

GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

26TH JUNE, 1985

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Eighth Meeting of the First Session of the Fifth House of Assembly held in the House of Assembly Chamber on 26th June, 1985, at 10.30 am.

PRESENT:

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

GOVERNMENT:

The Hon Sir Joshua Hassan CBE, LVO, QC, JP - Chief Minister  
The Hon A J Canepa - Minister for Economic Development and Trade  
The Hon M K Featherstone OBE - Minister for Health and Housing  
The Hon H J Zammit - Minister for Tourism  
The Hon Major F J Dellipiani ED - Minister for Public Works  
The Hon Dr R G Valarino - Minister for Labour and Social Security  
The Hon J B Perez - Minister for Municipal Services  
The Hon G Mascarenhas - Minister for Education, Sport and Postal Services  
The Hon E Thistlethwaite QC - Attorney-General  
The Hon E G Montado - Acting Financial and Development Secretary

OPPOSITION:

The Hon J Bossano - Leader of the Opposition  
The Hon J E Pilcher  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon J C Perez  
The Hon J L Baldachino  
The Hon R Mor

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 26th March, 1985, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID

The Hon the Minister for Education, Sport and Postal Services laid on the table the following document:

The Accounts of the John Mackintosh Hall for the year ended 31st March, 1985.

Ordered to lie.

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

- (1) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 8 of 1984/85).
- (2) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 9 of 1984/85).
- (3) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 1 of 1985/86).

Ordered to lie.

AWARD OF OBE TO HON M K FEATHERSTONE

MR SPEAKER:

I know I am voicing the feelings of all Members of the House in congratulating Mr Featherstone on his very well deserved award of the OBE in Her Majesty the Queen's Birthday Honours.

The House endorsed by acclamation Mr Speaker's words.

ANSWERS TO QUESTIONS

The House recessed at 1.05 pm.

The House resumed at 3.30 pm.

Answers to Questions continued.

DOCUMENTS LAID

The Hon the Attorney-General moved under Standing Order 7(3) to enable him to lay out of the regular order of business the following document:

The Income Tax (Permitted Individuals) Rules, 1985.

Ordered to lie.

The House recessed at 5.35 pm.

The House resumed at 6.10 pm.

### THE ORDER OF THE DAY

#### MOTIONS

HON H J ZAMMITT:

Mr Speaker, Sir, I beg to move the motion standing in my name, namely an amendment to the Statistics (Tourist Survey) Order, 1972, Mr Speaker, I would beg your indulgence not to have to read the motion which has been circulated.

MR SPEAKER:

I feel sure that Members have been given plenty of notice of the contents of the motion, it is a long one, I don't think it requires the Minister to read it so we will take it as read.

HON H J ZAMMITT:

Thank you, Sir. Mr Speaker, the question really is that in the past it has been a requirement of the Statistics Office to present statistics annually and in doing so some difficulty is found in the format and the questions that are asked in the 1972 order. Mr Speaker, if Members were to look at the Order of 1972 they will see that it stipulates particular questions and particular reference from which the Statistician does not deviate and rather than having to have them specifically for that it is considered that the new amendment would give general headings as mentioned in the Schedule of the thirteen questions that are to be asked which will generalise and therefore give the Statistician the more up-to-date information required and not have to come to the House to change any particular format or for questions that the Statistics Office may from time to time require. It is considered that the thirteen questions, as mentioned in the Schedule, will more than cover the requirement of the Statistician and in doing so, particularly because of the new tourist impetus that we are having today, it is considered that the thirteen listed questions will cover and provide the needed requirements. Mr Speaker, I do not want to labour much on this because I think it is self-explanatory and it really is a matter of amendment and streamlining it. I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the Hon the Minister for Tourism's motion.

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

### BILLS

#### FIRST AND SECOND READINGS

THE CARRIAGE OF GOODS BY SEA (AMENDMENT) ORDINANCE, 1985

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Carriage of Goods by Sea Ordinance, 1977 (No. 25 of 1977) 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:

Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, this Bill is a lawyer's delight but it must be an absolute nightmare for a layman and I will try and explain it. Mr Speaker, the Schedule of the Carriage of Goods by Sea Ordinance contains a set of rules and these rules are known as The Hague Rules and these Rules regulate the carriage of goods by sea from Gibraltar to any other Port. The Hague Rules were drawn up in 1924 and they were amended by the Brussels Protocol on the 23rd February, 1968. These Rules have now been further amended by the Brussels Protocol of the 21st December, 1979. The 1979 Protocol came into operation on the 14th February, 1984 and this date, Mr Speaker, is reflected in Clause 1(2) of the Bill and so this part of the Ordinance will have retrospective effect to the date of the coming into operation of the Brussels Protocol of the 21st December, 1979. Clause 2 of the Bill, Mr Speaker, amends Section 2 of the Ordinance so that the Ordinance will read as follows, this is Section 2(1) of the Ordinance: "In this Ordinance the Rules mean the International Convention for the Unification of certain rules of law relating to bills of lading, signed at Brussels on the 25th August, 1924, as amended by the Protocol signed at Brussels on the 23rd February, 1968". That much is in the law, Mr Speaker, and this is the amendment: "and as further amended by the Protocol signed at Brussels on the 21st December, 1979". And Clause 3(1) of the Bill, Mr Speaker, carries a similar amendment to the heading of the Schedule to the Ordinance. All the 1979 Protocol did was to substitute a Special Drawing Right as defined by the

International Monetary Fund as the unit of account. Clause 3 (iii) of the Bill defines what is meant by Special Drawing Right. Mr Speaker, as you can see from Clause 3(iii) it is long and complicated and to me is somewhat incomprehensible definition which has to be included. The only reason for having to include this definition is so that we can make one very small amendment to paragraph 5(a) of Article IV of the Schedule to the Ordinance. Under the existing paragraph 5(a) of Article IV the carrier's or ship's liability of goods lost or damaged is in the absence of a specific declaration as to value limited to the equivalent of 10,000 francs per package or unit or 30 francs per kilo of the gross weight. The 1979 Protocol in Clause 3(ii) of the Bill limits the liability, it changes it from francs into this formula 666:67 units of account per package or unit or 2 units of account per kilogramme of the gross weight. Mr Speaker, it really is a lot of words to say very little but nevertheless, Mr Speaker, 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 J BOSSANO:

Mr Speaker, the law permits a State that is not a member of the IMF to calculate in whatever manner it seeks the conversion of its national currency into SDR. Is that something that would be applicable to us?

HON ATTORNEY-GENERAL:

The parties to the Convention and the various Protocols have agreed a new formula of calculation. I think it is formula which would apply to all signatories of the Convention and the Protocols and therefore this is the yardstick to be used as opposed whether or not they are in the International Monetary Fund but it is the formula which is to be used by the Convention countries in making the calculations rather than in francs as it used to be, it is exactly the same thing with just the change of francs to Special Drawing Rights.

HON J BOSSANO:

But it says here: "The value of the national currency, in terms of the Special Drawing Rights, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State". I am saying, is the Gibraltar pound the currency of a State which is a member of

the International Monetary Fund or the currency of a state which is not a member of the International Monetary Fund?

HON ATTORNEY-GENERAL:

For that I would need financial advice. It could either be the Hon the Leader of the Opposition or my colleague the Financial and Development Secretary.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not sure, Mr Speaker, whether by the mere fact that the United Kingdom is a member of the IMF, and we are a dependent territory, that it follows that in terms of applying particular Conventions we would fall under the category of being in the IMF. I am not sure about it, I would have to check.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

THE SOCIAL INSURANCE (AMENDMENT) ORDINANCE, 1985

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Social Insurance Ordinance (Chapter 145) 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 now read a second time. By Section 41(2) of the Social Insurance Ordinance where a birth, marriage or death certificate is required for the purposes of the Social Insurance Ordinance such a certificate may be obtained on request from the appropriate Registrar and on the payment of a fee of three pence in the case of birth certificates and five pence in the



case of marriage certificates and death certificates. Mr Speaker, it is felt that these fees are much too low and it is proposed to increase the fee to fifty pence in the case of all three certificates. In order to avoid having to bring legislation to this House every time there is a change in the fee, it is proposed that this increase and any future changes be made by way of subsidiary legislation. The formula, on payment of the prescribed fee set out in Clause 1 of the Bill, seeks to achieve this object. As the fees for a certificate obtained for the purposes of the Social Insurance Ordinance are lower than the fees for certificates obtained for other purposes, it is proposed to give the Director of Labour and Social Security power to retain the certificates obtained at the lower fee and Clause 2(ii) of the Bill seeks to attain this object. 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?

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

THE LANDLORD AND TENANT (AMENDMENT) (NO 2) ORDINANCE, 1985

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Landlord and Tenant Ordinance, 1983 (No. 49 of 1983) 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:

Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, another amendment to the

Landlord and Tenant Ordinance, 1983, has become necessary because of Government's decision to implement that from the 1st July next only those published in the 1983 Ordinance which will relate to domestic premises. Part IV of the 1983 Ordinance which relates to business premises will not be brought into operation for the time being and instead the law relating to business premises will be that contained in Part III of the Landlord and Tenant (Miscellaneous Provisions) Ordinance. Mr Speaker, Clause 2 of the Bill empowers the Government to appoint different days for the coming into operation of the different provisions of the Ordinance and this Clause in part will enable the Governor to appoint different dates for the coming into force of the provisions relating to domestic premises and of the provisions relating to business premises. Mr Speaker, Clause 3 of the Bill withdraws with two very slight amendments the original Section 22 of the Ordinance as passed in this House on the 13th December, 1982. The original Section 22 faithfully reflected the special recommendations of the Select Committee as contained in paragraph 9(ix) of the Report dated the 11th April, 1983. Of the two slight amendments I have made to the original Section 22, Mr Speaker, one is contained in Section 22(1)(b) (i), I have omitted the words 'into a unit that is substantially a larger unit than it is before the alternations' and substituted the words 'into a unit that is the same or larger than before the alterations'. The reason for this, Mr Speaker, is that it may be physically impossible to reconstruct a unit that is substantially larger than before and it is felt sufficient that if the reconstructed unit is at least the same size, if not larger, than before the reconstruction process. The other slight amendment is to Section 22(3) where I have substituted the Director of Crown Lands for the Director of Public Works. Mr Speaker, Clause 4 of the Bill replaces Section 83 of the Ordinance. As it stands at the moment Section 83 repeals the whole of the Landlord and Tenant (Miscellaneous Provisions) Ordinance. If passed the new section 83 will repeal those parts of the Landlord and Tenant (Miscellaneous Provisions) Ordinance which relate to domestic premises. The part of the (Miscellaneous Provisions) Ordinance which relate to business premises will be retained and will remain in full force and effect. Mr Speaker, 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 J BOSSANO:

Mr Speaker, I find it very strange that the Government should bring a Bill to the House that removes an amendment passed unanimously at the previous meeting of the House and no word of explanation should be given in introducing this Bill as to why the reversal of policy. It is quite extraordinary. All that we have is a statement from the Hon and Learned Attorney-General as to what he is doing. We are able to work that out for ourselves quite easily without his help, we know what he is doing. What needs to be explained to the House of Assembly is why the Government is making a complete mockery of the process of this House. I have been many times in the House when the Government has defended itself in situations where Members of the Opposition have moved amendments, on the argument that it is not responsible Government to accept an amendment from the Opposition benches on the spot and that the fault lies with the Opposition for not giving prior notice. We now have a situation where an amendment which was put in writing by my Hon Friend, Mr Baldachino, on the 11th December, the Government had three months to study it, was carried unanimously on the arguments that were put in support of it in the House where the Government said that provided it was clear that it was the Rent Assessor who would be deciding what would be the fair rent for premises that have had improvements, then they could go along with it. There was, if you will recall, another amendment which we thought was quite innocent and which the Government refused to accept which would have given them simply information, it was an enabling clause in the Bill which would have allowed the Rent Assessor to keep a record of the rents that people are paying so that the Government would know what people are paying and do with it what it wanted if it wanted to do something but a Government that is concerned about preventing abuse of private property preventing rackmanism and preventing Gibraltar's housing shortage from simply resulting in a small minority enriching themselves, would want to be in possession of the facts so that they would be able to establish whether a serious social problem exists which requires action on their part and yet they refused that amendment, they refused that amendment which would give them that information. They accepted the amendment that they are now removing and as far as we are concerned the Hon and Learned Attorney-General has not given us one single reason why we should all now do a somersault having carried the previous amendment unanimously. We will certainly oppose this and we certainly have to ask ourselves whether there is much point in trying to make a contribution and to change legislative proposals brought by the Government if what is going to happen is that before they take effect, no doubt because of pressure from interested parties, the Government comes back and reverses its position. Well, they may reverse their position, we have no intention of reversing

ours and if this is going to be an inducement for speculators who will be able, whatever safeguards are put there about the nature of the property and the nature of the structural alterations and so forth, people who will be able to get out of having controlled property by doing some improvements to the property and then be free to charge whatever they want which is the important principle. We proposed an amendment which the Government accepted moved by my friend Mr Baldachino which gave the landlord the opportunity of obtaining a reasonable return on his investment because the Rent Assessor or the Rent Tribunal could fix a new rent which was not related to the rent of controlled properties but was related to the investment made by the owner of the property but with the new legislation that the Government is proposing and the one that was being introduced originally it means that the sky is the limit. Once the property is improved it is treated no differently from a property that has been newly constructed and there is no comparison between the cost of building a new property and the cost of improving an old one. Why should both be treated the same? And it is no excuse to say that this keeps faithfully to what the Select Committee recommended. Why should this be kept faithfully and everything else be ignored? The Select Committee recommended that rent control should be extended to 1954, why don't they keep faithfully to that? The Government of Gibraltar brought a Bill to this House in 1980, Mr Speaker, to extend rent control to all properties built after the war and a piece of legislation brought to this House initially to extend the protection to tenants has finished up giving no extra protection to anybody and removing the protection that existed from those that had it under the old law. They might as well do with the part of the Bill that applies to domestic tenants what they are doing to business premises. If they are so concerned about the recommendations of the Select Committee why are they not applying the part of the business premises? It is a complete charade, they have a Bill here in 1980, they set up a Select Committee which sits for two or three years, the members in the Committee then turn up here and argue against some of their own recommendations, the Bill is then passed in 1983 and nothing is done about it because they didn't have an office ready or they didn't have the people employed to do it and then when we finally think that at long last we have managed to make some impact on at least retaining some measure of protection which we considered to be fair to both sides, we think and thought that the proposal that we put which the Government accepted, which certainly didn't go anywhere near as far as their original 1980 proposals, simply introduced a safeguard so that if people had obtained old property and they put extra capital into that old property, the rate of return should be based on the amount of money they have put in not on what the property would have been worth if it had never been

controlled or what the property would have been worth if it had been newly constructed at today's construction costs and as far as we are concerned the first amendment the Government should produce is to remove half of the title of the Bill and stop calling it the Landlord and Tenant Ordinance and begin calling it what it is, the Landlord Money Making Ordinance because this is a charter for landlords to make money and I can tell the Government and I can tell the House and I can tell the landlords outside that as far as we are concerned, having seen the example of retrospective legislation, when we are in Government however long that may take this clause will be put back in the legislation using the Government majority of a Socialist Government back-dated to the day that it is being taken out and they can already start putting their money in the bank because they are going to have to pay it back to the tenants.

HON CHIEF MINISTER:

I wonder whether that last part would probably be held up if the Courts continue as they are now, of retrospection of that nature but, of course, the Hon Leader of the Opposition has got a good point, he has made a good point and I am the first one to say that the amendment that was proposed and I bear witness with my colleagues that I said that we could not say that we hadn't realised the implications of that law because of time. I have the letter here from Mr Baldachino dated the 11th December. There are problems and there have been problems and the Hon Member knows that there have been problems of ad hoc amendments, they have come from both sides of the House but at least we have got the responsibility and Hon Members have got the opportunity of proposing but in this case it is no question of not having been warned, of course, we were warned but let me say myself that I missed the bulk of the effect that that would have. I say so and I plead guilty if that is necessary. If I had known the implications of that which I should have known, I should have known but I didn't, I am speaking now for myself. I am perfectly honest in saying that if I had known what the implications were because the implications are of a retrospective nature, the implications were that houses that had been converted at considerable expense and had been de-controlled because of that were being re-controlled retrospectively, that was the effect of the amendment and in fact let me also say that having not been, the Attorney-General can bear witness of that, that having not been that there had to be a Landlord and Tenant Ordinance before the 1st July and that is why we are meeting before the end of June because he wanted not this section, that section as a matter of policy he is instructed to provide it but with regard to other matters which he has explained, he wanted a Bill to come here before the end of the month in order that we could

keep to the 1st July because, in fact, and in fairness, whilst the Government has been increasing rents, there has been a moratorium on landlords which I don't think is fair and therefore if it had not been for that opportunity that was offered of the fact that he had to bring a Bill, I would certainly not have brought the Bill to upset the amendment that was passed last time, I say that in all honesty. But having had the opportunity and having seen the effect of it and having had representations and I make no apologies about it, people have explained how they have spent £140,000 in increasing the number of units from, say, one case of four dwellings, one office and stores into seven good dwellings, having spent that kind of money, to go back and start de-controlling. I think the retrospection of it is what hit me as being most unfair.

HON J BOSSANO:

If the Hon Member will give way. The amendment that we passed the last time doesn't control the property in the sense of making it subject to a fixed rent laid down in the Ordinance, what it does is that it puts a limit to the amount of rent that can be charged and if somebody has spent £140,000 then they can make a case that they should be allowed to such a rent which bears a relation to the fact that they have spent £140,000 but if there is no control of any nature and nobody has got to justify anything to anybody, then the person who has spent the £140,000 may be able to charge £1,000 but the person that has spent £1,000 may also be able to charge £1,000 and in one case it is a ratio of 1 to 140 and in the other case it is a ratio of 1 to 1. Therefore what we were suggesting was the introduction of a concept of fairness as between the conflicting interests of landlords and tenants decided by a Government Officer, an impartial Rent Assessor.

HON CHIEF MINISTER:

There is one other aspect of the matter which is, of course, and this is a judgement which I think we reached, generally, that that amendment proposed by Mr Baldachino, would inhibit completely despite the fact that it was left to the Rent Assessor, would inhibit completely people spending money on premises which become empty which are derelict, spending money on them in order to be able to get a reasonable rent. I agree that the Hon Member says that people do not invest that kind of money in the hope that the Rent Assessor will increase his parameters. We are not dealing with a case in which there has been for a long time case law on which people can base themselves. The only comfort I get out of this difficult situation is the fact that, if it is any comfort at all, that in the United Kingdom exactly the same thing is happening with

Housing Protection Acts, with Tenants' Acts.

HON J BOSSANO:

And with Margaret Thatcher.

HON CHIEF MINISTER:

No, and before Thatcher, this goes back to 1925 when the first Rent and Mortgage Interest (Restriction) Ordinance Act was passed in the United Kingdom, this goes back then and the case law in that is really a mine for lawyers in the United Kingdom because it has been interpreted in so many ways and that is the reason. As I say, insofar as it is a reversal I accept that we did not see the implications of it well enough but if we had seen them we would have resisted the amendment. There was nothing sinister about that, it is much more embarrassing to bring back a Bill here to take away an amendment and it was done purely by chance because of the necessity of bringing a Bill before the end of the month. The Government could have easily resisted the amendment and it would have been just one more amendment of the Opposition that would have been defeated.

HON J L BALDACHINO:

Mr Speaker, when I saw the amendment that was going to amend the amendment I brought to this House and I gave notice on the 11th December, 1984, I wondered what type of defence the Government was going to make to this House to justify reversing the amendment that I had brought to the House. Mr Speaker, on the 11th December I went further than just giving notice of what I was intending to amend, I said then in my speech and I quote: "I am willing to clarify any point or go into more detail if the Hon Member opposite so wishes me to do". The Hon and Learned the Chief Minister, Mr Speaker, said: "We will be looking at the amendment that the Hon Member, Mr Baldachino, has suggested between now and the Committee Stage". Obviously, Mr Speaker, the Hon and Learned Chief Minister having said that, I don't know how they can come to this House now and say that they hadn't looked at what I was trying to amend or what my amendment really meant. And it also surprised me, Mr Speaker, because if the Hon and Learned the Chief Minister had looked at my amendment he would have found what he has called the implications that my amendment had because he said on the 11th December, Mr Speaker, and I quote: "Mr Speaker, there have been two Ordinances in the last couple of years that had a difficult birth, one is the Landlord and Tenant and the other one, of course, was the Matrimonial Causes Bill and we really want to get it right". Mr Speaker, if they

really want to get the Landlord and Tenant Ordinance right then they should have looked at my amendment, they should have realised what implications it had and then we wouldn't find ourselves in this situation. The truth, Mr Speaker, in my opinion is, that this is like my Hon Colleague the Leader of the Opposition has said, this is a Bill that really only gives advantage to one side and that side is the landlords. In my opinion, Mr Speaker, what has happened is that pressure has been brought to bear by the landlords, that is my honest opinion. Mr Speaker, there are rumours that the Government has brought this Bill because the Hon Mr Mascarenhas wanted to sell his house and the property was devalued because of my amendment. I would like the Hon Member opposite to clarify that point.

