



REPORT
of the Proceedings
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House of Assembly
of
GIBRALTAR

First Session

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THIRD MEETING, THURSDAY, 30th OCTOBER, 1969.

REPORT OF THE PROCEEDINGS OF THE HOUSE OF
ASSEMBLY

THE THIRD MEETING OF THE FIRST SESSION OF THE FIRST HOUSE
OF ASSEMBLY HELD IN THE HOUSE OF ASSEMBLY CHAMBER ON
THURSDAY, THE 30th DAY OF OCTOBER, 1969, AT 6.00 P.M.

Present:

Mr. Speaker (In the Chair).
The Hon. W. Thomson, O.B.E., J.P.

GOVERNMENT:

The Hon. Major R. J. PELIZA, Chief Minister.
The Hon. M. XIBERRAS, Minister for Labour and Social Security.
The Hon. Major A. J. GACHE, Minister for Information, Port,
Trade and Industries.
The Hon. J. CARUANA, Minister for Medical and Health Services.
The Hon. W. M. ISOLA, Minister for Tourism and Municipal
Services.
The Hon. Miss C. ANES, Minister for Public Works and Housing.
The Hon. L. DEVINCENZI, Minister for Education and Recreation.
The Hon. C. B. O. BEIRNE, C.B.E., Q.C., Attorney-General.
The Hon. E. H. DAVIS, C.M.G., O.B.E., Financial and Development
Secretary.
The Hon. P. J. ISOLA, O.B.E.

OPPOSITION:

The Hon. Sir JOSHUA HASSAN, C.B.E., M.V.O., Q.C., J.P.,
Leader of the Opposition.
The Hon. A. W. SERFATY, O.B.E., J.P.
The Hon. A. P. MONTEGRIFFO, O.B.E.
The Hon. E. J. ALVAREZ, O.B.E., J.P.
The Hon. M. K. FEATHERSTONE.
The Hon. I. ABECASIS.
The Hon. Lt.-Col. J. L. HOARE.

In attendance:

J. T. SUMMERFIELD, Esq., Clerk to the House of Assembly.

Prayer:

Mr. Speaker recited the prayer.

Minutes:

The Minutes of the meeting held on the 25th September,
1969, having been perviously circulated, were taken as read and
confirmed.

Documents laid:

The Minister for Information, Post, Trade and Industries laid on the table the following document:

The Exhibition of Prices Order, 1969.

Ordered to lie.

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

The Landlord and Tenant (Rent Relief) (Terms and Conditions) (Amendment) Regulations, 1969.

Ordered to lie.

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

- (1) Supplementary Estimates No. 10 of 1969.
- (2) The Gibraltar Broadcasting Corporation's Financial Statements for the year ended 31st December, 1968.
- (3) The Gibraltar Broadcasting Corporation's chairman's Annual Report.

Ordered to lie.

*Answers to Questions:***Question No. 9 of 1969.**

HON. M. K. FEATHERSTONE:

Why did the Hon. Chief Minister give salient details of the Beeching Report to a member of the U.K. Press before releasing same to Members of the House?

Answer:

THE CHIEF MINISTER:
(HON. MAJOR R. J. PELIZA)

I do not know to what member of the United Kingdom Press the Hon. Member is referring. By the way, the House will be glad to hear that, as promised at the last meeting, an abridged version of the Beeching Report is being released this evening and Hon. Members will be supplied with copies now.

Supplementary:

HON. M. K. FEATHERSTONE:

Sir, did the Hon. Chief Minister read the report in The Times of October 18th which was reproduced in the Gibraltar Evening Post?

HON. CHIEF MINISTER:

Sir, I did; and I can find nothing in that report attributable to me which had not been referred to this House previously.

HON. M. K. FEATHERSTONE:

Sir, did the Hon. Chief Minister give that reporter an interview?

HON. CHIEF MINISTER:

Certainly. But I hope the Hon. Member is not suggesting that I should not see members of the press.

HON. M. K. FEATHERSTONE:

This is not being suggested at all, Sir. But was the Beeching Report discussed during this interview?

HON. CHIEF MINISTER:

Certainly. And I think references to that Report were made by the journalist, but nothing attributable to me.

HON. M. K. FEATHERSTONE:

Sir, I am glad to see that this has been taken off the restricted list and that at least an abridged version is going to be given to Members. But will the Hon. Chief Minister set up an enquiry to ascertain where the leakage did occur, that this Times Reporter got the salient facts which he so ably quoted in his article?

HON. CHIEF MINISTER:

Sir, there are no salient facts in that report attributable to me which I feel warrant an enquiry. I have read that report and I think that an intelligent journalist can very well make reference to what has been said in Gibraltar (in this House) attach that to the policy of my party, see that the policy of my party, as I have stated here and in other places, coincides with that of the Beeching Report and, if he knows what the policy of my party is, the journalist is quite entitled to make deductions; and those I imagine are the deductions that the journalist has made.

HON. M. K. FEATHERSTONE:

Sir, I have been quite willing to accept the statement by the Hon. Chief Minister, that he did not give the facts. What I am asking, Sir, is if he will set up an enquiry to find out how there was a leakage. If he is good enough to read the first three paragraphs he will find that this gentleman knew his facts very well. So there must have been a leakage, Sir. If you wish I can read them to you.

HON. CHIEF MINISTER:

Sir, I have not got the report with me at the moment but it would be interesting to find out how the Hon. Member knows these facts are correct.

HON. M. K. FEATHESTONE:

Sir, The Times has stated them and the Government has not denied them. If they were incorrect would not the Government have denied these facts?

HON. CHIEF MINISTER:

To deny those facts, I think, would be a form of admitting them. To deny them or not to deny them, would be a form of admitting them. It is not customary for the Government to deny every statement made by the press no matter how incorrect they may be; and I will say one thing: that if we go by certain local papers the Government would be doing nothing else but denying statements in a certain paper.

HON. SIR JOSHUA HASSAN:

Would the Hon. Chief Minister say whether in fact there are facts in that report of The Times that have not been disclosed to this House?

HON. CHIEF MINISTER:

If the Hon. Gentleman will allow me to look at the report, which I say I have not got with me because I did not know to what report the Hon. Member was referring, I would be very delighted to go into it.

HON. P. J. ISOLA:

In view of the financial connections of certain Hon. Members opposite with a certain sector of the press, will the Chief Minister, when releasing information to Hon. Members of the House, mark the same as "Confidential". Then there would be no need for enquiries as to how leakages have occurred.

HON. CHIEF MINISTER:

It is always the practice, as far as I am aware, for the Government, certainly the present Government, to mark "Confidential" everything that is felt to be confidential.

Question No. 10 of 1969.

HON. A. P. MONTEGRIFFO:

In view of the changed circumstances now prevailing in Gibraltar will the Government consider amending the relevant legislation so that all industrial workers, either in part-time or full-time employment, who are not covered, or opted out, from the Social Insurance Scheme, can be allowed to contribute to the Employment Injuries Insurance Scheme?

Answer:

THE MINISTER FOR LABOUR AND SOCIAL SECURITY:
(HON. M. XIBERRAS)

Presumably the 'changed circumstances' to which the Hon. Member refers include not only those in the labour situation but also those in the political field.

However, the simple answer is "yes, Sir."

I should add that consideration will also be given to whether persons in non-industrial employment who, for any reason, are not covered by Social Insurance Scheme should also be allowed to contribute to the Employment Injuries Insurance Scheme.

Supplementary:

HON. A. P. MONTEGRIFFO:

I am very grateful. In this connection both Opposition and Government are thinking on the same lines.

Question [No. 11 of 1969.

Oral.

HON. A. P. MONTEGRIFFO:

In view that artificial sweetening compounds called cyclamates are suspected of being injurious to health will Government take immediate action to stop the sale of any drinks or food containing cyclamates?

Answer:

THE MINISTER FOR MEDICAL AND HEALTH SERVICES:
(HON. J. CARUANA)

Our practice in such matters is to follow that laid down by the Ministries of Health and Agriculture, Food and Fisheries in the United Kingdom.

Government policy, therefore, is to ban the sale of foodstuff and/or drinks containing cyclamates as from the 1st of January, 1970, as announced in the United Kingdom by the Minister of Agriculture.

Supplementary:

HON. A. P. MONTEGRIFFO:

We appreciate the prompt action taken. Will the Minister investigating this matter also investigate a new drug that has been found only a couple of days ago to be injurious to health which is called Menosodium Glutamate. Probably I have not pronounced it correctly. I might give it to you on a piece of paper.

HON. J. CARUANA:

Menosodium Glutamate is found in baby foods. The public health is investigating the matter. However, like in the previous question with cyclamates, this whole question has been exploded out of all proportion and there is absolutely no cause for alarm whatsoever. I am only reiterating the statement made by Cledwyn Hughes, the Minister for Agriculture in Great Britain. There is great controversy as to the danger that these drugs do have on human beings; and until the question is clarified we must bear this in mind. The banning of cyclamates in Great Britain is in abeyance until further research, until further evidence is

found, that this is in fact true. All precautions are being taken and the things will be withdrawn from the shelves. But as I said before there is no need for alarm. No soft drinks produced in Gibraltar whatsoever contain cyclamates. They are all 100% pure sugar and the only things which contain cyclamates are imported from abroad, and the stocks, as investigated by my department, and we appreciate the concern of the Hon. Member opposite on this matter; are minimal. I have a list of every supplier, wholesaler and distributor and the names of every product being brought into Gibraltar, and we are asking them to co-operate with the Public Health Department as much as possible. Thank you, Sir.

HON. M. K. FEATHERSTONE:

Sir, I am glad to hear that most soft drinks are containing pure sugar, but are they also permitted to contain saccharine?

HON. J. CARUANA:

Sir, this could be a matter for another question, however, I did make a reference that drinks produced in Gibraltar, manufactured in Gibraltar, contain, I think I did say very clearly, 100% sugar.

Question No. 12 of 1969.

Oral.

HON. I. ABECASIS:

Would Government consider that people on full Public Assistance (supplementary benefits) should be exempted from producing wages certificates when applying for rent relief?

Answer:

THE MINISTER FOR PUBLIC WORKS AND HOUSING:
(HON. MISS C. ANES)

Certain categories of applicants on full assistance are already exempted from the need to produce certificates of income when applying for rent relief. These tenants are chiefly those who are of advanced age or who suffer from physical or mental infirmity or those who in particular circumstances are unlikely ever to find employment.

In other cases applicants for Rent Relief must produce evidence to substantiate all statements made in his or her application, including that of his or her average weekly income, his wife's or husband's, and that of any other person residing with him or her, in accordance with the requirements of paragraphs 8(1) and 8(2) of the Landlord and Tenant (Rent Relief) (Terms and Conditions) Regulations. Such evidence must be produced on the form prescribed in the First Schedule to the Regulations. Persons on full public assistance or supplementary benefit, as it will be known in future, are required to produce that evidence on an administrative form, similar to that mentioned above, which is completed for them in the Department of Labour and Social Security.

These certificates have only to be submitted once a quarter and since the form is filled in for them by the Department of Labour and Social Security this requirement causes very little inconvenience to the persons concerned. Government is, however, prepared to consider extending this concession to any particular tenant whose circumstances justify such preferential treatment.

Supplementary:

HON. I. ABECASIS:

Sir, I was only concerned about people on full public assistance.

HON. MISS C. ANES:

Sir, if a person is receiving full public assistance he is not drawing any wages.

HON. I. ABECASIS:

But he is still required to produce a certificate.

HON. MISS C. ANES:

If it is necessary, Sir, yes.

HON. I. ABECASIS:

He can only get his public assistance and nothing else.

HON. MISS C. ANES:

Sir, if he is going to get public assistance, he has got to present some sort of papers to realise whether he is in need of this assistance or not.

HON. I. ABECASIS:

My intention was to avoid unnecessary work both for the Labour and Social Security Department and the Lands & Works Department; and also to avoid these old people having to go to the Labour & Social Security Department every three months to collect a wages certificate, when in fact if the Department concerned could produce a list of old people under this category, it would avoid the need for these old people on public assistance having to go to the Labour & Social Security Department. That is all I was trying to establish.

HON. MISS C. ANES:

Sir, this is not the question I read for number twelve.

HON. I. ABECASIS:

I will read it again if you do not mind. It says, "Would Government consider that people on full public assistance (supplementary benefits) should be exempted from producing wages certificates when applying for rent relief?" and I was referring exclusively to people on full public assistance.

HON. MISS C. ANES:

Sir, certain categories of applicants on full public assistance are already exempted from the need to produce certificates of income when applying for rent relief. These tenants are chiefly those who are of advanced age or who suffer from physical or mental infirmity or those who in particular circumstances are unlikely ever to find employment.

HON. I. ABECASIS:

Well, my request was only concerned whether you would consider all people on public assistance not to produce the certificates.

HON. MISS C. ANES:

Sir, Government is prepared to consider extending this concession to any particular tenant whose circumstances justify such preferential treatment.

HON. I. ABECASIS:

Thank you very much, Sir.

Question No. 13 of 1969.

Oral.

HON. M. K. FEATHERSTONE:

What is the procedure by which school teachers are paid their salaries?

Answer:

THE MINISTER FOR EDUCATION AND RECREATION:
(HON. L. DEVINCENZI)

There has been no departure from the procedure previously followed. Teachers are being paid on lines similar to those in any other Government Department. They can have their salaries paid into a bank account if they so wish.

Teachers are being paid their salary in cash, at their request at the Loreto High School Annexe at the end of each month between 12.00 and 1.00 p.m. Afterwards they can collect their salaries at the Department at their convenience.

The position is as follows:—

% No. of teachers paid through Bank	42%
% No. of teachers paid at Department	21%
% No. of teachers paid at Loreto High School	37%
	100%

I am, however, aware that this procedure has given and is giving cause for dissatisfaction and I am investigating the possibility of making other arrangements for those teachers who are not paid through a bank.

Supplementary:

HON. M. K. FEATHERSTONE:

Sir, I did not quite hear. Did you say some dissatisfaction?

HON. L. DEVINCENZI:

You hear quite well.

HON. M. K. FEATHERSTONE:

I am very grateful because I was going to ask you. I will ask you, although I know the answer, if you are aware that the Teachers' Association have made repeated representations against the present system, and I understand, and I would ask you to assure me now, that you will undertake to look into the matter and report back to the House as soon as possible.

HON. L. DEVINCENZI:

Sir, if he knew the answer to the question, I would suggest that in future he does not ask so as not to waste time. Nevertheless, I would like to say once again that if the Teachers' Association have been complaning, certainly as far as I am aware it has not been during my period in office. In fact, I would repeat, very recently this came to my attention. Very recently in fact. But of course I certainly will accelerate in order to make facilities as convenient as possible.

Question No. 14 of 1969.

Oral.

HON. LIEUT.-COL. J. L. HOARE:

Will the Honourable Minister say what progress, if any, has been made in connection with the re-surfacing of the football and hockey pitches at Victoria Stadium?

Answer:

THE MINISTER FOR EDUCATION AND RECREATION:
(HON. L. DEVINCENZI)

Sir, I did not quite hear that. Did you say Honourable Minister or Horrible Minister?

HON. LIEUT.-COL. J. L. HOARE:

I did say Honourable Minister.

HON. L. DEVINCENZI:

Sir, I am happy to inform you that the Royal Engineers have now undertaken to resurface the stadium and are already engaged in making preliminary borings to ascertain the exact nature of the sub strata. In the meantime steps are being taken to bring out the necessary materials, considerable quantities of some of which are required. In addition, and as a further safeguard, we are making enquiries to ensure that the surfacing materials to be used, in respect of which no guarantee has been obtained from the suppliers, is the most suitable. The intention, however, is that work should start on the 1st of February.

HON. LIEUT.-COL. J. L. HOARE:

I thank the Honourable Minister, I repeat, Honourable Minister, for that statement.

Question No. 15 of 1969.

Oral.

HON. A. W. SERFATY:

In view of the increased cost of building will Government undertake to press that Her Majesty's Government's help for the Social Services and Hotel Aid to which that Government is already committed be proportionately increased?

Answer:

THE HON. CHIEF MINISTER:
(HON. MAJOR R. J. PELIZA)

In so far as the Social Services are concerned, if an accepted tender exceeds the approved estimate of any scheme, we will naturally ask for supplementation. We have in fact already sounded a word of warning on the subject.

In so far as Hotel Aid is concerned, I would remind the Honourable Member that the commitment entered into by Her Majesty's Government was one of principle and subject to approval of particular schemes both in Gibraltar and in London. The circumstances of each particular case will thus have to be examined.

Supplementary:

HON. A. W. SERFATY:

Then I take it that the Hon. Chief Minister undertakes to press for increased aid, hotel aid, in those cases which have already been approved and which can make a case in view of the increased cost of building.

HON. CHIEF MINISTER:

Sir, I can assure the Hon. Member that if the additional money requirement is for the benefit of Gibraltar as a whole, and it is not in any way going into any particular pocket, which would not be in the interest of Gibraltar, we shall certainly press as hard as possible.

HON. A. W. SERFATY:

Sir, I fail to understand this last phrase because the Hon. Minister for Tourism says, he is committed to increasing bed capacity in Gibraltar. Would not the Hon. Chief Minister agree that it is in the interest, general interest of Gibraltar, to increase that capacity and encourage developers to build more hotels?

HON. CHIEF MINISTER:

Sir, this is a completely different question, but I assure him that the Government will respect, and in fact is already doing so, all past commitments of the past administration.

HON. A. W. SERFATY:

I did not hear the last few words.

HON. CHIEF MINISTER:

That we shall certainly pay full commitment with respect to all the commitments that the past administration undertook and, if in the future, we trust that this will be possible, new schemes are proposed and are arranged by the Government, we shall give the same assistance and the same attention as I think you would expect us to do with the past commitment.

HON. A. W. SERFATY:

Thank you, Sir.

