

GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

7th July 1981

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Seventh Meeting of the First Session of the Fourth House of Assembly held in the Assembly Chamber on Tuesday the 7th July, 1981, at the hour of 9.15 o'clock in the forenoon.

PRESENT:

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

GOVERNMENT:

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 D Hull QC - Attorney-General
The Hon R J Wallace CMG, OBE - Financial and Development Secretary

OPPOSITION:

The Hon Major R J Peliza
The Hon W T Scott

ABSENT:

The Hon Sir Joshua Hassan CBE, MVO, QC, JP - (who were in Chief Minister (the United Kingdom on official business)
The Hon H J Zammit - Minister for Housing and Sport
The Hon J B Perez - Minister for Medical and Health Services
The Hon P J Isola OBE - Leader of the Opposition
The Hon G T Restano
The Hon J Bossano
The Hon A T Loddo
The Hon A J Haynes

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 11th March, 1981, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID

The Honourable the Minister for Economic Development and Trade (in the absence of the Honourable the Minister for Housing and Sport) laid on the table the following document:

The traffic (Registration and Licensing of Civilian Vehicles)(Amendment) Regulations, 1981.

Ordered to lie.

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

- (1) The Employment Injuries Insurance (Collection of Contributions)(Amendment) Regulations, 1981.
- (2) The Employment Injuries Insurance (Claims and Payments) (Amendment) Regulations, 1981.
- (3) The October, 1980, Employment Survey Report.

Ordered to lie.

The Honourable the Minister for Economic Development and Trade (in the absence of the Honourable the Minister for Medical and Health Services) laid on the table the following document:

The Group Practice Medical Scheme (Amendment) Regulations, 1981.

Ordered to lie.

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

- (1) The Public Health (Exemption from Rates) Order, 1981.
- (2) The Pool Betting Duty Regulations, 1981.
- (3) The Electricity Undertaking Fund (Amendment) Regulations, 1981.

- (4) The Telephone Service Fund (Amendment) Regulations, 1981.
- (5) The Housing Fund (Amendment) Regulations, 1981.
- (6) The Potable Water Fund (Amendment) Regulations, 1981.
- (7) Loan Agreement dated 2nd June, 1981, between Midland Bank Ltd and Midland International Banks Ltd and the Government of Gibraltar.
- (8) Supplementary Estimates Consolidated Fund (No.5 of 1980/81).
- (9) Supplementary Estimates Consolidated Fund (No.1 of 1981/82).
- (10) Supplementary Estimates Improvement and Development Fund (No.1 of 1981/82).
- (11) Statement of Consolidated Fund Re-allocations approved by the Financial and Development Secretary (No.8 of 1980/81).

- (12) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 9 of 1980/81).
- (13) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 1 of 1981/82).
- (14) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 5 of 1980/81).
- (15) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 1 of 1981/82).

Ordered to lie.

HON A J CANEPA

Mr Speaker, I think that this is a convenient point for me to move that this House should recess to Thursday the 9th July at 8.30 in the morning.

MR SPEAKER

We will now recess until Thursday the 9th July at 8.30 in the morning.

THURSDAY 9TH JULY, 1981

The House resumed at 8.30 a.m. when all Honourable Members were present.

ANSWERS TO QUESTIONS

The House recessed at 10.15 a.m.

Answers to Questions continued.

The House recessed at 12 noon.

The House resumed at 2.30 p.m.

Answers to Questions continued.

HON A J CANEPA

Mr Speaker, if I may? A number of points were raised in supplementaries on the question of dredging and I think I have the answers and with your leave I would like to give the information. Sir, first of all it was that whether the material obtained as a result of the dredging was suitable for reclamation. I am informed that it is not because when berths were dredged it is an oily sludge which is obtained and this certainly is not suitable for reclamation purposes. In 1974, I confirm what I previously said, it was the Navy that was dredging. They were dredging the approaches to the extension to No.3 jetty. It is hoped that dredging will start before the end of the summer to take advantage of the good weather. I was asking the Financial and Development Secretary to confirm our understanding view. I do not think the tender has been awarded. The Captain of the Port tells me that, to his knowledge, it has not been awarded.

THE ORDER OF THE DAY

MINISTERIAL STATEMENTS

MR SPEAKER

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

HON CHIEF MINISTER

Mr Speaker

I wish to report to the House on the meeting which His Excellency the Governor and I held with Sir Ian Gilmour, the Lord Privy Seal, on Tuesday 7 July.

The meeting was requested by me in order that I might have an early opportunity of discussing, at a high level in the Foreign and Commonwealth Office, the implications for Gibraltar of the British Government's Defence Review.

My first concern was to attempt to establish, for the future, satisfactory procedures for the communication and publication in Gibraltar of any information relating to possible changes in Ministry of Defence activity in Gibraltar and to the effects of any such changes.

This concern arose, of course, out of the discrepancies which had become apparent last week between the statement made by Mr John Nott in relation to Gibraltar and statements made elsewhere. I was assured, firstly, that there was as yet no indication at all of the extent to which there might be job reductions and, secondly, that no statement had been made by Mr Nott about bringing Spain into discussions on the Dockyard. I was categorically assured by the Lord Privy Seal that there had been no consultations with Spain and that there would be none.

I referred to the Foreign and Commonwealth Office's overall responsibility for Gibraltar and urged that, in order to avoid additional and indeed unnecessary difficulties, all future communications should be coordinated through the Governor who would inform me prior to publication.

In reply to my enquiries about the present situation and likely developments, I was informed that, as soon as they were in a position to do so, Her Majesty's Government would put specific and detailed proposals to the Gibraltar Government and enter into consultations before any decisions are taken on implementation.

Two senior Foreign and Commonwealth Office officials who will be engaged in the initial discussions with the Ministry of Defence were present at the meeting and were thus able to hear at first hand the views which I expressed on behalf of Gibraltar.

The assurance that nothing would be done without the closest consultation with the Gibraltar Government was stressed and reiterated by the Lord Privy Seal.

Sir Ian Gilmour also reiterated the assurance previously given about Britain's obligation to support and sustain the economy of Gibraltar. I said that we were grateful for the statements which had been made on this aspect but stressed that we in Gibraltar were primarily interested in maintaining the highest possible level of work. The best way of implementing the support and sustain policy, in this respect from Britain's point of view as well as from our own, was for the Dockyard to give Britain value for money rather than for the Overseas Development Administration to give us financial assistance with lesser return to Britain. If, however, a reduction in the workload of the Dockyard was inevitable, we would wish to be given the earliest possible notice, as well as adequate time, to enable us to plan and introduce smoothly the development of alternative possibilities without a damaging hiatus.

As a result of my meeting with the Lord Privy Seal I have every confidence that, whatever difficulties may lie ahead - and it is still too early to gauge what these might be, or their extent - the British Government will deal with Gibraltar with the greatest sympathy possible in the circumstances of the Review. I am equally confident that this sympathy - I would go as far as to say concern - will be manifested in the provision of full information as soon as it becomes available and in that closest consultation of which I was so strongly and unequivocally assured.

Finally, Sir, I should like in this report to the House to place on record my thanks to His Excellency the Governor for his concern for Gibraltar's continuing welfare and for his unstinting support and endeavours.

HON P J ISOLA

That statement must be welcomed, I think, by all sides of the House. I do not think the statement goes much further than what the Governor himself said in Gibraltar at the time of the announcement of the Defence White Paper. I would like to put two specific questions to the Chief Minister on what is, of course, a very worrying matter for the people of Gibraltar. The first is, did he not get the decided impression from his visit that the White Paper did not really correctly state the position with regard to the Gibraltar Dockyard and that there was a certain amount of truth in the statement that was made locally by officials, by the Flag Officer, Gibraltar, specifically to the Unions and would it be correct to say at this stage that it would be unrealistic not to believe that reductions will take place in the Dockyard and in the scope of work done in the Dockyard? I ask that first point because I think it is important that we should know the facts and the results of what has been said even though we may not know and we do not know, I know that, the effects of those cuts or the extent of those cuts but the first question is, did he not get the impression that it would be unrealistic not to assume that the Gibraltar Dockyard would be affected as a result of the policy announced in the Defence Review? The second question that I would ask would relate more to his meeting with the Lord Privy Seal. We, of course, welcome the assurances and especially the fact that the British Government has accepted the obligation in the context of the Dockyard, has accepted that it has an obligation to support the economy of Gibraltar and that if it should be decided that Dockyard work in the Dockyard cannot be kept up indefinitely, alternative consideration would be given to alternative ways of helping the economy of Gibraltar but I would ask the Chief Minister whether he

sought what I would think is the most vital assurance of all and that is that if it is proposed at any future time or it is conceived that there will be a considerable reduction in the activity of the Naval Dockyard in Gibraltar resulting in significant cuts in the employees of the Dockyard, if that is the policy, then the British Government should ensure that alternative ways of assisting the economy of Gibraltar and of discharging the obligation which it freely admits exists of sustaining the economy of Gibraltar, consideration were given to alternative methods of doing it and implemented before any reductions occur of a significant nature in the Gibraltar Dockyard. That, to my mind, is the fundamental assurance that political leaders require from Her Majesty's Government if they admit the obligation which they do in the White Paper of assisting and supporting and sustaining the economy of Gibraltar. We do not want in Gibraltar handouts, we want people employed and people in work and transition can take place provided there is cooperation between the employer and the employees and I would ask the Chief Ministers answers to those two, I think, very important questions which I am sure must have been posed and put at the meeting with the Lord Privy Seal.

HON CHIEF MINISTER

Mr Speaker, I do not think there is anything in what the Honourable Member has sought except for one thing that I will come to that is not contained in the statement. I have not attempted to underestimate the possible effects, I have said so, I said: "Whatever difficulties may lie ahead, and it is still too early to gauge what these might be, or their extent". To that extent he has really, with the greatest respect, repeated what I said earlier and I am very glad that again he echoed my views that we do not want handouts, that we want work to be done, this is what I said in paragraph 9 of my statement as the Honourable Member will see. The only, if I may say so, valid matter which he has raised which I am prepared to deal with was his first question where he asked did I get the impression that the White Paper was different to what had been said locally and that what had been said locally by the Admiral may have been much more exact than what was said by the Governor. It is because the Governor gave the assurances that were given to all people here and because there was this other discrepancy, to which I have referred, that I sought clarification and also procedural changes so that that does not happen again. With regard to the information given here locally the manner in which this was explained, and I think it required to be stated, was that before the preparation of the White Paper all establishments were given what are called illustrative examples of the sort of things that could happen but the

fact that comes out clearly in my mind from my talks there was that they still have not been able to gauge exactly what will be the effect of the Dockyard. That it will be effected I have no doubt in the long run if the same strategy continues which appears to have been endorsed by the House of Commons on Tuesday but insofar as the timing and the help required to adjust, this is precisely the guarantee that I have obtained of full consultation, full opportunity of adapting to a changing situation. Whereas I do not want anything that I say to be balm as if nothing was going to happen, on the other hand I think it is very important that we should not lose our calm and our cool and deal with the matter in a way that can make the least harm possible to the people of Gibraltar.

MR SPEAKER

As is the practice, a statement has been made, I have allowed the Leader of the Opposition to make a statement in reply which is usually what we have done before and the Chief Minister has replied to his queries. We must not debate the statement in any manner or form. There will be most certainly an opportunity at this meeting because there are two motions on the Order Paper which will entitle Members to raise matters which have been dealt with in the statement but we must not debate this particular statement. If it is a point of clarification, most certainly.

HON P J ISOLA

I do not want to debate it, I do not want any misunderstanding to take place here on what I say. The point I want to make and the point I think that has to be confirmed is on the question I was asking that it would be unrealistic to assume that there will not be a reduction in the work at the Dockyard. The reason why I asked that and I asked for that clarification, I think that if Gibraltar is going to face up to this sort of prospect which is clearly there, then it must coldly and calmly be aware of that fact and I am afraid that the White Paper did not give that impression although the statements made by civil servants in Gibraltar did and I think it is important that we should know that particular factor because only then will we start thinking and doing things, that is why I wanted that point to be clarified.

HON CHIEF MINISTER

Mr Speaker, I made the statement, it is not the Leader of

the Opposition. I have given all the answers, he wants to have another go at the same cherry again.

HON P J ISOLA

I do not know why the Chief Minister gets so excited.

HON CHIEF MINISTER

I have clarified the point, he has repeated the same question three times before I spoke and now we are having it again.

HON P J ISOLA

Mr Speaker, I think this is a matter that is of fundamental importance and I am asking for clarification. The Chief Minister should not be shy about repeating what he has to say four, five or six times, if it is necessary.

HON CHIEF MINISTER

I am not prepared to repeat the same thing in order to give a platform to the Honourable Member.

HON P J ISOLA

Mr Speaker, he need not answer me.

MR SPEAKER

Order, what point are you making?

HON P J ISOLA

The point I am making and I thought I had made it clear and I do not think I have got the clarification that I wanted and if the Chief Minister thinks he has given it to me then he need not reply any more to it. The clarification that I want, Mr Speaker, is and as I said was that it would be unrealistic on our part to believe that there will not be reductions in the Naval Dockyard in Gibraltar sooner or later and that the impression given in the White Paper which was that alternative ways of fulfilling Her Majesty's Government's obligation to support the economy of Gibraltar

would be given if it is decided that the Dockyard there cannot be kept up indefinitely. I said that was not correct and it would appear that the other statement was more correct but that it would be unrealistic for us to believe that we will not be affected. I said the reason why I think we should know this point clearly is because that will enable people to get on with the job that obviously now has to be done. And the second one, Mr Speaker, and this is much more important than the first. The first is merely to take a realistic attitude but the second one is much more important and this is that Her Majesty's Government having admitted an obligation to sustain and support the economy of Gibraltar in the White Paper which we all knew, which we know she will honour and we all have full confidence in it, I am asking the Chief Minister whether he sought an assurance that there would be no reductions that would affect the economy, no significant reduction that would affect the economy without first having considered alternative ways of sustaining the economy of Gibraltar and having implemented them otherwise there is a danger of a gap of hard times of three, four, five, six, seven or even ten years and that is the other point I wish to make.

HON CHIEF MINISTER

Mr Speaker, I said nothing in my statement that gave an indication that sooner or later we are going to have reductions in the workload in the Dockyard, I have said nothing contrary to that. In fact, I did say, whatever difficulties may lie ahead it is still too early to gauge what these might be, or their extent. With regard to the other one, I do not have to answer the question, I will just read again paragraph 9 of my statement, "If, however, a reduction in the workload of the Dockyard was inevitable, we would wish to be given the earliest possible notice, as well as adequate time, to enable us to plan and introduce smoothly the development of alternative possibilities without a damaging hiatus". That was agreed.

HON P J ISOLA

This is what the Chief Minister said to the Lord Privy Seal but what did the Lord Privy Seal say to the Chief Minister, did he give him that assurance? That is what I am asking.

HON CHIEF MINISTER

Of course he gave me that assurance, that was the understanding of the meeting, I think it is childish to pretend that I said something and he said: "You are not going to have it" and I say it here solemnly after seeing the Lord Privy Seal.

HON J BOSSANO

Can I ask on the question of the consultation with Spain, Mr Speaker? The Chief Minister has been given an assurance that the British Government will not in future, or any future date consult Spain about the use of the Gibraltar Dockyard, is that correct?

HON CHIEF MINISTER

I did not say that nor I think is it relevant

HON J BOSSANO

It does say, Mr Speaker, if the Honourable Member will allow me to interrupt him. It says here that there had been no consultation and that there would be none, that for me is a future tense.

HON CHIEF MINISTER

Yes, that is right. This arises out of the context of the reference in the statement of the IPCS minute where they said that there would have to be consultation between Gibraltar and Spain and it is in that context that I asked and they said the Secretary of State said nothing of the kind, in fact, they were intrigued as to how that could have got into the minute and it is not the minute or the Government, it is the minute of somebody else though it is not pretended that it has been invented, but how the thing got into that or who said something about it was as intriguing to them as it is to me and may be to others but not only did I get this affirmation that there had been none but that there was no question and none was intended in respect of the changes in Defence strategy.

HON J BOSSANO

Mr Speaker, on the question of consultation with Spain, I think perhaps consultation is a misleading term, but in fact was the Chief Minister given any indication as to whether Mr Nott had told Trade Union officials at that meeting that in looking at the use they might need to make in future of the Gibraltar Dockyard or the Gibraltar facilities, one clear influencing factor would be what they would have available from Spain as a result of Spain belonging to NATO was that said at that meeting? Does he know?

HON CHIEF MINISTER

I was given a categorical assurance that Mr Nott had not mentioned Spain for anything at all at the meeting with the Trade Unions, the most firm and categorical assurances and that they did not intend to consult Spain about anything in connection with the Defence Review.

HON P J ISOLA

I agree with the Chief Minister there is a categorical assurance given in relation to Spain and we welcome that but I have read his statement and I can see no reference to the assurance that I have been thinking having been given. Is this outside the speech because in paragraphs 9 and 10 there is no assurance from the British Government about implementing changes before reducing the level, I do not see it, perhaps I could be referred to it.

HON CHIEF MINISTER

It may be that I have not been particularly felicitous in preparing the statement but, of course, that was the agreed statement and let me say that this statement has also been seen by those advising the Lord Privy Seal and it has been agreed with and in fact that at the meeting the categorical assurances that I asked for were obtained.

HON P J ISOLA

It is a pity then, Mr Speaker, that those who drafted this statement did not put those assurances in because I would have thought that was the most vital part of the statement.

HON CHIEF MINISTER

This is an attempt on the part of the Leader of the Opposition to create alarm and dispendency.

MR SPEAKER

Order. Anything further to be said on the statement will be the subject matter of a motion which can be moved in the House. We have gone as far as we can go. I will now call on the Minister for Economic Development and Trade to make his statement.

HON A J CANEPA

The House will recall that during the course of this year's budget debate I referred in broad terms to the Gibraltar Port Study Report. The report has been carefully studied and considered by the Government and has been accepted in principle subject to two matters to which I will refer later in this statement. I am now in a position to give the House an outline of its content and recommendations together with a summary of Government's proposals for the future operation and development of the port based on the findings of the Report.

The Port Study presents a thorough and realistic assessment for port development up to the year 2000. The study has been carried out in two parts. The first is concerned mainly with the collection of data and the forecasting of demand for the various services associated with the port. In the second part of the study, these demand forecasts have been used to determine where the best opportunities for development lie. The study has emphasised the economic and planning aspects and these in turn have determined the engineering solutions. Full account has been taken of external factors such as the EEC, the competitiveness of neighbouring ports and the possibility of normalisation of the situation with Spain, all of which will or could have an important effect on the future of the economy in general and of the port in particular. The consultants have assumed that the frontier with Spain will be open on a twenty-four-hour basis for the free passage of people and goods. This assumption is central to the analysis and to the basis on which recommendations have been made.

The overall conclusion of the report is that Gibraltar's major prospects for economic diversification in an open frontier situation lie mainly with the growth of tourism and that development of the port should therefore be geared to this. The consultants have recommended that the expansion of port services and facilities can best be achieved by the re-organisation and optimal use of existing facilities and no major investment is envisaged to stimulate new large-scale activities such as, for example, the establishment of a manufacturing base, or a large scale transshipment centre. The economic benefits which are likely to flow from such

manufacturing activity are low given the shortage of land, the high cost of land reclamation, and the unavailability of suitable labour. There are no realistic prospects for developing large-scale transshipment activity although it is felt that there are possibilities for limited transshipment trade which can be accommodated within existing facilities, provided these are properly exploited and managed. The recommended development strategy for the port revolves around tourism, with relatively large scale investment in the development of ferry and associated services and the rationalisation of existing facilities. A number of development schemes have been proposed and Government intends to proceed with their implementation on the basis of a ten-year plan.

The first priority project will be the replacement of the existing Viaduct bridge by a causeway to the north of the existing roadway. This project is to be carried out in conjunction with the reclamation of Waterport Basin. The area reclaimed will not only provide a permanent link between the North Mole and the town, but also create ferry terminal facilities and a substantial holding area for passenger and vehicular traffic generated by this activity. The proposed project will provide two roll-on/roll-off berths on a jetty extending westwards so as to retain the existing berths on the north side of Waterport Wharf. A vehicle inspection shed will also be provided. The construction of a modern ferry terminal in the new reclaimed area would also ensure that Gibraltar is well placed to recapture a sizeable proportion of cross-straits ferry traffic, as well as to cope with cross-bay traffic once communications with Spain are restored. The provision of the roll-on/roll-off berths will enable international commercial vehicle traffic to use Gibraltar in the Europe-Africa link. The total cost of this major development scheme is expected to be in the region of £3.5 million, and is subject to negotiations with Her Majesty's Government in the context of the Gibraltar Government's Aid proposals as well as with the Ministry of Defence. It is too early therefore to give any indication as to when the project will start nor of the financing arrangements. There are other projects estimated to cost some £700,000 aimed at improving services and facilities within the port. A modest cruise passenger terminal building as an extension to the new port offices on the North Mole, for example, is one such scheme. Repairs will be carried out to the existing Transit Shed at North Mole, and a Container unstuffing shed will be built on the new container berth. Moreover the reclamation between Varyl Begg Estate and Jetty No.5 will continue with builders rubble being used, as and when it becomes available, to provide the necessary fill. In this way it is expected that a sizeable area of land will be provided at an economic cost to Government.

As regards the re-organisation of the port, the consultants have emphasized that it is essential that all non-port users be moved from the port as and when possible. Government has, in line with this policy, accepted in principle the recommend-

ation that the Ice Box situated at Western Arm should be re-provided elsewhere; the re-siting of the premises is under discussion with the owners. Similarly Government has decided to re-site Gibraltar Underwater Contractors at Queen's Stores as originally envisaged and approved, thereby decongesting the area at Commercial Wharf. The consultants have recommended that this user should be provided with premises at the Detached Mole. This has been rejected for a number of reasons - the mole is too narrow, there are no services nor adequate buildings and the proposed move would deprive the Port of berthing facilities for longer stay vessels with consequent loss of revenue.

The consultants have also suggested three options for the restructuring of port management i.e.

- (a) the establishment of a statutory port authority;
- (b) the creation of a Cargo Division; and
- (c) the appointment of a Port Manager

The first two proposals would entail considerable investment in the purchase of equipment and the recruitment of substantial additional Port Department staff in specialised fields and would pose considerable problems in co-ordinating port operations generally. The Government is not convinced that the expenditure involved is justified and had decided that a sensible option is the appointment of a Port Superintendent or Overseer with two assistants. These officers will be responsible for the organisation and running of the port as regards cargo handling, container storage, berthing and other related activities. The Government is confident that this, together with the implementation of the development proposals, will lead to the desired improvement in port services and facilities. The Port Ordinance will also be revised to give the Captain of the Port additional powers to allow more effective management of the port. It is also the Government's intention to erect a new port security fence to seal off the port area from non-port traffic. This will be done when the frontier opens and will coincide with the introduction of a system of regulated entry passes. The Government will meanwhile speed up its programme of cleaning and tidying up the port.

The Report highlights the importance of the yachting trade. Government will continue to encourage the expansion and development of marinas. In this connection I would point out that permission will be given for the expansion of

Sheppard's Marina subject to acceptance of certain conditions which will help towards the comprehensive development of the area as a proper marina complex.

The consultants have also examined the question of Gibraltar's status with the EEC, particularly in the context of Spain's entry. This aspect of the report is of a sensitive nature and the Government considers that details cannot be released. I would merely add that the report re-appraises Gibraltar's existing status within the Community and assesses the implications for Gibraltar arising from the possible establishment of a Free Trade Zone.

As is to be expected the report also introduces some aspects of environmental town planning, pointing out the main areas where action outside the port is required. These relate specifically to traffic parking and environmental improvements which should run parallel with the proposed port development schemes. The consultants have produced estimates of excursionist and vehicular traffic flows across the frontier once restrictions are lifted and recommend a segregated channel system to speed up traffic flow, particularly at peak times. To improve access between the Port itself and the frontier, it is recommended that the Port entrance be moved westwards of the entrance to the Varyl Begg Estate and that the roundabout at Waterport should be re-modelled to give greater priority to traffic in and out of the Port area.

Mr Speaker, I have attempted to outline the more important aspects of a very comprehensive document. I feel that the report will provide a useful, indeed critical, basis for the development of the Port for many years to come. Because of its wide-ranging analysis and the sensitive nature of certain sections of the report, the Government is prepared to make a copy of the report available to the Opposition on agreed terms. I am confident that in this way the study will not only assist the Government with its planning but will make possible better and more informed debate on the future of the port in this House.

BILLS

FIRST READINGS

MR SPEAKER

Perhaps the Honourable the Attorney-General would like to move the suspension of Standing Orders to enable the taking

of the first reading of the Landlord and Tenant (Miscellaneous Provisions) (Amendment) Ordinance. This is in respect of suspension of Standing Order No.30 since seven days notice has not been given.

HON ATTORNEY GENERAL

Mr Speaker, I beg to move that the suspension of Standing Order No.30 in respect of the Landlord and Tenant (Miscellaneous Provisions)(Amendment) Bill, 1981.

HON P J ISOLA

If the second reading is not going to be taken as it is not obviously, because nobody has read this yet, could not this Bill just have been published and taken as is the usual practice, the first and second reading at the next meeting of the House and thus not requiring suspension of Standing Orders? I do not see the point of having a first reading when nobody can give any view at all and give the wrong impression.

HON CHIEF MINISTER

Mr Speaker, I wanted to make it clear that it was a Bill that was being proceeded with and wanted the formal first reading. I appreciate that it can be published in the Gazette as we have published others. I did say, one or two meetings before this one, that we would be bringing legislation and am formally putting it to the House that this is what the Government, subject to any representations that will be made, is committing itself. I have thought that it is better to have a first reading formally and have that as a formal intention of the Government to proceed with the Bill.

Mr Speaker then put the question which was resolved in the affirmative and Standing Order No.30 was suspended in respect of the Landlord and Tenants (Miscellaneous Provisions)(Amendment) Ordinance 1981.

THE LANDLORD AND TENANT (MISCELLANEOUS PROVISIONS) (AMENDMENT) ORDINANCE, 1981

HON CHIEF MINISTER

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

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

HON CHIEF MINISTER

Mr Speaker, I beg leave to give notice that the second reading committee stage and third reading of the Bill be taken at a subsequent meeting of the House.

BILLS

FIRST AND SECOND READINGS

THE TOWN PLANNING (AMENDMENT) ORDINANCE, 1981

HON A J CANEPA

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Town Planning Ordinance (No.8 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 A J CANEPA

Mr Speaker, I have the honour to move that the Bill be now read a second time. Sir, the current planning scheme was approved by the Development and Planning Commission in August 1976. Section 41 of the Town Planning Ordinance states that at least once every five years, after approval by the Commission of the Planning Scheme, the Chief Planning Officer shall carry out a fresh survey and submit to the Commission proposals for any alterations or additions to the current scheme as may appear to him to be

necessary. It is accordingly mandatory on the Chief Planning Officer to carry out the statutory duty within the specified period which in this instance will lapse at the end of August this year. Sir, the Chief Planning Officer had drawn attention to the new general census of the population which is to be carried out later this year and to the desirability of delaying the review of the planning scheme until census has been completed as this would enable the survey to be based on the most up to date statistical data available in the course of the census. The Development and Planning Commission has considered the point raised by the Chief Planning Officer and has agreed that it is desirable to allow an extension of a year. Therefore, Mr Speaker, Clause 3 of the Bill before the House seeks to amend the principal Ordinance in order to empower the Development and Planning Commission to allow an extension. We are also, Mr Speaker, introducing a number of other amendments, some of which are of a minor nature. Amongst the rather more important, however, are the amendment that provides for an appointment of an Acting Chairman. At present the Governor does this after consultation with the Chief Minister, but as this is a defined domestic matter the Governor should properly act on the Chief Minister's advice and the Bill seeks to put this matter right. The opportunity, Sir, is also being taken to introduce a revised definition of the power to provide in a plan for the preservation of antiquities thus according with definitions which the Government will be proposing in the new Gibraltar Museum and Antiquities Ordinance which we hope to introduce in the House before long and which are in any event rather more in keeping with contemporary terminology. There are a number of other matters which I would regard of a more legal nature, Mr Speaker, that are being dealt with in the Bill, such as the abrogation in respect of prosecution under the Ordinance of the normal limitation on summary prosecutions, at least in matters with substantive repercussions. I am informed by the Attorney-General that there is ample precedence for such an abrogation and we have found the rule an impediment in at least one case over the last two years. There is also contained in the Bill, Sir, a clearer definition of the powers of the Court of First Instance on appeals against stoppage orders and there is also provision for an order to continue in force pending such appeal. There are also, Mr Speaker, certain very minor drafting improvements in the Bill and an updating of the penalties that can be levied under the principal Ordinance. Mr Speaker, I have the honour to commend the Bill to the House.

MR SPEAKER

Before I put the question 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 am not quite clear why this Bill is being introduced except, of course, in relation to the updating of penalties. We do not propose that. Penalties should be updated and be realistic and this of course should be the case, I think, in all the Ordinances. A review for updating penalties should be carried out now and then. On the other parts of the Bill, I am not quite clear as to why it is that the the review period in Section 3 is being brought in.

Why further extensions in 5 years are thought necessary?

HON A J CANEPA

With all due respect to the Honourable Member, I noticed that when I was explaining that he was not listening. I think he was speaking to one of his neighbours.

HON P J ISOLA

I was listening to the Honourable Member. What I was trying to do was to get the Ordinance to have a look at what the position is. It seems to me that what is being done there is allowing things - "manana". Giving further time and more time and more time. When these things should be clear and decisions made.

Mr Speaker, I am hoping to get the actual Ordinance and I will comment further. I think there are two other points on the Bill

MR SPEAKER

That matter can be dealt with in committee stage.

HON P J ISOLA

It may be dealt with in Committee but there are two points I would certainly like to talk about and I think the Minister has rather glossed over it rather quickly. One is the question of a stoppage order. If there is a stoppage order on works, that order is effective and the person who is carrying on the work has to stop whatever the economic consequences to that person of a stoppage order until the Court of First

Instance has ruled in his favour. The economic consequences for that person if the Court rules in his favour may be pretty big. I think the usual procedure in the law when somebody appeals against an order is that you go in front of the Judge and you ask for a stay of execution of that order pending the hearing of the appeal. It is then open for the Government side to say why they feel there should not be a stoppage order, for example, if the work goes on it will do real damage to a next door neighbour or something like that or if the work goes on this will go wrong and the Court exercises its discretion whether to stay the execution or not. The other side will argue why the execution should not be saying, for example well, if I carry on with the work and Court rules against me I just have to undo it but at least it will cost me less if I do it now than if it is left over. In other words, what usually happens in the normal legal procedure in this situation is that it is left to the Court to decide whether it is reasonable to give a stay of execution of the order or not. I have heard no good reason why that normal procedure should not be followed where town planning is concerned unless the Government is prepared to put in provisions allowing a Court to grant compensation to a party who has been unlawfully stopped from carrying on its work.

HON A J CANEPA

It must be stopped because the work is unlawful.

HON P J ISOLA

If he is entitled to compensation then it is alright. By all means let the stoppage order be effective. This particular section, Mr Speaker, smacks of dictatorialism, if I may call it that. If I make a stoppage order you stop. If it takes six months for the court to hear the appeal and you win, well, it is your bad luck is it not? If my officials think I should stop then let it be so. I think that is wrong. In principle, it is wrong. I do not know what is the problem the Minister has on that section. I do not know what the problem is. Perhaps, in reply he will explain it and perhaps I will listen to him more carefully then. But if there is a problem let him explain it. I would like the Government to consider following the normal democratic principles of justice procedures. You depart from these when they are justified but not just because some official gets annoyed because he has made a stoppage order and the other side has gone on with the work and

that is it. So, Mr Speaker, I would recommend to the Government to make that section a little more reasonable than on the face of it, it appears to be. Especially, having regard to the way building costs and everything else escalate, and if somebody has been stopped unfairly unless the Government is prepared to compensate for any loss he may suffer while the case is being heard, then it should be left to a judge or somebody to come up and explain why the stoppage order should be laid or set aside, or whatever, pending the hearing or the other side to say why the stoppage order should stay effective because there is some fundamental problem whatsoever. That would be the normal procedure and I would recommend it to the Government. Mr Speaker, with regard to the other amendment which takes away the time limit for prosecution of offences, again, we would oppose that because we are talking here of criminal proceedings before a Magistrates' Court. I notice the Minister has referred to one instance where this has occurred and the prosecution has not been able to go forward because the period of six months has gone by. He has referred to one instance and, since I have had experience of one instance where the time limit had expired for the Government, I can only assume that we are both talking of the same instance. Mr Speaker, are we going to amend the law and have no time limit for offences because on one occasion that the Government issued a summons and sought to prosecute they discovered that the alleged offence had occurred eighteen months before and the fellow got away with it I suppose. I know from personal experience, as I said I was involved in it. Because of that from now on we will do away with this general principle that criminal offences of a petty nature should not be hanging over people's heads for an unlimited period of time. I had a case, Mr Speaker, in the Courts where I argued for hours that my client was not guilty of the offence and at the end of the case the Magistrate dismissed the case because neither I nor the prosecution had realised that the proceedings had to be brought within three months or something of the commission of the offence. We had all been wasting our time. These are normal democratic safeguards for people from the high handedness of civil servants and civil service authorities who should do their jobs within the time. There are time limits, Mr Speaker, in a host of laws. There are time limits in procedures in the Courts and all that is meant to protect people from delays and the idleness of people whose responsibility it is to administer the ordinance. It seems to me that, because the Government or a Government official burns his fingers in one particular case the Government should now change the law and allow prosecution for minor offences or any sort of offences under the Town Planning Ordinance to be made

ten years after the offence is committed, it is wrong and the House should reject what is essentially an undemocratic amendment to the Town Planning Ordinance. To me that is wrong in principle. I appreciate that it is annoying for officials and it is annoying for people to get caught out on a legal technicality, but this is happening every day to lawyers, Mr Speaker. It is happening every day to all sorts of people. The answer is, if somebody has committed an offence under the Town Planning Ordinance, well prosecute him; you have got six months to prosecute him in. The section that deals with that says within six months of the offence, not having been committed, but of having come to the notice of the person who prosecutes. So the offence could have been committed ten years ago and it comes to the notice of somebody, ten years later, he has still got six months in which to prosecute. Why do the Town Planning authorities want more than six months - an unlimited time? I suspect, Mr Speaker, it could be because there are, as you know Mr Speaker, departments in the Government that are known for the very slow way in which they operate and the answer to that problem is not to encourage them to act still more slowly, by giving them more and more time, but to make sure that they do think quickly and within time and bring the prosecution within six months. Mr Speaker, I am objecting to this particular clause here, as a matter of general principle, because if we allow this clause to be passed in the Town Planning Ordinance, I am sure we will be getting amendments for a lot of other laws doing away with the time limit for summary offences so that everybody can sit on their backsides and take five years to decide whether somebody should be prosecuted or not. I hope the Government will have a second think about that section. We will vote against that one and, in the absence of good explanations, Section 7. We will vote against this in the absence of good explanations because we think that it is unfair on somebody who is committing no wrong, and is stopped doing his work wrongly, to have to wait till an appeal has been heard and have no provision for compensation. If he wins the appeal six months later, good luck to him or bad luck to him if he has lost a lot of money, what do we care. If that can be answered, then we go along with that section, Mr Speaker, but I think this House must be concerned, not only with the obligations and the rights of the community at large etc., but also with the obligations and the rights of the individual. That is what makes our society different to a communist society. As long as we ascribe to this sort of society then I think the protection of the right of the individual is something that is important and must be upheld. Mr Speaker, I agree with the question of

the Governor appointing on the advice rather than after consultation. I agree on that amendment as that is putting the Constitution position correctly, I suppose, although I cannot imagine the Governor, after consulting on a matter like this, going against the advice of the Chief Minister. Anyway, we go along with those amendments that make things technically correct. So, Mr Speaker, subject to those comments and subject to my comment in furtherance of Clause 3, when it comes to committee stage, does not leave very much I am afraid of the Ordinance, but subject to those, we go along with the Ordinance.

MR SPEAKER

Now, if there is no one who wishes to speak on the general principle, after 4.30 we could recess. If it is going to be a very short intervention and the Minister wishes to reply, well, that is the end of the matter. Any Member of the Opposition wishes to speak on the general principle?

HON ATTORNEY GENERAL

Yes, Mr Speaker, thank you I will be brief on the matter. This is essentially a machinery Bill but if I could catch on the points raised by the Honourable and Learned Leader of the Opposition, on Clause 3, on which I will go the most briefly, can I simply make the point that it would seem to me that this reflects a principle already established in the Bill itself so far as the extension of time for the initial scheme is concerned. So I think the principle that this Clause contains is a principle which is listed in the Bill. This is the only comment I wish to make on that. If I could speak briefly on the question of the stoppage order and explain a little bit about why it was considered necessary to provide this provision. At the moment, the section in the Principal Ordinance dealing with the stoppage order is sound as to the consequences of the order pending an appeal. If I may say so, from the legal point of view, I think the point taken by the Honourable Leader of the Opposition is a sound one in context. I would, with respect, slightly differ from the emphasis in the way he approaches the question of what should happen pending an appeal. I think that normally one should assume that pending the appeal, a decision already taken should stand, and while I do not want to spell authority with a capital 'A', I think there is something in the point but if a decision is taken there is a presumption that it has been taken in accordance with

authority with a small 'a'. The other factor that to me seems relevant is that we are talking here about works which could be substantial works and if a stoppage order has been issued and if the work goes on, the consequences could be quite serious. But, having said that, I can see myself now from the point that is taken, that there could be a case in which you may wish to make an exception and I would like the opportunity to consult with Ministers on this. It seems to me that, to meet the point that concerns the Leader of the Opposition, one could add a small amendment to subclause 3 so that the general principle would be that when a stoppage order is issued, it remains in force pending the appeal, but it would be open to the applicant, if he felt that he was going to suffer hardship, to make an interlocutory application to the Court and the Court, on that application, if it saw fit with the insight in this case we will not suspend the effect of the order. That is a matter on which I would like to consult with Ministers, but it seems to me that the point is one which is worth looking at, if I may say so. Coming, finally, to the question of Clause 9 of the Bill, dealing with time limits, again, with respect, I slightly but disagree with the Honourable and Learned Leader of the Opposition. I myself would not regard the time limits on summary prosecutions really as a matter of principle, certainly not a matter of high principle, as I see it is essentially a practical device to bring to an end petty offences, in other words, there comes a point of time when one does not want to be bothered with an offence even if it was an offence and the matter should be closed off. So I would not quite see us here as infringing a breakage in the principle of criminal law and I think also in the case of Town Planning, even if the offences are dealt with summarily and not necessarily petty offences, I think the consequences are quite serious and while I do not really want to speak of a particular case, I think, if redress is not available one can judge by reaction the seriousness of the consequences. So I would still support the idea that in the case of Town Planning legislation it is not unreasonable to waive the six months rule. Mr Speaker, as I say, if I may consult on the other point I would like to consider that further at the Committee Stage of the Bill.

HON A J CANEPA

Honourable Members opposite who were members of the House in 1976 have in their possession the report of the City Planning Survey and Analysis. If they do and they check the Survey and Analysis they will find that there is a great deal of statistical data in that Survey and Analysis.

When the Principal Ordinance was enacted in 1973 it was in fact not realized that by introducing the City Plan in 1975 we would have to draw so heavily on statistical data and what happened in 1975 was that we had to draw on the census of 1970 and supplement it with more up to date information and data which it was a very laborious process to extract. We now have the opportunity that there is going to be a census in 1980. All the data will be available there and therefore it is logically plain sense to draw upon that census as we will have to and to come up with a planning scheme in 1982. This is the reason behind that and there is no other devious motive behind it.

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

HON A J CANEPA

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

The House recessed at 4.35 p.m.

FRIDAY THE 10TH JULY 1981

The House resumed at 8.30 a.m.

THE PUBLIC HEALTH (AMENDMENT)(NO.2) ORDINANCE, 1981

HON ATTORNEY GENERAL

Sir, I have the honour to move that a Bill for an Ordinance to amend the Public Health Ordinance (Chapter 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 ATTORNEY GENERAL

Sir, I have the honour to move that the Bill be read a second time.

Sir, some time ago the Government announced its intention to promote legislation to regulate the use of speed boats by the seaside. Powers to control pleasurecraft at large which is a fair amount wider than the speedboats already exist under Section 222A of the Public Health Ordinance. Rules have, accordingly, already been made as has been referred to earlier in this meeting which update and replace the existing rules governing pleasurecraft but these rules are not in force as yet. At the same time it is considered desirable that the powers which are contained in Section 222A of the Ordinance, which are couched in general terms, should be, for the avoidance of doubt because it may be open to some contingent, amended to spell out quite expressly the powers relating to the speedboats. And so that this Bill, Sir, will expressly confer a power to make rules requiring test of competence before a person or persons of a certain category may operate or navigate speedboats and also a power, where an offence is reasonably suspected, for law enforcement officers to board boats and inspect them and to require the names, addresses and ages of the persons who are navigating the boat. The Bill, also defines expressly the terms pleasurecraft, speedboats, and navigator. Under the Bill, Sir, a speedboat is a boat which is mechanically propelled and which is capable of exceeding 20 knots. Now in practice, that may cause problems of law enforcements because it is no easy matter to be able to prove that at a particular time a boat was doing 21 knots or could do 21 knots and so there is a Clause in this Bill which provides that on any prosecution for an offence under the rules, if the prosecution can prove that the vessel was in fact mechanically powered, then the onus will shift to the defendant to prove that it could not be more than 20 knots. There is a modification of the normal rule, but nevertheless in the circumstances, to which this relates, I think on grounds of practicability there is a case for having such a clause. So Clause 3 of the Bill, also contains provision to eliminate any argument as to the effect of the present rules. Sir, I commend the Bill to the House.

HON G T RESTANO

I am not so sure whether this Bill as presented is going

to be of very much effect. I am just going to pose a few questions which I hope the Honourable mover may be able to answer when he winds up later. First of all, under Section 2E, it says, providing for tests of competence in navigation of speedboats. I think we should know a little bit more about who is going to carry out those particular tests, and what these tests are going to consist of, because, before we commit ourselves to agree or not to agree on this, I think we should really know what we are talking about, and there has not been any explanations given as yet. In F, prohibiting persons of specified classes from navigating speedboats unless they have passed such tests of competence. Now, when the matter I think was first raised some time back, the reason why we asked for legislation was to stop young children from handling speedboats, unless they were accompanied by adults, but I do not see anything about young children in the law. That may well be that it is included in here, but I think again, one would need to know whether the age limits, or any age limits are going to be imposed. The third act, which I suppose really is the most difficult one to enforce but which is really what causes the problems, is the speed-limit within the port area and next to beaches. I know that this is very, very, difficult to enforce, but that is where the problem, the main problem arises, where speedboats come out of let us say, Montagu Bastion, next to a building estate, where children are bathing, at a very high speed, causing, or with a possibility of causing, accidents to bathers in the sea. Now, the speed limit is something which exists I think, within the port area, but very difficult to enforce, I know, and I wonder whether there is anything in this Bill which provides for the enforcement of penalties on people who exceed that speed limit. And, the last point I would like to make is on the penalties. There is nothing in the Bill with regard to penalties, and although the penalty is covered in the criminal and justices administration, I feel that possibly, higher penalties should be imposed on persons who do infringe this particular law, and I hope the mover may be able to answer some of those questions when he winds up.

MR SPEAKER

Are there any other Honourable Members?

HON CHIEF MINISTER

I think, Sir, that subject to what the Attorney General may say in reply to that, I think that it should be realised

That these are just to make sure that there are enabling powers to the rules that have been passed anyhow, and that in fact all the details that the Honourable Member has mentioned are specified in the rules. Age, nature of the danger, proximity to the bathing places, and so on, these are all set out in the rules.

MR SPEAKER

Well, perhaps the mover would like to reply.

ATTORNEY GENERAL

Thank you, Mr Speaker, if I may take up the points which the Honourable Member has raised, I think, perhaps, I did not express myself clearly in that, I made a mistake in reading out this Bill. At present, there is a section in the Public Health Ordinance, which gives power to make rules to regulate pleasure crafts, including speed boats, and we have made rules, and the rules cover in detail the various points with one exception to which I will come, perhaps, two exceptions, to the various points which the Honourable Member has referred to. But the rule making power is in very broad terms and, we thought it desirable to promote this Bill before the House, spelling out more details of the enabling powers not the substance of the rules, but the enabling powers to make the rules. And so, that is the purpose of this measure. So far as the port is concerned, I think myself, that 6 and 222A of the Public Health Ordinance, whilst strictly speaking it can be used to make rules which apply to the port, I think myself that it is really directed more towards the beaches and the areas around the beaches of Gibraltar and I have not got the Principal Ordinance with me, but from recollection I am quite sure that there is a provision which says that any rules which are in fact made under Section 222A which are in conflict or inconsistent with admiralty rules, or port legislation, must take second place. Now there is a pledge on this matter which is that the port is subject to be regulated separately. The scope of what we have been dealing with, we spoke of this on the beaches themselves rather than on the port. On the question of penalties, I am not myself at the moment aware that, penalties themselves are too low, I must confess I am not particularly aware of many cases involving the enforcement of the present rules anyway, I do not know how well they are being observed, but certainly, as far as I am concerned, they are not a matter which is coming before us every day. I would prefer not

to touch the penalties, I think, until I see a sign, a very clear sign, that there is a definite need to do so, and the Bill itself did not concentrate on increasing penalties. That is all I have to say.

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

ATTORNEY GENERAL

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.

MR SPEAKER

Since this is bound to happen today, do all members agree that the Committee Stage and Third Reading should take place today?

HON P J ISOLA

We do not agree Mr Speaker, if it will not be effective this year.

MR SPEAKER

If you disagree, no, if you do not agree we would get it on Monday, when there is nothing else.

This was agreed to.

THE FIREARMS (AMENDMENT) ORDINANCE 1981

HON FINANCIAL AND DEVELOPMENT SECRETARY

Sir, I have the honour to move that a Bill for an Ordinance to amend the Firearms Ordinance (Chapter 60) 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

Mr Speaker, Sir, I have the honour to move that the Bill be read a second time. The Bill seeks to increase the fee payable for the issue and renewal of firearms certificates and for the registration for firearms dealers, and the renewal of such certificates. I think it is unusual for fees of this nature to be amended within the Ordinance rather than by Regulation, and this points to the fact that the fees have not been changed since 1958 at which time I think, the procedure whereby these were changed by regulation or rule rather than by the Ordinance itself was the practice. Since 1968, the index of retail prices has increased some six fold and an increase of that order might be justified. However, except in the case of the registration of firearms dealers, the increase is at a lower rate of magnitude. The reason for this is that in considering the increases, the Government considered that a full costing exercise should be carried out by departments when they are proposing increases in fees for services, so that account can be taken of the cost of rendering the service when a fee is fixed. So, to an extent, these changes are a measure which will possibly last for a year until they are again reviewed, and when they are next reviewed they will be based on actual costing of the issue of such certificates. Sir, I commend the Bill to the House.

