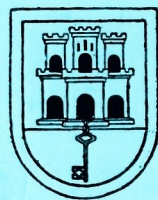


GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

17 March 1982

Vol. 1

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Tenth Meeting of the First Session of the Fourth House of Assembly held in the Assembly Chamber on Wednesday the 17th March, 1982, at the hour of 10.30 o'clock in the forenoon.

PRESENT:

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

GOVERNMENT:

The Hon Sir Joshua Hassan CBE, MVO, QC, JP - Chief Minister
The Hon A J Canepa - Minister for Economic Development and Trade
The Hon M K Featherstone - Minister for Public Works
The Hon I Abecasis - Minister for Tourism and Postal Services
The Hon H J Zammit - Minister for Housing and Sport
The Hon Major F J Dellipiani ED - Minister for Education and Labour and Social Security
The Hon Dr R G Valarino - Minister for Municipal Services
The Hon J B Perez - Minister for Medical and Health Services
The Hon D Hull QC - Attorney-General
The Hon R J Wallace CMG, OBE - Financial and Development Secretary

OPPOSITION:

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

The Hon J Bossano

ABSENT:

The Hon A J Haynes (who was in the United Kingdom attending a Parliamentary Seminar)

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 17th December, 1981, having been previously circulated, were taken as read and confirmed.

COMMUNICATIONS FROM THE CHAIR

MR SPEAKER:

Gentlemen, I wish to refer to the incident which took place during the morning sitting of this House of Friday the 18th December, 1981.

Members will recall that the Chief Minister's contribution that morning to Mr Bossano's motion on the closure of Her Majesty's Dockyard was interrupted by persons using a loud hailer system. These interruptions were of such a nature as to leave me with no alternative but to recess the House.

When the sitting was resumed that morning I quoted from Erskine May on what can constitute breaches of privileges and contempt. I said that any act or omission which obstructed or impeded the House in the performance of its functions or which had a tendency directly or indirectly to produce such a result could be treated as a contempt.

I would like to say that the fact that crowds were assembled in front of the House to show support for the motion gave no grounds for complaint and indeed it can be said that the crowds behaved in an orderly manner as is evidenced by the fact that there were no interruptions during Mr Bossano's contribution to the debate.

May I add, as an aside, that in order to facilitate the attendance of Members at the House without interruption I can give directions that the Commissioner of Police shall keep during the sittings of the House the access leading to the House free and open and that no obstruction shall be permitted to hinder the passage thereto of Members.

I have no doubts that the conduct of those using the loud hailer interrupted and disturbed the proceedings of this House and tended to inhibit Members in the discharge of their duties. I therefore rule that the actions of those persons and in particular of the Hon Mr Bossano, a Member of the House, in addressing the crowds immediately he had moved his motion, and whilst the House was still in session, did constitute acts which in effect obstructed and impeded the House in the performance of its functions.

The power to punish for contempt, of course, is in its nature discretionary and must be governed by the circumstances giving rise to such contempt. In this particular instance I consider that because of the time that has elapsed since the incident in question there is no further action I should take.

However, the fact that I have considered it necessary to make a ruling will I feel sure highlight the seriousness with which I view such conduct.

HON J BOSSANO:

If I may be allowed to say a few words in relation to the ruling on the incident that took place. Let me say, on a technical point, that when I went downstairs and addressed the crowd in Spanish, you had already in fact recessed the House and I believe at the time that the Chief Minister was making his contribution, I left the Chamber to go into the Ante Room because I was called by somebody who had come up the stairs to find out at what stage the House was in considering the motion and he mistakenly assumed that I had gone downstairs at that point because in his contribution he said that it was unfair of me not to listen to what he had to say since he had listened to my own contribution but in fact I was outside and I was listening to him. After that I returned to the Chamber and when it was felt necessary to recess the House because the loudness of the loud hailer downstairs being used to address the crowd was in fact making it difficult for Members to hear what was being said in the Chamber when it was decided to recess, it was after that that I joined the people downstairs and I explained to them what was happening. I do accept, however, that the fact that I continued with the crowd downstairs and addressed them, effectively, could be said to have inhibited your right and your freedom to reconvene the House whenever you chose to do so and to that extent and only to that extent I accept that my action in going downstairs and addressing the people was an inhibiting factor. I want, of course, to make quite clear that it was never my intention to disrupt the House nor do I hold the House of Assembly in contempt, if I did I would not be a Member of it and I regret that the matter developed in such a way that a motion that was brought to the House in order to get full support for the position of the trade union movement, deteriorated almost into a situation of industrial dispute within the House itself. I hope the matter will not recur again.

MR SPEAKER:

I am much obliged for that.

DOCUMENTS LAID

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

Gibraltar Broadcasting Corporation annual accounts for the year ended 31st March, 1981.

Ordered to lie.

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

Principal Auditor's Report on the accounts of the Gibraltar Quarry Company for the year ended 30th November, 1980.

Ordered to lie.

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

- (1) The British Commonwealth and Foreign Parcel Post (Amendment) Regulations, 1981.
- (2) The British Commonwealth and Foreign Post (Amendment) Regulations, 1981.
- (3) The Local Post (Amendment) Regulations, 1981.
- (4) The Hotel Occupancy and Air Traffic Surveys Report - 1981.

Ordered to lie.

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

- (1) The Social Insurance (Overlapping Benefits) (Amendment) Regulations, 1981.
- (2) The Employment Injuries Insurance (Claims and Payments) (Amendment) (No 2) Regulations, 1981.
- (3) The Social Insurance (Contributions) (Amendment) Regulations, 1981.
- (4) The Employment Injuries Insurance (Benefit) (Amendment) Regulations, 1981.
- (5) The Social Insurance (Benefit) (Amendment) Regulations, 1981.

Ordered to lie.

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

The International Trunk Calls Charges Regulations, 1981.

Ordered to lie.

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

The Litter Rules, 1981..

Ordered to lie.

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

- (1) Supplementary Estimates Consolidated Fund (No 4 of 1981/82).
- (2) Supplementary Estimates Improvement and Development Fund (No 4 of 1981/82).
- (3) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 5 of 1981/82).
- (4) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 6 of 1981/82).
- (5) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 4 of 1981/82).

Ordered to lie.

REPORTS OF COMMITTEES

HON G T RESTANO:

Sir, I have the honour to lay on the table the Second Report of the First Session (1980) of the Public Accounts Committee. If I may at this point, Mr Speaker, draw Hon Members attention to the fact that one of the members of the Committee has not signed the Report, the reason for that is that Mr Haynes was absent from Gibraltar on Parliamentary business when the Report was printed, he is, of course, in agreement with the Report and he has in fact signed it but the paper has been held up in the post and has not yet arrived.

MR SPEAKER:

I confirm that I have received a cable from the Hon Mr Haynes confirming that he is in agreement with the terms of the Report and that he will sign it when he returns to Gibraltar.
Ordered to lie.

ANSWERS TO QUESTIONS

ORDER OF THE DAY

MINISTERIAL STATEMENTS

MR SPEAKER:

The Hon the Minister for Economic Development and Trade, the Hon the Minister for Public Works and the Hon the Minister for Education and Labour and Social Security have given notice that they wish to make statements. I will therefore now call on the Hon the Minister for Economic Development and Trade.

HON A J CANEPA:

Mr Speaker, following a detailed study of the existing policies and procedures in relation to the acquisition, holding and disposal of Crown Lands in Gibraltar, the need for a revision was clearly identified and this, I am pleased to inform the House, has led to the appointment, by administrative directive, of a Land Board which has been charged by the Governor with responsibility for the management, development and allocation of all lands under the control of the Government. This decision has also been motivated by the desire to simplify and speed up the process of decision-making.

I may remind the House that the formulation of lands policy and the actual acquisition, administration and disposal of land pursuant to that policy are, in law, the responsibility of the Governor acting in consultation with the Gibraltar Council and, whilst this responsibility has in practice been delegated to some degree, it became apparent that a more comprehensive approach was called for in the light of modern conditions.

The setting up of this Board is thus intended to expedite decisions relating to land transactions and to ensure that these are taken in a more cohesive and coordinated manner within the parameters of the Government's economic and social policies.

The Board will be composed of persons with expertise in property management and other disciplines. It will also have the benefit of legal advice. The composition of the Board will thus be as follows:-

The Minister for Economic Development - Chairman
The Minister for Public Works
The Attorney-General
The Financial and Development Secretary
The Chief Planning Officer
The Surveyor and Planning Secretary, who will also be the Executive Officer of the Board

It is open to the Chairman to decide to nominate another or additional members and for Gibraltar Council to amend the directive accordingly.

The Board will be serviced by the Lands and Surveys Department which will be reconstituted as a Crown Lands Department. The staff needs of this organisation are being investigated by the Establishment Division to determine the staff structure of the Department necessary to discharge its professional, technical and administrative functions and to give the Board and the Development and Planning Commission the essential executive and logistic support required.

These arrangements are the precursor to the enactment of a Crown Lands Ordinance which will deal with the Land Board and connected matters. The proposed legislation will define standard tenures and spell out standard terms and conditions of tenure. It will also publicly demonstrate the basis on which Crown Lands are held and dealt with.

I should also mention that, as a result of these changes, tenders involving disposal of rights over land will no longer be adjudicated by the Treasury Tender Board. Land is more complex than other assets or services and disposals often involve factors of a policy nature, both social and economic, which might make it necessary, in the public interest, to override financial considerations. These responsibilities have accordingly been transferred to the Land Board.

Following on these arrangements, the new Board is now responsible to Gibraltar Council, through the Minister for Economic Development, for the disposal, acquisition and holding of Crown Lands with the same degree of delegated authority as hitherto and for ensuring that such assets are managed or disposed of in accordance with the dictates of sound estate management in accordance with Government policy. It will also control the user of land by the Government in consultation with the Development and Planning Commission.

It has been my contention, Mr Speaker, that in the devolution of those matters which are the concern of Ministers it is just as important that, within the context of constitutional proprieties, responsibility should be accompanied by the necessary degree of control over the resources available to the Government. These new arrangements are most welcome since they will not only provide procedures better suited to the taking of more expeditious decisions but will also make it possible for social and wider economic considerations, other than purely financial ones, to be taken into account in arriving at decisions relating to the disposal and use of land. I am certain that this will be in the public interest as being of greater benefit to the economy.

HON P J ISOLA:

Mr Speaker, this is a very novel proposition that has been brought to the House and I think it is something on which we will certainly like to reserve our judgement. Certainly it seems to me that this Board composed of, I think I counted two Ministers, the Financial Secretary and the Attorney-General, all very busy people, are going to sit on a Board to decide matters of policy, I suppose subject to the Governor-in-Council and so forth, is not quite clear to me in what way perhaps the Minister could give examples, in what way the whole process of decision making on the use of land or on the disposition of it is going to be accelerated, that is my first question. My second question is, is it now going to be Government policy that the question of who gets land, say, as a result of a tender or public competition, the essential issue who gets land is now going to be decided by elected Ministers who may not be full-time Ministers and is that considered to be in the public interest of the division of powers?

HON A J CANEPA:

I will answer the second one, Mr Speaker, which I think is answered in my statement where I said that "in the devolution of those matters which are the concern of Ministers it is just as important that, within the context of constitutional proprieties, responsibility" - and that is what Ministers have, responsibility for policy of an economic, of a social nature that that responsibility - "should be accompanied by the necessary degree of control over the resources available to the Government". Because the alternative is that the Treasury Tender Board will decide and the Treasury Tender Board, by and large, is guided by other considerations, chiefly financial ones. It could well be that the disposal of a particular site and the use to which it is to be put may well be of greater economic benefit for Gibraltar in respect of a particular project or scheme and yet the tenderer may have tendered a lower premium than in respect of a tender for another scheme where the economic benefit and the employment to be provided as a result of that development could be less and yet the premium is higher. At present the Treasury Tender Board would take a much more narrow view. We in the Land Board will be able to take a much wider view and the economic, social and employment considerations are the ones that should weigh rather more heavily and I think that if Ministers are ultimately responsible it is right and proper that we should be involved in these decisions. As regards the first question, how matters will be expedited? In the first place, a number of the members of the Land Board are also members of the Development and Planning Commission and therefore in respect of the use of land and in respect of town planning considerations, we will be in the Land Board in a more knowledgeable position to give speedy consideration to the matter without having to refer, as has sometimes had to be the case, to Council of Ministers for policy guidelines, we will be aware of what those are. Again, by setting up the Land Board with the powers that it has been given, we do not need to go through the process

of going to Council of Ministers prior to Gibraltar Council in respect of matters which are the concern of Council of Ministers. I said that the disposal of land under the Constitution is for the Governor-in-Council but nevertheless matters go to Council of Ministers beforehand, in fact, I think that this was something that was an issue in the days when my Hon Friend opposite was Chief Minister and I understand that he took a stand on that matter that it should go to Council of Ministers because there were considerations that were of a defined domestic nature, town planning, the question of rates and so on. So we are, in fact, by-passing the need to go to Council of Ministers and to Gibraltar Council and I can tell the Hon the Leader of the Opposition that particularly in the first year after I became Minister for Economic Development, I felt very frustrated at the delay, at the time that it took for matters to be processed and now that is not the case. Already we have had two meetings and matters are moving much more quickly, particularly matters of lesser import can be dealt with much more expeditiously. I am confident that these arrangements once we also get the necessary administrative support, I am confident that the arrangements will be seen by those who have contact with the Lands and Surveys Department, I am confident that they will be seen to be working far better. In addition to the procedures which in the past have led to delay, the follow-up action after decisions has not been all that it should be. I am sure that when we establish a Crown Lands Department, properly serviced, I think that the follow-up action will also be rather better and I myself as Chairman of the Land Board will be in a much better position to push directly for the follow-up action to be taken and that there should not be any unnecessary delay in conveying decisions to interested parties.

MR SPEAKER:

We must not debate the statement.

HON P J ISOLA:

No, Mr Speaker, but I think it is a very important matter.

MR SPEAKER:

The rule as to statements as we all know is that questions can be asked for the purpose of clarification, most certainly, but let us not debate the statement.

HON P J ISOLA:

Mr Speaker, as I listened to the Minister I am afraid that our reservations must grow and our qualms. We must have certain qualms about this Land Board and question whether it is necessary to add to the bureaucratic machinery that we already have. The Minister has said that the Board will be aware of Council of Ministers decisions

HON A J CANEPA:

No, Sir, I have not said that. I said that matters will not have to go to Council of Ministers or to Gibraltar Council.

HON P J ISOLA:

They will be aware of Ministers' policies on particular matters. As members of the Development and Planning Commission they will be aware of the development and planning policy on the matter and it seems to me that if they are aware of all these things one is bound to question the idea of a Land Board, point number one I would like to mention. Point number two, Mr Speaker, and this is one that certainly I think I must say that we disagree with and that is that politicians should decide not on the question of general policy but that politicians should decide whether A or X gets that piece of land because even if they are not part-time politicians, Mr Speaker, they are people in a small community with their faces or heads very close to the ground, they know who supports them, they know who does not and all these things, Mr Speaker, and it seems to me that when it comes to a decision whether A should get a piece of land or B, that decision should be made by normal administrative procedures and not by executive decisions of Ministers and I am afraid that there, as a matter of principle, we must disagree with the proposals.

HON A J CANEPA:

Mr Speaker, if the Hon Member will allow me to answer one question at a time. Ministers will not be deciding. There are two Ministers in a Board of six. The other four are officials. If matters go to Council of Ministers, there are only eight Ministers and nobody else with a vote so when a matter goes to Council of Ministers there it is where Ministers decide and nobody else. Here Ministers are outnumbered. When something goes to Gibraltar Council, Ministers are not in a minority, there are five of us in Gibraltar Council so our decision on a vote is what is going to carry the day. Here we are putting ourselves in a minority. I think it is a shocking imputation to make but I do not mind.

HON P J ISOLA:

I am not making any imputation, I am saying that it is undesirable that Ministers, elected Ministers who could be part-time politicians should decide whether A gets a piece of land or B.

HON A J CANEPA:

I am prepared, Mr Speaker, in the final analysis to put to the test the work that I do in the Land Board to the electorate over a period of time. I am prepared to put that to the test and let the electorate decide whether they think that I am acting in accordance with what is best for Gibraltar and I do not mind having to take a decision as to who gets a piece of land and who does not because I can be completely objective about it.

MR SPEAKER:

I will now call on the Minister for Public Works to make his statement.

HON M K FEATHERSTONE:

Sir, following the Committee of Enquiry into the Public Works Department, the recommendations contained in their Report have now been considered by Government.

The recommendations have been grouped as follows:-

a. Nos. 5, 6 and 14

These recommendations were connected with a proposed merger of the Lands and Surveys Department and the Public Works Department. The recommendation for such a merger has been overtaken by the setting up of a Lands Board.

b. The recommendation that the accounting section should be directly responsible to the Director of Public Works has been accepted; that which relates to making the Department a self-accounting Department has a number of complex implications which make it necessary to defer further consideration to a future date. These are Nos. 7 and 16.

c. Nos. 1, 2, 8, 9, 10, 11, 12, 17, 21, 22, 23, 25, 31, 33, 34, 35, 36, 38, 39, 43, 45, 48, 53, 54, 55, 56, 58, 67, 69, 71, 74, 75, 76, 79, 80 and 81

These recommendations have been accepted and are being implemented.

d. Nos. 3, 4, 18, 29, 30, 32, 37 (in part), 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 73, 77 and 78

These have also been accepted. They will, however, require further study, at Departmental level, prior to implementation.

e. Nos. 13, 15, 19, 20, 24, 26, 27, 28, 40, 41, 42, 44, 46, 47, 49, 50, 51, 52 and 57

These recommendations have also been accepted but, as they require further resources, they will also be the subject of further study at Departmental level.

HON W T SCOTT:

Mr Speaker, I am grateful for that statement by the Hon Minister for Public Works. However, it would be invidious to think that we would be able to reply in such detail on the recommendations immediately since Government itself has taken well over a year to come up with some answers. In due course we will be studying the acceptability of the report insofar as Government is concerned.

HON M K FEATHERSTONE:

That is your privilege.

MR SPEAKER:

I will now call on the Minister for Education and Labour and Social Security to make his statement.

HON MAJOR F J DELLIPIANI:

Sir, in-service education for teachers is particularly necessary in a small, professionally isolated, education system like our own which is geared to UK patterns but lacks the full advisory and in-service expertise available to local education authorities in the UK and where the fairly static teaching force has a high proportion of young teachers who will otherwise never be exposed to professional up-dating. However, this need not necessarily take the form of one-year special diploma or higher degree courses in the UK as there are a number of alternative approaches to the provision of in-service education which are perhaps much more cost effective and professionally valuable in encouraging progressive ideas in the education of our children and professionalism generally within our teaching staff.

As part of the total in-service education programme for teachers during the next three-year period, Government has decided to proceed with the provision of a BA(Ed) degree course from Hull University organised locally on a part-time basis commencing in August, 1982. The basic course has been specifically adapted to our needs in Gibraltar following detailed discussions between the Director of Education and representatives of the Institute of Education at Hull University and it will be the first occasion that a degree-level course has ever been organised in Gibraltar. All

qualified teachers are eligible for admission to the course and a total of 50 qualified teachers, of which 45 are employed in Government schools, have already registered and been found acceptable by Hull University.

The course is designed to meet both the current identified priority professional needs of the teaching profession in Gibraltar and the personal aspirations of the individuals concerned who will acquire graduate teacher status on successful completion of the course in July, 1985. It should be noted that, out of a total teaching complement of 301 teachers and lecturers currently employed in schools and at the college, 175 or 58% are certificate-trained teachers or lecturers with technical qualifications below degree-level. The acquisition of graduate status will enhance the promotion prospects of these teachers and lecturers on successful completion of the course in relation to the newly-trained teachers now returning to Gibraltar who are all awarded the basic B.Ed qualification at the end of their initial teacher-training course.

The course is organised on a modular basis with two compulsory modules covering (a) Curriculum Studies, and (b) Organisation, Administration and Management of Education, with particular reference to the school situation, forming Part I of the total course content. Part II consists of two further modules chosen from a total list of five likely to be available covering such areas as (a) Urban Education in a Multicultural Setting (b) Language Education in First and Middle Schools, with particular emphasis on language acquisition and method (c) Teachers and the Teaching Profession (d) Mathematics Curriculum Studies with a pupil assessment element and optional computation work, and (e) Science Curriculum Studies with a pupil assessment element and computation work.

The total cost of the course over a three-year period commencing August, 1982, will be approximately £80,000 or about £550 per teacher per year. This level of expenditure compares extremely favourably with alternative approaches to the provision of in-service education, particularly the very costly method of seconding teachers on full salary to one-year full-time courses in the UK with the related need to appoint replacement teachers during the period of leave.

This approach to in-service education for teachers should prove to be an extremely cost effective and worthwhile exercise, professionally valuable to the education service as a whole and the individual teachers who intend to participate. All credit should be given to the Director of Education for his initiative in making this possible.

MOTIONS

HON G T RESTANO:

Mr Speaker, I have the honour to move: "That this House approves the Second Report of the First Session (1980) of the Public Accounts Committee". May I, first of all say, Mr

Speaker, that in the first page of the report there is a typographical error and where it says "Audit Reports for the years ended 31st March, 1979 and 1980" it should be 1979/80. The reason for this, Mr Speaker, is that as Members will be well aware there was a considerable backlog which the Committee undertook since it was appointed and there were a number of years of Principal Auditor's Reports which had to be looked at. What we have done in this particular year is that we have finished the Principal Auditor's Report 1979 and we have incorporated within the Report certain areas which are covered also in the 1980 Report. Hopefully, within the next few months, at least the next year or so, we shall be completely up-to-date. The areas that the Committee covered since the last report have been a follow-up on matters which were dealt with in the first report and where action needed to be taken by various departments. Secondly, General Orders. Thirdly, Government Quarters for Civil Servants and, finally, vehicle log books and job cards. On the matters that needed to be followed up, Members will recall that the Committee recommended that Public Works Department stores should be centralised in one area at Ragged Staff and we are pleased to have been informed that in fact that has happened already. The stores are not yet in use because modification to the stores which were taken over from the Ministry of Defence have to be made but we understand that as soon as the modifications have been done, the new stores will be housed. The revised stores regulations, there we have been informed that those have been completed. Obsolete stocks which the Committee felt very strongly about in its last report, stocks that were being kept by the Telephone, the Electricity and the Public Works Departments and which were really no longer required. It was agreed in the Government's Treasury Minute that the obsolete stocks should be done away with and again we have been informed that the Telephone Department's stocks and the Electricity Department's stocks have been dealt with but the obsolete stocks of the Public Works Department have not yet been dealt with although we were told that they would be done by about this time of the year. Your Committee on the obsolete stocks of the Public Works Department recommend that the matter be treated with more urgency and that stores which are left vacant should be used by the Government rather than being allowed to remain unoccupied and particularly those in Wellington Front, and there are quite a number of them there, where it is felt that probably they could be made use of fairly quickly for, perhaps, housing Youth Clubs and the like. On the follow-up to the problems encountered with RYCA, the matter was passed to the Chambers of the Attorney-General. There were two aspects with regard to RYCA, one was the possible recovery of monies and the second one was possible disciplinary action if thought to be necessary. We understand that the matter was passed to the Chambers of the Attorney-General but as far as the Committee is aware nothing yet has been done about this and the Committee is not really satisfied that sufficient priority has been given to taking action as outlined in the Treasury Minute particularly bearing in mind the statute of limitations. After a certain time, of course, it might be too

late if monies could be recovered for them to be recovered because after all we are talking about incidents which happened quite some years ago. The Committee has throughout the last few years been keeping a watch on the way that stores are controlled in the different Government departments. A Committee was set up some years ago under the Chairmanship of the Principal Auditor who submitted a report in May, 1978, making certain recommendations as to how stores should be controlled. It is my understanding that that report has not yet even been seen by Ministers and the Committee feels that this certainly has hindered the Committee in that the Public Accounts Committee has not had the advantage of being able to consider the recommendations made by the Committee which sat for quite some time and concentrated on this particular area alone. The Committee therefore strongly recommends that the report be made available to it. It did on two occasions ask for the report to be made available and on two occasions the Committee was told - and this, let us not forget, four years after the report was made - that it could not be made available to the Committee because Council of Ministers had not yet been able to deal with the report. General Orders was the next item which the Committee looked into. This, of course, is a mammoth task but it is a very necessary task. General Orders regulate the whole life of the civil service and the General Orders which are a pretty massive document have really not been revised for 20 or 30 years. Amendments have been made but nobody has checked whether those amendments have been inserted into the different copies which exist in the departments. The Principal Auditor has for many years been advocating that the General Orders be revised and now they are in the process of being revised but it seems to be taking a lot longer than was promised. The Committee was told that the Orders would be completely revised between August, 1981, and February, 1982; but that of course has not happened so the Committee recommends that, first of all, more urgency should be given to finishing the compilation of the revised Orders. Secondly, that there should be sufficient copies for every department to have and for every officer to have ready access to these Orders and, thirdly, that there should be either a branch of a Government Department or a section to be responsible to ensure that when there are amendments that copies in the different departments are kept up-to-date. The third item, Mr Speaker, is Government quarters. Government quarters, of course, is an area where there is a considerable disparity. The reason for having Government quarters which pay slightly less rent than houses on the general housing pool, was that some years ago salaries of civil servants were sometimes lower than those in other areas and as a sort of perk, I suppose, as a sort of incentive for the civil service they were given quarters and these quarters paid less rent overall than houses in the normal housing pool. Today I do not think that that applies, I think that with parity having been brought in now there is perhaps no case for having civil servants with this sort of perk. Funnily enough in some cases if the Government quarters were to pay the same amount of rent as they would do if they were in the Government housing pool the lower paying houses would pay lower rents and the larger ones

in fact would pay more rent. One of the problems in this area is the question of retired civil servants. It is clearly stated in regulations that when a civil servant retires he should be given alternative accommodation so that Government can offer the accommodation that it has to serving civil servants. We all know that of course housing is not really available, there isn't alternative accommodation to house these officers, but the Committee felt that perhaps it would be unfair for retired civil servants to stay on on a permanent basis in these quarters paying a lower rent that they would be if they were on the general housing pool. In the case of Police and Prison Officers they pay no rent at all, this is incorporated in their salaries but then of course when you have a retired Prison Officer or a Police Officer, their rent is put up to a quarter rent and the Committee felt that this should be revised. There is a report which is going to be compiled by the department concerned, this report is going to be submitted to the Government by the Surveyor and Planning Secretary and the Committee therefore recommends that in view of the considerable number of quarters occupied by retired Prison and Police Officers and dependents, particular attention is paid to these quarters. On the question of vehicle log books. These are daily journey record sheets which should be kept by regulation by all Government vehicles. Up to 1976, or rather prior to 1976, they were allowed to lapse and after 1976 when it was felt that they should be re-introduced there was resistance from the Unions. These vehicle log books should record the reason for the journey, the mileage, the starting point and the destination point and the relevant times. It has been brought to the notice of the Committee that first of all the new regulations have excluded the requirement that vehicle log books should be used and the Committee recommends strongly that they be re-introduced. It is, I think, necessary for proper control to be held over the use of vehicles for log books to be kept and not only to be kept but to be monitored at the same time. One would not want a very expensive system of monitoring which would of course defeat the whole object of the exercise but it is thought to be necessary that a cost effective method of monitoring should be introduced as well. The Industrial Relations Officer who has been dealing with the Unions in this respect, recommended a type of vehicle log books which the Committee did not agree with and that is because it had insufficient data and would be of no use in effect at all. On the question of job cards, Mr Speaker, the same thing applies as to vehicle log books. It would be very easy for jobs to be costed in different departments if job cards were introduced. They would have the same sort of information in them. The Committee looked into a possible job card implementation system for the Electricity Department, the Telephone Department, may I add, does already use a job card system. The Committee felt that there could be considerable savings in work done in the three different departments, in the Public Works Department, in the Electricity Department, possibly those savings are being made in the Telephone Department which do have job cards, if these cards could be introduced. So whilst we do not recommend that they be

introduced we recommend to the Government that they should investigate the possibility of introducing job cards and take the necessary steps to introduce them. Mr Speaker, I would like to finish up by thanking the members of the Committee for their work on the Committee, I think it has become a very good team, and for the assistance given to the Committee by the Principal Auditor, the Finance Officer, the Clerk of the House and Mr Sanchez for his help to the Committee.

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the Government welcomes the tabling of this Report by the Public Accounts Committee and wishes to assure the House that it will be given full consideration and that a Treasury Minute embodying the Government's reply to the points made in the Report will be tabled at a subsequent meeting of the House.

HON M K FEATHERSTONE:

Sir, I do not want to say very much on this, I think as the Hon the Financial and Development Secretary has said, Government will look at the recommendations and as far as possible will try and put them into effect. I would just like to make a little comment on the question of the vehicle log books. I agree that to have vehicle log books might - I say might - prove advantageous. On the other hand, they can be time consuming and if you are going to have somebody checking them carefully all the time we will probably get recommendations from the relevant departments to have extra staff. I would comment, however, that we are, even at the moment, doing a reasonable check on vehicles. Every time they take fuel their odometer reading is taken and computations are worked out as to their fuel consumption so that we can see to some extent that the vehicles is not being abused at least to too great an extent. I do hear at times people say: "Ah, the Public Works vehicles are used to take somebody privately around". Well, I can tell you a funny story about that. One of my senior officers saw a Public Works vehicle going along with a lady sitting in the seat next to the driver and as he was also mobile this senior officer chased after the vehicle to see who the lady was. It turned out it was one of our younger generation who had rather long hair, it was not a lady at all. The other question of job cards I think is something that would be a very good idea and I will see if we can get at least in some areas job cards going. We do have them working in the garage, they are proving of considerable value and I do take the point that in other departments it would prove advantageous.

HON P J ISOLA:

Mr Speaker, we support the Public Accounts Committee and may I congratulate the Chairman of the Committee and the Committee itself on the obvious pains they have taken to produce this Report. I think, Mr Speaker, that if the useful work that the Public Accounts Committee is doing in drawing the attention of the House to matters complained or matters that require action and the Government accepts the Report, I think it is important that action should be taken because otherwise I think the Public Accounts Committee would feel very frustrated if the Government says: "It is a very good Report, thank you very much", and we get Treasury Minutes but then nothing happens. It seems to me that on the Treasury Minute of the first Report the conclusions of the Committee I think we should take note of that the taking of action as outlined in the Treasury Minute does not appear to have been given sufficient priority and I think that that means that a Committee of this House recommends that action should be taken in a particular matter but action is not being taken, the necessary priority is not being given to that action. I appreciate, as we all do, of the pressures that devolve on the Government and the Ministers and the civil servants but on the other hand they seem to be happy to take additional responsibility, for example, in the Land Board so it seems that they do have a bit of spare capacity and I would have thought that more close control, more close attention should be given to the implementation of the recommendations of a Committee of this House which are accepted by the Government and which it proposes to take action on because if this reflects the position in other matters of course it must be of concern. Mr Speaker, may I mention in particular the question of General Orders. If I remember rightly some years ago there were problems, if I remember rightly, within the civil service and one of the reasons for nothing happening on quite a lot of matters was because the General Orders applicable to civil servants were (a) not available apparently to civil servants; (b) were very antiquated and needed revision, and (c) because of the lack of copies of it the Government did not feel they could take action in respect of breaches of General Orders. Now, Mr Speaker, I am sure the House will agree that it is important that every civil servant should know what are the General Orders, what are the disciplinary parts of General Orders, what they must and they must not do and it does seem to me, with the greatest of respect to the establishment, that again not enough urgency is being given to the question of having a set of rules that are applicable in the civil service and which civil servants know they must act by. I notice that the Public Accounts Committee draws attention to this, draws attention to the time it is taking to circulate new General Orders and I think they have been extremely modest in their demand that the question should be expedited. I hope that their urgent call for action to be taken to introduce a whole edition of a new set of General Orders or whatever set there is going to be, that that is taken seriously and something is done by the Establishment Section. Mr Speaker, with regard to

the Government quarters, I won't go step by step, I think the recommendations will not present any difficulties to the Government. Let me say something that has been singled out as worthy by the Committee of mention and for action and that is the question of vehicle log books. I am afraid the Minister for Public Works has dismissed this rather lightly. I would have thought that it is common practice in all the civil service departments of the United Kingdom and certainly in Gibraltar in the Ministry of Defence Department, that log books should be carried. It is not a question, Mr Speaker, I would have thought, of just trying to catch out the guy who goes off in the car with his girlfriend, it is not that, it is surely, Mr Speaker, also a matter to have a record of the use of the vehicles, to have a record of whether the job has been done and one of the ways of knowing whether somebody has done a job is surely through the vehicle log book. If somebody is, for example, supervisory staff and has to go and see whether work is being done in Rosia Dale, for example, it is important that the vehicle log book should record that he has gone at the time, the distance and so forth and that he has been there and somebody has initialled that he has been there or whatever practice, I would have thought that that was important. I think that if the question of vehicle log books was just maintaining them, was just a bore, Mr Speaker, just adding to the administrative burdens of the department, I would have thought that they would have been done away with by everybody who employ them but as I understand it the question of keeping log books for vehicles is a common practice and regarded as good management practice in any large company and certainly in all the civil service departments in the United Kingdom and except for Gibraltar it seems to be a general policy freely accepted by the Trade Unions. I would certainly like to know what is the real reason for Government as a responsible body not being able to implement as managers of a public service, not being able to implement a system of log books for Government vehicles. The Committee who have investigated this matter and they put it in their Report seems to indicate, Mr Speaker, that they are not satisfied with the position or with the explanations that have been given. It seems to me common sense and I am sure it would also seem to any trade union official, I would have thought it would also seem to be good sense to have a log book record because not only can they be used by management to catch out somebody who is not doing his job properly but it can also be used by the employee as a defence that he has done his job and that it is not true that so and so has said that he was sitting in a bar having a drink when he should have been driving to Europa Point because there is the evidence in the vehicle log book. Again, Mr Speaker, I would hope that the Treasury Minute would be positive on this matter. I used the example, possibly, of the log books, Mr Speaker, as part of my feeling that the Public Accounts Committee who I know spend a considerable amount of time throughout the year going and fulfilling their duties as members of the Public Accounts Committee, I think they ought to feel that when they come up with recommendations that are clearly right and have taken them whatever the time it is to produce after examining evidence, interviewing people and so forth, I

feel that the reaction in the Treasury Minute, the reaction should be positive and that if the reaction is "We will do this", I think it is not unreasonable to expect in something like, for example, vehicle log books or General Orders or the job cards, it is not unreasonable to expect that if the Government says they will do it that it will be done before the next Report takes effect. Otherwise, I would have thought, Mr Speaker, it would be highly discouraging to the Public Accounts Committee. If I were Chairman of the Public Accounts Committee or a member of that Committee, I would be very discouraged if I was sitting every Tuesday and interviewing people and getting evidence and making my Report to the House and everybody says "Well done, you have done a good job of work", and then nothing happening. I think if the Public Accounts Committee is to be useful and represented as it is by both sides of the House, that if they recommend to the House action and the Government agrees to take action on it, that that action should be speedily implemented. Mr Speaker, I am not trying to be controversial in what I say but I do think that if the Public Accounts Committee is to be respected in this House and we accept their reports as we have done and I hope will do in this particular year, that their recommendations should be implemented as speedily as any other Government policy decision. It may be that the Government policy decisions are not being implemented quickly, I do not know, but certainly one would hope that they would be implemented speedily.

