

HOUSE OF ASSEMBLY  
MEETING OF 29 JUNE 1976

QUESTIONS

AND

ANSWERS

(104 TO 141)

QUESTIONS ASKED AT THE MEETING OF THE HOUSE OF ASSEMBLY HELD ON  
29.6.76

No.104 of 1976

ORAL

The Hon Miss C Anes

What procedure does Government follow in order to ensure that where meters in houses cannot be read because of the absence of the tenant from Gibraltar on holidays or other reasons, the tenant is not charged for electricity or water he has not used?

Answer:

The Hon Financial and Development Secretary

Meter Readers are of course generally not aware whether consumers are away from Gibraltar on holiday or simply out when they call to read the meters. In such cases, and since the officer cannot be expected to call back at random on the off-chance that the tenant will be in, it has been the practice to assess and bill the consumer concerned on the basis of the average consumption for preceding months. This practice is in the consumers interests; if it were not followed the consumer would otherwise find himself faced with a demand for 2 month consumption when the meter is eventually read. If this practice results in fact in an overcharge or an undercharge, or if the consumer has been away on holiday and there has been no consumption, the overcharge or undercharge as the case may be, is automatically adjusted in the subsequent month's account. This system which has been in operation for many years, has raised no serious problems.

SUPPLEMENTARY TO NO.104 of 1976

HON MISS C ANES:

Mr Speaker, how does the meter reader or the bills department assess that a family who has been away from the 1st May to the 20th June has consumed more water and electricity than they did during Jan/Feb/March and April 1976? If it is assumed that they charge on the normal consumption of a family of three adults and two children, how can they have used more water in the month of May than they would have done in the month of January, and more electricity in May when there is more natural light than they did in Jan/Feb/March and April, especially when one of the meters is inside the premises and cannot be read by the meter reader?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, if the Hon Lady will give me the details of the particular case to which she is obviously referring I will see that she gets a written reply.



HON MISS C ANES:

Well, I have details of one case, I have the permission of the tenant to read the consumption and the amount charged but I am not at liberty to give the name. There are other tenants who are also aggrieved and on coming to the bills Department to make complaints they have been told that there is nothing they can do there. That is the bill that has been charged and they have to pay for it or risk having the services cut off. If they did not agree with the bills presented they would be taken to court.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I don't think that is a question.

MR SPEAKER:

I think you are being asked whether you will enquire into such allegations.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Any specific allegations which the Hon Lady chooses to give me details of I can assure her I will look into them.

MR SPEAKER:

The allegations that have been made are threefold, I think. They are, that some people have been charged more than the average consumption, secondly, that the meters could not have been read because they are inside the House and the meter readers had no access to them, and thirdly, that they had been told that there is nothing that the Accounts Department could do about it and that if they do not pay that proceedings will be taken against them. Those are the allegations that the questioner has made.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, if the Hon Lady at a suitable moment will give me a chance to record those specific allegations I will certainly have them looked into.

HON MISS C ANES:

There have been occasions also when tenants having to be away from Gibraltar either for holidays or medical reasons - in the case of the family I mentioned it was for medical reasons - have come to the Bills Dept to state the fact that they would be away and therefore they would not be using any electricity or water and yet no notice has been taken of that report and the families have been charged for consumption which they have not made.

No.105 of 1976

ORAL

The Hon J Bossano

Can Government state what grants, if any, are made to religious organisations?

Answer:

The Hon the Financial and Development Secretary

Yes Sir, if the Hon Member cares to look up his copy of the estimates presented to the House for the current financial year he will find on page 58 under Head 22 revenue Sub-head 27 the sum of £3,300 provided for Annual Grants in Aid and if he were to look up the remarks column under (j) he will find that the provision includes £1,000 for religious organisations - £500 for the Catholic Church and £500 for the Anglican Church.

SUPPLEMENTARY TO NO.105 of 1976.

HON J BOSSANO:

Mr Speaker, can the Hon Financial and Development Secretary explain why the grants are made to only two particular denominations and not to any other?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, as far as I am aware - and I stand subject to correction on this - it is only these two organisations which Government has received any kind of submission from and which Government has agreed to make a grant towards.

HON J BOSSANO:

Is the Financial and Development Secretary then saying Mr Speaker that the only reason is that no other religious organisation has approached Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I can only answer that within the terms of my presence in Gibraltar and since that time no other religious organisation has approached Government for assistance except one adjunct, shall we say, to a religious organisation.

HON J BOSSANO:

Will the Hon Financial and Development Secretary confirm, Mr Speaker, that there is nothing to preclude any other religious organisation approaching Government if it needs financial help?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the Government is obviously prepared to consider an application for assistance of this kind from any religious organisation.

HON P J ISOLA:

Will the Government give an assurance that if there should be any change in this grant which in living memory has been in existence as far as I know for something like thirty years or more, that if there is to be a change in this the democratic principle will be applied and that is that grants be given in accordance with numbers?

HON A P MONTEGRIFFO:

I stand to be corrected but I think this money was given in days gone by as reparations for what the troops at the time did to the.....

MR SPEAKER:

Let us not complicate the issue.

HON CHIEF MINISTER:

May I just make one point of clarification and that is that going back to 1950 when the first estimates were ever put to representatives of the people, the item was already there.

No.106 of 1976

ORAL

The Hon J Bossano

Can the Financial and Development Secretary now state which are the analogues from U.K. that were used to equate all officers on the A & P grades with U.K. Senior Executive Officer or PTO 1?

Answer:

The Financial and Development Secretary

Many S.E.O. and P.T.O. 1 job descriptions and other relevant information made available by the Civil Service Department (UK) were examined and the conclusion arrived at was that these were the generic analogues for the A & P grade.

SUPPLEMENTARY TO NO.106 of 1976

HON J BOSSANO:

Mr Speaker, is the Government looking at the grades involved individually, or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I think I shall require notice of that question.

HON J BOSSANO:

Well, Mr Speaker, I regret that the House will not be around for me to give the Hon Member notice. Can the Financial and Development Secretary say if he doesn't know whether the individual grades have been looked at or not, how the grades in Gibraltar have been examined collectively?

HON FINANCIAL AND DEVELOPMENT SECRETARY :

I do not know the answer to that question.

HON J BOSSANO:

Mr Speaker, can the Financial and Development Secretary say who is responsible for answering questions in the House regarding the grading of senior officers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I am responsible but where a question is asked and is answered and in subsequent supplementaries a considerable amount of detail is then asked for, I am afraid I cannot and have not come prepared to answer matters of that detail.



HON J BOSSANO:

Mr Speaker, could the Financial and Development Secretary make an effort over the next three months so that the next House of Assembly is not at the same disadvantage of having an unprepared Financial and Development Secretary answering questions.

MR SPEAKER:

Next question.

No.107 of 1976

ORAL

The Hon J Bossano

Can Government give the final figures for the amount of income tax revenue that has been collected (a) from individuals and (b) from companies in the financial year 1975/76 and has the Financial and Development Secretary investigated whether such information can be provided in respect of previous financial years as he undertook to do in answer to question NO.1 of 1976?

Answer:

The Financial and Development Secretary

Sir, the answer to the first part of the question is yes. Tax collected from individuals during the financial year 1975/76 to the nearest £100 was £2,138,300, and that collected from companies also to the nearest £100 was £1,359,400. In answer to the second part of the question I confirm that the matter has been gone into. I have not however been able to find where or when and I now quote from Hon Member's supplementary to question No.1 of 1976; "A breakdown giving the yield from employees and from companies and self-employed as a group together has been given in the past". I, of course, stand to be corrected on this and if in fact the Hon Member has information to the contrary, then I shall be glad if he will make it available to me.

As I explained in my principal answer to the Hon Member's question No.1 of 1976 no separate analysis of the tax revenue from the three groups which he has enumerated were kept prior to 1975/76. The information therefore could only be obtained by a detailed search of individual tax records and I regret to say that under present circumstances Government does not consider that it will be in the public interest to divert the necessary staff of the Income Tax Department from their normal duties to carry out this search.

SUPPLEMENTARY TO NO.107 OF 1976

HON J BOSSANO:

Mr Speaker, does the Financial and Development Secretary realise that the distinction between the breakdown that I am asking for now and the one that he was unable to give me in Question No.1 of 1976 is that all individuals paid tax together and companies paid tax in relation to trading years which must of necessity mean that the collection by the Department is done differently and that it is possible to follow this difference to get totals?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think the questioner has in mind information which was given in reply to Question No.54 of 1973. That answer was in respect of the yield from income tax collected, actually collected, in 1971/72 and 1972/73 from individuals and from companies in those years. But the information sought as I have read it in question No.1 of 1976, was for the tax collected in respect of assessable income for a number of years as distinct from the tax actually collected in a particular revenue year.



HON J BOSSANO:

Well, does the Financial and Development Secretary have the information as regards tax actually collected?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker if my memory serves me correctly that information was given in reply to the original question.

HON J BOSSANO:

Well, Mr Speaker, does he have the information for 1974/75 in view of the fact that he is referring to information given in question 54 of 1973?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, that information was not asked for in the original question and I would require notice of it.

No.108 of 1976

ORAL

The Hon J Bossano

Can Government state when it is estimated that repayments of income tax over collected in the financial year 1975/76 will be made?

Answer:

The Financial and Development Secretary

Repayments of income tax over collected in the financial year 1975/76 are actually being made. The issue of assessments on employees for the year 1975/76 commenced in May 1976. A number of these assessments have resulted in repayments, in under collections and others have not required any adjustments. To date i.e. noon on the 28th June over 500 cases have been processed of which about 253 required repayments.



The Hon J Bossano

Has the Financial and Development Secretary now completed his investigations into the question of information published by a certain newspaper that stamp duty would be abolished, to establish whether a budget leak had occurred as he undertook to do in answer to my question No.53 of 1976 and will he make a statement on the matter?

Answer:

The Hon Financial and Development Secretary

Yes, Mr Speaker, I have personally conducted an enquiry into this matter but with negative results. My enquiries have revealed no evidence as to how the information came into the hands of the newspaper in question nor is there any evidence to suggest how the newspaper might have obtained the information. My enquiries have, however, completely satisfied me that the information in question did not emanate from my office and I am fully satisfied that no member of the Finance and Treasury Staff was involved.

The disclosure - and as I have just said I do not accept that there was any disclosure - the disclosure of any information irrespective of its security classification which has not been officially released for publication is a matter for concern. Nevertheless, it is necessary to keep a sense of proportion and in weighing up the seriousness which attaches to any such unauthorised disclosure, some regard must be had in each particular case to the nature of the information disclosed, its internal security classification at the time and the likely or actual detriment to public security or the public interest which may or does result therefrom.

In the particular case which is the subject of the question, the report which appeared in a certain newspaper on the 7th February 1976, stated that stamp duty on cheques and receipts was to come to an end on 31 March 1976. I can now inform the House that the abolition of stamp duty on cheques and other bills of exchange, bills of lading, receipts and passport form applications was under consideration as far back as September 1975. But a definite proposal to abolish stamp duty on these instruments was not made to, and considered by, Council of Ministers until February 11th, when a decision was deferred until it was possible to have a clearer picture of the final situation. In the event the final decision to amend the Stamp Duties Ordinance to abolish duties on these instruments was only taken during the final discussion of the Budget by Ministers during the last week in February.

The press report is inaccurate in one other respect since the effective date of abolition was the date on which the amending Ordinance was published in the Gibraltar Gazette, namely May 27th.

But finally, let me reiterate that the Government does view with concern any breach of the confidentiality of official business and is reviewing the current arrangements and procedures for ensuring that confidentiality.

SUPPLEMENTARY TO NO.109 of 1976

HON J BOSSANO:

Mr Speaker, in view of the fact that the Financial and Development Secretary has himself investigated his own Department and is able to satisfy the House that the information did not come from his Department, what steps has he taken to ensure that the investigation is carried out in other spheres by other competent authorities?

MR SPEAKER:

It is not your prerogative to do that. You have been asked specifically a question as to a particular leak which affected your Department and you have given an answer. What Government as a collective body is going to do to prevent these things happening in other Departments is not your responsibility.

HON J BOSSANO:

Well, Mr Speaker, if it is not the Financial and Development Secretary's responsibility I am sorry he assumed it when I asked him about it previously and he took it upon himself to carry out the investigations.

MR SPEAKER:

It is his prerogative to carry out investigations as to anything that happens in his Department but it is not his prerogative to make investigations as to what happens in other Departments or what the Government collectively feel they should do for the purposes of preventing breaches of confidentiality. That is all I am saying.

HON J BOSSANO:

Mr Speaker, when I raised the matter originally in my previous question I was not for a moment suggesting that there was any indication that the source of the leak was the Financial and Development Secretary's Department.

MR SPEAKER:

I think that is accepted by the Financial and Development Secretary, but it was brought to his notice that a leak had occurred on matters that concerned his Department and he took it upon himself to make sure there wasn't any responsibility attached to his Department. That is accepted.

HON J BOSSANO:

Well, perhaps then the Hon and Learned the Chief Minister can answer in view of the fact that now the Financial and Development Secretary has been given a clean bill of health, what he proposes to do about the rest of the Government being given a similar clean bill of health?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, at the end of my answer I said:

"The Government does view with concern any breach of the confidentiality of official business and is reviewing the current arrangements and procedures for ensuring that confidentiality". That Mr Speaker, is the Government's collective reply and the Government's collective action on this particular case.

HON J BOSSANO:

Mr Speaker, if the Government has decided to do something to prevent it happening again, are they going to further investigate to see now that they know that it is not from the Financial and Development Secretary's Department.....

MR SPEAKER:

Mr Bossano, considering that we are on the threshold of a general election I think that perhaps might be the responsibility of the incoming Government.

HON J BOSSANO:

I am sure the incoming Government would welcome the opportunity of being told who was responsible for the leak.

HON CHIEF MINISTER:

If I may I would like to mention one thing and that is that of course I entirely agree with the answer given by the Financial and Development Secretary. But let me say that those of us who are in the know of things also see leaks in other places but if they are not of public importance like in this case it is not a question of anticipating a tax and everybody rushing to buy whisky at the cheaper rates before the tax comes along, but something that was going to abolish in the future. I have seen very recently in other newspapers - and the Financial and Development Secretary will bear this out - I drew his attention to other kinds of leaks of something which in fact I did not know until I enquired and I found that there was an element of truth in it though it wasn't very important. So, generally, speaking, any Government will have to carry out a review of the ways in which gentlemen of the press try and get their information.

No.110 of 1976

ORAL

The Hon J Bossano

Can Government state the final revenue and expenditure figures by heads for the financial year 1975/76 and the amount standing to the credit of the consolidated fund at the close of the financial year?

Answer:

The Financial and Development Secretary

No Sir. The 1975/76 accounts are still in the process of being closed and I am accordingly not able to provide the information requested.

SUPPLEMENTARY TO NO.110 of 1976

HON J BOSSANO:

Mr Speaker, in view of the fact that the House is not going to be in existence for much longer will the Financial and Development Secretary undertake to make public these figures at the earliest opportunity possible as soon as they are available.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, I can give that undertaking. The figures when they are published will of course be qualified to the extent that they will not be audited figures and they will be expressed as provisional figures.

MR SPEAKER:

Next question.



The Hon J Bossano

Does Government agree that in the present circumstances where many Government employees are owed large sums of money due to the protracted wage negotiations legal action for recovering of debts to Government should not be taken until back payment of wage increases have been completed?

Answer:

The Hon Financial and Development Secretary

Sir, I take it that the questioner means by "legal action" either action in the courts or action within the bounds of the law.

As regards the former, the policy is to resort to such action only as a last resort and where the amounts to be recovered warrant the expense, and there is prima facie evidence that the amounts can be recovered.

As regards other legal action such as the cutting off of electricity, water or telephone services, the Hon Member should realise that it would be highly invidious in principle to draw any distinction between consumers who are Government employees and others who are not and hence failure on the part of Government employees to pay the bills within a given period after a final demand is sent can lead to the cutting off of the service. However, the Government is fully cognisant of the current difficulties faced by public employees in respect of whose grades no final settlement of the biennial review has yet been reached and notwithstanding the principle which I have just enunciated, so far as I am aware there has been no case in which steps have been taken to enforce payment of arrears by severance of the service.

As regards other indebtedness to Government, the Government is always prepared to consider cases of special hardship occasioned by special circumstances whether the debtor is a public employee or whether he is not.

SUPPLEMENTARY TO NO.111 OF 1976

HON J BOSSANO:

Mr Speaker, does Government accept that the situation at present is a very special one particularly in the case of industrial workers employed by the official employers who are basically on the same wages as they were 18 months ago and have had to contend with price increases in many other items of expenditure which of necessity put great pressure on the whole budget? Is Government sufficiently cognisant of this fact to realise that we are in very special circumstances at present and that this should be taken into account?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I think I can certainly accept that in relation to those kind of people we are in special circumstances and as I have said in my original answer the Government is fully cognisant of this difficulty and moreover I said in a matter of general approach. It is always prepared to consider special cases occasioned by special circumstances and I would have no hesitation myself in adjudging the present circumstances special circumstances.

The Hon J Bossano

Can Government state what is the policy regarding the decision to take legal proceedings in cases of arrears of payment due under the Municipal Services in the the case of

- (a) individual householders
- (b) business concerns?

Answer:

The Hon Financial and Development Secretary

Although I have not been able to identify the particular decision to which the questioner is referring, the answer to this question is largely covered by the answer I have just given to his previous question. And as I have stated Court proceedings for the recovery of debts due to Government are taken as a matter of general policy only as a last resort and where the amount involved warrants the expense and where there is prima facie evidence that the amount can be recovered.

In the case of arrears in respect of electricity, water and telephones, the failure to pay within a reasonable period after the service of a notice of final demand renders the consumer concerned liable to have the service disconnected. For obvious reasons therefore the service of a notice of final demand seldom fails to have the desired effect and resort to legal proceedings is hardly ever necessary.

In the case of rates, rate-payers are similarly sent a notice of final demand advising them that legal proceedings may be instituted if settlement is not made within 10 days. But because there is no recourse to any other action but legal proceedings, arrears of rates do, however, present a problem. A final demand is not always effective but even then every possible effort is made to persuade the ratepayer to co-operate and Court proceedings are only instituted as a last resort when all other means of obtaining payment have been exhausted.