STATEMENT BY THE MINISTER FOR TOURISM AND MUNICIPAL SERVICES

HON. W. M. ISOLA:

Social progress depends on developing our resources to the fullest and it will be my aim to ensure that this is done where tourism is concerned.

How can we achieve our aims against the present constraints which effect our economy? Whereas for some time past one of the major problems had been that of getting financial interest in the development of hotels, the prime requirement now if we are to develop as a resort, must be to secure some call upon our labour force. Happily the number of tourist beds in Gibraltar has increased from just over 1,000 at the beginning of this year, to 1,450 at present and certainly before the next season to 1,750.

Parallel with these increases in supply has been the welcome development on the demand side of the equation. Progressively percentage occupancy has increased and the average length of stay of our arriving visitors is now in excess of that achieved by countries such as Portugal or Switzerland. This is a reflection of the development of inclusive tour traffic. I intend to continue pressing for support from specialised tour operators, both locally based and those with headquarters in the United Kingdom, to give adequate prominence to Gibraltar's tourist attractions and at the same time to make it worth their while to make their participation financially viable by securing sufficient quantity allotments of the still relatively limited space in our hotels.

However, it is not sufficient merely for us to supply more accommodation and to sell it more effectively but there is a growing need for us to ensure there are adequate standards and that people who come to Gibraltar are not disappointed in any aspect of their stay. In the tourist industry, a service industry, despite growing automation, the role of the individual stands supreme. Gibraltar has established a worthy reputation as a

friendly place in which, whether they are English-speaking or not, you can be sure of a warm welcome. We want to be sure that that welcome extends beyond a smile so that standards of food, standards of cleanliness and standards of entertainment and the other peripheral interests of the visitor can be properly catered for.

Hitherto assistance for the development of hotels has been concentrated upon new growth. I recognise there is a need to make our schemes sufficiently wide so that it is possible for existing hotels to speed up their policy of improvement. Redecoration and updating of rooms in our existing hotels, refurnishing and repainting should all be stimulated but I must stress that the primary financial responsibility for these improvements lie with those who will gain financially from such improvements.

However, hotels are not the full answer. We have left to the private sector the initiative to develop restaurants, bars, nightclubs and beach snackeries. Here again we must give greater emphasis to the need to ensure standards of quality and service are commensurate with the prices asked for, that adequate arrangements exist for personal hygiene, that the all too frequent tendency for a new establishment to open with a bang and then to die away with scarcely a whimper, is eliminated. I am at the moment considering proposals that will achieve these aims.

A third area where we have made good progress and will aim to continue in this fashion, is with the improvement of our beaches, promenades and centres for out-door activity. The valuable help extended by Her Majesty's Services particularly the Royal Engineers, is one which we shall hope will continue.

Now for our markets. A satisfactory level of marketing activity has been established in the United Kingdom. Relations with our Advertising Agents, with our Public Relations Consultants, and with the travel trade through our London Office, continue strong and give every hope that we shall be able to obtain a satisfactory volume of response — response which we have clear indication leads to a high rate of conversion into holiday bookings.

The next areas in which I wish to concentrate are: —

First Morocco and

Secondly Germany, France, Belgium and Holland.

The latter group by tapping into Continental visitors from those countries already holidaymaking in Morocco. In the last year there has been a doubling in our advertising expenditure there. A further doubling will bring us to a point which I consider to be a reasonable level commensurate to the potential of that territory, one which has every promise of major expansion in the 70's. Most holiday visitors to Gibraltar welcome the

opportunity of an excursion usually to Tangier, but also to the surrounding area in Morocco and this zone forms an equally important catchment for holidaymakers staying at the new developments, to travel across to Gibraltar and to see for themselves a totally different culture both from that in Morocco and in their normal country of residence.

A further field in which it will be my aim to stimulate activity is the development of cruise traffic. Hitherto concentrating mainly on ships operating from the United Kingdom, we have been able to build up a level of cruises something of the order of 120 per annum bringing 80,000 — 90,000 visitors, all of whom are anxious to take an excursion in Gibraltar, all of whom complain bitterly about the short period of time their ships stay here. We shall seek to get approval to longer periods of stay now made possible by the increased use of berthing facilities at the Western Arm of the North Mole. However, it is my belief that not only will there be considerable development in cruise traffic for United Kingdom nationals but that this will also spread to Continental countries of Europe. A number of cruises have already been calling at Gibraltar bringing with them Dutch and German passengers. I can expect to see further extensions to this type of activity. I will also aim for a resumption of cruise calls from ships sailing from other ports. Gibraltar as Gateway to the Mediterranean would provide a very worthwhile first port for the growing number of holidaymakers who pass through the Straits.

On the subject of communication, we all recognise that in our present island economy, both air and sea communications are vital to our continued existence. I shall seek to develop patterns of traffic which will guarantee a volume of business capable of supplanting the traffic lost when the frontier with Spain was finally closed — both transit traffic through Gibraltar to Spain and excursion traffic from Spain to Gibraltar. Such traffic should provide levels of service adequate to meet the needs not only of our tourist economy but also an important and growing sector, the area of domestic tourism abroad — in effect our own people seeking to travel to the United Kingdom and other places outside Gibraltar.

Domestic tourism implies a conscious effort on our part to promote cheap holidays for Gibraltar people and ways in which we can utilize already organised travel schemes in the United Kingdom, in Morocco and possibly in Portugal are matters we shall pursue most urgently.

In the field of festivals, it is our intention to promote the Gibraltar Fair and the Miss Gibraltar Annual Contest. I regard other activities, both sporting and cultural, as of value to Gibraltar but not primarily the responsibility of the Gibraltar Tourist Office. These will, therefore, be dealt with by my colleague the Minister for Education and Recreation.

Gibraltar's reputation has been built up on its attractions as a shopping centre and every effort must be made to see that our shops stock a wide range of interesting articles which will continue to appeal to visitors. There must be recognition that new trading conditions in the tourist-sending countries, particularly the United Kingdom, have led to a complete re-appraisal of retail pricing and that many goods are now sold at levels substantially below those recommended by the manufacturer. Consequently the advantages which were once readily apparent here have been dissipated. Parallel with a realistic pricing policy is the need for recognition of the effects of volume selling and improved stock turn, together with improved display and in store service. These must form part of our policy.

Gibraltar's picturesque streets, interesting side alleys, delightful wrought-iron balconies — all these need to be shown off to advantage by well painted properties and clean thoroughfares. We must do everything possible to give strength to this aspect of tourist development. In my joint role as Minister for Tourism and Municipal Services, I am well able to oversee this range of activities.

The Gibraltar Tourist Office will in relation to its own revenue producing services, continue to operate in the most business-like way possible, aiming to give interesting excursion facilities to visitors and to do everything possible to extend the range of attractions which already exist. In this respect the Chief Minister has agreed that the Gibraltar Museum should fall within my sphere of responsibility. The Tourist Office will co-operate closely with the existing Gibraltar Museum Committee.

In addition to our membership of IUOTO, we shall co-operate with other National Tourist Offices, particularly those of Morocco and Britain, and we shall seek the fullest help and assistance not only from those bodies outside Gibraltar but also from other organisations in Gibraltar concerned with the travel trade and from whom we can secure help in ensuring our major policies become effective.

The two-fold tasks which I have set myself are firstly to ensure the maximum number of visitors is attracted to Gibraltar and secondly that having got them here we can be sure that they are more than satisfied with what they enjoy so making it possible for us to look forward to many more happy holidays in our resort.

Summing up then, we recognise that tourism can play an important part in our economy and I can assure the House the opportunities which still remain for us in the field of tourism will be fully exploited.

HON. A. W. SERFATY:

Mr. Speaker, I am sure we are all very pleased to hear the

Hon. Minister for Tourism and Municipal Services speak the way he has done, because he has cleared some doubts that some of us had on Government policy on the question of tourist development. We have heard so much on converting Gibraltar into a small industrial Switzerland that it is very pleasing to hear—

HON. CHIEF MINISTER:

On a point of order, Sir. I think the Honourable Members are entitled to ask elucidatory questions but not to establish a debate.

If the Hon. Member wants a debate, of course, he can go ahead and ask for it.

HON. A. W. SERFATY:

Mr. Speaker, I only wish to say just a few words in reply to the very interesting—

HON. CHIEF MINISTER:

On a point of order, Mr. Speaker. I do not think he can do that. He can ask questions—but not make another statement.

HON. A. W. SERFATY:

May I ask a question now? Is that what the Chief Minister is suggesting?

That is, does the Minister for Tourism and Municipal Services appreciate that the size of the Tourist infra-structure, and I am referring to the hotel beds mainly, is as important as the quality to which he has referred?

HON. W. M. ISOLA:

Sir, I appreciate that tourism is extremely important now and will become even more important later on.

HON. A. W. SERFATY:

I cannot hear, Mr. Speaker.

HON. W. M. ISOLA:

I am sorry. I am afraid I did not hear your last question. I will try and answer your question if you will please come back to me.

HON. A. W. SERFATY:

Yes, certainly. Does the Honourable Minister appreciate that the size of the tourist infra-structure, or of the tourist industry—the number of beds available to people who cannot come to Gibraltar except to stay here unless they come on a day excursion—does he appreciate that this is of paramount importance and not only the quality of what we at present have? Does he appreciate that it is very important indeed for Gibraltar's economy to increase the number of hotel beds?

HON. W. M. ISOLA:

Sir, I hate not to answer this question but if my recollection is correct the Hon. Member can only ask questions elucidating matters coming from this statement. I appreciate what the Hon. Member of the Opposition —

HON. A. W. SERFATY:

I think, Mr. Speaker, that the question arises from the statement. The Hon. Minister has referred to the 1,500 beds we have now. He has referred to necessary improvements in the service. My question is a simple one. Does the Hon. Minister attach as much importance to the size of our tourist infra-structure, and I mean the number of hotel beds, as he does to the quality of service? Does he really appreciate that?

HON. W. M. ISOLA:

Very much so, Sir.

HON. A. W. SERFATY:

Thank you very much.

STATEMENT BY MINISTER FOR EDUCATION

HON. L. DEVINCENZI:

The question of technical education and technical training is being given priority by the Government. With this aim in view, the Government has already prepared draft legislation whereby all employers will be required to provide proper training for all their apprentices. The present facilities available at the Gibraltar & Dockyard Technical College will be used to the maximum and if necessary expanded to meet the demand for proper and systematic training in the private sector. Already the process of consultation on the implications of Industrial Training is taking place and when all relevant parties have been consulted the Government will introduce a Bill to provide the provision of courses and other facilities for the training of persons for industry.

It must be clearly understood that the Government considers industrial training to be an essential requirement in its policy to make the local labour force as efficient as possible. It is confidently expected that private employers will co-operate with the Government to make this venture a worthwhile proposition.

Supplementary Estimates No. 10 of 1969.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the House should resolve itself into Committee to consider Supplementary Estimates No. 10 of 1969 in detail.

This was agreed to and the House went into Committee.

House of Committee

Head XIV. Miscellaneous Services.
Item 36. (New) Riots — Claims for Damages.

HON. SIR JOSHUA HASSAN:

Sir, I would like to make an enquiry on this matter.

Does this increase on the original estimate arise out of new circumstances — new evidence produced?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, the Schedule that was attached to the report unfortunately appeared to omit one or two items which subsequently came to light in the course of negotiation.

Head XXV. City Council Deficit.
Item 1 deficit on 15th August, 1969.

HON. CHIEF MINISTER:

At the last meeting of the House, notice was given that the sum of £123,000 then voted to meet City Council overdrafts with Barclays Bank and the Crown Agents would have to be supplemented by a further amount to meet the Council's current expenditure until the end of the year. This figure included interest and repayment of loans due on the 1st October 1969. The sum of £185,884 to which the House is now asked to give formal approval represents the net difference between estimated expenditure and revenue on the City Council side for the remainder of 1969 after taking account of all necessary adjustments on the incorporation of accounts.

At the last meeting of the House, it was also suggested by the Honourable and Learned Leader of the Opposition, and it was agreed on this side, that a debate should be held on the finances of the City Council once the accounts had been finalised.

Accounts and a financial review have now been received but we are of the opinion that before any debate takes place and in order to avoid any possible confusion the Government should obtain an expert outside opinion on the matter. Nobody, however, need be under the misapprehension that this matter will not be fully debated in due course in this House as promised.

We have asked that an officer from the Ministry of Housing and Local Government in Britain with experience of municipal and government systems of accounting, and if possible a Member of the Institute of Municipal Treasurers & Accountants, should come to Gibraltar with the following terms of reference:

- (1) To examine the Abstracts of Accounts for the period 1st January to 14th August 1969, and Balance Sheet prepared by the City Treasurer & Accountant, together with his financial review, on the 14th August 1969, and advise whether these documents show the correct financial position of the

- City Council as at that date;
- (2) To advise whether in accordance with Government accounting practice it is correct, for the purpose of incorporating the Balance Sheet into the Government accounts, to exclude therefrom:
 - (a) the value of the stock of materials and stores;
 - (b) accounts in hands of Collectors; and
 - (c) suspense and reserve accounts not represented by cash and investments;
 - (3) To advise on any other relevant aspects of (1) & (2);
 - (4) In connection with the above, to examine, and comment on, such other documents as he may consider relevant.

Once his report is available all documents will be circulated to Honourable Members for their consideration before debate.

HON. SIR JOSHUA HASSAN:

Sir, I had, by kindness of the Chief Minister, notice of this proposed review from a letter he sent me on the 17th October which I welcome fully. I particularly welcome something he told me in a subsequent letter which was not in his first letter, which he has stated today, and that is that the person to be asked to come should be a Member of the Institute of Municipal Treasurers and Accountants—this is very, very important. But I must dissent with the suppression of the accounts to Members of this House until after the matter is gone into. I must also comment on the fact that under Section 34 of the City Council Ordinance, there is provision, in fact it is by law that the Principal Auditor, who is the Auditor of the Council, who should audit the accounts, and it is after that, or at the same time if necessary, when this review would be made. I do not want anybody to think, whatever terms have been made, that this is as a result of anything, but because of the fact that the merger has come about and in the middle of it there was the difficulty of the overdraft and other things. No doubt all this will come out in the enquiry. But I would very much like that the Members of this House, and the City Councillors at the end of the term to which they were responsible, should be circulated with the accounts and the Treasurer and Accountant's Reports now. I am not saying that this should be published now nor printed now as by law it is required that this should be done at a later stage, but that they should be acquainted with the situation now so that in fact when the enquiry is made they will know what the enquiry is about. For that reason I wrote yesterday to the Chief Minister and pointed out that I thought this was the right procedure. I hope he reconsiders the matter and allows all members of this House to have the accounts and the financial report. Nothing, no confusion can arise, certainly not in the minds of Members who will have these documents, if it is thought fit, on a confidential basis. But I think it is improper that if the accounts have been in the hands of Government for some time now, that all Members of this House should not have copies of it and know what it is all about until whoever is going to come and so on. This could take a long time and I

think it is only fair that Members should know exactly what the position is.

HON. CHIEF MINISTER:

Mr. Speaker, let me assure the Honourable and Learned Member on the other side of the House that there is no question of surpressing anything whatsoever. I made it quite clear in the statement that the Honourable Members will have the accounts, with the review, with the comments by the investigator and all the rest with plenty of time for them to assess the figures. The figures cannot be changed — they are there, they are printed. They will have plenty of time before the debate ensues. So there is no problem in that respect. I will go further, I would say that the accounts could be circulated (a) if they were felt to reflect the true picture at present: (b) if assurances were given that they would be available to Members only and that no public disclosure would be made until the picture was complete with official comments and the expert's report. But I am sorry to say that they do not reflect, or do not appear to reflect, the true position of the Council, and this is the advice that I have from the Financial Secretary, from the Principal Auditor and from the Financial Officer; who all feel that they do not reflect a true picture. I therefore feel it would be wrong to circulate documents which might be misleading, because the abstract produced was never intended to do what the City Council Treasurer's financial review tries to make out. Under the circumstances, and on the advice I have, I find myself compelled to restrain the release of these documents until such time as the Hon. Members, and I hope even the Members of the public, have at last the comments from both sides.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, this is a very serious matter. There has now been made here an allegation. (Tapping).

Yes, but you do not solve the problem by banging on the table. You solve the problem by looking at it and not by banging and making a lot of noise.

This is a serious matter. This is the first I hear about this. This is the first, I am sure, Councillors at the end of the last Council hear about this. This is the first time anybody hears about this. I want to know whether the Treasurer and Accountant has been questioned about his report; whether he has been asked for any explanations as to why and in what way it does not reflect, if it does not reflect, the position of the City Council. This is a matter for which the Treasurer and Accountant was responsible to the Council as it then was. I am sure this is a reflection on his ability or on his integrity — I do not know what it is. It is so serious that I want to know whether he has been asked to explain anything; to indicate where the accounts have been made in any way different to what they have been made before. What it is all about. This is very bad. The more

reason why we should have the accounts. We ourselves want to look into this matter. The Opposition are entitled to have these accounts and have expert advice on their side if it is necessary. For whatever the outcome is this is most important. And I press this House, that these accounts be made available on a confidential basis to all the Members of this House. What worse could have been done than this allegation without any substance — without anything to substantiate it now. What worse could have been done than that — not to have the accounts after all that has been said about them. I think this is most improper of the Government to suppress this and make these allegations. I hope that Government will now agree to have these circulated to Honourable Members.

HON. MISS C. ANES:

Sir, it surprises me very much the Honourable and Learned Leader of the Opposition, when in his capacity as Chief Minister and Mayor of the City Council, he should never have bothered to find out the rights and wrongs of the statements of the City Council and should be so concerned today to bring the figures out.

HON. CHIEF MINISTER:

Mr. Speaker, I must reiterate there is no question of suppressing the accounts in any manner or form. What we want to do is precisely what the Honourable and Learned Member of the Opposition tried to avoid at the last meeting when he said we should not hold a debate until we had all the facts.