HON J BOSSANO:

Mr Speaker, I will not be supporting the motion approving the Report. The question of the log books is one to which I would like to draw the attention of the House particularly so after the remarks that have been made. I am somewhat puzzled as to what support from the Government means in terms of policy. Does it mean that if the Government votes in favour of this motion approving this Report, the recommendations in the Report are to be taken now to be Government policy on the matter, is that what it means?

HON P J ISOLA:

Mr Speaker, that is why my Hon Colleague was careful to point out that if they are accepted, I think the acceptance and action is revealed in the Treasury Minute. That is why I said that if the Treasury Minute accepts it and says that action is going to be taken I hope it is taken speedily.

HON J BOSSANO:

I accept the point about action. I am not talking about action, Mr Speaker, because as the Hon and Learned Member has said, there are other things that are Government policy decisions in their own right and still there is the gap between the policy

decision and the ability to translate that into reality, I am not talking about that, I am talking about whether approval for the Report means approval for its contents and meets acceptance of policy recommendations. I do not see how one can vote in favour of a motion that approves a recommendation without it being implicit in that approval that one accepts the recommendations because one approves of them.

MR SPEAKER:

The acceptance of the motion means that the House approves the Report of its own Committee and nothing else.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government's views as to whether or not the proposals in the Report are acceptable to Government are set out in the Treasury Minute.

HON J BOSSANO:

I find it very confusing, Mr Speaker, because as far as I am concerned it is an important point of principle that is at stake here. My reaction as a layman would be that if I have a motion here which approves a report and that reports contains recommendations, it means that I am in agreement with the recommendations, otherwise I would not approve the report, I would say I disapprove of those recommendations, I do not approve of them. I recognise the point that has been made about the actual implementation of that recommendation but the desirability of implementing them which is the policy decision I would have thought was implicit in approving the report and if one thought that this recommendation was a bad one, and I will say to the House why I think it is a bad one, I am not going to go into the question of whether there should be log books or there should not be log books because that is a matter for negotiation between the employer and the union that represents the people whose job it would be to do it, whether they think it should be their job to do it or not, and I do not think it is a matter for me to raise in this House, but I certainly think that the actual recommendation here implies doing something which I would certainly not recommend the Government to do and therefore I cannot approve such a recommendation. The Report says on page 9 that the present stores regulations contains a reference to maintaining log books and that the new accounting instructions does not and that in fact the Accountant General has said that they will not be included until agreement with the unions concerned is reached. It then goes on to say in the next paragraph that the Committee was strongly of the opinion that the record now recommended, which is the one after negotiations with the unions, is not satisfactory and they recommend that the record

as laid down at present should be included in the accounting instructions. I am not sure what the Committee intended to recommend there but reading it in the context of the preceding paragraph I am assuming that the Committee is recommending that what the Accountant General is doing should not be done. The Accountant General is saying they are leaving them out of the regulations and the Committee is saying it should be included in the regulations and that presumes that the recommendation is that they should be included in the regulations whether there has been agreement with the union or not because the reason why they are being excluded according to the Accountant General is because he is not prepared to put them in without union agreement. I certainly would not recommend to the Government that they should take unilateral action in including things in regulations when those regulations are the subject of negotiations with unions and I certainly cannot support the recommendation of the Public Accounts Committee to do this and therefore I do not and I cannot approve the Report. Irrespective of the merits or demerits of whether there should be log books or there should not be log books, I certainly cannot support a recommendation that they should be included. I support, in fact, the view of the Accountant General which says that they should not be included until agreement has been reached. I certainly think that if one has a situation where there are currently negotiations between the Industrial Relations Officer and the Unions and a proposal has been tabled, then the first thing that the Unions might well wish to raise - I do not know that is a matter that they will no doubt give consideration to in due course - but one thing that they may raise is who is it that they are negotiating with because there is already a two-tier system in that there are policy decisions that are taken at senior management level which can be over-ruled by policy decisions taken at the level of the elected Government and now it seems that there is a proposal on the table under negotiations with the Unions and the Public Accounts Committee's recommendation is that never mind what the Union respond to that proposal, what the Government itself is proposing should be withdrawn and something else replaced, something else put in its place. I think that is a recipe for bad industrial relations and I certainly would not recommend the Government to follow that advice either. Having tabled something to now withdraw what they have tabled and put in its place something else which preceded what is being tabled now is a bad recommendation in industrial relations. The Public Accounts Committee may have been looking at it purely from a technical point of the adequacy of one system as opposed to the other without thinking of the implications of what they were recommending. I hope that having approved the motion, the Government will not only give consideration to the recommendations of the Public Accounts Committee but they will also give consideration to the recommendations that I am making in the course of my submission to the House on this matter.

HON A J CANEPA:

If the Hon Member will give way. I would be grateful if he were to explain why it is that the Union is taking the stand that it is taking. I do so in all sincerity because I get copies of all the minutes of meetings which the Industrial Relations Officer holds with the various Unions and other than on the point that apparently some of the drivers concerned do not have a sufficiently good command of written English to be able to fill up the proposed log books, other than that I have not been able myself to have clear in my mind as to what is the real objection. If that is the real objection and if it is a fact that there are a substantial number of drivers who are unable to fill up the log books, right, I see the point and perhaps it does have some validity but I would be grateful for my own personal clarification if the Hon Member were to be so good as to explain why.

HON J BOSSANO:

Well, I am afraid I cannot, Mr Speaker. I do not know why myself either. It is not the level of negotiations in which I have a personal involvement normally because this is a thing that is normally taken at shop floor level although in fact I believe that this particular requirement involves in some areas industrials, in other areas non-industrials and it involves more than one Union because it involves basically anyone that drives anything. Both the grades involved and the Unions involved span the entire range of jobs in Government as I understand it. I am assuming that the requirement would be not a requirement for industrial drivers in Public Works or it would give a standard requirement for any driver of any vehicle at any level. I know there has been resistance to the introduction of this requirement for a very long time, that I am aware of. I do not know precisely why there is so much resistance but it exists but in fact I said before, Mr Speaker, that I did not propose to go into the merits or demerits or whether there should be log books or whether there should not be log books. I am talking about the merits or demerits of the recommendation and there are two clear recommendations. In very strong language we have been told by the Hon and Learned the Leader of the Opposition that the Public Accounts Committee and that the Chairman of the Public Accounts Committee would feel discouraged if their recommendations were ignored and I hate to discourage him but I am in fact recommending to the Government that they should be ignored because they are the ones that are recommended in the strongest terms and if one was going to do anything about any recommendation I would imagine that one would start with those that are recommended most strongly. From the wording of it it says "the Committee were strongly of the opinion that the record now to be recommended for acceptance is not satisfactory in that details of the journeys would not be entered". That recommendation, I am telling the House and I am saying I do not know whether it

means that if the Government approves the Report the Government is accepting that that is a desirable policy they should follow. To me it seems to make sense that that is what it implies but I am saying to the Government that my understanding of the situation is that certain proposals were put forward in negotiations, that these proposals were rejected and that new proposals have been put which are at the moment under discussion. The recommendation is, as I understand it, that what is now under discussion will be withdrawn and that the Government should go back to their original proposal and that whether these are agreed or not they should be included in the regulations. That, I suggest, Mr Speaker, is a recipe for bad industrial relations because I imagine that if they go into the regulations without agreement, as the Accountant General recommends and which I would support, if they were to go into the regulations without agreement, then one of two things would have to happen, either people would have to be disciplined for failure to obey the regulations which could lead to a very serious industrial situation if every single driver in the Government was disciplined or else they have to be put in the regulations and then ignored which is a bad thing from the point of view of observing regulations. It is about the recommendations and not about the validity of the original proposals that I am talking about and I am saying to the Government that those two recommendations I do not think they should follow and therefore I cannot approve the Report which contains those recommendations particularly since those two seem to be the ones put in the strongest language in the proposals.

HON A J CANEPA:

Mr Speaker, the Hon Mr Bossano usually speaks in this House a great deal of logic and one always listens to him very carefully because he does have the ability to think logically. I think, with all due respect to him, that on this point as to whether the Government should vote in favour of the motion or not and what the implications are of doing so I think, quite frankly, that he is mistaken. I think that he is confusing the role of Parliament, the role of this House, with the role of the Executive and perhaps, Mr Speaker, at the end of my intervention it might be useful if you are in a position to give some guidance in this respect. It seems to me that when the House sets up a Select Committee such as the Public Accounts Committee and two of the members of that Committee are Government Ministers, then it is for the House as Parliament to accept that Report or not and it is not for us members on the Government side necessarily today to decide what is our attitude to the various recommendations any more than it has been necessary for my two Hon Friends who are members of the Public Accounts Committee to consult Council of Ministers beforehand and say: "Look, the Committee is considering making this recommendation. What is our collective view on the matter because if our collective view is in conflict with what we as members of the Committee agree we should recommend with our other colleagues

from the other side of the House, then we won't subscribe to that recommendation if we are in conflict with the Government". What has been happening over the years, Mr Speaker, is that the power of Parliament is being eroded to the Executive. It is happening, unfortunately, the Executive, Ministers and Senior Civil Servants are in danger, I think, of becoming an unholy alliance that can ride roughshod over Parliament and take no notice at all of what Parliament says or does and the move in the United Kingdom to appoint Select Committees, the most important of which in the House of Commons is the Public Accounts Committee, is an attempt to restore the balance and to give Parliament some function other than a rubber stamping exercise. In addition to that I think he is also making another mistake in bringing in the question of industrial relations. Obviously, the House of Assembly, Parliament, must have regard to the views of trade unions on a particular issue but because that might entail bad industrial relations for Government as an employer and a particular union it does not mean that Parliament does not have a right to form a view and to vote accordingly and again not only has the executive been taking over and eroding the power of Parliament but extra-Parliamentary bodies, the Trade Union Congress in the United Kingdom, the CBI and other bodies, have got more power and more say in the conduct of public affairs in the United Kingdom in particular than the Members of Parliament have and I think that that is bad. I think we are confusing the two and I think we should just see this as the formation of a view by the House of Assembly on a report which it approves. If we do not approve it then we throw it out, there is no report.

HON J BOSSANO:

Will the Hon Member give way?

HON A J CANEPA:

Yes, I will give way.

HON J BOSSANO:

I have listened to what he has to say but I do not really think he has followed the logic of my argument. I have tried to be logical. I am saying there are certain recommendations here. I would have thought that if one approves a recommendation that is because one is in agreement with it and one's policy would be to try and translate that recommendation into reality although it might or it might not be possible. But I am saying I am in disagreement with that recommendation, I am saying that if I had been in that Committee I would not have recommended it because I would have thought that even from a Public Accounts point of view if I am recommending a line of action to the

Government which I think is an action that is going to cost them or potentially can create so much disruption that can cost them or cost the taxpayer more money than the ill that they are trying to cure, then I am not going to recommend it. I am talking about the merits of the recommendation and I am saying that in my judgement there are weighty arguments why such a recommendation should not be made to Government. I was not making that point in order to suggest to the Government that they should vote against the motion.

MR SPEAKER:

I think by approval now of the report of the Select Committee it means, basically, that the House is taking note of the report and nothing else. I will quote from Erskine May which, as you all know, is our bible on procedure. It says: "On the consideration of a report motions may be made expressing the agreement or the disagreement of the House with a report as a whole or with certain paragraphs thereof, or for agreeing to the recommendations contained in the report generally, or with certain exceptions; or motions may be made which has founded upon, or enforce, the resolutions of the committee or are otherwise relevant to the subject matter of the report, or the business of the committee. In some instances the House has resolved itself into a Committee to consider the report of a Select Committee. Motions may also be made upon consideration of the report of a Select Committee for the recommittal of the report or, in the Lords, for the reference back of the report to the committee for further consideration, the committee to be enlarged by the appointment of additional members. In both Houses, debates on select committee reports now usually take place upon motions to take note of a report" - and I think that is what we are doing now - "In the Commons, such motions often refer also to any document setting out government observations on the report. Consideration of reports of the Public Accounts Committee and the Expenditure Committee may, under Standing Order No. 18 of the House of Commons, constitute business of supply and hence they may be debated on supply days". I think that by approval, as we are doing now, all that we are doing is that the House is taking note of the report of the Public Accounts Committee and it does not necessarily mean that the Government is agreeing with the recommendations and further action, as has been expounded by the Hon the Financial and Development Secretary, must be taken before Government can be said to have accepted the recommendations and implemented the recommendations. I think, basically, what we are doing now is taking note of the report and nothing else.

HON J BOSSANO:

I wish, Mr Speaker, that the motion had read that we were taking note and then I would not have said any of the things I have had to say on the subject. I cannot approve recommendations when I am recommending the opposite. I cannot now move

an amendment because otherwise I would move an amendment to replace "approves" by "takes note". I cannot support the motion with the word "approves" even though it is the intention that it should be "note" because at a later stage I may be in a different place and I cannot have approved as far as I am concerned, anyway, that is how I see it. I cannot approve something and then take a different stand elsewhere.

MR SPEAKER:

Well, perhaps, an amendment could be moved.

HON A J CANEPA:

I do not think it is necessary. We are grateful for your clarification and on this side we vote, in favour of the motion on the basis that approval means precisely that, that we are taking note of the report and if we voted against it would not be taking note of the report and it were better that the report had not been made because the effect is the same otherwise.

HON ATTORNEY-GENERAL:

Mr Speaker, I would like to refer to the part of the report which relates to the RYCA Ltd and simply to say that at this stage the matter is receiving consideration and priority. I have noted what has been said in the report; the matters which are referred to in the report on RYCA Ltd will all be taken into consideration and we will be reporting to the Treasury in due course for the purposes of the Treasury Minute. I think I should say no more at this stage because I think, if I understand the gist of the discussion, what the Public Accounts Committee will be looking for will be to see what the consequences are in due course.

MR SPEAKER:

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

HON G T RESTANO:

Mr Speaker, I would like to reply to a point made by the Hon Mr Bossano when he questioned the recommendation of not accepting the log books which were being presented by the Accountant General. The purpose of this Committee, really, is cost effective measures, value for money, and the type of log books that were mentioned by the Accountant General really would have been a complete and utter waste of time. The point was either not have any log books at all, I mean, if it is

going to be that it was of absolutely no use as far as the Committee was concerned, and it was either that or to have proper log books as, indeed, are kept in the Ministry of Defence, DOE and in all the MOD departments and members of the same unions, if I may say it in the plural, who object to filling the log books for the Government. As far as the Committee is concerned, it is to get value for money for the Government and that is why the proposal that had been put by the Accountant General was considered to be of no use.

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

The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon P J Isola
The Hon A T Loddo
The Hon Major R J Peliza
The Hon J B Perez
The Hon G T Restano
The Hon W T Scott
The Hon Dr R G Valarino
The Hon H J Zammitt
The Hon D Hull
The Hon R J Wallace

The following Hon Member abstained:

The Hon J Bossano

The following Hon Members were absent from the Chamber:

The Hon I Abecasis
The Hon Sir Joshua Hassan
The Hon A J Haynes

The motion was accordingly passed.

The House recessed at 7.15 pm.

THURSDAY THE 18TH MARCH, 1982

The House resumed at 10.45 am.

BILLS

FIRST AND SECOND READINGS

SUSPENSION OF STANDING ORDERS

HON CHIEF MINISTER:

Mr Speaker, I have the honour to move the suspension of Standing Orders Nos. 29 and 30 in respect of the Landlord and Tenant (Temporary Requirements as to Notice) (Amendment) Ordinance, 1982. Mr Speaker, this is a temporary Ordinance which was passed in October last year and which will come to an end on the 30th of April unless we extend its duration and it was done pending the inquiry into the rent situation by the Select Committee. I will elaborate the reasons for the Ordinance later.

Mr Speaker put the question which was resolved in the affirmative and the suspension of Standing Orders Nos. 29 and 30 was agreed to.

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) (AMENDMENT) ORDINANCE, 1982

HON CHIEF MINISTER:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Landlord and Tenant (Temporary Requirements as to Notice) Ordinance, 1981 (No 16 of 1981) be read a first time.

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

SECOND READING

HON CHIEF MINISTER:

Mr Speaker, as I said earlier in order that at least Members should know what the suspension of Standing Orders was about, Members will recall that on the 29th of October this House passed an Ordinance to make temporary provision in respect of contractual and statutory landlords and tenants relating to the periods of notice required to increase rents and terminate tenancies, and for matters relating thereto. It was then explained, there having been appointed a Select Committee on the question of rents, that there would be a moratorium on increases of rents and it was then given for six months. To be quite frank, at the time I did not think that the Select Committee would be able to deal with this in six months but it is never proper, in my view, to come to the House for temporary provision for long periods because if in fact a longer period is required then the House should renew the situation in order

not to give a blank cheque in this way, so it was done for six months and the date of termination of the Ordinance is the 30th of April, 1982. We will be meeting for the budget but we will not be meeting before the 30th of April to be able to do this so this is really the last opportunity we have if the Ordinance is not going to lapse. Another six months would have taken this Ordinance to the end of October but I am advised that it is more likely that the Select Committee will report some time in October so that when we come to dealing with this matter if there is a Bill before the House we will be in a better position. The 30th of October might have been just not enough time for the Select Committee to report. For these reasons the relative dates in the Ordinance of the 30th of April appearing in section 2 of the Ordinance provides for the extension to the 30th of November, 1982, and in section 3(1) the date of the 1st of May, 1982, should be transposed, of course, to the 1st of December, 1982, providing the seven months in each case. What has really happened is that the temporary provisions Ordinance which was passed for the purposes of giving the Select Committee an opportunity to report, because the work of the Select Committee, not unexpectedly has not been able to be completed, I think they have worked very hard, they have seen a lot of people but they now have to put their thinking caps on and make their recommendations on what the policy will be and in order to continue the protection that was given so that nobody because there is a Select Committee, should take advantage of a situation whilst the matter is being considered, that it is thought proper that the temporary provision should be extended to the 30th of November. No hard comments were made at the time when the extension was made, in fact, it was felt that it was a welcome measure pending the report of the Select Committee, whatever they may decide and whatever the House may decide. Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON M K FEATHERSTONE:

Sir, I would just bring to the attention of the House that the Select Committee has been pursuing its investigations with assiduity. We have been meeting practically every Thursday and we have already seen some 35 individuals and we are in the process at the moment of seeing 5 representative bodies. We do hope that we will finish seeing all the various persons interested by approximately the beginning of May and we would hope that we would have a report that we could lay on the table by October.

HON A J CANEPA:

I welcome the introduction of this Bill which effectively extends the life of the Landlord and Tenant (Temporary Requirements as to Notice) Ordinance which would otherwise have lapsed in May. I hope that it will give an opportunity to the Select Committee to thoroughly investigate the recent instances of exorbitant increases in rents. We have had instances after the announcement of the opening of the frontier, of what I would describe as the unacceptable face of capitalism in Gibraltar and at the time when Government introduced the original Bill in the House last year, one can but think that some property owners were only crying crocodile tears having regard to what has happened since then. The House, I am sure, is aware of the fact that I have taken the matter up. I have already received a reply from the Property Owners Action Group which no doubt will be giving an airing in the press tomorrow. They have attempted to sidetrack the whole issue by accusing the Government of setting the pattern on rents because of the fact that we have increased, according to them, the rents at Humphreys Estate by 500% over the last 10 years. We may well have but it could well be that if you take 25 years of Humphreys Estate the increase may only total 550% because the original level of rents was extremely low but this is a complete smoke screen because flats and dwellings have got nothing to do with business premises. I hope that the Committee will go into this matter very, very carefully. I hope that they will balance up the needs and the interests of the community. What is in the public interest to my mind is that there should be a fair system of rents which gives the landlord a reasonable return for his capital investment but which does not drive traders out of business so that trade in Gibraltar is taken over by Spanish business interests, that is what I was referring to when I only said "outside business interests" in my letter but that is what people are afraid of in Gibraltar and that can happen because of an unscrupulous few. I reiterate my understanding that the majority'

MR SPEAKER:

You must be very careful not to inhibit the right of the Select Committee to make a decision without being influenced.

HON A J CANEPA:

Mr Speaker, I myself, I think, if I had so wished, could give evidence to the Committee and of course I have sent the Chairman a copy of my letter because I think that constitutes some evidence. I will just finish by saying that I hope that in the extended period of time that the Committee will now have to work, they will investigate these matters very, very carefully because they go to the whole root of what is the public interest in Gibraltar.

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

HON CHIEF MINISTER:

Mr Speaker, I propose if all Members agree, that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

SUSPENSION OF STANDING ORDERS

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that Standing Order No. 30 should be suspended in respect of the Gibraltar Museum and Antiquities Ordinance, 1982. In so doing I wish to make an explanation to the House on the matter. I did say at the last meeting of this House that I would make every effort to ensure that Bills in future would go out with the Agenda. Unfortunately, on this occasion there has been a heavy programme of printing the effects of which are not immediately apparent but I think will be apparent shortly and it was not possible on this occasion to meet that requirement. I had expected to have all Bills to Members on the opposite side within the required seven days but unfortunately in the case of this particular Bill, through no fault whatsoever of the Government printer who works extremely hard, there was a last minute change that had to be made and it was a day late.

Mr Speaker then put the question which was resolved in the affirmative and Standing Order No. 30 was accordingly suspended.

THE GIBRALTAR MUSEUM AND ANTIQUITIES ORDINANCE, 1982

HON H J ZAMMITT:

Sir, I have the honour to move that a Bill for an Ordinance to provide for the Gibraltar Museum, and for the preservation and appreciation of antiquities in Gibraltar, 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 H J ZAMMITT:

Sir, I have the honour to move that the Bill be read a second time. Mr Speaker, Sir, this Bill will replace the Museum and Antiquities Ordinance which has been in force since 1966. Its objects are to better define the role, functions and powers of the Museum Committee, to revise and remove existing provisions relating to the discovery and preservation of antiquities in Gibraltar and to improve existing provisions relating to preservation of our ancient monuments. It also creates a new class of buildings, namely, protected buildings. Any building or structure which is so designated will enjoy a degree of protection not as fully however as an ancient monument and not in such a way as to restrict the use and enjoyment of the property by its owners so long as the antiquarian integrity of the property is not impaired. Mr Speaker, the opportunity has been taken to review and improve existing enforcement procedures. The Museum Committee will have immediate responsibility not only for the operation of the Museum but also for the administration of the law relating to antiquities. It will continue to have the same general structure as at present. In clause 10, its general functions are defined. In particular it is given the specific function of assisting Government in the formulation of policy relating to the Museum and antiquities. Clause 14, which is new, also defines the role of the Curator of the Museum. He will be the Chief Executive Officer and shall be responsible through the Committee to Government for the management of the Museum. Thus the new Bill will recognise the professional role of this officer in the functioning of the Museum. In relation to the discovery and preservation of antiquities, the Bill contains machinery whereby objects that are not older than 100 years, which is the normal criteria for establishing whether an object is an antiquity, may, if the Committee so recommends, be declared by the Governor to be antiquities. The Bill also contains provisions for enabling the Committee to commission its own investigations and for the licensing of other persons who wish to explore in Gibraltar for antiquities. Clause 24 sets out in detail the criteria that must be met before a licence will be granted. Clauses 26 to 28 contain new provisions which enable the Governor on the recommendation of the Committee to designate areas of archaeological importance. Where operations are carried on in such areas notice would have to be given to the Committee which would be entitled to observe the operations, record matters of antiquary importance and require the suspension of operations for up to 48 hours to enable these things to be done. The Bill also contains revised provisions relating to ancient monuments. The First Schedule specifies ancient monuments and provision is made for the Governor to amend it from time to time. The Bill is concerned to protect historical and similar sites, not to define title. Consequently, it does not describe who owns or holds property but the First Schedule, as drafted, only includes property held for the purposes of Gibraltar Government and other property not being held for the purposes of the

United Kingdom Government that already has a statute of ancient monuments. The consent of a Secretary of State will be required to the addition of sites that are held for the purpose of the United Kingdom Government and it is proposed that in consultation with United Kingdom Departments steps will be taken to obtain consent to include in the First Schedule a number of appropriate sites so held. I have already referred to the new concept of a protected building. These are specified in the Second Schedule. Although the degree of protection is not as grave as that afforded to ancient monuments, much the same considerations apply. Finally, the opportunity has been taken to revise offences, penalties and regulation-making powers. In particular members of the Museum Committee will be empowered to lay complaints and prosecute summary proceedings. Sir, the consideration of this revision has entailed some three year's work in the Museum Committee including, in particular, the recently retired Chairman, Mrs Dorothy Ellicott, and the Curator. The Service members and other members of the Committee have also made a valuable contribution. The Museum and Antiquities are an important part of Gibraltar's cultural and historical heritage and the Bill merits careful consideration. It is proposed not to take the Committee Stage until after the budget meeting and this should give Hon Members the necessary time to give it such attention. Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON A T LODDO:

Mr Speaker, we on this side of the House welcome this Bill. I am particularly pleased as on a number of occasions my views on conservation have been made patently clear to this House. I am also pleased to see that no one is named as owner of any of these monuments and buildings because, in fact, Gibraltar is the owner of these buildings. It is part of our heritage and we should guard it the best possible way, which is through legislation. Mr Speaker, Gibraltar has a wealth of history which I believe very few other places of a similar size can boast. Our wealth of history primarily is in military history and regardless of whether one looks at the Moorish, Spanish or British occupation, it is a history of which we should be proud and of which we should make as much capital as possible. I have noticed, however, that one important ancient monument, or old building, has been left out of this Bill. I am referring to, of course, to Parsons Lodge. I was glad to hear earlier on the Hon Mr Canepa say that he was concerned about business properties being taken over by foreign speculators and investors primarily in Spain and I am concerned that Parsons Lodge has not been included in this Bill because I believe that there is a substantial amount of Spanish capital

involved in a possible development of Parsons Lodge as a hotel, something which I would not like to see, on two accounts. The first one because it is an ancient monument and the second because the control of such an hotel on the site of an ancient monument would not be in Gibraltarian hands. I must insist that I would not like to see that as an hotel in anybody's hands. Mr Speaker, there is very little I can add at the moment but, as I said, I welcome this Bill wholeheartedly and I hope that by the time we get to the Committee Stage we will be able to include Parsons Lodge in the list of protected buildings.

HON ATTORNEY-GENERAL:

Mr Speaker, I would like to make a brief intervention on this Bill. It has already been stated that the scheme of the new Bill, as compared with the existing Ordinance, is to say what is an ancient monument and what is a protected building but not to say itself who it belongs to and I think that is correct in principle, I think this is not a Bill relating to title this is a Bill relating to the protection of antiquities and items of historical interest. The Schedule as it stands contains sites that are held for the Gibraltar Government. There are other sites which at present are held mainly for military purposes and the Government will be taking up with the Ministry of Defence proposals to include other sites, I do not say Parsons Lodge, but will be taking up with the Ministry of Defence proposals to include other sites under ancient monuments and I feel sure that that will be considered receptively by the Ministry of Defence. The point I am concerned to make is that at this stage the First Schedule of ancient monuments is not necessarily complete, that there are those which it was not appropriate at once to include but which may very well be included in due course.

HON MAJOR R J PELIZA:

Mr Speaker, I think that the preservation of antiquities in any community is a mark of a civilised community and I must say that in Gibraltar for some time now there have been quite a number of people dedicated to see that objects, monuments and other matters that go back to our history, are preserved. It is by looking back and putting those facts together that one can look at the identity of a people much better than what is written in history books because anybody who has listened to two eye witnesses of a traffic accident will wonder how true historical books are since the evidence usually is almost conflicting. But what cannot be challenged are historical facts which are tangible there to see. I am very pleased to say that here in a very small community of just over 25,000 Gibraltarians, we have a little place called the Gibraltar Museum where anybody who goes there can only be but fascinated by the standard of the preservation of the objects that are there very well kept by people who really are dedicated to that. I think that there are many people involved but two

persons I think come to my mind immediately who I think we should pay tribute to. One is Dorothy Ellicott who over many years has dedicated almost her life to the historical background and particularly to the Museum and one can feel very proud of that in that she was once a Member of this House. And then, of course, we have the Curator who has been there for some years, Mr Bensusan, who has really made a wonderful job of looking after the Museum and I do hope we can keep him there for many more years to come because he is really preserving treasures which for future generations will be invaluable. One must also pay tribute, I think, to the very comprehensive Bill which has been very well produced and which I am sure will serve very well in the future as time goes by. It gives that protection in law which antiquities very much require in Gibraltar and I personally would like to congratulate those concerned in producing the Bill. I would like to congratulate all those who have been looking after the Museum, many others whose names I do not know and perhaps there are too many to mention in this House. I welcome the Bill very much.

HON A J CANEPA:

Mr Speaker, this Bill has been through the Development and Planning Commission and we were particularly heavily engaged in drawing up the First and the Second Schedules. I agree with the Hon Major Peliza that a piece of legislation of this nature is indicative of the degree of awareness that there is in Gibraltar today as to the importance of conservation in this case in respect of antiquities and ancient monuments but I think the community as a whole is becoming increasingly aware not just of our historical and cultural heritage but also of our physical and environmental heritage and of the need that there is to take adequate steps to preserve and protect that. The list in the First Schedule, I think, when the Development and Planning Commission considered it contained some 146 ancient monuments and we were very glad that we were able to agree to their inclusion with the one sole exception of Parsons Lodge for the reasons which I think are very well known throughout Gibraltar because they have been the subject of a great deal of controversy in the past and I would not for one moment believe that we have heard the end of that particular saga but economic development is also important and the problem with conservation is how one treads that very narrow line that has to be trodden between development on the one side and the need for that because it is beneficial and it is in the interest of the community particularly in the circumstances of Gibraltar over the next few years, and we are going to need to provide alternative means of employment, that on the one hand and on the other the need to preserve what is worth preserving. I hope that this particular piece of legislation will be the precursor to further legislation that will also strengthen the requirements and the legislation that there is already on the statute book

in respect of our flora and fauna. I think that there is a need to step up activity in that respect with a view, perhaps, to allowing people who are interested in preserving conservation in the Upper Rock to participate themselves actively such as in a system of wardens and having the powers to look after the Upper Rock. I think the two things have got to go together because the environment is a unit and cannot just be seen as buildings. I think that the Bill is also indicative of the much greater awareness that there is in Gibraltar of the need to improve the quality of life. The Government, I think, is taking very active steps, I think the campaign for a cleaner Gibraltar coupled with the stiffer litter penalties is also beginning to have some success and I see this very much as a package of a whole and I am glad to see that the Bill finds such wide and general acceptance in the House.

HON CHIEF MINISTER:

Mr Speaker, I feel I have to say a few words because of my old association with the Museum over the years. The Museum had the fortune for many years to have a Chairman in the person of the late Padre Brown who made a great contribution to the preservation as he was able then to do and to the fostering of the extension of the Museum. I served under him as Treasurer for some time and at that time the Museum took the very sensible view that whereas when General Godley, I think it was, opened the Museum in 1927 or thereabouts, the idea was to have a general museum of all kinds of antiquities and so on but Padre Brown had the vision, supported by all his colleagues at the time that (a) the museum was too small for that and (b) we could never aspire to have a general museum and we ought to concentrate and there was plenty of it, in the history of Gibraltar and its environment which are so closely linked to the history of Gibraltar itself. From about 1951 the accent was then on that. I remember the day when the Museum got a very small contribution from the Government, I remember when we had a part-time Curator then we made him full-time, the late Mr McEwen, but from then on things have gone from strength to strength. On the death of Padre Brown I succeeded him as Chairman for about 13 years until the Constitution of 1964 when I felt that having regard to the fact that there was a system of Government and Opposition, it would not be proper for somebody holding the post of Chief Minister to continue as Chairman of the Museum but I spent very happy years with the people who worked and all the time, of course, in one form or another Mrs Ellicott was a particular supporter of the Museum and a member of the Committee for a long time. Later we were very fortunate in obtaining the services of the Curator who is an ecologist and has got a particular flair for presenting the exhibits of the Museum. The Museum is not big enough, it hopes to extend itself to the nearby MOD property when it is no longer required for military purposes or defence purposes, which should have been a long time ago. The area is not big

enough and there are many items that cannot be exhibited because of the lack of space but if there ever was a place properly situated for the Museum it must be just on top of the Moorish Bath which after the Granada Moorish Bath are supposed to be the best in the whole of Andalusia and the best relic of the Moorish occupation and of the Moorish civilisation. Therefore the place is ideally situated, it is very central and of course it has been beautified to the extent that anybody who goes there particularly from abroad, though more people should go from Gibraltar to see it, are marvelled by the way in which the Museum is now kept which is a far improvement from the days when we were trying to run the Museum on a shoestring of money. Be that as it may, we have now a Museum of which we must be justly proud and it is also proper that the Museum should have proper legislation to support it and this legislation which has had rather a long period of gestation for one reason or another, has at last given birth today and I am very happy to be associated with the passing of this Bill.

