

HOUSE OF ASSEMBLY  
MEETING OF 26th JUNE 1978

QUESTIONS

AND

ANSWERS

(90 TO 152)

TELEPHONES: A.4882  
OFFICE: A.70071 EXT. 36  
CLERKS: A.70071 EXT. 37

ATTORNEY-GENERAL'S CHAMBERS,  
GIBRALTAR.

No. ....

2nd August 1978

The Clerk  
House of Assembly  
Gibraltar

Mr Clerk,

HOUSE OF ASSEMBLY: MEETING OF 26TH JUNE 1978: QUESTIONS AND ANSWERS

I beg to give notice of the following amendments

Question 104: page 3: paragraph 1.

line 1 - insert the word "if" after the word "that": ✓

line 4 - delete the word "to".

Yours faithfully



J K Havers  
Attorney-General



Done ✓  
2/8/78

QUESTIONS ASKED BY HONOURABLE MEMBERS AT THE HOUSE OF ASSEMBLY  
MEETING HELD ON 26.6.78.

No.90 of 1978

ORAL

The Hon J Bossano

Can Government give a breakdown of the income tax yield in 1977/78 showing the amount collected

- a. through PAYE
- b. from self-employed persons
- c. from businesses and companies?

Answer:

The Hon the Financial and Development Secretary

The Income Tax yield in 1977/78, so far brought to account, was £5,529,270.

The breakdown of this figure is as follows:-

a. through PAYE	£4,090,851
b. from Companies	951,252
c. deducted at source from interest	57,614
d. penalties for non payment on due dates	2,974
e. from self-employed persons and from assessments raised on employees in respect of under-collections through PAYE	635,532
	<hr/>
	£5,738,223

LESS:

Refunds of amounts overcollected through PAYE etc in previous years	208,953
	<hr/>
	£5,529,270
	=====

No statistics are kept of tax collected exclusively from self-employed persons.

SUPPLEMENTARY TO QUESTION NO.90 OF 1978

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether this would be true, for the purpose of comparison, of the figures that have been given in the past to answers for a breakdown of this nature for previous financial years? Is he saying that the figures that have been given in the past for self-employed persons have been subject to the proviso that he has just mentioned?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As far as I am aware, Mr Speaker, yes, Sir, but I will have that specifically checked. As far as I am aware there is nothing new in this, this is a comparable figure.

The Hon J Bossano

Can Government give the end of the month currency note circulation figures for the months of March, April and May this year?

Answer:The Hon the Financial and Development Secretary

Yes Sir. The end of month currency note circulation figures for March, April and May this year are as follows:-

March	£4,325,274
April	4,225,274
May	4,725,274

SUPPLEMENTARY TO QUESTION NO.91 OF 1978

HON J BOSSANO:

Mr Speaker, can the Hon the Financial and Development Secretary say how these figures compare with the ones used for the Government estimates in projecting the revenue yield that would accrue from the Currency Note Income Account as a result of the anticipated level of notes in circulation during the year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Without specific notice, no, Sir.

26.6.78

No.92 of 1978

ORAL

The Hon J Bossano

Does Government intend to proceed with the purchase of radio controlled equipment for Customs Department patrol crews?

Answer:

The Hon the Financial and Development Secretary

Yes, Sir. The Customs Department has already been authorised to proceed.

26.6.78

No.93 of 1978

ORAL

The Hon J Bossano

Can Government state what have been the receipts of revenue under indirect taxation in the months of April and May this year and how these figures compare with the same months last year?

Answer:

The Hon the Financial and Development Secretary

Yes Sir. Receipts, that is, cash collections and credits, in respect of Indirect Taxation (Head 2 of the Revenue Estimates) were as follows for the months of April and May 1977 and 1978 respectively:-

April 1977            £235,812

April 1978            354,363

May 1977             283,033

May 1978             259,456

The figures for 1978 are of course still subject to audit and check.

26.6.78

No.94 of 1978

ORAL

Can Government state what have been the receipts of revenue under Income Tax in the months of April and May this year and how these figures compare with the same months last year?

Answer:

The Hon the Financial and Development Secretary

Receipts of Income Tax for the months of April and May 1978 were:

April £451,926

May 528,947

The corresponding figures for 1977 are:

April £451,150

May 369,420

26.6.78

No.95 of 1978

ORAL

The Hon G T Restano

Will Government confirm whether the figure of £1.453m. estimated as being the gross proceeds from the lottery in the Estimates of Revenue and Expenditure for the year 1978-79 is a correct estimate?

Answer:

The Hon the Financial and Development Secretary

At the time the Estimates were compiled, Yes Sir.

As a result of the larger issue for the June draw and the increased price per ticket - 30,000 tickets at £3 each as against 25,000 at £2 used in estimating the gross yield of £1.453 million - the estimated gross receipts are now £1.493 million.

Assuming that the Christmas draw is on the same basis as last year, that is an issue of 40,000 tickets but that the price is £3 a ticket - and this has not been decided yet - the estimated gross proceeds for the year will be £1.533 million.

26.6.78

No.96 of 1978

ORAL

The Hon Major R J Peliza

Will Government agree that personal allowances on Income Tax are well below those in the UK and have them adjusted to compensate for increase in the Cost of Living since the present ones were introduced?

Answer:

The Hon the Financial and Development Secretary

Yes, Sir, the Government is aware that, except in the case of the first child, the rates of personal allowances in respect of income tax are less than the rates of the corresponding allowances in the United Kingdom.

As to the second part of the question, I cannot give any assurance when the Government will be in a position to adjust the rates of allowance to compensate for increases in the cost of living. The cost of living is not the sole criterion; there are a great many other factors which have to be taken into account not least the overall financial position of the Government; its ability to finance the wide range of services which it provides for the community and the extent to which the present policy of subsidising the public utility services and housing rents shields the community from the full impact of rising costs. May I remind the Hon Member and the House of the Chief Minister's words on this subject in the course of his Budget Statement -

"It is simply not possible to enjoy electricity and water at less than cost; to be housed at rents that are so heavily subsidised and to expect relief by means of income tax allowances and other measures. It is our wish to provide such reliefs, but our ability to do so is dependent on the extent to which the services provided are paid for by the consumer."

SUPPLEMENTARY TO QUESTION NO.96 OF 1978

HON MAJOR R J PELIZA:

Has the Financial and Development Secretary looked into the figures at all? According to my calculations a person earning £3,305 in the UK, with 2 children and a working wife, would pay ...

MR SPEAKER:

The Hon the Financial and Development Secretary has agreed with you on the fact that the allowances are different so let us not go into details.

HON MAJOR R J PELIZA:

I am just trying to point out that he has argued that there are other things that are being subsidised and this is one thing that we have got to take into consideration. I haven't got all the figures obviously but I have these figures at hand which I think are interesting and that is that whilst in the United Kingdom a person earning £3,305 does not pay a single penny of income tax and, in fact, is also getting family allowances for the first child which he doesn't get here, in Gibraltar a person equivalent to that income in the same circumstances is paying, roughly, I think, about £700.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I cannot agree with the latter figure and in any case the Hon Gallant and Major said a person earning. One is not taxed on gross income either here or in the United Kingdom, one is taxed on assessable income which is a very different thing. I do not know what a person earning £3,000 in the United Kingdom would pay. If his assessable pay is £3,000, I can give the Hon and Gallant Major an approximation of his tax in the United Kingdom. Similarly in Gibraltar if a person's assessable income is £3,000 again I can give the Hon and Gallant Major a comparative figure but let us be clear what we are talking about and let us not bandy figures around which, I suspect, are quite false.

HON MAJOR R J PELIZA:

Mr Speaker I was referring to earned income, I wasn't thinking of investment income or any other form of income. I was referring to the ordinary working man and this is what I was trying to get at, Mr Speaker, and I think that if the Hon Financial and Development Secretary were to work out the figures he would find ....

MR SPEAKER:

Order. Let us be clear about this. This is question time and you are free to ask whatever supplementaries you feel you have to ask to elucidate information but let us not make a speech. I must be very firm because we have sixty three questions on the Order Paper and I must not give advantage to any particular Member.

HON MAJOR R J PELIZA:

I think the Financial and Development Secretary has refuted my figures and I would very much like him to go into it when he has the time and perhaps refer back to me, Mr Speaker.

HON M XIBERRAS:

Mr Speaker, is the Financial and Development Secretary able to give the House an indication of the difference that does exist for the range which my Hon Friend has quoted in the range of £3,000 to £4,000, what the difference must be, in fact, for a married man, working wife and two children. I am looking for the general order of the difference.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker Sir, I cannot do anything about the working wife, I haven't got the figures for that, but a comparison of the tax payable in Gibraltar and the tax payable in the United Kingdom by a married man with two children, one of whom is under 11 and the other is over 11 but under 16, because this makes a difference from the point of view of the United Kingdom income tax, if the assessable income, that is to say, the income which you take into consideration for the assessment of tax, £3,000 in Gibraltar, the tax payable would be £380 and in the United Kingdom it would be £345.90p, I might add that at £5,000 the two taxes come together and are almost exactly equal. In Gibraltar, the figure I have here is that the tax in Gibraltar would be £1,010, whereas in the United Kingdom it would be £1,006. The United Kingdom tax is rather behind Gibraltar tax up to £13,500 when the two again come together. After £13,500 United Kingdom tax starts marching ahead.

HON M XIBERRAS:

When the Hon Member refers to assessable income does he mean income after the allowances have been applied, is that what he is saying? Would the Hon Member then be able to confirm to the House that a husband, in fact, in the United Kingdom now gets £1,535 allowance whereas a husband here gets £550 allowance?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As regards the married person in the United Kingdom the allowance is as the Hon Leader of the Opposition stated, £1,535. In Gibraltar it is £1,100. For a single person it is £550.

HON M XIBERRAS:

Would the Hon Member also be able to confirm that a working wife in the United Kingdom gets £985 as compared to £550 here in Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I cannot so confirm.

HON M XIBERRAS:

May I draw the attention of the Hon Member to a tax booklet produced .....

MR SPEAKER:

I think the Hon Financial and Development Secretary is being very clear in his answer. He has accepted that there is a difference and he does not know when Government will do something about it. Therefore let us not go into the question of what the differentials are.

HON M XIBERRAS:

Mr Speaker, I would not have risen had not the Financial and Development Secretary spoken about assessable income in contra distinction to what my Hon and Gallant Friend was saying on earned income.

MR SPEAKER:

In fairness to the Financial and Development Secretary, that was in order to be able to give an answer to a supplementary.

HON M XIBERRAS:

As an additional supplementary could I ask the Hon Financial and Development Secretary whether he would not agree that on earned income, namely, on the premise of my Hon and Gallant Friend, there is quite a large difference in the actual tax payable in the case of the family quoted, taking account earned income and not assessable income?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Taxed income is assessable income less allowances. One has got to be clear about this. You can earn £5,000 a year and when you take off the allowances you get less than your assessable income. You are not taxed on £5,000 just because you earn it.

HON M XIBERRAS:

I just wanted to know for the benefit of the public, Mr Speaker. We are quite clear on this side what we are talking about. I will gladly give way to the Hon and Learned the Chief Minister.

HON CHIEF MINISTER:

The Hon and Gallant Member didn't know exactly what he was talking about. He was talking about income which was unearned which has nothing to do with assessable income.

HON MAJOR R J PELIZA:

I was referring to two types of income, investment income which is taxed in a different way altogether in the United Kingdom and earned income and I was making a comparison of earned income.

HON M XIBERRAS:

Mr Speaker, would the Government, in view of its responsibility to the public, tell the people of Gibraltar how much tax a family of the nature my Hon and Gallant Friend has described would pay on the income described, namely, about £3,300 here in Gibraltar and in the United Kingdom?

MR SPEAKER:

The Financial and Development Secretary is answerable for the income tax payable in Gibraltar but of course not in the United Kingdom.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would have to refer the question to my Colleague, Mr Healey, to give a factual answer. The facts that I have given so far as the United Kingdom is concerned are those which, to the best of my knowledge and belief, are correct, namely, that a family with two children, I repeat, one under 11 and one between 11 and 16, with £3,000 as assessable pay, or assessable income, would pay in the United Kingdom £345.90p. I cannot go any further than that without referring back to the United Kingdom.

MR SPEAKER:

Let me get this clear, that is information which is easily accessible by reference to books and the Financial and Development Secretary is not answerable for.

HON M XIBERRAS:

Mr Speaker, this is the point which I would like to take up. In fact, at one time other questions in another vein, for instance, comparisons of wages, were ruled out for the same reason, or the Government bench refused to answer questions of comparison in the case of wages. I think the question here is quite explicit, it is the comparison in taxation which does affect the income situation.

MR SPEAKER:

What are you getting at?

HON M XIBERRAS:

What I am getting at, Mr Speaker, is that when the Hon the Financial and Development Secretary talks about consulting his colleague Mr Healey, he is evading a question which has been put down in the Order Paper in this House, namely, comparison in taxation between Gibraltar taxation and United Kingdom taxation.

MR SPEAKER:

Order. You are getting out of context. The Hon the Financial and Development Secretary has not said that. The Hon the Financial and Development Secretary has said that he is not answerable for the tax payable in the United Kingdom.

HON M XIBERRAS:

Mr Speaker, what he has said is that he would have to consult his colleague Mr Healey. My next question is would he please do that, will he consult Mr Healey on this question and let the House have an answer.

HON J BOSSANO:

I wonder if the Hon the Financial and Development Secretary would like to correct what he has said about assessable income because I think he should have been saying taxable income throughout. Is it not, in fact, true to say that assessable income is the income prior to the deduction of the allowances, because if it isn't all the tax forms that his department are sending out are incorrect.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, if I have misled the House I sincerely apologise. The definition I have received by way of carrier pigeon is that taxable income is assessable income less allowances. If I have misled the House on that I apologise.

HON M XIBERRAS:

Is the Financial and Development Secretary, Mr Speaker, prepared to give indications to the House or to Members on this side of the House of what the true position is so that nobody will be misled in this matter, in various ranges of income?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The true position of what, Mr Speaker?

MR SPEAKER:

What the different rates are in the United Kingdom and Gibraltar.

HON M XIBERRAS:

We are aware of the rates, Mr Speaker, we are talking about the actual differentials, how it actually works out for a family paying tax at different levels.

MR SPEAKER:

If you are aware of the two rates you can work out the differentials.

HON M XIBERRAS:

Yes, Mr Speaker, but we would not like this controversy to go on with the Government side using one set of words and the Opposition using another set of words.

HON J BOSSANO:

Mr Speaker, is it true to say that the figures that the Financial and Development Secretary gave were for taxable income of £3,000 not for assessable income of £3,000 and that therefore obviously the difference in personal allowances under the two systems has already been taken out of the comparison, as it were. Is that the case?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, taxable income.

HON J B PEREZ:

Mr Speaker, could I ask the Hon Financial and Development Secretary whether it is not a fact that in the United Kingdom children's allowances have been phased out whereas in Gibraltar the allowance for a child is £200.

MR SPEAKER:

May I congratulate the Member for being the first member of this House on the Government side, in my experience, who has asked a question from a Minister.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I cannot of course, confirm positively what the United Kingdom policy in relation to children's allowances is but it appears from what one reads that that is the policy of the United Kingdom, to phase out the allowances but I cannot go anything further than that. So far as Gibraltar is concerned, I confirm that the allowance for the first child is £200 and there is an allowance of £100 for subsequent children.

HON MAJOR R J PELIZA:

Mr Speaker, there is in fact a child allowance of £550 regardless of how many children there might be in the family and any family with even one child will get it and then you have the other allowances which I think the Hon the Financial and Development Secretary referred to of £135 and £100 and on top of that there is a family allowance paid of £2.30p for the first child, and £2.30p for the second child going up to £3.00p for every child as from November.

HON CHIEF MINISTER:

Mr Speaker, on a point of order. Are we here to be lectured of what is happening in the country in which the Hon Member lives?

HON MAJOR R J PELIZA:

Yes, Mr Speaker, I think we take our lead from the country in which I live.

MR SPEAKER:

Is the Financial and Development Secretary prepared to answer that question?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I am not. We are in Gibraltar, not in the United Kingdom.

MR SPEAKER:

You have been asked whether you can confirm something. You may not be able to as it does not come within your province.

HON P J ISOLA:

I would like to ask a simple question which I am sure must have been researched upon by the Financial and Development Secretary in considering his answer to this question. What would be the cost to Government revenue if personal allowances were the same as in the United Kingdom?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I cannot answer that.

HON M XIBERRAS:

Mr Speaker, did not the Hon the Financial and Development Secretary in the course of an earlier meeting of this House with regard to the same subject say that it would be in the order of £2m. to bring the allowances here in Gibraltar up to the same level as in the United Kingdom and will he not agree that in part, at least, this gives an indication of what people in Gibraltar here are paying more than people in the United Kingdom given the various income brackets which now, Mr Speaker, are comparable?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon the Leader of the Opposition clearly has a much better memory for these things than I do and if that is what Hansards say I said then I said it.

MR SPEAKER:

He is not saying that is what Hansards say.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As to the second part of the question, I do not think at that stage I drew any conclusions from it. If the Hon the Leader of the Opposition likes to draw that conclusion then that is his conclusion and not my conclusion.

HON J BOSSANO:

Could I ask the Hon Member to confirm that it is misleading to suggest that the only alternatives open to the Government are either higher personal allowances or higher rents, water and electricity and, in fact, the taxation policy of the Government as far as income tax is concerned is only one factor in an overall policy of the whole economy and in fact there isn't a clear cut choice that people have to choose either that they pay more tax or that they pay more rent. Would the Hon Member confirm that it is misleading to suggest that those are the only two choices open?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I certainly wouldn't say that those are the clear cut obvious choices as I made that clear, I think, in my answer. I put it in a wider context, it is one of the factors but it certainly is not just a choice between A and B.

HON MAJOR R J PELIZA:

Does the Financial and Development Secretary think that after the discussions that we have had through questions it is worth looking into the whole matter very carefully and see what would be more convenient for the people of Gibraltar? Could I have an answer Mr Speaker?