MR SPEAKER

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

HON P J ISOLA

Thank you Mr Speaker, I really want to speak on the principle that the Financial and Development Secretary has set out in respect of services granted, given by the Government in the firearms and generally I think one welcomes the review that is being done in all the services the Government renders to the public to give realistic charges related to the cost of the services being rendered and we agree to this Bill and we approve it. However,

Mr Speaker, what I would like to say on this particular point is that if the Government is going to be more realistic in the fees that it charges for services rendered to the public, not just here but in other areas of Government activity, it is equally responsible to ensure that the service that is given is efficient and quick. I think there is a growing feeling in some areas of Government activity that the service that is given to the public is not possibly as efficient and as speedy as I am sure the Government would like to see it done, and therefore I think, that whereas, none of us oppose the principle of relating the cost of services that the Government gives in various areas of Government activity to the public relating it to its actual cost, there is no objection to that in principle but there is the other side of the coin, and that is that the services given should be prompt, speedy, and efficient. We agree with the principles of the Bill.

MR SPEAKER

Are there any other contributors? You wish to reply to?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir, Mr Speaker, merely to thank the Honourable and Learned Leader of the Opposition for his remarks which I have taken note on the provision of services, and I am glad that the Opposition welcomes this.

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

MR SPEAKER

Again, as this will happen today, do all members agree that the Committee Stage and Third Reading should be taken?

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1980/81) (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 services of the year ending with the 31st day of March 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. Following the passage of the Supplementary Appropriation 1980/81 Ordinance, 1981 through this House on Thursday the 12th of March this year, it was found that the provisions under Head 20, Item 24, of the Recurrent Estimates, which provides for the importation of water, was inadequate. This was because it proved necessary to import further amounts of water following the continuation of the continuous dry weather. By the 17th March, the position was that there was recorded expenditure and commitments until the end of the financial year of £513,000. In addition £15,000 was required to meet bills for shipment which had just been received and it was known that a further fourteen shipments amounting to 2,450 tons, which would cost some £34,000 would be required and would have to be paid for, before the end of the financial year. This brought the total estimated expenditure to the 31st March 1981, to £562,000, whereas the approved funds were only £565,530. There was therefore a projected shortfall of £96,470. Accordingly, I signed a Contingency Warrant for £96,500, to cover this expenditure. The Bill, now before the House, provides the Supplementary Appropriation of £96,500 to replace the amount paid from the Contingency Fund. Sir, I commend the Bill to the House.

MR SPEAKER

Well, before I put the question to the House, would any Honourable Member wish to speak on the general principles and merits of the Bill? I will then put the question. Yes, Mr Isola?

HON P J ISOLA

Sir, we do not have to bother I suppose with the Committee.

the only thing I notice is that we are being asked to vote Supplementary Provision, I know that it is from figures that have been given to us that the amount of imported water, water imported during January 1981, December 1981, October, September 1980, the level of importation seems to have been fairly constant, except for a drop around December, although there was slightly less imported, you know, I would have thought that, that would have been provided for in the estimates. It seems to me that looking at the figures of importation, unless the cost has gone up considerably, looking at the figures of importation over the last twelve months, going back to June, July, it is fairly constant. Possibly when the estimates were drawn up, it was hoped it would rain between the time they were drawn up in December and the time they were passed in the House.

HON M K FEATHERSTONE

Sir, the question of the importation of water always will fluctuate depending on the rainfall, had we had the expected rain in the winter months, we would have told the importers to reduce the amount of water imported. Since the rain did not come, the amount of water imported remained more or less at the same level as it is during the summer. Under normal circumstances we would reduce importation during the winter months.

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

HON FINANCIAL AND DEVELOPMENT SECRETARY

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

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1981/82) ORDINANCE, 1981

HON FINANCIAL AND DEVELOPMENT SECRETARY

Sir, I have the honour to move that the Bill for an Ordinance to appropriate further sum of money for the services 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 £52,400 out of the Consolidated Fund. The surpluses for which this sum is required are set out in part one of the schedule to the Bill and are detailed in the Consolidated Fund Schedule of Supplementary Estimates No.1 1981/82 which I tabled at the commencement of this meeting. The Bill also seeks to appropriate in accordance with Section 57 of the Public Finance Control and Audit Ordinance, the sum of £350,159 from the Improvement and Development Fund. The surpluses for which this amount is required are set out in Part 2 of the Schedule of the Bill and are detailed in the Improvement and Development Fund Schedule of Supplementary Estimates No.1 of 1981,82 which I tabled at the commencement of this meeting. Sir, I would like to bring to the attention of the House, that, some £220,000 of the £350,159, which is sought for the Improvement and Development Fund, is accounted for by revotes from 1980/81. That is to say, it is funds for projects on which projected expenditure fell slightly lower than that anticipated when the final supplementaries were prepared at the end of the last financial year. The other main item within this schedule to which I will draw attention to the House, is the £50,000 of the first phase of remedial work at the Tower Blocks and the sum of £27,000 for pre contract work on projects which it is intended to include in the next development programme. 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?

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

HON FINANCIAL AND DEVELOPMENT SECRETARY

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

COMMITTEE STAGE

HON ATTORNEY GENERAL

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

The Development Aid Bill, 1981
The Town Planning (Amendment) Bill, 1981
The Public Health (Amendment)(No.2) Bill, 1981
The Firearms (Amendment) Bill, 1981
The Supplementary Appropriation (1980/81)(No.2) Bill, 1981
The Supplementary Appropriation (1981/82) Bill, 1981

This was agreed to and the House went into Committee.

THE DEVELOPMENT AID BILL, 1981

CLAUSE 1

HON ATTORNEY GENERAL

Sir, may I move that the word "July" be omitted and that the word "September" be substituted in view of the fact that this Bill will require some time before it comes into force after its enactment.

MR SPEAKER

Now, that is the word "July" where it appears in Clause 1, Subclause 2. It is an amendment to Subclause 2, Clause 1. Is that right?

HON ATTORNEY GENERAL

Yes Sir, that is correct.

Mr Speaker then put the question in the terms of the Honourable the Attorney-General's amendment which was resolved in the affirmative and Clause 1, as amended, was agreed to and stood part of the Bill.

Clauses 2 to 5 were agreed to and stood part of the Bill.

CLAUSE 6

HON P J ISOLA

I beg to move the amendment standing in my name in Clause 5. That is, that Clause 6 be amended by the addition of the following words after the word "doing" in the third line thereof, and this is what we have put in, "and if this results in the rejection of an application the applicant shall be informed that the Minister had acted against the advice of the Committee".

Mr Chairman, I move this amendment, because I feel that as there is an advisory committee set up to advise the Minister and as he is required to record in the minutes of the meeting his reasons for acting against the advice of the committee, I feel that the applicant who, as a result of the exercise of the ministerial power here, contrary to the advice that the Minister receives, should be told that this has occurred. The reason why I believe this should be so, Mr Chairman, is, that in the event that the applicant might feel that he did have a good case, that there was a majority of people, let us put it that way, dealing with applications, though he had a good case, and therefore he ought to appeal to a review body to see this. I think that as I said at the second reading of the Bill, there is a need in Legislation of this nature which affects development in Gibraltar, there is a need to give as much protection as possible against possible abuse of ministerial powers in a matter which I think is a very sensitive, a very sensitive area of Gibraltar life and activity, and although today we have a Minister who is really a full time Minister, tomorrow, we could have a Minister, Mr Chairman, who has private interests, who has connections and so forth, and might be disposed more regularly to act against professional advice of his advisory committee, if he feels that this should be so for any reason at all. I think that where you have got an advisory committee and the Minister acts against this, the applicant should be told that this has occurred, nothing else, this has occurred, and that is the reason for this amendment. I hope the

Government can accept it.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, Sir, I regret that this amendment is not acceptable to the Government, for the reasons which I will expand. I think that one needs to look at the reverse of the reasons for which the Honourable and Learned

MR SPEAKER

Perhaps we should propose the amendment, and then we could deal with it. We will propose the question of move by the Honourable Leader of the Opposition, which is, that Clause 6 of the Bill, be amended by the addition of the following words, after the word "doing", in the third line thereof, that is the addition of the words: "and if this results in the rejection of an application, the applicant should be informed that the Minister had acted against the advice of the committee". Perhaps now we are in a position, sorry to interrupt you.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, Sir, I apologise. At this hour in the morning it is so very rare for me to be in advance of myself, but also in advance of the House, my apologies Sir, and to the House. I was saying, Sir, politically, that the Government regrets that it cannot accept the amendment moved by the Honourable and Learned Leader of the Opposition. First of all, I think it would be most unusual for advice which is given to a Minister to be made public, which is in effect what would be happening in this case. And the reason why the general rule both in UK and many other countries, why advice given to Ministers by officials is not made public, is that it would inhibit officials in giving advice to Ministers if this were to be made public. Now the Honourable and Learned mover, has suggested that, to inform an applicant who has been unsuccessful, that the Minister was acting against the advice of his advisory committee, might be to his benefit to the extent that he would then feel he had good grounds to appeal. But, I would suggest, Sir, that it might not, in fact, it could well not act to his benefit, because, if the advisory committee, were to know that the reasons why they were going against, or advising a Minister against a certain course of action, were to be published, this could

inhibit them giving their reasons and for that very reason could operate against the interest of the applicant. So, for those three reasons, Sir, I regret that the Government, as I said earlier, cannot accept the amendment although it sees the reasons why the Honourable Member has brought it forward.

HON P J ISOLA

Mr Chairman, I do not think that the reasons

MR SPEAKER

I will give a chance to any other Member who wishes to speak on the amendment, and then you can reply. Is there any other Member who wishes?

HON A J CANEPA

Was he going to exercise his right to reply?

MR SPEAKER

We are in committee, out for the sake of good order, I felt that perhaps all Members wishing to speak on the amendment, could express their views so that the mover can then have a chance, but there is no reason why he should not have a word now, but since we are in committee, would you rather wait?

HON P J ISOLA

If the Minister would like to speak out, it would be nice to hear him.

HON A J CANEPA

Mr Speaker, in the point made by the Honourable the Leader of the Opposition about the possibility of abuse of Ministerial Power, in my own experience, and it now goes back nine years that I have been in Government, is that, it usually works the other way round. There is a constant assent in Gibraltar, because Ministers are over accessible, because officials in departments are easily identifiable and accessible, there is a constant attempt by outsiders to get to the root of Government decisions. Government is not a

composite body, people are constantly trying to find out who was it in Government that took such and such a decision. That is bad I think for the business of Government, because people will try to find out whether it was the administration, whether it was the Council of Ministers that arrived at the decision and not Government as Government. That is why, because of that trend that there is in Gibraltar, I think that there are very serious problems in allowing applicants to know that in fact the minister had acted against the advice of officials on this committee, because it will then be the minister himself, who will be the target perhaps, of intensive lobbying in an attempt to get him to change his decision, and a minister is subject to political pressure. A minister knows perfectly well that what keeps him in office is the electorate, and therefore I think that he would be tempted to be less objective than if it is known that it is a committee of the Government which has advised Council of Ministers, or the Minister to take a decision, and this is the decision that the Government has taken and not try to split hairs and find out who took what decision. In practice, what I myself propose to do is, that I will keep Council of Ministers constantly informed about the deliberations of this committee, in the same way as for instance, the minutes of the Trade Licencing Authorities are circulated to me as Minister for Trade and to the Chief Minister. I will arrange for the minutes of all meetings of this Committee to be circulated to Council of Ministers, so that if any Minister feels that there is any matter that must be raised and discussed within the forum of Council of Ministers, the very fact that these papers will be circulated as information papers will give him an opportunity to do so, and the Minister for Economic Development will also feel that he has the consent by implication of a tacit consent of his colleagues in the manner in which he is carrying on his affairs. I will arrange for that to be the practice myself, and I hope, and I am sure that it will become the administrative procedure that will be adopted in future years by my successors whatever they may be.

HON P J ISOLA

Mr Chairman, I realise, that there are arguments for and against this, I appreciate the point that is made. Civil Servants must appear to be free to give advice independently, and if the fact that it is recorded that the minister has acted against the advice of his committee, pressure might then come at some future date on Civil Servants.

What I would have thought of the stature of the Civil Servant as to be on this Committee, considering the stature, that should not be an inhibiting factor. The problem that I find in this is, that a number of people will get to know that the Minister has asked against the advice of his advisory committee whatever any Honourable Member may say. I agree with what the Minister for Economic Development has said, that in fact, people always try to find out who is responsible for this. One gets it that so and so, but they do find out, if this provision is there, that the minutes have to record his reasons for going against the advice, people will find out, and what I am anxious is that everybody should be in the same position in this respect, every applicant. I am not asking that the thing should be made public, what I am asking is that the applicant himself should know if a Minister has acted against the advice of the Committee, that is all. If this amendment is not accepted, I wonder whether there is any point in putting that sub-clause in at all. The powers of the Minister is there and there is provision for a member of the committee who dissents from the advice of any other members to have the thing recorded, I wonder whether there is any need at all to have that clause, unless it is for the purposes of letting the applicant know that it is being done against the advice of the committee. When a court gives a judgement, a Court of Appeal, you get a dissenting one, and then if you get two chaps dissenting in a court then the man thinks well, look, there seems there are two people who agree with what I am saying and go forward. I am only doing this because I know what a sensitive area this is, the question of Development Aid. I have heard lots of ill advice, not ill advice, ill informed expressions on this particular point of grants or not grants of Development Aid, how somebody has got it and somebody else has not got it, and all the rest. I think that in this particular area, it is in Government's interest to have an open book, not now, not just now, but as a guideline for the future, so I must press my amendment, Mr Chairman.

HON CHIEF MINISTER

I think there is a very big difference in the reference to a majority in a Court of Appeal or in the House of Lords, which the Honourable Member has made. In that case everybody has got exactly the same standing, they are all administering justice in public, and naturally if they dissent they have the courage to do so, and give reasons for it sometime, good reasons are used in other arguments in subsequent cases. This is a different thing altogether, the Civil Servants are there advising the Minister, I think it is good that the minutes should so say. If it ever

occurs that the Minister does not take the advice, for his own safeguard, as much as for the safeguard of the Civil Servant internally, then I think that the Clause should stay as it is, it is easier for people to say, well, let us take it away. No, we do not want to take it away, I think the minutes should say so, and as the Honourable Member has said, if Minister's know that, then they will want to decide because ultimately it is their collective decision. So I think for those reasons given by the Financial and Development Secretary, which goes to the root of Ministerial responsibility and Civil Service advice, we should resist the amendment.

MR SPEAKER

Do you wish to say anything further on the clause?

HON P J ISOLA

No, Mr Speaker.

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

The Honourable J Bossano
The Honourable A J Haynes
The Honourable P J Isola
The Honourable A T Lodio
The Honourable Major R J Peliza
The Honourable G T Restano
The Honourable V T Scott

The following Honourable Members voted against:

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

The following Honourable Member was absent from the Chamber:

The Honourable I Abecasis

The amendment was accordingly defeated and Clause 6 stood part of the Bill.

CLAUSE 7

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name for this Clause, which is, to add to this Clause on page 23, the following sub-clause.

"(3) Notwithstanding any provision in the Principal Ordinance, any member of the public may during normal working hours, on payment of a fee of £1, inspect the register at the office of the secretary."

Sir, in proposing this amendment, I would ask you leave, if I might, to anticipate briefly other amendments because I mean, this is related to them and it may be a convenient time in which to outline them.

MR SPEAKER

Most certainly, yes.

HON ATTORNEY GENERAL

In the second reading stage of this Bill, there are three main points which Government has looked carefully at. The first of these, desirability of publicising decisions, the second, which is now being dealt with, the desirability of the Minister if he acts against the advice of officials disclosing that fact to the applicant, and the third is, that the Minister should not be present when a decision is reviewed. Now the Government has given careful consideration to these points and has accepted that wherever possible, there ought to be a right of appeal. By the same token, there is a distinction to be drawn between matters which are susceptible of appeal and matters which are really policy matters, and the approach that the

Government has decided to pursue. I am interested in this stage, because this clause involves the person who can solve it, it is to provide for publicity of decisions once taken and also in the case of the cancellation of a licence, to provide for a right of appeal to the Supreme Court, but I will turn to that point later. The first point, therefore, is that the Government does accept that there should be publicity of decisions once taken and therefore the first amendment which I, which I wish to propose, Mr Chairman, will have the effect of enabling members of the public who wish to do so to go to the office of the secretary of the advisory committee, the Development Aid Advisory Committee, and on payment of a nominal fee have a look at the register which contains details of the licences issued. We also have other proposals regarding publicity but this is the first of the proposals, Sir, and I beg to move accordingly.

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

HON P J ISOLA

Mr Chairman, we welcome this amendment. I think, generally, that a lot of careful note has been taken of what this side of the House said on the Bill in the second reading, and we welcome the process towards more publicity of the situation. My only regret is, that the Government did not feel itself able to support the amendment just passed, which was passed, which we considered an important part of that process. Mr Chairman, I will not speak on the other amendments that the Honourable and Learned Attorney General has referred to, until we come to them, but generally we welcome the move towards more publicity and this I think is an important step because this will enable people to check and find out who has been given, who has not been given, and so forth, a licence. We welcome the amendment.

Mr Speaker then put the question in the terms of the Honourable Attorney General's amendment which was resolved in the affirmative and Clause 7, as amended, was agreed to and stood part of the Bill.

Clauses 8 and 9 were agreed to and stood part of the Bill.

HON P J ISOLA

Mr Chairman, I beg to move the amendment standing in my name, that is, that Clause 10 (2)(a), be amended by renumbering sub-paragraph (V) as (VI) and inserting a new sub-paragraph(V) as follows: (V) "to afford new employment opportunities or career prospects in Gibraltar or", then there should really be an "or" there for number (VI).

HON P J ISOLA

Mr Chairman, the reason for proposing this amendment to the Bill, is mainly because, the question of new employment opportunities or career prospects is not specifically mentioned as one of the criteria. I think, having regard to very recent developments, and having regard to the position in Gibraltar, I think, that should be a specific criteria, and of course, I think, it possibly should have been there anyway, but now of course, with the defence review, I was looking at alternative ways of giving help to the economy. I think the question of new employment opportunities and career prospects in Gibraltar should be now a specific criteria to which due weight should be given. I do not think it is really necessary for me to say much more on the amendment. I am sure this is an amendment that Honourable Members, on both sides of the House will feel should be there specifically. I commend the amendment to the House.

Mr Speaker then put the question in the terms of the Honourable P J Isola's amendment, which read as follows:

That Clause 10 (2)(a), of the Ordinance be amended by renumbering Sub Paragraph 5, to Sub Paragraph 6, in Roman figures, and inserting a new sub paragraph 5, in Roman figures, as follows: "to add new employment opportunities for career prospects in Gibraltar, or" and then you will have the new Sub Paragraph (VI).

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, Sir, the Government understands the reasons why the Honourable mover has moved this amendment. However, it feels that the provision of this criteria is adequately covered in Sub Section 2 (a), small five, otherwise to improve materially the economic or financial infrastructure of Gibraltar". I think, that Honourable Members will remember that in my second reading speech, when introducing this Bill, I gave an indication of the type of information which

the Government had in mind and would be required in regulations to be published under the Ordinance when it was enacted. One of these was, the employment effects of the project after completion, that is, number of employees, broad details of appointments, and projected wage bills for the first three years of the operation. In other words, whilst, Government had not spelt out under the criteria the employment effects of a project, these will be very much in the mind of the advisory committee and of the Minister when considering a Development Aid Application, and for that reason, the Government did not consider that the amendment was necessary. However, if the Honourable mover wishes to press for the amendment, it would accept it. If we were to accept it, we would like to make a minor amendment, and that is to substitute for the words "in Gibraltar" the words "for the economic benefit of Gibraltar", because it could be that a project which provided for new employment opportunities or career prospects

MR SPEAKER

If you would like to stop there, and ask the Honourable Mr Peter Isola, whether that would be taken as a consequential amendment and perhaps a typographical amendment.

HON CHIEF MINISTER

Perhaps, the Honourable Member can explain the reasons why he wanted this amendment?

MR SPEAKER

Oh, I beg your pardon. All I am saying is, if it is agreeable, we would not have to have an amendment to an amendment. That is all I am saying, where the words end and "of" can be, substituted as corrected. Are you in favour of this?

HON P J ISOLA

I am not in favour of the proposed amendment, and I will explain that

MR SPEAKER

Not of the amendment, but of substituting the word "in" for "of".

HON P J ISOLA

Sorry, for "of".

MR SPEAKER

Instead of "in Gibraltar", "of Gibraltar", "for the career prospects of Gibraltar". Is that right?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No.

MR SPEAKER

I beg your pardon, I beg your pardon.

HON FINANCIAL AND DEVELOPMENT SECRETARY

It is the words "or career prospects in Gibraltar", whether those are necessary in view of the fact that the project shall be one which is for the economic benefit of Gibraltar.

MR SPEAKER

Oh, I beg your pardon.

HON FINANCIAL AND DEVELOPMENT SECRETARY

It is merely the deletion of the words "in Gibraltar".

HON P J ISOLA

Well, Mr Chairman, the reason why I put "in Gibraltar" is because Gibraltar appears in every sub-paragraph. The other point I would like to make is, that the question of economic benefit of course, appears in sub-paragraph (b). What I would like to say on this, on the reason why I do press for this amendment is because, sub-paragraph 5, talks of improving materially. The Government will have to now think again on aspects of this Development Aid Bill, because the reason why I think it should be in it is because we should not miss the opportunity of any scheme that brings new employment, even though it might not

materially improve the economic infra structure of Gibraltar. We may have to look at the development in Gibraltar where lots of little units, or lots of little developments are encouraged to help the home. That is why I am pressing on it, and the reason why I say the Government may have to look in the light of new development, into the Development Aid Bill, in the question of sizes of projects, the amounts which we welcomed and we agreed to before. I think the Government may well wish to have a further think on the amounts involved having regard to the need to encourage now, rather more diversification now, than perhaps was thought necessary when the Bill was drafted. Decisions have not yet been made on a number of them, but in view of recent developments, the Government may have to look at the whole Development Aid Ordinance again. I am not saying that it is an urgent matter at all, but it may have to, and that is why I think this particular clause should go in because it should be a specific criteria. Somebody should be able to argue what I am going to set up is very small industry, it will bring new employment prospects and career, if it is for a small number of people, might not materially affect the economic and financial infra structure in Gibraltar, but help the general picture of encouragement of diversification. So, I would press the amendment.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, Sir, in the light of the further explanation made by the Honourable mover, as a Government Member, I accept the amendment.

Mr Speaker then put the question in the terms of the Honourable P J Isola's amendment which was resolved in the affirmative and Clause 10, as amended, was agreed to and stood part of the Bill.

Clauses 11 to 13 were agreed to and stood part of the Bill.

CLAUSE 14

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name which is to insert in paragraph (b) of this sub clause on page 26 before the words "no account shall be taken" the words "account may be taken of the cost of reclaiming land for the purpose of the project, but, except in such a case".

Sir, after this Bill has received a second reading, and whilst further consideration was being given to the scheme of the Bill, the point was made, that, whereas land which is natural land and which already in existence, ought not to be allowed to qualify as capital expenditure under a development project, which is the case at the moment, reclaimed land was in a different position. If a person has, in part of the project, reclaimed land, the point was put forward that that should surely be able to qualify as capital expenditure and the Government felt that this point was a point which was well taken, and accordingly the amendment would provide accordingly.

Mr Speaker then put the question in the terms of the Honourable Attorney General's amendment which was resolved in the affirmative and Clause 14, as amended, was agreed to and stood part of the Bill.

Clause 15 was agreed to and stood part of the Bill.

CLAUSE 16

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name, which is to add to this Clause on page 30 the following sub clause.

MR SPEAKER

Perhaps you can move the two amendments as one. There are two amendments that you have given in, it could all be one now.

HON ATTORNEY GENERAL

Thank you. If I could move in respect of Clause 16 to add to this Clause on page 30 the following sub clause four. May I start again, Sir?

MR SPEAKER

Most certainly.

HON ATTORNEY GENERAL

Sir, I beg to move in relation to Clause 15, Sub Clause 2 on page 29, that the word "reasonably" be omitted, and in Sub Clause 4, in the same Sub Clause Sir, I beg to move the following sub clause to be added: "(4) Where the Minister cancels a licence under Sub-Section (1), the licensee may within 21 days after being informed of the cancellation appeal against the decision of the Minister to the Supreme Court, and on hearing the appeal, the court may confirm or reverse the decision of the Minister."

Speaking to the first proposal, Sir, this is a very minor drafting point, but, the point has been made that, as the requirement of the sub clause is that notice of cancellation should give sufficient particularity of the grounds on which cancellation is to be made, the additional word "reasonably" is strictly superfluous, and therefore may cause some problems of interpretation, I think, therefore, the point is well taken Sir, accordingly after Thursday's amendment.

The more substantive amendment is the proposal to insert in the new sub clause 4, and as I mentioned earlier, one point which the Government feels should be met in relation to this Bill, is that so far as the cancellation of the licence is concerned, which involves as I said, the cancellation of an established right, or an established confinement, and also involves grounds which are essentially grounds of facts. The Government feels that there could and indeed there ought to be a right of appeal to the Courts, because it is not a question of a policy decision, it is a question of interpreting the facts and protecting rights. The appropriate court would be, the Supreme Court, because, this Bill is expressed to be read as part of the Income Tax Ordinance, and the Appellate Court, under the Income Tax Ordinance, would be the Supreme Court. The amendments provide the right of appeal from a decision to cancel a licence, to the Supreme Court. As drafted, the amendments simply proposes that the court may confer, confirm or reverse the decision of the Minister. There is another amendment, but I prefer to reserve my comments until the amendment is actually made. Sir, I move this accordingly.

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

HON P J ISOLA

Mr Chairman, as regards the first amendment, what is I think a drafting amendment, well, that is accepted. The other

amendment of course, I am glad to see that that one has been brought. You will recall Mr Chairman, that during second Reading of this Bill, we were very concerned on this side of the House that there should be some right of appeal to the Court rather than to Ministers, in a situation where it is the Minister who is refusing or giving a licence. However, we also took note of the problems facing a decision to give a right of appeal direct to the Court in every case where a licence is refused, licence is cancelled, and so forth. In fact, I had myself, prepared an amendment to give the right of appeal just in this case, where there was a cancellation of a licence and when I compared notes with the Honourable the Attorney General yesterday, I discovered that he was proposing a similar amendment, so that there was no need for me to propose that amendment.

There is however, two points I would make on this. We welcome that there is to be a right of appeal to the Court on the cancellation of a licence, and we recognise that it is not possible to give a right of appeal to the Court in the question of a refusal to grant a licence initially. I have got an amendment standing to my name, which deals with that particular point of review by Ministers of a decision to refuse a licence and I will speak to that when I get to it. As far as this particular amendment is concerned, Mr Chairman, I thought of an amendment to move to that amendment and which I would like the House to consider at the same time. I did give the Honourable and Learned Attorney General a copy of it. The amendment, Mr Speaker, seeks to give the Court the power, not only to confirm or reverse, but also to vary the decision subject to conditions. The reason why I put that is that it seems to me that if a Minister has said no, or rather if a Minister has cancelled a Development Aid Licence, it will obviously have been because the applicant or the person who has got the licence has not complied with the conditions of the licence, and that is the reason for the cancellation. If it goes on appeal and the Court finds that that is the case, then I can not see how the Court can reverse a decision of a Minister, and what the Court ought to be able to do is to say, alright, you have been in breach, I find you have been in breach of the conditions of the licence, but provided you comply with them or comply within a month, the decision is reversed. I propose an amendment of deleting the words, in the Honourable and Learned Attorney General's amendment, "the court may confirm or reverse a decision of the Minister" and substituting "the court may confirm, vary or reverse, subject to such conditions that the court may determine the decision of the Minister", I think this will give the court a little more discretion in the matter, than what the amendment would appear to give it. I commend that.

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

HON CHIEF MINISTER

There is just one point on drafting before the merits of the amendment is considered. I think that the word "decision of the Minister" coming immediately after "reverse" is rather desjunctive. I think it should read, if it has to go, "the court may confirm, vary or reverse the decision of the Minister subject to such conditions as the Court may determine."

MR SPEAKER

That is an incidental, I think.

HON CHIEF MINISTER

Yes Sir, just a matter of drafting actually.

MR SPEAKER

That will be put after the word "reverse".

HON CHIEF MINISTER

That is right, the last four words.

MR SPEAKER

Yes, we will take it as proposed as it now reads, which is as follows, it will be further amended by the deletion of all the words, after the words "the appeal" in the first lines thereof and the substitution of the following words "the court may confirm, vary or reverse the decision of the Minister subject to such conditions as the court may determine".

HON ATTORNEY GENERAL

Mr Chairman, I do not really have any strong views on the amendment that is being proposed, but I would like to say that, when it came to the preparation of this Clause, we gave consideration, not to the effecting of conditions but to the question of the variation. The question giving the Supreme Court the power to remit a decision taken through the Minister for further consideration and a power to vary an appeal and a power to remit back on appeal, are of course

not uncommon. I think a power to confirm or reverse on conditions is perhaps a little more unusual but I do not have any difficulty in principle with it. The only point I would like to make as to why we did not put some other provision than what my amendment has, is this point. I think one can take a harder or a softer approach towards the scheme of the statute, if you grant a licence you must comply with the conditions, and if you do not comply with the conditions, then the Minister may have to cancel the licence. I myself have not till now viewed the right of appeal as being an appeal against whether the Minister was right or wrong in saying that the licence should be cancelled, and if this approach was correct, then I may say that I myself, do not really think that the Supreme Court need go beyond that saying either we agree with the Minister or we disagree. I think for the Supreme Court to go further and say we neither agree nor we disagree, but we would like this to be done, is really slightly widening the context of the appeal, however, I have no strong views on the matter.

HON CHIEF MINISTER

Mr Speaker, we all feel terribly strongly on this. Normally the court can take a wider view and as the matter may be a question of time limits, it could come up and say, right, you have had your licence cancelled because you have been negligent in carrying it out, but, I will give you a last chance. If you do not do it within 21 days, the Minister's cancellation will be confirmed. If you give a right of appeal to a Judicial body, one does not really worry very much whether they have a little more power or little less power.

HON P J ISOLA

Mr Chairman, I would agree with that completely. I was thinking, when you get, for example, in leases, you get the right to forfeit if somebody does not comply with conditions to pay rent, and so the Court always has the discretion to relieve against forfeiture, and, I was thinking along the same sort of lines here, precisely on the lines of the Honourable and Learned Chief Minister who has just been discussing this, so I would prefer to see it in, and I think that would help matters considerably, and I think it would take away any sense possibly of injustice.

Mr Speaker then put the question in the terms of the Honourable P J Isola's amendment which was resolved in the affirmative and Clause 16, as amended, was agreed to and

stood part of the Bill.

CLAUSE 17

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name to this Clause. The first amendment is a correction of a numerical error, the reference should be to Clause 13 not to Clause 12. The second amendment which is more substantial is consequential on the introduction of a right to appeal to the Supreme Court once a right of appeal has been established with the Supreme Court on grounds of cancellation of a licence. The proposed amendment is therefore to delete that part of Clause 17.

MR SPEAKER

I will propose the question, which is that Clause 17, be amended in paragraph(c) of sub-clause (i) on page 30 to omit the figures "12" and substitute the figures "13" and to omit the expression ";or" and substitute a dash, and furthermore to omit paragraph (d) of sub-clause (1) as it appears on page 30.

Mr Speaker put the question in the terms of the Attorney-General's amendments which was resolved in the affirmative and Clause 17, as amended, was agreed to and stood part of the Bill.

NEW CLAUSE 18

MR SPEAKER

Before you start on that one, may I suggest that you take it by stages. The first stage is the addition of a new Clause 18, and then we will add the next Clause as you want to do and then we will renumber.

HON ATTORNEY GENERAL

Thank you Sir. I beg to move the amendment to insert a new Clause 18 which stands in my name. Sir, as I previously mentioned, one of the points the Government does accept as a result of the discussion on the Second Reading debate, is that there should be due publicity of the process of granting, amending or in cancelling licences and accord-

ingly the effect of the amendment I am proposing, Sir, is that whenever the Minister grants a licence or amends a licence or cancels a licence, then the Secretary to the Development Aid Advisory Committee would be obliged to publish notice of the decision in the Gazette. The notice will be brief but it will specify the identity of the licensee, the date of the decision and a brief description of the effect of the decision. A further point is that failure to comply with the requirement would not invalidate the decision, the requirement is purely directory, but it would mean that not only will the public have access to the register to see what licences have been issued but, if they care to read the Gazette they will be able to see in there, too, what is happening. Perhaps, I should add, that I have not included in this amendment provision for a decision of the court to be publicised in the Gazette, I do not think it is really appropriate as decisions of the court are, in any event, matters of public record.

MR SPEAKER

Now, I will now propose a question, which is that a new Clause be added to the Bill, to be known as Clause 18, in the terms shown in the notice of the amendment circulated by the Honourable the Attorney General. I will, when I put the question, read the full section but I am not going to read it twice.

HON P J ISOLA

Mr Chairman, we welcome this Clause under which decisions will be published in the Gazette where they are, whether it is a cancellation or the granting of a licence so that anybody who is interested can then go to the register and inspect. We welcome this amendment.

MR SPEAKER

I will then put the question which is, that a new Clause be added to the Bill to be known as Clause 18, and the title will be Publication of Decisions, and it will read as follows: "18 (1) Where - (a) the Minister grants a licence under Section 10 (1); or (b) the Minister amends any term or condition of a licence under Section 13; or (c) the Minister cancels a licence under Section 16 (1) - the Secretary shall cause notice of the decision to be published in the Gazette. Sub Clause 2: Every notice under subsection (1) shall specify - (a) the number assigned to the licence in the register; (b) the name and address of the

licences; and (c) the date of the decision - and shall briefly describe the effect of the decision. Sub Clause (3). In this section, references to a decision by the Minister to grant or amend a licence include references to a decision by the Governor under Section 17 to grant or amend a licence. Sub-Clause (4) A failure to comply with this section shall not invalidate a decision.

The question was resolved in the affirmative and New Clause 18 was agreed to and stood part of the Bill.

NEW CLAUSE 19

HON ATTORNEY GENERAL

Sir, I beg to move the amendment standing in my name for the insertion of a new Clause 19. Sir, under the provisions of the present Ordinance, as a matter of law, a licensee becomes entitled to the benefit which flow from the granting of a licence after he has complied with the conditions of the licence, so in other words if it is a three-year project, the conditions of the licence are that he erects the hotel within three years, as a matter of strict law he becomes entitled to the benefit at the end of that three years but in fact, he may be drawing profits in the meantime, especially if it is a staged or phased project, and the question arises, if he is drawing profits, should he have to pay tax on those profits when he may be very well complying with all the conditions of the licence and at the end of the day have successfully done so. I think what is needed in the Bill is the machinery provision to make it quite clear that the Commissioner of Income Tax, while he should have power to require details of income to be provided, can nevertheless say; "I will not assess you until the time for carrying out the conditions of your licence has been complied with". I think this is a machinery point essentially, but it is a small gap in the present legislation and the effect of this amendment is to overcome that. Sir, I commend the amendment.

MR SPEAKER

I will then propose a question which is that a new Clause be added to the Bill which will be known as Clause 19, reading as follows: "Power of Commissioner of Income Tax to defer

"Power of Commissioner of Income Tax to defer assessment.

19. For the purposes of Section 14 and 15, in respect of any income which by virtue of either of those sections will not be liable to income tax if the licence is

complied with, the Commissioner of Income Tax may defer any assessment of any person for income tax until the time allowed by the licence for compliance with the conditions of the licence has expired".

Mr Speaker then put the question in the terms of the Honourable Attorney General's amendment which was resolved in the affirmative and New Clause 19 was agreed to and stood part of the Bill.

HON ATTORNEY-GENERAL

Sir, I beg to move that in consequence of the insertion of new Clauses 18 and 19, that the existing previous Clauses 18 to 21 be renumbered 20 to 23.

Mr Speaker put the question in the terms of the above amendment which was resolved in the affirmative and the clauses were accordingly renumbered.

HON P J ISOLA

I move that Clause 20 (e) (old Clause 18) be amended by the addition of the following words after the words "Section 17"; "including provision for the applicant to be heard at the time of review either personally or by his solicitor". Mr Chairman, the problem, of which have we talked a lot in the Second Reading, is the question of an applicant who feels he has been hard done by, by not granting a licence or whatever, of the right of appeal and we discussed in the Second Reading and we thought there should be a court and so forth. We have been considering this and we appreciate that it is difficult to appeal to the court in respect of this sort of application and refusal and therefore we came to the conclusion, the same conclusion, in fact, as the Government, that there should be an appeal to the court in respect of cancellation of licences but in respect of reviewing of licences of refusal to grant a licence or the conditions of a licence or whatever, that it should go to the Governor. I think the Governor in this case is the Council of Ministers. Mr Chairman, I think, certainly in my experience, there has always been a feeling that if you appeal you will never succeed because it goes to the same people and they will back up the Minister. This is the feeling one gets and in fact most appeals do not seem to succeed. We think that the person who applies for a licence goes in front of a Minister and his advisory Committee and he asks and they argue and they discuss and the Minister at the end of the day says; "No, we refuse to

grant you a licence", then he says I want it reviewed. Normally, it would be done by just sending a letter in. We think it would not harm the position of anybody if the applicant at the time of review, and I am stressing here that it is not a question of the applicant being present throughout during the discussion, at the time of the review the applicant should be able to put his case to the Governor, or in this case to the Council of Ministers, personally or through a solicitor, put his arguments, let them hear him, then of course they would go, and the amendment here suggests that in prescribing the procedure to be followed on applications for review under Section 17, the Governor can make rules including provision for the applicant to be heard at the time of review either personally or by his solicitor and in this way the Governor might wish to make rules which would enable somebody to go to the reviewing body which I believe here would be the Council of Ministers, and plead his case personally or through his solicitor. I accept that in suggesting this amendment it would not be unreasonable to suggest that in other cases of appeals similar procedures should be followed as well, but I see no harm in that, Mr Chairman, I see no harm in that, and I think it would take away a lot of sense of possible injustice in applicants because they have been heard quietly and patiently by the reviewing body or the appellate body of the Government, whoever it may be, he has been able to put his case forward, argue it, it is always much better a personal appearance, argue it, and then he goes, and then the Government, or the Governor, or the Council of Ministers, or Gibraltar Council, whoever it may be, decide the matter. I think there is a case for making the distinction between this Ordinance and other Ordinances on questions of appeal but, generally, I would have thought that it might be a good idea, generally, in appeals to the Governor, to allow the appellant to put his case personally or through his lawyer. Mr Chairman, however, here I am merely moving this amendment which would enable rules to be made to allow the applicant to be heard at the time of review personally or by his solicitor. We attach great importance to this matter as indeed, to all the other amendments but we attach a lot of importance to that and I hope the Government can agree this amendment.

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

HON CHIEF MINISTER

Mr Speaker, I will not deal with the merits of the amendment, that will be dealt with by other colleagues, but I will

certainly take up the Honourable Leader of the Opposition on one or two points he made at the beginning. It is not the fact, certainly not in my experience in many, many years, that written appeals are just rejected because they are sent back to the same people, it is by practical experience over the years, both in the Council of Ministers and in Gibraltar Council, that applications, and I have no doubt the same is the case in the Development and Planning Commission, that applications are made certainly in Council of Ministers and Gibraltar Council and then appealed again and reviewed. I would go further, certainly there are cases in Council of Ministers where a decision has been taken, particularly in the granting of a Development Aid Licence and has been refused and further, as representations have been made, other aspects of the matter have been brought to the notice that perhaps the original application did not deal with properly, and the Council of Ministers has looked at it and reversed their previous decision because new facts have been added. I can think of quite a number of cases in which this has happened. Therefore the Council of Ministers look at this not on the basis of supporting previous decisions taken either by officials or by other Ministers, but on the merits. Let me say that in Gibraltar Council, without revealing what goes on in Gibraltar Council, these matters are looked at in the most meticulous way and even in matters which are the responsibility of the Governor he says; "I will take the advice and I will go through the whole thing, I will not take action on my own that affects people". So that aspect of the matter, really, has no strength apart from the fact that I think it would most be most unwise that Council of Ministers should sit in judgement and hear applications and arguments and having to preside over arguments that may be adduced some of which may be valid, others which may not be valid. We do not like the amendment.

HON A J CANEPA

I was wondering, Mr Speaker, if the Honourable the Leader of the Opposition can cite one example where members of the public appear before the Cabinet. Can he himself from his years of office in Council of Ministers cite an example? I certainly can not remember in nine years that I have been, any occasion where an applicant or his solicitor has appeared before the Council of Ministers. I do not think that this is the practice at all, anywhere.

HON P J ISOLA

Mr Chairman, I do not think it is the practice for the Cabinet in England to hear appeals.

HON CHIEF MINISTER

You appeal to the Cabinet on anything.

HON P J ISOLA

No.

HON CHIEF MINISTER

Of course you can. By written representation you can appeal to the Prime Minister, what she does is her business.

HON P J ISOLA

Mr Chairman, what I was saying is that in all statutes in England any appeals there are, are appeals to the Minister, to the Secretary of State, not to the Cabinet. You can write a letter to the Prime Minister, yes of course, everybody can, but I am talking of legislation which says you can appeal to the Governor and it is not to the Governor you are appealing at all, the Governor has nothing to do with it. The Governor is the Constitutional Head, like appealing to the Queen, but it is not the Governor, it is the Council of Ministers who decides, or Gibraltar Council who decides and the Governor is just a figurehead there. That is the point I am making. I cannot cite an example as asked for by the Minister because as I understand it, I cannot think of a single law in England that gives you an appeal to the Cabinet but all the laws here gives you appeals to, as I said, Council of Ministers or Gibraltar Council.

HON ATTORNEY-GENERAL

There is little I can add, really. I support the view that the amendment should not be made in this way. I think I can only stress that this is a policy review we are talking about. Perhaps in England it may not be the rule for matters to go to the Cabinet but certainly there are countries in which policy reviews are, I will avoid using the expression "an appeal" but policy reviews, especially policy reviews, do go to Council of Ministers or its equivalent and while I cannot speak exhaustibly, those cases of which I am aware are cases in which the party, the individual, who is not permitted to, or certainly not as of right, permitted to appear before the Council. I think myself, Sir, that the Bill given that this is a policy review we are talking about all the time, I think the Bill must go some distance towards first of all securing the independence of the public servants in the earlier provisions which were dealt with and, secondly, in providing a right to seek a review to an aggrieved applicant and he is entitled to put his views forward, he is entitled to put them forward formally in writing, but I really do, with respect, think that it would not be appropriate for an applicant on a policy review to be appearing in person before the Council of Ministers.

HON P J ISOLA

Mr Chairman, I do not think the arguments that have been adduced are valid. The Honourable and Learned Attorney-General talks of a policy review, it is not really a policy review, it is John Smith who has applied for a Development Aid Licence in respect of a project and John Snooks also applies for the licence in respect of a project with slight differentiation, the Minister gives it to John Snooks and does not give it to John Smith and John Smith asks for a review, what he is really appealing against is the decision of the Minister that he has not been given a Development Aid Licence, that is basically the problem in Development Aid as I understand it and as I know it is. The Honourable and Learned Chief Minister says that we are not going to have Council of Ministers sitting there in judgement but that is exactly what Council of Ministers is going to do under the law, sit in judgment.

HON CHIEF MINISTER

I am sure that the Honourable Leader of the Opposition is misquoting my words. I meant as a Court of Justice listening to arguments instead of being an administrative body looking at documents and so on, that is all I said.

HON P J ISOLA

Yes, I accept that, not as a court of justice but it is sitting in judgement on that applicant and on his application so it is doing it. I find it difficult to see why the Government does not allow somebody to appear before Council. Is it that they are too busy and that it is not important enough? Why do they not allow a person to go there and say what he has to say? I do not understand this and, of course, we must press our amendment. All I am asking is that a person should be able to go to the Council of Ministers and put his case, that is the amendment we are asking for. Unfortunately, Council of Ministers is sitting in judgement on a Minister's decision, on a decision of a colleague, that is a fact. A colleague has said no to John Snooks in his application for a Development Aid Licence. In England, or somewhere else this would be done but in a totally different way, there might be an administrative tribunal, and the tendency and I am sure the Honourable and Learned Attorney General would agree with me, the tendency throughout in quasi administrative decisions, the tendency has been to have appeal courts, administrative tribunals. The tendency in the exercise of Ministers' discretion in England in recent years has been to take him to the courts,

there are prominent examples of this in education and in other spheres of public activities and people have been able to be heard. What is the objection the Council of Ministers refusing an applicant to go before them and put his case? What is the impression that this must give people, generally, in Gibraltar? The Honourable Members opposite laugh.

HON CHIEF MINISTER

It is rubbish.

HON P J ISOLA

It is not rubbish, Mr Chairman, as quite a number of people could testify, it is not rubbish, and we think that it is a move in the right direction where appeals are taking place against ministerial descretion, it is a move in the right direction to allow a person or his lawyer to go in front of Council of Ministers, or whoever the review body is, and put his case personally and then go and then they can do what they like. We hope the Government can reconsider its decision in refusing people to come and put the case to them in the same way they have been allowed to put it to the Minister, to put it to them for review, because that is the process of review. If I had the right to tell the Minister why can I not tell you who are reviewing the decision of the Minister? I commend the amendment.

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

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

The following Honourable Members voted against:

The Honourable A J Caneps
The Honourable Major F J Dellipiani
The Honourable M K Featherstone
The Honourable Sir Joshua Hassan
The Honourable J B Perez
The Honourable Dr R G Valarino
The Honourable H J Zammit

The Honourable D Hull
The Honourable R J Wallace

The following Honourable Members were absent from the Chamber:

The Honourable I Abecasis
The Honourable J Bossano

The amendment was accordingly defeated.

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name, to amend Clause 20, as so renumbered, by adding as sub-clause 2 on page 31, the following new sub-clause:

"(2) the Chief Justice may from time to time make rules prescribing the procedure to be followed on appeals under Section 16 (4)".

Sir, this is entirely consequential on the amendment to give a right of appeal against the cancellation of a licence to the Supreme Court. Once that right of appeal has been conferred it is desirable, it is not necessary, to give the Chief Justice power to make rules accordingly governing appeals. Sir, I commend the amendment.