HON P J ISOLA:

The Bill has already been welcome by my Hon Friends on this side of the House. I suppose, as another past Treasurer of the Gibraltar Museum Committee, I should add my voice of welcome to the Bill and my voice of congratulation into the hard work that has obviously gone into the preparation of this Ordinance for the proper protection of our antiquities in Gibraltar. I, too, would like to express tribute to Dorothy Ellicott, a past colleague of ours in this House, some years ago, I will not say many years ago, some years ago, and I know the hard work that she has put into the Gibraltar Museum, and the whole issue of antiquity. But, of course, I am sure she could not have done that without a forceful Executive Officer and obviously she had that in the person of the Curator who has taken so much trouble, far beyond probably the limits of his duty, to ensure that we have a Museum of which we can be justly proud. I think that the question of having antiquities protected, the protection of our heritage, as the Hon and Gallant Major Peliza has said, is not only indicative of the civilised nature of our community but, of course, I think looking at it a little more narrowly, perhaps, I think that is the sort of thing that is going to help our tourist industry. I think people come to Gibraltar to see the places, to see the sites, to see its history, I do not think they come just to do some shopping although we all hope it ends up with a bit of shopping. I think it is terribly important that we should be able to preserve that which is good of our history, that which is interesting, and I think this Ordinance goes a long way to doing that and for that I think we must all be thankful. Only one point, Mr Speaker. The Committee Stage of this Bill is being taken at a later stage and we would like obviously to study the Ordinance in much greater detail and we would also like to have a look at the schedules involved because it just occurs to me that

possibly the second schedule that deals with protected buildings is possibly a little short. A number of buildings do come to mind that should be and could be protected buildings and I do not know whether at the Committee Stage it is proposed to add any more to the list of protected buildings. One building that comes to mind is the South Barracks Buildings which I believe is the oldest Barracks in the British Army, do we want that changed in the future, I do not know. A number of others do come to mind. We would like to think about it and see whether, perhaps, it might not be useful once we are having an Ordinance on antiquities of this nature, whether it would not be wise to have a few more protected buildings put in because with the busy nature of our activities and the busy nature of legislation and so forth in Gibraltar it might be worthwhile having a hard look as to whether there should be any other protected buildings or, indeed, any other ancient monuments included in the schedules to the Ordinance and if that is so perhaps we could amend the schedules at the Committee Stage. We have no proposals to exclude any of the ones that are there, Mr Speaker, I know my Hon Friend on my right would like to include one in ancient monuments and perhaps we may have others to include. We welcome the Bill.

MR SPEAKER:

Are there any other contributors to the debate? Does the Hon Mover wish to reply?

HON H J ZAMMITT:

There really is very little to reply other than as I mentioned earlier on, the Committee Stage will give Members an opportunity to come up with suggestions which we will obviously consider. Other than that, Mr Speaker, I think everything has been covered and there is nothing controversial about the Bill. I commend the Bill to the House.

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

HON H J ZAMMITT:

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

THE FAMILY ALLOWANCES (AMENDMENT) ORDINANCE, 1982

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Family Allowances Ordinance (Chapter 56) be read a first time.

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

SECOND READING

HON MAJOR F J DELLIPIANI:

Sir, I have the honour to move that the Bill be read a second time. Sir, this Bill forms part of the measures announced by the Chief Minister at last year's budget and it is really aimed at helping the parents of the students who are undergoing training in Universities in the United Kingdom so that they may be treated as though they were in school in Gibraltar. I do remember that there were no shouts of opposition when this measure was announced at last year's budget.

MR SPEAKER:

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

HON W T SCOTT:

Mr Speaker, we on our side of the House obviously welcome this Bill. I personally undertook for a member of the electorate the problems that he had been experiencing for a number of years, in fact, he had not qualified for this family allowance because his eldest son was receiving full-time education and he lost his allowances, I think it was on the second son. Generally, I think it is something that we are glad to associate ourselves with and we fully support the Bill.

MR SPEAKER:

Are there any other contributors? Does the Hon Member wish to reply?

HON MAJOR F J DELLIPIANI:

No, Sir.

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

HON MAJOR F J DELLIPIANI:

Sir, I beg to 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 MARKETS, STREET TRADERS AND PEDLARS (AMENDMENT) ORDINANCE, 1982

HON J B PEREZ:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Markets, Street Traders and Pedlars Ordinance (Chapter 98) be read a first time.

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

SECOND READING

HON J B PEREZ:

Sir, I have the honour to move that the Bill be read a second time. Mr Speaker, in introducing this Bill for an Ordinance to amend the Markets, Street Traders and Pedlars Ordinance, by repealing Part I of the same and replacing it by a new Part I which deals primarily with the administration of the public markets, the Government is intending to modernise the law on markets in keeping with the current situation. The new sections 3 and 4, in fact, repeat the existing powers for the Government to establish markets and provide the amenities necessary therein. It also provides for the verification of the accuracy of scales thus ensuring that trade is effectively and fairly conducted within the markets. In the past all holders have had monthly tenancies and have never enjoyed any security of tenure as such. This resulted in their being loath in some cases to improve their stalls or expand their businesses for obvious reasons. In order, therefore, to enhance the markets and bring the stalls into full compliance with current food hygiene legislation, the Government undertook a large programme of improvements and modernisation which included the provision of facilities such as sinks, hot and cold running water which, according to the law, are the responsibility of the owners of food businesses. Having brought the markets to such an acceptable level, the Government has created the most telling innovation on the existing legislation by granting tenants stalls which comply fully with the Food Hygiene Regulations as to fittings etc, which obviously they will be responsible to maintain except for fair wear and tear for which the Government will retain responsibility and at the same time, Mr Speaker, giving the stall

holders a security of tenure that they have never enjoyed in the past. This has been achieved by providing for the giving by either party of not less than six months notice in writing of their intention to determine the tenancy. The same new section 5 also provides for the Government without notice to determine a tenancy where, inter alia, the tenant has after having been required in writing to do so, failed to use a stall or area for the purpose for which it was let. This, Mr Speaker, is intended to end the current situation in which some stalls have been hired and not brought into use thus effectively eliminating healthy competition which in turn has gradually resulted in less people going to the markets and there being less business for traders established there for so many years. This new section is intended to bring the markets back into its full potential. The proposed new section 6 allows for the making of rules on all matters which deal with the administration of markets. It effectively extends the matters which in future will be in the form of rules making the running of the markets even more efficient whilst the new section 7 and section 7A provide for the recovery of money due under the Ordinance. Clauses 3 to 6 of the Bill amend several other sections of the main Ordinance by increasing the fines for offences under the Ordinance to more realistic levels. On the whole, Mr Speaker, this is a Bill which not only revises existing law but also seeks to protect the interests of all parties concerned, namely, those of the consumers and, of course, of the traders alike. Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON G T RESTANO:

Mr Speaker, I think to attempt to get full potential of the markets is very laudable and one accepts and welcomes that. There are two points on which I would like clarification. First of all, whilst one welcomes that the extension from one to six months of the tenure of the tenants in the markets is a good thing I wonder why six months was preferred. In normal business practice businesses would have at least a year to three years of tenure. I am not saying that three years, perhaps, is optimum for the markets but certainly I would have thought in line with other licences which are granted in Government that a year would probably have been better than just six months. I wonder why six months was preferred? Perhaps in his reply the mover may explain this. The other point, Mr Speaker, is section 5, the letting of premises. I feel that in the same way as when a business wishes to establish itself it has to apply for permission under the Trade Licensing Ordinance, I would have thought the same

principle could have been applied in applications for tenants who wish stalls in the markets and that is that those applications be gazetted. I feel that when applications are granted those, too, should be gazetted so that one knows exactly what type of companies are applying for licences and are being granted stalls.

MR SPEAKER:

Any other contributors to the debate? I will then call on the Mover to reply.

HON J B PEREZ:

Yes, Mr Speaker, I thank the Hon Member for the contribution he has made, in particular the two points which I will try to clarify. The first one was the question of security of tenure, why, in fact, the Government has decided only to allow a six month period notice to quit on either side. Let me say straight away that the idea of six months has been taken from the required period under the Landlord and Tenant (Miscellaneous Provisions) Ordinance in which a statutory tenant although he may be a monthly tenant, in law he is required to be given a six month period notice to quit, that is in cases where you are a monthly tenant. It may well be, for example, that in other Government properties or in particular situations a tenant or a stall holder may be given a further tenancy of a longer period or in other Government property he may be given a lease of two or three years or four years. However, this is a matter which since the Committee Stage is not being taken at this stage, I am prepared to look at once again although I feel, Mr Speaker, that at the time there was a meeting the stall holders were in fact consulted, this is going back quite some time ago and the information I had was that the stall holders were quite happy with the six month's notice to quit on either side. Let me make it quite clear that the stall holders would not be licensees because as the law stands today without this particular Bill, it was arguable in law that the stall holders were not in fact tenants but were in fact licensees which therefore meant that there was absolutely no security of tenure at all for the stall holders and this is basically what we are trying to put right with this Bill, that is, in trying to give the stall holders security of tenure in order to enable them to expand their businesses but that is a matter which we are willing to look at and as I say the Committee Stage is not being taken at this meeting. The second point raised by Mr Restano, that is, for applications to be gazetted, again I have no strong objections to finding a way of being able to comply with that, it seems to me a sensible idea. At present the position is as the Hon Mr Loddó knows, there are a certain number of stalls which are not being used for the particular purpose for which they were let and the Environmental Health Department has quite a large number of applicants - in fact I have given the figures in the House in

previous answers - and unfortunately it is a question of waiting until one becomes available but again as far as this particular point is concerned, it may well be that to gazette them may not be the answer but again I am willing, Mr Speaker, to look at it and see whether in fact applications could be gazetted, whether we could do it by asking them to advertise or for the department to publish a list and it would be available for anybody to see. But let me add, in any event, if anybody were to get in touch with the department, anybody wishing to have a stall at the markets, they would be told how many people are, in fact, on the waiting list, the applicants are informed. I do take the point that it may be better for every application to be gazetted and to have an announcement of the successful applicant if and when stalls become available. Mr Speaker, these are two points which I will be looking into and no doubt if no satisfaction is given by the Government the Hon Mr Restano could raise it at the Committee Stage by proposing an amendment to it. Having said that, Mr Speaker, I commend the Bill to the House.

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

HON J B PEREZ:

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

THE ADMINISTRATION OF JUSTICE ORDINANCE, 1982

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend various Ordinances to provide for the better administration of justice be read a first time.

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

SECOND READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be read a second time. Sir, as the Long Title indicates this Bill adopts the device of under one title amending several Ordinances and I would refer Members to the fact that when the last Bill of this nature was brought before the House, I believe the Hon and Learned Leader of the Opposition recognised in a Bill of this nature which has a common theme ie, the administration of

justice, it is permissible to do what otherwise would be really contrary to good legislative practice. There are several amendments, Mr Speaker, and what I propose to do is to take them one by one. Can I say at the outset that I anticipate that at least one and perhaps two will require some careful thought. It is not intended to take this Bill through all the stages at this meeting of the House and no doubt Members will want to consider carefully the implications of some of these proposals. Dealing with the first one, in clause 2, it relates to the flexibility available to the court in sentencing offenders and the object or the thrust of the amendment is to empower a court in the case where a person who requires a residence permit to be in Gibraltar and has attained the age of 17 years is sentenced for an offence that is punishable by imprisonment, to make a recommendation to the Government, in effect, that the man be deported and I would stress the following points about this provision. First of all, it applies to adults, certainly to persons over 16, it is a recommendation, it is not an actual determination that the person must be deported, it is a recommendation by the court. It does not exclude or release the court from the duty to sentence. If I can put that another way perhaps that was not very happily put. The power cannot be exercised unless there has been a sentencing first. It is not intended to be a soft option, if you like, it is intended to be an additional power where the court has sentenced and of course it only relates to offences of a more serious nature, ie those which are punishable by imprisonment. I would also draw Members' attention to subclause (2) which contains a safeguard to the effect of notice, seven days' notice is to be given to the person before this recommendation can be made and of course the purpose of that is to enable the person to make representations against a recommendation of deportation if he thinks fit. I should also draw Members' attention to the fact that as the law stands, and this may be a matter on which the House would like to give further thought, but as the law stands, in subclause 3(b) there is a provision which in effect takes this outside the usual principles relating to children and young persons, in other words, the recommendations of deportation is available for persons who have attained the age of 17 years. I would also draw Members' attention to the following safeguards. A recommendation for deportation, although it is not strictly a sentence itself, will be treated as a sentence inasmuch as the person affected will have a right of appeal. Finally, on this particular provision, nothing in this new power, if it is enacted, will enable a recommendation of deportation of a person who is a Community National on any grounds other than the grounds which are recognised as grounds for requiring Community Nationals to leave one of the member states. If I may now go to clause 4, Mr Speaker, because although that is not the next one in chronological order it relates to the same thing. The actual power of deportation under the Immigration Control Ordinance is vested either on the Governor or on the Magistrates' Court and the amendment proposed in clause 4 is to carry into effect the machinery where a court has made a recommendation so clause 2 confers

the power to recommend deportation, clause 4 will amend the Immigration Control Ordinance to enable that recommendation to be carried into effect. I should stress that it is a discretion, it does not have to be carried into effect but the executive could carry it into effect. I have not provided in the Bill that the Magistrates' Court should have the power to carry it into effect because it seems to me that if you are given the court and possibly the court may be the Supreme Court, a power to recommend, then that is a case which it is appropriate for the Governor to make the decision whether or not to deport. Clause 3 of the Bill contains what is really a machinery provision. Under the existing provisions of the Criminal Justice Administration Ordinance juvenile courts have power to appoint a fit person to have the care and protection of a child or a young person who needs care and protection and it is the practice to appoint officers of the Department of Labour and Social Security who are in charge of the homes where these children are looked after. There is a practical inconvenience on this in that every time the head of the Home changes it may be necessary to go back to court and get another Order and this amendment quite simply is to enable the appointment of a fit person to be made nominally in the name of the Director of Labour and Social Security so he is the legal custodian of the child in need of care and protection. In fact, of course, although he remains responsible for the administration of that Department, the actual care and protection will be under the officer who has charge of a particular Home but if that officer leaves or is promoted or goes elsewhere, it won't be necessary to come back to court each time. I think there is adequate precedent for that elsewhere and I think given that the person is a responsible member of the administration, it is not objectionable. Clause 5 is also intended to give more flexibility in the administration of justice so far as the custody of prisoners are concerned. At the moment, under the Prison Ordinance, although there is provision for the release of prisoners on parole, there is a restriction that a prisoner must either serve a third of a sentence or 12 months and 12 months is a minimum. It is considered that it is better that the 12 month qualification should be removed so that the normal period eligibility for parole would be quite simply after you have completed one third of your prison sentence. That is subject to another restriction in the Ordinance which I should mention. There is a provision in the Ordinance to the effect that no person who serves a sentence not exceeding one month should be eligible for parole. I think the point of that is obvious, one month is really the minimum sentence that one contemplates if one is going to send a person to imprisonment. I think that is really a practical limitation on granting parole but the most substantive restriction of 12 months restriction would go under this Bill. Finally, Sir, clause 6 simply does this that it includes specifically, by specific reference, in the list of person who are ineligible to serve on juries, members of the City Fire Brigade and officers of the Revenue Department. The rationale for that I think is this, that in

the case of the Fire Brigade they are carrying out an essential service and would not normally be expected to serve on juries. Officers of the Revenue Department are law enforcement officers and it is considered inappropriate that they should be people who are normally eligible to serve on juries. Sir, I commend the Bill to the House.

MR SPEAKER:

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

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

HON ATTORNEY-GENERAL:

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

THE IMPORTS AND EXPORTS (AMENDMENT) ORDINANCE, 1982

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Imports and Exports Ordinance (Chapter 75) 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. Sir, this Bill covers a number of important provisions for the better administration of the Imports and Exports Ordinance and it also provides for private warehouses for motor vehicles and motor cycles. It has been clear for some time that we need in Gibraltar a green channel system particularly at the Waterport, we shall require it at the new Airport building when that is completed and we shall certainly require it with an open frontier situation at the Four Corners Frontier post. Clause 3 of the Bill is, in fact, designed to enable the customs to operate a green channel system at all points of entry to Gibraltar. Clause 6 will enable customs officers to control the movement of goods entering Gibraltar

whether by sea or land which are proceeding to a bonded store or a customs warehouse. At the moment vehicles from the Port do make journeys under customs control to bonded warehouses but the customs have no power of direction as to by what route or how and in what manner the goods should be carried and this is considered to be a necessary precaution. Under the existing section 48(c) of the Ordinance, there is machinery for the rate of duty on articles specified in the First Schedule to the Ordinance to be reduced or abolished by Order made by the Governor-in-Council. These Orders only have validity until the end of the House of Assembly meeting immediately following the publication of the Order unless the Order is approved by the Assembly at that meeting. The new clause at 5 extends this provision to cover the Second Schedule to the Ordinance which provides for export duty on fuel, diesel and gas oils and also the Fifth Schedule which are the fees for duty free goods. The object of this amendment, Sir, is to give greater flexibility to the administration to adjust duties downwards as required in what could prove to be a fluid fiscal situation. In 1981, the Gibraltar Motor Dealers Association made representations to the Government about the payment of import duty on motor vehicles and sought a concession to bring the trade into line with other areas of the private sector that were allowed private warehousing or bonded facilities. In support of their representations the Association pointed out the contribution which the motor industry as a whole makes to the economy of Gibraltar. They also pointed out that direct imports from Japan in particular must remain in relatively large minimum quantities if full opportunity were to be taken of reductions in price by major orders, and the need to develop an adequate procedure to meet the challenge that might be afforded by a broadening of the economy. The Association requested that they be allowed to operate private store facilities for motor vehicles. Because no motor vehicle can be registered in Gibraltar unless a certificate of lawful importation can be produced and these are only issued on production of evidence that import duty has been paid, the Government is satisfied that the control of uncustomed vehicles would not present any problems. In the circumstances, it is proposed to accord the concession that duty on motor vehicles and motor cycles should be payable immediately before registration or on removal from a Government or private storehouse or four months after being warehoused, whichever is the earlier. Clause 7 corrects an error on a duty levied on printing material and publications which I regret, and I apologise to the House, crept into the 1981 budget. Subsequently it was pointed out to the Government that the error that was made was affecting the printing trade in Gibraltar and clause 7 will now correct that error. Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, let me say that I welcome the provisions in relation to the import duty on motor vehicles and motor cycles because although that means that the Government will presumably have to wait until the cars are actually sold to collect its duty, the Government will in fact know that it will get it within four months at the latest and I think this will give opportunity to the motor dealers to stock cars in Gibraltar and reduce the interest charges they would have to pay if they had to pay import duty immediately. I only hope the net result of this, Mr Speaker, is that the prices will remain competitive and good but the interest on money saved will benefit the purchaser of the motor vehicle. I think that is a good idea. Can I ask on this whether people coming in with motor vehicles from outside, I raised this in the House before, for example, somebody arriving from England with UK number plates and who is going to reside in Gibraltar, whether he will also be able to wait four months before paying duty until he registers the car and as we are talking of motor cars could I ask that the same principles that are applied will obviously have to be applied at the frontier with foreign cars coming into Gibraltar, the same principles will be applied also at Waterport and that people arriving with motor vehicles which they might have purchased outside Gibraltar, will not be put through the discomfiture of having to either pay the duty on entering or leave their car at the frontier and come back next day to pay duty. I think that if we are having a general sympathetic look on this issue, I think that individuals who arrive in Gibraltar with their families on the Mons Calpe or now, possibly, through the frontier, that all that will happen is that details will be taken of the car and who has come in with it, if he is a resident of Gibraltar etc, and that he will then be required at a future date, the next day or the day after, to call at the customs and the customs will not exercise the powers if they have it, of insisting on immediate payment of the import duty of a family arriving at Gibraltar at a late time. I think this clause sensibly realises cars are not matters on which people can escape paying duty easily. I hope I can have some sort of satisfactory assurances on that, Mr Speaker. The question of reduction of duties and the Governor-in-Council having power through regulation to reduce duties, we would agree with that clause, I think it is sensible and I think it can be done. My only hope is that this will be exercised, this power to reduce duties, sensibly, with a view to improving the economy. I think there are areas and no doubt we will hear about this in the Budget, of course, but I think there are areas in which the Government could usefully explore the reduction of import duties now that, hopefully, the frontier is going to open and I hope that quick action is taken in these things because I suppose we do want to get a good reputation if possible from Day 1. On newsprint, Mr Speaker, on the question of the First Schedule to the principal Ordinance which was there and shouldn't have been. I do not know, Mr Speaker, whether the Government should not consider having some import duty on newsprint if it is to protect trade,

I would have thought that not having it will affect the printing industry. As the House is aware we have had proposed amendments to the Trade Licensing Ordinance under which it was proposed to require the local printing industry to have licences and we objected to that on principle, mainly on the principle of the freedom of the press and so forth. We did say in that debate, if I remember rightly, that the problem of the printing industry is not competition in Gibraltar but competition from outside Gibraltar. I do not know whether by putting some import duty on newspapers or newsprint, on paper, I am not sure how it can be done or whether that might be usefully explored as a legitimate means of protecting the printing industry within Gibraltar against possible unfair competition. I throw that out as a thought now that the subject has come up under this section. Perhaps that, Mr Speaker, could be mulled over. We will certainly support any such measures. I think, Mr Speaker, that is all I want to say on the Bill.

MR SPEAKER:

Are there any other contributors?

HON MAJOR R J PELIZA:

Mr Speaker, I certainly welcome this idea of not paying duty on the spot and I do hope this will be the thin edge of the wedge because I have raised on various occasions that the effect that that has on costs is considerable and that there must be a way of trying to impose the duty at the point of sale and not at the point of entry. I have argued this before and I think now that we are going to find competition from outside, it is high time for the Hon the Financial Secretary to give very careful thought to this matter. I asked a question on selective reduction of duty. I now say not only should he try and look at where we must reduce our duties on imports but also how we can minimise the effect on duties on those items that duty has to be paid on. It so happens by the nature of Gibraltar, Mr Speaker, that we cannot import one or two items at a time. It is necessary to import in bulk, in too great a bulk really commensurate with the turnover that there is for Gibraltar and that means that the importer has to pay a considerable amount of money which lies idle for a long time and which inevitably whether he likes it or not he has to add to the cost of the item when it reaches the premises. Consequently the margin of profit has to be worked out on the value of the item, not just the item, plus duty and consequently, Mr Speaker, we become uncompetitive, our prices are higher and from the point of view of competition it is obviously not in our interest. At the end of the day the people who are making the money are the financial houses who provide the overdraft to the trader in Gibraltar and in many instances they are not even local traders so it is money, Mr Speaker, that we are throwing down the drain.

This is why I welcome this so much because I do see that a little light is coming into the Treasury now and that perhaps they will be able to see other items that they can consider in the same way. I know the problems, I know the Financial Secretary is going to raise all sorts of problems but this is always the same with civil servants. They cannot see the point of view of business, Mr Speaker. They want the whole thing very nicely tied up. If it is tidy it is good, if it is not tidy it is no good but from the point of view of business it is not a question of tidiness, Mr Speaker, it is a question of money, of competition, of being able to bring down prices to make the consumer happy and in this instance it is going to be our livelihood. It is not just a question of satisfying our consumers any more, it is a question of making Gibraltar financially viable because it is through that viability that we are going to exist and therefore I think that the people concerned must become much more imaginative than they have been up to now. I do hope that the lead that the Financial Secretary is now giving in this respect may follow by others.

MR SPEAKER:

I will call on the Mover to reply if he so wishes.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, merely to say that to the siren voice of the Leader of the Opposition he would have me reduce duties. I have also been exposed to the big guns of the Hon and Gallant Member. Imports of cars from the United Kingdom; well, the customs are taking a much more relaxed attitude to this and there is no question of people being forced to cough up some money, if I may put it in that way, Sir, on arrival with children in the back screaming for food; they can come back within a week and pay, there is no problem on that. I echo the sentiment of the Hon and Learned Leader of the Opposition that this facility which we are now affording to the Motor Association will enable them to pass on to purchasers some reduction in price. Reduction of duty, well, I have taken the Hon Member's point. I never cease to be amazed at this time of year how many people want reductions in taxes and increase in expenditure and quite how one balances one's books I am not sure. On newsprint, there is perhaps a little confusion here. What happened at the Budget was that we made printed matter, manuscript and typescript, free, and this meant that printed material, letter headings printed or invoices, bills of quantity or what have you that were printed outside, receipt books and the like could come in free of duty. What we are putting back is newspaper and newsprint for printing papers here would come in free as with children's pictorial books and books of other kind, but that printed matter will once again become a taxed item and I think that we are meeting what the Hon and Learned Member has suggested. Sir, I commend the Bill to the House.

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

HON 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, if necessary, today.

This was agreed to.

THE INCOME TAX (AMENDMENT) ORDINANCE, 1982

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

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

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 before the House contains a number of general amendments covering changes which the Government has had in mind for some time. With the closure of Her Majesty's Vice-Consulate at La Linea and Algeciras it is no longer apt to use these areas directly to define ordinary residence in the immediate vicinity. Clause 2 of the Bill brings into the definition of ordinarily resident the Campo district which is then defined by reference to the former consulate districts at La Linea and Algeciras. In order to provide more incentive to those members of the community who may be willing to invest money in acquiring their own homes, clause 3 of the Bill seeks to repeal the existing provision whereby owner/occupiers of residential property are charged to tax on the net annual value of the property occupied. Section 7(1)(z) of the Ordinance at present exempts from tax a gratuity payable by the Government of Gibraltar under a contract of employment with an officer recruited from outside Gibraltar whereas an officer recruited within Gibraltar on contract would have to pay tax on the gratuity. This, obviously, is not fair and the situation came to a head in 1979 when two-year contracts were entered into with temporary telephone trunk operators at the termination of which these persons became eligible for a gratuity chargeable to tax. To bring all contract gratuities

in line with those payable to officers recruited from outside Gibraltar, clause 4 introduces a new paragraph into the exemptions section of the Ordinance making gratuities paid by the Government under contracts of employment outside the pensions legislation exempt from tax. The law officers recently advised that the Income Tax Department was giving a wrong interpretation to Section 22(1) of the Ordinance in allowing against the income of a husband a premium paid by his wife on an insurance of his life. The proposed amendment to Section 22 will allow the Commissioner of Income Tax to make the deduction from a husband's assessable income of the premium paid by his wife on an insurance on his life or on her own life when the wife is not separately assessed. This amendment is in accordance with practice elsewhere. As Section 25 now reads a Trust, which is deemed to be a person for the purposes of the Ordinance, cannot have income charged to tax at a rate higher than 30% (the standard rate). There is no reason why the income of a trust or other body of persons, should be treated differently to the income of an individual whose maximum rate of tax is 50%. The amendment, proposed in clause 6 extends the liability to pay tax at the higher rate to all persons other than companies and not merely to individuals. Clause 7 of the Bill corrects a previous drafting error. Section 64 of the Ordinance under which the Governor may remit taxes and penalties, is repealed by clause 8. The Governor's exercise of this power was recently subjected to legal challenge. In the Supreme Court the applicant was successful but the Court of Appeal allowed the appeal. The Governor has constitutional powers to remit penalties and it is considered that in the future he should not be concerned with applications to remit tax once it has been legally established as being payable. Because of the possibility of a further appeal, a saving is included to protect the position of a taxpayer who is now seeking leave to appeal and any other who may be in a similar position. I should stress that the proposed change is for the future only. It is not, of course, in any sense a comment on the proper interpretation of the present law. Mr Speaker, Sir, I give notice of my intention to move a very minor amendment at the Committee Stage but an important one. This is to delete the letter (b) where it appears at the end of clause 3 of the Bill and to substitute it for (a). Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, the question of the gratuity clause we have raised it before and having heard the reasons for it and that is that officers recruited on a contract locally like the temporary trunk operators their gratuity should be received free of tax.

Whilst we do not object to the principle of that, Mr Speaker, what we object to is that gratuities, other than, apparently, in the Government service or in the Ministry of Defence, are liable to tax. It seems to me that if a company employs a contract worker for a period of two years or three years or four years and gives him a gratuity, I do not see why, in principle, that gratuity should not be also free of tax. If the problem is that gratuities could be used as a means of avoiding tax through salaries or whatever, I think that all that was required, I would have thought, would be a very careful definition of a gratuity, a very careful definition as to how many times in one's life, as it were, an employer can give a gratuity and possibly even putting a limit on the gratuity in proportion to any salary that had been received. In other words, to pick out the genuine gratuity which I am sure is also paid in the private sector, to pick it out so as to make that one tax free. I see the problem but I think there is a cure and I think it is only fair that people in the private sector who work possibly a number of years with an employer and who receive at the end of their employment what is in effect a genuine gratuity should be able to receive that free of tax in the same way as their normally better off counterparts in the public service. I think it is an injustice that should be corrected possibly at the time of the Finance Bill at the Budget. The question of the re-definition of section 2 of the Income Tax Ordinance, well, obviously, Mr Speaker, that is necessary and we would agree with that as, indeed, with the other clauses in the Bill. In particular the question of the premium I think is a very useful amendment to clarify the position, actually I do not share the view, but I am glad it is clarified. I think any premiums paid in insurance or in savings one should encourage it and we welcome that amendment. Thank you, Mr Speaker.

HON A J CANEPA:

Mr Speaker, I do not think the Hon Leader of the Opposition should go away with the impression that genuine gratuities paid to employees of the private sector are not tax free. If a retirement gratuity is given to somebody employed in the private sector under a proper Pension Scheme that gratuity would be tax free. What would not be tax free would be if an employee in the private sector were to enter into a contract with his employer for two or three years and at the end of the those two or three years be paid a gratuity, that would have to be taxable and that is where there can be abuse. In the case of the public sector we know that we can exercise the necessary control but not in the case of the private sector. Someone in the private sector could be taken on for three years, is paid a gratuity and an adjustment is made in his salary in order to get around payment of tax, he serves his two or three years, he renews his contract for another two or three, again a gratuity and an adjustment in the salary and this is something that could be kept up ad infinitum. Where a pension scheme is established in the private sector which is

the case with many employers and an employee has served for long and he retires from employment, he gets his retirement gratuity and he gets his pension, that gratuity is tax free in exactly the same way as for an employee of the public sector.

MR SPEAKER:

Are there any other contributors?

HON ATTORNEY-GENERAL:

Mr Speaker, I would just like to refer to something to which the Hon the Financial and Development Secretary has referred to because I think it is appropriate that I should do so. As he mentioned, there has been an appeal in relation to Section 64 and the Bill is now proposing that this section be repealed. I should like to emphasise, if I may, that that is entirely without prejudice to the rights of the taxpayer concerned if he chooses to take the matter further. It is rather a sensitive area but let me stress that we are talking about, as I am sure Members will appreciate, we are talking about the future legislative effect and nothing that is being done there is in any way pre-empting or influencing the correct interpretation of an existing provision. I would just like to emphasise the point in case anybody might misunderstand it.

MR SPEAKER:

I will now call on the Mover to reply.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I only want to make one point and this is on the gratuity clause on which the Hon and Learned Leader of the Opposition spoke. First of all, I suppose I ought to declare an interest because I am an overseas officer who gets a gratuity and it is tax free. I must say that I am sympathetic to the point made by the Hon and Learned Member and I have elsewhere introduced legislation to provide for this and have had my fingers very badly burnt because it left a lacuna in the Ordinance which was exploited for tax avoidance purposes. Far be it for me to suggest that my Hon and Learned Colleague the Attorney-General cannot draft in order to avoid such a lacuna but it is a difficulty and one has to be very careful about it. Whilst we will look at it I cannot promise that it will be in any Finance Bill in the very near future. Sir, I commend the Bill to the House.

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

HON 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, if necessary, today.

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1981/82) ORDINANCE, 1982

HON FINANCIAL AND DEVELOPMENT SECRETARY:

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

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

SECOND READING

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill be now read a second time. The Bill seeks to appropriate, in accordance with Section 65(3) of the Constitution, a further sum of £755,825 out of the Consolidated Fund. The purposes for which this sum is required are set out in Part I of the Schedule to the Bill and are detailed in the Consolidated Fund Schedule of Supplementary Estimates (No 4) of 1981/82 which I tabled at the commencement of this meeting. The Bill also seeks to appropriate, in accordance with Section 27 of the Public Finance (Control and Audit) Ordinance, the sum of £459,089 from the Improvement and Development Fund. The purposes for which this amount is required are set out in Part II of the Schedule to the Bill and are detailed in the Improvement and Development Fund Schedule Supplementary Estimates (No 4) of 1981/82 which I tabled at the commencement of this meeting. Of the funds required from the Consolidated Fund somewhat more than a third are required for contributions to the funded services to meet projected deficits on the Housing Fund of some £55,300 and on Potable Water services of some £210,300. Of the total amount sought under the Improvement and Development Fund £342,700 is required for Head 101 Housing. This sum includes funds required to meet additional expenditure because of a higher rate in progress on housing. I would like to give notice at this stage of the Bill of the Government's intention to move an amendment at the Committee Stage to increase the provision required under Part I of the Schedule to provide under Head 14 for £28,000 to meet the cost of outstanding commitments to the Group Practice Medical Scheme. Mr Speaker, Sir, I commend the Bill to the House.

MR SPEAKER:

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

HON P J ISOLA:

We will address ourselves at Committee Stage.

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, if necessary, today.

This was agreed to.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

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

- (1) The Housing Association Bill, 1981;
- (2) The City Fire Brigade and Fire Services (Amendment) Bill, 1981;
- (3) The Public Finance (Control and Audit) (Amendment) Bill, 1981;
- (4) The Landlord and Tenant (Temporary Requirements as to Notice) (Amendment) Bill, 1982;
- (5) The Family Allowances (Amendment) Bill, 1982;
- (6) The Imports and Exports (Amendment) Bill, 1982;
- (7) The Income Tax (Amendment) Bill, 1982; and
- (8) The Supplementary Appropriation (1981/82) Bill, 1982.

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

THE HOUSING ASSOCIATION BILL, 1981

Clauses 1 to 23 were agreed to and stood part of the Bill.

Clause 24

HON ATTORNEY-GENERAL:

Sir, there is a reference in sub-clause (4) to sub-section (3) which in fact should be to sub-section (2). It is a drafting point. I beg to move that clause 24(4) should be amended by omitting the expression "(3)" and substituting it for the expression "(2)".

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 24, as amended, was agreed to and stood part of the Bill.

Clauses 25 and 26, as amended, were agreed to and stood part of the Bill.