HON. SIR JOSHUA HASSAN:

No, no. I said "the accounts"; do not misquote me.

HON. CHIEF MINISTER:

Well, I will look back at Hansard, but whether it was the accounts of whether it was the facts, it is only when the accounts reflect, or we know the accounts reflect the true picture, that this Government is prepared to release it. I am sure that this is the proper procedure. It is the Government that is responsible for the final outcome. It is the Financial Secretary and I who are responsible for the financial position of Gibraltar; and we must act in accordance with our best judgment. We feel at this stage that these accounts should not be made public, or even in confidence to Members of the Opposition. Therefore, all I can say is that at this moment I give my solemn assurance, this should be enough, that at the time and place when these accounts should be released they will be released. The Members of the Opposition will be given ample time to look into these accounts, and to refer them to expert advice if they so wish before debate ensues.

HON. SIR JOSHUA HASSAN:

The Chief Minister has not answered my question. I asked specifically whether the Treasurer and Accountant had been

questioned, and had questions about it in respect of the items which the Financial Secretary, and whoever else has looked at these accounts, found that they do not reflect the true picture of the financial situation. Has he been asked? After all he has prepared the accounts. A very serious statement has been made against him in this House today and it is only fair that he should have been given an opportunity to explain anything before a statement like that is made in this House under privilege of this Chamber.

HON. CHIEF MINISTER:

Sir, I do not agree that anything that has been said here need reflect on the Treasurer of the City Council. I have been very careful, in fact I would never have said this if it had not been pressed on me by the Honourable Member on the other side. I think that I am entitled to the advice of my advisers, which I must take. If the Honourable Member presses for a question I am obliged to give him an answer. In fact, I could, if necessary, even have gone to the extent of getting the Principal Auditor to go into this question. But I felt, and I think on this I have bent backwards to be fair, that the best way to be clear in our minds as to the proper financial position of the Council was to obtain a completely independent person with a knowledge of both Government and Municipal accounting in Britain to come out and advise us on this question. I have no doubt that when he comes out and advises us we shall then rethink the whole problem. But at the moment I cannot possibly allow that these accounts be published or even given to the other side of the House in confidence.

HON. SIR JOSHUA HASSAN:

I have not yet been answered the question I have asked. Has the Treasurer and Accountant, who has submitted these accounts to the Government, been asked any aspects of these accounts before this statement that has been made today?

HON. CHIEF MINISTER:

Mr. Speaker, I do not think it was necessary to do that at this stage. (Cries of shame). But the time may come when we may have to.

HON. P. J. ISOLA:

Sir, I think the Honourable and Learned Leader of the Opposition has taken contradictory attitudes in this matter. I think he should be reminded that what this House will be concerned with is not just whether the accounts of the City Treasurer are correct or not, or whether they reflect the correct position or not, but the political responsibility for the state in which the City Council's finances are in today. This will be the main issue in a debate. And it is absolutely clear, and it must be blatantly obvious to the Honourable Members opposite, that if the House is to be able to debate this issue it must have before it all the information available. The Honourable and Learned Leader of

the Opposition has welcomed the statement of the Chief Minister. Later on he protests at apparent, or what he says are reflections on the ability, or whatever it is, of the City Treasurer and Accountant. But if he looks carefully at the statement that has been made by the Chief Minister, and the terms of reference, it must be obvious to him that if the Government is asking somebody in the United Kingdom, somebody independent, whether these documents show the correct financial position of the City Council as at that date, it must be obvious to him and all the Honourable Members present, who have welcomed the statement, that there is some doubt as to whether these accounts are correct. Because if there was not, with respect, if there was no doubt as to whether it represents the correct financial position of the City Council, there would be no need to call in anybody to give advice on anything. I notice the Hon. and Learned Leader of the Opposition nods his head in agreement. Then why, Sir, did he welcome the statement of the Chief Minister which by its very nature has reflected on the correctness of these accounts?

But, Sir, this House, and I think all Honourable Members present, must welcome the statement because it is going to be obviously a very highly controversial issue. I think we must all welcome that somebody independent from the Honourable Members opposite, independent from this side of the House, independent from the City Treasurer and independent from the Financial Secretary, that is, from the Ministry of Housing and local Government, is going to come to Gibraltar and have a look at it. I am sure that he will wish to ask questions to the City Treasurer and possibly to the Financial Secretary; and I am sure they will be happy to answer them. But the nett result, I hope, for this House, will be the accounts of the City Council, the City Treasurer's Review and Report and the Statement from this independent person who is coming out from the United Kingdom who has the qualifications which the Honourable and Learned Leader of the Opposition has asked that he should have. And when that has happened I hope the Honourable Chief Minister will give the House plenty of time to look at it. We can then have a proper debate and see where responsibility lies for whatever has happened. Meanwhile, Sir, this House has no option but to vote a further £185,887 to meet the City Council deficit. There is no question of choice for us. We must all say unanimously "Aye", because under our Constitution we took over the assets and liabilities of the City Council which would have been more properly described as the liabilities and assets of the City Council. I thank you, Sir.

HON. M. K. FEATHERSTONE:

Sir, I am very pleased to hear the Honourable and Learned Backbencher say the liabilities and assets because he quoted this the last time. The last time he even said that he did not know what the City Councillors had been up to for the last 20 years. This is a very interesting word: 'been up to'. I could not find

it in the dictionary or anywhere. But the whole gist of his speech was rather a slur on the Councillors. I agree he does not know what the Councillors have been up to in the last 20 years. I should have thought at least in the last twelve years, if there is any fraternal intercourse between the two brothers, they would have known something about what was going on in the City Council. We also, Sir, had the panic call by the Chief Minister in which he said there was no panic. Of course the easiest way to say 'do not panic' in the Cinema is to stand on the stage and say 'there is no fire' and watch everybody rush for the exit.

Now, Sir, the Honourable Chief Minister said that he made this statement because neither he nor the Financial and Development Secretary, nor the Principal Auditor, were satisfied that the accounts show the true picture. This is most interesting. In 1967 the accounts were published having been audited by the Chief Auditor. The 1968 ones, I think, are in the process of being audited and published—being printed—therefore they have already been audited.

HON. CHIEF MINISTER:
Not audited.

HON. M. K. FEATHERSTONE:
They must be in the process of being audited, Sir, or surely the Government is very behind in its work.

HON. J. CARUANA:
On a point of order, Sir. These balance sheets are printed subject to audit.

HON. M. K. FEATHERSTONE:
We know that. It is pretty sure that they must be if not fully audited, well on the way. But at least in 1967 they passed the Government Auditor; there was no 'hanky-panky' by 1967. The slur has come from the Honourable and Learned Backbencher and from the Honourable Chief Minister.

HON. CHIEF MINISTER:
Sir, I object to that. No one has said that there has been 'hanky-panky'. All I say is that they do not reflect the true situation of the financial position of the Council, which is a very different thing altogether.

HON. M. K. FEATHERSTONE:
Sir, if it does not reflect the true position, and if one trusts one's Treasurer and one's Treasurer gives an account, and then afterwards one says: "This does not reflect the true position", then one is either mistrusting one's Treasurer or assuming some 'hanky-panky'.

HON. CHIEF MINISTER:
With all due respect, Mr. Speaker, he is putting words into

our mouths that we have never said. I think this is doing precisely what the Honourable Member, the Leader of the Opposition, is accusing us of doing before. All I suggested was, and this is a statement of fact, the advice of an expert, but now we have not an expert's advice but insinuations as to the Treasurer which we have never made and which he is making now. I hope that the Learned and Honourable Leader of the Opposition can advise his colleagues not to carry on making such statements.

HON. M. K. FEATHERSTONE:

Sir, we have had it from the words of the Honourable Chief Minister that neither he, nor the Financial and Development Secretary, nor the Principal Auditor, are satisfied with the accounts presented by the Treasurer; and that is why they want to bring an expert—to query therefore what the Treasurer has presented.

HON. CHIEF MINISTER:

On a matter of clarification. What we are bringing the expert for is clearly defined in the Terms of Reference. I suggest to the Honourable Member that he reads the Terms of Reference.

HON. M. K. FEATHERSTONE:

The Terms of Reference were one thing, Sir, and what he said later was a different thing. He does not wish to remember his second statement. But Hansard will show eventually what he did say. It is very easy, Sir, to bring out experts. It is very easy to wipe things off. But I would like to quote if I may, Sir, by reading one little thing that perhaps might put at rest, to some extent, the worries of the Learned Backbencher, who does not know very much, in fact he is ignorant, completely ignorant, about this curious system of accounting that calls an Electricity Undertaking an 'Asset' when you cannot sell it. Sir, this is taken from a book 'Accounting for Local Government, Local and Public Authorities'. I will quote, Sir, about Public Boards: "Electricity Acts 1947 required the Central Electricity Authority and each area Board to prepare for each financial year statements of accounts in such form as the Minister of Power, with the approval of the Treasury, may direct." Now, Sir, one of these statements for the consolidated balance sheet put down the following as assets: 'Fixed Assets', etcetera, etcetera. "Current Assets: Fuel at cost: £23,000,000. Stocks and Stores: £57,000,000. Contracting work in progress: £3,000,000. Debtors £87,000,000." All these have been wiped out according to the Honourable Chief Minister. He wants to bring an expert to produce some different set of figures. Well we, Sir, could then bring an expert to produce our set of figures. And if you keep on getting experts right, left and centre you can get all sorts of things. The letter goes to the Mid Eastern Electricity Board — just one section of the giant part. We have, under Fixed Assets, Sir, Land and Buildings, Sub-stations, Plant and Machinery, Tools, Mains, underground. They are estimated at £31,000,000, Sir. Who wants to buy an electricity main underground? — the Honourable and

Learned Backbencher? And yet the Treasury in Britain is willing to accept it as an asset. But he is not willing to accept as an asset a power station.

HON. CHIEF MINISTER:

I assure the Honourable speaker that we shall bring to the attention of the expert who is coming out all the points that have been brought to our attention today. And, in fact, if he does not want to waste the time of this House, he can put them down on a piece of paper and we shall certainly give them to the expert as well.

HON. M. K. FEATHERSTONE:

Sir, we will not have the question of wasting the time of this House, please, because I think the Hon. Chief Minister has wasted quite enough time of this House already—

HON. CHIEF MINISTER:

To inform the members of the public—

HON. M. K. FEATHERSTONE:

The whole position here, Sir, is that the Treasurer has produced his accounts, has produced his remarks concerning those accounts; and those accounts have suddenly vanished. They have been taken to the Secretariat with the stencils, with the copies, with the rough notes, with everything. Are we facing some suppressing of facts? Are we later to be given a different set of balance sheets? If they have nothing to hide let us have these balance sheets and these figures and these statements now. Let them bring all the experts — we are not afraid of any expert. What we demand, Sir, is that we have the Treasurer's Report now, within 24 hours. When we have seen these reports they can bring all the experts—50 experts if they wish. They will not find anything wrong with the report. But I am very interested to see, Sir, that for many years the City Council has had a Government Member on it, two of whom later became Financial Secretaries. During these twenty years when, according to the Honourable and Learned Backbencher, he did not know what they had been up to; and then they became Financial Secretaries. And all the time they were audited by the Government Auditor and he found nothing wrong. Yet, all of a sudden, we have this panic stations from the Hon. Chief Minister. If they have nothing to hide, Sir, let us have the accounts forthwith. They may bring their experts to look into them. But why do they want to hide them now.

HON. SIR JOSHUA HASSAN:

Sir, I would like to ask just one or two points raised by the Honourable and Learned Backbencher. It is this question of not being consistent. I welcome, as the correspondence shows, the looking at the accounts by anybody. Of course I welcome it. I told him so in the letter. But it does not mean that we do not want to have the accounts now. I do not see why the accounts and the report should not be available to Honourable Members

now. We are all Members of this House. We have a sense of responsibility. Why suppress them now? Why wait until he looks at it? How can you go and discuss the matter with him when he comes if you have not got the accounts to discuss them with him? How can you wait until he makes his report and then get everything? This is not fair, and I told him so in my letter this morning or yesterday. This letter states quite clearly that the question of having an expert and having the accounts are two completely different things, and that is where the Hon. and Learned Mr. Peter Isola was completely wrong. I want the accounts available to all Members and I want an enquiry—but those things are not inconsistent one with the other. We want to see the accounts—I think we are entitled to it. All sorts of allegations have been made. By saying that there is no panic, as the Honourable Member on my right has said, you create panic—by saying that there is nothing wrong and at the same time asking for an enquiry and saying that the statement of accounts does not reflect the position. Section 34 of the City Council Ordinance states that the Auditor is to audit the accounts of the City Council. There is power there. That is the law and that is what should be done irrespective of whatever may happen with regard to the enquiry. But I must give notice now that if the Government does not give way on this matter I shall have to raise it as a substantive motion at a subsequent meeting.

HON. CHIEF MINISTER:

I think, Mr. Speaker, that I want to clear one point about the panic. I had to say no panic because the sum involved was very substantial. Not because I wanted to create panic as has been suggested from the other side of the House. You have got to realise that at the last meeting we had to vote £123,000. We had to give an explanation for this. Today we have to vote £185,884, altogether, if my arithmetic is right, it comes to £308,884. Obviously we just could not come here and say "Aye" without some kind of explanation to the rates and tax payers, and this is the only reason why the matter was raised. This is the only reason why I had to make this statement here today. It was not intended to start a debate. A debate has been started from the other side of the House. Precisely what they wanted to avoid.

HON. SIR JOSHUA HASSAN:

How have we started a debate?

HON. CHIEF MINISTER:

Well, this is very much like a debate.

And, therefore, taking everything into consideration, and everything that has been said, I feel, my Government feels, quite entitled to see that these accounts are examined by an expert and subsequently they will be released and all members of the public, including the Honourable Members on the other side, if they want it they will be available. But I am afraid that I cannot give way on that. If after that they feel that a Commission

of Inquiry should be held, and indeed if the Government feels that a Commission of Inquiry should be held, that can be discussed later. There is no question of suppressing, altering figures or any such thing whatsoever. It is just a question of being patient and taking steps in the right way, in proper time and in the right direction.

HON. A. P. MONTEGRIFFO:

Sir, I was not going to talk. We are not in the habit on this side of the House of popping up and down all at the same time and people trying to pull the coats of other people to get them to sit down. But, you see, I happen to be one of the Councillors. I did not have the luck after all the mismanagement of the Council of having been made Minister of Municipal Services as my colleague opposite, Mr. William Isola. I am addressing him as a former Councillor. But of course, Sir, the allegations made not during this debate, but during the last debate, burdens the four Councillors, and only the four Councillors of the A.A.C.R., with what is supposed to have been mismanagement of Council finances. And this, Sir, has been made, therefore, a political issue. I could not care less if they brought fifty experts. Certainly I am not going to submit myself to the opinion of any expert having this matter being made a political issue. The only judge, the only people who can sit in judgment of my political wisdom — my political decisions — must be the people of Gibraltar and nobody else. If the Government had started originally by saying they were going to bring an expert to look into the matter of the Council as they were going to merge the finances of the Council, that would have been acceptable, Sir. But they only came up with the expert after the Honourable Chief Minister wanted a debate without the accounts. And now that we have got the accounts he wants the debate with an expert. And this, Sir, I must say, is a reflection on me as one of the four Councillors of the A.A.C.R. and I press and support completely the suggestion made by the Leader of the Opposition that we should have the accounts. I am entitled to have these accounts. Up to a point they are morally, if not legally, my accounts. I want to know whether or not, whatever the Honourable Chief Minister or anybody else says, those accounts in fact reflect a true picture of the position of the Council. Who better than I who has been a Councillor and against whom allegations are being made, Sir.

HON. L. DEVINCENZI:

Sir, I do not think it is fair that anybody should keep the Hon. Mr. Montegriffo's accounts.

HON. A. P. MONTEGRIFFO:

Sir, I have no accounts. Not even a bank account.

HON. M. K. FEATHERSTONE:

Sir, we have had a debate today much against the wishes of the Honourable Chief Minister. Last time, of course, he said

'I want to have a debate today on the facts as we have now'. I did mention the various slurs that have been put around—all sorts — there are so many that you cannot quote them. Assets can be increased, etcetera, etcetera. But I would press once again, Sir, that the accounts as presented by the Treasurer should be circulated in the utmost confidence and I would assure the Hon. and Learned Backbencher that because I have an interest in an item which circulates news, I will not tell them. I am willing to disclose my interest — perhaps he would disclose all his interests in other matters. I also feel, Sir, that because of these very blatant slurs, these accounts should be circulated, and I think they can be circulated, again in the utmost confidence, to the previous Councillors who are not in this Chamber. One of them used to be in this Chamber. I am sure he is of the highest confidence. One of them is a member of Government. Two unfortunately — Service Officers — are not in Gibraltar, but one of them is. They are also mixed up in this alleged slur of 'hanky-panky'. So that once again, Sir, I press that not only do the Members of this Chamber get the full accounts immediately, but also all the previous Councillors who were in office when the Council was not merged with Government, Sir, — that word is completely wrong, was taken over by Government — swallowed up.

HON. SIR JOSHUA HASSAN:

Sir, I just want to find out whether I will get a reply from the Honourable Chief Minister to the question I raised earlier. He has given all sorts of answers but he has avoided answering the question. He has mentioned three officers of the Government: the Financial Secretary, the Principal Auditor and the Financial Officer, I think he said, who were not satisfied that the accounts reflected the true position of the Council as at the 14th August. I would like to ask whether the Treasurer and Accountant has been asked any questions to elucidate, or to explain anything on the accounts, by the Auditor? Whether the Auditor has given any certificate in respect of these accounts, of any kind, and whether in fact, as I say, the Treasurer has or has not been asked to make any explanations or render any proof or evidence or satisfaction of his accounts as he has prepared them; and if so when this was done?

