

GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

CEREMONIAL OPENING OF EIGHTH
HOUSE OF ASSEMBLY ON
31ST MAY 1996

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The First Meeting of the First Session of the Eighth House of Assembly held in the House of Assembly Chamber on Friday the 31st May, 1996, at 5.00 pm.

PRESENT:

Mr Speaker(In the Chair)
(The Hon J E Alcantara OBE)

GOVERNMENT:

The Hon P R Caruana - Chief Minister
The Hon P C Montegriffo - Minister for Trade and Industry
The Hon Dr B A Linares - Minister for Education, the Disabled, Youth and Consumer Affairs
The Hon Lt-Col E M Britto OBE, ED - Minister for Government Services and Sport
The Hon J J Holliday - Minister for Tourism, Commercial Affairs and the Port
The Hon H A Corby - Minister for Social Affairs
The Hon J J Netto - Minister for Employment & Training and Buildings and Works
The Hon K Azopardi - Minister for the Environment and Health
The Hon Miss K Dawson - Attorney-General
The Hon B Traynor - Financial and Development Secretary

OPPOSITION:

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

IN ATTENDANCE:

D Figueras, Esq, RD* - Clerk to the House of Assembly

ADMINISTRATION OF OATH OF ALLEGIANCE

The Speaker took the Oath of Allegiance and administered the Oath to the Hon P R Caruana, the Hon P C Montegriffo, the Hon Dr B A Linares, the Hon Lt-Col E M Britto, the Hon J J Holliday, the Hon H A Corby, the Hon J J Netto, the Hon K Azopardi, the Hon Miss K Dawson, the Hon B Traynor, the Hon J J Bossano, the Hon J L Baldachino, the Hon Miss M I Montegriffo, the Hon A Isola, the Hon J Gabay, the Hon R Mor and the Hon J C Perez.

MOTION RE CONFIRMATION OF APPOINTMENT OF THE SPEAKER OF THE HOUSE OF ASSEMBLY

HON CHIEF MINISTER:

Mr Speaker, you have been appointed Speaker of this House by His Excellency the Governor after consultation with the Chief Minister and the Leader of the Opposition as required by the Constitution. It remains only for this House to confirm your appointment. It gives me great pleasure to move the motion standing in my name and which reads: "That the appointment of Mr John E Alcantara OBE as Speaker of the House be confirmed".

Mr Speaker, although your background is well-known to almost everybody in Gibraltar, I think it is right to review it briefly so that it should feature in Hansard for posterity. You have a background in law where your training is as a barrister and you have held almost every office that can be held within Gibraltar by a man of your profession and calling. You have been Registrar of the Supreme Court from 1957 to 1963. You have been Stipendiary Magistrate from 1963 to 1980. You have been a puny Judge of the Supreme Court, Belize from 1981 to 1983 and you have been Judge of the Supreme Court of Gibraltar from 1983 to 1985 and you hold the not inconsiderable distinction of being the first Gibraltarian to hold that post. Lately you have done a stint, an additional stint I should say, as Stipendiary Magistrate and in that capacity you have regained the reputation that you already had for the enlightened enforcement of the rule of law in Gibraltar. You have also pre-eminent political qualifications to occupy the position to which you have been appointed. You were a member of the Legislative Council between 1954 and 1957 and you were a member of the City Council between 1953 and 1957. Your background, both in politics and in law, in the opinion of the Government, qualifies you pre-eminently to the appointment that has been made of you.

In consulting with His Excellency the Governor on the appointment of Speaker we have wanted to recommend a Speaker that would not result in any political controversy whatsoever. There has been, in the past, at least in one instance, a degree of controversy in that regard, subsequent events, subsequent conduct by the man in question, your predecessor Bob Peliza, I think demonstrated that the concerns expressed by some, indeed some sitting on the Government benches in this House, were not borne out in the sense that your predecessor conducted the office with admirable impartiality and as an example to Speakers after him. But still we have wanted to choose a man of whom it could be said that there is absolutely no political input into his selection. You have earned the broad respect and approval from the public of Gibraltar for the style and approach that you have brought to the administration of justice. Notwithstanding that being a member of the Bench requires a degree of aloofness so that you should be free to sit in judgement over your fellow citizens, you have nevertheless always been able to reach the ordinary man in the street and to maintain your contact with your fellow citizens as an ordinary citizen and notwithstanding the pressures of your high office. In bringing to this office your legal and your judicial experience, I fear that it will be necessary for you to temper both, this House has a tradition of generosity when it comes to interpreting the rules of the House always in manner that ensures that the conduct of the House is kept proper but always in a way that ensures that the House is able to freely and fully debate issues of importance to the community. And in that respect the example set by your predecessor is one that we certainly found helpful when we were sitting in the Opposition benches. We, in the Government benches, have no doubt whatsoever that you will bring to bear your wisdom and experience from a lifetime of arbitrating over gladiatorial contests in court to preside over the gladiatorial contests in this House with the same degree of proven impartiality for which you have rightly earned a high reputation.