Mr Speaker put the question in the terms of the Honourable Attorney General's amendment which was resolved in the affirmative and Clause 20 (Old Clause 18), as amended, was agreed to and stood part of the Bill.

Clause 21 (Old Clause 19) was agreed to and stood part of the Bill.

CLAUSE 22 (Old Clause 20)

HON ATTORNEY GENERAL

I beg to move that Clause 22 (Old Clause 20) be amended by the insertion of sub-clause (1) after the figures "19", the expression "(2)". Sir, this is a very minor drafting point to make it quite clear which provision is being referred to.

Mr Speaker put the question in the terms of the Honourable Attorney General's amendment which was resolved in the affirmative and Clause 20 (Old Clause 18), as amended, was agreed to and stood part of the Bill.

Clause 23 (Old Clause 21) was agreed to and stood part of the Bill.

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

The Committee recessed at 10.25 a.m.

The Committee resumed at 11.00 a.m.

THE TOWN PLANNING (AMENDMENT) BILL, 1981

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

CLAUSE 7

HON ATTORNEY GENERAL

Mr Chairman, I beg to move the amendment which stands in my name, I trust you will accept the handwritten amendment, I would have had it typed had I had time. If I may read of it, because my writing is distinguished for its illegibility. That Clause 7 be amended by the addition to the new Section 27 of the following sub-section:

"(4) Notwithstanding sub-section (3), the Court may, if it thinks fit, on the application of the appellant, suspend the stoppage order pending the determination of the appeal."

Sir, in the Second Reading debate, the point was made by the Honourable and Learned Leader of the Opposition, that hardship could be caused to an individual against whom a stoppage order was served, if the order was binding in its effect, pending the termination of an appeal which might go on for some time and while, as I indicated yesterday, I do not quite agree with the emphasis that was placed on the approach towards appeals, I do think the point basically is

a sound point and the effect of this amendment is really, first, to preserve the presumption that what has been done thus far in the proceedings i.e. the issue of a stoppage order, has been done in accordance with due authority but, secondly, to provide the option to the appellant if he feels that his case is one of hardship or may be one of hardship, to go to the court on what would amount to an interlocutory application and to say to the court: "In this case, this will cause me hardship. If the stoppage order remains in effect pending the appeal, I ask you to suspend the effect of the stoppage order pending the appeal. That is the effect of the amendment, Sir. Of course, it will be open to the Crown to oppose the application but nevertheless the amendment would provide machinery to enable this to be done. Sir, I commend the amendment.

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

HON P J ISOLA

Mr Chairman, we fully agree with this amendment. This amendment meets fully all our objections to that Clause and we support it completely because it does give a person who feels there may be hardship as a result of a stoppage order, applying to the court and the court will then act on well known principles in the matter. We warmly welcome this amendment to this Clause.

Mr Speaker put the question which was resolved in the affirmative and Clause 7, as amended, was agreed to and stood part of the Bill.

Clause 8 was agreed to and stood part of the Bill.

CLAUSE 9

HON P J ISOLA

On Clause 9, Mr Speaker. I will not repeat all the arguments I put forward yesterday against the Clause. We do feel strongly that it is against normal procedures in respect of what are necessarily minor offences to allow a Surveyor and Planning Secretary to bring prosecutions any time he likes whether it is one year after, two years after or three years after the offence has been committed. We see no reason why there should be a departure from the normal principle in offences of this nature, that a prosecution must

be brought within six months of the offence or within six months of the time that notice of an offence having been committed or it comes to the knowledge of the person who wants to prosecute within six months of that day, is plenty of time for even a lethargic Government Department to make up its mind whether it wishes to prosecute or not. This amendment is totally unnecessary and will only encourage more lethargy in a department that is known for this. Mr Speaker, we propose to oppose this Clause.

HON ATTORNEY GENERAL

Mr Speaker, I do not think I can add much to what I said yesterday, except to reiterate that I would like to see this amendment. I do not think that the procedure rule that summary proceedings can only be brought within six months of being detected, as it were, really raises a vital matter of principle. I do think, even though these are summary proceedings, I do think that the consequences of proceedings under the Town Planning Ordinance can be rather more far reaching than perhaps a breach of the peace or common assault. The only other point I would like to revert to because in fact this proposal came from myself, and I had not anticipated and I would like to say this, that this is not just a question of the Surveyor and Planning Secretary's office, this provision in fact is a provision really for the prosecutor's benefit and I think the emphasis that has been given to the reasons why we need this extension, perhaps do not really accord with the reasons that were in my mind when I proposed the extension. I saw it as a convenience from a prosecutor's point of view not from the point of view of an administrative Department but however, I do not wish to say any more on the point.

HON P J ISOLA

Mr Chairman, if it is from the prosecutor's point of view, I can see no problem because the prosecutor has to deal with this sort of problem every day in all the other Ordinances. If we are going to accept the argument that the Honourable and Learned Attorney-General we might as well do away with the time limit for prosecutions in every Ordinance in our Statute Book. Certainly, this is worse still, if we are doing this for the convenience of the prosecutor's department that is worse still because I think the prosecutor's department should make sure that decisions are made within the period of six months and I would remind the Honourable and Learned Attorney-General that this does not deprive the Planning Authorities or the Law Officers from taking civil action by injunction or any other way.

They have got either remedy. We are talking here of a time limit for summary offences so I would ask the Honourable and Learned Attorney-General since it is his idea to think again.

HON ATTORNEY GENERAL

Sir, I can really only say this comes down to a question of, I suppose, a feeling on a matter of judgement. I realise what the Honourable and Learned Leader of the Opposition is saying, it is not my intention to propose a process of creeping elimination of procedural rights, in summary matters but I do feel on balance and I stick to my views that in this case it would be useful not to have this restriction.

HON J BOSSANO

I would like to say that I do not think the Honourable and Learned Attorney-General has in fact produced an argument that defeats the point made by the Leader of the Opposition and therefore I support the views that he has expressed. I think that if it is considered necessary to have a time limit within which the Government has got to make up its mind whether to prosecute or not to prosecute, and that if the time limit is tied not to when the offence is committed but when the Government becomes aware of the offence, I think it is only right if six months is not enough then make it a year but I do not see why there should be a potential threat of a prosecution for evermore particularly in a situation like Gibraltar where we have changes of Attorney-Generals every three years and different interpretations every three years which we have experienced in this House, we might find the prosecution not taking place with one Attorney-General because he thinks the case is not very strong. It is not unknown in this House of Assembly to get advice from Attorneys-General of what is right or not right and then different advice from his successor. There is nothing wrong with that happening or strange that it should because there is an element of personal judgement in a situation like that, it is bound to happen but I think if there is a door open for the Government to prosecute at any time, however long it is since the infringement took place, I think it is certainly an attack on fundamental rights which I must say at the same time I do not agree with the Honourable and Learned Member that that is a move towards communism, nor do I think the Honourable Attorney-General is a red under the bed, far from it. So although I do not support that part of his argument, I do support the main point that he made.

HON ATTORNEY-GENERAL

May I just make two points. In fact, even though the powers to prosecute is an ongoing power and even though one Attorney-General may take a decision not to prosecute, theoretically his successor can say: "Hang on a moment. I think I will prosecute in this case". In fact, I can say this with absolute confidence that even though it is a matter of practice and not a matter of law, in fact that would not happen because if a decision is taken not to prosecute one does not file the matter away and look at it later on. You, in effect, have to make up your mind are you going to prosecute or are you not. The other matter which is a matter of practice again not a matter of law, I agree, is that the longer these matters go on the least prospect in real terms there is of bringing a prosecution because people's memories fade, evidence becomes outdated. So really I do not think that the real consequence of this proposal will be that there will be a number of potential prosecutions filed away in my Chambers. I think in practical terms it simply means that we will not be bound by a strict six month rule.

HON P J ISOLA

Mr Chairman, again that surely is not, strictly speaking, correct because the amendment is being brought because there was one instance, apparently, where it took the Government much longer than six months to decide on a prosecution and the point that is being made is that people should not have these offences hanging over their heads without a decision to prosecute or not. If that would help, I would support the idea put forward by the Honourable Mr Bossano. Alright, put a time limit of twelve months, surely, that must be enough from the time that a person gets to know of an offence but do not leave it without limit where it can be got out of a drawer, not necessarily from the Attorney-General's drawer, it could be from the Surveyor and Planning Secretary's drawer, two years after the offence came to his notice, and then prosecute. That is what we are objecting to, and really the argument the Honourable and Learned Attorney-General puts forward is an argument to justify similar application of this for all other legislation in existence. It can be used to justify taking away the six months period in summary offences under other laws by a future Attorney General saying the House has accepted this principle in this particular Town Planning Ordinance. This is a matter of general principle, not a matter of legality, it is a matter of general principle. It is the view of the Chief Minister that this tendency is a

good one, it is his view? We should know that because this will be used as justifying amendments to other summary procedures because the time limit has passed. We maintain our opposition, we would agree to a longer time if this is felt necessary but let us have an end to litigation on the criminal side where it should have an end, in this sort of legislation, this sort of of summary offence, especially bearing in mind that there is still a civil remedy to the authorities at any time or within six years, I think there is a time limit there as well.

HON CHIEF MINISTER

Let me say that it is not the view of the Chief Minister or of the Government that this should be a tendency nor is it the view of the Attorney-General as he has himself said. It could well be that some of these offences may not be discovered for some time and therefore we are taking the advice but we are quite relaxed about this matter, we do not think that this is a matter in which it is going to be a tendency, it has cropped up in this amendment and that is all.

HON P J ISOLA

Mr Chairman, from the remarks he has made I do not think the Chief Minister is quite clear of the position. He has talked maybe the offences are not discovered for some time, well, according to the limitation it is six months from the time of discovery not from the time of commission of the offence so if an offence is committed in 1981 and the Surveyor and Planning Secretary finds out about it in 1985, he has still got six months from the date he finds out and in view of that explanation, perhaps the Honourable and Learned Chief Minister could revise his opinion.

HON MAJOR R J PELIZA

Mr Speaker, I would like to add my voice to the objection, to proceeding in this way which I think is creating an extremely serious precedent. I am surprised to hear the Chief Minister say that it is not the tendency of the Government to see this as a precedent. The Chief Minister must realise that he is not going to be there for ever, even if he has been there for thirty years now. There may be changes of Government and changes of Government will not look at it in the way he is doing now or look back at the Hansard to see what the present Government was thinking.

All they will see is that in our laws there is one already which allows for these indefinite periods and this is the danger. I think it is an extremely dangerous precedent. The Attorney-General has not made a case at all, Mr Speaker, I think the Opposition has made a very strong case. What is the problem? The problem is that the Government needs more time to prepare the case. Well, what is reasonable? Six months is not reasonable, make it nine, nine months is not reasonable, make it twelve. But why indefinitely? In practical terms the Attorney General says that this will have no consequences. How do we know that it will have no consequences? His word? We are not talking here about words, Mr Speaker, we are talking here about legislation, the law of Gibraltar as it is, and cannot depend on the opinion of a man here in this House. I strongly object and therefore I hope, Mr Speaker, the Government will accept the Honourable the Leader of the Opposition's views.

HON P J ISOLA

I would add just one small thing, Mr Speaker, I will not speak again. I would invite the Government to withdraw this Clause from consideration of the House against our agreement to vote in respect of an amendment at a later date extending the time limit to nine or twelve months.

HON CHIEF MINISTER

It is not a question of leaving it to a later date, either we do it now or we do not do it. The Attorney-General has obviously been attributed motives which were not in his mind when he proposed the amendment and I think that the best thing is to give a longer period if that was something which was exercising his mind and let us have it within a period of one year, I do not mind.

HON ATTORNEY-GENERAL

May I therefore suggest, Mr Speaker, that this Clause be left out of this Bill and I will bring a new clause to the House.

HON CHIEF MINISTER

I move that Clause 9 be deleted and that Clause 10 be re-numbered Clause 9.

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

Clause 9 (Old Clause 10) was 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. 2) BILL, 1981

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

CLAUSE 2

HON ATTORNEY GENERAL

Sir, I beg to move the amendment which stands in my name in relation to Sub-Clause 2 of this Clause. It is purely a grammatical matter, Sir. The amendment is that in the new definition of "speedboat" on page 39 to omit the word "craft" and substitute the word "boat".

Mr Speaker put the question in the terms of the Honourable the Attorney General's amendment which was resolved in the affirmative and Clause 2, as amended, was agreed to and stood part of the Bill.

HON G T RESTANO

Mr Chairman, on 2E, may I ask on the test of competence, who and in what form will these tests be carried out?

HON ATTORNEY-GENERAL

Sir, that will be a matter to be dealt within rules. As a matter of law it could be any specified public officer. In fact, the rules which have already been made specify the Captain of the Port, or a Port Officer authorised by him. We really are talking about two different things, this relates to the enabling power, the application of the enabling power is really a matter of detail. The

Honourable Member will see from the rules that these are not complicated.

HON G T RESTANO

Will licences be issued to those persons who have passed the test?

HON ATTORNEY-GENERAL

Again, Sir, as I say, we are really making a transition from the enabling provision to the detail but again by way of an aside, the matter is not that formal, it is merely a question of getting permission.

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

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

THE FIRSARIS (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 SUPPLEMENTARY APPROPRIATION (1980-81)(NO.2) BILL, 1981

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

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

Clauses 2 and 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) BILL, 1981

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

SCHEDULE

Consolidated Fund - Schedule of Supplementary Estimates No.1 of 1981/82, Item 1, head 18, Prison was agreed to.

Item 2, Head 25, Trading Standards and Consumer Protection.

HON G T RESTANO

May I ask, has the study been carried out or is it about to be carried out and by whom?

HON A J CANEPA

Mr Speaker, perhaps I can give a little background to this. In 1973, an inquiry was held into the profitability of the bread industry. It was carried out then by a Bakery Consultant from Spinners and an accountant from Coopers and Keyburns and their recommendations were not entirely acceptable to the Government and I think Honourable Members who were present in this House then will recall, that it was the subject of a motion moved by the Honourable Mr Bossano, since then increases in the price of bread have been based to a certain extent on a formula that was devised under that report. Eight years have gone by and the point arises whether that formula is still a valid basis on which to examine applications for increases in the price of bread and therefore what we are thinking of doing is to have a new study that will update the situation. We are in contact with the Ministry of Overseas Development about the composition of the team that could carry out the study. The thinking of the Government is that it should be a better balanced team than it was then because on that occasion a very valid point was made by the Honourable Mr Bossano at the time, that there was no representation of consumer interests. What we are looking for is a rather better balanced team, it could be a bakery consultant, it could be the same individual who came here in 1973, if he is still available, an accountant and a representative of consumer interests, ideally, I would imagine, someone of

standing, a member of the Consumer Association in the United Kingdom of standing, such as the then Chairman who in 1974 came out to Gibraltar, Dame Elizabeth Ackroyd. We would like to see a well balanced team come out to Gibraltar again not to carry out a fresh inquiry, it would not be an inquiry, but to update that study with particular reference to the formula that we are using at the present for working out increases in the price of bread.

Item 2, Head 25 - Trading Standards and Consumer Protection, was agreed to.

Item 3, Head 26 - Treasury, was agreed to.

Schedule of Supplementary Estimates Consolidated Fund No.1 of 1981/82 was agreed to.

Improvement and Development Fund - Schedule of Supplementary Estimates No.1 of 1981/82.

Head 101 - Housing

HON W T SCOTT

On Sub-Head 3. Can I ask the Government, Mr Chairman, does this mean that this project, Phase B of Line Kiln Steps, is now complete?

HON M K FEATHERSTONE

This is money that we thought would not be required till 1982/83 and estimates now give us the impression that the work will be finished before the end of April, 1982, and therefore it will come into this year.

HON W T SCOTT

Under Sub Head 13, might I ask the Minister what is the nature of the first phase of the remedial works in the Tower Blocks?

HON M K FEATHERSTONE

Mr Speaker, I did make a statement some little time ago on the question of the Tower Blocks. The position, just to remind the Honourable Member, is that we have made investigations into the water penetration and how this can be obviated for the future and we have got recommendations from a specialist firm in Britain who have suggested that what we should do in the initial stage is to clad six flats at the upper floor of one of the buildings as soon as possible so that a winter can pass and we can see the effect of the cladding and how, as we hope it will, it will ameliorate the position. This is the idea of the £50,000, to enable the work to be started, possibly in late August, very early September, so that the cladding will be put on before the rainy season comes and we can see its effect through the winter.

HON W T SCOTT

I am rather surprised, Mr Speaker, at the cost in so far as we are talking about six flats, costing £50,000. This is something just under £10,000 a flat. Are we to expect that, if this test is successful, are we to expect each and every flat costing that amount?

HON M K FEATHERSTONE

I would not say it will bear an absolute ratio, but we have an estimate of the total cost for the two blocks if it is successful of around £1.4m to £1.5m.

HON P J ISOLA

There are a number of revotes here. Will this affect the final statement of 1980-81?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Chairman, yes, Sir. From the figures that the Public Works Department have been able to provide to us which have yet to be checked by the Accountant General and by Audit, these were under expenditures so that the £220,000 odd pounds which we are revoting now will be deducted from the projected and the revised estimates figure for 1980/81.

HON W T SCOTT

Sub-Head 18, over the page. I notice that the sum of £11,000 is asked for to engage Quantity Surveying Consultants. Can I ask the Government if this work cannot be undertaken by local Quantity Surveyors?

HON M K FEATHERSTONE

I am not quite sure what the Honourable Member means by Local Quantity Surveyors, if he means Quantity Surveyors in the Department of Public Works it cannot, they are already fully committed, and they are not able to do this with the urgency that we would like to have it done. By local Quantity Surveyors, if he means Quantity Surveyors, available in Gibraltar, I do not think that it has gone out to tender, we have gone to a firm that we normally work with.

HON W T SCOTT

What I meant, Mr Chairman, was, in fact, Quantity Surveyors employed by the Public Works Department.

HON M K FEATHERSTONE

No, Sir, at the moment they are very fully committed. We have got a shortage at the moment of three Quantity Surveyors, three of them have left recently on termination of their contracts and we have not been able to replace them. The ones that we do have are fully committed with the work that we are dealing with at the moment.

HON W T SCOTT

I did not quite catch the Minister's answer, Mr Chairman. Did he say he had not been able to replace them?

HON M K FEATHERSTONE

We have not been able to replace them yet, no. We hope that one will be a local person who will take up employment with us fairly soon when he has finished his degree and we have already applied in the United Kingdom for two others to replace the ones that have left but we have not got them yet.

HON A J HAYNES

One further question on that Sub-Head 18, Mr Chairman. Can the Government say how many units would be involved in this development?

HON M K FEATHERSTONE

I think this will be some 12 units.

Head 101 - Housing was agreed to.

Head 102. Schools.

HON A T LODDO

On Sub-Head 4. Could the Minister say exactly what the extension will be?

HON M K FEATHERSTONE

Yes, Sir. If the Honourable Member has been down to the Bayside School he will appreciate that underneath one of the Housing Blocks there are a number of classrooms. This is not a very satisfactory arrangement and the intention is to build an extension to the School so that those classrooms which are underneath the housing blocks can be moved into the School proper and those areas which will become vacated will become housing accommodation.

Head 102 - Schools, was agreed to.

Head 104. Miscellaneous Projects

HON W T SCOTT

Mr Chairman, can we have some explanations from the Minister as to what is meant by outstanding commitments?

HON M K FEATHERSTONE

This was money that was owing to various people who had done various works for the winning of sand project. It should

have been paid last year but it was not paid last year, it is being paid this year.

HON W T SCOTT

Can I ask the Minister if one of these people, or firms or companies, that monies were owed to, do they include the consultants?

HON M K FEATHERSTONE

No, Sir, nothing has been paid to the consultants.

Head 104 - Miscellaneous Projects was agreed to.

Head 105. General Services was agreed to.

Head 106. Potable Water Service.

HON G T RESTANO

Sir, can I have some details please, on Sub Head 4, VTE Distiller - Viaduct?

HON ATTORNEY-GENERAL

Yes, Mr Speaker, this was a dispute, obviously, over the amount of post contractual claims and really the issue was whether or not an escalation of cost of the price adjustment clause applied. Last year we allowed £37,500 to meet this claim. We contested the claim in court and in the event judgement has been given for what will come to I think, about £32,000 altogether. I should make it clear, Sir, that the amount of the judgement given was the amount that the plaintiff had requested, in other words, the plaintiff won the case.

HON W T SCOTT

Mr Chairman, may I ask the Government if there is any element of extra costs involved with the claims that the supplier might have had at the time through interest and legal costs and so forth which form part of the money now requested?

HON ATTORNEY GENERAL

Mr Chairman, that is necessarily so, the judgement includes the judgement debt plus interest from the date of the judgement plus legal costs. As against that it is necessary to take into account the fact that this is a debt that goes back to 1976. The money had not been paid until now so that the interest really I think, is partly taken into account by the inflation in the value of money.

HON W T SCOTT

May I therefore ask the Government in fact for a breakdown of that £35,500.

HON FINANCIAL AND DEVELOPMENT SECRETARY

The capital was £20,986.95p and the interest £10,956.92p but I would point out, Sir, that during the period the Government had had use of that money and had itself drawn interest on it.

HON ATTORNEY-GENERAL

May I perhaps explain a little more because it is quite a significant and quite a substantial case. We thought in this case that our view was correct though we were found to be wrong in the event. We also felt that because there was a dispute over the cost price adjustment clause, we should probably put it to test in the court and that is why we went to court in the end.

Head 106 - Potable Water Service was agreed to.

Head 107. Port Development. was agreed to.

Head 110. Electricity Service. was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund No.1 of 1981/82 was agreed to.

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

Clauses 2 to 4 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 Development Aid Bill, 1981; Town Planning (Amendment) Bill, 1981; The Public Health (Amendment)(No.2) Bill, 1981; The Firearms (Amendment) Bill, 1981; The Supplementary Appropriation (1980/81)(No.2) Bill 1981, and the Supplementary Appropriation (1981/82) Bill, 1981, have been considered in Committee and agreed to, in the case of the Development Aid Bill 1981; The Town Planning (Amendment) Bill, 1981 and the Public Health (Amendment)(No.2) Bill, 1981, with amendments, and in the other cases without amendments, and I now move that they be read a third time and passed.

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

PRIVATE MEMBERS' MOTIONS

HON MAJOR R J PELIZA

Mr Speaker, in bringing my motion to this House I would like to make quite clear that my intention is to unify and not to divide in that I think Mr Speaker, that it is most important at this stage that this should be the attitude. My motion, Mr Speaker reads: "That in view of possible redundancies in Her Majesty's Dockyard and other Defence establishments as a result of announced changes in defence spending, this House urges the Government to give more meaningful support to other industries and especially to the tourist trade by working in close cooperation with the interested representative organisations of this industry". As you can see, Mr Speaker, in the motion I therefore really make three points, one is the possible repercussions of redundancies if there are any, (2) the need to support other industries and of course especially the tourist industry which in my view is perhaps the most important of all the industries other than that of our defence industry. Mr Speaker, there is no question about it, there is considerable concern in town about the announcements that

have been made and we in this House have got to realise that is the situation. It is very much for our small economic world as if a comet had suddenly appeared in the horizon and is coming towards us, we do not know what is going to happen as it reaches us, it might hit us and destroy us, it may just pass by and nothing happens, just a little warmth here and there, a little disturbance, and then everything will be alright. We also do not know what the tail of this comet may bring, it could happen political repercussions, because all economic changes are in most cases troubled by political changes as well. In the case of Gibraltar the economic and the political side of our existence are very closely knit. Therefore one has to accept that what has suddenly occurred through the announced defence spending must, because people in Gibraltar are very articulate and very close to this situation, create in most quarters considerable concern. It is interesting that there are conflicting, conflicting deductions from what has happened. We have a statement, a very clear statement, in the House of Commons by the Minister responsible for the cuts who uses the word "indefinitely", if indefinitely there is no sufficient workload for the Dockyard, or words to that effect, then we shall have to find ways and means of sustaining the Dockyard. To me that is a very clear political statement and the connotations of the words used express that there is nothing to be extremely worried about at present but if the situation worsens then Her Majesty's Government will abide by their commitment of supporting and sustaining Gibraltar. That is what I understand from the statement particularly if one sees it next to places where they give you definite dates as to when a dockyard is going to close such as Chatham. Since no date was given to Gibraltar and the word "indefinitely" was used it gives you an idea of time, in time, we do not know when but in time. Yet we have a departmental statement in Gibraltar which is almost the opposite. The workload is coming to an end and we do not know what is going to happen. I have not had the opportunity of speaking to Admiral Pillar, I think it was a pity that he never saw a member of the Opposition while he was here so we do not know what he said but from hearsay, Mr Speaker, unfortunately, and that is the unfortunate position of the Opposition today and I think it is very wrong that Admiral Pillar should not have seen a member of the Opposition whilst he was here, anyway, from hearsay, and this is all we can go by, the report is that he painted a rather black picture and therefore, Mr Speaker, the contradiction is there. On the other hand we have the statement from the Chief Minister who went to see the Lord Privy Seal precisely, Mr Speaker, because there were some discrepancies such as, in fact, a member of a trade union saying that Spain was included in these consultations. I

am glad to say that the Chief Minister has come back with a very categorical statement saying that this has not only not taken place but will not take place which I think is reassuring in that respect. One has to accept that even this was mentioned obviously it could not have been the substance because it was not a statement and the Chief Minister made it clear that this did not take place, certainly not consultations. That I think is something that must be grateful for because I think it is proper that it should be so. I am very glad that the Chief Minister has brought this message back.

However, on the other aspects of how and to what extent this is going to affect us in real terms we know nothing so far. We hear departmental statements here and ministerial statements in London. If the Minister makes a statement one would assume that before he made the statement he must have been informed of the situation as to how it was going to be conducted because it would be very irresponsible of a Minister in England to say that the cuts are going to be not in the foreseeable future and suddenly to find that here we are told it is going to happen more or less tomorrow. One has to believe the Minister must be right and if it is not right then of course we must take whatever necessary action we should take in the right quarters to ensure that what he stated in parliament is adhered to. This is why I said I did not come to this House to divide but to unite. In this House we have always found it possible when there are serious problems facing Gibraltar, we have always united very closely and I am sure that this is not going to be the exception. I wish of course the Chief Minister should have invited the Leader of the Opposition to go with him to see Sir Ian Gilmour.

HON CHIEF MINISTER

I do not invite people to go and see Sir Ian Gilmour. I asked to see him as Chief Minister. I do not see why I should bring the Leader of the Opposition into this matter at all. This was an executive matter on the part of the Governor and myself.

HON MAJOR R J PELIZA

Well, Mr Speaker, I hope that in future if the Chief Minister asks to see a Minister in this respect he can always ask: "Could I bring the Leader of the Opposition with me?" And I think that this would have been in my view, the way to have proceeded. He thought there was no need for that, well, I hope that he is right and I only hope that

if the situation worsens or if there is no way of clarifying this more that he will be able to get cooperation from this House to the full which he must know he has got. He has got it certainly from the Opposition and although I am not speaking for my friend on the left I am sure that he is just as willing as anybody else. We have been able not only, to attract support and cooperation from the Members of this House on other issues, but we have been able to attract support and cooperation from almost every major public representative body of Gibraltar which I think might be necessary as time goes by if the possible threat does turn out to be a reality. Having said all that I think we should be guarding ourselves very carefully on this. It is obvious from the Constitution that the Governor is ultimately responsible for the economic stability of Gibraltar. I am glad to say that when the nitty gritty of the Constitution was being discussed, and I was a member of the Conference, one of the things that I said when the small details, Mr Speaker, the small print which in fact is the most important of all, as it is in fact in this House when we start talking in committee, one of the points that I tried to make sure was that eventually it would be the Governor who would be responsible for the economic stability and this responsibility is very much on his shoulders of course when I say the Governor it means the United Kingdom Government and I think that responsibility is now coming forward because already the Governor is speaking of forming a committee in Gibraltar and to my knowledge he has invited the Leader of the Opposition and other representatives from other responsible bodies to serve in this Committee. In that letter as well, Mr Speaker, I think there is attention drawn to the civilisation of the airport.

HON CHIEF MINISTER

The civilianisation, not the civilisation.

HON MAJOR R J PELIZA

That is what I said, the civilianisation. It might have to be civilised as well. I do not know enough about the details but I am sure that in terms of money it must be very considerable if Gibraltar has to foot the bill. I do not know what is meant by that. I am sure that if it is meant to be that the Government of Gibraltar were to take that over that would be I think quite a burden. Perhaps the Chief Minister, if he has time later, he can explain if he has any more knowledge of that than he has about the cuts in the Dockyard. One point that I would like to emphasise regardless of everything that has been said, is the statement that very rightly he made in reply to the statement

that the Leader of the Opposition made yesterday. That our position should be clear without any misunderstanding that if there are cuts in the MOD departments and this is going to be substituted by something else, that those cuts are not implemented until what is going to be substituted is effected. I think this is the principle that I hope the Government will accept, the principle that all responsible bodies including trade unions will be able to accept. That, to me, is fundamental, it is the fundamental point on which all our thinking must be based. Having said all that, Mr Speaker, I think of course it is proper that we ourselves should take an initiative and there are certain things that in my view, regardless of what may happen in the Dockyard, it is in the interest of Gibraltar whether or not there are cuts in Gibraltar that we should take immediately. I think it is very timely that we should have this report on the input and output. I commend to the Members of this House to study that report if they have not done so. Here we have a very clear terms what makes the economy tick and particularly now that we are talking of possible unemployment, where jobs can be made available with greater or lesser intensity and since of course apart from us wanting money coming into Gibraltar we also want people to be able to be employed that is a matter that perhaps when planning we should take into account apart from many other matters. One industry as I said before that is perhaps the second one in Gibraltar, tourism, is one that for some time now I have been urging the Government to try and do something about. In November last year, Mr Speaker, in the hope that some new way of approaching the development and promotion of this industry could be achieved with more success than we were meeting and perhaps also to overcome the difficulties of outside competition and the consequences of devaluation of currencies etc., etc., and all the factors that make the ups and downs of the tourist industry, I suggested that with urgency the Minister should try and get an advisory board going. That motion was passed unanimously by this House yet we are now, Mr Speaker, in July and the Minister has not found it possible to get that board going. It is a great disappointment, Mr Speaker, in the tourist trade that this has not happened. And of course the disappointment is worsened because the trend of our tourist trade has taken a very serious dip for the worse. We heard, Mr Speaker, the Minister say in answer to my question that it appears that this will be down this summer by between 45% and 40% on last year and last year it was down already. Consequently, Mr Speaker, we find that at least three operators, people who sell Gibraltar in England, have pulled out. Thomas Cook, Ellerman and Owners Services Limited. As you can see from their names they are big operators with a good name in the United Kingdom and I think it is sad to see that we are going to have fewer counters in England, fewer reputable

counters in England selling our product. I am sure the Minister must also feel disappointed that this has happened. We heard yesterday that the advertising campaign has been planned in England and that it is going to be shown here in a few days time. But that, Mr Speaker, is more or less the way that they have proceeded in the past and has not produced results. Any businessman knows that if you are promoting your products in a certain way and that does not work, some other way has got to be found to overcome the failure and the answer is not overcompetition, that you can get a holiday somewhere else for £50 a week. Well, if that is going to be the attitude we shall never be able to offer it for £50 a week because the standard of living of our community demands a certain amount of income to be derived by those who work on it, but if we were to do that we might as well give up because there will not be anybody here to serve it. We have got to start from the premise that our product must cost more. This is not unusual, I mean, you go to any shop and you can find an iron that is worth £3 and another one worth £25, and that does not mean to say that the £25 iron does not sell. In fact if I can say so from some experience, you find that the client tends to go for the more expensive one, always. I have been behind the counter so I can tell the Minister this. And perhaps from his own experience, if he is offered two products and one is more expensive than the other the first thing one thinks is that if it is more expensive, it must be because it is a little better but, of course, the point is that it has got to be proved in the long run that it is better. It is no good selling something at a higher price which is worse than the one that you are getting for a cheaper price. So what does it call for, Mr Speaker? Straightaway, you must improve your products. What is being done in that respect, Mr Speaker? Nothing that I can see. But yet, Mr Speaker, everybody in the industry is raring to go, they want to improve the product. They want to be able to cooperate with the Minister and see what they can offer. But the answer is, no. The Minister says he cannot accept one of the clauses that they are suggesting should form part of the basis on which the advisory board is going to work. I can read that clause, Mr Speaker, which in my view is a reasonable clause, because obviously what the operators connected with the tourist trade do not want to do is just to attend a meeting of what you might call a talking shop.

MR SPEAKER

Are you going to be long?

HON MAJOR R J PELIZA

Well, I think, Mr Speaker, that it will be at least another ten minutes, I think.

MR SPEAKER

Then, perhaps, we will now recess as we did yesterday until 2.15 p.m. when we will resume the debate.

The House resumed at 2.20 p.m.

HON MAJOR R J PELIZA

Well, Mr Speaker, it is rather difficult, I think, to get back into gear at this time of the day so if there is any grinding I hope the House will bear with me, if they are awake to hear the grinding. I left, as you know, Mr Speaker, on the question of the objection of the Minister to accepting the terms of reference that were referred to him by the associations who he thought should form part of the advisory board. The objection that I referred to earlier on is an objection to Clause 2 (b). There is a little bit of a history behind this which I will put across very briefly. The Associations, soon after the Minister called them in to form this association, produced their own terms of reference and in that particular first suggestion I think they were rather firm on the question of formulating policy and I think that they themselves more or less agreed that perhaps the terms they had used were a little bit too strong for the Minister to accept in that maybe they were taking too much responsibility away from the Minister and more or less assuming it themselves. I am the first one to agree with the Minister 100% that the Government is ultimately responsible and he is responsible and I think that he should have the final say in whatever happens. I do not think that any Member of this House will obviously abdicate the responsibility that is in the nature of the position of Government and in the nature of the position of this House, to hand it over to any association. So it is not that for one moment am I suggesting to the Minister that he should abdicate his responsibility, I am not saying that at all, but what I am saying is, try and bridle the forces that are so closely concerned with development of tourism and try and see if he can so harness that energy for the good of Gibraltar as a whole. I honestly believe having had chats with the people concerned,

that they are no more interested in assuming responsibility but what they are interested in is that if they are going to have a meeting of this advisory board whatever they say, whatever opinions they may have, must have some influence on the Minister. What advice is the Minister giving today? He is getting advice from Civil Servants. That, I may say, is one of the greatest weaknesses in any department of Government which is any way linked with business because the attitude of a Civil Servant cannot possibly be the same as the attitude of a businessman. It does not allow for this in that the Civil Servant has got to be very careful that he is never wrong and consequently all his advice is extremely cautious whilst the businessman sees it from the angle that there is an element of risk in everything he does. It is one of the unfortunate situations in most departments that the advice of Ministers is usually obtained from the Civil Service which at the end of the day is the party which is always in power in any democratic Government except in the United States of America where when the Minister changes he carries with him his own advisors from his own party. This is not a black mark against the Civil Service, I am not trying to say that. They are obviously the Establishment, they are the anchor and it is very useful to have them there. But it is also very useful for the Minister to have another point of view so that he is not blinded if all the advice he is going to have is going to be from the Civil Servants. Here he is in a wonderful situation where he can get advice from his Director and his department and he can get direct advice from the horse's mouth in his own advisory committee from people who know the business, who have got a very direct interest in the business, and he is rejecting it. This is what I am so sorry to see happening and I wish that he would find a way of meeting what I think the trade now considers to be the minimum which I am going to read because I think the House should know what is that the Minister really objects to. This famous Clause 2 (B) reads as follows: "Formulate policy with particular regard to ensuring the best use of governing financial and other resources as made available to the Gibraltar Tourist Office". Well, all right, perhaps the Minister objected to the words "formulate policy". Perhaps they should not be the only people who should formulate policy and I agree that there was room for manoeuvring there. This was objected to and the Government produced another formula which was not acceptable to them and eventually, I think, they came back. So the final suggestion from the association was: "To consider and suggest promotional activities designed to stimulate traffic in the short and long term, advise on the formulation of policy including the best use of Government financial and other resources as made available to the Gibraltar Tourist Office and advise on advertising proposals

prior to commitment". This is what they are suggesting. The Minister says that it is not, well, this is the second draft from the association that has come to my knowledge. If the Minister had another one with which I do not know about then, perhaps, he can produce it later. If he challenges that this is not so, well perhaps he can say so later. The amount of information I get obviously cannot be the same as his. To the best of my knowledge and belief this is the final one that they offer and this is the one that the Minister rejected in a letter dated 9th June in which he said that this was not acceptable. What is objectionable in that Clause? Perhaps we should analyse it. Well, I do not think I should.

MR SPEAKER

Certainly not.

HON MAJOR R J PELIZA

I think the people here have got enough sense to be able to analyse it and know what it means. In no way can the Minister say that he is abdicating responsibility by accepting. But yes, of course, there is an element in that of trust in the Minister on the part of the association and also a certain amount of undertaking on the part of the Minister that he is going to provide the information and discuss matters before there is any commitment and advise them at any time that there is any change in the spending of money to do with tourism. If this is so then I think, Mr Speaker, the associations will see that they are being taken seriously.

MR SPEAKER

I am afraid that we are not talking about the motion before the House.

HON MAJOR R J PELIZA

All I am saying is that if the Minister were to agree to this sort of thing he would then have the advice as to how the department should proceed in the hope that they will be able to overcome the difficulties that no doubt tourism is meeting at the moment in Gibraltar. It is obviously, Mr Speaker, that the course that the department has taken so far has not been successful and I think it is time that they look at other ways of propagating tourism in Gibraltar

because at present it just does not seem to be working. I am not trying to be completely damning, Mr Speaker, far from it, I congratulate the department on the wonderful leaflets they have produced.

MR SPEAKER

The wonderful what?

HON MAJOR R J PELIZA

Leaflets. I think they are excellent. May I say that one of the reasons why I come so often to Gibraltar is perhaps because I looked at these leaflets and I see how good it is, I am really attracted by it. As a visitor to Gibraltar now and again, I do see things when I arrive here that perhaps the Minister does not see. I would suggest to the Minister that if he walks along Casemates where an old derelict house at the end of Casemates Square was pulled down and looks at the wall that has been left there, that is in a terrible situation. I object to the Chief Minister saying that that is Mr Mifsud, I think it is most unfair of him, first of all to name anybody in Gibraltar particularly connected with me because he has got nothing to do with what I am talking about not and I think he should know better than that. It has got nothing to do with Mr Mifsud because the derelict house that has been brought down is right at the corner of Casemates which has nothing to do with the building.

HON CHIEF MINISTER

If it is not Mr Mifsud I apologise but I think it is all part of the same development.

HON MAJOR R J PELIZA

It is not part of the same development, Mr Speaker, it is at the end of the wall which needs rendering and whoever it might be, first of all I do not think it is Mr Mifsud, I think it might be, first of all I do not think it is Mr Mifsud, I think it is a company, it is very wrong to mention names because I could start mentioning Sir Joshua Hassan in connection with many companies which he represents and he would not like it. A company is a company and an individual is an individual, Mr Speaker, and even if it is a company, it is still up to the Government to call attention to the company to put that right. I would say that if the Minister were to go round there and look at the place, he

will see why the product is not the sort of product people expect to pay for.

MR SPEAKER

With due respect to the mover of the motion, we are not going to speak about the way that tourism is being looked after now. We are not going to review the whole of the Government performance up to date.

HON MAJOR R J PELIZA

Mr Speaker, the motion says "meaningful support" and meaningful support means improving the product of Gibraltar. If the Government is not prepared to improve the product of Gibraltar we cannot have meaningful support for Gibraltar.

MR SPEAKER

Fair enough but let us come to the point and not go into details.

HON MAJOR R J PELIZA

Well, Mr Speaker, if there is an interjection from the Chief Minister which I think is most unfair and personal, I think I should reply to him.

MR SPEAKER

I have not called your attention to your reply to the Chief Minister, I am talking about now.

HON MAJOR R J PELIZA

Yes, very well, Sir. We want to improve the product and one of the ways of improving the product, Mr Speaker, is the outlook of Gibraltar. I am sure if the Minister looks at that place he will see that that should be put right immediately. Another one, Mr Speaker, is in fact in his own office. If he goes along the east side of his office, he will see the state that the whole of his office is in, he will see all sorts of ropes dangling down the wall, a horrible sight, Mr Speaker, and I would say if that is what we want to sell to the tourists in Gibraltar we will never get anywhere. Mr Speaker, if the Minister had an advisory

board all those points would be put right. Then he would not say we cannot compete moneywise because I have said before it is not a question of how much it costs, it is a question of what value are you getting for your money at the end of the day. There are many places, Mr Speaker, in the world today where people are paying a lot of money to go and what happens is that not only do you pay more to go there but tourists will want to spend more when they are there. I am not saying that it is easy, it is a difficult task but I would rather do it any day with the support of the trade working together, getting their advice, and if necessary at the end of the day if they are wrong, pointing out to them that they have been wrong, that you took their advice, rather than all the time being pilloried because they say that the Minister is not doing what he should do. So, Mr Speaker, on the question of tourism I think that it is a vital item of our economy which regardless of what may happen at the Dockyard, it is in our interests to put right and if we have to fall back on it more than we have had to so far, let us hope that on that we will be able to cushion some of the effects of the other things.

On the question of tourism as well, of course, Mr Speaker, there is the question of the cruise liners, yachting facilities and Morocco. On the three I am going to choose Morocco because we have noticed I think, generally, and one does not have to have statistics, if one just walks up and down Main Street I think one can notice that there are fewer people moving along our streets and therefore fewer purchases being made. I do not know what the Minister is doing in that respect but if all he has got to say about Morocco is what he had to say earlier when I asked a question as to what was happening with the situation of the rest of the tourist trade I think that there is nothing new that he has mentioned when he replied. I was expecting him to give him a much more comprehensive answer on what was being done by the Department not only to promote tourism but at least to overcome the great decline that we are now suffering to the extent, Mr Speaker, that I have heard, and these are only rumours at the moment, that one important hotel in Gibraltar is contemplating closing for the winter, if there is no hotel availability in Gibraltar the promoters in England, the travel agents in England will be all the more discouraged from carrying on. I would ask the Minister to see what he can do to get the hoteliers and other people who have got the money here to try and cooperate 100%, to feel that they have your 100% support and that you will be able together to formulate policy which I can assure you, notwithstanding that I am on this side of the House, if I can be of any assistance at any time, anywhere, I shall be

delighted to give it to the Minister. I hope that he sees that I am not trying to have a go at anything but trying to be helpful. Sometimes, of course, one has to produce a situation in the reality that it is in so that people do realise that something must be done. If we look round, Mr Speaker, if one looks at the other items that I think are important to the tourist trade and to the general economic activity of Gibraltar as very clearly expressed in the Input and Output exposition which was made which I drew attention to earlier and which I will obviously refer to except one or two points which I think are important which I think refer to all these other units of our economy which have a contribution in employment and in the general welfare of Gibraltar. We have, for instance, bars, restaurants and entertainments. I will not, because of the time factor, produce the figures shown in the report but it is in fact one of the items that is attractive to the tourists and therefore it is something that we want to foster as much as possible and one has got to be very careful with two things in this respect. Rents; as we know and they are one of the people who have been screaming about this to try and ensure that there is some kind of security of tenure of the premises that they occupy and that there is some form of control in the amount of money they pay and also on the licences that they have to pay which as we know have shot up and all the other services that they have to pay because you cannot expect, particularly in these days, when there is a decline in the number of tourists, where there might even be a worse situation if the local people find it more difficult to go and have a drink and entertain themselves in restaurants and bars and that sort of thing; if this is so then obviously their prices are going to go higher and we are going to become less competitive. Another item which I think is important for Gibraltar is the Port. We have had a wonderful statement from the Minister on the question of the Port. On the question of the Port, Mr Speaker, it is interesting that exports are quite high, it is 25% I think, of the final demand of our economy and I was sorry to see, and the House will recall this, when two years ago because we were doing extremely well in the Port, if I remember rightly the fuel duty went up and therefore we had to charge more and then last year there was a drop. I think we have got to be business orientated in this. We must not think just of revenue coming into the economy. We must think of the people that if we had a flourishing economy in Gibraltar will find employment. The end all and be all of our economy is not just to draw money to put into the Government kitty, it is equally important to make sure that there are plenty of jobs going round. Therefore, Mr Speaker, if we know that there is a source of income to Gibraltar from which we can draw more from others and if the source of income is not just a question of selling at a high price but that the turnover, the quantity that you sell is equally important.

Every tanker that comes in for bunkering in Gibraltar it is not just the oil, if the crew comes ashore they buy, the ship pays berthing charges and so on and so forth and they probably send telegrams and they use telephones and overall, Mr Speaker, it is money coming into the economy generating more work and generating more jobs. I do not know to what extent the Port Report that we have had is going to be totally relevant if there are any changes in the Dockyard. It would be interesting to hear now or later from the Minister for Economic Development what are likely to be the effects on that report if there is a change in Her Majesty's Dockyard. It might be that the whole report will have to be revised.