HON. CHIEF MINISTER:

Mr. Speaker, I think I made that quite clear before and I do not intend to go all over it again. It is quite clear that the Government is responsible for Government business and for all transactions of Government. We shall certainly allow every individual concerned in any way with the accounts to have a copy in due course, at the time that we feel that this should be made known. I think it is quite unnecessary to go all over it again. The answer is that we shall not release the accounts at present.

HON. SIR JOSHUA HASSAN:
Answer the question.

HON. CHIEF MINISTER:

I answered the question before.

HON. SIR JOSHUA HASSAN:

You have not answered.

HON. M. K. FEATHERSTONE:

Sir, is the Honourable Chief Minister afraid to give the accounts now?

HON. M. XIBERRAS:

Sir, are the Members opposite afraid of this almost enquiry?

HON. SIR JOSHUA HASSAN:

We welcome it. We have written to the Chief Minister welcoming it.

HON. M. XIBERRAS:

From the attitude shown from the other side of the House, are they wary at such a man coming to Gibraltar? Secondly, who is to decide whether there is prima facie evidence for an investigation? Is it to be the Members, or is it to be the Government who is responsible for the liabilities, if there so are, of the City Council? Surely it is up to this side of the House to decide what procedure to adopt. I can recall many examples where the Government has brought experts to arbitrate and adjudicate, and people have been called in to give evidence at the proper time. The Accountant has made his statement, I take it, and a full statement it is. Why should he defend it until it has been put into the lap of this man? Why do the Members opposite want the accounts to be published precisely now? Are they going to set up another expert against the Government chosen expert? What precisely do they want to do? If they have faith in the expert that is coming along then surely they should wait for the expert to look at the documents. It is a complete and full set of documents. The representations of the man or the men concerned are there. Then surely they can wait. There has been much talk of suppression. I think this is taking things a bit too far. This is hardly suppression. This is simply delay — delay until everything is ready to proceed in the proper manner. Surely the last Government delayed on a number of issues: pay claims, and things of this kind until the stage was set for a man to come from England to arbitrate. I think that if there is no 'hanky-panky', there is no reason now to suppose that there is, simply a very complicated matter and I am not very cognizant — not in the know of these things—let this man come and make a statement in simple terms so that everybody can understand it. On the basis of that I for one will be able to contribute a bit more fully to the debate which I said I would welcome at the last meeting. We have had a debate already and we are going to have the expert come. I think the resolution of this side of the House has been amply demonstrated. I think the points have been

made on the other side. People have cleared themselves. Well, let the expert decide. Further persistence of the kind of the Hon. Members opposite will only serve to muddle the matter even further. Let us wait for this man to come. The evidence which he requires is already there—full statements of the accounts. The Treasurer's review is a full review—the facts are already there. What facts can be added in fact? Few facts can be added. What can be added is an argument for this or an argument for that, a case built up, but the case can come at the proper time.

HON. A. W. SERFATY:

Mr. Speaker, if I may be allowed. I was not a Councillor, but the Hon. Chief Minister has said here that the accounts of the Treasurer do not seem to reflect the true situation; these are very strong words. The fact that he has not thought fit, or the Financial Secretary, to consult the man who has prepared these accounts does not seem reasonable to me. This looks 'fishy' really. And I think that the Government, in view of all this, should decide here and now to let the Opposition and the former Councillors have copies of these accounts.

HON. M. XIBERRAS:

Sir, this will in no way alter what the Honourable Chief Minister has said. I suggest that the Member opposite realize that at some stage somebody must judge whether there is prima facie evidence for calling a man to enquire, and this is what the Chief Minister has said. That prima facie, on the advice of the Financial and Development Secretary and so on, there seems to be a case. I would say that the debate in this House on two occasions would seem to suggest that there seems to be a case for an enquiry of some sort. Well, let the bench opposite accept this.

HON. SIR JOSHUA HASSAN:

It is accepted.

HON. M. XIBERRAS:

It is accepted. Very well let the Government, this Government, continue to take the proper steps in that direction. It will not help anybody who might think that he is under fire to make a representation now. Surely the representation must be made not in this House so much as to the man who comes. Later on there will be plenty of time to study the findings of the expert, to build up a case and to discuss the matter fully in the House.

HON. SIR JOSHUA HASSAN:

I am sure that the Honourable Chief Minister must be very grateful for the eloquent attempt of his Minister for Labour and Social Security to save him out of answering the question that he has not yet answered. There is no question at all of avoiding or suggesting that the expert should not come. In fact, I welcomed this in my two letters to him and this is a matter which is neither here nor there on the matter which we are discussing

now. All that I raised, and I told him that I would have to raise it today, was the suppression of these accounts. These accounts are the accounts of the Council as submitted by the Treasurer and Accountant of the Council. These accounts will eventually have to be printed and published according to law. All we are asking now is for these accounts. There have been references made that they do not reflect the true position. I think the Government have taken a very hard-headed attitude on this — a very cussed attitude on this — in not releasing the accounts to this side of the House. We do not want anything else, we are prepared to wait whatever time is necessary. We are not in a hurry. We know everything is alright. We are not in the least in a hurry. But what we want is to have these accounts because first of all they are of the business of Gibraltar, of this House; and secondly because allegations have been made, and some are interested to know whether there is any substance on our own view of it, or whatever expert we would like to take. But let there be no misunderstanding, and let there be no twisting of phrases, to say that we resent the accounts being enquired into. Very much the opposite. I was the first one to ask for a full debate and I was the first to tell the Hon. Chief Minister, when he wrote to me, that I did not question at all the matter being looked into. All I was asking for was the statement of accounts. We could be here, I agree, until Doomsday, saying 'yes' or 'no' — I agree to that. I have given notice that in certain circumstances, (and if the Honourable Lady will not keep smiling to try and deviate me from my business with her charming face, perhaps I might be able to continue) —

HON. MISS C. ANES:

Sir, I did not know that I attracted him so much.

HON. SIR JOSHUA HASSAN:

Well, she would be surprised. (Laughter).

I have already given notice. I do not want to prolong this debate. I know that the Government have taken a very cussed attitude in this matter. I will ask them to reconsider the matter, not now, not within twentyfour hours as my Friend on my right said, but I would ask them to reconsider the matter in the light of this debate, whether they will not, in all confidence, issue a copy of the accounts and report of the Treasurer to the Members now and within a reasonable time before the next meeting of the House of Assembly. I shall then have to consider, if the answer is in the negative, whether we will bring a substantive motion. I think that should bring an end to this part of the debate.

HON. P. J. ISOLA:

You must be rather perplexed, Sir, that we should be arguing about something that we all agree we have to vote in favour of, and that is £185,884. But I think, Mr. Speaker, after listening to the arguments on both sides of the House, and trying to be objective — which I am sure the Honourable Members

opposite will feel I am incapable of — I think that this is not a question of suppressing the accounts of the City Council. The Chief Minister has not said he is going to suppress them. He has given an assurance and an undertaking to let the Honourable Members opposite have them together with the report of the independent investigator. I am sure no one is going to think that someone in Whitehall is going to be anything but fair — somebody from Whitehall. And then they can have as much reasonable time as they require to put their case on them. But surely, Sir, the Honourable Members opposite must realize that the responsibility for Government today lies in the present Government; and it is they who must decide what action is taken on documents that come into their possession. They are not trying to tell the Opposition: "We will never publish". They have told them: "You can have them as soon as we are ready to give them to you." There is no right innate in Honourable Members opposite to have these documents before the Government decides to release them. And, Sir, I cannot end without digressing a little, because the Honourable Mr. Featherstone— who insists on calling me the Honourable and Learned Backbencher, I understand he covers Education. I do not know whether I should call him the Honourable Shadow, but be that as it may it is up to him to choose his nomenclature subject to the rules of the House. But I cannot but smile at his quotation from a book about assets, about City Council assets. He mentioned Electricity, etc. Can I recall to him an asset, which I think is very much in his mind at the moment, or at least very much in the mind of that item of the information services in which he has a financial interest, as he has told us: that is the Telephone Undertaking. His newspaper said only two days ago, and yesterday — I do not know how far this is inspired news or intelligent guessing or leakage — I do not know; but he has talked about Cable and Wireless taking over the telephone service. And he told us in his statement, in Opinion column, or his paper or his Editor told us, or whoever writes this newspaper told us, that the telephone service is a public service, and if Cable and Wireless takes it over they are not going to run it for fun. They are not going to run it as the City Council has done in the last nine years — I hope not, Sir, otherwise we are going to subsidize Cable and Wireless. But he told us it was difficult to visualize any private firm going into business just for the fun of it. So where is this asset in the telephone exchange? If the Government tries to get rid of it he is going to criticize us for it.

HON. A. P. MONTEGRIFFO:

On a point of order, Mr. Speaker. Is he a member of the Government?

HON. P. J. ISOLA:

No, no.

HON. A. P. MONTEGRIFFO:

You have just said you are going to be criticized.

HON. P. J. ISOLA:

Oh, I see. I beg the Honourable Member's pardon. A supporter of the present Government, and I hope for many years, Sir, it will be the present Government.

If they try to sell the telephone undertaking, the Opposition will be up in arms. So how can we say that we are taking over an asset. It may be that the Institute of Municipal Accountants call it that. I do not know if I said I was completely ignorant (I said I was ignorant) about it. I am learning very fast. And I think I shall have to learn very fast by the time I have read the City Council accounts — how the system works. But I think it is very important to bear in mind that all we are doing today, and we have digressed enough, is voting another large wallop of money to a City Council deficit. And that, Sir, I am sure, must be a cause for alarm and anxiety to all Honourable Members on all sides of the House. But as the Government swallowed up the City Council as it is called, it swallowed up rather more than it can chew. I hope not, Sir.

HON. M. K. FEATHERSTONE:

Sir, the Honourable and Learned Backbencher said he was not completely ignorant. His words were: 'absolutely'.

Sir, the Telephone Company, let us assume, costs £1,000,000 to run. Then, when the City Council was running it they got from the public £1,000,000. If a private enterprise got it, it would cost £1,000,000 to run, they would probably ask £1,100,000 — that is the simple difference in the way it is done — but it is still an asset. And just for the information of the Honourable and Learned Backbencher, the way a municipal enterprise gets money when it needs it; it often raises loans. Hammersmith was raising a loan of £5,000,000. The purpose of issue is to replace monies temporarily borrowed (perhaps they have a bank overdraft) to replace maturing debts. They have got to pay their debts; so they borrow some more money to replace it. It is not uncommon. Your expert will tell you this. We welcome your expert.

HON. LIEUT.-COL. J. L. HOARE:

Mr. Speaker, I fail to distinguish the difference between suppressing an account and not letting us have them — What is it but suppression?

HON. P. J. ISOLA:

Sir, I thought the difference would be obvious to the Honourable and Gallant Gentleman. The difference is that if you are told that you are not going to have it at all — that is suppression. But if you are told that you are going to have it at some future time — that is not suppression.

HON. A. P. MONTEGRIFFO:

Not suppression but delayed suppression.

HON. L. DEVINCENZI:

I think certainly not delayed suppression.

HON. A. P. MONTEGRIFFO:
Then what is it?

HON. L. DEVINCENZI:
Mr. Speaker, not even suppression delayed, I should say.

HON. A. P. MONTEGRIFFO:
I cannot understand the grammar of the Minister for Education.

HON. L. DEVINCENZI:
Mr. Speaker, that is not my fault.

Resumption.

House resumed.

MR. SPEAKER:
I now put the question which is that the House approves the votes detailed in Supplementary Estimates No. 10 of 1969.

Passed unanimously.

The Price Control (Amendment) Ordinance, 1969.

First Reading

The Honourable the Minister for Information, Port, Trade and Industries moved that a Bill entitled "An Ordinance to amend the Price Control Ordinance, 1966" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

Second Reading

HON. MAJOR A. J. GACHE:

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

At the last meeting of the House I made a statement that an Order was to be made by the Governor under the Price Control Ordinance requiring that goods exposed for sale should have the selling price clearly marked so as to be visible and legible at a reasonable distance. I then explained the reasons which had prompted the Government to take such a step. Briefly the reasons were to curb any thought of increasing prices generally in view of the possible increase in wages following the visit of Mr. Marsh, and the application to be made later in that day's proceedings for supplementary financial provision to meet in part

the effect of the merger of the Government and the City Council. I added that the Government was fully conscious of its duties and would not hesitate to take such other measures as might be necessary to ensure that prices and wages did not spiral into a vicious circle. It was unfortunate that because of the time element it was not possible for the Government to discuss beforehand with the Chamber of Commerce and other interested parties the measures it was proposing to take. Full discussion has since taken place and I think as a result it has been possible to understand each others point of view. I am very glad to say that most traders have cooperated loyally and well with the Government on the matter. On the other hand there have been a few who have endeavoured to circumvent the spirit of the law on what can only be regarded as a technicality. The purpose of the Bill is to try and plug this hole. It is not the intention of this Government to make life difficult for the traders and business community, neither does Government intend to embark on wholesale prosecutions, we are fully conscious, indeed only too conscious, of the part which business plays in the economy of Gibraltar. But the attention of the Government was drawn by the business community in fact to a loophole in the law and it is the Government's duty to take remedial action. Accordingly, the Bill now before the House seeks to amend the Price Control Ordinance by providing that where goods are exposed in or at any place of business, where such goods are normally sold in the ordinary course of business, they shall be deemed to be exposed for sale and not just on display.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles of the Bill.

HON. SIR JOSHUA HASSAN:

Sir, in the first place I would like to welcome back to Gibraltar the Honourable Minister for Information, Trade, Commerce, Industry and so on. We were all very worried yesterday that cross-winds might take him over to the other side and he would not be here in time for this meeting. I hope he will also be here for the next meeting.

On this Bill which we have before the House the Honourable Minister has said that people are co-operating but that this is to cover a loophole. I would like to ask the Minister before we give our support or otherwise to this Bill whether this is not really sham legislation? Whether there are not some people blatantly disregarding the Order made under the powers of the Price Control Ordinance and refusing to mark the prices and openly saying that they are refusing and provoking prosecution, and no action is being taken? This is a bit of a scandal in town. People know which places are not marking their goods and so on, and yet Government has appeared to do nothing about it. If there is to be a law, which is fair and reasonable, it must be

observed by everybody. We cannot have a law which is known by the way in which it is disregarded. Until we have some kind of assurance in this respect I am afraid we shall have to hold silence on support to this Bill.

HON. CHIEF MINISTER:

Mr. Speaker, I have had a look into this situation. In fact I ask for reports now and again on this matter, and as far as I am aware, there have been few, if any, complaints so far. I can assure the other side of the House that any complaints they receive, which they care to pass over to this side, will be very well received. The Ordinance was not a sham Ordinance. The intentions were very clear and I think they were made very clear in the statement made by the Honourable Minister for Port and Trade. I think the mere fact that we are here today with another piece of legislation to plug a hole that obviously was overlooked in the drafting, shows very clearly how interested the Government is in the matter. I can assure the Honourable Members on the other side of the House that we really mean business, and perhaps, as time goes by, the evidence will show for itself that we mean what we say.

HON. SIR JOSHUA HASSAN:

Sir, on a point of personal explanation. I think the Honourable Chief Minister has taken the wrong view of what I said. It is not up for complaints that these matters are. There must be inspectors, there must be people to enforce the law. We are not going to be inspectors and tell the Government where people are not marking the prices. This is a matter for the enforcement side of the administration. And this is what we want to ensure; that it works well with everybody.

HON. CHIEF MINISTER:

Mr. Speaker, I can assure the Honourable and Learned Member of the Opposition that we do have inspectors. But obviously we have to be careful that we are not on another day accused by the other side of the House of witch-hunting. And this is the reason why we must use tact and proceed in the tolerant way that is expected in any democracy.

HON. P. J. ISOLA:

Sir, I am surprised at the attitude the Honourable and Learned Leader of the Opposition takes on this issue on the part of his party, because this is a Bill before the House which seeks to give effect to a statement of policy by the Government, made by the Minister of Information, Port, Trade and Industries at the last meeting of this House. I am sure the Honourable Members opposite, with all the free time at their disposal which they have now, have come to a conclusion as to whether they support the Government policy statement or the compulsory marking of prices in shops or not. I do not think that it is right that they should try and wriggle out of a commitment one way or the other by asking for assurances about it. Do they think the policy is right? If they think it is right let them ask for it to be

enforced. Do they think the policy is wrong? Let them vote against the Bill — but do not just sit on the fence. There has been a lot of sitting on the fence for many years, and I think Honourable Members on all sides of the House have to decide, on a number of occasions, on which side of the fence they are going to fall. I would invite the Honourable Members opposite, since their Honourable and Learned Leader has not been able to define the policy of his party on this matter, to state clearly what their policy is on the marking of prices and whether they agree to the Government policy on the matter. I would remind the Honourable and Learned Leader of the Opposition, who is seeking to stand, Sir, that under the rules of debate, on a second reading of a Bill before the House, as I am sure he knows, he can only speak once.

HON. SIR JOSHUA HASSAN:

Yes, Mr Speaker, I know as well, and perhaps better than the person who has jumped the fence and not stood on it, and stood on the other side of the fence. I was going to make (the question of order is for the Speaker) a matter of personal explanation because he has completely misrepresented as he so ably does all the time. I said I wanted clarification before we decided. I have assurances, and that is a matter for us; and although he is not a member of the Government he is really leading the Government by telling us what we have to do.

HON. MAJOR A. J. GACHE:

Just very briefly I would like to reply to the Honourable and Learned Leader of the Opposition on his words of welcome on my return from Trinidad and Washington and other places not yet announced. Sufficient to say that the visit to Trinidad was one to which he had committed someone when he was leading the Government; and as Government changed it became my very pleasant, and honourable duty to go and represent Gibraltar. I thoroughly enjoyed it. Now, in so far as my return is concerned, I think it would take a lot of wind and hot air to deflect me from the course which I have taken.