It remains for me only to thank your predecessor, Bob Peliza, for the courtesy and the impartiality and the friendliness with which he has conducted the affairs of this House and indeed treated members of the Opposition in it. I think it would be correct also to record in Hansard for posterity, Bob Peliza is one of those men who has most contributed to the political situation that we have in Gibraltar today. He was foremost in the drafting and obtainment of the Constitution of Gibraltar in general and of the insertion of the all-important preamble in relation to Her Majesty's commitment to sovereignty in particular. That is a contribution for which the people of Gibraltar should be eternally grateful to him. And not content with that achievement, he was, Mr Speaker, as you know, instrumental in lobbying in the United Kingdom to the end result that

the people of Gibraltar were included within the provisions of the British Nationality Act as persons entitled to apply for registration as British citizens. That was in no small measure also the result of Bob Peliza's political campaign. Luckily he has served as Speaker of this House for seven years. He has reached the ripe old age of 75, although one would not tell by the alert state of his mind, nevertheless, Mr Speaker, it has been the view of the Government that it was time to allow another leading and upstanding and exemplary citizen of this community the opportunity to serve in the office to which you have now been appointed. I offer Bob Peliza my profound thanks for the assistance that he has given to me and to the other members of my party since we have been in this House. I commend the motion to the House.

HON J J BOSSANO:

Mr Speaker, the members in the Opposition benches support your appointment as Speaker and therefore the motion before the House will be carried unanimously. That has been the tradition in the House on every occasion except the first occasion when Bob Peliza was appointed in 1989 and I think as the Chief Minister has recognised when Major Peliza was reappointed in 1992 those who had been against his appointment in 1989, in the light of their experience in the intervening three years changed their mind and supported it the second time round. Sir Alfred Vasquez was, of course, Speaker of this House for a very long time and we have not had a situation when the Speaker of the House has finished with the cessation of one House and the election of a new one. There has been continuity between one House and the next because, in fact, in 1989 Sir Alfred agreed, even though he wanted to retire, with my request immediately after the 1988 election, to continue for a while because we felt it was important to bridge the gap between one House and the next. And although we are fully in favour of your own appointment and you being the new Speaker in succession to Speaker Peliza, we would have preferred that what has happened in the past should have happened on this occasion and that he should have carried on a little while longer and then you could have taken in. There is, of course, a provision in the Constitution which says the appointment of yourself as Speaker by His Excellency the Governor follows consultation with the Chief Minister and the Leader of the Opposition. Effectively that means the Governor tells the Leader of the Opposition what the Chief Minister wants. To my knowledge that is the way it has always happened. As I say, when there is no change the consultation is de facto unnecessary. On this occasion the Governor knew that our intention would have been, had we been returned to office, to ask Bob to continue beyond the election and then to look for a successor before the four years. However, it was not an option that was open to

us to suggest because we were simply told that a decision had been taken not to reappoint Major Peliza at this official opening of the House and instead to move forward with your appointment which we fully support and I endorse entirely the sentiments that have been put by the Government as to the contribution that you have made throughout your life and the credit you have been to our people as a Gibraltarian.

I welcome the words of the Chief Minister on the role that Major Peliza on various different stages of his life has played in defending the interests of our people and I think that although those words are recorded in Hansard it is appropriate, since effectively we are saying good-bye to him without having even given him a chance to be here to say anything himself, that I should move an amendment to the motion which I now propose to do, so that the motion that confirms your appointment at the same time records our appreciation for his previous work. Therefore I beg to move that the motion be amended by the insertion before the word "That" at the commencement thereof of the words "This House warmly records the important contribution to the work of the House made by former Speaker, Major Robert Peliza, and" it then goes on as it stands at the moment to proceed with the confirmation of your own appointment. I commend the amendment to the House.

In speaking to the amendment, a matter which will no doubt exercise your mind if we have in the course of the life of this House amendments to amendments which is always the most complicated task that the Speaker seems to face knowing what people are speaking to, in speaking to the amendment I think that I am limiting myself here to the work that Bob did in the House rather than to the work that he did before he became Speaker. I think, first of all, he proved that if anything his impartiality as Speaker was based on giving tolerance to the Opposition benches in the knowledge that the Opposition really have this forum in which to make points and that therefore the benefit of the doubt should be given to them and that was the way that he conducted it, in ways which clearly, for example, went beyond the rigid definition of what may be asked at question time where if one were to go by the letter of the Standing Orders a big chunk of the questions that have been put in the 24 years that I have been in the House, sometimes by me and sometimes by other people with me having to answer them, would never have got past the starting post and I think that is an important element, as the Chief Minister has said, of the way the House has worked in the knowledge that one should not curtail debate and as long as people feel they can add to the matter under discussion other than by being over-repetitive then that debate should be allowed to continue. We have never had any time limits. Therefore I must say that the letter that members of the

House got from the Clerk saying there was 30 minutes in which we had to debate these motions goes entirely against the spirit of that and certainly it is something for which there is no provision in Standing Orders. There are 17 members here and every single member can talk on every single motion and put 17 amendments and if we have to do all that in 30 minutes it does not leave us many minutes per capita. So given the fact that this is indeed a ceremonial opening of the House but that there are issues on which we cannot just simply pass it on the nod, I think if we had had the continuity that we have had in every single other first ceremonial meeting of every single House that I have been at where there has been no change, then there might have been no need to spend more time in putting on the record one's views. So I think that needs to be made clear that this occasion is different because of the content of the agenda. I beg to move that the amendment is supported by the Government.

