an apprenticeship, we have an increase virtually of 20 because the Ministry of Defence did not offer any apprenticeship or have not offered so far. They haven't made up their minds one way or the other, they are being quite honest about it. They are still considering the Defence Review. So in actual terms we are talking of 20 extra bodies over last year. But that is a situation which I am concerned about because even if one person who is employable and I emphasise the word employable, is unemployed it is of concern to me and it is obviously of great concern to the person himself. He is a person who is unemployed and he has got a problem and it is a social problem and if we have lots of youngsters unemployed it will become a real social problem because they could get up to anything, they have more time in their hands to think up all kinds of devilish things and it is not good for them to depend on their parents for handouts, etc., etc. It creates a social problem, and when we talk about early retirement age I can say, yes, early retirement age at 60 but have we got the youngsters to fill those posts immediately. This is the great problem.

HON W T SCOTT:

If the Honourable Member will give way. I wasn't an advocate of the introduction of early retirement, if he recalls what I said, because of the pitfalls, possible consequences and so forth.

HON MAJOR F J DELLIPANI:

I recall it only too well and I am just trying to put it across to other people because we have a memorandum from the Union which specifically talks about early retirement at 60. But there might be a case where we say, yes, we have to do this because we cannot allow 100 of our youngsters to be unemployed forever but only if we can make sure they are going to slot in into the positions that those people have left otherwise it is absolutely useless. But of course I still maintain that the ultimate aim of any Government worth its salt is to create more employment, not to start thinking already of retraction. I know it might sound a bit optimistic but we must aim for that. My colleague, the Minister for Economic Development, has mentioned a few schemes which Mr Bossano called optimistic. If these schemes work out this will inject certain money into the economy, it will create jobs in the industry and I think it will be of benefit to Gibraltar. But I think there is another part of the question of development in Gibraltar and that is the active encouragement of private development in Gibraltar. One of them is cutting corners in a bureaucracy, because all Governments are bureaucracies. If you want something it goes to this chap, it goes to this chap and this chap and by the time the whole thing is got together it takes six months. And if the chap finds something wrong with whatever you have submitted he doesn't call you up and say; "There is something wrong with this, come over and check it up". You send your formal letter and an acknowledgement that you have received it and it takes 3 months. I think that situation has changed. We have got to create economic development now, not in three months' time or two months time, and this is the attitude, I think that the Government must take, we must cut corners to make sure that any private development is approved and goes out quickly. That is the attitude that we must adopt in Gibraltar. The other question which is very interesting, I think it was mentioned by the Honourable Mr Scott, is the question of training. I can identify one particular industry where we need to train because that industry is here for keeps and we over-rely on foreign workers, and that is the construction industry. It is an industry that is here for keeps because let us face it we all live under a roof, most of us, with apologies to Mr Haynes, we all have a roof over our heads and that house needs repairs and needs maintenance etc., so whether there is big development or little development there must be an ongoing maintenance programme otherwise the whole city would collapse. It is the only industry that I can see

now that we should really start encouraging our youngsters to train for. We also talked about the under-utilisation of the Construction Industry Centre. Let me tell you that the only people who have really used that Construction Training Centre have been the public sector, the private sector have never taken advantage of that because they have found it easy to replace people by pinching from somebody else by bringing somebody from outside, they have always found it easy. Once they find it difficult, once we get youngsters really interested in going into the construction industry, it is only then that we can really be dependent on our own labour. One of the excuses I hear most from construction firms is that they never have a reliable force, that they disappear for three weeks, they come back for five, they disappear for six. I sympathise with that but none of them, certainly the big ones, have made very little attempt to try and attract youngsters into apprenticeships with them because the proof of the pudding is there, the Construction Training Centre has hardly been used at all by the private sector of the construction business. It is a sad thing to say but that is a fact of life. It is only the public sector and I don't think that the public sector can continue to support the whole of Gibraltar, we cannot create jobs just to employ people we have got to create jobs because we are doing something. The other question which I think was mentioned by Mr Scott was the question of retraining other people and this is where the Construction Training Centre can come in and when we see it working with 4, maybe 5 different crafts if we introduce the question of wiremen, we might be able to improve it in other things. There was a specific one not so long ago, somebody needed a forklift truck driver and we didn't have one in our books, there was no one who was trained as a forklift driver. We could have short courses for people to retrain to be a forklift driver, maybe also heavy duty goods driver, this is the kind of thing we have to think of. How many bakers are local? I can only think of one baker who is local, all the rest are in the hands of aliens. We are grateful to them but we cannot be forever dependent on them to continue with our main source of industry and social activity in Gibraltar whilst we have our own people unemployed. Irrespective of what Mr Bossano has said about his concern to his Union members, my concern is to my fellow Gibraltarians. My main concern is to the people who have lived here for many, many years. Of course I am concerned with unemployment generally because the higher incidence of employment we have in Gibraltar the bigger the tax base and the better it is for the standard of living of the whole of Gibraltar. But if there is a situation of contraction I have to make sure that the people who stay in are the Gibraltarians and nobody else but we cannot do that unless we change our attitude. Mr Bossano mentioned that we must encourage Gibraltarians to stay here. This is absolutely vital. What we want is for the Gibraltarians to stay here otherwise we would have a situation where all our fight has been in vain. And we cannot encourage Gibraltarians to stay here if all of them insist in being Marine Biologists, Nuclear Physicists, etc., etc.

And we cannot encourage them to stay here if they all want to be mechanical fitters or electrical fitters, etc. We can only encourage them to stay here if we can convince them that other skills are required in Gibraltar and those skills are here to stay in Gibraltar. Mr Speaker, my philosophy on the question of employment is that irrespective of the problems that we are going through, and I know that there is concern on the Opposition side of the House and on the Government side about the present situation, my philosophy must still be to aim for higher employment, for more jobs to be created because it is only then that our standard of living can rise. If we contract our labour force our standard of living will go down. Mr Speaker, Government will be considering tomorrow a paper on the Construction Industry Training Centre, which was a motion proposed by the Honourable Mr Scott last year, and I have explained why these have been delayed but I have already made up my mind that by a certain date it nothing happens I am going to go ahead with it. We are going to offer, at least for one year to see how those young men react, five trades in the Construction Training Centre which will also include the opportunity to look at the whole spectrum of construction so that they have a really good background when they can move further ahead. I think that is a positive step which I owed to Mr Scott who proposed the motion last year. I am very grateful because I think the thoughts behind it were right and he was one year ahead of all of us. The other suggestion has come from the Honourable Mr Bossano. The Honourable Mr Bossano proposes that a levy on each employee of all employers in Gibraltar, and I emphasise the words "all employers" of a certain sum and with this sum if, for example, somebody wants to train and I know who wants to train two trainee butchers, he wants two butchers and he wants two youngsters to train, but he says: "I am not prepared to pay that chap £35 for six months or a year when I know that he is not producing anything for those six months or a year because he is learning the trade. After six months or a year he might be useful to me but at the moment he will not be useful to me, so why should I pay him the full entitlement under the minimum wages provisions." Here is where the training scheme comes into operation. If we have a fund which has been funded by all employers, and I include the Ministry of Defence, the PSA and our own employees in the public sector, if that chap who is also paying his 30p for all his employees, and the person I have in mind has at least 60 employees he would be paying £18 a week but we would probably give him £30 and he only has to make up £5. It is the same with bakers, it is the same with hairdressers, it is the same with shop assistants. One of the claims of a certain sector of the community in Gibraltar has always been that our young people are not good salesmen. Well, we could train them to be good salesmen. And how long does it take to train a good salesman if he is dealing with cameras or if he is dealing with Hi-Fi equipment, three months, six months? Right, we will employ you for six months, we will subsidise that employee for a certain sum of six months but we will also monitor the fact

that you are training him, that you are not misusing him by sending him as your tea boy or your messenger boy, we will also try and ensure that he has to go for day releases if it is necessary, if that training is required. That is the kind of thing that the Industrial Training Board has to look into and that is why we have an Industrial Training Officer whom we have to reactivate and probably improve the situation so that he can monitor the question of proper training and to make sure that youngsters are not being used as cheap labour subsidised by the whole of the other employers. That is important and that can be done because Gibraltar is a very small community and it only takes two minutes to pop into any workshop or any shop to make sure what the chap is doing and to ask for an explanation and we might have a method where we have to keep records of the training that he is given. This is the scheme that initially Mr Bossano brought to me.

HON MAJOR R J PELIZA:

Will the Honourable Minister give way.

HON MAJOR F J DELLIPIANI:

Certainly.

HON MAJOR R J PELIZA:

Can he give us any figures of all this. How many employers there are, how much they expect to get from the MOD? Will the MOD think that this is a contribution and therefore decide that they are not going to take any apprentices at all because they have done their bit about it? Has he given thought to all that?

HON MAJOR F J DELLIPIANI:

The Ministry of Defence have not taken any apprentices. Mr Speaker, though I realise the intention behind the motion of Mr Scott, it is too open for me. It reads: "This House is deeply concerned with the existing unemployment situation in Gibraltar and urges the Government, as a matter of the highest priority, to action the measures necessary to lead to full employment in Gibraltar". It is a very dangerous thing to talk of full employment in Gibraltar. We might find ourselves, as the Honourable Mr Bossano mentioned, being the employer of 7 million people who are unemployed all over the continent. I am sure that is not what Mr Scott had in mind but if we pass the motion as it stands that is the way it is going to be interpreted.

HON W T SCOTT:

Mr Speaker, I thought it was a reasonable motion expressing an existing situation and put to reasonable men.

HON MAJOR F J DELLIPIANI:

We are reasonable men now but we do not know what kind of men we are going to have in the future. Sir, I have my own amendment.

MR SPEAKER:

Let there be no misunderstanding as to what we are doing now. We are now speaking to the amendment and if you wish to amend the amendment you are free to do so.

HON CHIEF MINISTER:

Mr Speaker, I thought you said at the beginning he was speaking to both.

MR SPEAKER:

Yes, but before he can amend the original motion he must go through the procedure of dealing with the amendment that is now before the House.

HON MAJOR R J PELIZA:

Could the Minister give way before he sits down. Could he possibly supply the figures I asked for? I asked whether he has got any figures that would give us an indication of what the levy that he thinks will be charged on the employers will produce and also is he sure that MOD are not catering for any apprentices and if that is so to say categorically if there is a chance that they may still take 20 as they did last year. Isn't there a risk that MOD may feel that by making this contribution their responsibility is over?

MR SPEAKER:

As I said, we are now dealing with the amendment moved by the Honourable Mr Bossano.

HON MAJOR F J DELLIPIANI:

Mr Speaker, Sir, in answer to the Honourable and Gallant Major Peliza, I think we can take it that we have 10,750 insured employees, so let us say 10,000. I think Mr Bossano mentioned the sum of 30p. Now 30p with 10,000 produces straight away £150,000. £150,000 produces at £30 a week for 100, 100 jobs. So here is a solution already. We have two solutions. We have the Construction Training Centre and we have a solution to help trainees in other crafts which are required by Gibraltar and at present we are being forced to bring in foreigners. We have two positive things which can be done now. You keep mentioning the Ministry of Defence. I am saying I am giving them a time limit. I will let you know my time limit afterwards if you like. I don't think they should get away scot free. If we legislate here that every employer has to pay they jolly well have to pay.

MR SPEAKER:

Order. We are not going to have a debate across the floor of the House under any circumstances.

MAJOR F J DELLIPIANI:

Sir, I have already explained the intentions of Government with two schemes, one which was initiated by the Honourable Mr Scott and the other which was initiated by the Honourable Mr Bossano I have incorporated the schemes into my own way of thinking with my own department and I propose, Sir, to amend the amendment.

HON P J ISOLA:

Mr Speaker, I was going to make one speech. I don't think it desirable that I should make two and since there is an amendment coming, I have listened with engrossed interest to the last speaker, I think I will actually wait until he moves his amendment and then I will make my contribution.

HON W T SCOTT:

I would like to say a few words on the amendment. I regret that Mr Bossano wasn't here to hear me speak in proposing the motion but I did say that I had been expecting from some direction, hopefully his own, some details and I am going back about 3 or 4 weeks, on the proposal that he gave the Honourable Minister and I did say at the time, and I am repeating it in fact for the benefit of the Honourable Mr Bossano, leading on to why we cannot accept his amendment as it stands and that is that we would like to examine all the possible consequences at some depth, of the introduction of this levy because I can think of immediately one possible problem that we might have, certainly within the private sector employment, and that is an employer who takes young men and women and employs them from school, requiring no further training other than in-service training, employed as clerks, typists in insurance companies and so forth, and who have never, in fact, poached people from Government or other places of employment and I wonder, in fact, what that employer would have to say in circumstances where a levy is introduced to each and every employee that he might have. If I might just return for a minute to the contribution made by the Honourable Member opposite, it seems to me and it only really came out at the end when he used the expression MOD scot free, and that is that it seems to me that he is trying to hit back at the MOD, trying to put them into a situation of getting them to pay for something, at least. But in paying for that something aren't we in fact saying to the MOD: "Now it is going to cost you an extra, for example, £30,000 a year through this levy," and the MOD having already the restrictions it has on spending, without examining the Defence cuts, is going to say: "That is fine, but in doing so we have to look for the £30,000 elsewhere and that means that we have to dismiss another six or eight people".

HON MAJOR R J PELIZA:

Mr Speaker, we are obviously very interested in this. We are not going to oppose the amendment for the sake of opposing the amendment but the idea of me speaking now, Mr Speaker, on this amendment is in the hope that perhaps my friend on my left can give a reasonable reply and perhaps his suggestion is a sensible one. What worries me is this. It is obvious that MOD, if they can, will not take any apprentices. They are reluctant to show any signs one way or another and this is something that we have got to be very careful about. It is obvious that for some reason they haven't said no bluntly. If they haven't said no, why is it that they haven't said no? Is it that perhaps they are afraid of the repercussions? Is it perhaps some official who obviously is trying to save as much money as possible in his directive to reduce the Dockyard and is holding back as much as possible? Will he, if he finds that he has to, come forward and say, "Yes, I will take 20 apprentices". I don't know, perhaps the Honourable Member on my left will be able to throw more light on this. The Minister said that he knows. Well, if he knows he better say bluntly whether the MOD has told him they are not going to take 20 apprentices. But if they haven't said so, at least this is what we heard the day before yesterday. In fact, I think the Minister said he was going to wait until January and then he would go ahead. So he, apparently, has had a big change of mind. Is it that he has got to know something else? If he has, let him say so. If they are not going to take any and therefore they are going to start paying the levy, and if they are

HON J BOSSANO:

If the Honourable Member will give way. I shall answer the point about the lack of specificity about the proposal when it comes to that being given as a reason because the reason doesn't hold water but I can answer it. The proposal is that everybody pays a levy and everybody that has an apprentice gets a subsidy. So it isn't a question that the MOD will pay the levy if they don't have apprentices but they don't pay the levy if they do have apprentices. If they were paying the levy and then they decided to get the apprentices then they would be able to recover their levy, no problem.

HON MAJOR R J PELIZA:

The Honourable Member does not understand my argument, Mr Speaker. As soon as MOD starts paying the levy they have a very good excuse to say that they do not need any apprentices and that they are just going to carry on paying the levy. This is the sort of sum that one wants to work out. Once the MOD doesn't take apprentices they are less committed to employ people in Gibraltar. This is what I am trying to say.

HON J BOSSANO:

The only point I am trying to put over is to avoid the Honourable Member carrying on for the next 10 minutes saying something which is totally inaccurate. If he prefers that I list all the inaccuracies and then spend half an hour correcting them, I can do that.

HON MAJOR R J PELIZA:

He better do that because it is going to take longer, I think, to try and have a discussion here later on. It might be a quick solution now but in the long-term it might be a bad thing for Gibraltar. I haven't finished developing my thoughts which, as I say, I may be wrong, but I think it is only fair that if I have them and I am responsible to this House for the vote that we are going to take, that I should explain my thoughts. On the question of the MOD, Mr Speaker, I see dangers that they may feel that they are exonerated because they joined the scheme. Equally, they may have a certain sum of money to spend on Gibraltar and if they have to give it out by way of a levy they may reduce it some other way which may lead to more unemployment. Take the private sector, the private employer, who has got to pay a levy and I don't know if it is 30p today it might escalate to much more tomorrow, but if it is possible for me, as an employer, to reduce an employee that I have now and take an apprentice and be subsidised by the Government, I think it is a clever thing to do. I don't know whether that can work or not but it seems to me that it is not impossible, it is not impossible at all that

HON CHIEF MINISTER:

If the Honourable Member will give way. I don't want to intervene too much. The point is that in a motion on a matter of principle we are getting ourselves involved in details which are bound to be worked out, are bound to be brought here and people are bound to be given an opportunity. If it is a document which is going to be of interest to all, everybody will be consulted but we should not get ourselves involved in such detail in a motion of principles.

HON J BOSSANO:

Mr Speaker, the actual amendment says: "such as the recent proposal". It is all very well for the Honourable and Gallant Member to say all the things that can go wrong. Obviously, nothing can go wrong with the measures he is proposing because he doesn't say what the measures are. He is expecting me to vote for the measures necessary without telling anybody what those measures are. I have given one example of one possible measure. It doesn't say the proposal must be introduced, it doesn't say the levy must work, nobody is being committed to anything other than a principle of a possible way of taking some possible measures.

HON MAJOR R J PELIZA:

I am required, if I do this, in principle, to accept something which can affect trade in Gibraltar, can affect employment in Gibraltar, can affect investment in Gibraltar and I just cannot do it on a basis of principle. That could be, with all due respect to my Honourable Friend who does not believe in acting illogically, illogical. The logical thing is for anyone who is tampering with money and the consequences that come from it, is to work out a sum, analyse it carefully and when you have analysed it then, in a responsible way, one can decide. Maybe my Honourable Friend on the left has done it in his mind. The Minister doesn't seem to have done anything.

MR SPEAKER:

I accept your point of view and I think it is valid and relevant. The only thing is that I think we have laboured the point long enough.

HON MAJOR R J PELIZA:

What I am saying, Mr Speaker, is that if I had been allowed to have a straight run perhaps I would have finished by now. It is very, very difficult for a responsible member of this House to agree in principle on a form of taxation when we do not know what this is going to lead us to and this is why I stood up so that the Honourable Member can give us a thorough explanation of what this is going to cost, how many people are going to be employed. The Minister said we would be able to employ 100. Just like that. Mr Speaker, there are lots of other expenses that I can see coming into this which nobody has gone into and I can see the expenses escalating and I can see also the contributions escalating and I can see also that being accepted as the easy way of finding employment which not necessarily is going to be the most beneficial or the most durable and therefore, Mr Speaker, this is why I am questioning it. I hope that the Honourable Member will take it in the spirit that I am saying it, that he has got to convince me and I think many other people in this House that the suggestion that he has made is not just something that one can accept in principle. I would accept one thing, the suggestion to be made to the Government not in the form of an amendment to the motion but as something to be looked into, to be investigated. If the Honourable Member on my left could make that "to investigate the position," yes, I would go 100% with him. What I cannot do is accept a scheme which doesn't say "investigate". I would like the Honourable Member to address himself to concrete figures and then explain how he can see that through to a successful and lasting conclusion.

HON P J ISOLA:

Before the Honourable Mr Bossano starts talking about the nonsense that is spoken in this House and he has his fair

share of it, I feel, sometimes. I think he has only got himself to blame if he has got into controversy, Mr Speaker, with my Honourable and Gallant Friend because his amendment is asking the Government "to action the measures necessary such as". He is not saying in his amendment such as the examination the recent proposal for the introduction of a levy on all employers. I don't read the amendment that way, I read the amendment as meaning that this House resolves that the Government should action his proposal for the introduction of a levy of all employers in Gibraltar to finance the creation of trainee vacancies for school leavers. That is as I read the amendment and if we were to agree with it, it would mean that we are agreeing that the Government should tomorrow pass legislation making a levy on all employers in Gibraltar, including the MOD. That is how I read the amendment. If that is not the case, if that is not what the Honourable Member means by his amendment then he should draft his amendment in a way that means what he says it means. Perhaps he could tell us what he really means and then I will give way.