HON CHIEF MINISTER:

I can tell the Hon Mr Baldachino that Mr Mascarenhas knew nothing about this amendment until after I had instructed the Attorney-General to provide it and that when the matter was discussed he declared an interest and took no part in the discussion in case he might be affected.

HON J L BALDACHINO:

I thank the Hon and Learned Chief Minister for clarifying this point but that is the rumour that is going round. Mr Speaker, maybe the Government has made a mistake or has really overlooked what my amendment said but it is difficult, Mr Speaker, to swallow that because in the benches opposite we have the Hon and Learned Mr Perez who is a lawyer, and then we have the Hon Attorney-General who is the one who really looks after the legal position of the Government and then, finally, Mr Speaker, we have the Hon and Learned Chief Minister who is a Queen's Counsel and it is difficult to imagine how they could have missed the implications of my amendment.

HON CHIEF MINISTER:

We cannot all score goals at the same time.

HON J L BALDACHINO:

If the Chief Minister has really made a mistake or has really overlooked that, people may well ask themselves: "Could the Hon and Learned the Chief Minister have made the same mistake with the Brussels Agreement?"

HON CHIEF MINISTER:

I didn't give the Brussels Agreement as much attention as the



proposed amendment by the Hon Member.

HON J L BALDACHINO:

The Chief Minister said on the 11th December that he wanted to get this one right and we still haven't got it right. I think that what the Government really should do with this Landlord Money-Making Ordinance, as it was referred to by my Colleague the Leader of the Opposition, to repeal the Landlord and Tenant Ordinance and start all over again because they will never get it right, Mr Speaker.

MR SPEAKER:

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

HON ATTORNEY-GENERAL:

No, Mr Speaker.

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

The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammitt  
The Hon E Thistlethwaite  
The Hon E Montado

The following Hon Members voted against:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

The Bill was read a second time.

HON ATTORNEY-GENERAL:

Sir, I beg to give notice that the Committee Stage and Third

Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) ORDINANCE. 1985

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to make temporary provision in respect of landlords and tenants of business premises, relating to the periods of notice required to increase rents and terminate business tenancies, and for matters relating thereto, be read a first time.

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

#### SECOND READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, by Clause 1(2) of the Bill this Ordinance if passed shall come into operation on the 1st July next. By Clause 2(2) the Ordinance will apply to every tenancy to which Part III of the Landlord and Tenant (Miscellaneous Provisions) Ordinance applies, that is, business, professional and similar tenancies. By Clause 3 of the Bill, Mr Speaker, where the landlord serves on a tenant of business premises a notice increasing the rent of the tenancies, no increase shall be due and recoverable for any period (a) prior to the date following the day of the coming into operation of Part IV of the Landlord and Tenant Ordinance, 1983, or prior to the date on which the notice is expressed to expire, whichever date is the later. Similarly, Mr Speaker, where the landlord of business premises serves on his tenant a notice to quit the tenancy, the tenancy shall not determine until (a) the day following the date of the coming into operation of Part IV of the 1983 Ordinance or until the date of determination specified in the notice to quit, whichever is the later of the two dates. Section 3(2) of the Bill, Mr Speaker, extends the provision of the Bill to notices served on or after the 7th July, 1981. Clause 4 of the Bill preserves the landlord's right to determine a tenancy if the tenant is in breach of any of the terms of the agreement with the landlord except, of course, Mr Speaker, a term requiring the tenant to pay an increased rent. Clause 5 of the Bill preserves the rights, powers, duties and obligations of landlords and tenants under any other rule of law or agreement. Clause 6 of the

Bill repeals the 1981 Ordinance. In fact, Mr Speaker, this Bill is almost an exact crib of the 1981 Landlord and Tenant (Temporary Requirements as to Notice) Ordinance whereas the 1981 Ordinance.....

MR SPEAKER:

May I ask, this is the Bill which imposes the moratorium on the old Ordinance, is that right?

HON ATTORNEY-GENERAL:

Limited to business premises and domestic premises the moratorium is lifted. Mr Speaker, 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 J BOSSANO:

This Bill reimposes the moratorium on business premises and lifts it off the domestic premises. Well, I don't see what the Hon and Learned Member is so overjoyed about. The House could expect nothing else from the Government other than they show much more concern for business premises than they show for domestic premises. We are not sure what the implications of this will be for the continuing battle that there has been between two groups of Government supporters, the landlords and the business premises occupiers but, clearly, given the conflicting interests of those two groups all of whom are on the same side of the fence, the Government has now presumably reintroduced the old Landlord and Tenant Ordinance for business premises until they decide what they are going to do with it and yet they are not prepared to do the same for domestic tenants which is what is required, that we should go back to the old Ordinance and, as my Hon Friend has said, back to square one. The Government doesn't even have, I would have thought, the courtesy to write back to us as we did to them when we moved the original amendment, Mr Speaker, explaining the kinds of problems and seeing whether there was a way in which the arguments which we have put which have not been answered could be reconciled with the arguments they have put and therefore as far as we are concerned we are abstaining on this because we really simply see this as an internal squabble in the right wing caste so you can sort out your own problems in that area.

HON CHIEF MINISTER:

Mr Speaker, the purpose of this Bill is really one which has been decided by the Attorney-General because he felt that the thing had to be properly cleared in order that there should be no difficulty about it. We expressed this at the last meeting when we did the other amendments to the Landlord and Tenant Ordinance. What we said was that having regard to the rather early stage of the new situation of an open frontier that a little longer should be required to see how rents settled themselves without the need of protection. In the meantime, of course, the tenants are protected until we see what the level of rents are. That is the purpose and we hope, certainly before the end of the year, the moratorium will finish and the level of rents with the added protection which has been given despite what Hon Members opposite have said, the added protection that has been given to tenants in respect of the rights and compensation in respect of tenancies that come to an end will then come into full force.

MR SPEAKER:

Does the Hon Mover wish to reply?

HON ATTORNEY-GENERAL:

No, Mr Speaker.

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

The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E Thistlethwaite  
The Hon E G Montado

The following Hon Members abstained:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

The Bill was read a second time.

HON ATTORNEY-GENERAL:

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

This was agreed to.

The House recessed at 7.00 pm.

THURSDAY THE 27TH JUNE, 1985

The House resumed at 10.45 am.

MR SPEAKER:

I understand that the Hon the Minister for Economic Development and Trade has something to say.

HON A J CANEPA:

Mr Speaker, a number of points came up yesterday in supplementaries arising from Question No. 183 about the Vineyard Scheme and I have got some further information which I would like to give Hon Members opposite. I think it was the Hon the Leader of the Opposition who asked me about the question of the penalty of 50% of the difference between a higher price and the stipulated price in respect of re-sale and I said that yes, there was that penalty. Well, I want to make it clear that the penalty arises in the following way: The developer has to include in the sub-lease to the purchasers, he has to include all the conditions of the head lease which the Government gives him so that would be reproduced in the sub-lease but the penalty would not come to the Government, the amount involved would be to the developer. It is the developer when if somebody were to re-sell at a higher price who would derive the benefit of 50% of the difference in price. Turning now to the question of Casola's Building. The Hon Mr Feetham, I think he quoted from clause 3(a) of the agreement for a lease which roughly says that within thirty days the licensee shall submit a programme and timetable for the demolition of existing structures and site clearance. That goes on to say 'to be specified in the First Schedule' and if he looks at the First Schedule he will see that there is nothing in the First Schedule about demolition, what there is is site clearance so I was right when I said that that was in the context of site clearance. Therefore the question of the demolition of existing structures, that would apply, for instance, to the

roof of Casola's. If the developer wishes to retain the walls for refurbishment but to remove the roof, that would be seen in the context of site clearance. In the Government Notice on the project it said that Casola's Building was also available for development and at the stage of selective tendering the successful tenderer indicated that he would refurbish Casola's Buildings. That was accepted by the Land Board when he was selected for the second stage of actual tendering, that was accepted so therefore there hasn't been any deviation from the scheme. What the refurbishment will comprise is the following: fifteen units, those which are 3RKB, in other words, two bedrooms, they will be sold at between £16,500 and £19,000 depending on area; and 4RKB, in other words, three bedrooms, to be sold at between £20,000 and £24,000. Those prices are lower than the prices for units in the other blocks. This advantage in the price has not been reflected in the overall price structure but in the specific fifteen units that we are talking about and they will be built in the last phase of the development. That is the information that I have, Mr Speaker. If the Hon Mr Feetham has anything else that I haven't answered or when the Hansard is reproduced if he feels that I have left anything out then if he would like to write to me I will give him further information.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: The Carriage of Goods by Sea (Amendment) Bill, 1985; the Social Insurance (Amendment) Bill, 1985; the Landlord and Tenant (Amendment) (No 2) Bill, 1985; and the Landlord and Tenant (Temporary Requirements as to Notice) Bill, 1985.

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

THE CARRIAGE OF GOODS BY SEA (AMENDMENT) BILL, 1985

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 SOCIAL INSURANCE (AMENDMENT) BILL, 1985

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 LANDLORD AND TENANT (AMENDMENT) (No 2) BILL, 1985

On a vote being taken on Clauses 1 to 4 and The Long Title 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 Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E Thistlethwaite  
The Hon E G Montado

The following Hon Members voted against:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

Clauses 1 to 4 stood part of the Bill.

The Long Title stood part of the Bill.

THE LANDLORD AND TENANT (TEMPORARY REQUIREMENTS AS TO NOTICE) BILL, 1985

On a vote being taken on Clauses 1 to 6 and The Long Title 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 Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E Thistlethwaite  
The Hon E G Montado

The following Hon Members abstained:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

Clauses 1 to 6 stood part of the Bill.

The Long Title stood part of the Bill.

The House resumed.

THIRD READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to report that the Carriage of Goods by Sea (Amendment) Bill, 1985; the Social Insurance (Amendment) Bill, 1985; the Landlord and Tenant (Amendment) (No 2) Bill, 1985; and the Landlord and Tenant (Temporary Requirements as to Notice) Bill, 1985, have been considered in Committee and agreed to without amendments and I now move that they be read a third time and passed.

On a vote being taken on the Carriage of Goods by Sea (Amendment) Bill, 1985, and the Social Insurance (Amendment) Bill, 1985, the question was resolved in the affirmative.

On a vote being taken on the Landlord and Tenant (Amendment) (No 2) Bill, 1985, 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 Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E Thistlethwaite  
The Hon E G Montado

The following Hon Members voted against:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham

The Hon M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

On a vote being taken on the Landlord and Tenant (Temporary Requirements as to Notice) Bill, 1985, 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 Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E Thistlethwaite  
The Hon E G Montado

The following Hon Members abstained:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

The Bills were read a third time and passed.

PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move: "That this House considers that no commitments should be entered into regarding the possible future joint use of the Gibraltar airport by Spain before the matter has been fully debated by this House". I do not propose, in moving the motion, to enter into a debate about the issue of the future joint use or the terms on which that might or might not happen because the purpose of the motion is much more limited and the House will recall that there have been two previous motions on the possible future joint use; one moved by my Hon Friend Mr Pilcher shortly after the 1984 election and one moved by me in 1980 following the 1980 Lisbon Agreement, both of which suffered the same trait of an amendment by the Government, in the first instance supported by the other six Members of the Opposition who were in the House at the time, in the second instance carried simply by the majority that the Government has and therefore there can be no doubt about where the GSLP position is. I think there is some confusion in our minds, at least, as to what the Government position is since the Government appeared both in the 1980 and the 1984 motions to support the GSLP thesis that Gibraltar's airfield is Gibraltar's airfield and not anybody else's and consequently any foreign airline wanting to use it should simply have the right to land here if it was in our interest because they were bringing more passengers and more economic activity but no other kind of right any more than if they were landing at Heathrow or any other airport. And yet there was this amendment introduced that talked about joint use if it was mutually beneficial which seems to us a contradiction in terms. However, as I have said, Mr Speaker, the purpose of the motion, really, is a parallel to that brought in respect of the Brussels Agreement when we asked the Government and the Government supported the motion, that no commitments should be entered into without the House having had the opportunity first. As far as we are concerned it was a very peculiar situation because whilst we were debating in the House the motion, Senor Moran and Sir Geoffrey Howe were in fact in Brussels agreeing to do the converse, that is, giving each other undertakings, and the House will recall the confusion following that as to whether there was a commitment given or whether there was an indication that because there was Government support the matter would be ratified in the House and there could not be, technically, an agreement until that ratification took place. I think the state of play today in respect of whatever it is that is going on as regards the use of the airfield is coloured by the same degree of confusion as to exactly how much has already been agreed or how much remains to be agreed.



There is one version that says that it is all over bar dotting the "i's" and putting in the commas and there is another version that says that it is all at a preliminary stage and there is still a long way to travel. We don't think that the motion should present any difficulties to the Government because we are not asking them to say whether they support the future use or do not support the future use but to say that they support the principle that there are certain matters which are of fundamental importance for the whole of Gibraltar and that we represent an important section of the community, we do not represent the majority but we represent an important section of the community as a result of the last election and that, therefore, Gibraltar should not be committed to a particular role which applies to the people sitting on this side as well as the ones sitting on that side, we should not be committed without having had an opportunity of arguing the case out here in the tradition of parliamentary democracy of which we have in Gibraltar always been justly quite proud, Mr Speaker. I commend the motion to the House.

Mr Speaker then proposed the question in the terms of the motion moved by the Hon J Bossano.

HON CHIEF MINISTER:

Mr Speaker, let me say, first of all, that I very much welcome the simple way in which the Hon Member has brought this issue before the House. I think it has certainly helped to put the position of the Government better by not having a confusion or perhaps a repetition of all that was said in the last two debates which I must confess I have read quickly through except those general parts that have been marked out as being of particular significance. I am very glad that the Hon Member has addressed the House in such measured form because it helps me to explain the point of view of the Government also, I hope, simply in a way that people can understand it and know exactly what is going on. The difficulty about the question of what is going on and what is not going on is a very valid one. It happens all the time and I would like to say that I have made this point very clearly to the Secretary of State when he was in Gibraltar and I am not breaching any confidence in saying that whereas talking to him and talking to Ministers in the United Kingdom and talking to officials, myself and my colleagues whenever that becomes necessary, we are talking in terms of logical approach to matters, step by step studies of things, we have to contend with a country of forty million people, with all the media as we have seen it being put to one purpose now, nothing to do with us but which the whole balance of the use of television is now the subject of very much heavy debate in Spain but in that case there is not even a party difference, we have a

nation of forty million people where anything to do with Gibraltar is always top news, whereas to us when dealing with the United Kingdom as far as we are concerned it is all ours, in a way, in the United Kingdom whilst respecting our view and taking regard of everything, when the Secretary of State came from Lisbon he visited Gibraltar and then he went to Italy so to them, inevitably, it doesn't belittle the interest that they take but to them, inevitably, Gibraltar though important, very important and important to Parliament, is a continuing thing. To us it is very important but we haven't got the resources or the media. Ministers in the United Kingdom do not give press conferences every time they leave a building or every time they enter a building or every time they go round to one corner or round to another corner and, of course, we are bombarded continuously by the media for two reasons - (a) because it is very big and it comes from a big country, and (b) because even those who don't like to see this seem to have a masochistic interest in finding out how many things the Spaniards say about us most of which are completely incorrect and exaggerated. Take the question in point before the House, the 'El Pais' release and the Spanish Foreign Office reaction. I consider that to be pressurising us and not what it said about there being agreement. I can tell this House in all fairness that there has been no political decision of any kind taken regarding the future joint use of the airport, there has been none. How can you believe that - of course Members, I am sure, will take my word for it - but how can the people believe that when, first of all, you have the organ which is supposed to be inspired, according to the general media, by the Government and then you get a spokesman from the Spanish Foreign Office saying: "Well, you know, not quite, I don't know whether it is the autumn but if it is not the autumn it is the winter". That is really the difficulty and I appreciate and, I don't know how to put it, I commiserate particularly with the public at large who get excited so often on anything. Taking, for example, if I may say so, humbly, the other night's performance of a journalist supposedly an expert on international law but coming from Spain and giving the Spanish version of the Treaty of Utrecht. Well, that which has been ad nauseam repeated, that worried people. I was invited to explain what we understand to be the case and that comforted people and the pity of it all is that we are going to be in for a period of this kind of thing and we have - if we haven't been already - some of us are conditioned, I appreciate that everybody cannot be conditioned - but some of us are conditioned to resist these pressures, to keep cool and to make sure that things that we don't want to happen will not happen but that cannot apply to the bulk of people, I entirely agree. The most ardent supporters of mine at whatever level, ask me "It isn't true, is it?", they ask you in the street. If you say: "No, don't worry", they say: "Oh, that is alright". But you cannot run a place

and you cannot be in a situation as we are now with these kind of pressures particularly when we take, I don't take comfort or masochistic comfort but we seem to look for it. I remember in the days of the restrictions in the Franco era when the radio and television were 24 hours on Gibraltar, people saying they got heart attacks when they heard all these things happening and I said: "The best thing is to switch it off, you don't have to listen to it but if you want to listen to it and suffer, well, that is your business". On that note I would like to say that there has been no decision at all taken at a political level. There is a constitutional point in this matter which I would like to clear first of all, and here is where there may be a slight difference with the terms of the motion. The issue hinges in the day-to-day affairs on the Government's constitutional right to make its own decision on issues of this kind. There was also some doubt because of a phrase taken out of context or whatever about whether Gibraltar would have a referendum, there was going to be a transfer of sovereignty and so on, and the Secretary of State's reply did not seem to satisfy many people because he said: "Well, the way in which these things are done is you consult the Government of the day". But I ask, what Government of the day would decide on the issue of sovereignty? No Government would do that and therefore this idea that he has ruled out a referendum is complete nonsense, complete nonsense on which to play on the sentiments of the people and hopefully to play on the sentiments of the people in order to gear people towards one kind of party or to the other kind of party because that indicates that we are divided on the main issues and we are not divided on the main issues, let it be quite clear that we are not divided on the main issues but there is a process, as I explained yesterday in the question of the Hon Mr Pilcher on what happens about GATAB whether it is in the area of confidentiality at that stage or not. There is a process which has to be followed and which can only involve people who are prepared to be consulted and give advice on a purely confidential basis and we have to be careful. I know there is a basic difference on this between the parties and I think it is also useful that people should know what the basic difference is. I think the Hon Leader of the Opposition himself in a previous debate made the point very clearly where he said, and I think I have got the points on that one here, the Hon Member said, in the March debate: "I think the Government must understand that in the relationship that exists today in the House of Assembly they carry the sole responsibility on areas where there are clearly policy differences. There is no bipartisan approach, there is no support from this side of the House to the Lisbon Agreement", and, of course, we could add, "and there is no support on this side of the House to the Brussels Agreement". We accept that and we have to live with that. That does not mean that we don't

take into account what Hon Members opposite think when we see the whole picture but that is a clear difference and that is why there is this difference. It arises, Mr Speaker, in the Hansard of the previous debate, I think it was the 13th March, page 83, it is on the left hand column, half way through the big paragraph in the speech of the Hon Leader of the Opposition. Where does that difference take us? It takes us to the last motion of the House in which Hon Members opposite abstained because it was a motion that had been truncated and rehashed in a way that we could accept it, which said on the 13th March: "This House considers that Spain has no jurisdiction over the Gibraltar airfield, should have no say in its present or future use and any proposals for practical cooperation in relation to the use of the airfield must be of a mutually beneficial nature". As I say, all Ministers voted in favour of that motion and the Opposition abstained. And the position is that the Government's policy on this matter remains as stated in that resolution which I have just read. Since that resolution was adopted, specific provision was made in the Brussels Agreement of the 27th November 1984, for the promotion of cooperation on a mutually beneficial basis on aviation matters among others. It is in this context that the current talks on air communications are being held and we have not reached any further on that except that there is a Technical Committee looking at the areas of cooperation. That Technical Committee would, as I said before, be a referendum to Ministers in the United Kingdom, to Ministers in Spain and to the Government of Gibraltar. Let me say also that I have made the position of the Government very clear on this matter as reflected in the resolution of the 13th March. But if as a result of these talks an amicable agreement can be reached with the Spanish authorities about the use of the Gibraltar airport to mutual benefit, we in Gibraltar should welcome it as should the people on the other side of the border. I again refer to the remarks I have made earlier to my answer given yesterday to Mr Pilcher's question on the GATAB possible involvement in this matter. When consultations with the Gibraltar Government take place, my colleagues and I will naturally study the proposals put before us. If we were then to consider that they should be accepted because they would be of benefit to Gibraltar, we shall so inform the British Government. If in our view such proposals were in any way to run counter to what we consider to be Gibraltar's interest we would make the necessary representations. That does not mean, in fact, it goes parallel, if I may put it that way, completely parallel with our recognition as to both the importance and the sensitivity of the issue but we believe that it is our responsibility, as the elected Government, to deal with it in the manner I have described and that this reflects, as the Hon Member has rightly said in his remarks at the time of the other debate, the constitutional position.