The Clerk proposed the question.

HON CHIEF MINISTER:

Mr Speaker, the Government have no difficulty at all in recognising the body of the motion the sentiments that I had already expressed in my address on the presentation of my own motion and therefore we have no difficulty whatsoever in supporting the motion. In order to prevent me having to rise again to reply on the original contribution of the Leader of the Opposition to my motion as drafted, I should just like to place on record that it is not true as insinuated by the Leader of the Opposition that the Government decided not to extend the position of Speaker Peliza. In fact, the opposite is true. I offered Speaker Peliza the opportunity to remain in office for a period of about one year and it was not possible for us to agree the circumstances in which that offer would be acceptable to him. He declined that offer for reasons which I find entirely honourable and entirely proper. It was a personal decision on his part which I respect and it was therefore not possible for Government to follow the precedent of allowing continuity without having lost the ability to decide the timing of the appointment of a new Speaker during the next four years and that last part of it was not acceptable to me. Those are the circumstances in which we have a new Speaker now as opposed to later on during the lifetime of this parliament.

The Clerk put the question in the terms of the Hon J J Bossano's amendment. Agreed to.

HON J J BOSSANO:

Mr Speaker, having moved the amendment do I not have the right of reply to the point that the Chief Minister has said, for the record I think I should have. Let me say that I accept entirely the clarification that has been made by the Chief Minister. Of course I have not been party to those exchanges. The only thing that I know about it has been the consultation between His Excellency the Governor and myself where there was no indication that any alternative to this immediate appointment had been made. Had I been made aware of that I would not have raised the issue obviously.

The Clerk then put the question in the terms of the motion, as amended, which read -

"This House warmly records the important contribution to the work of the House made by the former Speaker Major Robert Peliza and that the appointment of Mr John E Alcantara OBE as Speaker of the House of Assembly be confirmed".

Carried unanimously.

MR SPEAKER:

1996, for me, has been an Annus Mirabilis, so far. After having been for two and a half years in what I can only describe as a state of contented anonymity I found myself once again in the Supreme Court. During the short space of six weeks I found myself declaring a law invalid and another one unconstitutional. Not the best recommendation for becoming a member of the legislature. Thereafter I went down to the Magistrates' Court. After having been absent from there for 15 years the feeling I had was that I had never left.

Then out of the blue I was offered the opportunity to be back in this House which I had left 39 years ago to the month. It was too much of a challenge. I accepted and my gratitude goes to those who thought of me and to every member who has supported my appointment. I shall not fail you or Gibraltar.

I have a lot to learn. Foremost is the dignity of this House; to preserve it and to enhance it. As I understand it the Speaker is not in the position of a judge or even a referee. I would say he is a moderator, using this word not in its French sense of governor or ruler, but in the late Middle English sense of moderate or moderation.

Finally, I would like to end with two personal notes. First I would like to record how much I owe to my wife, who has always supported me even when I have taken decisions without consulting her. Secondly, all the hon Members are much younger than I. Never dishearten. Life can start again at 70.

Thank you.

HON CHIEF MINISTER:

Mr Speaker, I beg to move the motion standing in my name and which reads: "This House in pursuance of the provisions of section 78 of the Constitution of Gibraltar elects Mr John E Alcantara OBE as Mayor of Gibraltar with effect from the 31st May 1996".

Mr Speaker, I am glad that you enjoy your wife's support because you will certainly need it all the moreso in discharging the functions of Mayor if this House votes to appoint you to that position.

I have always doubted whether the Mayor should have to be a member of the House of Assembly. Indeed, the Hon Abraham Serfaty carried on discharging the functions of Mayor long after he ceased to be an elected member of this House and he did so with distinction. Those who represent the people of Gibraltar in this House already have a large workload and there are many worthy citizens outside of our ranks more than capable and competent to discharge the civic duties of Mayor. It may well be that when we consult amongst ourselves on issues of constitutional reform whether that is not one of the less important points of our Constitution that we should address. And I say that as it has been with the office of Speaker, our preference would be to de-politicise the office of Mayor of Gibraltar. In saying that, no one should think that the last occupier of the mayorship, the Hon Mr Robert Mor who sits now on the Opposition benches, has caused us to take the view that the office should be de-politicised. I am happy to recognise that in giving of his time freely, one should say, and the office of Mayor is heavy in its demand on private and leisure time in a ceremonial context, he has most certainly not introduced into it as has not his predecessor, the Hon Mari Montegriffo introduced any element of politicisation into the office. The present situation, if this motion is supported by the House, restores the position to what it was when Sir Alfred Vasquez was both Mayor of Gibraltar and Speaker of this House. I am not going to repeat what I have said in support of my first motion as to what are your obvious qualifications for the office of Mayor. Suffice it just to say that both offices, both

the office of Speaker and the office of Mayor which this House calls upon you to be appointed to in this motion, are well deserved recognition not just of your qualification for the jobs but of your many years of service to the public and good of Gibraltar. In commending this motion to the House I once again formally record my thanks to the latest incumbent to the office, the Hon Robert Mor.