HON J BOSSANO:

If the only problem that the Opposition has is that, then they should have listened to what I said when I moved the amendment. If the only problem is that they take this to mean that I am committing the Government to carry out a specific scheme then they haven't listened because I am quite happy to have the word "examination", as far as I am concerned it does not change anything because I haven't asked the Government to carry out a specific measure. I explained when I introduced it that I had made the proposal, I said that for the purpose of illustration the figure of 30p could be used but it could be 1p or 2p or 3p, and that the matter is already legislated for and it was legislated by the Honourable Major when he was the Chief Minister, that is when it was legislated, the law is already there.

HON P J ISOLA:

Mr Speaker, I thank the Honourable Member for his explanation because now at least we know that what is being moved here is that the proposal should be examined and that, of course, is a very different kettle of fish to telling us in three months' time "You agreed this". I was going to leave my contribution till after I had heard the Government amendment but I think I would rather make it now and afterwards if the Government amendment has anything to deal with the actual amendment I will deal with it. I think I would like to speak on the debate as it has transpired so far. I was very impressed, Mr Speaker, with the approach of the Minister for Labour and Education, to the problems that are facing us on the question of employment and I was very impressed, too, with his appeal, and it is an appeal of course that has also come from this side of the House, that we have to face the situation that Gibraltar has

today of the need for a change in attitudes. I was enormously impressed with what he had to say about the construction industry in Gibraltar and the use of the Construction Training Centre and I am glad he welcomed the motion moved by my Honourable Friend, Mr Scott, some time ago, about the need to increase the training facilities and to use them and to train young people which the Government has accepted and I am only sorry to hear that in fact offers to train young people in the construction industry have just not been taken up. I am afraid we suffer from the same malaise, I suppose, that occurs in England and in other highly industrialised countries where a lot of young people seem to go away from certain kinds of employment and that is the reason why England for example has had to pass the British Nationality Act. I suppose, in a way, because a lot of immigrants have come to fill in these jobs and we have got the same situation here. I think it is a very valid point that the Minister has said and I personally think, Mr Speaker, that where action is required is in the educational field and I think it is perhaps appropriate that the Minister is not only Minister for Labour but the Minister for Education. I think there is a need to get to young people in the schools about employment opportunities, about career prospects in Gibraltar, although obviously parents and everybody want their children to be the top guy, this is natural, this is human nature, this is part of the capitalist system, I am afraid, people have to realise that we all form part of a community and each person has a very noble part to play in anything that he is doing. It is at the schools that I think to a certain extent people must be approached. I think the Minister for Economic Development has said so many things about his past of being a teacher, I think he could do very much in talking, or the Minister for Education, in talking to the teachers in our schools, having sessions with the teachers in our schools where the facts are laid to them, where they are asked to try to get people interested, for example, in the construction industry. There are prospects, the pay is good, there are job prospects, there are promotion prospects there, it is an industry that will go on forever, we hope. It is getting people interested in jobs and getting people interested into vacancies, to my mind, is a far more important objective than going to an employer and saying: "Here you are, here is £30 a week, employ Johnny Smith". The employer says: "Right, I will get rid of Johnny Jones and I employ Johnny Smith". And Johnny Smith knows he is an apprentice and Johnny Smith is not really interested in this job, he has just taken the job because it is the only thing going and what happens, how does that help the raising of standards on Gibraltar? How does that help the economy to surge forward? I think, Mr Speaker, that we are getting in Gibraltar to the crossroads of philosophies. I agree entirely with the Minister for Labour that there is something good in the capitalist system and there is something good in the - I shudder to utter the word - marxist - there, I had to say it. There is something good in both systems and the beauty of democracy is that somehow or other we marry them and we all get

on reasonably well as a result. But when people have tried to follow simply doctrinaire theories, doctrinaire socialism which is what the Honourable Mr Bossano is so committed for, and I respect him for it, but I am not going to allow Gibraltar to fall into the hands of his doctrinaire socialism because I know the result of that doctrinaire socialism has had in different countries in the world both on the East and on the West. In the East doctrinaire socialism has led to low standards of living, low standards of almost everything, restriction in the basic freedom of people to decide what they want to do with their lives, where they want to travel, that has been the result of doctrinaire socialism in the East and in the West, as in a democratic system, we have doctrinaire socialism in England, I think, to a certain extent. It had a good result, it produced the welfare state, it produced a lot of good things but by keeping too doctrinaire it brought about, I believe, many of the serious problems that the British economy is going through today requiring, in the view of a certain political party, radical measures to put right. It is true that British Industry, to a very great extent British nationalised industry, has become uncompetitive. As a result there has been a lot of unemployment. We know the problems of British Leyland, we know the problems of the iron industry in England and these are facts of life, Mr Speaker, it is no use saying: "Oh, that has been brought about because the Conservative Government is in power," it was going the same way when the Labour Government was in power. Let us not get involved in this House in just sheer, pure doctrinaire theories because if we do we will go the same way and I think somehow or other the mixed economy, as it is called, is not a bad thing and as a result of the mixed economy trade unions have their freedom, trade unions can fight for better conditions for their members and capitalists can make money and now and then we plonk a law and make sure they do not make too much money and if they make too much money we take it off them in income tax. That is the sort of mixed economy that I think is good and beneficial. I only said that Mr Speaker, because I am certainly not going to be dragged along the road of doctrinaire socialism or doctrinaire capitalism, and I am not a member of the Conservative Party the SPP or the Labour Party. I like them all, quite a lot actually, but I am not a member of any of them, Mr Speaker. Mr Speaker, having said that, the question of what is needed in Gibraltar. I think we need the schemes that the Minister for Economic Development has outlined but to implement those schemes that he has outlined, and I was very interested to hear the whole lot of them. He has got the schemes, now what does he need to implement them? He doesn't need labour, he needs money, he needs investment. That is what he needs. He needs a good chunk of money from the British Government and we will support him as much as we can in getting it and we wish him well but we know the present Conservative Government with its philosophy, we do not know the philosophy of the next Government, we know the philosophy of the present Conservative Government and we know they will not just say: "Well, how much

do you need, £40m, here is your cheque". They have never said it anyway and still less now. And if the Government say today "We need £80m" I won't say they'll be lucky if they get anything, I better not venture any figures, but they won't get £80m and the money will be required from private investment, private capital. We need to encourage people to invest in Gibraltar. This is a fact of life. Gibraltar prospers from full employment, agreed. Gibraltar prospers from the Ministry of Defence spending, enormously. We are in danger of losing that, we know it, it could be coming. We are hoping that the British Government, and I have confidence in the British Government. Their pledge to find alternative means for sustaining and supporting Gibraltar is there but they will expect a realistic response from Gibraltar and I think that just to say simply, I know it is not just that but just to do a mathematical figure, there are a hundred school leavers, raise 30p a week from everybody and he has 100 jobs. This is to have your eyes closed to the realities of life. Gibraltar is going through a recession as well, the recession is hitting us and what we have to think of, Mr Speaker, we have to think of ways of getting the economy back in full swing, that is what we have got to think of. And we also have to think of, Mr Speaker, of making the best use of our local manpower. I agree with what the Minister for Labour said fully, that we must look after our own people first. That is what comes first, that is what we have been elected to this House for. We have been elected to this House not by the Trade Union Movement, not by the Chamber of Commerce, we have been elected by the people of Gibraltar, and our allegiance in this House is to them. I have got clients and my friend here has business acquaintances, the Honourable Mr Bossano is a Union Officer and has a duty to his membership but here he has a duty to his Gibraltar members of the Union, let me put it that way, the British Gibraltar members. That is not to say, Mr Speaker, and I think I express the views of the whole House, that is not to say that we should have, and the Minister, that we have a policy to get rid of our immigrant labour. We have commitments to our immigrant labour which I hope we will fulfill with honour, that is absolutely true, but we have a commitment to our people. I refer here to the memorandum, it is no use saying: "Stop all immigrant labour". How can you stop it. If somebody needs a plasterer or a shutterer and we have no plasterers or shutterers, how is the Government going to say: "Right, no more immigration". The economy cannot be brought to life on restrictions and on control. It just cannot be. These are the realities that have come, I think, in every free economy and any economy that aspires to higher standards of living, this just has not occurred and this is a fact of life. More control than they had in Russia, Mr Speaker, although in fairness to Russia they had a very big problem when they all started off. But by having more and more controls there they have not been able to get for their people the sort of standard of living that any working man in a democracy regards as his absolute right. We have got to make the economy live. Gibraltar is a small place, Gibraltar has

lived so far on the mixed economy that we had on the Ministry of Defence spending and the private sector. That Ministry of Defence spending is now in jeopardy, we have to make our people realise that we have to make this economy go and we must train people to contribute to it. Now I come to the levy. There is an Industrial Training Ordinance and I think it is a very good one and I think that the idea behind it, the philosophy behind it was that you got a trade, for example, shop assistants and you do a levy on that trade to run particular courses to train people and as the people who are being trained are for the benefit of that trade, they pay. It is as simple as that. Let us suppose that you have a lot of butchers in Gibraltar and suddenly somebody wants to start butchery for example, a particular business and he says: "Well, I want to have a go at this but I have got no butchers". So he calls on the Government and says: "I am prepared to take two young men in. You pay their wages". If it goes well it is fine, if it doesn't go well, well he closes that side of the butchery business. There are lots of practical problems, Mr Speaker, in this question and I think that what the Government has to do, if they are really being responsible to the people who elected them, is not just to find a job, not just to tell people: "Employ this guy because I have got him round my back every day, he hasn't got a job," not that, to get them into useful employment, to use money to get employment, to use the provisions of the Industrial Training Ordinance for that purpose but not merely as a stop-gap measure to get employment. That is the aspect of the amendment that I don't like. I am all in favour of catching the trade and making them pay to make the people they have got better trained. I am all in favour of the Government through the Construction Training Centre getting young people interested. I am all in favour in Ministers trying to get at the teaching profession, tell them the facts of life in Gibraltar in practical terms, because the teachers, and I know we support that they should stand in the House, they do tend occasionally to be a bit airy fairy about life. I used to find that in the universities in England today they give much more importance to a degree in English than a degree in law or a degree in medicine, Those subjects aren't of interest to them but they are the subjects that make a country go and a country live and I would ask that there should be some coordination between Government Ministers involved in this and the teaching profession. All these are the important things. Be careful of starting levies because it is really another form of tax, let us face it, all the employers have to pay and that is it, it is a form of tax and that has effects on economic investment although I don't support 30p a week would have that much effect but if you add a few other things to it, it might have an effect. As far as the Ministry of Defence is concerned I am very angry that they haven't taken any apprentices, Mr Speaker, I think that is wrong but I would warn the Government about starting a war with the Ministry of Defence. I think they have rather more resources than we have, I don't want to prejudice the matter at all but

I would think, Mr Speaker, that it is fairly easy to offset their cost if necessary, if they want to, if they think that this levy is just a cheap way of getting money out of them I think it is not difficult for them really to get it back some other way. Unfortunately, I think this is one of the realities. I have an open mind, Mr Speaker, and I think we will be abstaining on this amendment because I do have an open mind. What I don't like about the proposal of my Honourable Friend is that it seems to be purely and simply "we have got to get the guys a job. For God's sake just bribe somebody to employ him, give him a subsidy". That has a lot of dangers as well because our businessmen are clever guys and they might say: "Well, this is good for us. We will get rid of the 60 year-old and bring this man in." I am very, very scared of the proposal, Mr Speaker, it is not that I don't want people to pay more taxes if they have to but it is a question of making the best use of resources and the best use of money and also trying to get somehow can I put it - some inspiration into young people, trying to get them thinking that to start life you have got to do everything in life. My sons have worked in the construction industry, it is damned hard work I believe, get people trying things out everywhere. We have got to make this place go, we have got to get out of the recession, that is the sort of message but, of course, from words alone man does not live and therefore any measures that will help the situation I think must have the support of the House. Mr Speaker, finally I would just like to say a word not really relevant to the amendment but on the general debate. I would like to say that Government although I agree that the Government should give consideration, I don't know the financial implications, of reducing the social insurance pension age from 65 to 60 but I don't know what it means in terms of money, obviously, if they were to give consideration to that, people in receipt of social insurance pension from that age, presumably, it has got to be done in a way that it is because they haven't got other employment because I do not agree myself that we should start pushing people at the age of 60 and I agree entirely with my young colleague here, the Honourable and Gallant Major, I don't think we should start pushing people out of work at the age of 60 because I think a lot of men, and an example I think is my Honourable and Gallant Friend, reach their prime around the age of 60 and we have got the Honourable and Learned the Chief Minister, I don't think he thinks he is past it. I am rapidly approaching this age of 60, I have got another 8 years to go, and I don't feel past it. I would be very demoralised if I were to be told at 60 "Out you go", although I know there is a need, obviously, for young people to have employment. Let us not start with mathematical solutions. You just say: "These 20 go out and 20 come in," forgetting that you have messed up the 20 and the 20 you have got in may not have the slightest idea of how to do the work of the 20 that have just left. Mr Speaker, I hope the Honourable Mr Bossano will take the criticism in the way that it is intended.

HON J BOSSANO:

If the Honourable Member will give way. He is talking about the memorandum and having said already that none of us were elected here to represent anything other than the people as a whole, he then makes references to a memorandum of the Transport and General Workers Union and not the GSLP. I am not interested in that aspect.

HON P J ISOLA:

Of course. I am referring to the memorandum of the Union which I am very grateful to have received, in the same way that I would refer to a memorandum from the Chamber of Commerce. I am not referring to this because the Honourable Member is here, I am only referring to it, in passing, because it was a point that I was making and I hope the Honourable Member will appreciate that we are all trying to get Gibraltar moving, we are all trying to get economic activity going in Gibraltar. I think we all have a contribution to make and I think this debate on my Honourable Friend's motion has been extremely useful because I think we have had a good exchange of views, I think we have had a good idea of how different people are thinking and I think that if we could all this thinking together something may come up out of the wash, Mr Speaker, that will improve in a real and constructive way the employment situation in Gibraltar and bring about what we are all elected to bring about and that is a better Gibraltar and a better place to live in. Thank you, Mr Speaker.

MR SPEAKER:

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

HON J BOSSANO:

Mr Speaker, I don't know whether there is really much to be gained by my answering the Honourable and Gallant Major's remarks because the Leader of the Opposition has already said that they will be abstaining on the amendment, I think he said originally that they were voting against, so even before my contribution there has been an improvement in the position.

HON CHIEF MINISTER:

If the Honourable Member will give way. I would like to say that though we have ideas about the motion, we are not against the spirit of the amendment and we will be abstaining so perhaps the Honourable Mr Bossano will have the pleasure of having his amendment carried by his own vote.

HON J BOSSANO:

In the hope that I can persuade somebody else, let me say that I cannot see how in relation to the amendment it is used as a basis to define my position in this matter as doctrinaire socialism. The use of the levy to subsidise trainees has nothing to do with doctrinaire socialism or with socialist theories at all. In a socialist system one would not be subsidising private employers, one would be taking them over, so I don't think it has anything to do with a doctrinaire socialism. If that is the reason why the Honourable and Learned Leader of the Opposition is abstaining then I hope that will be enough to make him vote in favour. The other thing is that I am not asking the House for a blank cheque or the introduction of a radical new measure of taxation. What I am saying is that the existing law, introduced by the Honourable and Gallant Major Peliza when he was in Government, the 1970 Ordinance was introduced by the IWP Government, the concept of training was something that I remember being involved in the Party with.

HON MAJOR R J PELIZA:

I think he does not realise the difference of when the measure was introduced and the application of it now. As I say, it is not that one is against it just like that, all I am saying is that it requires some study. When we introduced this measure it was due to over full employment. Literally, there were no bodies that we could find anywhere. Now the situation is one of unemployment so the whole situation has changed. Whilst before there was no fear whatsoever of anyone taking advantage of the situation, now the possibility is there that they could take advantage of the situation and I hope that the Member on my left understands that there is a great difference.

HON J BOSSANO:

If the objection is that it is a measure of taxation which can put businesses out of business, then all I can tell the Honourable Member is that that can already happen with the existing Industrial Training Ordinance and that in my judgement it is more likely to put out of business the fact that the power exists today to make a levy on a training order confined to a small industry, that is likely to be a higher burden, than one that spreads the cost on the whole economy. I think it is a fair thing, I know that it has the support of the trade union movement. From the few people in the business that I have talked to, I know that the support of the business community can be obtained for it. In any case, the Industrial Training Board who would be charged with the details of the scheme, consists of representatives of the Unions and representatives of the Employers, both public and private, so the people who would be administering the scheme and the people who would have to introduce the safeguards, and the people who would have to see that it was not being abused are the people who themselves are concerned from both sides of the industry, and therefore at a political level all that I have asked the Government to do is to consider this as a matter of policy. I certainly

have no intentions of getting involved myself in details of how many hours training a hairdresser must have and does it mean another hairdresser is being sacked or anything like that. I know one thing, that the trade union movement is quite capable of protecting its members from abuses whether as a result of this or as a result of any other thing and I am absolutely convinced that any employer that started redundancies in order to replace skilled workers by unskilled workers to be trained to take up those jobs would immediately find himself with an industrial dispute in his hands and would certainly find that the Trade Union representatives on the Industrial Training Board would say: "We object to the application of this scheme to this employer because in fact this is not being used to create new jobs to replace eventual skills that we are importing, it is simply being used to downgrade the labour cost in one particular firm". We are not talking about the United Kingdom with a labour force of 24 million and thousands of firms. How many employers are there in the private sector who would abuse the scheme and we would not find out about it? I can assure the House that I have got no fears at all in that respect. I am absolutely convinced that the trade union machinery is adequate to protect the interests of employees in this respect because the people themselves would certainly make it their business to come looking for me or for somebody else in the union and complain about what is happening and it would be stopped so I don't think an employer would be able to get away with it in Gibraltar. They might be able to do it in a national economy, as I say, where there isn't the intimate contact that there is in Gibraltar. I don't think, quite frankly, that reputable firms in Gibraltar would do that sort of thing. You might have a cowboy firm that is already getting away with casual workers but that firm today, and we have got quite a few which is reflected I think in the memorandum put forward by the Transport and General Workers Union, we have got a few firms today in Gibraltar who we consider should be clamped down upon, who are employing people without work permits, who do not deduct PAYE, who do not pay insurance and they put at risk the jobs of the people who are here legally and they put at risk the survival of the firms that are paying established rates of pay and are acting within the law. A firm like that is quite capable of using anything but I cannot envisage that sort of firm actually taking apprentices whatever you pay them to do the job. They much prefer to take people off the streets, pay them under the table and they have two sets of accounts and nobody knows what their business turnover is or what they are getting away with. The union movement is very concerned about that situation and had included that as one of the matters where the Government should take action and, if necessary, legislate, to lay down very stiff penalties for people caught infringing the law in that respect. That cannot be considered to be doctrinaire socialism, that is protecting the jobs of the working people but at the same time it is giving protection to the employer that is acting legally, who is entitled to complain about what is unfair competition by people who are getting round the

law and lowering their wage costs by using labour that is not legally in Gibraltar and that it is here on a tourist permit or that may even be registering as unemployed and doing jobs on the side. I think the other point that the Honourable and Gallant Major Peliza was considering a dangerous area was this question of the MOD and the taking on of apprentices. I don't think that the cost of the levy on the MOD is going to make a difference to the policy of the MOD apprentices in Gibraltar. We are talking about an amount of money that is really insignificant in the context of the sums of money that the MOD is thinking of cutting and this is not a sweeping solution and I am not saying to the House: "All you have to do is to introduce the proposal of the levy and all your problems are over, unemployment disappears overnight, we don't have to worry about the Dockyard closing down". I am not saying any of that. I haven't said that. All I am saying is that the most radical policy that this House is being asked to commit itself to is the policy moved by the Honourable Mr Scott which is closer to the doctrinaire socialism of someone like Tony Bern than what I am proposing because as far as I know in the United Kingdom the only politician that is completely committed to full employment, as a matter of Government policy, is the Tribune Group and the leader of the Tribune Group. I don't see why, Mr Speaker, the Honourable Member gets so hot under the collar. I am quite happy with the motion but I cannot understand how one can say: "I support this motion but I want nothing to do with doctrinaire socialism, I want nothing to do with the socialist philosophy, we must have private enterprise, we must give freedom to people to come and out of our economy as they wish. If we need to have another 33, we have 33 in. I cannot commit myself to something without knowing what I am committing myself to". Well then, Mr Speaker, I would ask the Honourable and Gallant Major how he can support Mr Scott's motion where he is asking the House to commit itself to action measures necessary leading to full employment in Gibraltar. What measure, I ask him? Will he explain the figures? How many people are going to be affected by those measures? Does it mean interference with the freedom of movement of individuals from one job to another? Let him spell out the measures before we commit ourselves to it. That is what he is saying to me about the levy and all I have said on the levy is that it is a proposal which goes within the existing law, it is using the power that already exists and that the people who would actually decide how much the levy should be, decide who it should apply to, decide what the grant should be, approve the training schemes, would not be in my judgement the Government and it certainly would not be me, it would be the Industrial Training Board under the existing powers of the Industrial Training Ordinance passed in 1970. As far as I am concerned, the measures mentioned here of necessity must include the proposal I have already made because if I didn't think that that proposal was something that would help to alleviate the unemployment problem, I wouldn't have made it and if I didn't think that that proposal was conducive to a situation of full employment I wouldn't

make it. I said initially in moving my amendment, Mr Speaker, the purpose of the amendment is not to alter the motion, I support the motion as it stands, it is to illustrate what I consider could be one of the measures necessary because in fact the motion does not spell out which are the measures that we are asking the Government to implement and to action as a matter of urgency and I think, since I have suggested this to them, that this should be one of the measures and I am putting that forward as an example, that is why it says: "such as", this is an example of one of the measures that they should do. To find that I cannot get the support of the other members of the Opposition because they are afraid that this might be doctrinaire socialism, because this might make the MOD not take on apprentices, because this might bankrupt businesses, seems to be quite extraordinary when I consider that the amendment does not go beyond anything either in the original motion or in the existing law. I am not suggesting anything that is radical or revolutionary. I think, myself, that the only way that the Government of Gibraltar or any other Government could actually achieve full employment, as I have already said, is by a socialist programme of control of the economy, that in my judgement is what is required. I am assuming that the proposal from the Honourable Mr Scott is not for the Government of Gibraltar to undertake that. I am assuming that it is not, but in my judgement unless he spells out that it isn't that can easily be read into this motion because as far as I know the only people who consider that within a free enterprise system full employment is possible are those people who consider that the only way that can happen is by taking the free part out of the free private enterprise and only allowing private enterprise to work within Government directives. Every policy document and every economic analysis that I have ever come across that talks about full employment as an objective, talks about restricting the freedom of private employers to invest as they like, to do what they like and the private employer is told what and how to invest in order to achieve full employment. I don't believe that that is the proposal that the Opposition is moving on this. My amendment is not seeking to make it that either but I can assure the House that anywhere else in any other Parliament, a motion such as this would be interpreted in that manner. I commend the amendment to the House.