Therefore that is why it is, of course, impossible for us to accept the motion which has a pattern which I admire and recognise of the Leader of the Opposition in Opposition wanting to tie the hands of the Government in some of the matters that are, in our view, a matter which in the first place must be a matter for the elected Government. I think our record over the years, perhaps I might humbly say as a result of successive elections, shows that people accept that we make judgements and take decisions on matters affecting the interest of Gibraltar and that we have successfully safeguarded and promoted their interests and we would not do otherwise at any time. We continue and intend to continue safeguarding their interests as in the past in this matter as well as in any other matter. Because, as I have said before, the airport is a sensitive issue mainly because Spain does not acknowledge British sovereignty over the isthmus, I should make it clear that should any implication of this nature arise in any proposals that might emerge from the discussions on air communications, such implications should be resisted and I am certain that they will be. Any question relating to the sovereignty of Gibraltar are matters to be considered at Ministerial level and as has been made plain throughout this will be done against the background of the British Government's entire commitment in respect of the freely and democratically expressed wishes of the people of Gibraltar as set out in the preamble to the Constitution. I think, perhaps, I should make a point about the phrase in the motion of 'joint use of the Gibraltar airport'. Because this phrase might in some people's mind have other implications, I wish to make it clear that what is really being discussed is, as far as we are concerned, greater civilian use of the airport and we will not be subject to any kind of preliminary agreement that impinges in any way directly or indirectly on the British sovereignty stand which I think has been repeated ad nauseum and I think perhaps the best proof of the British stand on this matter, the best proof of the British position on this matter was the offer in 1966, a formal offer in 1966 in the days of Castiella to take the whole issue to the International Court of Justice at The Hague. That in itself was, in my view and at the time people did worry, it was done with my consent, it was done by the Labour Government, it makes no difference but it happened to be done in the time of Mr Harold Wilson, now Sir Harold Wilson, with my full support because I felt if there was any doubt about this the sooner we knew about it the better and the significance is not the offer to take the matter to the International Court of Justice at The Hague, the significance was the Spanish refusal to accept that offer. With regard to the purely civilian aspect of the future use of the airfield our position, as I have said, is that advice to the British Government is a matter for us in the first place but, of

course, this would not preclude and, indeed, it is not precluding now, a debate in the House on such matters once they become public knowledge. So that, Mr Speaker, in order to make quite clear because of those reasons and I want the Hon Leader of the Opposition particularly to understand that, because we cannot go along with the terms of the motion and voting against it would be taken not in the terms of the spirit in which I have explained the matter, but it would look as if it was a negative attitude not to the motion, a negative attitude on the question of the airfield, of course, we can do no better than propose an amendment which "reaffirms the resolution adopted on the 13th March, 1984, to the effect that, in the view of the House, Spain has no jurisdiction over the Gibraltar airfield, should have no say in its present or future use, and any proposals for practical cooperation in relation to the use of the airfield must be of a mutually beneficial nature". Mr Speaker, I beg formally to move that all the words after "This House" in the motion be deleted and replaced by these words.

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

HON J BOSSANO:

Mr Speaker, on the amendment let me say, first of all, that in moving the amendment, clearly, the Hon and Learned Chief Minister has gone ahead with what he had planned to do before he came to the House and chosen to ignore totally what I said in moving the motion because I went out of my way to find out that the motion that I was moving had really nothing to do with the motion that was moved in 1980 because the motion was not about the future use or the non-future use of the airfield but as to whether the Government should commit Gibraltar to a particular policy without first defending that policy in the House of Assembly, that is what the motion is about. It happens to be the airfield, it might be the joint use of the dockyard by the Spaniards or anything else for that matter and therefore the amendment has nothing to do with the motion as far as we are concerned, the amendment is simply a reiteration of something that is already the policy of this House because it is the policy of the majority in the House and therefore we shall stick to the original position. We shall say on this what we said the last time it was brought to the House and what we said the first time it was brought to the House, that we will abstain on it because as far as we are concerned we are very clear what the first part of the motion says, the first part is GSLP policy. The second part to us is incompatible with the first. It may be like many other things that the Government appears to be able to say what to the rest of the world seem to be mutually exclusive things and they

seem to be able to live quite happily with it but as regards proposals for practical cooperation we don't see that there is any logic or any merit or any right in a foreign airline discussing with us cooperation in the use of our airfield unless we are then finishing, as I said at the time when I was interviewed following the last motion, if the scenario was that when we finished discussing how we were going to use the Gibraltar airfield we then go on to discuss how we are going to use Barajas and finish up discussing how we are going to use Heathrow, then all three parties in the equation are getting equal treatment. But if all we are going to do is allow foreigners to discuss the use of our airfield, then we consider that, in fact, to be giving other people a say in its use. If the first part says they have no say in its use then what are they doing discussing it? Why should we talk about an amicable agreement being reached on the use of our airfield? Why do we need anybody else's agreement as to what we do with our airfield? The airfield is an RAF airfield and it belongs to the British Government and was built by the British Government for military use. The civilian use of the airfield is a matter for the Gibraltarians and the elected representatives of the Gibraltarians, and the House will recall that after the Defence White Paper of 1981, in fact, the British Government was considering the possibility of civilianising the airfield and giving it to the Government of Gibraltar like they did with the Naval Dockyard. As far as we are concerned it is the military aspect of the airfield that is a matter over which we have no say because the Constitution provides for the United Kingdom to be completely responsible for the defence aspect of Gibraltar and we wouldn't want to change that. But on the civilian use if Iberia is interested in flying to Gibraltar or TAP is interested in flying to Gibraltar the Government of Gibraltar if it is a matter of saying: "We are going to have another airline coming to Gibraltar, how is that going to affect the existing operators?", then it consults GATAB, that is what it is there for. If we are going to have new services on the route we look at it purely from the point of view of the economics of the route and not on the nationality of the people providing the services and therefore as far as we are concerned this does not answer the motion and does not change the motion, it simply says that on the 13th March, 1984, we took a decision in this House and that if we are to vote today on the same decision we will vote the same way that must be patently obvious to the rest of Gibraltar without us telling them.

MR SPEAKER:

Are there any other contributors to the amendment? Does the Hon the Chief Minister wish to reply?

HON CHIEF MINISTER:

I would just like to say that I have taken note but, of course, what the Hon Leader of the Opposition has said really goes to the root of what I tried to explain as to where we consider it to be a constitutional right of the Government to proceed with the study of these matters and where the issues arise. I think the Hon Leader of the Opposition has over-simplified his reaction to the amendment. I think today he is particularly simplistic, simplistic as he normally is when it suits him. There is a reason why we should say 'any proposals for practical cooperation', there is a reason - (1) the fact that for 20 years we have been under siege; (2) that there was the lifting of the restrictions, and (3) that there is the Brussels Agreement which says that there should be cooperation in matters of aviation. Those are the reasons why, in fact, in anticipation, because the reaffirmation of the motion was done at the time of the Lisbon Agreement and we have moved further from there to the Brussels Agreement which specifically mentions this, that is all.

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

The following Hon Members abstained:

The Hon J L Baldachino  
 The Hon J Bossano  
 The Hon M A Feetham  
 The Hon Miss M I Montegriffo  
 The Hon R Mor  
 The Hon J C Perez  
 The Hon J E Pilcher

The following Hon Members were absent from the Chamber:

The Hon E Thistlethwaite  
 The Hon E G Montado

The amendment was therefore carried.

MR SPEAKER:

Any Member who has not spoken and wishes to speak to the motion is free to do so.

HON M A FEETHAM:

Mr Speaker, every time that I hear the Chief Minister explain in the House Government policy, particularly in relation to matters which have arisen out of the Brussels Agreement, the more confused I get as to what is the Government policy because his explanations create so much conflict of interest between the sectors involved that quite honestly I am amazed. I am going to give the Chief Minister a few examples to show to what extent Government have got themselves in a mess and to what extent Government are, in fact, relinquishing the right which they have fought for for many years in defending the people of Gibraltar. He gave three reasons why this motion has to be supported in the way that the Government has phrased it and he said that for practical reasons the siege that Spain imposed on Gibraltar was a deciding factor in this, secondly, he said because Spain lifted the restrictions and, thirdly, he said because of the Brussels Agreement. Well, the people of Gibraltar were not responsible for the siege that a Fascist Government imposed on the people of Gibraltar and that siege was imposed because when the matter went in front of the United Nations at the height of the Spanish campaign, Britain stood firmly, as the Chief Minister has said, behind the rights of the people of Gibraltar to self determination, something which has changed drastically overnight because Sir Geoffrey Howe in his visit to Gibraltar said, in fact, the contrary, that the people of Gibraltar have got no right to self determination and that has come about arising out of the Brussels Agreement which has been signed which is seen to be the alternative which must now be classified as the Howe option as far as the self determination of the people of Gibraltar is concerned which takes us towards an economic integration with Spain. There is no other logical argument on that. And the next one is that, of course, we have got the Brussels Agreement. The Brussels Agreement which the Government has agreed to is cooperation, regional cooperation. A policy which twenty years ago was not possible and Sol Seruya despite all his opportunism in politics in Gibraltar today wanted to do regional cooperation with a Fascist Government which nobody in Europe wanted to cooperate with and now he is saying that he had the answer twenty years ago. Gibraltar and the people of Gibraltar would have been in favour of development provided that the British Government recognised quite clearly and categorically that the people of Gibraltar even within the constitutional powers which

they have over sovereignty, the people of Gibraltar can further develop their rights to the territory and the land which belongs to them and nobody else in Gibraltar. That is why when we talk in simple terms on this side of the House, when we talk in simple terms it is because we are simple people and we see the thing very simply and it doesn't need the Chief Minister or any other international lawyer to come to Gibraltar to explain to the people of Gibraltar that acceding cooperation on something which belongs to us inside the jurisdiction that belongs to us and that is to say that whilst we have got a little jurisdiction over the airfield in terms of the civilian use, that by re-phrasing and saying 'cooperation mutually beneficial to the people of Gibraltar' we allow anybody, a third party, which has got no right because I don't want any rights on the other side of the frontier, all I want is to stay with what I have got. The danger is that if we take that process which the Chief Minister is encouraging and we allow some kind of cooperation on this side of the fence, we are getting ourselves into a position, possibly, that is why on this side of the House and the GSLP in Opposition and indeed if we were in Government we would not accept that because in ten years' time or even less than ten years' time the Spaniards who are now in Gibraltar on a possible kind of cooperation using the airport will further argue that they have achieved acquired rights and that there is no argument about it, they will acquire certain rights in this mutually beneficial situation which people want to develop. The thing is that if we are to be honest with ourselves and we have got to be honest with ourselves, there are two versions that one can argue. Is this in the best interest of Gibraltar or is it that what we are doing, in fact, is paying lip service but nothing is going to come out of it? If we are paying lip service and nothing is going to come out of it why doesn't the Chief Minister and all his technical committees which are sitting and with civil servants flying off everywhere, why isn't he quite honest and tell the Spaniards that this is not on, that nothing is going to come out of this because it is not in the interest of the people of Gibraltar? Why aren't we honest with our policies? Why keep the people of Gibraltar hoping about something or dismayed about something and even encouraging the Spaniards, for example, the Mancomunidad, that there is close cooperation. There is close cooperation on anything outside the limits of Gibraltar not inside the limits of Gibraltar because that is a dangerous game to play. I am not in any way questioning the issue of sovereignty in this matter but when we have got a British Government who through their own domestic policies are having financial difficulties and they start reviewing their foreign policy, even within their responsibility towards Gibraltar they will come up with ideas which will, from their point of view, help to sustain Gibraltar and their financial



commitment. It has been seen on the Dockyard, it has been in the way they are pursuing their policies, generally, that if they could come up with some other idea about mutually beneficial cooperation they may even suggest that the next step would be, for example, the dockyard. It is the same argument, you have used the first argument, you have accepted it and if it is seen through the next thing could well be that. These are the dangers that we on this side of the House see and quite clearly what we have got to get down to is less talk about cooperation, less talk about cooperation on matters which mean infringement where the Spanish Government can argue their case later and let us get on with settling Gibraltar's problems because Gibraltar has got an enormous lot of problems. Let us get on to the British Government and say to the British Government once and for all that if they want to use the Constitution of Gibraltar to suit their interests nationally and use the Ministers of Gibraltar simply, with respect, because under the Constitution which is there, if we were there we would be the same as them, if we are just going to be puppets, because that is what we are leading to, puppets of the British Government, then there is an urgent need to develop further the Constitution of Gibraltar and I will explain why I say this. If we have got a Gibraltar Air Transport Advisory Board which is there to advise the Government of Gibraltar on matters arising out of civil aviation and any other relevant issue where the Government and the Opposition are represented and the Chairman is the Deputy Governor, it would seem to me that if we have set that Board up as a democratic Board of the House of Assembly, that anything that needs to be discussed arising out of this, what we have here in front of us, ought to go to that Board. It is no good giving the explanation that the Chairman who is the Deputy Governor because it impinges on foreign affairs one can one day go off to Madrid, talk about the matters arising out of civil aviation as the representative of Her Majesty's Government in Gibraltar because that is what he is, and advising you of what is going on and ignoring the Advisory Board which consists of both sides of the House purely and simply because you were saying that we do not keep confidentiality. Well, if that is the case, do away with that Board, Chief Minister, that is what you should do, do away with the Board because you knew when you signed the Brussels Agreement that you have a machinery which is there, a machinery that you have set up and a machinery which you are denying certain rights to and at the same time you are playing the game of the Foreign Office and I am sorry to have to say that that is what you are doing, playing the game of the Foreign Office all along and it is getting to such a farcical stage, Mr Speaker, because this is just one stage of the whole process, that even in yesterday's questions and answers we had the Hon Minister for Tourism saying that in discussions with the Mancomunidad on development, tourist

projects, etc, both sides had decided to keep things confidential or that nothing should be released. What is it that we are playing at? Are we having a Government in office that their whole aim is that we have signed the Brussels Agreement, we have got to see it through, let nobody interfere with what we are doing, let nobody know what we are doing. But what we are arguing is that economically, socially, politically, we have got a right to know everything that is going on and it is no good talking about the Treaty of Utrecht in defence of this because we are quite clear on the Treaty of Utrecht.

HON CHIEF MINISTER:

If the Hon Member will give way. I only made that point as a complete side issue in respect of the argument about people getting excited, it wasn't in the substance and I don't think it is relevant really, I don't mind him saying so but I want to put it in its proper context. I only mentioned that as an example of how people get excited because somebody goes to television and says something which is different and it requires clarification. I wasn't attempting to lecture on the Treaty, I was only trying to allay anxiety.

HON M A FEETHAM:

Let me say straightaway that there is nobody on this side of the House that in any way disputes or is in disagreement with your interview on television. In fact, it is very much the view of the GSLP but it is certainly not the view of Sir Geoffrey Howe and it is, in fact, contradicting everything that Sir Geoffrey Howe said and it is about time in view of all these conflicts which are going on, a view which I sympathise with, let me say that I sympathise with the pressures that must be on the Government of Gibraltar at certain times, I sympathise with that, but isn't it about time that we started getting our house in order, isn't it about time that we started looking exactly which are the responsibilities of Her Majesty's Government, which are our responsibilities and whether there are enormous conflicts of interest between the national interest of Great Britain and the interest of the people of Gibraltar. That is where the conflict lies and at the moment there is nothing that we see on this side of the House that isn't playing to the national interest of Great Britain in our foreign affairs in relationship with Spain. That is why we get a little bit hot under the collar when we talk about these matters, Mr Speaker.

HON A J CANEPA:

Mr Speaker, I cannot agree with the Hon Mr Feetham that in a certain context Members of the Opposition have a right to

know about everything. Perhaps one should even go further and say that in a certain situation, in certain circumstances, the people generally don't have a right to know about everything even matters affecting their future and that is the lesson that we learn from history, that is what we learn about the exercise of government in democratic nations in a situation of emergency. Very often during the second world war the House of Commons used to sit in secret because the matters that were being discussed were too weighty to allow the public and through the public the enemy to have information about what was being discussed and I don't think that the principles of democracy require that Members of the Opposition should be privy to all the information which the Government has at its disposal and should be privy to details of negotiations which are in the process of reaching conclusion. The art of diplomacy as practised even by democratic countries does not include the divulgence of such information so, as a principle, I think the Hon Mr Feetham is wrong in that respect. I think to say on the one hand that we are playing the game of the Foreign Office all along and on the other hand to point to the fact that the Chief Minister expresses disagreement with Sir Geoffrey Howe on the question of self determination on his interpretation about whether Gibraltar has a right to independence or not, that doesn't make sense, you cannot have it both ways. You cannot be saying that we are playing the game of the Foreign Office and at the same time be pointing out that there is disagreement. In a statement I think it was in the Panorama of this week, it makes clear how the Chief Minister considers that Sir Geoffrey Howe has got it wrong. Where I don't think Sir Geoffrey Howe has got it wrong is, and this is where I disagree again with the Hon Member opposite, is that the exercise of self determination on the part of the people of Gibraltar is a limited exercise. It is an exercise which is constrained by parameters which are laid down, for instance, in the preamble to the Constitution, that qualifies the exercise of self determination by the people of Gibraltar, which are also constrained by the reality of the Treaty of Utrecht because if we as a people don't like the fact that the Treaty of Utrecht has got an option clause whereby it is Spain that must be given the first option, we don't like that as a people because we have got aspirations of nationhood, we have got the natural aspirations which any people would have in respect of our own affairs but nevertheless that same Treaty is also the Treaty that gives rights to Britain in regard to sovereignty over Gibraltar. We cannot have it both ways, you cannot look to Utrecht as being the foundation for British sovereignty over Gibraltar and not accept some other clause of the Treaty which is a reality. We have our own views about that and we naturally argue that here you have got an option clause that does not take account of the reality that the people of Gibraltar are

a definite entity to be taken into account in this day and age and who weren't there in 1713 when the Treaty of Utrecht was signed. We have got acquired rights over our land through being born and through living here in successive generations. Of course, there is the question of the 1967 referendum, that was an exercise of self determination but, again, a limited exercise. The options were limited, we were not asked to decide between option (a) and (b) and (c) and (d) and (c) and (d) being independence for Gibraltar or integration with Britain, no, they were definite options and they were accepted by the people of Gibraltar. I don't know how much thought Sir Geoffrey Howe had given to the questions that were put to him, I don't know to what extent he was going on the basis of some brief of the Foreign and Commonwealth Office but my own understanding of the matter is fairly clearcut. I think that the people of Gibraltar do have the right to self determination in deciding whether they want to come under Spanish sovereignty and under British sovereignty. What the position is with regard to other choices I am not entirely sure myself, I would have to go by expert constitutional advice on the matter. The Chief Minister himself expresses the view that the option of independence with the Queen as Queen of Gibraltar, in his view, does not infringe the Treaty of Utrecht because in the Treaty of Utrecht the transfer was made to the British Crown so provided the Crown is still the Head of State of Gibraltar there is no problem about independence and even less about free association which we very much subscribe to. I think that, alright, we are in disagreement about the Brussels Agreement but there seems to be general acceptance in Gibraltar, by general I mean majority acceptance in Gibraltar, about the reality of the Brussels Agreement and the way that it is being implemented and I don't think that there is today a view in Gibraltar about regional cooperation such as there was twenty years ago. The essence of being successful in politics which is all about the public good, the bono publico, is judgement and timing, you have got to have sound judgement and you have got to know when things are well timed and when they are badly timed and I would say that the greatest virtue behind the AACR where we are preferred to others is that our judgement is better, it is sounder, we make fewer mistakes than other parties that have come and gone and parties will come and go and our timing is invariably better because that is why Mr Solomon Seruya today is not a Member of this House because his timing was cock-eyed, he was up the creek, but today there is a different situation and there are things that can be said and done in Gibraltar today that you couldn't say or do twenty years ago. In 1980 you could have a party in Gibraltar campaigning for autonomy within the Spanish State, in 1967 people belonging to that party had their yachts burnt and their property under threat and there were crowds demonstrating, that is an indication

of how things change. Last week in the Chronicle it can be suggested that Gibraltar should consider getting electricity supplies from Spain, twenty years ago you couldn't do that because the realities have got to be taken into account. Public opinion changes over a period of time. Where I think we are fortunate in Gibraltar and this is where the Chief Minister is perfectly right when he said in his first intervention, is that on the essentials we are united. My understanding by that is that we do not wish to see a Gibraltar that is Spanish, that may be unpalatable for the Spaniards, it is a reality, I think they accept that but on those essentials we are united. But why should we think that if we allow cooperation we are getting into a position as the Hon Mr Feetham affirmed, possibly, that the Spaniards will have acquired rights over the airport. I think he has got it wrong, you don't have acquired rights arising from use of something, you get acquired rights arising from control. If you control a site, if you control an activity you acquire rights but not because you use that arising from an agreement. Then he brought the point up about lip service. Are we paying lip service to whom? To the Spaniards in the exercise of the various matters arising from the Brussels Agreement? Perhaps we might be said to be doing that if we thought that nothing that can come out of the implementation of the Brussels Agreement is to the benefit of the people of Gibraltar but why shouldn't it be? Why shouldn't it be to the benefit of the people of Gibraltar to have cooperation provided that cooperation does not mean infringement, does not mean that we are in any way undermining the rights that we have or in any way giving a say by way of control by the Spanish authorities in the affairs of Gibraltar? I think there is a danger, Mr Speaker, that we can become too inward looking, I think this is natural, it arises from twenty years of a siege mentality because we have had people across the way there who have never changed for one moment in their ultimate objective to Gibraltar which I think the present Spanish Government doesn't, their objective is still the same, and their methods of trying to achieve that perhaps are more subtle and we certainly have to be on our guard but being on our guard does not mean that you eschew everything that comes forward, that is brought up, because there can be real benefits and real opportunities for the people of Gibraltar. I think what is necessary is that we have a balanced view, a careful view, that we go into matters profoundly, deeply, and only when we are satisfied that there is no danger should we agree to what may come out of the wash in the technical talks or discussions that are being held by officials. That is where I think that the amendment by the Chief Minister which reaffirms the resolution of last year, is a sound option, the principles there are sensible, the only thing is that it is us in the Gibraltar Government committed as we are to these principles, that must exercise the final judge-

ment and that we do in the exercise of the responsibilities that we have to the people. I take issue also with the Hon. Mr Feetham about the extent of Britain's commitment to Gibraltar and in respect of the financial role. Is Britain looking for ways and means of ridding itself of the commitment and is their attitude to the closure of the Dockyard and other matters, are they indicative of that? I don't think that we can on the one hand say that that is the case as far as Gibraltar is concerned and not consider what the British Government is also doing at the same time elsewhere, 8,000 miles away in the Falklands. The British Government with respect to the Falklands is being told by Labour Members of Parliament and by Liberal Members of Parliament that they shouldn't be spending all those millions of pounds on safeguarding the interests of 1,000-odd Falkland Islanders. They are being urged not to do that in Parliament because that money can be put to other uses. Where do the two things weigh up? Britain cannot on the one hand be acting dishonourably towards Gibraltar in trying to save what, in respect of the expenditure on the Dockyard? What is Britain saving compared to what she is spending on the Falklands? Mr Speaker, I don't think there is any logic in that.