HON J J BOSSANO:

Mr Speaker, this is the first time in the House of Assembly that at the Ceremonial Opening there has been a motion to appoint the Mayor of Gibraltar. We would have preferred that this motion should not have been brought at this meeting. This is a meeting which does not follow the Standing Orders or the normal agenda laid down in those Standing Orders. It involves a debate on matters of policy which we feel we are entitled to express views on and which we feel we cannot be curtailed on simply because there is a timetable that says that something is supposed to be happening at 5.48 pm.

MR SPEAKER:

Do not worry. At 5.48 pm I will recess and then after the Ceremonial Opening we will carry on with the motion. So you have all the time in the world.

HON J J BOSSANO:

Thank you, Mr Speaker. I would not want to interrupt other people's agendas but I feel if I overrun the time there are things that need to be said. Let me say that as I have already made clear in respect of the other motion, you enjoy the total confidence and the highest regard from the Opposition and therefore that is not the point at issue. Nor are we trying to preserve the occupancy of the position of Mayor by the present incumbent who is a member of the Opposition and was previously appointed when he was a member of the Government. But the question of de-politicising the Mayor as opposed to de-politicising the speakership and I do not think there is any need to de-politicise the speakership because even if the Speaker happens to be somebody who has been at some time previously involved politically and that, Mr Speaker, is true of you even if that time is a very remote one, nobody would suggest that because at one stage in your life you were a candidate for the AACR that is going to influence your deliberation in this House. And that would be true if you had been a more recent member of that party or candidate for that party. Let me say that as a Government when we came into office we supported the continued position of

Abraham Serfaty as Mayor on the basis that he was demonstrating he was doing a very good job so why should we ask him not to continue simply because he had belonged to another Government. And indeed from the Opposition benches, when he was no longer a member of the House and there were attempts to remove him, I at the time voted with the Government and not with the rest of the Opposition, again because on the merits of the case it did not seem to me it was a question of trying to embarrass the AACR Government because they had somebody who was no longer in the House. I thought it was possible to put the interpretation on the Constitution that the person had to be a member of the House on appointment and that he did not necessarily have to continue to be a member of the House throughout his life because unlike the speakership there is nothing in the Constitution that says that the appointment of Mayor comes to an end when the House is re-elected as is the case with the Speaker. Therefore we supported that because we looked at it in its merit. As the Chief Minister has said, Sir Alfred Vasquez occupied both positions and we ourselves initially thought it was a good idea to keep the position of Mayor for the Speaker on the basis that there was really no content in it other than a ceremonial function. In recent times, in contact with the municipalities in the neighbourhood we have felt that that contact could appropriately be channelled through the Mayor and if that were to be continued as a policy by the new Government then we do not think it would be a good thing for you to have to do. Therefore we would commend to the Government that if they have not thought of that they should think about the benefit to the Government of dealing with municipal relations across the border through the Mayor rather than through a Minister which has got a lot of practical advantages, from maintaining the difference that there is in ranking, if you like, and that it would be very difficult for you to do that part of the job. We would have preferred, therefore, to have had this brought at the first working session of the House and that consideration should have been given to that aspect of the job. Therefore if the Government insist on going ahead with it today we will support the motion against our better judgement because we would not wish anybody to think that there is any doubt in our minds as to your suitability to carry out this job or any other job.

MR SPEAKER:

Never do anything against your better judgement. What I intend to do is to have a recess until 6.30 pm. We will carry on with the Ceremonial Opening and then we will come back and we can stay until midnight. I have got to leave now.

The House recessed at 5.48 pm.

**ADDRESS BY HIS EXCELLENCY THE GOVERNOR,
ADMIRAL SIR HUGO WHITE GCB, CBE**

HIS EXCELLENCY THE GOVERNOR:

Mr Speaker, Hon Members of this Eighth House of Assembly, in the six months since I was sworn in as Governor almost every aspect of Government on the Rock has been affected in some way by approaching elections. After the rigour of the hustings, polling day was marked by good humoured but purposeful voting and an impressively large turnout. There were always going to be disappointed losers. But on the morning after the election I was much moved by the statesmanlike speeches from the leaders of the parties and by the courteous applause from the ranks of the victors for their opponents. Democracy is clearly alive and very well in Gibraltar. I would like to congratulate the Hon the Chief Minister and his Ministers on their success and welcome them to the Government benches. I would also like to pay tribute to the members of the outgoing Government and in particular to the Leader of the Opposition for his eight years of unremitting personal endeavour on behalf of the people of Gibraltar. I trust that with the elections behind us all Members of this House will constructively and diligently work for the common good of all Gibraltarians.