HON CHIEF MINISTER:

Mr Speaker, before we take a vote on this I want to make quite clear that we are not going to fall into a bit of a trap, unintentionally. If the amendment is carried, surely it is not out of order to propose an amendment to the motion, as amended, so long as it doesn't negative the amendment, whether we vote in favour or we abstain.

MR SPEAKER:

It does not matter. What we cannot have is an amendment brought to the motion which would negative the decision of the House

already. Once the House has expressed a wish it should not be negated but amendments can be brought to the question as it appears before the House, as amended.

Mr Speaker then put the question in the terms of the Honourable J Bossano's amendment and on a vote being taken the following Honourable Member voted in favour:

The Hon J Bossano

The following Honourable Members abstained:

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

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The amendment was accordingly carried.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I would like to propose an amendment to the motion as it now stands which will not negative the spirit of the amendment that has been passed by the vote of the Honourable Mr Bossano. My amendment reads: "Delete all the words after "This House" and substitute "expresses its concern at the increase in the level of unemployment in Gibraltar, notes the measures being taken by the Government and those proposed by the Honourable Mr J Bossano, as announced in this House, to improve the situation and welcomes the initiation of detailed discussions between the Government and the Transport and General Workers Union."

MR SPEAKER:

No, I am afraid that that is unacceptable. That would be negating the question as amended by the Honourable Mr Bossano. We now have a question before the House which says that Government should take note of the way in which the matter should be tackled, and one of the ways is by the

introduction of a levy. I think any amendment which means deleting that from the motion would be a negative statement to what the House has already agreed. The House has now decided that one of the ways in which full employment can be established is by considering proposals for the introduction of a levy. I am most certainly open to interpretation as to what this particular amendment can do.

HON J BOSSANO:

I would have thought, Mr Speaker, that if the Minister's amendment to the motion actually reproduced some of the words here so that it continues to say "urges the highest priority for the measures."

HON MAJOR F J DELLIPIANI:

What about if the word "notes" is substituted by the word "approves". Approves the measures being taken by the Government and those proposed by the Honourable J Bossano.

MR SPEAKER:

Shall we have a copy of the amendment?

HON CHIEF MINISTER:

Yes. We could include the words "such as the proposal for the introduction of a levy".

MR SPEAKER:

Precisely, I think the words should be put into the motion.

HON CHIEF MINISTER:

But it is there.

MR SPEAKER:

No, because we now have a motion before the House which has been amended and unless we have those words in any text which we are being asked to vote for we may be negating the amended motion. I would suggest if we put here "taken by the Government and those proposed by the Honourable Mr J Bossano such as the recent proposals." That is the important part.

HON CHIEF MINISTER:

The Opposition should know what they are going to vote for.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I would like to make a second attempt Sir. I would to move the deletion of all the words after "This House"

and substitute the words "expresses its concern at the increase in the level of unemployment in Gibraltar, approves the measures being taken by the Government as announced in the House and those proposed by the Honourable Mr J Bossano such as the recent proposal for the introduction of a levy on all employers in Gibraltar to finance the creation of trainee vacancies for school leavers to improve the situation and welcomes the initiation of detailed discussions between the Government and the Transport and General Workers Union." Mr Speaker, the reason for this amendment is twofold, Sir, though I agree with the motion as expressed by the Honourable Mr Scott, I could not accept the wide implications of full employment in Gibraltar and my original intention in fact was just to explain the different things that we have talked about, the different schemes that we have talked about, and not actually mention any specific schemes but as the amendment has been passed you have now restricted me even more because my intention in fact was that if it was more open, more discussions could be brought in, the loopholes could be looked after even more and more time could be given to you to cooperate with me in the matter. Because you had doubts in your mind I didn't want to put the example. This is the reason for my amendment.

Mr Speaker proposed the question in the terms of the Honourable Major F J Dellipiani's amendment.

HON W T SCOTT:

Mr Speaker, a brief contribution. I presume that at the end of the debate I might have an opportunity to wind up on my original motion. I am so confused, I think most of us are, with all these amendments and amendment to the amendment. The reason why we did not see for supporting or, in fact, voting against the Honourable Mr Bossano's amendment is in fact identical to this one and this one I think goes even further because where the Honourable Mr Bossano went to great pains to suggest that his intention in adding what he added to my original motion was merely as an example of one of the measures that could be taken and the phraseology used in my original motion was quite categorical, it says "to action the measures necessary", far more so therefore with the amendment to the amended motion which reads "approves the measures being taken by the Government as announced in the House and those proposed by the Honourable J Bossano." It approves the proposals made by Mr Joe Bossano. On that count, Mr Speaker, we find that we have to abstain again on this amendment.

HON P J ISOLA:

Mr Speaker, the Government have got themselves into a bit of trouble on this one, a bit of difficulty. I find we are moving motions and approving or abstaining on motions which say things which the people who sponsor them did not intend it to say. The Honourable Mr Bossano made an amendment and he said in

support of it that he only meant an examination of the recent proposal, nothing more than that, but that is not what the motion said, so we abstained. Then the Government now find themselves in the difficulty of an amendment passed by the magic vote of the Honourable Mr Bossano, they feel they are sad with that and now they propose an amendment which goes further than the amendment that has been put by Mr Bossano and the Honourable Mover, on behalf of the Government, says "We have had to put this in, this is not what we really meant," I think the only way out for the Government is for the Honourable Major Dellipiani to vote in favour of the amendment and for the Government to defeat it by Government majority and start from the beginning again but obviously they cannot do that. We have to, of course, abstain on this amendment for the same reasons as we abstained on the motion of the Honourable Mover. I am sorry to see that the objections to the motion of the Honourable Mr Scott, the basis for the objection, was that he mentioned the question of full employment. I would have thought that full employment is a desirable aim, we should all be aiming for that, I would have thought. Unfortunately, we cannot guarantee it but I would have thought that was one of the main principles which govern us, I suppose, action measures necessary to lead to full employment. It may be a difficult thing in practical terms but we should be aiming for that and I am surprised that the words 'full employment' have been taken away as a result of the amendment by the Government, now with the support of the Honourable Mr Bossano. I should imagine he is going to vote for the motion as amended. We have to stand apart from that and abstain. The other last point I want to make, Mr Speaker, is that I am very surprised and I do not know how far this is in accordance with the principles of democracy, that you decide to levy a tax on employers and having decided to take their money, you then welcome the initiation of detailed discussions between the Government and the TGWU, as to how they should spend the money which they have got out of employers.

HON J BOSSANO:

If the Honourable Member will give way. The proposal on the levy does not come from the TGWU and the reference to the discussions are in respect of the memorandum submitted by the TGWU which has nothing to do with the levy.

HON P J ISOLA:

Mr Speaker, this is why I say that probably the best thing to do with this motion is for the Honourable Major Dellipiani to vote in favour and for the Government to vote against because this is what it says, following in the way it has been drafted, it gives me the impression 'to improve the situation' the question of the levy and then 'welcomes the initiation of detailed discussions between the Government and the TGWU' which would seem to me logically to mean how we shall set about creating these job opportunities with the money which we have

got from the employers. We will just abstain on the whole thing but I hope the Government will at least have the courtesy to consult some employers' associations as to whether they think whether this is a good idea, whether this will be helpful to the economic objectives of the Government, whether it is a good thing to just slap taxes on people but, anyway, as I said, our main reason for abstaining and we must be logical in this, follows the main reason why we abstained on the motion in the first place. The fact that my Honourable Friend raised the matter, I think is a matter worthy of praise and I am glad it has been aired in this House. It is not the first time, of course, that a motion introduced by somebody ends up with something entirely different to what the person proposed so it is nothing unusual that we should have to abstain on a motion that has been amended, that was originally moved by my Honourable Friend Mr Scott with the best of intentions and with the intention of alerting the Government to the unemployment situation in Gibraltar and asking them to take measures to make sure the situation does not get worse and to go towards the laudable objective of full employment in Gibraltar. We will have to abstain.

HON A J CANEPA:

Mr Speaker, on the amendment. I think the Honourable Mr Isola has misconstrued the reference to the initiation of detailed discussions between the Government and the TGWU. It welcomes the initiation of discussions that have already been announced. Following the submission of the memorandum by the TGWU, in a Press Release it was announced that detailed discussions would be held between the TGWU and the Department of Labour and Social Security on the points that were made in the memorandum. I do not think that it can be construed as meaning the initiation of detailed discussions on the question of the levy because then it should be, "and would welcome", the discussions have been initiated already.

HON CHIEF MINISTER:

Just a point for future guidance of Honourable Members, if I may, humbly. Please, when you draft your motions, do not say that the House urges the Government because the Government has got a majority in the House and it looks rather ridiculous, if I may say so, although I know it is done with the best of intentions, to urge us to do what you want without saying "proposes that the House may consider", but to urge the House when in fact the House is made up of the Mover and also of the Government and it puts us when looking at the thing, on the approach of it, apart from the merits, it puts us at a disadvantage. I just say this as guidance because this is how we look at it from the Government side.

HON J BOSSANO:

Mr Speaker, could I say a few words on the amended motion. I

note that the Honourable and Learned Leader of the Opposition says that I should not be supporting an amending motion that takes away the words 'full employment'. I am happy to commit myself to the measures necessary to achieve full employment. For me, this is not a pious hope or a laudable objective, I think the original motion is quite clearcut, it urges the Government to action the measures necessary to full employment, it is a sort of political commitment to full employment that is so clear cut that I have no hesitation in identifying myself with it completely. What I cannot understand is how it is consistent with all the arguments that have been put in support of the motion, I do not understand that. Supporting the original motion which I was quite happy to do which I would in fact prefer to the existing Government motion but I think the existing Government motion reflects a reality of Gibraltar's present economic structure. I think that the difference between the two is quite a fundamental difference of degree in that in the motion amended by the Government proposal, the measures concerned are clearly seen as one that will improve the situation and the improving of the situation means the reduction of unemployment and clearly if the improvement were 100% successful then the unemployment would be nil. There, for me, in improving the situation we are improving a situation in the direction of full employment with full employment as a laudable objective but not as a policy commitment and the original motion seeks a policy commitment, I am happy to support this policy commitment but I do not know how one can say 'to action the measures necessary' because I doubt very much if we could agree which are the measures necessary. I am quite happy to spell out to the House what I think are the necessary measures, I doubt very much whether the Mover of the motion would agree with me if I spelt out what my concept of the necessary measures are, whether he would agree with them, but I certainly would have preferred in support of a political commitment to full employment, some indication of what the Honourable Mover's Party considers are the necessary measures to lead to that situation. We have had no indication of that at all, all that we have had are the sort of measures that are only likely to improve the situation but certainly not to guarantee at the end of the day. I will be supporting the Government amendment and all I can say is that clearly as far as my insertion in there is concerned, it goes beyond my original proposal.

HON M K FEATHERSTONE:

Sir, I beg to move an amendment to the amendment.

MR SPEAKER:

Yes, I know what you intend to do but perhaps for the purposes of simplification will you please, before moving your amendment, let the House know what your intentions are and then perhaps the Honourable and Gallant Major Dellipiani, with the leave of the House, can withdraw his amendment and we do not have to go through the whole procedure then.

HON M K FEATHERSTONE:

Yes, Sir. The intentions of the amendment that I would propose would be to obviate the difficulty that the Opposition seem to find in voting for it and the wording would be as follows: "This House expresses its concern at the increase in the level of unemployment in Gibraltar, approves the measures being taken by the Government to improve the situation as announced in this House, notes the example of the Honourable J Fossano of a proposal for the introduction of a levy on all employers in Gibraltar to finance the creation of trainee vacancies for school-leavers, and welcomes the initiation of detailed discussions between the Government and the TGWU".

MR SPEAKER:

Is it acceptable to the House to give leave to Major Dellipiani to withdraw his amendment? We can do it in one of two ways, it is a simple matter. It is an amendment to an amendment.

HON J BOSSANO:

On a point of order. I do not want to mess up the possibility of reaching agreement on this otherwise we are going to be here all night. Doesn't the objection of not negating my original amendment now that it is the will of the House with my single vote, doesn't that hold in the use of the word "notes" which replaces effectively the word "action"?

MR SPEAKER:

I was given sight of that particular amendment and I am quite satisfied that it does not negative your vote, most certainly. I did look at that in the first place. I would like to hear from the Honourable and Gallant Major Dellipiani whether he is asking for leave of the House to withdraw his amendment.

HON MAJOR F J DELLIPIANI:

Mr Speaker, after listening to the other amendment I ask leave to withdraw my own amendment.

MR SPEAKER:

Does the House grant leave to the Honourable Major Dellipiani? It does, so now you can get up and formally propose the amendment to the original question as amended by the Honourable Mr Bossano.

HON M K FEATHERSTONE:

Sir, I would propose that the original motion, as amended, be amended by the deletion of all the words after 'This House' and the substitution of the words: "expresses its concern at

the increase in the level of unemployment in Gibraltar, approves the measures being taken by Government to improve the situation as announced in this House, notes the examples of the Honourable J Bossano of a proposal for the introduction of a levy on all employers in Gibraltar to finance the creation of trainee vacancies for school-leavers, and welcomes the initiation of detailed discussions between the Government and the TGWU". Sir, I think, with all due respect to the Honourable Major Dellipiani, this is perhaps a little better phrased than the one he had because the words 'to improve the situation' did seem to be rather out on a limb and I think it may also overcome the reluctance of the Opposition to accept this amendment so that we could have a unanimous vote in the House. I would like to bring up one or two points, Sir, both on the amendment and on the original motion. There are a number of jobs available in Gibraltar for which, unfortunately, no Gibraltarian or very few Gibraltarians seem to be willing to apply and I think that it would be a very good idea, as the Honourable Mr Isola has said, if teachers would get across to their pupils that it is not only the job that you are doing, it is the dignity of labour that has to be considered and the service to the community which is also a consideration. It has been said, Sir, that Gibraltar is a dirty town. I do not agree with that but I must accept that there are times when Gibraltar is dirty. At the end of Ramadan, at the Feast of the Lamb, and one or two other times when the Moroccan labour force all disappears and goes over to Morocco and Gibraltar is dirty because practically all the cleaners, all the road sweepers in Gibraltar, are Moroccan. At the same time the flushers of the streets are nearly all Moroccan. The gully emptiers, it is not a very nice job but it is an essential job. If we did not have our gullies emptied we would soon be overflowing with sewage. The maintenance of the roads, again, is another area in which practically all the labour force is Moroccan and I would hope that apart from training schemes for young Gibraltarians, other schemes should be put up to them that there are a fair number of jobs available in Gibraltar if they are willing to take them up. They have not; as I have said, up to the moment been doing so, perhaps because they do not appreciate that these jobs do a great service to the community and perhaps I might be sticking my neck out when I say that when the banding of a job is considered, the service element to the community should be taken into consideration and not just simply the skill of the job. One of the things that PWD have been considering should there be a continuing high level in unemployment is a much increased maintenance programme. This is something which can bear threefold benefit. First, it will give people employment, secondly, the money they earn will come back into the economy partly through income tax, partly through their spending power. Thirdly, they will not be a drain on the community by taking unemployment benefit and, of course, there is the overall benefit that our property, which is in dire need of improved maintenance, will get it at a faster rate than it has been getting it hitherto. I have nothing, of course, against training schemes, I think these are really

necessary. I would also mention another area where a measure of training can be given and where, again, we have very few Gibraltarians and that is in the gardens. We want to have Gibraltar beautiful, we want to have gardeners who have a love of the soil and this is another area in which Gibraltarians could take up employment and make us less dependent on foreign labour. I am not suggesting we throw out all the foreign labour tomorrow, but I am suggesting that these areas which today are dominated by foreign labour should be considered by the Gibraltarians as opportunities which they should take up in the future, after all, as I have said before, charity does begin at home.

Mr Speaker proposed the question in the terms of the Honourable M K Featherstone's amendment.

HON P J ISOLA:

We have been worn out and worn down. We are going to vote in favour of this amendment. It has been the best of a bad job. We would have welcomed the original motion as drafted to have been passed but I think that no useful purpose is served by proposing more amendments. Yes, we have heard of measures being taken by the Government, we have approved those, but it does not mean that we approve that all their measures are correct, we think there should be other measures, we have talked about it so, Mr Speaker, with that very short explanation of vote, we give in, we will vote in favour and we do welcome the initiation of discussions between the Government and TGWU. Any discussions that can help to improve the situation inevitably must be welcomed. Thank you.

Mr Speaker then put the question in the terms of the Honourable M K Featherstone's amendment which was resolved in the affirmative and the amendment was accordingly carried.

MR SPEAKER:

We are now back to the original debate. I do not know whether anyone wishes to speak. If no one does, I will ask the Honourable Mr Scott to wind up the debate and reply.

HON W T SCOTT:

Mr Speaker, I think every single Member by now is wishing that I would make a very, very short winding up speech which I will do. I do not think there is any necessity for me to reply in turn to each contributor except, perhaps, one comment I would like to make and that is on the contribution made by the Honourable Minister. I was much impressed by what he said contained although I feel that, perhaps, had he spoken immediately after I had, and introduced his original amendment, perhaps, we could have finished about an hour and a half or two hours ago. Mr Speaker, that is all I wish to say.

Mr Speaker then put the question which was resolved in the affirmative and the Honourable W T Scott's motion, as amended by the Honourable M K Featherstone, was accordingly passed.

The House recessed at 7.30 pm.

THURSDAY THE 29TH OCTOBER. 1981

The House resumed at 3.20 pm.