HON M A FEETHAM:

Ask Margaret Thatcher. She is just saving face. They went to a war there, don't you remember that?

HON A J CANEPA:

I do remember and they acted very honourably and the Hon the General Secretary for International Relations of the GSLP, if he had been asked in March, 1982, whether he thought that Britain would go to war would have said that they wouldn't go to war, that they were going to sell the Falkland Islanders. They mounted an operation which was the admiration of the free world and they went there and today the people of the Falkland Islands are free under British sovereignty.

HON M A FEETHAM:

That is why they are spending so many millions of pounds over there or don't you realise that yet?

HON A J CANEPA:

But is it just political or is there also a sense of honour in the British Government which perhaps not all Governments might have? I don't know but I am very disquieted by what I hear and what I know is being said in Parliament and Hon Members opposite are also very disquieted about the commitment to British.

sovereignty over Gibraltar on the part of certain Members of Parliament. So for whatever reasons the fact is that we have got to judge the British Government by its actions. I don't know what their motives are, the motives of all of us here are to win an election because if we don't win an election you are not in office to carry out your policies. Let us not be hypocritical about that and, of course, because she had the courage to react in the way that she did against some of the Members of her Cabinet because the only hawk in that Cabinet was Mrs Thatcher and we know that, she had the courage to do that and it worked in her favour and a Government which appeared to be, in 1982, at that time, on the way to losing an election won the election. But the acceptance of that policy was seen in the way that the British people as a whole, including very militant left-wing trade unionists, reacted to the lead given by the British Government and that is the same, I think, with respect to Gibraltar. A British Government that gives a lead on the issue of Gibraltar would get the general support of the people of Britain but a Government led by people who are equivocal at best about their commitment to the Charter of the United Nations and to the rights that we are talking about that 30,000 Gibraltarians have, I don't know what would be the attitude of Britain in that. Let us keep a balance in this respect and ultimately and finally we are the ones who best know where our interests lie and we are not going to do anything with regard to the joint use of the facilities at the airfield which in our view on this side of the House runs counter to the public interest, we won't, and what we do we shall answer for at the next general election.

HON J C PEREZ:

Mr Speaker, I will try not to get excited since the Hon and Learned the Chief Minister has shown concern for those people who get excited but it is difficult after hearing the contributions on that side of the House. Mr Speaker, the Hon and Learned the Chief Minister has chosen to bring forward the debate on the airfield without, in fact, knowing the finer details of the end package because by amending the motion he is not committing himself to bringing that package to this House to be discussed by this House as is a normal democratic process in any democratic country anywhere else. He is disregarding completely the views of the Opposition which as the Hon Leader of the Opposition has said, commands considerable support in Gibraltar. Let me say, Mr Speaker, that the concern which we feel on this side of the House as to where the Brussels Agreement is leading us is a real concern. The Hon Mr Canepa has said that we are all in agreement that we don't want Gibraltar to be Spanish but the fact of the matter is and the preoccupation on this side of the House with the regional

cooperation that has been talked about is that included in the Brussels Agreement and included in the package of the whole Brussels Agreement and this whole process of friendship and reciprocity and talking together and thinking together, is the question of sovereignty which the Government itself has said that they have reservations on and that is part of the package and any steps that are taken towards the airfield, towards tourism, towards economic development, must be seen against that background because that is there hanging over our heads. I agree with the Hon Member that none of us want Gibraltar to be Spanish but the foresight that they are having is very short because the implications of that is that today it is going to be the airfield, tomorrow it might be something else and at the end of the day it will be a creeping attack on our way of life and it will be in a way where we will be losing ground and where we will be losing our negotiating position. Mr Speaker, I cannot understand why one should be looking at any use which belongs to one to the mutual benefit of others. I am sure that anybody who is the owner of property or the owner of a car doesn't look at his assets in the context of using it to the mutual benefit of others but to the benefit of himself. I am not saying that Spanish airlines should not be able to use the Gibraltar airfield but it strikes me that there is more to it than meets the eye when we have to use an asset which is ours and say that it must be used to the mutual benefit of our neighbours.

HON CHIEF MINISTER

That is what mutual means.

HON J BOSSANO:

We don't need their permission to do it.

HON J C PEREZ:

We don't need their permission, that is right. Mr Speaker, the implications of having the question of the airfield being brought now is clear. The process of osmosis which Senor Moran has been talking about is taking effect and, regrettably, it is being supported by the Government of Gibraltar. Just one more point, Mr Speaker. The visit by Sir Geoffrey Howe and the comments made by Sir Geoffrey Howe, however Members opposite want to interpret it, the interview that he gave to Clive Golt on GBC TV, it is clear that that is the Foreign Office thinking and instead of trying to interpret what Sir Geoffrey has said what we should be doing is trying to change Sir Geoffrey's mind and trying to get him to accept the interpretation of the Treaty of Utrecht which the Hon and Learned the Chief Minister

so ably exposed on television which we support and trying to change Sir Geoffrey's mind and trying to tell Sir Geoffrey that it is in the interest of the people of Gibraltar that he should say in public that he does support the right of self determination of the people of Gibraltar. That is what we should be doing, we shouldn't be coming here to this House trying to defend and trying to interpret Sir Geoffrey's comments as if they were not what Sir Geoffrey tried to mean, that he meant another thing.

HON CHIEF MINISTER:

If the Hon Member will give way just one moment. I never tried to justify Sir Geoffrey Howe, what he says he is responsible for. I am saying what I think I want, I am not justifying that. If he went weak in one way or the other, I don't know, he may have been told, all I am telling you is that I haven't come here to apologise for anybody.

HON J C PEREZ:

I take the point of the Hon Member but Mr Canepa was trying to do exactly that. Mr Speaker, we would have preferred to have debated, as I said before, whatever deal is struck in the future but, unfortunately, by amending the motion the debate has been pre-empted by the Hon and Learned Chief Minister and this House is not, it seems, going to have an opportunity to debate the very important implications that we see on this side of the House that could arise from an agreement over the airfield and I think that it is to the benefit of Gibraltar as a whole that this should happen. I think that the Hon and Learned the Chief Minister even though he has introduced this amendment to the motion should give a commitment to this House that before the Government backs any deal over the airfield it should be brought to this House and debated in this House, I don't see what the problem is. The Hon and Learned Chief Minister has been there for forty years and we accept that he is a very experienced man and he knows a lot about the issue but that doesn't mean that he knows best, there might be people on this side of the House that might have a view which might be convincing to him and he might adapt his position if that is the case. I think that the least he could do is give a commitment that if a deal over the airport is struck and the finer details are known that that deal should be brought here to this House to be discussed in this House before it is backed by the Government of Gibraltar. Thank you, Mr Speaker.

HON J L BALDACHINO:

Mr Speaker, the Hon Mr Canepa made a comparison between the

Falkland Islands and Gibraltar which I must totally disagree with. He made a comparison with the invasion of the Argentinians of the Falklands. There is a parallel before that, Mr Speaker. Before that, the policy of the British Government or the Foreign Office was to draw near the Falkland Islands to Argentina exactly the same way as they are doing now between Gibraltar and Spain. The only thing that faced them, Mr Speaker, was that they had a Fascist Government and not a democratic Government like we have now in Spain and they had internal problems and they invaded the Falkland Islands before they really got it otherwise it would have been just as easy as it is going to be for the Spaniards now if we carry on the road that the AACR Government is taking. That is the difference. Why Mrs Thatcher sent a Task Force to the Falkland Islands is quite obvious, Mr Speaker. Any democratic country would have done it, Mr Speaker, and especially the United Kingdom which is a defender of that thesis in the world, Mr Speaker. If she hadn't sent a Task Force she couldn't have stood up anywhere, including the United Nations, and say that we have to defend the whole free world. That is the difference, not because of the Falkland Islanders, it was because of the pride of the United Kingdom that she had to defend, that is why she sent a Task Force. The Hon and Learned the Chief Minister mentioned The Hague and he said that the important thing was the Spaniard's refusal to go to The Hague. I wonder if we would have the same refusal today when they have a democratic country, that is the question. I wonder if Senor Moran will not take Great Britain some time in the future to The Hague precisely on the issue that we are talking about today, the airfield, because if we accept the Treaty of Utrecht, Mr Speaker, like the Hon Member says that we must accept the Treaty of Utrecht where in part we agree and in part we don't agree, there is nothing in the Treaty of Utrecht about the airfield, Mr Speaker.

HON CHIEF MINISTER:

That is your interpretation.

HON J L BALDACHINO:

It is not my interpretation, Mr Speaker, because it is quite easy and it is quite defensible.....

HON CHIEF MINISTER:

Is the Hon Member aware of the arguments of the British Government for claiming sovereignty over the isthmus?



HON J L BALDACHINO:

I am not giving the interpretation of that side of the House, this side of the House or of the British Government, it is the interpretation that Senor Moran gives.

HON CHIEF MINISTER:

I am not interested.

HON J L BALDACHINO:

Mr Speaker, the Hon Member opposite must be interested because he has defended what Senor Moran has said about our wishes and he has said: "Even Senor Moran respects the wishes of the people of Gibraltar", and the interpretation that Senor Moran .....

HON CHIEF MINISTER:

I have not said that.

HON J L BALDACHINO:

The Hon Member has said it in this House and he has said it on television when he came back from the meeting they had in Brussels and he said: "We should now recognise that Senor Moran" - or words to that effect - "now respects the wishes of the people of Gibraltar". Senor Moran respects the wishes of the people of Gibraltar but not that they have a right over the territory, not that they have a right of veto over the territory but that they have a right of deciding what nationality they should be, that is the interpretation that Senor Moran gives to the wishes to the people of Gibraltar.

HON CHIEF MINISTER:

If the Hon Member will give way, this is very important. I haven't quoted today Senor Moran nor do I quote him at all for my stand in Gibraltar. All I have drawn attention to is that there is a difference of approach in the manner in which they approach the problem as between before and now. Of course Senor Moran wants Gibraltar to be Spanish, of course Senor Moran questions the British sovereignty over the isthmus, every Spanish Government has done so and every Spanish Government will continue to do so. We are not talking about that now. I have given that as an example of a change in attitude not in principle.

HON J L BALDACHINO:

It brings us precisely to the point of the airfield, Mr Speaker. What is meant by 'practical cooperation in relation to the use of the airfield must be of a mutually beneficial nature'? What does 'joint use' of the airfield really mean? If there was an Italian airline that wanted to come to Gibraltar would it be given the same facilities, would it be called the same thing, 'joint use'? There is a difference, Mr Speaker, between an aircraft coming to Gibraltar like any other aircraft from the United Kingdom or from any other part of the world which today the Spaniards could quite willingly do if they so wished but what really are the technical talks all about, Mr Speaker? I know that the Hon and Learned Chief Minister or his Government might not know the end result but I am sure they must know what is being discussed in the technical talks. Would it be acceptable to the people of Gibraltar, would it be acceptable to the Government if at the end, Mr Speaker, it would mean that a Spanish aircraft could land in Gibraltar, bypass our Immigration Office, bypass our Customs, go through a hole in the fence into a Spanish Terminal, would that be acceptable to the Government, Mr Speaker, handled by Spanish agents, handled by everything that is Spanish? Would that be acceptable to the Gibraltar Government, Mr Speaker, because if that is acceptable to the Gibraltar Government then what we are really recognising is that a Spanish aircraft has landed in Spanish territory and not in Gibraltar because that is what it means. It could be that between two nations we could have that relationship but the difference between Gibraltar and Spain, Mr Speaker, is that Spain is claiming Gibraltar as theirs and other nations are not so that could be of mutual benefit but to us it would imply a danger, and a recognition that Spain has a right to claim not Gibraltar but at least to claim the part where the airfield is. Mr Speaker, by amending the motion that my Hon Friend the Leader of the Opposition has moved it is quite clear to me that they would not like to bring to the House any agreement reached in the technical talks and that is why they have changed our motion to read precisely what we have said before in this House and which we, in part, agree with. I think it is a dangerous move if that were to happen, Mr Speaker, and it would not be of benefit to Gibraltar, it might be beneficial to Spain.

HON J E PILCHER:

Mr Speaker, I intend to make a short contribution on the issue in front of us but I think there are various points that cannot be left unanswered because I think they go to the crux of what a democratic society is and the right in that democratic society not for the Opposition but for the people of Gibraltar

as a whole to know what is going on and to have access not to confidential information whatever that may be, but to information that reassures them within a set-up of their lives and within a set-up of looking into the future. I was sitting here and I kept thinking of the predictable, Oppositions are predictable, Governments are predictable. The Hon and Learned Chief Minister said that people should not react to the press, they should not react to statements that are designed to pressurise Gibraltar into a certain pattern of thought. The article of 'El Pais', for example, has highlighted the discussions going on and the fact that there might be some deal in the situation. Therefore on this side of the House we try not to be predictable, we try to say to ourselves, well, rather than give emphasis to this type of pressure we will try and get a situation by which we try and reassure the people of Gibraltar that nothing is going on by bringing a motion to the House that is not intended to highlight or to discuss the points at issue which is exactly what the Hon Leader of the Opposition said, but rather that seeks to reassure the people of Gibraltar that if there is anything going on, certainly nothing will be decided before everybody has a right to get to know about it and discuss it. This did not happen because the Government has seen it fit not to accept a motion that merely asks the Government to do what a democratic Government should do which is to discuss things in Parliament and to hear what the Opposition have to say. The motion does not say that the Government has to listen and do what the Opposition wants it to do, all that it was asking it to do was to listen to a great majority of the Gibraltarians when the Opposition would voice their response and their thoughts on any package over the airport. The Government has seen it fit not to do that and have themselves opened up the debate into a debate discussing the use of the airport although, as the Hon Leader of the Opposition said, this has been discussed ad nauseum before and by bringing a motion that again reaffirms a resolution taken on the 13th March really brings out again and opens up the wounds which were made on the 13th March because there was a television programme on it, there was public discussion, on exactly the clause which they have reaffirmed which is that 'any proposals for practical cooperation in relation to the use of the airfield must be of a mutually beneficial nature'. This does nothing at all to reassure some of the people of Gibraltar, the people of Gibraltar which the Hon and Learned Chief Minister was referring to that stop him in the street and say: "But, surely, Sir Joshua, there is nothing going on". I think the example given by the Hon and Learned Chief Minister is that even ardent supporters of his party are worried and therefore I think the House should have reacted to this pressure, to this worry, not by discussing the matter again because I think both positions are perfectly clear but by saying to the

people of Gibraltar: "There is nothing to worry about, nothing is going on, we reaffirm not what Senor Moran is mooting or the Foreign Office is mooting but what Howe said that this is something which will be discussed in the future and before this is done we will get the impression of the whole of Gibraltar by discussing it in the House of Assembly". But the Government chose not to do this. I must at this stage say that I heard - before I move away from the actual discussion on the airfield - I think the thing that worries people is the status of the airfield, the fact that there might be a change of status I think reflected in my Hon Colleague's intervention about the Terminal in Spain, the La Linea airport, I think these are the things that worry the people of Gibraltar and I think to a point, the intervention by the Hon Mr Canepa can allay people's fears because he was clearcut in what his thoughts are but then we have to look at this in the context of previous debates that have gone on in the House, even previous to our coming into the House. The Hon Mr Canepa was saying that how could we say on this side of the House that the Government were paying lip service to the British Government and at the same time the Hon and Learned Chief Minister was disagreeing with comments made by the Foreign Minister. Well, this is very easy, the Gibraltar Government have been doing this for years, they have been playing both ways for years, they did it over the Naval Dockyard, they did it over the Brussels Agreement and they have done it subsequently for a number of years and I cannot feel reassured by the words of the Hon Mr Canepa because I don't know at what stage there is going to be U-turn and the Hon Mr Canepa is going to stand up and give us a different version explaining it because of the pressures of the Government, of the fact that we are a very little community, of the pressures of a nation, this is the fact of the matter. I was sitting here listening to the Hon Mr Canepa and it is a pity he is not with us at the moment because I remember, I went back in time and remembered a colleague of his, the then Hon Mr Xiberras, talking to me in school in my history lesson and talking of the divine right of kings, the divine right of kings by which they did not have to give explanations to people, they just decided what was best for the people given their judgement and this is exactly the feedback I was getting from the Hon Mr Canepa. We, he was saying, I suppose by 'we' he meant the AACR, we will given time judge what is best for Gibraltar and at that stage we will then tell the British Government what is good for Gibraltar and at that stage.....

HON A J CANEPA:

If the Hon Member will give way. The difference is that the lesson that history teaches you about the divine right of kings and what is happening today is that the same thing is only being followed by certain totalitarian states. In a democracy, such as in Gibraltar, we don't do what the kings used to do, we take into account the people and because the kings didn't take into account the people, now and again, deliberately they lost their head. We, voluntarily, after explaining to the people the reasons for our actions, we voluntarily, every four years put our heads on the block and if the people so wish they can cut those heads off. This is the difference, I don't think he was taught very good history, if he was he certainly wasn't taught constitutional history very well.

HON J E PILCHER:

I was in fact taught history well, it was one of my main subjects. That is the basic difference but it is the only difference, the fact that the AACR Government will have to go to an election in four year's time because I have been sitting here for the past two years and have slowly become more and more frustrated by the fact that the explanations coming from Government are less and less real, in fact, in some situations they don't even bother giving explanations.

HON CHIEF MINISTER:

If the Hon Member will give way. He is less than fair when we spent yesterday the better part of the day answering questions. You don't get the answers you want, of course you don't, that is why you put them but we give time and we answer questions and we give explanations. That is the democratic process, the discussion of different ideas and that is what the Hon Leader of the Opposition said on the 13th March.