Last time I stood in this place I stressed the geo-strategic importance of the Rock. I was thinking primarily of world instability and military contingencies which rely on sea lines of communication through the Strait. Over the past month I have become increasingly focused upon equally worrying northerly flows of drugs and illegal immigrants across the Strait and into Europe. One is criminal, the other a sad humanitarian concern but both appear to be growing trends. It is easy, particularly after the events of last summer and those leading up to them, for the reputation of Gibraltar to become smeared by allegations of drug trafficking, smuggling and money laundering. In fact, the reduction since then in illicit maritime traffic based on the Rock have been dramatic. High level structures were put in place during the previous administration and have already given a considerable impetus to the further tightening of legislation, better co-ordination of law and order agencies and movements towards providing improved equipment for use in the fight against crime. This continuing effort is as important to Gibraltar's financial institutions as it is to the situation on the waters around us. The Financial Services Commission and Gibraltar Criminal Intelligence Unit have been making good progress in their

efforts to enhance the reputation of Gibraltar's finance centre and I can assure this House that Her Majesty's Government will be working vigorously with the new administration to capitalise on all these achievements. No one can guarantee that further isolated criminal incidents will not occur now and again but the fight against all crime and the re-establishing of Gibraltar's good name within reputable financial markets remains a top priority to underpin economic expansion. The new administration has a clear set of priorities some of which I have already touched upon but the programme centres on expansion of the Gibraltar economy in wake of the continuing Ministry of Defence rundown. That aspiration has the full backing of Her Majesty's Government and I wish the incoming Government every success in their pursuit of that aim.

Mr Speaker, in my last address last December I repeated the commitment in the preamble to the 1969 Constitution. Her Majesty's Government reaffirms that commitment absolutely. Since December, Spain has frequently made clear her wishes to regain sovereignty over the Rock and yet her totally unjustified actions at the border have, in practice, only alienated and united Gibraltarians against her. Despite this circular and arid situation, Her Majesty's Government will continue to insist that there should be freedom of movement across the border and that basic humanitarian courtesy and common-sense should prevail to the benefit of people on both sides. The aim must be to achieve, at the very least, a positive and productive equilibrium between good neighbours who belong to the same European Union and NATO alliance.

Finally, Mr Speaker, on this auspicious day when we have all enjoyed the presence of His Royal Highness the Prince Philip, Duke of Edinburgh, on the Rock I have great pleasure in declaring this First Session of the Eighth House of Assembly open. And I pray for God's blessing and guidance on your deliberations for the good of Gibraltar and the well-being of its people.

Thank you.

HON CHIEF MINISTER:

Your Excellency, this House is as always grateful for the assurances that you bring to it on behalf of Her Majesty's Government in connection with their solemn assurances to the people of Gibraltar on the matter of the sovereignty of Gibraltar. It is a great honour to be addressing the House from this side after being entrusted by the people with the Government of Gibraltar. Our manifesto contains many important commitments both on domestic and on the external

front and it is our intention to begin almost immediately with their implementation. In relation to the economy we have plans that will revitalise the tourism industry based on an enhanced product, better marketing, better access and a sensitive exploitation of our enormous reserve of natural and architectural heritage. One of the areas that we will tackle first is the whole area around Casemates and an important part of our plan will be to restore our old town to render it a tourist attraction in its own right. We will reinvigorate the finance centre based on exporting a better image of Gibraltar. In this respect we will continue the work that has been done before us by completing the total eradication of fast launch activities from Gibraltar as we are politically committed through our manifesto to doing. We will eliminate such obstacles as may remain to the granting of EU Single Market passporting for Gibraltar based financial services institutions. We will promote a well regulated, a well marketed and a profitable shipping registry and we will develop, by legislation, new products for our finance centre. Finally, and by no means least, we will engage with foreign investors in enlarging port activities, in introducing port activities that have hitherto not been exercised in Gibraltar and we will work closely with the Chamber of Commerce to ensure that our shopping centre remains both attractive and competitive. Our emphasis as Your Excellency knows, is on training and job creation. We have made the commitment that every Gibraltarian under the age of 21 will have an apprenticeship or other training opportunity. We are committed to business start-up assistance schemes promoted and developed by Government to enable small businesses to generate jobs for our youth and for our people as a whole. And we have a very special commitment to work with Her Majesty's Government within and without the Joint Economic Forum to redress the problems that will beset those who will shortly and over the next two or three years lose their jobs in the Ministry of Defence. In addition, and at the same time, we will introduce changes to the way that Government operates to ensure a greater measure of transparency in public affairs and public finances. We will transform the role of this House in the community. It will meet much more often; it will deal much more with primary legislation; primary legislation will be much more widely circulated amongst Members of this House on both sides to facilitate a proper consideration of it by all the Members of this House in discharge of their constitutional responsibility as legislators and, in addition, there will be wide consultation prior to legislation being brought to this House with those who are not only affected by it but who are competent to advise the Government on the virtue of the legislation that we will bring to the House. There will be, for this Opposition in this House, many more opportunities to question this Government than there has been in the past and we will establish a Public Accounts Committee to enable the whole House, including the Opposition, to