HON M K FEATHERSTONE:

In answer to Question 236 I did promise that the lists required would be circulated during the course of this meeting. They are now ready, may I have your permission to have them circulated?

MR SPEAKER:

Most certainly.

HON A J HAYNES:

Mr Speaker, I would like to give notice of my intention to adjourn my motion to the next proceedings of the House.

MR SPEAKER:

I am afraid that that is not possible. You can either withdraw the motion and then, of course, move it again at the next House or you can propose the motion and then ask for an adjournment but we cannot adjourn something which is not as yet before the House. You can withdraw now without the leave of the House because you have not proposed the motion or you can propose the motion and then ask for an adjournment.

HON A J HAYNES:

I shall withdraw the motion. I would like for the record to give the reason. The reason is that I think it would be more fitting and more conducive to full debate if the Honourable the Minister for Housing could be present. I extend my sympathies to him and I wish him a speedy recovery in time for the next meeting of the House.

MR SPEAKER:

I join with your words of good wishes to the Minister for a speedy recovery and we feel sure that we will see him again here at the next meeting.

HON J BOSSANO:

Mr Speaker, I beg to move the motion standing in my name, namely: "This House rejects the analysis and conclusions

contained in the Report of the Foreign Affairs Committee of the House of Commons. It further considers that its recommendations to Her Majesty's Government to grant EEC rights in Gibraltar, on the lifting of frontier restrictions, and amend Gibraltar's laws to give equality to Spanish Nationals are unacceptable and an unwarranted interference in Gibraltar's domestic affairs and in the legislative prerogatives of this House as enshrined in the Constitution". Mr Speaker, the Report of the Foreign Affairs Committee of the House of Commons needs no introduction from me. I think all Members of the House are as familiar with its contents as I am and I am sure as incensed about the analysis that it makes of the Gibraltar question and the conclusions that it comes to. I have no doubt that that analysis and conclusions is one that no Gibraltarian would come to and to my knowledge the only Gibraltarian that told the Committee otherwise was Mr J J Triay who, I understand, lives in Spain and to all intents and purposes has already changed his nationality. One of the remarkable things I think about this Report, and I challenged Mr McNamara on this point, was that the contribution of Mr J J Triay was not included in the Report notwithstanding the fact that the reason given for a lot of the contributions having been omitted was the poor recording and the fact that there were serious omissions in the recordings but Mr Triay's submission was not recorded, it was a memorandum handed in and just like the memorandum submitted by the Chief Minister on behalf of his party and that of the Leader of the Opposition on behalf of the DPBG were reproduced, what Mr Triay had to say could have been reproduced equally and I find it odd that a Committee that is supposedly unbiased and looking at the situation should have deliberately suppressed from publication such an important document. I call it important not because it reflects anything that anybody in Gibraltar feels but because it coincides so closely with the final recommendations of that Committee. In fact, the reason that I was given by Mr McNamara that they attached so little importance to it that they did not think they could be bothered with publishing it and I told him I was astonished to find that having attached so little importance to it they seemed to have borrowed about three quarters of the recommendations and incorporated it in their own. The case, in fact, made there was an eye opener to me because it gave a new perspective, as far as I was concerned, on what the Spanish Government might mean or understand by equality of rights and by reciprocity because I think for many of us the whole business of the quarrel about equality of rights has been a puzzling one because we have not really understood what were all these rights we were supposed to be denying the Spaniards but the interpretation put by Mr Triay in his submission to the Committee was that we already enjoyed a whole range of rights which had been given to us in 1969 when the law was changed specifically for our benefit in Spain and that the Spaniards had gone beyond the bounds of reasonableness in giving us rights and it was now our turn and it was only to be expected that it should now be our turn to extend to them the rights they had already extended to us for the last 14 years, by

decree. I do not know if in order to meet the criteria of equality precisely we also have to do it by decree but that is the point that Mr Triay does not go into. Nor does he go into, of course, the fact that in Spain the gap between the rights one has on paper and the rights one has in practice is so extensive that it is the rights in practice that concern us and not the ones on paper because we know any rights we got would not be worth the paper they are written on. But quite apart from that point, it gave me an insight into just how serious this question of giving Spanish nationals the rights in Gibraltar that they give us could be construed, how an interpretation could be put on it which I am sure is alien to any sensible Gibraltarian and I am therefore very glad that the House of Assembly has already pre-empted to a certain extent this situation by deciding unanimously that there is no question of Spanish Nationals being granted EEC rights in preference to other non-EEC Nationals and we also have of course another motion which was carried unanimously where we are looking as to what the implications are for the economy of Gibraltar of granting EEC rights, if and when, and I think there is a big if about Spanish entry into the Common Market and it is getting bigger daily I am glad to say, because I make no secret of the fact, Mr Speaker, that I do not want Spain in the Common Market and if I had the veto they would never get in, I do not want Britain in, either. I think we have pre-empted that possibility and therefore that in itself is one of the most serious, I think, and disappointing factors in the Report of the Foreign Affairs Committee. Here we have got a group of Parliamentarians, we pride ourselves in conducting our affairs in our House of Assembly by modelling it on Parliamentary practice, we are proud of our association with the Commonwealth through the Commonwealth Parliamentary Association and here we have a Select Committee of the House of Commons quoting a unanimous decision in their Report and then saying that that unanimous decision should be disregarded by Her Majesty's Government and the recommendation is to Parliament and it says that Her Majesty's Government should consider doing this in the knowledge that it goes against the wishes of the elected representatives of the people of Gibraltar as expressed in this House. There can only be one possible way of looking at this, the Select Committee is telling Parliament that they should tell the British Government that the British Government should tell us to do what we do not want to do and that seems to be an extraordinary way to behave. I can tell the House that not only have we put in a submission to Her Majesty's Government on this matter which we have made public, stressing in particular the departure from respect for Parliamentary democracy that is implicit in that Report in our judgement but that in fact I have used the opportunity that I had during my attendance as a guest of the Labour Party in Brighton, to tell brother Hooley and brother McNamara in no uncertain terms precisely what I thought of their Report, Mr Speaker. I will not repeat the language I used in this House, I am sure you would not want to rule me out of order on an important motion as this and I can tell the

House that when challenged at a personal level I have found that there was no way that they could justify or explain why they had come to the conclusions that they had come to. The only story that I got, Mr Speaker, was that the final draft of the Report was considerably better and more favourable to us than the original one. I cannot imagine what the original had to say on the subject unless they were saying that we should be handed lock, stock and barrel over to Spain the day after tomorrow because short of that I cannot see how there can be a vast improvement between what was eventually published and what was originally being prepared. The extraordinary thing is that as well as that, each individual member of the Committee comes back with the story that the final draft was a much more favourable one for Gibraltar because of his own contribution to making it more favourable. What nobody seems to be able to establish is who precisely is responsible for the very bad original draft, probably George Hills, or brother Hooley. The impression that I have, Mr Speaker, from having spoken to people on the front bench in the Labour Party is that this Report may not get beyond the stage of simply receiving an answer from Her Majesty's Government in Parliament which apparently is something that has to happen but that it is not necessarily going to be debated unless the Government decides to provide time for it. However, I feel that it is such a serious blow to the sort of relationship and trust that has existed between Gibraltar and the United Kingdom over the years, that even if it has no chance of being put into effect or of gaining the support of Parliament we should make our position crystal clear for the avoidance of any doubt and I have no doubt myself that even if it gets shelved some damage has already been done to our cause by its very existence and I think that any British Government defending its record over Gibraltar, defending its continued willingness to support our right of self determination, will find itself in an embarrassing situation when challenged at an international level by a Spanish representative saying: "Well your own Select Committee of your own Parliament is saying that you are wrong, it is not just us", and that I think is a serious thing to have happened and it is quite extraordinary that after having been to Gibraltar, after having had the full cooperation of all the people that they requested to see, after being told, Mr Speaker, for example, on this question of EEC rights that the view of the Trade Union Movement, apart from the view of the politicians, was that to grant EEC rights to Spanish Nationals in order to get the frontier opened without Spain being in the EEC would be effectively to betray our present immigrant labour force. Having used them for 14 years we now give them second class status compared to Spanish Nationals, we give Spanish Nationals priority over them as a quid pro quo to get the frontier open and the Committee was left in no doubt in Gibraltar that we have a debt, as the Honourable and Learned Leader of the Opposition mentioned in an earlier debate on unemployment, we have a debt to our immigrant workers which we have no intention of welsing on and the Committee was left in

no doubt that any attempt to do such a thing, which would be considered by the Trade Union Movement to be racially discriminatory because you would have two non-EEC Nationals and grant EEC rights to one and not to another and if we are prepared to grant EEC rights to non-EEC Nationals there is nothing to stop us doing that now because as I understand it what the Treaty of Rome says is that we cannot have a National of our own state, a Gibraltarian or a British citizen, being given priority over another EEC national but it does not say that we cannot have both EEC Nationals and non-EEC Nationals on an equal footing, it does not say the EEC Nationals, as I understand it, has to have priority over somebody else, what it says is an EEC National cannot be in an inferior position compared to somebody else otherwise even what they are asking for would be contrary to the Treaty of Rome but if it is permissible to do it in the case of Spanish Nationals, it must obviously be equally permissible to do it in the case of Moroccan nationals, Portuguese nationals, Indian nationals and all the other nationals of other non-EEC countries who are today working and have been working for many years in Gibraltar. The Committee was told that this would be in fact fought by the Trade Union Movement to the extent of taking industrial action on what was essentially a political issue because we have 2,500 Moroccan Trade Unionists who would not willingly see their right of employment in Gibraltar taken away from them, not because Spaniards would be entitled as a result of a Treaty but because Spaniards were simply asking for it as a quid pro quo for opening the frontier. So on that particular issue I was completely astonished to see the Committee disregarding the views of the House of Assembly, disregarding the views of organised labour and recommending something that would have very serious constitutional implications for Gibraltar because it would mean presumably an attempt on the part of Her Majesty's Government to legislate over our heads. If we were responsible in 1972 for changing the Control of Employment Ordinance, for changing the Immigration Control Ordinance, for changing all the Ordinances in order to comply with the Treaty of Rome, then, presumably, we would also be responsible now for changing those Ordinances in order to extend any such rights to Spanish nationals and if we refused to do it then, as far as I am aware from my reading of the Constitution, that is not a matter on which the Governor could introduce legislation and it would be a very, very serious constitutional crisis in Gibraltar. I cannot understand how the Foreign Affairs Committee could have made such a recommendation and ignored the seriousness of what they were recommending and its implications and ignore the fact that they were recommending something that they had been told specifically would lead to industrial strike in Gibraltar. The essence of this recommendation from this Report seems to be that having signed the Lisbon Agreement which, as the House well knows I do not support, the Spaniards have failed to comply with its requirements which as the House knows makes me quite happy, but are now trying to justify their failure by claiming that

implicit in the Agreement was something that is not explicit and as far as they are concerned what is implicit is the interpretation on the words "in the future" and they say that the future from the signing of the Agreement is the date of the opening of the frontier and presumably all the reciprocity and equality and the rest of it has to coincide with a future date which is the date on which the frontier opens and the date that was envisaged when the Agreement was signed in April last year. That interpretation is not shared by Her Majesty's Government or by the Chief Minister and the Leader of the Opposition and clearly, notwithstanding the fact that I do not support the Lisbon Agreement, out of comradeship, if nothing else, I support the interpretation put on it by the Chief Minister and the Honourable and Learned Leader of the Opposition. The Report, therefore, does not set out to judge who is right or who is wrong, does not set out to try and balance the validity of the arguments put by one side or the other but simply tries to cut the gordian knot in a very clumsy way says, "Well, the only way we are going to appease Spanish sensibilities" because this is what it amounts to, "is by giving them something because unless we give them something they are not going to implement the Lisbon Agreement and unless the Lisbon Agreement is implemented there seems to be no other way forward". That, in a nutshell, is the analytical process which makes them arrive at their conclusions and I cannot accept that analysis because that analysis is not pragmatic though it may appear to be so, it is simply dealing with things that for us are matters of fundamental principle in terms of let us find the solution that will work irrespective of what has to be given up along the road to find that solution. If we had been willing to accept that point of view, Mr Speaker, the difficulties with Spain would not have lasted as long as they have. If we had been willing to go along and say: "Well, what do we need to give Spain to keep them happy, what is it they want, let us find out, let us draw up a shopping list". The view of the shopping list is one that has been around before in Gibraltar and tends to appear now and again in the stuff that gets written in the PAG organ "Calpe News" but it is not the view that commands any respect or support in Gibraltar and the Foreign Affairs Committee seems to have given that insignificant view, because it is not even worthy of being called a minority view, that insignificant view, more weight than the collective view of the entire community put together. I can tell the House that certainly for all the good it did me I might as not well not have gone to see the Committee at all because there were volumes of stuff taped but not a word of it was reflected in the thinking of the Committee in the remotest possible way. They just noted the fact that I existed and that I had very strong views on the subject and that I was a hop in the context of pro-settlement or anti-settlement and that was it. The view of saying: "Well, we need to have those restrictions taken off, let us draw up a shopping list, what do we need to give the Spaniards in order to get them taken off?" Is a view that is totally unacceptable to the overwhelming majority of Gibraltarians. The people are only prepared to see the frontier opened

on the basis that it is a rectification of a mistake that was made in the past and to call it a mistake, in itself, I think, is already conceding a lot, Mr Speaker, because it was no mistake, it was an attempt to destroy us as a community, to destroy our economy, to strangle us, which has failed. The people in power today are not responsible for the initiation of that policy but they are responsible for its continuance and the whole political spectrum bears that responsibility and out of the political spectrum I am sorry to say it is the people on the left, more than on the right, who today are taking the more intransigent line and I believe that PSOE in Spain and the Communist Party in Spain and I wish I could say something different about it because I would prefer to be able to say that people who claim to be socialists can still feel Spanish and respect me for being a Socialist and a Gibraltarian but when I come across somebody who tells me that he is a Spaniard first and a Socialist second then I am afraid I have no choice but to be Gibraltarian first and a Socialist second as well. We have had in the last week or so the Spanish political parties on the left using Gibraltar as a diversionary tactic in exactly the same way as Franco used to use it in his days, saying that to join NATO is to give up the Spanish claim on sovereignty over Gibraltar. That is totally absurd, I wish it were so, I would advocate the Spanish entry into NATO immediately if that were so, but if the people who are saying that are totally opposed to NATO entry then it is irrelevant what Spain gives up or does not give up. It is quite clear that what they are doing is, they are saying: "Well, who are the people who support NATO entry, generally speaking the people on the right, the establishment, the Military Circle?" And who are the people who feel most strongly over the Gibraltar issue, the same people. So if we tell those people that there is a conflict between wanting Gibraltar and wanting NATO and that wanting NATO means give up wanting Gibraltar, their feelings on Gibraltar may be strong enough to weaken their commitment to NATO and it is quite obvious what the ploy is. How can we trust in anything that is being said on the other side of the frontier when we see Gibraltar being used as a political football for purely domestic political reasons and therefore, Mr Speaker, I think that we in this House of Assembly are closer to the problem, better able to judge the method of our people and better able to the reality and the sincerity of our neighbours than people in the United Kingdom and that they should accept and respect that and be guided by our advice in these matters and I think we must make it absolutely clear that it is our responsibility to protect the interest and the welfare of our people and that when it comes to making recommendations or taking decisions affecting Gibraltar's future it is the voice of Gibraltar that must carry the paramount weight, that is fundamental. Nor can I accept, Mr Speaker, the basis upon which the Report comes to its recommendations and conclusions, the fact that it points to Her Majesty's Government to do things which the people on that Committee know we do not want done, by suggesting that when it comes to Gibraltar's future there is a conflict of

interest or there could be a conflict of interest between Britain and ourselves. I accept there could be a conflict of interest between the Foreign Office view of what is good for Britain and ourselves and our view of what is good for Britain and ourselves but we have already seen such a conflict of interest in the case of British Citizenship, we have already seen how the official view can be overturned by the will of Parliament and therefore I cannot accept that our right, enshrined in the preamble to the Constitution, of having a safeguard that Gibraltar's sovereignty will not be altered without an Act of Parliament, can be seen as anything other than an extra guarantee and an extra protection. My interpretation of the reason why that is there is that if we had a conflict of interest or a difference of view between the official Government view, the official Foreign Office view, and Gibraltar, we could appeal to Parliament for protection, that is what that is there for, it is not there because there are two Parliaments, one in Gibraltar and one in the United Kingdom fighting each other, it is utter nonsense. There would have been no point in fighting for the link and in fighting to have that in the preamble if the reason why we had it there was so that Parliament could overrule Her Majesty's Government against Gibraltar's interests which is the implication of what the Foreign Affairs Committee says when it says that Her Majesty's Government owes itself to Parliament and not to us. We do not expect Her Majesty's Government to owe itself to anything other than Parliament but as far as we are concerned the British Parliament has got the same sort of responsibility for the people of Gibraltar, overall, a political and moral obligation to the people of Gibraltar as it has to anybody living in any corner of the United Kingdom because we are not a self-governing territory. We in Gibraltar have got limits in what we can do through the democratic process of electing our own representatives and because we have got limits, because we are not our own masters in our own house, those who are masters in our house have got the responsibility to us which is identical to the responsibility they have got to their own and that is what the Parliamentary guarantee is there for and, in fact, the Foreign Affairs Committee has attempted to turn it round on its head and say the opposite. It is for this reason that I think that it is important, apart from the representations that have already been made, that the will of the House on behalf of the people of Gibraltar should be put on record on this the first occasion we have had since the Foreign Affairs Committee Report came out and therefore, Mr Speaker, I commend the motion to the House.

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

HON CHIEF MINISTER:

Mr Speaker, I would like to congratulate the Honourable Member on the lucid and clear exposition of the Report of the Foreign

Affairs Committee of the House of Commons and there is very little that he has said with which I would not agree but he did state towards the end of his remarks something which is very relevant to the question of this motion which is the limits which we in this House have in respect of certain matters which is perfectly true. These are limits because there is another body which has the power that we have not got and that is the British Parliament and that is why, strictly speaking, it is not for the House of Assembly, I say strictly speaking and the Honourable Member will understand what I mean by talking strictly within the Constitution, to reject the conclusions of the Committee. Strictly speaking, it is the House to which the Committee Reports that has to reject it because the Report is made to the House of Commons. We have been advised, and let me say to the Honourable Member I am not proposing to throw cold water on anything that he has said, we have to take up a view, from the point of view of the resolutions of this House, that constitutionally has the same result that the Honourable Member wants but perhaps in a different way. We have been advised by many friends in Parliament, that Members of Parliament are very sensitive about Select Committees and are very defensive about their rights as I would say so-called impartial inquiries. I say so-called because if that is the case, this is the exception that proves the rule. That is why so far, as far as the Leader of the Opposition and I are concerned, the remarks that we have made about this Select Committee have been restrained and have been made more direct to the British Government. We have commented on the question of the EEC rights on the day of publication of the Report and the House itself has already passed a resolution as the Honourable Member has said, the resolution read: "Spanish nationals cannot be granted the same rights as EEC nationals in Gibraltar prior to obtaining full membership of the EEC". That is what the Spaniards would call the doctrine of the House of Assembly and it remains there as valid doctrine because it was passed unanimously. Whether we can go on repeating the same thing and it has the same purpose is another matter. The difficulty that there is about this matter in its purely strictly constitutional sense, is that apart from the fact that immigrants, immigration, residence and labour from abroad are not defined domestic matters and therefore whatever the views of the House may be the meaning which we may want to convey may be constitutionally incorrect, the point is that as a result of the European Communities Ordinance, all matters connected with right of residence, immigration and so on, even if they were defined domestic matters before, have been made non-defined domestic matters because that aspect of the law of the country, not only in Gibraltar but in the United Kingdom, has been made subject to the laws of the Community. It is not that it applies to us alone, it applies to Britain. By signing any international treaty which imposes a duty on the country signing it, it is in itself and it has been said many times, nothing new in this, in itself a country is giving away a

little but if its sovereignty, international sovereignty, as against, perhaps, the bigger wider sovereignty. So that really whilst agreeing with everything that the Honourable Member has said, it is very difficult to agree to the motion itself as it is phrased.

HON J BOSSANO:

Delete all the words after the words "this House?"