MR SPEAKER:

If he doesn't want to answer that is his prerogative.

HON MAJOR R J PELIZA:

Well if he doesn't want to answer, I put the question.

HON M XIBERRAS:

Mr Speaker, isn't the position that the Government is going to look at this and, if so, what prospects of increasing these allowances does the Government hold out to the people of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have already answered that question and I am not prepared to go any further than what I have already said in the official answer to that question.

MR SPEAKER:

Next question.

26.6.78

No.97 of 1978

ORAL

The Hon G T Restano

Is Government now in a position to make a statement concerning the post of Accountant General?

Answer:

The Hon the Attorney-General

The post was advertised last week.

SUPPLEMENTARY TO QUESTION NO 97 OF 1978

HON M XIBERRAS:

After my Hon Friend's question was produced?

MR SPEAKER:

You are being asked whether the post was advertised after the question was asked.

HON ATTORNEY-GENERAL:

I would doubt it. It has always been, as I stated when that question was last asked which I answered in this House, that Government was proposing to advertise the post as soon as was practical. It may by pure coincidence have been advertised after the notice of the question, I think it unlikely, I think it was advertised before but I can assure the Hon Leader of the Opposition the fact that the question was asked was immaterial.

HON G T RESTANO:

Mr Speaker, may I ask where the post was advertised? In Gibraltar or outside Gibraltar?

HON ATTORNEY-GENERAL:

In Gibraltar. As far as I am aware only in Gibraltar.

26.6.78

No.98 of 1978

ORAL

The Hon J Bossano

Does Government accept that there is a need to provide some form of payment for persons retiring prematurely on medical grounds and unable to find further employment?

Answer:

The Hon the Minister for Labour & Social Security

The Supplementary Benefits Scheme allows for payments to persons, inter alia, who are physically incapacitated for employment, and who have a very low income or none at all.

Other than for this provision which already exists, Government cannot accept that there is a need along the lines suggested in the question because of the very broad and general terms in which it is couched. Let me add, however, that we would be glad to look at any detailed and considered proposals which the Hon Member - or anyone else, for that matter - may wish to put to us.

SUPPLEMENTARY TO QUESTION NO 98 OF 1978

HON J BOSSANO:

Mr Speaker, what I am suggesting in the question, and I would like the Government to give some consideration to and I would be grateful if I put it as a question if they tell me that they are prepared to look at that possibility is, that somewhere in our Welfare system we should be making some sort of provision for those who by virtue of a physical handicap are condemned to long term unemployment and who may have perhaps a relatively small income from their last employment which under the supplementary benefit scheme is offset against supplementary benefit. I am thinking of a particular case, I feel, which is insufficiently catered for in our system, not a particular person, but a particular type of situation. Would the Hon Member not agree that if one can identify a particular type of situation that can occur we should attempt to provide something within our welfare system to cater for that sort of thing?

HON A J CANEPA:

I would be very happy, Mr Speaker, if the Hon Member will either get in touch with me, come to the Department and we can talk about this or if he wants to put it down in writing I can undertake to look into it. We may not be making adequate provision for this particular case under the scheme. If we can we will do so, if we cannot at least we will advance good reasons as to why it cannot be done but I am prepared to look at it sympathetically.

26.6.78

No.99 of 1978

ORAL

The Hon J Bossano

Can Government confirm that the Headmaster of the School for Handicapped Children is terminating his appointment this year?

Answer:

The Hon the Attorney-General

Yes Sir.

SUPPLEMENTARY TO QUESTION NO 99 OF 1978

HON J BOSSANO:

Mr Speaker, is that job being advertised in the Service?

HON ATTORNEY-GENERAL:

At the moment, no. The Ministry of Overseas Development have been asked to recruit.

HON J BOSSANO:

Is there any particular reason, Mr Speaker, why prior to seeking somebody from the United Kingdom, an attempt is not being made to find whether there is a suitable applicant already in Gibraltar?

HON ATTORNEY-GENERAL:

It is considered that until 1981, when it is proposed to localise the post, that a recruit from outside Gibraltar would do the job more satisfactorily.

26.6.78

No.100 of 1978

ORAL

The Hon G T Restano

Will Government explain why it is that delays in trunk calls generally are becoming increasingly lengthy?

Answer:

The Minister for Municipal Services

The delays being experienced at present are due to the increased volume of traffic being handled by the Trunk Operators since the restoration of telephonic communications with Spain. The traffic being passed at present is virtually double that being handled before the restoration.

There has also been an increase in the work of the enquiry positions which affect both '00' and '95'. This is due to the change-over of the 3000 line group.

Even though an extra operator has been employed, a substantial amount of overtime is still being worked and most of the affected staff are co-operating in providing these extra hours.

SUPPLEMENTARY TO QUESTION NO 100 OF 1978

HON G T RESTANO:

Does Government agree that the delays are becoming increasingly lengthy?

HON DR R G VALARINO:

I have already said that.

HON G T RESTANO:

May I ask what the Government proposes to do about it to rectify the position?

HON DR R G VALARINO:

We could, Mr Speaker, recruit more operators if necessary. Unfortunately there is no room for more operators there at the present time nor are there any other international lines available. Furthermore, some of the operators, two of them in particular, are refusing to work overtime.

HON G T RESTANO:

Is there nothing at all that Government can do about this problem? Are they just prepared to allow the delays to be longer and longer and make communication to the outside world more and more difficult?

HON DR R G VALARINO:

We are prepared to do something about it and we shall be doing something about it, Sir.

HON G T RESTANO:

May I ask, Mr Speaker, what is going to be done about it?

HON DR R G VALARINO:

Mr Speaker, that is under consideration at this very moment. I think, Mr Speaker, we are now going into the subject matter of the next question on the Order Paper asked by Mr Restano.

HON P J ISOLA:

Mr Speaker, will the Minister not agree that the real reason why the Government is in this trouble now with international calls is their failure not to have put the machinery to go automatic into effect when questions regarding this matter were asked about six months ago?

HON DR R G VALARINO:

Mr Speaker, again this question touches on the next question.

HON M XIBERRAS:

The Minister has indicated, in fact, that the bettering of the situation will come with STD equipment but before the question is asked, Mr Speaker, could I ask the Minister whether there is nothing which the Government can do in the interim period to alleviate the situation? Our rights on the question on this interim period, Mr Speaker.

MR SPEAKER:

Let us wait for the next question.

HON M XIBERRAS:

Provided that we do not give up our right to ask questions on this interim period, Mr Speaker.

26.6.78

No.101 of 1978

ORAL

The Hon G T Restano

Will Government inform the House if the investigations to purchase STD equipment have now been completed, and if so what were the findings of the investigations?

Answer:

The Hon the Minister for Municipal Services

The Telephone Department has already received a quotation for the equipment necessary to introduce international call metering facilities. The equipment does not however provide for the signalling part of the equipment as this is still to be decided upon.

SUPPLEMENTARY TO QUESTION NO 101 OF 1978

HON G T RESTANO:

First of all, Mr Speaker, may I ask what that quotation was and, secondly, I would like to know whether, in fact, Government is going to buy this equipment?

HON DR R G VALARINO:

Will the Hon Member repeat his question, please.

HON G T RESTANO:

Yes, Mr Speaker. First of all how much were the quotations for the equipment and, secondly, has Government decided to purchase this equipment?

HON DR R G VALARINO:

The quotation is in the region of £100,000 and as to the second part of the question Government will have to decide on this considering all other matters involved.

MR SPEAKER:

So no decision has been taken as yet?

HON DR R G VALARINO:

No decision has been taken as yet.

HON G T RESTANO:

Mr Speaker, if Government did decide to purchase that equipment, how long would it be before the equipment could be in Gibraltar?

HON DR R G VALARINO:

It will be approximately a minimum, from start to finish, of at least three years.

HON G T RESTANO:

Can I now ask what Government is going to do in the interim period to alleviate the position.

MR SPEAKER:

You are being asked what is Government going to do in the interim period to do away with the delays.

HON DR R G VALARINO:

We shall undoubtedly be trying to better the position here as best we can in the interim period, Sir.

HON G T RESTANO:

Mr Speaker, may I know how because I remember the Hon the Minister's predecessor saying that nothing could be done with the present equipment to better the position. May I ask what is going to be done to better the position, and when?

HON DR R G VALARINO:

We are going away from the original question.

MR SPEAKER:

Let me clarify the position. One of the supplementaries asked in the last question was what was Government going to do for the purposes of ameliorating the position. You indicated that perhaps the answer would be clear when you gave your answer to the following question. In the light of your answer to the second question and since you have said that the installation of STD equipment is going to take at least three years, you are now being asked what are you going to do in the interim period to better the situation.

HON DR R G VALARINO:

The main problem is with the delays and we are going to improve the delays by probably hiring more personnel.

HON P J ISOLA:

Is the Hon Minister aware that it is virtually impossible now to telephone Gibraltar from the United Kingdom, that it is easier to ring Haiti than Gibraltar? Is the Hon Member not aware that Cable and Wireless announced that they would put their telexes on automatic within three months and they did it? Will the Government take a leaf out of 'Cable and Wireless' book and perhaps consult with them and see how they can improve the telephonic communication between Gibraltar and Britain which at the moment is appalling and far worse than before the time when semi-automatic dialling was brought in which we were told by his predecessor would alleviate the matters considerably. Is the Government not concerned about the really unsatisfactory situation that exists with international calls outside Gibraltar and, far worse, into Gibraltar from outside?

HON DR R G VALARINO:

We are concerned and we have said we will deal with the matter.

HON M XIBERRAS:

Mr Speaker, surely the Minister said in answer to the previous question that it was difficult to engage more personnel because there were limited facilities there. Is the Minister saying now that in this interim period of three years by the end of which the Hon Member may not be a Minister at all, is he saying, Mr Speaker, in fact, that in these three years the main thing that can be done is to engage more staff and is he not prepared to confirm now that he has said that there is no room there for more staff.

HON DR R G VALARINO:

I said there was no possible way of adding more staff unless we had more room, and this is something that we shall go into, of providing more room and therefore allowing more staff to be engaged in the telephone exchange.

HON M XIBERRAS:

Mr Speaker, is it the policy of the Government in order especially to alleviate the strain under which the present staff must be working, to expand the facilities at the Telephone Department and provide extra staff so that the public here in Gibraltar that is already paying increased telephone rates is able to get a better service?

HON DR R G VALARINO:

This is exactly what we are trying to do, establish better facilities at the Telephone Department. The Hon Member has answered his own question.

HON M XIBERRAS:

Mr Speaker, in view of the interim period of three years which the Hon Member has indicated for the introduction of STD, is he now able to give an indication as to when the staff is going to be expanded so that a good service is given to people here in Gibraltar and the staff situation is alleviated?

HON DR R G VALARINO:

Mr Speaker, this matter is under consideration by the administration.

HON P J ISOLA:

Mr Speaker, we welcome his statement that he is trying to improve the situation but will the Minister not agree that this is what we have been told during the last six months, that we are going to try and improve the situation. Can the Minister point to any act done either by himself or by his predecessor during these six months, I am not worried about the next three years, I am worried about the last six months, to improve the situation, because it is not obvious to the public.

HON DR R G VALARINO:

Mr Speaker, with all due respect to the Hon Member, we have employed one extra operator and we are in the process of thinking of getting another extra operator. Unfortunately, this is the time where holidays come in and sometimes we are very short of staff.

HON P J ISOLA:

Can I ask, Mr Speaker, what the Government is doing, for example, to have additional circuits which, I believe, is connected to the Cable and Wireless earth station? I think there is a question on that.

HON G T RESTANO:

The Minister said that it will take three years to get STD equipment. Can I know what is the reason for this lengthy delay?

HON DR R G VALARINO:

Mr Speaker, this is concerned with the delivery of the equipment and the installation of the equipment. This entails complete STD for all subscribers in Gibraltar.

MR SPEAKER:

I think we have got as far as we are going to get on this one.

HON G T RESTANO:

Since it does take so long to have the equipment delivered, can I know why it is that Government doesn't order it straight away?

MR SPEAKER:

Order, I think that question has been answered. A quotation has been received and it is being considered.

HON M XIBERRAS:

I think, Mr Speaker, the onus of responsibility must be clarified here. When is the Government going to take a decision on the question of the introduction of STD and actually ordering and then they can blame the manufacturers if there is delay.

HON J BOSSANO:

Is, in fact, the Government now in a position to say that it has taken a decision in principle to introduce STD because this was certainly not the position before? Can Government confirm that before the Government was in fact saying that there was some doubt as to whether in a place as small as Gibraltar it was feasible to have fully automatic direct dialling for everybody and that was why they introduced semi-automatic before. Is it known that that position has been overruled as it were, and a policy decision has now been taken to go ahead and what we are awaiting is the implementation of that policy on practical grounds of the cost of the quotation. Is that the situation?

HON DR R G VALARINO:

We have never refused STD out of hand. One has to consider all aspects. The only thing is that all these questions are dealing with the question that is coming later on in the Order Paper to which supplementaries will surely be asked.....

HON J BOSSANO:

If the Hon Member will look back he may find that he might well be the one who was asking the question when we got our answer. Will the Hon Member confirm that the sort of answer that he used to get when he was on this side is no longer the case and whether the situation has improved.

HON MAJOR R J PELIZA:

Mr Speaker, the Hon Minister said that one reason for the delay was that people were on leave and sick leave.

MR SPEAKER:

No, I am not going to allow anything about that as that aspect was dealt with in the last question.

HON MAJOR R J PELIZA:

Mr Speaker, what I am saying is that in every Department account is taken of that and provision is made. Cannot the Minister make provision for that?

MR SPEAKER:

Order, I will not allow any further matter to be raised on this question. Next question.

26.6.78

No.102 of 1978

ORAL

The Hon Major R J Peliza

Is the Minister for Municipal Services able to shed more light on his predecessor's statement made during the debate on Estimates of Expenditure, with regard to the seemingly large increase under Head 6 Fire Services Sub Head 3?

Answer:

The Hon the Minister for Municipal Services

Sir, the answer to this question is a long and complicated one. I am, of course, perfectly prepared to provide the Hon Member with the information requested and will do so in writing unless he would prefer to come and see me about it.

SUPPLEMENTARY TO QUESTION NO 102 OF 1978

HON MAJOR R J PELIZA:

Mr Speaker, I would prefer to be answered in public since this is one of the reasons why I asked the question. I would like the House to know about it and I would very much like to hear that answer in public.

HON DR R G VALARINO:

Mr Speaker, it is not a question of not wishing to provide the information to the House. I am prepared to send a written statement to every Hon Member who wishes to have a copy. The difficulty is that this particular matter cannot really be dealt with in answer to a question. I might add, subject to your ruling, that we might be in danger of setting a precedent for re-opening the budget debate.

MR SPEAKER:

Let there be no misunderstanding about this. Ministers can answer their questions in whichever manner they wish. Ministers are not bound to answer any specific question they do not wish to. It is for me to decide at any given moment whether any matter which is being discussed at a particular time infringes any rules of the House one of which, of course, is that we shouldn't debate a matter which has already been decided upon, but that will be a matter of judgement for me at the particular time when it happens.

HON CHIEF MINISTER:

I accept your ruling, Mr Speaker, and, in fact, you allowed the question, but what the Hon Minister is trying to say is that the question has such wide implications that it would re-open the debate. The information given for him to answer

this question goes into a number of pages which would go into the debate because this was raised. This is dealt with in the Standing Orders and all he can do is what he has done that is, say he is prepared to give those particulars to Hon Members. If they wish to issue it, and it can be issued to the press as well, that is good enough but what he cannot do now is succinctly and intelligently reply to a very elaborate question which requires a very elaborate answer.

MR SPEAKER:

Well, that is a very legitimate position for the Minister to take. I am not denying his right to do that and the House has to accept his statement.

HON MAJOR R J PELIZA:

Mr Speaker, I know the House has got no option but to accept. The House must also accept it if the Minister refuses to answer the question, we all know that, but isn't this leading to closed Government, Mr Speaker?

HON CHIEF MINISTER:

It is ridiculous to say that this is closed government when fuller particulars that could ever have been given in the debate will be available to Members. In fact, it is the length of the information that we want to impart that prevents the Minister from answering the question rather than preventing him from doing so because there is a lot of historical background to the re-arrangement of the Head in which the Hon Member was interested which cannot be answered without giving the whole background to it.

MR SPEAKER:

We are not going to debate whether the question should be answered or not. It is the prerogative of the Minister to decide.

HON M XIBERRAS:

I entirely accept the position that the Government may refuse, for any reason, to answer a particular question put by Hon Members on this side. We are perfectly prepared to accept no answer, a qualified answer, an indication of an answer and obviously the Minister concerned will be responsible for that answer or lack of it, Mr Speaker, could the Hon Member say whether it is, in fact, a substantial complication that there is here in the case of one particular vote in the estimates on page 30 Item 3. Is the matter of such complexity that cannot be answered now?

MR SPEAKER:

Order, I am not allowing debate. Whether the Opposition feels that they have to take a particular stand due to the stand being taken by the Minister is another matter but we are not going to debate the issue.

HON M XIBERRAS:

Mr Speaker, I want to find out now whether the complexity of the answer is an essential one or is it, in fact, that the Hon Member wants to give more detail than he thinks the House would appreciate at this particular time.

HON CHIEF MINISTER:

I have already stated that it cannot be understood without the background to the whole thing.

26.6.78

No.103 of 1978

The Hon J Bossano

Can Government state what progress has been made with the deep drilling for water?

Answer:

The Hon the Minister for Public Works

A temperature/Conductance survey, around our coastal areas, to determine any outflow of fresh water has been completed. Two scientists from the Institute of Geological Sciences are expected to visit Gibraltar at the end of the month to supervise the removal of oil pollution from and to carry out a pumping test on a fresh water pool inside the rock. They will also complete details on the location of the exploratory boreholes so that a contract, documents for which have already been prepared, may be let for the drilling and subsequent test pumping.