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

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

THE CITY FIRE BRIGADE AND FIRE SERVICES (AMENDMENT) BILL, 1981

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

Clause 3

HON G T RESTANO:

Can I know, under sub-section (d), what is the cost of this likely to be?

HON DR R G VALARINO:

Mr Chairman, this is only to allow the enabling power so that the prescribed fees are charged. At the moment there is nothing about the amount of the fee.

HON G T RESTANO:

How much is it going to cost the owners of premises?

HON DR R G VALARINO:

Mr Chairman, it may cost them nothing at all. Once the power has been given the prescribing fee may be nil, therefore it may cost them nothing.

HON G T RESTANO:

How much is it going to cost owners of premises who have to put in fire extinguishers in their premises? I am referring to (f) and (g).

HON DR R G VALARINO:

It will be the normal extinguishers that we are providing at Government housing.

HON G T RESTANO:

But this is not just for Government housing, surely, this is for every single premises in Gibraltar presumably? I want to know how much it will cost individuals to have to instal an extinguisher in their premises? Presumably Government must know because at the same time they are generally regulating the sale, supply and installation.

HON DR R G VALARINO:

Mr Chairman, Sir, we certainly do not know. It really depends on the owner and occupier on the type and number of extinguishers that he wants to put in and it really depends on the actual owner of the premises himself as to the amount of money he wants to spend in providing fire-fighting equipment.

HON G T RESTANO:

Why then does sub-paragraph (g) say "generally regulating the sale, supply and installation, repair and maintenance of the fire-fighting equipment"? This is a contradiction, surely, to what the Minister has just been saying?

HON DR R G VALARINO:

Mr Chairman, Sir, really this is only to enable the Regulations.

HON MAJOR R J PELIZA:

We all know that. What we do not understand is how the Government can go into this kind of legislation without first of all knowing the cost to the individuals themselves who will have to

put them up or the cost to the Government to run the show. I think that we shall certainly have to vote against when the Minister has not got a clue of what this means or what it is going to cost.

HON DR R G VALARINO:

On a point of clarification, Sir. At the last meeting this was asked by the Hon Member, Mr Restano, and there was a comment from the Hon Mr Restano as to how much it was going to cost the public. Let me assure Mr Restano that this will be free of charge so that no money will be involved in this direction as far as checking the fire-fighting equipment, rehabilitating the equipment and anything else that goes with it. I wish the Hon Major Peliza would spend more time in Gibraltar and read the Hansard.

HON MAJOR R J PELIZA:

It is the Minister who has got to give me the information, Mr Chairman. He is the Minister and he does not know how much it is going to cost per house in Gibraltar or how much it is going to cost the Government to carry out the supervision of this. He has not got a clue, he has not done any homework at all. Can he tell me how much it is going to cost the average person in Gibraltar, how much more it is going to cost to the Fire Brigade, how many more people they have to have employed to carry out the proper checks otherwise it is a total waste of money and of time? The Minister is the person who should know.

HON DR R G VALARINO:

Mr Chairman, on the first point could I clarify again. I have said in answer to the Hon Mr Restano as to how much this was going to cost the public: "Let me assure Mr Restano that this will be free of charge".

MR SPEAKER:

In fairness to the Opposition sub-section (f) and (g) denote a charge to the consumer and therefore they are asking whether you can quantify this charge. It is no use saying that they are not going to be charged anything because there is provision for a charge to be made.

HON DR R G VALARINO:

Certainly, Mr Chairman. The comment from the Hon Member was to how much this was going to cost the Brigade, that was the first comment, and I said this was going to cost the Brigade nothing.

HON MAJOR R J PELIZA:

Mr Chairman, how many individuals are going to be involved all the time going round, checking that whatever is supposed to be carried out is carried out or is it that the Fire Brigade is over-manned at the moment? If it is over-manned then they should cut it down, if it is not over-manned it is going to cost more money and I think the Minister should have done his homework and come out and give facts and he has not got them.

HON CHIEF MINISTER:

I have a very clear recollection, Mr Chairman, without having to look at Hansard that when the question of the substitution of fire precautions was raised in respect of the Humphreys Housing Estate, the Government opted for providing Government flats with fire extinguishers at Government expense, maintained at no expense to the individual by the Fire Brigade. It was a consequence of that as a fire precaution the Fire Brigade advised that it would be advisable for private dwellings to be provided equally with fire extinguishers. That was said at the time. The Government can buy as it has done in respect of the fire extinguishers provided by the Government, fire extinguishers of standard use at a considerably low price because it is bought for all Government houses. The position now is that there is provision in the Ordinance that fire-fighting equipment must be provided in every house for the protection of the tenant themselves. All the regulations say is that if the Government is going to provide for the private dwelling at the request of the private owner, then that the Government will be able to make a charge. It was said at the time that the Fire Brigade could cope because the inspection of the fire-fighting equipment was such that the Fire Brigade could cope in their routine work to see that these are inspected every year or every eighteen months. All that this is doing is providing regulations in case the Government has got to make the provision. The Government has no intention of charging people for providing a service which the people themselves must provide but if it has to, it has to have enabling powers. That is all that there is to it.

HON P J ISOLA:

Is the ordinary tenant in the private house going to have to pay for the fire extinguisher or is the Government supplying it?

HON CHIEF MINISTER:

My understanding is that as far as private dwellings are concerned that is a matter between the landlord and the tenant. What is required for the protection of occupiers is that houses should have some form of fire extinguisher on the spot in order to prevent the fire from extending much more widely.

MR SPEAKER:

And that particular fire extinguisher which is required will not be supplied by Government?

HON CHIEF MINISTER:

No.

HON G T RESTANO:

Who is going to pay for that, Mr Chairman, the landlord or the tenant?

HON CHIEF MINISTER:

I think if a pane of glass is broken and the water is coming in the Government is not expected to pay in a private dwelling for that. This is for the protection of the tenants and whether it is the landlord or the tenant is a matter for contract between the landlord and the tenant.

HON G T RESTANO:

What happens if they both refuse to pay for the purchase of this equipment?

HON CHIEF MINISTER:

There will be a statutory obligation on the part of either the tenant or the landlord to provide it. That is a matter of contract between them but certainly there will be a statutory obligation and it is in the interest of the tenant more than of the landlord, it is also in the interest of the landlord but the landlord probably is secure for the value of the property whereas the tenant it is his life that is affected.

HON MAJOR R J PELIZA:

But that is the whole point, Mr Chairman. It will have to be policed and that policing will have to be paid for. It is not the same as when you suggest to the people that they should have a fire extinguisher as they do in Britain and other places by advising them on television and newspapers that it is in their interest and therefore people with common sense will have one, this is obligatory. If this is going to mean anything at all then it has got to be policed, someone must knock at the door from time to time and ask to see the fire extinguishers. Who is going to do that?

HON CHIEF MINISTER:

The City Fire Brigade have made it clear that they can do it with their present personnel.

HON MAJOR R J PELIZA:

If they can do it with their personnel we are over-manned at that Station because you cannot do both things.

HON A J CANEPA:

I cannot see how this arises from the clause that we are considering, whether the Fire Service is over-manned or not, how does it arise?

HON MAJOR R J PELIZA:

Because we are asking how much it is going to cost and the Minister has not got a clue and all he says is that he has the men but if he has the men for this then they are surplus to establishment at this very moment. Therefore, I cannot vote for that.

MR SPEAKER:

It is a point to be made but not to be pursued.

HON P J ISOLA:

I want to ask a few questions on this, it is important. First of all, I do not know what a fire extinguisher costs; we have not been told but what we have been told is that regulations are going to be made and it is up to the landlord and the tenant to decide who pays. The Government is begging the question, really, because the landlord of a tenant of a rent restricted flat is not going to volunteer to pay for the fire extinguisher and the tenant is not going to volunteer to pay for it either, so what is the decision that the Government is going to make in that respect? If the Government is going to say that the tenant will do it they will have the Hon Mr Bossano or somebody else coming and shouting about it, if they are going to say the landlord is going to do it, the landlord will then want to increase the rent to cover the cost. What is disturbing in all these matters, Mr Chairman, is that the Government decides as a matter of policy as a result of what-ever happened at Humphreys Estate or Alameda and they say: "We will supply everybody with a fire extinguisher at our expense". It is not at their expense it is at our expense, at every individual in Gibraltar's expense, the taxpayers pay for that, this is the point. I cannot see why the Government continually makes distinctions between the Gibraltarian in their

service or the Gibraltarian in Government housing, with the other Gibraltarian who is probably living in much worse housing conditions. I think that if the Government thinks that as a matter of policy every house should have an extinguisher and has already put in at the Estates 5,000 in Government housing at my expense and at the expense of everybody in the private sector or in private housing, at the taxpayer's expense, there is no reason why the same facility if it is an emergency measure, and we do not believe for one moment it is, should not be covered by the Government in the private sector. That is point number one. Point number two is I would like to ask the Government whether they have pursued the matter, the point that was raised by the Hon Mr Bossano, that he had been at one house where the fire extinguisher involved was still in its box, had not been taken out, whether they have pursued that matter at all because I think it is relevant if you decide to have fire extinguishers everywhere and they are actually in boxes in people's homes. The third thing I would like to ask the Government is whether they have pursued since the last meeting of the House the statements that were made on this side of the House that apparently under current practice in dealing with fires what people are advised to do when there is a fire in their house or when a fire occurs in the United Kingdom, the current thinking appears to be, the advice is: "Close doors, close windows, get out and ring for the Fire Brigade. Do not try and deal with the fire yourself". Has the Government followed those statements up and are they right and correct? Mr Chairman, unless we can get satisfactory assurances on this we are voting against this section, we are asking for this to be deleted because it is putting unnecessary burdens or possibly putting an unnecessary burden on a section of our community and treating them unfairly with another section of our community and it has not been proved to us that it is necessary, the Minister has not been able to say in answer to questions what it will cost the individual landlord and the individual tenant, whichever one it is, to make these installations and what the law is seeking is intrusions into the freedoms of people to live in their own houses as they please.

HON CHIEF MINISTER:

If the sub-clause (d) is locked at, it is the enabling regulation requiring the owners or occupiers of any premises to provide and maintain in effective working condition in the premises fire extinguishers and other fire-fighting equipment specified in the regulations. The Ordinance gives power that regulations be made requiring that. It is going to be done by regulation. Sub-section (f) is defining the liability of owners and occupiers respectively for the costs of extinguishers and equipment specified in paragraph (d) and for the costs of re-filling or re-charging any such extinguishers or equipment, assuming that these are going to be provided at the expense of the tenant by the Fire Brigade. These are enabling powers. I think that is a matter which is rightly the concern of Members

of the Opposition, how this is going to work, and I think if Hon Members agree, I hope they will agree because in any case we think it ought to be passed but it is better if it can be passed with a general consensus, that the particular regulations requiring the prescription of (d) and (f) will be the subject of discussion in this House. The enabling power is given and I will undertake to see that these regulations are discussed in this House before they come into force.

HON G T RESTANO:

Mr Chairman, I thank the Hon Chief Minister for that but I am afraid that does not go far enough. We do not agree with the principle which is included in the enabling powers and I notice that he has not answered the question of my Hon Friend that in England the practice is not to have fire extinguishers but getting people out of their homes in the event of a fire. He has not replied to that and it is an important point. Neither has he replied how without any further expense the Government expects 8,000 homes

MR SPEAKER:

We are not going to discuss that. I have been very liberal on this matter. What the Government is seeking, as the Chief Minister has quite rightly stated, is enabling powers to regulate these matters. We must not go into the details at this stage of the consequences of making such regulations. A proposal has been made by Government as to whether the Opposition will vote in favour of these two sub-clauses on the undertaking that the enabling regulations will be brought before the House. What we have got to decide now is whether the Opposition are satisfied with that suggestion or not but let us not get bogged down with the consequences of the regulations once they have been made.

HON ATTORNEY-GENERAL:

If I may add another thought which may help in considering the proposition which the Chief Minister has made. As I understand the objections from the Members opposite, they are saying this is too restrictive an approach, that it would be better to use the option of voluntary persuasion but the very fact that the Bill was introduced into the House shows that the Government at least does not go quite as far as that, it certainly has in mind one option, I think I am correct in saying, as having as one option there may be a need for legislation but I would emphasise and it may help Members to consider better the proposition that has been put to them, I would emphasise that there is a difference between saying in an Ordinance that landlords or tenants will provide the following equipment, it is not going quite as far and it leaves open the option in one sense to say that regulations may be made to cover that situation, if necessary. I am not saying that the view of the Government is that it is not necessary now, I think the overall

view of the Government is that it probably is necessary but at least this approach is keeping open the options and to that extent I think coming some way towards meeting the point which the Hon and Gallant Major Peliza raised that there is an alternative of a voluntary approach. This is not as restrictive as putting in provision in the Ordinance itself.

HON G T RESTANO:

Mr Chairman, I beg to move that clause 3(2) be amended by the deletion of sub-clauses (d), (e), (f), (g) and (h).

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

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

The following Hon Members 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 Hon Members were absent from the Chamber:

The Hon J Bossano
The Hon A J Haynes

The amendment was accordingly defeated and Clause 3 stood part of the Bill.

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

The House recessed at 1.00 pm.

The House resumed at 3.20 pm.

THE PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) BILL, 1981

Clauses 1 to 16 were agreed to and stood part of the Bill.

Clause 17

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I beg to move that clause 17 be deleted and substituted by the following new clause:-

Replace- 17. The principal Ordinance is further amended by
ment of repealing sections 62 and 63, and substituting
section the following section:
62.

"Applica- 62. (1) This Part shall apply to every
tion of person or body -
Part X.

"(a) that is in receipt of a
contribution from any
public monies; or

"(b) in respect of whom the
Government has given a
guarantee to any person; or

"(c) whose operations may impose
or create a liability on any
public monies -

not being a body corporate whose
accounts the Principal Auditor is
for the time being specifically
required or empowered to audit and
report on under any other law.

"Power of 63. (1) The Principal Auditor may
Principal audit and report on the accounts
Auditor of any person or body to whom
to audit. this Part applies.

"(2) In the exercise of his powers
under subsection (1), the Principal
Auditor shall have, in relation to
any person or body to whom this Part
applies, the same powers as are
conferred on him under sections 55
and 56 in relation to public offices,
public monies, stamps, securities,
stores and other Government property".

I would like to explain to the House the reason for this amend-
ment. Basically, instead of a mandatory power of the Principal
Auditor to audit the accounts of anybody or person in receipt
of a contribution from public monies, this makes the power
permissive and the reason for this is that the Ordinance as it
stands requires the Principal Auditor to audit the accounts of

anybody however small an amount of whatever type is in receipt
of contributions from public funds. For example, the subven-
tion which the House agreed to for hotels for water in the
budget this year. The section as it stands would require the
Principal Auditor, because the hotels are receiving a subven-
tion from Government funds, to check their books entirely and
to carry it through what I might call an absurdity, if the
Government purchases any UK Government stock, the Auditor is
required by law to check the books of the Bank of England.
What we are doing is giving the Auditor the power to check as
and when he considers it necessary. The rule in the United
Kingdom, the Exchequer and Auditor-General there, normally
checks the accounts where there is a substantial contribution
to the body or organisation concerned or where it is substan-
tial in terms of the revenue of the body. If, for example,
you are giving a contribution and your contribution forms more
than 50% of the revenue of that body, then you would look at
their books but if it was only 5% or less then you would not
do it. It will be entirely in the hands of the Auditor and he
will be able to decide which ones he wants to check.

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

HON G T RESTANO:

I take the point of the Hon Financial and Development Secretary
and I think it makes sense. However, this amendment allows the
Principal Auditor to decide when not to audit accounts but I do
not think it is clear enough in specifying when he should audit
accounts. For example, the GBC, the Gibraltar Quarry Company,
with this amendment I would have thought if it is decided by
the Principal Auditor that he did not want to audit the
accounts of the GBC or the Gibraltar Quarry Company he could
do so and I do not think that would be a very good thing. I
wonder whether, perhaps, an addition could be made ensuring
that the Principal Auditor in cases where there is a major
subsidy or a major contribution from the Government, it is
mandatory for the Principal Auditor to audit those accounts.

HON ATTORNEY-GENERAL:

I will, if I may, respond to the point just made because,
really, we are on the same side in our objectives on this but
I would prefer to do it the way it is being done for this
reason. First of all, the Principal Auditor is an independent
official but one who can properly be taken to be astute to do
his work, it is a responsible position, the whole nature of
his work is to audit and he will be inclined to do that.
Secondly, this particular provision is enabling but if the
Hon Member will refer to the bottom of sub-clause 1, there is
what appears to be an exception. In other words, the part
applies to every person or body receiving certain kinds of

benefits which are in principle monies of a public nature not being a body corporate whose accounts the Principal Auditor is for the time being specifically required or empowered to audit and report on under any other law. My own view on this would be that if it is a matter of such importance that he ought to report as in the case of the GBC, we ought to write that into the law if we think it is necessary to do so but, that apart, the power on the part of the Auditor to report in his judgement ought really to be a sufficient safeguard of public monies. The other factor I would mention is that the Auditor reports to the Public Accounts Committee and it would be rather an unusual Auditor if he did not take account of any wishes intimated to him by a Parliamentary Select Committee. I, myself, think that the way it is drafted really is sufficient to protect public monies.

HON G T RESTANO:

Would the Hon Member not agree that as drafted this amendment gives the power to the Principal Auditor not to audit accounts of subsidised corporations or bodies if he so wishes? I would have thought that it would have been preferable that in major subsidies from the Government to corporations or businesses or bodies or entities, that it should be mandatory for the Principal Auditor to audit those accounts. I can understand absolutely the idea behind this amendment. I can understand that it is unnecessary for the Principal Auditor to audit the accounts of small subsidised industries but in major ones I would have thought that it would have been preferable to have it statutory.

HON ATTORNEY-GENERAL:

The Principal Auditor's duties are set out in the Constitution and, of course, one of the main themes of this Bill is to reflect the Constitutional approach. I do not quite see the emphasis of the proposed new section 62 in the same way as the Hon Member. He sees it as empowering him not to audit, I rather see it from the positive point of view as empowering him to audit. If that is not enough, it is a power for him to do something, not a power for him to refrain from doing something, I really think that is the proper emphasis, if that is not enough, if there is a situation which is of such importance that something more needs to be said, then I think it would be a case of providing in a specific Ordinance such as the GBC but I really do still feel that, overall, to give him the power here is quite adequate for general purposes.

HON G T RESTANO:

Would the Hon Member consider including in the Ordinance the major subsidised industries which can be amended from time to time and which would make it statutory for the Principal Auditor to be responsible for the audit of these accounts? I

say this because at the moment the Principal Auditor does not in fact personally audit these accounts, they are audited by other accountants which are responsible to the Principal Auditor and he then of course checks the work of the companies which have carried out the audit. What I would not like to see, and these in fact do refer very specifically to the Gibraltar Quarry Company and GBC, what I would not like is that because of this amendment, the accounts of these major subsidised corporations should be carried out by an independent firm and not have the Principal Auditor directly responsible for those audits.

HON ATTORNEY-GENERAL:

I understand the Hon Member's point of view but I am bound to say I would not be happy to support a formula that goes beyond, except in permissive terms, the basic propositions laid down in section 70 of the Constitution. That really is what the Auditor's obligations are and to the extent that we go further I must say I would be happier to subscribe to a view that he should be empowered to go further, not directed unless, of course, a particular statute specifies otherwise.

HON G T RESTANO:

But would the Hon Member not agree that with this amendment, should the Principal Auditor so decide, he would not need to audit the accounts of GBC or the Gibraltar Quarry Company, should he so decide, and does he think that this is a good thing?

HON ATTORNEY-GENERAL:

Mr Chairman, yes, that is so, provided no other statute tells him to do it. I do not think there is any harm in it.

HON G T RESTANO:

What I am asking is for it to be statutory for him to audit or be responsible for the audit for these heavily subsidised companies or corporations.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think, Mr Chairman, that we take the Hon Member's point that what the Government would prefer to do is that where it is necessary, where you have a heavily subsidised corporation or body, then the legislation setting that up should require an audit by the Principal Auditor or by someone appointed by him. I think that would achieve what the Hon Member is seeking without going beyond the Constitution in this particular clause.

HON G T RESTANO:

What exactly is the Hon Member suggesting?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am merely suggesting, Mr Chairman, that the Government takes note of the concern expressed by the Hon Member, which we share. We would not be at all happy to think that a heavily subsidised company would escape the microscope of the Principal Auditor and what we have got to ensure for our part is that where bodies are heavily subsidised, within the legislation controlling them there is a provision that they shall be audited by the Principal Auditor. In that way we could meet the reservations of the Hon Member on this particular clause.

HON G T RESTANO:

I am quite satisfied with that, Mr Chairman. How will this in fact be done? Will it be brought to the House? Will regulations be brought in or will conditions be brought in to any subsidy which is of considerable amounts?

MR SPEAKER:

I think what the Hon Financial and Development Secretary is suggesting is that before Government can subsidise any industry in any event they have got to come to the House for the enabling legislation and it is then that he is suggesting that in that enabling legislation the safeguards should be included requiring the Auditor to audit the accounts. Is that correct?

HON ATTORNEY-GENERAL:

I should make one point clear so that there is no misunderstanding. There is a difference, in my view, between a corporation established by statute such as GBC, and a company incorporated under the Companies Ordinance. In the case of a company the provision as I see it is this, that so far as the documents which reflect the Government's interest in the company amount to public accounts, the Auditor must audit them anyway. To the extent that he wants to go further I think it is properly expressed as a power as drafted and not as a statutory duty to go through them. Unless you have some very special case, I cannot think of any in Gibraltar but I have come across a case elsewhere where a commercial company has been subject to public audit by special legislation but it is a rather unusual situation. I really feel that the normal situation would be perfectly adequately covered by the empowering provision as drafted.

HON G T RESTANO:

I would like to ask for clarification on the point made by the Hon Financial and Development Secretary. Is it then his intention or is it his suggestion that when a substantial subsidy to a private company or a corporation, that when the monies are sought in the House, that it would then be indicated depending on the amount of subsidy given, that the Principal Auditor should audit those accounts? I think, Mr Chairman, that was how you interpreted it and I would like confirmation because if that is to be so then I would be quite satisfied with that.

HON ATTORNEY-GENERAL:

I think the position would be that that would not be practical but as a normal rule the position would be that we would rely on the Auditor using his good judgement and his discretion but using his powers rather than exercising any duty. As I said, I have come across cases but I think they are very much the exception, where you may actually find a statutory requirement for a public auditor to audit what would be a commercial company, but I think that would not be the normal situation.

HON G T RESTANO:

As I see it, at the moment, by law, the Principal Auditor has to audit the books of any company or entity or corporation which receives a subsidy. I can understand perfectly well why this amendment has been put in, the Financial and Development Secretary has said that it is really a waste of time when the Government makes a subvention on water and so on, I can see the sense in this, but really what is happening is that the Principal Auditor by law up to now has had to audit the accounts of any company which has received subventions, now with this amendment that statutory principle in being withdrawn and it is being left at his discretion. I think this is the right interpretation. My own misgivings on this is that in major and heavily subsidised corporations that by this amendment he will not as an obligation need to audit those accounts and that is what I would like to see included somewhere. I would like to see it obligatory for the Principal Auditor to have to audit or be responsible for the audit of heavily subsidised industries or companies or corporations.

HON ATTORNEY-GENERAL:

Mr Chairman, the proposition is correct that the principle that he must audit would be by this change that he may audit. I think it is important to keep in mind the distinctions between the various types of body because when I use the term statutory corporation I use it in contrast to the term commercial company and as a general proposition I do not think it is

practicable to insist that he audits a commercial company. As a general proposition I also think it is surely quite sufficient to rely on the exercise of his good judgement and his astuteness to exercise his powers as he sees fit. If there is a special case and I would see it as being a special case in the case of a commercial company, consideration could be given to legislation. In the case of statutory corporations I would think that frequently it would be given as in the case of the GBC where if you look at that statute you will find that in it there is a power, I think it is more than a power, for the Auditor to carry out an audit. That is the way I would approach it by having a general power and then in particular cases and more particularly in the case of statutory corporations, spelling out in the statute a duty to audit.

MR SPEAKER:

I think we have clarified the position. I think that both the Hon Member Mr Restano and the Hon Attorney-General know exactly what each are saying. What I would like to know, because otherwise we are going to go ad infinitum, is the Hon Attorney-General prepared to meet the requirement of the Opposition or not? I think they must take a decision.

HON G T RESTANO:

May I say one further thing? I did hear that the Parliament of New Zealand, for example, and Canada and Australia have been fighting fairly strongly for precisely what we have now, that the Principal Auditor in their countries should audit all subventions and subsidised corporations, companies, etc because they did not have it in their statute books. We do have it and now we are going to dilute it. I am quite happy to see it diluted to cover certain areas but not in general terms. I know they have been fighting for it because I heard about it about six months ago in the CPA Plenary Conference. I think New Zealand has achieved it but Canada has not and neither has Australia yet.

HON ATTORNEY-GENERAL:

Mr Chairman, I think that we understand each other's point of view. In practical terms I do not think it is a dilution but to the extent that it is a legal dilution I think it is a dilution in the context of an overall strengthening of the Auditor's role. In other words, the Constitution basically assumed that the Auditor is independent and that he is assiduous about his duties and the whole scheme of the various amendments proposed in this Bill, so far as they affect the Principal Auditor, are really aimed at underlining that and I think overall there is an endorsement of the Auditor's position.

HON G T RESTANO:

This amendment has only come up quite recently. Having heard the point that I have made, would the Hon Member consider the point that I have made and perhaps think about it and move an amendment to take these points into account?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, no, Sir. The Government is satisfied that the powers that are with the Principal Auditor will be adequate. They are exactly similar to those in the Exchequer and Audit Act in the United Kingdom where the Auditor-General has permissive powers, not mandatory in this field, and the Government does not propose to amend.

HON MAJOR R J PELIZA:

I think in this instance, comparing Gibraltar to the United Kingdom, I think is talking about chalk and cheese, they are two very different things altogether. Here it is really a minute society where we have one, two or perhaps three bodies which in my view are highly subsidised, almost paid for by the Government. Whilst one understands that the Auditor is a man of very good judgement in this respect and without casting any doubts in that respect about his ability, I think it is a responsibility of this House about the way in which that money is spent. It is obviously in relation to our small budget a very high proportion of our money that goes into the GBC and I do not think it is fair to compare the way that we must run our finances here in the same way as in the United Kingdom because it does not bear comparison in this respect. I think it should be mandatory on the Auditor and make it directly responsible to this House with respect to those large sums of money which are being spent in those corporations. I welcome the idea of course, I think the idea of the amendment is a good one, generally, but at the same time to catch the small fish we must not allow the big ones to get away, as it were. I think this is what is happening. Instead of closing the net we are literally opening it. Whilst I welcome the intention of the amendment at the same time we have to safeguard the position which appears to have worked very satisfactorily up to now unless the Financial and Development Secretary says the opposite and this perhaps may convince me to change my mind.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I merely mentioned the United Kingdom because the Hon Member opposite mentioned Canada, New Zealand and other Commonwealth countries and what he has not made clear is whether there the provision is mandatory or permissive. That is the first thing. Secondly, I think that we have here an adequate power to audit the accounts of any organisation or company which is receiving subventions from the Government and that there is no need in order to safeguard public funds to go any further.

HON G T RESTANO:

May I ask one further question, has he considered the fact that there may well be many more subsidised industries should there be a change in the operation of the Dockyard and there could well be quite a number of subsidised industries and this clause, as my Hon Friend on the right has said, opens the net for the Principal Auditor not to audit those accounts.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir, I have considered this point and I have already made the point that if we set up any further public corporations we shall ensure that there is provision in the legislation establishing them to audit their accounts. I made this point.

HON G T RESTANO:

But I did not say public corporations, I said public corporations or companies, or bodies which receive subsidies and subventions.

HON MAJOR R J PELIZA:

I mentioned before that it appears that it has been working up to now and I notice the Financial and Development Secretary has said it has not worked that well. Perhaps he could explain why not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It has not because the Auditor has not been auditing the accounts. Has he audited the accounts of Hotels, no.

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

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

The following Hon Members voted against:

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

The following Hon Members were absent from the Chamber:

The Hon J Bossano
The Hon A J Haynes

The amendment was accordingly carried and New Clause 17 stood part of the Bill.

New Clause 18

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I beg to move that a new clause 18 be added to the Bill reading as follows: "Section 64 of the principal Ordinance is amended (a) by omitting the words "body corporate, body or person he shall", and substituting the words "person or body he may"; (b) in paragraph (iv), by omitting the words "body corporate, body or person", and substituting the words "person or body".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and New Clause 18 was agreed to and stood part of the Bill.

New Clause 19

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I move that Section 65 of the principal Ordinance be amended by omitting the words "body corporate, body or person", and substituting the words "person or body".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and New Clause 19 was agreed to and stood part of the Bill.

New Clause 20

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I move the addition of a new clause 20: That Section 66 of the principal Ordinance be amended by omitting the words "body corporate, body or person", and substituting the words "person or body".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and New Clause 20 was agreed to and stood part of the Bill.

New Clause 21

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I move that a new clause 21 be added to the Bill: That Section 67(1) be amended by omitting the words "body corporate, body or person", and substituting the words "person or body".

Mr Speaker then put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and New Clause 21 was agreed to and stood part of the Bill.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I move that the existing clauses 18 and 19 be renumbered accordingly.

Mr Speaker put the question which was resolved in the affirmative and existing clauses 18 and 19 were accordingly renumbered 22 and 23.

Clauses 22 and 23 were agreed to and stood part of the Bill.

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

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) BILL, 1962

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 FAMILY ALLOWANCES (AMENDMENT) BILL, 1982

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

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

THE IMPORTS AND EXPORTS (AMENDMENT) BILL, 1962

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

Clause 5

HON ATTORNEY-GENERAL:

Mr Chairman, I wish to move what may appear to be a substantive amendment but which is in fact purely a formal drafting amendment. The section being amended refers to duties whereas in fact by virtue of the amendment we would be taking the power to reduce not only duties but also fees in the Fifth Schedule, a question of terminology, and the easiest way to deal with it would be to add a sub-section 2. I beg to move that clause 5 accordingly be amended by adding as sub-section 2, the following sub-section: "(2) In this section, a reference to a duty includes a reference to a fee specified in the Fifth Schedule". I move accordingly.

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 5, as amended, was agreed to and stood part of the Bill.

Clauses 6 and 7 were agreed to and stood part of the Bill.

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

THE INCOME TAX (AMENDMENT) BILL, 1982

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

Clause 3

HON ATTORNEY-GENERAL:

Mr Chairman, I beg to move in clause 3 that the expression "(b)" be omitted and that the expression "{a}" be substituted. This is a clerical error, it should be an (a) and not a (b) and the effect would be precisely the same as that already described at the Second Reading stage and in the Explanatory Note.

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 3, as amended, was agreed to and stood part of the Bill.

Clause 4 was agreed to and stood part of the Bill.

Clause 5

HON ATTORNEY-GENERAL:

Mr Chairman, there is also another amendment I would like to move of a purely formal nature. In clause 5 to omit the expression "(1)" and substitute the expression "(2)" and where the existing expression "(2)" exists to substitute the expression "(3)".

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 5, as amended, was agreed to and stood part of the Bill.

Clauses 6 to 8 were agreed to and stood part of the Bill.

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

MR SPEAKER:

The Clerk has quite rightly called my attention to the fact that the first three Bills that we did in Committee are dated "1981". This applies to the Housing Association Ordinance, the Fire Brigade Ordinance and the Public Finance (Control and Audit) Ordinance. Is that correct or do you wish to amend that?

HON ATTORNEY-GENERAL:

I was in fact aware of the point. I would ask the leave of the House to change the date of these three Bills to "1982".

THE SUPPLEMENTARY APPROPRIATION (1981/82) BILL, 1982

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

Schedule

Consolidated Fund - Schedule of Supplementary Estimates (No 4 of 1981/82).

Item 1, Head 2 - Customs

HON A T LODDO:

Mr Chairman, uniforms and personal emoluments. Does this mean that Government has now come to some agreement with the Customs Officers as to the manning levels there? There will not be any need to ask for extra on this extra?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

We have not come to an agreement with the Unions.

HON A T LODDO:

So it is possible that we will be asked for more money for more uniforms and more salaries?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Government were to concede the Union's request there would be, if they do not, there wouldn't be.

HON A T LODDO:

Mr Chairman, what would be the extent, should you not agree with the Unions?

MR SPEAKER:

We can most certainly ask whatever questions we like as to the expenditure that we are voting but not to possible future expenditure.

HON J BOSSANO:

I think the position at the moment is that the manning level has been effectively agreed in principle in the sense that the Staff Side accepted a reduced manning level which was being suggested by the Official Side conditional upon a satisfactory roster being possible with that reduced manning level and that the dispute is really about whether it is possible to operate a four-week cycle with the numbers suggested by the Government or not. If it were possible to produce a four-week cycle then, as I understand the position, an agreement would be reached and that would not involve the employment of extra people or any other additional expenses if it were possible to do a four-week cycle with the numbers that the Government has suggested and that the Union has accepted subject to this proviso.

Item 1, Head 2 - Customs was agreed to.

Item 2, Head 3 - Education

HON W T SCOTT:

Mr Chairman, on the £28,000 increase in tuition fees in the United Kingdom. Was this in fact not lowered to something like £3,000 or £3,000-odd per annum per student in relation to other students from the EEC countries?

HON MAJOR F J DELLIPIANI:

Sir, this is normal increase in tuition fees in the United Kingdom which covers their own British Subjects, it has nothing to do with the increase that they wanted to treat us as overseas students, it is just the normal increases that are going on through all the Universities. It applies to everyone.

HON A T LODDO:

In subhead 9, this increase in salary of UK-based Lecturers £2,360. How many Lecturers are involved?

HON MAJOR F J DELLIPIANI:

I have no idea.

HON A T LODDO:

Mr Chairman, has the Minister any idea how many Lecturers there are in the Technical College altogether?

HON MAJOR F J DELLIPIANI:

About 17.

HON A T LODDO:

Has the Minister any idea how many of these 17 are Gibraltarians?

HON MAJOR F J DELLIPIANI:

Those that are not Gibraltarian are UK.