HON CHIEF MINISTER:

That is right. I hope you will not be very unhappy with the amendment. I think in the long-term the Honourable Member will see that there is an element of wisdom in what I am trying to do but I am sure he will agree with me that it is not any attempt to whittle down any of the remarks that he has said on which perhaps we may have expressed ourselves strongly, if not stronger, but in another forum. The point, of course, is strictly speaking, that the latter part of the motion is constitutionally unacceptable and we do not want, and I entirely respect the Honourable Member for his sincerity in doing it, but what we do not want is to be told, not "mind your own business", because it is our business and nobody would say that it is not our business, but "you are going around looking after your business in the wrong way." It is because of that that I have to bring an amendment to the motion of the Honourable Member. I hope he will not be very upset with this one but it says the same thing in diplomatic language and it is also to a purpose. I beg to move, Mr Speaker, that the words after 'This House' be substituted by the following: "(1) notes the House of Commons Foreign Affairs Committee's Report on Gibraltar; (2) regrets many of the conclusions and the recommendations in that Report and notes and endorses the action which has already been taken on this matter by the Chief Minister and the Leader of the Opposition on behalf of their respective parties; (3) notes - I cannot say "endorse" here - "the representations made by the Honourable J Bossano on behalf of the GSLP;" because that one rejects the Lisbon Agreement and that is where we differ. I looked at it very carefully and I would dearly have liked to have said "notes and endorses the representations made by the Honourable J Bossano" but looking at it very carefully, if we did that we would be rejecting the Lisbon Agreement and there is the area of difference between us on the approach.

HON J BOSSANO:

Mr Speaker, if the Honourable Member will give way. Surely, the converse applies. If I endorse what he has done and he accepts the Lisbon Agreement, surely the converse of that argument applies, if I endorse what the Honourable the Chief Minister and the Honourable and Learned Leader of the Opposition have done and they do not reject the Lisbon Agreement then I am endorsing his non-rejection.

HON CHIEF MINISTER:

Perhaps each clause can be taken separately and you vote against one and leave the others. This is the most important part and that is that the British Government has to make its views known, this is really the nub of the problem. When the Honourable Member was rightly saying that this thing can be thrown at us at any time, it will be thrown at us with less stress if there has been, as we hope there will be, I am not disclosing any secret knowledge, I am only expressing confidence, the confidence that we have in Parliament as has been expressed in another way by the Honourable Member, I am expressing it in respect of the reaction that the British Government will have to give. I do not know what they are going to say but where they will have to give precisely for all the reasons that the Honourable Member has put, the answer of the Government must necessarily be a rejection of the proposals because then we would be in the real soup and therefore, and this is the most important part; "(4) expresses every confidence that Her Majesty's Government response to the Report will take full account of the views put forward by the Chief Minister and the Leader of the Opposition" and, if you want we can add, "and the Honourable J Bossano". This is the amendment that I propose to move. I assure the Member that I do so after giving the matter a considerable amount of thought at the fact that we have to appeal to Members of Parliament, to the CPA and so on and whatever excuses the Members who have subscribed this Report; one of them used to say; "Oh, it is not a Gibraltar problem, it is a Spanish problem" but he signed the same as all the others. Perhaps it might be said here, Sir, as a matter of interest, that we were very agreeably surprised, at least I was very agreeably surprised, it does not mean the same as being happy, I was agreeably surprised to see the Chairman of the Committee coming to our reception in the House of Commons when he has never been to any of the CPA parties of the Gibraltar Group that I remember.

HON J BOSSANO:

Guilty conscience.

HON CHIEF MINISTER:

Mr Speaker, I beg to move the amendment.

MR SPEAKER:

Are we going to include the name of Mr Bossano in that amendment?

HON CHIEF MINISTER:

No, I said it casually. I was attempting to be kind, it is in contradiction to paragraph (3) Mr Speaker, I really must ask

the Honourable Member to look at this charitably and make sure that it is not intended in any way to minimise the strength of feeling of the House or any of the very logical arguments that he has put forward in connection with the Foreign Affairs Committee. It is in that spirit, Mr Speaker, that I put forward the amendment.

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

HON P J ISOLA:

Mr Speaker, let me say straight away that I agree with everything that has been said so far. I agree with all the points that have been made. I must say that I was very dismayed when I heard about the conclusions in the Report as, indeed, everybody in Gibraltar was. It seemed incredible to me that a Foreign Affairs Committee of the House of Commons which is really the bastion of liberty and the bastion of pro-Gibraltar feeling and the rights of people to determine their own future, that a Committee from that House should make the sort of recommendation that it made and my first reaction to the Report when it first came out was that it would put at risk the chances on the British Nationality Bill because I thought that any Member of the House of Commons who read this Report and had any regard for the views of the Members might take a different view as to what the people of Gibraltar had been fighting for during the last seventeen years. The Report seems to make it look as if everybody here is very well off and it was about time we made other people better off. It was a bad Report, Mr Speaker, it was influenced by the two professors who assisted the Committee both of whom have houses in Spain and things like that and close connections, it was assisted by a bit of the evidence they got in Spain and it was a clumsy Report and the recommendations, naturally, are quite unacceptable to us in Gibraltar and I am sure they would be quite unacceptable to the British Government, in fact, I have every confidence that they must be, having regard to the fact that the recommendations of the Committee went completely counter to the evidence that was given to the Committee by the Foreign Office, the Ministry of Defence, the Gibraltar representatives, everybody who knew the problem intimately. On the British side, let us put it that way, the Committee's Report went completely counter to them and completely endorsed what the professors wanted for us, completely endorsed the way the professors wanted to carry on living with great friendships in Spain and the Spanish Government and wanted I suppose, to take full part in the historical process as they call it in Spain and so forth. Frankly, I am not now that worried about it because after our visit recently to the House of Commons I was pleasantly surprised that really not many Members of Parliament had read the report, in fact, I did not meet anyone who had, except the one who thought he had to read it because

he wanted to reply to it and he was on our side. But, of course, it is a report that is there in the House of Commons and I think that our response has been the right response. We have made our representations as strongly as we can on the report to the British Government and because of the confusion, possibly, that the Report may put in people's minds, we have set out a few basic facts about the Gibraltar problem in this pamphlet that the Chief Minister, and myself issued, "The Truth About Gibraltar". I think that sets everything in perspective, sets the Gibraltar position and I would certainly be quite happy to be judged by people reading the Foreign Affairs Committee Report and reading this and making their own judgement. I have every confidence that any person who is unbiased, objective or reasonable, would certainly, come down on our side and, equally, I am quite sure the British Government must respond to the report in a way having regard to the evidence that they themselves gave, having regard to their intimate connection with us and their support, must respond in a way that will be eminently satisfactory to us in Gibraltar, I hope, and satisfy of course the many Members of Parliament who are our friends. I agree with what the Chief Minister has said about the diplomatic language that is required on these occasions. I know my Honourable Friend Mr Bossano likes to be rather direct in his statements and in his motions. I think that is his trade union training but I think it is difficult for this House, when we are not in a state of war with the British House of Commons, I think it is difficult for us to give the appearance that we are interfering in the affairs of the House of Commons and in the report that their committees make to the House of Commons and I think if we want to say no to the report as we have done, of course, everybody has done already, the Honourable Mr Bossano has done it himself on his own, the Chief Minister and myself have done it in joint communications and it is very clear, but I think, on the record, we should not appear to be telling the House of Commons how they should run their own affairs. I think sufficient is said in the amendment of the Chief Minister to express, in diplomatic language, our complete disagreement with the report and our confidence that the British Government in its response to the Report will uphold our position. I certainly agree with the amendment, will certainly support it, and I hope that once the British Government response has gone in, this Report will be laid to rest. Unfortunately, it will be in the Library of the House of Commons, I suppose, and unfortunately we have not heard the last of it as far as the Spanish Government and as far as Professor Hills is concerned. He will now not have to refer to "The Rock of Contention" when he argues the position, he will refer to the brilliant report of the Foreign Affairs Committee and this is the way the Spanish Government built up its case on Gibraltar. It refers to resolutions which they themselves have promoted and which they themselves have done deals on, then they refer them to the resolutions of the United Nations and I think Professor Hills, having lived so much in Spain and being so close to the

Spanish way of life, will now be saying how this Committee of the House of Commons said this; and they said what he strongly recommended that they ought to say, but it will be used by the Spanish side and we will have to live with it. The response will be there, there will be the British Government response, there is our own response and we are a small place, people say that whatever we say we should get it out throughout the world, well, I think we do and we have to try and do it but we have to rely very heavily, really on the British Government to do it, in Brussels and everywhere else because they are the people who have got the wherewithal to disseminate the Gibraltar case. As far as we can do it ourselves I think we do it and we continue to do it. This Report is an unfortunate event in the history of Gibraltar/British Parliament relations and I hope that the British Government's response will put it to rest and that we can go on living the way we have been used to and on the assurances that we have been used to. I do not think we have much to fear but I hope the Honourable Mr Bossano accepts this amendment which rejects the Report in diplomatic language and, more importantly, expresses confidence that the British Government will take full account of the views that are being put from Gibraltar on the Report and reject it themselves, possibly also in diplomatic language.

HON J BOSSANO:

On the amendment, Mr Speaker. The Honourable and Learned Leader of the Opposition is quite right about my aversion to diplomatic language which stems not least from its total confusion as far as I am concerned. Because one thing that I do note is that the House notes the Foreign Affairs Committee Report and also notes what I have had to say on the subject. If that is an indication of the feelings of the House then I certainly do not like being bracketted with the Foreign Affairs Committee. I appreciate the support in the contribution of the Honourable and Learned the Chief Minister and the Honourable and Learned the Leader of the Opposition. It is not the first time, Mr Speaker, that I have been told that there is total agreement with the sentiments that I express but not with the way that I express my sentiments in Motions. Perhaps one should send copies of Hansards to the Commons and then that would make things easier, so that they know our views. I am afraid there is one element in the amendment, apart from the fact, quite frankly, that I put things in strong terms because that is the way I tend to express myself and also because I tend ideologically to feel that that is the way one should say things, in clear-cut terms. I am not very keen in using diplomatic language. Apart from my aversion to that on that basis I am afraid there is one fundamental point here which I cannot support. It is something that I did not mention in introducing the motion, Mr Speaker. I deliberately avoided it because there was a difference of opinion on this issue between myself and the Chief Minister and the Leader of the Opposition on the other hand and I preferred to let that difference stay

dead and buried but I cannot now endorse an action which I have already criticised publicly. I think that has to be understood. In fact, in my own representations to Her Majesty's Government, I made clear by specific reference to the Chief Minister and the Leader of the Opposition, that notwithstanding the fact that I was making a unilateral representation on the subject, I was convinced that the views in the Foreign Affairs Committee were as unacceptable to the Chief Minister and the Leader of the Opposition as they were to our own Party and I put that as part of the memorandum which was made public. I prefer not to go into my criticism of the original action, I do not want to open old wounds if we are on the same wavelength now, let us keep it that way, but I cannot endorse what has taken place and really I am not familiar with the precise contents of the detailed memorandum that was sent to the United Kingdom by the Chief Minister and the Leader of the Opposition.

HON CHIEF MINISTER:

If the Honourable Member will give way. I was not referring to anything he did not know, I was referring to the communique that we issued immediately after as I gave in my answer to the Honourable Major Peliza in my account of what had been done since the Foreign Affairs Committee Report, the communique that we had issued and the attitude that we had taken. I am not referring to anything that the House is not aware of.

HON J BOSSANO:

I understand that there was, apart from the original response which was an immediate response the day the report was published, there was a longer and more detailed one.

HON CHIEF MINISTER:

But we are not referring to that here because that has not been made public.

HON J BOSSANO:

Presumably that is part of the action that has been taken and I would have thought if the House is endorsing the action that has been taken, it is endorsing all the different things that have been done as a response. The action that I took, Mr Speaker, was to send a memorandum to the British Government for them to take that memorandum into account in answering the Foreign Affairs Committee Report and I made that memorandum public. People can agree or disagree or endorse it or reject it but it is there for anybody to read. I have not read what the Chief Minister and the Leader of the Opposition have sent. There is no reason why I should read it because I am not a party to it. The facts about Gibraltar which was issued recently was issued in the name of the Chief Minister and the

Leader of the Opposition and signed by them. If I were to vote my endorsement to that then I would have endorsed it by going along and signing it in the first place. I am afraid I cannot do it. I do not want to take a critical position of the Chief Minister and the Leader of the Opposition in what they are doing because if they do things one way and I do things another way because we have got different approaches to a common problem, I do not want that to be misunderstood into being seen or that it should be suggested that I believe that what we all want at the end of the day is something different. It is just that I believe that the approach should be one and that my approach will get us there but I accept that I could be wrong and other people could be right. But I cannot endorse the way they are doing it otherwise I would do it that way myself. I am afraid it is going to be impossible for me to accept that part.

HON CHIEF MINISTER:

Mr Speaker, may I just mention a matter of procedure on this. I wonder whether the amendment could be taken paragraph by paragraph and then the Honourable Member could abstain or whatever in respect of the second paragraph.

HON J BOSSANO:

If we take it that I have just given way, Mr Speaker, then I can carry on. I think the only problem with that is that much as I regret that we should only be regretting the conclusions, I still want to regret it and therefore if I abstain on that one I am abstaining on an important element in the motion. What I cannot do, I am afraid, is endorse the action that has been taken. I would not like to vote against the action that has been taken, I just have a different point of view, so I would not like to vote against the action taken by the Chief Minister and the Leader of the Opposition. On the other hand, I would not like to abstain on the only part of the motion that makes any reference to the conclusions of the report.

HON CHIEF MINISTER:

Mr Speaker, this is a matter of great national importance. May I make a slight rehashing of the numbering and leaving 1. as it is. 2. "regrets many of the conclusions and recommendations in that report" and 3. "notes and endorses the action which has already been taken". 4. "notes the representations by the Honourable J Bossano"; and 5. "expresses every confidence..." so that in that case the "regrets many of the conclusions and recommendations in that report," can be voted unanimously.

MR SPEAKER:

I would then suggest for the purposes of procedure that a member of the Government who has not spoken should propose an amendment to the amendment.

HON A J CANEPA:

Mr Speaker, I beg to move an amendment to the Chief Minister's amendment but would sub-divide paragraph 2 into two paragraphs.

MR SPEAKER:

You want to delete the word 'and'.

HON A J CANEPA:

Delete the word 'and' in the second line of paragraph 2; insert the figure (3) in front of the word 'notes' in that second line and consequentially renumber paragraph (3) as paragraph (4) and paragraph (4) as paragraph (5) in the Chief Minister's amendment. I beg so to move, Mr Speaker.

Mr Speaker proposed the question in the terms of the Honourable A J Canepa's amendment to the amendment.

HON J BOSSANO:

Mr Speaker, I have a slight problem also with paragraph (5) which expresses every confidence that Her Majesty's Government's response to the Report will take full account of the views put forward by the Chief Minister and the Leader of the Opposition. I would not wish not to express confidence that Her Majesty's Government will take full account because I feel that if they take full account then that will be sufficient. On the other hand, having noted that I myself have made representations we are not expecting Her Majesty's Government to take account of what I have had to say on the subject and if I am to be completely honest with the House I cannot say with my hand on my heart that I can express full confidence that Her Majesty's Government takes full account of anything I ever say on any subject. I want to be as accommodating as possible because I feel above all else the last thing that we want is that we should have serious divisions amongst ourselves on this subject and yet I cannot see how I can express full confidence, although I want, in fact, I want to make it quite clear that the last thing I want is that Her Majesty's Government should ignore the views of the Chief Minister and the Leader of the Opposition because I think that would be a disaster. If their views were ignored which by implication are more diplomatic than mine, then I stand no chance at all, Mr Speaker, I do not know whether Members feel that they can express confidence that full account will be taken on my representations, but I would be delighted to hear that they can.

HON CHIEF MINISTER:

I will get one of my many Members to move another amendment and I hope it is acceptable to the Leader of the Opposition, I have not been able to make any telegraphic contact with him but if we are going to make this a composite thing that is going to be

acceptable perhaps the last paragraph might read; "expresses every confidence that Her Majesty's Government's response to the Report will take full account of the wishes of the people of Gibraltar".

HON M K FEATHERSTONE:

Sir, I beg to make an amendment to paragraph (5) which will delete all the words after the last "the" in the second line and to put instead "wishes of the people of Gibraltar".

HON P J ISOLA:

Mr Speaker, I think I can go along with that.

MR SPEAKER:

I will propose the question which is that the amendment to the amendment be further amended by the deletion of all the words after the word "the" in the fifth paragraph thereof and the substitution therefore of the words "wishes of the people of Gibraltar".

HON P J ISOLA:

Mr Speaker, I think we would support that amendment. I think it is a much fairer amendment as long as the Honourable Mr Bossano bears in mind that here we are referring to the wishes of the inhabitants of Gibraltar and not to the newspaper.

Mr Speaker then put the question in the terms of the Honourable M K Featherstone's amendment which was resolved in the affirmative and the amendment was accordingly carried.

Mr Speaker then put the question in the terms of the Honourable A J Canepa's amendment, as amended, which was resolved in the affirmative and the Honourable A J Canepa's amendment, as amended, was accordingly carried.

MR SPEAKER:

I will remind the House that the question before the House is the amendment as moved by the Honourable and Learned Chief Minister with the amendments to it that were proposed by the Honourable Mr Canepa and the Honourable Mr Featherstone. Does any Honourable Member wish to speak on the question as it stands?

HON MAJOR F J DELLUPIANI:

Mr Speaker, when the Foreign Affairs Committee's Report became public quite a few good friends of Gibraltar who had read them immediately approached me and said; "Be careful how you handle the situation, the House of Commons is very sensitive towards

how we might criticise their Select Committee etc, they are very protective". I think this is true, I think we would probably be protective towards our own Select Committee if they were criticised by anybody else. Notwithstanding that, my biggest surprise of the Foreign Affairs Committee Report was that one of the advisers there had given evidence for the Committee and that really shocked me and I did not know that when I appeared. I think I would have made a few remarks if I had known. It is very significant that the two advisers have very close connection with Spain. We know that one of the professors has a house near Rota and the other one, his mother is half Spanish, I think, and in fact a Basque. I wonder if we could describe him as a little basket.

HON CHIEF MINISTER:

Mr Speaker, I think the main spirit that comes out of this is that when it comes to big things, as the Honourable Mr Bossano said yesterday in another connection, we try and get together and we try and find a dignified answer to meet, within the general spectrum of protection of Gibraltar, the varying approaches to the matter and I hope, first of all, that it is in order to put the various paragraphs separately for voting and I do hope that the Honourable Mr Bossano will see his way just to abstain on paragraph 3.

Mr Speaker then put the question in the terms of paragraphs (1), (2), (4), and (5) of the Honourable the Chief Minister's amendment which read as follows:-

- (1) notes the House of Commons Foreign Affairs Committee's Report on Gibraltar;
- (2) Regrets many of the conclusions and the recommendations in that Report;
- (4) notes the representations made by the Honourable J Bossano on behalf of the GSLP; and
- (5) expresses every confidence that Her Majesty's Government's response to the Report will take full account of the wishes of the people of Gibraltar".

The question was resolved in the affirmative.

Mr Speaker then put the question in the terms of paragraph (3) of the Honourable the Chief Minister's amendment which read as follows:

- (3) notes and endorses the action which has already been taken on this matter by the Chief Minister and the Leader of the Opposition on behalf of their respective parties;

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

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A J Haynes
The Hon P J Isola
The Hon A T Loddo
The Hon Major R J Peliza
The Hon J B Perez
The Hon W T Scott
The Hon R G Valarino
The Hon D Hull
The Hon R J Wallace

The following Honourable Member abstained:

The Hon J Bossano

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The Honourable the Chief Minister's amendment, as amended, was accordingly passed.

MR SPEAKER:

You may be surprised to hear this but you now have to take another vote which is exactly the same because we now have before the House the motion originally moved by the Honourable J Bossano, as amended.