It is possible that we shall have much more space in the whole of the Port that we have had up to now. I do not know whether the Minister has applied himself to that consideration yet but no doubt it is a matter that will have to be looked into if the changes are drastic. So, Mr Speaker, we go on now to development. I am not one of those people who have always said expansion for the sake of expansion because Gibraltar is limited in space and unless expansion is produced by productivity, in other words, by using the same number of people, expansion means more people into our area and that creates all sorts of problems of housing, of social services requirements and so on perhaps with very little benefit at the end of the day to the local population. So any expansion that is required where we have full employment, must be considered in the light of the ultimate effect to the inhabitants of Gibraltar which is after all the people that we are interested in benefitting and, therefore, I have always been a little bit cautious when we talk of expansion. Now, on the other hand, I think if we are going to have unemployment in one sector then we have got to look for expansion in the other because the expansion in this case will be carried in a way that will not escalate the requirements of all the social services and all the rest I have said before. So in this instance we should be very conscious that expansion in this respect in other industries in Gibraltar and perhaps new industries will be very necessary. For instance, I think that banking and company location in Gibraltar for which I have noticed from the report is very labour intensive in proportion to what they give. That, therefore, in my view, is the kind of expansion that we may be looking forward to and do what we can to the maximum because if the people that are going to be made redundant in certain quarters are not tradesmen but more on the clerical side, it is obvious that that is what we have got to look for. Mr Speaker, to what extent is Gibraltar known in the context they have mentioned like the Port, development generally that they come in the form of tourism or whatever, perhaps retired people settling here and so on and on the banking? I think very little is

known. I think that we have in London and I know people are going to misinterpret this, I am not in any way personally concerned with this, but if I can help of course and the Government wants me to help, I will. We have a magnificent situation in England where we already have an office and it is not fully exploited and there I think we have got to make full use of it and I keep saying it and I am sure some day it will have to be done if we are not going to sink, there we have a place that we have to use much more than is being used today in that respect and also, if necessary, in the political sense and I call on the Government that it is more important that this almost ready-made situation that we have in England should be exploited to the maximum. We have seen, Mr Speaker, how politically we have had to depend on our public relations there but we are doing it by remote control and it would be much better, I think, if it could be done from the place itself. I said I would draw attention to the report because it is very timely that we should have this now and I think that we should all look at this very carefully. I would like to just give an indication, Mr Speaker of what is written in this respect and it is an assumption, Mr Speaker, from those who have looked at it of what the effect would be in the economy. They say, and this is page 41, Mr Speaker, of their Input and Output Study of Gibraltar by the Institute of Economic Research of the University College of North Wales. It says: "Assume that the MOD/Dockyard/PSA increase the general level of their activity by £1,000. The additional £1,000 will be distributed across the other sectors of the economy as shown in column 18 in table B. £2 will be spent on wholesale and input services. £194 will be spent on building and construction. £7 on shipping and related services. £5 on Post Office and communications. £12 on manufacturing. £7 on miscellaneous services. £2 on electricity. £672 will go to the household in the form of wages, salaries and profits. £1 to water, £61 will go to the Gibraltar Government in the form of indirect taxes and £37 on import through customs. Mr Speaker, that is the effect of £1,000 more. Inversely, that will be the effect of £1,000 less. So, Mr Speaker, the gravity of the situation in that particular sphere is very, very obvious and very, very serious, if it came to pass. It is therefore the duty of the Government above all and certainly of this House, to see what we can do first of all to prevent by every possible means that come about and, secondly, if it has to come about because it is beyond our efforts and endeavour to stop it, to see how we can put it right. I started, Mr Speaker, by saying that I came to this House not to divide but to unite. I still say that regardless of what I might say I hope it is taken in that spirit and if I have had to draw attention to certain points in a more graphically expressive manner than I would have done other-

wise, I have done it deliberately just to stimulate interest and to stimulate the importance and the anxiety of everybody in this House to try and get things right. I appeal, Mr Speaker, to the Chief Minister to deal with this matter in the by-partisan way that he has been dealing with foreign affairs matters. It is equally as important if not more important because as I said when I started we do not know what the political tail of this comet will be like. Economics is always linked up with politics and therefore if he believes that in the field of international politics we should be approaching this in a bi-partisan way. I think that this should receive the same attitude that he has adopted for the other and I do hope that he will be able to approach this manner with the same kind of unity that we have been able to approach all the others.

Mr Speaker proposed the question in the terms of the Honourable Major R J Peliza's motion.

HON J BOSSANO

Mr Speaker, I do not support the motion brought by the Honourable Member although I am not sure what the motion is because it seems to me that on first reading, the motion is the response to the threat of a reduction in Gibraltar's economic activity brought about by cuts in defence expenditure in Gibraltar. If this is the response then, clearly, I cannot support it because what I think the response should be is the subject of the motion that I am moving in this House. If I thought all that was required was that the Gibraltar Government should give support to other industries, then I would not be seeking in another motion that this House should place the burden and the responsibility on Her Majesty's Government and not on the Government of Gibraltar. If this is the response of the other members of the opposition to possible redundancies in Her Majesty's Dockyard then I do not support this response. If, however, what the motion is is an attempt to draw attention to the importance of the tourist industry in Gibraltar irrespective of whether there are cuts in the Dockyard or not which the Honourable Member has said it is at different stages in his speech, then I do support that. As I see it, there are two different and conflicting motions here contained in one and therefore what I propose to do is to drastically improve the motion of the Honourable and Gallant Member so that it achieves the part of the speech that he has made in support of the need to give importance to the tourist industry in Gibraltar commensurate with what is reflected in the Input and Output Study. I would not wish on this motion, therefore, Mr Speaker, to go into a

detailed exposition of the nature of the cuts envisaged for the Dockyard to which reference is made in the first two lines of the motion because that, I think, properly falls within the terms of reference of the motion in the Order Paper which I shall be moving at a later stage. Let me just say that I do not see a conflict between what is said in the White Paper, what the Minister of State has said, and what has been said by the Navy. To me there is no conflict, it is quite obvious why there is no conflict and I shall explain why when the other motion comes up before the House. As regards the question of the tourist industry, Mr Speaker, I would put it to the Honourable and Gallant Member that having placed so much emphasis on the nature of the type of tourist industry Gibraltar can realistically develop, where he has talked about improving the quality of the product, it follows logically from that that we are not talking about a mass tourist market, we are talking about developing a tourist industry for the top end of the market and that will not create massive jobs. If we are talking about a tourist industry which creates revenue rather than volume then we are not talking about an expansion of the tourist industry with lots of jobs in it. Of course it is a moot point whether skilled shiprights from the Dockyard would take too kindly to finish up as waiters for wealthy tourists coming to Gibraltar. I think that without mixing up the question of the defence cuts where I think the reaction of this House should be in fact reflected in the other motion, it is a matter where we have to think, tie down the generalised commitment of sustain and support in the specific ways that the House considers it should be tied down for the benefit of the economy of Gibraltar. Quite apart from that factor, if we look at the industry and its development I think that the Input/Output Study does in fact indicate the effect of the economy of Gibraltar of the tourist industry, the ramifications of that industry throughout the different elements that make up the economy and certainly as far as I am concerned I do not mind telling this House that it was a surprise to me that it should have as big an impact as is reflected in that study. But as far as creation of jobs, all I would remind the House is that we are being provided with figures by the Department of Labour and Social Security that show that in June we imported into Gibraltar two new chefs that were Spanish and one new chef that was Moroccan and when we are talking about job creation in that area let us not be misled into thinking that job creation means re-deployment of existing labour who may well lack the skills that expansion would demand and the last thing we would want, Mr Speaker, is to find ourselves expanding one sector that has to draw in labour from outside while having stagnation and unemployment in sectors that are depressed. That is the last thing that we would want in Gibraltar.

because it would create a great deal of resentment and social strife because the man in the street would not understand that. He would understand that newcomers were coming in and getting jobs which he could not get and therefore we have to think seriously and base ourselves on facts, on data that is provided, and in talking about expansion it is not enough to talk about these things in generalised terms when we are seeking, effectively, at least that is as far as I am concerned, as I see it, before I make up my mind to vote I am committing myself and my party to a policy, not just making speeches in this House, I am committing myself and my party to a specific policy and we could not support the policy reflected in the motion as it is drafted at the moment. I shall be dealing, as I say, with a number of points that the Honourable Member made this morning where he dealt primarily with the question of the defence cuts, the airfield and the Visit of Admiral Pillar and so on but at this stage I think I should concentrate on the question of the tourist force and the position of the tourist industry to which the Honourable Member has devoted most of the time. He has, in fact, moved from one thing to the other and therefore, Mr Speaker, I propose to make no reference in any detail as to our policy regarding the Port Development because I think if we are going to talk about Port development there is another subject in turn, nor am I going to talk about the possible development of Gibraltar as a finance centre because again that is another matter and I think in making references I want to make it clear that my support cannot be taken to mean support to all the things the Honourable Member has mentioned, including the Tourist Office in London. It makes it difficult I think, for one to decide how one votes when in support of a motion a whole multiplicity of different issues are mentioned because one may be in favour of one element in it and not another and apparently all of them are being made in support of a motion and no doubt it is in order that all these things should be made in support of the motion otherwise you would call the Honourable Member to order, Mr Speaker, despite your long tradition of liberality in this House. Therefore in the question of the Board, I think that the Board was originally proposed by the Honourable and Gallant Member with the best of intentions to ensure the involvement of the people in the industry. I can understand that when it comes to having a say in the expenditure of public funds the Government may feel a certain reluctance to allow private sector representatives to decide how Government spends public money, that I can understand, but I think it is reasonable that the people concerned should be able to say to the Minister and that the Minister should give considerable weight to their views, they should be able to say: "Look, if you spend money this way we think that it would produce more customers for us". To the extent that they are the beneficiaries of

more customers coming to Gibraltar they should be in a position to put to the Minister what they think would produce the best result since it is essentially a question of spending public money in order to promote activity in the tourist industry. Let me just say, of course, that the Honourable Member has used the words "more meaningful support" without specifying what he means. I do not know whether more meaningful support means cash grants, subsidies or administrative support or paying lip service or encouragement, I do not know what it means, but I can tell the House that I certainly would be opposed to the Gibraltar Government pumping money into development in the private sector theoretically to create jobs which possibly might not create jobs for the people who are unemployed but create jobs for people who have to come in from outside and where at the end of the day the Government did not have any equity stake in any enterprise and stood just to be at the losing end if things went wrong and not at the gaining end if things went right.

HON P J ISOLA

Like the sand project.

HON J BOSSANO

No, Mr Speaker, not like the sand project because in fact the sand project is entirely Government owned and the Government takes the whole risk and carries the loss if there is a loss and the profit if there is a profit and I am in support of that. What I am not in support of is public money being used to pump up the individual bank accounts in private enterprises. If people want to go into private enterprise they must be able to put their money where their mouth is, that is what I say. If we are going to have public money then let that public money be risked and let the benefit go to the public purse so it is not like the sand company and I support the sand company. Yes, I do, and in fact the House may be interested to know that the views of the shop stewards employed by the Gibraltar Government who recently passed a resolution to this effect, is that if money is put into the economy of Gibraltar by the Government of Gibraltar to create extra jobs then that money should be in the creation of directly employed labour in any new enterprise and not in giving money to private individuals to set themselves up in business and therefore that is the Union view of the Government's own employees and it is the political view of the GSEP, naturally, and if I was linked with the Chamber of Commerce I might think otherwise but, naturally.

Therefore, Mr Speaker, I propose to move an amendment to the motion which I have here and which I will read out and in this amendment I am carrying, I think, the practice to which I have become accustomed in this House when I have brought motions, I think, one degree of sophistication further in that in the past it has been not unknown that all the words after the word "that" in my motions have been deleted but in this case I am deleting the word "that" as well. I can, Mr Speaker, because I have been very clever about it and I have retained the two words "this House" in the middle of the motion so I am deleting everything before "this House" and everything after "this House". Therefore, I move that the motion should be amended by deleting all the words appearing before the word "this" in line 4 of the motion and all the words appearing after the words "house" in the same line thereof.

MR SPEAKER

No.

HON J BOSSANO

Perhaps you will explain why, Mr Speaker.

MR SPEAKER

Yes I will explain why. You read the motion and I will explain it to you.

HON J BOSSANO

The motion is that we should delete the words appearing before the word "this", that is, the words between "that" and "spending", and the words from "urges the Government" to the end of the motion and we should retain the words "this House". That is my amendment and that that should be replaced by adding after the word "House" "considers that in the light of the importance for the economy of Gibraltar of the tourist industry revealed by the Input/Output Study, every possible encouragement should be given to the development of this industry by working in close cooperation with the interested representative organisations of this industry". Therefore the new motion would read "This House considers that in the light of the importance for the economy of Gibraltar of the tourist industry revealed by the Input/Output Study, every possible encouragement should

be given to the development of this industry by working in close cooperation with the interested representative organisations of this industry".

MR SPEAKER

That is all right. What you cannot do is delete the motion to bring a different motion.

HON J BOSSANO

Mr Speaker, I think that I am retaining part of the Honourable and Gallant Member's speech which spoke about the Input/Output Study, which spoke about the industry, which spoke about the need to encourage the industry and eliminating the part that deals with the defence cuts which I think can be dealt with adequately by the motion I am bringing separately to the House and which I think has got nothing really to do with the tourist industry. I commend the amendment to the House.

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

HON MAJOR R J PELIZA

Mr Speaker, speaking on the amendment and perhaps, Mr Speaker, if you allow me, I will speak on that. I can suppose because whatever he spoke about now I can refer to naturally.

MR SPEAKER

Whatever he spoke to now on the amendment you can refer to.

HON MAJOR R J PELIZA

Mr Speaker, first of all I cannot see the logic of my Honourable Friend at all, if I may say so. He does sometimes, I think, abuse himself and in this case I think he has, I think he has.

HON J BOSSANO

Not if I can help it, Mr Speaker.

MR SPEAKER

Order, order.

HON MAJOR R J PELIZA

I think he has, Mr Speaker. Because if he looks at his motion, really, what he is saying is let us repeat the performance of November, 1980, which had no effect whatsoever and if he is willing to flog a dead horse it is up to him and therefore I think he is abusing his own intelligence, if I can be more specific, in case people took it in a different way which appears that the House did.

MR SPEAKER

If I had I would have called you to order.

HON MAJOR R J PELIZA

So therefore it is perfectly alright. I am glad to see that at least there is another sensible person in this House. So, Mr Speaker, on that count alone I cannot agree with him. Why then has he put in this amendment? Certainly not based on the logic that he has used as you will see as I develop my argument. First of all, Mr Speaker, the motion did not say that we are having redundancy, nobody seems to know, not even my friend on the left knows what is going to happen.

HON J BOSSANO

Mr Speaker, if the Honourable Member will give way. The motion does say that "in view of possible redundancies", therefore I take it that the motion is a response to possible redundancies. I think the response to possible redundancies is the motion that I have moved, not this.

HON MAJOR R J PELIZA

But let him say therefore that he has got to accept, I think he has got to unless he has got some other para normal vision of what is going to happen and I do not think he is paranormal, not yet, he is not paranormal or he has got some hidden information of which the Chief Minister knows nothing about and if that is so the Chief Minister should say openly that he does not know what he is talking about

and tell the people so. But if the Chief Minister feels absolutely sure of what he has got back to Gibraltar I think we all have to assume that at this moment in this House we are all blind folded and cannot see anything at all of what is happening with regard to defence expenditure. As I said before, unless our honourable friend on the left is para-normal and he has got some kind of communication with the Naval Department in Whitehall or somewhere along then, perhaps, he is in a position to tell what is going to happen and if he does I wish he did so openly later on and tell us what the cuts are going to be and so on and so forth. I cannot accept, the same as he says that we have got to work on facts, I cannot accept on facts that the Honourable Joe Bossano brings to this House because if we do then, really, the Government has got no authority and somebody else has got it in this House and I cannot at this moment in time accept that Mr Bossano has got authority. So therefore, whether I like it or not I have to go by what the Chief Minister has said and based on what the Chief Minister has said and on what we know so far all I am saying in this motion is that there might be possible reductions and I said this very specifically except that perhaps the Honourable Mr Bossano was not listening then. I said very specifically that regardless of whether there are redundancies or no redundancies in the Dockyard we still have to do this but if there are going to be redundancies we might as well move ahead of the situation and prepare the ground and at least hold the position on tourism which is going down. I also explained the question of expansion and I think Mr Bossano has completely twisted what I said about labour. Of course I said it is a labour intensive industry. It will take some time before we can pull our socks up, let alone train our people but there is plenty of time to do training if that is what we are going to do here. If that is going to be, as he says, a very good industry in which he is amazed to see what he has discovered in the Input/Output Study. He is amazed to see that.

HON J BOSSANO

Surprised, Mr Speaker, not amazed.

HON MAJOR R J PELIZA

Or surprised, but obviously he is extremely impressed by what tourism can do for Gibraltar. And I am saying that, this is all we have said. All I am saying is, we tried this before, it has not worked, let us do it now in a meaningful way. Let us see the Minister put in some meaning behind of what he accepted in this House, if the

Honourable Member wants to know what meaningful means. Secondly, there are other industries in Gibraltar which I think we could develop again regardless of whether we have redundancies or not, this is what the motion says, other industries as well, because it so happens that we have already got the momentum going and if it does not happen, well, it is not against us. I mentioned particularly banking and insurance and so on and everything that goes with that, which does absorb a lot of clerical staff who quite rightly will not want to be wasted. If there is any suggestion that what I am saying is that someone who is working in the Dockyard as a craftsman or someone who is a clerk should work as a Chambermaid that is obviously not what I said and I made it quite clear. Well, the insinuation was there and I am no fool in politics whatever you may think. I can tell you, Mr Speaker, that that was not the intention, it was never meant, it will never be, there are plenty of jobs, in fact, to start with in tourism which are clerical and some of them will require quite a study if we are going to be professional at this, it is quite a long course to take up tourism as a profession. One thing that we need here in tourism, there is no question about it, is plenty of professionals and there is plenty of scope for that, there would be time for training because whatever is said in this motion, I think the Honourable Mr Bossano knows perfectly well it is not going to happen in 24 hours, nor in one year, nor in two years, it will take a long time. The motion which he is proposing later, which he has referred to before, Mr Speaker, if I know how the things of state move, will take ages before anything happens, whilst this is something that is already there and as I said before we have got to move and take the momentum. I think that if the Government and Mr Bossano himself realise that there is a possibility, in fact he says more, he says that it is going to happen, surely, therefore, we must waste no time, surely we must give impetus to this and this is why it is put in that context, so that the Government will be able to make a special effort to get this going and not wait until it is too late and not wait to see a number of people unemployed in Main Street because we have not moved fast enough.

HON J BOSSANO

It is not the Gibraltar Government that is making anybody unemployed, it is Her Majesty's Government and that is who he should be shouting at not this House of Assembly.

HON MAJOR R J PELIZA

I am not shouting at the Gibraltar Government, Mr Speaker,

I said it very clearly before and the Honourable Member should remember what I said and I said it twice, at the beginning and at the end, and that is the policy which has been enunciated by the Honourable the Leader of the Opposition who made it very clear that we must under no circumstances except the principle of support and sustain just like that but only until it has been implemented and Mr Bossano if he does not want to hear those things then there must be an ulterior motive because I said it twice. Let there be no silly political play in this House. So, Mr Speaker, for the reasons that I have explained, I do not believe that the Honourable Mr Joe Bossano had made a good case for his amendment. I would be the first one to support it but under the circumstances I cannot, I stand firmly by the motion that I have moved because I think it is a timely motion, it is intended to unite this House and I am sorry that the Honourable Member has had to put a wedge in between. I would have thought that he would have co-operated in this very important hour when we must all be united in this House to show that we mean business, to try and do something within our own resources as far as this is permissible, and he comes along, Mr Speaker, and this is rather regrettable to me that he should come along and try and destroy the whole essence of the motion. Here we are, the people of Gibraltar within our own resources, we are doing our best in the face of the situation, but that does not mean to say that the responsibility does not fall squarely on the Government that says that will support and sustain us, and in fact even draw attention to the role of the Governor and the role of the Government. In fact, what I do not believe is that the motion that he is putting is proper because if the responsibility is going to be that of Her Majesty's Government, we are nobody at all to start in this House to make suggestions which in fact may come back against us in the long run.

HON J BOSSANO

Mr Speaker, all I can say is that the Honourable and Gallant Member has done absolutely nothing to counteract any of the arguments I have put except to show how much they upset him and I am afraid that the fact that it upsets him is not enough to make me change my mind. One specific thing that he had an opportunity to spell out was what "more meaningful support" meant where I drew particular attention to my opposition to give cash handouts to the private sector in order to create jobs for displaced Dockyard workers.

HON MAJOR R J PELIZA

If the Honourable Member will give way.

HON J BOSSANO

I will, yes.

HON MAJOR R J PELIZA

Mr Speaker, I have made quite clear what I mean by "meaningful". It is the determination of the Government to do something about it. I am sure that he will be the last one to suggest that we want to carry out a monetary policy the same as Mrs Thatcher in England. I am sure that is the last thing he wants. If we believe that there is an industry in Gibraltar which because of the circumstances it is necessary we should give it some aid to keep employment going, does Mr Joe Bossano suggest that he will object to that and he will see unemployment in the streets. That, Mr Speaker, is what I mean by meaningful but, certainly not to fatten up the bank accounts of local industrialists which he gave the impression is what I meant.

HON J BOSSANO

I was asking, Mr Speaker, what it meant because the Honourable Member in spite of making a very long speech completely failed to say anything at all about what those words meant until I drew his attention to it, and now he says that it does not mean to fatten the bank accounts of industrialists but if an industry is short of money, well, I can tell the Honourable Member that every hotel in Gibraltar is now short of money and I do not know whether he suggests that those hotels should have any losses that they suffer made up. That seems to me to be totally irrelevant to the question of the redundancies in the Dockyard which I shall have a great deal to say about when the time comes in the motion and which I think the House should respond to by putting a positive and concrete set of proposals before Her Majesty's Government as to what we think they should do because it is their responsibility and not ours, and I certainly would not wish to say to the Gibraltar Government: "You must now spend more money supporting the tourist industry to make up for less money coming from the UK". I think the British Government has had a very good deal about Gibraltar and that we are perfectly entitled to ask for reciprocity and I shall develop that theme in the motion that comes. All that I have done as far as I am concerned is to divorce one issue from the other and I cannot see anything in the amendment, which the Honourable Member is going to vote against, which goes in conflict with anything that he has said. It seems to me that he will be voting against the amendment because I am moving it and not because he can disagree with what it says because I am actually quoting his words in the amendment I am proposing before the House. I

commend the amendment, Mr Speaker.

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

The Honourable I Abecasis
The Honourable J Bossano
The Honourable A J Canepa
The Honourable Major F J Dellipiani
The Honourable M K Featherstone
The Honourable Sir Joshua Hassan
The Honourable J B Perez
The Honourable Dr R G Valarino
The Honourable H J Zammit
The Honourable D Bull
The Honourable R J Wallace

The following Honourable Members voted against:

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

The amendment was accordingly passed.

MR SPEAKER

The amendment is carried and therefore I will now remind the House that the motion as it stands before the House now reads as follows: "This House considers that in the light of the importance for the economy of Gibraltar of the tourist industry revealed by the Input/Output Study, every possible encouragement should be given to the development of this industry by working in close cooperation with interested representative organisations of this industry". The Honourable Major Peliza and the Honourable Mr Bossano have spoken to the motion already.

HON H J ZAMMITT

Mr Speaker, Sir, I had thought when I first saw this motion by the Honourable and Gallant Major Peliza, that he would

have come somewhat better prepared particularly with regard to tourism. Mr Speaker, I was quite surprised to listen to his contribution, particularly making reference and praising the Input/Output Study because it shows to a great degree the economy of Gibraltar, how it could well be further exploited or expanded but what the Honourable Member may not know is that the Acting Minister for Tourism, very much regrets that the only association that failed to co-operate in the Input/Output Study happened to be the Gibraltar Hotel Association, the very association that is today quibbling about their not being able to survive. It, therefore, brings me round to the original contribution from the Honourable Major Peliza where he referred to Clause 2 of the terms of reference of the Tourist Advisory Board. It is, I think, ridiculous to expect Government to accept an advisory board, not a management board, an advisory board, to tell the Minister who has to come to this House and answer for public spending, to allow them to formulate policy and spend money not just on advertising, if he cared to read that carefully, but in all monies that the Government makes available to the Gibraltar Tourist Office. One could expect, it does not even say that, it goes further to say: "and all matters relating" which means staffing matters. Mr Speaker, I hate to compare but unfortunately in Gibraltar when it suits us, we compare ourselves with A, B or C. Then it does not suit us we say; "Well, that does not concern me". Mr Speaker, in several parts of the world, excluding Gibraltar, the advertising money by the relevant tourist industry is drawn from public funds a pound for a pound and therefore, I suggested to the Advisory Board that if they were prepared to put in a pound for a pound as is done elsewhere then one could very well consider their formulating policy and controlling public funds but not under the present circumstances where Government, and Government alone, spend £200,000 in advertising. I would like to remind the Honourable and Gallant Major Peliza that in March of this year, after I had returned from the United Kingdom on a trade promotion in February, I decided to hold a seminar with all interested parties in Gibraltar who had previously complained of bad advertising and very poor public relations and I brought out the experts, that is Lonsdale on advertising and Eric Williams and Partners on public relations, and not one single word of discontent was mentioned by any member present at the seminar. When they explained what they were doing for Gibraltar the hotel and the tourist industry in Gibraltar were very pleased and in fact I shall remind the Honourable Member that only next week a follow-up of that particular seminar is to take place. Certainly we will consult but we do not accept that it is civil servants who tell Ministers what to do particularly in the tourist industry, we rely on experts who we pay quite handsomely. Mr Speaker, I think it is more than unfair to say that the action that the Tourist Department has taken so far has

proved a failure. I think 1979 was a boom year where it was impossible to find a seat on the planes or even bed accommodation. Let me remind once again Members of the Opposition that in 1980, although it was lower than 1979 it was higher than 1978 and 1977, so 1980 although not good compared to 1979, was certainly not bad compared to 1978 and 1977. I do not want to be repetitive, I think we all know that our main tourist industry comes from Great Britain. The fact that there are some three million unemployed contributes to the lack of movement in the tourist industry. It is not against Gibraltar, let me assure the Honourable member, it is not against Gibraltar despite the fact that there are many things that could be done to improve the product, it is something that I have tried to instill on the hotel industry and on the tourist industry in general that there are many things where we should try and pull our socks up. I do not think it is right to come here and pay lip service and I think that my unpopularity with them was because I was able to tell them clearly where I thought they were failing and the complaints that I have received in England about the service they were obtaining, the expense they were paying to come out here, and then how they were treated and what little amenities the hotels were offering. Mr Speaker, it is all very nice and I am not trying to be funny with the Honourable and Gallant Major Peliza, to come out here for two or three days, to get terms of reference and try and stir up a storm in a teacup. I would ask the Honourable Member, has he received complaints from tourists who come here year after year out of sheer loyalty to Gibraltar and every year they think less and less of the service they are getting.

HON P J ISOLA

What about power cuts, dirty streets and things like that?

HON H J ZAMMITT

Yes there is rubbish, Mr Speaker, and I think the Honourable Member saw rubbish in London a few days ago. Mr Speaker, do we hit the Unions on it? Are we going to pay lip service and say wally wally to everybody else.

HON P J ISOLA

If the Honourable Member will give way. That is completely wrong, we have asked repeatedly in this House in relation to power cuts. We have been pressing and pushing the Government to do something about it. We have asked for the

Preece, Cardew and Rider report and the response has always been silence and silence and power cuts have continued and that must have affected the tourist industry.

HON H J ZAMMITT

Mr Speaker, I accept that there have been power cuts, I accept there has been rubbish and I accept that there have been strikes which have affected the tourist industry. We accept also that the IPCS strike recently has caused two liners to leave, in one case four hours before and here we are kidding ourselves talking about promoting tourism and nobody here has stood up and said a word about these cruise liners. The Canberra had to leave three hours before time and the Honourable Member thinks the Minister for Tourism can wave a magic wand and bring tourists to Gibraltar. We jolly well cannot Mr Speaker. If we want to bring tourists here we may as well give them each £100 and pay their passage and hotel accommodation, we just cannot compete at this stage. If the Honourable Member does not want to believe me I will show him documentation, Mr Speaker. When you are able to get a week's holiday for £59 full board and we are charging £500, have we got blue eyes, Mr Speaker, or are we expecting people to come here and see us. The world does not owe us a living and the price difference between Gibraltar and other holiday resorts is not £5 or £10 difference and if the Honourable Member feels as Mr Bossano has said, that we should subsidise municipal services, that is 10%, if we subsidise airport landing charges that is possibly £2 or £3 per tourist. At the most it will be virtually nothing and we are still £300 more expensive than Malta and Costa del Sol. We just cannot compete at this stage, Mr Speaker. When the pound is strong it works against us, when it is weak I think it also works against us but I still have not been able to find what that, the exact degree is. Whether the pound is weak or the pound is strong it does not work either way in our benefit. Mr Speaker, it is no good saying that Government must improve the product. Those people in the tourist industry must also put their share into it and not expect Government to do all their work for them. I was delighted to hear the congratulatory remarks by the Honourable and Gallant Major on the leaflet that Gibraltar has come up with. Let me assure the Honourable Member that that was not done by a Civil Servant, it was not done by the Minister, it was done by the experts, by Honsdales and by Eric Williams and Partner whose services we pay for handsomely. I will also remind the Honourable Member that that particular brochure brought about a collapse of relationship between the Minister and a particular hotel because he did not like what we are paying for. Mr Speaker, I can assure the

Honourable Member opposite, in fact all the Opposition, that there is no attempt here to hide away. We put our money where our mouth is. The taxpayer is paying over £1m towards the tourist industry in Gibraltar and I think that it is no good expecting Government to do every single thing. Government does its fair share and in size I think that £1m for the 100,000 tourists that Gibraltar is obtaining is I think a fair contribution. As I said before it is something like £5 per visitor coming to Gibraltar. Let it not be believed for one second that in today's tourist trade with a recession going around and I think I should also remind members that America is now beginning to drop dramatically, that we cannot expect the tourists to come to Gibraltar unless we rely on that batch of people who come here year after year and even more than once a year through friendship or because they have some particular affinity with Gibraltar. Money is the important factor today in travelling and people are not prepared, Mr Speaker, to come here and have to pay £200 more for a fortnight's stay in Gibraltar despite all we say about Gibraltar and how much we individually like it, people much rather have the £200 in their pocket and go somewhere else where they can get a holiday as good as Gibraltar, and I will say no more than that as good as Gibraltar.

Mr Speaker, I invite the Honourable Member, as he has offered his assistance, to meet me every Thursday morning in the Gibraltar Tourist Office here in Gibraltar in order that he may help put the Gibraltar Tourist Industry on a proper footing. But what cannot be done, Mr Speaker, is living away from Gibraltar, to come here for three days and say that everything is wrong. I have not had one single letter from the Honourable Member on tourism since he has been my shadow on tourism, Mr Speaker, not one single letter. I am the one who is carrying the can here acting for my colleague and where is his assistance, where are all the solutions? No one bothers him in England, Mr Speaker. It is very comfortable to be in England with no one seeing you with problems. As I said before I am prepared to meet him whenever he wishes, Mr Speaker, here in Gibraltar where the product has to be improved, not in England. If the Honourable Member would care to ask the individuals who gave him those terms of reference, when we talk of further tourist expansion, if they agree with further hotels being built in Gibraltar, probably he may have different views, Mr Speaker. I honestly feel that at this moment in time, and I say this with great regret, as much as we may try, Gibraltar has its attractions, we have the sun and so have other places, we are far too expensive and we, the Gibraltarians, many times ask ourselves; "would I come on holiday here?". Let us not accuse the Government, Mr Speaker, the Government can do no more than its fair share but it is unfair and if the

Honourable Member wishes to stay behind I will give him a list of complaints that we have which are absolutely logical complaints. There are many complaints that tourists make about Gibraltar which are absolutely spot on and when one tells the hotel management they always say they are always right and the customer is always wrong. Incidentally, I do not want to dwell too much on the professionalism of the hotel industry, which has been questioned, and I will say so in the seminar in a few days time, which has been questioned very severely in the United Kingdom. I will just remind members that as much as we would like to see every single hotel bed full in Gibraltar, at a time when it ought to be full, we are actually now in our peak season, the forecast is quite grim and I cannot see people wishing to spend £300 extra a week just to come and see the Rock of Gibraltar or the Loyal Rock apes or ourselves the Gibraltarians, Mr Speaker.

HON P J ISOLA

Mr Speaker, the Honourable Minister has not indicated in his address whether his Government is supporting the motion as amended.

HON H J ZAMMITT

Of course the Government will accept the amended motion, Mr Speaker, and vote in favour of it.

HON P J ISOLA

They support the amended motion I see. That explains a lot to us on this side of the House. How the Government kept very quiet when my Honourable and Gallant Friend moved the motion and awaited the speech of Mr Bossano to get them off the hook as he has done on so many occasions in this House and I do not know what the Honourable Mr Bossano is expecting back after that magnificent gesture on his part. I think that the acting Minister for Tourism rather took a chance in a statement he made just now, that he had not received one single letter from my Honourable and Gallant Friend. He has taken a big chance, Mr Speaker. I suspect he has not because my Honourable and Gallant Friend has been very busy writing hundreds of individual letters to Members of the House of Lords and Members of the House of Commons. And I might also tell the Minister who can listen to me in the Ante Room, I am quite sure that when the final vote is taken on the Nationality Bill shortly, my Honourable and

Gallant Friend will take up this challenge and the Honourable Minister may find himself having to ask the Government for additional staff to help him to reply to the letters. My Honourable and Gallant Friend, Mr Speaker, has shown great energy since I asked him to look after and shadow the tourism side of Government affairs. It has been obvious in this House by the motion, by the questions and even though he may be in Gibraltar not for very long periods, he makes it his job to find out a lot of things that are going on in Gibraltar and to get the feel of the tourism industry. Perhaps it is because he does this so well that the Honourable Minister cannot face a debate in this House and cannot face being told what is wrong with his Ministry and his department. Mr Speaker, let me say to the Honourable Mr Bossano that the motion of my Honourable and Gallant Friend was not the Opposition response to the Defence White Paper. Unfortunately, the Honourable Mr Bossano does not have colleagues in the House and therefore he has to be the shadow of every Government Ministry and that he must find a very difficult job in addition to his Union responsibilities. I suppose he takes the easy way out and finds it possible to support the Government on every possible occasion that he can and embarrass the rest of the Opposition. If that is the way he wants to play politics in Gibraltar he is welcome to it. We think, however, that what is happening today in Gibraltar is much too serious to be treated with the levity that the Honourable Mr Bossano appears to do when somebody else moves a motion. This motion was the response for the person responsible for the tourism industry to the White Paper and I am very glad that he put the motion because what I have heard both from the Honourable Mr Bossano, his wishy washy amendment that means absolutely nothing and merely repeats what the Honourable and Gallant Major Peliza got passed by the House six months ago and nothing has happened, or nothing constructive has happened, I am glad he did it because I think it will show to the people of Gibraltar the slow way in which certain members in the House react to a situation that is going to happen and we see it happening and the quick way in which a person who has responsibilities in this matter to the people of Gibraltar and who say: "Something may happen, for goodness sake let us get the tourist trade at rights now. Let us do something about it. Let us give it meaningful support, let us not just throw up our hands in despair as the Honourable Minister for acting tourism or acting Minister for Tourism, seems to have done". The Minister has said there is nothing we can do, tourism comes to Gibraltar, we are finished. That was his speech, wonderful encouragement, for those people he is asking to collaborate and to support him. Wonderful words for them. Wonderful words of encouragement and then he tells me that

he is going to vote in favour of the Honourable Mr Bossano's amendment that we must give every possible encouragement to the development of this industry and he is saying there is nothing we can do and, anyway, these hotels are not running the place properly, they are not doing this right. He only looks at their faults. He does not look at the failure of the Government to improve the product in this end, at the failure of the Government to provide continuous power supply to the people of Gibraltar and to tourists, making them walk up and down six flights in the Holiday Inn or in the Rock Hotel or at Ocean Heights or anywhere else, and the dirty state of the town, the building my Honourable and Gallant Friend mentioned at Casemates. I do not know whose responsibility that is but there are powers in the Town Planning Ordinance. If it is the Government then I know way it is still in that state because things have not been done and my Honourable and Gallant Friend did say that he hoped that this motion would be a unifying motion and we would like it to be a unifying motion. I think what my Honourable and Gallant Friend when he said: "meaningful support" what he was saying is let us get down to it, he even offered his help, he offered his cooperation. I am not quite sure I agree with that, Mr Speaker, but anyway He offered it. He said let us get down to it, let us get the tourist trade right. And then we get my Honourable Friend Mr Bossano flaunting his socialist principles which he likes to flaunt in the House in a thoroughly impractical manner, saying: "I am not going to give money to anybody because if any money goes it goes to the Government, it goes into sand". That is costing a lot of money but fortunately the Ministry of Overseas Development pays half a million pounds so that does not matter. They give support to inefficient industries as long as it is the Government sector that has it. Not a word for the private sector, not a word for all those taxi drivers who want business in order to keep families, not a word for those people working in the hotel industry who also want to stay in employment, not a word. Do not give money to anybody even though he voted £50,000 for the electricity subsidy or water to hotels today. I know he spoke against it in the Budget.

HON J BOSSANO

He has voted against the amendment that seeks to give encouragement to the industry of which he is accusing me of not being willing to give anything to. If he understands support and encouragement as giving subsidies I would remind him how he objected to previous subsidies that have been given to certain sectors of the industry.

HON P J ISOLA

Mr Speaker, I am coming to that point. I am replying to my Honourable friend that under no circumstances does he want to give any sort of financial support to any private sector, that is against his principles, and what I am arguing is that it seems to be against his principles even if it means the taxi drivers not having work, hotel people going out, hotels having to close in the winter. He still maintains that although a little birdie told me, Mr Speaker, and I do not know whether it is true or not, a little birdie told me, that his Resident Officer in the Union went with a hotelier to see the Chief Minister to see if they could get some help to keep a particular hotel, I do not know if this is the hotel that everybody is saying is going to be closed in the winter.

HON CHIEF MINISTER

That is not true.

HON P J ISOLA

Well, I do not know, a little birdie told me. I do not know whether he went but there was the intention. Well then, the Honourable and Learned Chief Minister obviously knows something about it.

HON CHIEF MINISTER

I am telling you I know nothing about it and that is the end as far as the hotelier and the Resident Officer coming to see me because I know nothing about it and as I know nothing about it there is nothing about it.

HON P J ISOLA

That may be absolutely so, Mr Speaker, and I fully accept what the Honourable and Learned Chief Minister tells me but what a little birdie told me was that the hotel owner and the Resident Officer were going to go and see the Chief Minister. I have not said that they actually saw him, that is what the little birdie told me, because there were going to be sixty redundancies or something in that hotel and the Resident Officer of the Transport and General Workers Union in order to help his members in that hotel, a little birdie told me, was having talks with the hotel owner as a possible approach to the Government. Mr Speaker, I am not going to

say in this House even to appease the Honourable Mr Bossano, that under no circumstances would I agree financial help to the tourist industry. I would not say it because there are circumstances in which I would agree to a subsidy. In the right circumstances I would agree to a subsidy in particular sectors but I would have to look at the results of it, at the effects, not just on thirty employees, not so closely, although I think my Honourable friend Mr Bossano would have to look at it that way whether he likes it or not because his members would be after him if he did not. I would look at it and if it was justified to bring greater benefits and greater opportunity to the tourist industry now in such a low state as far as Gibraltar is concerned, I would do it and I tell him I would do it, but I would have to examine the circumstances closely. I do not subscribe to the view of the Honourable Mr Bossano that you must have everything nationalised and have everything state owned because if I did Gibraltar would soon be in the position that the United Kingdom found itself four years ago when it had to go cap in hand to the International Monetary Fund to bail them out of all their problems.

HON J BOSSANO

Does the Honourable Member prefer the position in which the United Kingdom finds itself today with Margaret Thatcher's policies?

HON H J ZAMMIT

I would be very grateful if the Honourable Leader of the Opposition would explain that if the Hotel Association had cared to have answered the Input/Output questionnaire, then Government would have been in a better position to know their financial situation. I am only putting this Mr Speaker to the Honourable Leader of the Opposition because I think he is glossing over it. Government was unable to find out realistic data of the hotel industry because they refused to cooperate, Sir.

HON P J ISOLA

Mr Speaker, the Honourable Minister may be right, I do not know, I am not here to defend the hotel industry, I am not here to defend anybody, I am here to try and get the Government to accept that if the tourist industry is as important as the Honourable Mr Bossano has found to his surprise after reading the Input/Output Study then it is

important we give meaningful support to the tourist industry. It is the elimination of those two words "meaningful support" from the motion that has raised my ire and I think the ire of my gallant and honourable friend. Because when I am saying "give meaningful support to the tourist industry" I am not just talking of hotels. The tourist industry, Mr Speaker, comprises employers and employees. There are a lot of people who live on that, a lot of families who live on that and I said it in the Budget, that the Government has to be thinking more of the private sector and those who live by it and not allow the divisioning standards between the public sector and private sector to go wider and wider and wider and this motion and the response to this motion from the Government and from the Honourable Mr Bossano is precisely aimed at that. The Honourable Mr Bossano is involved I think with the public sector and the Government but I must not let the Honourable Mr Bossano think for one minute that I do not think he thinks about other people, of course he does, and the Government do, but they seem to be thinking just of those people who are alright, they will tell you they are not, but they are alright in comparison with the private sector. Therefore, Mr Speaker, it is meaningful support and what my honourable and gallant friend did in bringing this motion was to say; "Here is the White Paper, here is some uncertainty, we do not know what it is, but there is uncertainty". Gibraltar is going through a recession in its tourist industry for many good reasons possibly, the reasons that the Honourable Minister has given, but the message of the Honourable and Gallant Major Peliza I think is the right one, is that we have got to make sure that they do buy our goods. We have got to get over these problems, let us study them. The Minister says he spends £500,000 a year of public funds on tourism. That is not money, that he gives, Mr Speaker, to the hotels or to the airlines, it is money that is spread out and meant to bring benefits right through the community otherwise the Government would be very irresponsible to spend half a million pounds on tourism if it wants to put people into the hotels, I would not agree with it, I would go against it, but that is the reason and I would urge the House that if we are in a bad situation in Gibraltar as we are in tourism and we have these question marks in the defence industries, and I hope everything will turn out alright, we must be positive, we must try and get them together, we must meet every day to try and get them together and I think that is what my honourable and gallant friend was trying to do in the motion that he is moving before the House. As far as the response to the Defence White Paper is concerned, as far as the response of the opposition is concerned, Mr Speaker, I will be addressing the House on the motion of Mr Bossano which tries to be a comprehensive motion, this was never intended to be a comprehensive motion, it was intended to go to one

sector of the economy to do something about it, I will give him our policy, in fact, it is not a question of giving it out, I have been putting it out quite clearly on the radio, in letters I have exchanged with the Governor as the representative of Her Majesty's Government in Gibraltar, our attitude to it has been a cautious one, we have been going carefully step by step, and I will explain very fully how we are thinking on this. I do not need a motion from the Honourable Mr Bossano to do it, I do not need a public meeting to do it, everybody knows of the serious implications of the Defence White Paper for Gibraltar and everybody must want where the vital interests of Gibraltar are concerned must want to work together on it, but to work together on it, Mr Speaker, on fundamental things and to get on with it, not to waste time, not to start theorising about the morality of helping private enterprise or not, not theorising about the wonderful achievement that nationalisation could bring for Gibraltar, not moralising, Mr Speaker, on getting the greatest amount of kudos for a political party of one side or the other. These are serious matters and we propose to deal with them seriously, and if people get annoyed about the attitude that we take, so be it, as long as our conscience is clear on what we think ought to be done in Gibraltar. Mr Speaker, I am very, very disappointed with the response of the Honourable Mr Bossano and the response of the Government to a motion by the elimination of the words "meaningful support". I do not think that the Opposition can be party to a motion that is wishy washy, that says "considers that every possible encouragement" - so every thing is left in the air - should be given to the development of this industry. If somebody were to move an amendment on the Government side - we are not going to waste the time of the House moving amendments that are going to be defeated - saying that meaningful support should be given to the development of the industry, then we go along with it at least it will be something but we are not going to waste our time and our votes on an amendment like the one just passed. We shall just have to abstain because if we vote against somebody is going to say that we voted against the tourist industry when the whole purpose of the motion of my Honourable and Gallant Friend is to allow the tourist industry to move forward. Thank you, Mr Speaker.

HON CHIEF MINISTER

Mr Speaker, let me first of all say, whether it is believed or it is not believed, and Mr Bossano knows that this is true, that we have had nothing to do with his amendment nor has it been the subject of any discussion at all in this matter. I think people know Mr Bossano better, I will not say whether they know us or not better, than to suggest that this has anything to do with that. He has his views and

sometimes we agree with them and sometimes we do not agree with them. Had it not been for his amendment which is now really before the House and subject to having cleared all the allegations which were made against the Government in what was intended at the beginning to be a unifying motion which finished up with almost a censure motion which is where he went wrong, perhaps if there had not been an adjournment as well and if he had carried on with the tone in which he started the debate, it would have been better, but he came back fortified no doubt by food and drink over lunch and started his old ways of hitting at everybody right and left and of course that kind of attitude is not conducive to endearment and to unity. This is the result and it is the inevitable result of every endeavour of the Honourable and Gallant Major who always starts very well but finishes disastrously. It is a good thing he never had command of an army during the war. If, in fact, the accent has been about hotels, as the Leader of the Opposition complains, it is not our fault, it is the fault of the mover who made the whole basis of his attack on the Minister on the lack of cooperation with hotel owners. He did not say he was not cooperating with taxi drivers, or with cooks, or with waiters, he accused him of not cooperating with the hotel owners and the Minister has been able to show quite clearly that on the fundamentals the people who have not cooperated are the hotel owners when they refused to give information for the Input/Output Study and it is no use your getting up, I am not going to give way. We would have voted for the motion if there had not been an amendment so long as we had cleared the decks on the allegations that have been made against us. But of course his accent was wrong and there I agree with the Honourable Mr Bossano, his accent was completely wrong because it laid a bigger reliance and a bigger emphasis on our efforts at a time when we need to put responsibility where it lies. That is where he went wrong and I can imagine that being busy in England, writing to all Members of Parliament, he has very little time to write a motion which he has to put through the telex to get it in in time. The questions were not in time within the agreed gentleman's agreement but the motion came in time, written in a hurry, perhaps in the Tube as he goes to Westminster, or he is taken round Lloyds by a Member of the House of Lords. During that time he probably writes something in a rush and when he comes here and it is analysed by somebody who likes analysing, it breaks to pieces. That is really the tragedy of most of the matters that come to this House which are really spoilt by the good meaning and good intention of the Honourable Member, but he cannot restrain his criticism and his frustration, I can understand that. So that, really, we are in the comfortable position of having seen the Opposition fighting amongst themselves about what he is going to do, calling each other names, and we have

nothing to do with it except as intelligent observers of the political scene of Members opposite and that is why it has been a very comfortable debate. I hope all debates of this nature carry on like that, and I will do nothing to discourage Mr Bossano from carrying on in this way. But to turn to the more serious matter, I do think that the accent could have given the wrong impression. We accept that, we are at a very critical stage. I can appreciate that perhaps the motion was put with the best of intentions and also appreciate that due to the lack of communication the Honourable and Gallant Member did not know about the other motion which was a more comprehensive one, I can understand all that but really the accent is wrong. The accent is wrong because as I said in my statement yesterday, the responsibility about the result of any changes in defence spending must be laid at the door of those who are responsible. True, we have a responsibility as we have always said, to help ourselves and do our best ourselves, but at this stage to put the burden, and not everybody in England is a friend of Gibraltar, and we have many friends as we have seen the other day, we have many friends but not everybody and not everybody who is in charge of the purses in England are ready to dish out money to Gibraltar and any idea that any undue accent on tourism could be a panacea that might take the place of the sustain and support policy would do us a lot of harm. I know the Honourable Mover has not had that in mind at all, I give him full credit for that. I am sure that if he had thought of that as a possibility he would have found, perhaps, a happier phrase to criticise the tourism, that I do not care, but this is where I agree entirely with the Honourable Mr Bossano that the accent has gone wrong. This is why we have supported the amendment and we would have supported the motion subject, as I said before, to clearing it but I must lay emphasis on the fact that he started by saying that it was a unifying thing and as usual finished up by villifying the Minister, by taking the side completely blindly of the hoteliers, that is what he did in his address, that is what he did, and of course, if you take that kind of attitude you certainly cannot unify a Government and an Opposition. There was a reference about this being a place in which we are all together, of course we are all together, and this has been shown by the high level consultative committee which has been set by the Governor in which all parties are represented, but the Government unlike foreign affairs where we are not our own masters and we have no executive power, unlike foreign affairs, this is a matter which is the responsibility of the Government. Whether it be the responsibility of the Government as it is or in a crisis the responsibility of a coalition is neither here nor there now, it is the responsibility of the Government and as such it must bear this burden. That is why I sought an interview with

Sir Ian Gilmour because the Foreign Secretary was away and that is why I went as Chief Minister. That is why I was not asked by the Leader of the Opposition to come with me and I did not expect him to ask me to come with me. If he wants to see anybody he is free to see whoever is prepared to see him. I went with the Governor because we are the Government and we have to bear the responsibility and that must be clearly shown. I am sure that when Mrs Thatcher goes to see Reagan she does not take Michael Foot with her. One thing is Government responsibility and the other thing is when you have a bi-partisan policy on another matter. Let that be made quite clear. We accept that because that is our responsibility but consultation on a matter of national interest of course is a different matter and Members of the Opposition have received the invitation and the setting up of this Committee from the very beginning, from the time that the Governor gave the alarming news of the Government White Paper and its possible repercussions. There is also on other matters a top committee on the question of how Gibraltar would be affected by the European Economic Community which has not met for a number of reasons recently but where we have been waiting for material and I think there is already a date fixed for a reasonably early meeting. The other point that he has made that does not come clear in my mind as an interested observer of the tourist trade is how much can the Government do to support an industry which is going through a big recession on its own. Even though you double the subsidy and pumped another £2m into the economy you would not get half the result of that. If big nations with natural resources, with riches and so on, cannot cope with the recession of this nature which is worldwide, it is hardly fair to say that a few bits and pieces and a few meetings with the hotel associations is going to solve the problem. This does not mean that we cannot do more and if we can we should or that the Minister is not doing his best but it is again a pipe dream to think, and this is where I think the accent on the motion went wrong, it is a pipe dream to talk about meaningful support. Meaningful support means nothing because it does not specify what it is but we would not have objected to that. I think what has gone wrong in this debate was (a) that the accent has been too much as if we could solve the situation which we are facing, that would give the wrong impression outside and (b) that an attempt in a motion which the mover started by saying that it was a unifying one, was a divisive one immediately he made it a tirade against the Minister by himself in cahoots with the Hotel Association.