SUPPLEMENTARY TO QUESTION NO 103 OF 1978

HON J BOSSANO:

Does the Hon Member then expect that in the course of this financial year we shall be in a position to know whether there are prospects of obtaining water from this source?

HON M K FEATHERSTONE:

The drilling, Sir, may take a reasonable amount of time. It is not only a question of striking fresh water, it is seeing that when we start pumping it that we are able to continue pumping for a reasonably long period of time. In other words, the water flows back into the boreholes as fast as we take it out and it would be rather reckless to say straight away that we would know the answer to that within six months.

26.6.78

No.104 of 1978

ORAL

The Hon J Bossano

Can Government now give an undertaking that the leaking roofs at Varyl Begg Estate will be repaired this summer to ensure that the affected flats will be watertight next winter?

Answer:

The Minister for Public Works

In view of the disagreement between the consulting architects and contractors, Government has engaged a firm of civil and structural engineers to examine the roof problem. Representatives of this firm carried out an investigation in mid-April and stripped part of the roof of one of the empty blocks. A report is awaited shortly so that it is premature to predict when repairs will start.

When the conclusions drawn in the report are available the Government will be in a position to bring about the water-proofing of the roofs.

SUPPLEMENTARY TO QUESTION NO 104 OF 1978

HON J BOSSANO:

Mr Speaker, does the Hon Member confirm that really the answer that he has given me is that the Government anticipates that there will be leaky roofs again this winter in Varyl Begg Estate?

HON M K FEATHERSTONE:

No, I would not agree to that, Sir.

HON J BOSSANO:

Does the Government then say that if they were to get the report of the experts tomorrow they would expect that to give them sufficient time to ensure there would be no leaky roofs this winter?

HON M K FEATHERSTONE:

We are expecting the report this week and we hope once we have that report we will be able to start on the leaky roof. I would not like to go as far as to say that there will be no leaky roofs this winter but I hope a considerable amount of work will be done so that the majority of roofs, at least, will be waterproof.

HON M XIBERRAS:

Mr Speaker, as the Hon Member knows we coincided almost to a dot in this particular question. Has the Hon Member mentioned the name of the firm carrying out this investigation, and the terms of reference of this firm?

HON M K FEATHERSTONE:

Did you say have I mentioned the name of the firm? I haven't mentioned the name of the firm.

HON M XIBERRAS:

Would the Hon Member care to do so?

HON M K FEATHERSTONE:

Yes, it is a firm called Kent, Andrews and Stone.

HON M XIBERRAS:

And the terms of reference?

HON M K FEATHERSTONE:

The terms of reference are to find out why the roofs are leaking.

HON M XIBERRAS:

When the Hon Member says that the terms of reference are to find out why the roofs are leaking and when he informed the Hon Mr Bossano that he hopes that some work will be done in fact in the course of this summer, is he saying by implication that there has been a change in the Government view as to who should do the work at Varyl Begg?

HON M K FEATHERSTONE:

The Government has never yet said who should do the work. We are waiting for the report to tell us who should do it. We are waiting for the report to tell us whether it is the fault of the contractors or the consultants, whether it is a design fault, whether it is faulty workmanship or whether it is a mixture of both.

HON M XIBERRAS:

Mr Speaker, what I want to find out is what was the basis for the Hon Member's optimism that there would be some flats repaired, obviously by the present builders, before the end of the summer.

HON ATTORNEY-GENERAL:

Can I chip in here. I think it is going to depend very much to the time within which the flats are repaired as to whether it is a design fault or whether it is due to bad

workmanship. My understanding is that <sup>IF</sup> it is a design fault, there will be a considerably greater amount of work done than if it is merely bad workmanship. Once Government has got ~~to~~ the report then we shall know the answer of what has got to be done. We have always known that the roof leaks but the contractors have said: "We will put this right, we can do it, but we tell you, Government, that if we do so it is not going to solve the problem because of the design fault." Now we hope with Kent, Andrews and Stone to know exactly what the problem is and take the necessary remedial action.

HON M XIBERRAS:

I think this problem has been going on for a long time basically because the Government's position is in fact, Mr Speaker, and it remains so that there is a dispute....

MR SPEAKER:

I think you have been told quite clearly that immediately the report comes along the work will start.

HON M XIBERRAS:

I am rather loath to accept the production of the report as the basis for greater optimism now than there was two or three years ago. My question is, Mr Speaker, does Government, in fact, still hold that unless the dispute is settled between contractors and designer of the flats then no progress is possible, or has it changed its mind about that and if it is Government's view still that it is up to the builders or the designers to accept responsibility for this what value, Mr Speaker, will the disputants themselves attach to the report that is being made. I am asking whether it is in the nature of an arbitration, Mr Speaker.

MR SPEAKER:

Order. We are asking a simple question, whether the roofs of the Varyl Begg Estate will be watertight before the winter comes. Let us keep to the question.

HON M XIBERRAS:

The answer has been, Mr Speaker, that a report is going to be produced by a third firm. I am asking the Minister does this report give him grounds for optimism in the settlement of the dispute.

MR SPEAKER:

I will allow a very general answer to that question because it is partially relevant.

HON M K FEATHERSTONE:

I haven't yet seen the report so I cannot, obviously, say what it is going to contain but from my Department's engineers having been present while they were doing the actual work I can say that it appears that some of the possible reason for leakage is due to bad workmanship and, obviously, that can be put right quickly.

HON J BOSSANO:

Is the case now, as opposed to the case before, that now both parties, that is, the architects and the contractors, have agreed that whatever the report says they will accept?

HON M K FEATHERSTONE:

No, Sir.

HON J BOSSANO:

Then if the report says that it is the fault of the contractors and the contractors still dispute it, are we not in exactly the same situation we have been for the last three years?

HON M K FEATHERSTONE:

We will know who to sue and in the meantime we can use another contractor to do the work.

HON J BOSSANO:

Mr Speaker, the decision of the Government now is that once the report comes out they will sue, if necessary. If the report comes out and says that it is the responsibility of the contractor and the contractor refuses then they will sue the contractor. If it says it is the responsibility of both and they both refuse then they sue both but what happens, in fact, Mr Speaker, if what they quarrel about is as they have been doing for the past three years, the measure of responsibility between both of them because, surely, even though the contractor has not been willing to accept the whole responsibility, there has always been on the part of the contractor a recognition that part of the problem was due to workmanship but not the whole of it. Is, in fact, the proportion of responsibility also going to be a matter that the person who has done the report has been asked to decide on, how much responsibility should be attached to each?

HON M K FEATHERSTONE:

It is obvious that the report is going to give us the thinking of the firm making the report exactly where the fault lies, how much of the fault lies in bad workmanship, if any, how much of the fault lies in bad design, if any, and from that we will be able to take remedial measures.

HON P J ISOLA:

May I just ask one question, Mr Speaker, because the Hon Minister said that the consultants are going to say why the roofs are leaking. If it is bad workmanship then, presumably, that can be put right. If it is bad design, are we going to need another report to tell us what has to be done or will this report say what has to be done? Will this be the last report as far as the Government is concerned as to what must be done to stop the roof leaking, forgetting litigation, forgetting everybody. Will this be the last report that tells the Government authoritatively and firmly what it has to do, whether it is a design fault or workmanship fault? That is what we want to know, is this the last report we shall get?

HON M K FEATHERSTONE:

That is what we ask the firm to do, yes.

HON MAJOR R J PELIZA:

And is it the intention of the Government as soon as the report comes in to act on it and get the roofs repaired, is that the case, and then sue the contractors?

HON M K FEATHERSTONE:

Sue, if necessary. Perhaps the consulting architects and the contractors will agree with the report and there will be no need to sue.

HON MAJOR R J PELIZA:

Couldn't you really have started work whilst the report was being done?

HON G T RESTANO:

Mr Speaker, may I ask who will bear the cost of this report?

HON M K FEATHERSTONE:

For the moment the Government will bear it and ultimately, if there is any legal action etc, it will be borne by whoever blame is apportioned against.

HON M XIBERRAS:

Mr Speaker, I would like to know, in view of the fact that Government appears to be hopeful or more hopeful that some of the repairs can be carried out in the course of this summer, is this area of optimism confined to the work that might be deemed bad workmanship? I think it is important to establish this because as the Hon Mr Bossano has already

said, there has always been a recognition of an obligation on the part of the builders that some of the work was due to bad workmanship and there was also agreement that they were prepared to do that work. Does the Minister's optimism refer to this particular area of responsibility or is he talking about the whole?

HON M K FEATHERSTONE:

I would not like to prejudge.

HON M XIBERRAS:

Mr Speaker, it is not pre-judging, Mr Speaker, would the Hon Member give an answer? Is he saying that the builders concerned are now going to be allowed by the Government to do the work which they offered to do some time ago or is he saying that he hopes that work on the project as a whole, namely, also those areas which might be due to bad design, is going to start and produce effect in the course of this summer?

HON M K FEATHERSTONE:

What the contractors offered to do some time ago may be considerably different to the bad workmanship found in the report and, therefore, I would not like to prejudge at this juncture what exactly has go to be done.

26.6.78

No.105 of 1978

The Hon M Xiberras

How often are streets flushed?

Answer:

The Hon the Minister for Public Works

The Department aims to flush most of the main highways once a week, however, this is not always possible because of shortage of staff, due to sick leave, leave etc and parked cars.

SUPPLEMENTARY TO QUESTION NO 105 OF 1978

HON M XIBERRAS:

How often are, in fact, streets flushed?

HON M K FEATHERSTONE:

On the average basis at least once a week.

HON M XIBERRAS:

But is the Minister satisfied that this theoretical average is, in fact, kept up?

HON M K FEATHERSTONE:

Well, you may go down the Main Street, for example, and you find that where one of the fire hydrants is, there is a car parked over the top of it and therefore they are unable to get to that hydrant and that section of the street may not get flushed on any certain day but the rest of the street would be flushed.

HON M XIBERRAS:

I see. Is the Minister saying that streets are generally, barring these accidents, overall, on average, flushed once a week?

HON M K FEATHERSTONE:

Yes, in most areas it is reasonable that it is done once a week.

MR SPEAKER:

With due respect to the Leader of the Opposition, one must accept the normal intention behind the answer.

HON M K FEATHERSTONE:

This has been the same since 1969, Sir.

26.6.78

No.106 of 1978

ORAL

The Hon M Xiberras

Will the Minister for Public Works inform the House of any specific measures he has taken with regard to the general output of his Department, consequent on his own statement to the House on the matter during the debate on the Estimates of Expenditure this year?

Answer:

The Hon The Minister for Public Works

With the improved industrial relations resulting from the acceptance of GIBPAY 1976, the question of raising productivity is now being pursued and I am glad to report that at this stage a number of changes will be taking place which should increase the efficiency and the productivity of the Department.

The Plumbers shop of the Maintenance Section which at present is situated at the Water Section depot will be moved to Ragged Staff in the near future thus fully integrating this trade with other trades of the Maintenance Section. A new area workshop will shortly be built at the north area. This facility will allow the personnel undertaking maintenance in that area to provide a quicker and more efficient service.

The after hours on call roster has been revised and as from 1 July there will be four officers of the four main disciplines, ie Building/Civil Engineering, Electrical, Water and Mechanical, on call thus providing a more efficient after hours service to deal with urgent and or emergency work.

SUPPLEMENTARY TO QUESTION NO 106 OF 1978

HON J BOSSANO:

Mr Speaker, could I just ask the Hon Member to confirm, that the first two measures that he has mentioned which are expected to increase output, have been suggested for many years, in fact, by the labour force and that it is not simply as a result of better industrial relations, it is surely a result of the Government finally accepting the suggestion of the workers in this respect.

HON M K FEATHERSTONE:

I would agree that they have been mentioned for many years but the union mentions many things for many years which is not always practical to put them into operation but as part of the effort to improve production we are this year getting them going.

HON J BOSSANO:

What I would like the Hon Member to confirm to the House is that it isn't that the workers have been blocking this move because of bad industrial relations, in fact, the workers have been asking for this for many years and it is the Government who has been in the past unable to agree so, perhaps, the improved industrial relations is from the Government not from the other side, if they are connected. If improved industrial relations is responsible for this it is because the Government is behaving better now, is this not the case?

HON M K FEATHERSTONE:

The workers have not been dropping this, I am quite willing to conceive that. I would also comment that the gentleman who looks after the union activities in the Public Works Department has also been given an office as well as part of our effort to help.

HON M XIBERRAS:

What is this on-duty register that the Hon Member was referring to?

HON M K FEATHERSTONE:

This is the on-call roster. If, for example, you have an electrical breakdown in the middle of the night or the water pipe bursts or something, then you ring up the emergency Department and they send somebody to deal with it, we hope, pretty rapidly.

26.6.78

No.107 of 1978

ORAL

The Hon P J Isola

What cleaning arrangements has Government in mind for keeping the beaches clean and tidy during the summer months and are any special efforts being made in this regard this year?

Answer:

The Hon the Minister for Public Works

Staff for all beaches, which includes 28 beach cleaners and changing room attendants, have been taken on for the bathing season. No special arrangements have been made as these are considered adequate.

SUPPLEMENTARY TO QUESTION NO 107 OF 1978

HON P J ISOLA:

Is this number the same as last year or is it an increase?

HON M K FEATHERSTONE:

I should imagine it is relatively the same number.

HON P J ISOLA:

Mr Speaker, could I ask, too, is rubbish being collected every day from the beach? Are the bins being emptied every day and how many times a day?

HON M K FEATHERSTONE:

They are being emptied every day on weekdays. I think at the moment on Sundays they are not being emptied.

HON P J ISOLA:

Does the Minister consider that a satisfactory situation? Isn't there a danger of disease? Is it not a place where everybody goes on a Sunday when the beaches are crowded and does he not think that the bins should be emptied on that day? Is that not a matter for real concern?

HON M K FEATHERSTONE:

We would like to have them emptied on Sundays, Sir, but the men who would have to work overtime to do so at the moment evoked their own right that they do not wish to work overtime on the Sunday.

HON P J ISOLA:

Can the Minister say why this is so, there must be a reason for this. They were working overtime last year so why don't they wish to this year? I thought there were improved industrial relations. Can the Government explain why they don't want to work overtime this year?

HON M K FEATHERSTONE:

Yes, Sir. This is actually tied up with the next question. Perhaps, if the Hon Member would like to ask the next question I will answer the whole thing together. This does not preclude his right to come back to it.

26.6.78

No.108 of 1978

ORAL

The Hon P J Isola

Can Government state how much it spends on publicity to keep Gibraltar tidy and can it explain why Gibraltar is so dirty on public holidays?

Answer:

The Hon the Minister for Public Works

'Keep Gib Tidy' publicity on GBC is supplied free. However, we have bought publicity material from the 'Keep Britain Tidy Group' in the past but found this has not really been effective.

As a result of the re-appraisal of overtime levels the Government decided to bring all the Sweepers in on Saturdays and most Public Holidays but only eight on Sunday mornings, instead of all the twenty seven sweepers, as was the practice and two instead of five, for the sweeping of the Main Street areas in the evenings. The men have not agreed to this and are refusing to work on Sundays, Public Holidays and during the evenings. Consequently no sweeping is being done on these occasions. It is hoped that the men concerned will eventually agree to this new timetable.

SUPPLEMENTARY TO QUESTION NO 108 OF 1978

HON P J ISOLA:

Mr Speaker, can the Minister explain how he can make a statement like this after his previous statement only a few minutes ago about the improved industrial relations? Is the position then that there are not improved industrial relations, is that the position in his Department?

HON M K FEATHERSTONE:

No, Sir. This has nothing to do with the union whatsoever with whom our industrial relations have considerably improved. The men themselves, ignoring the union, have taken this upon themselves saying that they do not have to work overtime and they do not wish to work overtime.

HON P J ISOLA:

Could I ask the Minister that in view of the need that there is to keep Gibraltar tidy and in view of the obvious need to sweep Gibraltar every day of the week and have the bins at the beaches emptied every Sunday, can the Minister explain how it is that his department now consider that they need only 8 sweepers as against 28 in previous years. What is the reason for the Department deciding that it should cut down in this manner?

HON M K FEATHERSTONE:

We did a reappraisal of overtime levels and it was not considered that the full 27 sweepers were needed to clean up the town on Sunday. We thought that 8 sweepers could do it quite adequately. Unfortunately, the men did not agree and they felt all 27 should be employed.

HON P J ISOLA:

Mr Speaker, I do not wish to take sides in this dispute but can the Minister tell us for how many years 27 sweepers have been sweeping on a Sunday? It would seem to me that if this has been going on for I don't know how many years, presumably, the Department must have had some justification for bringing them on on a Sunday. How many years has this been going on?

HON M K FEATHERSTONE:

I should imagine for a certain number of years, all the time that we have been subscribing to the policy of social overtime during which time we have had more than one comment from persons of the general public that they saw sweepers doing very little on a Sunday morning.

HON P J ISOLA:

Is it then the Government's view that for the last seven or eight years 19 road sweepers have been employed by the Government, at taxpayers expense, paid overtime and they have done no work for it? Is that what the Minister is telling us now? Mr Speaker, it is very relevant because the public in Gibraltar have a right to have its streets swept and kept clean and the beaches clean. How can the Minister convince the general public and, indeed, Hon Members of this House that whereas for the last five years 27 road sweepers were needed to sweep Gibraltar on a Sunday and the beaches and so forth and today only 8 are needed and is this argument not equally applicable to the other days of the week then?

HON M K FEATHERSTONE:

It was considered that eight sweepers would be sufficient on a Sunday. I would comment that the general public are so lax with regard to litter and are so prone to throw litter away at each and every opportunity that they get, that you could have a sweeper 24 hours a day and you would still have pieces of litter on the ground. There is not a very litter conscious atmosphere in Gibraltar amongst the general public but it was felt that with eight sweepers on a Sunday the streets would be reasonably clean.