The general policy as I have stated in this answer applies equally to individual householders and business concerns. But generalisation in a matter such as this can only be carried so far, and within the parameters of this general policy each specific case must be considered on its own merits.

## SUPPLEMENTARY TO NO.112 of 1976

HON J BOSSANO:

Mr Speaker, is there a length of time of arrears of a sum of money which is sued as a guideline for either individual householders or business concerns in formulating this policy and are there differences in the treatment to individual householders and to business concerns?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, there is no specific time, there is no specific sum of money because if you think about it, relative to the debtor's personal circumstances, both the time, if he is alive, and the amount of money which may be owing are variables and, consequently, as I said each specific case has to be looked at on its own merits.

HON J BOSSANO:

But are there any guidelines, Mr Speaker, within which the individual cases are examined, e.g., is it the policy generally to take tough action, shall we say, after three months or six months or 9 months or a year? What is the general rule that is applied to which there may be individual exceptions?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

To my knowledge, Sir, there is no such general rule. I would expect, however, that those responsible for keeping a check on the accounts would certainly refer matters to higher authority in the event that a particular debt was running for three months or more irrespective of who the debtor was or the amount involved and at that point, as I said, one has to consider all the facts of the individual and the individual's case in relation to the policy of legal action.

MR SPEAKER:

Next question.



No.113 of 1976

ORAL

The Hon J Bossano

Can Government now give a more up to date estimate of the cost of the biennial review in the light of the settlements that have taken place?

Answer:

The Hon Financial and Development Secretary

No, Sir. There are three important areas of employment where although agreement has been reached, because of the number of employees involved and the work required to ascertain the correct adjustments for allowances and/or overtime it has not yet been possible to establish the full cost of the Biennial Review for these grades. These grades are the nursing and teaching professions and the industrial grades.

2. In addition to the grades I have already mentioned, there are other areas where settlement is still under negotiation and much as I would like to know what the ultimate cost of this Review is going to be I am afraid that I am not yet in a position to produce any more accurate figures than I gave the House at Budget time.

SUPPLEMENTARY TO NO.113 OF 1976

HON J BOSSANO:

Mr Speaker, does the Financial and Development Secretary have any indication at all whether the estimate that he gave the House is likely to be very close to the final outcome or very far out?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I cannot answer that question specifically but at the moment I am still confident that the global order of magnitude which I gave to the House will be somewhere within the target area, shall we say.

MR SPEAKER:

Next question.

No. 114 of 1976

ORAL

The Hon J Bossano

Can Government state how many gold coins were originally estimated would be sold in the financial year 1975/76 the number actually sold and the number sold in the current financial year to date?

Answer:

The Hon the Financial and Development Secretary

Messrs Spink & Sons originally estimated that the whole issue would be sold during 1975/76 namely; proof sets of £100, £50 and £25 coins - 750 sets. Single £100 coins - 1250 pieces; single £50 coins - 2500 pieces; single £25 coins - 10,000 pieces. It was agreed at the time the issue was struck that should the demand for any one coin exceed these anticipated levels, additional pieces would be made with a proportional reduction in the number of pieces struck for other denominations.

Sales have been as follows:-

of the proof set in 1975/76	340 sets
in 1976/77 up to 18th of June	432 sets
of the single £100 coins 1975/76	698 pieces
in 1976/77	855 pieces
of the £50 coins in 1975/76	816 pieces
in 1976/77	950 pieces
of the £25 coins in 1975/76	1740 pieces
in 1976/77	1938 pieces

No. 115 of 1976

ORAL

The Hon M Xiberras

Can Government report whether there has been any further progress in negotiations in the Scamp Report and in what areas has a settlement not yet been reached?

Answer:

The Hon Financial and Development Secretary

Since the last meeting of this House the pay Agreement for the Industrial Employees of the Official Employers has been signed in JIC. Whilst negotiations remain to be completed on Allowance and Efficiency Bonus the successful conclusion of this pay agreement marks a significant step forward.

Several agreements have been signed for groups of non-industrials and in many other areas negotiations are close to the final stages. Only in the case of clerical grades does settlement not appear to be clearly in sight. In this case an offer was made in November 1975 and many meetings have been held the last being on June 22nd. Analogues for many of the clerical grades have been agreed but negotiations for the Supervisory Officers and Senior Clerical Officer grades are taking some time. The following other groups have yet to sign an agreement:

Messengers

Stores

Port

Radiographers

Social Workers

Typists

Administrative grades

Agreements signed:

Gibraltar Police

Gibraltar Fire Brigade

Gibraltar Prison Service

Rent Collectors

Technical Grades

Process and General Supervisors



Porters/Telephonists  
 Grade E C Medical and Health Department  
 Teachers  
 Nursing Section  
 Cemetery Keeper  
 Revenue  
 Postmen  
 Consumer Protection Inspectors  
 Public Health Inspectors  
 Therapists

SUPPLEMENTARY TO NO.115 of 1976

HON M XIBERRAS:

Can the Financial and Development Secretary say that in respect of the clerical grades in the Gibraltar Government analogues have been agreed for some 75% of the people involved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am afraid, Mr Speaker, I don't have the actual numbers and therefore I cannot confirm or deny whether it is 75% or any other particular percentage but I understand that analogues have been found for a substantial number.

HON M XIBERRAS:

Mr Speaker, in respect of SCO's and SO's I understood the Financial and Development Secretary to say that analogues had not yet been found. Can he answer whether discussion on these analogues have been on the basis of information which has been received from the UK and is shared by both parties in the negotiations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I regret, Mr Speaker, that since I play no part in these particular discussions and negotiations I cannot provide that information.

HON M XIBERRAS:

Would the Hon Member then enquire as to whether it is not a fact that after a certain document had been produced containing purported analogues for these two grades.....

MR SPEAKER:

No, we have to be very careful on this one. We are not going into the details of the negotiations. The original question is clear: "Can Government report whether there has been any further progress in negotiations in the Scamp Report and in what areas has a settlement not yet been reached." The supplementaries must be directed to the answer but you mustn't go into the actual terms of the negotiations and what has been said in the negotiations.

HON M XIBERRAS:

I am referring to the principles on which negotiations are conducted, Mr Speaker..

MR SPEAKER:

Even those are not relevant to the question.

HON M XIBERRAS:

Could the Financial and Development Secretary find out whether the relevant information has been made available to the Union concerned in the case of SCO's and SO's and whether it is not a fact that a Government mission and a Union mission to the UK has failed to elicit this information to be shared by both parties on the grounds that such information is confidential?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, my Hon Colleague informs me that the information brought by the Government team which went to London has certainly been made available to the grades concerned.

HON M XIBERRAS:

Perhaps his Hon Colleague, Mr Speaker, might also inform him that this was the original information made available and it is not.....

MR SPEAKER:

No, that is out of order.

HON M XIBERRAS:

Mr Speaker, would the Hon Member not agree that it is good procedure in negotiating agreements of this kind....

MR SPEAKER:

No, that is asking for a matter of opinion.

HON M XIBERRAS:

Would the Hon Member not agree that he would have a settlement clearly in sight had the Government made this information available to the union concerned?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, it would be quite improper for me to voice a personal opinion.

HON M XIBERRAS:

Mr Speaker, perhaps he should not answer the question then. Mr Speaker, will the Hon Financial and Development Secretary make it his business to find out since he has chosen to answer the question whether there is a valid document which the Government stands by which determines the Government's view of the analogue in respect of SCO's and SO'S.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have answered the question asked. If the Hon Member has any other particular pieces of information which he wishes to elicit which was not contained in the original answer, I should be delighted, given notice, to provide him with the information.

HON M XIBERRAS:

Mr Speaker, will the Hon Member take note that the union is most concerned - this is the Gibraltar Government Clerical Association - by the lack of information in this particular field of SCO's and SO's which is seriously delaying a settlement in respect of the Government clerical workers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think, Mr Speaker, the Government is equally concerned and therefore the concern on the other side is certainly well known to them.

HON M XIBERRAS:

Would the Hon Member then do something about it and will he make sure that the information which is now classified as confidential is made available so that fair negotiation can take place in respect of these two grades?

MR SPEAKER:

I don't think there is any need to answer that because I think it has already been stated that the information has been given.

HON M XIBERRAS:

Mr Speaker, would the Hon Member note that it is by information that this problem of not having proper documentation on the question of analogues made available to unions has cropped up in respect of other Government departments and will he also take note of my view that this is a most unfair manner to proceed in any negotiations?



MR SPEAKER:

No, we are not going to discuss the procedure as to negotiations.

HON M XIBERRAS:

I am asking whether he will take note of it.

No.116 of 1976

ORAL

The Hon J Bossano

Will Government confirm that it is not their policy to press for the amalgamation of the Security Police with the Gibraltar Police?

Answer:

The Hon the Attorney-General

The possibility of a merger between the Gibraltar Police Force and the Gibraltar Security Police, in the same way as the Dockyard Police were merged, has been considered on a number of occasions. The latest suggestion for a merger is still under examination.

SUPPLEMENTARY TO NO.116 of 1976

HON J BOSSANO:

Mr Speaker, can the Government then say whether the initiative has come from them?

HON ATTORNEY GENERAL:

The examination at the moment is by the MOD who thereafter make proposals for the consideration of the Gibraltar Government.

HON J BOSSANO:

Is the Gibraltar Government favourably disposed towards the idea of a merger or not?

HON ATTORNEY-GENERAL:

One cannot possibly say until one has seen what the proposals are.

HON J BOSSANO:

I see. So if the proposals suit the Gibraltar Government I take it that they are favourably disposed and if they don't suit the Gibraltar Government they are not. Is that the answer, Mr Speaker?

HON ATTORNEY-GENERAL:

I don't think I can answer that question. One would have to consider all the ramifications when the proposals are made.

MR SPEAKER:

No, otherwise you will be answering a hypothetical question.

HON J BOSSANO:

Mr Speaker, what I am trying to establish, and that is what my original question asks, was whether their policy was to press for this amalgamation. I would like to know whether, in principle, they are in favour or against the idea of a merger.

HON ATTORNEY-GENERAL:

At this stage the Government has a completely open mind.

HON J BOSSANO:

I think I almost heard the Chief Minister say that he had no policy which I probably think is true, Mr Speaker.

HON CHIEF MINISTER:

I said there is no policy because there is no suggestion before the Government.

HON J BOSSANO:

Well, Mr Speaker, I accept the Chief Minister has no policy.

MR SPEAKER:

For the purposes of the record this refers to the question of the merger of the Security Police with the Gibraltar Police.

HON J BOSSANO:

On the merger of the Police of course, Mr Speaker. I was not talking about Government in general or anything like that. Can the Hon Attorney General give an undertaking that before any decision is taken the views of the Associations involved will be taken completely into account and they will be fully consulted?

HON ATTORNEY-GENERAL:

It is very difficult to give that undertaking bearing in mind that it shall be a Government which is not in power at the moment but I have no doubt that a Government of whatever composition which is next elected will consider the views of all the bodies concerned.

HON M XIBERRAS:

Would the Attorney General consider this matter to be primarily a matter for the officials in Government or for the elected members in Government?



MR SPEAKER:

I take it that what you are trying to ask is whether the Hon and Learned the Attorney-General considers it to be a defined domestic matter or a non-defined domestic matter, is that right?

HON M XIBERRAS:

Or a grey matter, Mr Speaker.

MR SPEAKER:

I don't think the Hon and Learned Attorney General is entitled to decide what is a grey matter.

HON M XIBERRAS:

The Attorney-General, Mr Speaker, I think Hon Members will agree often decides and you yourself do ask advice from him occasionally on certain matters of this kind. What I am asking is in view of his reply to Mr Bossano that he cannot account for what the next Government is going to do. I want to know what sort of an interest officials in the Gibraltar Government have in this question. I am talking about the Attorney-General, the Financial and Development Secretary and the Governor, and of course, the Deputy Governor.

HON ATTORNEY GENERAL:

I don't think I can possibly answer that question, Mr Speaker.

HON M XIBERRAS:

I am sorry that the Hon Member has failed on this occasion to give advice to the House. Mr Speaker, could the Hon Member please take note that all the men of the Security Police have circulated letters of which I have a copy expressing anxiety about this situation. It is signed if not by 100% certainly by very near 100%. And would the Hon Member not agree that in view of this and of his statements today, there is a need to reassure these people that there is in fact no policy, and if there is to be a policy in the future that the permanent officials of the Government can permit themselves in view of the special interest which I think they have....

MRSPEAKER:

That assurance has been given, I think.

HON M XIBERRAS:

I would like it a bit more explicit, Mr Speaker, if I may.

MR SPEAKER:

It is repetition but if the Hon Attorney-General wants to give the same assurances again he is free to do so.

HON M XIBERRAS:

I shall start my question again, Mr Speaker, if I may.

MR SPEAKER:

No, you don't have to.

HON M XIBERRAS:

Well, I don't think the Attorney-General has quite got the sense of it.

MR SPEAKER:

Let us find out.

HON M XIBERRAS:

May I ask the Attorney General whether he is aware that almost 100% of the men in the Security Police have expressed anxiety in a signed letter signed by almost as I say 100% of them that there are plans for a merger and that they are completely against it and would he give a guarantee that these men through their Association will be consulted in the future?

HON ATTORNEY GENERAL:

I was not aware the letter had been signed but I repeat I cannot possibly give an undertaking on behalf of a Government which we do not know what it will be when the decision comes to be taken, that it will consider the interests of the officers concerned. I can however state from my firm belief that it is unlikely in the extreme that the views of the Gibraltar Security Police would not be considered very carefully indeed.

MR SPEAKER:

Next question.

The Hon J Bossano

Can Government state how long the Gibraltar Garrison Library Committee have been the Government printers?

Answer:

The Hon the Attorney-General

The Gibraltar Garrison Library Committee have been the Government printers since the inception although their official appointment was only made in 1908. The Committee undertake the printing of all legislation, the Gibraltar Government Lottery and some reports and the register of electors. The Committee, in competition with other printers in Gibraltar, have to tender for any other printing required for Government departments.

SUPPLEMENTARY TO NO.117 of 1976

HON J BOSSANO:

Would the Hon and Learned Attorney General not agree that the Garrison Library Committee have had a remarkably good run for their money and that it might be an idea to invite competition for the appointment as Government printers?

HON ATTORNEY-GENERAL:

This is certainly a matter which is always under consideration as to who can most usefully carry out tasks for Government. I would agree they have had a good run for their money.

MR SPEAKER:

I would reckon that they have had a good run for Government money.

HON J BOSSANO:

Mr Speaker, is the possibility of the appointment being reviewed or being put out to tender something that comes up periodically that the Government considers and then decides to retain the services of the Garrison Library Printing Works?

HON ATTORNEY GENERAL:

I don't think in fact the question of the printing of legislation has ever come up for consideration as to whether it should be put out to tender or in the case of the Government lottery. But that does not of course preclude that in the future the matter may not be considered.



No.118 of 1976

ORAL

The Hon J Bossano

Has Government considered the possibility of providing additional car parking space at Moorish Castle Estate by making use of the space adjoining the Government property opposite Tankerville House?

Answer:

The Minister for Sports and Housing

The possibility of converting the site to which I believe the question refers into a car park was considered some time ago. The conclusion reached then, I understand, was that it would not have been right to turn this play area for children living in Tankerville and the neighbourhood into a car park as it would have deprived them of the only decent sized, traffic-free playground in this part of town where they can cycle, run and play in safety.

I concur with this view and much as I agree that there is still room for improvement in the Moorish Castle area I feel even more strongly that the provision of playing facilities for our youngsters must take priority over parking. As the House is aware the car park recently created next to the Plater Youth Club has improved the parking situation there considerably.

SUPPLEMENTARY TO NO.118 OF 1976

HON J BOSSANO:

Mr Speaker, the property to which I am referring is an ex-Officers' Married Quarter which is now Government owned and which has got a patio adjoining the road which is used exclusively by the tenants but which could be made available as parking space and was in fact used as parking space previously because there was no intervening barrier between the patio and the road. Has Government looked at that possibility?

HON H J ZAMMITT:

Sir, I do regret that the area to which I thought the Hon Questioner was referring to was the play area immediately in front of Tankerville. However, the area I now see he refers to was converted some 18 months ago or two years ago into car parks in that area. The ex-officers' quarters was converted into a car park and I think some 24 cars are able to park there. I am afraid I do not know the particular area that the Hon Questioner is referring to. There is only a little alleyway between one ex married quarter and the large block which we have taken over.

MR SPEAKER:

The answer perhaps is that if you are given the necessary details you will consider whether it is available for parking.



HON. J. H. BARRITT

HON. H. J. ZAMMETT:

Possibly, that is so Sir.

HON. J. BOSSANO.

Mr Speaker, I think the Government should take another look at the area to see whether something more can be done.

MR SPEAKER:

Next question.

No. 113 of 1975

HON. J. BOSSANO:

Mr Speaker, I am asking an extension of time.

HON. J. H. BARRITT:

No. 113 of 1975

HON. J. BOSSANO:

HON. J. H. BARRITT:

No.119 of 1976

ORAL

The Hon J Bossano

Can the Minister for Housing state when the allocation of the Glacis Estate was completed and will he further state when it is proposed to fulfil the undertaking given by his predecessor on a number of occasions since 1972 to make public the list of allocations for this estate?

Answer:

The Minister for Sport and Housing

The allocation at Glacis Estate has not as yet been finalised due to the erosion of accommodation for tenants from Penney House.

SUPPLEMENTARY TO NOL119 of 1976

HON J BOSSANO:

Mr Speaker, is the Hon Member then saying that we have to wait for that to happen before we can get the publication of the allocation list? Is that what he is saying?

HON H J ZAMMITT:

Yes, Sir. I can add that once Penney House is again ready for occupation and the flats now occupied are vacated and re-let to applicants on the waiting list, the allocation list will be published.

HON P J ISOLA:

Is it not a fact that most of the tenants of Penney House are not going back to Penney House?

MR SPEAKER:

That is another matter.

HON P J ISOLA:

Well it is relevant, Mr Speaker, because I would ask the Minister should not the government consider publishing the list and putting a few asterisks in the case of Penney House tenants and letting the public see the list at least before they go and seek re-election, surely, and see what has been going on, if anything.

HON H J ZAMMITT:

Mr Speaker, the allocation list would have to be provided with details of points system, those on medical category, and other qualifications and one can only do this, Sir, when those tenants return to Penney House. I think, if I can clarify one point from the Hon Peter Isola.....