Mr Speaker then put the question in the terms of the Honourable J Bossano's motion, as amended, which now read as follows:

"This House -

- (1) notes the House of Commons Foreign Affairs Committee's Report on Gibraltar;
- (2) regrets many of the conclusions and the recommendations in that Report;
- (3) notes and endorses the action which has already been taken on this matter by the Chief Minister and the Leader of the Opposition on behalf of their respective parties;
- (4) notes the representations made by the Honourable J Bossano on behalf of the GSLP; and
- (5) expresses every confidence that Her Majesty's Government's response to the Report will take full account of the wishes of the people of Gibraltar".

On a vote being taken on paragraphs (1), (2), (4) and (5) of the motion the question was resolved in the affirmative.

On a vote being taken on paragraph (3) of the motion the following Honourable Members voted in favour:

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

The following Honourable Members abstained:

The Hon J Bossano

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The Honourable J Bossano's motion, as amended, was accordingly passed.

BILLS

SECOND READING

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) ORDINANCE, 1981.

HON CHIEF MINISTER:

Mr Speaker, I beg to move that this Bill be read a second time. Mr Speaker, earlier on in these proceedings we agreed to set up a Select Committee to look into the question of the Landlord and Tenant (Miscellaneous Provisions) Ordinance and generally in respect of dwellings and business premises. As is well known, in July of this year the Government published and we had a First Reading of the amendment to the Landlord and Tenant (Miscellaneous Provisions) Ordinance and at that time, it was at the beginning of the last meeting before the summer recess, I said that we were only going to give a First Reading to the Bill in order to give people time to make representations because it was a matter of very wide interest and it was necessary to do so in that way. It is well known that as a

result of that considerable amount of interest has arisen on both sides of the spectrum of the interested parties, that is, the tenants and the landlords, and also in between the people who may not be affected but who have an interest in justice being done generally and so on. It was also represented that one had to be careful in the circumstances of Gibraltar not to do anything that might possibly affect the prospects of investment on which we spoke about at great length yesterday in another context and which was necessary to safeguard and for that reason the Select Committee was appointed. The position now is, of course, that because of the publication of the draft Bill, we do not want people to rush into taking advantage of a situation because the law is going to be changed, to the detriment, particularly of tenants, and this draft Bill is to make purely temporary provision in respect of all tenancies, that is, contractual and statutory tenancies, relating to the periods of notice required to increase rents and terminate tenancies. I would like to say that it does only refer to the increase of rents and the termination of tenancies, it does not affect, for example, the right of landlords to evict tenants who do not pay rent and does not deprive tenants of their present rights under the Landlord and Tenant (Miscellaneous Provisions) Ordinance. It purely freezes notices of all tenancies, and it is intended to be of all tenancies including furnished tenancies, for a period of six months and it refers, of course, to the two periods, one under Clause 3, subsection 1 which is the notice to increase the rent payable in respect of the tenancy, or a notice determining the tenancy has been made any rule of law. Under Clause 2 it shall apply to a notice described in that subsection served by a landlord on a tenant at any time on or after the 7th of July being the date of the publication of the Landlord and Tenant (Miscellaneous Provisions) Bill. The Bill would remain in force until the 30th April, 1982 and would then expire. It imposes no new requirements and in fact where by law or contract a longer period would apply, it does not interfere with it. Where a notice is given during the period the Bill will remain, in effect, the minimum period required by the Bill for any notice so issued must continue to run even though the period will expire on or after the 30th April, 1982. The enforcement of the Ordinance is the time that applies to the period of notice. There are excepted from the scope of the Bill notices of permitted increases under Section 9 of the Landlord and Tenant (Miscellaneous Provisions) Ordinance, where a tenant has sublet the protected tenancy. As is well known, when a tenant sublets a protected tenancy he has to give a 25% increase of the rent to the landlord and that, of course, is protected. There are also excepted under the provisions, notices to determine tenancies served by reason of non-payment of rent that is already legally payable. Of course, the Courts in that case have always got the right of release on payment of the amount due so that there is really no real hardship. I understand there is a valid comment by the Honourable Leader of the Opposition which we will deal with when we come

to the Committee Stage about the dates of the notices. At this stage, Mr Speaker, I commend the second reading of the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, I must confess that we have not really had that much time to examine this Bill because, unfortunately, I was otherwise engaged this morning. The point I made, I think, to the Honourable and Learned Attorney-General is that the six months period should really start as from now to end on the 30th April, 1982, so that notices that have been given after the 7th July should really be extended until then which will cover the period during which we hope our Select Committee will make the recommendations although I have my doubts as to whether they will do this by the 30th April, 1982. I hope they will. That is one point. The other point I make is that we are not covered, of course, in respect to any orders for possession, any actual cases that may be in the pipeline for possession, they would be gone. If there are proceedings before the Courts now for possession in respect of notices given before, they might be caught. I think what this Bill intends is a moratorium excepting certain defined instances and then I wonder whether there may not be a need for more amendments. We support the Bill pending the Report of the Select Committee.

HON J BOSSANO:

Mr Speaker, I will be voting against the Bill as it stands although I will be moving amendments which would make the Bill a moratorium; I do not think it is at the moment. I hope I have understood it correctly but on the basis of my reading of the Bill all it does is it says that rents cannot be increased at less than six monthly intervals, there is no question of how large or how small the increase has got to be.

HON CHIEF MINISTER:

If the Honourable Member will give way. The point that is intended is that the people who are now in tenancies, because there is this possibility that there may or may not be some restrictions on it, landlords cannot take advantage of giving notice and getting themselves into the act, so to speak. Take, for example, furnished flats which it applies to because it applies to all tenants, furnished flats. Nobody can now be said to be thrown out. In order to increase the rent of a

furnished flat you have to give notice and therefore you would have to give six months notice. The idea is that by that time, at least if not the full recommendations of the Select Committee, perhaps there may be some interim recommendations that would substitute this legislation. Really, in a way, it is a moratorium on increases of rent for six months because in fact it freezes rents in that it cannot be altered without giving six month's notice whereas now in a furnished flat you could do it by giving one week's notice.

HON J BOSSANO:

I think it will fail to do that. I think what would happen would be that anybody, for example, who had been given notice on the 8th July that his rent was going to be doubled, would find it doubled on the 8th January after the six months and presumably would have to be repaid what he had already been paying extra since July. What subsection 2 of Section 3 does is to say that the six months notice is made retrospective to the 7th July in those instances where the rent has already been increased so, presumably, although it does not say so here, the tenant would be able to recover the rent he has already paid.

HON CHIEF MINISTER:

That is the point made by the Leader of the Opposition.

HON J BOSSANO:

But apart from that it would seem to me that whether it is six months from July or six months from today, in six months time whatever rent increase the landlord has given notice of he will be able to implement.

HON CHIEF MINISTER:

Unless, of course, by that time there is some legislation limiting that and that is why it is a moratorium.

HON J BOSSANO:

In that case, Mr Speaker, I would put it to the House, and I shall be moving amendments at the Committee Stage to that effect, that we should amend Section 2, subsection 1, which has the date on which the Ordinance expires and remove the date of expiration and that therefore the Ordinance should remain in force until it is repealed by legislation that introduces controls, therefore, the moratorium would be there, not for six months, but for whatever period the moratorium is necessary.

HON J B PEREZ:

If the Honourable Member would give way. We would still have the problem because the Ordinance only requires the landlord in cases like dealing with post-war houses, to give six months notice, that is the requirement under this proposed Bill. For however long the Bill becomes law, becomes the Ordinance, say, if you have it for another year, the requirement is still only of the six months notice.

HON J BOSSANO:

No, Mr Speaker, I am about to change that now.

MR SPEAKER:

We still have got the Committee Stage where we can deal with this. We are talking on the general principles.

HON J BOSSANO:

Yes, I accept that it is the general principles but in a Bill that runs to three pages, Mr Speaker, and where I am seeking to change half of them I do not see how I can talk about the general principles.

MR SPEAKER:

That will come in due course at the Committee Stage.

HON J BOSSANO:

I prefer to do it now, Mr Speaker, because at the Committee Stage I am likely to find that people have not had sufficient notice of my intentions, this is why I am putting it now, and because as far as I am concerned the amendment that I will be moving at the Committee Stage goes to the heart of the general principles of the Bill.

MR SPEAKER:

I think you are right in giving notice of your intentions, in principle, to the amendments you are going to give but let us not discuss the merits of the amendments.

HON J BOSSANO:

I think the Honourable Member pre-empted what I was going to say next by thinking that I was just seeking to change the date. I am not only seeking to change the date, I am seeking to change the date and also to eliminate the six months by having the provisions in subsection 2 of Section 3 re-worded to say that "no notice to increase the rent or to determine a tenancy

would be valid until such time and on such terms provided for by the Ordinance that repeals this law". As far as I am concerned that is the only way that this law could be considered a moratorium. If the moratorium is for six months in the expectation that there will be something to replace it in six months, then let us make it an open-ended moratorium and if the replacement of this law is ready in six months then there will be no difference, if it is sooner than six months it can be done sooner, and if it is later it can be done later but if in fact on the 30th April we are not ready with anything to replace this, there is nothing to stop people on the 1st May doing what we are seeking to prevent them doing now and therefore, as far as I am concerned, and I am convinced myself from my own experience of Select Committees, Mr Speaker, that with something as controversial and as complex as housing legislation, to really give the Select Committee the task of coming up with anything worth looking at in as short a period as that, to my mind, is asking the impossible. I would say if there are people who are confident that it can be done then my amendment, by removing the time limit and making it a total rent freeze and a freeze on eviction until there is a law that provides on what terms this can happen, would in essence not change anything. If in fact this is not going to provide the protection then, obviously, my amendments would and this would not.

HON ATTORNEY-GENERAL:

Mr Speaker, the situation we are dealing with, I think is the case where the House knows it is going to review at length the Landlord and Tenant legislation and is taking an interim and a definite, and I think it is very important, a temporary step to freeze the position pending the general review. I do think the word temporary is important because I think it is not beyond the bounds of possibility, especially in respect of retrospective measures, that some people may think they can challenge the measure. I myself do not believe that it is open to challenge but I do think it is an important point having regard to the case law which is being developed in Gibraltar on landlord and tenant, to stress the temporary nature of the moratorium and for that reason, with respect, I do not really think it is possible to say that we will freeze rent increases or determinations until such time as this House enacts better legislation dealing with those increases and then they may only be unfrozen in accordance with the legislation, I think there must be certainty and it must be initially of temporary duration and of course it is always open to the House to come back again before that period is up and do something else. The principle which the Bill at present incorporates, if I can just restate it again, is over and above all other rules relating to landlords and tenants to superimpose a requirement that during the continuance of this Bill a minimum six months period of notice must be observed for either increasing rent or determining it. If, in fact, under the contract or under some other rule of law a longer period of notice is required then, of course, that will

prevail. The point made by the Honourable and Learned Leader of the Opposition that that may be fine as far as notice given on or after the date on which this Bill comes into operation are concerned, but we are seeking to deal with the situation of notices given after the Government disclosed the measure that was introduced into the House in July, the main Bill, which has now been referred to the Select Committee, so we have to cover that situation. It seems to me that there are two ways we can do it. We can either put a longer period of notice in for the situation of a notice that was given before this Bill comes into operation or we can simply say that the moratorium will have effect until the 1st May 1982, and any notice that has been given or is given on or after the 7th July and before that date, whatever other law governs that will not in any event take effect until the 1st May. Once we get to the 1st May then we would have to look at the terms of the contract concerned or the statutory tenancy concerned but if we just freeze everything until that date, and I must say if the Government were to endorse this I think this is the better approach and that would cover the point, I think, raised by the Honourable and Learned Leader of the Opposition. The only other matter I would like to refer to myself is the question of proceedings which are already pending. There may be situations where a notice has already been given and has had its legal effect inasmuch as it has given rise to an action in the Courts and there may, in fact, have been a possessional order already made or one may be under consideration by the Courts. I think myself that is not a situation that we can properly legislate for at this stage, if matters have gone that far then I think we must let the Court process take its course.

MR SPEAKER:

Does the Chief Minister wish to reply?

HON CHIEF MINISTER:

Yes, I just want to deal with the main points dealt with by the Honourable Mr Bossano. If it is left at large then it is not a moratorium, it is a change of the law until another change comes and therefore there is a danger that it could be found not to be within the rules. We are taking a very strong step in cutting down the rights of owners of flats, properties and so on, in freezing them for six months and therefore.....

HON J BOSSANO:

Mr Speaker, if the Honourable Member would give way. Is he suggesting that it is normal for a landlord to raise the rent more than twice a year? All that the law is saying is that a landlord needs to give six months' notice in order to increase the rent which means that he could not increase it more frequently than twice a year. To my knowledge there are very

few landlords that seek to increase rents at more than six monthly intervals. If there is no limit to how much the rent can be increased by anyway, I do not see really where the moratorium comes in.

MR SPEAKER:

I think what the Bill wishes to do is to prevent a host of landlords taking advantage.

HON CHIEF MINISTER:

That is the point. The point is that this arises because already we know, at least, there have been some complaints, I will put it that way, that since the publication of the Bill some people have wanted to act quickly in case the date of the Bill is changed or whatever and what we do not want, it is not that people normally do that, but we do not want anybody to take advantage without legislation that later on may be said that then we are acting retrospectively to upset something. Take an example that somebody increases the rent of a furnished flat by 100%, put the extreme case, and then the Select Committee makes perhaps an interim report and says that no increases in rent, since they have been considering the matter, should be more than 50%, then this protects the position whilst the matter is being looked into, it does not do any more but it does a lot in that respect in that it freezes the so-called abuse of some landlords. To some landlords it may mean nothing because they do not intend to increase the rent anyhow. This, if I may say so, mainly affects two areas and that is furnished flats and post-war dwellings because the others are already protected, that is all and that is what we want to do for six months. The other point is, alright, if the Committee were not to give us an indication by the March meeting, and we must have a March meeting because we always have a meeting before the Estimates so we must have a meeting whatever happens sometime in March. If we were to have an indication from the Select Committee in February or so that they were not going to be ready in March then, of course, we would review the situation and have another temporary Bill. It is not nice to do this but it is necessary if we are going to keep to the temporary nature of the measure because otherwise it could be challenged because it is interfering with people's rights in a rather draconian way, it may not appear to be but it does and therefore we have to do it carefully and we have to do it for a short period. Other than the point raised by Mr Isola on the question of the notice as given in July, whether the aim should be nine months instead of six months or whatever, I think that that is really the purpose of the Bill. We will look at any amendment that the Honourable Member may wish to think up but it ought to be looked at in the light of that thinking and that thinking only. A moratorium means a holding-up operation, a holding-up operation cannot be a forever holding-up operation.

HON J BOSSANO:

There was one point that I would like to clear up. Surely, Mr Speaker, the original Government Bill which is not being proceeded with at this stage, I assume it is still somewhere in the pipeline because we had notice of it originally in the House and it is not being proceeded with, that Bill provided that rents could not be increased by more than 10% in twelve months since the 7th July so that gave more protection and was more of a moratorium than this is.

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

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

The following Honourable Member voted against:

The Hon J Bossano

The following Honourable Members were absent from the Chamber:

The Hon G T Restano
The Hon H J Zammit

The Bill was read a second time.

The House recessed at 5.15 pm.

The House resumed at 5.40 pm.

COMMITTEE STAGE AND THIRD READING

HON ATTORNEY GENERAL:

Mr Speaker, I have the honour to move that the House resolve itself into Committee to consider the Landlord and Tenant (Temporary Requirements as to Notice) Bill, 1981, clause by clause.

HON M K FEATHERSTONE:

On a point of interest. Will the preamble appear in the Bill because it is rather overtaken by events, isn't it?

HON ATTORNEY GENERAL:

Mr Chairman, it will appear in the Bill and I think it is desirable, it is not strictly necessary legally but I think it is desirable.

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

Clause 2

HON J BOSSANO:

Mr Chairman, I beg to move that subclause 1 of Clause 2 be deleted and that subclause (2) and (3) be renumbered (1) and (2).

MR SPEAKER:

Do you wish to speak on your amendment?

HON J BOSSANO:

Mr Speaker, I take the point made by the Honourable and Learned Attorney General. My amendment seeks to remove the expiration date of the Ordinance and therefore the renumbering of Clauses 2 and 3 is consequential and the amendment I am proposing to Clause 2 provides a reference to a further Ordinance that will repeal this one and as far as I am concerned that indicates its temporary nature. I take the point made by the Attorney General but I am afraid I cannot accept that the argument is strong enough to overcome my objections to having a date on the Ordinance as it is. As far as I am concerned, if the amendment is defeated, then the Honourable and Learned the Chief Minister has indicated that the Government will, if necessary, legislate before that date and I would certainly, if the Government did not do it, I would seek to introduce a Private Member's motion to do it but at this stage I am still pursuing the point that I made earlier about moving the date.

Mr Speaker proposed the question in the terms of the Honourable J Bossano's amendment.

HON ATTORNEY GENERAL:

Mr Chairman, I do not think that my repeating my argument will make it any stronger in the Honourable Member's eyes but I do repeat that I think it is important that this Bill be expressed at this stage as a temporary measure.

HON A J HAYNES:

Mr Speaker, on the amendment to subclause (1) to be deleted from Clause 2 and given the fear expressed by the Leader of

the Opposition and enjoined by the Chief Minister regarding notices given on the 7th July, perhaps instead of an April date, it should be a date which coincides with six months from July and thereafter it could be renewed. If it is January then it could be renewed in January for a further six months, that would bring all the notices together.

HON CHIEF MINISTER:

The Attorney General proposes to do the same thing in another way and that is to make two dates, one for all six months of any notice made which may have been given from the 7 July onwards. He thinks that that would achieve the same objective, but perhaps he might explain that.

HON ATTORNEY GENERAL:

I think the objection which I understand the Honourable and Learned Member has in mind, namely, to bring together the expiry dates, will be achieved by the amendments I will be proposing to Clause 3 of the Bill. It won't put them on in tandem, as it were on the 1st July but it will put them in tandem as at the 1st May.

Mr Speaker put the question in the terms of the Honourable J Bossano's amendment and on a vote being taken the following Honourable Member voted in favour:

The Hon J Bossano

The following Honourable Members voted against:

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A J Haynes
The Hon A T Loddio
The Hon Major R J Peliza
The Hon J B Perez
The Hon W T Scott
The Hon Dr R G Valarino
The Hon D Hull
The Hon R J Wallace

The following Honourable Members were absent from the Chamber:

The Hon P J Isola
The Hon G T Restano
The Hon H J Zammit

The amendment was accordingly defeated and Clause 2 stood part of the Bill.

Clause 3

HON ATTORNEY GENERAL:

Mr Chairman, I beg to move that Clause 3 (1) be amended as follows:

- (i) by the deletion of the words "expiration of six months from the date of the service on the tenant of the notice" in both places where these words appear and the substitution thereof by the words "1st day of May, 1982".
- (ii) by the deletion of the words "of expiration" where they appear in the 9th line thereof.

HON J BOSSANO:

Mr Speaker, I will support this amendment because obviously it moves in the direction that I want to move the Bill in that I want a permanent moratorium and this effectively instead of making the moratorium six months from July makes it six months from now.

HON A J HAYNES:

Mr Speaker, it has been pointed out to me that the words 'or until' three lines from the end of that subsection are superfluous.

HON ATTORNEY GENERAL:

If the Honourable Member will give way. I think he is overlooking the fact that after the first "until" the words "1st day of May, 1982" will appear. The purpose of the second circumstance, if I can call it that, is to make it clear that even when the 1st May, 1982, comes if, in fact, the notice by virtue of the contract or the statutory tenancy is still to expire, then the tenant has the benefit of the second option.

Mr Speaker then put the question in the terms of the Honourable the Attorney General's amendment which was resolved in the affirmative and the amendment was accordingly carried.

HON J BOSSANO:

Mr Speaker, I have an amendment to subclause 1 of Clause 3 and subclause 2 of Clause 3. My amendment is, Mr Speaker, that subclause 1 of Clause 3 be amended by the insertion of the words "the 7th July, 1981, and until" between the words "after" and "the" in the first line thereof. This would mean that the provisions in subclause 1 would be limited to the notices given between the 7th July and the day the Ordinance comes into force and consequently the question of a rent increase which is already under notice or which is already in implementation,

would be deferred until the 1st May, 1982, following the amendment by the Honourable and Learned Attorney General. And to provide for cases, from now on I will be moving the amendment of subclause 2, I do not know whether I should explain that now because the two things are linked, Mr Speaker.