HON J E PILCHER:

I think whether the questions were answered or not is a different matter altogether. I think in debate, in Bills, certainly in motions, the fact that the Government is moving away from what I consider to be a democratic process of discussion and moving into a dictatorial situation by which they have now come up with this red herring of exercise of responsibility, authority of Governments, constitutional rights, of course these are all true but these are all true after the democratic process of discussion has taken place. The Government has a right, this is what the Hon Leader of the Opposition was saying in March, in June and before that, that in the exercise of responsibility the Government takes a decision irrespective of what the people or the Opposition say but not before, they heard that. I think, unfortunately at least from where I am sitting in this House, the Government is not living up to its responsibility on democratic process and it is not good enough to say: "In four year's time I

will face the electorate and the people of Gibraltar can cut off my head or not cut off my head depending on the situation". I think when we are talking of matters as important, and I think my Hon Colleague Juan Carlos Perez put it quite well because I think the ultimate thing that is being talked about is the sovereignty of Gibraltar. The osmosis, the integration of the area is only the step that leads to the final decision and I am not saying at any moment that the Gibraltar Government has or will tell the people of Gibraltar and I accept that on both sides of the House there is unanimity on this but it is how we play the initial steps that is important and it is no good coming into Government and I know that the Hon and Learned Chief Minister thinks that we will never be over there but he repeats it so much that I think he is trying to convince himself but that is beside the point.

HON CHIEF MINISTER:

I say it every time you say you are coming, that is all. I will carry on saying that.

HON J E PILCHER:

The answer is that in two year's time if certain steps have been taken it is going to be virtually more and more difficult as time goes by and as steps are taken to revert the situation. I think the analogy can be drawn with the Dockyard. Once you have closed the Dockyard, once you have put down the trade, once the docks are changed, once the Naval Base side of it is closed it is very difficult to go back to the situation there was before and I think the more steps that are taken down the road of the Brussels Agreement, the more steps that are taken .....

HON CHIEF MINISTER:

If the Hon Member will just give me one minute, I won't interrupt him anymore but he has mentioned the Dockyard several times and with the greatest respect, whatever future the Dockyard has, our judgement was proved to have the support of the people of Gibraltar and the Opposition didn't.

HON J E PILCHER:

But it was on the Dockyard and it was discussed in the House of Assembly, the issue of the Dockyard in exactly the same way as the issue of the Brussels Agreement. It wasn't put to the electorate but it was discussed in the House and this is what the motion was asking for, for the matter to be discussed in the House. I am referring to the Naval Dockyard because I think we can draw an analogy between the position

adopted at one stage and the position adopted at another stage. The Hon and Learned Chief Minister gave three reasons why we must put in that clause on practical cooperation. He said (1) because we have been under siege, (2) because of the lifting of the restrictions, (3) because of the Brussels Agreement. I think it is not three reasons, I think one reason follows the other, that is a pattern, we were under siege, they lifted the restrictions because of the Brussels Agreement, that is the pattern, it is not that there are three distinct reasons, that is a pattern followed and it is only that they lifted the restrictions because of the Brussels Agreement, they only removed the restrictions because of the Brussels Agreement. We only have this clause in the amended motion because of the Brussels Agreement and this is what worries the Opposition. I think this is what worries a lot of people in Gibraltar and yet the Government have in this motion certainly done nothing to allay the fears of the people of Gibraltar and if my thoughts are anything to go by, I am not reassured by what the Government has done and I don't think a lot of people in Gibraltar would be reassured by what the Government has done. If I can just return to the beginning when I was saying that this red herring, this exercise of responsibility, this authority of Government to take decisions, how far along the road is the AACR prepared to take this? The Brussels Agreement was brought before the House and discussed, the Government did not like the reaction of the Opposition and that is perhaps why they are now a bit reluctant to bring things that are controversial because by discussing things and by highlighting things we get into situations where the people of Gibraltar start thinking about these things. How far along the road are you prepared to go? Are we going to discuss other things reaching up to the sovereignty without it being brought to the House by the Government exercising their right and their judgement?

HON CHIEF MINISTER:

I think I made it quite clear in my statement that there were principles which could not be decided without a referendum, not even just by discussion in the House of Assembly. The Brussels Agreement was not brought here for its approval before the Government took the decision to support it, it was brought here and it was carried by majority of the Government and it seems that it has met with relative acceptance if only by the fact that hundreds of people use the frontier both ways.

HON J E PILCHER:

That is irrelevant. I may be wrong or I may be right but

certainly from where I am sitting there is a pattern. The Naval Dockyard was discussed ad nauseum in this House and a decision was taken by the Government. The Brussels Agreement was a retrograde step, the Government of Gibraltar decided what to do, brought it to the House, we put our ideas forward but the decision had already been taken and no movement was to be expected from the Government and this is the reason why the Opposition walked out. But now we have the third step, the third step is that they are not even going to bring it to the House, an important matter like an agreement for the use of the airport is not even going to be brought to the House, we will probably find out from the Spanish media once the agreement has been reached and before agreement is arrived at in Gibraltar to make it public here, it will work that way undoubtedly and that stage is when we will find out and at that stage the process of democracy will have been broken in Gibraltar. I just want to make one final point and that is that we are continuously being reminded of what a responsible Opposition is. When we try to be a responsible Opposition by bringing motions like this to the House, we end up with egg on our face because rather than coming here and putting a fully fledged motion and really discussing the technical talks through the article in El Pais and through the leaks in the foreign press and the Spanish Foreign Office, rather than done that we have brought what we consider to be a responsible motion only to have, as I say, egg on our face and I think if this is the lesson that the AACR is going to teach us about responsible Opposition, about speeches made in the House by Sir Joshua, the Hon and Learned Chief Minister, as regards working together in apologetic things like tourism and things which, by the way, have not materialised because I have never been called to the Tourist Office to discuss anything at all but that is a side matter, I think at this stage if that is what a responsible Opposition is expected to be then we will have to see what we expect a responsible Opposition to be.

MR SPEAKER:

Are there any other contributors? I will then call on the Hon Leader of the Opposition to reply.

HON J BOSSANO:

Mr Speaker, I think we have been obliged to do something that I said we were not going to do in my opening on the motion which is to discuss the merits or demerits of any change in the use of the Gibraltar airfield from the way that it is currently being used and the only reason why we have had to do it is because notwithstanding the welcome that my opening speech got from the Hon and Learned Chief Minister, he

clearly went ahead with what he had planned without taking into account anything that I had said. What I said was that the motion was not about the airfield and I repeated that in speaking against the amendment in essence. It is incidentally about the airfield because that happens to be the issue that there is at the moment under consideration and which has created a certain amount of disquiet and controversy in Gibraltar. The motion was about the Government of Gibraltar accepting once it has made up its mind but before it has committed itself, accepting that it should bring the policy for which it is responsible to this House of Assembly and defend it and explain it here and give us an opportunity of analysing it and criticising it. We are not asking for confidential pre-information, no, we are asking just like any law, just like the Government of Gibraltar produces Bills, that doesn't tie their hands, they come here and even when they don't have one single argument to defend what they are doing with a piece of legislation they still exercise their majority and pass it through so it is nonsense to say that I am trying to tie the hands of the Government with this motion, I cannot, they have an in-built majority, there is nothing I can do to tie their hands. What I am trying to do is make them act in a fashion which is consistent with respect for the institution of the House of Assembly and if there is a procedure in the House of Assembly that says that before the law of Gibraltar is changed the Government makes its policy public but then it brings it to the House and it doesn't become law until it has the approval of the House although in 99.99 of the cases we know that the fact that the Government is introducing the Bill is virtually guaranteed that the Bill will become law. There are very rare occasions when the Government amends legislation as a result of Opposition initiatives. I think the one outstanding example was the amendment of my Hon Friend Mr Baldachino and that suffered the fate yesterday and this morning of being removed from the statute book before it came into effect. There is no way that what we are doing here is saying to the Government of Gibraltar: "You need our permission to reach an agreement with Spain on the use of the airfield". No, what we are saying to them is: "You have got an obligation and a responsibility to come here and explain what is going to be done and why it is going to be done before it is done". It is no good coming and telling us after the event because then it is so much hot air. If it is difficult enough to shift you before you are 100% committed, it is impossible to shift you once you are 100% committed, there is no way at all that any argument that we can put to you can make any difference. We have seen other situations, the Government was committed to the commercialisation of the Dockyard and the Government found that we were opposed. The fact that we were opposed, and I am talking then

about the Members of the Opposition that were at the time in the House, didn't stop them accepting an amendment from me to the Gibraltar Shiprepair Ordinance where the funds would be limited to the money that was going to be used, part of the £28m that was going to go through the company accounts for the issue of shares and yet another part of the money, that that was going to be used for civil engineering works, was divorced because it was going to be spent on Government assets. I was opposed to the commercialisation and yet I made a proposal here which the Government accepted because they recognised that my proposal made the thing more workable than the way they had originally intended to do it. I don't think that there is a necessary conflict in the Government listening to other people notwithstanding the fact that it has made up its own mind because it is committed to a particular road. We are not asking to be involved in the negotiations under the Brussels Agreement because we are opposed to the Brussels Agreement. We are not asking to be a party of the bipartisan approach but let us not have any of this nonsense about confidentiality. The Chief Minister must be aware of the position of the GSLP and he must be aware that we have raised the matter with Sir Geoffrey Howe and we told Sir Geoffrey Howe could he explain to us why the condition that the British Government wants to attach to me is that if they tell me something I cannot even say what I have been told to the rest of my colleagues in Opposition and yet the Chief Minister was able to tell Mr Mascarenhas before he joined the House of Assembly of the fact that he had told the British Government in London that they could go ahead and sound Spanish opinion on the possibilities of advancing EEC rights. That was told confidentially to Mr Mascarenhas before he was a Member of the House of Assembly. I have been told by Sir Geoffrey Howe in front of my colleagues that one set of rules apply to the Chief Minister and a different set of rules apply to me, I don't know whether the Chief Minister would accept the same if the roles were reversed.

HON CHIEF MINISTER:

Well, let me tell the Hon Member that I am not aware, I wasn't told and I didn't ask to be told what he discussed with Sir Geoffrey Howe, that is confidentiality.

HON J BOSSANO:

Well, I suppose it doesn't make any difference anyway what we discussed with Sir Geoffrey Howe. It doesn't have the imprimatur of confidentiality in it because as far as we are concerned we are quite happy to tell everybody what we told Sir Geoffrey Howe, we didn't put any limitations and we didn't say the Chief Minister couldn't know and we are a party to



that and therefore we are free to say we are prepared to talk in the open without any need for confidentiality but I am not talking about that, I am talking about the fact that the Chief Minister must know, whatever he says in the House, he must know that the position of the British Government is that when they say they are prepared to brief me in confidence it is on condition that I don't tell any other Member of the House. How can Mr Canepa then say that if we want to find things out we should do it by accepting confidentiality and not through the Air Transport Board. It has nothing to do with it, we are not talking about confidentiality, we are not asking for the Government to give us advance knowledge but I can say one thing, the Hon and Learned Chief Minister has got the right to expect from Members of the Opposition that if he gives us a solemn assurance as he has done that no political decision has been taken on the future airfield, that we should take his word in preference to a report in a Spanish newspaper. He has got that right to expect that from us and we are prepared to give him that but he must also accept that how many times we do that is conditioned by what the newspapers in Spain publish and what eventually happens because in September, 1984, the newspaper El Pais published a great number of details of what actually materialised in November in the Brussels Agreement. One could have said that at the time it wasn't happening. Well, then they must have a guru somewhere in the headquarters of El Pais that can foretell the future that is all I can say, because they seem to be very, very accurate in their inventions and we must wait and see when the time comes whether in fact the scenario painted in El Pais coincides with the reality or not but the Hon and Learned Member must realise that if it happens and it does coincide his creditability in our eyes is damaged and is undermined.

HON CHIEF MINISTER:

If the Hon Member will give way. I accept what he says entirely and I accept, as I said to the House earlier on, that I did draw the attention of the Secretary of State of the difficulty of dealing with a nation, this is inevitable. I don't know what will happen, I don't know whether I will agree or I will not agree to whatever happens later. I can tell you now and I am very glad that the Hon Leader of the Opposition accepts my word, that there has been no political decision taken even though there was a suggestion in the paper that it had Spanish Government approval. Now I can tell you that, if something is done later which is contrary to what I think ought to be done then I will not be trying to justify anything, I will be on the side of the Hon Member's views on that matter if what is decided is not what I think ought to be

decided. The fact that they may anticipate certain things by leakages is a matter for them not for us.

HON J BOSSANO:

Well, I think as I said, Mr Speaker, initially, I accept entirely what the Chief Minister has said. I would not take the word of any Spanish journalist in preference to the word of any Member of the Government or the Chief Minister of Gibraltar, let me make that quite clear, but the point is that the Government of Gibraltar has not made up its mind. The newspaper indicated in any case that the British Government was already politically committed and the Spanish Government was already politically committed and it was a matter of detail that remained to be decided but whether it is a matter of detail or a matter of substance the point is that the substance of the agreement has already been revealed. We are not asking in the motion that the Government of Gibraltar should confirm or deny whether the substance of the agreement is as predicted in El Pais, we are not asking that, all that we are asking and all that the Government has denied us and we think it is a very serious thing to deny the Gibraltar House of Assembly, is that there should be a debate in the House before that package is put into effect. There will be a debate in the House even if the package is put into effect during the summer recess, let us be quite clear about that, because if the package is put into effect in the summer recess at the first meeting of the House of Assembly after the summer recess there will be a censure motion against the Government and the matter will be debated but it will be debated then in a situation where if we had one chance in a thousand of influencing the cause of events before then that one chance in a thousand will have been lost because the thing will be cut and dried and therefore we prefer to retain that one chance in a thousand however small it may be if we can and that is all that we are seeking to achieve and we regret that the Government has not been able to go along with us on this because it suggests that the pace must be moving fairly quickly if they feel that they cannot commit themselves to the matter being debated in the House of Assembly before it is signed, sealed and delivered. I think, Mr Speaker, I have said what I wanted to say really on the original motion but I feel I cannot allow some of the comments of the Hon Mr Canepa to go unchallenged because he seems to suffer from a blind spot. I am not sure if it is his blind spot or an AACR blind spot which he shares with his other colleagues, because I cannot put any other explanation on his apparent inability to see what is patently obvious to the rest of us in Gibraltar. He claims that the success of the AACR is due to the fact that they get their timing right and they make less mistakes than other people do.

I think that must rank as the joke of the century. But, of course, I don't know how he makes the comparison because in fact all that we have had in Gibraltar has been three years of a coalition Government and therefore I assume that he is saying that that coalition Government in those three years made more mistakes than the AACR has done in any other three year period, presumably that is the only criteria, I think he will have to wait until the AACR is not in office to see whether other people get things better timed or make less mistakes and until that happens there is no measure. But what the Hon Member clearly fails to understand and I think that is an indication not of them being in tune with the people but being completely out of tune with the people and, in any case, I am sure that temperamentally if on no other account he belongs to the school of thought that says that we must not simply be led by the people, that we are supposed to lead people and therefore it isn't just a question of saying: "We can now start cooperating because before people objected but now they don't". We must decide whether it is in Gibraltar's interests to cooperate and even if the whole of Gibraltar is going over in droves it doesn't change anything. The fact that people are crossing the frontier in greater numbers than they were before doesn't mean that there is universal approval for the Brussels Agreement, it means that it is logical that if the frontier is open that people should cross it just like it doesn't mean as some sources in Spain tried to deduce, that people are more amenable to Gibraltar becoming Spanish, it doesn't mean that.

HON A J CANEPA:

If the Hon Member will give way. Never for one moment did I talk about or imply in anything I said that acceptability was to be judged by the fact that people were crossing the frontier. We who were Members of the House of Assembly before January, 1984, voluntarily decided that we would not go over during the time of the pedestrian crossing. Other people were free and we told them that in our view what they were doing was wrong and we didn't subscribe to that. Likewise, we would act in any other situation where we consider that something is not for the general good, we would take a stand on the matter and the evidence is that we took it on another occasion.

HON J BOSSANO:

Mr Speaker, the Hon and Learned Chief Minister was the one who said that but what he said appeared to me to be compatible with what the Hon Mr Canepa had said in his contribution which was to say that the Party for Autonomy was able to stand for election a few years ago and yet before those same people had had riots and therefore what he was saying was that if there

is a movement and a shift on public opinion that gives you the flexibility to do things which you were not able to do in a different environment and therefore if you get the timing right that makes you a successful politician. So therefore it is in that context and in the Falklands context Mrs Thatcher is a more successful politician because she got the timing right and she captured the mood of the British people and it was right then to send the troops to defend the Falkland Islanders. If the mood of the British people had been different, by inevitable logical deduction and Mrs Thatcher was being as successful a politician, she should have handed the Falkland Islanders over and she would have been in tune with the mood of the British people. What I am saying is that that philosophy runs counter to what I know of the Hon Member, temperamentally if not ideologically, which is that if he feels something is right then he feels that one should stand up and say that even if the mood of the people indicate something different so I think there has been in his exposé of the reasons why the Government is able to move in certain directions now, it is running contrary to something that I have always detected in him and something which I tend to share myself in my own approach to decision making. But the position that we see coming to the movements that are taking place and the implications of the Brussels Agreement and the reasons why we oppose the Brussels Agreement, are related not to a view that the AACR is actively working to bring about a Spanish Gibraltar, that would be complete nonsense for us to suggest a thing like that, what we are saying is that the AACR either because they have got a blind spot or for reasons that we don't know about, are taking part in a process leading us in that direction, making that easier as a possibility. They seem to be the only people in Gibraltar who do not share this view or this analysis and they seem to be the only people because not only is it an analysis that is shared by a very, very large proportion of people in Gibraltar but it seems to be an analysis that is shared by everybody that comes from outside whether we are talking about MEP's, whether we are talking about Spanish journalists, whether we are talking about other journalists, everybody that I have talked ever to comes to the conclusion that we are on a road which can only lead oneway and that the process of osmosis is in fact what the Brussels Agreement is about and that if you are able to do things now which you were not able to do before that is a question of political survival.

HON CHIEF MINISTER:

May I just interrupt the Hon Member there because it is exactly a point I wanted to make and I didn't want to interrupt his line of thought. I am not speaking for my colleague, he

can speak for himself, but the difference in approach when he was saying that in 1968 you had riots and that sort of thing and then later on you had a party advocating for the autonomy of Gibraltar and nothing happened, the difference is not that the people are getting more used to it, the difference is that despite the worries now the worries in the 1960's about our being handed over to Spain were bigger than they are now, that is the fact, the people were much more concerned and I think I can speak with a little authority because I lived through all those years, the people were much more concerned about that. That is why, as my Hon Colleague says, that is why the concept of integration got support because they thought that that was the only anchor. Then later we had the preamble to the Constitution on which people put a lot of faith even though the commitment was there before but it is not because people are getting used to osmosis, people are more relaxed despite the fact that we will always live under this problem; unfortunately, we will always live under that. People are more relaxed because I think despite what may have been said and misinterpreted or interpreted I think the people now have got more faith because of the performance across the years of the British Government standing by the people of Gibraltar in practical, in economic and other terms the people are more relaxed now than they were in the 1960's or the early 1970's.

HON J BOSSANO:

Mr Speaker, we are analysing a phenomenon which is a matter of fact and in analysing that phenomenon the causes of the changing attitude is something which is a matter in dispute, that is, nobody is doubting that there clearly has been a change and people say it themselves, people say: "Well, for less than this they would have burnt Gibraltar down twenty years ago". The point is, of course, that there is a change in approach and the change in approach is a change in approach adopted by the Spanish Government and long advocated by the British Government as the more successful way for the Spaniards to achieve their objective or isn't that true? Isn't it true that since Sir Douglas Hume the advice given to the Spaniards was 'you must woo the Gibraltarians and the more that you attack them the more rebellious they get, you don't understand these people the way we do, we have had them as a colony for 270 years, you are using the wrong approach with them. So what you do with them is you pat them on the back, you give them a few sweeties and before you know where they are you have got them in your pocket. You talk to us about these things, we have long experience with the natives in Gibraltar', and that is the message. There are messages like that that have been floating a long time and some of us don't want to take the sweetie

because we are afraid that it is going to get stuck in our throat and we are going to choke on it, Mr Speaker, that is the difference.

HON CHIEF MINISTER:

I agree with that.

HON J BOSSANO:

That is the difference and I think that the Government - it isn't a secret anyway, I think that is one of the valuable things about the current situation, I think from our point of view, is that the Spanish Government is not pretending to be doing something different from what it is doing, the Spanish Government is making it clear that there has been a different approach adopted but the objective is still the same and that is a valuable thing. I think it would be more dangerous if they tried to give the impression that they haven't adopted a different method only, that they have also adopted a different objective and now they are nice to us because they have fallen in love with us.

HON CHIEF MINISTER:

They couldn't survive that.