MR SPEAKER:

You are not going to say how many tenants are going back to Penney House. It is not relevant.

HON H J ZAMMITT:

Then I cannot clarify, Sir.

HON J BOSSANO:

Mr Speaker, can the Minister say how many tenants have been, in fact housed on the Estate over this considerable period of time so that the House may have an idea of the length of the list that is waiting for publication now for some two years.

MR SPEAKER:

That is relevant.

HON H J ZAMMITT:

Sir, I regret I have not got the figures. I would be prepared to pass them over to the Hon Member but I have not got those figures with me at the moment.

HON J BOSSANO:

Would the Hon Member confirm that he does realise that the numbers involved in the Penney House allocation represents a very small proportion of the total.

MR SPEAKER:

No, now we are going beyond the scope of the question. You have asked whether the allocation for the Glacis Estate has been finalised and if so whether they are going to publish the allocation list. You have been told that the allocation would not be finished until such time as the tenants who came from Penney House vacate their present accommodation at Glacis. That is the only relevancy between Penney House and this particular question.

HON J BOSSANO:

I accept Mr Speaker, that Penney House is completely irrelevant and I contend that the Government is using it as an excuse. Would the Government not agree, Mr Speaker, that the allocation of the bulk of the estate was completed a considerable time ago and the list could have been published a considerable time ago regardless of what happened to Penney House?

HON H J ZAMMITT:

I am afraid I cannot agree to that, Sir. You can only publish an allocation list when the House is allocated and it would be I think wrong to provide the allocation list where one would have to give details of family composition, the points system, medical grounds and what have you. I agree with the Hon Mr Bossano that the number involved with Penney House is a small percentage.

HON P J ISOLA:

Could not the Penney House list be put in limbo because otherwise is there not a danger that by the time the list is published it will be of no use to anybody. Nobody will be interested in it. By then the whole of Varyl Begg Estate will have been allocated and the election will have gone by and everything. Isn't there a need to satisfy the public? Isn't there a need to publish the allocation list as it has gone completely and make a reservation in respect of Penney House otherwise is the result not that the assurance given in the House is valueless and we may have another disaster somewhere else and some more people put in Glacis in the place of the Penney House tenants? Surely the public are entitled to have some more information reasonably soon after the allocation has substantially been completed?

HON H J ZAMMITT:

Sir, I agree that the Housing Allocation list has to be published. There is no doubt about that but one cannot publish.....

MR SPEAKER:

Let us not go round in circles. You have been asked a very simple question. You have been asked would it not be reasonable in the light of the assurances given in this House up to date to publish the allocation list in respect of Glacis with the exception of those flats which are still not allocated due to the fact that they have been occupied by the tenants of Penney House which according to you, is a very small proportion.

HON H J ZAMMITT:

The answer is no, Sir. But if you would like me to qualify I am prepared to do so.

HON J BOSSANO:

Mr Speaker, is it not true that when the original assurances were given almost four years ago by the Government the reason given for not publishing the list until the completion of the allocation was that it was a bad thing to publish a list in the middle of the allocation or three-quarters of the way through the allocation with a number of empty houses still there and that this was the policy of the previous administration and that the new Government then coming into power in 1972 was carrying the same policy and that policy is totally different from saying that if there is now one.....

MR SPEAKER:

Let us have the question.

HON J BOSSANO:

Mr Speaker, I want confirmation that that was in fact the original reason given and that that and what is now being said are two totally different things.

HON H J ZAMMITT:

No, Sir. The whole thing behind it is that whereas a person for the Glacis Estate could have qualified for accommodation with something like 210 points, if you publish that now with still a number of vacancies any person having 215 points would automatically.....

MR SPEAKER:

The answer then is that you don't.

HON H J ZAMMITT:

The answer is no, Sir. I don't think it is right to publish the allocation list until the Estate has been allocated, Sir.

HON MISS C ANES:

Mr Speaker would it not be right to say that the Minister is afraid that the contents of the list will not make him popular at all for the next election?

HON H J ZAMMITT:

Mr Speaker, I don't think any Minister for Housing will be popular at any election I can assure you Sir, and I think the Hon Lady has experienced that herself.

HON MISS C ANES:

Very much so, Sir, and I was committed to publishing the list myself and the next Government incoming after our Government was committed to the publication of the list.

HON H J ZAMMITT:

But we do intend to submit the list, Mr Speaker, as I have said <sup>on</sup> more than one occasion, when the allocations are completed.



HON MISS C ANES:

But, Mr Speaker, according to my information this is the last meeting of the present Government. When will the list be published?

HON H J ZAMMITT:

Mr Speaker, it may be the last meeting of the Government but the Government is in power until after the elections.

HON P J ISOLA:

Does the Minister not agree that in a Housing Estate which is a very big housing estate that in a period of four years of office the Government ought to publish the list to the people so that the public can be satisfied that they have done everything correctly as far as that allocation is concerned? Would it not be in the Government interest to publish this before the election?

HON H J ZAMMITT:

As I said the list will be published the moment the allocations are fulfilled from those applicants on the housing waiting list. I am afraid I can go no further than that.

MR SPEAKER:

We are not going to get any further on this.

HON M XIBERRAS:

Mr Speaker, is it not Government's intention in agreeing to the proposal, in principle to publish the list that the public should be informed about who has got the various flats and why and to make sure that the public sees there is good reason for these persons getting a flat? Would the Hon Member not agree that in such a large housing allocation the Government is in danger of failing in its basic intents, which may be a very good one, by not drawing the line at some particular part of Glacis and publishing that and leaving the rest aside?

HON H J ZAMMITT:

I do not agree.

HON J BOSSANO:

Mr Speaker, can I ask the Minister whether what he is saying is that as long as there is an empty house in the Estate.....

MR SPEAKER:

I can answer that one,

HON J BOSSANO:

Yes? **What is the answer, Mr Speaker?**

MR SPEAKER:

The answer is that until such time as Penney House is ready and they have rehoused those tenants from Penney House that were housed at Glacis Estate, they are not in a position to publish the allocation list.

HON J BOSSANO:

No. I am not just talking about Penney House now Mr Speaker.

MR SPEAKER:

They are not prepared to publish the allocation list of Glacis until such time as they have decanted those tenants from Penney House who were put into Glacis.

HON J BOSSANO:

Well, no, Mr Speaker, I think the Minister has said until the allocation of Glacis is completed and I now ask him if in fact that means that if tomorrow a tenant leaves Glacis and therefore Glacis has got one empty flat in it, Glacis has not been completely allocated and we will not have the list for that reason. Is that the case?

HON H J ZAMMITT:

Sir, that is certainly not the case because if a person vacates the flat the allocation would have been made to the person who is vacating, but in the case of Penney House there was no allocation on the point system, it was a question of decanting.

HON P J ISOLA:

Mr Speaker, isn't it a fact that the tenants of Penney House have been given....

MR SPEAKER:

No.

HON P J ISOLA:

Mr Speaker, it is relevant if in fact the tenants of Penney House have become tenants of Glacis, is this a fact? Is it a fact that every single tenant from Penney House in Glacis has been given the opportunity of staying in Glacis permanently?

MR SPEAKER:

No. Have taken the opportunity?

HON P J ISOLA:

Have taken or been given.

MR SPEAKER:

No, because if they have refused they have to be decanted.

HON P J ISOLA:

Taken, then.

HON H J ZAMMITT:

No, Sir.

HON MISS C ANES:

Mr Speaker, there are tenants from Penney House residing at Glacis who now find they do not want to go back to Penney House. What is going to be the situation then?

MR SPEAKER:

No, that is out of order. Next question.



The Hon J Bossano

Will the Minister for Housing State whether he will be making the allocation list for Varyl Begg Estate available for public inspection?

Answer:

The Minister for Sports and Housing

Yes, Sir.

SUPPLEMENTARY TO NO.120 of 1976

HON J BOSSANO:

Mr Speaker, can he give an indication of how many years we will have to wait for that one?

HON H J ZAMMITT:

Sir, I cannot talk about the number of years. I can say as in the case of Glacis, once the allocation of Varyl Begg is completed.

HON J BOSSANO:

Would the Hon Member not consider that it is possible to give an allocation by block on Varyl Begg Estate without any prejudice to what may happen to the unallocated blocks?

HON H J ZAMMITT:

No, Mr Speaker, and may I explain why. You cannot do that purely because there are people who have rejected or refused accommodation hoping to get better positioned accommodation in a block yet to be allocated.

MR. SPEAKER:

You are being asked a simple question. If the allocation of one particular block has been completed do you feel that that particular allocation list should be published?

HON H J ZAMMITT:

No Sir, I am afraid not.

HON M XIBERRAS:

Mr Speaker, does the Hon Member envisage that he himself will be able to make public this allocation list?

The Hon. J. ZAMMITT

Minister for Housing and Planning. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme.

HON H J ZAMMITT:

Sir, I am sure that despite my unpopularity as Housing Minister I think I will still be here to say I will be able to do so.

MR SPEAKER:

You are being asked whether you will be able to do so before the elections.

HON H J ZAMMITT:

I don't know Sir.

MR SPEAKER:

Next question.

The Hon. J. ZAMMITT

Minister for Housing and Planning. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme.

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Minister for Housing and Planning. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme. He will be making the allocation of flats for the public housing programme.

The Hon J Bossano

Will Government consider the construction of a pedestrian crossing bridge between the housing estates at Glacis and Laguna?

Answer:

The Minister for Sports and Housing

This suggestion was considered in 1973/74. The proposal was then that there should be an overhead bridge linking the playdeck at Glacis Estate with the playground on the opposite side of Winston Churchill Avenue on the north side of Shell Petrol Station. The cost of such a bridge was estimated in 1973 to be in the region of £50,000 to £60,000 but the scheme failed to qualify for inclusion in the current Development Aid Programme because it did not have the necessary priority in relation to other more essential capital projects such as housing, education, etc.

It was appreciated then that however useful such a bridge could be it would only partly solve the problem in that the bridge would attract primarily people living in the Glacis Estate or persons wanting to get from Laguna to Glacis Estate. Distance, however, would deter other people from using the bridge as it would have meant long walks and the climbing of steps which people are notoriously disinclined to do when they have the alternative of a short cut.

As the Hon Member knows there is a pedestrian crossing which at crucial times of day is controlled by a traffic warden. This however, does not stop people from crossing Winston Churchill Avenue at other points.

I may add that there will be in the not too distant future a road linking Bayside Road with Glacis Estate as part of the projected Marina at Bayside. This will have the effect of reducing the traffic in Winston Churchill Avenue and consequently the risk to pedestrians when crossing the Avenue.

It will have been gathered from what I have said that the Government is not opposed to an overhead bridge in principle. It is a matter of priorities.



No.122 of 1976

ORAL

The Hon L Devincenzi

To what extent was Government committed financially to the support of the recent football festival, prior to its taking place?

Answer:

The Minister for Sports and Housing

Government was not committed financially to the recent Football Tournament.

SUPPLEMENTARY TO NO.122 of 1976

HON L DEVINCENZI:

Mr Speaker, I notice that the key word there was "not committed". Can I ask the Minister whether they are committed now?

MR SPEAKER:

Isn't there another question on that matter? I think you are anticipating.

HON L DEVLINCENZI:

I have asked the question, Mr Speaker.

MR SPEAKER:

Yes but I am telling you that you are anticipating a subsequent question.

HON J BOSSANO:

Mr Speaker, can Government say if they were not committed financially to the support of the recent Football Festival prior to its taking place, whether in fact it is correct to deduce from this that any other event which does not have initial Government backing can nevertheless look forward to a reconsideration of Government policy on the matter.

MR SPEAKER:

That would be covered by the next question on the subject.

HON P J ISOLA:

May I ask whether any request for Government commitment was made prior to the festival being held by the Association concerned?

HON H J ZAMMITT:

No financial request was made prior to the holding of the tournament but I think in the next question I will be able to answer further.

HON P J ISOLA:

I mean any request for aid or underwriting of any kind before the tournament was held.

HON H J ZAMMITT:

No, Sir.

HON M XIBERRAS:

Do I understand, Mr Speaker, that there was no specific moral obligation in respect of the festival?

MR SPEAKER:

No, I think the answer has been explicit.

HON M XIBERRAS:

Could I ask the Minister whether there was no approach of any kind made to the Minister in the organisation of this which implied a financial commitment on the side of the Minister, or financial responsibility?

HON H J ZAMMITT:

No, Sir, there was certainly no approach from a financial point of view but I will be saying so in a later question that there certainly was encouragement at least and all possible assistance other than financial prior to the tournament.

MR SPEAKER:

Let us come to the next question. It is easier, I think, because it has a bigger ambit and otherwise we may be anticipating.

The Hon L Devincenzi

Will Government state whether the Gibraltar Amateur Basketball Association will be required to contribute 25% of their takings to Government in connection with the recent International Basketball Tournament and if not, when was this decided?

Answer:

The Minister for Sports and Housing

No, Sir. It was agreed when the arrangements for holding the Tournament were made that we would consider the 25% Government charge being waived if no profit was made by GABBA after all expenses had been paid.

SUPPLEMENTARY TO NO.123 of 1976

HON L DEVINCENZI:

Mr Speaker, is this a departure from normal practice?

HON H J ZAMMITT:

Sir, this is not a departure from normal practice. It is only a realisation of a situation that it is futile to encourage outside participation if one is going to charge 25% which already incurs a debt to the Association concerned. If they do make a profit then of course they would pay 25%.

HON M XIBERRAS:

Mr Speaker, on the previous question I asked whether there was any financial commitment and I was told 'no'. Now, in respect of this particular subject of the 25% of the gate or the takings which are normally taken to government, in respect of football may I say, was this in fact also the arrangement in respect of the Football Festival?

HON H J ZAMMITT:

It is the arrangement I have with all associations, Mr Speaker, that we have found that the overheads of for instance, police, attendants and the like would be deductible or would be added to the expenses incurred. If there is a profit after that I would charge 25% for these facilities.

HON M XIBERRAS:

Mr Speaker, I raise this question because there appears to be an anomaly - and I don't know where it will fit in - but there appears to be an anomaly that in respect of football certain tickets were apparently not stamped but in respect of basketball, the tickets were stamped with the Government countersign which enables the Government, I imagine, to determine how many people have gone through and therefore to estimate what percentage of the gate money they are entitled to. I would like to know, since the Minister said in answer to Question No.122 that there was no financial commitment, why the Government did not stamp the tickets for the football but did stamp the tickets for the basketball?



HON H J ZAMMITT:

Sir, it has a very simple explanation. In the case of football or should I say any other sport being played on the main ground tickets would have to be printed with a row, a block and a number. And therefore the counterfoils can always be checked by Government. In the case of basketball or inside the hall we cannot possibly check because there are no sort of reserved accommodation and therefore we have to keep control of the number of people going through.

HON M XIBERRAS:

And I take it it has always been the practice not to stamp for football?

HON H J ZAMMITT:

Oh no, Sir, we have stamped for football. It is only when we have now been able to have all the rows and seats numbered that we know exactly where we are. Previously of course we didn't Sir.

HON M XIBERRAS:

I hope the Minister is going to give us some figures in the next question.

HON P J ISOLA:

Mr Speaker, is it then a general principle that in any use of the Victoria Stadium the 25% contribution to the Government is waived in every case where the event in question shows a loss?

HON H J ZAMMITT:

Sir, we must clarify this point. The facilities at the Victoria Stadium are free of charge. We do not charge any association a single.....

MR SPEAKER:

Let us not go beyond the orbit of the question. We are only talking about when a change is made. When there is a profit you have said that there is a charge of 25%.

HON H J ZAMMITT:

Mr Speaker, I ask your indulgence so that I can explain, Sir. I was saying that Government does not make an entrance charge, the user, the association, is at liberty to make a charge.

MR SPEAKER:

We are not talking about an entrance charge. It is 25% Government charge that we are discussing.

HON H J ZAMMITT:

Only when the user, the association, or the team charge an admission fee..

MR SPEAKER:

He cannot make a profit if he doesn't charge an admission fee.

HON H J ZAMMITT:

Then he does not pay 25%, Sir.

MR SPEAKER:

Precisely.

HON P J ISOLA:

I am asking, is it a matter of principle that when any event takes place in the Victoria Stadium and fees are charged by the user, that the 25% is waived if there is no profit?

HON H J ZAMMITT:

Yes, that is so, Sir.

HON P J ISOLA:

In any event?

HON H J ZAMMITT:

In any event.

HON P J ISOLA:

So therefore all the associations can use the facilities, charge the public, and so long as they don't make a profit the Government gets nothing at all?

HON H J ZAMMITT:

Yes Sir.

HON M XIBERRAS:

Mr Speaker, how does Government estimate the profit? I would like to know because a certain newspaper published something about the rules of the stadium.

MR SPEAKER:

Yes, but we are not going to go into the rules of the Stadium,

HON M XIBERRAS:

What I am trying to determine is this 25%. I think the relevant rule about the charge is very explicit: "after two days of the match taking place the association will make its returns and....."

MR SPEAKER:

No, we are not going into that.

HON M XIBERRAS:

Can I ask him, Mr Speaker, how does the Government estimate how many people go into a football match? Is it purely on the counterfoils?

MR SPEAKER:

No. The original question asked: "Will Government state whether the Gibraltar Amateur Basketball Association will be required to contribute 25% of their takings." We are not going to go into how the takings are calculated. You have asked whether this principle is applicable to all other sports and you have been told "yes".

HON P J ISOLA:

Could I ask the Minister whether in fact the Government has received any income out of this in the last year?

HON H J ZAMMITT:

Yes, there has been some income, Sir. Football itself contributes quite substantially because they charge admission fee and therefore we take 25% of their profit.

HON P J ISOLA:

But only if they make a profit?

HON H J ZAMMITT:

At the moment, yes. This is a matter which is under review Mr Speaker.



HON P J ISOLA:

I was just wondering, Mr Speaker, whether there is any point in having this 25% charge because it seems to me that it looks rather like largesse being thrown out by the Government. if there is a rule/you have got to pay and it is waived continuously. that

HON M XIBERRAS:

Mr Speaker, where do these monies appear in Government accounts?

MR SPEAKER:

No, no, next question.

The Hon L Devincenzi

Is Government aware of the size of the deficit incurred by the Gibraltar Football Association as a result of the recent football festival and will Government say whether it has made good this deficit or any part of it and will they further state for the guidance of other sports the principles on which they have acted?