HON A J HAYNES

Mr Speaker, in the contribution of Mr Bossano we were

informed of the recent motion by the Shop Stewards which called for new jobs to be by way of direct employment and then Mr Bossano went on to explain what this meant. We were told that the motion was asking that a fitter, for example should be employed as a fitter and similarly a welder as a welder and not as a waiter, am I right?

HON J BOSSANO

The Honourable Member has misquoted me, Mr Speaker. I did not say that the motion said anything about the people being employed as a fitter. I said the Gibraltar Government shop stewards had passed a motion saying that if the Gibraltar Government was going to spend public funds in creating any new jobs without specifying what those jobs were or where they were going to be, then that money should be spent in creating the jobs by employing people directly and not by giving the money to a private firm to expand and so create the jobs, that is all the motion said.

HON A J HAYNES

I am grateful to the Honourable Member for his explanation but I nevertheless remember his remarks that a fitter should be employed as a fitter and not as a waiter and that is what he meant by direct employment. This demand or decision by the shop stewards is worthy of analysis, this idea of direct employment. Immediately, one can appreciate the common sense behind such a motion. Of course it is preferable to employ a skilled labourer for his skills and not to minimise his capacity by employing him as a manual labourer. One should remember also that it would be demoralising for the skilled worker to be employed in a more menial task or an employer to hide the talents of his employees under a bushel would appear to make little sense and of course the time and expense incurred in training a skilled labourer would have been wasted. Perhaps against these arguments in favour of direct employment which I think is very relevant to this motion, we must consider whether the time has come when our views and those of all Gibraltar must be reviewed and revised. Mr Speaker, Hobson's Choice springs to mind here. If the case is one of either manual labour or unemployment the answer must be any job is better than none. There is no alternative, unemployment is not an alternative and if it has come to this pass then the ideas of direct employment, however pretty they may be, go by the wayside. We are in troubled times and it is in this knowledge that the original motion before the House was brought to this House and it also underlies the declaration stated by the Honourable and Gallant

Major that there should be unity in the House. I do not think it is fitting for a Chief Minister to be derisive of those offers which were genuinely meant. The motion therefore called on the House to build for the future. Previously we heard Major Peliza state that he was not an advocate of expansion for its own sake because expansion in those terms would bring allied problems of housing, of social security and of a general strain to the general services by increased immigrant labour and similarly Mr Bossano echoing those thoughts referred to, skilled labourers being employed as cooks and since those skills are not readily available in the local population it meant importing foreign workers. Major Peliza stated that in normal circumstances with a stable economy he would not look for expansion along those lines. He would only encourage expansion if it came as a result of greater productivity. The time has come to make decisions for the future. The Dockyard we know is in the balance. It does not matter that the Dockyard eventually should survive as we all hope it will, the time has come now to start making alternative plans, alternative strategy. I do not believe that the motion before this House provides that alternative strategy or indicates its interest in alternative strategy. The motion before the House would lead us to believe that Mr Bossano did not realise that tourism was important until he read the Input/Output Study. Tourism as we all know and we did not need the Input/Output Study to tell us, is the major growth industry in Gibraltar.

HON J BOSSANO

If the Honourable Member will give way. I did say specifically that in fact I had been surprised by the degree, the magnitude of the importance that the tourist industry had in the economy. In fact in the light of the information we have been given that there was very little cooperation from the industry, it may well be that the Input/Output Study is exaggerating the importance in the industry and that my original assessment was right because if the industry has not been cooperating the Input/Output Study may be inaccurate.

HON A J HAYNES

The Hon Mr Bossano seems to be undermining his own motion at this stage Mr Speaker. But, regardless, because I dismissed the validity of that amendment, I would state that tourism is the major growth industry of Gibraltar and that as such it is the only industry that could bear Gibraltar's future as an alternative economic source. If we are going to build on an alternative other than the Dockyard it must be in tourism or

at least at the moment there is no other alternative and therefore, Mr Speaker, we have to invest in the tourism industry in spite of the problems that it may bring. This brings me to the second point of analysis which can be derived from the shop stewards' motion which is asking for direct employment. I would have thought it is implicit from that motion that they were anticipating, perhaps, Dockyard cuts and that the motion and the fear expressed in that decision did not originate in the Input/Output Study but in the fears that we all hold as regards the Dockyard. It is for this reason, Mr Speaker, that I find the amended motion detracts from the original motion. Thank you, Sir.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Sir, I had not intended to intervene in this debate, three cornered as it were, however, I want to make clear one point. It has been said and correctly, that the Hotel Association did not cooperate with the Input/Output Study. This, of course, as members will know was an independent study, independent of the Government, and funded by ODA and obviously the leader of the team called on me as he did on other persons to discuss the study. I know that he was disappointed because the Hotel Association felt unable as an association to cooperate fully with the team. However, certain hotels did provide him with information when he called upon them, and adequate information which I believe in the view of the leader of the team, would give a sufficient indication of the importance of the hotel industry within the economy of Gibraltar and so I hope that it will not be thought that because there was not total cooperation that the information received was so inadequate that it cast doubt on the figures reflected in the report. I just wanted to make that clear, Mr Speaker. Thank you.

HON P J ISOLA

I am very glad that this explanation has been given by the Financial and Development Secretary. I think that the Honourable and Learned the Chief Minister should be invited to amend his remarks about the hotels.

HON CHIEF MINISTER

What I said was that the mover of the original mover was basing himself on behalf of the Hotel Association which as an association had not cooperated. That is borne out by what the Financial Secretary has said.

HON P J ISOLA

Mr Speaker, if I may ask at least for the Chief Minister to say that his reference to the hotel association was exclusive to that association and did not intend to cover hotels that did in fact cooperate with the Input/Output Study.

HON CHIEF MINISTER

Of course, I have no difficulty in making that clear. As far as I am concerned I have no vested interest in clearing the matter. Of course this statement which has been made by the Financial Secretary I fully support.

HON MAJOR R J FELIZA

I am sorry to say that the Chief Minister has reduced this debate to a farce, that is what he has done, by the way that clownishly, Mr Speaker, he has tried to speak in reply to what I have said not only that, Mr Speaker, he has invented all sorts of things which I never said which suited him to make a stupid, silly, nonsensical argument and that is that I ever referred to the hotels. I never referred to the hotels except to say that there were rumours that one of them might be closing down this winter but in every other case if he looks at Hansards he will see that I was referring to the representative bodies of the tourist trade and so on and so forth but never specifically at the hotels because we are not talking, Mr Speaker, here about the hotels. What we are talking about, Mr Speaker, is a sum of £11,492,000 which is the income of the industry to Gibraltar not to the hotels and this is why I think the industry is important, it has nothing to do with whether the hotels make money or do not make money, it is a fact that that amount of money, £11m plus, is coming in to the economy of Gibraltar, giving jobs to people in Gibraltar, generating economic activity in every sphere of life in Gibraltar, that is what I am talking about and it is very, very sad, Mr Speaker, that the Chief Minister should reduce that very important factor of our industry to a farce. Mr Speaker, in the hope that the Government realise that if we invest in this industry we are not investing in those who actually own the business in whatever sphere they may be, hotel taxi drivers, bar restaurants, retail shops in Gibraltar, call it what you may, we are not investing there, what we are investing is in jobs in Gibraltar and the welfare of the people of Gibraltar and the amount of tax that gives to the Government to be able to employ in the Social Services etc., that is what we are talking about. Whatever the hotels may have done I do not know, they may have given information or they may not have given

information but within the information that this team received we have very important facts available to us which I hope the Minister will make use of and then perhaps he will understand why I am so vehement in trying to get the Government to move because in November last year I put a similar motion and nothing happened and I have had to dress it up with the possible repercussions of redundancy in the Dockyard in the hope that we will be able to do something about it now in a meaningful way. It is obvious, Mr Speaker, that if the Minister knows what this implies perhaps he will take the matter much more seriously and will not throw the towel in as he seems to have done here today. In fact, the Chief Minister should take very careful consideration as to whether the Minister believes that he can do anything about it because the way he spoke today gives the impression that he has given up all hope of being able to improve the situation of that industry and if this is so I think it is honourable of him to say so and ask somebody else to take over the responsibilities because he believes that he cannot do anything about it and if he does not do so I think the Chief Minister himself should give consideration to it after what he has heard here today. It seems that the Minister believes that he has done everything possible and everything possible means a reduction of 30% or 40% of income of the tourist trade in this coming year. Mr Speaker, in the retail trade alone the amount spent is over £900,000. What does the Chamber of Commerce think of this? What does Gibraltar as a whole believe? That in itself is paying import duty, it is paying rates in the . . .

MR SPEAKER

You must not raise new factors in reply.

HON MAJOR R J FELIZA

Very well, Mr Speaker, the figures are available and I hope that they study them because it is an eye-opener. I will go further than that and say that it is a great pity that there is no understanding between the Minister and the hotels. The way that the Minister has been speaking here today about the attitude of the hotels shows that there is absolutely no understanding between them and this is why I have been suggesting.

HON H J ZAMMIT

If the Honourable Member will give way. Mr Speaker, that is not so, in fact, the Honourable Member knows that I have had something like six meetings with the Hotel Association

and with the Advisory Board and I get on with them but I am not prepared, as I said in my address, I am not prepared to give them lip service. If I feel there is something wrong I have told them without any ambiguity.

HON MAJOR R J PELIZA

Mr Speaker, whatever he may have told them, what he has said in this House, Mr Speaker, gives the impression that there is enmity between him and the hotels, that is the impression I gather and if it is not so I think next time he speaks in this House in that respect, he should try and couch his words in a different manner. The fact that it has not been possible to agree not only with the hotels but with all the others, to an Advisory Board to which he himself has been committed shows clearly, Mr Speaker, that there is no understanding between the Minister and the remainder of the tourist bodies in Gibraltar and that, Mr Speaker, puts at risk £11m of our economy plus, and this is what we have safeguard. I am not saying subsidise the hotels, I have never said that but what I say is, if we have to use more money than we have put into the estimates now to make sure that this industry flourishes, then I think we have got to work it out mathematically and ask ourselves whether it is in the interests of Gibraltar that instead of getting £11m coming in we only get £5m or £6m, or is it better to spend another £1m and make sure that we do get £11m coming from the tourist industry regardless of where it goes because if you are going to reduce this by £5m or £6m we are going to have serious problems in this particular industry and we are going to have serious problems of employment in Gibraltar, this is what I feel. I feel very sorry, Mr Speaker, that it has been impossible to convince the Government to support this motion. I totally disagree with the Chief Minister that there is any implication whatsoever that in this motion if we do support it we are going to take over responsibility for whatever redundancies there will be in the Dockyard. No one can read that in the motion and certainly no one can read it from the statement that I made in this House where I made it absolutely clear that the responsibility is that of Her Majesty's Government. I have even mentioned the Governor and our local Constitution and I stated and restated the policy of my Honourable Friend the Leader of the Opposition which is obviously the policy of the Party that I belong to and perhaps I should say this so that there is no ambiguity whatsoever in the people's mind that we in Gibraltar should not accept "support and sustain" in whatever manner it may come before we know whatever industry is going to replace whatever redundancies are brought about is going to replace the effects of the redundancies until that

has been implemented and we know that Gibraltar will be able to exist under the new circumstances. That, of course, Mr Speaker, does not mean that we in fairness should not try and help ourselves as much as possible and all I am saying with this motion is that we have something that if we put our shoulders to the wheel it will at least, if we are convinced that we are going to make it work, if we are not convinced that we can make it work we might as well give up, but if we are convinced that we can make it work then we should try hard, this is what I tell the Minister, do not give up, he seems to me that he has given up and of course I offer my services. I will certainly offer my services if he were to accept the recommendations of the tourist trade in Gibraltar to include that particular Clause 23. If he does that he has my full support and I will, if necessary, sit in that Board if he wishes me to do so, I do not suppose he does. Of course, he would have to arrange it so that it meets when I am here in Gibraltar and also of course if there is anything that he wants me to do in England where, after all, is where the whole of the business is, I will also do it. The business comes from Britain, whether we like it or not that is where it comes from but, anyway, be that as it may, if he accepts that clause which has been proposed by the tourist trade in Gibraltar in the Advisory Board he has my full support.

Mr Speaker then put the question in the terms of the amended motion which now read as follows:

"This House considers that in the light of the importance for the economy of Gibraltar of the Tourist Industry revealed by the Input/Output Study, every possible encouragement should be given to the development of this industry by working in close cooperation with the interested representative organisations of this industry".

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

The Honourable I Abecasis
The Honourable J Bossano
The Honourable A J Canepa
The Honourable Major F J Dellipiani
The Honourable M K Featherstone
The Honourable Sir Joshua Hassan
The Honourable J B Perez
The Honourable Dr R G Valarino
The Honourable H J Zammit
The Honourable R J Wallace

The following Honourable Members abstained:

The Honourable A J Haynes
The Honourable P J Isola
The Honourable A T Loddó
The Honourable Major R J Peliza
The Honourable G T Restano
The Honourable W T Scott

The following Honourable Member was absent from the Chamber:

The Honourable D Hull

The motion, as amended, was accordingly passed.

MONDAY THE 13TH JULY, 1981

The House resumed at 8.30 am..

HON J BOSSANO:

Mr Speaker, I beg to move the following motion of which I have given notice:

"This House is concerned at the possible impact on the economy of Gibraltar of any reduction in the level of activity of the UK departments and considers:

- (a) that as a short-term measure Her Majesty's Government should undertake to maintain the present level of expenditure in Gibraltar until an alternative economic strategy has been developed;
- (b) that Her Majesty's Government should undertake to provide the capital investment required for any diversification plans;
- (c) that Her Majesty's Government should release to the Gibraltar Government such land as can be shown to assist the economic development of Gibraltar without any changes or re-allocation costs",

Mr Speaker, the news of the closure of Chatham, the virtual closure of Portsmouth and an unquantified reduction in the level of the Gibraltar Dockyard which burst upon us a few weeks ago, can be seen to have extremely serious implications for the economy of Gibraltar and reference has already been made in another motion to the Input/Output Study and the fact that this study now provides us with detailed information of the ramifications of one sector of the economy for other sectors. The first paragraph of my motion, therefore, draws attention to the need that there is to consider how a reduction in the expenditure of the United Kingdom Departments will affect the economy of Gibraltar as a whole. There is no doubt in my mind and certainly there is no doubt in the mind of Trade Union leaders in the United Kingdom, that it is the intention to reduce the Dockyard and the level of work for the Dockyard in Gibraltar and I think that point has to be made clearly because it seems that the phrasing of the White Paper has led some people in Gibraltar to draw the conclusion that there may or may not be a reduction because in the White Paper it says that if work cannot be provided for the Gibraltar Dockyard indefinitely then other ways of helping the economy will be looked at. What precisely is it that the White Paper is telling us? One may make the mistake of reading words too closely, Mr Speaker, but to me what the White Paper says is that if no work at all were to be provided because it does not specify at which point in the level of work, at which point in the envisaged reduction the mechanism bringing in assistance in some other form will be treated, it does not say if there is any reduction at all in the level of work then that reduction will be made up some other way. I think that interpretation has been put on that and therefore there has

appeared to have been a conflict between what senior management in the Gibraltar Dockyard have had to say and what the Minister for Defence has said in the Commons. As far as I am concerned I don't see such a conflict because in fact the senior officials of the Navy have been told that they have to meet a target of cuts amounting to £7½ thousand million and within that figure of £7½ thousand million there is included a figure for savings from a reduction of activities in Gibraltar. At this stage the figures are tentative for Gibraltar perhaps more so than in other areas but even in other areas they are tentative because the final package to a certain extent is being left to the people in the Navy who are expected, obviously, to try and arrange the resources that they have been left with the maximum advantage in meeting the needs of the Navy and in looking at Gibraltar their consideration is exclusively that. They are not looking at Gibraltar from the point of view of how it will help or not help the economy of Gibraltar, they are not looking at Gibraltar from the point of view to support and sustain, the Navy has got no commitment to support and sustain Gibraltar, they are looking at Gibraltar from the point of view of the assets, the resources that Gibraltar can offer the Navy within a cash ceiling compared to alternatives elsewhere and trying to maximise from the Navy's point of view the benefit they gain from those resources. It is in this context that the reference made in a circular sent out to branch and section secretaries of the IPCS on the 26th of June, it is in this context that the preference to Spain has got to be understood. The note in that circular signed by the Deputy General-Secretary of IPCS Mr Bill Wright, said that it was the intention of the British Government to give up the Dockyard subject to further discussions with the Gibraltar Government and Spain. Mr Speaker, just as the Hon and Learned Chief Minister took the opportunity of seeing Mr Gilmour when he was in London, I took the opportunity of seeing Mr Bill Wright and Mr Bill Wright is in no doubt at all that in the meeting with Mr Nott a reference was made to Spain as well as to the Gibraltar Government and the reference to Spain was in the context in which I have just said, that the Navy is looking at the cuts, and the consultation with Spain was a consultation as to the facilities that Spain might be in a position to provide the British Navy with as a result of her membership of NATO. In looking at the money that the Navy has got available and in looking at the alternatives that the Navy has got available, clearly, as far as the Navy is concerned, what they can obtain in this part of the world which is comparable to what they can obtain in Gibraltar, is something that will be looked at from the economics of the Navy's own operations and what Trade Union leaders were told, what Mr Wright was told, and this was confirmed to me by people from other Unions who were also at that meeting, was that it was a definite intention to run down the Dockyard very substantially and the extent to which it was going to be run down was qualified by two factors, one, the need to hold consultations with the Government of Gibraltar as to the timing and so on of this rundown because the Dockyard played such an important role in the economy, and also the need to consult with Spain as to the facilities that would be made available to Britain once Spain was in NATO because this would

determine to some extent the use that might or might not ultimately have to be made of the Gibraltar Dockyard. That is the recollection that Trade Union leaders have of what went on in this meeting. If that recollection differs from the recollection that a Minister of Mrs Thatcher's Government has of what went on in this meeting, then I am afraid as far as I am concerned I trust the recollection of Trade Union leaders any time of the day, others may choose otherwise. One is not capable, Mr Speaker, of judging who is right or wrong or who is telling the truth without being there but as far as I am concerned I can tell the House that if any Member here can give me a rational explanation why a man who has never been to Gibraltar, who has got very little connection with Gibraltar should send a circular to all his sections in the United Kingdom inventing a reference to Spain which never took place, then I am prepared to give way and bear that explanation, Mr Speaker, but certainly I can see no logic why three or four Trade Union leaders from different Unions should invent a reference to Spain in the context in which I have described it. Mr Speaker, I am telling the House the information that I have available to me and it is information that any Honourable Member can write to the individuals concerned and get the thing confirmed. I was told verbally by those who had attended the meeting and they have a very clear recollection of what went on, whatever Mr Nott may remember of the meeting now, and I have no reason to believe that they would be lying to me or lying to their Members in Gibraltar. It may be that Mr Nott didn't say or wishes he had not said it but certainly one can see how such an explanation divorced from its political importance for us, looked at exclusively from the point of view of the Navy, would make sense to the Navy given that they are operating within extremely rigid cash limits, they have been given a job to do and they are not being given the resources to do it, Mr Speaker, and they are being pressured into a situation of trying to draw every drop of activity out of extremely limited resources, being asked to cut and to maintain the role of the Navy and there is no doubt at all that this is a political decision, it isn't as clear a strategic military decision as we have been led to believe in Gibraltar. Certainly the Trade Union Movement in the United Kingdom and the Labour Party in the United Kingdom does not accept that it is a question of military strategy which is self-evident and which any Government would equally have decided. The way that it is seen in the United Kingdom is that it is a clear, political decision of saying we want to go in for a massive escalation in the use of nuclear weapons and consequently that carries with it a price which economically Britain cannot afford and in order to afford it we are going to cut down elsewhere within the Defence budget to finance the Trident Missile programme and the fear of Trade Union leaders in the United Kingdom is in fact that in the light of previous experience with such things as Concorde, the cost will be an escalating cost and the cuts will be escalating cuts and if that is a view in the United Kingdom, it is a view we cannot ignore in Gibraltar because whatever initial impact we may have here based on the original estimated cost of Trident, we may subsequently find that the budget available for Defence expenditure in Gibraltar will be coming under constant and increasing pressure year after year.

Certainly that is the expectation of the Trade Union Movement in the United Kingdom if the British Government cannot be deflected from the course it has embarked on in defence and the experience of the British Government's determination to continue whatever course they embark on in every other sphere does not lend much optimism in thinking that they will be able to be persuaded to change their minds on this one. Therefore we have, I think, to react to a situation where this has been sprung on us and we have to take it that it is going to happen regardless of the opposition that is put in the United Kingdom and regardless of any opposition we might put in Gibraltar and certainly there would be very little we could do in Gibraltar on our own to change the view of the British Government having made this decision which they must have had clearly a lot of thought devoted to because it is something that is opposed even within the Services itself by very high ranking people who cannot accept, as one Trade Union leader put it in the United Kingdom, that Britain has got some secret weapon which has made her aware that surface ships are obsolescent when the United States and the Soviet Union are increasing the numbers they have. Therefore, Mr Speaker, that is the background that I put before the House as to the problem that we face. Let me say that the Honourable and Learned Leader of the Opposition said that the Opposition's reaction to this was that there should be no cuts until the alternatives that were going to replace the cuts were ready for implementation. I think, perhaps he will no doubt spell this out when he makes his contribution, but if we mean by no cuts that the amount of re-fitting that is being done in the Dockyard must continue being done, then that is a non-starter because in fact if the ship is going to be scrapped like the Leander Class frigate that was due to move into the re-fit in the Dockyard the next one to be slotted in following HMS Galatea which is now under re-fit, if that is due to be scrapped there is no way we are going to convince the British Government to re-fit it before it scraps it in order to keep us going so I don't think that we can talk about them maintaining their present activity and this is why my motion does not call for this, it calls for the maintenance of the present level of expenditure and another reason why I talk about the level of expenditure in the positive side of the motion, that is the side of the motion that makes specific proposals, is because the reduction of expenditure as can be seen by the Input-Output Study, has got an impact on Gibraltar's economic life even if there are no local jobs at stake. The economic impact of the expenditure pattern of the United Kingdom households in Gibraltar accounts for 11½% of total final demand of the private sector in Gibraltar. Again, a figure that surprised me as much as the figure on tourism surprised me, Mr Speaker, and I make no apologies for this. I think before we had this study it was a question of personal judgement what was the effect of one sector or another sector and I backed my judgement which obviously was different from other people's. There must have been people who thought it was greater, there must have been people who thought it just right and there must have been people who thought it was less like I did but I make no apologies for discovering that a very thorough economic study using a methodology that I was unfamiliar with but which I think proves to be extremely valuable, this technique of Input-Output analysis proves, shows, produces evidence which gives us a clear

cut and definite picture of the state of the economy at one point in time and therefore when we are looking at the level of expenditure we must look not only at the locally employed labour but in fact at the United Kingdom based labour which make a very substantial contribution to the demands made on sales in the private sector. They are important customers of the private sector and I can tell the House that even before this enormous reduction in conventional defence spending and we must be clear about that because it is no good saying that defence spending is going up, yes, defence spending is going up but conventional defence spending is coming down and we depend on conventional defence spending because we have got no nuclear armaments factory in Gibraltar and I am glad that we haven't because I certainly would not like to be in that prime area of aggression in the event of a war, obviously the first area to knock out is the armaments industry. In the case of Gibraltar, as I say, before this new reduction in conventional defence spending, because of the cash limits and the need to stay within the cash limits, the PSA, for example, was already having to cut down on a number of jobs in Gibraltar and there, by agreement with the Trade Unions and because it made sense, in fact, to the employers as well, because the UK based is a more expensive commodity than the local employed worker because he has to be paid overseas allowances and be given accommodation, the cuts were being taken in UK based workers and out of 42 industrial workers employed in DOE who are UK based, we are now down to 30 and we are due to eliminate the remaining 30 completely by 1983. This is without the effect of this latest announcement on cuts and 42 jobs in UK based means quite a lot of money in terms of loss of customers for the private sector of Gibraltar. In the case of the DOE, Mr Speaker, who would then be faced with a new round of cuts because the Regional Director has made it absolutely clear to the Unions here in Gibraltar that once he knows the extent to which the Navy is cutting back its operations in Gibraltar and the extent to which the requirements of the Navy are going to be reduced and consequently the amount of money that the Navy has got to spend with the DOE is reduced, the DOE itself will have to cut down because in fact what the PSA does is it provides a service to the Ministry of Defence in Gibraltar to the three Services, to the RAF, to the Navy and to the Army. It provides a function in a way, in fact, in which the Committee of Inquiry into the Public Works was suggesting the Government might consider doing so that the Services who are the customers of DOE actually have got a budget to spend in their own area and engage the DOE to carry out a job for them within that budget. If the Navy budget goes down for direct activity in Gibraltar then the Navy budget for servicing that activity will go down and therefore the money available to the DOE from the Navy will go down therefore the DOE itself will need to cut down and the DOE has already cut its UK based staff to the bear minimum and therefore in the case of the DOE any further cut in jobs will inevitably have to be in local jobs, there is no other way the DOE could do it. I am giving that Mr Speaker, as an example of how once the details are known we will see the impact affecting the relationships within

the UK Departments themselves and that it is not something that is limited to the Dockyard, hence the introduction to the motion refers to activity of the UK Departments and not of the Dockyard alone because although the Dockyard is a theme that has been at the forefront because we are losing the refit programme, it is the whole of the activity of the UK Departments that is at stake. Therefore, although this House is not in a position itself to resolve the problem, and I think that must be made absolutely clear, we have got a responsibility to the people of Gibraltar who put us here to look after their interests and fight their case but the responsibility for resolving this problem cannot be with the Government of Gibraltar or with the Gibraltar House of Assembly, we have got a responsibility to come up with positive ideas as to how it should be solved but we are already in this House, Mr Speaker, had presented to us the agreement with Midland Bank to raise £6m for capital expenditure. The Gibraltar Government cannot afford to go on increasing its borrowing requirement when its source of revenue is being threatened, when its cash flow is being threatened it cannot afford and, indeed, its credibility as to whether lenders would be too willing to do it if the level of expenditure of the UK Departments was on the way down, people would ask: "Well, how are you going to repay those loans and how are you going to service those loans if the money that you are getting today is based on taxation being paid by employment provided by the UK Departments?" I think that would be the sort of question the Government would come up against and therefore we who are responsible to the people for the good running of the economy of Gibraltar and it is in the Constitution, it is the ultimate responsibility of the Governor as the representative of Her Majesty's Government that the maintenance of the financial stability of the territory is the ultimate responsibility of the Governor but the people would look to us if the economy went into a drastic downturn and we had unemployment and we had real hardship in Gibraltar, they would look to us and they would hold us responsible, Mr Speaker, and therefore we must in turn look to Britain and hold Britain responsible because we have been suddenly presented with a problem which, quite frankly, none of us could expect and none of us had any reason to expect. I can tell the House that in the seven years that I have been an official of the Transport and General Workers Union, every Chief of Fleet Support that has come to Gibraltar, every Chief Executive of Dockyards that has come to Gibraltar has told me and the other Union leaders, "You have got absolutely nothing to worry about, there is work for the Gibraltar Dockyard into the foreseeable future"; and we have been told that Gibraltar has got a good record on quality but that it was important for us to introduce procedures to improve output, to improve productivity because there was plenty of work and the reaction of the Unions in Gibraltar has always been: "We are prepared to cooperate in introducing new management techniques, in introducing new methods of working". We have cooperated more in Gibraltar than they have ever done in any UK yard I think primarily because we have had the advantage of having an integrated Union in Gibraltar representing the entire industrial labour force whereas in the United

Kingdom you have got 16 different Unions and you have got to get the agreement of 16 different Unions every time you want to introduce anything new but we have been able to move quicker on things like, for example, the DEL planning scheme in Gibraltar which was introduced in a period of some 18 months whereas in the United Kingdom it is still not nationally introduced and they have been at it for 10 years. We have always made the point, Mr Speaker, that we are prepared to cooperate in improving output provided improving output results in more work being provided and not in less jobs being provided and we have always been told that there was a backlog of work, that there was plenty of work, that as long as Gibraltar could handle more work, more work would be sent in and in fact it was only a year or so ago that they introduced additional work slotted in between the main work of the Dockyard of the two leander class frigates. In that context I think we are perfectly entitled to turn round and say to the British Government: "Look, you have been giving us to understand over the years that we had absolutely no reason to prepare ourselves for the sort of dramatic turnaround in policy that you suddenly presented us with and therefore you cannot expect us to be ready for this because you have told us always consistently, year after year, that we could look forward to continuity of work and it isn't that we have been negligent in that respect it is that we have been doing what you have led us to believe we were entitled to do and we have shown, in fact, our willingness to allow other work to be turned away from Gibraltar because we place such a high priority on the links with the United Kingdom and on the service that we provide the United Kingdom with and if that service is no longer required we cannot expect it to be maintained artificially for our benefit but we can certainly expect that if it is no longer required we should be given sufficient time to make whatever adjustments are necessary and sufficient help to make such adjustments without placing the burden of the adjustment on our own people." This is the broad policy which I am asking the House to support so that we can go with this policy, with this thinking, to the British Government as the united view of the House of Assembly representing the whole of Gibraltar, Mr Speaker, a view which I think will find support from both sides of industry in Gibraltar, from the Trade Union side and from the employers side and therefore it is this that the clause (a) in my motion spells out. Going on from that, if once we start working on the nature of the changes our economy may require we find, we do not know precisely what it will be, but if we find that there is a substantial injection on capital required, then it is again to the British Government that we must look and I think in this context the delay in giving Government a reply on the Development Programme is, quite frankly, reprehensible I think. It has always been a bad thing the way that there have been these delays which then the Government has got to answer for here but now it is even worse given the big question mark hanging over Gibraltar's economy but, clearly, we could not afford ourselves, as I mentioned earlier, in the context of the significant increase in public sector borrowing that we have engaged in already, we could not

ourselves afford from public funds in Gibraltar to into a massive capital investment programme without the bulk of it being provided by the United Kingdom. Clearly, at the same time and I am talking here, obviously, about public sector investment, at the same time what the Government can do and what I thought I was pointing to in the amendment I moved on Friday Mr Speaker, however wishy-washy it might have appeared to the Honourable and Learned Leader of the Opposition, was in fact that in the case of the private sector what the Government must do is give encouragement and not money. When we are talking about investment as far as I am concerned, if it is Government investment, whether it is funded from Government's own resources or from money from the United Kingdom then that investment must be made on behalf of the people of Gibraltar by the Government of Gibraltar. If we are talking about private sector investment then I think that the Government has got an obligation to do is to give every possible encouragement and that is not sit an applications for six months, not try and find reasons why the answer has got to be no, but try and overcome the obstacles that may exist so that it is possible to give a positive and an affirmative answer to private sector developers who want to put their own money into development in Gibraltar, I think that must also be a major plan of Government's policy in this respect and that is what the motion that this House passed on Friday seeks to do. The third point, Mr Speaker, which is related both to public sector investment and private sector investment is the question of the release of Ministry of Defence land to the Gibraltar Government without any payment of costs I had a number of questions in the earlier part of the House precisely to draw attention to this, Mr Speaker. There is the question of the shed for which the Government has been asked to pay £200,000 which is clearly something that the Ministry of Defence will try to do particularly now that it is under such financial restraints, the Ministry of Defence will try and get every single penny that they can from the Gibraltar Government or from anybody else. They have the same problem with local authorities in the United Kingdom, Chatham itself is fighting the same fight, Chatham is saying that if they are going to close substantial areas of MOD activity in Chatham then let that land be passed over to the Local Authority in Chatham so that the Local Authority can develop and the MOD is saying: "No, this is our land and we want to hang on to it and if you want any of it you have to pay us for it", obviously, because if they have to find economies of £7½ thousand million then any money that they can raise by selling of assets that they can no longer use is going to help them in their problem of meeting that target. We cannot expect the Navy or the MOD quite frankly to put up a fight for us. They will put up a fight for themselves and they will carry us with them when we are both fighting for the same thing. I am sure that the Navy would support completely the strategy if we decided that that was the strategy that we should follow, and if any Member thinks that that is the strategy we should follow I am open to being persuaded that this is the wrong way to tackle it but if we decided to follow the strategy of saying: "No, we want the Gibraltar Dockyard kept going at its present level and

we want the Navy to be provided with additional funds by the Government to enable them to do it, the Navy would be delighted." What they cannot do and what they will not do is take away money from somewhere else to keep Gibraltar going, that there is no hope of getting but in fact if the British Government was prepared to say to the Navy: "Out of the economies we are expecting you to do, anything extra that you spend in Gibraltar will be reimbursed to you over and above the budget you have already been given", then we would have no problems. That strategy I think is a non-starter but if it were possible it is one that we could take up jointly with the Ministry of Defence and make joint representations to the British Government but if we are saying the opposite then I am afraid we shall have to disagree with the Ministry of Defence as to what they are entitled to charge us and our position must be that Gibraltar Government cannot be charged and if in the final analysis the Ministry of Defence will not accept that then there must be a book transaction where a different arm of Her Majesty's Government pays the MOD for the assets that they have to give up in Gibraltar but it cannot be Gibraltar money that pays for it. I think that that is fundamental and I think also that it is fundamental that the MOD be made to understand that much as we love them in Gibraltar we cannot have a situation where they hang on to things which were last used a century ago because they claim that it is essential to defence expenditure today, guns that were last fired in the Peninsular War, and then suddenly because they have not got the money to keep on painting that old gun, out of the blue they say to the Gibraltar Government: "Here you are, it is all yours, you have it now." "We have it when we need it not when it suits you", that must be the message that must be put to the Ministry of Defence and the message must be put in a way that makes it clear to them that we are not saying: "Brits go home"; that we are not being anti-British, nor are we being anti-MOD because that is not the feeling of the overwhelming majority of the people of Gibraltar, it may be the view of a very small minority but I think it is such a small minority that we don't have to give it serious consideration, it must be clear that all that we are doing is standing up for our rights and not showing unnecessary and unjustified animosity towards the MOD. I think, Mr Speaker, that the motion that I have put before the House seeks to give comprehensive coverage to the nature of the problem that we have and positive solutions to the reaction that the House of Assembly should present to Her Majesty's Government. I commend the motion to the House.

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

HON CHIEF MINISTER:

Mr Speaker, as usual with the Honourable Member he has put the finger on the essential elements of the situation and there will be very few, if any, in Gibraltar who would disagree with the desiderata which he has listed in his motion and with many

of the items that he has particularised. It is, however, one thing to identify the problem and the essentials of a problem and quite a different thing is to judge the way in which that problem should be tackled. I think I should tell him to set his mind at rest straight away that we will be voting in favour of the motion and that we will make no attempt to amend it in any way. However, honesty demands that I should on behalf of Ministers spell out some reservations on the terms of his motion, and explain how our affirmative vote is qualified by some practical and responsible approach to the matter. We entirely agree that HMG should undertake to maintain its present level of expenditure in Gibraltar until an alternative economic strategy has been developed and I have been particularly impressed in this respect with the arguments that he has adduced this morning that having regard, as the

Chief of Fleet Support only told us last week, he had continuously been coming here to say: "There is plenty of work for you" until now and it was not his fault if he could not say the same thing. The House will have noted from the statement which I made on the 9th July that following with my meetings with the Lord Privy Seal on Tuesday 7th July that this point had not escaped me. In that statement I said "If, however, a reduction in the workload of the Dockyard was inevitable, we would wish to be given the earliest possible notice as well as adequate time to enable us to plan and introduce smoothly the development of alternative possibilities without a damaging hiatus." In reply to the Leader of the Opposition I made it clear several times that I had been assured that everything possible would be done to avoid the damaging hiatus and sub-paragraph (a) of the motion seeks a similar assurance. Before I deal with sub-paragraph (b) I would like to speak about the question of the reference to Spain in the report by Mr Bill Wright. I wish I were in the same position of Mr Bossano to think that everything the Trade Unions say is true, that I could say that everything the British Government says is true, all I can say is that I was given that firm assurance that in the question, and I am not qualifying it I am saying it exactly the same but, perhaps, there could be some element of misunderstanding, that on the question of the effect that it would have on Gibraltar Spain didn't come into it, Spain had not been consulted which was the intention apparently in that paper, and Spain would not be consulted. I leave out the question of the possibilities of future cooperation and so on but I very much doubt even on the basis of the information given to the Honourable Member, I very much doubt that work that could be done in Gibraltar for the British Fleet despite an early entry of Spain into NATO which is also still very, very premature, that Britain would rather have work done in one of the Spanish Dockyards than have it done in Gibraltar, if at all it could be avoided. Sub-paragraph (b) in the motion in effect calls upon the British Government to write a blank cheque. It says: "That Her Majesty's Government should undertake to provide the capital investment required for any diversification plans." This kind of simplistic and abstract approach is not the way in which I have been accustomed, I

think with some success, to get help from the British Government in running the affairs of Gibraltar and protect the interests of its people. I don't think that the Honourable Member nor, indeed, any other Honourable Member, in this House really think that if we put this blank cheque request to the British Government that we are going to get an immediate and unqualified yes. Surely, what we must do and what we are doing is to make a study of the ways in which Gibraltar's economy might be diversified depending on the ways it is going to be affected by the Defence Review and we do not yet know what these effects will be and it is for this reason that at my meeting with the Lord Privy Seal I concentrated both on the need for early information and timely consultation. But even before this information becomes available a Committee has been established by the Governor in order to pool ideas and put forward constructive suggestions for diversification and the Government has not been idle either in doing its homework in order to be able to service this Committee properly. Hopefully, the need for diversification will not be very large or drastic. I say hopefully, but whatever the needs might, in fact, turn out to be we shall be ready with practical and concrete plans and ideas. That I think is a pragmatic approach to the matter to get things done with foresight and hard work and not to pretend that the difficult situation can be resolved as I am sure the Honourable Member does not pretend and he has made remarks to that effect that 15 Members of the House of Assembly putting their hands up in agreement to demand for a blank cheque would solve the problem. In fact, it would not even solve the problem because you would have to know how to spend the blank cheque. The Honourable Member has often spoken in this House of the need for an economic plan but he has never told us what his own economic plan is, it is a very guarded secret that he has. Perhaps in the situation that has now arisen and we find ourselves he will be more forthcoming and help us to find our own solutions aided by Britain and that I think would be a very practical substitute for the blank cheque that might be taken to be demanded under paragraph (b) of the motion. Sub-paragraph (c) of the motion speaks of the release of Ministry of Defence land for the economic development of Gibraltar. Once again the Honourable Member's ideas coincide with those of the Government and as I am sure it coincides with those of every Member of this House. For the last year or so and before there was any intimation of the present situation arising, a special study has been carried out by the Honourable and Learned Attorney-General of the question of Crown Lands in Gibraltar. Discussions have been held in London on this issue and preparations are in hand for further discussions. A fresh impetus has been given to this matter by the possible implications of the Defence Review and I am glad to be able to say that the question of land has also not escaped me. It was raised specifically at my meeting with the Lord Privy Seal last week when I said that the on-going discussions on this question became even more important now in the new situation. Mr Speaker, I fully understand and share and appreciate the anxieties which have been caused in Gibraltar as a whole and in particular among Members of this House by the Defence Review. I think the electorate, the

people of Gibraltar whom we all represent to a greater or lesser degree, look to us all to provide the necessary leadership and the required solutions. That electorate will not thank anyone in this House on one side or the other if the achievements of those solutions were to be hampered by selfish and short-sighted party politics. Equally, outside this House the general good can only be assured by all sectors of the community, in particular the Chamber of Commerce and the Trade Unions, putting Gibraltar's general interest first and sectional interests after. I have good reason to believe that this is going to be the case, in fact, but this is only one side of the coin although a very important one. Certainly, if instead of seeking overall solutions for the continuance survival of the community which we all cherish passionately particularly under the hostility of our neighbours, we were to indulge in local bickering, we shall get nowhere. Equally, let us recognise once and yet again where our true friends are. I said in my statement last week that I believed the Foreign and Commonwealth Office to be not only sympathetic and concerned. I also said that my first and immediate response to the Defence Review, as I have said very often, that I had faith in Britain and that I had always been proved right and I say that again. As I said at the beginning, Ministers will vote in favour of the Honourable Member's motion but they do so in the light of the reservations and qualifications that I have mentioned and this is really only a question of matter of approach, if there is any difference in the accent. This House must make up its mind today whether it trusts Britain or not, whether it will work in cooperation with the British Government and in particular with the Foreign and Commonwealth Officer or not, whether it will work jointly for the overall good of Gibraltar or not. My own position is very clear. My first and only concern is the protection, as it must be of all Members of the House, of the people of Gibraltar and I am certain that this can best be achieved in the maintenance of frank and close consultations between London and Gibraltar and in agreeing on reasonable and realistic solutions. It is no part of my function as Chief Minister to defend the Foreign and Commonwealth Office or even less so the Ministry of Defence but I would not be acting in the best interests of Gibraltar if I were to bow to simplistic, emotional and political demands and I am not referring to the Honourable Member alone on this, or particularly on this, but for general approach from the people that there are simplistic demands which can be advanced by emotional appeal because if this were to become so we would find ourselves gradually or perhaps earlier than gradually, in confrontation with the British Government. If confrontation is necessary I shall be at the head of it if it is required but let us first of all try to see whether we can settle our problems in partnership with our friends who have in the past stood by us in very difficult times. We must keep cool, I think, we must trust our friends and work together constructively to solve whatever problems we now have to face. We have faced many perhaps more difficult in some sense problems in the past and we have come through with them. Ministers will support the motion on the understanding that its terms on expression of aims and not at the point of a pistol. I do

not want anyone to think that that can be interpreted as such. We have a lot of friends, a great deal of friends but sometimes there may be some people who may be not so friendly and we must be careful that what we do we do responsibly and that we can defend it in the face of those of our friends who will stand by us when the time comes. We believe that those aims are capable of achievement but I say that this achievement lies in friendly cooperation and proper consultation, each side being fully aware of the other sides difficulties rather than in demands from one side of precipitate action which cannot be responded to. I think, generally, we will get a fair hearing, I think there must be an element of in-fighting between one department and the other because one department of the British Government is doing something which goes counter to the commitments of another Department insofar as Gibraltar is concerned. Of course, if the ODA were to pay for the refits of a number of craft they would find the craft to bring to Gibraltar so long as it was not done in the Navy's estimates and that is why I say that what we have to do is to try and find solutions that will give value for the money that is given to Gibraltar, that we do not have to live on handouts, we don't want to live on handout we don't want to live on charity, we want to be able to pay our way through with good work and with responsible Government.