HON P J ISOLA:

Do the streets become smaller on a Sunday or what Mr Speaker? I want to ask the Minister, and I think the public are entitled to know how the Government spends its money. Why is it that less road sweepers are required on a Sunday when there is the same amount of public around, as on a Friday or a Thursday or a Wednesday or a Tuesday?

HON M K FEATHERSTONE:

We would not agree that there is the same amount of public around. All the businesses are closed and therefore there is no trade refuse that is put out as is put out in weekdays in considerably large quantities, people don't usually clear out their houses on a Sunday and put old bedsteads in the street etc, as is done in weekdays and the number of people going through many areas is considerably less and because of it being a Sunday we don't get so many people out shopping etc.

HON H J ISOLA:

But, Mr Speaker, do the road sweepers collect these things? It is not the road sweepers job, that has to do with refuse collection, is it not? What has that got to do with the beaches? Can the Minister answer or does he not wish to answer because I think and I think everybody in Gibraltar will think this is a most alarming situation that on Sunday Gibraltar is filthy, the day people can walk around and enjoy their City such as it is, they are met with filth all round. The beaches, on the most important day of the week for the Gibraltarians who take their leisure there, are dirty because the Government department which has thought fit to employ 27 sweepers for the last ten years every Sunday, now thinks there is only need to employ eight on a Sunday. Does the Minister not consider this a very alarming situation?

HON M K FEATHERSTONE:

No, Sir, I do not. The bins are emptied on the beach on a Sunday but the overspill is what the sweepers would have to clean up, the same as the overspilling in town, but the actual refuse collection goes on as usual.

HON J BOSSANO:

Mr Speaker, is the situation not a very simple one. Can the Minister not confirm that the agreement between the employers and the unions is that overtime is not negotiable and that since the level of overtime is the prerogative of management and, if it is a matter of policy, the prerogative of the Government, it is also the prerogative of the employee to either accept or refuse the overtime that is being offered. If he can confirm those two points can he also not say that essentially what the Government is trying to do is cut down

on its wage bill by cutting down overtime everywhere and that in this area effectively bringing in less people on Sundays means reducing the standard of cleanliness that the Government is prepared to accept for the price it is prepared to pay. Is it not as simple as that, Mr Speaker?

HON M K FEATHERSTONE:

Sir, of course it is the prerogative of the employee not to do overtime if he doesn't wish to do so. In this situation the men were told that overtime was being progressively reduced in all areas but that in their area once this cut was made there would be no further cuts and it is because of that that we hope that as soon as they see in other areas the second stage of overtime cuts being made and yet no cuts being applied to themselves, they will then come back and work to the new timetable. We also feel that eight men are sufficient to keep the town reasonably clean on a Sunday.

HON J BOSSANO:

Mr Speaker, is the Government expecting the eight men to do as much work on a Sunday as 27 do on a Saturday, or is that in fact the Government is prepared to accept that Gibraltar should be a third as clean on Sundays as it is on Saturdays? That, surely, is the difference.

HON M K FEATHERSTONE:

Since there is far less work on a Sunday as on a Saturday or any other day of the week, it is not necessary to have 27 men. Up till now we have accepted 27 because of the policy of social overtime.

HON J BOSSANO:

Mr Speaker, it is true to say that the men who do the sweeping don't agree with the Minister that there is far less work on a Sunday, that is why they are saying that they need 27 men as well on a Sunday. Is this not the case?

HON M K FEATHERSTONE:

They haven't said that in so many words but they have said they would not like to lose the money.

HON P J ISOLA:

Is the Minister telling us, is his Department telling us, a Department which is renowned for its productivity, that there is 66 $\frac{2}{3}$ % less litter around in Gibraltar on a Sunday than on any weekday, is that what he is telling us, is that what he expects us to believe, because we don't, Mr Speaker.

HON M K FEATHERSTONE:

If the Hon Member would like to come to certain places and inspect them on a weekday and inspect them on a Sunday he will see the considerable difference that there is. One example I can give him is behind the junction of Horse Barrack Lane and Cornwall's Lane where on weekdays there is a tremendous pile of litter and on a Sunday there is none at all because there is no trade refuse.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member if he knows whether the reduced workload on Sunday is supposed to consist in areas that don't need to be swept at all, or is it the case that because there is so much less litter a sweeper is supposed to move three times as fast on Sunday than he does on weekdays.

MR SPEAKER:

Order. We are now getting into the habit of questioning the reasoning behind the answer. You are given facts which you can use as you wish and deduce as you like otherwise you are not getting information.

HON J BOSSANO:

Mr Speaker, it is information I am seeking. In order to be able to better appreciate the policy decision of the Government, I am trying to establish whether, in fact, what the Government has said to the sweepers is: "On Sundays,  $\frac{2}{3}$  of the area is not going to be swept at all."

MR SPEAKER:

With due respect, that is a deduction.

HON J BOSSANO:

Mr Speaker, there is an alternative deduction, that the eight sweepers are still sweeping the whole of Gibraltar but are being provided with roller-skates. I would like to know which of the two it is? Can the Hon Member answer the question. Is it, in fact, that  $\frac{2}{3}$  of the areas are not being swept at all and that  $\frac{1}{3}$ , that is, the normal area of the 8 sweepers only is being swept?

MR SPEAKER:

Order. I think it has been said clearly by the Minister that the reason why they think that they only need eight sweepers is because there is less work and less rubbish to collect on Sundays.

HON J BOSSANO:

With due respect, Mr Speaker, if the Hon Member will confirm the position for the benefit of Members of the House, the situation is that each sweeper has got a defined area allocated to him. I want to know whether the eight men who are being offered overtime on Sunday are being offered to come in on Sunday and do the area they normally do, or whether the area that they normally do is being extended to cover the area done by the others, in which case they are required to cover three times the area at three times the normal speed. Which of the two things is it?

HON M K FEATHERSTONE:

I am not in the position exactly to answer that one but I should imagine that it is a little bit of both. There are certain areas which are considered to be unnecessary to sweep on a Sunday because there is a very minimum of litter and also because in the other areas there is much less litter they can cover a little more ground.

HON MAJOR R J PELIZA:

I think the Minister accused the public of not being litter conscious. Is it, perhaps, that there are not enough litter bins around for the public to dispose of the litter and could he look into that?

HON M-K FEATHERSTONE:

Perhaps it is that in the country where we are, and not the country in which the Hon Member lives, there are no laws that you get fined £20 for throwing a piece of paper on the ground.

HON M XIBERRAS:

What about the bins on the beach?

MR SPEAKER:

The Minister has said that they are emptied every day including Sundays. Next Question.

26.6.78

No.109 of 1978

ORAL

The Hon J Bossano

Can Government state when the houses at Rosia Dale will be ready for occupation and the numbers and different types of units involved?

Answer:

The Hon the Minister for Trade & Economic Development

The completion date of the Rosia Dale Housing Scheme is March 1979. There are 38 dwellings, consisting of:

8 bedsitters

8 2-bedroom maisonettes

and 22 3-bedroom maisonettes

26.6.78

No.110 of 1978

The Hon G T Restano

Does Government have any plans to build, or to make available land to build, a multi-storey carpark within or adjacent to the town area in order to decongest the acute existing parking problem?

Answer:

The Minister for Trade & Economic Development

The provision of multi-storey car parks has been proposed in the various studies which have been made over the years of the problem of parking and traffic circulation in our City. It has generally been accepted that such a solution would be one way of creating extra parking spaces but it has also been recognised that such a scheme would raise financial and other issues which it would be just as difficult to resolve. Government has at present no immediate plans for constructing a multi-storey car park nor is it in a position to make land available for this purpose although a site has been proposed in the City Plan at the northern entrance to Main Street. In fact, an approach was made on 9 June 1978 to the MOD representatives on the Development and Planning Commission regarding the property involved to ascertain whether and on what conditions it could be released.

SUPPLEMENTARY TO QUESTION NO 110 OF 1978

HON G T RESTANO:

Mr Speaker, the Minister has answered that there would be financial and other issues. May I know what the other issues are?

HON A W SERFATY:

One other issue would be, for example, that it would be very difficult to make a scheme like that economically viable if people were allowed to park on the street surrounding that area free of charge. That is an important one, a very important one, of great public interest.

HON G T RESTANO:

So for the time being can the Minister confirm that Government has no plans to build a multi-storey car park? Does it have any plans to decongest the parking problem any other way?

HON A W SERFATY:

That doesn't form part of this question but we are still talking to the Ministry of Overseas Development about that

2.

piece of ground at the Northern entrance to Main Street as to the possibility of that becoming available.

HON G T RESTANO:

If that property did become available would Government consider building a multi-storey car park there?

HON A W SERFATY:

Government will consider building a multi-storey car park or putting it out to tender.

26.6.78

No.111 of 1978

ORAL

The Hon G T Restano

When does Government intend to demolish the two unoccupied buildings at Catalan Bay and decant the other adjoining buildings and will Government state when it estimates that the cleared area can be ready for the commencement of residential development and will Government further state whether it considers that to build just 16 extra dwellings there is to use the available space to best advantage?

Answer:

The Minister for Trade and Economic Development

It is anticipated that it will be possible to demolish the two empty buildings after the end of the present bathing season. The decanting of the building immediately adjoining will also be considered in the context of the Housing Development programme. This will permit the construction of a block of six units, work on which could commence some time after August 1979.

The optimum capacity of the whole of the northern area of the village now left for redevelopment is 15 units having regard to architectural and town planning considerations, to the need to provide parking for residents and visitors and to the overriding need to preserve the special and distinctive characteristics of the village.

SUPPLEMENTARY TO QUESTION NO 111 OF 1978

HON G T RESTANO:

Mr Speaker, has the Minister consulted with people who live in that area to find out whether the villagers are happy with this development or whether they would prefer the development to be done any other way?

HON A W SERFATY:

I have had a meeting with the representatives of the Catalan Bay Village Council, I think it was in January, and the Hon and Learned the Chief Minister had one, which I attended, two or three weeks ago and I think I can safely say that they are not unhappy at the proposed development.

26.6.78

No.112 of 1978

ORAL

The Hon Major R J Peliza

Will Government state the latest position with regard to the development at Engineer House?

Answer:

The Minister for Trade and Economic Development

Following a reminder sent to the local representatives on 10 February 1978 Government was recently informed that the difficulties created by the death of three of the directors of Dayfenn (Gibraltar) Ltd had made it impossible to follow the procedure proposed by Government in November 1977, namely, that Government should be informed of the compensation which the company would be prepared to accept for its residual interest in Engineer House. The suggestion was made instead that Government itself should make an offer and a valuation was accordingly prepared by the Government Valuer. This was sent to the local representatives on 16 June last and a reply is now awaited.

SUPPLEMENTARY TO QUESTION NO 112 OF 1978

HON MAJOR R J PELIZA:

Does the Hon Minister realise that history repeats itself about five times since 1969 and even prior to 1969? When can we expect Government to take some definite action?

HON A W SERFATY:

Government cannot take any definite action just like that, these negotiations must go on.

MR SPEAKER:

May I say that I have allowed the question exclusively so that Government could report and the Opposition could be given the present position. I am not going to re-open the whole question of Engineer House under any circumstances under this question.

HON MAJOR R J PELIZA:

Mr Speaker, perhaps, the answer is to bring a motion on this some day.

HON J BOSSANO:

Mr Speaker, will the Government confirm that the latest position is no different from the position it has been for a very long time, in fact, the last time it was brought to the House we were given to understand that we were on the verge of a breakthrough.

MR SPEAKER:

Order. The position as I see it, and I say this because I sit here and I listen to all that is said in the House, is that there has been a reaction because Government has made an offer.

HON G T RESTANO:

Mr Speaker, I think the position also was that the Government was awaiting a reply to a letter from the solicitors of the company.

MR SPEAKER:

No, you have been told that three directors have died and therefore the negotiations could not carry on and that Government has now made an offer for the residuary interest of the company. That is the answer that has been given. Next question.

26.6.78

No.113 of 1978

The Hon Major R J Peliza

Has the Government made representations to British Airways with regard to Gibraltar being included in the new vastly reduced fares structure which it is envisaged they intend introducing in their European routes?

Answer:

The Hon the Minister for Trade & Economic Development

Information about British Airways proposals for a new fares review was received by us on Monday 19 June 1978 and we immediately enquired from British Airways how Gibraltar will be affected by these proposals.

This is a matter involving the International Air Transport Association in which forum the Airline has to discuss and agree on fares.

It is reported that on European Holiday routes the airline is aiming at a single class service with high density seating in Lockheed Tristars and Boeing 737's, on the assumption that the airlines can get the go ahead from the British Government to buy Boeings.

Sir, since this answer was drafted, I have received some information from British Airways that I think I owe it to the House to read : "Fares on the Gibraltar route will certainly be included in the new fare proposals for European routes now under study though, of course, Gibraltar fares are already low in relation to many others. We will advise you as soon as any specific proposals emerge which might not be for some weeks yet. In any case do not anticipate any change before April 1979."

SUPPLEMENTARY TO QUESTION NO 113 OF 1978

HON MAJOR R J PELIZA:

Has the Minister got any information as to what the fares are likely to be? Has the Minister been able to get some information as to the likelihood of the fares on the different routes because this is quite public in Britain.

HON A W SERFATY:

What those fares will be in Gibraltar I have no idea but I do know, for example, that whereas some of the Scandinavian fares are now £206 that kind of fare will be about £69.

HON MAJOR R J PELIZA:

Has the Minister equated the fare, not with Scandinavia, which is a completely different route to ours and well known for the high rate, but to Malaga or somewhere like that?

MR SPEAKER:

Order. The Minister has said that he has no information as to what the fare reductions are going to be but in an effort to help has given an indication of what the fares to Scandinavia are and what the reduction on those fares is going to be.

HON MAJOR R J PELIZA:

I would be grateful for a similar indication of what the fares are going to be to Malaga which is more akin to Gibraltar. Has he found out that?

HON A W SERFATY:

We do not know enough about the matter at this stage to give an inkling to this House what the new fares are going to be. I think it is premature to give at this moment of time any idea of what the reductions are going to be.

HON P J ISOLA:

Would the Minister not agree that it would be foolish to hold out any hope of any reduction in any air fares on the schedule airlines between Gibraltar and London?

HON A W SERFATY:

I wouldn't say that I would agree but the Hon Member, I hope, will be present at a meeting on Friday of the Air Transport Advisory Board where this matter will surely be discussed next Friday.

HON MAJOR R J PELIZA:

Did the Minister suggest that he would agree with that, that there would be no reduction in the air fares on the Gibraltar/London route?

HON A W SERFATY:

I haven't said that there will be no reduction. We are pressing for reductions.

HON P J ISOLA:

I disagree with the Minister. I am saying would it not be foolish on the part of the Minister to hold out any hope to anybody in Gibraltar of any reduction in air fares in the future between Gibraltar and London.

3.

HON A W SERFATY:

I think in the light of this telex which I have read  
it would not be foolish to expect reductions.

26.6.78

No.114 of 1978

The Hon Major R J Peliza

Will the Chief Minister state if the name of the Tourist Office in London has been changed and if this signifies that this office at long last is to be utilized to keep the British public and influential people in the United Kingdom informed of the continued Spanish blockade of Gibraltar?

Answer:

The Hon the Chief Minister

No Sir, the name has not been changed. The Tourist Office is a Government Department.

The primary aim of this office is to promote tourism to Gibraltar.

SUPPLEMENTARY TO QUESTION NO 114 OF 1978

HON MAJOR R J PELIZA:

Isn't it true that the invitations sent out to the reception on the opening of the office says: "The Gibraltar Government Tourist Office"?

HON CHIEF MINISTER:

The sign of the old office at Trafalgar Square was "Gibraltar Tourist Office" and this was being misinterpreted as being a travel agency instead of a Government Department. We proposed adding the word "Government" on the door of the new office.

HON MAJOR R J PELIZA:

Would the Chief Minister agree that the name of the office has been changed from "Gibraltar Tourist Office" to "Gibraltar Government Tourist Office".

HON CHIEF MINISTER:

It has not been changed. The notice which says "Gibraltar Tourist Office" has now been properly put as "Gibraltar Government Tourist Office" in order that people should not think it is another travel agency.

HON MAJOR R J PELIZA:

But therefore, Mr Speaker, if I may say so .....

MR SPEAKER:

Order. You must not get an admission every time you ask something because then it is cross examination and not seeking information.

HON MAJOR R J PELIZA:

Mr Speaker, if the name has been changed and the Chief Minister said it has not, I think one should point out to him that it has been changed.

MR SPEAKER:

Order. That is a matter of opinion.

HON MAJOR R J PELIZA:

Mr Speaker, is it true then that the Chief Minister does not intend at all to revise the functions of the Tourist Office that he promised he would do so that the functions of the office are extended to other matters other than just tourism.

HON CHIEF MINISTER:

The answer is that it is the tourist office of the Gibraltar Government, and whilst we do give help and issue material and so on, it is not anything else but a tourist office. However, considerable amount of help is given particularly to Gibraltarians who are in difficulty, and insofar as information is concerned, those who seek information other than for the purposes of tourism such as historical and the political situation and so on, the Tourist Office has got a pamphlet called "Historical notes on Gibraltar" which is supplied to people and which brings the position up to date with regard to the restrictions and to everything else.

HON MAJOR R J PELIZA:

So the Chief Minister does not believe that the office can be used to portray the other aspects of Gibraltar which I think is much needed in the United Kingdom.

HON CHIEF MINISTER:

It isn't that I don't believe, that would be a matter of state of mind. The point is that as at present set up and having regard to quite a number of factors, the tourist office is mainly concerned with tourism.

HON J BOSSANO:

The position of the Government as I see it is that they do not think they should have a Government Information Office in London part of whose role the promotion of tourism should be, but rather that what they need is an office to promote tourism, full stop, so that, in fact, tourism is not part of a wider function of the Government office but the only function that they see a need for.

HON CHIEF MINISTER:

As at present that is what is really the need. The wider issues bring wider implications of expenditure and of our relationship with the Foreign and Commonwealth Office. As I said, I think, on a previous occasion, I have been in the Gibraltar Tourist Office personally when Gibraltarians in distress have been there and every help has been given to them and I think we also help those who are not in distress.