participate in a constant process of scrutiny of the expenditure of public funds by the Government. In terms of our relations with Spain it is well documented that we will pursue a policy of seeking to engage Spain in a process of dialogue relying on the assurances of Her Majesty's Government in relation to sovereignty conditionally upon the people of Gibraltar being adequately represented with their own voice at those talks and for the purposes of establishing or doing all that we can to establish mutual co-operation between the peoples on both sides of the frontier in an attempt to seek to reduce the historical tension and hostility that has beset the peoples on both sides of the frontier. But this Government, like previous Governments and I am confident future Governments of Gibraltar, are not and will not be prepared to pay any price on sovereignty for those things. We do not accept that that price or indeed any price can be demanded or expected from the people of Gibraltar in order to have as between two democracies and two democracies within the European Union and two democracies within NATO, it cannot be demanded or expected of us that we should be willing to pay for ordinary civilised relations, for ordinary neighbourly relations with our sovereignty or with any aspect of our political future which is a matter solely and exclusively for the people of Gibraltar to decide in consultation with Her Majesty's Government. In relation to the United Kingdom and the relations that we will seek with her, we will seek good constructive relations based on understanding, sensitivity and mutual respect; in short, a partnership. But partners have not just rights but indeed, Your Excellency, obligations. The United Kingdom's obligations to Gibraltar are to ensure that we are allowed a level playing field on which our economic initiatives can prosper; that we are allowed to enjoy our European Union membership rights free of harassment and interference from foreign quarters; that we should have a frontier with our neighbours in keeping with the times in which we live and operated within the spirit of the relationship that should exist within the European Union.

In this connection and as a momentary aside, I noticed in today's press that the new Spanish Foreign Minister, Senor Matutes, has indicated to the Campo Mayors that he expects a gesture from the new administration of Gibraltar in relation to smuggling before he will reduce the siege at the frontier. In this connection note should be taken that there has been practically no Gibraltar based fast launch smuggling activity recorded during the last 14 days and that such activity as there has been, has been in little boats, colloquially called in Spanish "pateras", based in Spain operated by Spanish nationals and approaching our shores from Spanish shores. Therefore it is we that seek a gesture from the Spanish Government in putting an end to their fast launch activity so that the work that this community has already done in this respect

and will continue to do under the guidance of the new Government will not be mistaken by others outside of our shores for the activity that is going on by launches based in Spain.

Finally, it is the solemn commitment, it is the solemn obligation of Her Majesty's Government to protect the people of Gibraltar who are loyal and law abiding British subjects from the constant Spanish harassment to which we have been subjected. I repeat, that this Government, Your Excellency, as all previous Governments and all future Governments, will not ever succumb to political harassment or economic pressure from Spain and it is time that those in Spain and elsewhere should understand that that message is true, that that message is unchangeable and that they should establish their policies accommodating that principle which no Government of Gibraltar are ever going to be willing to sacrifice. We, for our part, will not be diverted by Spanish provocation from the path that we have chosen which is one of firmness in respect of our fundamental rights, coupled with every possible manifestation of goodwill and good intentions towards our neighbours. The people of Gibraltar, Your Excellency, expect that their Government's efforts both in matters political and in matters economic, should have the support in full measure by positive action, positive and timely action by Her Majesty's Government. We will pursue the issue of constitutional reform through our policy of modernising the Constitution and of modernising the relationship with the United Kingdom and this is a matter that we will pursue at the earliest practical opportunity. In this respect one of the important guiding principles that we will adhere to is the issue upon which this House is united, namely, that the matter of the mechanism for the implementation of EU directives cannot be used by Her Majesty's Government as a means of deducting from the areas in which this House has full complete constitutional legislative autonomy and therefore amongst the issues that we will seek to put in our Constitution is an enshrined recognition that this House will remain responsible for the transposition into the laws of Gibraltar of European Union directives and certainly we will wish to recognise in the mechanisms that have to be put in place, that Her Majesty's Government is the Member State who would be liable to infraction proceedings if this House did not adequately transpose those directives, and by adequately I mean in a way which complies with the requirements of the directives. Beyond that it will be the objective from which we will not be diverted of this Government to ensure that this House retains that degree of flexibility available to all legislatures in all European Community countries to transpose into our laws the directives in the way which whilst complying with our obligations and therefore insulating Her Majesty's Government from infraction proceedings, nevertheless best suits our social, our cultural and our economic needs. We

will continue the fight, we will continue the campaign pursued by the previous Government for the recognition of our right to self-determination. And we will seek to have, pursuant through a motion recently and unanimously passed in this House, included in our Constitution a clause equivalent to that inserted in the Constitution of the Falkland Islands, namely a clause recognising our inalienable right to self-determination. The campaign will be pursued and will continue to be pursued at the United Nations and by lobby effort at the European Union and amongst British parliamentarians directly. There is much to do. The Government have the ideas, the expertise, the energy and the enthusiasm to do it. We will look forward to the constructive support and the constructive contribution of the Opposition Members in that task and we are confident that the people of Gibraltar will see the benefits of our policies without much further delay.