Answer:

The Minister for Sports and Housing

Yes, Sir, Government received a letter from the Gibraltar Football Association on the 11 June 1976 in which a loss of £7744.90 was outlined and asking for financial assistance, Government has agreed to make good part of this deficit by a £3,000 grant and £3,000 loan interest free, the remaining £1744.90 to be met by Gibraltar Football Association. Supplementary provision is being sought later in these proceedings. Government considered the letter sent by Gibraltar Football Association and agreed to offset part of the loss due to the very exceptional circumstances of this case as made by Gibraltar Football Association.

SUPPLEMENTARY TO NO.124 of 1976

MR SPEAKER:

Before we start on this one I am going to sound a warning. You are going to have two bites at the cherry, now and at supplementary estimates, and we are not going to have repetition. Do what you like but I have sounded my warning.

HON L DEVINCENZI:

Mr Speaker, I would simply ask whether this generosity on the part of the Government has come about strictly after they knew of the deficit and whether the Minister can confirm once again that there was absolutely no prior commitment of any sort.

HON H J ZAMMITT:

Mr Speaker, I can say there was absolutely no commitment, financial commitment on the part of the Government and, as I said in my answer, the letter was received by me from the Football Association on the 11th of June. The tournament took place on the 24th, 25th, 26th and 27th of May.

HON L DEVINCENZI:

Mr Speaker, in the answer to the question the Minister said there was no commitment on the part of the Government and this could very well be so. Can the Minister say whether there was any commitment on his part?

HON H J ZAMMITT:

As Minister for Sport I am the Government.

MR SPEAKER:

If the Minister has given any personal commitment he is not answerable in this House.

HON L DEVINCENZI:

As a minister?

MR SPEAKER:

As a Minister he has said there was not.

HON H J ZAMMITT:

As a minister, certainly not, I can assure you.

HON L DEVINCENZI:

Mr Speaker, did the Hon Member hint to the body concerned that he would do his utmost to try and convince Government to change their policy, when there was no commitment.

HON H J ZAMMITT:

That is not so, Sir.

HON P J ISOLA:

I heard him say in a previous question that he encouraged them, did the Minister feel that by virtue of his encouragement of the GFA he had some sort of responsibility to see that the association didn't go bankrupt as a result of the competition.

HON H J ZAMMITT:

Sir, I encourage all sports in Gibraltar, and I cannot deny I encouraged GFA. I think you said, possibly rightly, Sir, that this may be a question that the Opposition may like to discuss later on during supplementary estimates. Unless you allow me possibly 2 hours to explain the circumstances I cannot go any further on a short answer.

HON P J ISOLA:

No, what I am asking the Minister, he hasn't really answered that, is did he feel some responsibility to the association as a result of the encouragement he had given them, once it was discovered that the whole enterprise had been unfortunately a debacle.



HON H J ZAMMITT:

No, Sir, I do not feel that way. I assisted in the normal way I assist any association whether it be through personal contact with any particular teams, or through my contact, in London, but I did not feel it was a purely GFA venture and I assisted in every possible way I could through my offices.

HON P J ISOLA:

But if the Minister merely encouraged and felt no obligation..at.all, thought that he wasn't bound to make good any sort of losses by the Association, thought he might even have visited London, I don't know, to arrange the festival or to be involved in it, can he then answer the second part of my friend's question, you know for the guidance of other sports. On what principles does the Government act to give aid after any event has proved a failure. Is the principle, if the Minister has encouraged we look at it favourably, or is the principle, "it has been a loss", we look at things favourably. I think the Minister will agree it is important that all associations should feel that they are all free to come to the Government if there is a particular festival they organise and it exists in financial failure.

HON H J ZAMMITT:

Sir, we have always looked at every single case, and considered them on their merits and we always look at these things sympathetically. If we can give the assistance then obviously we are here for this reason, but when I have been to London.....

MR SPEAKER:

Let us not...

HON H J ZAMMITT:

Well it has been insinuated Sir, and I had a question about this elsewhere, it has been at my expense not at Government's expense....

MR SPEAKER:

No, no, no.

HON L DEVINCENZI:

Can I ask the Minister to what extent was the Minister involved in making the arrangements for this festival which have gone beyond the bounds of his Ministry.

MR SPEAKER:

To the extent that you acted in your Ministerial capacity, you are answerable to the extent that you acted in your personal capacity, you are not answerable to this House.

HON H J ZAMMITT:

I can assure members opposite, Sir, that I have not exceeded my bounds as Minister for Sport. I have assisted as much as I possibly could within my capacity.

HON P J ISOLA:

Could I ask the Minister then whether it would be appropriate for honourable members generally in this House to advise sporting Associations who may approach them, that they can go ahead and incur risks in organising a sporting event in Gibraltar, and that they can look forward, if things go wrong to Government looking at the application for aid after the event sympathetically. Have I understood the Minister correctly?

HON H J ZAMMITT:

Sir, this is completely not so and it is regrettable, Mr Speaker, Sir, that such an attitude should be taken by Mr Peter Isola because it happened to be a failure because no one in this House thought of saying to GFA "well done" when they made £1,000 profit last year.

MR SPEAKER:

We will now move on.

HON P J ISOLA:

Mr Speaker, could I ask the Minister, I think the Minister misunderstood my question, does the Minister not agree that it is desirable that all sporting associations should know what Government policy is towards these events. To the extent that they can embark on ventures of this kind and they can hope to have the same sort of treatment as the Gibraltar Football Association, perhaps quite rightly has had, if the venture prove a financial failure. Would it not be fair..... We must sort that out.

MR SPEAKER:

We must ask questions which are within the orbit and only long enough to be remembered so that they can be answered. Do not make statements, please.

HON P J ISOLA:

Will the Minister make a statement as to the principle that governs the Government in this situation.

HON H J ZAMMITT:

Sir, I can reiterate once again that the Government looks sympathetically at all sporting organisations in Gibraltar and each case is treated on its merits. That does not imply in the slightest way that this means that there can be a free hand of embarking on ventures which we know, are going to be failures.

HON J BOSSANO:

Mr Speaker, surely the principle must involve that associations should seek the advice of the Minister, before they embark, to find out whether he thinks they are likely to fail or succeed. Surely that.....

HON H J ZAMMITT:

Yes, Sir.

HON J BOSSANO:

Well did the GFA do this then. Well this is a failure.

HON H J ZAMMITT:

Yes, Sir, they did.

HON J BOSSANO:

And the Minister, I take it they anticipated it would be<sup>a</sup> success and it didn't turn out to be like that, is that the case?

HON H J ZAMMITT:

That is correct Sir. The success of the GFA hoped for was exactly the same success they had with Notts County and Fulham last year.

HON M XIBERRAS:

I can now understand the Minister's position much better after he had said that though I don't agree with him. Mr Speaker, because I had understood him to say that there had been no approach by....

MR SPEAKER:

No financial approach.



HON M XIBERRAS:

I think that still on the principle on which Government has agreed to give this money, and to loan this money, is it not a fact that the Hon Member contacted the teams personally himself and did he feel responsible, Mr Speaker, in view of his very personal.....

MR SPEAKER:

He has been asked that one and he has said 'no'.

HON M XIBERRAS:

May I ask another question. The Minister has said, of course, that he has through personal offices supported all sports and so forth, is it not a fact that he has travelled to the United Kingdom on more than one occasion to see and arrange tournaments?

MR SPEAKER:

No. Out of order.

HON M XIBERRAS:

May I just finish the question, Mr Speaker.

MR SPEAKER:

No, I am ruling you out of order.

HON M XIBERRAS:

The principle on which the Government has now given money to GFA carry any moral commitment incurred as a result of the Minister taking a very direct part in.....

MR SPEAKER:

He said 'NO'.

HON M XIBERRAS:

Would the Minister not agree that using Government's telexes for these things is in fact taking a very direct part. Would the Minister not agree Mr Speaker, that on various occasions, and it is my information, that on this occasion as well, though of course.....

MR SPEAKER:

No, out of order. I'm going to bring this down to earth. He has said that nothing he did compels him morally to assist the Football Association and that is the end of the matter.

HON P J ISOLA:

Could I just ask, Mr Speaker, then <sup>something resulting</sup> from the answer to the Hon Mr Bossano, is the principle then that if the judgement of the Minister has proved wrong as to the outcome of the venture, the Government is willing to chip in. Because this is what I understand from the answer to my Hon Friend Mr Bossano. Is that the principle that we must be guided by?

HON H J ZAMMITT:

No, Sir. I am afraid not. I think members are twisting words here. Each individual sporting event, where an association incurs a deficit, will have to be analysed and treated on its own individual merits, and I say again this does not give a free hand to any association to go ahead and expect Government to support if one knows from the beginning that such a venture is going to be a failure.

HON P J ISOLA:

Well this is precisely the question I asked.

MR SPEAKER:

You have been told "no".

HON P J ISOLA:

No but Mr Speaker the Minister has just answered me "if we know the venture is going to be a failure", my question was.....

MR SPEAKER:

Order. The answer that the Minister has given is clear and if the Opposition do not want to come down to earth, it is not my fault and since, this is going to be discussed at Supplementary Estimates, we are repeating ourselves. The answer has been very very clear; he has said this does not establish a precedent and every case should be studied on its merits. That is what he said, and so let's leave it there.

HON P J ISOLA:

May I ask then the Minister finally, therefore, if an association goes to the Minister and says they are going to hold a festival, of any kind, and the Minister actively encourages.....

M R SPEAKER:

That is a hypothetical question.

HON P J ISOLA:

....that association, yes Sir, but he gave a hypothetical answer to my friend Mr Bossano.

MR SPEAKER:

No, no. Next question.

HON J BOSSANO:

Mr Speaker, may I ask the Chair for clarification, because I think this is a serious matter. Is it the position that any Minister in the Government can in fact be intimately involved in something that may have a direct repercussion on his ministerial responsibility at a subsequent date, and the House is not able to question him on his involvement, because all he has to do is to claim that his involvement is private .

MR SPEAKER:

No, Mr Bossano , you are wrong. I am not saying that a Minister is not answerable for his actions. What I am saying is that under guise of the particular question that we are asking now, supplementaries have to be directed towards the main question. That is all I am saying and we have wandered, I think, and you will all agree when you read Hansard, terribly far from the main question. A proper question should have been phrased.

HON J BOSSANO:

But I take it then that those activities can be in fact aired in the House provided that either a question is properly phrased or is raised other than at question time.

MR SPEAKER:

Most certainly.

HON L DEVINCENZI:

Since I put in the original question, can I ask one question myself? Mr Speaker, since the Minister has himself said that the GFA did approach him and he agreed and encouraged them, because he thought, they both thought, that this would be a profitable venture, could the Minister then not agree that because of this involvement, this perhaps genuine involvement, cannot he then not agree that he felt committed to subsidise.



MR SPEAKER:

No, no. He has answered the question he has said about then times "no". He has answered it.

MR SPEAKER:

Next question.

MR SPEAKER:

No, no. He has answered the question he has said about then times "no". He has answered it.

MR SPEAKER:

Next question.

NO.125 of 1976

ORAL

The Hon L Devincenzi

Is it a fact that the Gibraltar Band is dissatisfied with the measure of financial support it has received from the Government and will the Minister make a statement?

Answer:

The Minister for Sports and Housing

In 1971 £400 was granted to the Gibraltar Band primarily for the purchase of uniforms - since that date no further application for financial assistance has been submitted by the Gibraltar Band.

SUPPLEMENTARY TO NO.125 OF 1976

HON L DEVINCENZI:

Mr Speaker can the Minister still say, in answer whether the Gibraltar Band was satisfied with that, and was it perhaps because of the lack of his financial support, in their estimation, that they perhaps disbanded.

HON H J ZAMMITT:

Sir, in 1971 it was my Honourable Friend who was the Minister responsible for granting this grant, and if they were dissatisfied I am sure they would have made representations to him at the time, Sir.

HON L DEVINCENZI:

Mr Speaker, can the Minister say how this financial support which I gave the Gibraltar Band compares with the support that the Gibraltar Symphony Orchestra is getting.

HON H J ZAMMITT:

Sir, the Gibraltar Symphony Orchestra in 1974/75 I am afraid I have not got the figures for 1973, but I can provide them if he wants or 72/73, 73/74 and so on. I have got the last two years Sir, in 74/75 I gave the symphony Orchestra £200, in 1975/76 £300.

HON L DEVINCENZI:

Mr Speaker, are they satisfied with this.

Mr Speaker can the Minister still say, in answer whether the Gibraltar Band was satisfied with that, and was it perhaps because of the lack of his financial support, in their estimation, that they perhaps disbanded.

HON H J ZAMMITT:

Mr Speaker, I think no one at all is ever satisfied with anything that is given there is always pressure for more.

Sir, in 1971 it was my Honourable Friend who was the Minister responsible for granting this grant, and if they were dissatisfied I am sure they would have made representations to him at the time, Sir.



HON M XIBERRAS:

As a matter of interest, Mr Speaker, I think it is relevant, the non-appearance of the Gibraltar Band in the Corpus Christi was due to what, to...

HON H J ZAMMITT:

Sir, I don't know what the non-appearance of the Gibraltar Band at the Corpus Christi procession was due to, I have not heard anything from the Band for some years, but I think the Hon Member might even ask where the boys from the comprehensive school were during the Corpus Christi procession.

MR SPEAKER:

Next question.



No.126 of 1976

ORAL

The Hon W M Isola

Will Government state its policy in relation to the Taxi Service Report by G W Barns?

Answer:

The Minister for Sports and Housing

No Sir. The report is still under consideration.

SUPPLEMENTARY TO NO.126 of 1976

HON W M ISOLA:

Mr Speaker, can the Minister state whether the Transport Commission has advised the Government on the report by G W Barns?

HON H J ZAMMITT:

Sir, the report was submitted by Mr Barns to the Governor on the 10th of May and shortly afterwards Government had preliminary discussions on the Report. The Transport Commission, the Gibraltar Taxi Association and Britannia Taxis, were subsequently asked to submit in writing their comments on the report. The Transport Commission had already advised on the report. The Gibraltar Taxi Association had sent a preliminary reply on the 23rd of this month and had asked for a meeting to discuss the matter further.

HON W M ISOLA:

Can the Government state when it intends to meet the Taxi Association with respect to this report?

HON H J ZAMMITT:

Sir, as I said the letter was received on the 23rd of June, this month, and I assume that once that we finish our business in the House of Assembly an appropriate time will be arranged.

HON W M ISOLA:

Then can the Government state whether the recommendations by the Transport Commission have been on principle accepted by the Government or rejected?

HON H J ZAMMITT:

Sir, the recommendations by the Transport Commission are, as I said in my original question, still under consideration and have to be looked into

HON M XIBERRAS:

Mr Speaker, would the Hon Member say who pays for this report - the compilation of this report?

HON H J ZAMMITT:

Technical Assistance.

MR SPEAKER:

Next question.

No.127 of 1976

ORAL

The Hon Miss C Anes

Is Government aware of the deplorable state of disrepair of the pavements in Main Street and more particularly of the area opposite the Catholic Cathedral and the area between Cathedral Square and the Supreme Court and what does Government propose to do about it?

Answer:

The Minister for Public Works and Municipal Services

The Public Works Department is carrying out, during the next 12 - 18 months, a considerable amount of excavation along Main Street in connection with the programme for modernising and renovating the sewerage system.

This work will include new sewer connections across pavements and any major relaying of pavements will be deferred until these works are complete.

The Department endeavours to maintain the pavements in a safe condition until such time as they can be relaid.

Detailed inspection of the two areas mentioned had already been carried out in my instructions before receipt of this question.

Opposite the Catholic Cathedral some small tiles have been lifted very recently by heat expansion and these are being put right forthwith. In fact they were done on Wednesday morning. I think I received the question at lunch time on Wednesday.

Some remedial work between Roberts Pharmacy and the Supreme Court has also already been authorised and will be undertaken soon.

SUPPLEMENTARY TO NO.127 of 1976

HON MISS C ANES:

Mr Speaker, I would have thought that more particularly the Minister for Tourism and Development would have been concerned with the state of the disrepair of pavements in Main Street, particularly as it is the main thoroughfare in Gibraltar which is not only used by the community, but by the tourists coming to Gibraltar. One gathers from going round Main Street that this pavement must have been constructed in 1704 because they are in such a disgusting state of disrepair and they are so deplorable, in particular the area by the Supreme Court. At the last meeting when I was asked by a person living in that area, I raised this question in the House, and there have since been two minor accidents, happily minor for the persons concerned as they were elderly ladies, and they could have been major ones. Also mothers with prams carrying young toddlers pushing prams around that area find it very difficult to get through, so I would have thought that with the development and modernisation of Gibraltar these questions of the pavements could have been looked into before.



HON P J ISOLA:

Can the Minister state where this labour appears from, that whenever a question is put down in the House his department is able to produce the labour before the hearing almost, on the site. Are other jobs suffering as a result of this desire on the part of the minister to please members on this side of the House.

HON LT COL J L HOARE:

Mr Speaker, that doesn't arise from this question but I will answer the Hon and Learned gentleman. Work of this particular gang and indeed the work of any particular gang, and there are very many, are planned weeks beforehand. They do not just happen. They have to be planned, the materials assessed, and got on site in time to start the work, they just don't happen.

MR SPEAKER:

Next question.

No.128 of 1976

ORAL

The Hon Miss C. Anes

Can Government explain why a working party of the Public Works Department was so readily and speedily made available to reconstruct a wall at Eastern Beach in front of the Hacienda Bar and yet the same department appears to find difficulty in meeting the reasonable demands of Government tenants who have leaking roofs and dampness in their homes?

Answer:

The Minister for Public Works and Municipal Services

As the Hon Member is no doubt aware, the public works department is split into several sections, water supply, Refuse & Cleaning, Housing Maintenance, Highways, Sewers etc, each with its own area of responsibility under a Section Head answerable to the Director of Public Works.

Buildings come under the Housing Maintenance Section whilst retaining walls, open spaces (including most beach maintenance work) comes under the Highways section.

Although each section has its own sectional priority this can, of course, be varied to meet unexpected or unusual circumstances.

SUPPLEMENTARY TO NO.128 of 1976

HON MISS C ANES:

Mr Speaker, does Government still consider that the erection of this wall was necessary and that it should have been done so speedily at the height of the summer season when this area was providing an amenity to the community.