26.6.78

No.115 of 1978

The Hon Major R J Peliza

Will the newly appointed Minister for Tourism make a statement on any new policies he intends to pursue in his Department in order to overcome the depressed state of the tourist industry?

Answer:

The Hon the Minister for Tourism and Postal Services

I am giving close attention to planning policies for the Tourist Office and will consider making a statement on this matter at the earliest opportunity.

SUPPLEMENTARY TO QUESTION NO 115 OF 1978

HON MAJOR R J PELIZA:

Could the Minister say when the earliest opportunity is likely to be?

HON I ABECASIS:

At the earliest opportunity.

26.6.78.

No.116 of 1978

ORAL

The Hon P J Isola

Will Government inquire from the airlines what the state of bookings on scheduled flights for July, August and September are stating on what dates there are seats available for the public.....

a) out of Gibraltar

b) out of London

and inform the public accordingly?

Answer:

The Hon the Minister for Trade & Economic Development

According to the General Sales Agent in Gibraltar for British Airways and Gibraltar Airways the seat availability on 20 June 1978 was as follows:-

<u>MONTH</u>	<u>(GIB/LON)</u> <u>NORTHBOUND</u>	<u>(LON/GIB)</u> <u>SOUTHBOUND</u>
July	11th, 13th, 18th, 19th 23rd, 24th, 25th	5th, 6th, 7th, 9th
	Total services 31 Flts. available 7 = 22.5%	Total services 31 Flts. available 4 = 13%
August	15th, 16th, 17th, 20th, 21st, 22nd, 23rd, 24th, 27th, 28th, 29th, 30th	11th, 12th, 13th, 14th, 16th, 17th, 18th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 30th, 31st.
	Total services 31 Flts. available 12 = 38.7%	Total services 31 Flts. available 18 = 58%
September	3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th.	1st, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th.
	Total services 30 Flts. available 27 = 90%	Total services 30 Flts. available 29 = 96.6%

SUPPLEMENTARY TO QUESTION NO.116 OF 1978

HON P J ISOLA:

Mr Speaker, may I thank the Hon Member for getting these detailed statements. May I say straight away that I am very

surprised to hear there are any seats in July because that is contrary to information that I have been given myself personally by the general sales agent prior to the 20th June but, anyway, that is neither here nor there. I notice the question didn't really ask it, but did he find out how many seats there were actually available on these flights in respect of July and August, I won't ask about September.

HON A W SERFATY:

We thought about this but it is very difficult. Was it going to be of any value to know whether on the 20th June eight seats were available and here was I on the 26th saying that there were 8 on the 20th and perhaps there were none today. I would like to say that I took the matter up with British Airways and I told them about the worry and why not extra flights, why not substitution of Trident Two's by Trident Three's. The answer is this: "Capacity situation in peak summer. Situation under constant review but no requirement for operation of extra has yet emerged. Additional Monday service starts 1st July. For your information substitution of T3 does not help except on Madrid services because enforced wing modification gives only 95 seats capacity." This is less than the Trident 2 so there is not much use in substituting a Trident 2 for a Trident 3 on a direct flight.

HON P J ISOLA:

I thank the Minister for that last bit of information. I would also tell him that he is out of date because it is not a fact that there is an extra flight precisely tomorrow and this gives the lie to what the airline has said that there is no need for an extra flight.

HON A W SERFATY:

Mr Speaker, I would like to clarify that what British Airways is calling my attention to is that there are Monday flights commencing the 3rd July to the 25th of September but the Hon and Learned Member is quite right, there is an extra flight tomorrow.

HON P J ISOLA:

I thought I understood the Minister to say in his answer that the airline had said that no need for extra flights had been shown and what I was telling the Minister is that in fact there is one tomorrow. Will the Minister not agree with me that the reason that it is now extremely difficult at this stage of the year to put extra flights is because aircraft are fully committed and with these figures that he has given us is he not satisfied that it has shown an appalling under-estimation of the demand for seats on the Gibraltar/London route this year, there has been an appalling underestimation made by British Airways as far as Gibraltar is concerned, for which Gibraltar is going to pay and nobody else because their profits will be big on full aircraft, is that not the position?

HON A W SERFATY:

An underestimation, I will put it that way, Mr Speaker.

HON P J ISOLA:

Mr Speaker, will the Minister not agree that it is an appalling underestimation? Is the Minister suggesting to the House that the travelling public is reasonably catered for on this route?

HON A W SERFATY:

The last thing I want to do is to defend the airlines here, Mr Speaker, but nevertheless I do not agree that it is an appalling underestimation. It is an underestimation.

HON P J ISOLA:

Is the Minister stating then that reasonable provision for seats for the travelling public in Gibraltar has been made by the airline, is that what he is saying?

HON A W SERFATY:

No, Sir.

HON P J ISOLA:

Well, would he say that there is unreasonable provision of seats?

HON A W SERFATY:

Unreasonable provision.

HON J BOSSANO:

Could the Hon Member tell the House whether he knows of any other European route that British Airways is operating on where it is impossible for a full fare paying passenger to obtain a seat a fortnight before he wants to fly, which is the case in Gibraltar, is there any other route in the whole European network?

HON A W SERFATY:

It would be pretentious of me to try and give an answer to that one, I simply do not know.

HON J BOSSANO:

Would the Hon Member nevertheless say, with his long experience in this particular field of Government responsibility, that it is highly unlikely that any other territory would tolerate this sort of service from British Airways and that therefore we are likely to be unique in this respect?

HON A W SERFATY:

The advantage of other routes is that it is a route between two countries and that there are competing airlines like you have in Spain, with Iberia on one side and British Airways on the other. Here it is a cabotage route and we are in the hands of British Airways and, of course, Gibraltar Airways.

HON J BOSSANO:

And is the Government policy in this respect then that since we are in the hands of British Airways and Gibraltar Airways we might as well get resigned to the idea? Is that the general policy of the Government?

HON A W SERFATY:

In fairness to myself I think I should say that we carry on pressing the airlines. I think that I can publicly say that Gibraltar Airways will at some future date, I really do not know, perhaps, towards the end of the year, change over from Trident 2's, to Boeing 737's, which will increase the capacity of Gibraltar Airways from 104 seats per plane to 142. I can safely say this because this is going to happen but of course when we are talking of seat capacity on the route there is the wider aspect which I have mentioned here again and again of the requirement of the tourist.....

MR SPEAKER:

Let us not debate. We are now beginning to debate the question.

HON J BOSSANO:

Mr Speaker, would the Hon Member not agree that although he has told the House on previous innumerable occasions that he will always keep on pressing and that he will never give up his optimism and will never give up hope, in effect that particular approach has failed singularly to produce any practical advantages or results or improvements and what the Government should be doing, in fact, is not simply pressing the airline to come up with something but telling the airlines what the Government want them to do, laying down certain guidelines about what Government wants, as Government, in the interest of tourism, on the one hand, in terms of coming to Gibraltar, and Gibraltarians going out for a holiday. The Government should be telling the airlines not simply pressing them to come up with improvements.

HON A W SERFATY:

We are telling them and we have been telling them and the Hon and Learned Mr Isola knows this only too well at any rate as regards the approaches that have existed between the airlines and representatives of the Government and the Opposition.

HON P J ISOLA:

Mr Speaker is the Hon Member being fair to the House when he tells us that Gibraltar Airways is going to change from Tridents to Boeing 737's which admittedly is a larger plane, is he fair when he says that without saying that there is a proposal to cut also the number of services so there will be no more seats, is that not a fairer way of putting the position?

HON A W SERFATY:

No, Sir, because the fact is that there will be 3 Boeing 737's flying to Gibraltar. I will accept that there were rumours at one time that those 3 Trident Two's would be replaced by 2 Boeing 737's. The position now, as far as I am aware, is that they will be replaced by 3 Boeing 737's so we are gaining thirty eight times multiplied by 3 seats every week.

HON P J ISOLA:

Then the Hon Member hasn't been keeping this side of the House fully informed. Could I also ask the Hon Member whether it is not a fact that the estimates of British Airways and Gibraltar Airways and their research department, when they told us that their research department knew much more than we did, were that there was going to be a drop in passengers coming to Gibraltar of 20% estimated for this year and has that not been proved totally wrong?

HON A W SERFATY:

Absolutely, the Gibraltar Tourist Office has been so successful in promoting tourism that the airlines are completely wrong.

HON P J ISOLA:

Mr Speaker, will the Minister then not agree that there is a need for the Gibraltar Government to approach this problem in a very realistic way and not in the way that we have been doing, in other words, there is need for the Gibraltar Government to take a very close interest inside the airline itself in order to ensure that the travelling public gets a fair deal which it is not getting today?

HON A W SERFATY:

I will not agree with the way the Hon and Learned Member has put it but I will go as far as agreeing that the time may come when the Government will have to become involved on the route, whether schedule or charter that is another matter.

HON P J ISOLA:

Mr Speaker, when will that be, when ten passengers are left behind daily in Gibraltar, when the public forces the Government, will the Government take initiative in this matter? The situation is there, the figures are there, the omens are there.

HON MAJOR R J PELIZA:

Mr Speaker, wouldn't the Minister agree that the relentless pressure that it has put on British Airways for the past eight years has produced absolutely no results, in fact, they have been going backwards instead of forwards. Hasn't the time come for the Government to take a direct interest in the airline, now, not some time in the future but now.

HON A W SERFATY:

The Hon and Gallant Member very conveniently forgets the price of petrol, inflation etc., etc.

HON J BOSSANO:

Mr Speaker, the last question produced the information that the flight frequencies were arrived at on an assumption that there would be a 20% drop in traffic which has not materialised, which I would say, certainly would qualify for the adjective "appalling" underestimation, Mr Speaker, I don't see how the Hon Member can agree entirely that there has been an underestimation of 20% and disagree that it is appalling but, nevertheless, given that, would the Hon Member not agree that if the flight frequencies are based on an anticipated drop of 20% in traffic which has not materialised, he has got a perfect argument for going back and asking for a 20% increase.

HON A W SERFATY:

This is what I have been doing, I have been pressing the airlines for extra flights because now it appears that nothing is gained by replacing Trident 2's by 3's but we are pressing for extra flights. We have had some extra flights already, five in April, two in May and six in June.

HON M XIBERRAS:

Was the Minister informed or was he consulted on the estimates for the current season by the airlines? Was he asked what was his estimate of the needs of Gibraltar and, secondly, has he been officially informed about the terms of which the Tridents are going to be replaced to some extent by Boeing 737's?

MR SPEAKER:

Have you been informed?

HON A W SERFATY:

I have not been informed whether the British Government has authorised British Airways to buy american planes. As regards the first part of the question, there were representatives of the Opposition together with the Government when we discussed this matter. This matter was thrashed out and an agreement reached with the airlines on the number of seats available on the route for the year ending end of March, 1979.

MR SPEAKER:

I will allow one more question and no more. We must not feel that every time a question is asked on one particular topic we can ventilate the whole nature of the topic. We are ventilating exclusively the seat availability on planes for a particular three month period.

HON M XIBERRAS:

Mr Speaker, I didn't understand the answer to the second part of my question, namely, whether the Minister himself had been informed on what terms the Tridents had been replaced, in part, by Boeing 737's. The Minister said something about the British Government which I didn't catch. On what basis does he, in fact, make the statement or put up the hopes of the House, that this would be the case?

MR SPEAKER:

Order. We are going round in circles. The Minister in answer to certain questions has given intimation of the information he has as to the future policy of the airlines in Gibraltar. You have asked a clear-cut question, as to whether he has been informed officially and the answer has been "no".

HON P J ISOLA:

Mr Speaker, could I ask the Minister, because again I think he is being less than fair to the House, is it not a fact that he has talked about the seats being agreed up to the 31st March, 1979, but is this again not put incorrectly, is it not that the airlines say: "If you agree our fare levels we will guarantee that we won't drop further the number of schedule flights."

HON J BOSSANO:

Is it not a fact, Mr Speaker, that in addition to these seats that the Hon Member has mentioned there are seats on the service provided by Dan Air, that those seats are only available to service families and United Kingdom based civilians and their friends and relatives precisely because GibAirways opposes DanAir making those seats even though there may be empty seats on those flights that he has mentioned, being available to other people, is it not a fact?

HON A W SERFATY:

It is a fact that these seats, at least this summer, are not available to everybody.

HON J BOSSANO:

Mr Speaker, I would like to pursue this because we are talking about seat availability for the public. Is it not a fact that there are planes leaving Gibraltar, Boeings, with empty seats on them and that the reasons why those seats are not available for

the public is because British Airways objects to those seats being made available to the public notwithstanding the fact that British Airways itself is not prepared to provide the seats, is this not a fact?

HON A W SERFATY:

If the Hon Member wants to put it that way, perhaps, but we must bear in mind that the load factors in the charters are also very high.

MR SPEAKER:

You are being asked a simple question, you are being asked: "Are there not charter flights in Gibraltar which have seats available and they are not available to civilians in Gibraltar because the regular airlines objected to this being done". It is a simple question.

HON A W SERFATY:

They object, but I must call the attention of this House that only a few days ago Exchange Travel had been offering seats at a very low price. I cannot reconcile that with the fact that seats cannot be sold in charters without an element of accommodation.

MR SPEAKER:

You are being asked to confirm that there is a charter company which flies charters to Gibraltar where there are seats available and these cannot be taken up by Gibraltarians, because the schedule airlines objected to this being done. You can answer it any way you like.

HON A W SERFATY:

It is a much longer story than that, Mr Speaker.

HON J BOSSANO:

The Hon Member is confusing the Exchange Travel situation with the fact that for many years now the United Kingdom Departments have provided their United Kingdom employees and servicemen with the opportunity of relatively cheap travel between Gibraltar and the United Kingdom.

MR SPEAKER:

Order. I will not allow a debate on this question.

HON A W SERFATY:

The answer is that the airlines do object at the Hearings when applications for charters are made, they do object to seats being sold without the element of accommodation.

HON J BOSSANO:

Mr Speaker, but seats are being sold without the element of accommodation, this is what I am saying to the Hon Member. Is

it not true that if you happen to be a United Kingdom Fitter in the Gibraltar Dockyard, you can get a DanAir flight and if you happen to be a Gibraltarian Fitter in the Gibraltar Dockyard you cannot get on a DanAir Flight because British Airways does not allow the seat to be sold to you, you have to go on a British Airways flight.

HON A W SERFATY:

The answer to that is that I have seen advertisements and, surely, Hon Members have seen an offer to the general public where they can buy a seat in a charter flight.

HON J BOSSANO:

So then the Hon Member's answer is, Mr Speaker, that all that he said about the non-availability of flights is not true. He is now saying that all I have to do now when we recess for lunch is to walk out of this House and I can buy a seat to London for £48, and it is available, is that what he is saying?

HON A W SERFATY:

No, Sir, that is provided there is room available in the plane.

HON J BOSSANO:

Is he aware that there is a plane on which there is room available but I cannot buy the seats because British Airways doesn't allow the seat to be sold to me, is he aware of that fact?

HON A W SERFATY:

It is not a question of British Airways not allowing, British Airways object to or do not object at the Civil Aviation Authority hearing to an application or to certain conditions, that is the end of British Airways as far as the matter is concerned.

HON J BOSSANO:

Would the Hon Member not agree that if the fact that I am stating, which he is so reluctant to accept, is true, he is in a position to go to British Airways and say that if they don't want to provide the flights he will press, as a representative of the Government of Gibraltar, for the flights that are available on this DanAir flight for other employees to be available to native employees which would ease the congestion.

HON A W SERFATY:

The answer is that I have done so already.

MR SPEAKER:

Order, next question.

26.6.78

No.117 of 1978

The Hon J Bossano

Can Government state why work has not yet started on the new Varyl Begg primary school in view of the fact that it is now almost 12 months since the Chief Minister announced in the House that the money for this project was available from UK?

Answer:

The Hon the Minister for Public Works

It normally takes about a year to produce contract drawings and documents for a scheme of this magnitude and it is just about ready.

SUPPLEMENTARY TO QUESTION NO 117 OF 1978

HON J BOSSANO:

But, Mr Speaker, is it not a fact that at the time the Chief Minister made his announcement when the House was told that the Hon Minister for Economic Development was too modest in not mentioning that the money was there for the school, the Hon Minister for Public Works stated that he expected work to start in October - this was in July last year - and that subsequently in November he stated that he expected work to start in March. Can he explain how it is that he didn't know then that he needed 12 months to have everything ready?

HON M K FEATHERSTONE:

If you say I said that, Sir, then, possibly, I said it. I think I said at some time or other that we would be going out to tender in July and it is practically one year as stated.

HON J BOSSANO:

Mr Speaker, if the Hon Member will care to look back he will find that he said in July last year that he expected to be starting work in October and that in November when I asked him why he had not started work in October, he told me that the workload in his department was such that it was taking longer than he anticipated and he would be starting work in March. I ask him how he can reconcile those two answers to this question previously with the answer that he has given now? Is he confident that the information he is giving to this House this time is any more accurate than the information he gave on the two previous occasions?

HON M K FEATHERSTONE:

As far as I can say now, Sir, the tenders will be invited in early July and work will commence by the end of September. That is the latest position.

26.6.78.

No.118 of 1978

ORAL

The Hon Major R J Peliza

Will the new Minister for Education make a policy statement on the future of unqualified Government teachers?

Answer:

The Hon the Minister for Education

It has been the Government's policy, for some years, to appoint only Qualified Teachers and this policy will continue. As the Hon Member will be aware, it is at present necessary to engage a number of teachers from Britain on contract and it will be some time yet before any question of a surplus of teachers can arise.

As the Hon Members may be aware, the Government has made arrangements for Unqualified Teachers to attend shortened initial teacher training courses in Britain and those who take advantage of this will, of course, achieve full qualified status.

This is a complex matter where one has to consider various factors very carefully and I am not in a position to make a formal policy statement at this stage.