HON J BOSSANO:

So it is to our advantage that we should have no doubt about what it is all about and in that context if we are sure that that is the scenario, if we all agree with that, then it requires much more than simply that we should be on our guard, as the Hon Mr Canepa has said, it is more than just being on our guard, we have got to understand that there are clear differences as my Hon Friend Mr Feetham has said, clear differences in the perspectives, the objectives and the long term requirements of the three parties involved; the British Government has got a responsibility towards Gibraltar and Gibraltarians which they recognise but which they would be happy to be absolved of if they could find a way of doing with the minimum of political slack and therefore every British Government and every British politician will say we would not survive the imposition of a settlement of the dispute with Spain on the Gibraltarians which was totally opposed by the Gibraltarians. They need, as a minimum, the Government of Gibraltar defending any deal like they needed it for the Brussels Agreement. Politically it would have been extremely difficult for the British Government and for Sir Geoffrey Howe to stand up in Parliament and defend the Brussels Agreement if there had been a situation where that Brussels Agreement was

opposed by the elected Government of Gibraltar and therefore the Government of Gibraltar carries the whole weight not just because we are saying we don't want to be a party to this. bipartisan approach because we disagree with the fundamentals because we agree that the Spanish analysis that this osmosis is accurate and we are not in the business of osmosis, we are in the business of reverse osmosis and because of that we don't want any part of it. The British Government under any attack from any quarter of press or politicians in UK falls back on the Gibraltar Government as its shield and that is what puts the Government of Gibraltar under this pressure from all sides but we.....

HON CHIEF MINISTER:

Doesn't the Hon Member realise that that is a very, very heavy responsibility and that we would not carry it if we were not convinced that what we are doing is right?

HON J BOSSANO:

I accept both things. I accept that it is a very heavy responsibility and I accept that they would not do it unless they were convinced that it is right but I also know in the twelve years that I have been here how many, many times on how many, many issues they thought they were right on something and they were proved wrong. They may make less mistakes than other people according to Mr Canepa but they make an awful lot of mistakes nevertheless and this one is too serious. This one, at least, we want to know what mistakes they are going to be making if they are going to be making a mistake before they make it because there might be one chance in a million, one chance in ten million that we might say something here that it might suddenly hit them was something that they had overlooked, then after listening to us they might still decide they are too committed having made up their minds, having told the British Government, having told the Spanish Government, they are too far down the road to do anything about it but we are not being given an opportunity which we feel we are entitled to on the basis that we represent a very substantial proportion of Gibraltar and we have been elected here to do a particular job and our job is not to run Gibraltar from this side of the House but our job is to ask the Government that before they commit Gibraltar down a particular road especially on something that could have very, very serious repercussions, even more serious than just doing something on Landlords and Tenants and on Landlords and Tenants we still get a chance to say something about it before it is law. We want to have a chance before the agreement is finalised, Mr Speaker, and we are being denied that chance and then all that we will be able to do will be to

criticise after the event and once that road is taken, as my Hon Friend, Mr Pilcher, was saying like the case of the commercial dockyard, there is no way that anybody could go to an election campaign in 1988 and say: "My policy is that we are going to re-open the Naval Dockyard", it's total nonsense. Whatever the situation is, whether the Government makes more mistakes in these four years than they have made in any other four year period and if as a result they lose the election it will be no consolation to any of us because the price of all those mistakes has got to be paid by the whole of the community, it doesn't make any difference who makes the mistakes, whoever makes the mistakes we all share the cost and therefore when it comes to making a mistake which is going to affect all of us we have got a responsibility to try and act as a controlling influence because that is what Parliament is on any executive, we have got a very small Parliament, in a bigger Parliament like the United Kingdom the parliamentary control over the Government is exercised even by some of the Government's own back benchers, in Gibraltar we have got the sole responsibility of doing that and we think we are being denied that process and we think that it is a sad day for Gibraltar and, indeed, for the AACR which has long fought for the process of the advancement of civil rights that they should be the initiators of this. We regret the situation very much.

Mr Speaker then put the question in the terms of the Hon J Bossano's motion, as amended, 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 Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit

The following Hon Members abstained:

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

The following Hon Members were absent from the Chamber:

The Hon E Thistlethwaite  
The Hon E G Montado

The motion, as amended, was accordingly passed.

The House recessed at 1.10 pm.

The House resumed at 3.25 pm.

HON R MOR:

Mr Speaker, I won't keep you for long, that is what Henry VIII used to tell his wives 'I won't keep you for long'. Mr Speaker, I beg to move that: "This House deplores the fact that opportunities for students to obtain Government scholarships are less favourable in Gibraltar than in the United Kingdom. It therefore resolves that the present Scholarships Award System be abolished and that a similar system to that in operation in UK be introduced". Mr Speaker, as you can see, the motion first of all deplores the fact that our students are less fortunate as regards opportunities to obtain scholarships than students in UK. As we all know, our education system is an emulation of the United Kingdom education system and I am glad that we sort of copy the system and we do not necessarily follow the United Kingdom policy on education. I am saying this; Mr Speaker, because they have a rather interesting article on education and this is a Mr Gordon Donaldson, a member of the National Union of Teachers National Executive and he is quoted by this paper as having said: "Sir Keith Joseph is a remarkably honest man. At a meeting of the National Union of Teachers National Executive which he addressed he spelt out the Government's priorities" - and, of course, I am talking about the United Kingdom Government - "and their priorities are defence, law and order, preservation of the value of old age pension". There is no mention of education or employment. I would hope, Mr Speaker, that the Government here doesn't decide to follow UK policies and issue the Gibraltar Regiment with a trident missile or issue horses to the Police here. Mr Speaker, our students are prepared and orientated towards achieving the same standard as in UK and also they are graded exactly in the same way as is done in UK. Our own teachers are trained in UK and they learn the skills and techniques practised there and the teachers in turn pass on their expertise and experience to our students and ultimately our students produce good results. I have been impressed by the results achieved by our students and I have, in fact, said this before in this House. The results produced by our students compare very favourably, in fact, with those results that are achieved in UK. It is

therefore sad, Mr Speaker, it is very sad indeed, to have to say that when the ultimate stage is reached, when the student decides to specialise in particular studies and after every effort has been put in by teacher and pupil alike, we find that despite having done everything in line with UK practice, despite basing our whole system on the standards in the United Kingdom, at this point the students receive less favourable treatment than their counterparts in UK and all this is because of our Scholarships Award System, it is all because of an absurd and ridiculous pointage system. The pointage system is like a curse on the students, in fact, I would venture to suggest that because of the economic implications with respect to the granting of scholarships, I would say that the pointage system could be referred to as the 'curse of the Pink Panther'. Mr Speaker, a lot has been said about the pointage system but I believe that one of the most constructive documents on the pointage system is this document I have here which is a report on the awards system carried out by a sub-committee of the Gibraltar Teachers' Association. The membership of this sub-committee was composed of seven teachers from various schools and their aim was to evaluate the present Scholarships Award System and make recommendations to the executive committee of the Gibraltar Teachers' Association for possible change in future policy. It is composed of three parts; Section (a) deals with the shortcomings of the present system; Section (b) the changes to the present awards system which are recommended by this sub-committee; and Section (c) is the general argument in support of their recommendations. If I may, Mr Speaker, go briefly over some of their criticisms and suggestions. Part 1 which deals with the limitations of the present point structure. The first point that they raised is that some subjects are not offered in November and that therefore students who wish to re-sit to obtain more points have to re-take the subjects the following June. This, however, presents great difficulty for some students since in language subjects more than half the number of set texts are changed from year to year. This, in effect, means, Mr Speaker, that if a student is sitting for an English literature examination, for example, and the set text was on Julius Caesar, he could well find that the following year they are dealing with Chaucer or something else and obviously this presents great difficulty and loss of time in trying to catch up with the studies. The second point that they raised is that the pointage system works on allocating points to the different gradings and the points are: for an A grade you would get eight points; for a B you would get six; for a C you would get four; for a D you would get two; and for an E you would get one point. The point that they raised is that the single point allocated to a grade E makes no significant contribution to the number of points required to gain a scholarship since it is possible to obtain more than twelve points with two passes without taking into account a third pass at grade E. I was rather baffled when I read this the first time but when I looked at the points it is quite clear, Mr Speaker, that there is no combination of the figures that will give you twelve points if you count the one point given for an

E grade, you can get more or you can get less. So it is rather insignificant that you should allow one point for an E grade because it won't make any difference at all on whether you obtain a scholarship or not. The third point that they raised, Mr Speaker, is that the number of mandatory scholarships awarded has a direct bearing on the number of non-mandatory awards granted, thus the student with just under twelve points may be awarded a scholarship one year but another student with the same number of points may not obtain a scholarship another year which, in effect means, Mr Speaker, that one student can have eleven points one year and he could be granted a scholarship and a student in exactly the same position with the same grades would be denied this opportunity on another occasion. The educational constraints which the point structure offers is also highlighted here. The present system leads to distortion of subject choices at 'A' level. Subject choices are made more with the aim of maximising points than with a view to the best preparation for a university course which means, Mr Speaker, that the student is so conscious of having to obtain the twelve points that he chooses what to him appear to be the easier subjects and not the ones he particularly likes or has an inclination for. The obsession with examination drilling and the point system on the part of the student is detrimental to the enjoyment and deeper understanding of the discipline being studied. As such they provide a serious obstacle to intellectual growth and academic success, that is another of the points that has been raised in this report, Mr Speaker. The negative effect on students' attitude and performance is also highlighted and the present system causes disillusion and frustration in students who have a place at university but fall short of obtaining the required number of points for a mandatory scholarship. It also produces an unwarranted sense of failure on the part of able students who do not get the required points. This is unreal since these students are usually in the top 20% of the abilities range. They then come on, Mr Speaker, to the recommendations to change the present awards system and the first recommendation that they make is that as of a statutory right any student who has been accepted by a university and has the qualifications to take up that place should be granted the necessary financial means to pursue his or her studies. Similarly, as of a statutory right, any student who has been accepted by an institute of higher education to follow a course for which there is no provision in Gibraltar and has the qualification to take up the place should be granted the necessary financial means to pursue his or her studies. As you can see, Mr Speaker, the motion that has been presented today is endorsed by the report of the sub-committee of the Teachers' Association. I think, Mr Speaker, that the document clearly shows that with respect to this motion we clearly have the teaching profession behind us and who better than the teachers themselves to tell us what should be done with students. But one point which is far more important than everything I have said so far is the rather astonishing fact disclosed recently by the Minister for Education and that is, Mr Speaker, that if the pointage system is abolished and every student who obtains a place and is accepted by a university were

to be granted a scholarship, that this would involve an extra cost of £400,000 to the Government. If you consider, Mr Speaker, that at the present time the Government is spending around £350,000 on scholarships, then the real meaning of this figure is that less than half the number of potential students are getting an opportunity to study in the United Kingdom or what means exactly the same is that more than half the number of potential students are being denied the opportunity of taking up further studies. It is therefore difficult to understand, Mr Speaker, how the Minister for Education could say in a letter which appeared in the Gibraltar Chronicle of the 4th May, 1985, that it is not the Government's policy to deny individuals the right to aspire to higher education. It may well not be their policy but they are denying the right to students to take up studies in higher education. I can appreciate, Mr Speaker, that in order to meet what we are asking for in the motion, that this needs organising ability and as you know when someone is inefficient or shows lack of ability, there is a common expression which says that 'he couldn't organise a party in a brewery', that is also used in a more crude way and I would say that the Government is unable to organise a party in a brewery and I would not even say that the Hon Minister for Education is incapable of organising a party in a brewery but what I can say, Mr Speaker, is that the Minister for Sport appears to be incapable of organising a basketball game in a basketball court and because he happens to be also the Minister for Education it worries me. Mr Speaker, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the Hon R Mor's motion.

HON G MASCARENHAS:

Mr Speaker, the Hon Member has highlighted the report that was made by the Gibraltar Teachers' Association on the matter of scholarships. I wanted to refrain from using it in my intervention today because I feel that whatever the Gibraltar Teachers' Association, whatever recommendations they make as professionals, have to be respected but it is very easy to have power without responsibility and to make all sorts of recommendations when it is not you who has to come here in April to tax the people of Gibraltar. I would qualify that the report made by the Gibraltar Teachers' Association is pie in the sky and very commendable but I do not think that in today's society, in today's economy in Gibraltar, there is any possibility of being able to use it to its full extent. The reference to the single point allocated to the grade E is a case in point, Mr Speaker, and it is possible to obtain twelve points with just two passes without taking into account the third pass with a grade E, yes, that is not significant, we have worked out the mathematical combinations and that one point can never be that significant. I am not a



mathematician and all the experts tell me that you will find very few students who have failed to get a scholarship at least reach the twelve points to be able to get a mandatory because of one point, very rarely, and I have the list for last year.

HON R MOR:

If the Hon Member will give way. The point I am making is that it is arithmetically impossible if you have three subjects and you count one point for an E grade, it is arithmetically impossible to get twelve points.

HON G MASCARENHAS:

I am sorry, I don't quite understand, if the Hon Member will let me finish.

MR SPEAKER:

You will have the right of reply.

HON G MASCARENHAS:

The Teachers' Association indicate in their report that the number of non-mandatory scholarships are controlled by the number of mandatory scholarships awarded. This is quite true and it is a very valid point and something that we are quite aware of. I have said on many occasions that the system is not perfect and this is one of the areas which needs looking into but unfortunately the solution is, of course, funding. If we take the averages over the years you will find that it is pretty constant over the years and therefore, yes, it might be unfair on the one student who fails to obtain a non-mandatory because in that particular year there are more mandatory ones being granted, I accept that completely. The Teachers' Association also quote, and I would like to read this, Mr Speaker: "Obsession with examination drilling and the point system on the part of the student is detrimental to the enjoyment and deeper understanding of the disciplines being studied, as such they provide a very serious obstacle to intellectual growth and academic success". Beautiful, absolutely beautiful, that is a valid judgement on their part and as I said earlier, they are not the people who have to tax the people come April every year and it is very easy to make assessments of that which is perfectly acceptable from a profession who have education very deep down. The other thing that the Teachers' Association also recommend: "The demands made on students by university entry requirements can be a source of tension and anxiety and this problem is compounded in our own students by the point system" - the Hon Member has more or less said the same thing - "Evidence from research suggests that the test anxiety is one of the main causes of under-functioning and under-achieving by sixth form students". Again, this is absolutely fantastic, the only thing is what do we do, do we remove all the examinations?

Then how do we award scholarships? Mr Speaker, we have heard that the policy of the Opposition - the Gibraltar Socialist Labour Party - is to award scholarships to all those who can obtain a place in university and it follows from that that those students would obtain two 'A' levels. In the vast majority it is impossible virtually to obtain a place in a university or higher education institution in the United Kingdom unless you have two 'A' levels so it follows from that and that is a logical argument. I don't know, Mr Speaker, if my shadow on education is aware totally of the UK system. As a result of this motion, I have had to study quite substantially how the system works in the United Kingdom because I wasn't quite aware of it and it seems to me and not only to me but to a lot of educationalists in the United Kingdom that their system is far from perfect and even if ours is not perfect I certainly think that their system is neither better nor worse than ours but it is a system which is different. The mandatory awards in the United Kingdom are given only for first degree studies. In Gibraltar we have a substantial number of students who go on to higher education whereas in UK the funding will only be for first degree. If students were to leave their particular course at any time during the three or four years of that degree course, they have no right to appeal or even to change their courses. I can tell you, Mr Speaker, that here in Gibraltar we are very sensitive to the needs of our students and we find that on many occasions students who enrol for one particular course, after the first term and some after the first year, find that they have made an error and that they wish to change course and we tend to look at those bona fide students very sympathetically whereas in UK if the same thing happens the Local Education Authority which has made the grant would not fund you for a second one. Mr Speaker, I said that the UK system was neither better nor worse than ours but simply a different one.

HON J BOSSANO:

If the Hon Member will give way.

HON G MASCARENHAS:

You have the right to speak later but I will give way.

HON J BOSSANO:

I can speak after him but then he won't be able to answer. Can he explain how a system that is not better than ours costs more money because he has been arguing for the last ten minutes that we cannot afford to improve our system and now he tells us that we wouldn't be improving it?

HON G MASCARENHAS:

Mr Speaker, I have set out to make a point that the UK system might not necessarily be better or worse than ours, what I am saying is that it is different. Ours is by far not perfect, I admit that, and the case in point is the question of the ceiling that we set on the number of scholarships given in any one year and that might prejudice the non-mandatory applicants, I accept that, but within that system I think that we have a system which is tried and tested over the years and has been very successful for Gibraltar and if the Hon Member allows me to proceed I will make a further exposition why I think our system is that good although not perfect. Mr Speaker, the UK system is geared to meet present needs in a way that Government can exercise control over financial resources committed to higher education, these are no different to the realities of Gibraltar, they are governed as much by finance as we are. However, it is a fact that local authorities award a mandatory scholarship to those who obtain a place at university. It is also a fact that the number of places in university are controlled by the University Grants Committee so what happens is that the central authority actually gives the money to the universities in the United Kingdom and controls the number of places that they can give. Therefore, the Local Education Authority where the students make their applications are very strictly controlled in that they cannot offer any more grants than what the central government has made available to the particular university so it is a Catch 22 situation. The advice that I have is that the Local Education Authorities are empowered to give a discretionary grant to those students who do not obtain two 'A' levels and who wish to pursue non-degree courses but I have a quotation from the Guide for Students that I will read because I think it is worth reading, it says: "Things are getting bad. Do not assume that a three-year grant is your automatic right. In particular watch out that you do not lose your grant if you change course. Fundamentally, you are eligible for a mandatory grant if you are ordinarily (but there are problems of definition) resident in the UK" - they don't even know how to define 'ordinarily resident in UK' - "and have been so for at least three years and that he is doing a degree course or equivalent. Qualifying courses are decided by the Department of Education at the time. If you do not meet these conditions then the LEA can make a discretionary award but in the present financial climate are often not making any discretionary grants at all. Local Education Authorities do their best to class you as discretionary and so to avoid paying". That is the advice of a substantial book which is produced yearly for students.

HON J BOSSANO:

By the Students' Union.

HON G MASCARENHAS:

No, by the universities. Mr Speaker, whilst the United Kingdom, as I have mentioned, is also severely constrained financially and funding is a problem here in Gibraltar there is no difference. We have to exercise control according to our needs and to our resources but we have to do it differently. I would say, however, that our overall results are indeed better than in the United Kingdom. The Hon Member did say that under our present system we would be behind the number of students that are able to take grants up in the United Kingdom compared to Gibraltar. Well, I have statistics here, Mr Speaker, which will prove otherwise. The number of new awards in the United Kingdom during an average year, and this is the figure quoted in Parliament last year, is 11.1% of all students leaving school who go on to higher education and I must point out that the figure includes not only degree courses but non-degree courses, college of further education subjects, in fact, anything and everything that can be put in there to manipulate the figure to improve it. Mr Speaker, on the number of new awards made in Gibraltar the figure is 11.8% per annum and that excludes the Government training schemes within the Telephone Department and Public Works, the training schemes that we have. Yes, those are technical diplomas whereas in UK in the 11% they are including it. It does not include the Commonwealth Bursaries and does not include the Mackintosh Trust and the Gavino's Trust. I think it cannot be said that the UK system affords more opportunities because, unfortunately, in UK even those obtaining two 'A' levels are still not obtaining grants or university places whereas in Gibraltar if a student obtains the twelve points he will get a mandatory award under law and whether the Government has provided funding or not we will have to meet that scholarship. Mr Speaker, it is important to remember at the end of the day that it is the general body of taxpayers that foot the bill. The Hon Member has made the exposition based on the Gibraltar Teachers' Association and if what they propose were to be implemented even though it is highly desirable the cost would be even considerably more than what the GSLP policy is because the GTA go one further, the GSLP policy is that anybody who obtains two 'A' levels and obtains a place at university should go for higher education, the Teachers' Association go one further, they say that anybody wishing to go to higher education even if it is a non-degree course should be sent. I haven't worked out the figures as to what that would entail if every sixth form student were to ask for a scholarship even for non-degree courses but I have worked out the figures, two months ago, and I have had them up-dated and that figure is exactly the same, we still do not know what the results this year are but based on the premise that about seventy students would obtain two 'A' levels, that was the figure in 1984, assuming that seventy wanted to go to the UK the extra funding required would be £400,000 over and above the £350,000 which we are already funding. I would agree, Mr Speaker, that it is highly desirable but I also think that the Government has a responsibility to the vast majority of people in Gibraltar who do

not aspire to a higher education and who wish to train and study in some other field and that is why the considerable investment which the Government of Gibraltar, certainly the highest investment in education in recent years, the amount expended on the College of Further Education as from 1st April this year will be very nearly £400,000. So it could be said that rather than open a College of Further Education we could fund an extra thirty students for degree courses and deprive on present financial limits 700 or 800, figures still to be known, of the number of people who will take advantage of the College of Further Education, a College which will have no limits in the sense that any manner of courses so long as there is a demand will be carried out at that College. Unfortunately, the higher education candidates and subsequently students, are in a minority, it is the majority who fund the person who goes to university. I think that society, generally, in Gibraltar accepts that this should be so but what I cannot accept is that every single person who obtains the required two 'A' levels according to GSLP policy should be sent to the United Kingdom and that the general taxpayer should pay for it at the expense, and I call it that, at the expense of the vast majority of people who haven't got, and I will refer again to the grey matter, who haven't got the grey matter and who also need training and Gibraltar has a need for skills other than professional people and there are, certainly at the middle to the lower ability students who require training in many, many aspects and very sadly there is nothing in Gibraltar today and it is Government's intention to redress the situation with the new College of Further Education. Mr Speaker, I recall that two months ago a small group of sixth formers from the two Comprehensives wrote a letter to the Chronicle as a result of my appearance on television on the subject of scholarships. I have no doubt that they were politically motivated by an even smaller group and they quoted and it makes interesting reading that unless the present system was done away with they, and I quote: "would lose faith in Gibraltar and themselves". I replied to that letter and I wish to repeat what I said then: "That Gibraltar and the taxpayers of Gibraltar do not deserve a statement of that despondent nature particularly when the present system offers equal opportunity for all and means is not an obstacle". And I have to repeat that means is not an obstacle. Anyone obtaining the twelve points has to be sent to the UK for higher education, that is the law. My own sources from - I won't say where - but my own sources confirm that that is not the general feeling in the Comprehensive Schools, the subject of that letter. The finger was pointed at those borderline cases who do not expect to receive the twelve points and therefore some of them are looking through the whole issue from an egoistic point of view and others are very sincere. What I would like to mention here today is that the question of scholarships is not something that stands still, Government did carry out a review of the Regulations this year and we are certainly very conscious that if there is a need for more scholarships, if there is more money available, certainly

the twelve points system could become a ten points system, an eleven points system. There is scope for that and certainly this Government will not close the door to revising any Regulations in the future if it considers that it can afford it, that the community should afford it and that there is a need for those specialists which can only be produced by granting of scholarships. Mr Speaker, the Hon Member said that I am not capable of organising a basketball match. I don't know where he got that idea from, I haven't organised a basketball match for six years but I can tell the Hon Member that last night I presented the trophies in the junior championships held at Westside School and I can assure him that I was asked to referee once again. That is all, Mr Speaker.