In connection with the other matter, representations have been made by a certain sector of the community and the matter is being investigated. But, Mr. Speaker, the spirit of provocation of which the Honourable and Learned Leader of the Opposition has been speaking did not come from this sector of the community. The sector of the community, which has made representations has made representations in a very poor manner, and we are looking into this matter.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON. MAJOR A. J. GACHE:

Sir, I give notice that the Committee Stage and Third Reading of the Bill will be taken at the next meeting of the House.

The Overseas Service (Amendment) Ordinance, 1969.

First Reading

The Honourable the Financial and Development Secretary moved that a Bill entitled "An Ordinance to amend the Overseas Service Ordinance (Cap. 117)" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

Second Reading

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I beg to move that the Bill be now read a second time.

The purpose of this short Bill is to ratify certain amendments to the agreement signed in 1961 under which Her Majesty's Government reimbursed to the Government of Gibraltar payments made to designated officers appointed from overseas in respect of:

- (a) inducement allowance;
- (b) allowance towards the cost of the education of the officers' children;
- (c) half the cost of the passages of the officer and his family; and
- (d) the increase in the gratuity and pension payable to the officer on retirement arising directly from the payment of the inducement allowance.

It has recently been agreed that rather than effecting reimbursement through the Government of Gibraltar, payment of these allowances, other than passage and pension, should be made direct to the officers concerned by Her Majesty's Government.

The agreement also refers to the exemption of the inducement allowance from income tax but this was in effect done when the Income Tax Ordinance was amended by the Legislature on the 23rd April last.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles of the Bill.

There being no response Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

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

The Gibraltar Court of Appeal Ordinance, 1969.

First Reading

The Honorable the Attorney-General moved that a Bill entitled "An Ordinance to make provision for a Court of Appeal for Gibraltar" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

Second Reading

HON. ATTORNEY-GENERAL:

Sir, I have the honour to move that this Bill which is of a non-controversial nature, be now read a second time.

Prior to the 11th August of this year there was no provision under the law of Gibraltar for a Court of Appeal in either Criminal or Civil matters. A person wishing to appeal from the Supreme Court had available to him one tribunal only, namely, the Judicial Committee of the Privy Council in London. Appeals to the Judicial Committee were, and are, expensive and frequently extremely protracted. As Honourable Members will recollect, the Constitution came into force on the 11th day of August of this year, and Section 57 of that Constitution established a Court of Appeal in Gibraltar consisting of a President and two or more Justices of Appeal. The Court has such jurisdiction, says the Section, and powers as may be conferred upon it by the Constitution or by any other law. The other law referred to in the Constitution is in fact the Bill which is before the House tonight.

It will be noted, Sir, that Clause 1 of the Bill has retrospective effect from the date when the Constitution itself came into force. Clause 27, which is the last clause in the Bill, Sir, goes on to provide that no judgment of the Supreme Court given before the 11th day of August of this year can be made the subject of an appeal. This is clearly intended to prevent old cases being revived. It is intended, Sir, that the Court will assemble and will sit in Gibraltar from time to time as and when its services may be required. The Court will have jurisdiction to hear appeals in both civil and criminal matters. In civil matters the appeal will be by way of a general review of the case, that is to say, the Appeal Court Judges will read through the documents entirely and they will listen to submissions made to them. In addition proviso is also made for the Chief Justice, when he is hearing a civil matter in the Supreme Court, to reserve any question of law by

way of case stated for the consideration of the Court of Appeal. In criminal matters an appeal lies, as of right, to the Court from the Supreme Court in the exercise of its original and also of its appellate jurisdiction on any ground which involves a question of law alone. The Court may also grant leave to appeal on a question of fact, or on a mixed question of law and fact or any other ground which it deems to be sufficient. This is provided in Clause 13 which is virtually the heart of the Bill.

Provision is also made for appeal against a sentence and also for appeal against a special verdict. An example of a special verdict is: Guilty but insane. Heretofore, such a verdict had not been regarded as a conviction and so it could not be made the subject of an appeal. This situation prevailed in England until 1964 when the law was changed. The Attorney-General is empowered to appeal, if he sees fit, against an acquittal or a discharge in certain circumstances if a question of law alone is involved. He is not entitled to any appeal where the case is thrown out by the jury simply because they did not believe the witness. The Court must allow an appeal against conviction if they think, and I am quoting now clause 17, that a verdict should be set aside on the ground that under all the circumstances of the case it is unsafe or unsatisfactory. That the judgment of the Supreme Court should be set aside on the ground of a wrong decision on any question of law or that there was a material irregularity in the course of the trial, and in any other case they shall dismiss the appeal. This very closely follows Section 2 of the Criminal Appeals Act 1968 now in force in England and Honourable and Legal Members who are acquainted with these matters will, I am sure, agree that these grounds on which the Court may now intervene are much wider and much more satisfactory than those prevailing before which dated from the year 1907 when the first Court of Criminal Appeal was set up in England.

It should also be noted, Sir, that where the Court allows an appeal against conviction they may order that the appellant be retried. This also is new and it is new in England also.

Finally, I would invite the attention of the House, Sir, to Clause 24 which contains an interesting but fairly commonly encountered provision. This enables, where a petition for the exercise of the prerogative of mercy is made to His Excellency the Governor, to refer to the Court a particular point which has arisen for them to determine, as though they were hearing the case in their own right. Similar provision exists in England for the Home Secretary to consult the Criminal Division of the Court of Appeal.

There are two other Bills, Sir, which are consequential upon this Bill; one which is to amend the Supreme Court Ordinance and one to amend the Legal Aid and Assistance Ordinance.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles of the Bill.

There being no response Mr. Speaker then put the question which was resolved in the affirmative.

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 will be taken at a subsequent meeting of the House.

The Legal Aid and Assistance (Amendment) Ordinance, 1969.

First Reading

The Honourable the Attorney-General moved that a Bill entitled "An Ordinance to amend the Legal Aid and Assistance Ordinance (Cap. 86)" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

Second Reading

HON. ATTORNEY-GENERAL:

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

It is a very short Bill. The amendments proposed to the Legal Aid and Assistance Ordinance are necessary in view of Chapter 5 of the Constitution which establishes, as we have just heard, for the first time, a Court of Appeal for Gibraltar. The amendment is intended to enable Legal Aid to be granted to an appellant in the new Court of Appeal where it is desirable, in the interests of justice, that he should have this form of assistance, and where he has not sufficient means to pay for it himself.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles of the Bill.

There being no response Mr. Speaker then put the question which was resolved in the affirmative.

HON. ATTORNEY-GENERAL:

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

The Supreme Court (Amendment) Ordinance, 1969.

First Reading

The Honourable the Attorney-General moved that a Bill entitled "An Ordinance to amend the Supreme Court Ordinance (Cap. 148)" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

HON. ATTORNEY-GENERAL:

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

Honourable Members will recollect that Chapter 5 of the Constitution which came into force on the 11th August of this year contains detailed provisions relating to the Supreme Court, Court of Appeal and to the judiciary generally. The main purpose of this Bill is to make certain amendments to the Supreme Court Ordinance which have become necessary consequent upon the introduction of these provisions. Section 56 of the Constitution provides that there shall be a Supreme Court for Gibraltar which shall have unlimited jurisdiction to hear and determine civil and criminal proceedings under any law and such jurisdiction and power as may be conferred upon it by the Constitution or any other law. This Bill, Sir, once again, is the other law. Clause 3 of the Bill gives effect to Section 56 and it replaces Section 3 of the existing Ordinance. Section 3 of the existing Ordinance provides that the Supreme Court, established by the Order of 1883 shall continue. That is clearly inconsistent with the present provision, Sir, so out it goes. Sections 4, 5 and 6 of the present Ordinance, which deal with the constitution of the Court, the qualifications, appointment and tenure of office of the Chief Justice, are already provided for by the new Constitution and so they must also be repealed. Clauses 5 and 6 of the Bill have no direct connection with the Constitution. The amendment proposed in Clauses 5 and 6 deal with legal practitioners. The amendment proposed will have the effect of providing that legal practitioners with qualifications obtained in the Republic of Ireland would be eligible for enrolment or admission in Gibraltar in the same way as practitioners with United Kingdom qualifications. At the present moment they are not. The reasons for this are undiscoverable. It should be stated that similar provisions to those now proposed are in fact to be found in the case of Judges in the Constitution, and in order to bring the two into line these two provisions have been put into the Bill.

Sir, I commend the Bill to the House.

Mr. Speaker then invited discussion on the general principles of the Bill.

There being no response Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a second time.

HON. ATTORNEY-GENERAL:

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

HON. CHIEF MINISTER:

Sir, I beg to move that this House should resolve itself into Committee to consider the next Bill on the Order Paper.

This was agreed to and the House went into Committee.

House in Committee

The Elections (Amendment) Ordinance, 1969.

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

The Schedule. The Hon. Chief Minister moved that the Schedule be amended by the insertion in Column 2, immediately below the amendment of Section 2(1) of the Elections Ordinance the following further amendments:

- (a) By the deletion of the words — “but not earlier than the first day of January, 1970” in subsection (1) of Section 4A.
- (b) By the addition of the following subsection to Section 4A: “(4) In respect of any supplement to the register of electors to be published in 1970 the expression ‘qualifying date’ shall mean ‘the thirtieth day of November, 1969’”.

With regard to the first amendment the present position about registration of electors is that under Section 5 of the Election (Temporary Provision) Ordinance the 1968 register of electors, and the supplement thereto, constitute the register of electors for the purposes of any elections to be held in 1969. Under Section 4A of the Elections Ordinance the Governor may, by Order, provide for the preparation and publication of a supplement to the register, but this cannot be done before the first of January, 1970. In order to make the new provision about the voting age effective as soon as possible I am proposing this amendment to Section 4A of the Ordinance to delete the words “but not earlier than the first day of January, 1970”. This will make it possible for an Order for the preparation of a supplement to be issued at any time. Our wish being that such an Order should be made as soon as possible after the Bill is passed. It is also necessary to add a further proviso to subsection 4 of Section 2 of the Elections Ordinance so that the qualifying date of the supplement to the 1968 register of electors to be published in 1970 shall be the thirtieth November. This is the

same qualifying date as was used for the register. I am advised by the Honourable Attorney-General that there is a need to review and consolidate the elections legislation and this will be done by an amending Bill which will be introduced at a future date.

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

The long title was agreed to and stood part of the Bill.

House resumed.

Resumption

H.O.A. MEETING
30 OCTOBER 1969

HON. CHIEF MINISTER:

Sir, I have the honour to report that the Elections (Amendment) Ordinance, 1969 has been considered in Committee and has been agreed to with certain amendments and I now move that it be read a third time and passed.

This was agreed to and the Bill was read a third time and passed as amended.

Real United Kingdom Citizenship for Gibraltarians.

Motion re:

HON. P. J. ISOLA:

Sir, in rising to propose the motion standing in my name may I express piously the same hope expressed by the Honourable and Learned Attorney-General that this motion will be non-controversial. I say this, Sir, in introducing my motion, because I think that after Honourable Members in this House have heard me out on moving this motion I think they will agree that this motion is entirely a non-controversial motion and that it is right and proper that all Honourable Members of the House should vote in favour of the motion.

Sir, the motion reads: 'That in the opinion of this House the current trend of events point to the need for the initiation by the Gibraltar Government of talks with Her Majesty's Government with a view to securing for the Gibraltarians real United Kingdom Citizenship.' The two important parts of the motion, Sir, is the need for the initiation of talks, and I will give my reasons why I consider this to be necessary, and secondly of securing for the Gibraltarians real United Kingdom Citizenship; and the operative word there is 'real'.

I think, I can say, without saying for Members opposite what they themselves have said, that this motion is a motion that will be generally acceptable to all members in this House as it undoubtedly reflects the unanimous feelings and aspirations of the people of Gibraltar, Sir. And if that is so, I think it is important that in this new House of Assembly, created as a result of the Constitutional talks in June 1968, that a message should go from this House of Assembly to the British Government of the

feelings and aspirations of the people of Gibraltar after they have held their elections under the new Constitution. I think it is important because there can be no doubt in the minds of anybody in Gibraltar what the feelings of the people of Gibraltar are. In what direction they lie and what they seek to achieve.

Sir, in the opening of the Constitutional Conference, and prior to its opening, the elected members of the Legislative Council in that Conference, and the Integration with Britain Party, made a common front—a common statement of policy as to where they felt the interests of the people of Gibraltar lay. And if you will remember, the then Chief Minister in addressing the Constitutional Conference made no apology for repeating in full, at the Plenary Conference, the agreed communique by all the elected members of the Legislative Council then, and by the members of the Integration with Britain Party. They are the famous five points: An unbreakable relationship between Gibraltar and Great Britain. Gibraltar should cease to be a Colony and its new political status should be defined afresh. The definition would contain a reference to Britain's permanent and exclusive sovereignty over Gibraltar. Then, arising from paragraph 2, arising from this status, exemption from the provisions of the Commonwealth Immigrants Act, 1962 for Gibraltarians. The other two points dealt with the transfer of Gibraltar's affairs to the Home Office and an affirmation with regard to the Treaty of Utrecht. So that in the 1968 Constitutional Conference it was the policy of all the elected Members of the Legislature and of the Integration with Britain Party that Gibraltarians should become real United Kingdom Citizens. But it was not just then, Sir. Prior to that, in 1965, the Constitution Committee of the then Government was set up to look into the question of the constitutional relationship of Gibraltar with Britain. And to that Committee, which met on a very great number of occasions, the Integration with Britain Party duly made its report prior to the Constitutional Conference. That report was, with certain reservations, again accepted by all elected members of the Legislative Council. In that report we again stressed the need for Gibraltar to be part of the bigger entity, the need for the legal status of the Gibraltarian to be defined and for exemption for the Gibraltarian, arising from that changed status, from the provisions of the Commonwealth Immigrants Act. So that unless members have had second thoughts about this, and I am sure they have not had second thoughts on a matter so fundamentally important to the permanent interests of the population of Gibraltar, I see no difficulty in obtaining support from all the Honourable Members of this House to the motion that I am putting before the House. I am asking, the time has come now, to initiate once more discussions to obtain for the Gibraltarians real United Kingdom Citizenship.

I use the word 'real', Mr. Speaker, because it will be said and it will be argued, as indeed I think it was argued in 1965, in 1966, in 1967 and in 1968 that the Gibraltarians enjoy the same citizenship as United Kingdom citizens by virtue of the

nationality Act of 1948 which created the status of citizen of the United Kingdom and Colonies. I think there are differences of opinion in this, there are differences of approach, but these are only marginal. But one thing that I am sure that we all want to be sure of for the Gibraltarians is real United Kingdom Citizenship. I stress this because I think Honourable Members will agree, and it was said at the Constitutional Conference, that there was a desire and a need for the people of Gibraltar to feel that they belong to a bigger entity than just 2½ square miles of territory. We are all proud of being Gibraltarians but our status, our strength, lies in our citizenship; in obtaining for ourselves real United Kingdom Citizenship.

Now, Sir, you might ask why should it be the view of the House that negotiations by the Gibraltar Government should be initiated for talks with the British Government with a view to securing real United Kingdom Citizenship. The real reason, or one of the reasons that compels me to move this motion, is the fact that I feel that the current trend of events to which I will refer to in a minute indicates a move in the United Kingdom for stricter control of immigration, for no differentiation between Commonwealth citizens and non-Commonwealth citizens: strict entry, strict control. The signs are there, Sir. I feel that Gibraltar Government has a duty to the citizens of Gibraltar to ensure that we do not get caught up by legislation before they do anything about it. Therefore, I think there is a need for this House to express its fears that this might happen and there is a need for this House to express the view that the Gibraltar Government should make it absolutely clear to the British Government that it is the wish and desire of the overwhelming majority, I should really say that it is the unanimous wish, of the people of Gibraltar to have real United Kingdom Citizenship and the rights that go with it. That is why I feel that the time is to act now, before things happen and not after they happen.

Now, Sir, about what are the reasons for thinking that there should be initiation on this. One of the factors in my mind, and indeed one of the factors for my group labouring this question of citizenship during the last general elections to this House was the report on British Race Relations that had been made to the British Government or published by the Institute of Race Relations in February 1969. This Committee, or the experts set up to consider the question of citizenship — colour and citizenship — was set up in 1962 and reported in February 1969. That, I think, Sir, beats all records, even in Gibraltar. But they took seven years to look at the different aspects of citizenship and colour, and they made a very careful, detailed and lengthy report, and one which, I am sure, any British Government must take note of. I have it here with me, Sir. It runs into 800 pages, but let me assure the House that I do not propose to read it to them but just to point to some conclusions. Let me also confess straight away, Sir, that I have not read the entire report.

I have gone, as a lot of people do in cases of such extremely large reports, to the conclusions and the major recommendations. But I think that the reasons motivating these recommendations have become fairly clear.