SUPPLEMENTARY TO QUESTION NO.118 OF 1978

HON MAJOR R J PELIZA:

Mr Speaker, does the Minister realise that there are people who have given a lot of their years to education in Gibraltar who are unqualified and therefore they must feel rather worried at this stage, not knowing what the future is going to be, and could not the Minister accelerate this matter and not just say like all the other Ministers keep saying, "at the earliest opportunity I'll give some thought to this," but will he get down to it.

HON MAJOR F J DELLIPIANI:

Sir, I fully share the concern for the Unqualified Teachers and I have them very much in mind. I must remind the Honourable and Gallant Major that I have only been one month in this Department and I want to tread carefully so that the right decisions are made. I am fully aware and I share the concern that the Honourable Member has for Unqualified Teachers.

HON MAJOR R J PELIZA:

Is the Minister suggesting that his predecessor didn't work on this matter before?

MR SPEAKER:

Order. I am not having it. It is not relevant.

HON J BOSSANO:

Could the Minister confirm, despite his one month in office, that at this point in time it is not Government policy to phase out Unqualified Teachers?

HON MAJOR F J DELLIPIANI:

I confirm that.

HON J BOSSANO:

Could I just ask one more question? Within what is now known as the Unqualified Teacher group, there is a group that was previously known as Experienced Teachers. Can Government confirm here that they are prepared to give favourable consideration to the restoration of the relativity that existed in this particular group given that this group appears to be the only group in the entire public service that lost certain rights that it had as a result of the introduction of the Scamp Report?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I understand that this matter is being looked into.

HON M XIBERRAS:

Is the Hon Member quite satisfied, even with his one month in office, is he quite satisfied that the two unions that have an interest in this matter are equally well apprised of the future of Unqualified Teachers, both groups of them, because my information is that the Minister has gone much further about his commitment to Unqualified Teachers' future than at least one of the Unions has been given to understand.

HON MAJOR F J DELLIPIANI:

I have only said what I understand to be the case. I am not aware of what the Unions think between themselves.

HON M XIBERRAS:

Mr Speaker, my question is: has the Director of Education made a similar statement, such as he has made in this House, to, let us say, the Gibraltar Teachers' Association and the Unqualified Teachers represented by them?

HON MAJOR F J DELLIPIANI:

I am not aware of any statement that the Director might have made. If he has made it it hasn't been as Government policy.

3.

HON M XIBERRAS:

Would the Honourable Member care to check on that and examine Minutes of Meetings with the Gibraltar Teachers' Association and the Unqualified Teachers involved in this? Would he care to check on that?

HON MAJOR F J DELLIPIANI:

If he has said so it has not been with the approval of Council of Ministers.

HON M XIBERRAS:

Could I ask the Minister further whether this is the view, in fact, of the Unions involved, that the Unqualified Teachers should not be phased out?

HON MAJOR F J DELLIPIANI:

I do believe that the Gibraltar Teachers' Association want them to be phased out.

HON M XIBERRAS:

I see. Would the Honourable Minister say whether the Government is, in fact, in opposition to what the GTA want on this matter?

MR SPEAKER:

In fairness to the Minister, I think he said that he is not in a position to make a statement. How he is being cross-examined on what the policy of the Government is going to be.

HON M XIBERRAS:

I appreciate the Minister has only been one month in office, but I also appreciate that the position of Unqualified Teachers is one that cannot wait for the Minister to acquire more experience. What I am saying, Mr Speaker, is that there is, to my knowledge, a considerable amount of uncertainty in these quarters and I want to make sure that the Minister is aware that there is in fact a conflict of views even within his own Department.

HON MAJOR F J DELLIPIANI:

I am not in a position to go into the matter deeply at the moment. I want to tread carefully and the longer Government takes to tread the longer they will be in service if there is a change. They are safer now than ever before.

HON J BOSSANO:

Mr Speaker, given the difficulties that the Honourable Member finds himself in because of his short time in office, can he say

4.

whether he is aware that in fact the Unqualified Teachers have been left in no doubt at all, obviously erroneously, but have been left in no doubt at all, that there was virtually no prospect of their long term continued employment as Teachers if they didn't go on this course and become qualified. If he is not aware of it, Mr Speaker, could he investigate?

HON MAJOR F J DELLIPIANI:

Not through my department. Some colleagues of mine have mentioned it but there is no foundation because there is no policy decision on the matter.

HON MAJOR R J PELIZA:

Mr Speaker, did I hear the Minister say that it was the policy of the Government not to phase out the Unqualified Teachers?

HON CHIEF MINISTER:

There is no policy to phase out.

HON M XIBERRAS:

Would the Honourable Member ensure, Mr Speaker, on his return to his department at some stage, that he checks on the meeting which I asked him to check on?

MR SPEAKER:

Yes, he has said so.

26.6.78

No.119 of 1978

ORAL

The Hon P J Isola

Can Government state its policy towards students who wish to take teaching as a career, and have the qualifications and a place in a university to obtain a university degree?

Answer:

The Hon the Minister for Education

Before answering this question, I would like to inform the House that the Education Awards Regulations are to be amended shortly to provide a wholly mandatory system of Awards for university courses or their equivalent, based on the achievement of 12 points or more in accordance with the Third Schedule to the Regulations. Students seeking an award to pursue an Ordinary National Diploma or other non-university courses in Further Education will continue to be selected by a Board appointed by my office, as in previous years. It follows that a student who wishes to obtain a university degree, followed by a post-graduate teacher training course, must obtain, not only a confirmed place in a university, but also GCE Advanced level qualifications which will meet the requirement I have just stated. I would like to emphasise that obtaining an Award for a university degree leading to a teaching career, does not imply a guarantee of employment by the Government.

My Department will continue to offer initial teacher training courses at Colleges of Education based on its forecast of staffing requirements at primary, secondary and tertiary levels of education. The Certificate in Education which these courses provide is being replaced by a Bachelor of Education degree and indeed, the Secretary of State for Education has decreed that the last three-year course for a Certificate in Education will start in September 1979. I should emphasise that the Department's requirements at the present time are mainly for teachers who will work in primary schools.

SUPPLEMENTARY TO QUESTION NO 119 OF 1978

HON P J ISOLA:

Mr Speaker, can I ask the Minister to assure the House the Department takes a long term view in these matters, especially having regard to the fact that there is now a surplus of qualified teachers in the United Kingdom available for employment in Gibraltar who can be brought in or contracted in to provide for the short term end, to provide for the needs of the department in the various levels that the Minister has taken, but would he not agree that the department should take a long term view on education, in other words, encourage those who have the qualification to have a university

degree in a speciality because inevitably in the long run those persons are likely to be of great value to education in Gibraltar. Can the Minister assure the House that the department when looking at its planning in the future will take long term views on that sort of cases and not merely try and fulfill its short term requirements which now, as I said, mercifully can be provided for by contracting qualified teachers of which there are a surplus now in the United Kingdom.

HON MAJOR F J DELLIPIANI:

I think, Mr Speaker, it is obvious if I want to be a good Minister that I must look at the short term policy and the long term policy and I shall bear in mind what the Hon and Learned Member has said.

26.6.78

No.120 of 1978

ORAL

The Hon J Bossano

Can Government confirm that due to the shortage of House Doctors, Consultants at the hospital are being paid around £20 per night to be on-call?

Answer:

The Hon the Minister for Medical & Health Services

Consultants are not paid for being on call at night, they are however being paid £20 per night when rostered to act as Casualty Officers in the present circumstances of shortage of house doctors.

SUPPLEMENTARY TO QUESTION NO 120 OF 1978

HON J BOSSANO:

Mr Speaker, will the Hon Member say precisely what he means by "when they are rostered to be Casualty Officers". Is he saying that they are on duty all night in the Hospital or do they get the £20 while they are available in their own houses.

HON A P MONTEGRIFFO:

When they are available in their own homes the same as the House Doctor who is called when needed in the hospital.

HON J BOSSANO:

So that, effectively, he is on-call in the normal understanding of the word "on-call". I mean he is not actually working while he is getting paid the £20. He can in fact be a number of nights on-call and not be called out because there is no need to call him out?

HON A P MONTEGRIFFO:

The same as the House Doctor. If there were a House Doctor, the House Doctor could deal with the routine cases which now the Consultant is called to attend when the need arises.

HON J BOSSANO:

Is the Hon Member then saying that this system of paying the doctors concerned £20 per night has not been introduced in order to meet a gap in the service caused by the shortage of House Doctors, or is he saying that if the House Doctors were available in the right numbers they would still be getting paid £20 a night?

HON A P MONTEGRIFFO:

No, if the House Doctors were available they would then be on-call for real emergencies but not routine cases and they wouldn't be paid of course that is why I said in my original answer "when they are rostered to act as Casualty Officers". The night when they are on, normally, they are not paid.

HON J BOSSANO:

Can the Minister then tell us what it is costing us to meet this need by paying doctors in this way instead of recruiting somebody to do the job.

HON A P MONTEGRIFFO:

Mr Speaker, it is not that we are not recruiting them. It is not the intention to carry on like that and they don't want it either. It is costing about £80 a week.

HON J BOSSANO:

So there is only one doctor for four nights?

HON A P MONTEGRIFFO:

Yes, the House Doctor takes it in turn one in three.

HON J BOSSANO:

There is just one person and he is only being paid for four nights a week?

HON A P MONTEGRIFFO:

The doctor who is acting as Casualty Officer on the particular night when there is no House Doctor gets the £20.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member in fact how the £20 was arrived at, and is this based on a UK analogue?

HON A P MONTEGRIFFO:

No, this was based on a previous occasion some years ago and they accepted now in the present circumstances £20 also.

HON G T RESTANO:

Mr Speaker, may I ask what is the normal salary of a House Doctor?

HON A P MONTEGRIFFO:

Round about £3,600 or £4,000 or more depending on the number of years he has done his full registration.

26.6.78

No.121 of 1978

The Hon G T Restano

Will Government state whether staff supervision is sufficient at KGV Hospital in terms of numbers and does the staff situation there make possible the segregation of patients according to the degree of illness, under adequate supervision?

Answer:

The Hon the Minister for Medical and Health Services

Yes Sir. At the moment however the staff is not sufficient to segregate patients. Discussions have nevertheless been held with all concerned and it has already been decided that once the House has agreed to the extra staff required arising out of the Staff Inspection report on the Nursing grades recruitment will commence. It will then be possible to deploy staff to the KGV Psychiatric Unit.

SUPPLEMENTARY TO QUESTION NO.121 OF 1978

HON G T RESTANO:

Mr Speaker, will the Minister say what staff is at present employed for this purpose?

HON A P MONTEGRIFFO:

There are thirty.

HON G T RESTANO:

Mr Speaker, how many does the Government consider should be the adequate number to cater for all the necessary needs of the Hospital?

HON A P MONTEGRIFFO:

The present staff at the moment, as I said in the first part of my answer is adequate to cover for the hospital without segregation. We need four more and, in fact, that has been asked for by the TGWU a few months ago but we were waiting for Staff Inspection in order to know whether we could deploy some from the Hospital or whether we had to employ more, and we have to employ four more.

HON G T RESTANO:

For how long has this deficiency been in existence?

HON A P MONTEGRIFFO:

This is not a deficiency.

MR SPEAKER:

The Government has not admitted that there is a deficiency.

HON G T RESTANO:

Hasn't the Government said that there aren't enough staff?

HON A P MONTEGRIFFO:

No.

HON G T RESTANO:

There is a deficiency in order to be able to segregate adequately. All I am asking is for how long has this deficiency been in existence.

HON A P MONTEGRIFFO:

It has been in existence since I left the Department on the last occasion in 1969 when the segregation as it was intended to be done was not done. The segregation will never be able to be done fully, let it be clearly understood. Within one building you cannot segregate unless you physically leave one lot of patients on one floor and the other lot on the other floor and therefore you don't allow them to meet anywhere. Basically it will work at night when it will be possible to have the segregation of the more acute patients under better conditions.

HON G T RESTANO:

Mr Speaker, that is not what I asked. What I asked was for how long have they been short of four staff?

MR SPEAKER:

Order. I think we are talking at cross purposes. The Minister has said that there has been no deficiency in staffing. It has been decided now to segregate a few cases and for that purpose they need an extra four staff. Let us not call it deficiency because during the time that the hospital has not been segregated there has been no need for them.

HON G T RESTANO:

Well, Mr Speaker, that is a matter of interpretation. It may well be that the segregation should have been in the past and wasn't done in the past and it may well have been necessary to have been done in the past and it wasn't done because of perhaps Government decisions or what have you. All I am asking is since when has four more staff been needed in order to carry out the required supervision of patients?

MR SPEAKER:

You are asking when did Government decide to segregate. The time when the four extra staff became necessary was when Government decided to segregate.

HON G T RESTANO:

To run the hospital more efficiently.

HON A P MONTEGRIFFO:

Sir, that Hospital has been deficient for many many years and throughout these years both administrations have been improving it. Now, thank God, we have been able to get properly trained senior staff there. This has brought about a greater awareness and consciousness on the part of the staff themselves to do what we had intended to do and what it was not possible to do in previous years, that is, segregation.

HON M XIBERRAS:

Mr Speaker, I am glad to hear what the Minister has said that there is no deficiency in staff for as long as one does not introduce the idea of segregation of patients. Could I invite him to make a statement therefor that a recent accident at KGV Hospital which was not due to lack of supervision?

HON A P MONTEGRIFFO:

If the Hon Member was only aware of what a great harm this can do because I am inhibited from spelling out the whole truth not because I want to cover anybody in the department but very much because I want to be charitable and to be kind and not to give out any medical details involving patients and relatives.

HON M XIBERRAS:

All I want is a statement that it was not due to staff deficiency, Mr Speaker.

HON A P MONTEGRIFFO:

It was not due to staff deficiency.

HON M XIBERRAS:

Mr Speaker, what degree of segregation could be introduced with these four extra staff because I have heard many criticism that patients with varying degree of illness are, in fact, kept together.

HON A P MONTEGRIFFO:

The idea, as far as I understand it and as I have wanted it always, is that a certain type of patient will be kept on one side and mainly senile or geriatrics and chronic patients will be kept at the other level. They will, however, have to mix sometimes in the garden etc but there will be some partial segregation.

HON M XIBERRAS:

Will the Minister not agree that with these extra four, a quite substantial qualitative improvement in the hospital will take place?

HON A P MONTEGRIFFO:

Yes, Sir, but in fairness to the staff I think that in the last five or six months there have been qualitative improvements and I would urge every Member of the House to go and visit the Hospital any time they want and they will appreciate the hard work and the good work being done now by the staff at KGV.

HON M XIBERRAS:

I thank the Hon Member for that invitation and could I urge him in return, since we are all agreed about this, to recruit the necessary staff so that the segregation can be introduced.

HON A P MONTEGRIFFO:

Mr Speaker, we will do our very best.

HON G T RESTANO:

Mr Speaker, may I ask what is the ratio of staff to patients?

HON A P MONTEGRIFFO:

It depends on every ward on the hour of the day. At certain times of the day there are 13 and at other times of the day there are 6, depending on the workload. Obviously in the mornings there are more and as you go along there are less.

HON G T RESTANO:

Mr Speaker, that is not what I asked. I asked for the ratio between staff and patients, in other words, how many staff, as an average, will look after so many patients.

HON A P MONTEGRIFFO:

There are one for two patients but it doesn't mean that there is one body all the time there looking after two patients.

HON G T RESTANO:

Not on establishment, on duty.

HON A P MONTEGRIFFO:

On duty at the hospital I said it depends at any given time of the day. You haven't got the same number of staff in any ward in any hospital of the world at any given time. In the mornings there are thirteen, at other times of the day you have got 7 and at other times of the day you have 6.

HON G T RESTNO:

Can we know how many patients there are?

HON A P MONTEGRIFFO:

About sixty but there could be more.

HON G T RESTANO:

Mr Speaker, therefore if there are 56 or 60 patients and normally the staff is 13 in the morning and perhaps 6 in the afternoon, it cannot possibly be two to one.

HON A P MONTEGRIFFO:

If you take the whole number of staff looking after the KGV Hospital it is about 2 to 1. There are 13 bodies in rotation looking after the Hospital and at certain times of the day there are more and at certain times of the morning or the night there are less as in every ward in every hospital.

26.6.78

No.122 of 1978

ORAL

The Hon G T Restano

Has the vacancy for a doctor at the Health Centre now been filled?

Answer:

The Hon the Minister for Medical and Health Services

Yes Sir.

SUPPLEMENTARY TO QUESTION NO 122 OF 1978

HON G T RESTANO:

May I ask, Mr Speaker, how many applicants there were for this post?

HON A P MONTEGRIFFO:

Round about 100.

HON G T RESTANO:

May I ask what procedure was taken in the selection of the successful applicant.

HON A P MONTEGRIFFO:

I am afraid I don't know.

HON M XIBERRAS:

Whilst not knowing exactly what procedure was employed, surely the Minister who has been involved in questions of recruitment for instance, the eye specialist and so forth .....

MR SPEAKER:

The Minister has said that he is not concerned with recruitment.

HON M XIBERRAS:

I am not asking him how the doctor was selected, what I am asking him is how he was selected, whether it was by the Public Service Commission or whether it was a Departmental Board.

HON A P MONTEGRIFFO:

I know he was interviewed in Gibraltar but I don't know by whom.

HON. M XIBERRAS:

Is the Minister saying he does not know how doctors are selected, in fact?

HON A P MONTEGRIFFO:

I do not select doctors.

MR SPEAKER:

Order. We are now getting into the stage when Ministers are being cross-examined and we must not do that. He has said he does not know and one has to accept this.

HON M XIBERRAS:

I would expect, Mr Speaker, a Minister to know. Is the Minister saying that he does not know.

HON A P MONTEGRIFFO:

I presume that the proper procedure has been followed. I do not deal with this.

HON MAJOR R J PELIZA:

Is the Minister satisfied at the way that doctors are selected for his department?