HON J J BOSSANO:

Your Excellency, responding to the last item of those that the Chief Minister has enumerated, let me say that he can count on the support of this side of the House in what in the judgement of this side of the House is in the long term benefit of the people of Gibraltar and, of course, the judgement may not necessarily coincide all the time. But we certainly believe, as I said, when I spoke as Leader of the Opposition in 1984, in not bringing to the House trivia and in keeping what we bring to the House to matters which are issues of policy and to bring to the attention directly of members of the Government of specific grievances which people may bring to our notice and which need addressing without the need to bring them here if they can be addressed and put right. Because at the end of the day it is the interests of all our constituents that we are paid to be looking after as Members of this House.

I welcome the fact that a number of issues on which we have had differences with the United Kingdom, the present administration intends to pursue the same line that we had already embarked upon and where we have had assurances given in the past which they should be able to translate into more concrete specific form if they succeed in reviewing the Constitution which, in fact, was something that we set out to do in 1992, which was mentioned in the Official Opening of the House in 1992, which has been something the United Kingdom have said they are willing to do on a number of occasions but which never materialised during the last four years.

We, of course, went to our people seeking a mandate to pursue decolonisation by the year 2000 as we had already said in the United Nations we would do. In 1992, Your Excellency, when I spoke in this House from the Government benches, I said I hoped the four years ahead of us would be the House of Assembly that would usher in the period of Gibraltar's decolonisation and the most that we have gone down that road has been to clearly plant the seed in the United Nations Committee of 24 and in the Fourth Committee. We regret that the Government Members, notwithstanding the fact that they support the concept of self-determination have not been prepared to commit themselves to pursuing decolonisation in accordance with General Assembly Resolution that provides the decade for the eradication of colonialism on the planet with a target date of the year 2000. Let me remind Your Excellency that, in fact, not only did I mention it in 1992 but in 1995, in the New Year Message the Chief Minister, then Leader of the Opposition, challenged me to come forward with proposals on decolonisation and that in October 1995 he publicly committed himself in an interview in putting formal decolonisation proposals in the manifesto in these elections which have not materialised. In 1988 when we had the Official Opening of the House the Opposition party which included the Hon Mr Montegriffo, criticised the GSLP for not going ahead with decolonisation given the fact that he in 1986 had been asking the AACR to include proposals for decolonisation in 1988. We have difficulty in understanding how the Government Member could have thought in 1988 we were ready to be decolonised and that our economy was in a sound enough shape to take it and in 1996 it is not. Therefore I would like to spell out, for the benefit not just of Your Excellency, but indeed for our people, what has happened between 1988 and 1996 that makes us, if anything, even more ready now than we were then if we were deemed to be ready then by at least one member of the Government benches.

In 1988 the presentation of the estimates of expenditure and indeed the audited accounts for that year identified the economic strength of Gibraltar by reference to a concept called the General Revenue Reserve. Your Excellency is responsible for the economic and financial stability of the territory and I am sure that when he hears the statistics I have to quote, Your Excellency will know he does not have to lose a night's sleep about the financial stability of the territory. Because if we were today to evaluate the General Revenue Reserve the indicator that the previous administration used to establish the economic strength of the public finances, we would find that it has grown 400 per cent in eight years. That is to say, today the cash reserves as described in the audited accounts of 1988 when it showed no growth from 1987, today would show by the same definition a growth of four times as much. In that same period we

have had an enormous increase in a property portfolio of the Government which produces revenue which will increase. We have had a situation where today the whole of the national debt is held in-house; it is entirely held by the Gibraltar Savings Bank and therefore the debt repayment programme which we were committed to and our role in the Opposition is not simply to monitor what the new Government are doing but to try and persuade them to adopt some of the things that we think are in Gibraltar's long-term interest and which we were committed to doing and therefore we would hope that they would be committed to a debt reduction programme as we were. But it is already a situation that we had no external debt whatsoever, it is all in-house. We have had a situation where the Gibraltar Savings Bank which is a business that belongs to the people of Gibraltar who are the shareholders of it through the Government, has shown an increase in its free assets in the net asset value of the bank from £400,000 to £8 million, a 2000 per cent increase. We have had therefore a position in the last eight years where we are now immeasurably stronger in cash and in assets than we have ever been in our history and that with the level of inward investment already programmed, quite apart from all the new things the new Chief Minister is going to do, we are confident that we can project a rate of economic growth at least as good as that of the United Kingdom over the next four years. Of course, the commitment of the GSLP included, because there is a positive net cash flow in the balance between the public and the private sector, continuing to support Community Care Limited with grants of £15 million a year as we have been doing recently. Community Care Limited as a result of the grants given during the years of the GSLP administration has, independent of the figures that I have given as belonging to the Government, its own cash reserves of £60 million which belongs to the pensioners and not to the Government. Therefore we cannot accept that there is anything in the picture that I have painted of the state of the public finances and the state of the economy that should prevent or deter the new Government from pursuing self-determination by pursuing proposals for decolonisation at the same time as the other things that they want to do. There is nothing here to inhibit them doing that and we would urge them to proceed along the route which would have our total support. If, indeed, what holds them back is not that then we have to speculate about what it might be. Clearly the position of Community Care to which I have referred is one that is a matter of concern to us since it is something that we were responsible for inventing and it is something that has served pensioners well and that we want to see preserved. Your Excellency knows that on the instructions of the Foreign Office the matter was raised with me prior to the election on the basis that should the question of Community Care be challenged as providing indirect discrimination, Her Majesty's Government would look to the Government of Gibraltar to provide an indemnity