In page 748 of the report it is stated "We recommend that admission to this Country is in future permitted on the following basis to be applied equally to aliens and Commonwealth citizens. Whatever logic may suggest for practical reasons we consider that no control is possible in the case of the Irish". I leave it to the Honourable and Learned Attorney-General to draw his own conclusions from that. It sets out the basis, the point I make that they say there should be no distinction on immigration between alien and Commonwealth citizens. But the important part of the report, Sir, comes at page 751 where the Committee makes its second major recommendation, and that is serious if it should ever be accepted. "Our second major recommendation" I will quote if I may from the report, "is an overhaul of current citizenship law. We recommend that discussions be initiated as a matter of urgency within the Commonwealth with a view to legislation being introduced to redefine United Kingdom Citizenship and the rights and obligations deriving from it. The present system of a combined United Kingdom and Colonies Citizenship already undermined in practice by successive Commonwealth Immigrants Acts should be abandoned. The remaining Colonies should introduce their own citizenship provisions and a separate United Kingdom citizenship should be instituted based on birth in the United Kingdom; marriage to a United Kingdom Citizen; or continuous residence in the British Isles for 5 years or more. The possession of U.K. citizenship should guarantee free entry and departure from this country under all circumstances and possession of a passport as of right. It would not be capable of being revoked." It then talks about Parliamentary elections and ends up "in order to avoid the ambiguous situations to which attention was drawn during the passage of the 1968 Act, we would also recommend that dual citizenship be phased out perhaps by an exercise of choice at twentyone, and that ultimately the holding of United Kingdom Citizenship should be inconsistent with possession of any other citizenship and with permanent residence outside the United Kingdom for longer than a certain period." Now, Sir, these recommendations coming from quite a set of distinguished individuals must obviously give us cause for consideration and reflection as to whether it is good enough for the people of Gibraltar today to abide with a situation in which we have an unwritten law by which entry into the United Kingdom can be effected. I am sure that position will be maintained, and I hope that the present British Government will maintain it, whether a new British Government will do the same or not we do not know, of course, until they come into office, and I doubt if they would give any undertaking in this respect in advance. But the point is that even with this undertaking it is not necessary for me to comment on the dangers of separate citizenship for depen-

dant territories. It is of no use to Gibraltar, and to the people of Gibraltar, to have a separate citizenship for themselves, I do not think any of us want this. To do this would in effect give us the right to be only in 2¼ square miles of territory in the whole wide world. And if the United Nations should start telling people that people holding Gibraltar passports should not be admitted to their country because of the present international political situation, we would be very restricted indeed.

It seems to me that other people have been reading this report on citizenship, and I refer in this respect to the present official Government Opposition Party in the United Kingdom — the Conservative Opposition. I would like to refer Honourable Members to the final speech made by the Leader of the Opposition in the United Kingdom, Mr. Edward Heath, on Saturday, October 11th of this year — only a couple of weeks ago — on Conservative policy on immigration. I am quoting — it is copied from The Times report of Monday, October 13th: “Conservative policy would ensure the strictest control of all new immigration. This would be achieved by bringing legislation governing the entry of Commonwealth citizens into line with that governing non-Commonwealth citizens ensuring that the Home Secretary had complete control, subject to any machinery for appeal, over the entry of individuals into Britain. If there was justification in the British interest for a citizen to come to Britain, that person would be given a work permit in the first instance for say twelve months. He would be limited to a specific job, a specific employer and a specific place,” and goes on about matters I need not burden the House with. But there you are, there is the official Opposition Party in the United Kingdom, some Honourable Members may think may be in power after the general elections in the United Kingdom, others may not; but that is the official policy of that party, to bring immigration for Commonwealth citizens into line with that for non-Commonwealth citizens.

The purpose of this motion, Sir, is not to increase alarm, it is not to create despondency, it is to look at facts as they are occurring in the world today and to remind Honourable Members on both sides of the House of what they asked for at the Constitutional Conference in 1968, and to remind Honourable Members of the House that now is the time for the House of Assembly to make known publicly its wishes, its desires and its aspirations in this direction. That is why when I started off I expressed the hope that this motion would be non-controversial, because I feel that what I am saying represents the feeling of all Members of this House and indeed through them of the population of Gibraltar. Clearly, if the Gibraltar Government is to be able to argue with effect, is to be able to put a case in Great Britain, it is obviously desirable and useful and strengthening their case if they have behind them the universal backing of all Honourable Members of the House representing all classes and all sections of the community of Gibraltar. Therefore, Sir, I

have much pleasure in commending this motion to the House and asking that the House vote in favour of the motion to ask the Gibraltar Government to initiate talks with Her Majesty's Government with a view to securing for the Gibraltarians real United Kingdom Citizenship.

I commend the motion to the House, Sir.

HON. A. P. MONTEGRIFFO:

Sir, I would have expected that in asking the Government to initiate talks some mouthpiece of the Government would have stood up to say they were prepared to do so. But I gather from their usual applause that they are going to do that. Having said that, Mr. Speaker, I would like to add that if by any chance every time I pronounce the word 'Honourable' it gets across to the other side of the House as 'horrible' they can either blame the acoustics or the uneasy conscience of some Members.

Now, Sir, let me say straightaway that we agree entirely with the principle enunciated by the Honourable mover of this motion because what we said before the elections is what we are going to do after the elections. That has been our policy all along and we stand by it. But there are certain things that we must qualify. I think the Hon. mover has made a good case but still, and I say this quite sincerely, I am quite baffled by his mentioning 'real United Kingdom Citizenship'. I say this because I would expect, and in fact I am sure I am right in saying, that anyone who is covered by the British Nationality Act has acquired this United Kingdom Citizenship. The rest of course is a question of immigration. Now, Sir, I would also like to know, and this is very important, in fact I am assuming, and I may be wrong, that the Honourable mover is subscribing to the idea that if we were to have this right of entry and residence in Britain to which we agree too, we will have to reciprocate. I am not against this either, but I would not like this House to rush into something that might eventually bring problems that we might regret, because this might mean that anybody who is in Britain and has United Kingdom Citizenship and resides in Britain for over six months is able to come to Gibraltar and, let us assume for the sake of argument that he is a West Indian — and I am just mentioning West Indian because perhaps it is relevant, not because of any racial motive, very much the opposite — if a West Indian were to come to Gibraltar and has this citizenship and has been residing in Britain for seven months, he would have more right than those good friends of ours, the Indian community, who are and have been in Gibraltar for 20 years. These are matters that perhaps in the talks that may be initiated should be taken into account.

We, as I said before, have agreed very forcibly with the rest of the Members of this House, and I am sure with the rest of Gibraltar, that Gibraltarians have a right, not only because of the situation prevailing in Gibraltar, not only because of the 2½ square miles, but because, Mr. Speaker, we have thrown in our

lot with Britain. We have done our part in the Referendum. Therefore, Sir, we must initiate these talks, not as beggars begging for something — even a concession, — it is something we are entitled to. We have not only thrown in our lot with Britain but we share our land with Britain. We give her the facilities of a base; we give her our workers to help in those facilities and, if I may say so en passant, the sweat and labour of our workers at not a very high price, because we all know too well who have been in this struggle, that if anybody was instrumental in depressing wages, it was the Dockyard, for many years. So, Sir, we must initiate these talks with the understanding that we are going to fight it and fight it all the way. We have raised this matter since Irene White came to Gibraltar many years ago. And then we came to some sort of arrangement when Mr. George Thomson was in Gibraltar. This is not what we want. We want, as the Hon. mover of the motion has said, something real. But there are three conditions that we must place on this. I do not want a controversy when I say we do not want integration through the back door, if only because we have made this pledge to the electorate and we are not prepared to betray the pledge we made to the electorate, neither are we prepared to betray the faith and trust of those people who voted for us. These three conditions are: That the Gibraltar Government should continue to have the right to issue passports in Gibraltar; and I say this because in the Isle of Man they fought for this and obtained it. I am very sorry to say that I lost the Manx passport on the way to the House. I was going to bring it here. They are entitled to enter Britain and have the same right as any other citizen of the United Kingdom. Therefore this must be preserved. Secondly, that the Gibraltarian status should not be forfeited in any way; and I am sure another Honourable Member on this side of the House will elaborate a little bit more on that one. Thirdly, Sir, that in any talks that may ensue we must have paramount in our minds the protection of the rights of Gibraltarians to decide their own future. I say this because if as a result of the reciprocity we are going to have people coming to Gibraltar who will acquire immediately the same rights as Gibraltarians, I think this will endanger our right to speak as a people. It will weaken our right to speak as a people because they have not got the same attachment as we have to the land of our birth. Therefore, Mr. Speaker, subject to those three conditions, we are entirely in agreement with the motion.

HON. CHIEF MINISTER:

Mr. Speaker, I am really delighted to see how the people of Gibraltar can indeed get together and come to an understanding on a great issue as the one that may well present itself to us in the near future. There is no doubt whatsoever that having read that report (I have read part of that report myself too) and having listened to the new policy of the Conservative Party, it is possible that anything might happen at any time. I think it is very important that we should now make our case very clear, and unanimously, as to the feeling of the people of Gib-

raltar which I think is very unanimously being expressed here tonight. There might be slight differences here and there, but I am sure that these are differences that can be discussed at the time when talks take place if they do. The motion is concerned with initiating talks and there is no doubt whatsoever that on a matter — a Constitutional issue of this nature — the Opposition will obviously be there. So there need be no fear that their views will not be heard and represented. But before we ask for something like this it is very important that we should analyse and find out whether we are in fact entitled to this right that may well be taken away from us. In fact, I go further and say that at this very moment we do not enjoy that real citizenship. On the other hand I feel that we are fully entitled to it. I know that now and again arguments are used against our right of free movement into Great Britain by stating that if this right is granted to us it would have to be granted to many other members of the Commonwealth. But I would like to say that we are in a very special position in Gibraltar and that this has nothing to do with colour. This is essentially a matter of geography. If we look at Europe today geographically we find that there is no single dependent territory which is British which is not entitled — the people of those territories — to enter and settle freely in Great Britain if they so desire. This is the case with Northern Ireland, this is the case with the Channel Islands and this is the case with the Isle and Man. It is not the case with Malta, but Malta is independent. We are not independent, and as far as I know no Honourable Member of this House is aspiring to that status. Therefore, I feel, that because in geography we belong to Europe and the whole idea of the future Commonwealth is very much in practice being defined by regions, that because we belong to that region, we have a right to this citizenship — this real citizenship. In fact I would like to say that in the past we have been discriminated against, and that this has been felt very strong by the people of Gibraltar. We have never seen a greater demonstration in Gibraltar than when Mr. George Thomson came here. And the only thing that satisfied the people of Gibraltar was the undertaking that notwithstanding a concession, perhaps an administrative concession, the people would be able to settle there if they so wanted and they would be able to enter and come out of Britain freely without any impediment. This has been going on so far but not as of right. The point is what is going to be the position in a few months time, or after another election, if the other party were to come in? I think the dangers have been explained. We would probably be treated the same as other aliens. We would have to find a contract of employment before going in. Having gone in we would have to register ourselves and register our place of abode. Every time we wished to change employment or wanted to move from one place to another we would have to register again and obtain consent. In fact, as far as I am aware, if I remember rightly, this would be a sort of yearly contract. And it would be terrible if Britain were to join the Common Market and we were to see Germans, Italians and Frenchmen

moving freely in and out of Britain and we being deprived of this right in a place which we call, and very proudly call: 'Our Mother Country.' Therefore, I am really pleased to see that the Member, that all the Members of this House, I hope, are prepared to support this motion.

HON. SIR JOSHUA HASSAN:

Sir, this is a subject on which we all feel very strongly. But I think that sometimes the emphasis of going in and coming out of Britain is overstressed when in fact it is another principle that we aim at, and not just the question of that right. I think we have that right now. And that is why the mover must put 'real Citizenship', because we have the same citizenship right derived from the same Act of Parliament, which is the 1948 Act. We are all Citizens of the United Kingdom and Colonies. We had an undertaking from Lord Shepherd when he was here that the Labour Party would not in any way alter the status of the first people in dependent territories. But I was very interested to hear the Honourable Chief Minister speaking about the dangers of the Conservative Party coming into power, because I remember very vividly that when after the Constitutional talks, or rather, after Lord Shepherd had said at the Constitutional talks that integration was not likely in the foreseeable future, the Honourable Chief Minister went on Television and when asked about that he said that this did not mean that integration would not come quickly, that the Conservative Party had a bigger historical concept of things and that they would be much more ready to agree to integration than the Labour Party, and that therefore the foreseeable future could mean in the change of Government. I remember this perfectly well, very vividly — I have never forgotten. Anyhow, people learn by practical experience. But as the Honourable Mr. Montegriffo has stated we have other rights that we want to preserve. We are Gibraltarians in our own land and we want to keep that right whatever other rights we acquire. This is the land of our birth. This is the place we consider our home however much Britain may be the mother country; and we have certain rights as Gibraltarians which we want to preserve. In fact this is borne out by the mover, and the other Members in this report, who stated: "There are at present certain privileges and priorities reserved for Gibraltarians, the right to enter Gibraltar, reside, priority in employment, housing and trade. The retention of these seems to us to be essential for the two inescapable practical reasons of the small size of the territory and the density of the population." That is under Part 7, General Integration. So Sir, this is a matter which is of great concern to the Gibraltarians as well. It is important that we should have common citizenship with the people of the United Kingdom, but it is equally important that we should have our rights as Gibraltarians; the right that we have acquired and the rights that derive from our community and the sense of belonging that we have as Gibraltarians. It is for this reason that I am proposing an amendment to the motion which I hope in the light of the words of

the mover in the Report of the Constitutional Committee he will, and other Members will, be able to accept; because I would not like anything that comes out from this House to be interpreted that we are prepared to barter our rights as Gibraltarians for a common citizenship with the people of Great Britain. This is the last thing that I think anybody in Gibraltar wants to do. My amendment is really a prolongation of the motion by substituting the full-stop at the end for a comma and adding: "whilst still retaining the status of Gibraltarians as defined by the Gibraltarian Status Ordinance and any amendment that may from time to time be made thereto."

Sir, I think this in no way conflicts with the spirit of the motion. It safeguards our rights as Gibraltarians under legislation, and it safeguards our rights as Gibraltarians in any subsequent legislation that we want to carry out in respect of our own rights as we have already got them. Let there be no misunderstanding that we want to barter our rights as Gibraltarians for a common citizenship which in any case we have and it is only a question really from the point of view, psychological point of view, of immigration that has come in. Because without the immigration laws the citizenship that we have is exactly the same. In fact it is the same whether the immigration laws are there or not. It is a curb; the immigration laws are a curb on other people with common citizenship with the United Kingdom and Colonies.

So, Sir, let there be no mistake, let there be no misunderstanding, let there be no error, about how we feel about both matters. How we feel about the question of having a common citizenship with the United Kingdom at the same time let there be no misunderstanding that as Gibraltarians we have acquired, over the years, certain rights on Gibraltar which we want to preserve. It is for this reason that I commend the amendment to the House. I am sure that it must have been in the minds of the mover not to deter or to detract from the rights that we have acquired, indeed he has put it down in the Constitutional Committee Report and he has given his reasons for it: the right to enter Gibraltar, the retention is to be essential for the two inescapable practical reasons of the small size of the territory and the density of the population. I would add another one which is the fact, and the most important one, that we are British, we are proud to be British but we are also Gibraltarians and proud to be Gibraltarians.

HON. CHIEF MINISTER:

Sir, since the Honourable and Learned Leader of the Opposition has put in an amendment I am entitled to speak again on the amendment, of course.

I would like to clear a few points, Mr. Speaker. First of all he attributes words to me on television without really any evidence at all. He has already said, I remember, in the House,

very categorically some time ago, that in Britain the youth would not be able to vote down to the age of 18, and this was proved wrong. I also know that he once referred to me as saying something about begging for parity of wages, when that was not in fact what I said on television because I checked it subsequently. I did check it and perhaps I can still produce it — not today — but perhaps I can send you a little note stating clearly what I said. Anyway, quite honestly I cannot remember exactly what I said. If what the Honourable Member is trying to say is that I said that the foreseeable future could change tomorrow, that is so, because politics could be very much like the weather, it is sunny today it might rain tomorrow — and some Members from the other side of the House do know this very well. So what I am trying to say tonight is that here is a real danger, no-one could foresee this at the time. There is the Race Relations Report that has come out. There is a definite new policy from the Conservative Party — this is the new policy. In fact, we do not know how they are going to treat Gibraltar. For all we know they may say: "No, you will keep the same citizenship as we have." In fact, they might strengthen that citizenship — but this does not mean that we should remain complacent. This has happened before. There is a suggestion that the Immigrants Act does not change our citizenship. I put it to you, Sir, that according to the experts on Race Relations it does. This is what it says: "The present system of combined U.K. and Colonial Citizenship already undermined in practice by successive Commonwealth Immigrants Acts should be abandoned".

HON. SIR JOSHUA HASSAN:

On a point of order, Mr. Speaker. The Chief Minister has started on a completely different angle. I think he is right to speak on the amendment, but surely on the amendment and only on the amendment.

HON. CHIEF MINISTER:

Yes, Mr. Speaker, but the Honourable Member has brought in the amendment precisely on those arguments. This is what he is basing his amendment on. If what he is trying to do is not to allow me to express any point of view then he must be standing on very weak grounds. I must say that here we are in Gibraltar already suffering from that situation, if we had been able to put up a fight at the time I have no doubt whatsoever that Gibraltar could have been made an exception precisely on the ground I have stated tonight — one of geography and not necessarily of colour.