HON A P MONTEGRIFFO:

I am satisfied at the way they are doing it because it is very difficult to recruit and they are being successful in recruiting but I am not prepared to say one more word about this because I am not responsible for recruiting.

HON MAJOR R J PELIZA:

how

Mr Speaker, if he doesn't know/the selection is carried out how can he be satisfied?

HON G T RESTANO:

What I would like to know, Mr Speaker, is that if there were 100 applicants and it has come to the notice of this side of the House that there was at least one candidate who was very well liked in Gibraltar, I would just like to know why it is or how it is that a particular candidate is chosen. Is it on qualifications? One just does not know.

HON J BOSSANO:

Mr Speaker, surely, if the Hon Minister for Medical Services is not responsible then it follows that it is because it is an Establishment matter and there is somebody responsible in the House who should be able to answer.

HON CHIEF MINISTER:

Given proper notice, a proper answer will be given.

HON J BOSSANO:

The answer then, Mr Speaker, is that the person on the Government bench who can answer for recruiting in the Civil Service does not know off hand how it was done, is that the situation?

HON ATTORNEY-GENERAL:

If I was given the question, I could find out the answer.

HON G T RESTANO:

May we now formally put the question to the Government to give an answer as to what procedures were taken to recruit the present successful applicant.

HON A P MONTEGRIFFO:

Mr Speaker, I am rather amazed that politicians not being involved either as Ministers or otherwise on recruitment, they are apparently trying to push a candidate.

HON J BOSSANO:

The question put by the Hon Member seeks information about the filling of the vacancy and if the Hon Member is not responsible for recruiting he should not have answered the question in the first place. The person responsible for filling vacancies should have answered.

MR SPEAKER:

The question was a simple one. "Has the vacancy for a doctor at the Health Centre now been filled?" As Minister he is entitled to say whether the vacancy has been filled or not. When he was asked how this vacancy was filled, he said "I am sorry, this is not my responsibility."

HON J BOSSANO:

Mr Speaker, wouldn't it be a natural thing to expect if one is told that a vacancy has been filled to then ask how it has been filled?

MR SPEAKER:

I think the right question would have been: "Is the Minister satisfied that the right procedure was followed for the purpose of filling this vacancy?"

HON MAJOR R J PELIZA:

How can he be satisfied if he doesn't know the procedure. This is the question I put to him.

HON CHIEF MINISTER:

Mr Speaker, perhaps because there are fewer members in the Opposition they want to make more noise and take more time. There are only two ways in which people are recruited in the service as everybody well knows. It is either by the Public Service Commission or by an Appointment Board in the United Kingdom. It has been done in one of those two ways, I don't know in which. If there is a question on the Order Paper as to how it was done, every detail will be given by the responsible member of the Government who can answer to those particulars which are, thankfully, not the concern of the elected members of this House.

HON M XIBERRAS:

Mr Speaker, I will certainly welcome your guidance on this. Would you say, Mr Speaker, that a supplementary such as the one that has been made following upon this particular question, namely, has a vacancy for a doctor at the Health Centre now been filled, would it be a proper supplementary from that question to ask how was it filled?

MR SPEAKER:

Most certainly, and I did not rule the question out of order. What the questioner is not entitled to do is question the fact that the Minister does not know how it was filled.

HON M XIBERRAS:

This is fully appreciated, Mr Speaker, but then surely the point made by the Hon Mr Bossano applies.

MR SPEAKER:

Those are deductions one is entitled to take.

HON G T RESTANO:

Mr Speaker, since the Members of the Government bench do not know what the procedures were and how this vacancy was filled and the Hon the Attorney-General did say that if he had had prior notice of the question he would certainly make it his business to produce that information, may I now ask formally that that information be made available when the Hon Member has had time to look into this.

HON CHIEF MINISTER:

Mr Speaker, I oppose that completely. The next time they want a question properly answered they have to put it in the Order Paper.

HON M XIBERRAS:

Mr Speaker, is it your view that this question which has been asked as to how was the vacancy filled, does follow upon the original question?

MR SPEAKER:

No one has ruled it out of order. What you cannot expect is to get the kind of answer you want from the Government. That is the only bone of contention here.

HON M XIBERRAS:

Mr Speaker, my Hon Friend, the Hon Mr Bossano, has made a perfectly legitimate request that the Government should enquire about this and the Chief Minister's reply is that they are not prepared to do so not because, Mr Speaker, the question is not legitimate but only because the Government does not want to do it. Perhaps because of the majority he now holds.

HON CHIEF MINISTER:

I differ entirely, Mr Speaker. I must abide by your ruling and you say that it was in order. I do not think that it is in order for me to provide the information at this session and therefore I am responsible for the Government and it will not be provided.

MR SPEAKER:

I have not said that the Minister has to answer the question.

HON CHIEF MINISTER:

And I do not need a ten majority to decide that. I would have done that with an eight majority.

HON G T RESTANO:

May I just say I didn't ask for the answer to be given at this stage because the Hon the Attorney-General himself said ....

HON ATTORNEY-GENERAL:

The Hon Attorney-General said that he would require notice of that question.

HON G T RESTANO:

Would he make the information available in due course?

MR SPEAKER:

The Chief Minister said no. Next question. Order. No more. Order.

26.6.78

No.123 of 1978

ORAL

The Hon G T Restano

Is the surgical ward adequately manned at night time?

Answer:

The Hon the Minister for Medical and Health Services

Yes Sir. I would point out that there are more than one surgical ward in hospital.

SUPPLEMENTARY TO QUESTION NO 123 OF 1978

HON G T RESTANO:

Mr Speaker, the surgical ward I refer to is the surgical ward which is used for immediate post operational care. May I ask what staff is used in the manning of that ward?

HON A P MONTEGRIFFO:

I need notice of that question. I have answered on the surgical ward not on the Intensive Care Unit.

MR SPEAKER:

Order. It is unfair to expect Government to have information of the kind that is being asked. If that is the question you wanted to ask it should have been made part of the question ie "Is the surgical ward adequately manned at night time and what is the number of staff?". It would have been very simple to have asked it and then you would have got your information. I am afraid that one has to be reasonable. Ministers cannot be expected to have all this detailed information at their finger tips.

HON G T RESTANO:

Surely, Mr Speaker, if the Minister says the ward is adequately manned at night time we must know how it is adequately manned.

HON M XIBEPRAS:

Is it a fact that in one particular medical ward the Sister on duty has to share these duties with outpatient duties and she is, in fact, the senior person in the ward at that particular time?

HON A P MONTEGRIFFO:

Which ward? There are two wards and what he is talking about now is the Intensive Care Unit. If they know what they are asking I don't know what to reply.

HON M XIBERRAS:

Mr Speaker, could I ask about the Intensive Care Unit which the Minister has called a surgical ward. Can I ask about the other one.

HON A P MONTEGRIFFO:

In the surgical wards there are two nurses, which is the practice in every ward of 18 to 20 patients and there are 4 night sisters in the hospital, and again the ratio is the correct one, dealing with two wards each. There is one senior sister dealing with two wards and there are two nurses in each ward. There are also relief nurses who are available in case things get out of hand in any ward and help is needed at any particular moment.

HON M XIBERRAS:

Do any of these four Sisters also share out-patient duties?

HON A P MONTEGRIFFO:

I don't know, I want notice of that question. I was talking of the surgical ward and I was kind enough not to ridicule the Hon Member in answering the question. I could have said, which ward?

HON M XIBERRAS:

I shall put the question in another way. Does the Sister on duty in the out-patients also do surgical ward duty?

HON A P MONTEGRIFFO:

I cannot answer that. I know that there is one Sister for two departments at night, that I know. 1 for 2.

HON M XIBERRAS:

May I ask the Hon Member how long he has been in that department?

MR SPEAKER:

Who has been in which department?

HON M XIBERRAS: \

The Hon the Minister for Medical and Health Services. He seems to know very little about what he is talking about.

MR SPEAKER:

You do not have to answer that. Next question.

26.6.78

No.124 of 1978

ORAL

The Hon G T Restano

Will Government confirm that there is only one House Doctor on duty at St Bernard's Hospital during the day and will Government not agree that if this is the case such a state of affairs is totally unsatisfactory both for the patients and for the Hospital staff?

Answer:

The Hon the Minister for Medical and Health Services

Yes Sir, only one House Doctor is available at present. Two other House Officers had to leave before their time was up, one because his child needed to receive specialist treatment in the UK and the other because he came up against the difficulty that London Medical Schools will not agree to pre-registration doctors taking pre-registration jobs overseas. However, when it becomes necessary Consultants help out in the Out Patients Department during the day time. For the future one House Doctor is expected to arrive at the end of this month and another two towards the end of July or early August.

SUPPLEMENTARY TO QUESTION NO 124 OF 1978

HON M XIBERRAS:

For how long, Mr Speaker, has the situation been like that, with one House Doctor only?

HON A P MONTEGRIFFO:

About six weeks, I would say.

26.6.78

No.125 of 1978

ORAL

The Hon G T Restano.

When is the new Ophthalmologist expected to take up his appointment?

Answer:

The Hon the Minister for Medical & Health Services

The new Ophthalmologist is taking up his appointment on the 25 August. In the meantime the Specialist at the Royal Naval Hospital will continue to provide cover. In addition an Ophthalmologist Specialist will be coming out in the third week of July for a month to carry out a number of operations which are due to take place round about that time.

26.6.78

No.126 of 1978

ORAL

The Hon J Bossano

Has the Minister for Housing sought the views of the Housing Allocation Committee on his policy to close the Varyl Begg Allocation list on 30 September 1976?

Answer:

The Hon the Minister for Housing & Sport

The Housing Allocation Committee's views have not been sought in this matter, for under normal circumstances Phase VI of the Varyl Begg Estate should have been allocated in October 1976.

All that has been done is to maintain this position.

SUPPLEMENTARY TO QUESTION NO 126 OF 1978

HON J BOSSANO:

Mr Speaker, is it the intention of the Minister to seek the views of the Housing Allocation Committee.

HON H J ZAMMITT:

Mr Speaker, I don't think it is necessary, quite honestly. If it is necessary I will certainly seek the views of the Housing Allocation Committee but I don't see the point why their views should be sought.

HON J BOSSANO:

Would he seek the point, Mr Speaker, if it transpired that they disagreed with his view?

HON H J ZAMMITT:

If they disagree with my view, Mr Speaker, it will be a question of Government policy to decide exactly how those houses should be allocated, but I think it would be very unfair, even at this stage, and prejudging is quite wrong, to say that those people who would have qualified in September 1976 should not now qualify because the Housing Allocation Committee seem to disagree with the policy in Varyl Begg which has existed since 1972.

HON J BOSSANO:

Mr Speaker, I am not discussing the policy itself, what I am trying to establish is whether the Minister agrees that he should seek the views of the Housing Allocation Committee so that if the housing in question is allocated on the basis of the list that existed on the 30 September, 1976, it will either be (a) because the Minister and the Housing Allocation Committee

both think it should be so or (b) because the Minister thinks it should be so and feels on that subject sufficiently strongly to exercise his prerogative of being in power to overrule the advice given to him, but will he agree that unless he seeks the advice nobody in Gibraltar will be able to judge whether it is his policy or the Housing Allocation Committee's view or if they happen both to coincide.

HON H J ZAMMITT:

Mr Speaker, the question of policy is not a matter for the Housing Allocation Committee. The Housing Allocation Committee only allocates those flats made available to them for allocation. What I think the Hon Member should bear in mind is that as far back as July, 1976, there were people already attending interviews and being virtually assured allocation by the Minister on the point valuation in September 1976. In fact, there are many people who have bought furniture already and because of the well known problem of Varyl Begg, Mr Speaker, people have had to wait for nearly two years. This is the first I have heard that the Housing Allocation Committee disagree in the slightest on this issue.

HON J BOSSANO:

Mr Speaker, I am not saying that they disagree or not and obviously the Hon Member is not in a position to tell the House whether they disagree because he hasn't asked them. Nor am I saying that he is not in a predicament if he has already promised those houses to people. What I am saying is, does he not agree, given the statement which he has made just now that the function of the Housing Allocation Committee is to allocate houses given to them for allocation, that if he is going to give them the houses in Varyl Begg to allocate, their views as to who those houses should be allocated to have got to be considered by the Minister. Even if he chooses to ignore their views does he not agree that he has to consider those views?

HON H J ZAMMITT:

Mr Speaker, Sir, if nothing would have happened between September 1976 and the tragedy of Varyl Begg, the Housing Allocation Committee would have allocated those houses under the same procedure that they allocated the five previous Phases, there has been absolutely no change in policy and I don't think, quite honestly, Mr Speaker, that as the views of the Housing Allocation Committee weren't considered for Phase V or Phase IV or Phase III, why should they for Phase VI?

HON J BOSSANO:

Mr Speaker, is it not a fact that it is the Housing Allocation Committee who makes the recommendations as to who should get the house and if the Minister is going to refer the houses in question, if they ever get of course to the stage of being allocated, which in itself is a moot question, but if that

ever happens in some remote date in the future, is the Minister then going to say to the Housing Allocation Committee: "Who do we allocate those houses to?", or is he going to decide that the people who were at the top of the list on the 30 September are going to get it? That is the point, really.

HON H J ZAMMITT:

Mr Speaker, it is not a question of me deciding, it is a question of the Housing Allocation Committee allocating those houses to the applicants on the top of the list and coming down as at September 1976.

HON J BOSSANO:

So the Minister is not going to be allocating the houses in question then, it is the Housing Allocation Committee.

HON H J ZAMMITT:

The Minister never allocates new houses, Mr Speaker.

HON J BOSSANO:

The situation then is that there is nothing to prevent the Housing Allocation Committee deciding, say, in 1980 that since it is now four years since the houses should have been given, the priorities in 1980 might be different than the priorities in 1976.

HON H J ZAMMITT:

Mr Speaker, if the priority in 1980 should be different to what they were in 1976 then I think Government would take a different course of action and take the matter into consideration. At the present moment it is certainly 30 September 1976.

HON J BOSSANO:

But this is the view of the Minister and the Minister is saying that the Minister does not allocate the houses, so what the Minister is saying is that he thought that the Housing Allocation Committee would allocate the houses on the basis of the 30 September 1976, but he doesn't know this because he has not asked them.

HON H J ZAMMITT:

Mr Speaker, that is not so. If nothing had gone wrong with Phase 6 and Block 18, the Housing Allocation Committee would have allocated those houses in the middle of August or middle of October.

HON J BOSSANO:

Mr Speaker, but, surely, if nothing had gone wrong, I wouldn't be asking the question. The fact of the matter is that the houses that should have been allocated on the 30 September 1976, were not available. Has the Minister taken the trouble to find out whether the view of the Housing Allocation Committee is that whenever the houses become available they should not be allocated on the basis of the priorities operating at the time but that they should be allocated on the basis of the priorities that were in operation on the 30 September, 1976, which is the date when the houses would have been given had the houses been available which is obviously the view of the Minister. What I am asking him is, if he doesn't know the view of the Housing Allocation Committee, would he not agree that he should seek the views of the Housing Allocation Committee and then if he finds that the views of the Housing Allocation Committee are different from his own views on the matter, then he can take a policy decision on it and take the responsibility for the decision.

MR SPEAKER:

May I be clear on this. The views as to whether the list should be closed on the 30 September, not as to who should get a house.

HON J BOSSANO:

Not as to who should get a house but as to how the priority list should be drawn up. Had the houses been available on the 30 September, as the Minister rightly said, the procedure that would have been followed by the Housing Allocation Committee would have been a straightforward one, they would have gone down the list on the basis of priority, but if the houses become available in 1979 Mr Speaker, the Minister is taking it for granted that he will go to the Housing Allocation Committee and say: "Here are 150 flats for you to allocate", and they will use the pointage that existed in 1976 and not the pointage that exists in 1979. He doesn't know that because he hasn't sought their views on the subject.

HON H J ZAMMITT:

Mr Speaker, I think I answered in the first supplementary that I didn't personally feel any qualms about asking the Housing Allocation Committee.

MR SPEAKER:

Let us not speak at cross purposes. What you are being asked now is whether you will give the houses to the Housing Allocation Committee and ask them to allocate them in accordance with the pointage in the list prepared up to the 30 September, 1976, is that the position?

HON H J ZAMMITT:

That is so, Sir.

HON J BOSSANO:

So the situation is that in respect of this particular allocation the Minister intends to give a directive to the Housing Allocation Committee.

HON H J ZAMMITT:

Mr Speaker, I don't know, quite honestly, how the Housing Allocation Committee feel about this. At the moment my views are it should be 30 September, 1976. If it comes up to 1980 it might be a matter for reconsideration, I don't know, but if the Hon Member thinks that the whole crux of this can be sorted out by putting it to the Housing Allocation Committee, I certainly have no problem in putting that to the Committee and seeking their views, Mr Speaker.

MR SPEAKER:

Next question.

26.6.78

No 127 of 1978

ORAL

The Hon J Bossano

Can Government state whether Government houses vacated by former residents of Penney House on returning to their former houses will be made available to the Housing Allocation Committee?

Answer:

The Hon the Minister for Housing and Sport

No Sir, they will be used for decanting in connection with the Modernisation Programme.

SUPPLEMENTARY TO QUESTION NO 127 OF 1978

HON J BOSSANO:

Mr Speaker, does the Hon Member not think that there appears to be a close parallel between the people who were on the point of being given a house when the regrettable failures in Penney House were discovered and the people who were on the point of being given a house in September, 1976?

HON H J ZAMMITT:

The comparison from what I draw from the Hon Member's remark is quite different Mr Speaker, because if one was to consider Penney House for allocation then I think he would agree it would be extremely difficult to find out the first 14 or first 6 or first 12 or first 20 that one could derive from the allocation list but I must say this, Mr Speaker, quite emphatically, it has been said here by myself and by the Hon Minister for Development that all post-war housing for the time being would have to be used in connection with the modernisation programme and not for allocation.