HON A T LODDO:

Subhead 10. Increased demand for supply charwomen. Do I take it that a charwoman gets £6,000? How many does this £6,000 cover?

HON MAJOR F J DELLIPIANI:

I cannot give that kind of figure. This covers all the schools, all the cleaners who when sick or on leave, they have replacements.

HON P J ISOLA:

What we want to know is whether there is a high rate of sickness among charwomen in the Department.

HON MAJOR F J DELLIPIANI:

It might be an occupational hazard.

HON P J ISOLA:

Is this the average rate of sickness, that is what we want to know? Is it more or less the same in all the other Government Departments, is that it? Do you have a higher rate of medical certificates than in other Departments?

HON MAJOR R J DELLIPIANI:

Let me say, Sir, that we are investigating the rate of sickness of everybody in the Department.

HON J BOSSANO:

It has to be understood that there is a difference in the provision for coverage in other areas to that in the case of school cleaners because school cleaners are employed on the basis of square footage which is something that the House is not totally unfamiliar with. When people are employed by the hour it does not necessarily follow that there is a one for one coverage but when people are employed on a job, each person has got a defined area to clean and if the person that cleans that area is away then the area does not get cleaned unless another person is brought in to do the job. If one has a situation, for example, where there are 20 masons or 20 carpenters and one of the 20 is sick it does not of necessity follow that a new carpenter is brought in to cover so the provision for sickness in other Government Departments is basically a provision for so much salary for 52 weeks and if

people are working or not working those 52 weeks the provision stays unchanged, whereas in the cases where there is a replacement that does not get paid, that is only brought in, then effectively the person gets paid sick leave while they are not working and there is an additional cost of bringing in a replacement to do the job. I think that is the reason for the difference.

HON MAJOR R J PELIZA:

If therefore the Minister cannot quantify the number of people involved can he quantify it in time? Over what period of time have we had to pay £6,000 more for the cleaning?

HON MAJOR F J DELLIPIANI:

In a whole year.

HON CHIEF MINISTER:

There is now a rush to cover up all supplementaries required before the end of the year so that they are voted and they do not have to be carried. That is why there are so many of them now.

HON MAJOR R J PELIZA:

So, therefore, it would be possible perhaps for the Minister to say how much, overall, was spent in wages for cleaners over the whole year because of illness.

HON J BOSSANO:

For the sake of enlightenment of Members, the point that I was making is that in the case of women who are employed as they are in the schools to do a specific task, at the beginning of the year, as I understand it, there is a provision for the contracting of supply cleaners, there is a supply list of, say, 100 cleaners. These 100 cleaners are not paid by the Government, they are available to be called in to work when somebody is absent on leave or sickness. There is a provision for sick pay which is no different in the case of the cleaners that it is from everybody else but in other areas if somebody goes sick they do not get a replacement. That amount of money that I am voting, as I understand it, is the amount of money that has had to be paid to the supplies that have been called in and that is not estimated at the beginning of the year because one cannot know until the end of the year how much is required. Therefore, it is separate from the payment of sick leave which is no different in this area from what it is in any other area.

HON MAJOR F J DELLIPIANI:

I am very grateful to the Hon Member.

HON A J CANEPA:

Mr Chairman, the question that the Hon Member answered about the total cost. Apart from adding the £6,000 on to the £382,600, if he adds from the papers that have been circulated under the statement of reallocations approved by the Financial and Development Secretary from Head 27 which is the Pay Settlement, if he were to look at that, he would find that on 9 February, 1982, £20,900 were released by the Financial and Development Secretary under that Head to be paid as wages under this item 10, so the total sum is £20,900, £6,000 plus £382,600.

HON A T LODDO:

Mr Chairman, subhead 12, School Furniture. These £3,240, to what school or schools does it refer?

HON MAJOR F J DELLIPIANI:

I do not have to give explanations to what schools they are for. This £15,000 is for the whole of the Education Department, £15,000 for all the schools. The extra that I am asking is the increase in cost of the actual furniture after it was ordered and the freight charges. The £15,000 is for the Department of Education, for all the schools.

HON A T LODDO:

These £10,910. Extra cost of sponsorship scheme following increase in fees payable to MOD to £669 per annum. Is the Government fully satisfied that this increase is justified, considering that now there is parity of wages between teachers in Gibraltar and the United Kingdom?

HON MAJOR F J DELLIPIANI:

Yes, we are satisfied. This was a basis of negotiations between the Government of Gibraltar and the Ministry of Defence and we have come to an agreement which has been satisfactory for both sides.

HON A T LODDO:

I would like to know what are the arguments put forward by the Ministry of Defence to justify such an increase.

HON MAJOR F J DELLIPIANI:

It is not a question of argument, it is the actual numbers that fluctuated between one and the other.

HON A T LODDO:

Mr Chairman, am I right in assuming that the students remain the same, 90 sponsored students to the MOD schools, therefore, why should it cost this much extra to teach them in MOD schools as opposed to our schools when wages are the same for teachers all over Gibraltar?

HON MAJOR F J DELLIPIANI:

We are charging them more, too.

HON A T LODDO:

Are we charging them, Mr Chairman, exactly the same increases?

HON MAJOR F J DELLIPIANI:

It is almost a knock for knock agreement.

Item 2, Head 3 - Education was agreed to.

Item 3, Head 4 - Electricity Undertaking

HON G T RESTANO:

This seems to be quite a massive increase over the year, it is nearly 25%, is this major works that were carried out? If so, when were they carried out?

HON DR R G VALARINO:

Mr Chairman, I imagine the Hon Member is referring to the £13,5000.

HON G T RESTANO:

I do believe it is the only item under Head 4.

HON DR R G VALARINO:

This consists of two things, toilets, ablutions and sewage pipes within the Department, for the apprentices and the labour force. This is £7,800 and the building of inspection manholes in sea-water intake, this is £5,700.

Item 3, Head 4 - Electricity Undertaking was agreed to.

Item 4, Head 6 - Governor's Office was agreed to.

Item 5, Head 8 - Housing was agreed to.

Item 6, Head 11 - Labour and Social Security

HON W T SCOTT:

Mr Chairman, under this subhead there seems to be no numbers relating to the engagement of additional staff. What are the numbers involved?

HON P J ISOLA:

I am not quite sure why there is a need to engage additional staff in that Department.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Recruitment of nine additional officers has been approved and two are already in post.

Item 6, Head 11 - Labour and Social Security was agreed to.

Item 7, Head 12 - Lands and Surveys was agreed to.

Item 8, Head 13 - Law Officers

HON W T SCOTT:

Mr Chairman, this move that has been made to Seclane House, are the Law Officers occupying an already rented office, rented by the Government and previously used by another Government Department or is it a new rental?

HON ATTORNEY-GENERAL:

The premises were previously rented by the Government but were not used as offices as such.

HON P J ISOLA:

Were they used as accommodation?

HON ATTORNEY-GENERAL:

They were providing accommodation.

Item 8, Head 13 - Law Officers was agreed to.

Item 9, Head 14 - Medical and Public Health

HON G T RESTANO:

Could I have a breakdown of subhead 1, £136,500? How much for the GPMS Doctors, how much for the clericals etc?

HON J B PEREZ:

I have not got the exact figures with me but I can more or less tell the Hon Member what they are. As far as the additional GPMS Doctor is concerned, his salary would be around £18,000.

HON G T RESTANO:

That is a yearly wage?

HON J B PEREZ:

Yes, he has been more or less, say, six months. Clerical Assistant earning around £5,000. The overlap in the Consultant Anaesthetist was a total period of six months, average wage of a Consultant is around £22,000, so six months would be £11,000 and you have to add on the gratuity as well and as the Hon Member knows they are paid 25% every two years. They have a gratuity of 25% of their salary which is paid every two years. This is on the same lines as in the United Kingdom, so you would have to add that. As far as the Medical Specialist is concerned the overlap was a very small period of time, I think it was probably about a month so you divide, let us say, £25,000 by 12 you would a month, £2,000-odd. Engagement of a Senior House Officer to cover the

absence on Study Leave of incumbent, this is in connection with the two local doctors who are undergoing further periods of specialised training, namely, Doctors Borge and Correa, who in the meantime whilst they are in Gibraltar are supernumerary Registrars and they actually do the work of Senior House Officers and that has been for around six months at least. A Senior House Officer's rate of salary is slightly less than that of a GPMS doctor. I think it is around £16,000. Apart from that the remainder is basically due to the fact that we under-estimated at the time of the Estimates the whole level of salaries, gratuities and allowances, of the whole staff of the Medical Department. That is basically the reason for the supplementary. I am sorry I cannot give more exact figures but more or less I think I have given an accurate breakdown.

HON G T RESTANO:

I must say I am most dissatisfied with that answer because it says quite clearly in the Explanatory Notes on the right hand side of the page that it is under-estimated

HON J B PEREZ:

I am telling you that the reason is that we under-estimated at the time of the Estimates.

HON G T RESTANO:

So the under-estimation is in the region of £100,000?

HON J B PEREZ:

More or less, yes.

HON G T RESTANO:

Isn't that rather an unsatisfactory situation?

HON A J CANEPA:

Out of £2.5m?

HON J B PEREZ:

Let me put it this way, Mr Chairman. At the time of the Estimates one estimates more or less what one anticipates one is going to have to spend on personal emoluments, you add on gratuities and allowances. In the middle of the year there

was also a wage increase as well so it is not very easy when you have total staff amounting to 450 in the Department to work accurately exactly what the wages are going to be for the whole year. Mr Chairman, I would like to move that a new item be added under Head 14.- Medical and Public Health - Subhead 9. Drugs, Dressings and Pharmaceutical Sundries £28,000. The reason for this is to meet outstanding commitments to the Group Practice Medical Scheme Chemists. The provision made for this purpose was under-estimated.

Mr Speaker put the question in the terms of the Hon J B Perez's amendment which was resolved in the affirmative and the new item was accordingly included.

Item 9, Head 14 - Medical and Public Health was agreed to.

Item 10, Head 15 - Police

HON P J ISOLA:

Mr Chairman, I would like to raise two things on this; one is that following the Lisbon Agreement in April, 1980, the Dockyard was taken over by the MOD and as a result our revenue fell by £700,000 from the MOD share of the Dockyard. That must have released, obviously, a number of policemen and what I would like to know is how many policemen were in fact released as a result of the Admiralty taking over the Dockyard themselves and how it is necessary having regard to the numbers already released, what is the need for another 25? My recollection at that time was that with the Dockyard being taken over by the MOD, that should have released enough police officers to deal with the frontier situation.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, if I remember correctly, the number of police released was only about 39 and we achieved savings in overtime with those men. If the Hon and Learned Leader of the Opposition will look at the approved Estimates for 1980/81 he will find that compared with that for 1981/82 overtime was £296,000 in 1980/81, that was the approved Estimates, the revised was much higher with salary increases etc and this year the overtime is only £200,000 and we cut the police overtime from 5 hours a week to 2 hours a week, their conditioned hours became 42 instead of 45 and that was achieved because of the saving on manpower from the Dockyard.

HON P J ISOLA:

Is it being said that all we gained by the Dockyard responsibilities being taken over by the MOD was merely a saving of overtime, is that all we have done? Extraordinary.

HON CHIEF MINISTER:

It is the spreading of the number of police officers into the system in a way where overtime was 8 hours and it was reduced by 5 and now it is hoped that we can reduce it further because the extra policemen make it possible not to have compulsory regular overtime at 48 hours a week.

HON J BOSSANO:

Mr Chairman, the Admiralty was meeting about half the cost of the Police Force and the House was told at the time that the justification for accepting what was virtually a doubling of the cost of the Police Force to the local taxpayer was that we needed the services of those policemen because of the frontier opening. It seems that we have doubled the cost of the police and the officers that were released are insufficient to meet the frontier opening because we are now being asked for an extra 25. Surely, if the Government was anticipating at that time that the frontier was about to open and they thought they could cope with it without the 25 extra, why do they need the 25 now?

HON CHIEF MINISTER:

We did not say we could cope without them. The loss is not only in the number of people but in the fact that the Dockyard also paid a corresponding management charge of the overall cost of the Police Force, a proportionate one, which of course was a loss. By acquiring the people and giving them more time we spread the loss in that sense but we still lost the amount of money that was paid proportionately of the running of the whole of the Police Force.

HON J BOSSANO:

I am aware of that. The point I am making is that the Government accepted at the time the loss of the Admiralty contribution to the Police Force on the grounds that they were facing a situation where the frontier could be opening and they had no choice in the sense that they needed the policemen to man the situation. If they were then anticipating an open frontier and preparing for it with the officers released by the Admiralty, why is it now that they are no longer in a position to face an open frontier with the officers from the

Admiralty they would have used in 1980, why do we need now to employ 25 more when the frontier has not opened? Or have these officers been taken on a temporary basis, the same as the ones in the Customs and that if the need does not materialise they are then going to be sacked, is that the position?

HON CHIEF MINISTER:

We do not know what will happen on 20 April but, certainly, the police were able to be absorbed for the frontier at the time but when the frontier was not opened then the re-arrangement of the Police Force, generally, was made in order to reduce the overtime to absorb them without the extra duties at the frontier, ie the same money was being spent or about the same money was being spent in more people but with less overtime, less regular overtime. There has been over a year now in which the Police have made an assessment of their permanent requirements on a 42-hour basis. The next increase, I understand, is rather high for the police unlike other increases in England and it may be possible to cushion off the last two hours in order to keep them on regular time.

HON J BOSSANO:

Mr Chairman, I cannot accept that. If the Chief Minister is saying that the police released by the take-over of the Admiralty for their own security arrangements was absorbed into the costs by the reduction of overtime, if the House is then being told that it is more cost effective to employ more policemen and pay this overtime, why did we have to wait for the Admiralty to take the step of the frontier to open? If this is something that the Government considers is necessary then why haven't they done it at the same time as they did away with social overtime in the rest of the public sector when parity was introduced?

HON CHIEF MINISTER:

That was it. Before the big increases in salaries came as a result of the Thatcher Government, the police had to get social overtime.

HON J BOSSANO:

But in the rest of the public sector, when the agreement was reached to introduce United Kingdom rates of pay, the Unions were told that in Gibraltar there was a system of paying social overtime effectively to enhance earnings, overtime that was not really necessary and that in future now that we were getting United Kingdom rates of pay people would only be given the overtime they required. I am saying that if

that was the case in the whole public sector, why was it not the case in the police and why was it that until the opportunity came up that policemen were released by the Admiralty, no attempt was made to eliminate social overtime in the Police Force because that is what we are being told that the officers released by the MOD were absorbed into the police work by the reduction of overtime. If it is cheaper to employ more officers rather than pay overtime and as a matter of policy since 1978 there is no social overtime, why did it have to wait till 1980?

HON A J CANEPA:

With all due respect to the Chief Minister I think he made a mistake in describing it as social overtime. In the Police Force they were working a 48-hour week and the alternative was that if we had cut to a 40-hour week there would have been a need to employ more police constables. Social overtime is overtime which is not necessary in the sense that two hours every day were being given to industrials and a Saturday, because it had become the pattern of life in days when the basic wage was low and particularly during the two years that wages were frozen between 1976 and 1978 and that had been allowed to develop but in the case of the policemen we would have had to employ many more people. When the MOD released whatever number it was, then those constables were available and therefore you could cut the conditioned 48-hour working week for the Police Force. When we were in a position to do that by then the salary increase that the Police Force became entitled to was not as substantial as it had been the previous year and as a result of cutting from 48 to 45, in effect their pay packet might have been reduced so we cushioned it and that is why we only went as far as we actually did which was the same policy that had been applied with the industrials, it was done in stages over a period of time. Because we took the opportunity to cut hours and not employ more people and in the event the Lisbon Agreement was not implemented, now that the frontier is going to open we have cut the overtime and we need to employ more police constables in order to cope with the increased duties.

HON J BOSSANO:

Mr Chairman, if in fact it is better from the point of view of public expenditure to employ more bodies and pay less overtime, then what I am saying is why did the Government wait to do this until they were faced with a situation that they had surplus policemen? If it makes more sense to pay overtime rather than employ people then why not pay overtime now rather than employ people now?

HON A J CANEPA:

We did not wait, the matter was being considered but it was also being considered in the context of civilianisation of parts of the Police Force and two things happened which really in a way delayed the deliberations. First of all, there was a change of Deputy Governor and the previous Deputy Governor had been very intimately involved with this question of civilianisation. Secondly, there was a change in Commissioner of Police and therefore you had to allow the present incumbent some time for him to consider the requirements of the Force in Gibraltar and to put his own views to Council of Ministers. But I can tell the Hon Member that this is a matter which has been discussed in great detail in Council of Ministers on a number of occasions over the last 2 or 3 years.

HON P J ISOLA:

Is the basic position really that if the frontier had opened then the police released from the Dockyard would have been used for that with overtime but then because the frontier did not open and it was found that somebody had boobed on the question of the Dockyard closure, the opportunity was taken to reduce the overtime?

HON A J CANEPA:

That is it.

HON P J ISOLA:

Mr Chairman, we are being asked to vote the 25 new police constables, is that going to affect the upper echelons of the establishment? Are we going to have more Chief Superintendents, Chief Inspectors, Sergeants, at all? Are any envisaged at all?

HON CHIEF MINISTER:

They are all indians.

HON A J CANEPA:

No chiefs.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the 25 were the first tranche of indians, as it were. When we see how things go with an open border there may be a requirement for additional police but that we have got to wait and see in the light of the circumstances.

HON J BOSSANO:

Is there not going to be a staff inspection to establish whether the higher structures are adequate?

HON A J CANEPA:

If the staff inspection is going to give rise to a more top heavy structure I hope it will not take place.

HON J BOSSANO:

From my experience these situations do lead to staff inspection and then lead to more senior grades being created.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There might be one extra sergeant, I think, that is all, no Chief Inspector or Superintendent.

HON P J ISOLA:

We are asked to vote 25 more. Can I have the statement I was promised about whether we are going to see more policemen on the beat and things like that when the frontier opens?

HON CHIEF MINISTER:

I was going to make that statement now. The 25 recruits are training to meet the frontier situation. There will be additional security and traffic arrangements implemented at the frontier from 20 April. The police will also maintain additional surveillance throughout Gibraltar and in particular anticipated trouble spots throughout Gibraltar including the Upper Rock. They will be offering advice to the public before the 20 April in the following matters: Safety precautions against crime in Gibraltar, the locking of houses etc. We have just had one officer who has just returned from a course in England and he is advising particularly establishments etc. I could show you one that I have received today in respect of certain premises that must be safeguarded with proper devices, etc. The traffic problems that may be foreseeable in the future, they are trying to give advice on that. Traffic requirements in Spain, they are also giving advice on that because the traffic laws in Spain are slightly different and if we are going to avoid a lot of traffic problems in Spain people will be advised about that and I have a note here from the Commissioner which of course is obvious, that the Police are very conscious of the need that an open frontier will give rise to and public sensitivity and they will do their utmost to see that the public order is kept at the highest as has been for a long time.

HON MAJOR R J PELIZA:

Since the Hon Chief Minister has referred a lot to the situation of an open frontier, has the Government given any thought to the revitalisation of the Special Constabulary that we had in Gibraltar?

HON CHIEF MINISTER:

Yes, the Commissioner is looking into that. I did raise that with him some time ago and the Commissioner is looking into it, he is looking into other alternatives that appear in England too. There is an item in the news today about a Police Reserve. I knew he did not like too much the question of a Special Constabulary but he is very keen on a Police Reserve because they can be trained.

HON W T SCOTT:

Am I to understand that 25 policemen for two months cost £25,400, that a young police recruit whilst undergoing training receives £500 a month?

HON CHIEF MINISTER:

With allowances and uniforms, yes.

HON P J ISOLA:

What happens when he becomes a policeman?

HON CHIEF MINISTER:

He is a policeman from the first day.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

These figures may be possibly out of date because they are last year's estimates. Less than one year, £3,984, then it goes up, 5 years to £5,174, up to 15 years. £6,277. That is basic pay and on top of that the last pay increase was about 13% but in addition to that he has got his rent allowance.

Item 10, Head 15 - Police was agreed to.

Item 11, Head 17 - Post Office, Savings Bank and Philatelic Bureau, (2) Philatelic Bureau

HON MAJOR R J PELIZA:

Mr Chairman, I welcome the idea of retaining the two Clerical Officers. I suppose the people who have been seconded there are now going to stay there permanently but isn't there really a need to retain or get a couple more clerks on the service side of the Post Office, not on the money-making side, on the savings side which is the counter which I still believe is not giving satisfactory service to the public in Gibraltar? Couldn't the Minister give again some thought to increasing the number of people on the sales counters?

HON H J ZAMMITT:

Mr Chairman, the question of the counter staff at the Post Office was the subject of staff inspection. That goes back to the days of my colleague the Hon I Abecasis. The question that the Hon Member has raised of retaining, I think I should point out that what happened here was that as a result of staff inspection over a year ago it was proposed that we should lose two because the staff inspectors were saying that a person should handle so many accounts but by the time it came to actually losing the two clerical officers it was found that the number of accounts had increased so greatly that in fact their being retained was justified and as the Hon Member knows the question he asked about the Social Insurance stamps is that one of the girls we have is at the Post Office and she relieves the counter clerks there by dealing exclusively with philatelic sales and with social insurance stamps upstairs. There is already a certain amount of relaxation in the Post Office by moving up the social insurance stamps to the Philatelic Bureau on the first floor of the General Post Office.

HON MAJOR R J PELIZA:

So what the Minister is saying is that there should be an improvement because of these two posts which are going to become permanent and with the re-arrangements he has made there should be an improvement in the service at the counter sales of the Post Office because whatever he may say about the staff inspection I think that if the Minister cares to look around and look at the queues and the delays, he may be convinced that whatever the staff inspection may have said in practice it is the opposite. There is definitely a need for better service at the counters of the Post Office.

HON A J CANEPA:

My experience when I go to the Post Office is that there aren't the queues that I find, for instance, in the Bank and in the Bank they are dealing with my money and yet the queues there are much longer and the public does not complain.

HON MAJOR R J PELIZA:

Perhaps because the Bank is dealing with his money he is entitled to go there or go to another Bank but he has got to go to the Post Office whether he likes it or not.

HON H J ZAMMITT:

Mr Chairman, I think it has been over-exaggerated. There have been queues as there are in all commercial enterprises or in every place where the public attend, there are peak periods. No one can avoid that and there is a time factor which could well be, say, 10.30 or 11 in the morning when there is a peak but I can assure the Hon Member that I have paid particular attention to queues there and it is not as dramatic as people make out to be unless that particular person wants to be there at the peak hour every day and not expect a queue. There is a queue everywhere in the world for most things nowadays. I cannot agree there is not a service, the service is good at the Post Office nowadays and as I say we have already seen the difference. Since we moved the social insurance stamps to the first floor there has been a marked improvement and I have received a lot of favourable comment from the general public since this occurred in early January.

HON MAJOR R J PELIZA:

I welcome the move and I am sure this will be an improvement but since he admits that at peak hours there are difficulties, couldn't arrangements be made to open more counters at that time of the day and perhaps that more people are moved from one place to another to satisfy the demand?

HON H J ZAMMITT:

Mr Chairman, it is not as easy as the Hon and Gallant Major suggests. I do not think it is fair comment today to say that people are unduly kept queuing up at the Post Office.

HON P J ISOLA:

With the frontier opening, there is obviously going to be a demand for stamps from all these millions we are told are going to come through. Does the Government propose to open the Post Office on Saturday mornings?

HON H J ZAMMITT:

That is something that, as yet, we have not looked at but the Hon Member can recall that when Government has found that there has been a particular demand for delivery of mails on Sundays, if the need be I am sure Government will consider. The question of what the Post Office will have to cope with as a result of the millions that the Hon Member speaks about, we will just have to wait and see and then I shall probably be here after April to let you know what we will be doing.

HON J BOSSANO:

Mr Chairman, it seems to me that the Government's assessment of the effect of the opening of the frontier depends on which Department it is dealing with. In the case of the Police we have been told that there are 25 officers being recruited on a permanent basis. In the case of the Customs we are told that there are going to be 21 officers recruited on a temporary basis and in the case of the Post Office we are being told no officers are going to be recruited. Presumably, they expect, for certain, that the opening of the frontier will create problems for the Police, possibly problems for the Customs and no problems for the Post Office, is that their assessment?

HON H J ZAMMITT:

Mr Chairman, I am sure the Hon Member is not as naive as all that. If the Hon Member, and I am sure he does, pays attention to what Government has been saying, an enormous amount of preparation in the form of satchets of postage stamps have been prepared, more machines have been prepared and more machines have been installed at the Post Office. There will be an improved service.

HON J BOSSANO:

If the Government have, in fact, in other areas put to the Staff Side that they are only willing to recruit extra staff on the clear understanding that should the volume not materialise those people cannot expect continued employment, and the Staff Side have accepted this on the basis that it is better to make provision and then if it is not required then it is not required, rather than to say we are not going to make any provision and then find ourselves inundated with work we cannot cope. Because I would have thought if we are going to get a lot of tourists, then if they buy nothing else, presumably they will buy postcards and postage stamps and the demand on the counter staff is bound to happen. If it does not happen there it will not happen anywhere else, I would have thought.

HON H J ZAMMITT:

I am sure there will be a greater demand at the Post Office.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Post Office has, in fact, asked for an extra Clerical Officer and approval in principle is being given. He has not yet been recruited.

Item 11, Head 17 - Post Office, Savings Bank and Philatelic Bureau, (2) Philatelic Bureau was agreed to.

Item 12, Head 18 - Prison

HON W T SCOTT:

Mr Chairman, are these £5,000 additional overtime to reinforce the security at the Prison and will this be reflected in subsequent years or is it only for this year?

HON A J CANEPA:

I do not think it need necessarily be reflected in subsequent years. The prison population has been dropping, I think it is certainly less than when I was Minister for the Prison when we used to average 35 or 36, I think it 20-odd now. The legislation that has been approved in the House today with respect to release on parole and deportation should help in bringing the numbers down to a reasonable level.

HON W T SCOTT:

I ask that because, Mr Chairman, in the approved Estimates, and I think I made mention of it in the Budget, we see an enormous incidence of overtime.

HON A J CANEPA:

Yes, again because they are working a conditioned week in excess of 40 hours. They work 48 hours conditioned and sometimes they have to be brought in for extra duties, as replacements. This is an area where we looked into the possibility of employing more staff and cutting the overtime, at the time it did not seem to be worthwhile, should the situation develop that there is unemployment more staff can be taken on here cutting on overtime and spread the cake rather more justly.

HON W T SCOTT:

It seems to me an identical situation to that which was discussed about half an hour ago, is the Police Force.

HON MAJOR R J PELIZA:

Increase in the cost of meal supplied by Medical Department. There has been what I thought was a most unfair comment on our Prison which I read and about which I have not see any official reply except for some photographs in the local press but it does refer to the food and it does say that the food arrives cold. I used to visit the Prison about 20 years ago and even then I thought the Prison was well run and I saw nothing anywhere near the criticism that I have seen in that particular report which was given a lot of prominence in the national press in the United Kingdom and very badly biased against Gibraltar. I wonder if the Minister can say something about the food and perhaps take the opportunity of clearing the point.

HON A J CANEPA:

First of all, there is going to be a paper published by the Government in the form of a White Paper answering the criticisms in the Howard League Report. As far as the meals are concerned, I can tell the Hon Member that when we changed the set-up and instead of having meals cooked on the premises which oddly enough is what the Howard League is now proposing should be done, when we changed the set-up and meals were brought from the Hospital, I made it my business to be present on more than one occasion to see how the meals were arriving and to ensure that the quantities were sufficient and I can assure the Hon Member that from my observation on those occasions I can guarantee that the meals are nutritious, the quantity is plentiful, attractively set, tasteful. The members of the Prison Board have sampled themselves the meals and I can assure the Hon Member that there are no complaints from the prisoners in this respect. No complaints whatsoever.

HON J BOSSANO:

The move towards having the meals done by the Medical Department was as a result of a petition.

HON A J CANEPA:

As a result of an Inquiry carried out because of disturbances and it was and it is unquestionably an improvement.

HON J BOSSANO:

The Medical Department does not prepare a special prisoners' menu, it is part of the normal food they produce for people who are not prisoners.

HON A J CANEPA:

That is so.

Item 12, Head 18 - Prison was agreed to.

Item 13, Head 22 - Secretariat was agreed to.

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

Item 15, Head 24 - Tourist Office (1) Main Office (2) London Office

HON P J ISOLA:

On the question of the cost of major repairs to vehicles. Isn't the Tourist Office car quite an old one? Ought not consideration to be given to replacing it rather than spending £1,600, if it is the Tourist Office car we are talking about?

HON H J ZAKMITT:

Yes, Sir, the Tourist Office car is the staff car. It is about six years old, it has gone round the clock, I think, twice. It has kept very well but the engine has had its fair wear and tear. What happened here, Sir, was that the gearbox went and we had the option of either not using it at all or buying a gearbox. We had it repaired and then it failed and then we had to buy a second-hand gearbox from England, but I would tell the Hon Member that provision has been made for a relief car in next year's Estimates.

Item 15, Head 24 - Tourist Office (1) Main Office (2) London Office was agreed to.

Item 16, Head 29 - Contribution to Funded Services

HON P J ISOLA:

That is the tanker, isn't it, the £210,300?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is the general increase in costs.

HON P J ISOLA:

This is additional to the tanker? We are paying for the tanker aren't we, so we are told?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is that the projected out-turn for the year on the Potable Water Fund there is going to be a deficit of £210,300 despite the additional money that is coming in for the tanker water and this is a vote to clear it so that we start next year with a clean slate, as it were. This was agreed by the House on a previous PAC Report where it was suggested that instead of carrying deficits forward we should clear them at the end of each financial year.

HON P J ISOLA:

Could I just make a comment as this is the last item on the supplementary appropriation? Without the Hon Mr Perez's amendment of £28,000, if he had not brought that amendment in, the four Supplementary Appropriation Ordinances so far would have amounted to £1,164,418 that we are voting and I notice that in the approved Estimates the estimated surplus for the year was £1,164,400, so we would have still been in surplus £18. The Hon Mr Perez has put his foot in it, as it were, because the £28,000 has now changed the whole picture, that is a tremendous coincidence, I think, Mr Speaker. Can I ask the Hon Financial and Development Secretary, therefore, if revenues are coming up as estimated, in which case there will be a very minor deficit, or are revenues down on what was estimated so far, more or less?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, it is not a question of whether just revenue is up or down, that is one factor of the equation. It is also whether expenditure is up or down and it may be that whilst we are coming to the House for additional expenditure in some areas there may be less expenditure in others. All I can say is, and I hope I will not be held to this later in the year, that we appear to be on target.

Item 16, Head 29 - Contribution to Funded Services was agreed to.

Schedule of Supplementary Estimates Consolidated Fund (No 4 of 1981/82), as amended, was agreed to.

Head 101 - Housing

HON G T RESTANO:

Is the work on the pitched roofs proving to be successful?

HON M K FEATHERSTONE:

Sir, so far three roofs have been completed 100% and in all the rains that we have had there was no trouble whatsoever. We would hope that when everything is completed we will have a completely waterproof roof system.

HON A T LODDO:

Mr Chairman, these related works, do they refer to the re-painting of the flats that have been damaged by rain?

HON M K FEATHERSTONE:

They will include the putting right of this damage.

HON A T LODDO:

Will this putting right of any damages include the painting of the ceilings?

HON M K FEATHERSTONE:

It should do, yes.

HON P J ISOLA:

It is a long time since there was a settlement at Varyl Begg Estate but do I understand the position that, in fact, the settlement of the Varyl Begg issue is now going to cost an additional £292,700?

HON M K FEATHERSTONE:

The £292,000 is that work is proceeding quicker than was estimated and therefore we have got to spend more money this year and less money next year.

HON P J ISOLA:

But that is not what the note says, Mr Chairman. It says: "Total cost of project revised from £1,275,750 to £1,437,700".

HON M K FEATHERSTONE:

The difference there is not £292,000.

HON P J ISOLA:

It is £161,000 but it is still money that is costing the taxpayer.

HON M K FEATHERSTONE:

The position is that in all these contracts there are fluctuation clauses and so far some of the fluctuations have come through and they have totalled some £36,000. I would mention that before the contract is finished we do expect that the fluctuations will go up a certain amount more and therefore that will have to be asked for in the future. There are also some extra expenses, ladders are being fitted so that one can get on the roofs, the guttering had to be improved, the de-watering took more money than was estimated and there was also the final figure of the original contract that had to be paid to the consultants, Sir Hugh Wilson, and the electrical consultants and the Quantity Surveyors.

HON P J ISOLA:

So it is still costing us a lot more than the settlement announced. That was bad enough, I must say, don't think I thought that was a good settlement. We have come out from that settlement losing still more money, that is a basic fact.

HON M K FEATHERSTONE:

We would have had to have paid the amount owing on the original contract come what may. What has happened is that until we knew how much we were going to reduce their fees we could not get to the final figure.

HON W T SCOTT:

If I remember correctly, there was a contract entered into where the Gibraltar Government paid some part, the consultants provided their services free and the contractor also paid his share. If the taxpayer is now being asked to pay in excess of what which we have already been told, £161,950, because of the reason stated, is the contractor also paying a pro rata share other than the one entered into?

HON M K FEATHERSTONE:

No, Sir. When the contractor paid £450,000, that was his contribution. The fluctuation clause is the one that will make the difference. We cannot really ask or bind the contractor to come in for fluctuations.

HON J BOSSANO:

Is, in fact, the contractor the one that puts a claim under the fluctuation clause?

HON M K FEATHERSTONE:

Yes, they expect us to pay.

HON J BOSSANO:

I must say it is a very attractive arrangement from the contractors' point of view because one has a fixed price contract in what one has to pay and a fluctuating price contract in what one receives.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

A fixed price contract would have been very much more expensive than a fluctuating contract because what happens in a fixed price contract over a year the contractor builds in to the price of the contract what he expects will be the fluctuations over the year.