HON LT COL J L HOARE:

Mr Speaker, the wall was knocked down without authority.

MR SPEAKER:

No, we are not going into that. You can say that the circumstances warranted the manner in which this was done.

HON LT COL J L HOARE:

Yes, the circumstances that warranted this in my opinion, Mr Speaker, is that I am not prepared for anybody to deprive the people of Gibraltar of something which has been in their keeping for a long time.



HON MISS C ANES:

Mr Speaker, is the Minister then prepared to provide, or rather not provide, accessibility to a bar which is also for the benefit of the community?

HON LT COL J L HOARE:

That with all due respect, Mr Speaker, is something that should have been looked at and allowed for when the original plans were put up. There is access from the beach.

HON MISS C ANES:

Mr Speaker, access from the beach would be accepted for the people using the beach, but what about people visiting the area from the pavement side particularly elderly persons wanting to go into the bar for a drink? Do they have to go down to the beach and then go up into the bar? Admittedly people have no right to take the law into their own hands, but was not the delay in allowing permission to construct this entry from the Public Works Department rather than from the applicants themselves?

HON LT COL J L HOARE:

I wouldn't know Mr Speaker. The application came very very late to my department very late in May, the architect was asked to come in and explain, he went away and before we knew, the wall was being knocked down. Now, I accept that it would have been easier to make provisions for direct access from the pavement. If they had asked for this, instead of knocking the whole wall down, this would have received very favourable consideration, but they went ahead knocked the whole of the wall down.

HON M XIBERRAS:

Is it not a question, Mr Speaker, for the Development and Planning Commission, these things, rather than the Minister's department?

HON LT COL J L HOARE:

No, Sir, that wall doesn't belong to the Development and Planning Commission. The Commission, as they should and must do on all building applications, asked for the comments of the Public Works Department, and the department did not give approval for the wall to be knocked down. It was done without authority and in fact having been told that they couldn't do it, I repeat what I said. If they had asked for permission to make a small opening instead of knocking the whole of the wall down, then this would have been I have no doubt at all



sympathetically ~~be~~ considered. But it was the action of taking the law into their own hands and knocking down the whole of the wall in front of the bar which couldn't be accepted.

HON P J ISOLA:

Mr Speaker, in view of the Minister's statement that the Government would have given favourable consideration to this, would it not have been a simpler solution and in the interest of beachgoers and users of the beach, if the Minister had suggested the the persons concerned that they put in deviation plans, instead of taking away a highway patrol, or his highway gang whatever it is, from other useful work for the community, and putting them to do work that only disrupts the convenience of the community?

HON LT COL J L HOARE:

No, Sir. The contractor and the architect were given, on the 19th of that particular month, legal notice that they were to reinstate the wall. They had been told to stop demolishing the first day they started demolishing. Despite that they carried on. You cannot have, and I certainly will not have, the right of people interfered with because it happens in Gibraltar people use that wall to sit down on, people do use it.

HON P J ISOLA:

Are they going to sit in front of the door to the bar, Mr Speaker, and is that reasonable that they should sit on that part of the wall? Is that what the Minister is suggesting?

HON LT COL J L HOARE:

May I suggest why not?

MR SPEAKER:

No, no we are not going to discuss where people would prefer to sit.

HON MISS C ANES:

Mr Speaker, will the Minister now say how much it has cost the Government in legal fees and in construction material and manpower to reconstruct that particular wall?

HON LT COL J L HOARE:

It will cost the Government nothing. The cost will be recovered from the people who knocked down the wall illegally without authority.



HON P J ISOLA:

Would the Minister not agree that it would have saved valuable time for Government's working gangs if the Government had taken the view, if it was wrong, to have instituted proceedings against the developers, or whatever it is, for an injunction from the court to order them to put the wall back. Then they would have had to do it at their own expense, instead of at the taxpayer's expense, and at the inconvenience of a whole lot of people in Eastern Beach.

MR SPEAKER:

We are now deviating from the main question.

HON LT COL J L HOARE:

Do I answer Mr Speaker?

MR SPEAKER:

You don't have to if you don't want to.

HON LT COL J L HOARE:

Mr Speaker, both the architect and the contractor were served legal notices to reinstate the wall by the 31st of the month. The letters were sent on the 19th and 20th. By the morning of the last day of the month it was clear, not only that work was not going to be done, but that work was not intended to be done, and therefore both the architect and the contractor were told that if this hadn't been reinstated by a certain date, the PWD would do so.

HON MISS C ANES:

Well, Mr Speaker, what I think is that out of stubbornness the Minister decided that instead of taking the constructors or the architects or whoever may have been responsible, to court, and make them responsible for demolishing and then reconstructing that wall, he took it upon himself out of stubbornness, to have the wall constructed with public funds at the inconvenience of the community which he is supposed to be serving.

HON LT COL J L HOARE:

I don't know, Mr Speaker, whether there would be any more inconvenience to the public whether we had done it or the constructors had done it. The answer was the same.

HON P J ISOLA:

It could have waited until the end of the season and not inconvenience beachgoers.

HON M XIBERRAS:

Has the Hon Member any knowledge whether DPC has approved the deviation plans submitted or not? Is he sure that DPC would recommend in favour or against the wall being there, and did he have this information before he decided to have the wall built up by the Public Works Department?

HON LT COL J L HOARE:

The DPC would not have approved it until they got the comments of the Public Works Department, and therefore since the amending plans were not approved by the DPC, the original ones which showed access to that part from the beach was much earlier than that.

HON M XIBERRAS:

Am I not correct in understanding, Mr Speaker, that there were deviation plans submitted and that DPC had not pronounced on them when the Minister decided to take his action? If that is the case would it not have been more sensible to consult DPC on what was likely to be the end result of their deliberation before the Minister took the law into his own hands and acted the way he did.

HON LT COL J L HOARE:

No, Mr Speaker the DPC did not give authority and may I say at this stage .....

HON M XIBERRAS:

That my question, My question is did the Minister, before he ordered the reconstruction of the wall, did he consult the Chairman of DPC and asked him whether the deviation plans which were already in DPC's possession were likely to be approved or not, and whether the DPC thought the wall should be knocked down, or rather remain as it was or constructed anew?

HON LT COL J L HOARE:

Obviously I cannot answer for the Chairman of the DPC. The DPC would not have approved it until they got the comments of the Public Works Department, and therefore since the amending plans were not approved by the DPC, the original ones which showed access to that part from the beach was much earlier than that.

HON M XIBERRAS:

Am I not correct in understanding, Mr Speaker, that there were deviation plans submitted and that DPC had not pronounced on them when the Minister decided to take his action? If that is the case would it not have been more sensible to consult DPC on what was likely to be the end result of their deliberation before the Minister took the law into his own hands and acted the way he did.



6.

MR SPEAKER:

You are being asked a simple question. Did you consult the Development and Planning Commission before you took a decision to re-erect the wall?

HON LT COL J L HOARE:

Mr Speaker, I went a bit further than that, I took it to Council of Ministers.

HON MISS CIANES:

Will the Minister then answer whether it was a Government decision or was it the Minister's decision?

HON LT COL J L HOARE:

It was a Government decision.

HON M XIBERRAS:

Mr Speaker, there is obviously, or there might be in the future, an aggrieved party in this, there might be one. Now, I want to know whether there were deviation plans submitted to the DPC for the demolition of the wall at the time the Minister took the decision.

MR SPEAKER:

Well, let us leave it there.

HON LT COL J L HOARE:

Mr Speaker, when the plans .....

MR SPEAKER:

You have been asked a simple question. Were the deviation plans sent before you took the decision?

HON LT COL J L HOARE:

The deviation plans were sent to DPC before a decision was taken. It was sent in the normal way to the Public Works Department for their comments; we were not sure what was meant, the architect was called in by my engineers; it was then elicited from ~~her~~ because it still was not clear from the records that the intention was to knock down the whole of the wall. They were told verbally not to do so until they got clearance; although there was no engineering restriction this had to be cleared by the Minister. Since that wall is part of the heritage

*and then for*

*it still*

*objection*



of Gibraltar I decided to take it to Council of Ministers.

I didn't agree <sup>with</sup> the whole of that wall being knocked down. The very next day we found that <sup>part of</sup> the wall had been knocked down. A building inspector was sent out to stop them. He told them to stop it. They did not do it - they still carried on. The next day another member of the department went out and told them <sup>to reinstate</sup> to stop it. They did not. They promised that they would reinstate it but by the 19th there was no progress at all obvious and it was clear, in our minds, that there was no intention. It was then that legal notice was served on them <sup>to reinstate the wall</sup> to reinstate the wall by the 19th or 20th, <sup>at the date</sup> and this there was no indication that they were going to do <sup>by the dateline</sup> by the dateline that was fixed. In fact it was perfectly clear that there was no intention to reinstate the wall at all.

HON M XIBERRAS:

12.10.00 A.M. in Mem. 31st May 1976.

Mr Speaker, then I take it that the matter which was with the Government's agreement or consent, a pure planning matter which DPC - am I right in stating it in this way - had been dealing with, which the Public Works Department had been dealing with, that this matter when the crunch came, when the question of the wall came, was not taken to DPC but taken instead to Council of Ministers for decision. Am I right in saying that?

HON LT COL J L HOARE:

I don't know whether it went to DPC at that stage but I did take it to Council of Ministers.

HON M XIBERRAS:

But would the Hon Member not agree that submissions in these cases are made to DPC and the person or persons concerned, expect a reply from DPC and they do not expect the Minister to do the work of DPC OR even Council of Ministers, in a simple matter of planning.

HON LT COL J L HOARE:

Mr Speaker, I have already said ad nauseam, that the Building Inspector who is part of the Development and Planning Commission set-up <sup>want</sup> down and told them to stop <sup>building</sup> ~~building~~ <sup>demolishing</sup>.

HON M XIBERRAS:

Mr Speaker, is it not a fact that there was a meeting in the Public Works Department, in which the party constructing the wall was advised, by experts shall we say, that they anticipated no objection, and it was subject only up to ministerial approval. Is that not a fact and therefore would he not be wrong in insinuating, in any way, that this was done completely against the desire of the authorities in the Gibraltar Government?

HON LT COL J L HOARE:

No Sir. There was no such agreement given by the .....

HON M XIBERRAS:

Was there a meeting?

HON LT COL J L HOARE:

There was a meeting on the morning of the 30th of April, and the architect was told there was no such proposal in the original building application. If there had been it would not have been acceptable to PWD since it would remove a protection against sea water flooding of the road and deprive the public of convenient seating capacity. It was explained to the architect that whilst the department had no technical objection to the proposals, it would have to be cleared with the Minister for Public Works before work could proceed. During the afternoon of the 30th April, the work was already started.

HON M XIBERRAS:

Mr Speaker, thank you. I think the point is quite clear but I would not like the public to get away with the impression which I think is a wrong one, that the parties concerned acted completely in violation of the expressed wishes of the Public Works Department as a whole. This was not in fact the case. Would the Minister not agree that it was his personal intervention and his personal ~~stubbornness~~ stubbornness in this matter which brought things to a head and it was at his insistence and through his stubbornness that the wall was reconstructed, quite unnecessarily.

HON LT COL J L HOARE:

Mr Speaker, No Sir. No Engineer in the Public Works Department, <sup>nor any</sup> ~~or no~~ official in any other department, has the right of stating policy. They said there was no technical difficulty but it would need approval. I did not accept the idea that the people of Gibraltar should be deprived of this facility, which they had had for year and years and years of sitting down on that particular wall without a by your leave and this is the main thing. Too many things happen like that here.

HON MISS C ANES:

Does the Minister recollect that for the past few years, that particular bar with a different name, has been having tables and chairs on that particular area making it impossible for people to sit on the wall?



HON LT COL J L HOARE:

That, Mr Speaker, was what I saw in my crystal ball when I consulted it. That next year there would be tables and chairs all over the pavement so that people couldn't walk there.

HON MISS C ANES:

But this has been going on for years there.

HON P J ISOLA:

Does the Minister not agree that his statement about allowing people to sit on the wall, and his statement of protecting the heritage of the people, of Gibraltar earlier on in answer to a supplementary, is hopelessly inconsistent with the statement made earlier on when he said that Government would have given favourable consideration to the application, and does this not, Mr Speaker, highlight the accusation made on this side of the House that it has been pure ministerial stubbornness and obstinacy which the people and the users of the beach at Eastern Beach now have to put up with until the Minister is no longer a Minister.

HON LTCOL J L HOARE:

Mr Speaker, as usual words are being twisted. What I said was that if the architect or the planners or the contractors had brought in revised plans showing a small opening in the wall, that would have been considered favourably but not knocking down the whole of the wall.

HON M XIBERRAS:

Mr Speaker, would the Hon Member tell the House whether the parties concerned are going to get a decision from the Development and Planning Commission in respect of this particular issue.

HON LT COL J L HOARE:

I cannot answer for the Development and Planning Commission.

HON M XIBERRAS:

Mr Speaker, would the Hon Member not agree therefore, that an application made in good faith, and which had been with the Development and Planning Commission for quite some time, as I understand it, is now prejudiced as much as by the Minister's action as by the action of the people who knocked down the wall in the first place.

MR SPEAKER:

Well, that is a matter of opinion.

HON M XIBERRAS:

Does the Member not agree that whatever happens and whatever is done, the parties concerned are not likely to get a fair decision from the Government?

HON LT COL J L HOARE:

That Sir, I think is completely wrong. Government will give a fair decision as it does to every application, but it will not accept people taking the law into their own hands.

HON M XIBERRAS:

If there were to be any litigation Mr Speaker, would the Hon Member be himself personally liable?

MR SPEAKER:

No, that is a hypothetical question because we do not know whether there is *going* to be any litigation.

HON MISS C ANES:

May I ask a last question in this respect. Is it the Government, or the Minister's intention to carry on obstructing the entrance to the bar by leaving this wall for the rest of the time and for ever?

HON LT COL J L HOARE:

So far as the Government and the Planning Commission are concerned the entrance was never through there because it was never approved. The entrance was from the beach.

HON J BOSSANO:

Mr Speaker, may I ask the Minister what the original wall was constructed of and what the new one is constructed of, in view of the fact that it is part of Gibraltar's heritage that has been altered. Has it been replaced exactly as it was or do we now have a different sort of wall?

HON LT COL J L HOARE:

Mr Speaker it does not need a great deal of intelligence to think that in 1976 we can get the same materials which was available when the wall was built in 1900.

MR SPEAKER:

The answer is 'no'.

HON J BOSSANO:

Did the Hon and Gallant Member consider rebuilding the wall with the debris of the wall knocked down? Has he looked at this possibility, in view of its historical value, as well as its sitting capacity?

HON LT COL J L HOARE:

Mr Speaker if the material had not been already dumped of course we would have done so.

MR SPEAKER:

Next question.



No.129 of 1976

ORAL

The Hon Miss C Anes

Why is Government constructing a pavement on the right hand side of Engineer Lane and not the left hand side, when most of the shops and a children's nursery are situated on the left side of Engineer Lane, thus making accessibility more hazardous?

Answer:

The Minister for Public Works and Municipal Services

It is apparent that the Hon Questioner agrees that a pavement in Engineer Lane to ensure the safety of pedestrians is a necessity.

Because of the existing slope of Engineer Lane and low house entrance levels on the western side it was found necessary to construct the footpath on the eastern side of the road. It is not accepted that the construction of the footpath will make access to the west side more hazardous. The proposed footpath is considerably narrower than the width of a parked car or lorry and therefore there will be a wider carriageway available for vehicles to use. Traffic using Engineer Lane will tend to drive closer to the new kerb of the footpath than they would if there was a parked vehicle there.

SUPPLEMENTARY TO NO.129 of 1976

HON MISS C ANES:

Mr Speaker, that answer does not satisfy me at all. On the first point I don't really think that a pavement is necessary in Engineer Lane - it never has been necessary. The minister will remember that I asked him yesterday when I phoned him up on this question of the same pavement that funds have not been made available and had not come to the House for approval. How did he arrive at the conclusion that a pavement was necessary to be constructed in Engineer Lane? And bearing in mind, Mr Speaker, that even now it is rather difficult for pedestrians and motorists to go by that lane it is going to be much more difficult for the police authorities to try and control. . . .

MR SPEAKER:

We are now getting away from the question. Please ask a question.

HON MISS C ANES:

Well, Mr Speaker, I find that the result of the construction of this pavement in Engineer Lane is going to create more problems to the police authorities because what is going to be the result of a lorry or a heavyweight vehicle having to unload merchandise for any of the shops and having to park in the middle of the road and people trying to get from the right hand side to the left hand side?

MR SPEAKER:

Well, let us leave it at that and have an answer to that.

HON LT COL J L HOARE:

Mr Speaker, first of all it is clear to me that the Hon Lady has not walked down Engineer Lane. She hasn't seen the old folks coming back from the market in the morning dodging in and out of cars with prams and children by the hand and things like that. If ever there was a need to have a pavement anywhere in Gibraltar it is in Engineer Lane. And let me say that the party then in power in 1971 agreed that there should be a pavement there. As to funds not being available, I told the Hon Lady yesterday that she was wrong and I will tell her so again today publicly. This item of £8,000 is included in the total figure of £40,000 for roads in the Improvement and Development Fund which no Hon Member on the other side of the House questioned or asked questions about when they approved it during Estimates time.

HON MAJOR R J PELIZA:

Mr Speaker, on the question of safety, wouldn't the Minister agree that since most of the shops are on the other side of the road, there is a tendency for people to walk out of shops without looking at times. Perpetuating traffic going on that side is going to increase the risk. I agree that before whilst the risk was there, the fact that the cars had to go so close and at times dodging pedestrians made pedestrians extremely careful. Now that they may get a bit more confident the cars will probably go a little faster and this will I am sure cause a number of accidents on that road. I wonder if it is not now too late whether the pavement can be changed from the right hand side of the road to the left side.

HON LT COL J L HOARE:

I am sorry, Mr Speaker, there were so many suggestions there that I don't remember the question. The answer is that from the very beginning of this scheme in 1971 the engineering technicalities required it to be built on the <sup>eastern</sup> right side of the road because the western side is lower and if you build the pavement there it would mean having to step up from every house on the other side. Now, as to question of the number of people using it, I accept that there are more shops on the western side than on the eastern side but let me at the same time say that there are more customers using the right hand side than there are on the left. There is a bakers shop there which is constantly in use more than all the other shops put together.