MR SPEAKER:

Could you repeat that, please.

HON J BOSSANO:

I am saying that my subsequent amendment to subclause 2 is relevant to the amendment I am making now because in the absence of the knowledge as to how I propose to amend subclause 2, it would appear that I am moving an amendment that will give protection until the Bill comes into force and therefore cease to have any effect at all. I would need to explain that in my second amendment I will propose that the whole of subclause 2 be deleted because subclause 2 makes reference to the 7th July, 1981, which I have already provided for by inserting the words '7th July 1981' in the first line of subclause 1 of Clause 3 and in substitution of these words that subclause 2 should read "otherwise than as provided for in subsection (1) of this section no notice to increase the rent payable in respect of the tenancy or a notice determining the tenancy shall be valid until such time and on such terms as are provided for in the Ordinance that repeals this Ordinance". In my judgement that is what would make this a moratorium and not anything else because, effectively, it would be saying the people who have already been given notice are given a measure of protection in that the validity of that notice is now extended until May next year. When this becomes law nobody can take action against the tenant other than as provided for in section 4, subsection (2) which is in cases of non-payment of rent, until the new proposals are brought in and the terms on which notices and increases can be made are brought in. If we are talking about a moratorium then I think this constitutes a moratorium, this simply constitutes a deferment of what can be done without any limit on how much rents can be increased or anything less. I commend the amendment to the House.

MR SPEAKER:

I will propose the amendment which is that Clause 3, subclause (1) be amended by the addition of the words "the 7th July, 1981, and until" between the words "after" and "the" where they appear in the first line of this subclause.

HON ATTORNEY GENERAL:

May I say at the outset, I think I now know how the Honourable Members feel when their motions are amended by deleting all the words after "this House". I cannot really do more than repeat

what I have already said on this point, namely, that I think it is essential that because we are, I won't say intruding, but we are controlling the rights or the interests of a certain group which happens here to be the landlord, I do think that really we must move by imposing temporary controls and I think myself that it would not, if I may say so and not be misunderstood by saying it, it would not be sound practice to impose what is in effect a moratorium indefinitely until such time as the House may take permanent action, I think it must be for term finite as this stage, that would be my own view.

MR SPEAKER:

Do you wish to reply, Mr Bossano?

HON J BOSSANO:

Mr Speaker, the three amendments, in fact, that I have moved are linked to the same position and there is a fundamental difference in the position.

Mr Speaker put the question in the terms of the Honourable J Bossano's amendment and on a vote being taken the following Honourable Member voted in favour:

The Hon J Bossano

The following Honourable Members voted against:

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A J Haynes
The Hon A T Loddo
The Hon Major R J Peliza
The Hon J B Perez
The Hon W T Scott
The Hon Dr R G Valarino
The Hon D Hull
The Hon R J Wallace

The following Honourable Members were absent from the Chamber:

The Hon P J Isola
The Hon G T Restano
The Hon H J Zammit

The amendment was accordingly defeated.

MR SPEAKER:

Do you then propose to go on with your second amendment?

HON J BOSSANO:

I think I might as well just for the sake of consistency. I beg to move that subclause (2) of Clause 3 be amended by deleting all the words that appear therein and substituting the words "otherwise than as provided for in subsection (1) of this section no notice to increase the rent payable in respect of the tenancy or a notice determining the tenancy shall be valid until such time and on such terms as are provided for in the Ordinance that repeals this Ordinance".

Mr Speaker proposed the question in the terms of the Honourable J Bossano's amendment.

HON CHIEF MINISTER:

There is a flaw in that in any case because there need not be an Ordinance to repeal this Ordinance because this Ordinance has an expiry date.

HON J BOSSANO:

Which I have sought to remove, Mr Speaker.

HON ATTORNEY GENERAL:

Mr Speaker, the Honourable Member has already taken the point that when I made my intervention before I was in effect speaking to the principle which I think covers this point as well as the previous amendment that he proposed.

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

The Hon J Bossano

The following Honourable Members voted against:

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A J Haynes
The Hon A T Lodo
The Hon Major R J Peliza
The Hon J B Perez
The Hon W T Scott
The Hon Dr R G Valarino
The Hon D Hull
The Hon R J Wallace

The following Honourable Members were absent from the Chamber:

The Hon P J Isola
The Hon G T Restano
The Hon H J Zammit

The amendment was accordingly defeated.

Clause 3, as amended, stood part of the Bill.

Clause 4.

HON A J HAYNES:

On Clause 4(2) I notice that the section is limited to cases where rent is owing, I would suggest that the Fourth Schedule of the main Ordinance which is the descriptive Schedule to section 22 covers a number of other grounds which offer protection to the landlord in cases where the tenant could severely prejudice his property rights. Perhaps, I do not need to list them all or read it out in full but they include the power of the landlord to obtain possession on unfurnished premises even where no alternative accommodation has been provided on certain grounds. Sir, I understand the fact that it is unfurnished accommodation which means it is not particularly connected with this or exclusively governed in this temporary Ordinance but the principles behind the Fourth Schedule describes the right of possession where rent has not been paid. Section (b) covers the landlord where a tenant or one of his sub-tenants has been guilty of conduct which is a nuisance or annoyance to adjoining property owners and so forth. Section (c) is perhaps not relevant, that is where a contract for sale has been entered into previously by the landlord and we might find landlords in breach of an agreement to sell and therefore liable to damages. Section (d) where the tenant has assigned or sublet part of the dwelling house and Section (e) where the dwelling house is still overcrowded as to be dangerous or injurious to the health of the inmates. There are two other subsections to the Fourth Schedule which concern the landlord's wish to apply the dwelling house for his own use or the use of his employees. I think perhaps for a six months period we can do without those two provisos but the ones which include a nuisance and a threat to the public health should perhaps be considered as valid exceptions to be included in Section 4, subsection (2) and similarly perhaps a tied cottage should also be included in the exception. Perhaps I can hear the views of the Attorney General on the point as to whether it would be unconstitutional not to include these things if they go against measures for which the public health is empowered to act.

HON ATTORNEY GENERAL:

May I say at once, Mr Chairman, that I think certainly as far as nuisances are concerned, there is substance in the point.

Can I also say at once that I do not think it is a question of being constitutional or unconstitutional but I think it is a question of sound policy, if I may say so, in relation to the existing laws. If I can have a moment to consult I think there is something to be looked at here.

MR SPEAKER:

You wish to have a few minutes to look into this, is that what you are saying?

HON ATTORNEY GENERAL:

Yes, if I may, Sir, it is quite an important point.

HON A J HAYNES:

Mr Chairman, perhaps on a drafting point, the proposed draft could be read in terms of; "section 3 shall not apply to any notice determining a tenancy if, but only if, subsections (a), (b), (c), (d) and (e) of the Fourth Schedule to the main Ordinance apply", that would, I think, be a way of circumventing the problem.

MR SPEAKER:

But I imagine, of course, that you would still have to leave the question of non-payment of rent.

HON A J HAYNES:

That is section (a).

HON CHIEF MINISTER:

I think if we have to safeguard the rights of people, I think we might as well take up the whole of the Fourth Schedule because that is much better. It was not intended to take that right away and there is no reason why they should be stopped because these are all exceptional cases. I am very grateful for the suggestion.

HON A J HAYNES:

I am much obliged for the kind words of the Chief Minister.

HON ATTORNEY GENERAL:

If I may, Mr Chairman, I do not know whether the Honourable Member has moved an amendment but I think I would prefer to draft the amendment.

MR SPEAKER:

I think the Honourable Member has suggested that you, as mover of the Bill, should propose an amendment.

HON ATTORNEY GENERAL:

In that case, Mr Chairman, I am indebted to him for his proposal and I think I prefer to deal with it by way of a new subclause because we are talking about a particular situation namely, special grounds under the Landlord and Tenant Ordinance.

HON A J HAYNES:

I would bow to the Attorney General's superior drafting ability in any event.

HON ATTORNEY GENERAL:

I do not wish to hold up the House, Mr Speaker.

MR SPEAKER:

We have to because we are in Committee.

HON A J HAYNES:

The other point which I had in mind which I am not sure where it should come in, perhaps it should come under exceptions. I have no definite proof that such cases exist but I have been told that certain tenants have already been effectively ousted as a result of being given notice of an increase in rent and thereby being more or less obliged to leave the premises.

HON CHIEF MINISTER:

That is not possible. We cannot retro-act against Court Orders.

HON A J HAYNES:

It was a point I considered but I did not know how to get round it myself.

MR SPEAKER:

Perhaps you may wish to substitute subclause (2) of Clause 4 for a new subclause, is that right?

HON ATTORNEY GENERAL:

It would be a new subclause (3) because it is a special situation, I think.

MR SPEAKER:

A new subclause (3)?

HON CHIEF MINISTER:

Clause 4, new subclause (3).

MR SPEAKER:

I would suggest that perhaps section 3 shall not apply to any notice determining a tenancy, if but, only if, it is on any grounds provided for in the Fourth Schedule to the Principal Ordinance.

HON ATTORNEY GENERAL:

I think we would still need subclause 2.

HON CHIEF MINISTER:

We cannot give a right to people to live for six months without paying rent.

MR SPEAKER:

But isn't the question of rent the first thing dealt in the Fourth Schedule of the Principal Ordinance?

HON CHIEF MINISTER:

Yes, I beg your pardon.

HON ATTORNEY GENERAL:

Mr Chairman, it seems to me that we have two situations. Is the policy of the Bill as presented to the House dealing with contractual tenancies or tenancies at large, to say that if rent is in arrears then you cannot get the benefit of the six months moratorium and that proposition, I think, goes beyond simply the statutory tenancies under the Landlord and Tenants legislation but in addition, as I understand the point made by my Honourable and Learned Friend, he is saying that we ought to also exclude it from the extension of the six months of the notice rule, recovery in the case of statutory tenancies on the specific grounds enumerated in the Fourth Schedule to the Landlord and Tenant Ordinance and I think, therefore, logically that would be a separate subsection dealing with that particular situation.

MR SPEAKER:

But doesn't the Fourth Schedule deal with the non-payment of rent?

HON ATTORNEY GENERAL:

But only in the cases of the tenancies to which it applies and

that, so far as we are concerned, is also a general proposition to cover all other tenancies.

HON A J HAYNES:

Mr Chairman, if one reverts to Clause 2 of the Bill and inserts a further subclause, subclause 4, that subclause 4 could read in the terms of the Fourth Schedule and thereby make the Fourth Schedule of the principal Ordinance applicable to all these tenancies.

HON ATTORNEY GENERAL:

Mr Chairman, if I may, I think I have a wording that would meet the situation. Would you like me to read it or would you like me to deliver it to you first?

MR SPEAKER:

Read it first.

HON ATTORNEY GENERAL:

In Clause 4 to insert as subclause 3 the following new subclause "(3) Section 3 shall not apply to any notice to determine any tenancy being a tenancy to which the Fourth Schedule to the Principal Ordinance applies on any grounds specified in that Schedule." I think that will meet the point made by the Honourable Mr Haynes.

HON A J HAYNES:

Except, Mr Chairman, that it will not protect the landlord of a furnished dwelling in respect of these matters.

HON CHIEF MINISTER:

Under the general Ordinance they are not protected, they are not statutory acts. It is a matter of not increasing the rent. In the case of a furnished flat, the only thing that there is protection is not to increase the rent but it does not prevent an action, say, for nuisance, a civil action for nuisance or anything like that proceeding. The only point that you give is the protection of freezing the rent and therefore this one is a statutory protection, the other is a common law or law of general tenancy protection.

HON A J HAYNES:

But there is also protection in respect of a furnished dwelling for notice to quit so this Ordinance will provide protection to the tenant of a furnished dwelling as against notice to quit and the landlord will only be able to ignore this temporary Bill, if and only if, the tenant in the furnished dwelling fails to pay rent.

HON CHIEF MINISTER:

No, his rights remain in every way except the right of the landlord at common law, whatever it is remains the same except insofar as increase of rent, it is specified.

MR SPEAKER:

Can we have the amendment.

HON A J HAYNES:

Mr Chairman, I don't wish to labour the point but I am generally perplexed in this matter. As I understand it the Bill proposes, among other things, to offer protection to the tenants of furnished dwellings against any notice to terminate the tenancy, for six months. During those six months when he is protected not only from rent which is not our interest, I am talking specifically about a furnished dwelling, the tenant of a furnished dwelling is protected for six months from the notice determining the tenancy. There is a proviso in section 4, subsection (2) whereby the landlord will be empowered to evict the tenant notwithstanding the six months provision provided he does not pay rent. That means that, in effect, again just talking simply about the tenant of furnished accommodation who has been given notice to quit and that's it, that tenant will be able to enjoy the six months protection at the old level. We are not talking about an increase in rent, we are talking about a tenant of a furnished accommodation who has been given notice to quit by the landlord on any of these grounds because the Fourth Schedule doesn't apply to a furnished dwelling because the landlord can get rid of him whenever he wants but, of course, if any of these facts were applicable to the case, the landlord would evict the tenant, not only because he is entitled under the law and the man has no protection, but naturally as a good landlord he would want to avoid having a bad tenant and therefore he would use his power to evict in these circumstances. What I am saying is, if the Bill goes through as drafted, the landlord, in the case of a tenant of furnished accommodation, will not be able to evict a tenant even though the tenant has done any of these things. What I am getting at is that the Fourth Schedule of the Ordinance should apply to both unfurnished and furnished accommodation even though in itself, in the principal Ordinance, it only applies to unfurnished accommodation and that is the point I would like to see. The drafting of the Attorney General ensures that as regards unfurnished dwellings the landlord's protection or powers within the Fourth Schedule are preserved. I would like to see in respect of furnished accommodation similar powers to these to be granted to the tenant and perhaps the easiest way would be to remove Section 2 and start again by rewriting Section 2 to read: "Section 3 shall not apply to any notice determining a tenancy if, but only if, in the case of any of the tenancies referred to under Section 2(3) of this Ordinance".

MR SPEAKER:

I think that your point would be met by the manner in which I suggested it should be amended because it does apply to any tenancy and it applies on the grounds specified in the Fourth Schedule to any tenancy.

HON CHIEF MINISTER:

Mr Chairman, I think we are really in a bit of a difficulty and I think that ten minutes recess might help us. We are getting into very delicate ground and we don't want to do more than we have come here to do.

MR SPEAKER:

Most certainly. Let us have a short recess to enable the matter to be resolved.

HON ATTORNEY GENERAL:

Mr Chairman, I am grateful to the House for its indulgence while this matter was looked at. May I, by the leave of the House, withdraw the amendment which I think I have already put to you and in its place propose another amendment to Clause 4.

This was agreed to.

HON ATTORNEY GENERAL:

I move the following amendment. In Clause 4 to delete subclause (2) and to substitute the following new subclause: "(2) Section 3 shall not apply to any notice determining a tenancy by reason only of any act or omission by the tenant (other than a refusal or failure by the tenant to agree to an increased rent to be paid by him to the landlord), being an act or omission that entitles the landlord absolutely or at the discretion of any court or tribunal to determine the tenancy". If I may just explain the amendment. The objective of the Government is to create a moratorium for notice to increase rents and notices to determine tenancies simply in order to increase them. It is not the Government's purpose to impose a moratorium for notices to determine tenancies for any other reason and so it seems to me the scheme that this would adopt would be to describe the general proposition in subclause (3) which is already there, and then to provide a sufficiently wide exception in subclause (4)(2) and I would like in proposing the exception, and in my draft I have endeavoured to achieve this, to avoid referring to any specific statute, in other words, we are dealing with tenancies generally and so I have couched it in as wide a term as possible. I am grateful to the Honourable and Learned Member for drawing my attention to this important point and I think this amendment should achieve the purpose.

Mr Speaker then put the question in the terms of the Honourable the Attorney General's amendment which was resolved in the affirmative and the amendment was accordingly passed.

Clause 4, as amended, was agreed to and stood part of the Bill.

Clause 5.

HON ATTORNEY GENERAL:

Mr Chairman, in consequence of the amendment to subclause (1) of Clause 3, Clause 5(2) would no longer be necessary. Accordingly, I move the deletion of that subclause.

Mr Speaker put the question in the terms of the Honourable the Attorney General's amendment which was resolved in the affirmative and Clause 5, as amended, was 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:

Mr Speaker, I have the honour to report that the House has considered, in Committee, the Landlord and Tenant (Temporary Requirements as to Notice) Bill, 1981, and recommend that it be passed with the amendments shown and I accordingly move that it be read a third time and passed.

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

ADJOURNMENT

HON CHIEF MINISTER:

Mr Speaker, I beg to move that this House do adjourn sine die.

MR SPEAKER:

I now propose the question in terms of the motion proposed by the Honourable and Learned Chief Minister that this House do now adjourn sine die and in so doing I will call on the Honourable and Gallant Major Peliza to exercise his right to raise a matter on the adjournment.

HON MAJOR R J PELIZA:

Mr Speaker, I know we have had a rather long session.

MR SPEAKER:

May I say that if you look at the clock now it is exactly 6.45 pm.

HON MAJOR R J PELIZA:

It is a quarter to seven now, yes, I know. It is really forty minutes, isn't it, but, of course, I definitely intend to allow time for the Minister to answer. As I was saying, Mr Speaker, I know that we have had rather long and very interesting debates but we are really getting tired by now, I can see it in the Member's faces, and it is certainly not the best time to try and deliberate on a matter on which a vote is not taken at the end and therefore it is very much like asking a question without expecting the listener to give a reply which normally means that no one listens to the question and certainly, Mr Speaker, I would not bring the matter to the House if it were not a matter of £10m, that is the matter that we are discussing here tonight and also, Mr Speaker, because the people who are concerned in this trade are all very worried by the trend that this has been taking the last two years, getting worse as it goes along and with no hope at the moment of the situation getting any better. Mr Speaker, if we look back we have what was called the winter of discontent of 1980, then I think we can call this summer, the summer of deception, now this present winter of depression and if we are not careful we are going to have a 1982 of disaster and there is very little time in which to avoid that situation. We have but a few months to go now if whatever marketing we are going to do is going to be effective and this is one of the reasons, Mr Speaker, why very much against my wishes, knowing that I am not going to gain any personal popularity by keeping the Members in the House any longer, of course, they are always free to go, they know they can if they want to, it is simply because I think that this House cannot wait another four or five weeks to have their attention drawn to the very serious situation and the despondency, Mr Speaker, that is beginning to overtake the people of the industry. I have had an opportunity of talking, going round and chatting to the people concerned and I have not heard one person say: "Things are not too bad". They all say: "It is terrible". If you ask whether things are likely to get better, they all say; "No, you might be told by the Government that they are expecting great things but certainly nobody believes that the situation is getting any better". That, in my view, Mr Speaker, is a terrible situation for this industry to be in. They are completely, totally, demoralised and some people are already discharging labour. I was told only today that it is not only inside the industry but other persons working for the tourist trade are being discharged.

HON J B PEREZ:

Mr Speaker, on a point of order, if I may. Did the Honourable

Member give notice that he wanted to raise matters of the Tourist Survey Report or is he talking about tourism in general?

MR SPEAKER:

The Honourable Major Peliza gave notice that he wished to raise the question of the 1980 Tourist Survey Report and matters related with the tourist trade, generally, on the adjournment.