HON J BOSSANO:

But it seems to me, Mr Chairman, that in assessing the relative responsibilities of the Government and the contractor it was said in this House that there was a betterment factor and that it was primarily because of the betterment factor that the Government was making a contribution. Unless somebody can say that the fluctuations have been exclusively in respect of the betterment factor then it seems to me that the contractor's liability would fluctuate with the fluctuation of the cost of the job. Given that it is the same contractor that has the liability that has got the right to exercise the fluctuation clause, we are putting him in the relatively protected position that he comes along and says that a job will cost £1m, for example, of which he will meet £.5m, with the fluctuation clause, then later on he says it is now £1.25m of which he will still meet £.5m and you meet £.75m. If we were talking about different parties then one might say the fluctuation clause is not going to be used by the party involved in the dispute but when you have got a fluctuation clause and the party in the dispute has got a fixed cost element in it, it seems a very strange arrangement to me.

HON ATTORNEY-GENERAL:

Mr Chairman, there was a settlement for a fixed sum from the contractor and there was a contract negotiated to put up the new roofs. I am pretty sure I said when announcing that, that the contract to put up the new roofs was for a price of £1m. I can check but I am sure I also said it was subject to fluctuations and the formula for fluctuations was in the contract.

HON J BOSSANO:

That is precisely the point, Mr Chairman, that having reached an agreement with the contractor who was responsible for the original work that he should meet part of the cost of remedying the defects, his contribution to remedying the defects are fixed in spite of the fact that the cost of remedying them are not fixed and therefore the proportion that he is paying eventually will be less than the proportion that was originally agreed. I do not see, particularly since he is doing the work himself, and particularly since he is the one making use of the fluctuation clause, as the existing contractor he comes along and says that it is going to cost more because of a, b and c but, of course, he is not going to pay more out of what it is going to cost more because his contribution is fixed initially. I would have thought that the contractor should have been told either you put it right for a fixed price and we decide how much of that is your responsibility and how much is the Government's or else we decide what proportion of the cost Government has to meet and what proportion you have to meet and if the price fluctuates then since the proportion that you have to meet is fixed, the actual cash cost to you will go up at the same time as the Government's cash cost goes up. I would have thought so.

Head 101 - Housing was agreed to.

Head 104 - Miscellaneous Projects was agreed to.

Head 108 - Telephone Service was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund (No 4 of 1981/82) was agreed to.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, Sir, I beg to move that in Part I of the Schedule Head 14 - Medical and Public Health, the figure of "£168,135" be deleted and the figure of "£196,135" be substituted therefor. Mr Chairman, I also move that at the bottom of Part I of the Schedule the total figure of "£755,825" be substituted for "£783,825".

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

Clause 2

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, I beg to move an amendment to the last three lines of Clause 2: That the words "seven hundred and fifty-five thousand, eight hundred and twenty-five pounds" be deleted and that the words "seven hundred and eighty-three thousand, eight hundred and twenty-five pounds" be substituted therefor.

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

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

Clause 4

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I beg to move that in Clause 4(1) in the second and third lines thereof that the words "seven hundred and fifty-five thousand, eight hundred and twenty-five pounds" be deleted and the words "seven hundred and eighty-three thousand, eight hundred and twenty-five pounds" be substituted therefor.

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

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

The House resumed.

THIRD READING

HON ATTORNEY-GENERAL:

I have the honour to report that the Housing Associations Bill, 1982; the City Fire Brigade and Fire Services (Amendment) Bill, 1982; the Public Finance (Control and Audit) (Amendment) Bill, 1982; the Landlord and Tenant (Temporary Requirements as to Notice) (Amendment) Bill, 1982; the Family Allowances (Amendment) Bill, 1982; the Imports and Exports (Amendment) Bill, 1982; the Income Tax (Amendment) Bill, 1982, and the Supplementary Appropriation (1981/82) Bill, 1982, have been considered in Committee and agreed, in the case of the Housing Associations Bill, 1982; the City Fire Brigade and Fire Services (Amendment) Bill, 1982; the Public Finance (Control and Audit) (Amendment) Bill, 1982; the Imports and Exports (Amendment) Bill, 1982; the Income Tax (Amendment) Bill, 1982, and the Supplementary Appropriation (1981/82) Bill, 1982, with amendments and I now move that they be read a third time and passed.

Mr Speaker put the question and on a vote being taken on the Housing Associations Bill, 1982; the Landlord and Tenant (Temporary Requirements as to Notice) (Amendment) Bill, 1982; the Family Allowances (Amendment) Bill, 1982; the Imports and Exports (Amendment) Bill, 1982, and the Supplementary Appropriation (1981/82) Bill, 1982, the question was resolved in the affirmative.

On a vote being taken on the City Fire Brigade and Fire Services (Amendment) Bill, 1982 and the Public Finance (Control and Audit) (Amendment) Bill, 1982, the following Hon Members voted in favour:

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 Hon R J Wallace

The following Hon Members voted against:

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

The following Hon Members were absent from the Chamber:

The Hon I Abecasis
The Hon A J Haynes

The Bills were read a third time and passed.

The House recessed at 5.25 pm.

The House resumed at 5.50 pm.

PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House is concerned at the reports that immigrant labour is being employed illegally and considers that the number of Labour Inspectors should be increased to permit such cases to be detected. It further considers that amending legislation should be brought to the House to substantially increase the fines payable for such offences". Mr Speaker, the question of the employment of workers without the necessary documentation is not something that is new in Gibraltar, it is something that has happened for some time but in fact it has not been seen, I think, as a serious threat in the past in circumstances where there was, relatively speaking, a situation of practically full employment where we had a level of unemployment which tended to fluctuate around the period of school leaving, around July and August, and then sort of tail end before the year. We have seen in the last year or so a creation of a hard core of unemployment where although the total level has stayed around the 360 to 400 mark, the Gibraltarian content of that level has been steadily rising and that indicates that we are talking now about more permanent unemployment because, generally speaking immigrant workers tend to leave the employment market when they have exhausted their unemployment benefits and they find that the prospects of further employment are virtually nil and they have got the expense of staying here in Gibraltar. Clearly, from a Government point of view, the employment of unauthorised workers who are not properly documented is undesirable for a number of reasons. They are not covered by insurance, they do not pay income tax and they do not appear in any labour statistics which tends to throw calculations about the level of economic activity out of gear. If we are talking about a very reduced number of people, it might be said that the size of the problem is such that to devote resources to eliminating it might mean taking a sledge hammer to crack a nut, the effort required to stamp it out might be greater than in fact the danger it represents. However, the pressure to do something about this I think is bound to increase as a result of the deteriorating

employment market that we have seen recently and which, I regret to say, looks likely to get worse rather than better with something like 200 redundancy notices over the next few months in the construction industry and the fact that already a number of Spanish Nationals have come to Gibraltar before the frontier opening obviously hoping to obtain employment here prior to the frontier opening in the expectation that this will put them at the head of the queue and clearly in ignorance of the nature of the legal requirements in Gibraltar. I asked, Mr Speaker, during the earlier part of the meeting, about the procedure for the employment of immigrant labour in Gibraltar and the fact that the practice has been to require people to apply for a permit in their country of origin and to require the employer to obtain the permission of the Labour Department to import labour and that that permission is only given if the necessary skills are not already present in the existing labour force with priority being given to EEC Nationals but with second priority going to existing unemployed immigrant workers who are already in Gibraltar and who have already been working in Gibraltar and have become unemployed. I can tell the House, as a Trade Union official, that the Trade Union Movement is very concerned about a situation where particularly in the private sector, because obviously this does not happen in official departments, official departments do not employ workers who are not properly documented, but in the private sector one could find a situation where the existing standards negotiated by the Union with good employers could be undermined by other employers who are prepared to take on undocumented labour and pay much more rates. I can tell the House that I was quite shaken by information that I was given that the situation in La Linea appears to be that only something like 20% of the labour force is organised by Unions and that the rates of pay negotiated by the Unions for that 20% is half of ours. So we are talking about Gibraltar being exposed to a supply of labour, 80% of which is not organised, 35% of which is unemployed and the 20% of which that is organised which presumably will be the one that will have the least incentive to come and compete with us, even they are half of what we have. That shows the enormity of the challenge that will be facing the labour force in Gibraltar in an open frontier situation. One can understand, and I can tell the House that I have been approached by individuals in recent weeks who themselves have come in this way, and who have come to see me to see if I could help them, and I can understand that a man that is unemployed and sees no prospect of employment and has got two or three children to feed, will come to Gibraltar and be willing to work for what he can get. It does not really require that he should be prepared to accept a drop in his standard of living because the differential in the cost of living appears to be of the same order. When I am telling the House that the Union rate, for example, for a construction worker in La Linea, taking into account that there are some very fundamental differences in the system, for example, we have a 39-hour week, they have a 43-hour week.

Their weekly wage is divided by 7 so that their hourly rate is considerably below ours whereas ours is divided by 5 but taking into account all the differences, they get two months pay theoretically free a year, putting all that into the equation, on average earnings for a 45-hour week the craft rate in La Linea is in the region of £53 and the craft rate in Gibraltar is in the region of £110. In that situation it does not necessarily mean that the standard of living of the construction worker there is half of ours, what it does mean is that, perhaps, the construction worker there enjoys more or less the same standard of living but that the construction worker there earning Gibraltar wages and with his cost of living would probably be enjoying one of the highest standards of living in Europe. It would be as if it were possible, for example, to move from the economy of Gibraltar to the economy of Scandinavia and enjoy Scandinavian wages and Gibraltar cost of living. That is the essence of the attraction. In attempting to protect the position of local workers, and I think it is important to stress that in protecting local workers we are protecting Gibraltarians and Moroccans and Portuguese and Spanish Nationals who are already here as well, because they are here, they are here legally, they are getting Union rates and there is no quarrel with that. In attempting to protect the 10,000 people who are today in employment in Gibraltar, we have got laws and we have got a Trade Union Organisation and therefore what I am saying to the House with my motion is, from my personal experience of this area I know, I have every fear that our laws and our Trade Union Organisation will not be sufficient unless we are able to enforce the laws from a Government point of view. If the Union is concerned that labour is being used illegally and being paid very low rates of pay and that is a matter that must concern the good employer as much as it concerns the Trade Union because then the good employer would be forced to do the same thing to survive otherwise he will not be able to compete with the other one. Unless we provide the Department of Labour with the necessary machinery to handle that situation, it is going to be in my estimation total chaos. Even after providing them with the necessary machinery they are going to have an extremely difficult task on their hands. It is difficult enough today with a closed frontier to chase people and track them down and find out how they got in and whether they are legally there and why they are not paying their tax and why they are not covered by insurance even today. In a situation where people can come in the morning and go home at night it is an extremely difficult task, with two Labour Inspectors it is an impossible task and, therefore, Mr Speaker, I would really urge the House to support this motion because I think it is the very minimum that we can do in an attempt to put some sort of machinery in the hands of the Labour Department to try and afford some protection for the sort of standard of living and the conditions of work that we have developed and achieved in Gibraltar after the closure of the frontier. The last thing we want is that the frontier opening should lead to the loss of everything that we have achieved after it closed.

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

HON MAJOR F J DELLIPIANI:

Sir, for some time now there has been some concern about the staffing position of the Department as a whole and approval was recently given for a staff inspection to be carried out. This is, in fact, now in progress. The inspectorate side of the Department is therefore one of the areas being examined to see to what extent it requires strengthening having regard to an ever-increasing volume of work and the additional load which an open frontier situation will bring about. Whilst it is possible, therefore, that there could be some illegal employment, the Department of Labour and Social Security with the existing staff is doing its best to cope with the enforcement of the Control of Employment Ordinance. Causes of possible breaches of the Ordinance are immediately followed up. I am glad to say that Government has already agreed on increasing 20-fold the penalties for offences under the Ordinance and that in fact the draft Council of Ministers Paper is in the Secretariat for consideration by Council of Ministers. Of course, I support the motion.

HON MAJOR R J PELIZA:

Mr Speaker, I think it is a very timely motion because there is much more, I think, in what my Hon Friend Mr Bossano has said than really meets the eye. This is, in fact, if I may say so the tip of the iceberg, and I will explain why. I think it is obviously number one priority to protect the situation in Gibraltar as it is today. How in the long run we are going to sustain the situation is a matter which I think the Government must give very, very careful thought because whilst at the moment we might be able to use legalistic protection, in the long run it is economics that is going to talk and economics that are going to make things shift whether we like it or not. The reason why I say this is because whilst it is absolutely correct that we should protect our labour force in Gibraltar, whether they are Gibraltarians or from abroad, those who are here working today, and whilst we must make sure that we do not reverse to the situation prior to the closure of the frontier which I remember, I being the Chief Minister of the day, took over at the time when we were in a way given the opportunity of putting our house in order and making labour an honourable thing in Gibraltar not something to be despised as it was in those days, precisely because the real value of labour was not appreciated in our market, we want to try and sustain that position. The reason why I say that I welcome what the Hon Mr Bossano has said and I am also glad to see that the Government is going to take the necessary measures to do what is possible in that respect, there is something that goes beyond the legal aspect of the problem, which is the understanding that must come about between labour and management in Gibraltar. That is going to be vital for our survival.

Never before must there be better understanding between the two main factors of our economy, the two main pillars of our economy. On one side labour, on the other side management and capital. Whether we like it or not this is the society in which we live and forget now about the ideology let us look at the practical aspect of this and unless we can remain competitive in this town in respect of our neighbours, whether we like it or not if local businesses do not make the necessary money to be able to pay the necessary wages to the workers because the attraction is for Gibraltarians to go across the border and buy there and not buy here, very soon our level, whether we like it or not, will have to come down to what my friend has described as being half of the income of Gibraltar. Obviously, one has to accept those figures, I do not know what the figures are, but if that is the true figure then we are really facing a very, very serious problem because water whether we like it or not will very much try to find its level, the lowest level, and if the lowest level is on the other side it is going to be extremely difficult to contain it whether we like it or not. This is why I say I welcome very much the point the Hon Mr Bossano has made and I welcome very much the position that the Government is taking. One has to appeal to the practical things that are going to make this possible, not the legal aspect but the down to earth matters that are going to decide this. Will it be possible by good understanding between employer and employee to pull together, to produce the necessary productivity, to give labour the necessary incentive that will be required to make ourselves competitive with those who are going to compete with us. This is perhaps a good opportunity to bring this to the foreground and for the Government who after all is the one that has to give the leadership, to try and see what they can do in that respect to bring labour and capital together in Gibraltar to see how we can go forward together in face of the competition that surely is going to come particularly when we know that it is not going to be competition in good faith but competition in bad faith which is even more dangerous to Gibraltar and this is why I say that has got to be done. Nothing could be worse, as I think my Hon Friend pointed out, that some employers should start now engaging cheap labour because very quickly the good employer will not be able to hold his position in the market and will be forced to try and follow the lead of the bad employer. The first gap has got to be closed before it becomes really undermining the position of the good employers in Gibraltar. I hope that the Government will take serious immediate action and not allow one single case to remain unattended to if they are already in existence and prevent any possibility or any others taking place. Apart from that, as I have said before, it is much more complex than that and it is very important in my view that the Government should give the lead in this, should try and get the two sides of our economy together and see how we can really build a strong economic position in Gibraltar to face the competition that we are sure to meet in the very, very near future.

HON W T SCOTT;

Mr Speaker, just a short intervention. First of all, I was rather surprised that the Hon Minister for Labour and Social Security very quickly after having said the department and certainly the labour inspectorate within that department were shortly going to be staff inspected, he readily agreed with the motion by saying that the number of labour inspectors should be increased. I think this is an unusual measure to take in the House but can we examine the situation that perhaps lead certain companies to entertain employing immigrant labour? As I understand it in my little experience in the construction industry and I am only talking about the construction industry alone, perhaps it is through circumstances where there is a requirement by Government, and rightly so, not to issue new permits in different trades with the rapidity that construction companies might want and at the same time with a rising number of unemployed people particularly in the construction industry. I think what was suggested here about employing labour certainly in the construction industry as far as I know, employing labour at a lower rate of cheap labour, I do not think this is really the case, Mr Speaker, not as far as I am aware anyway. I think the problem here as it has been put to me is that the permits necessary have not been forthcoming. What I would ask the Hon Minister to do is that whilst still protecting those unemployed people who have had a record of employment in Gibraltar, not to lose sight of particularly the development programme and I notice that he has just done precisely that, by issuing 20 new permits for the month of January just for the No 5 Jetty generating station because, presumably, the 18 carpenters and 2 shutterers required were not among the list of unemployed people so I would ask him to do that, to exercise that flexibility.

HON CHIEF MINISTER:

My colleague last night, I was not here but my colleague last night drew attention to the fact that here, as Parliament, we look at the matters as they are. There is nothing inconsistent in the Minister having said that he agrees with the motion and saying that the matter is the subject of staff inspection because the Government has got the responsibility to administer and it could well be that staff inspection may consider that the numbers that are to be increased are not enough or more than is in the mind of the mover but the sentiment that is expressed here is one which the Minister as a Member of this House, is entitled to agree to if he thinks that that is the case and perhaps that will be the case he will make to the staff inspector. There is nothing inconsistent with that at all. In fact, here we look at these matters, if it is not a matter of legislation and on legislation he has said that there is already a Bill on the way, that is a matter on which we are committed to bring the legislation to this House. With regard to sentiments expressed and concern expressed he is perfectly entitled to express the fact that he is concerned about the matter but how the staff inspection is dealt with is another matter.

HON P J ISOLA:

Mr Speaker, could I ask, is there somebody in the Government who can give some information as to what is the nature or the size of the problem of immigrant labour being employed illegally at the moment that would justify employing more Labour Inspectors because the motion talks of reports that immigrant labour is being employed illegally? Does the Government have any idea of the size of the problem not to give us guidance as to whether to support the motion or not because we will support the motion and I think I can adopt fully everything that my Hon and Gallant Friend Major Feliza has said on the problem as he sees it evolving. I think he is right in his assessment of the problem and right that we should ensure that we have the staff required to ensure that we do not have a black economy or a black market, as it were, in labour which would be very dangerous, I think, for the living standards of the people of Gibraltar and could be very dangerous, as my Hon and Gallant Friend has said, to the position of good employers who follow good working practice. Nevertheless despite that, I would like to know the nature of the problem that exists today, the sort of immigrant labour that is involved, where do they come from and things like that, because if that is happening, if it is a big problem today with the frontier closed, I can imagine the problem being much greater with the frontier opening and certainly the date of the opening is coming up very close and this is something that perhaps should be given quite high priority and the staff inspection, I do not know how long that takes, but certainly it is something that should be put in hand before the frontier opens so that the department is able to meet the situation because if they are not able to meet it today with the frontier closed I shudder to think what will happen with the frontier open.

MR SPEAKER:

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

HON J BOSSANO:

Mr Speaker, in moving the motion in fact I make no reference to the second part that calls for the increase in fines. I am glad to hear that the Government is already doing something about that. The obvious reason for that is, of course, that if the incentive to employ unauthorised labour is the amount of money that one can save by not paying standard wages and so on then, obviously, the disincentive must be commensurate with that otherwise if there is a fine of a fiver and you can save £50 a week, well, you can afford to pay a fine every day and still make £15 at the end of the week. I would like to try and give some answers to the points raised by the Hon and Learned Leader of the Opposition and I would agree with him that there is a need to take action and I would urge the

Government to take the step of employing labour inspectors who are, in fact, I believe clerical grades, perhaps in consultation with the Head of the Department and the Union concerned, subject to eventual staff inspection. I do not really see how a staff inspector can staff inspect with a closed frontier what is likely to happen with an open frontier. In other areas where there is going to be an anticipated workload, the staff inspection is going to take place afterwards not before. I really think we need to move on this quickly and we need to move on it from Day 1.

HON A J CANEPA:

If the Hon Member will give way. He said they were clerical grades, well, it is not quite as straightforward as that, in fact, a Labour Inspector is an Executive Officer so whilst you can take on Clerical Assistants on a temporary basis, these days a Clerical Officer is seen as a promotion. In the case of a Labour Inspector who is an Executive Officer that is definitely a promotion and therefore it is not that straightforward to have somebody on a temporary basis.

HON J BOSSANO:

I would not agree with the Hon Member. I think quite the opposite is true because in the case of the Customs Officers the number of EO's that are going to be employed on frontier duties are on temporary promotion and therefore one would not expect the department to recruit Labour Inspectors from outside the service but to recruit them from within the service, it could be of temporary promotion, subject to staff inspection, and if the staff inspection shows that these people are in fact walking about with nothing to do then they revert to their original grade. If they are confirmed in their post then you either promote from Clerical Assistant to Clerical Officer to fill the vacancies they left behind or you recruit Clerical Officers from outside the service. The argument put by the Hon Member, with all due respect to him, in fact, strengthens the possibility of doing this rather than diminishes it and in fact it is compatible with what the Government proposes to do as regards the Customs. I think it is important to provide the necessary machinery from Day 1 because I think this is the sort of problem that preventive action is the best cure. I think it will be extremely difficult to eradicate and we do not want to find ourselves in a situation where this is turned into a political issue and we are accused of discrimination and so on. We want to show that there are laws in Gibraltar, that the machinery for enforcing those laws existed before the 20th of April and that all that is happening on the 20th of April is the normal procedure that would have happened anyway. I think that is important at a political level to show that this is the case.

HON MAJOR F J DELLIPIANI:

If the Hon Member will give way. It is precisely because I want to do the thing before that I have already agreed for a draft for the penalty to be increased so that I am not accused of saying that I have increased the penalty after the border is opened.

HON J BOSSANO:

I appreciate that and I am very grateful that the Hon Member has taken the initiative and is moving so quickly. All I am saying is that the same applies in respect of the need to have the manpower in his Department and I realise that when it comes to questions of employing people the Minister is not in the same position as when it comes to a question of bringing legislation to increase fines because it has to go through the establishment and the whole machinery of the civil service but this is a very important issue and I would ask him that as he has already said he recognises it politically that he should then make sure that it is appreciated on the executive side of the Government. It does not require a departure from existing practice, it is not abnormal to staff inspect or to agree, and I am sure that the Government would be able to reach agreement on such a basis with the Union concerned subject to eventual staff inspection because there is already precedent for that sort of thing. Dealing with the point of the Hon Member as to the size of the problem, I can tell him that the reports that I have had and they are only guesstimates, is that we have had at least 60 or 70 workers at any one time without documentation and without tax and without insurance in clearly identified areas and this has been going on for a long time and there are, for example, areas where casual workers are taken in and some places are very well known, in fact, I do not want to mention any names, we found one particular establishment which had been employing people for two years as waiters without permits and without any documentation of any kind which seems quite extraordinary but it shows that it is only when something happens and the department moves in and we moved in as a Union to try and protect those positions that we found in fact that these people were actually unionised and we found that they had been working there for three years without any permit of any kind. We negotiated their wages and everything but of course they were better off than we thought because apparently there were no deductions being made from their wages.

HON CHIEF MINISTER:

You should not make them members until you know that they are properly employed.

HON J BOSSANO:

I can tell the House that I have personal knowledge of increased activity in this area because in fact I have been instrumental in bringing a number of cases to the attention of the department and I can tell the House that the department which acts on it very rapidly can only act with the resources it has today and it does not take much imagination to realise that with two Labour Inspectors for the whole of Gibraltar there are not many cases that can be done in one day. It is a matter which requires a certain amount of research and going in and checking facts because the department cannot just simply move on the basis of a rumour or on the basis of hearsay, it has to get its facts right. They take their job seriously and I can say that my experience is that there has always been complete cooperation because the department feels very strongly that this needs to be controlled the same as the Trade Union Movement feels it needs to be controlled but we are very conscious in the Manpower Planning Committee, for example, that if we are sitting there deciding quotas it is a total farce if there are unlimited opportunities for people to be working outside those quotas. The whole function of manpower planning becomes a dead letter if it were to happen on the 21st of April that 7,000 unemployed were to turn up on our doorstep looking for work and a fair number of them were employed. We could then wave goodbye to all our legislation and all our agreements and all our manpower planning. I think the problem has been in existence for a long time, it has not really been taken perhaps too seriously in the past because the degree to which it was affecting the standards established was minimal and perhaps the resources that were required to ensure there was not one single person illegally unemployed would have cost more than the benefit that could be derived. I think the situation has deteriorated very seriously in recent months and there are fears that it could be considerably worse. I hope that the support of the House for this motion will make the prospects of those fears being realised less likely. I commend the motion to the House.

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

HON P J ISOLA:

Sir, I have the honour to move the motion standing in my name which reads: "That this House considers that Gibraltar should show its deep appreciation to its Friends in Parliament for their unstinted support and effort on behalf of the people of Gibraltar throughout the last seventeen years and more particularly in the struggle to achieve full British Nationality for the people of Gibraltar by conferring on the all-Party British Gibraltar Group in Parliament the Honorary Freedom of the City of Gibraltar and this House so resolves".

Sir, I think it is appropriate that approximately one month before the frontier opens that in this House we should sit and reflect on the trials and tribulations of Gibraltar over the last seventeen years. It is easy to forget what has happened, it is easy to forget any detail of those seventeen years, in fact, there are Hon Members in this House who when it all started were fairly young people and can remember, possibly, little about it. We must recall problems that hit us very dramatically in 1963 and in 1964 when the Franco dictatorship and the Franco Government launched its attack on Gibraltar by a series of propaganda exercises mainly involving abuse of the people of Gibraltar and placed severe restrictions on the passage and movement of people and vehicles across the frontier. These restrictions, as they were called by us on this side, and the implementation of the Treaty of Utrecht in full, as it was called by the Spanish Government, brought a dramatic change in the way of life of the people of Gibraltar. At that time, going back to 1964 and 1965, it was a very sudden change of way of life for the people of Gibraltar and I remember very vividly how in Gibraltar, apart from putting forward our determination to stand by our rights and by the rights of the people of Gibraltar, we nevertheless called upon the British Government to take some form of retaliation for the measures that had been taken against Gibraltar by the Spanish Government. Mr Speaker, all that is past history but I think that our ability to resist what was a very, very strong campaign which could have had disastrous consequences for the political and economic stability of Gibraltar, I think it was at that time very important and very rewarding for the people of Gibraltar and kept our morale up at a crucial time, the fact that many ordinary Members of the British Parliament raised their voices in the House of Commons in support of our cause and sought assurance after assurance from the British Government that they would stand by the wishes of the people of Gibraltar. Not that I wish to sound critical of any British Government that was in power in 1964 or since, because they have stood by Gibraltar throughout these years, but I think it was vitally important for the morale and, indeed, for the position of Gibraltar that every British Government in power should know that there was strong all-party support and feeling for the stand that the people of Gibraltar had taken. Mr Speaker, I say it is appropriate because now that struggle, what these people talked about and said and protested about that the people of Gibraltar should be free to choose their own destiny free from pressures of any kind either from the British Government or the Spanish Government or anybody else, is coming to fruition. I look at it very symbolically, this opening of the frontier, the fruits are there now, it has succeeded and it has succeeded in no small way, in fact, I would say fundamentally by the constant support the people of Gibraltar have had from our friends in Parliament, Members of Parliament not representing Gibraltar in any way but representing their own constituencies who admired and stood by the struggle of the people of Gibraltar. Mr Speaker, it has

been a very long time, really, seventeen years is quite a long time in parliamentary life and some of our friends have in fact passed away during that time. Early supporters of Gibraltar, Sir Nigel Fisher, Patrick Wall, Bernard Braine, Julian Amery, on the Conservative side, they were there fighting for the Gibraltar cause; also George Jeger, Norman Dodds from the Labour benches, I think they both passed away. They were there asking questions pressing the Government on the matter and again I think that it was the very strong feeling the British Government felt there was in the British Parliament for the people of Gibraltar that in no small way contributed to the Constitution of 1968 and, more importantly, to the preamble in that Constitution which is now accepted as being a constitutional reality not only by the British Parliament but I think generally and it is even recognised by Spain as being a real stumbling block, let me put it that way, to the re-acquisition of sovereignty of Gibraltar. Mr Speaker, could all this have occurred, I ask, without the support of the British Parliament? I am sure not. I think the courage and the pertinacity of the people of Gibraltar of itself would not have been enough, because we are a small people, unless there was somebody backing us we would have succumbed not necessary willingly but we could well have suffered severe defeat but we did not and we did not, Mr Speaker, because of the unstinted support and effort on behalf of the people of Gibraltar by our many friends in Parliament. There was, of course, a Gibraltar group, I think it was called the Anglo-Gibraltar Group that was formed around 1964 when the problems arose and Members of Parliament joined it to stand by Gibraltar to help to lobby, to fight for us, from all parties and I think that is one of the matters on which we can take pride that the support there has been has been an all-party support in Parliament and that, of course, has stood us in great stead. Of course, we had our periods of crisis which I would say, roughly, extended from 1964 to 1969 or 1970 when we had the formulation of policy, the support and sustain policy coming out and constitutional assurances and the constitutional links and as far as Parliament was concerned the situation more or less stabilised, I would say, as far as Parliament is concerned, during the early 1970's and I think the struggle to a great extent the late 1970's or early 1970's arose from the desire of the people of Gibraltar to be first class British citizens and again I do not have to go over the history of that, we had the position of the English Immigration Act gradually eroding the substantive quality of our citizenship but nevertheless technically we were still, under the law of England, still the same citizens as UK citizens. I think people in Gibraltar were to a certain extent worried because they felt their security depended on their British Nationality as first class British citizens. But even on that, Mr Speaker, we were of course reassured and there was that famous letter I think of 1969 from the Prime Minister or Foreign Secretary, I think it was Sir Douglas Home, to political leaders in Gibraltar about assurances following the Thomson memorandum of 1968, I think it was, assurances that Gibraltarians would be able to go and work in England and stay in England and live in

England. But nevertheless throughout the 1970's the feeling came up, the question of being first class British citizens, the non-application in law to Gibraltar of the Immigration Act reached a crescendo to a certain extent in 1976 when there were constitutional discussions between Gibraltar elected leaders and the British Government again on the question of the economic link and British nationality and the alteration of the Constitution with regard to the possible introduction of the committee system and in 1976 we met with failure, really, but with all the assurances still there. It was when the British Nationality Bill was published and when for the first time the whole pattern of British Nationality law was to be revised that in Gibraltar we became aware and we decided to struggle on an all-party basis to obtain full British Nationality for the people of Gibraltar and that, Mr Speaker, really, had been a struggle that had been on and off, it had been going on and off for some ten years. We turned to our friends in Parliament, the British-Gibraltar Group, a group which was reformed, I suppose one could call it, as a British-Gibraltar Group in Parliament under the Chairmanship of Albert McQuarrie and with new people, new blood like Michael Latham and others and that was formed to support the struggle of the people of Gibraltar to obtain full British Nationality. We had reached the crunch of affairs in the same way as in 1964/65 we reached the crunch, we reached the crisis, the question of whether the people of Gibraltar were to be allowed to decide their own future or whether they were to be overridden by political expediency, Resolutions of the United Nations or, literally, power politics. At that time that was the crisis and that crisis was resolved. I suppose if one can point to any particular event where that crisis was resolved, I would say it was in the constitutional conference and in the preamble of our Constitution and then the next crisis in our affairs came really with the issue of British Nationality and we have had another one since, Mr Speaker, and I am sure we will have many more. But the important thing is that the next big crisis which was the British Nationality Bill which chose to differentiate between British citizens all over the world, when that came along we had the British-Gibraltar Group rallying behind us and working for the people of Gibraltar once more. Unstinted support, selfless devotion, really, to the cause of our people. And thanks again, very largely to their effort, thanks very largely, I suppose, to the Conservative Members of Parliament, who were able to turn to their Government or to their Party and say: "We cannot go along with you on this if you try and move it", thanks to the wholehearted support of the Labour Party and thanks, of course, to all different Members from all parties in the House of Lords who showed great sympathy for the position of the people of Gibraltar, we achieved what we had struggled for for a good number of years, we achieved full British citizenship for the people of Gibraltar. Mr Speaker, close on that comes the implementation of the Lisbon Agreement and the announcement that the frontier is to open on April the 20th. I think, Mr Speaker, that there is very little we in Gibraltar can do, really, to show our appreciation for our friends in Parliament. There is very little we can do in practical terms. There is something we can do which I think is

the most that we can do, which shows that we will hold, whatever may happen in the future, we will hold those people who have helped us over the years in the highest esteem by conferring on the British-Gibraltar Group in Parliament, conferring, almost one could say, on the British Parliament, the Freedom of our City as the mark of our respect for the British Parliament and particularly, of course, to the British-Gibraltar Group in that Parliament for the way they have sustained and supported the efforts of Gibraltar to live their own life according to their wishes. Mr Speaker, I said that we will have other problems and we now have the Dockyard closure problem and we do not know what will be the result of that and that will go on, I presume, and we hope there will be a resolution of that and I am quite sure that Gibraltar will have more problems in the future. Unfortunately, because of our position in history, because of our position in the Mediterranean and because of a lot of other matters, we have always lived in crisis in Gibraltar, sometimes less sometimes more, we have always had problems, Gibraltar has always had problems throughout its history and I wish these problems would come to an end, obviously, and one would be happy if one could see an end to them but one cannot and there will continue to be problems. But I think there must come a time in our history where we recognise that it is the end of an era, an era that started looking very black, looking very grim for the people of Gibraltar and an era which we have got through mainly through the efforts of those who have helped us in Parliament. It is a new era, some people may not look forward to it, but, let us face it, the opening of the border is a reversal of a particular policy and the acquisition of British Nationality for the people of Gibraltar is a very big acquisition, helpful for the security of our people now and in the future. I think it is appropriate that now we should show our appreciation to our friends in Parliament by conferring the biggest honour that we can give I believe in Gibraltar, by conferring on them the Honorary Freedom of the City of Gibraltar. With that I am sure that they can have no doubt about the deep appreciation that the people of Gibraltar have for the efforts they have made on our behalf during these seventeen years and I think it is appropriate that we should confer this great honour on them at this point in our history. Accordingly, Mr Speaker, I commend the motion to the House.