Now it goes further than that — a demonstration which was so spontaneous and which had the backing of all the representative bodies of Gibraltar, I could say very nearly down to the last man, woman and child, by the number of people who turned up, did not have any qualifications whatsoever. Who are we here today to start putting qualifications to that which was so clearly and enthusiastically and fervently expressed by the people of Gibraltar. These are minor points. These are points, as

I said before, that should be discussed when talks ensue. We are interested, of course we are interested, in keeping the Gibraltarian status; naturally we are. We are conscious that Gibraltar is limited in space and that you cannot put the whole population of Great Britain in here. This is not possible any more than you can put the whole of Britain in a little village in England. But this does not mean to say that they do not share exactly the same citizenship. In fact we have already an example in Northern Ireland where there are restrictions on the number of immigrants who can move from Great Britain to Northern Ireland if such is required. And I have no doubt that when we take part in these talks, if we do, that the British Government will listen to common sense. I think the British Government is a sensible Government whatever party may be in. If in principle they agree to give us real citizenship I have no fear whatsoever that they will come to an understanding as to the practical implications in Gibraltar. But this does not mean to say that this motion should be amended. I cannot agree with an amendment of this nature which by its very nature is tying down the hands of Great Britain to something we do not know in what way they would like to put it — in what practical way they would like to put it. Therefore, since the danger of losing our citizenship is very real and very immediate, I think this House has a great responsibility, and I certainly would not like to share it, of leaving the people of Gibraltar stranded without the same rights as those in U.K. by introducing an amendment which really has got no significance to the substance of the motion. This amendment, at present, the Gibraltarian Status is acquired not by a piece of legislation in Parliament but by a piece of legislation in Gibraltar. This in no way applies to the Nationality Act 1948, therefore this is ultra vires as far as that is concerned. We are introducing now something into the United Kingdom Citizenship which does not exist and which if anything does not make it real but unreal, and more unreal than even today. The quality of citizenship must be there, seen and appear to be so, and anything which dilutes or changes that, I think, is not acceptable — certainly not acceptable to me. I would like to say that the Honourable Members on the other side of the House will be able to see that the motion as put by the Honourable Mr. Isola is carried unanimously. I think that the Government would be prepared to give them an undertaking that these matters will be fully discussed, and that there is no intention whatsoever on this side of the House of changing the Gibraltarian Status Ordinance as it stands today.

HON. J. CARUANA:

Mr. Speaker, may I speak on the amendment? Here we are, the Opposition has accepted the motion on the principle of initiating talks with Her Majesty's Government and willy-nilly set out a pre-condition to these talks. I find this is most unreasonable and I cannot accept this amendment, on these grounds and on the grounds explained by the Chief Minister. A pre-condition cannot be an essential part for free and friendly

talks — you are starting on a wrong wicket — although I quietly concur with the Chief Minister that the status of Gibraltarians will always be uppermost in our minds and in our hearts.

HON. P. J. ISOLA:

May I, Sir, as the mover of the motion give my views on the intended amendment and clear up certain misunderstandings there seem to be among Honourable Members of the Opposition that this amendment will secure for them the reservations which they have spoken about in their addresses to the House. I do not think they do. I think the amendment is superfluous. Therefore I think it is not a good thing to put it in if it is superfluous because it gives the appearance that we put pre-conditions, as the Honourable Mr. Caruana has said, to the initiation of the negotiations. If the amendment did in fact secure what the Honourable and Learned Leader of the Opposition has talked about when referring to this report it might be arguable, there might be two views on it, but it does not. The rights of the Gibraltarian to priority in employment, housing, trade and all these rights are not derivative of the Gibraltarian Status Ordinance but are derivative of other laws of Gibraltar. The only thing the Gibraltarian Status Ordinance does, perhaps I am oversimplifying the matter, is to define who is a Gibraltarian. Therefore, when I speak in my motion of securing for the Gibraltarians real United Kingdom Citizenship, I am of course talking of the Gibraltarians. Who are Gibraltarians; and who is a Gibraltarian? The fellow who comes under or within the definition of Gibraltarian under the Gibraltarian Status Ordinance. Therefore, Sir, the purpose of the amendment is not achieved. The purpose in the minds of the movers of the amendment is not achieved — and I would like them to be absolutely clear on this point because I think it would be wrong to take a vote on something which does not achieve what you are really saying you would like. The points made, the reservations made by the Honourable Mr. Montegriffo, again I would just like to say something very quickly on that. The Gibraltar Government does not issue passports. The passports are issued by the Governor of Gibraltar as a result of the exercise of the Royal Prerogative to issue passports. Where the passport is issued is irrelevant where real citizenship is concerned. The question of Gibraltarian Status is not being forfeited. Again I must stress that as Gibraltarians of course, we have rights derived from that status within Gibraltar, no-one doubts or argues that. And before those rights are in any way changed or altered these would have to be as a result of the detailed negotiations and discussions which the Chief Minister has said, and has given an assurance on, would take place between both sides of the House. So, therefore, let us not get the motion clotted up with apparent reservations that I do not think really exist in the minds of any Member in this House.

The question of protection of rights and other reservations the Honourable Mr. Montegriffo has said — the protection of the rights of Gibraltarians to decide their own future — well, the rights the Gibraltarians have to decide their own future are enshrined in the Constitution and are also enshrined in the

Charter of the United Nations. That is something that whatever anybody does, I suppose, in practice, whether in theory or not, always continues to exist. But this is not relevant with respect to this motion which is seeking for the Gibraltarian real United Kingdom Citizenship. I think that if we were to pass the amendment we would give an impression of reservation where I do not think it exists. I think what the amendment seeks to obtain is already in the motion because we are asking for the Gibraltarians real United Kingdom Citizenship, and the definition of Gibraltarian is derived from the Ordinance or any amendment that may be made from time to time of it. Therefore, Sir, I think that it would be better and more in the interests of this House that the motion should rivet peoples' attentions at what it seeks to achieve and if there are to be any reservations these are matters that surely must come as a result of direct negotiation. It may be that the Gibraltarian may have to face certain choices if he or she is to acquire real United Kingdom Citizenship, and it may be that those certain choices may involve deprivations of existing rights as we know them in our laws today. It may be, I do not say that it will, but it will then be the time for Honourable Members to discuss, and for Honourable Members to decide whether, having regard to the terms offered, they are acceptable or not. Let us project the positive side of the motion that this House considers, that talks should be initiated with a view to securing real United Kingdom Citizenship for the Gibraltarians. We have noted, and we have heard the fears of Members. Members have different views as to what they are prepared to give up and what they are not prepared to give up; that must surely be the subject matter of detailed negotiations when the time comes and for final decision when the choice has to be faced. But today, I think, it is the feeling and desire of all Honourable Members to put forward these positive aims. Let us keep it to that. Accordingly, I would invite the Honourable and Learned Leader of the Opposition, in the interests of unity, to drop an amendment that has not got the meaning that I think Honourable Members think that it has.

HON. P. XIBERRAS:

Sir, I drew up a fairly long speech which I hoped I would be able to deliver. It had a patriotic note to it. It did not have a nationalistic note to it, but contained the hope that some unity might be found in the House, and I believe that the original wording of the motion was a very true attempt to establish this unity. Real citizenship is not a Constitutional definition at all, as all Members of the House will appreciate, but it is an attempt to heal at one particular level the differences — deep differences — of attitude which have existed over the past four or five years on Constitutional matters. There can be absolutely no doubt that the Immigrants Act is a matter of Constitutional importance. The Committee chaired by Mr. Peter Isola and in which Mr. Louis Triay, Mrs. Mary Chiappe and Mr. Montegriffo took part, said quite clearly in the Report that their recommen-

dition, the recommendation to get round this Immigrants Act to have the Gibraltarians absolved from this, that this recommendation on the Immigrants Act has a Constitutional rather than a political or practical significance. We believe that the exemption proposed will reflect the nature of the link between Britain and Gibraltar. Now, this, what we are talking about, the real citizenship, is a constitutional issue. I am sure that a definition of the Gibraltarian is possible in the laws of Gibraltar for the purpose of those laws. The Northern Ireland Labour Act contains such a definition. It applies to Northern Irish people. That is sufficient assurance, I think, if it is possible in a country who share citizenship with the United Kingdom, in fact part of the United Kingdom, if it is possible to safeguard legitimately the interests of that particular part of the United Kingdom and for the purposes of the law classify the inhabitants of Northern Ireland, I see absolutely no reason why the other side should fear that there might be a forgetting of the Gibraltarians, that Gibraltarians might be condemned to oblivion; this is not in fact what the motion sets out to do. The motion sets out to declare spontaneously, and now that there is time and in view of current events which are menacing, that the Gibraltarian wants to be real United Kingdom citizen. At least one Member opposite has agreed that this Immigrants Act is already symptomatic of changes, it is perhaps the first of a series. It has a constitutional importance, and not just an isolated Act, and as so ably proposed by my Honourable and Learned Friend, the trend of this Relations Bill and so on, all these things come to a possible re-definition of the status. Are we going to impose pre-conditions to that? This, surely, would be really a tiny little people like ourselves, walking up to Britain and saying: "We want this as a condition". Of course we want to remain in Gibraltar; of course we are proud of the fact that we are Gibraltarians —

HON. SIR JOSHUA HASSAN:

On a point of order if I may. On a point of clarification. I may save a lot of time and trouble. I will say a few things on the amendment at a later stage. The purpose of the amendment and the amendment itself is not meant to be a pre-condition for the talks. It is meant to express a wish — that we wish these rights to be maintained. I have not made any other. I think they are making mountains out of molehills.

HON. P. XIBERRAS:

Sir, the mountain here is United Kingdom Citizenship — this is the mountain — this is the thing with which we are concerned. Let us not make a mountain out of the other smaller different level kind of consideration. It is a different level kind of consideration. It is not a constitutional consideration because whereas the Gibraltarian Status Ordinance exists today, our citizenship is citizenship of the United Kingdom and Colonies. It is possible to classify people within that general constitutional definition, and so it would be possible to classify the

Gibraltar within the still general definition of the United Kingdom. To raise both definitions to the same level is, I think, the height of folly. Does this mean that because we do not want this amendment that we cease to be Gibraltarians? Why do the Members opposite, why are they so specific about this (we wish to be Gibraltarians under the Gibraltar Status Ordinance) in a matter which is clearly to do with something bigger, something constitutional. I was hoping, Sir, that after the sudden and drastic pruning that has taken place in the Governmental tree — in the orchard next door — we would be able to combine a little bit here. Unfortunately this seems not to be the case. It is not so much what the amendment contains but that this amendment is made to a motion which would be a spontaneous thing from the people of Gibraltar. It is not a haggling or a bargaining: "please give us this and do that." Has this been the attitude before?

May I remind Honourable Members that at the Constitutional Conference the definition of our status was not included in the body of the Constitution; it was included in the despatch, and I have a personal suspicion that it was because perhaps the Constitution Order 1969 and the Order-in-Council might outlive the 1948 Immigrants Act. I would have said that such an important definition of our Citizenship, not our Status, should have been included in the body of the Order itself. And one thing that I know that Gibraltarians cannot afford to lose is real United Kingdom Citizenship. I see signs already that the citizenship that we have, United Kingdom Citizenship, or Citizenship of the United Kingdom and Colonies, has already been diluted; it is admitted by an Honourable Member opposite who participated in the deliberations of the Committee — it is surely a symptom. Now we are going to bargain with the British Government. Such has been our position in the last five years. We can be proud of being Gibraltarians but we do not have to go there as if we own the world. We have to go there proud of being Gibraltarians but conscious of the fact that we are Gibraltarians because we are Citizens of the United Kingdom Colonies. That is why we have remained Gibraltarians for so long.

I am afraid I always speak a bit harder than I intend to. I welcomed the spirit in which my Honourable and Learned Friend started this debate and the spirit in which the Honourable Member opposite, Mr. Montegriffo, carried on. I think it is justifiable for the other side to put down certain conditions, but to insist that they be put into the amendment to dilute the strength of this representation to the British Government is not quite the same thing. I am sure the Honourable Members opposite could have made these reservations and perhaps more. This is not the idea of the motion; it is not to draw up a set of proposals, it is to express a spontaneous feeling in these times, and I say they are auspicious times, quite fortuitously, just because things happened next door. But surely this motion, and-

luted, without distinctions, without ambiguities, quite categorically in favour of United Kingdom Citizenship, surely on this particular day it would be an excellent thing for the House to pass undivided. I ask the Members opposite to reconsider the thing — reconsider the proposal — to speak again and outline without putting their objections in the motion, but to put them on record. I ask the Members opposite to consider this. This is a way of doing it. But are we going to split this motion up? Are we going to say we are U.K. Citizens or we want to be real U.K. Citizens but on these conditions in the very motion which we are trying to initiate talks? Are we so close to obtaining U.K. citizenship already? I would say, Sir, that we are not. And I would say that whether this motion should have come to this House today or not it must have come at some particular time. This is something that the Gibraltarians would have to decide. And if Britain should say: "Well, no," — I do not think for a moment she would say this because the Gibraltarian Status Ordinance does not have much constitutional validity. But if she were to say: "You must cease to have a Gibraltarian Status Ordinance or be U.K. Citizens" how would the people of Gibraltar react? I will tell you, they would not know which way to go. Now, that is not the issue. The issue is that what is being threatened is United Kingdom Citizenship. What is being threatened is not the Gibraltarian Status Ordinance; it could be. It is not threatened in Northern Ireland. The definition of the Northern Ireland man is not threatened. If it could be, compare the dangers on both sides. Compare the dangers, compare the attitudes over the last five years. Let us not be provincial about this. Let us approach the thing and say we want U.K. Citizenship; that is the first consideration because we know that we are arguing about that. We know that Britain is not going to tell us: "you cease to be Gibraltarians." That thing is enshrined in our Constitution. The Constitution says that the people of Gibraltar, etc. How do you define the people of Gibraltar? Well, relations with the Gibraltarian Status Ordinance. Will the Honourable Members opposite also say that we must include that Britain will adhere to this Constitution — obviously not. What is the necessity of this? Why create the distinction? Why polarize inside that motion? As I say, Sir, I tend to say more things than I intend to, at least in a different tone, to what I started out by saying; but I think it is the moment to drop this partisanship and concentrate on the main objective and that main objective is U.K. Citizenship.

(Applause)

Sir, having appealed in rather rough terms to the Members opposite, I think that Members opposite should also consider the repercussions of a division on this motion. Is it in fact the feeling in Gibraltar that we should not go for the objective of the United Kingdom Citizenship? Is there such a radical division in Gibraltar, outside in the streets, about these issues? There is not. Now, it is up to us to frame the motion in such a way that it reflects the feeling of the people of Gibraltar. Are

we doing this? Are we going there with the Gibraltarian flag flying?

HON. A. P. MONTEGRIFFO:

That is how we should go.

HON. P. XIBERRAS:

Well, certainly, of course. But we are not going to fly the flag so high that we want independence. What we are going there as is as a member of a family. We are going there in the spirit of this constitution. There is a special spirit in that. We are going there not with our nationalisms; we are going there to people who know exactly what we want, or does this side of the House want to cease to be Gibraltarian? Have we not representations to that effect? Now, is it partisanship that forces this imprudent, unwise amendment on the other side?

HON. SIR JOSHUA HASSAN:

Shame. You are losing all your rights.

HON. P. XIBERRAS:

I am losing all rights, Sir —

HON. SIR JOSHUA HASSAN:

All your respect.

HON. P. XIBERRAS:

The question of my respect does not come into it.

HON. SIR JOSHUA HASSAN:

You are attributing improper motives.

HON. M. XIBERRAS:

Perhaps I am being carried away—I have said this for the third time—but, Sir, let us try, all Members of the House, let us try to forget, let us try to see it in a constitutional perspective. Let us not bring everything that we can think of into it. Finally, let the Members opposite consider the proposal that they can make all the reservations that they like. They will be in Hansard, they will be on record, surely that will be enough safeguard that they have not broken faith with the electorate. What we are asking in this motion is a general approach. We wish to have United Kingdom Citizenship. Of course we will fight for the Gibraltarians. Who else are we fighting for? But do not rub it in the faces of the United Kingdom Government. Sir, thank you.

HON. A. P. MONTEGRIFFO:

Sir, only three points that I would like to extract from the long speech that the Honourable Member opposite has made. First of all I hope that he is not suggesting that because we are only 25,000 people we have not got the right to demand the human rights that any other people in bigger territories have.

Therefore I make no apologies for going to Britain and putting any pre-conditions that are necessary in order to safeguard the identity and the rights of the Gibraltarian. I think, Sir, that it is equally important that the rights and the status of Gibraltarians should be preserved as to acquire the United Kingdom Citizenship. Both are important — vital for the Gibraltarians. We cannot survive without one or the other; and this is the object of the amendment that we are putting across. In fact, if the speakers on the other side of the House have expressed themselves to a point in the same terms that we have, what is improper, or what is dangerous, or what is wrong in enshrining or putting in the motion the amendment which only aims at preserving the rights of Gibraltarians? A number of questions have not been answered. Are we going to have reciprocity as a result of this? All this we want to know. Are we prepared to take this chance of going into conversations without knowing the answers fully? But there is one thing we are prepared to barter, whatever anybody else may say, and that is the endangering of the rights of the Gibraltarian people. We are proud in saying that, and it is not nationalistic, it stems from the very rights of human beings and we are human beings and Gibraltarians and proud of it. (Applause)

HON. A. W. SERFATY:

Mr. Speaker, the Honourable Member opposite who spoke last said that we should not go to London and rub it in their faces — about this question of Gibraltarian Status. It is not a question of rubbing it in their faces, but we must be proud that we are Gibraltarians. We must not be ashamed that we are Gibraltarians. I see nothing wrong in trying to preserve our rights as Gibraltarians; and I honestly believe that in the United Kingdom we shall be respected all the more if we add this to the motion. We should certainly not have an inferiority complex as some gentlemen on the other side of the House seem to have on this question of Gibraltarian.