of £28 million and that, indeed, I was asked as a pre-emptive move to that possibility to give an undertaking that in June this year Community Care would cease to operate as it was and would be replaced by the payment of welfare payments based on poverty. A matter which would deprive from Community Care some of our senior citizens that are in our audience today, something which I was not prepared to do. The point that I had made to Her Majesty's Government which I hope the new Government will continue to make is that since it is an independent registered charity, as we have said frequently in the House, it is not in the gift of this Government anymore than it was in the gift of the previous Government to give instructions to Community Care as to what they should do. I sincerely hope that that continuity is there and that it will have our support because we believe it is a sustainable and defensible position. Certainly as I made clear at the time, it would have been totally wrong to give commitments of that nature without the matter being openly and fully debated which we agreed with London was not something we wanted to do in the middle of an election campaign but now the election is over and the matter has to be addressed. The continuity of Community Care Limited, and I have to say, Your Excellency, that I am the Chairman of Community Care Investments which is the body which has the investment channelled through the Crown Agents of those reserves and I will be giving up the chairmanship of that body so that there is no question of any suggestion that we want to do anything with those resources other than to make sure that they are used for what they were intended when they were provided by my administration and that they do not finish up being used in any other way. But of course our support and our commitment and our involvement in Community Care will continue. Returning therefore to the failure of the present Government to commit themselves to pursuing decolonisation which is clearly nothing to do with the financial resources of this territory or its ability to face the future, I can only come to the conclusion that the real reason for not pursuing it is the knowledge as the international press has speculated that it would infuriate Spain and that what infuriates Spain upsets the Foreign and Commonwealth Office and I put it to Your Excellency that, indeed, in the 35 years of work of the Committee of 24 and of the United Nations and of the resolutions on decolonisation, if colonial peoples had been worried about upsetting colonial powers in pressing for decolonisation the Empire would still be intact and since that is not the case and we cannot be the last remaining remnant of the Empire, I urge the Government at least to support that bit of the GSLP programme.

The House resumed.

HON J J BOSSANO:

I was making the point that to some extent the evaluation of the desirability, Mr Speaker, of you doubling up in the role of the Mayor of Gibraltar depends on how that role is envisaged and what is the work that it is expected to be doing. We ourselves, as I mentioned, when we first from the Government side proposed in this House it was carried unanimously the appointment of Mari Montegriffo it was after Abraham Serfaty had been occupying the post for many years even though there was really very little political element in that role. In 1989 we ourselves were thinking that it might be appropriate that a future Speaker should take it over for the same reasons that have been given here today in terms of the workload on the time of full-time Ministers within their own departments. Obviously we are not yet able to assess just how much time the present Government intend to devote to people being full-time or otherwise because no statement has been made to that effect and therefore what time individual Ministers might have for doing something else. It may well be that if the Government want to proceed with your appointment at this stage and, as I have said, if they do we will support it because we would not want to give the mistaken impression that we have got any reservations about how well you would discharge those duties but if that is what they want to do and they want to carry on with the motion and vote on it today we would not divide the House on the issue. We would simply leave it to them to take into account the points that we have made and maybe reconsider whether they would wish, at a future date, if they want some political work to be done by the person that occupies the post of Mayor particularly in relation to any contact with people on the other side, that it should then not be done by you because we certainly think if that was going to be the case it should not be done by somebody who is the Speaker of the House.

HON CHIEF MINISTER:

Mr Speaker, the Government do not share the Opposition's view of the role of Mayor. In our judgement the best role for the Mayor is the civic and ceremonial one that it has traditionally been before they changed it. The suggestion that the Mayor should be an instrument for political dialogue and the conduct of the Government's relations with municipalities abroad is not one which we agree with and is not one which accords with the Government's policy. Accordingly, having taken due note of the points made by the Leader of the Opposition, it is the wish and indeed the intention of the Government that we should proceed with this motion as planned.

HON J J BOSSANO:

Mr Speaker, if you would allow me to say so, given the fact that this is a motion that we are dealing with as if it were a normal meeting of the House but we are not applying the normal rules of the House, strictly speaking once the mover of the motion replies nobody else can speak. But in any case it is quite obvious from the statement that has been made that their mind is made and if they are going to press ahead with putting it to the vote we will not vote against you being the Mayor.

Question put. Motion carried unanimously.

MR SPEAKER:

I am deeply honoured to have been elected Mayor of Gibraltar. The post is non-political and the functions according to the Constitution are very limited: "to preside ceremonial functions of a civic character".

Taking into account that I am not a social animal you may wonder why I asked for it. I will tell you why. I am a firm believer in civic pride, If in the execution of my duties I can instil civic pride to others I shall be more than satisfied. It is not easy to define civic pride. A pragmatic approach is this one. When you ask yourself what can I do for Gibraltar instead of what can Gibraltar do for me, that is civic pride.

ADJOURNMENT

The House then adjourned.