HON J BOSSANO:

Mr Speaker, I would have contented myself with interrupting the Hon Member opposite but since he has preferred that I should not I am afraid he gives me no choice after the ridiculous and provocative things that he has said but to stand up and show him the error of his ways. I think the House would benefit and Gibraltar if we sent the Hon Member on a course himself to find out, if the grey matter that he has can stand the strain, to find out how the system works. He said that he had taken the trouble to find out how it works and he has shown himself how the system of grants works in UK and the Hon Member has shown (a) that he doesn't understand and (b) that he is totally incapable of following the logic of his own arguments. He started off and finished with an argument about financial constraints and in the middle of the sandwich he put an argument about the undesirability of following the UK system of grants because it was no better and no worse than ours, just different. The argument against it on the grounds of cost is the argument that it is better, that is why it costs more, it is better because it gives more people an opportunity. If the Hon Member is saying that if we gave everybody with two 'A' levels and a place in university a grant that would cost us £400,000, it must mean that it is costing us less now because there are people who could get a grant and who would get a grant in UK and who don't get it in Gibraltar. If they wouldn't get it in UK they wouldn't get it in Gibraltar if we moved to the UK system because, in fact, what the local authorities give are maintenance grants, the local authorities do not control entry into the university, that is controlled by the university.

HON G. MASCARENHAS:

By the central government.

HON J BOSSANO:

No, by the university committee it is controlled, the thing is cleared through UCCA, as the letter which he quotes from the students points out, and therefore if a university is given £10m a year from the central government it can afford to have ten places in biology or twenty places in biology or whatever.

HON G MASCARENHAS:

If the Hon Member will give way. The amount of money is not at issue, what is at issue is that if the central government tells them that they can only have 10,000 places for dentistry they are limited to that money and if he were in possession of the facts that I am in possession of the number of universities which are very heavily fined for going just one above the number set by the central authority and we are talking about 10,000 doctors or 10,000 dentists for the whole country. That is the purpose of funding.

HON J BOSSANO:

Mr Speaker, the central government, the politicians, provide the amount of subsidy because, in fact, the courses are subsidised in UK. What we pay is the maintenance of our students, particularly when we manage to obtain that the Gibraltarians should pay the same rates as UK students and not the overseas rate, we are getting education for our children subsidised by the UK taxpayers, we are not paying the full cost of the education. Is the Hon Member under the misapprehension that the amount of money paid by the Gibraltar Government to the university meets the full cost of education or doesn't he know that universities are subsidised in UK? They are subsidised. Therefore if we send somebody to study to be a doctor it doesn't cost us the full cost of training him to be a doctor, it costs us the maintenance grant and it costs us what it would cost to send a UK citizen. He doesn't pay the full whack that a foreign student does so we are getting subsidised education because under EEC Rules this is available to other EEC nationals although in practical terms I imagine that very few EEC nationals take advantage of it because of linguistic difficulties and because the secondary educational system in the EEC is not geared for university entrance under the UK system like ours is. We train all our children under a UK educational system to take 'O' levels and 'A' levels to get them into university. The universities then receive applications and they have themselves a screening process based on grades so if the grades that our students have got, irrespective of the twelve points, do not meet the criteria laid down by the university they get rejected and then they go through the clearing system and if they are lucky and they find a university running the degree course in the subject that they want to take which has got a standard which they can get over, they need to get over that obstacle, then they get in otherwise they don't so,

in fact, the twelve points system, which is what the Minister doesn't seem to understand, only rejects people who have been accepted by universities. If the Hon Member came tomorrow and said: "Right, I am scrapping the twelve points system", it doesn't necessarily follow that all the seventy people with two 'A' levels are going to get a university place because they may have two E's and they might not find any university prepared to take them with two E's and then it wouldn't cost the Government any money but what the Government is doing is that by having the twelve points system as an additional requirement on top of the requirement of academic ability, it means that those people who in competition with students from UK manage to get a place at university then find that if they were in UK they would get a mandatory grant because they have got the two 'A' levels and they have got a place and in Gibraltar they don't have a mandatory grant. The local authorities in UK in addition to the mandatory grants there are, as the Hon Member has said, discretionary grants and the discretionary grants are for the people who do not have the two 'A' levels or the people who do not get on to a degree course and those discretionary grants are under great pressure because the Conservatives in UK are cutting back on education like they are cutting down in other areas. Surely, the Hon Member doesn't think we should follow that example in Gibraltar because Labour authorities are prepared to put the rates up in order to make the necessary discretionary grants to students of lesser ability and they are having a big problem in UK because now the Conservatives are not even prepared to allow them that freedom, they are now having rates cutting and they are now being told that if they increase the rates they are either going to be taken to Court or their grants from central government are going to be reduced. The situation is that the education system is suffering and that is what the Hon Member is seeing reflected in the statement that he read from the universities which is, I think, a position that the Students' Union in most universities have been telling their students about for a number of years now that there is an enormous pressure from the central government for ideological reasons, ideological reasons that the Hon Member should not share unless he has changed his colours completely since he stopped being the Chairman of the GSLP because he certainly believed in what we were saying then and I cannot believe he has changed that much.

HON G MASCARENHAS:

I went on a course after I left you.

HON J BOSSANO:

Well, then I think it was a course to the detriment not a course for an improvement, Mr Speaker. I accept his argument if he comes along and says: "We believe it is a good thing, we believe that it is something we ought to do but we cannot afford it this year and we are going to try and do it next year". I might argue whether they can

or they cannot afford it because I think his figures on the cost are all wrong but what I cannot accept is that he tells me that they cannot do it because they haven't got the resources and that in any case they wouldn't want to do it if they had the resources because it is not that the UK system is better and that more children would get a better education, it is just that the UK system is different from ours. That indicates that they arrive at the same end product by a different route and that is simply not true and if he believes that to be true then the question of the financial cost is nonsense, it is irrelevant. If he thinks that moving to a system that says mandatory grants have got to be for people with two 'A' levels and a university place, if he thinks that that is no different from the twelve points system then the question of the money is nonsense because if you replace one with the other it wouldn't cost more it would cost the same because it isn't better it is different and that is why I interrupted him because I thought he was following a road, he was then at the middle of the sandwich, he was following a road which appeared to contradict everything he had said already. My astonishment was that he should finish back where he had started, he did a complete circle. He said everything was black, then he went on to say that everything was white and then he finished up saying everything was black again. We cannot accept that the arguments that he has put hold any water at all because at least his predecessors in the AACR administration have used the argument that the system that we have effectively gave the opportunity to go to university to all the people who could beneficially gain from it and then they went on to the argument in later years because this has been in the House as you very well know, Mr Speaker, since 1973, there has been a regular yearly event on this one, and then they moved on to the argument that in the current economic climate of the 1980's with increasing unemployment, the uncertainty of the Dockyard's future, the Lisbon Agreement not materialising, it was no time to make improvements, we could call ourselves lucky that we were preserving our social and our educational services as they were but let us not be told in the same breath that this is not an improvement that we are seeking and that we cannot afford it because it is an improvement beyond our means, either it has got to be one or it has got to be the other, it cannot be both. We think the Government would find that it didn't cost that amount of money because I don't know how the Hon Member does his sums but if we are spending £350,000 in financing students who are in years one, two, three and four of the course then I don't see how increasing the number of students in year one by doubling them increases the cost for the four years which is what the Hon Member is saying. The £350,000 a year that we are spending now is not on the students in the first year, it is in the students in the four years. If this September instead of sending thirty-five we send seventy we only double the first year students, we don't double the students in years two, three and four. The cost of £400,000 would be spread over four years it wouldn't be

the cost in one year. The Hon Member is giving the impression that he would have to come back to the House this year and vote an extra £400,000. That would not be the case unless he increased the four year students, the three year students, the two year students and the first year students all in September this year which he cannot do.

HON G MASCARENHAS:

If the Hon Member will give way. Mr Speaker, we have an average of 160 students there every year, those have still got to be paid for.

HON J BOSSANO:

I know, Mr Speaker. The students that we have at the moment cost us an average of £350,000 the Hon Member has said.

HON G MASCARENHAS:

That includes new scholarships.

HON J BOSSANO:

Yes, it includes new scholarships that is a relatively stable number, that is, if we have got, for the sake of a round figure, thirty people a year then in four years we have got 120. When we take thirty new ones there are thirty who complete their studies and we still have 120. If we took thirty more this year we would go up not from 120 to 240 students, we would go up from 120 to 150 students and the cost could not go up from £350,000 to £700,000 because we would be increasing the number of students by 25% and not by 100%. It would be 100% on year one but 25% of the total people in education in UK and therefore the figure is wrong.

MR SPEAKER:

It will be 100% in four years time.

HON J BOSSANO:

It would be 100% in four years time, yes, but not in one year.

HON G MASCARENHAS:

That doesn't matter, does it?

HON J BOSSANO:

It does matter because if the Hon Member says he cannot afford £400,000 he might be able to afford £40,000 but if he is saying that even if it cost £4 it is still not on

then it has nothing to do with money and then he shouldn't parade the argument of the long suffering taxpayers because the long suffering taxpayers, I am sure, begrudge their money being taken out of their taxes less if it is going to be spent on education than if it is going to be spent on many other things that the Government spends money on of which many people have very serious reservations.

HON G MASCARENHAS:

If the Hon Member solves the electricity dispute perhaps we will have the required funds.

HON J BOSSANO:

The Hon Member cannot solve the electricity dispute from this side of the House, Mr Speaker. The Hon Member would solve that dispute and any other dispute when he has the responsibility to do so in Government, that is the position, and in Government we may not have the kind of problems the Hon Member has on that side and then we may have money for this and for many other things, you never know. But the point is that we are pointing out that there are two fundamental arguments that have been put by the Minister responsible, one is the argument that the system is not better which I think is defeated by his own admission that if the mandatory scholarships were for two 'A' levels and a place in university it would cost more money and more people would get to university therefore that, by everybody's definition, is better if the object of the exercise is to give people an education at university and to give it to as many people as possible and we honestly believe that in Gibraltar the most important and the most valuable resource that we have are its people and that if one child in Gibraltar misses the chance of developing his talents to the full and finishes up doing a job that he doesn't like doing in a mediocre fashion the community has not gained, the community has lost. If you drive people into doing things that they don't like doing and which they have to do because they would like to go and study and do something else and they cannot because they have got eleven points instead of twelve, that person will never be a satisfied and a happy person and therefore will never be an entirely useful member of the community and it is a sound investment and most of the students that we send away, even the ones who cannot come back want to come back. I have said this many times in the context of this motion before, Mr Speaker. In that respect we can be quite relaxed about the brain drain because my experience is that there is a long queue of people wanting to be back in Gibraltar because they never settled down entirely or feel at home entirely anywhere else in the world and the only problem about coming back is that professionally they find that the opportunities are not here. I think we have an obligation to our children to give them the opportunity to develop their natural abilities and their intelligence and their talents to the full, that they

shouldn't be less well qualified or have less gainfully employed rights because they have had the misfortune to have been born in Gibraltar as opposed to having been born in the United Kingdom, that is the essence of the motion. A commitment that we will not be satisfied with less for our own. I honestly believe that the financial burden will not bear analysis, I honestly think Gibraltar can afford this and I think if the Hon Member does his homework better he will find that it is so and I hope the Government will reconsider its position and put this matter right once and for all. It has been kicked around now for twelve years, Mr Speaker.

MR SPEAKER:

Are there any other contributors? I will then call on Mr Mor to reply.

HON R MOR:

Mr Speaker, just a couple of points. I think that one of the main reasons why the Government is saying that they cannot meet what the motion is asking for is the question of funding. Well, Mr Speaker, what would happen if there was to be a sudden demand for extra electricity or a sudden demand for extra water or whatever? The Government would have no choice but to go and find the money and as my Hon Colleague, the Leader of the Opposition, was saying, there is no better investment, Mr Speaker, than that of investing in the future of our youth because it is the youth of Gibraltar who will one day have to take over and they have to be given the best opportunity possible and that cannot be just discarded in the manner it is being done by the Government on the basis of the requirement of £0.5m or whatever. The solution, I think, is to find the money and whatever effort must be made should be made, the same way as if you need water or if you need further electricity you would have to find the money. Another point I would like to raise as regards the pointage system, Mr Speaker. The Opposition's point of view is that it is the universities who should set the standard of acceptability of the scheme and we do not think that it should be the Government of Gibraltar who should do that and that is why we think that the pointage system should be done away with. The Minister for Education raised once again, because he had done so before in a letter to the press, that we now have the College of Further Education which will be there to take on students for higher education. Mr Speaker, I don't think it is clear yet as to what the function of the College is. We have raised this question before that the only new element with regard to the previous Technical College is that of business and commercial studies. I can tell the House, Mr Speaker, that even today it is very difficult to find personal secretaries and to find typists and as far as I know there is no likelihood of that happening very soon so, in fact, what exactly



is the College of Further Education expected to do in the near future? It may well be able to do what the Minister is saying in about ten years time but it is certainly going to take quite a while before it can become a proper College of Further Education in the sense that the Government intends it to be. I therefore feel, Mr Speaker, that I think the Government should vote in favour of the motion and that we should make an effort as it is very important for the youth of today that we should pass this motion in the House. Thank you, Mr Speaker.

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

The Hon J L Baldachino  
The Hon J Bossano  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J C Perez  
The Hon J E Pilcher

The following Hon Members voted against:

The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon J B Perez  
The Hon Dr R G Valarino  
The Hon H J Zammit  
The Hon E G Montado

The following Hon Member was absent from the Chamber:

The Hon E Thistlethwaite

The motion was accordingly defeated.

#### ADJOURNMENT

HON CHIEF MINISTER:

Mr Speaker, I would like to move the adjournment of the House to Wednesday the 31st July at 10.30 am. I have indicated already to the Leader of the Opposition the reason for that and that is in case we have got to bring any legislation before the summer recess.

Mr Speaker then put the question which was resolved in the affirmative and the House adjourned to Wednesday the 31st July, 1985, at 10.30 am.

The adjournment of the House to Wednesday the 31st July, 1985, at 10.30 am was taken at 4.30 pm on Thursday the 27th June, 1985.

WEDNESDAY THE 31ST JULY, 1985

The House resumed at 10.45 am.

PRESENT:

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

GOVERNMENT:

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

OPPOSITION:

The Hon J Bossano - Leader of the Opposition  
The Hon J E Pilcher  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon J C Perez  
The Hon J L Baldachino  
The Hon R Mor

IN ATTENDANCE:

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

PRAYER

Mr Speaker recited the prayer.

MOTIONS

HON DR R G VALARINO

Mr Speaker, I beg leave, in view of the long wording of the motion standing in my name, that it be taken as read.

MR SPEAKER:

I feel sure that Members of the Opposition will accept that.

HON DR R G VALARINO:

Mr Speaker, at the meeting of the House held on the 31st October, 1984, in the context of the review of Social Security Benefits and contributions for 1985, I presented a motion proposing an increase of about 5% in benefits payable under the Employment Injuries Insurance Ordinance, an increase in contributions of 2p for each employer and employee. The motion was passed and at a later stage in the proceedings legislation was brought before the House to give effect to the proposed increase in benefits. Due to an oversight, however, the corresponding Order to give effect to the increase in contributions to the House was not put before the House. This motion is designed to rectify that omission. I am advised that the more appropriate wording for the clause relating to the commencement date of the Order would be: "This Order shall be deemed to have come into operation on 7th day of January, 1985", and I accordingly propose that subclause (2) of Clause 1 of the draft Order before the House be amended to read accordingly. I commend the motion to the House.

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

HON M A FEETHAM:

I take it that these are the contributions which are already being paid by contributors?

HON DR R G VALARINO:

Yes.

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

HON ATTORNEY-GENERAL:

Mr Speaker, I beg to move the motion standing in my name on the Order Paper: "This House resolves that the Pensions (Amendment) Regulations, 1985 (copies of which have been circulated to all Honourable Members) be given retrospective effect to the 16th day of August, 1977". Mr Speaker, the Regulations which have the sanction of the Secretary of State will be made by the Governor-in-Council. However, the approval of this House is necessary in order to give the Regulations retrospective effect to the 16th August, 1977. Under the existing Pensions Regulations, Mr Speaker, only full-time service under the Government of Gibraltar is taken into account as service for the purpose of the Pensions Regulations. By these amended Regulations account is to be taken of full-time service, part-time service or a combination of both full-time and part-time service. In the case of teachers, Mr Speaker, part-time service is defined as full mornings

or full afternoons during every working day of the week or continuous service on every working day of the week in any combination of full mornings or full afternoons as the Governor may approve with a minimum in each case, Mr Speaker, of ten hours per week. In the case of all other officers except teachers, part-time service is defined as service of not less than eighteen hours per week during the period 16th August, 1977, to 30th September, 1982, and service of not less than fifteen hours per week for the period from the 1st October, 1982. Mr Speaker, I cannot sit down without once again apologising to this House and to all the individuals who have been adversely affected by my delay, the inordinate delay in bringing this legislation before this House. Mr Speaker, the major part of the fault is mine and for this I am very sorry. I commend the motion to the House.

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

HON R MOR:

Mr Speaker, I am delighted to welcome this motion. I am delighted because, as you know, the Gibraltar Socialist Labour Party has been consistently asking for this since 1974 and as you may recall . . . . .

HON A J CANEPA:

You were not in existence in 1974.

HON R MOR:

Well, if I remember correctly during the debate we had on the motion here we did say that the first time the matter was raised was in 1974.

HON A J CANEPA:

The GSLP wasn't yet born.

HON R MOR:

I apologise for having misled the House, I tried it but it just didn't work. There can be no doubt, Mr Speaker, that this is yet another victory for this Opposition. It is, indeed a victory for the Trade Union Movement as a whole and it is really interesting to note that to get this legislation introduced we have had to wait eight years. If you recall, Mr Speaker, very recently legislation on the Landlord and Tenant Ordinance was very speedily, efficiently and expeditiously brought to this House in order to overturn a decision which was previously being taken on behalf of the majority of the people of Gibraltar and I think this is a sad state of affairs and it is typical of the confusion

which reigns with the present AACR Government policies. I have heard it said, Mr Speaker, at some time or other in the past, that the mafia rules OK in Italy and perhaps also in the United State of America. I do hope that we may never have to reach the stage here in Gibraltar where it can be said that the landlords rule OK. As I said, Mr Speaker, I welcome the motion and we will, of course, be voting in favour.