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

HON CHIEF MINISTER:

Mr Speaker, I think that the Hon Mover has given a lucid and reasonably short, in 25 minutes, account of the events that have befallen on Gibraltar and the great help we have received from Parliament with which I entirely concur. It is that continuing help that we have had over the years that has been able to make us fight better the fights that were ahead through

our difficulties. There is very little that I would like to add because it is a reasonably wide summary of the events that have taken place across the years. It is very difficult to mention names but certainly one outstanding member who was virtually devoted to the Gibraltar issue from day to day and not only when there was trouble was George Jeger and we did pay tribute to him, we invited him to Gibraltar and gave him a formal civic reception and we have shown our gratitude in our own way to other Members of Parliament. I regret to say that the Mover has been less than candid with this House in the way he has presented this motion. Less than candid because he has not revealed the fact that there had been consultations about this and that some Members of Parliament, certainly, one very experienced Member and subsequently I have been able to find, felt that to grant the Freedom of the City to the British-Gibraltar Group at this stage when we would be calling upon them for assistance in the very difficult problems that arise out of the Dockyard, would probably embarrass them in their situation. Normally, the highest honour that Gibraltar can give is the subject of consensus and discussion between parties. The first Freedom of the City was given, of course, by the City Council to the late Gustavo Bacarissas but the first collective Freedom of the City was given to the Royal Engineers and it was then moved by the Hon and Gallant Major Peliza, who was then Chief Minister, following on consultations because it is of the utmost importance that these matters should be on a consensus basis and not the subject of introducing a political controversy because it would do more harm than good. We did discuss this matter, the Mover and myself, and we did discuss it with the last Members of Parliament who were here two of whom felt that there was nothing wrong in proceeding with the motion but one, the more experienced one and perhaps the wiser one, felt that delighted as they all would be and in fact delighted as they will all be when the time comes, he felt very strongly that this was perhaps not the time. Having been done immediately after the granting of British Nationality it would have looked as if it was directed to that but having regard to the fact that they were here precisely to deal with another problem and a very serious problem, as serious as the British Nationality in many ways, because the British Nationality was something which we wanted but we had guarantee and so on but we still have not got the way ahead clearly in respect of what is going to happen to the Dockyard and we still need every help we can get in the United Kingdom. For people in the United Kingdom who can be of great help to us to feel embarrassed at the fact that the conferment of the Freedom comes at this time because it might then be said that they were urging that the sincerity of their help and so on may well have been conditioned by honours received abroad and so on, puts the matter in a completely different light. I regret that this has happened and I regret that the Hon Member has given notice of this motion without having the courtesy of telling me except a telephone message on the way to England from the Airport, to the Administrative Secretary to tell me that he had given notice. On every occasion which I have had to make such a proposal, in the case

of the Royal Artillery, in the case of The Gibraltar Regiment, in the case of the Christian Brothers, this has been a matter of consensus, it has been a matter of consulting with the Leader of the Opposition and Mr Bossano, he can bear me out, so that this greatest honour that Gibraltar can give can come here and get the full support. But the Hon Member has decided to do otherwise and I very much regret it, I regret it because we are all going to be losers because those who feel that we ought to grant it now will be unhappy and those who feel we ought to grant it later will be unhappy that other people are unhappy because they are well inclined towards us and that is why, regrettably, we cannot support the motion and we cannot support the motion because of the way it has been dealt with. But that does not mean (a) that we do not agree that this is the honour that we should give to the Gibraltar Group when the time comes and (b) because we think they deserve it. I did say in the City Hall, after the controversy, in a public speech, that Gibraltar would not be found wanting in showing its gratitude to the Members of the British-Gibraltar Group at an appropriate time. Unfortunately, that was not enough for the Hon Member and he thought, perhaps, he could either get his view aired in the way he has done today and then blame us for not agreeing to be able to curry favour with Members, or perhaps think that we would not dare oppose it because he had proposed it and it was a matter of such importance. Well, I think, in both cases he has been greatly mistaken because we are not going to vote in the way in which the motion is phrased and I am proposing an amendment which will read after the word "Gibraltar" in the seventh line, that is to say: "That this House considers that Gibraltar should show its deep appreciation to its friends in Parliament for their unstinted support and effort on behalf of the people of Gibraltar throughout the last seventeen years and more particularly in the struggle to achieve full British Nationality for the people of Gibraltar", and after that deleting all the words and substituting the following words: "and resolves that the Honorary Freedom of the City of Gibraltar should be conferred on the all-Party British-Gibraltar Group in Parliament at a time considered, after consultation with officers and Members of the Group, to be the most opportune". I think the Hon Member might think again before he tries to push his way through with his minority in this House on a matter of such importance and act entirely as if he were to be the boss. The other thing, of course, it is nothing wrong for the Leader of the Opposition to move a motion but traditionally as a result of consensus it has been done by the Leader of the House. Of course, anybody can move a motion but a tradition was started with Major Peliza and he has chosen to forget all the precedents that have occurred in this case and as I say, regrettably, and I say regrettably because we are now to be in a struggle together in a difficulty, we will be leaving on the 28th of March and then we will have the struggle in the Sintra Talks and it is a great pity that the Hon Member has not had the decency to tell me, despite the controversy that there was and the fact that one of the Members who felt so strongly about the Freedom of the City not being conferred on them now, argued it out with him and he knew that I knew that he

had argued it out with him, and he has thought fit to do otherwise, I regret that very much. I do not hold it against him in any way insofar as future work for the good of Gibraltar is concerned but insofar as this motion is concerned I would be hypocritical if I did not say that it has been a source of very great disappointment at the manner in which the Hon and Learned Leader of the Opposition has behaved in this matter.

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

HON P J ISOLA:

Mr Speaker, I think that the onslaught that the Hon and Learned Chief Minister has thought fit to unleash on me is hardly justified if we examine the facts. It was on the initiative of my Party that I approached the Hon and Learned Chief Minister with the proposal for this motion. The proposal for it when it was made was considered and accepted at that time, subject to consultations. A delegation of three Members of Parliament came to Gibraltar which included the Chairman of the all-Party British-Gibraltar Group in Parliament and who was all in favour, let me put it that way, pity we have to say these things, and he is the Chairman of the British-Gibraltar Group and the Liberal Member of Parliament was also all in favour and they were upset that perhaps an older MP who is not an officer of the British-Gibraltar Group, should have advised that way. They thought it absurd that anybody in Parliament would consider a motion such as this to be a bribe. They thought it quite absurd and I think it quite absurd too. I do not think the Hon and Learned Chief Minister is so convinced either because he is already resolving that it be given at a time when it is thought opportune by the Officers of the British-Gibraltar Group in Parliament who already think that it is opportune but, anyway, at a time when they think it opportune. So the main thrust of the bribe allegation, as it were, is not accepted by the Chief Minister because he is accepting the principle of it now. Mr Speaker, the question of consultation. My Party feels very strongly on this and in fact we are a democratic Party and decisions were taken to which I am bound and which I am bound to say I agreed with and therefore I put the motion down because we felt that the matter had to come up now and now was the time and now is the time and that is why we put the motion. The question of decency, Mr Speaker, in non-consultation. I think the allegation is not proper and it is not proper with the Chief Minister who has shown a similar lack of decency in another matter which is not public and which I will not make public and which concerns Gibraltar just as much as this does. I am surprised that if he is not consulted he gets upset but if somebody else is not consulted he has got no right to get upset he just has to stomach it. But I won't say the subject, there is no reason, it is not relevant, but when you are talking of decency it is two-way and one has to remember that. Mr Speaker,

I agree with the principle that motions for the Honorary Freedom of the City of Gibraltar should, as far as possible, be done by consultation, I agree with it fully. But on the other hand I also have to consider how people feel in Gibraltar, I also have to consider how the people of Gibraltar want reaction to be, how fully in favour the people of Gibraltar are for a motion of this nature. I have a responsibility there which I either discharge or I go and it is a matter of great regret for me that the Government and the Chief Minister in particular have not been big enough to accept that and not been big enough to reject it but have moved an amendment that accepts the principle straight away now but that the date should be decided by the Chief Minister at an opportune moment. Well, Mr Speaker, I do not know when that opportune moment is going to be. The opportune moment, he spoke of, immediately after the British Nationality Act, it might have been an opportune moment. After the British Nationality Act we did a motion in the House expressing appreciation and this is, I think, the meeting after it. What is the opportune moment, then? What? When the problems of the Dockyard have been resolved? And when will they be resolved? No one knows here, no one can be certain that whatever generous aid we get from the British Government on the question of the Dockyard and the re-orientation of our economy, no one can be certain that it will work or it will go well. What do we do, wait for that period of time to elapse? Surely, now is the moment in history, Mr Speaker, now is the moment to express appreciation and I greatly regret that it is not to be now and it cannot be now because of Government majority. I had discussed with my colleagues the possibility of Government opposition to the motion and I should tell the Chief Minister that it was not my intention to divide the House on it. We have some sympathy for the Government side for their situation and if the Government had told us they were going to oppose it, it was my intention then to withdraw the motion with the leave of the House so as not to divide it but I felt it had to be discussed and I felt it had to be put forward and I hoped that notice having been given as it was on the 11th of March, seven days ago, I would have hoped that the Government would have felt able to echo what I believe to be the feeling of the great majority of the people of Gibraltar and support the motion and not go in for a compromise that accepts it but we will not give it to you yet. Let me tell you, Mr Speaker, that we will accept the amendment and vote for it because I said we do not intend to divide the House but we are putting forward our view of the matter and how it should be dealt with. We will accept the amendment proposed by the Chief Minister but I am sorry the Government have not been able to go along with the motion and I think a good deal of people in Gibraltar will also be sorry. But there it is, the Government have a majority and they decide and as I said we do not propose to divide the House and, accordingly, we will vote in favour of the amendment put forward by the Chief Minister.

HON J BOSSANO:

Mr Speaker, I happen to disagree with most of what the Hon and Learned Member has said in support of the original motion and with some of what the Hon and Learned Chief Minister has said in saying why he would not support it. I will, in fact, confirm what he said that in the other motions that have been brought to the House I was consulted before the motion was brought. On this one I have not been consulted and on this one my Party has not taken a policy decision and I am not in a position to support it but I have certainly got misgivings about the original idea and I am afraid because of those misgivings I am not in a position to support the amendment that accepts the principle of conferring the Freedom of the City because I think as the Hon and Learned Member rightly pointed out the difference between the two is a question of the appropriateness of the timing and I have got reservations that go beyond timing. I will deal first, perhaps, with the timing because the timing is the substance of the amendment. It seems to me that almost everybody in Gibraltar would agree that we have got friends in Parliament, that they have given us unstinted support and that we are deeply appreciative of them. But, perhaps, what everybody in Gibraltar does not know is that not all those friends are in the British-Gibraltar Group and that not everybody who is in the British-Gibraltar Group is a friend, perhaps that is not known. Not everybody in the British-Gibraltar Group supported the Nationality Bill in Gibraltar's favour. The unstinted support came from the people who supported us in Parliament, the organisation that existed supporting us to the extent that any organisation existed at all was, in Parliament, the all-Party Gibraltar Group but in fact the British Labour Party which includes people like Frank Hooley, gave us unstinted support on the Nationality Bill and I am not sure how many people in Gibraltar would want to confer the Freedom of the City of Gibraltar on Mr Frank Hooley, I am not certain about that. One of my reservations, for example, is on the question of the all-Party Gibraltar Group. Who is it that we are giving the Freedom of the City to, the people who are in it today, the people who will join it tomorrow, the people who when I went with the Hon Member to the House of Commons, one particular person that I have in mind whom I am sure he will remember and the Hon Chief Minister will remember, who said there that we should not be given United Kingdom Citizenship because that would upset Spain and that would spoil relations between Spain and Gibraltar? I do not want that person to have the Freedom of the City of Gibraltar, Mr Speaker. Frankly, I do not and I am not sure many people in Gibraltar would want if they knew it and this is something that I would have told the Hon Member if I had been consulted on it. This is why I cannot support the amendment that simply argues the timing. I take the point the Hon and Learned Chief Minister has made about consultations, certainly. Apart from taking a policy decision in my own Party in this matter, I would probably have wanted to consult Members in the British Labour Party because they are the ones that we have got close contact with to see how they felt about it. As regards

the need for the timing now because we have now got a reversal of the frontier and because we have had a situation over the last seventeen years of a tremendous siege of Gibraltar which is now ending through the support of Parliament, that re-writing of history, as the justification for voting now I cannot accept, Mr Speaker, because I do not think that is the truth. I think we have had a situation where for the last seventeen years every British Government has been telling the Spaniards that they would never get Gibraltar and that they would never get the Gibraltarians by putting pressure on us because we are the sort of people who respond to pressure by saying no, that the way that we could be got at was for the Gibraltarians to be wooed and I remember, throughout the whole saga, successive British Governments advising the Spanish Government to change tactics and to woo the Gibraltarians. I do not think there has been a fundamental reversal on the frontier, I think there has been a belated recognition that the way they were going about it their chances of overcoming the resistance of the Gibraltarians were nil and that they could keep their frontier closed for another 200 years and there would still be nil at the end of it. I cannot accept that the reversal of the frontier and the opening of the frontier is a great victory for the people of Gibraltar assisted by Parliament because then I should be welcoming the Lisbon Agreement which I do not. Spain has agreed to implement the Lisbon Agreement on the 20th of April and I am against the Lisbon Agreement and I will certainly not celebrate the implementation of the Lisbon Agreement by granting the Freedom of the City of Gibraltar on a group which is undefined but which includes one specific person who actually argued against us getting the British Nationality amendment through and who actually voted against it. If the timing is to celebrate the victory of the implementation of the Lisbon Agreement, the timing is wrong because the Lisbon Agreement is a disaster for the people of Gibraltar. If that is not the reason for the timing then what did the Hon Member mean that after this long struggle, only because of the help of Parliament are we going to see the reversal on the frontier, he said. If I misunderstood him then I will give way and be corrected because that is how I understood it.

HON P J ISOLA:

The Hon Member has misunderstood me quite clearly. If he had listened to my speech carefully he would have seen that what I said about the frontier was that they have now done what they had been refusing to do for seventeen years and that of itself, even though the Hon Member does not like the Lisbon Agreement and we know his wellknown views on it, that same Spanish Government had to accept in the Lisbon Agreement, in the statement, the British Government statement that there could be no change in the status of Gibraltar against the freely expressed wishes of the people of Gibraltar. I am not going to argue about the Lisbon Agreement but I think the point I was making was the end of an era of restrictions and

of attempts to get us by force. We have been resisting that and that, in that respect, can be regarded as a victory, not the sort of victory the Hon Member might like but as a victory. As far as the British-Gibraltar Group is concerned I think he misses the point entirely. The reason that I was suggesting we honour the British-Gibraltar Group is because that is a Group that in majority has been formed to support Gibraltar. That is why I said it and if we have one black sheep there, well, it cannot be helped, I cannot exclude him specifically. I am honouring Parliament, that is the idea, and the identifiable group is the British-Gibraltar Group and I think my Hon Friend should possibly take a broader look at the situation then he is doing and not just opposing for opposition sake.

HON J BOSSANO:

Mr Speaker, I am trying to give substantial reasons why I am opposing, it is not opposing for opposition sake because I am opposing both and, in fact, until I stood up the Hon and Learned Member seems to have forgotten I am in this House at all. Well, perhaps, I am not here often enough, I do not run a practice I run a very important Union in Gibraltar, Mr Speaker, which makes a lot of demands on my time and I certainly do not see this enormous euphoria that the Hon Member is getting from the public but perhaps my voters are not his voters. I am not getting the same message from my people, certainly, I do not agree anyway with his analysis of the situation. I do not accept that the opening of the frontier is something that Spain is doing for nothing. My analysis is that the British Government gave away a lot in the Lisbon Agreement and may have given away even more in the meeting between Calvo Sotelo and Thatcher and I do not mind saying so publicly or in this House. I believe myself that something has already been hatched out between the two of them and there is no cause for celebration in that. Now on the question of the Nationality, I am glad to say that the motion says, and I think I will just speak once

MR SPEAKER:

Are you going to be long? I say this because I have to recess the House just before 7.30 pm.

HON J BOSSANO:

No, Mr Speaker, about ten minutes, unless I get carried away. On the question of the nationality I think, without a doubt, there was enormous support in the struggle of the people of Gibraltar to achieve Full British nationality. I do not think they have achieved it. I do not accept that they have achieved it and I think it is wrong that people should be told that they have achieved it. The proposal that Gibraltar should be moved from the area of dependent territory to the area where Jersey

and the Isle of Man are, was in fact the proposal canvassed by all of us for which we collected 8,000 signatures and which was lost and that would have given us full British citizenship like we have today under the British Nationality Act, 1948, which says you are a citizen of the United Kingdom and Colonies, not a citizen of the Dependent Territory of Gibraltar with the right of registration, which is what we have and is not what we wanted but what we had to settle for. So the struggle for full British citizenship we lost and what we have obtained is better than nothing, what we were advised by our friends was the most we could get and if my memory does not fail me we lost it marginally by the casting vote of the Chairman of the Committee, but we lost it. What we have got today we know puts us in an extremely serious situation because we are concerned about our position in the Common Market, we see the danger that there is in the future membership of our neighbour in the Common Market and the rights we today grant other Common Market nations when we are dealing with a next door neighbour. We are concerned about our ability to obtain derogations from our obligations and that if we do not obtain derogations we are then faced with a choice of having to pull out from the Common Market and give up the right of registration under the British Nationality Act or keep the right of registration and perhaps not have a Gibraltar in which to register from. Let us not celebrate victories that have not yet been consolidated, Mr Speaker. That does not mean that I am not deeply appreciative of the fight that people have put up because they put up the fight for the original thing that we were trying to get and they fought all the way for us and when they saw that that was lost, and it was in fact, marginally lost, then they came to us and said: "Look, the battle is not entirely lost, we have lost this one but we advise you to go for this in the House of Lords, to canvass for support and at least you will have retained something of what you have already lost". And that is what we got with their support. I think anybody who has had any contact with Parliament knows that we have got many friends there and they are not all in the British-Gibraltar Group, there are many outside as well. I have got no quarrel with the part that expresses a recognition like I have no quarrel with the motion that was brought to the House when we came back after the Nationality Bill but I certainly cannot agree with the analysis nor can I at this stage accept even in principle that the desirable or correct thing to do is to grant the Freedom of the City of Gibraltar on a group which, as the Hon and Learned Member says, will consist of anybody who is prepared to fill up an application and pay £1, any more than I could agree to support that the Freedom of the City of Gibraltar should be given even to all those who voted in favour of the amendment because a lot of the people who voted in favour of the amendment were the people who also made the recommendations in the Foreign Affairs Committee Report. If we are going to consider the granting of the Freedom of the City of Gibraltar as the greatest honour that this House can give, it should be something gone in after a lot of more thought is put into it and I would hope, Mr Speaker, that on future occasions

I am not left entirely out of the picture because I do not think it is good, really, that some of these arguments should have to be put on the floor of the House because then they go back and they misinterpret it and I would not want people

in the United Kingdom to get the wrong impression. The situation in Gibraltar does not worry me because I think the people in Gibraltar on whose votes I eventually depend to come back to this House know me well enough to make up their own minds as to the sort of principles that I stand for but I am worried that it might be misinterpreted in the United Kingdom that not everybody in Gibraltar feels the same way about supporting MP's or anything like that. I would not want it to be seen like that or reported like that back to the United Kingdom. Therefore, I would prefer that we thrashed these things out outside but now the motion is here and if I am going to vote one way or the other I have got to explain why I am doing it and I must say that, certainly I am not in a position of being convinced in my own mind that the best way of honouring those who helped us is to confer this on a collective group which does not include everybody who has helped us, it includes one or two nevertheless who have been against us, and we are leaving out other people who are outside the group who did help us and the group can be joined by anybody that pays £1 and fills an application form. I would have preferred in order not to have to vote against the motion because I do not want to vote against the part that says that we are deeply appreciative of their unstinted support and effort because I am deeply appreciative, I would have preferred that somehow an amendment would have been found.

MR SPEAKER:

In the circumstances, perhaps, it might be an opportunity for you not to finish your contribution tonight, we would recess and in the meantime perhaps there can be some consultation and you can move an amendment.

HON J BOSSANO:

I would prefer not to vote against either the amendment or the motion for the reasons that I have given, I can abstain. The second point I want to make is that if the motion is carried with the support of the other Members and with my abstention, obviously, at some future date when it is considered opportune, the Honorary Freedom of the City will be conferred on the British-Gibraltar Group and I cannot say that when the time comes I will be voting in favour, that has got to be understood. I do not want to face the situation at some future date of again having to vote against. That is the only point I am making.

131.

HON MAJOR R J PELIZA:

Mr Speaker, if the Hon Member will give way. Perhaps he is a little bit confused as to the meaning of the British-Gibraltar Group, the same as to the meaning of the Regiment. If I may explain, it is just like a Regiment, and this is the best comparison. There might be members of the Regiment who hated Gibraltar and yet we gave the Freedom of the City to the Regiment, to what the Regiment represents. When we are talking about the Gibraltar Group it is the same. The Gibraltar Group in the House of Commons have been the group that has given the lead not only on the British Nationality Act but about everything that has happened about Gibraltar in the past and will probably happen in the future and that, if I may say to Mr Bossano, is what he is voting for, not for individuals but for what the British-Gibraltar Group means.

HON J BOSSANO:

I do not accept, Mr Speaker, that this is the same. The Royal Engineers as an organisation, have been here for many years and the people in that organisation, whether they hate it or not, are told what to do. The people in the Gibraltar Group, Mr Speaker, were not given a 3-line whip telling them to vote for Gibraltar in the Nationality Bill because I attended a meeting on the British-Gibraltar Group where one of the members spoke very strongly trying to persuade the others not to support Gibraltar and he is a member of the British-Gibraltar Group and I cannot imagine anybody in the Royal Engineers telling the Commanding Officer: "I do not like Gibraltar and I refuse to dig the road because it is for Gibraltar".

HON P J ISOLA:

May I tell the Hon Member that I do not accept his account of facts nor do I accept his assessment on the British Nationality Bill and, again, of the facts leading to the amendment. He is incorrect, perhaps because he was not closely concerned with it.

HON J BOSSANO:

Perhaps because I was not closely concerned as the Hon Member puts, it I can afford to be more realistic and more honest with what happened. I suppose that if I had put all my eggs in that basket I cannot afford to see the basket crashing but what I am saying, Mr Speaker, is that the crunch that I have said between the EEC and the Nationality Bill, will come and that is a prediction that I am making, and if my assessment of what has gone on in the past is correct or incorrect my prediction of what is going to happen in the future will be tested by the passage of time and we will see whether my prediction is right or wrong when the time comes and the Hon Member will see. I am afraid, Mr Speaker, the atmosphere seems hardly conducive to the possibility of a consensus between now and tomorrow morning but in those circumstances perhaps it might be better if I just abstain.

132.

The House recessed at 7.30 pm.

FRIDAY THE 19TH MARCH, 1982

The House resumed at 10.40 am.

MR SPEAKER:

Gentlemen, I will remind the House that we are still on Private Members' Motions and we are dealing with the amendment moved by the Hon and Learned Chief Minister to the motion moved by the Hon and Learned Leader of the Opposition. As I said yesterday evening, perhaps for the purposes of good order, it might be better if I put the amendment, we vote on it, and then we continue with the general debate. If there are no objections I propose to do that. Does the Chief Minister wish to reply on the amendment?

HON CHIEF MINISTER:

Mr Speaker, I do not want to extend this debate which unfortunately has brought about certain unpleasant features. I, naturally, despite the fact that Mr Bossano was critical of the motion and also the amendment but not to such an extent, I do not of course subscribe to everything he said about the Group, I think he overstated the so-called statement about a member who did not support us. I think the Leader of the Opposition did question that in an interjection. I think, for the record, though there were people who were inclined differently to what we wanted, I do not think that there was anybody to my recollection who said what Mr Bossano alleges was said. It would not have made any difference to the matter in any way but I think for the record it is only fair that that should be mentioned. I entirely agree with him that there are people who are members of the British-Gibraltar Group precisely because they are not our friends, in order to see what our friends are doing. The same as there are many friends of Gibraltar who are not in the British-Gibraltar Group, so that really makes no difference. The amendment, to which he did not agree, stands, as far as we are concerned, we do think as we thought at the time, that at an appropriate time the people who have helped us should be given the Freedom of the City. If we have not been able to go along with the motion it is because we are mindful of the fact that there are a number of members, apart from the oldest member who was here who was mentioned in the opening address by the Leader of the Opposition as being one of the old friends of Gibraltar, he may or may not be mistaken in his appreciation but it is the regard that one has, and if I may say so, Sir, in respect of the reception of honours there can be much more credibility in those who think it is not the right time to receive an honour than those who may be rather in a hurry to do so. For that reason, the advice given in respect of that to me is very weighty and it is weighty because it is meant to be helpful in order not to be embarrassed. There are different views, that

is why we are discussing this matter, in the view of that - and incidentally no other member of the Group except the Chairman was an official of the Group - so the view of the other one is as much a view of a member as the view of Sir Nigel Fisher who was the one who felt very strongly that this was not the time. We have had to have regard to that and that is why without in any way closing the door, and I am glad apart from the present things that may have been said in the course of the debate, I am glad that the Opposition are going to support the amendment because I think in the end, despite the strains and the differences, we all want, particularly those of us here in the House, want the same thing and that is to have the British-Gibraltar Group with us. There is no doubt that as a result of the events some unpleasantness will be caused but if friendships cannot maintain strains of this nature in respect of the Group I am sure that the Group will not be the less helpful - those who feel that it should be done now - because it will be done later. I think that their support for Gibraltar is not based on what they can get from us but that we should give them what we think is deserved. When we should give it, of course, there is a disparity and this is the essence of a free society that the people are entitled to think what they want so long as the thoughts are honest, held for good reasons, and that is why the amendment has been put and I support the amendment.

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

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon P J Isola
The Hon A T Lódo
The Hon Major R J Peliza
The Hon J B Perez
The Hon G T Restano
The Hon W T Scott
The Hon Dr R'G Valarino
The Hon H J Zammit

The following Hon Members were absent from the Chamber:

The Hon J Bossano
The Hon A J Haynes
The Hon D Hull
The Hon R J Wallace

The amendment was accordingly carried.

MR SPEAKER:

Anyone who wishes to speak on the motion, as amended, is free to do so.

HON A T LODDO:

Mr Speaker, I find it hard to believe, even now, that anybody could ascribe machiavellian motives to the motion to give the Freedom of the City of Gibraltar to the all-Party British-Gibraltar Group. It has been suggested that by offering them the Freedom of the City it might be interpreted as some form of bribe, taking into consideration the fact that the Dockyard problem is still unresolved.

HON CHIEF MINISTER:

If the Hon Member will give way. I will try not to interrupt him but this goes to the root of the matter and unless this is understood then we are still more divided than we should be. It is not that. The only point that was made and it was also made, as the Hon Member probably well knows, to his Leader, that it was felt that it could be embarrassing to members, particularly to members of the Conservative Party, at the time when they would be fighting our cause against the policies of the Conservative Government to feel that this thing was being done at this time and that nothing would delight them more than to receive the Freedom at a more appropriate time. The person who said this is of sufficient high calibre not to consider this as being an attempt to bribe, the point was that it was not timely because they would be somewhat embarrassed in the eyes of those, and let it be remembered that everybody in the House of Commons is not our friend. That is what has got to be remembered, it is that, and no question of bribery. Let it be quite clear that there was no question of that, it is a question of whether something is done at the time when it embarrasses people or whether it is done when it does not embarrass. That was the whole motive and I hope the Hon Member takes the point in that respect and my intervention this morning has attempted to keep the temperature down in order that we all get what we want despite our differences.

HON A T LODDO:

Mr Speaker, I do not see how they could be embarrassed. If there are no ulterior motives I do not know how anybody can be embarrassed. I believe that this motion, really, is to show our deep gratitude to our friends in Parliament, particularly those in the all-Party British-Gibraltar Group for what they have done for us. It is a gratitude coming from a people who have been for a good number of years subjected to a campaign of verbal abuse which is only equalled, I believe, in the

times of Hitler, by a European country in the 20th century which sometimes seems to be thinking in 19th century terms. That, I believe, is what the motion is all about. I was, Mr Speaker, very surprised to hear the Hon Mr Bossano yesterday in his intervention referring to the 8,000 signatures that were collected by all. Surprised because at the time both Mr Bossano and his Party seemed less than keen, if one goes by the number of appearances put in by the members of his Party when we went out to collect those signatures, and I can speak with authority on this as one of the members who was there almost every night and not merely on the night when television cameras were there to record the event. Again his logic and his consistency do not tie up with his intervention in this House after the granting of the British Nationality to the people of Gibraltar where he associated himself fully with the sentiments expressed by the Chief Minister and the Leader of the Opposition and used such words as "momentous" and "auspicious" and said at the time that it was a very glad day for the people of Gibraltar. He has not shown himself to be very consistent and very logical on the matter, perhaps he knows best. Mr Speaker, as far as I am concerned, the motion is on behalf of everybody in Gibraltar because I believe that the electorate of Gibraltar do want it, the number of people who have stopped me in the street and said that these people deserve the Freedom of the City and that is why the motion was brought. If anybody thinks otherwise then I will refer them to the motto that is emblazoned on the shield above the Speaker's Chair "Honi soit que mal y pense". Thank you, Mr Speaker.

HON MAJOR R J PELIZA:

Mr Speaker, I think there are basically two objections to the motion, one from my Hon Friend Mr Bossano, who unfortunately is not here now and I do hope that it is because of some serious matter that he has absented himself from the House today because if it is for any other reason I think it is a great discourtesy to the Members of Parliament in the United Kingdom who have given so much of their time and even risked their position in their own Party to defend Gibraltar. I do sincerely hope that his absence is due to some very important matter because by not being present here, I think if it is deliberate

MR SPEAKER:

I do not think it is fair to ascribe motives. Members' attendance in the House is at their discretion. You may wish to make a comment that he is not here but let us not ascribe motives.

HON MAJOR R J PELIZA:

I am not saying it is but I hope it is not because I have in fact to correct a few points that he made yesterday and I want to preambule what I am going to say to make it clear but I am sorry that he is not here to hear it because I am not talking behind his back, I have no option, Mr Speaker, but to do it. His main objection to start with is that the British-Gibraltar Group may have people whose members never supported the British Nationality or on other important issues of great importance might even today stand against us. - I am very glad to see that the Hon Mr Bossano has now arrived. - Mr Speaker, the mother of Parliaments is the greatest democracy, I would say, the greatest democratic institution in the world and every Committee in the House of Commons and in the House of Lords have got people who differ in opinion, not necessarily because they are anti anything but because in their good judgement they might think that that is not in the interests either of Great Britain or regarding the matter which they themselves are discussing and on which they have to take a decision but the thing that we know about the Gibraltar Group is that basically it is there to defend the wishes of the people of Gibraltar. That is the reason why that Group exists. This Group has evolved over the years, it is not just something that was created overnight for the purpose of the Nationality Bill. We have heard the Chief Minister mention Members of Parliament in the past, a long way back, who obviously gave a lot of their time for Gibraltar and since then there have been many others. There is a long list of names which I think it would be invidious to start mentioning because it is possible to leave some of them out. I have been engaged in lobbying Members of Parliament since 1964 and I can say that on no occasion have I not had a reply to a letter and I have never been refused an interview. That, I think is very laudable of people who are very busy from morning till night and including weekends. That they should spare time for little Gibraltar which will give them no votes and in fact in some instances they may even lose the position within their own Party as happened in this case with Conservatives who voted against the Government, I think that is very laudable. That, Mr Speaker, is the basis of the Gibraltar Group. Amongst those Members of Parliament are those who are members of the group and there are others who come and join the group and help the group. We have John Silkin, Mr Speaker, who was recently here. He said that it was most important that we should all get together under the umbrella of the Gibraltar Group. If we are honouring the Gibraltar Group, Mr Speaker, we are not honouring individuals because that would be invidious, I think it would be very difficult to say that we were going to give the Freedom of the City to a particular Member of Parliament or a number of Members of Parliament, that would be very difficult because there have been many people over the years who have done a lot for Gibraltar and continue to do a lot for Gibraltar and it would be impossible to give it specifically to all of them. I hope the Hon Member

is listening to this because it is very important, because his main objections is that there might be people within the Group, and this is why I am labouring the point, because I think he has got a misconception on this. There are many people in the Gibraltar Group, most of whom I know and I am referring to members, I am not saying people who attend meetings, I doubt whether there is one single member in the Gibraltar Group who is in any way in his view acting contrary to the way in which we in Gibraltar would wish them to act. I know that one attended a meeting once and I know, and this is very interesting, and I know that that particular person was attacked in the House of Commons and he was asked to declare his interest. That is the labour of the Gibraltar Group and this is why I think my Hon Friend Mr Bossano is wrong in what he says - if he is referring to the same member - that there is one member there who does not deserve it. First of all, I do not know whether he is a member and secondly, if he is a member, as far as the other members are concerned, they think that is completely wrong and they even think that he is biased in his thinking. I am sure that Mr Bossano would like to support the group who recognise a member whose views are anti Gibraltarian. The Group itself is condemning that.

HON J BOSSANO:

If the Hon Member will give way. I think he has got his facts wrong. One of the people who attacked the person we are talking about is not a member of the Group. My point, Mr Speaker, is that this is not something we should do lightly. I have been presented with a motion in this House on which I have not consulted my Party and I have not consulted my friends in the Labour Party in the United Kingdom and I have expressed reservations which I said I would have preferred not to have expressed in the floor of the House, I would have preferred to have expressed outside the House and to have given other people the opportunity to persuade me outside but that opportunity has not existed. I can assure the Hon Member that he is not going to persuade me here in ten minutes with his speech, it would require more than that.

HON MAJOR R J PELIZA:

Mr Speaker, I am very glad now. Now I think the situation is beginning to change. And now perhaps one can see some merit in the amendment that the Chief Minister has moved because after consultation with the Labour Party in the United Kingdom I have no doubt that in my view they will support the idea, certainly, I can think of one person, John Silkin, and I am sure John Tilley also, with whom I have spoken. They all praised the work of the Gibraltar Group and supported the idea. I think that from the point of view of the Labour Party I am sure he will get support and I doubt very much if his own Party were not to support the idea as well when he has had

time for consultation because I think the people of Gibraltar as a whole ought to give the Freedom of the City, they want to give some recognition for the work that those men have done for us in Gibraltar because what they have done is very great, it is very, very important for every Gibraltarian, it is our own international status that was at stake and I know that my Hon Friend has made certain distinctions as to what it is now and what could have been if the whole territory had changed out of the schedule. I know the significance. I certainly would have thought that way right to the end, I personally. But, and this is a very important thing, it was not the Members of Parliament as he thinks who changed their minds, it was not the Members of Parliament, I think that is where he is mistaken. The Members of Parliament were all the time acting on advice from Gibraltar and this is why they accepted. They never bulldozed and said "We are going to do it our way". They acted in consultation with the people of Gibraltar.