HON P J ISOLA:

Mr Speaker, I support this call for unity in circumstances of the Defence White Paper because I think that this White Paper or British Government Defence policy has for the first time in our history, rather more even than the Spanish restrictions and the Spanish closure of the frontier of Gibraltar, has presented for the first time in our history a real threat to the economic well-being of the people of Gibraltar. It is the biggest threat we have to face and we should not mince words. Because it is a big threat, Mr Speaker, I think we have to understand the issues that unite us and the issues that divide us and we have to understand, too, the way ahead for Gibraltar based on an understanding of the issues involved for Gibraltar, where we have to make a stand, how we have to go forward, what we must not accept at this stage even though we may have to accept it at a later stage. The reaction of my Party to the Defence White Paper, the Defence Review, Mr Speaker, was one of caution because on the face of it the United Kingdom Defence Programme. The Way Forward, the White Paper, on the face of it did not seem at all bad for Gibraltar because it stated quite clearly in a Ministry of Defence White Paper: "If you like to call it, in a British Government White Paper, the admitted obligations of the British Government towards the people of Gibraltar to sustain and support them." I stress in a Ministry of Defence White Paper because I do not think that in Gibraltar we should so readily accept the arguments that have been put forward by the Honourable Mr Bossano and supported to a limited extent by the Honourable and Learned Chief Minister, that the Ministry of Defence was one thing and Overseas Development is another and the British Government is another. They are all the same as far as the

Defence White Paper is concerned, it is a British Government statement of policy and this I think is something that we must think about. We must not start solving problems for the British Government in advance of their happening, we must put the Gibraltar position clearly and hold the British Government to its commitments as stated continuously by British Ministers and as repeated very, very clearly in this Defence White Paper and the policy of my Party is based crucially on a proper interpretation of that White Paper. That is why, Mr Speaker, when the White Paper was published it did not seem too bad to us and we received it obviously with caution. Any White Paper that reflects defence expenditure is, obviously, a matter for some alarm and concern in Gibraltar. What concerned us much more were the peripheral statements that were made to Trade Unions in Gibraltar by the Flag Officer, Gibraltar, or the Principal Supply and Transport Officer and others, the Department of the Environment and so forth. We were concerned by the statements of the Flag Officer that he expected a significant reduction in a number of jobs that they would be able to offer in Gibraltar. I think no one can deny there appeared to be real conflict between what was stated in the Defence White Paper and what was stated in the Press Releases locally, I wrote to the Governor as a representative of Her Majesty's Government in Gibraltar, seeking clarification on the, I think, it was the 29th June, Mr Speaker. I won't bore the House with the details of the letter, it is all past history, it was published, I went on television and explained our position on it but basically we asked for clarification of the position. What is the true position? Do we believe the White Paper or do we believe the officials in Gibraltar? The second thing was I asked for assurances that the alternative ways of fulfilling Her Majesty's obligations to Gibraltar would be considered and implemented before there were reductions in the role of the Dockyard in Gibraltar and, thirdly, and I think very importantly, I asked that the British Government in the discharge of their obligations to the people of Gibraltar of their commitments, that the Opposition should be consulted on the way that this was proposed. For the purpose of this debate, Mr Speaker, that third request is something one can put for the time being to one side because that concerns our relations with Her Majesty's Government but there would be good reasons for it because under our Constitution, foreign repairs and defence are reserved to Her Majesty's Government affairs. There is a bipartisan approach on foreign affairs which so vitally affects Gibraltar and defence which as a result of this White Paper affects Gibraltar still more vitally, if I can say so, there is obviously a need for a bipartisan approach to the subject because we don't know what happens in the future and whatever policy is agreed must be a policy that has the support of both sides of the House if British Government policy to Gibraltar is to be continuous and without interruption. We do not want a situation where a new Government comes in and says: "That is nonsense, we were not consulted, change this and change that", anyway, it may be too late to do it but we feel that a bipartisan approach on defence is also vital in the interests of the people of

Gibraltar as it is in the interests of the British Government but I leave that argument, Mr Speaker, to one side. I don't think it is relevant to this particular debate but I mention it because we do feel strongly on it. I had further correspondence with His Excellency the Governor between the 30th June and 2nd July. I wrote one more letter to him and he wrote two, we have written two to each other and his letters to me were not able to give the clarification that I had sought because obviously he didn't know it himself from what I could gather from the letter, he did not know the position himself and it was in those circumstances, Mr Speaker, that I asked to see the Lord Privy Seal in London. As I was going to London I felt as the elected Leader of my Party and the Leader of the Opposition, if I was in London I should request a meeting with the Lord Privy Seal to seek clarification, as the responsible Minister for Gibraltar. I should add at this stage, Mr Speaker, that at no time did I ask to see him with the Governor and the Chief Minister, I asked to see him myself as the elected Leader of the Opposition. Unfortunately, the Lord Privy Seal was not able to see me but I did see an Assistant Secretary in the Department, Mr Ewan Fergusson, who is well known to the Members of this House as a fairly senior official in the Foreign and Commonwealth Office and I told him why I was there. I asked him for the same clarification that I had asked from the Governor and I asked him for a number of assurances as I had asked the Governor. I full well knew that it was not possible for an official, however high he might be, to give me any assurances that I sought because obviously he did not know what I was going to ask him and he could not act on his own but he was able to give me, of course, the assurances that I had received from the Governor, the assurances of the British Government's commitments to Gibraltar all of which were very satisfying. As far as the clarification is concerned he went slightly further than the Governor, he said it would be unrealistic, and that is why I asked the Chief Minister on this the other day, it would be unrealistic to assume that there would not be cuts in the Gibraltar Dockyard. I put to him, Mr Speaker, again I won't bore the House with the details, I put to him the Opposition's views about alternative strategy, implementation before cuts and so forth and, of course, I also put to him the constitutional point that the Leader of the Opposition should have access direct to British Ministers and not through any other organ of the Gibraltar Government. Again that is a matter that is not appropriate for this particular debate although it is a matter, I think of constitutional principle as far as the people of Gibraltar are concerned. So that our concern, Mr Speaker, has been throughout; here is a real threat to the people of Gibraltar and to their economy if the Defence White Paper is to be interpreted in a way that showed that there was going to be no further work for the Dockyard and therefore that vital part of the economy is going to disappear. Then this is a really serious matter and our concern is (a) to get clarification of it which we now have sufficient clarification to have worries about it, Mr Speaker and (b) is to get the appropriate assurances for an alternative economic strategy and the implementation of that strategy.

this is vitally important and here I must stop and digress a second and tell the Honourable Mover that he has been guilty, if it is an offence at all, of the same offence as he accused my Honourable and Gallant Friend when he had the preamble in his motion having regard to the Defence Review and he attached him strongly for it. He has been guilty of the same offence in this motion because he has introduced two other elements to the motion which, although important, are subservient to the central issue of the Gibraltar economy and supporting and sustaining that economy. Let me tell him that the release of British Government land in Gibraltar is no consolation to people, for example, who work in the Dockyard who have been trained in the Dockyard, who have been trained in these skills all their lives, it is no consolation to tell them, as I think the Honourable Member told them in Casemates Square when he had his meeting, they must give up that land, we must not be delayed by seven married quarters, it is no consolation to them because that is not going to make the slightest different to their jobs and their livelihoods in the Dockyard and what they want and what people in the Dockyard want is to continue to have the work that they have done in the past and that they want to continue to do and not, to use the Honourable Member's words, a fitter in the Dockyard to have to be a mason in the construction industry. That is, I understand, the position of the people of Gibraltar. I will give way now.

HON J BOSSANO:

If the Honourable Member will give way I will inform him that the people who are at risk are not just the fitters in the Dockyard but the masons in the DOE and the masons in the construction industry who depend on UK Department contracts and those people will be directly helped by MOD land being made available without us having to pay for it and by the construction industry being given an injection of life and those people today are also being affected, this is not just the Dockyard, there are a whole lot of people who are not in the Dockyard, Mr Speaker, who are being affected by this and those people need to be looked after as well.

HON P J ISOLA:

I appreciate what the Hon Member says and I agree entirely with him but when he was talking in the Casemates and what I am talking now is how the economy will be affected by the Dockyard cuts. The other cuts that he mentions in the DOE in the support plans for the Dockyard are, of course, affected by the financial constraints that are being put generally on the British economy but as far as the Defence White Paper is concerned, the crucial factor that affects the economy of Gibraltar is the Dockyard and I don't think and I would warn Honourable Members of running with solutions to what is a very, very difficult and possibly almost insoluble problem, an alternative economic strategy. It is dangerous to make

or let the British Government think that by releasing land on cheap terms to the Government of Gibraltar they are fulfilling their obligation and that that is the answer, we are not certain, we do not know what the alternative economic strategy is or what it can produce, we just do not know unless the Honourable Mover has that economic plan which he has had hidden under his desk for so many years unless that is the answer and if it is, it is high time he told us but I believe and we believe on this side that we do not know the answer to this problem and therefore so long as we do not know we must hold Her Majesty's Government, a friendly Government, a Government that has a great amount of sympathy for us and I agree entirely with what the Chief Minister has said where the British Government is concerned but nevertheless in our obligations to the people of Gibraltar we must hold them firmly to what they say in the White Paper that if they consider that Dockyard work cannot go on indefinitely in Gibraltar, consideration will be given of alternative ways of discharging Her Majesty's Government obligations to Gibraltar and my interpretation of that and I think the interpretation of the House of that should be that you do not reduce work in the Dockyard substantially whatever your Ministry of Defence (Navy) may say or whatever the policies of the Ministry of Defence Department and ODA may be, you do not reduce that until an alternative strategy has been developed successfully in Gibraltar, considered and implemented successfully and that, Mr Speaker and Honourable Members of the House, that should be what unifies us all, that issue, that central issue. I have said all that, Mr Speaker, because I think the others are subsidiary things. The Honourable Member has said and it is true, he has said the Navy will just look at its vote, so therefore they are not going to give No 1 Dock over to Bland or anybody else for nothing, they are going to fight like mad, I don't want to waste time on those things, Mr Speaker, I want the crucial central obligation, "we will sustain and support you, we will discharge our obligation by implementing an alternative strategy." It is not implemented by, for example, giving off Dock No 1 to a commercial firm without knowing and without finding out what are, in fact, the economic repercussions for the people of Gibraltar. How many jobs will that save, if any? These are the thoughts and it is this that we must hold in my view and in the view of my Party, the British Government to. An overall strategy which is successful, not a strategy like in Malta which was unsuccessful, that is not what our people expect from us. Mr Speaker, in that spirit and in that spirit alone I am going to propose an amendment to the motion of the Honourable Member purely and simply, I think, for the sake of having one central theme in our policy and in our reaction to what is very much a threat to the economic livelihood and wellbeing of the people of Gibraltar. The amendment that I suggest, Mr Speaker, is that the motion be amended, it is not as bad as it sounds I can assure the Honourable Mover, by the deletion of all the words after the word "considers" in the third line and the substitution therefor of the following words: "that pursuant to the commitments undertaken by the British Government to support and sustain Gibraltar and to the commitment given in the Defence Review document The Way Forward, to consider

alternative way to fulfil Her Majesty's Government's obligation to support the economy of Gibraltar, Her Majesty's Government should undertake to maintain the present level of expenditure in Gibraltar and more particularly in Her Majesty's Dockyard until an alternative economic strategy has been considered, agreed and successfully implemented." Mr Speaker, let me assure the Honourable Mover, he will notice that some of his wording in paragraph (a) is included in this, let me assure him that leaving out paragraphs (b) and (c) does not mean that I do not want what is in paragraphs (b) and (c), excluding it is only for the sake of emphasising what we consider is the crucial issue and not let anybody think that such an obligation can be discharged necessarily, by doing the other things mentioned in that motion. We want to get, if possible, from this House a motion that puts the position of the people of Gibraltar formally straightforwardly and as we understand it, in our records, in other words, the commitment to sustain and support, their obligations to sustain and support, we would like an undertaking, an assurance, I am not particular, but what we would like in Gibraltar may not be what we get, but what we would like in Gibraltar is that any alternative economic strategy is considered and implemented before we start having real problems of unemployment in Gibraltar because you do not fulfil your commitment to us which you have mentioned in the White Paper and which you have stated time and time again by allowing a hiatus of a year, two years, three years during which we have considerable unemployment in Gibraltar. It may be, Mr Speaker, that we are asking here for too much but that should be our starting position, that should be the starting position of the people of Gibraltar, it showed their formal reaction to the White Paper having regard to what has been stated by British Ministers or what has been stated to the Chief Minister, he has been told direct by Sir Ian Gilmour, the Lord Privy Seal, having regard to what has been stated and the reaffirmations that have been given, I think it is appropriate that in this House we should focus the central issue which is alternative strategy, consideration and implementation. Mr Speaker, I have been asked by the Governor to join a Committee that the Governor is setting up. I got a letter dated the 7th July, and this is something, of course, that I will consider with my colleagues because if this is a British Government Committee then, of course, I suppose this is not passing the buck as it were, this is something in which the British Government wants to hear, presumably what the views are of different sections of the community and the reaction how they can help, that is fine, but I would be at the moment slightly hesitant to go too far in this process without having real clarification of the British Government's attitude and clarification of how the matter is going to process so I will be replying to the Governor on this invitation to join a Committee in principle, of course, we agree. In principle we agree there should be unity amongst the elected Members of this House in our response to the Defence White Paper and in our response to an alternative strategy but with unity must come responsibility and must come consultations. We are not going to be rubber stamp in the cause of unity. This is too serious a matter for Gibraltar,

for my Party to take what could be the easy way out. We want to see things moving and moving properly and in the right direction. Mr Speaker, I think if we can all be united on the amended motion which repeats, I am quite sure, what the Mover wants in spirit and what the Government has agreed to, if we can be united in that motion so that we all know exactly where we stand as a people vis-a-vis Her Majesty's Government, then I think we will be making progress towards a real advance in the cause that we all hold dearest and that is the wellbeing of the people of Gibraltar. I commend the amendment to the House.

Mr Speaker then proposed the question in the terms of the amendment moved by the Hon P J Isola.

HON J BOSSANO:

Mr Speaker, I am not quite sure what my reactions would be to this amendment. It seems to me that this is a fundamentally different approach from the one I advocated in the motion. I said, in fact, in my opening speech that I was willing to listen to a fundamentally different approach if I could be persuaded that that was better. I am puzzled somewhat by the contrast between what the Honourable and Learned the Leader of the Opposition has put forward as the unifying position of the House of Assembly today and what the Honourable and Gallant Member put forward as a unifying position of the House on Friday. I think, if one looks at the three motions, because this to me is essentially a new motion, the motion that I moved, the motion moved by the Honourable and Learned Leader of the Opposition and the motion moved by the Honourable and Gallant Major Peliza, then in fact I would say that mine was in the middle of the two and that in the motion on Friday we were being asked that in view of possible redundancies more meaningful support should be given by the Government to industries, in this motion we are being told we should not even suggest that they put up the capital or that they give us the land because of us taking the responsibility of what needs to be done. We should say to them: "It is your responsibility, you say what needs to be done and you do it." That seems to me to be the emphasis placed by the Honourable and Learned Leader of the Opposition in what he has said and certainly in the way he has supported the amendment. Clearly, if we follow that line certainly under no circumstances should we have followed the line on Friday which the Honourable Member in fact, voted against because he wanted us to do the very opposite on Friday of what he is asking us to do today which is to say: "We, the Gibraltar Government, we must give more meaningful support to industries in Gibraltar, tourist industry and other industries, we must do it in order to counteract the effect of the redundancies." I am saying we must ask the British Government to provide the cash, to provide the land and we will provide the ideas of what we want done in Gibraltar. As I understand it the Leader of the Opposition is saying: "No, if we do that, we ourselves are assuming the responsibility which is not ours. It is the British Government's responsibility to keep the Dockyard going, to keep the level

of expenditure there, whether they need the Dockyard or not is really none of our business, they have said they will support and sustain us and that is what they have got to do, we hold them to that commitment and we don't have ourselves to tell them what we want done." I am prepared to follow that line, Mr Speaker, but it is a line that seems to me to put us on a course of conflict and confrontation with the British Government.

HON P J ISOLA:

If the Honourable Member will give way. The Honourable Member is misreading the motion. He will see at the bottom "considered agreed and successfully implemented." Obviously, there is an element of agreement on both sides and I am not suggesting that the British Government should give us the answers to everything, that is all. I am suggesting the commitment and the way they should fulfill it.

HON J BOSSANO:

Yes, but in fact are we asking or are we not asking, Mr Speaker, that the level of work in the Dockyard, it draws attention to the Dockyard, it says: "the present level of expenditure in Gibraltar and more particularly in HM's Dockyard, should be maintained until the alternative economic strategy has been agreed" - presumably between us and the British Government - "and successfully implemented." So we are saying if it takes us a number of years to produce an alternative to the Dockyard and we then carry out the implementation of that alternative and then we have to wait to see if it is successful or not because we will not know whether it is successful when we start doing it, we shall have to wait some time and if the Honourable Member says if you move to commercial work in the Dockyard it is only until the commercial work has been going through the Dockyard for some time that you will be able to know whether it is a viable economic alternative to what we have today and until that happens we are saying to the British Government we want an undertaking that until that happens, you will keep on sending the same amount of work to the Gibraltar Dockyard. I am prepared to say it but what do we say to the British Government when they tell us, no, which I am sure they are going to say because if I had thought that there were possibilities in making the British Government accept that there will be not one single job lost in the Dockyard, and I can tell the Honourable Members of this House that that is the most traditional reaction of Trade Unionists, not a very realistic one in my estimation, in Chatham they are talking about occupying the Dockyard to make sure that not a single job is lost, alright, they may occupy it and that is really very close to a revolutionary situation, they have occupied factories so far in the United Kingdom, they have never occupied military establishments but they are now talking about doing that. If we are saying to the British Government

that we want an undertaking that there will be no single job lost in Gibraltar, I am prepared to support that but I want to know where we go from there because I think it is inconceivable that we will get a positive answer to this, Mr Speaker, and therefore, when I put my motion I accept that my motion is a less tough stand that we are being asked to take by the Honourable Leader of the Opposition, yes, I think he is taking a tougher stand than I am, I am prepared to take a tougher stand but I am spelling out what I think are the consequences of what we are doing. If that is what we want to do, if the House of Assembly is prepared to say to the British Government: "We will not accept one single penny of reduction in the Dockyard, one single loss of a job in the Dockyard until the alternative has been considered, has been agreed, has been implemented and has been shown to be successful that is the commitment we want." If that is the fight we want to put up the House can count on me but I am spelling it out because I think that the implications of this are that the answer will be a straightforward no and then I want to know where we go from there, Mr Speaker. For me it is a completely different approach from the one that I was suggesting, mine was to say: "You have helped Gibraltar for so long, you cannot just take the rug from under our feet just like that. We are prepared to assume the responsibility of telling you what we want done but you must be the one that puts up the cash and as a short term measure" - and I think you know one for example clear difference between clause (a) and the Honourable Member's approach is that I am saying that we are only asking them to maintain the level of expenditure as a short-term measure and this is until the thing is agreed, carried out and shown to be successful, a much longer commitment. Secondly, that I am specifying expenditure rather than Dockyard work because I think it is extremely difficult for a case to be put and I mentioned specifically the Leander Class refits, we do two Leanders a year, the Leanders are being phased out, how can we go to the British Government and say: "Keep on sending us Leanders, get them refitted in Gibraltar, scrap them when they have done it." If we are not doing that, are we saying to the British Government: "Send us other type of work in place of the Leanders, send us RFA's send us other navy work which will come from where? Alright, we can say it is none of our business whether it is MOD money whether it is Navy money, whether it is ODA money that is your responsibility, you have said support and sustain the people of Gibraltar, we are holding you to that, we are not prepared to put in ourselves proposals or suggestions as to what should be done, we are just holding you to the commitment that you have given us." That is an alternative way of doing things. I don't really think it will produce much dividends but I am prepared to support the motion provided I have understood it right and provided I understand that this is what the House wants. These are my reservations about it, Mr Speaker, and I would welcome other contributions before we take a vote on this because I am not entirely clear that this is the best thing that we can do for Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, it seems to me that we are doing precisely what I warned the House should not be done and that is that we should attempt to start scoring points here. I think that on motions that have been on the Order Paper for days and days to come with handwritten hurried amendments here is not the best way of finding a consensus. The Government will have to take its time to consider what approach it can take in this matter. It is not because we do not want the same thing but because we may be spoiling the very reasons that we have for trying to get the help.

MR SPEAKER:

May I perhaps suggest that since we are going to recess in about 10 minutes time for coffee and I did give warning on Friday that we are going to have a slightly longer recess until 11 o'clock perhaps it might be a convenient time to recess now which might give an opportunity to the different Members to discuss this.

HON CHIEF MINISTER:

Mr Speaker, I wanted to say two other things and that is that with the Mover of the motion we are not happy and this perhaps may be a matter that the Leader of the Opposition can take into account if in fact we all want a motion on a consensus basis, we are not happy that by omitting the sections (b) and (c) of the motion, we are not deliberately turning our backs to matters which are of very great importance. If they had never been mentioned it would be a different matter but for a motion which has been on the Order Paper for all this time, for those two very important matters to be forgotten just like that by an amendment, seems to me to have rather a negative attitude to matters of very great importance.

MR SPEAKER:

I would like to find out from the Chief Minister whether he has finished his contribution on the amendment. Have you, finished your contribution on the amendment?

HON CHIEF MINISTER:

I have not made any contribution to the amendment. I have not spoken to the amendment, I have spoken to the procedure that hampers the possibility of a consensus motion.

MR SPEAKER:

The procedure is clear as far as the House is concerned.

HON CHIEF MINISTER:

Of course it is clear but this is a matter of vital interest and I am drawing attention to these matters to ask, if I may say so, for time to consider it.

MR SPEAKER:

Precisely.

HON P J ISOLA:

Mr Speaker, there is no objection to time being given to consider the amendment from our point of view, there is no objection, but I think I must take up the Chief Minister on the point he makes about a handwritten amendment coming in at a late hour. Can he point to a single motion in the history of this House of which notice of an amendment to that motion has been given other than on the morning or on the day or on the spot. The Honourable Mr Bossano has moved hundreds of motions that have been completely amended during the debate but I appreciate and I welcome that the Government side want to consider this and I am quite happy. I agree it needs time.

HON CHIEF MINISTER:

His point about handwritten amendments, of course, I entirely agree with what he has said but normally in matters of this nature they have been preceded by consultations not consultations after.

HON P J ISOLA:

I had no consultations on this matter with anybody.

MR SPEAKER:

I understand you wish to speak, Major Peliza. You will be speaking on the amendment and let it be understood that the Chief Minister has not spoken yet to the amendment.

HON MAJOR R J PELIZA

Yes, this is why I am interested in speaking, Mr Speaker, because he is, obviously going to give consideration to this matter. Mr Speaker, I am very pleased to hear that the Chief Minister and also that my Honourable Friend on the left are obviously in the mood of considering the amendment. I think, first of all, one has to accept amendments being introduced in the House at any time because in fact if we come here with

blinkers already where you have already typed your amendment, and you are not prepared to listen to what is said in the House you might as well, in fact, not sit down and listen to the debate at all. Therefore it is in the nature of democracy and discussion in this House that amendments should be produced as the matter is being discussed if there are Members in the House who obviously believe that by making a slight change or a big change, they can in fact contribute and perhaps arrive at a solution which the whole House can support. The real point I wanted to make, Mr Speaker, is that I do not believe there is any contradiction whatsoever in the motion that was tabled in my name here on Friday and the attitude that the Opposition is taking today on the amendment introduced by my Honourable Friend. I think if we see it in the light that I made that motion and also the contributions that I made which in no way whatsoever anything I said differed from anything that my Honourable Friend said in fact, if anything I think you might say I even pre-empted his speech here today because we know what the Party policy was and this is the line we are taking. I think that just in order to put my Honourable Friend on the left at ease on that matter, I think it is obviously important, in fact, he goes a bit further than me in that respect, I think it is obviously important that whilst we must hold the Minister for Defence for the statement that he made on behalf of Her Majesty's Government in the House as to the position of the MOD with regard to the cuts in Gibraltar, at all times of course we must show that we understand the problem that his Ministry is faced with, we understand that, and that as far as we are concerned within our own resources we are going to do everything possible, that was the spirit of my motion. We have a number of industries in Gibraltar which are in existence today, it is our duty to try and make them tick as well as possible. There is one particular one, particularly tourism, which is going down very rapidly and we have to demonstrate that we are not happy with that situation ourselves, and I said so in my contribution regardless of the cuts, it has nothing to do with the cuts and therefore that is the position as to the existing industries today which we have a duty to support whether or not there are any cuts in Gibraltar, that was the spirit of the motion and the reason why the words "possible cuts" were introduced was in fact to stimulate the Government to getting into doing it because that same motion was introduced here in November last year. Therefore, there is absolutely no relationship with that as to the position that we are taking which I think is a proper one and which I believe that any person entering negotiations will adopt, not with a view to inviting confrontation because obviously that is the last thing we want, to talk about confrontation is absolute nonsense, Mr Speaker, because we know that this less than a dwarf fighting a giant, we all know that so that is not the attitude in introducing that amendment. I think what the amendment is intended to do is to restate the statement made by the Minister in the House and then say that we expect that this will be carried out. I do not see why my Honourable Friend should be so worried about confrontation. I am sure two years ago he would not have minded at all.

HON J BOSSANO:

Mr Speaker, if the Honourable Member will give way because I have spoken already and I can't answer the point, obviously being on my own in the House has this inhibiting factor. I am not saying I am afraid of confrontation, I am saying are we conscious of what we are doing, that is what I am saying or am I reading it wrong, or am I putting on the words of the Honourable Member, the Honourable and Learned Leader of the Opposition which are now recorded, did I misunderstand him when he said, no, it is the British Government's responsibility and we hold them responsible and are we holding them responsible as I read it for the loss of not one single job in the Dockyard, is that what we are saying in this motion or isn't it? That is what I want to know before I vote.

HON MAJOR R J PELIZA:

Mr Speaker, I don't doubt that my Honourable Friend will answer him completely on that point and put him at ease. As I said before I don't think anybody in this House is seeking any confrontation but I think we are entering, no doubt whatsoever, a process of negotiation in which obviously like in any negotiations we must put our situation as clearly and as succinctly and I think as strongly as we can so that everybody on the other side that we shall have to hold discussions with are clear in their minds as to the situation and the feeling of the people of Gibraltar in that respect, Mr Speaker. I do hope that both the Chief Minister and his colleagues and certainly my Honourable Friend here who is obviously almost predisposed to go with it, that they will give careful consideration because we shall be in a much stronger position, I think, if we just seek to restate the position as already announced by the Government and not start on our own bat trying to give solutions which, in fact, Mr Speaker, we just cannot find.

MR SPEAKER:

Gentlemen, I have consulted both the Chief Minister and the Leader of the Opposition and it might perhaps be better if we recessed until 2 o'clock to give plenty of time for consultation.

The House recessed at 10.15 am

The House resumed at 2.10 pm

HON CHIEF MINISTER:

Mr Speaker, when we adjourned this morning after the presentation by the Leader of the Opposition of his amendment, I indicated that whilst we had had time to consider the implication of the motion of Mr Bossano and I had made certain

reservations and so on but agreed to its terms, the motion as now presented requires much more attention than the time available since we adjourned, taking into account the other things that one has to do since then and I have had a word with the Leader of the Opposition and Mr Bossano and we will try and see whether we could agree on a consensus motion because I would like to avoid the need of a division on this matter and for that purpose I suggested to the Leader of the Opposition, subject to your agreeing, that we might carry on with the only other motion pending and leave the follow-up of the debate this morning either for tomorrow afternoon or Wednesday morning as we make progress. I hope that the Leader of the Opposition will be free tomorrow morning and Mr Bossano so that we can have talks - and then perhaps we could adjourn the debate on this motion until 2.15 tomorrow afternoon.

MR SPEAKER:

That is acceptable. We will then adjourn the present motion to a future time and you will call the next motion on the Order Paper.

HON G T RESTANO:

Mr Speaker, I beg to move the motion standing in my name: "That this House considers that the Mayor of Gibraltar should, in accordance with the Constitution, be a Member of the House of Assembly and calls on the Government to take immediate steps to present a motion for the appointment of a Mayor of Gibraltar who is a Member of the House of Assembly." Mr Speaker, since we are talking about matters of the Constitution I would like to, first of all, quote, it has been quoted often enough in the past before in this House, what the Constitution says about the Mayor. It is very short, just two paragraphs. Paragraphs 78 of the Constitution says: "There shall be a Mayor of Gibraltar, who shall be elected from among the Members of the Assembly (other than the ex-officio Members) by the elected Members of the Assembly." And paragraph (2) says: "A person elected to the office of Mayor shall hold office upon such terms and conditions and shall perform such functions (being ceremonial functions of a civic character) as may be determined by the Governor acting after consultation with the Gibraltar Council." Mr Speaker, it seems to us from this side of the House that it is clear in the Constitution that it is the intention that the Mayor of Gibraltar should be a Member elected, other than the post of Speaker, of this House of Assembly. We have had in the past, at least on one occasion in December last, where in reply to a question the Government side said that it had advice that was different to our interpretation. The advice that was apparently given to the Government was that there was no termination date for the Mayor in the Constitution but it is clear that the spirit of the Constitution is that a Member of the House should be the Mayor of Gibraltar. If

If I can refer to another section of the Constitution, which I think is very relevant, and it is Section 29, it is the Tenure of Office of Elected Members and let us be quite clear that the Mayor on his appointment is appointed because he is a Member of this House, if he is not a Member of this House he cannot be appointed Mayor. Section 29 of the Constitution says: "An elected Member of the Assembly shall vacate his seat therein on a dissolution of the Assembly." So therefore, to my mind, it is clear that on the dissolution of the House, every person who sits in the House loses all his commitments and is re-appointed after there is an election, other than the Speaker.

MR SPEAKER:

The Speaker ceases to be a Member of the House of Assembly, or ceases to be Speaker. He is a Member of the House by the fact that he is the Speaker, but the Speaker ceases to be a Speaker the day that the House of Assembly meets after a general election. That is provided for by the Constitution.

HON G T RESTANO:

I think it is a very valid point, in fact, because I think that it is known well enough that immediately after a general election, after a dissolution of the House, it has been the practice and I think it is the practice which has been made because the interpretation of the Constitution has been made that way, that not only the Speaker but also the Mayor is elected after the dissolution and after a general election. Ministers themselves are only Ministers between the moment of dissolution and the moment of the reappointment of a new Government in a caretaker capacity, and therefore after an election they have to be reappointed whether it is on one side of the House or the other. When we come back to the history since the 1969 Constitution of the appointment of Mayor, we find that in 1969 which is shortly after the new Constitution became operative, you, Sir, Mr Speaker, as a member of this House you were elected to be Mayor, unanimously obviously, by the whole House and you served in that capacity until 1972. In 1972 there was a dissolution of the House of Assembly and there was a general election and following the general election you had to be voted in again as Mayor, this was on the 13th July 1972, and if I may quote because I think it is relevant to quote from the Chief Minister's speech at the time, in 1972, he said: "On the last occasion on which the election of the Mayor came before this House I said from the benches opposite - because in 1969, he was Leader of the Opposition and not Chief Minister - that our view was that the Mayor of Gibraltar should be a Member of this House elected by the people. This was in 1972 and that was, I think, one of the very first speeches that Sir Joshua Hassan made as Chief Minister after the Constitution became operative. I think he was only reflecting then the point or the interpretation of the Mayor that we interpret today and I will say it again and he says that in his view the Mayor of Gibraltar should be a Member of

the House elected by the people. That, I think, and the operation in July 1972 of the election of Mayor shows that in the view then of the Chief Minister and of the Government a Mayor had to be re-elected after a general election and let us not forget that in 1972 Mr Speaker, you yourself were re-elected Mayor so that there wasn't a question of getting a new Mayor in 1972, it was merely the continuation of the Mayor who had served between 1969 and 1972 and the Mayor who was going to take over and that was the same person. If there had been any difference of opinion then and if it had been interpreted then that there was no need for an election because the period of termination of the Mayorship was not specified in the Constitution, then there would have been no need in 1972 to re-elect you as Mayor when it could have been said at the time that there was a Mayor, there was nothing in the Constitution to say that you had to resign as Mayor and therefore no election was necessary but an election was made necessary, and you were elected unanimously again. By 1976, regrettably, Mr Speaker, you resigned as Mayor and it was again the prerogative of the Government to move a motion to elect a new Mayor and there again in 1976, in December of 1976, the Chief Minister and I quote a small snippet of his speech said: "That that leaves us" - that is your resignation as Mayor - "that leaves us with the necessity, undesirable as it may be, of having to elect one Member of the fifteen elected Members of this House to be Mayor." I think that that too reflects the interpretation of the Constitution which was that a Member of the House should be elected to be Mayor of Gibraltar and it was the interpretation that a Member of the House should be Mayor. In that meeting also, if I remember correctly, the Chief Minister said that it was his Government's policy that the work of Mayor, the job of Mayor, was a fairly onerous one and that therefore he considered that the workload should be shared out and that it should be shared out at one yearly intervals between his colleagues. Over the years, of course, the year has been growing, I think the first Mayor was for a year and three months and the second one was a bit more and so on. If the Honourable Mr Canepa would like to make a contribution I am quite happy to give way.

HON A J CANEPA:

I would like to say that he has got it wrong, he hasn't checked his facts. I was Mayor for two years and my successor, Mr Zammit, was Mayor for one year.

HON G T RESTANO:

I appreciate that contribution because it merely confirms what I have just been saying. But whereas, in December 1976, it was the Government's proposal or the Government's intention and policy, as recorded in Hansard, that Mayors should be in post for one year, the Honourable Mr Canepa was Mayor for more than one year. The spirit of the Constitution by our interpretation is that the Mayor should be a Member of this House and if I may quote again Mr Speaker, in March, 1980, after the last general

election, there was a meeting held between the Chief Minister and the Leader of the Opposition and the record of that meeting, as far as the Mayor was concerned, states quite categorically that the Chief Minister said that: "He agreed with Mr Isola that the spirit of the Constitution was that the Mayor should be a Member of the House of Assembly. It was his intention that a motion for the election of a Member as Mayor should be put to the House of Assembly in due course. Mr Isola noted this." I think the Chief Minister's interpretation is quite clear, he does also agree that the spirit of the Constitution and I would go further I think it is more than just the spirit of the Constitution, I think it is the Constitution itself which says that a Member of this House should be Mayor but I am prepared to concede that perhaps it is only the spirit of the Constitution which says so, that the Mayor should be a member of this House. If it is only the spirit of the Constitution which says that the Mayor should be a Member of this House, I think that the Chief Minister and the Government should adhere to that, should adhere to the spirit of the Constitution and have a Mayor who is a Member of this House. That, I think, is our interpretation. I would like to say that as far as Mr Serfaty is concerned and I think I have to say this because he is the incumbent, I must congratulate him on his performance as Mayor. I think he has made a very good job as Mayor. I think he has been a very popular Mayor. No, it is not lip service, Mr Speaker, I think Mr Serfaty has the distinction, together with Mr Speaker, of being the only unanimously elected Mayor of Gibraltar since the 1969 Constitution. He was elected unanimously because the Members of the Opposition also voted for him and in fact I go back further, in 1976 when Mr Canepa was appointed Mayor, Members of this side of the House voted for Mr Serfaty to be Mayor and suggested Mr Serfaty and it was always the opinion of the Opposition that Mr Serfaty would make a very good Mayor and I think that that was a justified opinion, I think he has been a very good Mayor. The motion is not a personal motion against Mr Serfaty and I want to make that absolutely clear. We feel that to have somebody outside of this House to be Mayor is contrary to the spirit of the Constitution and I would go further and I think it is contrary to the Constitution but I will not go further to say that it is contrary to the spirit of the Constitution so therefore it has been found on our side that it has been a duty to bring this motion to the House. Let it not be interpreted in any way that on this side of the House there is anybody who wants to be appointed Mayor, that is not so at all, that is the responsibility of the Government. I suppose the Government could turn round and say: "Why did he not bring up, as an Opposition, this point earlier?" Well, we have been prudent on this side of the House. There was a nine month interval since the general election and the time that this matter was first aired in a question in December 1980, where certain reasons were given by the Chief Minister. We realised that the Government had problems, and therefore we were prudent and we did not raise the matter earlier but enough is enough. We consider that the Constitution is not being adhered to either in actual fact or in spirit. We feel that the matter has to be brought before

this House and in this case in a motion. I think, perhaps, that it is unfortunate that over the years the Chief Minister has seen fit not to consult the Leader of the Opposition on the appointment of Mayor. I think that controversy could well have been avoided if there had been consultation, I think that earlier this morning the Chief Minister was complaining on another motion that there had been no consultation but I think he is the first culprit in not consulting the Opposition on matters of controversy and on matters of controversy which may not need to be controversial if consultation had taken place. The position of Mayor is a non-political appointment, it is purely a civic appointment and I think it is good for Gibraltar to have a Mayor who is generally supported by all sections of this House which represents all sections of the Community. I think it is, perhaps, unwise of the Chief Minister to appoint Mayors before consultation with the resultant controversy which could arise and which has arisen in the past because, after all, a Mayor in all other communities that I know of is normally elected by the people. He has to stand for election. He stands for election to a City Council and then once elected to a City Council he is then elected by the Council to act as Mayor from amongst the Councillors. In this case, in Gibraltar, the Mayor does not have to stand for election so therefore I think it would be a good thing, it is a unifying thing, if the Mayor has the support of the whole House as representing the people. Mr Serfaty is a very nice person and I think he has done a very good job as Mayor and it has not been a very pleasant duty to move this motion because, of course, it does affect him personally but we also felt that there was a duty to bring this motion forward because we consider that to perpetuate a situation where the Mayor is not an elected Member of the House is to perpetuate a situation which is against the Constitution and if it is not against the actual Constitution it is against the spirit of the Constitution. The responsibility at the end of the day is entirely the Chief Minister's because he recognised back in March 1980 that the spirit of the Constitution was that the Mayor should be a Member of this House and he undertook to present a motion to the House so that a Member of the House should be appointed Mayor and he has not done so. If he had done so this motion would not have needed to be moved and therefore it is his responsibility entirely that this motion has been brought before the House. I think that it is very important that the Constitution and the spirit of the Constitution in Gibraltar, particularly at this present moment in time should be upheld to the last letter and therefore, Mr Speaker, I beg to move that the Mayor of Gibraltar should be a Member of this House.

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

HON CHIEF MINISTER:

Mr Speaker, at a time when we have been struggling on the question of the British Nationality which is still to be

decided but on which we have made great efforts, all parties of this House, at a time when we have problems in connection with the Lisbon Agreement with Spain, the difficulties that have arisen, at a time when we have perhaps the most serious of all the difficulties that we have had before, the Defence Review, it shows the pettiness of the mover, the poverty of his soul, the worst things that one can think of of a person who has any sense of the place to which he belongs in this House, particularly against the background of the fact that the man who is carrying out the duties now is doing a magnificent job, as the mover has admitted. But that is the reason, Mr Speaker, why the motion has been brought, because he is doing a very good job and because he is doing a very good job a man who has been thirty years in public life and has a flair for that kind of representation, because he adds lustre to the Government and to the Party to which he belongs, that annoys the Honourable Member that he should continue as Mayor. I cannot put it any higher. There is nothing at all about the spirit of the Constitution that worries Members opposite because if anything worried the Members opposite about the spirit of the Constitution it would be the immorality of having a Member who flies away in the course of a meeting because he lives in London and comes here for the meeting. Is living in London within the spirit of the Constitution for a Member of this House? What will happen when the frontier opens? Will people have a little house there and be a Member in Gibraltar and live in Spain and come here for meetings? Is that the spirit of the Constitution which the Honourable Member wants to honour and he has mentioned it eleven times? Is that the spirit of the Constitution, that a Member should hurriedly make an intervention this morning in order to be able to say that he spoke to catch his plane back, because things didn't turn out as he had planned because we had to do other business in London where he is supposed to be useful but for that visit he wasn't useful, he wasn't there, he was here because he thought the meeting was here. Is that the spirit of the Constitution? Of course not. The spirit of the Constitution is that people should live near the people who elect them and particularly where you haven't got the difficulty in England where you live in a constituency and you have to be in Parliament and in order to keep in touch they have to go up to the constituency every week for surgeries every week. That is the spirit, that is where the spirit is broken. I can tell Honourable Members that I could have avoided that for the next election. I could have altered the law, we could have altered the law, we could have altered the regulations and made the qualification to get into the register what it ought to be. But I was not going to do that in order to be accused of trying to exclude the Honourable Member from the House and this situation arose for a long time in the famous 1969/72 government with the other "Flying Major" living in London, Major Gache. Is that the spirit of the Constitution that people opposite speak about? It is really disgusting. I will tell the Honourable Mr Restano who normally finishes or starts his contribution by quotations from the past because the only thing he knows how to do is to look up records and take notes. I will tell the Honourable Mr Restano one or two variants of the things that he has mentioned. When I said

that an elected Member and not the Speaker should be elected, what I said was then that whereas the previous Government had said that the Speaker should always be the Mayor in order that it should not be political, as you remember yourself, Mr Speaker, I made it quite clear that we were not disputing the idea of having the Speaker as Mayor but that I thought that the spirit of the Constitution was that he should be an elected Member. The point is that Mr Serfaty was an elected Member at the time he was appointed Mayor, he was an elected Member, otherwise he would not have been appointed. The point that arises out of the Constitution is that there is no provision in the Constitution for the ceasing of the appointment of a Mayor if he was properly elected and he was an elected Member when he was elected at the end of 1979. Some people said he was going to be Mayor for a day, or whatever it was, and tried to be funny about it. The other thing of course is, that whereas at the time of the appointment of Mr Canepa the then Leader of GDM of which the Honourable Mover was a Member very clearly spoke in this House about the fact that there should be no need to have a Member of this House to be Mayor to which the Honourable Member who was then militating in the forces of the GDM2 kept his mouth pretty shut on that and didn't disagree with his then Leader, now of course he takes a different view. Let me say, too, that it would be very difficult to find consensus about the appointment of a Mayor if there was to be consultation though I agree that there it would be preferable. But let me say, too, that the fact that Honourable Members opposite did not vote in favour of Mr Canepa as Mayor didn't make him the less representative nor did it in any way diminish the distinction with which he carried out his duties during the two years he was Mayor. Let me also tell the Honourable Member who does his research wrongly sometimes if it means anything outside the records of the House of Assembly, and even those he gets wrong sometimes, that in England you don't have to be an elected Member to be a Mayor. In England, Councillors of distinction are appointed Aldermen and then Aldermen can be Mayors without being elected. This happens in many, many boroughs in England, even in big boroughs in England, the Mayor is an Alderman and an Alderman is an Honorary Councillor for life. They are the sort of elder statesmen on which the Councils take recourse. I was very disappointed to hear the Honourable mover saying that no one from the Opposition wanted it because in fact I was thinking that the only person who had held very high office in Gibraltar who might take the place of Mr Serfaty would be Major Peliza. But, of course, there would be difficulties if he were Mayor of Gibraltar because he doesn't live here. Is that in the spirit of the Constitution, that the action of one Member deprives the other fourteen from electing him to a place where there are to be consultations? Talk about the spirit of the Constitution. It has been broken in many other ways by other people, Mr Speaker, many other ways, so it is not for the Honourable Member here to lecture us about the spirit of the Constitution. The point is that according to the Constitution it is not contrary to the Constitution for a person who has been appointed Mayor when he was an elected Member that he should continue to be so. I agree that in due course, as I said before an

appointment will be made but I would like to say that the more motions they bring the longer Mr Serfaty is going to be in office. As simple as that. If it is the intention to deprive Mr Serfaty of adding lustre and distinction to the Party which he has served for so many years and for which he has been recognised and honoured, then the mover and the people who support him are losing their time.

HON J BOSSANO:

Mr Speaker, we have been asked by the mover of the motion to support this motion because it breaches the Constitution. He is not sure whether it breaches the actual Constitution itself or the spirit of the Constitution but he is prepared to concede that it is the spirit that is being breached and he wants the spirit upheld to the last letter. I am not quite sure how one upholds a spirit to the last letter. Normally, one upholds the letter of the Constitution to the last letter and not the spirit. However, let me say that I certainly do not uphold the spirit of the Constitution if that is the spirit of the Constitution any more than I did in 1976, and the policy of my Party today as it was then, five years ago, is that we see no valid reason why the holding of that office should be limited to the fifteen people elected to the House of Assembly when there could well be somebody better suited to hold that office outside the House of Assembly and certainly somebody with more time on his hands, or her hands, there is no reason why the Mayor should be a male, to hold the position of Mayor. In fact, taking another point, the Honourable Member, the mover of the motion has said that this is not intended to deprive Mr Serfaty of the office he holds. Is that a correct interpretation of what the Honourable Mr Restano has said?

MR SPEAKER:

The Honourable Mr Restano has said that it was not intended to be a personal attack on Mr Serfaty.

HON G T RESTANO:

Mr Speaker, since he is asking a question, I will answer gladly. My motive is to keep to the spirit or to the letter of the Constitution which I say, I think, that the Mayor should be an elected Member of this House.

HON J BOSSANO:

So, in fact I am right in interpreting his speech as meaning that his motive is not to deprive Mr Serfaty of continuing as Mayor, that is an incidental cost that we have to pay. In fact his motive is to ensure that the Constitution is not shaken in any way even if as a result of that we find that we are doing ourselves out of something which he says we want

because he said that the most desirable objective is that the Mayor of Gibraltar should be somebody that enjoys the support of the whole House. He said that Mr Serfaty's appointment met that desirable objective because it was supported by the whole House. If I remember correctly, I haven't checked Hansard, but speaking from memory, I believe I was the one who moved the appointment of Mr Serfaty in 1976.

HON G T RESTANO:

Incorrect. I did.

HON J BOSSANO:

Well, the Honourable Member did no doubt on instructions from me at the time but it was a Party decision, Mr Speaker, at the time as other members can corroborate, and therefore, it seems to me that if we have got a situation which we want if that situation is contrary to the requirements of the Constitution, then I would put it to the Honourable Member that rather than bring it in the House he should challenge the constitutionality of Mr Serfaty's continued existence as Mayor in the courts as the Chamber of Commerce did when legislation was brought here, which I supported, because I thought it was a good thing and which subsequently, regrettably, the courts decided it was against the Constitution and the Government came back then and revoked. I think if it is against the requirements of the Constitution it should be challenged in the courts. If it is not against the requirements of the Constitution but against the so called spirit of the Constitution, then all I can say, Mr Speaker, is that if Mr Serfaty is doing a good job, then this question of the spirit is a highly theoretical concept that certainly, I think, very few people in Gibraltar are either interested in or worried about and, after all, it seems to me that the impression that we may give people outside the House reflected by the lack of attendance in these meetings is likely to be increased when we spend a good portion of the House's time debating a totally theoretical concept which I think interests nobody because people today in Gibraltar are worried as I think the Honourable and Learned Chief Minister has correctly stated about issues affecting the future of Gibraltar and not about whether the spirit of the Constitution is served best or not served best by whether Mr Serfaty or anybody else is in that position. Therefore, Mr Speaker, in what I can hardly hope to define as a unifying amendment but one I hope that will find some support, I propose to move that the motion should be amended by the deletion of all the words after the word "that" in the first line, which has now become standard practice in this House, and the substitution of the following words: "though the present Mayor of Gibraltar was a Member of the House of Assembly when appointed, in accordance with the Constitution, consideration should be given to amending this requirement in the Constitution so

that any future Mayor should not necessarily have to be a Member of the House of Assembly." Mr Speaker, I would just like to add one point of course to the amendment and that is the amendment speaks of any future Mayor of Gibraltar because the House will recall that when the Government expressed its intention of keeping a person in office for a period of one year, I myself felt that this was not a desirable move and I think if a person is doing a good job and generally enjoys popular support outside the House and enjoys the support of the Members of the House, then I think we should leave well enough alone. I cannot see any valid reason for carrying out changes now but I think, talking towards the future, if there is a willingness to move in this direction then we could have a de facto situation reflecting what would then be the future spirit and, indeed, the future letter of the Constitution. I commend the amendment to the House.