HON. M. K. FEATHERSTONE:

Sir, after the very impassioned speech by the Minister of Labour who I understand is an expert on constitutional matters, at least he was until Sir Frederick Bennett came and he did not prove to be quite so efficient, we have had an awful lot of hypotheses thrown around. The Honourable and Learned Backbencher said that after seven years a Committee has decided this report and it may be implemented. And the Right Honourable Mr. Heath had said so and so. But if the Right Hon. Mr. Heath, if he did get in power, might change his tune. We have known people who at pre-elections have said certain things and afterwards have done other things. We must take a word out of this motion and change it slightly, the word is 'real', we must be realists. You cannot go to Britain and say: "We want to be U.K. Citizens" without Britain saying: "Very good, we will give you this right, but we will have reciprocity." We can go there and say: "We will remain with Gibraltarian Status." They will

say: "Good, reciprocity." Any person who is in Britain and has U.K. Citizenship may come to Gibraltar and is automatically a Gibraltarian. If a person goes to the Isle of Man he has all the rights of a Manxman. If he goes to Northern Ireland he has the rights of a Northern Irishman. If he goes there to live he is not somebody separate. If he goes to the Channel Islands the same — they have reciprocity. If we are going to Britain demanding United Kingdom Citizen Status without at the same time saying: "and we are willing to give reciprocity," then we are going in the most unfair manner. And if we are going to give reciprocity then we are going to open the doors, as my Friend and Honourable Mr. Montegriffo has said, to any number of people who today are in the U.K. coming to Gibraltar. Then under the hypothesis of the Honourable and Learned Member if they come into effect — some of the things in that book — a Spaniard who has lived in Great Britain for five years can become a U.K. Citizen, then he can come to Gibraltar and become a Gibraltarian. All this is going to be thrown into the balance. There is nothing wrong in going to Britain and saying: "We want U.K. Status but we wish to maintain the present rights that we have as Gibraltarians." Rights which are not easily obtained I can tell you from personal experience. The Gibraltarians never had it so good until the Commonwealth Immigrants Act. They could go to Britain and enjoy full rights of U.K. Citizenship, but Englishmen could not come here, they had the greatest difficulty. If it is suggested that now we are going to go to Britain and we are going to demand from Britain U.K. Citizenship and not offer reciprocity, we would be laughed at. I would like to know on this hypothesis what the Honourable and Learned mover of the motion thinks would be Britain's answer if we said: "We want U.K. Citizenship but no reciprocity."

The question of Gibraltarian Status and, the question of being proud of Gibraltar is something we must not lose — we must not have submerged by a possible flood — and this is not sheer hypothesis, a possible flood of people desirous of coming to a warm climate to live. People who today have U.K. passports but who were born in a warm climate. I do not want to sound like Enoch Powell (Laughter) but we could easily open the door for a flood of West Indians who today have U.K. passports if we had reciprocity. It may be Racialism. I ask the Honourable and Learned mover of the motion to think on this question. What is he going to answer to that point. The Status of being a Gibraltarian is nothing incompatible to being a U.K. citizen. I think that the amendment to the motion has no difficulty whatsoever in any negotiation with the British Government.

HON. MAJOR A. J. GACHE:

Mr. Speaker, the motion seeks to secure for the Gibraltarian real United Kingdom Citizenship; and let me say that we are putting this motion because we believe in Britain and we trust in Britain. The amendment to the motion, I am surprised to see coming from the Party opposite, seems to mean that they have no faith in Britain. I will tell you why in a minute.

We are seeking United Kingdom Citizenship and it may be said that there is no such Citizenship or that we already enjoy United Kingdom Citizenship. It is my aim to show that we do not. Up to 1962 a citizen from any part of the Commonwealth was free to enter and to leave the United Kingdom. This was a long established constitutional tradition since the United Kingdom was the Head of the Commonwealth. The Commonwealth Immigration Act 1962 stopped this. The occasion of this enactment was due to the arrival in large quantities of unskilled immigrants from a number of Commonwealth countries. The Commonwealth is a free association of sovereign independent states. Each member of the Commonwealth defines the particular status or citizenship and nationality of its people and determines the common status of other Commonwealth nationals within its boundaries. Under the British Nationality Act 1948 the United Kingdom created a particular citizenship which was called Citizen of the United Kingdom and Colonies and also provided for the common status of Commonwealth citizen or British subject for every person who was a citizen of the United Kingdom and Colonies or a citizen of certain states in the Commonwealth and Southern Rhodesia. Some of the states of the Commonwealth of which the United Kingdom is one, have dependent territories for which they, and they alone, are independently responsible. Gibraltar is a dependent territory of the United Kingdom and under the limitations of the Treaty of Utrecht it is said can never be an independent state. The people of Gibraltar, like the people of the United Kingdom, under the British Nationality Act 1948 are Citizens of the United Kingdom and Colonies; because of this they have the common status of British subject and likewise the common status of Commonwealth citizen. And it is because we have the status of Commonwealth citizen that we are not allowed into Britain. Yet we belong to Britain. We belong to Britain because democratically we so chose in a Referendum. Gibraltar is in effect in a unique position, it is the only dominion in Europe, it is the only dominion to be continuously harassed by a large major power, it is the only dominion to be hampered by an International treaty — that is the Treaty of Utrecht. In view of the unique position of this dominion, which is contained in the Constitution, both geographically and internationally, the more so because of the determination of the people to remain British as British Subjects of Gibraltar, the people of Gibraltar should have real United Kingdom Citizenship.

Now, what is this United Kingdom Citizenship? When a Citizen of the United Kingdom and Colonies goes to the United Kingdom and before he arrives there he is a Commonwealth Citizen — British subject, Commonwealth Citizen — and under the Commonwealth Immigrants Act he is denied the right of entry. The moment he enters, or is allowed to enter and reside, at the moment with a voucher, he has the same rights as a United Kingdom Citizen or someone born in the United Kingdom. This is technically correct but is not in fact so because if a Citizen of the United Kingdom and Colonies from a place like Gib-

raltar leaves the United Kingdom he immediately reverts to his Commonwealth citizenship and seems to lose his United Kingdom right of residence. This is not the case with a normal Commonwealth citizen, one who is not a Citizen of the United Kingdom and Colonies. When he goes into the United Kingdom and is given a voucher there, after five years he can establish his residence and then he can go as often as he likes to his own country and he can come back and nobody can stop him.

We have heard about efforts by Her Majesty's Government to go into Europe. If they go into Europe there will be the question of the right of the freedom of movement. The Treaty of Rome provides that no member state of the Community is obliged on admission to treat its dependent territories less favourably than it had treated them in the past. And during the negotiation by the Conservative Party to enter the Six between 1961 and 1963, the whole of the Commonwealth question came up and the problems of the various Members of the Commonwealth, including dependent territories, were considered separately. With respect to Gibraltar it was pointed out that if Britain became a member of the Community the Treaty would automatically apply under Article 227 to Gibraltar as a European territory for whose external relation Britain was responsible. Yet, on the 8th May, 1967, the Prime Minister, Mr. Harold Wilson, in a debate on the European Community seems to have mentioned again the question of United Kingdom Citizenship, and I would like to quote from the Hansard: "The other aspect of this" (he is talking about freedom of movement) "is the potential effect of Britain's membership on Commonwealth immigrants to other Community countries. The Treaty of Rome in itself will have no direct effect on what we ourselves do about Commonwealth immigrants. They can continue to come to this country under the provisions of the Commonwealth Immigrants Act and we shall be free to limit, or not to limit, the numbers who come." Then he goes on to say: "This does not mean, however, that Citizens of Commonwealth countries who do come to this country would be able to move to E.E.C. countries on the same basis as citizens of this country could do", that is, citizens from Commonwealth countries could not move as freely as United Kingdom citizens. In this context, what are we? Are we United Kingdom citizens or are we Commonwealth citizens? Yet, later on, he says: "While Commonwealth citizens could not, we think, at once move to an E.E.C. country under the Mobility of Labour provision, they have the right to be registered as United Kingdom citizens after five years' residence here, and it appears that they could certainly then move." Later on he says: "Then there are those living overseas in our Colonies, for example, Gibraltar and Fiji, which was mentioned at question time. They are mostly subject to our immigration control and like citizens of independent Commonwealth countries they would not have the direct right of entry into E.E.C. countries to take up jobs. Their right of entry into E.E.C. countries is therefore a matter for clarification and discussion

possibly by analogy with the position of the immigrant from an independent Commonwealth country with his right to United Kingdom Citizenship after five years' residence in the United Kingdom". It is for this reason, Mr. Speaker, that I think that we ought to approve the motion and I cannot support the amendment.

HON. LT.-COL. J. L. HOARE:

After that lot I am not sure whether what we are striving for is the need for the initiating of talks by the Gibraltar Government with Her Majesty's Government or to join the Common Market. Surely what we are discussing this evening is a motion that we go to Her Majesty's Government with a view to securing for Gibraltarians real United Kingdom Citizenship. That is all, nothing about Common Market or anything else. In addition to this I think it would be quite dishonourable for us to go on this basis and then, as an afterthought, say to them: "But we still want to remain Gibraltarians." I think this would be quite wrong. If we are going to Great Britain, and I support going to Great Britain for this, then we must go with our hands clean, look at them straight in the face and say: "We also want to be Gibraltarians at the same time". Lump it or leave it.

HON. MISS C. ANES:

Mr. Speaker, it seems to me that if we are going there at all we are already going as Gibraltarians. It says so in the Ordinance and in our birth certificates. (Applause). I would not go to U.K. with anything else. I am a Gibraltarian but I want real United Kingdom Citizenship.

HON. SIR JOSHUA HASSAN:

I think we are getting too hot and bothered. I am going to be very short because I have a feeling we are running short of tape. But first of all I would like to say that I resent the remark of the Honourable Minister for Medical and Health Services to say that here we come willy-nilly with an amendment. I hope he shows more respect for amendments and for the rules of debate of this House even if he does not like what we do. But this is really the democracy of which he boasts so much and therefore I resent that and I hope he withdraws his remark. Anyhow, he does not. But I can well understand it, he probably thinks he is a very big man.

I would like to say that I think they have made so much on the other side about this that it almost looks as though we have forgotten what we are discussing. We are all proud of being Gibraltarians, we all want British citizenship, but we are ashamed of saying: "We want British citizenship but we want to be Gibraltarians." And for that reason —

HON. MISS C. ANES:

Ashamed?

HON. SIR JOSHUA HASSAN:

Of course we are ashamed if we do not want to put it into the motion and suggest that this is provincial or small, of course we are. Let us show our pride by putting it into the motion.

HON. MISS C. ANES:

We do not have to repeat that we are Gibraltarians because we were born in Gibraltar. We have our birth certificates which say so.

MR. SPEAKER:

I think this has gone far enough. I will allow you, Sir Joshua Hassan, to further address the House and then you, Mr. Isola; and then we will take a vote.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I wanted to say very little. I was trying to say that when we say we are going because we are Gibraltarians and 'Gibraltarian' is described here, it seems they have forgotten the idea of the amendment as I explained it in terms which I thought it would be acceptable. It is that in these matters you can get bargaining and if you start from a position of weakness, of begging, then you can get bargaining and you can get your rights which already have, and for which you may be very proud, deprived of. If this House has that call, that we want to have common citizenship, as we have it, and we ensure it, that is what we want to do in the terms of the motion, which I support, but at the same time we want to maintain our rights as Gibraltarians and our status as Gibraltarians. I think this is nothing to be ashamed of—nothing to be frightened of—there is nothing provincial about it. If it is said it is nationalistic—of course we have our pride in our little place and I am not ashamed of that. It may not be in keeping with the ideas of full integration of the Members opposite, if they still believe in it and that is why they are so adamant on this matter; we can well understand it. But we feel that this amendment, which has been put after considerable thought and after considerable discussion, should go forward and I commend it to the House.

HON. P. J. ISOLA:

Mr. Speaker, Sir, I have made a careful study of the rules of this House and as I understand the procedure, subject to your directions, Sir, the Honourable and Learned Leader of the Opposition has summed up the case for the amendment, a vote is now taken and then I sum up. If the amendment is carried then there is no more for me to say. If it is not carried then it will be my job as mover of the original motion to make my final speech. Mr. Speaker, if you agree with the procedure I will sit down while you take a vote, if not I will speak. I am subject to your directions, but as I understand it that is the position, first the amendment and then I come up on my motion if it is defeated.

MR. SPEAKER:

I now put the question which is that in the opinion of this House the current trend of events point to the need for the initiation by the Gibraltar Government of talks with Her Majesty's Government with a view to securing for the Gibraltarians real United Kingdom Citizenship, whilst still retaining the status of Gibraltarians as defined by the Gibraltarian Status Ordinance and any amendment that may from time to time be made thereto.

On a division being taken, the Honourables Sir Joshua Hassan, A. W. Serfaty, A. P. Montegriffo, E. J. Alvarez, M. K. Featherstone, I. Abecasis, and Lieut-Col. J. L. Hoare voted in favour; the Honourables Major R. J. Peliza, M. Xiberras, Major A. J. Gache, J. Caruana, W. M. Isola, Miss C. Anes, L. Devincenzi, and P. J. Isola voted against; and the Honourables C. B. O'Beirne and E. H. Davis abstained.

The motion was accordingly defeated.

HON. P. J. ISOLA:

Mr. Speaker, it now falls to me to sum-up my motion as originally drafted.

May I say that I am glad in a way that we are now faced with the real and cardinal issue, and that is: "Do we wish to initiate discussions to achieve for the Gibraltarians real United Kingdom Citizenship or not?" That is the issue, Mr. Speaker.

It is no use the Honourable Mr. Featherstone asking me what I would do if this happened and that happened, and all these different side issues which will occur once negotiations are under way if we can get them under way because hearing the Honourable Members opposite one would think that what was at risk was our Gibraltarian status and not our United Kingdom Citizenship. It is that what is at risk. The Gibraltarian status of the Gibraltarian is preserved in our Constitution. And if Honourable Members opposite will have a careful look at it they will find it is a defined domestic matter and something that cannot be changed without the consent of this House. I am sure that Honourable Members on this side would be the first to vote against changes that deprive the Gibraltarians of their natural human rights in Gibraltar.

Now, Mr. Speaker, I have tried to be moderate and I shall continue to be moderate. I shall not make remarks as have been made during this debate by both sides of the House — one to the other — and I could make quite a few, but I will not. I will try and keep restraint and hope that by doing so the Honourable Members opposite will agree that having made their point, as they have, on the status of Gibraltarians, having made us all aware of the problems as they see it, that they will now go to the cardinal issue in the motion which is: Do we wish to initiate negotiations for real United Kingdom Citizenship or not? Let

us not, before we start negotiations, put a whole series of pre-conditions as to whether West Indians will be able to come to Gibraltar, questions of reciprocity and all these other matters. All these questions I will put to the Honourable Members opposite for their very serious consideration. Presumably, the Party which they follow dealt with them before agreeing as they did at the Constitutional Conference of 1968 to ask for exemption for the Gibraltarians from the Commonwealth Immigrants Act and to act and to ask for United Kingdom Citizenship. The problems that are being put now, today, are exactly the same problems that must have faced them before agreeing to the famous 5 points on which all the people of Gibraltar were united. Are they having second thoughts about them? Are they beginning to think that they value their Gibraltarian status — it is not a citizenship at all, Sir, — that they value it more than the United Kingdom Citizenship? We are not going to Great Britain to say: "Look, we are prepared to ask for United Kingdom Citizenship provided you safeguard (a), (b), (c), (d), (e), (f) and (g)." They will show us to the door. They have not asked us to go. Mr. Speaker, Sir, the issues that the Hon. Members talk about may have to be faced and some very serious decisions may have to be made; and they will have to be faced and they will have to be made when the time comes. But the issue today is: Do we wish to initiate negotiations for United Kingdom Citizenship or not? Is the Hon. Mr. Featherstone convinced that it is not worthwhile. That there are too many objections and therefore let us not proceed with it — he does not want it? I would like to ask him — this is an aside, you will forgive me — I would like to know on what passport he travels. But, Sir, that—

HON. M. K. FEATHERSTONE:

On a point of Order, Sir, may I answer that question? I used to travel on a Gibraltarian passport and every time I went to Germany I got stung 10 Deutschmarks for a visa. I then got the U.K. one as it is more convenient. I would also ask which passport the Minister of Information travels on?

HON. MAJOR A. J. GACHE:

May I answer that one, Mr. Speaker? With very great honour I have a U.K. passport and that is why I am fighting. If I had had the support for the last three years which is being sought this evening perhaps all of you now would have United Kingdom passports. And this is what this side of the House is now aiming to do, to get us all United Kingdom passports.

HON. P. J. ISOLA:

May I continue, Sir? Again as an aside to the Honourable Mr. Featherstone, that he appears to put a certain value on Gibraltarian Citizenship—10 Deutschmarks. (Laughter).

Mr. Speaker, Sir, let us be serious and let us face the real issue and let us face it and make our decisions. Nobody in this House wants to give up the rights, the innate rights, the Gibraltarian

tarians have. In the same way, I am sure, no one in Northern Ireland wishes to do it, or the Scotsman, or the Welshman. But the unifying factor in Gibraltar, the great unifying factor, the factor that gives solace and comfort to the people of Gibraltar, is United Kingdom Citizenship. It is that that is at risk, not Gibraltar status, not Gibraltar rights and these other matters that are comparatively menial with the main central issue of real United Kingdom Citizenship. I think, while I say that the Honourable Members opposite have made their mark, they have made their point, they have stressed the importance they attach to Gibraltar status which we fully share, I hope that they will not now disrupt the real unity that I hope exists in this Chamber in seeking real United Kingdom Citizenship. That having made their point they will now support the central issue in the motion which is the initiation by the Gibraltar Government of talks with the United Kingdom Government for achieving for the Gibraltarians real United Kingdom Citizenship. I thank you, Sir.

MR. SPEAKER:

I now put the question which is that in the opinion of this House the current trend of events point to the need for the initiation by the Gibraltar Government of talks with Her Majesty's Government with a view to securing for the Gibraltarians real United Kingdom Citizenship.

On a division being taken, the Honourables Major R. J. Peliza, M. Xiberras, Major A. J. Gache, J. Caruana, W. M. Isola, Miss C. Anes, L. Devincenzi and P. J. Isola voted in favour; the Honourables Sir Joshua Hassan, A. W. Serfaty, A. P. Montegriffo, E. J. Alvarez, M. K. Featherstone, I. Abecasis, Lt.-Col. J. L. Hoare, C. B. O'Beirne and E. H. Davis abstained.

The motion was accordingly carried.

Adjournment

The House then adjourned sine die.

The adjournment was taken at 10.15 p.m.