HON M XIBERRAS:

How far does the pavement stretch?

HON LT COL J L HOARE:

Almost to Main Street.



HON M XIBERRAS:

And there are more customers on the right side than on the left?

HON LT COL J L HOARE:

In my opinion there are more customers using the few shops on the right hand side than on the other because you have got a baker's shop which is in constant use especially by old people, and secondly, because there is a supermarket there which is also in constant use.

HON MOSS C ANES:

There is only one existing pavement in Engineer Lane and it is situated precisely in front of the bakery so it is not going to make any difference. There are more shops from the entrance to Engineer Lane on the left hand side right down to more than half the street than there are from the bakery down to Main Street.

MR SPEAKER:

Order. We must not have a statement every time a question is asked.

HON P J ISOLA:

One more specific question. What about the children going to the nursery? Does not the interest of young children who are going to a nursery and coming out of it merit specific consideration rather more than people going to the bakery or other places? Is it not a palpable fact that there are more shops on the left than on the right? On whose opinion is this thing based? Is it the Minister's personal observations or the department, or the Statistics Office or what?

HON LT COL J L HOARE:

I am sorry Mr Speaker, there were so many questions. First of all there was the question that there was a pavement already in front of the baker's shop. Is it suggested that.....

MR SPEAKER:

No, let us not ask questions because otherwise we will never finish.

HON LT COL J L HOARE:

So far as the nursery school is concerned I have yet to find a child of nursery age in Gibraltar going to school by ~~himself~~. <sup>she</sup> It is taken by his parents. At least it will be in safety until ~~he~~ <sup>she</sup> gets opposite the entrance and then it is up to their ~~parents~~ <sup>parents</sup> to look left or right, and because there are no parked cars there she will be able to do see if there is any traffic and then cross the road.



MR SPEAKER:

We are not going to ask questions to try and convince people to change their minds. I think the matter has been sufficiently ventilated.

HON M XIBERRAS:

May I ask one question, Mr Speaker?

MR SPEAKER:

If it is a question, most certainly.

HON M XIBERRAS:

Can I ask the Minister whether he had any specific authority for the monies to be involved in the project before he embarked on this project?

MR SPEAKER:

That question has already been answered.

HON MAJOR R J PELIZA:

It is obvious that we will never be able to change the Minister's mind.

MR SPEAKER:

Order. I have asked you not to speak across the House. That is one thing I have never tolerated in this House and I am not going to do so at the last meeting.

HON MAJOR R J PELIZA:

Mr Speaker, I apologise. It is obvious that we won't be able to change the Minister's mind. But on the pavement itself- and here perhaps I should declare an interest - has the Minister taken into account the provision of parking bays because there are a number of places where I think a lot of loading and unloading has to be done at all hours of the day and it will create unless there are proper and sufficient parking bays a greater traffic jam and perhaps even greater hazzards than we have had up to now. Are no provisions for that being made?

HON LT COL J L HOARE:

Mr Speaker, that is the first sensible question that has been asked by the Hon Members opposite.

MR SPEAKER:

Well, let us have an answer.

HON LT COL J L HOARE:

Yes, there are lay-by's being provided for 5 lorries and one lay-by for vans and when Engineer House is redeveloped there will be room for two more official lay-by's, there will then be seven lay-by's for lorries and one for vans.

HON MISS C ANES:

Mr Speaker, will the Minister then say whether lorries unloading goods for shops at the entrance of Cornwall's Parade into Engineer Lane will have to come down from that way down by Engineer House up to the top of the Hill to unload their goods or will the lorry have to stop there in the middle of the road at the entrance to Engineer Lane?

HON LT COL J L HOARE:

At the entrance to Engineer Lane I think would be more convenient for contractors to come up from Main Street.

HON MISS C ANES:

But they cannot come up from Main Street, can they?

HON LT COL J L HOARE:

Oh yes, the individuals themselves can.

MR SPEAKER:

Order, we are not going to discuss the consequences of building a pavement.

HON MISS C ANES:

Mr Speaker, where do the residents of Engineer Lane park their cars? Do they park them on top of the pavement on the right hand side? This is an important question because they are tax payers too.

HON LT COL J L HOARE:

Mr Speaker, that is another question altogether and I would suggest that there is already adequate parking space in the evening, perhaps not in Engineer Lane, but in the surrounding area like Cassmates Square. If it is a question of the safety of a pedestrian constantly or the convenience of one individual not walking 30, 40 or 100 yards, then all the time the safety of the pedestrians comes first.

HON MAJOR R J PELIZA:

Mr Speaker, the Minister mentioned I think seven lay-by's for lorries and one for vans. Then he said something about two official lay-by's by Engineer House. Could the Minister explain when Engineer House ~~area~~ is developed what will be the position particularly in that area? Is the pavement running across that area or will there be a lay-by?

HON LT COL J L HOARE:

Mr Speaker, I think he is talking about a pavement in front of the entrance of Engineer House. The two additional lay-by's which at present are being used unofficially will be caused by the wall of Engineer House being set back.

HON MAJOR R J PELIZA:

So in fact that area can be used as a lay-by until the wall goes back.

HON LT COL J L HOARE:

And then perhaps when the wall goes back we might be able to have more lay-by's.

MR SPEAKER:

Next question.



No.130 of 1976

ORAL

The Hon W M Isola

Is Government aware that some tenants of top storey flats in Macmillan House have incurred expenditure to correct external dampness and does Government propose to reimburse this expenditure?

Answer:

The Minister for Public Works and Municipal Services

HON LT COL J L HOARE:

Mr Speaker, as no representations or claims on this matter has been received by Government from the tenants, it is not aware of any tenant having incurred expenditure in this regard. We are aware that two of the 4 top flats require replastering. This will be done when the external work currently being carried out - and I didn't move in the gang there especially when I got this question - have been completed.

SUPPLEMENTARY TO NO.130 of 1976

HON M XIBERRAS:

Mr Speaker, isn't it a fact and the Minister will recall, that I made representations to him in respect of a particular tenant there? And does he not remember a note which he sent to me saying that it was not a matter for which Government was responsible? Doesn't the Minister remember?

HON LT COL J L HOARE:

I don't remember but I will take his word for it. As I say the fact that no claim has been made now means the Government is not aware of any expenditure having been incurred.

HON M XIBERRAS:

In fact what the Minister is saying is that in MacMillan House the top flats have been affected in such a way which Government thinks should be corrected at Government's expense. Is that what he is saying?

HON LT COL J L HOARE:

I am saying that 2 of the 4 flats of the top flats, require replastering to make them completely waterproof and this is something which is happening constantly. And this will be done as soon as the other external works which are being done at the moment are finished.

HON M XIBERRAS:

Is he saying that there is dampness in the other two flats and that there he does not consider the Government has a liability?

HON LT COL J L HOARE:

So far as I am aware there is not a report at all about the other two flats.

HON M XIBERRAS:

Will the Minister check because the tenant I mentioned had to have a complete fake wall built and has incurred considerable expense. Would the Minister further check or tell me that it is not a fact that there is a hole in the roof of the house which affects all four flats and will he not agree that if that is the cause of the dampness is up to Government to carry out the work and to reimburse for the work already done by the tenants.

HON LT COL J L HOARE:

Mr Speaker, first of all I will most certainly look into this again because the information that I have got from my engineers and maintenance surveyors is that only two of the four flats are affected. I will now look at this again on the assurance of Hon Leader of the Opposition that the four flats are affected.

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No.131 of 1976

ORAL

The Hon J Bossano

Can Government state what was the surplus achieved by the working of the Post Office Savings Bank in the year ended 31st March, 1976?

Answer:

The Hon Financial and Development Secretary

The accounts for 1975/76 have been closed but have not been audited. Until they are, one cannot say precisely what surplus was achieved on the operations of the Post Office Savings Bank for the year ended 31st March 1976. However, the provisional surplus appears to be in round figures £165,000 but this figure includes some £28,000 being the net adjustment in respect of investments.

SUPPLEMENTARY TO NO.131 of 1976

HON J BOSSANO:

Mr Speaker, does the Hon the Financial and Development Secretary now accept that the statement that he made at Budget time to the effect that the revised figures shown for 1975/76 were the result of the year's working was in fact misleading and will he further say that the figure for the year 1976/77 will reflect the surplus achieved in the year 1975/76 which he has just quoted?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly, Mr Speaker, when we come to produce the revised estimates for 1976/77 the figure will reflect the position as shown by them in the audited accounts.



No.132 of 1976

ORAL

The Hon J Bossano

Can Government explain why no provision is being made to purchase a new van for the Post Office in view of the unsatisfactory condition of the vehicle at present in use?

Answer:

The Minister for Information and Postal Services

Provision has been made in the Estimates for 1976/77 to replace a Mail Van (Head 16 Sub-head 80). The van is on order and delivery is expected during the month of July.

The Hon M Xiberras

Under what conditions are persons who marry entitled widowers under the Social Insurance Scheme entitled to benefits themselves?

Answer:

The Minister for Labour and Social Security

In replying to this question I am assuming that what the Hon Questioner has in mind is the case of a woman who marries a widower who is already receiving an Old Age Pension; otherwise the reply would have to be very lengthy, complicated and - at the end of it all - very largely unintelligible. Should my reply, therefore, not meet his needs, perhaps he will, in supplementaries, be more explicit on the sort of case he has in mind, and I will give him the information either straight away, if I can, or privately later.

If a woman under the age of 60 married an old age pensioner who is a widower he is entitled to an increase in his pension, in respect of his wife if she is residing with and being wholly maintained by him. She is considered as being wholly maintained by him even if she is employed but earning not more than £5.60 a week. On reaching the age of 60, the increase which he was receiving becomes her own old age pension, and on his death this is increased to the level of the pension which he was receiving.

If, however, she is already 60 years of age when the marriage takes place, she may be entitled to old age pension (again, assuming that he is already drawing the pension) after they have been married for 3 years or, if he dies before 3 years, if she is left with a family which includes a child who was either a child of the late husband's family at the time of his death, or is a child of theirs. She could also be entitled if, immediately before the marriage, she was already entitled to widow's benefit or old age pension, or to any pension or allowance payable out of public funds which ceased by reason of her marriage or re-marriage.

With regard to other benefits such as maternity grant, widows benefit and death grant, the normal conditions apply as for the normal run of cases.

## SUPPLEMENTARY TO NO.133 of 1976

HON M XIBERRAS:

Mr Speaker, the word "entitled" in the question has been correctly interpreted so I take it that the question was correctly framed as well. The answer is I think clear. There is this period of three years however and it is in respect of this period of 3 years that I am talking about. Is the Minister saying then that if there are no dependents, if the person is over 60 and if the widower was obviously paid up in his insurance contributions and so forth, then there is a period of three years within which it is possible for the second wife of the widower not to be entitled to the benefits of her husband, it would not be passed on automatically, there is a limitation. Am I right in saying that?

HON A J CANEPA:

Yes Mr Speaker, that is the case.

HON M XIBERRAS:

Would the Minister give consideration or if he is not prepared to give consideration could he explain why not, to the entitlement being automatic and there being no time qualification?

HON A J CANEPA:

I do not know what is the reason why the entitlement is not automatic in the sense that I have not been responsible for this particular aspect of the particular Ordinance. In other words I think it is something which has been on the statute book for the last 20 years ever since the Social Insurance Scheme started and I imagine that it is also part and parcel of the normal practice under other Social Insurance Schemes. I would imagine that the reason for this time gap which in this case is 3 years, but as far as I know it could be different elsewhere, the reason for this is, I imagine, that the social insurance people need to be satisfied that the marriage has not been undertaken purely in order to give automatic entitlement to this increase, that it is a bona fide marriage. I imagine that that is the reason for the 3 years and no other. If what the Hon Leader of the Opposition is asking me is, would I look into this at greater length to see whether 3 years is the desirable period or whether it could be shortened then, of course, the answer is that I am prepared to consider this or any other representations that he may have on the matter.

HON M XIBERRAS:

I am grateful for that when he does so would the Hon Member bear in mind first of all the 3 years for the pension might be a desirable price to pay for any person contracting such a marriage and that it seems to me that such people would not therefore be dissuaded from malpractice of this kind by the 3 years qualification. And since, as I understand it, the time qualification does not apply in other cases, that persons are entitled as of right when they marry, then would he consider its complete abolition particularly if that is the case as I understand it is - I may be wrong - in the United Kingdom?



HON A J CANEPA:

I will look into that particularly with reference to the United Kingdom. In other cases where people become entitled to benefit immediately on marriage, the Hon Leader of the Opposition should realise that that may well be the case for short term benefits only, such as maternity grants, unemployment benefit and so on but not for long term benefits such as old age pension. I will certainly investigate and find out what is the practice in the UK and even if it is the same as in Gibraltar, if there is any sound reason why one should consider amending it I certainly will look into this. This is a matter which interests me personally as much as it does him.

HON M XIBERRAS:

I am sure the Hon Member will agree that there are only a limited number of cases which might be affected by this but in those cases where people are affected this may it can be an element of concern.

HON A J CANEPA:

Yes.

No.134 of 1976

ORAL

The Hon J Bossano

Can Government state what progress has been made with the recruitment of qualified teachers from the U.K.?

Answer:

The Minister for Education

Following the advertisement made in the UK educational journals on 21 May, applicants for teaching posts have been short-listed for interview in London on 28-30 June. The response to the details of the conditions of service given to applicants has been sufficient to indicate a reasonable degree of success in recruiting qualified teachers for vacant posts in September.

SUPPLEMENTARY TO NO.134 of 1976

HON J BOSSANO:

Can the Minister say how many vacant posts for qualified teachers he expects to fill through this recruiting process?

HON M K FEATHERSTONE:

Yes, Sir, we have 14 to fill. We had 200 initial replies and after that the number of applications finally received was over 50.

HON J BOSSANO:

Can the Minister say whether it is the policy of the Government to aim for an all qualified teaching staff?

HON M K FEATHERSTONE:

Yes, Sir, it is the policy of Government to aim for an all qualified teaching staff and of course all the teachers who will be engaged now will all be qualified teachers.

HON L DEVINCENZI:

Mr Speaker, what was the reaction, if any, of the GTA to this recruitment?

HON M K FEATHERSTONE:

Sir, the department has taken the view that it is essential for the good of the children that these places be filled and we are going to fill them come what may.

No.135 of 1976

ORAL

The Hon J Bossano

Can Government state what further progress has been made to begin the redevelopment of Engineer House since the matter was last raised in January of this year in Question No.36 of 1976?

Answer:

The Minister for Tourism, Trade and Economic Development

In the light of Government's legal commitments to the previous purchasers and after a complete examination of all factors involved, legal financial and planning, tenders will be invited for the development of Engineer House for residential and/or other purposes compatible with the zoning of this neighbourhood (eg offices). The density will be controlled to avoid an unacceptable number of dwellings having regard to the lack of amenities and parking difficulties in this thickly populated part of town. The conditions of sale will also require the developers to set back the retaining wall fronting Engineer Lane in order to widen this road and to provide adequate parking for residents within the property. Building will also be restricted to the level part of the property leaving the sloping area at the rear as open space. The north east part of the property will be designated as a public amenity area with access from Castle Ramp and with the eventual provision of a public footpath to link up Castle Ramp with Engineer Lane.

SUPPLEMENTARY TO NO.135 of 1976

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether all the development in the site of Engineer House is going to be private or is the Government involved in any of this?

HON A W SERFATY:

Mr Speaker, if there are takers for the site and the site is sold as we are committed to offer it with the present owners, then apart from part of the site which will be a recreational area for the public and is not going to be offered or sold, the remainder under certain conditions will be for private development. The commitment we have with the present owners of the site is that we must put it out to tender.

HON MAJOR R J PELIZA:

But Mr Speaker, if I understood it rightly, we are going quite a long way back. This controversy with the so-called present owners goes back even before we came into Government and isn't it a fact that just before we ceased to be in government, steps were being taken to terminate the agreement with the owner? If I remember rightly there was a penalty that the owners were supposed to pay.



HON ATTORNEY GENERAL:

It is a dontractual obligation. It is an agreement entered into between two independent parties that a party let us call him "the developer" will not enter into an agreement whereby if he fails to comply with his obligations, he is going to lose everything. And so there is a provision that upon failure the land can be put out to tender and the original developer is to be reimbursed with the amount he has expended on the land. Therefore he has not thrown everything away.

HON M XIBERRAS:

Mr Speaker, I can understand the point about reimbursement if a person has in fact disbursed any money but my question is, what is the nature of that.....

MR SPEAKER:

What the Opposition is not clear on is what are the present conditions under which the developer is holding the site.

HON ATTORNEY--GENERAL:

The Government has re-entered the site and now, in accordance with the terms of the original agreement, is putting the site out to tender.

HON M XIBERRAS:

My question is, what is the general purpose and who was protected by this particular condition?

HON ATTORNEY--GENERAL:

The original developer was protected to a certain extent but as I say this is not a term peculiar to the Engineer House agreement. It is the common term in virtually all government agreements.

HON M XIBERRAS:

Forgive my pressing the point. I can understand that any disbursements which the developer has made in respect of the site should be reimbursed if things go wrong for some good reason. My question is, what is the general purpose of a clause which binds the government to put out the site to tender after the present tenderer has, in fact, gone by default?

HON ATTORNEY-GENERAL:

Because it is considered that by putting the property out to tender a more realistic price will be obtained. To a certain extent I am speaking from memory but my recollection is that it is not merely the disbursement which the developer has expended which can be reimbursed. And the higher the price obtained, as a result of the tender, the more the original developer gets back. As I say this is not just for Engineer House, it is a common term in contracts which has been going on certainly since I came to Gibraltar.

HON M XIBERRAS:

The Hon Member will forgive the Opposition's great interest in this matter because the site is obviously a prime site and as the Hon Member knows there has been quite a lot of correspondence and dealing with the present developers. Will the Government be able to bid in such a tender?

HON ATTORNEY GENERAL:

No, but again I am speaking without having seen the agreement for some time. My recollection is that in certain circumstances - I am speaking purely from memory, I may be wrong, if I am I apologise - in certain circumstances the Government may then re-enter the land itself but in those circumstances it has to pay a very considerable sum to the original developer, a very considerable sum.