HON MAJOR R J PELIZA:

If we look, Mr Speaker, and this is one of the reasons why I have raised the matter here because it so happens that the Government laid the Report on the table at this meeting and, naturally, I and I think the trade, generally, are extremely interested in this Report but what I think is very disconcerting is to read in paragraph 1 under (a) Sampling method, and I will not read the whole thing but the last paragraph, almost half way down the page, says: "A total of 200 interviews were satisfactorily completed. It is considered that the sample size is not large enough for a seasonal analysis of the results to be meaningful". So how meaningful is the Report and why bother to have a Report which is not meaningful? I do not say it is meaningless, of course, I do not think it is meaningless, I think that there is a lot in the Report that is useful but I think that something should be done so that this Report on the future is not described as not being meaningful which is in fact what that sentence says. One of the reasons they say is because they have only taken 200 samples. The cost, if the Minister looks on the previous page right at the bottom, it says: "The cost of the survey in terms of payment made to interviewers was £90". On a business for Gibraltar which is worth £10m, to spend £90 to produce a Report which is not meaningful shows, Mr Speaker, how little interest the Department is taking on the marketing of tourism for Gibraltar because otherwise this could not have happened and it is clear, therefore, Mr Speaker, why those concerned with the trade are so despondent. Add to that the fact that all those concerned have been asking for the formation of an Advisory Board in which they can contribute with their knowledge to improve the situation in Gibraltar and the lack of interest on the part of the Government to try and form one once and for all, adds again to the belief that the Government does not really care about tourism in Gibraltar. I do not believe that the Government does not care but I do believe that they have been incompetent and I do believe that this very serious matter for Gibraltar must be aired and I do believe that we must urge the Government to do something serious about it and not just come to this House giving answers to questions which in many cases are not complete, accepting motions of the House where it says: "Yes, with urgency we are going to form a Tourist Board". This was last November, Mr Speaker, it is now a year and the Board is not in

existence, Mr Speaker, and that to me is not fitting this very important matter of finance to Gibraltar with any sense of interest, in fact, I would say even with no sense of responsibility because if a Minister undertakes to follow a decision of this House one can expect him to do so and if he does not do so within a couple of months, he should come and say: "We cannot do it and therefore I am not going to do it", but not dilly-dally and waste time for over twelve months, leaving the trade not knowing whether they are coming or going and this is the position of the trade here in Gibraltar today. Mr Speaker, it is interesting in the Report to read how money comes to Gibraltar and I think rather than think of visitors and numbers, after all, we are interested in the takings. Where do we get most, where can we get more from? In this Report it says: Visitors: Arrivals at hotels is £5.8m; excursionists from Morocco £.743m; excursionists from Cruises £.604m; visitors from Yachts £1.169m; visitors in supplementary accommodation £2.023m; in-transit visitors £.014m; the total being £10.421m. I think it is a very good sum of money and I think it is something that we do really want to preserve and increase. I do not know, Mr Speaker, what are the marketing arrangements, what plans the Tourist Office has got, but based on this I would like to hear the Minister give some convincing schemes to improve those which are doing well and to do something about those which are not doing so well. What are the plans, what is the scheme, what do they expect that to produce? It is no use, Mr Speaker, to produce a plan without having targets. It is very important to have targets, it is very important that those targets should be made public because that is the only way that we are going to measure whether the Government is producing results because if we have schemes without targets it is like a business which decides how much they are going to spend in advertising, how much money they are going to put into stock, etc., etc., without working out how much they have got to sell to be able to pay for all those expenses. I think it is a principle of anything that we do in this life, to set ourselves a target that not only makes the plan much more realistic and also those concerned much more responsible in producing the plan but also urges everybody who is working to achieve that target to put all their energy, all their knowledge into the scheme whatever it may be. That, Mr Speaker, we have not seen in the past, that I would like to see the Minister adopt and I wonder whether the Minister would say whether he can and is prepared to accept that challenge of setting himself targets for the industry and then, if they achieve it, say why they have achieved it; if they do not, explain why they have not done it. That, in my view, is the way, as I said before, not only to put more impetus in the plan and the scheme but also, I think, Mr Speaker, to learn from the mistakes to carry out sound analysis of what has happened today so that we do not make the same mistakes tomorrow and so adapt our marketing, our schemes, to the situation of the future. It is interesting to see, Mr Speaker, how it is that we get the people to Gibraltar. It is rather interesting that from personal recommendation we get

39%, from Travel Agents we get 26% and from advertising 17%, then articles in the press 5% and other methods 13%. I would like to know, Mr Speaker, if this has been taken into account in the past and how they have geared their marketing plan as to what has happened in the past and how they have geared it for the future. I would like to know that because it is only by knowing what they have done in the past in this respect, whether they have produced results, and how they are gearing for the future to see if we are going to have similar results. Personal recommendation obviously is important, in fact, it is a very high figure, 39%. That tells us that that perhaps is a successful way of bettering our business. If, with the situation as it is in Gibraltar, we can get 39% on personal recommendation, it shows that if we were to improve our product that figure might rise very considerably. The Department should apply itself very, very seriously to improving the product. In improving the product we want to do a number of things, as I see it. First of all, we want to improve the amenities in Gibraltar. Secondly, we want to give character to Gibraltar. Thirdly, Mr Speaker, we must ensure that the standard of our accommodation and services are good and, lastly, and perhaps the most important, that there are means of bringing tourists to Gibraltar, in other words, air communications. Perhaps I would like to start with the last one, air communications. I understand that many people who have wanted to come to Gibraltar have been going to Tourist Agents and have been told that Gibraltar is full when we all know that Gibraltar has not been full. This has been going on, apparently, for months. What did they do to prevent that situation from recurring and it has been recurring all the time? What action did they take? I have come on many occasions and not only are the hotels not full but the aircraft in which I have been travelling has not been full. Some coordination is required to make sure that this does not occur. The situation, of course, is very difficult when the planes are full and I must say that on many occasions they are full and I personally who travel quite a bit, find it extremely difficult to get on planes now and again. I hear that what they say is that lots of seats intended for tourists are taken by other travellers who come over to see families and so on. Whilst I appreciate that the tourist must be given a good deal of priority because they do bring the money that enables Gibraltar to tick, at the same time we must not forget the family passenger who in the present circumstances of Gibraltar must get that attention and must be given facilities, certainly within means of the majority of the Gibraltarians so that they are able to continue to come and go either for pleasure, recreation or for other reasons, perhaps, to see relations in England and so on and so forth. Whilst thinking of the tourist, and I plead with the Minister to realise this, he must not forget that very important traffic between Gibraltar and Britain. In this respect I would like to hear if the Government has got a scheme in mind. This is not the first year that this has happened, this has been

endemic, it has been slightly improved, I think, by the fact that charter planes started coming over but somehow we seem to have got back to the terrible situation whereby there are not enough seats on the plane. I do not know whether this is related to fewer tourists staying in Gibraltar or not. I do know, and the Minister must know, that a number of travel agents are no longer selling Gibraltar and that is serious because we find, if we look at that Report that I mentioned before, that 26% come on recommendation from Travel Agents, that is also a very high figure. Therefore we have to think first of personal recommendation and at the same time we have to think very seriously about how can we get Travel Agents to recommend Gibraltar because the word used here is "recommendation". I think, therefore, the operative word here is recommendation and I think all of us who do travel realise the importance of recommendation. I am told and, in fact, I have seen a beautiful brochure of Gibraltar in colour where you see the Piazza with beautiful sun umbrellas, lovely food on the tables and so on and so forth. You just imagine you being a tourist, coming to Gibraltar because you have seen this lovely Piazza and coming down looking for the Piazza which you have been told is a lovely place to see and when you come here what do you find? Do you believe that it is fair to bring a tourist on that brochure to Gibraltar to discover the state that the Piazza is in? I tell the Minister for goodness sake to look at the brochures, go round see if they compare satisfactorily and if they do not, do something about it to make sure that it does because you are responsible in the end, the Minister is responsible in the end and if he finds that he is incapable of doing it, if the Department cannot do it, if it is impossible, then I suggest that he resigns but certainly, Mr Speaker, not to allow things as they are. This is why we are not getting tourism in Gibraltar. I think that those points must be noticed and taken seriously. I am not doing it here for the fun of it, I am serious about it and if I am speaking with a certain amount of passion I am doing it deliberately because I think if I didn't we should all go to sleep, including myself. Mr Speaker, the embellishment of Gibraltar is very important. I am going to point out things that I see when I come. Take Casemates which I referred to in this House some time back. When I arrived this time they were plastering it and they have just about finished it. But the other place that I pointed out, the East side of the Government Secretariat, which is seen by all the Ministers every day as they go by. The place is filthy, the walls are filthy and if he looks over the Tourist Office, the roof of the Tourist Office is held by tarpaulins which are torn and bits of rope are hanging down on the side of the wall. If that is the state of the Tourist Office you can imagine how the rest of Gibraltar is like and then I commend to the Minister to go and have a look. On the other side of the Tourist Office there is a little car, the wheels are off the number is G32271, it has been there for some time and I have no doubt that it is going to remain there, Mr Speaker. I don't know who is in charge of going round and

looking at this but whoever it is, is not doing his job. I advise the Minister to go somewhere else, Irish Town, where Irish Town goes into Cooperage Lane. There he will see a van, this has got no wheels at all and no roof. It is all piled up inside with rubbish, perishable rubbish, the number I think is G38173, it has even got the number plates. It has been there since I arrived on Friday it is even a health hazard, Mr Speaker. Who is responsible to go round that street looking for those things? He certainly has not done his job. If he hasn't done his job, why the hell can't he be told. It is no good passing legislation, Mr Speaker, if the fellow who is supposed to enforce it is not going to do anything about it. I welcome the legislation the Government has brought in relation to the cleanliness of Gibraltar, I welcome it very much, but I do hope that the Minister who is interested to see that his product is worth something will make it a point of going round, walking or on a bicycle, Mr Speaker, or in roller skates, I don't care two hoots how he does it but that he does go round and keep an eye. If I have a shop I would go into the shop and I look around to see how things are. The Minister should make it a point of he himself going looking round. Do you know what Mr Lee Kuan Yew did in Singapore to make the place clean? He went out to the street with a brush and he did the scrubbing himself for a few days to show example. That is a fact, Mr Speaker, and this is perhaps what we want the Minister to do, come out, give an example and get things right because there is no other way, there is no other way that this is going to be done. I would certainly do it, I might even do it as the Shadow Minister if the Minister doesn't do anything about it.

HON CHIEF MINISTER:

Would he do it here or in Oxford Street?

HON MAJOR R J PELIZA:

Well, I couldn't care less about Oxford Street quite honestly, Mr Speaker, that is not my home town, this is my home town and this is what I am talking about. I think perhaps the Chief Minister is thinking more about London than Gibraltar, I am thinking more about Gibraltar than London. So, Mr Speaker, I think that it is extremely important that we take this matter seriously. I pointed out here that it was important to embellish Gibraltar. I suggested that we should have Committees for different districts which were encouraged, perhaps working under the Advisory Board, where people like the conservationists who know about the history of Gibraltar, who are interested in the historical side of Gibraltar, combined with the local people the tenants of the houses and so on who produce our character, what we are, and together, Mr Speaker, work towards a scheme. The Government could give prizes and even support them, finance them to carry out the schemes to make the place

look clean, attractive, with the character of the Gibraltarians implanted in it. This is what the tourists want to see when they come here. Mr Speaker, nothing of that sort is done anywhere, there is absolutely no pride and people are not encouraged to take any pride in their home town. How can we expect a tourist to come here and enjoy it? I wouldn't, quite honestly, I wouldn't. I invite any Member to go round, it is there for us to see. In fact, the other day I pointed out to the Minister for Public Works that they had put new litter bins in the Piazza but the same people who had put the litter bins took the old ones and left them on the side of the street and they were there for days and days, so the same people who are asking people to put litter in the bins go and leave the litter bins on the floor next to it. Where is the logic, Mr Speaker? Look at the places where they sell flowers, have a look at the state that it is in, bits of things left all over the place. We must do something about it if we want to improve our product, Mr Speaker. I suggest to the Minister that he does something quickly about this Advisory Board and then, with the help of the Advisory Board, get on to make Gibraltar look attractive, clean, interesting for the tourists to come here, amenable to them. I am sure with the warmth of the Gibraltarians we can make a great success of our place, unspoilt by tourists because one of the good things that we have is that we have not been spoilt by tourists and this what tourists like to see but at the same time a good, pleasant, holiday atmosphere which is good for the tourists and even more important, Mr Speaker, good for ourselves. One of the things that I think is very important for Gibraltar is that we should have a moving population coming and going all the time so that we do not suffer from seeing the same people day in, day out which can become a bit tedious. Therefore, Mr Speaker, I commend that to the Minister. I do not think it is fair that I should carry on any further, I think it is only fair that I should allow the Minister to reply. Perhaps, I should say that obviously I am sorry that the Acting Minister is not here today, I wish him a very speedy recovery. I understand, in fact, I have asked his family and I am told he is much better but I did not put this off because I thought we just could not allow it to go on for another month. Thank you.

HON J B PEREZ:

Mr Speaker, I must say, first of all, that I regret to say that I was not at all impressed by the contribution of the Honourable Major Peliza because I expected him on this particular motion on the adjournment to try and be a bit more constructive as to, in fact, what he is proposing Government to do in order to encourage more tourism to come to Gibraltar. I think, in fairness to him, the only point he really made, his only suggestion that I was able to pick up after thirty five minutes of listening to him, was in fact that some parts of Gibraltar were dirty and that we had litter in the Piazza,

where the Moroccan sells his flowers and the bad state of the Gibraltar Tourist Office and I regret to say, Mr Speaker, that that is the only idea that I was able to gather from the contribution made by the Honourable Major Peliza. In fact, he started first of all, by saying that we are talking about not a small matter but we are talking about £10m and I agree but I would tell the Honourable Member who is responsible for attracting £10m to our economy, if not the AACR Government? That £10m has been brought by the Government in office and I think that the Honourable Major Peliza must accept that as a reality so what we are in fact trying to do is not only to preserve the contribution to our economy of £10m, and I agree we are trying to expand this. The other point that the Honourable Major Peliza made was in fact that he says it is no good, it is a waste of time to put questions in the House and to have motions which the Government accepts. What I think is unfortunate, Mr Speaker, is in fact that Major Peliza does not read the answers that he gets because only in this particular House, and I can vouch for this because I gave him the answers, I would refer him to Question No 244 in which I outlined exactly what the Government is doing for this year. In fact, I said that we had increased our field sales budget by 33% from £150,000 to £200,000. I then went on to outline in great detail, because I made the point of having a very full answer, and I outlined to the Honourable Questioner what the Government was doing but he is giving me the impression, anyway, Mr Speaker, that he hasn't bothered to read it so it makes me wonder what is the point for a Minister to give a complete answer to the Honourable Member because he does not seem to take an interest in whatever answer one gives or he has forgotten about it, I do not know which is which, Mr Speaker. The answer to Question No 243, where I told him that the initial reaction that we had had on the advertising that we had already done, according to my answer on Question No 244, I said that in fact the initial reaction was an encouraging one. I told him that we had an increase of 96% over a similar period last year and I, in fact, went on to say that the indications that the Tourist Office had had from tour operators bookings for the coming winter are, in fact, higher than last year. These are the indications, Mr Speaker, but as I say, what is the point of giving the answer to the Honourable Member if when he comes back to the House on a motion he completely ignores the answers and doesn't give any credit to having been given that information because all he has done in moving this motion now is seeking the same information which I gave him two days ago. Also Question No 239, in which I admitted to the Honourable Member that, of course, the Government is concerned with the number of flights that come to Gibraltar, of course, we are concerned, we know the number of flights are not sufficient to fill up hotel beds, we know that, but in fact I told him that the Government at the moment, and I will read from the answer to Question No 239; "The Gibraltar Air Transport Advisory Board is in fact considering the whole question". But, Mr Speaker, the Government

cannot force, we cannot point a gun at the head of British Airways, and tell them; "We want a flight every day", we just cannot do that. We can ask for it and this is what the Government is doing but we cannot force them to have a flight every day or two flights a day and that is really what we would welcome and that is the answer that I gave the Honourable Member when he asked me the question. He spoke also, Mr Speaker, on the question of the Advisory Board. That, again, I replied to him and in fact I can confirm that we have contacted the members and I hope to have a meeting this week to try and sort the whole matter out. Again, Mr Speaker, he has been asking for information for over thirty five minutes which I gave him two or three days ago. Mr Speaker, in the debate, I think Major Peliza left one very important factor out which I thought he was going to highlight and that is the excursions that come from Morocco. I think he missed that out and as I see it that is a very important factor for our tourist industry and in fact it is unfortunate that he left it out because I was expecting him to be more constructive on that basis and tell us where he thinks we can improve, but since he hasn't done that, nevertheless, I will tell him what the Government proposes to do and what it is in fact doing as far as the Morocco side is concerned. We are now planning more regular visits to Tangier, we are ensuring that all the hotels in Tangier have full information from the Gibraltar Tourist Office, they have all the brochures, all the information about Gibraltar in different languages, in French, German and English. We are also ensuring that all Travel Agencies in Tangier have all the material available and of course we are thinking of offering some incentives or have some competitions because there must be an incentive to the Tour Operators, they are the people, the Travel Agencies, who will recommend to people to come shopping to Gibraltar. We have ensured that all the information is not only given in Tangier but it is taken over to Rabat and Casablanca. We are placing adverts in Le Journal de Tanger which we have been doing for quite some time and we shall continue and in fact been increasing and we have also sent all the information to the British Consul in Tangier. These are the things that the Government is doing and, as I say, Mr Speaker, it is unfortunate because I was honestly expecting Major Peliza to try and give us some indication of what he would like us to do but, unfortunately, this has not been done. Mr Speaker, I will try and deal now with the only point that I think that the Honourable Major Peliza made and that is on the question of embellishing Gibraltar. He spoke about derelict cars. Here, again, Mr Speaker, only two days ago, in answer to a particular question, the House was informed that during the last few months we have doubled the number of cars that have been thrown away. What is the Honourable Member talking about when he criticises the Government because he happened to see one particular derelict car near the Tourist Office which I am told that, in fact, it has already been gazetted and in a few weeks time it will be thrown away but that is the answer that was given at question time. Again Major Peliza

does not seem to take any notice whatsoever of the answers that we give, so I ask him, why put the question in the House? Why waste people's time if you are not going to listen to the answer that you get? He also spoke, I think, on the question of improving Gibraltar. Gibraltar is dirty because of some irresponsible people who do not care for the law and have no consideration for anybody in Gibraltar and that, Mr Speaker, is the reality of the situation, that is precisely what I said when I moved and got through the amendment to the Public Health Ordinance. I said, in fact, quite clearly that no matter what laws we have, no matter the enforcement, if people do not want to help, if Gibraltarians do not want to cooperate then there is very little the Government can do except send people to prison, that is the only answer but I think it is unfair, Mr Speaker, for the Honourable Major Peliza to come and tell us in the House that it is completely the responsibility of Government because I disagree with that entirely. Government, I think, has certain responsibilities. Government is willing to carry out its responsibilities, the legislation, maintenance of buildings, the cleaning of the Piazza area. I gave him the example of the cleaning of the windows at the Airport, yes, that is our responsibility and I told him that we clean the windows once a week. If he does not accept that there is nothing much more that I can do to help the Honourable Member out because that is, in fact, the reality of the situation that we clean the windows once a week but he does not seem to accept it but that is as far as Government can go. What I am saying is that as far as the embellishment of Gibraltar is concerned the Government is willing to share its part of the responsibility but perhaps the Honourable Member should make a public outcry and ask people to cooperate because that is in fact what the Government attempts to do. He also mentioned very briefly, the Tourist Survey Report of 1980. In fact, the Tourist Survey of 1980 isn't as depressing as the Honourable Member makes it out to be because if he looks carefully and if he bothers to read it properly he will see, and I will quote him back the page that he quoted, page 2; "The total number of arrivals nevertheless rose by 4% from 148,000 in 1979 to 154,000 in 1980, the highest total recorded since the closure of the frontier in 1969. I agree that the Government is concerned with the down trend on the question of hotel beds, I agree. I gave him, Mr Speaker, the actual figures so far for 1981 but the 1980 Survey Report is in fact not as depressing as the Honourable Member makes it out to be, when we also have the fact that tourist expenditure in 1979 was £9.4m and the increase in 1980 last year of £10.4m was therefore an 11% increase which I would say is only a marginal increase in real terms, I accept that, but nevertheless the Honourable Member must agree that there is an increase, anyway. What I do accept is that hotels are doing badly, I accept that, hotels are doing badly, Mr Speaker. The Government is willing to help as far as it can and I would reiterate one point that

the Minister for Tourism, the Honourable Mr Zammit, always makes and that is Government is willing to have its responsibilities but hoteliers must also do likewise and not leave everything in the hands of Government.

Mr Speaker then put the question in the terms of the Honourable the Chief Minister's motion that the House adjourn sine die which was resolved in the affirmative.

The adjournment of the House sine die was taken at 7.30 pm on Thursday the 29th October, 1981.