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

HON P J ISOLA:

Mr Speaker, I am going to speak exclusively to the amendment of my Honourable Friend so that I can speak on the general motion, if necessary, when we resume debate. I personally would oppose the amendment although I appreciate that there are people who sincerely believe that eligibility for Mayor should not be restricted to Members of the House. I know there is difference of opinion I think in my Party there are probably people who agree with the idea that a Mayor should not necessarily come from the Members of the House but that is something that I think is still very much an open factor. What I would object to at this stage is to suggest that the Constitution which is so important as far as Gibraltar is concerned should be changed to suit the particular thinking of any part of the Constitution by any Honourable Member of the House. If we remember that the Constitution has part of it the preamble which is the vital security for the people of Gibraltar, I would personally strongly advise the House against accepting any, how can I put it, accepting any suggestion that the Constitution can be changed from day to day because the consequences of that could be quite serious. If we can change it because it suits us, others can also change it because it suits them. My own feeling is that in the context of a constitutional conference for Gibraltar which I don't see occurring in the foreseeable future, but in the context of a constitutional conference for Gibraltar by all means discuss this point as, indeed, any other point. It is known that there are parts in the Constitution that people would like to change but, frankly, I would recommend very much against passing an amendment which suggests consideration to constitutional change in Gibraltar without having such amendment encompassing all the various matters that we wish to have considered in the Constitution, including the preamble, possibly, and therefore I think it is wrong to try and get out of a situation that is possibly embarrassing for some,

by suggesting constitutional change. I don't think we can go along with that at all although I am not saying that it is policy on the part of my Party that a Mayor should always be a Member of the House, it is something we would have to discuss. As we read the Constitution, that is the position and, therefore, this is why my Honourable Friend has moved his motion. I would urge the House to be very careful about suggesting changes to the Constitution to deal with a particular problem that has arisen. Let the problem that has arisen be discussed, let people put their points of view. The Government considers that they are acting in perfect propriety in the matter, the Honourable Mr Bossano supports them in that view, let us leave it at that but let us not start suggesting changes in the Constitution. As I said, Mr Speaker, I am confining myself entirely to the amendment at this stage because I think it of more importance than the very issue we are discussing and that is that the Constitution should not be tampered with whenever we find something that we don't like we shouldn't start suggesting changes to the Constitution unless what we are suggesting is a fully blown constitutional conference to decide the future of Gibraltar, its institutions and so forth. Let us not have changes just to suit particular situations because Honourable Members on one side or the other feel one way or another on the Constitution. We must oppose this amendment on principle, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, I agree to some extent with some of the sentiments expressed by the Leader of the Opposition, only in a limited extent. I think he has misconceived, as I read the amendment though I think we can make it much clearer by amending it. I did not take that to mean that we were going to rush to London and say we want a constitutional conference to carry out Mr Bossano's desire. I don't think he meant that either. I took that to mean, as we have had representations in other respects, that when the Constitution is amended that this is one of the matters that should be considered. Let me say that we are suffering in this respect about the spirit and so on in this matter of a hurried decision in the Constitutional talks because in fact, the constitutional talks went on for a long time on matters of very great importance and as it was winding up the old City Council it was debated whether the post of Mayor should or should not continue and it was decided that it should and I don't think, and I speak for myself, that much thought was given how the thing was going to work when it was said that it should be one of the Members of the House no doubt following in the spirit of the City Council which was to elect from among its elected Members its Mayor but on a completely different basis, because here the Mayor was the Council from one meeting to another, unlike in boroughs in England where the Mayor is only the Ceremonial Head as indeed the Mayor now is the Civic Head. So that really was not a fundamental decision taken. I remember, and perhaps the Honourable Leader of the Opposition may remember this, talk was made about having a Deputy Mayor and he was one who said why have a Deputy Mayor on top of that and this was because at the time there was a Deputy Mayor. This was all discussed when all the very big

problems were solved in the Constitution. I agree that we should not advocate haphazard amendments on the Constitution. We have a huge list of matters which in the practical application of the Constitution, apart from policy and apart from the question of devolution, many aspects of the Constitution that require amending because we have seen it in the practice and have had to act perhaps contrary to the spirit in the interest of a practical approach, not just the Government but the whole machinery of Government sometimes finds itself stuck with difficulties that can only be resolved by a commonsense approach to the matter. So that subject to an amendment that will be made to deal with that point, we will support the amendment.

HON G T RESTANO:

Mr Speaker, I would have preferred to have spoken on the amendment as it is proposed but, anyway, there is just one point that I would like to say on this particular amendment of Mr Joe Bossano and that is that it confirms precisely what I said in moving this motion. The second part of his amendment is that "consideration should be given to amending the requirement in the Constitution so that any future Mayor should not necessarily have to be a Member of the House of Assembly." It is clear that by making his amendment in this way he at least if not the Government considers that I was quite right in saying that it was against the Constitution for this position to be perpetuated and he is making it absolutely clear in his amendment. It has been said by the mover of the amendment that perhaps I was trying to get Mr Serfaty out of office. I may of course have got what he said wrongly but he certainly, if I remember correctly, said that he would be, I cannot remember the right words, but perhaps he said sacrificed to the Constitution. The point is that however good a person may be in whatever office he holds, if there is a law I think that law should be enforced. A person may be a very good Chief Minister but if he speeds down Main Street then of course I think that the law should be enforced to stop him from speeding down Main Street. I feel that the Constitution says quite clearly, and I think it has been agreed by the Chief Minister, it is on black and white by the Chief Minister, that it is the spirit of the Constitution that the Mayor of Gibraltar should be an elected Member and therefore I feel that that spirit should be upheld and I think that interpretation has been upheld by the Honourable mover of the amendment when he says that consideration be given to amending the requirement in the Constitution, because if it wasn't my interpretation, our interpretation, then there would be no need to amend the Constitution. So therefore I think that the amendment merely asks for a change in the Constitution for a particular matter and to amend any constitutional matters or just one because it may be expedient at one moment in time is far too serious a matter. No constitutional changes should be made without a Constitutional Conference on far more important matters than just the Mayor and I would not agree that we should have a Constitutional Conference just on this matter.

HON A J CANEPA:

Mr Speaker, as time goes by I become more and more convinced that the spectacle that we are setting outsiders of the proceedings of the House is not an edifying one. Here we are, Mr Speaker, at a time when Gibraltar is at a historical crossroads, when there are events in the offing which are going to shake Gibraltar to its foundations, when our status as Gibraltarians may be changed, when the clock is going to be

HON G T RESTANO:

Mr Speaker, on a point of order. May I ask if the Honourable Member is speaking on the amendment or on the motion?

MR SPEAKER:

We will find out in a minute.

HON A J CANEPA:

When, perhaps, Mr Speaker, the clock is going to be put back to pre-1969 days. We are going to know the issue very soon, Mr Speaker, on the issue of Nationality. We have been discussing and not reaching agreement on the question of the Defence Review. There are now indications that perhaps at this moment, for all I know, Lord Carrington may be having discussions with Señor Perez Llorca that may affect the future of Gibraltar and, certainly, may well affect the conditions under which we are living at the present. And here we are, Mr Speaker, thanks to the pettiness of the Honourable Mr Restano, discussing a matter, quarrelling amongst ourselves, bickering in a manner which I don't think is endearing politicians to people outside. We should be striving with every moral fibre that we have to reach agreement on the motion that we have had to put aside this morning. That is what we should be doing, not because of a purist or puritanical interpretation by the Honourable mover of what the Constitution is all about. People are not bothered about who is Mayor in Gibraltar today and I think, by and large, people are quite happy about the fact that Mr Serfaty is Mayor because he is doing a first class job. Why can't we let sleeping dogs lie as far as that is concerned and get on with the real business of facing the issues that confront Gibraltar and let us leave these other matters for another day. I think, Mr Speaker, and I have been saying this for some time, that if we are not careful we are going to be condemned, present day Members of this House are going to be condemned by future generations because when Rome burned we were playing the lyre and singing like the Emperor Nero. What a waste, Mr Speaker, that we should have to come here this afternoon to discuss this matter. At least, as far as the Honourable Mr Bossano is concerned, one can detect some consistency in his approach. What he was saying in 1976, he

is saying today as I recall only too well. His view that an outsider, someone from the public who is not necessarily a Member of this House should be eligible for the office of Mayor. I agree with that, I don't think that a Member of the House should be debarred from being Mayor of Gibraltar because at a particular moment in time there could be a Member who is the person best qualified to be Mayor of Gibraltar but that we should be able from amongst citizens who have served Gibraltar in public office, and I can think apart from Mr Serfaty, I can think of many others, I can think, for instance, of Mr Willy Isola who was a very distinguished City Councillor for many years, who has given about twenty years of public life to the people of Gibraltar across the way there and in this House. I can think that someone like Mr Willy Isola would make an excellent Mayor for Gibraltar, I think he has all the qualities that are required and in a situation in which we are facing such serious problems to be suggesting as the Honourable Mover of the original motion is suggesting when he says that no Member of the Opposition wants the job, therefore it is going to have to be one of the Ministers, if no Member of the Opposition wants the job then who can be Mayor of Gibraltar other than one of the Ministers and in that situation I am including Mr Bossano as a Member of the Opposition and in any case I am sure he doesn't want the job of Mayor. I believe that the hat doesn't fit him, the robes don't fit him.

HON G T RESTANO:

If the Honourable Member will give way. To go back to this, Mr Speaker, what I said was that the motion was not being moved because any Member of the Opposition wanted to be Mayor, that is the accurate statement that I made.

HON A J CANEPA:

We certainly don't want any of the Ministers to be further burdened at this time with the additional onerous duties that being Mayor of Gibraltar entails. I think we have enough on our plates at the moment and to suggest that there should be consultation, well, what for? Are they or are they not interested in the job? If it is going to be a Minister there is no need to consult Members of the Opposition, we would decide which of the Ministers should do it. But I agree with the Honourable Mr Bossano, Mr Speaker, I think that when an opportunity arises we should widen the provisions of the Constitution, it will bring us closer, and I will use that word once, with the spirit of what is done in the United Kingdom whereby prominent citizens, Aldermen, become eligible for the office of Mayor of a borough Council and add lustre to that office. Therefore, we on the Government side support the amendment of the Honourable Mr Bossano but in order to ensure that no doubt is left that we are not all in addition to the problems that we already have, going to be rushing to Whitehall demanding an immediate amendment consequent on the passing of this amendment, an immediate

amendment to the Constitution which will no doubt also satisfy Mr Restano, in order to make it absolutely clear what the intention as I understood the amendment to be, Mr Speaker, I am going to move a further amendment to the amendment and that is that the words "when the Constitution is next amended" should be inserted after the word "given" in line five of the Honourable Mr Bossano's amendment. Therefore the amendment in that case, Mr Speaker, would read as follows: "Though the present Mayor of Gibraltar was a Member of the House of Assembly when appointed in accordance with the Constitution, consideration should be given when the Constitution is next amended so that any future Mayor should not necessarily have to be a Member of the House of Assembly." I commend the amendment to the House.

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

HON G T RESTANO:

At the risk of being repetitive, I must say that this amendment again confirms what I said in the original motion and that is that it is unconstitutional, that it is against the spirit of the Constitution for the Mayor not to be an elected Member of this House. I think that the amendment of the Honourable Mr Canepa confirms this because his particular amendment says: "that when the Constitution is next amended there should be a change so that the future Mayor should not necessarily be a Member of this House." So therefore, he is agreeing. Would the Chief Minister like me to give way?

HON CHIEF MINISTER:

Yes I am asking you to be fair and lead the whole of the amendment as amended.

HON G T RESTANO:

That is no problem Mr Speaker. His amendment is that though the present Mayor of Gibraltar was a Member of the House of Assembly when appointed, in accordance with the Constitution, consideration should be given when the Constitution is next amended so that any future Mayor should not necessarily have to be a Member of the House of Assembly. It confirms even more what I am saying because it says that the Mayor of Gibraltar is today not a Member of the House of Assembly and what the Honourable Mr Canepa is asking for is that when the Constitution is next amended it should be amended in such a way so that the Mayor should not necessarily be a Member of the House of Assembly. I don't disagree with that. I don't disagree with that at all. What I am saying is that before any amendment is made in the Constitution, the law should be upheld as written and I don't think exceptions should be made. We consider that our interpretation that the Mayor should be a Member of the House is the interpretation in the Constitution. But even if it were only in the spirit of the Constitution as being the spirit of a Constitution which, if I may say so, was drawn up very much in consultation by the Chief Minister himself, by the Government side, by the then Opposition side, by all sorts of people in Gibraltar, by the British Government,

the spirit of the Constitution was there, it was agreed by them then that the Mayor should be a Member of the House of Assembly and therefore this amendment, to my mind, merely confirms that the Government or that the Honourable Mr Canepa considers that there should be an amendment in order to fit this particular set of circumstances that we have today and perhaps a set of circumstances at a future date but it shows that if he considers that an amendment is necessary, the situation which occurs today is contrary to what the Constitution says or the spirit of the Constitution and that is why he has thought fit to amend the amended motion in this way. Therefore, we cannot possibly agree with this amendment.

HON J BOSSANO:

The Honourable Member said that at the risk of appearing repetitive he was going to say what he has just said. Well, of course, I can assure the Honourable Member that the House of Assembly by now is immune to his repetitiveness. If one were to give him an accolade for anything in this House, it would be precisely for repetitiveness. Of course, the amending motion that I have moved doesn't say anything about whether one has to be a Member of the House of Assembly throughout one's term of office, no, it says that one has to be a Member of the House of Assembly on appointment, that is what it says and that is what the Attorney-General tells the House that the Constitution says. The Honourable Member is not going to be swayed by any arguments because we have been exposed to his total incapacity to listen to the arguments put by anybody at all on anything in this House of Assembly. He stands up, he says what he has to say, he will sit down, and he will stand up another two hundred times repeating his original arguments regardless of the evidence that is put contrary to his original views and that is something to which one is used to already and no doubt will be subjected to for as long as he is a Member of the House. It is a burden that goes with getting involved in politics, Mr Speaker, and no doubt a burden that very few people want to share in Gibraltar and this is why the seats are so empty. All I can say, Mr Speaker, is as regards the amendment that the Minister for Economic Development has moved, I took it to be an attempt to meet the objection of the Leader of the Opposition as to why he could not support the amendment. He could not support the amendment, not because of what I was trying to do but because it meant tampering with the Constitution and therefore in order to show that it was not my intention to tamper with the Constitution and of course I couldn't move an amendment to my own amendment, the Honourable Member has moved this to show this. I think there is no indication there of the time-scale within which I am suggesting consideration should be given and therefore really, although I appreciate that he has made this move to meet the point, it is quite obvious that any move that anybody makes is not going to meet the point because the reason why Honourable Members are voting against this is because I am moving it, Mr Speaker, which was the same reason why they

voted against the other amendment on Friday which precisely met the contents of the speech made by the now absent Honourable and Gallant Major Peliza and no doubt is also the reason why the Honourable and Learned Leader of the Opposition is moving an amendment to my motion. Clearly, it is a time consuming exercise that we have to proceed in this manner in the House and there is really nothing one can do to avoid it. All I can say is that I find from a linguistic point of view that there seems to be something slightly wrong with the motion as proposed by this consequential amendment in that it says "consideration should be given so that" I think that doesn't read, quite frankly, Mr Speaker.

MR SPEAKER:

When the Constitution is next amended.

HON J BOSSANO:

Yes, but it says "consideration should be given when the Constitution is next amended, so that any future Mayor", and it doesn't say, consideration to what should be given. I think from a linguistic point of view, a policy of spirit point of view. I just thought it didn't read too well if it said "consideration should be given so that any future Mayor", but in fact I can tell the House that I was not suggesting that there should be an immediate Constitutional Conference for this matter although in fact I stood in 1976, as indeed did the Honourable Mr Restano, on a ticket of the need for Constitutional change in 1976 and I have not changed my mind about the urgency of the matter five years later. I still think there is an urgent need to change the Constitution but it seems to me an opportunity to restate the policy that I have advocated on previous occasions presented to me by the Honourable Member and I was not going to forego such an opportunity. Clearly, there are many other matters that require amending in the Constitution and I think if we can get agreement that this should be included amongst those things then at least something useful will have been achieved by the motion and we will not have wasted all our time here this afternoon.

HON P J ISOLA:

Mr Speaker, one cannot but be impressed by the cordiality that exists between the Honourable Member on my left and the Government and the amount of applause he gets from the Government benches is really very edifying, I am sure he enjoys that enormously but, Mr Speaker, two small points I want to make. The question raised by the Minister for Economic Development that we are wasting our time talking about this when there are much more important things to discuss. I agree that there are much more important things to discuss but I do not agree that we are wasting our time in anything that is part of a democratic process. This is what happens in every

elected Parliament. I could invite them to go to the House of Commons and see how the subjects change from something affecting the vital interests of the whole nation and something affecting somebody in Aberdeenshire or something else like that. That doesn't worry me at all, it is a matter of some regret that we have to sit and discuss these matters but I think if they are brought up they have to be discussed. Mr Speaker, the other point is the question of whether the Mayor should be somebody outside the House or not. My own personal view and I am giving my own personal view here and not necessarily the views of my party, is that during the present crisis Gibraltar is going through and so forth especially in its foreign affairs relations and now with the defence review, the Mayor of Gibraltar should not be a person outside this House, it should be a person who knows what the policy of this House is vis-a-vis Spain, vis-a-vis the Defence Review and so forth, it should be that and there are important reasons for this. The Mayor is in the list of people who get a call every time visiting dignitary comes to Gibraltar and some of those visiting dignitaries are very anxious to find out how people think on particular issues and I think there is a danger, not necessarily in the present incumbent because he has had thirty years of public life in Gibraltar, I think there is little danger there, but there is a danger in appointing somebody outside the elected Members as Mayor of the House, there is a danger of the Mayor putting forward his views on any current problem to a visiting dignitary, and possibly his views being given rather more weight because he is the Mayor than they would otherwise have been. I give that warning signal about a Mayor outside the House in present circumstances in Gibraltar. We don't agree to this amendment for the reasons my Honourable Friend has given. I agree that the amendment goes further to meet my objection but I think my position and I think the position of my party must be that that is the Constitution of Gibraltar and that is what we work for. The Honourable Mr Bossano has said there is an urgent need to amend the Constitution. Well, he said it I know in 1976, the next time I have heard him say it is in 1981, five years later. If he carries on all his other activities with that sense of urgency then I think we have a long time to wait for results as far as he is concerned. I don't think he is fair to my party when he says that we have amended his motions purely and simply for the sake of amending his motions. We have voted en bloc for a good many motions put forward by the Honourable Mr Bossano in this House and I cannot say the same for him. When my party has put forward motions he has either gone out of the House, abstained, been away, or sought to amend it and that is not a fair remark to make. If his motions are good, we shall vote for them whatever views we may hold about his own way of doing things as far as our party is concerned. That is all I have to say, Mr Speaker.

HON H J ZAMMITT:

Mr Speaker, it is becoming more and more confusing and I feel the longer one is in this House the more confusing issues

become and I wonder, Mr Speaker, if just for historical purposes as the Chief Minister mentioned when the Constitution was drafted in 1969, I don't think that the Constitution envisaged that Ministers in particular would be as tied up and as busy as politics have of necessity brought upon Ministers. I know that it says Members of a House of Assembly but, Mr Speaker, the unkindness of this is not only because of the work that Ministers have, and I agree with the Leader of the Opposition, that he says we are not wasting our time, that we can democratically discuss these issues here. Mr Speaker, this week in particular my diary is absolutely full and I have had to cancel pretty important official functions to be here in this House and the backlog is catching up on me and I am finding great difficulty in keeping up with the demands that my political life makes. I would like to remind Members opposite that the post of Mayor is not just the occasional function as people think it is it is quite an ordeal and I will put it no lighter, Mr Speaker, and I think you, Sir, have gone through this. It is quite an ordeal to keep up one's ministerial responsibilities and at the same time at very short notice have to cancel very important meetings or interviews to conduct the official functions of Mayor. Mr Speaker, apart from that, what I cannot comprehend is that here we are arguing about something which the Honourable Mr Restano is not au fait with and that is that even when it was absolutely constitutional if he wanted us to grant him that he considers it not to be constitutional now, in the case of my Honourable and distinguished colleague Mr Canepa, the Opposition abstained and in my instance because of my total popularity, the Opposition all voted against. So therefore, Mr Speaker, and considering that there are now four Members on this side of the House who have been Mayor and considering that Members opposite do not aspire to the high office of Mayor, it leaves us, Mr Speaker, with a situation where the Chief Minister I don't think wants to be Mayor and in fact I think he was Mayor before there were roads in existence. Mr Canepa has been through it, I have been through it and Mr Serfaty is the incumbent at the moment. Without going into dramatic circumstances, and I think Mr Restano contributed slightly to this because of regrettable circumstances Ministers have been burdened with added responsibilities and that is why I feel it is untimely to put this kind of motion in the House which is a slight on Mr Serfaty. Whether we like it or not I am absolutely certain and I assure this House that Mr Serfaty cannot be clapping his hands, he cannot be enjoying this and it is in my opinion and I am sure in the opinion of many people in Gibraltar, a slight on a man who has not only given virtually all his life to the public life of Gibraltar but a man who enjoys doing it, and most people are most extremely happy with him and at a time as I say and has been mentioned by the Chief Minister and my colleague Mr Canepa, at a time when we are absolutely flogged, Mr Speaker, and I am sure I am speaking for virtually every Minister here. We are not working three hours, four hours, five hours, or eight hours. We are working round the clock virtually and surely, Mr Speaker, would it not be futile now

to place a further burden on a Minister when there are many more and much more important issues to try and sort out in Gibraltar other than having to have a Mayor which seems to satisfy Mr Restano. Mr Serfaty was voted Mayor unanimously by this House. Surely we should be pleased, in fact, we should thank him for his services and encourage him to continue doing so until circumstances in this Government ease off the tension that we have at present and some Member or some Minister is able to carry out further responsibilities. Mr Speaker, the Honourable Leader of the Opposition could have done one thing to have avoided Mr Restano from bringing in an amendment.

HON G T RESTANO:

I did not bring in an amendment, Mr Speaker, I brought in a motion.

HON H J ZAMMITT:

I am sorry, I thought I said Mr Bossano instead of Mr Restano, I apologise. If the Leader of the Opposition is not happy about Mr Bossano's amendment and the subsequent amendment to the amendment by Mr Canepa then possibly the Leader of the Opposition could have asked Mr Restano not to have brought this at this moment in time. He may not have seen it, I don't know, I suspect many, many times that there are questions and motions put here which the Honourable and Learned Leader of the Opposition has not possibly had time to look at and guide his party members on but, Mr Speaker, surely if it is not considered that it is timely to change the Constitution or even suggest for a future constitutional talks to bring this matter up, then possibly the Leader of the Opposition could have advised his colleague to have withdrawn the motion and we wouldn't have wasted one and a half hours on this motion Mr Speaker. I feel Mr Speaker that it is not first and foremost on Mr Serfaty and most certainly not fair on this Government at a time when our future is very, very much at stake and we should dedicate our time to that kind of serious thought and not the rubbish that is brought to this House on many occasions, Mr Speaker.

HON A T LODDO:

Mr Speaker, it is my intention to intervene just this once so I will probably cross over from amendment to sub-amendment and back to the general principles. I had intimated to Mr Restano that it was my intention to make a brief contribution and then as I listened to speaker after speaker make their contribution I realised that everything that I had thought about saying was being said and I felt that I would be repeating myself but apparently this is quite normal in the House, so I will try not to feel too ashamed about it and I will repeat myself where necessary. On the other hand by letting other speakers intervene before, one can pick up certain points which one

can answer. It makes the contribution a bit disjointed but it will probably give food for other speakers after we come up with better contributions than my own. I think it is unfortunate that we in this House have suddenly been presented with a very heavy menu, namely the British Nationality, the Defence White Paper and the resurrection of the Lisbon Agreement all in one go. Having said that I still think that there is room in this House and in our democratic process to discuss problems of major and minor importance at one sitting and because some problems might be too minor in relation to others they should not be brushed aside and this is such a motion. It is not my job to defend Mr Restano because I think he is quite capable of doing that himself, neither it is my job to stand up for capable of doing that himself, whether it is my job to stand up for Major Peliza both of whom have been pilloried this afternoon in the House, but I honestly think that the Chief Minister was a little less than fair in his comments about Mr Restano and the Honourable Major Peliza, particularly the latter, for not being here this afternoon.

HON CHIEF MINISTER:

It is his own fault, he knew that the House was sitting today and he has chosen to go to England. Do not try and blame me for that. He is a Member of this House, not a Member for Edgware.

HON A T LODDO:

If I may continue, Mr Speaker, particularly as Major Peliza is carrying with him letters to a great number of Lords pleading our case on the question of British Nationality and I think I can say without fear of contradiction that these letters signed by the Honourable the Chief Minister, my Learned Friend the Leader of the Opposition and Mr Joe Bossano are the last shot in a campaign to get for Gibraltar the British Nationality which we have always enjoyed and for which Major Peliza has fought gallantly and stronger than the rest of the House put together. I think I can say that without fear of contradiction.

HON CHIEF MINISTER:

Mr Speaker, if the Honourable Member will give way.

HON A T LODDO:

Certainly.

HON CHIEF MINISTER:

Major Peliza in no way went away to take those letters today.

He happened to be going and as we have sent letters from time to time with any good friend who is going to England, he happened to be going and he volunteered to do so. If he had not gone and had been here, as is his duty, somebody else would have taken the letters.

HON A T LODDO:

Thank you, Chief Minister. There was one little point I would like to take up, brought up by Mr Bossano, who raised some fitters from the other side of the House, again when he mentioned our absent gallant friend. If we were to count the number of times the Honourable Mr Bossano has been absent from this House, as he is at this moment, though he might be outside on this occasion listening to what is going on, I don't think that the same laughter would have been raised from the opposite benches. The Leader of the Opposition did say at one point in his initial intervention that the question of the Mayor being a Member of this House was something which was a question which was approached differently by Members of his party and this is quite true. I, personally, have always believed that the Mayor of a City is the man who for services to his community is honoured with the highest civic accolade, and I for one would like to see a Mayor who is not necessarily a political embarrassment to the Government because at the moment with all due respect, I believe that this is what has happened. I know Mr Serfaty very well, I have worked for Mr Serfaty for six years and I know that Mr Serfaty would never take this thing personally. I have, in fact, spoken to him about it in a reception. He knows that the intention is not to deprive him personally, Mr Abraham Serfaty. He knows what the intention behind it is and I can assure you, Mr Speaker, that it is to uphold the spirit of the Constitution which had been laboured considerably this afternoon in this House and I don't think it should be laboured because the spirit of the Constitution has been and is being broken in this House.

MR SPEAKER:

Not in the House, surely?

HON A J CANEPA:

Could he illustrate in which context he is saying that the spirit of the Constitution is being broken by the Government? In the context of the motion that he is speaking to, or in some other context?

HON A T LODDO:

I would think, Mr Speaker, that that is patently obvious, if it isn't obvious to the Minister I will say by the motion that has been brought forward by the Honourable Mr Restano.

HON A J CANEPA:

I am very grateful for that clarification.

HON A T LODDO:

As I was saying, Mr Speaker, I am sure that if the Constitution were different and if Mr Serfaty were to stand for election as Mayor he would get in again because that is one thing I think that all Members in this House are agreed upon, and that is that Mr Serfaty has been and still is a very popular Mayor. I am glad, Mr Speaker, that the Honourable Mr Canepa has admitted what in fact he laughed about three minutes ago and that is that Ministers do not want the added responsibility of having to be Mayor and that of course was reiterated by the Honourable Mr Zammit. I will end up by saying one thing, and again I will quote Mr Canepa. He said that under the present circumstances wouldn't it be better to let sleeping dogs lie. If I remember correctly, this was the policy of Sir Robert Walpole, the first Prime Minister of England whose policy was known as the *laissez faire* policy and if one remembers the South Sea Bubble we can remember in what hot water that got him. Thank you, Mr Speaker.

MR SPEAKER:

I would remind the House that we are still on the amendment to the amendment. If there are no further contributors I will ask the Minister to reply, if he so wishes.

HON A J CANEPA:

Very briefly, Sir, there is just one point that I want to answer, in fact agree to, and that is the point made by the Honourable the Leader of the Opposition about the need under the present circumstances for the Mayor of Gibraltar to be someone whose political views about Gibraltar are on record, are well known, so that everyone knows exactly what it is that he subscribes to and so that everyone can feel confident at the impression that the Mayor of Gibraltar could give any visitors, any outsiders calling upon him, is an impression of things, of attitudes to crucial issues affecting Gibraltar and is of an outlook that is consistent with the view that the majority of people in Gibraltar hold. The amendment that I have moved if when the Constitution is next amended will in fact ensure that if the circumstances in Gibraltar so require that a Member of the House should continue to hold the office of Mayor, then it doesn't follow that it has to be an outsider. The situation would be one that I would describe as permissive. You can have an outsider in certain circumstances if you so wish, but if in order to meet the point and it is one that I share, having been Mayor for two years I can confirm it is important that we should know what the Mayor of Gibraltar is going to be telling outsiders. That is the point that

has to be kept in mind and of course the power to do that would lie in us because we would be electing the Mayor of Gibraltar and we could ensure that it is an elected Member whose views are well known on crucial issues. Thank you, Mr Speaker.

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

The following Honourable Members voted against:

The Hon A J Haynes
The Hon P J Isola
The Hon A T Loddó
The Hon G T Restano
The Hon W T Scott

The following Honourable Member was absent from the Chamber:

The Hon Major R J Peliza

The Hon A J Canepa's amendment to the Hon J Bossano's amendment was accordingly passed.

Debate continued on the Hon J Bossano's amendment, as amended.

HON A J HAYNES:

Mr Speaker, I am glad to see the House is calmer now after the Chief Minister's initial reaction of being peeved. When he was peeved, Mr Speaker, he said words to the effect that he couldn't be bothered with these matters whilst he was working so hard in things of importance like the Nationality Bill. Is he insinuating that we haven't worked on the Nationality Bill? Does he want to know who has worked on the Nationality Bill? Does he want to know the facts of the work involved on that? No, of course he doesn't. I am sure he wouldn't want to create a wrong impression on that issue. Again, he argued on the lines that we attack Government to rob them of the lustre, I think was the word, of their governmental glories. Is that why we attack Government on Housing, because they are doing so well? Because we are jealous? Mr Speaker, we attack

Government, we criticise Government, when they do things wrong or when things need correction and again the Chief Minister accused my colleagues of being petty. I think pettiness is when a Chief Minister becomes peeved at any criticism and what particularly peeved him perhaps was that the criticism was by way of his own quotations. It is easily clearly established that in the past the Chief Minister's view has been that the Mayor must be an elected Member and now when these words are thrown at him he camouflaged the whole situation by claiming that he is too busy and that it is too petty. And what does this House, Mr Speaker, think of the attitude: "Well, I don't care how many times you ask for it, you are going to wait and the more you ask the longer you will wait." Is that responsible premiership? And then we come to Mr Joe Bossano. He also thinks too much is going on to bother about things like this. What was he doing when the Nationality Bill campaign was going on, eh? Of course, Mr Bossano was fulfilling his electoral promise of an effective and strong Opposition and his Opposition is to the party that poses the greater threat to him. And then we have the Hon Mr Canepa who proposes to intimidate this House with a sense of higher purpose. "Why should we bother with these things?" he says. "We are bringing the House into disrepute, we are bickering." Well, bickering is a state of mind, it is the way you look at it. If he thinks that a matter of constitutional importance is petty then let him say so. And the Hon Mr Bossano also brings up this point that this is a Public School debating forum, that everybody is being petty, when it suits him but when he is scoring points he scores points. I think what does bring the House into disrepute is this continuous allegation that it is all petty. There is nothing petty about the Constitution and on this I would add those statements made by the Chief Minister who was trying to make it clear to the people, especially in these troubled times that we have moved away from colonial status, and he emphasises the importance of the Constitution in that respect. I have listened with interest to those things and I do believe them. So, Mr Speaker, anybody can rise and make an angry statement and make people hot under the collar as I am sure you are now but that was not the purpose of this motion. This motion was brought, was carefully worded not to give offence, it was put across with a genuine intention. We do not object to Mr Serfaty but we do not want the Constitution played about with and nor does the Chief Minister. And his reason for not wanting to change matters is because his Government is under a lot of pressure. Well, let him say that and not and try and stir up enmity in this House, not reduce it to bickering.

HON CHIEF MINISTER:

If the Honourable Member will give way. I will read to him part of my reply to the question asked by the Honourable mover in December, 1980. I said that I had spoken to the Leader of the Opposition, and I said: "I have since then kept this matter under review but that the serious accident

suffered by Mr Abecasis has put an undue strain on the workload of other Ministers and this has been an important factor". I didn't want to mention this before for obvious reasons but since he is saying that I am changing, I did say that in December, it isn't the workload now, it was then.

HON A J HAYNES:

I am glad for that intervention, Mr Speaker. I do hope that for the rest of this debate we can treat the matter as a matter of genuine business, worthy of this House's consideration and business which should be conducted without rousing personal animosity.

MR SPEAKER:

We are now on Mr Bossano's amendment, as amended. If the Hon Mr Bossano does not wish to reply I will put the question.

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

The Hon I Abecasis
 The Hon J Bossano
 The Hon A J Canepa
 The Hon Major F J Dellipiani
 The Hon M K Featherstone
 The Hon Sir Joshua Hassan
 The Hon J B Perez
 The Hon Dr R G Valarino
 The Hon H J Zammitt

The following Honourable Members voted against:

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

The following Honourable Members abstained:

The Hon D Hull
 The Hon R J Wallace

The following Honourable Member was absent from the Chamber:

The Hon Major R J Peliza

The Hon J Bossano's amendment, as amended, was accordingly passed.

MR SPEAKER:

The original motion by the Hon G T Restano, as amended, is now before the House. Are there any other contributors?

HON P J ISOLA:

I would like to say a few words which I have not said on the amendments in relation to the original motion. I think Honourable Members will wonder why this motion has been brought when we have all been saying what wonderful work the present incumbent of Mayor is doing. I don't think that the Members of my Party have been anything but over generous, in fact, I think they have been a bit over generous, Mr Speaker, in the remarks they have given to a man although now retired from public life, is closely identified with the Party which we oppose electorally and perhaps they have been over generous but they have said it and they have said it, I think, because they meant it. They have said that Mr Serfaty had done good work as Mayor and I fully subscribe to that myself. I think I shall try and keep the tone of the debate, Mr Speaker, to the level to which it has been uplifted by my Honourable and Learned Colleague, Mr Haynes, when he spoke to the question. I don't have very much to add to what he said. I think he has put the issues fairly straight. Mr Speaker, the Honourable Mr Restano has spoken to the motion and he said that in his view the holding of the post of Mayor by a person who is not a Member of the House is unconstitutional, is against the Constitution of Gibraltar under which we work and under which we survive. I agree with him, I think it is unconstitutional. It is not a question of the spirit of the Constitution, I believe that under the Constitution it is quite clear that the Mayor of Gibraltar must be a person elected from the Members of the House of Assembly, and that is a fact. I know people have different views on that and I suppose the only way it can be determined is by an application to the court for a declaratory judgement on the position. Whether the mover does that or not, I don't know, but I think that is the only way it can be resolved. I share the view of the Mover that it is against the Constitution to have somebody Mayor who is not a Member of the House. Of course, if it is against the Constitution it is obviously against the spirit of the Constitution. I must remark here, Mr Speaker, on the statements that have been made about the absence of my Honourable and Gallant Friend, Major Peliza, and about him breaching the spirit of the Constitution in standing for election in Gibraltar. I totally reject that argument and I reject it, Mr Speaker, for a very good reason. My Honourable and Gallant Friend stood for election in Gibraltar in 1976, and was elected despite great opposition from the political party opposite on the grounds that the Chief Minister has stated and the public have rejected that. The people of Gibraltar had rejected that interpretation in a democratic vote and again it was used rather more strenuously and rather more strongly by the members of the party opposite in the elections in

1980 and again it was rejected by the public, my Honourable and Gallant Friend achieving I think it was fifth place in the polls. That, to my mind, settles that argument, well, it doesn't settle it because it will never be accepted by the other side, but as far as the public of Gibraltar, as far as people have been given an opportunity to vote on the matter, they have decided that issue. The people have not been given an opportunity, I think this is a big difference, to vote on the other issue as to whether the post of Mayor, which is a delicate and responsible post, should be held by somebody outside the House of Assembly. So there is that very vital difference in the argument that the Honourable and Learned Chief Minister put before the House. I would go further and say this. If the incumbent of the post of Mayor had been somebody else, any other ex-member of the House, then there might have been a lot of popular condemnation of it. One hears that the post of Mayor is equated with that of a Minister and my friend Mr Serfaty is still regarded as a Minister by a great number of people in Gibraltar because he is Mayor and these are one of the things that are associated with the office today in the Constitution as it has worked out between 1969 and 1981. Mr Speaker, no one has suggested the possible solution out of a situation like this, out of the overburdening of Government Ministers with their responsibilities, no one has suggested, and please don't answer, Mr Speaker, a possible approach to the Chair to resume the job of Mayor which he carried out so excellently when he did carry it out or, alternative, to hold consultations with the Opposition to see whether a Member of the Opposition would like to carry the post as long as the Constitution says what it says. As I said before, we live by the Constitution and we survive by the Constitution and I think the motives of my Honourable Friend Mr Restano in bringing this motion to the House were perfectly proper motives and he has himself paid tribute to the work of Mr Serfaty. I think, again in fairness to him he has waited some time, it is now a year and a half since the elections and that is quite a considerable time in which to have resolved this matter. I do not think it is unreasonable because if he had not brought it up in this House he would have had to wait till the next House which may be October or November and that would have been almost two years. I think that Honourable Members opposite must respect the opinions of other Members of the House, must respect the principles as put forward by my Honourable Friend Mr Restano and frankly, Mr Speaker, I think that according to the Constitution he is absolutely right and therefore we cannot but have supported his motion without in any way, and I must repeat it, without in any way detracting from the work that Mr Serfaty has done as Mayor. One last word, Mr Speaker, we kept being told that we voted against Mr Canepa, I think I voted in favour of the Honourable Mr Canepa when he was elected Mayor by the House, contrary to other people, and I do not recollect what I did with the Honourable Mr Zammit I think he was in our bad books at the time but, of course, that is why it is left to the House. We would like it to be a unanimous decision always but if we cannot agree then it cannot be and the majority will then decide. Thank you, Mr Speaker.

HON ATTORNEY-GENERAL:

Mr Speaker, I had not intended to make a contribution but in view of the fact that views have been expressed as to the legal position on the other side and also I think that one Honourable Member referred to advice I had given, I would like at least to place on record my opinion, I appreciate it is an opinion, but my opinion as to what the law is on the matter. There is, of course, a distinction between the law, what must be observed, on the one hand and practice and I will confine myself purely to my opinion as that this point I do not think it is appropriate for me to comment at this stage of what would be the correct practice. It seems to me that the section of the Constitution simply says that to be eligible to be elected in the first place to be Mayor you must be a Member of the House and I notice that other provisions of the Constitution and I am thinking particularly of the provisions for the qualification for election as a Member, and go on to say that they specify what the qualifications are and they go on to say what the conditions are on which one could be removed and the section dealing with the Mayor does not say that, it simply goes on to say in subsection (2) that the Mayor shall hold office on terms and conditions which may be laid down by Gibraltar Council and that, to me, speaking as to the law and not necessarily as to the practice seems to be the essence of the matter but the tenure of a Mayor while he must be in the first place to be elected, be a Member of the House, his tenure of office is to be determined under subsection (2) and I think where there are no such rules, drawing on the general principle that he who has power to create has power to take away, if there were no such rules then I think, if I may say so, that in the absence of the rules it would be a matter for the House to decide what the terms of tenure were.

HON P J ISOLA:

If the Honourable Member will give way. There is one thing that puzzles me on that interpretation. It says here that a Mayor will be elected by the elected Members of the House, it does not say when his term of office ends. Therefore, could that Mayor once elected be able to say when the House came back and elected another one, not having been removed, could he not argue he was still the Mayor because of this section?

HON ATTORNEY-GENERAL:

I think it would be an implied repeal, if I may use the expression. Obviously the Constitution contemplates one Mayor and if a new one is elected I think there must be an implied revocation of the previous appointment. Sir, that is all I wish to say just to place on record my own opinion as to what the legal position concerning the Mayor is and as I said at the outset I do not comment on the practice.

MR SPEAKER:

Does the Honourable Mover wish to reply?

HON G T RESTANO:

Mr Speaker, I think the sum total of the contribution of Ministers in this debate has been a diatribe against my Honourable and Gallant Friend Major Peliza, who is not even here, and myself and I think this demonstrates, perhaps, a guilty conscious on this matter because I think the Government has taken the adage of attack being the best form of defence and they were on the defensive, they have been on the defensive all along on this motion, they have been on the defensive because they have not been able to answer not once have I heard the amendment of the Honourable Mr Canepa to Mr Bossano's amendment saying that in the future what should be done but not once have I had one single argument as to why, when the Chief Minister considered that it was, way back in 1972, in the spirit of the Constitution that the Mayor should be a Member of this House, I have not heard one single argument either from the Chief Minister or from any other Minister why today that interpretation has not been carried out. Therefore, I consider and I do not want to go on very long, Mr Speaker, I could very easily go through a lot of things that have been said by the Ministers but really I think it is a waste of time. What I do think is not a waste of time and particularly what the Honourable Mr Zammit said was a waste of time but what I do think is important to reply to is to what the Honourable the Attorney-General has just said and he has missed, I think, the point completely. The point is that the spirit of the Constitution requires that the Mayor of Gibraltar be a Member of this House and this as I said has been confirmed by the Chief Minister as well as by our side and that point has been completely missed by the Attorney-General. I think that he should well look into the law again because I think that it is more than just the spirit of the Constitution, I think it is unconstitutional for this state of affairs to continue.

Mr Speaker then put the question in the terms of the Hon G T Restano's motion, as amended, which read as follows:

"This House considers that though the present Mayor of Gibraltar was a member of the House of Assembly when appointed, in accordance with the Constitution, consideration should be given when the Constitution is next amended that any future Mayor should not necessarily have to be a member of the House of Assembly."

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

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

The following Honourable Members voted against:

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

The following Honourable Members abstained:

The Hon D Hull
The Hon R J Wallace

The following Honourable Member was absent from the Chamber:

The Hon Major R J Peliza

The Hon G T Restano's motion, as amended, was accordingly passed.

The House recessed at 4.15 pm.

TUESDAY THE 14TH JULY, 1981

The House resumed at 2.15 pm.

Debate continued on the Hon P J Isola's amendment to the Hon J Bossano's motion which had been deferred from the previous day.

HON CHIEF MINISTER:

Mr Speaker, when we adjourned I said we would like some time to consider this and see whether there was a possibility of a consensus. We have tried and I think though we are all agreed on the aims I think we have a difference of approach as to how to achieve them and therefore it has not been possible to agree to a consensus motion. As I was saying, we all agree on what we want and the aims but we seem not to be completely ad idem on how it can best be achieved so I am now speaking on the amendment and the reasons why the Government cannot accept the amendment. In the first place, the amendment of the Leader of the Opposition deals only with the point at sub-paragraph (a) of Mr Bossano's motion. The Government considers that capital aid and land referred to in the other

sections of Mr Bossano's motion are of great importance and an omission, having had it before the House, is much more significant than no omission at all and therefore as we attach great importance to that and there is nothing in the amendment that deals with that, that is one more reason why we cannot accept the amendment in the form it is. When I said yesterday that the Government would vote in favour of Mr Bossano's motion, I said it was subject to a number of stated reservations and qualifications which I mentioned and I would like, if I may, just to quote because the same applies to this one, a very brief note of what I said yesterday when we said: "Ministers would support the motion on the understanding that its terms are an expression of aims and not a pointing of the pistol. We believe that those aims are capable of achievement but that the way of achieving them lies in friendly and trustful consultation each side being fully aware of the other side's difficulties rather than in demands from the one side or hasty and precipitate action on the other." Mr Speaker, if I said that in respect of what is now relatively a moderate motion I must say so much more in the case of the amendment. I think the amendment is unhelpful because it does not pursue a way of friendly and trustful consultations in order to achieve our objective but makes a demand which any realistic politician must know has no chance whatever of being accepted and if it is not accepted, then what? I would like to say that whereas at the beginning I was particularly struck by the last words of the motion about "considered, agreed and successfully implemented", I think it would make no difference even if the word "successfully" were taken from the motion. The approach would be the same, that of the pistol and that we do not agree in these circumstances is the ultimate and best way of dealing with the matter and, of course, the effect on public opinion in Gibraltar would be, if the amendment were to be approved by the House could well be to give a big boost to morale because we are going about it with hell and fire but if we are agreed, as I believe we are, that the demand if made has no chances for success then it would be quite a severe blow to morale and an unnecessary slump when it is rejected. We, therefore, see no value and no point in the amendment other than to make it appear that the Leader of the Opposition is taking a tougher line than the Government in protecting Gibraltar's interest. This may be so in appearance but certainly it is not in reality. We believe that our approach, the way we are going about it, has a far greater chance of success. I have, since I last saw Sir Ian Gilmour, been in touch with him since last week. I have informed him of the doubts and anxieties which have been expressed since my return and I have received the following personal message from him, and I quote: "Gibraltar may as always be assured of the most sympathetic consideration of the British Government. At the meeting in London last week with you, you were assured of the continuing commitment for supporting and sustaining Gibraltar. As the details of the defence programme are worked out, there will be full consultation with the Gibraltar Government over the effects on the Gibraltar Dockyard and the Airfield. The Chief Minister was

perfectly right in his understanding of the British Government's determination to proceed in the closest cooperation with all concerned in Gibraltar." That is the message and the attitude conveyed in that message is one of a most sympathetic consideration of a continuing commitment for supporting and sustaining Gibraltar and of full consultation and of a determination to proceed in the closest cooperation with all concerned. Our response to this attitude, Sir, is first to impress on the British Government in its current review of MOD activity in Gibraltar, to maintain the highest level of employment in this crucial sector of the economy and I would remind the House that the official British Government position is as set out in the White Paper and in Mr Nott's statement and that no specific proposals have just been put forward by the Ministry of Defence. Secondly, if cuts are inevitable we have asked the British Government to ensure that they are phased and coordinated with the introduction of alternative measures in such a way as to maintain a high level of employment and economic stability. I think, I would say again, that our aims are similar but we differ in the manner of our approach. The Government was and is able to vote with reservations on Mr Bossano's motion, it cannot support the amendment. It is an impractical and an unrealistic amendment and I am sorry to say, an irresponsible one if only because its demands clearly have no chance of being effected. If the amendment were to be as adopted by this House, what do we do when inevitably it is rejected in London? Surely, a far more responsible course and one which is more likely to succeed in Gibraltar's interest is to work closely with the British Government in the spirit of that sympathetic consideration and cooperation which has been expressed by the Lord Privy Seal. If we were to find that the Ministry of Defence proposals once available were really and demonstrably unreasonable and damaging, that would be the time for forceful protest at whatever level might be necessary. I think as I said yesterday that there is a need for unity in Gibraltar and for this House to provide responsible and determined leadership. I think also that it is not in Gibraltar's interest simply to dump the problem in the British Government's lap and to make no attempt to help itself. If that were, indeed, to happen it is surely far better for us to be involved in their preparation and discussion in the Governor's Committee and if necessary in London and do everything possible to influence events rather than to abdicate any responsibility in their development and in the improvement of conditions that would eventually be for the better of Gibraltar.