HON M XIBERRAS:

Mr Speaker, would the Hon Member's recollection stretch as far as back as remembering the date of the original Agreement?

HON ATTORNEY-GENERAL:

I cannot tell him what the date of the original agreement was. The troubles of Engineer House were upon us in 1972 when I arrived so it must have been well before then. I cannot say exactly when.

HON M XIBERRAS:

Can any Hon Member on that side of the House remember whether it was, say, in 1967 or 1968.

HON CHIEF MINISTER:

I think I can remember that the reason for the non-development when the plans had been approved and so on was the withdrawal of the Spanish Labour force.<sup>zn</sup>

HON M XIBERRAS:

Yes, Mr Speaker, but may I ask the Hon Member who seems to know something about it as to when, in his recollection, this agreement was originally signed between the developer and the Government? Would the Hon Member know whether it was in his time as Chief Minister or not?

HON CHIEF MINISTER:

It is possibly more complicated, if I remember rightly. The problem is that this was one of an attempt at a straight forward sale of the property direct from the Ministry of Defence to a developer and in order to be able to exercise conditions, the Government paid the Ministry of Defence the money that had been obtained for that in order to be able to impose conditions on the developer.

HON M XIBERRAS:

And the condition in fact that the Government of the day chose to impose after this elaborate procedure was in fact that if the successful tenderer failed then this prime site would have to go out to tender again. Am I right in saying that?

HON CHIEF MINISTER:

That is what the Attorney-General has said and that is my recollection of what the agreement was.

HON M XIBERRAS:

And therefore present tenderers or the present holders of the site or any company which is akin or connected with the present tenderer of the site could in fact bid for the site once again. But the Government of Gibraltar could not.

HON CHIEF MINISTER:

I don't think the present developers can. The original purchasers I am sure cannot claim to bid when in fact they have failed to carry out the development.

HON M XIBERRAS:

By the original purchasers I said or any other company which might or might not be connected with the developer.

HON MAJOR R J PELIZA:

Can the Hon Attorney-General explain why this agreement cannot be terminated if the original owners cannot bid.



HON ATTORNEY-GENERAL:

It has been terminated.

HON MAJOR R J PELIZA:

Therefore isn't it possible now for the Government, if it so wished to retain the land for their own use?

HON ATTORNEY-GENERAL:

No, because there is a clause in the agreement that notwithstanding the termination the original developers have certain rights. They are not cut off entirely.

HON MAJOR R J PELIZA:

A right to what? The Hon Attorney-General may care to explain.

HON ATTORNEY GENERAL:

Rights to what money is realised from the re-sale of the site.

HON MAJOR R J PELIZA:

Does the Hon the Attorney-General then mean that an individual who buys land here, who keeps it for speculation, is going to be aided and abetted by the Government precisely to do that? Surely isn't it the time when this is possible to terminate that contract and make the best possible use of that land. Is it not scandalous to do otherwise?

HON CHIEF MINISTER:

It would seem quite clear that no Government would ever enter into any contract of development, however useful they may have been at the time, with the greatest respect to the Attorney-General, one could not envisage entering into any contract for any other site on terms which had proved to be so unsatisfactory.

HON M XIBERRAS:

Mr Speaker, is the Hon Member who often complains in this House about our administration having to buy Varyl Begg Estate, now telling us that in the course of his administration he was party to an agreement which allowed a developer to buy a very substantial and very worthwhile plot of land which is scarce in Gibraltar, not to develop it over a period of time and then to gain from the sale of this particular plot of land to another party, whereas the Government of Gibraltar cannot itself compete for this plot of land which is so necessary for the people of Gibraltar? Is that what the Hon Member is saying? If he is not saying that then he can stand up and say otherwise. Is this what the Hon Member is saying?

HON CHIEF MINISTER:

I am trying to think something to....

HON M XIBERRAS:

Oh, we shall allow the Hon Member time to think.

HON CHIEF MINISTER:

Thank you very much. You are very generous.

HON ATTORNEY-GENERAL:

Mr Speaker, quite frankly I don't think we can get any further at this stage unless the terms can be referred to again. I would be wasting the time of this House if I were to try and advance views on something seen a considerable time ago. I am quite prepared to inform the Hon Leader of the Opposition what the terms were but at the moment any further discussion is, in my submission, purely speculative.

HON CHIEF MINISTER:

The main thing that I think bedevilled the whole transaction was that there was first of all the outright sale on certain conditions by the War Department to the developer and it was the Government that bought the site to be able to enforce conditions on the building of it. That is what bedevilled the whole thing.

HON M XIBERRAS:

There were other things that were bedevilled at the same time. It was lucky they were changed when my Hon Friend was Chief Minister.

HON CHIEF MINISTER:

No, no, this was in 1967, Mr Speaker.

HON M XIBERRAS:

Yes, Mr Speaker, I am talking about 1969. But nonetheless since the Hon and Learned Member opposite, the Chief Minister, was involved in this I would have thought that in respect of this important piece of land that he would have a clearer recollection than he has now. Mr Speaker, does the Hon and Learned the Chief Minister recall what I had to say in respect of Gardiner's Road about speculation of land?

MR SPEAKER:

No, no, I am not having that. Order. I will not have statements made at question time under any circumstances.

HON M XIBERRAS:

Would the Hon Member, in considering this matter and in clearing up his recollection of it, bear in mind that this is an issue which albeit is a very important one because of the size of the land involved on this occasion, has also been present in the life of Hon Members on this side of the House and would he also not agree that if this is the case such types of contract cannot be in the best interests of the people of Gibraltar. And any Government.....

MR SPEAKER:

Order, order. I would like Hon Members to refer to Hansard later on to see the amount of statements that are made at question time. We mustn't do it.

HON CHIEF MINISTER:

Mr Speaker, it has obviously been proved that that was a very unsatisfactory contract for whatever reason and for whatever conditions under which the Gibraltar Government had to take it over from the old War Department. Of that there is no doubt and nobody in his senses would agree to anything like that again, from that side or from this side or from any side.

HON M XIBERRAS:

Mr Speaker, yes, I am glad the Hon Member is aware that this is the case and that is why I referred to my Hon and Gallant Friend's action in 1969 in respect of another.....

MR SPEAKER:

No. Order. We will now exclusively start asking supplementary questions and nothing else.

HON M XIBERRAS:

Mr Speaker, would the Hon Member when he has had a chance to reconsider his action of 1967/78 in this matter, consider taking quite extraordinary steps in the interest of the people of Gibraltar so that the Government of Gibraltar can retain this land?

HON CHIEF MINISTER:

That would also be a matter for the implications of it on legal advice, but I would certainly be in favour.



HON L DEVINCENZI:

Is the Government in a position to reveal the price that the developer, or would-be developer, paid for this land?

HON A W SERFATY:

£52,050.

HON M XIBERRAS:

Can the Government tell us what is the difference between the purchase price paid by the developer and whatever price is obtained when it is put back to tender?

MR SPEAKER:

No, until such time as the land has been sold this is a hypothetical question.

HON J BOSSANO:

Mr Speaker, can we have from the Government their valuation of the site which is not a hypothetical figure?

MR SPEAKER:

If they have one.

HON M XIBERRAS:

Perhaps my old friend Mr Bossano might be given this at some stage and Hon Members on this side might share the information which he is trying to elicit. Can I ask the Hon Members opposite whether Engineer House site has in fact been put out to tender yet?

HON A W SERFATY:

It has not yet been put out to tender.

HON M XIBERRAS:

In view of what the Chief Minister has said and in view of what Hon Members on that side have said and in view that the lifetime of this Government has not got much longer to run, would Hon Members on the other side give a categorical assurance that the land will not be put out to tender in the lifetime of the present Government and not until a new Government is elected?

HON CHIEF MINISTER:

The Development and Planning Commission have been working out the best development in order to be able to put as much of it for the use of Gibraltar as possible and the rest presumably within the terms of the contractual obligations will be put out to tender but having regard to the years that this matter has been going on and having regard to the prime value of the site and the concern of all in Gibraltar, I am happy to give an undertaking to say that that will not be sold before a new Government is elected. There is a lot of work to be done for whatever administration comes in to have it ready as from the planning aspect. In view of the time between now and the elections I do not think that it would be proper to put it out to tender and to conclude the deed at all having regard to the fact that it is a piece of the heart of Gibraltar.

HON M XIBERRAS:

Since the Hon and Learned Member offered our party a seat in the Development and Planning Commission at one particular plan which we found unable to accept at that time but considering that there is an election pending and considering that work on this site has already began, would the Hon and Learned Member apart from his commitment not to put the site to tender also be able to see his way to allow the Opposition as a whole to see plans for this development?

HON A W SERFATY:

If and when the site is sold the purchaser surely will want to submit his own ideas of how he is going to develop the site. One thing I would like to say, that now we are being much more strict on the question of densities than was the case in the time of the previous administration who apparently were very eager to get the work off the ground.

HON M XIBERRAS:

I am very glad about that, Mr Speaker, but I am not talking about density, I am talking about ownership. Now, would the Hon Member since the Hon Chief Minister has said that considerable work has taken place in the Development and Planning Commission, would some Hon Member opposite be able to make available to the Opposition such work as has been done in the planning for this site, whether it is by Government developments or for the purpose of the people of Gibraltar, but what general ideas does the Government have in store for this site?

HON CHIEF MINISTER:

I am afraid that that is a completely different question. Having decided that we are not going to put up for tender the site and that we are not going to sell it then the work of the Government must carry on in the planning section and let the new administration have a look at it and carry on with the work that has been decided.

HON M XIBERRAS:

Would the Hon Member not agree that in the interests of continuity which the Hon Member has expressed quite often, in view of the importance of this particular site and in view of his offer to Hon Members on this side to be represented in the Development and Planning Commission, that he should out of pure consistency be able to offer at least Hon Members on this side of the House and very likely I would argue people of Gibraltar as a whole, an indication of what the Government intends to do with the site?

HON CHIEF MINISTER:

The conditions I am sure can be put at the disposal by the Minister to any interested Member opposite of how the planning is proceeding and the ideas of how it is going to be developed. It is a bit late in the day now to seek support for a request on an offer made four years ago which was so lightly rejected.

HON M XIBERRAS:

Mr Speaker, would the Hon Member say what stage the planning has reached in this?

HON A W SERFATY:

Well, we have studied the different possibilities and we have preliminary sketches of the kind of thing we could do there.

HON M XIBERRAS:

Would the Hon Member make them available to Hon Members of the Opposition? I hear he is going to have an exhibition of plans in the near future and I am sure that this is an important part of it.

HON A W SERFATY:

The different ideas that have come up in connection with the Engineer House are not going to form part of the exhibition. There are very different ideas and all have its pros and cons, financial and otherwise and it is unfair to put those schemes in the exhibition.

HON M XIBERRAS:

Would the Hon Member not agree that in view of the fact that it is not going to form part of the exhibition which we all look forward to see what he has not done in the four years he has been there, would the Hon Member not consider it a matter of public duty in the interest of consultation with the community at large, to make his general idea about this important site available to Honourable Members on this side to the community at large?



HON CHIEF MINISTER:

The Hon the Leader of the Opposition is now trying to change from what was a request to a duty which I cannot accept because the responsibility of the Government is the responsibility of the Government until its last day in office and I can therefore accept no duty in respect of that. But I have said before that any interested member who wishes to show an interest, I am sure the Minister will show him the ideas that have been mooted.

HON M XIBERRAS:

Would the Hon and Learned Member then take it that I for one and my colleagues have expressed an interest.

HON CHIEF MINISTER:

I am not limiting the numbers.

MR SPEAKER:

Mr Bossano, you wanted to ask something?

HON J BOSSANO:

Mr Speaker, I wanted to ask whether the Government is free to impose any conditions or restrictions on the use of the site when it goes out to tender or whether there is a limitation on what it can do by virtue of the previous agreement?

HON ATTORNEY GENERAL:

I wouldn't like to answer that question off the cuff. I am not trying to be unhelpful but I would have to look at the agreement. There is certainly some restrictions but I couldn't say what they were at this stage.

HON J BOSSANO:

Mr Speaker, if you would allow me, could I then ask the Government to consider looking within the limits of what is possible at conditions that can be attached which might incidentally affect the price but which might produce a better result from Gibraltar than might otherwise be the case.

HON CHIEF MINISTER:

Yes.

No.136 of 1976

ORAL

The Hon J Bossano

Will Government consider transferring the ambulance at present used by the Medical Service to the St John Ambulance Brigade when it is due to be replaced by the new one now on order?

Answer:

The Minister for Medical and Health Services

It is hoped that the two present ambulances will be cannibalised into one when the two new ones are put into service. The point is taken and we shall certainly consider the matter.

No.137 of 1976

ORAL

The Hon M Xiberras

Does the Minister of Medical Services still stand by the statement made by him in the House at its last meeting to the effect that there had been no pressure from Government practitioners to have fees at the Royal Naval Hospital increased?

Answer:

The Minister for Medical and Health Services

I can categorically say that this is so and in any case I would never be a party to it. As explained at the last meeting the increases that have taken place in all the 26 Services Hospitals is solely due to a policy decision taken by the MOD.

SUPPLEMENTARY TO NO.137 OF 1976

HON M XIBERRAS:

Would the Hon Member not agree, as I think he has stated, that if there were any indications that this were the case, then it would be up to the Government and to this House to show its extreme disapproval of such an action.

HON A P MONTEGRIFFO:

That is a matter of opinion.

HON M XIBERRAS:

Does the Hon Member therefore stand by the statement that he made in the House at the last meeting?

HON A P MONTEGRIFFO:

What statement?

HON M XIBERRAS:

The statement which he made in respect of practitioners in Gibraltar using their influence and their voice to have fees increased at the Royal Naval Hospital?

HON A P MONTEGRIFFO:

I will repeat again what I have said only a few moement ago.



MR SPEAKER:

You must not be put in a position where you have got to repeat your assertions. You have made an assertion and you have said that you stand by it irrespective of what has been said. It is not a question of cross examining a person as to whether he stands by his statement.

HON M XIBERRAS:

I was not intending to do that, Mr Speaker. I just wanted to make clear what this statement was in the first place and how much of it he stands by. Mr Speaker, is the Hon Member aware of a report submitted by an Expenditure Committee which visited Gibraltar and held interviews in Gibraltar in December, 1972.

HON A P MONTEGRIFFO:

I am not aware of that report.

HON M XIBERRAS:

Do I take it that he has not seen the report of the proceedings. The word for word report of the proceedings.

HON A P MONTEGRIFFO:

No, Sir.

HON M XIBERRAS:

Would the Hon Member like me to acquaint him with the contents of this report?

MR SPEAKER:

No, it is not relevant.

HON M XIBERRAS:

Is the Hon Member aware that in this report it is said on behalf of MOD that there was such pressure from local practitioners?

HON A P MONTEGRIFFO:

Not that I am aware of. I have not seen the report and I am sure that the local practitioners must have a lot of power to persuade the MOD to increase the charges to the Service hospitals throughout the world.

HON M XIBERRAS:

Mr Speaker, did the Minister not say that he would find it quite objectionable that this should happen and did he not say that medicine should be competitive?

HON A P MONTEGRIFFO:

Either way.

HON M XIBERRAS:

Yes, Mr Speaker, but is the Hon Member not aware that there are representations made by local practitioners which are recorded in this document to the effect that it was the view of local practitioners - and I am not excluding government practitioners?

MR SPEAKER:

No, the Minister is not answerable for what local practitioners want, and that is where we are going wrong.

HON M XIBERRAS:

Mr Speaker, if the Minister is not answerable why did he make a statement on behalf of them at the last meeting?

MR SPEAKER:

No, he did not make any such statement.

HON M XIBERRAS:

Mr Speaker, I think that any reference to Hansard would correct that impression. He was in fact referring to local practitioners and he said quite clearly that he would find it objectionable. Now, since I have made reference to a document, would the Hon Member not agree that if such representations had been made as I take it that they have been made having read this document, that some sort of action should be taken by him because it is not in the interest of the community that it should be so?

HON  
MR SPEAKER:

No, the only assurance that the Minister has given, with due respect to you, whatever else local practitioners have said, is that the increase by the MOD to charges for the Naval Hospital were not instigated, as far as he knows by any demand made by local practitioners.

HON M XIBERRAS:

Mr Speaker, what I am telling the Minister is that there is an official document which says that there was instigation and I am asking him what he, as Minister for Medical and Health Services, is going to do about it.

MR SPEAKER:

He hasn't got to answer that question.

HON M XIBERRAS:

Of course he does not have to answer Mr Speaker and we shall gladly debate the point.

MR SPEAKER:

I am ruling you out of order.

HON M XIBERRAS:

All I am asking the Minister in respect of this is, is he aware of this and he said 'no'. I am taking that such a document exists and since such a document exists and since this was raised in a motion to which the Hon Member replied, I am asking what he is going to do about it.

MR SPEAKER:

That is out of order because it is not relevant to the question.

HON M XIBERRAS:

Well, can I ask him whether he stands by his statements?

MR SPEAKER:

He has said so about four times.

HON M XIBERRAS:

Yes, but before I told him about the document, Mr Speaker.

MR SPEAKER:

Do you stand by your statement, Mr Montegriffo?

HON A P MONTEGRIFFO:

Before and after. I object as much to anybody influencing what fees should be charged at the Naval Hospital as I am to local private practitioners who are creating all the problems as to how much I should charge at the Health Centre.



HON M XIBERRAS:

Would the Hon Member in view of the fact that Government practitioners are not excluded from these comments in the report and the Government of Gibraltar employ these practitioners, would the Hon Member investigate the matter to see whether he can stand by his statement for a bit longer?

MR SPEAKER:

No, I am ruling you out of order. The Minister will not answer that question.

HON M XIBERRAS:

Why not?

MR SPEAKER:

Because I have told him it is irrelevant to the original question. We are back to the position where I first called you to order five minutes ago.

HON M XIBERRAS:

Well, Mr Speaker, let me try it just once again. The Minister will recall does he not, that he made a statement in respect of an allegation made by the Hon Mr Bossano that local practitioners had at one time or another raised their voices in order to increase the fees.....

MR SPEAKER:

No, that is not the issue.

HON M XIBERRAS:

Mr Speaker, would the Hon Member, or perhaps Mr Speaker might recollect what the subject matter of the statement was?