HON A J CANEPA:

Mr Speaker, I am glad to hear that the Hon Member from the Opposition welcomes the motion albeit with a political tirade. I am glad to see that the Opposition have scored a victory and I am even happier to see that the Trade Union Movement has scored a victory. May they enjoy many more victories such as this one. If it has taken eight years for this legislation to come before the House it is in no small measure due to the efforts that have been made on this side of the House and had those efforts not been made it might not have taken eight years, it might have taken sixteen years or it might not have come at all in spite of all the victories from the Opposition and from the Trade Union Movement, it might not have come at all. I regret the delay because it has been a cause of personal concern for me and bother and embarrassment. Embarrassment here in the House when I have had to defend the inertia of the system that does not allow on certain matters more speedy execution of decisions taken politically and concern about the amount of work that I have had to do behind the scenes to try and get this matter moving but all the delay cannot be laid at our doorstep, all the blame for the delay of the system such as I have mentioned it because some of the unions which are members of the Trade Union Movement have been the cause of the delay, not eight years perhaps but two or three because in some cases they were intransigent, in some cases they were difficult about it. If there is some good that has come out of the whole thing it is perhaps the fact that the delay has meant that we have been able to take care and mop up not just the question of part-time service involving eighteen hours a week but that in fact we have now been able to legislate for the more recent change which took place in the United Kingdom and have that reflected in our legislation, namely, lowering those eighteen hours to fifteen hours a week. As I say, I am glad to see that at long last the matter is here before the House and I can assure the Hon Member opposite of one thing, if he were ever to be in Government I doubt whether he would be able with all the victories that he thinks that he can score to stretch life and limb and sinew to get matters such as this one before the House quicker than what we have done. The frustration involved might soon disenchant him, something which it hasn't done in my case, there are on certain matters difficulty in processing matters. It is regrettable, it is regrettable because I know that a number of people in Government employment have been awaiting this and even though assurances have been given in the House that the matter would come here and I have had to give those

assurances because it is I myself who have had to stand up in debates on a number of occasions, on three or four occasions, to be in the firing line as I don't mind being but let him not think that it is that easy.

HON J BOSSANO:

Mr Speaker, I wish the Hon Member had in fact explained why it is not so easy. If the Government of the day enters into a commitment with its employees and then finds it cannot legislate to give effect to that commitment, it is a very peculiar state of affairs. And that it should take eight years as a result of straining every sinew and that if the Government hadn't strained every sinew it might have taken sixteen years or might never have come at all, that is a very serious thing because who is governing Gibraltar? These pensions are going to be paid by the Gibraltar taxpayers, it is not going to be paid by the British Government. I think it is very nice of the Hon and Learned Attorney-General to say that it is entirely his fault, it isn't entirely his fault, it cannot be entirely his fault, he hasn't been Attorney-General for eight years. We can hold the Government of Gibraltar responsible for it because they have been continuously in office since 1977. If they hadn't been we couldn't do it, we certainly cannot hold the Hon and Learned Member responsible for it because he hasn't been continuously Attorney-General for the last eight years. At one stage it was said that it was a question of too much work in the Attorney-General's Chambers, at another stage it was a question of having to clear it with the Secretary of State. As far as I am concerned, my understanding of what clearing it with the Secretary of State means is that this is a technicality but that there isn't anything that the Secretary of State can do about it because we had a situation here where in the Budget, Mr Speaker, last year the Government announced that pension increases were going to be cut by half the rate of inflation and in the course of twenty-four hours the Government changed its mind and the Government decided to do it without having to wait seven years to clear it with the Secretary of State so if nothing on pensions can be done without the clearance of the Secretary of State we would have had to wait seven years for that to be cleared and we didn't and that had a much bigger financial impact than this because in fact although there are some people who have suffered unnecessary hardship during these eight years and there may be some people who sadly are no longer with us for whom they are applying a retrospective pension, the reality of it is that the numbers of people involved are minute in the context of the bill for paying the pensions of the Gibraltar Government. We are talking about primarily, in fact, part-time staff in the non-industrial field in the nursing profession which is where the bulk of the part-time staff are and this is where in fact the initial claim came from. The initial claim came because the practice in the medical services has been that when nurses get married and start a family they have tended to go from full-time to part-time and then they lost their pension rights and this is

really where the pressure has been all the time for a resolution. On the industrial front, in fact, part-timers the bulk of whom are employed as cleaners in the Government have been pensionable all the time because the interpretation given to the law consistently has been that if you were doing a full-time job of eighteen hours or ten hours or whatever, if that was your full-time job then that was pensionable but if it was a full-time job split into two then it wasn't pensionable so we have had people who have been getting a pension for ten hours and people who haven't been getting a pension for eighteen hours. If we were talking about a major radical reform of the pension scheme in Gibraltar I would understand that this might need to be cleared because it might have financial implications for the stability of the Government finances and that the British Government have got a say in that sort of thing but we were following UK practice, the eighteen hours was a copy of the criteria used in the principal civil service pension scheme and I cannot imagine why a Secretary of State in the United Kingdom thinks it is good enough for an English civil servant to get a pension after eighteen hours and not for a Gibraltar and we have moved to fifteen hours because they have moved to fifteen hours. I cannot really believe that the fault lies because of the difficulty in persuading anybody outside Gibraltar of the reasonableness of this. The job of persuading the Government was done by the Trade Unions a long time ago. The Government was convinced of the validity of the claim before 1977 because by 1977 they agreed it, the claim had been going round for some time and eventually they saw that it was a small group of people, they were a deserving case, it was a reasonable claim, it wouldn't cost a lot of money, it just has taken an unexplainable amount of time to materialise and it certainly hasn't been explained today why that should be so and if it is such an uphill struggle to change something like this then I don't know what we would do if we had a major and radical unified pension scheme change which the Government wants to do, presumably that would take 160 years, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, like everything else there isn't really one reason why this has taken so long, it is a combination of reasons. First of all, it was tied up to the overall review of the pensions scheme which itself was taking a long time and it was the delay that made us take it out of the review and deal with it separately. That was one aspect. When we talk about the Secretary of State it looks as if we have to wait until he comes back from Vienna or from Milan to look at some papers. What happened with the pensions legislation is that it is overseen by the ODA because they have an overall responsibility and they want to ensure that any amendments are consonant with others. That in itself may or may not be a good reason but it exists and you have to clear it and you have to send it and, as I say, it takes some time and also, if I may say so, and I think my Friend has already pleaded guilty to the whole of it, there has been an element

of delay in the Attorney-General's Chambers at the time when they didn't have sufficient staff to deal with it. So really it is a combination of all. The intention of the Government has been there but it does, as my Hon Colleague said, it does lead to frustration when we want to do something and it takes so long to do it because the commitment was there. Anyhow, let us rejoice that at last we can put that aside and let us hope that the revised pension scheme on which work is being put on, I won't say it will not take so long because that would be an understatement, that it takes less time to produce.

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

### BILLS

#### FIRST AND SECOND READINGS

THE REGULATION OF DOCK WORK (AMENDMENT) ORDINANCE, 1985

HON ATTORNEY-GENERAL:..

Sir, I have the honour to move that a Bill for an Ordinance to amend the Regulation of Dock Work Ordinance, 1978 (No.17 of 1978) be read a first time.

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

SECOND READING

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, the present definition of the term dock work contained in Section 2 of the Regulation of Dock Work Ordinance 1978 excludes all operations conducted in respect of cargo from ships exclusively employed in carrying, inter alia, vegetables, fish and fresh fruit. As a result of the present wording of the definition, operations in respect of cargoes of fresh, dry and frozen vegetables and fresh, dry and frozen fish are all excluded from the definition of the term 'dock work'. It is considered, Mr Speaker, that the operations in respect of cargoes of dried and frozen vegetables and dried and frozen fish should come within the definition of dock work and that only operations in respect of cargoes of fresh vegetables and fresh fish should be excluded to bring it into line with fresh fruit which is already contained in the definition. That is the object of the Bill, Mr Speaker, which I now commend 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 M A FEETHAM:

Mr Speaker, just to say that we are in agreement with the merits of the Bill.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

#### COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the House should now resolve itself into Committee to consider the Regulation of Dock Work (Amendment) Bill, 1985, clause by clause.

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

THE REGULATION OF DOCK WORK (AMENDMENT) BILL, 1985

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.

#### THIRD READING

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to report that the Regulation of Dock Work (Amendment) Bill, 1985, has been considered in Committee and agreed to, without amendment, and I now move that it be read a third time and passed.

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

#### PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Can I just say, Mr Speaker, in passing, that I am glad the last Bill didn't take seven years to get through the House. Mr Speaker, I beg to move that: "This House notes -

1. That GBC is considering the introduction of Spanish language feature films supported by Spanish speaking commercialisation.
2. Considers that such a step could imply fundamental changes in the role and ethos of GBC.
3. Considers that the House of Assembly as the body representing the interests of taxpayers and licence holders has a right to express a view on the wisdom of adopting such a policy.
4. Therefore calls on the Board of GBC not to introduce such a policy until the House has fully debated the matter".

Mr Speaker, the purpose of the motion is a dual one, that is, it answers on the one hand the policy of the GSLP which has been reflected in previous motions, one in the last House of Assembly which was defeated by the Government, asking the Government to commit itself to a debate in the House before any fundamental changes took place affecting the airport, it is similar to the motion we brought to the House which was supported by the Government asking the Government to commit itself to a debate in the House before the Brussels Agreement was signed and therefore what the Opposition is saying on this issue as on other issues which we consider to be of public importance, is that even though at the end of the day the Government may not be able to persuade us to support it on a particular road it wishes to follow or we may not be able to persuade the Government to change its mind and not proceed, what we believe we are entitled to if the House of Assembly is going to have any meaning, is at least to have that opportunity given to us to have an explanation given to the House of Assembly and through the House of Assembly to Gibraltar for what is being embarked on and to give us an opportunity as representing a substantial body of political opinion in Gibraltar to express any reservation or doubt or concern we may have about it and the reflection of that policy is what brings the motion to the House. The specifics of the policy is that GBC has been a source of controversy for many years in the House of Assembly because of the cost to the taxpayer and the need of assistance from public funds. It has been highly criticised in the past by Members of the House who are no longer in the House and the GSLP made clear after the election its commitment to GBC and its commitment to retaining GBC as fulfilling a role which we consider to be important to the maintenance and

strengthening of the identity of the Gibraltarians and of Gibraltar as a community and of having to foot the bill. We think that that is money well spent. Nobody likes paying taxes and nobody likes paying out money and everybody given a choice wants to have his cake and eat it, would like to have whatever service is available without having to foot the bill. We consider that the service Gibraltar gets from GBC is a service on the cheap, that is, television is a very expensive business and the budget of GBC is minuscule in the context of what television costs and therefore within the constraints of the resources that they have we think that they do a very good job. If we are now going to find that the primary concern is to reduce the cost of GBC to the Government or to turn it round into a money-making asset, then it is just another business and therefore the primary concern and the parameters to which the Board of GBC would have to work to would be not whether what they are doing is going to be good for Gibraltar as a community but whether it is going to bring more money in or less money in and we consider the introduction of Spanish language films supported by Spanish language advertising clearly aimed at monolingual Spanish speakers, not bilinguals, so clearly aimed not at the Gibraltarian residents or the expatriate communities at the Costa for whom one could make some sort of case, one could say that one of the attractions of GBC to Costa residents who are monolingual English speakers and one of the attractions to advertisers is that the advertising reaches an audience in their language which cannot be reached through Spanish television. But if, in fact, what GBC is going to do is to undercut Spanish television by competing for Spanish advertising to Spaniards by offering cheaper rates, that policy may appear a very attractive one initially and may leave us high and dry eventually. Even on commercial grounds one must question the wisdom of doing that but we are concerned primarily in this motion and what the motion seeks to establish is that the Government accepts that although it is important to maintain the independence and impartiality of GBC on matters where there are ideological party political differences, where it comes to a responsibility from GBC to the House and from the House to the people then, clearly, we are the guardians, primarily the Government obviously because it is the Government at the end of the day that can vote the money, we might think it should be less or more, but essentially they take the ultimate responsibility for raising the money that GBC requires but they explain to us, to the Opposition at budget time, why they are putting so much money in the estimates for GBC and therefore to the extent that both sides of the House of Assembly are the guardians of the public purse then I think we have got a right to have our views taken into account in a matter which is not a party political matter. We have had no indication that this matter is being considered because it is AACR policy, it is being considered by the Board on its own initiative and independent of any directives from the Government, as we understand it. If it is a party political matter then it is up to the government to state what their political position is and we will then react to that. If it is something that GBC is doing on its own then what I think we want the

Government to do is to join us in reminding GBC that before they decide to do something which could cast the die in a particular direction, they ought to give us an opportunity of examining their motives for doing so and of expressing a view which then, presumably, they would be entitled to take into account or ignore if it is something that they are doing on their own initiative. I commend the motion to the House.

Mr Speaker proposed the question in the terms of the motion moved by the Hon J Bossano.

HON CHIEF MINISTER:

Mr Speaker, at a later stage perhaps I will ask for your guidance because whilst the feelings expressed by the Leader of the Opposition are reasonably shared by us and I say 'reasonably' broadly, the motion notes a lot of things which may or may not be true and I think the main thing is the fourth paragraph, the operative one, the others are arguments and I have seen a tendency recently in his motions of putting all sorts of considerations a la United Nations where the consideranda is longer than the resolution. Let us, first of all, find what the GBC's functions are and give you some information of what the directions are in this matter. In the first place, under the Gibraltar Broadcasting Corporation Ordinance: "It shall be the duty of the Corporation to maintain a sound and television broadcasting service as a means of information, education and entertainment to develop the service to the best advantage and interest of Gibraltar". So, really, the main purpose there and one would not expect anything different, is the interest of Gibraltar. Then there is a provision later on that "subject to any directions by the Governor, the Board shall be responsible for the policy to be adopted by the Corporation in the provision of such services". Of course, the Governor means the Governor-in-Council and such directions are given from time to time because they are reviewed every year but really very little change takes place but they have directions which are really the charter under which they operate and the relevant directions for the purposes of this debate provide all the directions about political broadcasting and about all things which are not relevant here. The two or three general directions which I think are relevant to this case are, paragraph 8(ii) says: "Use of English - All political matter will be broadcast in English only unless incorporated in local news bulletins or news commentaries" - that is to say, if you are reproducing a Visnews of what somebody says in another language they are not going to stop it because it isn't in English, and that is relevant in general. Paragraph 9 of the directions says: "General - Proportion of programmes in English. All children's programmes will be in English. At least 75% of other programmes must be in English on television and 66% in the case of radio". There is already there a limitation not arising out of anything that is happening now but from the original purpose and let me say that at



one stage radio in Spanish formed a very important part of the purpose of radio, the Spanish language played a very important part at the time when we were badly in need of expressing our views and the radio played a very important part in the Spanish language at the time of the crisis. Let me say also that in order to be able to speak completely without any commitment, that I have purposely not discussed this motion with the Corporation at all. They are independent, they have to judge what they think is right and, of course, they will no doubt also be guided by what the elected Members think if they think that that can be accepted. And let me say also that whilst we look critically at the estimates of costs of television which are submitted at estimates time for the request for the subvention, we bring no pressure to bear on cutting anything. We look critically at all the things because that is the mission of those who have to contribute the money. But it is quite right and proper, I think, for the Corporation to try and find sources of extra revenue so long as they are not incompatible with general feeling in order to become less dependent on subsidies. Certainly, they should never be profit-making because if they ever reach that stage then the answer would be that they should plough that back into either new equipment or other benefits, bigger programmes, more sophisticated programmes, more home-made programmes so that really it is not a question of our wanting television or even television wanting to make a profit but obviously the more money they have the more service they can give precisely to deal with all the matters that have been raised here. Let me say in that connection that the Leader of the Opposition who was the only Member of his party in the House at the time will remember how critical the other Opposition was about advertising for Spanish/English viewers and that is one which I resisted strongly and it is quite clear and I argued it at the time, I don't have to argue it now because it is accepted on the other side, it is quite clear that a considerable amount of the advertising that takes place is directed towards the English speaking viewers who watch Gibraltar television in the Costa del Sol. I didn't think that there was need to advertise servicing Rolls Royces in Gibraltar, I think there is only one, and many others some of which could reflect some interest in Gibraltar but generally not and I stood firm on that because I felt that that in no way interfered with the question of the role of television. When we come to this question of Spanish time, well, I understand that the thing is in the very early stages and I can also tell the House that there have been all sorts of people interested in Gibraltar television in the last ten months. Some want to have a satellite, others want to take over, others mention millions, the attraction is fantastic and in some cases it is fantastic how little they know about it when they dare speak about big sums of money when they don't really know how the thing works so one is suspect about these offers. On the other hand I think it is commendable of the Corporation to explore avenues of revenue in non-peak viewing time which would not deprive the people here of the hours that are being given now and the nature of it would

be a matter, of course, of judgement. I think it is also fair that we should recognise that a lot of people in Gibraltar like to listen in Spanish otherwise they wouldn't put on Spanish television so much. So long as anything like that would not alter the ethos, a word which I like very much which I see has been incorporated in the motion and I think perhaps that would be a good opportunity to discuss the matter when there are concrete signs of what is possible. I think what is happening now is that there is a general approach and the Corporation, I think rightly, are pursuing avenues in which they could get it. And here I come to the difficulty, Mr Speaker, and that is that we agree that there should be a debate before anything like that happens. Whatever happens in Spain will depend very much on what is presented by the Corporation as far as we are concerned. We are not a priori against or in favour, we want to see what it is and I am sure that the Members of the Opposition feel the same but the rest, well, they are statements of fact to which I wouldn't like to be a party because some of them may or may not be correct. If the Hon Member, having said that and having used it, is happy that we should have the fourth paragraph perhaps in a different way. I didn't want to amend the motion because I didn't want to give any indication that we were trying to undermine or alter the spirit of the motion, that is why I did not bring as I normally do in other matters, something to do it the way we want it, in fact, it is only a general discussion and that is why I am a bit concerned, for example, 'That GBC is considering the introduction of Spanish language feature films'. I don't know how far that is true, I understand they have had approaches and are looking at them, that is one thing.

HON J BOSSANO:

Mr Speaker, if the Hon Member will give way. My understanding, in fact, is that that has been confirmed. A specific question was put to GBC on that point and GBC confirmed that that was accurate.

HON CHIEF MINISTER:

'Such a step could imply fundamental changes in the role and ethos of GBC' remains to be seen, it all depends, it is a matter of degree in a way. That is why I am worried about being a party to that as a Government. I am quite happy to agree that the Board of GBC should be asked not to introduce such a policy until the House has fully debated the matter, I am sure they are taking note of that now when we say we all agree but I am concerned . . . . .

MR SPEAKER:

What about No. 3, are you happy about it? 'Considers that the House of Assembly as the body representing the interests of taxpayers and licence holders has a right to express ....'.

HON CHIEF MINISTER:

Yes, of course.

MR SPEAKER:

So, basically, what you are suggesting is that perhaps No.2 should be amended.

HON CHIEF MINISTER:

We will vote for Nos. 3 and 4 and I am not asking the Hon Member to withdraw the statements contained in Nos. 1 and 2 but they really should not form part of the motion, that is all I am suggesting, because otherwise I would have difficulty. I just don't want to be bound by general statements that might later be interpreted as agreeing to everything that that statement makes.

MR SPEAKER:

What about No. 1?

HON CHIEF MINISTER:

Well, if they say that that has been confirmed.

HON J BOSSANO:

I wouldn't have put it if it hadn't been confirmed.

HON CHIEF MINISTER:

Well, unless the Hon Member were to alter the word 'could' for 'might' I don't mind because that helps us a little more because we are more free to decide in a particular case whether a particular kind of programme might or might not alter the ethos. We are trying to be helpful but at the same time we have to be cautious not to be accused later on of having agreed to quite a number of things. I think perhaps 'might' might make it, the word 'might'.

MR SPEAKER:

The Hon and Learned Chief Minister is suggesting that you move an amendment to change the word 'could' to 'might'.

HON CHIEF MINISTER:

Well, I don't want to, I would ask the Hon Member or a colleague of his to do so. I don't want to alter his motion but I want to make this point so rather than I wanting to doctor his motion, if he is agreeable, a colleague who has not spoken to the motion could alter that word and we might accept it.

HON M A FEETHAM:

Mr Speaker, I would like to move that we should delete the word 'could' from paragraph No. 2 and substitute the word 'might'. And whilst we are at it could we also alter the word 'commercialisation' to 'commercials' because I think it is a misreading of our handwritten motion when it was submitted, it isn't 'commercialisation', it is 'commercials'.

Mr Speaker then put the question in the terms of the Hon M A Feetham's amendments which was resolved in the affirmative and the amendments were accordingly passed.

MR SPEAKER:

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

HON J BOSSANO:

Well, only to say, Mr Speaker, that I am delighted that the Government has been able to accept the spirit in which the motion has been put and to agree that it is a spirit which they share with us, we are very happy to see Government supporting it.

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

ADJOURNMENT

HON CHIEF MINISTER:

Mr Speaker, I now move that this House adjourns sine die.

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

The adjournment of the House sine die was taken at 11.35 am on Wednesday the 31st July, 1985.