HON G T RESTANO:

Mr Speaker, I think it has been unfortunate that where it was envisaged that perhaps a consensus motion could be reached between the Chief Minister, the Mover of the amendment and the Mover of the original motion, that such a consensus apparently has not been reached. I think it would have been in the interests of Gibraltar as a whole that such an amendment should have been reached. I just want to talk, Mr Speaker, having said that, on the amendment itself and

what the amendment, I think, was trying to achieve and that was to highlight the section in the Defence Paper on Gibraltar where the British Government confirmed its obligation to support and sustain the economy of Gibraltar. I think that is primarily what the amendment was trying to highlight. Secondly, the amendment was trying to achieve one thing for Gibraltar, trying to achieve not just support and sustain on the basis of, say, budgetary contributions if the Government of Gibraltar found itself to be in a difficult position but support and sustain for jobs in the Dockyard particularly and jobs in those ancillary areas which are tied up with the Dockyard and I think that was what the amendment, and I think very rightly so, was trying to achieve. I am disappointed that the consensus motion has not been able to be agreed upon and I don't know whether the time element has been long enough, I don't know whether discussions could possibly if they were continued for a few days could, perhaps, get the three parties together to reach a consensus. I think it would be far better to reach a consensus agreement on this because it is important as I am sure that Members on the other side and even the Mover of the original motion would agree that it is a good thing to confirm in this sort of motion the one commitment in the Defence White Paper of the obligation which the British Government considers that it has to support and sustain the economy of Gibraltar. I would suggest, Mr Speaker, that although we are here today to discuss this motion it might be in the interests of Gibraltar as a whole for us to adjourn perhaps for a few days or until next week, and that further meetings should be held so that a consensus agreement should be arrived at. I think, responsibly, that is what all the elected Members of this House would wish. I don't think, Mr Speaker, that I have anything further to add because I do feel that it is important that it should be a unanimous House which votes for a unanimous motion on such an important matter as this.

HON CHIEF MINISTER:

We discussed that this morning when we had a meeting and the point is that I do not think that it is proper to hold a motion of this nature any more and to be quite frank I would have insisted despite the aversions of the Honourable Mover but I did not see the prospect of a settlement having regard to the attitudes at the meeting that would have given me any hope. I did suggest that, the Honourable Leader of the Opposition will agree, that I did suggest that.

HON P J ISOLA:

I suggested that.

HON CHIEF MINISTER:

You suggested that and I did not oppose it, I forget now because I always like to compromise if it is possible but

I am afraid that it was the Mover's views against the further adjournment, as you know adjournments are no problem to me, they only put off the evil day and you get on to something more evil immediately after. I do not think that the minds are sufficiently near but if it is the will of the House I don't mind but I think perhaps the Mover who really brought the matter before the House initially, his views I think are of particular relevance.

MR SPEAKER:

I will allow the Mover of the original motion to speak on the advisability of having a recess and nothing else. That is what we are discussing now.

HON J BOSSANO:

Mr Speaker, all I can say is that in the proceeds of consultation that we had this morning, at the end of it, the Hon and Learned Leader of the Opposition as a result of some explanations that I gave him of the sort of attitude towards the size of the Dockyard that I had had from official employers in the past said that he was more convinced than ever that the right approach was the approach advocated in his amendment. As far as I am concerned the amendment is not just a rephrasing of my motion retaining its original content and putting it in another way where it may be better expressed or more clearly expressed, it is a fundamentally different approach, an approach which I understand is impossible for the Government to adopt, quite frankly if I had thought that it was an approach that had mileage in it, I would have suggested it myself and consequently I can tell the House that since my position is that I doubt very much the wisdom of the attitude implicit in the amendment but I am prepared to associate myself with that if that is what the majority think although I think that it means hitting our head against a brick wall it would not be the first time I have done that. I have advocated what I think quite rightly has been described by the Honourable and Learned Chief Minister as a more moderate line and if we are talking about having a recess to persuade Mr Isola and his colleagues to be more moderate or to persuade the Government to be more militant, which of the two it is I am not sure, but it seems to me that there is a fundamental difference and that that came out quite clearly in this meeting and I think it is not a question of rephrasing or rehashing it, it is a question of either we take one course of action or we take another course of action. I can see nothing to be gained and I feel it is a bad thing, much as I would desire that the thing should be unanimous, quite frankly, I don't see why the Opposition cannot support my motion even if they think it should be even tougher.

HON P J ISOLA:

I shall just reply, Mr Speaker. You want my views on the recess, it is as I said this morning in the meeting that I was quite happy to withdraw my amendment if the Honourable Mover also withdrew his motion or we left it over till October at our next meeting by which time we would probably have more information about what the British Government's attitude to Gibraltar in clear and concise terms was and on that basis I was quite happy to do it but on the present basis I felt that this was the right thing for Gibraltar I think it was the Hon Mr Bossano who felt he could not allow the motion to stand over until October for reasons which he explained to us and which I readily understood.

MR SPEAKER:

I think, as I have often said in this House that a matter of recess is for me to decide, a matter for an adjournment is for the House to move. From what I have heard I don't think that I am entitled to recess the House and unless there is a motion for the adjournment to a later date the debate will continue. The debate now is exclusively on the amendment as moved by the Honourable and Learned Mr Peter Isola. Is there any other Member who wishes to contribute to the amendment? I will then call on the Honourable and Learned Leader of the Opposition to reply to the amendment.

HON P J ISOLA:

Mr Speaker, the amendment has had the effect, I suppose, of getting a further message from the British Government.

HON CHIEF MINISTER:

No, I am sorry, it is not correct to say that the amendment has produced a further message, no, under no circumstances.

HON P J ISOLA:

The message looks as if it comes through the Governor.

HON CHIEF MINISTER:

The message did come from the Governor but it came earlier. It was not relevant yesterday but it is relevant today.

HON P J ISOLA:

I don't see how something that was not relevant yesterday becomes relevant today unless it is being used as ammunition to press home a charge of the responsibility, I don't know,

but there is one alarming point, Mr Speaker, in the message that has been received, that I notice the airfield has now been pushed into the melting pot and there is nothing in the Defence White Paper on the airfield at all, on the contrary, the Defence White Paper refers to maintaining and possibly increasing the role of the Royal Air Force throughout the world especially in support of maritime operations. I would have thought Gibraltar there was clearly a vital place but I notice it has been mentioned. Let me say that the basis for this amendment and the basis on which I maintained it at this meeting today and let me say, too, that as far as this meeting this morning was concerned, if there had been presented an amendment that reasonably kept in the sentiments in my amendment and even added the other two points, paragraphs (b) and (c) in the motion of my Honourable Friend Mr Bossano, I would not have dissented from that, in fact, I said it in the House, I would not have dissented from that and as I explained this morning the reason why I dropped paragraphs (b) and (c) about capital investment and about release of lands was because those two factors, although they might be important in an alternative economic strategy for Gibraltar, they might not be the solution. We have not got, at least I felt we do not have a readymade solution to the problem that has arisen and what I wanted the House to say here, as representing the people of Gibraltar, was that you have a commitment to us as you have freely admitted so often of supporting and sustaining Gibraltar and the main support of Gibraltar, the maintaining and supporting, is in defence expenditure and you have conceded that obligation to the White Paper and all my motion does and if that is pistol pointing, Mr Speaker, then I have thoroughly misunderstood the whole of the White Paper and British Government policy to Gibraltar because if that is what the thing is all my motion is asking is for an undertaking from the British Government to maintain the level of expenditure until an alternative economic strategy has been considered, agreed and successfully implemented. That says no more, Mr Speaker, than the White Paper says. What has happened is that the British Government has said something in the White Paper and the Gibraltar Government and others have been prepared to accept a lot of other things that are not in the White Paper and have not stood by the position, and this is why I insist on this amendment, have not stood by the position of the obligation of sustaining and supporting and, in fact, Mr Speaker, I am surprised that the Chief Minister refers to responsibility and a call for unity in the circumstances of this amendment that we are disrupting unity or that we are being irresponsible because this motion says in another way what the Chief Minister answered me in a number of questions of clarification that I asked on his statement in the House on his visit to London where I asked him specifically had he got the assurance that the level of expenditure would be maintained until an alternative strategy had been developed or implemented and the Chief Minister said yes and it was reported in GBC, that was the only thing that was reported in my supplementary questions on the GBC that night and the record will show that I asked for that assurance and the Chief Minister answered yes. That is what this amendment says. If I am pointing a pistol the Chief Minister pointed a pistol the

other day at the British Government and I am not pointing a pistol and I think it is nothing short of almost terrorising or pressurising or even blackmailing the Opposition into supporting the other motion by putting charges of irresponsibility and pointing the pistol at the British Government's head. That is not what this amendment is doing and it is not intended to do and I belong to the Democratic Party of British Gibraltar and we think that the future of Gibraltar lies entirely in friendship with Britain and in respecting each others position. We are not pistol packing mammals either. Mr Speaker, as I said before, we think that the issue has to be centralised to what the issue is. British Government policy is contained in the United Kingdom Defence Programme "The way Forward". There it says quite clearly "and consideration will be given to alternative ways of fulfilling the Government's obligation to support the economy of Gibraltar if it is decided that the Dockyard work there cannot be kept up indefinitely." I read that quite clearly to say that the British Government accepts that the Dockyard work in Gibraltar is part of the economy of Gibraltar, in fact, a vital part of the economy of Gibraltar and they say "alternative ways of fulfilling the obligation, if it is decided that the Dockyard work there cannot be kept up indefinitely." I was informed by my Honourable Friend this morning that if refitting stopped then obviously there would be a drop of a considerable number of jobs in the Dockyard and that, Mr Speaker, would mean that a decision had been made so the Dockyard work cannot be kept up indefinitely. We are assuming this straight away from what officials have said in Gibraltar and officials have said in England but that is not what the White Paper says and I think the stand of this House should be from the beginning "Right, we accept the White Paper, we accept its implications but we accept them fully." There it says that if it is decided that work cannot be kept up indefinitely in Gibraltar then alternative ways would be given to discharging Her Majesty's Government's obligation to support the economy of Gibraltar. What I don't want if possible, if it is not possible it is not possible, but what I don't want is Gibraltar to go through the possibility, Mr Speaker, of having unemployment and all the other ills that have befallen Great Britain. If we have to have them we have to have them but let us not ourselves start them. That is why I believe and the Members of my Party believe that the crucial issue on the Defence White Paper is and must be alternative economic strategy, if there is one. I am glad to say that the Honourable Mr Bossano and the Honourable the Chief Minister were very optimistic about that. I am not so optimistic but obviously we have to survive and we will have to look for some, but what I am saying is that the central issue is the support and sustain policy, the obligations in the White Paper accepted in that regard and the necessity for the House putting that in the form of an amendment. We think it is crucial to the survival of Gibraltar, that the present level of defence expenditure should be maintained until an alternative economic strategy has been considered, agreed and successfully implemented. Mr Speaker, I think the Honourable Mover, Mr Bossano, and I ought to say this because I explained it to him this morning but I think

I ought to say for the record of the House, he interpreted that as meaning that defence expenditure was to carry on right through until the economy was booming as a result of the successful implementation of the alternative economic strategy. That is not what is meant. What is meant by successfully implemented is that it has got under way, it is being implemented successfully not that the results have been successful. I think I ought to make that explanation because that I think seemed to worry my Honourable Friend Mr Bossano. I think it is a pity, Mr Speaker, that we cannot agree on an amendment and I don't agree with the Honourable Mr Bossano when he said that it is vitally different to his approach. I agree it is a tougher approach but I think he is thinking possibly in Trade Union terms by tougher, sort of saying that if we agree this motion then we have to almost go into rebellion or into military rebellion and marches and all that, that is not the intention of this amendment. It is a tougher amendment in the sense, Mr Speaker, that it seeks to crystallize the political commitment of the British Government to Gibraltar as I understand it and if I understand the Honourable and Learned Chief Minister correctly when I asked him questions when he made his statement, as he understands it and perhaps as Mr Bossano understands it and I think the people of Gibraltar should start off in the consideration of the alternative economic strategy from a position where we all understand what the commitments are on both sides. This is the commitment as I understand it from the White Paper, as the Honourable and Learned Chief Minister told me, and the record will show, in his answers to the statement and that is what the British Government should know is the interpretation in Gibraltar to the White Paper and to the assurances given to the Chief Minister by the Lord Privy Seal. If that is not the position, Mr Speaker, then of course the Government cannot vote for it and possibly the Honourable Mr Bossano cannot vote for it. We would like the Government and the Hon Mr Bossano to consider the amendment. As I said before, I would not object to adding other things to it, I would not object to the amendment itself being, let us call it, slightly toned down but the basic thing must be there, the two-way commitment must be there because that is what the White Paper says, that is what the Chief Minister has been assured is the position and that is the one that I think the people of Gibraltar would like to be reassured in the form of a motion.

HON J BOSSANO:

If the Honourable Member will give way. Surely, he must appreciate that if all that he was doing was stating the position that there is already, then (a) there would be no need for us to do anything about it because that would be the position, and (b) there would be no question of that being tougher than what I am saying because that would be something that we already have so that is not the position as I read this motion and I am voting in favour of this amendment. We are saying to the British Government that as far as we are concerned

the cuts do not apply to us until we have got the whole problem resolved and working, that is what we are saying, and that is for me a very tough line because we are saying, and I think the record shows in fact the Honourable Mover of the amendment putting that very forcibly when he moved the amendment originally, it is the British Government's problem, we must not take the responsibility on our shoulders, we must not come up with solutions. I am voting in favour of that, I think it is not wise but I have never been one to step back for fear of a confrontation, if we are going to have a confrontation I will be there, the first bloke shoulder to shoulder, no problems.

HON P J ISOLA:

I thank the Honourable Member for that intervention, Mr Speaker, and he has given me an opportunity actually to answer another point he made and which I had forgotten about. He said that this motion squarely puts the responsibility on the British Government. I don't think again that is quite the right interpretation of it. It puts the responsibility on the British Government insofar as they themselves have admitted the obligation in the White Paper and also in their assurances of support and sustain. To that extent the responsibility is on their shoulders and I think that is the proper position, it is not on our shoulders it is on the British Government's shoulders and it is a responsibility that they have freely undertaken and which they gave the people of Gibraltar in 1964 onwards and which is repeated in their latest statement of policy but that does not mean that they have to find the solutions. My motion talks of consideration, agreement and of implementation. Agreement always implies there are two parties to the question. Of course Gibraltar has to do its little bit in discussions, in thinking, in planning, in contribution, of course it has, and I don't deny that for one minute but the responsibility for sustaining and supporting Gibraltar and the responsibility and the obligation undertaken in the White Paper towards Gibraltar has been undertaken by the British Government not as a result of pistol pointing, not as a result of threats from Gibraltar, it has been taken by them as a Government in accordance with their policy and their friendship towards Gibraltar and that is all my motion is doing, Mr Speaker. I try to interpret what the White Paper says and not what has been said outside the White Paper by officials who do not speak necessarily for the political commitments of the British Government which are expressed by British Ministers and defence documents. Officials have a problem, the Navy has a problem, it has got to cut so it cuts, it cuts Gibraltar, Chatham whatever it has to cut because that is their job, to cut and get their money in but then there is the political responsibility in the case of Gibraltar which has been freely assumed by the British Government and I get very annoyed, Mr Speaker, and I get very insulted when I am told I am pointing my pistol at the British Government. In fact, if I pointed a pistol, Mr Speaker, if I fired I don't think it would do very much anyway but it is not pointing a pistol, it is saying what they themselves have said and what I am saying is as far as Gibraltar is concerned what we want having regard to the motion that has been moved by the

Honourable Mover, is an undertaking in the terms that I have asked for and it is no more than what the Chief Minister answered to me when I questioned him in the House. I cannot understand why the Government cannot support this amendment.

HON J BOSSANO:

Mr Speaker, if the Honourable Member will give way. If that is all that the Honourable Member is doing then can the Honourable Member explain to me what is the difference between his amendment and paragraph (a) because I understand paragraph (a) to be seeking a commitment beyond that already given. The Honourable Member accepts that his motion is tougher than mine and yet says that his motion is not seeking anything that we haven't already got. In describing what his amendment does he has said that it seeks to maintain the present level of expenditure in Gibraltar until an alternative economic strategy has been, and then instead of the word "developed", it reads "considered, agreed and successfully implemented." If he is saying that his motion is the same as mine but that he is expanding developed to mean "considered, agreed and successfully implemented" and that he is leaving out the words "short-term measure" because he wants it not to be quantified as to the length of time and that that is all the difference that there is between the two then really all the time that we have spent on the differences between the two has been wasted because there are no differences in principle, it is just a difference of terminology. I have not understood his sentiments to be of that nature and he appears to agree with me part of the time by saying that it is a tougher motion than mine and yet not agree with me part of the time because he says he is not asking for anything that we haven't already got and I would like him to explain how it is that he finds paragraph (a) unacceptable because I understand paragraph (a) to cover the commitment we have already got and to go a little bit beyond.

HON P J ISOLA:

Mr Speaker, I will explain to the Honourable Member. Let me say that my amendment takes what I find the weightiest part of my Honourable Friend's motion, that is one thing. It seeks to improve the phraseology by the elimination of "short-term measure", by the substitution of "developed". Developed could be considered, we are going to do this and that is it, by a more precise wording of "considered, agreed and implemented." It seeks to include, as I think we should include in motions of this nature, the British Government's commitment to support and sustain Gibraltar. It cuts out short-term measures and seeks to obtain an undertaking which the Honourable Mr Bossano has also asked for, to maintain the present level of expenditure in Gibraltar and it includes what I think is a substantial one and more particularly in HM Dockyard because I think that is an area that apparently could be in for the axe one way or

another so, generally, let me say it takes very much the sentiments of paragraph (a) of the Honourable Mr Bossano's motion, seeks to strengthen it, seeks to particularise it a little more, leaves out (b) and (c) because I think that is the crucial issue and we should identify that as the main problem today. But as I said during the amendment if it should be thought to add (b) and (c) again back to it, I find it a question of emphasis because I think there are probably a lot of other areas in which help could be sought, I would not object to it but that is the wording, I think, that this House requires to start off with in the exercise that we are embarking on. Let me say this, that I have brought this amendment because the subject came to be discussed in the House in the comprehensive way that it has been done and this is why I was quite happy today, for example, to have left over discussion of this motion until October when perhaps the picture could be clearer but I well understood the reasons why the Honourable Mr Bossano felt it could not be left over and I accepted them. All I am saying here, Mr Speaker, is what my Party's policy has been since the defence cuts, or the defence review, was announced, what I have taken up with the Governor, what I have taken up with the Foreign and Commonwealth Office and what I take up here and I think the views are shared on all sides of the House, it is a question of emphasis. I am sorry the Government cannot support this amendment and I am pleased to see the Honourable Mr Bossano can.

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

The Hon J Bossano
The Hon A J Haynes
The Hon P J Isola
The Hon A T Loddo
The Hon G T Restano
The Hon W T Scott

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 J B Perez
The Hon Dr R G Valarino
The Hon H J Zammitt
The Hon D Hull
The Hon R J Wallace

The following Honourable Member was absent from the Chamber:

The Hon Major R J Peliza

The amendment was accordingly defeated.

Debate continued on the Hon J Bossano's motion.

HON A J CANEPA:

Mr Speaker, it is abundantly clear to me that on this matter of the Defence Review and on the House's attitude to the Defence Review the wrong approach has been taken by the House, or rather should I say perhaps outside the House because it is my view that there should have been prior consultation before this meeting. There should have been prior consultation the moment that the Hon Mr Bossano tabled his motion by the Leader of the Opposition with the Chief Minister to see whether, in fact, a consensus motion could have been produced and having regard to the fact that this is the last meeting before the summer recess and that there could be further developments before the House meets again in the autumn, I think it would have been good if we had had a consensus motion which laid down basically the attitude of Members of the House and the principles by which we should be guided in any future discussions but, unfortunately, that has not been the case and that is why the Chief Minister was critical of the fact that an amendment to the motion was moved by the Leader of the Opposition in the manner in which it was moved. It is very well to say, Mr Speaker, that on numerous occasions, on many occasions, amendments in writing are sprung upon the House but surely, Mr Speaker, hardly ever on a matter of such fundamental importance. Sometimes when we have not been able to reach agreement on motions affecting the future of Gibraltar vis-a-vis Spain, a number of adjournments have had to be made and the difficulty has usually emanated either because the original motion has been totally unacceptable or amendments that have been sprung up on the House have been totally unacceptable. It does not seem to me that the motion of the Hon Mr Bossano is unacceptable. Perhaps, from what one has been able to gather from the Leader of the Opposition it does not go far enough but I don't think that it is unacceptable and it was something that we could well have built upon provided the call for unity which has been made in the House had meant something and provided that call for unity had been made by the Leader of the Opposition to the Chief Minister, outside the House. It is clear that the Hon the Leader of the Opposition has given a great deal of thought as to why he considered his amendment to be better than the motion now before the House. In winding up a few moments ago he went at great length in explaining his attitude to the motion. If he has given the matter so much thought what a pity it is, Mr Speaker, that in spite of talk about a bipartisan approach he has not been able to have prior discussions with the Chief Minister on the motion before the House met.

HON P J ISOLA:

If the Honourable Member will give way. Is the Honourable Member suggesting that I must have discussions with the Chief Minister on everything that the Honourable Member thinks I should but the Chief Minister has no obligation in a matter like this to have discussions? I did write to the Chief Minister on the 30th June, 1981, on this White Paper and I am awaiting a reply.

HON A J CANEPA:

Mr Speaker, it is the Leader of the Opposition that wanted to amend the motion. The motion is acceptable to the Government it was acceptable with the reservations that the Chief Minister has made when the motion was tabled. Why on earth should the Leader of the Opposition assume that the Chief Minister should be the one to get in touch with him? If the motion is not acceptable to him the burden, surely, is upon him if he considers that there should be a bi-partisan approach on the matter, to approach the Chief Minister and to see whether we can get a consensus motion before moving the amendment but quite honestly, Mr Speaker, hearing the Leader of the Opposition the other day and the now absent Major Peliza, I am slightly confused as to whether, in fact, a bi-partisan approach is wanted by the Opposition and to what extent it is wanted because whilst in one breath the Hon Major Peliza was saying that the Chief Minister should have taken the Leader of the Opposition with him to London to see Sir Ian Gilmour, later on the Honourable the Leader of the Opposition said that when he wrote asking to see Sir Ian Gilmour he was not concerned to accompany the Governor and the Chief Minister, he wanted to see Sir Ian Gilmour on his own. Who and what is one to believe, Mr Speaker, what the Hon Leader of the Opposition has said or what the Hon Major Peliza says and, therefore, to what extent is, in fact, the official Opposition united in a call for a bi-partisan approach on this matter? It is a pity that the Hon Major Peliza is not here to clarify his statement and it is a pity that the Honourable the Leader of the Opposition has already spoken on the motion and I don't know whether he wishes to clarify the matter or not as to whether he thought that he should go with the Chief Minister and the Governor to London or not, but I am prepared to give way.

HON P J ISOLA:

If the Honourable Member will give way, certainly, I will clarify it. Let me first of all say that the opinion expressed by the Honourable and Gallant Major Peliza was his own opinion as to what he feels in the circumstances and in the crisis of the White Paper the Chief Minister should have done, in other words, he should have brought the Opposition in, this was the opinion of Major Peliza, and he gave his reasons for it and it is an opinion that

I respect as his own and an opinion that, possibly, that has validity. My attitude was, as I explained, that I wrote to the Governor to seek clarification on the White Paper and, indeed, in one of his letters which has not been published that he answered, he told me that he was going to the United Kingdom and having a meeting with Sir Ian Gilmour and the Chief Minister and I did answer that letter and I think all these letters were passed on to the Chief Minister following a conversation I had with the Deputy Governor on the telephone. I did say in one of my letters: "was I to assume from this that it is not proposed to consult the Opposition on this important issue. I think the British Government should bear in mind that as an alternative Government we might be called upon to implement decisions in respect of which we have not been consulted. That, you will appreciate, would not be fair and we could not be blamed if we came to the view that we could not feel ourselves bound by such decisions in such circumstances." The Governor did reply to that letter, he mentioned nothing about that from which I assumed that the position of the British Government was that it would be consulting only the Gibraltar Government and because that is the privilege of the British Government, it was because of that, that I then telephoned the Deputy Governor on the Friday before we left for London and sought an interview with the Lord Privy Seal as the official Opposition to (a) get clarification about the matter and (b) to see whether it was the intention of the British Government to adopt in which is really a very vital matter for the people of Gibraltar a different stand than they do in foreign affairs. That is my position and I said in this debate that I think this is important enough to warrant a bi-partisan approach but a bi-partisan approach means what it says, Mr Speaker, and I would remind the Hon Minister. It means giving the Opposition as much information or the Leader of the Opposition, as much information and clarification as the Chief Minister gets and putting me in the same position as I am in the question of foreign affairs, that is the position. So if the Minister gives different interpretations to the attitude that I am adopting and that of the Honourable Major Peliza, I don't think they are different at all, I think we are all trying to achieve the same thing.

HON A J CANEPA:

It is only natural, Mr Speaker, and he must expect that as a reasonably perceptive politician I hope that I am, I would note a dichotomy of approach and of view between the Hon the Leader of the Opposition and the Hon Major Peliza and the Hon Major Peliza did not say that this was his own view. He was speaking as if he were a spokesman of the Opposition on the matter. When I speak here this afternoon, whenever I express my own view and I have doubt or I might be in doubt as to whether it is a view which my colleagues may not share, I will say that it is my own personal view otherwise it can be taken, by and large, that what I am saying is

broadly the policy of the Government, otherwise I would not get up and speak on the matter. This is not the first time that it happens, Mr Speaker, we have now had a number of instances of late, a number of instances in recent months where Members of the Opposition do not appear to be ad idem with their Leader and they manifest that in the House. In Government we are guided by the principle of collective responsibility and any matter that I may not be in full agreement with my colleagues is a matter for Council of Ministers and I will not reveal that here. That is what is happening here and one just does not know what the exact position is. May I also add that the Honourable Major Peliza has not just expressed those views here in the House, he has been expressing them outside the House whilst the Leader of the Opposition was not in Gibraltar and whilst the Honourable Deputy was not in Gibraltar either and one just does not know, therefore, what weight to lend to those views but, anyhow, I am glad to have had clarification on the matter. Mr Speaker, I think that

HON AT LODDO:

..... cachondeo.

HON A J CANEPA:

Hardly that, Mr Loddó, hardly that. I don't know whether the word that he used is referring to anything that I am saying, Mr Speaker. Perhaps he might like to clarify. I think the matter is too serious, Mr Speaker. May be the Hon Mr Loddó approaches the matter with levity as he is wont to approach many matters, but it is too serious I think for that kind of word to be said out aloud for other Members in the House to hear it.

HON A T LODDO:

Mr Speaker, if the Honourable Member will give way. I approach things with levity that deserve levity. The question here today is far from being a matter for jokes but if the Honourable Minister infers that the Leader of the Opposition, rather, than the Deputy Leader of the Opposition was in the United Kingdom at the time he was for some flippant reason, then he is sadly mistaken. He should know that the Deputy Leader was in the United Kingdom for a very important reason.

MR SPEAKER:

With due respect to the Member that has not been insinuated in this House at all.

HON CHIEF MINISTER:

Not at all, it would appear he does not understand English.

HON A T LODDO:

Mr Speaker, I will assure the Chief Minister that I do understand English, I might have misunderstood the Hon Mr Canepa's English because I find it sometimes very difficult to understand the English that is spoken from the other side of this House.

HON A J CANEPA:

I think Mr Loddó, Mr Speaker, needs to grow up perhaps and I will not clarify what I was saying. I am sure that the Hon the Leader of the Opposition understood what it was that I was saying. Mr Speaker, I think that the main role that the House has to fulfil and to carry out on this matter of the possible impact which the Defence Review may have on the economy of Gibraltar is one of expressing its concern as the motion rightly does and as I was glad to see that the amended motion would have done in any case and giving leadership and attempting to educate the public on what the implications of all these issues might well be for Gibraltar. I say that because I have noted that the public reaction to the Defence Review has not been that of a well informed and a well educated public on the matter. It is amazing the number of people who feel that they are not going to be affected by either the closure of the Dockyard or by any serious cuts in the level of activity in the Dockyard. Those who are not employed in the Dockyard appear to think that they are not going to be affected. Those who are employed in the Dockyard, naturally, want to retain their jobs but it is a pity that after all the talk that there has been over the years about the effect of MOD spending, how Gibraltar could perhaps afford to implement the policy of parity of wages and salaries with the United Kingdom because of the multiplier effect of MOD spending and because of the revenue accruing to the Government from income tax paid directly by employees of the Dockyard and other revenue coming in as an indirect result of MOD expenditure, it is a pity that in spite of that the very serious possible repercussions do not appear to have been understood and I think that we have a very, very important role to play in the months to come in trying to get that message across. I think the message needs to be brought across because I am also afraid, judging from reactions that I have had personally, that there are always people who may be looking to see what they can get, what they can make out of any situation. It has not, for instance, been understood that talk of reducing pensionable age, retirement age or age of entitlement for an old age pension from 65 to 60 is something that can only be done in a certain context and not just because people are going to be made redundant in the Dockyard. I have had more than once now the apparent attitude expressed by people that here is a golden opportunity for them to get their pension at 60, they

have their pension from their employer, they get the old age pension at 60, they get another job and my God aren't they going to be well off and I think the sooner that we start disabusing people of that and really get the message across to them the better it is and we have that fundamental educational role to play in the exercise of leadership. The motion I think, Mr Speaker, with the reservations made by the Chief Minister, is acceptable to the Government because it lays down a number of sound principles, it also points to objectives which we should be guided by, I think, in any discussions that we may have in the next few months with the Ministry of Defence on the matter. The attitude for some years either from the MOD or perhaps under pressure from the Treasury has been that the Gibraltar Government should pay for whatever they can possibly get us to agree to pay for and so we have had difficulties from time to time in endeavouring to have economic expansion because the Ministry of Defence have not appeared to appreciate the need which the Gibraltar Government has to put a particular piece of land out to tender for development. We have had problems because particularly I think in fairness to the present Heads of Services I ought to say that we have had problems with their predecessors, the immediate past Heads of Services, we had serious problems with them last year when faced with the possible reopening of the frontier there were a number of measures that needed to be implemented and Heads of Services adopted a completely negative attitude, their attitude being one that, well, only the civilian community should be inconvenienced or affected adversely by the measures that needed to be undertaken if the frontier was to open and that the quality of life for Services personnel was absolutely sacrosanct. I am glad to see, Mr Speaker, that the present Heads of Services are far more cooperative and I think that Gibraltar, if the next few months are going to be crucial and are going to be difficult perhaps, I think Gibraltar is fortunate to have not only very helpful Heads of Services but to have the Governor that we have, to have the Deputy Governor that we have and I should also say to have other officials who are working very well with the Gibraltar Government whose help and advice we are going to need to overcome any difficulties that may loom on the horizon. There is a need, Mr Speaker, for a much more positive approach to the release of Crown Lands. If that approach had come in respect of the multi-storey car park, in respect of the Casemates project, there would be real prospects of that project being put in hand, perhaps it would have been put in hand by now. One would very much hope, therefore, that on a matter such as that one an early opportunity would be taken by the Ministry of Defence to try and reaccommodate those people so that this important project of great economic benefit to Gibraltar can be implemented earlier than what would otherwise be the case. What of other Government Departments of the British Government, I should say? As far as the ODA is concerned, Mr Speaker, we would like to see a very early and a very sympathetic response to the Gibraltar Government's aid submission and unless we get that, as I agreed with the Honourable the Leader of the Opposition, we are going to lose a year, there is going

to be a hiatus of a year at a time when we could ill afford, I think, six months ago and we can ill afford that even less now. The ODA have already been asking what can they do to help and we have already told them, for a start get a move on and let us have a sympathetic and an early response to the Development Programme but additional to that there are already here in Gibraltar, currently, two officials from the Overseas Development Administration on the initiative, I am glad to see, of ODA and they are here enquiring as to what immediate steps might be taken by ODA to help the Gibraltar Government prepare for any future discussions that might be held with the MOD following completion of the Defence Review. We are discussing with these officials the possible appointment of consultants to advise on the likely effect of any changes proposed for Her Majesty's Dockyard in Gibraltar and also that the consultants should advise on any possible alternative uses that could be made of any facilities released. We would also, I think, require advice from detailed studies that may be required for the wider diversification of the Gibraltar economy. We would also want, Mr Speaker, such consultants to advise us during the discussions which might be held following the Defence Review and on the time scale and of the implementation of any changes. So even whilst these matters are being discussed in the House, Mr Speaker, the Government has been doing its homework and we hope that we will get this early response from the ODA. I think, Mr Speaker, to talk at this stage and to feel that alternative uses for the Dockyard such as a commercial use, to think that that is something that can be implemented quite readily I think is not to be realistic. There would be difficulties and I think that we need top and expert help and we may need capital investment for different plant and equipment but it is something I think that is worthy of early consideration provided that the approach is that it is not the Gibraltar Government which has to pay but that it is the British Government that must pay and that is why we were not entirely happy, Mr Speaker, about the earlier motion of the Honourable Major Peliza, that was the objection that we had to that motion that the burden must not be put on the Gibraltar Government or on the people of Gibraltar to solve, to find our way out of our problems, we cannot do the donkey work for the British Government. I think the readiness and the willingness must emanate from them because whatever happens it will be the direct result, direct consequence of policy decisions taken by the British Government. To end, Mr Speaker, as I said earlier, the Government does feel that there are sound principles in this motion, principles which we can go along with because we have been dealing on matters such as the release of land, that a more positive approach was required and I think that these principles if discussions take place before the House meets in October, will be useful in the approach that the Government will be taking in its discussions with the British Government. Then, perhaps, when the House meets after the summer recess, if we are in possession of greater details as to the possible impact of the Defence Review on Gibraltar, I hope that the House will be in a position to adopt a unified approach on the matter and that before we come to the House consultations will be held outside

the House in order to achieve full unity here. Thank you, Mr Speaker.

HON A T LODDO:

Mr Speaker, I had not intended to speak on this motion but I have made a few brief notes and I will make another brief contribution. If I may be forgiven, as was the Honourable Mr Bossano earlier on for being over simplistic, the way I see it is this: We are faced today with yet another problem which is not of our making, the other problems being the frontier situation and the British Nationality problem, both not of our making. We are now faced with the problem of the Defence White Paper which would appear to spell out Gibraltar's future in the light of Great Britain's commitment to NATO. Being over simplistic the way I saw it, we had previously an amended motion which seemed to crystallise all this. I thought, on reading Mr Bossano's motion initially, that it seemed to cover everything but then on careful consideration I realised that we were leaving the door open because by trying to propose ways of solving this problem we were putting ourselves in the position where we could be told in future: "Well, this is what you suggested, we agreed to your suggestions and look what has happened." On an analysis of Mr Bossano's motion one could see that there were dangers there which the amended motion seemed to overcome. After two recesses brought on by panic stations by Government again, the best reasons they can give us in this House for not supporting the amended motion was that we were pistol pointing. The truth of the matter was that the Government was caught on the hop. I would not call it pistol pointing, Mr Speaker, I would call it being frank and if you cannot speak frankly to your friends, if you cannot address your friends openly, sincerely, then I don't know whom you can talk to frankly, openly and sincerely. Mr Speaker, again if I may be over simplistic, the problem today as I see it for Gibraltar is one of survival, no more and no less, and it will be a small consolation for the people of Gibraltar and for the Opposition if at the end of the day the only satisfaction, if that is what you can call it, will be to turn round to the Government once again and have to tell them: "I told you so."

HON G T RESTANO:

Mr Speaker, this motion I think is really the answer of Gibraltar to the Defence White Paper and therefore we have to be very careful that the answer is a comprehensive one. A lot has been said, I think most of the points that need to be said have been said but there is one point which I don't think has been made in the motion and that is there has been no mention of the commitment of the British Government, the commitment made in the White Paper of its obligation to support the economy of Gibraltar and I think it is required that that should be included in the motion. Obviously, the White Paper itself says that the economy of Gibraltar will be supported if it is decided that the Dockyard work there cannot

be kept up indefinitely and this is rather different to statements made by local officials in the Dockyard and by the Flag Officer which has created the greater amount of concern about the loss of jobs in Gibraltar so I think it is important, first of all, that we should have that included in the motion. The second point, so far as the motion is concerned, as I said earlier, I think was a pity that the consultations this morning did not lead to a consensus motion and I am going to bring in an amendment, Mr Speaker, which I hope will not go very far from the motion but will, perhaps, include the points that we feel are important and that could well lead to a consensus motion. First of all, what I intend to move is that in the first paragraph of the motion there should be included after the words "United Kingdom Departments" the following words: "welcomes the reaffirmation in the Defence White Paper of Her Majesty's Government's obligation to support the economy of Gibraltar if it is decided that the Dockyard work cannot be kept up indefinitely." That, I think, will cover the confirmation that Her Majesty's Government have considered it, it is their obligation to support the economy of Gibraltar. The second small amendment is in sub-paragraph (a) and that will be the deletion of the words "as a short-term measure". I think "as a short-term measure" is a fairly wide term and I think that a short-term measure could be a month, it could be two months, it could be three months, it is up to anybody to judge and what we feel is necessary is that the remainder of that sub-paragraph should remain exactly as it is except for the words "as a short-term measure" and it would then read: "That Her Majesty's Government should undertake to maintain the present level of expenditure in Gibraltar until an alternative economic strategy has been developed." Mr Speaker, I beg to move.

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

HON CHIEF MINISTER:

Mr Speaker, I am waiting for a copy of the Defence White Paper which is being brought here to check on the wording. I certainly would like to hear the Mover since it is his motion and not ours.

HON J BOSSANO:

Mr Speaker, the first part of the amendment clearly does nothing to alter the strategy developed in the motion and therefore there is no problem in accepting that. I think, in fact, the reaffirmation in the White Paper of the obligation on the part of Her Majesty's Government is welcomed although in fact it should not be necessary, it is something we are entitled to expect whether it is reaffirmed or not but every time it is reaffirmed it is a good thing because it gives us one more argument to use if we ever need to use it. As regards the deletion of the words "as a short-term measure"

I have no objection to the words being deleted. Let me say what my intentions were in putting the words "as a short-term measure" there and that is that in asking the House to support this motion as the response that the House of Assembly should give to the British Government, I wanted to make clear that in the first part which seeks to maintain the existing level of expenditure, we were not asking the British Government to maintain that indefinitely because for me that would be asking the impossible, that is asking something to which the answer would inevitably have to be in the negative and I prefer not to go to the British Government with something that I know before I go I am going to get a no to and consequently the only reason for the words "a short-term measure" there was because part of the strategy is to avoid what the Honourable and Learned the Chief Minister called a hiatus between one sort of situation and another sort of situation and the short-term measure is what is required to breach that gap. Without having to include it in the motion the fact that we don't include it doesn't mean the opposite, does not mean that we are necessarily asking the British Government to keep up Defence expenditure indefinitely in Gibraltar whether they require to spend that sort of money here or not for Defence purposes, that was my only intention in having it there, I have no objection to it being deleted but that is the explanation as to why it was there in the first place because I thought that it was better to make clear to the British Government that what we were asking them to do was only to give us the necessary breathing space, the necessary time to carry out whatever adjustments may be necessary once we know to what extent an adjustment would be necessary.

HON CHIEF MINISTER:

Mr Speaker, we have no difficulty with the first part of the amendment, it is adding a fact, a statement made by the Minister, which we welcome. I think that without that statement and, in fact, without the bigger commitment in the Constitution and generally, the motion would have had no sense, that is to say, the motion as it was originally drafted, as I took it, was against the background of the commitment made by the British Government to support and sustain otherwise we would hardly be telling them if we were dealing with another subject, we could hardly bring a motion here to say that the British Government should put our water supply correct or something like that on which they have had no commitment because it is the responsibility of the Government and therefore insofar as that is concerned, perhaps it is a word of gratitude that the House can express which I think we have all expressed in our reactions to the White Paper within the difficulties that we have had and we have no difficulty about that. The other one really, having heard the Mover I don't think that it is terribly important to keep the words or to remove them. Surely, if the present level of expenditure in Gibraltar cannot be kept, something must be put in its place. The point is when and how long will it take to do that. Whether it is a short-term or it is a five-year term or ten-year term that is another matter, only the future

will say what it is. As far as we are concerned we can go quite happily with both amendments.

HON P J ISOLA:

Mr Speaker, I am very happy to see that my Honourable Friend Mr Restano seems to have resolved the impasse with some clever drafting. I think that the absence of the words "as a short-term measure" takes the motion forward quite considerably because we now have an undertaking to maintain the present level of expenditure without the apparent time limit that the original motion had which was short-term which could have been short-term, shorter than some people thought. The motion now says Her Majesty's Government should undertake to maintain the present level of expenditure in Gibraltar and there are no time limits put in that amendment now so we on this side of the House must obviously be far more satisfied with that motion now being passed with the amendment of the deletion of the words short-term measure which necessarily imply that the undertaking to maintain the present level of expenditure is an on-going thing until an alternative economic strategy has been developed. Mr Speaker, we now feel able to vote for the motion, as amended, because of the substantial change introduced and agreed by the Government and by my Honourable Friend Mr Bossano whose powers of analysis I admire enormously.

HON A J CANEPA:

Mr Speaker, I am personally delighted to see that the Honourable Leader of the Opposition is now able to agree that they can support this motion. It surprises me though that he himself did not think of introducing the amendment about the obligation of the British Government when he is rightly on record on a number of occasions, publicly, of having underlined the importance that he attaches to that statement by the British Government.

HON PJ ISOLA:

If the Honourable Member will give way. We would have preferred our amendment to have gone through for all the reasons I have explained but this particular amendment of my Honourable Friend at least puts no time limit on the undertaking and for that we are grateful. We must be grateful for small mercies, Mr Speaker.

HON A J CANEPA:

I would like to know whether they would have voted for the motion if these amendments had not been passed. One thought I would comment to him, what a pity that he didn't take the Hon Mr Restano with him to the meeting this morning because we would have been able to resolve the position very quickly

and instead of debating here for an hour and a half we might have come here for ten minutes only.

MR SPEAKER:

Does the Honourable Mover wish to reply to the amendment?

HON G T RESTANO:

I think it is unnecessary, Mr Speaker.

Mr Speaker then put the question in the terms of the Hon G T Restano's amendment which was resolved in the affirmative and the amendment was accordingly carried.

MR SPEAKER:

If no one else wishes to speak on the motion as it stands before the House now, I will call on the Mover to reply if he so wishes.

HON J BOSSANO:

I don't have a great deal to say, Mr Speaker, I think we have in fact looked at the situation from every conceivable angle already. I am glad that the motion will be passed with the support of all Members, I think it is preferable that it should be so if it can be achieved. I think, quite frankly, the strategy that I am suggesting may not be as radical as the Honourable Member might have wanted but I think stands a better chance of success and I think that is our most important responsibility at this moment to achieve success for the people of Gibraltar in this potentially very serious situation that we face. I would just like to take up a point made by the Hon Mr Loddo when he spoke just now when he said that his reservations about the motion which no doubt have now been overcome because it is no longer a short-term measure, because he is now going to vote in favour, his reservations were that we were trying to propose ways of solving the problem and that we could be told: "Well, we have done what you wanted us to do and look what has happened and that is your responsibility now." I think, as far as I am concerned, as far as my Party is concerned, we are prepared to take on that responsibility. We think that is a responsibility that we have to take, we are entitled to say to the British Government that they have got an obligation to help us but we have also got the responsibility to tell the British Government how we want to be helped, in what way we want to be helped and, therefore, I am not afraid of putting forward solutions although I do not have, as the Honourable and Learned Leader of the Opposition seems to think, a permanent economic plan which I carry around in my briefcase. I remember that I was asked this during the

election campaign by one of his Party supporters, Mr Beltran, and I assured Mr Beltran I did not have an economic plan in the briefcase and obviously the message has not got back to the Honourable Leader of the Opposition, so now let me put his mind at rest and tell him directly that this is not the case and that when I am talking about economic planning, it is not that there is a readymade plan shelved away which one brings out and that I am waiting to be in Government to do it, what I am talking is that in our approach to the running of the economy and I think today Gibraltar is in an ideal position to do something more concrete, more positive, more substantial in terms of economic planning than we have ever done before because we have got the Input/Output Study which we did not have before and we are going to have a census this year whereas the last census was ten years ago so we are going to have at our fingertips statistics which are recent and one of the problems, of course, in planning is that between the time one collects the information and the time one comes to use it, the situation can have changed. We have got an ideal opportunity, I think. We can turn what could be a potentially disastrous situation for Gibraltar to our advantage if we know how to grasp this opportunity and what my motion seeks to do is to show that we are looking at the situation, concerned because of its potential seriousness but not frightened of it with the sort of confidence that has been characteristic of Gibraltar for 270 years and I commend the motion to the House and the message to the people of Gibraltar that Gibraltar has survived and it will survive whatever obstacles are put in our way.

MR SPEAKER:

I will then put the question which is: "That this House is concerned at the possible impact on the economy of Gibraltar of any reduction in the level of activity of the UK departments, welcomes the reaffirmation in the Defence White Paper of Her Majesty's Government's obligation to support the economy of Gibraltar if it is decided that the Dockyard work cannot be kept up indefinitely and considers:

- (a) that Her Majesty's Government should undertake to maintain the present level of expenditure in Gibraltar until an alternative economic strategy has been developed;
- (b) that Her Majesty's Government should undertake to provide the capital investment required for any diversification plans;
- (c) that Her Majesty's Government should release to the Gibraltar Government such land as can be shown to assist the economic development of Gibraltar without any charges or re-allocation costs."

The question was resolved in the affirmative and the motion was accordingly passed.

HON CHIEF MINISTER:

Mr Speaker, I beg to move that the House do adjourn sine die.

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

The adjournment of the House sine die was taken at 4.00 pm on Tuesday the 14th July, 1981.