MR SPEAKER:

The Hon Leader of the Opposition seems to forget what the original question is. The original question is: "Does the Minister of Medical Services still stand by the statement made by him in the House at its last meeting to the effect that there had been no pressure from Government practitioners to have fees at the Royal Naval Hospital increased." The Minister has replied that he still stands by his statement.

HON M XIBERRAS:

Most questions in this House, Mr Speaker, would be answered by a simple "yes" or "no" in that matter.

MR SPEAKER:

No, no. I think you are being completely and utterly unfair and I let Hon Members be a judge of that. If Members answered questions by "yes" or "no", we would save themselves a tremendous amount of time producing Hansards.

HON M XIBERRAS:

And the people of Gibraltar would not get to know half the things that happen. But I am asking the Minister, Mr Speaker, whether he is aware of this report I am talking about in which it is said that practitioners.....

MR SPEAKER:

He has already told you that he is not.

HON M XIBERRAS:

I am asking him and I am stating that this is in fact the case and that I read the report.

HON CHIEF MINISTER:

How can you ask the Minister about something he does not know?

HON M XIBERRAS:

I am telling him that this is the case and I am asking what will he do about it. Would he at least read the report and make a statement?

HON A P MONTEGRIFFO:

If he sends it to me as quickly as he was going to send me the names of the three cases he mentioned where he alleged we had made mistakes in the hospital I can have the two things at the same time.

HON M XIBERRAS:

I am very grateful to the Hon Member. I have just received today the information which he gave me in respect of the appeal procedure for the second opinion. I received that today. I am very grateful to the Hon Member and I shall make good my omission within 24 hours. Mr Speaker, would the Hon Member say whether he is prepared on reading this document to make a statement on it?

MR SPEAKER:

No. It is completely and utterly out of order. I have told you 5 times and we are not going to do it because it is out of order.

29.6.76

No.138 of 1976

ORAL

The Hon J Bossano

Can Government state what reply has been received from the Foreign and Commonwealth Office regarding the position of Gibraltarians in the context of the proposed redefinition of a British Citizen under UK legislation?

Answer:

The Chief Minister

Sir, as will be seen from the Report of the Constitution Committee which was published yesterday, the question of citizenship was taken up with the British Government in that context. The British Government's reply, contained in a Memorandum on the Report, also published yesterday, is as follows:-

"CITIZENSHIP

The Committee proposes that Gibraltarians should enjoy full UK citizenship and refers to concern that the current British Nationality Review might result in the exclusion of Gibraltarians from UK citizenship (Part II.2). The British Government are well aware of the concern of Gibraltarians as a whole about the possible effects of the current review of nationality and in particular the fear that the Gibraltarians' position might suffer if UK citizenship were redefined. No decisions have been taken on the shape of any future nationality law; and the British Government gives an assurance that the Government of Gibraltar will be consulted before publication of any proposals on this subject to enable them to make representations should they wish. The British Government also confirm whatever the outcome of the Nationality Review no Gibraltarian would, as a result of it, be any worse off than he is now when seeking to enter the United Kingdom."



## SUPPLEMENTARY TO NO.138 OF 1976

HON J BOSSANO:

Mr Speaker, I accept that it is difficult for us to be any worse off, that much the Government can be sure of. Is the Hon and Learned the Chief Minister satisfied that the reply he has received is a sufficient safeguard as regards the nationality of the people of Gibraltar?

HON CHIEF MINISTER:

The point made is that we have pressed the particular part of the Constitution Committee report, the one in which the request was made which reads: The Committee reiterated representations made in 1970 and referred to above and asked that consideration be given to the special position of the people of Gibraltar that they be regarded as persons who neither have nor wish to have any other citizenship and that they be designated United Kingdom citizens under any new law that might be enacted". That again is the context of the question of the Hon Member. Now, what we have obtained is an assurance about consultations on any proposals before they are published, a point which I had previously raised in a letter to His Excellency the Governor last year as I indicated in answer to question No.51 of 1975 and to that extent that assurance is welcomed I have fought for it as far back as that time. So also is the assurance that no Gibraltarian would be any worse off for what that may be worth, according to how one looks at it, but I think the main thing is that the matter is very much in an embryo state and it is no secret for anybody who follows the United Kingdom press that the whole matter was raised by a Minister who is no longer a Minister and who had it very much as part of his concern - I am referring to Mr Lyon, now the Minister at the Home Office. He, not having been re-appointed after the change of Government last time, the impression I gathered was that the whole matter is still very much in the melting pot and very little is known of what is going to happen.

HON J BOSSANO:

Well, Mr Speaker, whilst accepting that the matter as far as what may happen to normal UK citizens may be in abeyance, would the Hon and Learned the Chief Minister not agree that in view of the dismal record that we have of the process of consultation, a guarantee of prior consultation is not a guarantee of any safeguard? Would he not agree that there is no link between consultation and safeguard?

HON CHIEF MINISTER:

Of course, I entirely agree. The only point is that one could hardly, apart from any pressure that we can bring to bear, you can hardly expect any undertaking on any matter which has not still been decided. I am satisfied in my own mind that the matter as we have raised it from time to time since the 1970 visit to the Foreign and Commonwealth Office, has been the subject of considerable reference to the Home Office. And my indication is that they know very little

of what is going to happen. We cannot expect an assurance of something before they know what they are going to do themselves. On one thing we have insisted and that is that our citizenship should not be lost.

HON J BOSSANO:

Mr Speaker, would the Hon and Learned Chief Minister not agree that instead of being given an assurance, that we will be no worse off than we already are, we should have obtained an assurance that we would be no worse off than any other British Subject born in the United Kingdom? Does he not think that that is what we need.

HON CHIEF MINISTER:

Sometimes there is a difference between what one seeks and what one obtains. And this is a fact of life that we were given this assurance in the light of the joint representations and in the light of the very long history that this matter has had which was pressed at the talks. Let me say quite clearly I am only giving the House the reply that was given to us. I am not in any way speaking for the British Government, nor is it my business to speak for the British Government. The British Government can speak for itself in many ways but certainly not through me.

HON M XIBERRAS:

Would the Hon Member make clear to the Hon Questioner that in his statement of reply to the Hon questioner he is certainly not speaking in respect of my own part in the visit which has just taken place in regard to this subject.

HON CHIEF MINISTER:

I was talking about what I said. I wouldn't dream to bring the Hon Member's share of consultation into this one. I do not want to be in competition. If he wants to say what it is he can say it elsewhere. I am answering a question which was certainly not provoked by me.

HON M XIBERRAS:

I just thought I heard the Hon Member use the word "we" in regard of our attitude in the visit that has just taken place.

MR SPEAKER:

You are being asked to define the royal "we".

HON CHIEF MINISTER:

I am sorry, I was saying what we had in the Constitution Report.

HON M XIBERRAS:

Mr Speaker, in any case the Hon Member I think has made clear in his statement on which I have not been consulted of course nor on any of the supplementary answers, he is not in fact speaking on my behalf.

HON CHIEF MINISTER:

The last thing I want is to speak on behalf of the Leader of the Opposition. If in addition to all he talks I were to talk on his behalf we would be here till midnight.

HON MAJOR R J PELIZA:

Wouldn't the Chief Minister agree that although perhaps very little is known exactly of how immigration is going to be tightened up, it looks very much by the articles in the press and by statements made by Ministers and public opinion generally in England, that they will be tightening immigration rather than widening. Wouldn't that be the case?

HON CHIEF MINISTER:

That seems to be the tendency but I would say my impression - and I speak for myself and for myself only - my impression is that that has suffered a setback by the change in the man at the Home Office, by the removal of Mr Lyon. This is the impression that I gathered from the Minister not from Mr Peliza who lives in London but from the Minister who lives in London.

HON MAJOR R J PELIZA:

I don't know who made that statement in England but Mr Lyon has been out of that office long before the new flare up on the question of immigration. Mr Lyon had nothing to do with it. He was out before that happened.

HON CHIEF MINISTER:

Not at all, Mr Lyon was out when the new Prime Minister was appointed,

HON MAJOR R J PELIZA:

Exactly. And the whole flare up about immigration has started after that. Would it not be a case since obviously they are going to tighten immigration whatever the Chief Minister may think. Anyone who reads the press will come to that conclusion including the immigrants themselves. Isn't it the case therefore that now that we



have just heard from the British Government there is no question of any change in the immigration legislation in England, at the moment anyway, which will include the Gibraltarians as of right, not as a concession but as of right, and couldn't we do something about it now?

MR SPEAKER:

What is the question you are asking?

HON MAJOR R J PELIZA:

What I am asking Mr Speaker is, isn't it time now to really take action of some description to ensure that we are not too late before legislation is introduced which will again exclude the Gibraltarians from the United Kingdom as in fact is the case now, legally?

HON CHIEF MINISTER:

I don't know. After Thursday and Friday and having got the reply on Sunday, I can hardly think that much time has been lost since we have received the last reply. What we do after that, either from this side or that side or the representatives do, is another matter but I think we are hot from the talks and we have received a considered reply with which I have dealt.

HON MAJOR R J PELIZA:

But does the Chief Minister mean to say that the reply that he has got from that memorandum or communique, whatever it may be called, that he received I believe at the air terminal in England, doesn't it state clearly. ....

MR SPEAKER:

No, we are not going to discuss that now. You have asked a question to the Chief Minister as to whether he feels that one should do something about this before it is too late. The Chief Minister has replied that from the action that he has taken in the last 3 or 4 days, he thinks it should be obvious that he is trying to do as much as possible. That is the position.

HON MAJOR R J PELIZA:

What I understood Mr Speaker, was that this was not the last reply and therefore as it was not the last reply we would take some time thinking about it and this looks to me to be the final word from the British Government at this stage and the only thing that they will do from what I see in that communique is that they are prepared to.....

MR SPEAKER:

Order. We are getting completely and utterly out of hand.

HON J BOSSANO:

Mr Speaker, will the Hon and Learned the Chief Minister confirm that the only reference to the position of Gibraltarians that has been made in the reply he has received refers to the immigration aspect, i.e. that the Gibraltarians will not be any worse off as regards entering into the United Kingdom and not, in fact, any reference to the question of nationality which is part of the original question?

HON CHIEF MINISTER:

This is the practical obvious interpretation of the reply. As far as I am concerned what I want to stress is that it was not a final reply because they said the matter would be considered and we would be consulted. So I do not take it as a final reply, I take it as an interim reply insofar as they could tell us what was the position at that time. "No decisions have been taken on the shape of any future nationality law and the British Government gives an assurance that the Government of Gibraltar will be consulted before publication of any proposals on this subject to enable them to make representations should they wish". Not even a consultative paper which was supposed to have been published long ago has been published, and the assurance given in anticipation of any consultative paper that might be published - they didn't even say that they were going to publish one - we would be consulted on the matter. That is why I say that if the position was static you might have got a complete 'no', or a complete 'yes' or a 'yes but'. But as it happens that the matter is now in the melting pot they could only give us the assurance that we would be consulted before any matter was made public.

HON J BOSSANO:

Mr Speaker, perhaps the Hon and Learned the Chief Minister will be kind enough to confirm that the theoretical constitutional position is that at present under the 1948 British Nationality Act, there is no distinction between a Gibraltar born British citizen and a UK born British citizen and that what may happen is that a distinction may be drawn.

HON CHIEF MINISTER:

I am more than delighted to hear the Hon Questioner because that was the point that I made with regard to the present citizenship position which I regard to be as enunciated in that supplementary. That is what I said. The immigration is a different matter but I said that as far as I was concerned I was a British Subject, citizen of the United Kingdom and Colonies the same as any British Subject in the United Kingdom. I am glad to say that I made that point and I said that I was looking at it perhaps more as a lawyer than anything else but I said that and I made that point clear. My view has always been that the citizenship in law under the British Nationality Act, 1948, is exactly the same.

7.

HON M XIBERRAS:

Perhaps the Chief Minister would explain to the Hon Questioner why it was felt in the Constitution Committee to petition the Government on UK citizenship.

MR SPEAKER:

I am trying as kindly as possible to call you to order.

HON M XIBERRAS:

Would the Hon Chief Minister inform the Hon Questioner that that is certainly not my view nor is it the view in my interpretation, of the Constitution Committee.

MR SPEAKER:

No. There is no reason why the Chief Minister should inform some other person of what their views are on a particular subject.

HON M XIBERRAS:

Perhaps Hon Members may take note that that does not represent my view.

HON CHIEF MINISTER:

Hon Members will recall how much I objected<sup>to</sup> the word "real" United Kingdom citizenship.

MR SPEAKER:

Next question.



No.139 of 1976

ORAL

The Hon J Bossano

Can Government explain why it was found necessary for so many Government Ministers to visit in hospital the Spanish climber who was injured recently?

Answer:

The Chief Minister

Sir, I visited Señor Tudela as a gesture of courtesy to a well-known climber who had been through a dangerous experience in Gibraltar and had suffered injury. I naturally arranged the visit through the Minister for the Department who then accompanied me.

The Minister for Tourism's visit was a quite separate and independent matter and was due to his special interest in the climb, the arrangement for which had been made through his department.

SUPPLEMENTARY TO NO.139 of 1976

HON J BOSSANO:

Mr Speaker, in view of the narrow majority of the Government will the Hon and Learned the Chief Minister confirm that the patient in hospital was not suffering from anything contagious?

HON CHIEF MINISTER:

The majority of the Government according to the Constitution cannot be bigger and I was told by the Minister that until Thursday of last week theirs was smaller than ours.

The Hon J Bossano

Does Government still persist on their policy whereby industrial workers are deprived of the right to stand for election to the House of Assembly whilst continuing in Government employment?

Answer:

The Chief Minister

Sir, it continues to be our view that the holding of a public office in the Government of Gibraltar, industrial or non-industrial, is incompatible with membership of this House. It should be appreciated, however, that we intend to make arrangements, on the following lines, to facilitate the candidature of any industrial employee who may wish to stand for election:

- (1) the candidate will be granted unpaid leave from the date of nomination;
- (2) should the candidate not be elected, he will be reinstated in his previous capacity. The period of the break between the date of nomination and the date of reinstatement will not count for superannuation or annual increment purposes, where relevant;
- (3) should the candidate be elected, he will be entitled to reinstatement in his previous employment, although not necessarily to the post previously held, if -
  - (a) he ceases to be a member of the House of Assembly after an absence not exceeding four years;
  - (b) he had not less than ten years service before election;
  - (c) he applies for reinstatement within three months of ceasing to be a member.

Reinstatement when (a) and (b) are not satisfied will be sympathetically considered on its merits. On re-employment, the period spent as a member will not count for annual increment or superannuation purposes but will not be regarded as a break in service for the latter.

Industrial workers are therefore not being deprived of the right to stand for election but simply of the opportunity both to be a member of the House and at the same time retain their employment with the Government. As I have said, however, the arrangements we intend to make will provide what, in the circumstances, seem to me to be adequate facilities. I might add that I shall be making a statement at a later stage in the proceedings, on the subject of members' allowances, which will be of some relevance to this matter.

## SUPPLEMENTARY TO NO.140 of 1976

HON J BOSSANO:

Mr Speaker, is the Hon and Learned Chief Minister now saying contrary to the indications he gave at the previous meeting of the House when I had an amendment which referred to allowing industrial workers to continue to hold their employment whilst standing for election, is he now saying that in fact it is a decision that has been taken by the Government of Gibraltar and that therefore the question of the views of the Foreign and Commonwealth Office on the matter do not enter into it?

HON CHIEF MINISTER:

They do not enter into it because we have not removed the objection with which I know the Hon Member does not agree but I hope that at least he respects the reason for our not being able to accept. But in order to make this arrangement no necessity to consult the FCO is required because it does not break the rule of master and servant at the same time. That was the reason why on reconsideration and since we could not move from that decision after taking into account what the Hon Member had said last time, these are administrative arrangements which do not go against any of the objections raised by the Foreign Office in the general principles about membership and employment and therefore these are arrangements that can be made and will be implemented for the next election.

HON J BOSSANO:

Mr Speaker, I am afraid the Hon and Learned Chief Minister has misunderstood my question. I distinctly recall, Mr Speaker, and perhaps the Hon and Learned Member will confirm whether my recollection is accurate or not, that when I raised the matter previously the Government after a great deal of debates was finally forced to admit that it was their policy as regards non-industrial workers but that in the case of industrial workers they had no fixed idea one way or the other and that therefore they would give further consideration to my proposal, and I withdrew the amendment. Is it the case that the Government has further considered the position and definitely come down on one side, that is, against the proposal to allow industrial workers and that therefore it is not a question of the Foreign Office now, it is entirely the responsibility of the Government?

HON CHIEF MINISTER:

That is exactly how I started my answer. I said: "It continues to be our view that the holding of a public office in the Government of Gibraltar, industrial or non-industrial, is incompatible with membership of this House". It does continue to be our view. I undertook to look into the matter again because the Hon Member had made a plea that that should be considered and I did consider it seriously and we came back to the same view that it was incompatible with our way of looking at matters. After deciding that, I went on to decide short of that arrangements that would be as least harmful to those who wanted to stand for election.



HON J BOSSANO:

Could I ask the Hon and Learned the Chief Minister what is the Government policy as regards - if there is still a House of Assembly of course to have members elected to in two or three months time, one doesn't know with events moving so fast now - but if there is still one, what is the Government policy as regards someone who is elected to the House and subsequently obtains employment as, say, a labourer in the Gibraltar Government?

HON CHIEF MINISTER:

That is a hypothetical question which I cannot answer now. I would imagine that that would be the question of advice that I think has been given before by the Attorney-General as to whether he can take his seat or he can take his employment. I have enunciated a policy and any departure from that must surely be a matter for the law officers. I am not really concerned. I am not a policeman as to who stands or who does not stand.

HON J BOSSANO:

Perhaps, Mr Speaker, the Hon and Learned the Chief Minister may like to consider that he may well need all his extra inspectors when the matter eventually develops in the direction which I think there is a high probability that it will.

HON CHIEF MINISTER:

Well, this is the usual threats that we always get about inspectors and so on and we are used to it now.

MR SPEAKER:

Alright, next question.

No.141 of 1976

ORAL

The Hon J Bossaho

Has Government now completed its study of the Morgan Report on the salaries of top civil servants and if so will Government state what they propose to do about the recommendations made in the report?

Answer:

The Chief Minister

Yes Sir, the Government has completed its study of the Morgan Report and I will be making a statement on the matter later in these proceedings.