HON J BOSSANO:

If the Hon Member will give way. I have not used the word bulldoze. I said that they told us, and I remember being told by Mr McQuarrie, that the amendment which was proposed would have a better change of success than the original one once the original one was seen to be getting nowhere. That is what I said and that is what the record will show. I said.

HON MAJOR R J PELIZA:

It was not done that way. Mr McQuarrie acted on the advice from Gibraltar and that is a fact and this is where I think Mr Bossano is wrong.

HON J BOSSANO:

Mr Speaker, the Gibraltar Chronicle of that date will show that Mr McQuarrie gave an interview where he called it the McQuarrie amendment and in fact we had a meeting where I felt very strongly on the issue and it was clear that all he was intending to say at the time was that in his judgement, the second proposal stood a far greater chance of success than the first proposal. That is all I said when I spoke yesterday and that is all I am saying now.

HON P J ISOLA:

If the Hon Member will allow me. With all due respect, that is not what the Hon Member said yesterday. What the Hon Member said yesterday was that the first amendment was defeated and there was never an amendment from Gibraltar, the amendment was defeated and that was out and something else had to be found. That is what the Hon Member said.

HON MAJOR R J PELIZA:

I am not quarrelling with the Hon Mr Bossano. I am just trying to put the facts right because he has made a decision based on the wrong facts. Of course Mr McQuarrie had to put the amendment. No Member of this House can go to the House of Commons and put an amendment. When you read the 'Chronicle', obviously the correspondent cannot go into the niceties of the whole thing. When someone is speaking you cannot go into the details but if Mr Bossano has got time now to consult people and perhaps consult the Chief Minister and the Leader of the Opposition who were obviously at the head of this, if he does he will find, Mr Speaker, that the amendment was suggested from here after, perhaps, consultations with other people as well and this is what I am trying to say. It was not a question of watering down nor is it right to say that the battle was lost on the other one, in fact, the battle was nearly won in that it was tremendous in a Committee to have the original motion defeated by the casting vote of the Chairman. Nothing could be stronger than that and, in fact, later, in the House of Lords, when they wanted to get the Falkland Islands out of the Schedule, it was only defeated by one vote. So, perhaps, if we had been more daring, and I am not trying to say that we did the wrong thing or the right thing, but if we had been more daring and not play safe, we might even have got it out of the Schedule. But, anyway, that is neither here nor there, the fact is that we won a tremendous victory for Gibraltar against the Government, the Conservatives voting in our favour and that is a great victory for Gibraltar, there is no question about it. Never before has this happened and let us hope that if the situation got to a stage where that had to be done again, that we shall win again. But if we are going to ensure that if we have got to do battle in the Commons again, then we must have our friends all lined up to stand squarely with Gibraltar as they have done in the past and Mr Bossano quite rightly has brought out other things like the Lisbon Agreement. The Lisbon Agreement has nothing to do with the Members of Parliament, the Lisbon Agreement has to do with the Government of Great Britain and none of us have gone to say to the Members of Parliament that we do not want the Lisbon Agreement. The Lisbon Agreement has been arrived with the agreement of the Gibraltar Government and you cannot blame the Members of Parliament if they have gone with what the Government of Gibraltar wants. No Member of Parliament will act against the wishes of the Government of Gibraltar, that I can tell you, it is impossible.

HON CHIEF MINISTER:

I think, perhaps, the Hon Member should try and make a slight distinction. It isn't that the Gibraltar Government want it, the Gibraltar Government and the Opposition accepted it, which is very different.

HON MAJOR R J PELIZA:

Fair enough, accepted it. Having accepted I think the Chief Minister will agree that no Member of Parliament is going to go against the acceptance of the Gibraltar Government and the fact of the matter is that the situation was accepted for reasons that they know better than anybody else and some people agree, some people disagree and some people may or may not disagree but they just keep it to themselves and do what they can for the sake of having a united front because we are going to need a united front in this battle that lies ahead. Whether we agree or disagree I think at the moment we must get together and form a strong nucleus and try and overcome the situation that whether we like it or not, is ahead of us. All I say is that in this great battle that lies ahead, and there is no question about it we are going to come across great difficulties, in my view, anyway, we have got to stand together, but not only have we got to stand together we have also got to try and get as much support in the floor of the House of Commons and the House of Lords. I have no doubt that we have got the support and time and again Ministers have said, when giving assurances, that if they were to act in any way contrary to the wishes of Gibraltar, the House of Commons would not allow that to happen. That is the position of strength not only now but right through history. In fact, the Governor wrote some time back saying how in history on one occasion, I think it was Lord Salisbury had to pull out on a deal that they wanted to do with Spain precisely because the House of Commons would not allow that to go through.

MR SPEAKER:

With due respect to the Hon Member. We must not digress from the question before the House.

HON MAJOR R J PELIZA:

Very well, Mr Speaker. The other objection is that of the Government and I think the Government objects mainly (1) because there were no consultations and (2) because they would like to discuss the matter further. I know there have been some discussions already with the British-Gibraltar Group as to when it should take place. I think the Chief Minister who has been in this House for a number of years knows that it is the role of the Opposition to bring things to the foreground when they believe that this should be done and this is, in fact, what the Opposition is doing and has done by introducing this motion. I believe that there was talk before and perhaps the Government thought that this was not the right time because in consultations there were people within the British-Gibraltar Group who thought that it was not the right time. As far as we are concerned I know that the Chairman of the British-Gibraltar Group considers that this is the right time. If the Chairman of the Group considers it to be the right time now, I feel that he must have some knowledge as to what our colleagues feel about

it. One individual in the Group may not agree but one individual does not make the greater number in the Group. Anyway, we are not going to quarrel about that. The purpose was to try and get the principle accepted. If there had been consultations perhaps we would not be discussing the matter now and the principle even now would not have been accepted.

HON CHIEF MINISTER:

If the Hon Member will give way. That is not true and the Hon Leader of the Opposition knows that it is not true and you should not say that when it is not true.

HON MAJOR R J PELIZA:

Mr Speaker, I am not saying that the Government does not want to give the Freedom of the City, this is not what I meant.

HON CHIEF MINISTER:

You keep on saying all the time that you did not mean what you said. You must try and measure your words.

HON MAJOR R J PELIZA:

Mr Speaker, that coming from another source I would accept but coming from Sir Joshua Hassan who one never knows what he says, I cannot accept.

HON A J CANEPA:

If the Hon Member will give way. I was present at a meeting with the Hon Leader of the Opposition and the Hon Mr Restano and there was no difficulty on the part of the Chief Minister and myself in accepting the principle. I left that meeting under the impression that we had accepted the principle that the Freedom of the City was going to be conferred on the British-Gibraltar Group.

HON MAJOR R J PELIZA:

I am glad to hear that the principle was accepted. I think the next thing is the question of when. The principle could have been accepted but this may never take place. We might accept the principle but if it is never going to take place then it is the same as not accepting it. What we are saying is that in our view we believe that this should be done as soon as possible and I believe that this motion that we are introducing today will accelerate the process. This is why I say that there are some virtues in what is done particularly because of the hesitation of one Member of this House in not supporting

the motion. Now I think because we have brought it out, because this is getting an airing, we may be able to get, and I sincerely hope so, a unanimous vote for the Freedom of the City when the time comes. There are two things, therefore, that I believe that this motion introduced by the Opposition has done. One is to accelerate the process, bring it to the public notice, because it is all very well to have consultations between leaders but I think the people too, are demanding something. I do not agree with the Chief Minister when he says that people do not care. I think the people do care and I think the people were very surprised that nothing happened after the British citizenship was obtained. Many people have asked me: "What are you going to do about it?" They even mention names of people who should get the Freedom of the City. I usually say when people ask me that the Chief Minister and the Leader of the Opposition and other Members of the House are thinking of how best this should be done. The people believe that the time has come when recognition has got to be given and I believe that by introducing this motion in the House, if it gets the publicity that it deserves, it will stir up public opinion again about something that people are even forgetting which they must not forget because it would be, I think, ungrateful to forget. We owe the Members of Parliament a great debt of gratitude. We cannot pay them with money nor do they want any money, they do not want any pecuniary compensation but I think it would be very, very well received if this motion were to be passed at an early time. I hope, Mr Speaker, that the Chief Minister, and I must read the amended motion because I think, basically, it is a total acceptance of the principle. "And resolves that the Honorary Freedom of the City of Gibraltar should be conferred on the all-Party British-Gibraltar Group in Parliament at a time considered, after consultations with officers and members of the group, to be the most opportune". I do hope, Mr Speaker, that consultations are going to start immediately, that consultations are not going to be left now for months and years, that these consultations, and I think the Chief Minister means it in this way, will commence immediately. I hope he takes into consideration the views of the Opposition which in any democracy a Government must take into account. I hope he takes into account the extent to which we have gone to try and impress upon the Government how strongly we feel about it and that taking all those things into consideration, he will start consultations immediately at an early meeting after this one - and in fact there is even time at the second half of this meeting - to introduce a motion giving those people who deserve it so much the Freedom of the City. I do hope that by then, Mr Speaker, the Hon Member, Mr Joe Bossano, will have been able to consult Members of the Labour Party in the United Kingdom and also his Committee in Gibraltar. I would like to say one more thing to Mr Joe Bossano. That he was elected neither by the Members of Parliament in the United Kingdom nor by the membership of his Party. He was elected by lots and lots of people who do not belong to his Party being a total of 5,000, and that he took into consideration that those 5,000 gave him the vote and I believe that most of those 5,000 people who gave him the vote would like him to vote in favour of this motion and give the British-Gibraltar Group the Freedom of the City of Gibraltar.

HON J BOSSANO:

I am not here and I was not elected here to be given lessons by the Hon and Gallant Member on where political responsibilities lie. I can assure him that with my close contact with the great bulk of the 5,000 people who voted for me, they have not got the foggiest idea what the Freedom of the City of Gibraltar means. The people that I represent in the main are concerned that the Members of this House today should be fighting to prevent the closure of the Dockyard and that is a thing that concerns them 24 hours a day, 7 days a week. As far as I am concerned, I do not tell the Hon Member how he discharges his responsibility and I would appreciate it if he does not tell me. The people of Gibraltar will have an opportunity to re-elect me or not elect me if they are not satisfied with my behaviour but when I go to an election I happen to subscribe to the principle that a lot of Members of Parliament subscribe to in the Labour Party which obviously the Hon Member does not, possibly because he is not a socialist, that I stand as the representative of a Socialist Party and that when I am in this House I carry out the policies of the Party. He seems to think that in my case I have to carry out a poll of my voters before I decide on policy whereas, apparently, in his case the leader of his Party has proudly announced in the course of this debate that they as a democratic party consult their own membership on their policies. Well, I can assure him that I do the same and that when it is something that affects Members of Parliament in the United Kingdom, because the Party that I represent is closely linked with the British Labour Party and with no other, it is they who we consult to see what they think before we make our own minds up.

HON MAJOR R J PELIZA:

I am surprised to hear Mr Bossano say that the Members of Parliament do not know what the Freedom of the City means.

MR SPEAKER:

The Hon Mr Bossano has not said that. Mr Bossano has said that most of the people in Gibraltar do not know what it means.

HON MAJOR R J PELIZA:

I thought I heard him say that the Members of Parliament did not know. Mr Speaker, I have a right in this House to express a view. I am not trying to give lessons to anybody. I am just going to express something which I think the electorate must know, the electorate must know, and there are 5,000 of them who voted for Mr Bossano and the electorate must know the way that Mr Bossano is behaving in this House and this is all I am saying.

MR SPEAKER:

Order. We are not going to make this a vote of censure against Mr Bossano.

HON MAJOR R J PELIZA:

Of course not.

MR SPEAKER:

Let us talk about the Freedom of the City.

HON MAJOR R J PELIZA:

What I am saying, Mr Speaker, therefore, is that if he says that he is going to consult his Party, I must draw the attention

MR SPEAKER:

No. You will talk about the motion and nothing else.

HON MAJOR R J PELIZA:

Mr Speaker, I have put my point and I do hope that the Government will act promptly. I can see that the Government want me to sit down because the more I speak they find themselves in greater difficulties all the time and this is why they welcome me sitting down, Mr Speaker, but I think I will relieve them from that at the moment, I have said enough. We go with the amendment provided that the intention of the amendment is to act on it and to act promptly so that there is this honour granted to the Members of Parliament who so much deserve it as soon as possible.

HON CHIEF MINISTER:

On a point of order. The amendment means what it says and no more and I am not going to have any interpretation put on it. The amendment is there and it is very clearly put. I am not going to be dominated by anything Major Peliza says.

HON MAJOR R J PELIZA:

Of course I know that I cannot dominate the Chief Minister. The Government has got the majority. If he wants to act in a way of bulldozing and taking no notice at all of what the Opposition says he might as well scrap the Opposition altogether and have a one-party State, Mr Speaker.

MR SPEAKER:

Let us leave it at that. Any other contributors to the debate?

HON H J ZAMMITT:

A very brief intervention, Mr Speaker, and that is that I think it would be a bad thing for Gibraltar if Gibraltar ever was to confer the Freedom of the City to anybody or any group of persons without the total unanimity of Members of this House and I think that what the Leader of the Opposition said yesterday that in consultation with his Party, he had been able to forecast the possibility of finding some opposition from Government benches, I think he did not suspect that he would find opposition even from Opposition benches, ie Mr Bossano, and if such is the case one wonders that even if we were to vote in favour of this amendment and if Mr Bossano was to abstain on this, would it not be embarrassing to those who are eventually to receive this? I wonder if the Hon Mr Isola who said yesterday that he had come to the conclusion that if there was opposition he would withdraw the motion, would it not be more elegant to withdraw the motion and leave it for a future date when the House may be able to come with total unanimity to the benefit of all of us.

MR SPEAKER:

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

HON P J ISOLA:

Thank you, Mr Speaker. Let me just say one word to the Hon Mr Zammitt and let me also just say that it appears from what the Hon Member has just said that, possibly, there is not the unanimity on that side of the House that there is amongst the Opposition benches - I was not referring to the cross-benches - there may not be the same unanimity and that is sad. It is a pity that the Hon Member has said this. I am not going to withdraw the motion because as I have said we accept the amendment made by his leader, the Hon and Learned Chief Minister, which accepts the principle which certainly we very unanimously adhere to on this side of the House, at least from my bench, the Democratic Party of British Gibraltar, and which I thought was also adhered to unanimously by his side of the House and I am not going to agree that the will of one Member of this House representing the smallest political party in Gibraltar is going to dictate to the rest of the House whether a group of people should receive the Freedom of the City of Gibraltar which is wanted by the great majority of the people of Gibraltar or not. I am not prepared to accept that sort of dictatorship even though the Government may do on a number of other issues, local issues, when they look at him and see whether he agrees and if he does not agree they do not do it.

HON CHIEF MINISTER:

If the Hon Member will give way. As it happens, we do not need his vote to get anything whether he agrees or not, that is a difference, but I think, if I may say so, the Hon Member was in no way diminishing the unanimity of the view of the public, it was only a thought about unanimity in respect of these things, there is no question about it.

HON P J ISOLA:

I am very glad the Hon and Learned Chief Minister has clarified what I may call the inelegance of the words spoken by the Minister who has just spoken before me. Mr Speaker, I did intervene on a number of occasions yesterday when the Hon Mr Bossano referred to the British Nationality struggle and I did say that what he was saying was not factually correct. I think it is important from the point of view of the people of Gibraltar, I think it is important from the point of view of the Members of this House, that the record should be straight in this. I think it was very wrong of him to say that what the 8,000 people signed for was not what they got. I know from personal experience, having myself walked round a number of blocks in the housing estates, I know what the people of Gibraltar wanted as far as the British Nationality Bill was concerned. If I may use the expression that I constantly encountered in my travels over the blacks it was "el pasaporte ingles". That is what they wanted and that is what they are getting if they decide to register as British citizens and that is what they asked for and that is what they are getting. The question of the amendment, what was called the 'Gibraltar amendment'. Let me tell the Hon Member that there was never a Gibraltar amendment as such in the Standing Committee of the House of Commons. The actual amendment that was put in that Committee was a very short and simple one, it just took Gibraltar out of the Schedule of Dependent Territories. That was the actual amendment. That was not a Gibraltar amendment, that was an amendment brought by friends in the House after lobbying from Gibraltar - we wanted to be British citizens, first class British citizens - and it was brought in that Committee by the Right Hon Mr Enoch Powell, and that amendment was defeated by the vote of the Chairman because it is tradition in Standing Committees that if somebody proposes an amendment and the Committee divides equally, the Chairman votes against the amendment, that is the Standing Committee Standing Rules or tradition, and that is what happened. That was not a defeat; that was in fact quite a victory.

HON J BOSSANO:

If the Hon Member will give way. The record will show that I said it had been very narrowly defeated by the casting vote of the Chairman and that amendment which might not have been put by Gibraltar, it had been put by Mr Enoch Powell, that amendment in fact was what the memorandum that all the representative bodies signed was all about because what the memorandum

was seeking was in fact that Gibraltar should be taken out of one category and put in another. That is not what we eventually got because we were advised that having lost it in that Committee there was no chance of getting it at all.

HON P J ISOLA:

That is not the case. If the Hon Member will let me continue. Mr Speaker, my Party took a very close interest in the British Nationality Bill, we are very concerned about it and without wishing any disrespect to the Hon Member, we did not find the same enthusiasm from his Party although they did support the efforts and therefore I was more closely linked with what actually happened. When that amendment was narrowly defeated as he said in Gibraltar we saw the chances, we saw the problems and we saw the difficulties. We had read what was said in the Standing Committee and it was in Gibraltar, not on advice from London, Mr Speaker, it was in Gibraltar that we formed the view that perhaps our strongest argument, forgetting British citizenship, was our situation as a member of the EEC and our situation of a people under siege and so forth because we realised there was very little difference between the situation of Gibraltar and the Falkland Islands, for example. We also realised that to treat Gibraltar differently to all the other dependent territories was to discriminate against the other dependent territories and there was the big problem of Hong Kong. In Gibraltar we took a realistic look at it, the Chief Minister and myself, and we had talks about it and the Administrative Secretary drew up a proposal that would achieve what the people of Gibraltar really wanted which was British Citizenship but be able to deal with the problem that we would face in London and a problem also in Gibraltar. Because let me tell the Hon Member that there was also a strong feeling, certainly on the Government side of the House and also I found in my Party, I will be quite frank, about the need to get British citizenship without losing our Gibraltarian identity as well, and this particular amendment was brought forward because there were a number of people, not very great I believe, but a number of people who might not want to be British citizens, who wanted to be just Gibraltarians. That amendment was brought and devised to meet all these things, to tell the British Parliament: "You are not forcing anything down our throats, we are asking you to allow any British Gibraltarian who wishes to become a British citizen to do so". That was the philosophy behind that amendment and that amendment was then taken up by Lord Bethell in London, because it was then going to the House of Lords as the Hon Member well knows, and was supported by other members of the British-Gibraltar Group. They said: "This is the Gibraltar amendment, this is what is coming from Gibraltar", and we took it on from there. In Gibraltar, let me say what happened in my Party, I cannot say what happened in the Chief Minister's Party. What happened in my Party was that we took the view that the amendment was satisfactory for two reasons. One, that it gave every Gibraltarian who wanted to be a British citizen to be a British citizen which was the main purpose of the exercise, and two, we

took the view, rightly or wrongly, that that amendment had got more chance of getting through than the straight amendment which took Gibraltar out of the Dependent Territories Schedule which is a bit strange to do in the British Nationality Bill because we are a dependent territory. If we got out, well, what were we afterwards? We could see the constitutional problem in Parliament arising out of that and we took the view in our Party, and I think rightly, that we stood a greater chance of achieving what we wanted to get which was British citizenship for the people of Gibraltar, in this way. We took their view. It so happens, as my Hon and Gallant Friend Major Peliza has said, it so happened that perhaps the dependent territories amendment would have got through because if the Falkland Islands only lost it by one vote in the House of Lords and Gibraltar won by 37 votes which is the most comfortable anti-Government majority there has been in the House of Lords for many, many years, it is possible that that amendment would also have got through. But we did not want to take risks, Mr Speaker, we wanted to go for something that we reckoned would command support in the House of Lords and something which could be worn by the British Government when it got back to the House of Commons. These were judgements that were made and I think it is all the great credit to the political leaders of Gibraltar that these judgements were made and turned out to be correct judgements. It was a great and glorious victory for Gibraltar and I am surprised that the Hon Member belittled that victory in this House yesterday especially as in the debate that was held in the House following the granting of British citizenship to the people of Gibraltar, as my Hon Friend Mr Loddio said in his contribution, the Hon Member at the end of his speech on the motion brought to this House by the Chief Minister, the Hon Member said that he was very happy to associate himself with the views and comments of the Hon and Learned Chief Minister and the Hon and Learned Leader of the Opposition. And one of the comments I made, Mr Speaker, in the course of that debate, at page 116; "that this has been, indeed, a great and glorious victory for the people of Gibraltar".

HON J BOSSANO:

If the Hon Member will give way. If he wants to quote me he might as well quote me in full.

HON P J ISOLA:

I have great hesitation in quoting the whole of his speech. I was taking his conclusion.

HON J BOSSANO:

If the Hon Member will give way. I will remind him that I said at the time that the support that we had obtained from the Members of Parliament was an enormous victory for Gibraltar because of the principle that Members of Parliament had, in fact, been willing to rebel against the directive of their own

Government and of their own party particularly the Members of Parliament who were rebelling, the Members of Parliament on the Labour side, effectively, would have had to vote against Gibraltar in order to rebel because they had a directive to support the Gibraltar amendment. My objection to what he had to say today is the same objection that I have expressed publicly before. When he keeps on talking about full British citizenship, what I understand and what I think most of the people outside understand by full British citizenship, was what we have today under the 1948 Nationality Act, which is an indistinguishable citizenship by birth, what we asked for in the memorandum, what we collected signatures for and what we lost by the casting vote of the Chairman. The mobilisation of support in Parliament was a great victory. Our gratitude for the people who supported us must be without reservations, but to say that we have now got full British Nationality and full British citizenship and that that has been a victory I said yesterday, Mr Speaker, that I was making a prediction about the future. The future would show whether I am right or not.

HON P J ISOLA:

Mr Speaker, the Hon Member says one thing one day and another thing another day. In that debate he had no hesitation in associating himself with the views and comments of the Chief Minister and the Leader of the Opposition. He said other things, I agree, I am not going to read his whole speech, that is there for the record, but I think if he associates himself with the views and comments of the Hon and Learned Leader of the Opposition, he has got to swallow the lot because he has got to read my speech. What I am saying today is what I said then. That is why I say that he says one thing one day and says another thing another day. I know the Hon Member is very concerned about the proposed Dockyard closure and we all are but put everything in its proper perspective, Mr Speaker. What my motion seeks to do is to recognise and show appreciation for the work of the British-Gibraltar Group over a number of years, 17 years to be precise. If we are going to have to wait, Mr Speaker, until every problem of Gibraltar is resolved before we give the Freedom of the City to the British-Gibraltar Group before we come up to the standards and demands of the Hon Mr Bossano, I think it will be my grandson who will be putting the motion down for the Freedom and even he will probably have a problem and have to think of something else. No, Mr Speaker, we want the Freedom of the City now for those who have done so much for the people of Gibraltar without any hope of reward, without seeking any reward whatever, and I believe that that view, expressed in my motion, is shared by the vast majority of the people of Gibraltar who recognise the extent of that victory, who recognise that without the support of the British-Gibraltar Group or sympathisers of Gibraltar because the British-Gibraltar Group to me is the symbol of the support in Parliament for Gibraltar. It is the symbol of British support for Gibraltar. That is why we chose the British-Gibraltar Group for the conferment of this high honour. And it is because of their support and because of their continuous pressures on British Governments - the Hon Member talked about

the Lisbon Agreement, I think that shortly after the Lisbon Agreement, the day after, while the Hon Member was addressing the crowds in Casemates, I think the Hon and Learned Chief Minister and myself went to London and we had a meeting with Lord Carrington and subsequently we went to the House of Commons to hear the statement from the Lord Privy Seal in the House of Commons on the Lisbon Agreement and it was the most edifying experience in my life, Mr Speaker, to see how Hon Members in the House of Commons from all sides of the House rose and dealt with all the problems that the Hon Mr Bossano had been saying that we had been sold down the river or whatever in Casemates, dealt with them and gave all the assurances the people of Gibraltar could possibly hope for. They gave them there and we witnessed it, Mr Speaker. It is because the British Government, I do not say they would act differently, but because the British Government is very, very aware of the way Members of Parliament from the British-Gibraltar Group, generally, stand up for Gibraltar and have stood up for Gibraltar over these last 17 years that our situation has been kept strong and firm and we have been able to resist the 17th siege for 17 years. That is the extent, Mr Speaker, of our achievement but only obtained because of the efforts of Members of Parliament. This is something that the Hon Member should bear constantly in mind and something he should think about before taking the step of abstaining on this motion. But he is quite right, he must decide what he does and the electorate must decide in the fullness of time whether what he has done is what they wanted him to do or not, I accept that completely. But let him have no doubt about it how we will tell the electorate about how he has voted, but he expects that, anyway. Mr Speaker, let us suppose that one Member of the British-Gibraltar Group, if he was one member of the British-Gibraltar Group, let us suppose for one moment that that member did not agree all that much for Gibraltar and was really a spy of the Spaniards. Mr Bossano said: "I do not want to give it to that man". Well, Mr Speaker, are we not going to give it to anybody because we do not want to give it to that man? We are giving it to the British-Gibraltar Group as a Group the same way as we gave it to the Royal Regiment of Artillery and we gave it to The Gibraltar Regiment. There may be some people there who are terrible, I do not know, who cannot stand the guts of us but they have got the Freedom of the City. We do not think that is an argument at all, Mr Speaker. That is an excuse to try not to do this for some reason or other. He talks of consulting the British Labour Party. What is he, is he the representative of the British Labour Party in Gibraltar? I will give way again to the Hon Member but not for a speech.

HON J BOSSANO:

Not for a speech, Mr Speaker. I said two things. I said because it was something that affected Labour MP's and because the people with whom we have links in the Commons, I would seek their views but primarily, I said, I am now putting arguments in this House of Assembly which I would have preferred not to put here if the Hon Member had done on this

motion what has been done on previous motions on the Freedom of the City and that is to find out how I feel about it. I have not had that chance to do it outside that is why I am having to do it here.

HON P J ISOLA:

Well, Mr Speaker, I hope the Hon Member does not consult the Members of the Labour Party that he consulted on the British Nationality Bill because I well remember when he came back and said that the left of the Labour Party or the people he consulted, anyway, were not prepared to support us and then we found that the whole of the Labour Party supported us and I told him at the same meeting that my experience with members of the Labour Party that I had approached, and that was Mr Tilley and Mr Hattersley, I got the feeling that there was support for Gibraltar so I hope that he consults the right people in the Labour Party this time. But whether he consults or he does not, Mr Speaker, in my view it is the British-Gibraltar Group that we are dealing with, it is the British-Gibraltar Group to whom we are conferring this honour and it is there, I believe, that the consultation must take place. Mr Speaker, as I said, we would have preferred for the motion for the Freedom of the City to have been conferred today because the frontier is to open on April the 20th. I think we ought to have a bit of sense of history about this and I think today, just before the frontier opens, would have been the opportune moment that the Government speaks about, in my view, and that is why we had to put it down at this meeting of the House. This is the last opportunity for the House to do so before the frontier opens but it could still be opportune, Mr Speaker, immediately after the frontier opens. We do come back around the end of April for the Budget and it could be opportune because we can have consultations with the Officers and Members of the British-Gibraltar Group when we go to London at the end of this month, we can have talks with them about it. I know the view of some of them and I can tell the House that they think the opportune moment is now but, alright, let us have a chat but let us have an opportune moment but not opportunism, that is what we do not want. An opportune moment, yes, but opportunism, no. The problem that I find, Mr Speaker, about the amendment which we accept and we will vote for, but the problem that I find is that with the Dockyard closure negotiations likely to go on for some time, with the Lisbon Agreement negotiations starting off now and likely to go on for some time, it is very possible that an opportune moment is going to be just before the next elections or just after the next elections and that is totally unsatisfactory from our point of view and it must be totally unsatisfactory for the people of Gibraltar who want due recognition to be given to the British-Gibraltar Group for what they have done for the people of Gibraltar. I say this in all sincerity, that I do hope that a decision can be made about what is the opportune moment very, very soon indeed because otherwise we may find that there will be no opportune moment, Mr Speaker, and that this House that is elected, until 1983 or the beginning of 1984, will not do what it says it will do.

HON CHIEF MINISTER:

If the Hon Member will give way. Whilst I do not propose to delay these consultations I do not want it to be thought that it is going to be a rush job. There will be a very good opportunity on our visit now but the reservations that were expressed not only by the Member here but since then in soundings I have taken, was precisely because of the Dockyard. It was not the Lisbon Agreement, it was not anything else, it was precisely because of the very sensitive area that we are now experiencing that that was the reason for the objection. That is why whilst I do not propose to delay the matter, I am not going to be rushed either, I would like to make that clear, but I will not delay the matter any more and I entirely agree and I have every intention of using the forthcoming visit to sound people, not collectively, because this is not the way in which we are going to do it, but in a proper way, as things are done, and that is what I propose to do.

HON P J ISOLA:

Mr Speaker, the reason why I said this and the reason why I say the opportune moment is now is because it must be done either before we get too involved in questions of money or long after it has all been resolved because anything in between could be considered something else, possibly. I do not believe it but, possibly, it could be and that is why the opportune moment in our view is now and that is why we put the motion in this House. The Government is not able to agree, well, so be it, but I do hope that consultations will take place. I do not think it is rushing it, Mr Speaker. The British Nationality Act was passed in October and we are now in March, coming on to April. I do not think it is rushing it, you know, six months afterwards. I do not think it is rushing it because the time that we are in because the frontier is going to open and perhaps it won't, Mr Speaker, and I think I have got to link it with that, I have got to link it with Lisbon and I have got to link it with the frontier opening because I think the people of Gibraltar want to show by their act in this motion want to show how they stand on that as well and I think in terms of historical perspective the opportune moment is now. I am not saying that the consultations should be rushed, all I am saying is that they should be held and I am glad to hear the Chief Minister say that he will hold these consultations at the end of the month as well. Let me say one thing, of course, that the same man who had doubts about it also had doubts about the advisability of going to London to lobby Members of Parliament, let me say that, he also gave that advice, and fortunately he amended that advice later on. He realised, perhaps, he was not right. I was referring to the visit to the House of Lords when we went before the House of Lords amendment. He thought it was better not to go any more. That advice was not adhered to, fortunately, or perhaps he amended his advice, I cannot remember. I do not want to be critical at all, I think we have got to take a broad view and I do not think we can take the view of one person. He is an experienced man but then, Mr Speaker, one has to live not just with experienced people; one

also has to live with the new generation, with Parliamentarians who are entirely different to those that we knew in 1964 or earlier, entirely different, younger people, have different ideas and want to get on. They do not think so much, possibly. That is what we have to think about and I do not want the thought to be got that Gibraltar, Mr Speaker, is dragging its feet on this issue. I think it would be most inopportune to give the impression that Gibraltar is dragging its feet on this. Therefore, I urge the Hon Chief Minister and his Party, I urge the Hon Mr Bossano to make decisions quickly as to what is the opportune moment and I certainly urge the Hon Mr Bossano, in the interest of getting a unanimous decision in this House when the time comes, to think again and to ponder over everything that has been said in this debate and try and get the unanimity that the Hon Mr Zammit longs for which we certainly would be very happy with, obviously, I think that it would be a pity if the Freedom of the City was given with an abstention, I think it would be a pity, but if it has to be, Mr Speaker, I would rather give the Freedom of the City with an abstention than not give it because of that abstention and I think that the mass of the people of Gibraltar fully support the motion that I have put before the House. Thank you, Sir.

Mr Speaker then put the question on the Hon P J Isola's motion, as amended, which read as follows:

"That this House considers that Gibraltar should show its deep appreciation to its friends in Parliament for their unstinted support and efforts on behalf of the people of Gibraltar throughout the last seventeen years and more particularly in the struggle to achieve full British Nationality for the people of Gibraltar and resolves that the Honorary Freedom of the City of Gibraltar should be conferred on the all-Party British-Gibraltar Group in Parliament at a time considered, after consultation with officers and members of the Group, to be the most opportune".

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

The Hon I Abecasis
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon P J Isola
The Hon A T Loddó
The Hon Major R J Peliza
The Hon J B Perez
The Hon G T Restano
The Hon W T Scott
The Hon Dr R G Valarino
The Hon H J Zammit

The following Hon Member abstained:

The Hon J Bossano

The following Hon Members were absent from the Chamber:

The Hon A J Haynes
The Hon D Hull
The Hon R J Wallace

The Hon P J Isola's motion, as amended, was accordingly passed.

ADJOURNMENT

HON CHIEF MINISTER:

Mr Speaker, I beg to move that the House do now adjourn to Thursday the 29th April, 1982, at 10.30 am to deal with the Budget.

MR SPEAKER:

I will propose the question which is that this House do now adjourn to Thursday the 29th of April, 1982, at 10.30 am.

HON P J ISOLA:

I thought it was going to be the 26th, Monday the 26th.

HON CHIEF MINISTER:

Mr Speaker, the information I gave all Members through my office was on the 29th which is a Thursday.

HON P J ISOLA:

The only problem, Mr Speaker, is I do not know when the delegation for the CPA Conference in Jersey goes.

HON CHIEF MINISTER:

On the 8th May and there is plenty of time. May I adjourn it to the 29th and make every effort to see if we can be here on the 26th.

HON P J ISOLA:

I do not object to it. It is just that I want to make sure the date is right.

HON CHIEF MINISTER:

The date, as far as I am concerned, is the 29th April.

Mr Speaker then put the question which was resolved in the affirmative and the House adjourned to Thursday the 29th April, 1982, at 10.30 am.

The adjournment of the House to Thursday the 29th April, 1982, at 10.30 am was taken at 12 Noon on Friday the 19th March, 1982.