HON J BOSSANO:

Mr Speaker, is it not a fact, if the Hon Member will cast his memory back, that at the time of Penney House when the allocation of the Glacis Estate was proceeding, the Hon Member said that as soon as the residents of Penney House returned to their former homes which he anticipated then would be a very short time, the people at the head of the list would not lose their priority and get a house. In fact, there is a direct parallel between one unexpected incident that wiped out the people who were on the verge of getting a house and the unexpected development in the Varyl Begg Estate where again a lot of people who were expecting a house suddenly found they weren't getting one. If he casts his mind back to the situation when he hoped that it would only be a matter of months before people were able to return to Penney House, he said that those people would be at the top of the priority

list for getting a house because as soon as the others went back the houses would become available for the housing allocation.

HON H J ZAMMITT:

I think if the Hon Member casts his mind back, Mr Speaker, he will find I couldn't have said that because I wasn't Minister for Housing when the Penney House disaster took place, it was my colleague, the Hon Mr Isaac Abecasis. However, even if that would have been said, Mr Speaker, it must be recalled that as far back as the first development aid talks in 1974, it was then that the modernisation programme came into being and it was then that Government decided by way of policy that all post-war housing left vacant would be used for the modernisation programme.

MR SPEAKER:

In any event the answer is that the houses that are being vacant by the rehabilitation of tenants of Penney House are going to be used for the modernisation scheme.

HON J BOSSANO:

Mr Speaker, the position is then that tenants who return to Penney House will have their houses allocated to people in pre-war dwellings who are having their houses modernised, is that the position?

HON H J ZAMMITT:

Yes, Mr Speaker, but I would not like to be caught out. It is either Penney House or what is left as a result of an exchange to Penney House but at the end of the day the development side would derive exactly the same vacancies if not more from the "musical chairs" that is possible with Penney House.

HON J BOSSANO:

Yes, but I am trying to establish how long is the "musical chairs" because, after all, one can give houses to a lot of people ostensibly on the basis of the modernisation programme. Is the Minister saying that if a tenant who was previously in Penney House returns to Penney House, his empty house will be given to somebody whose home is going to be modernised?

HON H J ZAMMITT:

Not as clear as that. It can be somebody who can vacate something for modernisation, in other words, it can be a three-pronged thing or four-pronged thing.

HON J BOSSANO:

If it is somebody who already lives in a post-war house who can vacate a post-war house, who decides how to select the people in post-war houses who might want to go to one of these vacant houses? Is it the Minister or is it the Housing Allocation Committee?

HON H J ZAMMITT:

The Minister.

HON J BOSSANO:

And what criteria does the Minister apply to decide?

HON H J ZAMMITT:

I have consultation, of course, with my Housing Department and, together, we agree to have the exchanges.

HON M XIBERRAS:

Could the Minister say that in all these cases of houses left vacant with the reaccommodation at Penney House, that in all these cases the occupation of the flats left vacant have been necessitated by the modernisation programme or has he applied a certain degree of latitude.

HON H J ZAMMITT:

I try to use as little latitude as possible, Mr Speaker. At the end of the day one is trying to find particular dwellings in particular areas because there are particular requests.

HON M XIBERRAS:

Will the Hon Member be able to give a list of the people of the cases involved?

HON H J ZAMMITT:

No, I am afraid I cannot do that.

26.6.78

No.128 of 1978

ORAL

The Hon J Bossano

Can Government state whether the allocation of Glacis Estate is now complete and if so whether they are now in a position to fulfil the undertaking given some 5 years ago to make public the allocation list for this Estate?

Answer:

The Hon the Minister for Housing and Sport

I am glad to say that Government will shortly be in a position to fulfil the undertaking to make public the allocation list for Glacis Estate.

26.6.78.

No.129 of 1978

ORAL

The Hon J Bossano

Can Government state whether the allocation of 45 Bishop Amigo House was decided by the Housing Allocation Committee and if not by whom?

Answer:

The Hon the Minister for Housing & Sport

No Sir, it was decided by the Minister for Housing.

SUPPLEMENTARY TO QUESTION NO.129 OF 1978

HON J BOSSANO:

Mr Speaker, can the Hon Member say what criteria he applied in deciding the allocation of 45, Bishop Amigo House, and why, given that it was an allocation, it was not decided by the Housing Allocation Committee?

HON H J ZAMMITT:

First and foremost, Sir, it was an exchange because I required a particular dwelling at Moorish Castle Estate.

HON J BOSSANO:

Mr Speaker, is it not a fact that under the definition that the Hon Member has given in the House previously, there cannot be an exchange from an occupied to an empty dwelling, an exchange can only take place where two tenants move to each other's tenements. Is that not the definition that he has given previously and if he is now calling this an exchange has the definition used by him and his department now changed?

HON H J ZAMMITT:

It certainly has changed as far as the modernisation programme is concerned, Sir.

HON J BOSSANO:

I see. So, Mr Speaker, he is saying that as a result of the modernisation programme it is now permissible for people to apply for an exchange into an empty house.

HON H J ZAMMITT:

Provided they can give up something which is to the satisfaction and requirements of the department at that given time, yes.

HON J BOSSANO:

Mr Speaker, is the Hon Member aware that another resident of the same block as the block of the tenant who obtained 45, Bishop Amigo House, applied for a similar exchange and had his request rejected on the grounds that the place in Bishop Amigo House was required for the modernisation programme?

HON H J ZAMMITT:

Mr Speaker, Sir, I said before that there are certain circumstances in particular cases. This particular one was a ground floor flat for which we had specific and very demanding need.

HON J BOSSANO:

So that in fact the fact that the fortunate tenant in this case happened to be another Minister had no influence on the decision at all?

HON H J ZAMMITT:

It had no influence on me at all, Mr Speaker.

HON J BOSSANO:

Can the Hon Member say in terms of the size of the House whether the size of the tenement that has been allocated is the same as the size of the tenement that has been vacated, or is that a new rule as well?

HON H J ZAMMITT:

I don't know as to square footage, Mr Speaker, it certainly has the same number of rooms.

HON P J ISOLA:

In order to avoid accusations of wrongful use of political power, would not the Minister consider it advisable that exchanges and allocation of houses, even though he might take final responsibility for decisions, should be put to the Housing Allocation or Housing Advisory Committee in order that any public anxiety there might be could be allayed?

HON H J ZAMMITT:

Not for decanting and modernisation. Certainly for allocation under normal circumstances, yes, but not for decanting purposes.

HON J BOSSANO:

Mr Speaker, is it not a fact that the way that the Minister has chosen to change the definition without any prior announcement in the House, the way the Hon Member has chosen to change the definition of what is now an exchange, effectively,

3.

an exchange has now become an allocation because on the basis that eventually at the end of the line there is going to be an empty house which is going to be used to decant somebody, he can now move anybody from anywhere provided he chooses to do so. If he chooses not to do so then he doesn't do it.

HON H J ZAMMITT:

That is not quite the case, Mr Speaker, I think the Hon Member is exaggerating. We only allow exchanges if there is a particular need for a particular house in a particular area. In this particular circumstances, Mr Speaker, we are talking of a ground floor for which we had a very specific and demanding request.

HON P J ISOLA:

What is wrong, Mr Speaker, may I ask the Minister, in allowing the Housing Allocation Committee to look at these cases?

HON H J ZAMMITT:

Because the Housing Allocation Committee is there to allocate houses and not start getting themselves involved in exchanges. That is what the department is there for.

HON P J ISOLA:

I seem to remember something somewhere that there is also a Housing Advisory Committee.

HON H J ZAMMITT:

That is a medical committee, Mr Speaker.

HON J BOSSANO:

Mr Speaker, is the Hon Member aware or has he not sought the views of the Housing Allocation Committee either, but is he aware that it may well be that the Housing Allocation Committee does not agree with his view in this matter and that they may, in fact, think that he is taking over their responsibility for allocating houses.

HON H J ZAMMITT:

Mr Speaker, I am sorry if the Housing Allocation Committee doesn't agree. I am the Minister for Housing and I will administer housing as I think best and in accordance with the policy of the Government.

HON J BOSSANO:

Mr Speaker, is it now the policy of the Government to give the Minister under the guise of the modernisation programme the latitude of giving houses to whoever he wants?

4.

HON H J ZAMMITT:

Mr Speaker, I do not give houses to whom I want. I give houses to people who make cases and we consider the case and then one allows an exchange. I have not as yet allocated one post-war house.

HON J BOSSANO:

Mr Speaker, that is only because the Hon Member has changed the definition of what constitutes an allocation. Would he not agree that under the definitions that have operated until today, as far as the House is being concerned, giving a house to somebody who gave up an empty house was still on allocation. It was only an exchange done departmentally when the rules were applied that the two families exchanging with each other both gave up identical accommodation but that, in fact, anything that meant an improvement was seen by the department until now, will he not confirm this, was seen until now as a way of leap-frogging on the priorities laid down by the pointage scheme.

HON H J ZAMMITT:

That is not quite so, Mr Speaker. First and foremost it wasn't people exchanging with identical accommodation. There were two facts to be considered, (a) no overhousing and (b) no underhousing and therefore that was adhered to as much as possible. In these particular circumstances in which the Hon Member has asked a question, I said before and I say again that there was a particular need for a particular flat in a particular area and I took it upon myself to do that, Mr Speaker.

HON M XIBERRAS:

Mr Speaker, I have a question on the Order Paper referring to the case of Messrs Morello and Savignon which, in fact, are related to No.45 Bishop Amigo House. Since the Minister has not chosen to answer both questions together I would prefer to leave my questions on this subject till later.

HON P J ISOLA:

Mr Speaker, I am very concerned at the obvious personal participation that the Minister seems to have in the allocation of houses. Does he consider this to be right? Should he not, as Minister, be more concerned with policy and should not allocation of houses, as such, be done either by the Housing Manager on well known principles enunciated to him by the Minister or by the Housing Allocation Committee or, alternatively, by the Housing Allocation Committee? Is the policy now that the Minister personally is going to decide who gets the House in a particular area and is that not obviously subject to very, very wrong interpretation and liable to abuses and charges of political corruption?

HON H J ZAMMITT:

Certainly not, Mr Speaker. There is nothing that has changed. The Housing Allocation Committee still allocates houses. The only thing the Minister and the Housing Department are doing is on the question of decanting for the modernisation programme.

HON J BOSSANO:

Mr Speaker, is it not the case that as a result of the policy decision that the Government has taken, there are no houses to allocate, so when the Hon Member says the Housing Allocation Committee allocates houses, what houses is he talking about?

HON H J ZAMMITT:

When they become vacant and they are ready for allocation.

HON J BOSSANO:

Which one does not know when it will be because the Hon Member has said that any post-war house that becomes vacant will be allocated by him and not by the Housing Allocation Committee.

HON H J ZAMMITT:

I did not say will be allocated by me. I said they will be used for decanting purposes for the modernisation programme and if Members opposite would like to refresh their memory they should recall that Government has given those persons who agree to decanting the option of going back to their old house or stay where they are.

HON J BOSSANO:

Mr Speaker, can the Minister say who decides who gets a post war house if it is not him and it is not the Housing Allocation Committee?

HON H J ZAMMITT:

It is the Housing Department, Mr Speaker.

HON J BOSSANO:

Well, is it the Housing Manager, Mr Speaker?

HON H J ZAMMITT:

Mr Speaker, I can't say it is the Housing Manager or the girl downstairs but certainly he must realise that houses aren't given out by the messenger at the doorway. It surely must be the Housing Manager and myself.

HON J BOSSANO:

I see. So it is not incorrect to say, Mr Speaker, that the Housing Allocation Committee has got no houses to allocate for the time being and that there is no immediate prospect that they will have any because the Hon Member has said that any house that will become available will be used for the modernisation programme and that who gets the house under the label 'modernisation programme' is decided by himself and the Housing Manager. Is there any right of appeal against his decision, Mr Speaker?

HON H J ZAMMITT:

No there isn't, Mr Speaker.

HON G T RESTANO:

Mr Speaker, this new system which has been implemented, have there been prior cases where this system has been implemented or is this particular case the first one?

HON H J ZAMMITT:

I am sorry, I don't quite understand the question.

HON G T RESTANO:

This new system of changing from an occupied to an unoccupied flat, this new system which the Minister mentioned previously.

MR SPEAKER:

I don't think the Minister has said that there is a new system, I think the Minister has said that in this particular instance it has been done and then of course Mr Bossano has followed certain logical conclusions but I do not think it has been accepted by the Government that the system has changed.

HON G T RESTANO:

I think, Mr Speaker, that the Minister said that this was a new system which had <sup>been</sup> put into effect since the modernisation programme and therefore I would like to know if there have been other cases similar to this or is this the first one?

HON H J ZAMMITT:

I can't enumerate them, Mr Speaker, but I think there have been requests for exchanges from one area to the other and if in the interest of the general housing situation we think it is viable it is accepted. I can't say how many cases there have been but there certainly have been a few.

HON J BOSSANO:

Mr Speaker, if somebody makes a request to exchange the house that he is occupying at the moment with an empty house that is waiting to be used for somebody whose house is going to be

modernised, if the Minister thinks that he doesn't need the house the other person is vacating, does he reject the request?

HON H J ZAMMITT:

No Sir, it isn't quite as infantile as that.

MR SPEAKER:

Now we are trying to find out how the Minister exercises his discretion.

HON J BOSSANO:

The position previously to now, Mr Speaker, before this modernisation programme, was, if I am not mistaken, that the Housing Allocation Committee allocated houses quite clearly on the basis of the Housing Allocation Scheme. Since that is no longer happening we have established that that has been replaced by decree by the Minister with the advice of the Housing Manager but I think it is legitimate that the House should try and establish more specific criteria as to how the Minister arrived at his decision so that he doesn't get accused of giving houses only to his pals. I am sure the Minister would not want to get accused of that although it might well produce an avalanche of applications to join the AACR.

HON H J ZAMMITT:

Mr Speaker, we just don't refuse or accept exchanges for a number of reasons offhand because the mere repairing of the houses of course causes delays, but if there is a particular need at that particular time, as I said before, for a particular house in a particular area which suits the Housing Department's needs then, certainly, I do accept it and I do approve the exchange.

MR SPEAKER:

I think we have ventilated the question for quite some time. Next question.

26.6.78

No.130 of 1978

ORAL

The Hon J Bossano

Will Government state whether their proposed house purchase scheme will provide for the newly increased rents to count as contributions towards the payments under this scheme as from the 1st July 1978 when these payments of rent become effective?

Answer:

The Hon the Minister for Housing and Sport

No Sir, the recent rent increases announced for the 1st July will not count as contributions towards the payments under the proposed scheme. In fact the increased rents will fall far short of the level required to cover ordinary repairs and maintenance.

SUPPLEMENTARY TO QUESTION NO 130 OF 1978

HON J BOSSANO:

Mr Speaker, is it not true that the Hon Member said in a recent meeting of the House when he was introducing the increased rent, that people would have the opportunity to buy their own house at the same time as they were being asked to pay more rent?

HON H J ZAMMITT:

That could well be so, Mr Speaker, that probably rent has to go up again.

HON J BOSSANO:

I have no doubt that rent will keep on going up as long as he is in Government Mr Speaker, but what I am asking is whether it is not true that he gave the House the impression that at the same time as increasing rent, people would be given at the same time the opportunity of opting to buy their house rather than pay the higher rent. If this is not the case then at what stage are people going to be given the opportunity? What level will the rents reach before they are given that opportunity? I think the Hon Member said during the budget session that the scheme wasn't quite cut and dried then but he gave the impression that it was in the pipe-line and that people would be given that opportunity almost simultaneously with having to pay more rent.

HON H J ZAMMITT:

I cannot recall having said that, Mr Speaker, but I take the Hon Member's word if I did say such a thing. I can say, of course, that the scheme today is still not cut and dried and

2.

if I think as rents will have to go up again at some future date, it could well be that then there could be some form of comparison between rent and deposit, but the Hon Member must realise, Mr Speaker, that before we can put the home ownership scheme into effect there will be a lot of detailed work to go into before one could say that a particular house in a particular block will be able to <sup>be</sup> purchased on the rent that is being increased.

26.6.78

No.131 of 1978

ORAL

The Hon J Bossano

Is Government aware of the anomalies in the structure of rents for Government owned houses that has resulted from the recently introduced rent increases?

Answer:

The Hon the Minister for Housing & Sport

Government is not aware of anomalies in the structure of rents for Government owned houses other than apparent anomalies that can give such impression by comparison with Varyl Begg Estate, the rents of which have not been increased.

SUPPLEMENTARY TO QUESTION NO 131 OF 1978

HON J BOSSANO:

Mr Speaker, apart with the anomalies with Varyl Begg Estate, is it not a fact, Mr Speaker, that the rents are arrived at by having a notional cost per square per annum which, presumably, has been doubled and that consequently the cash differential that existed between houses in different parts of the town has been increased enormously as a result of simply doubling what the rate was before.

HON H J ZAMMITT:

Mr Speaker, I think that at the moment Government is considering having somebody come out to look at the suggestion contained in the Wyles Report on the square footage formula.

HON J BOSSANO:

Could I ask the Minister whether he would agree that simply to keep on putting percentage increases on this system would not be a rational way to try and arrive at an economic rent?

HON H J ZAMMITT:

Yes, I do agree on that.

26.6.78

No.132 of 1978

ORAL

The Hon J Bossano

Can Government undertake to introduce the revised rent relief scheme recently referred to in the House with effect from the 1st July to coincide with the recent rent increases?

Answer:

The Hon the Minister for Housing and Sport

Yes Sir.

26.6.78

No.133 of 1978

ORAL

The Hon M Xiberras

Why has Government not taken the opportunity substantially of revising the tenancy agreement with Government tenants, circulating in connection with the considerable increases in rents of Government premises, in such manner as to ensure that the terms are more realistic and that tenants receive value for money?

Answer:

The Hon the Minister for Housing and Sport

Tenancy Agreements were revised in 1974. It is considered that the conditions of the Tenancy Agreements are reasonable and that tenants do receive value for money.

SUPPLEMENTARY TO QUESTION NO 133 OF 1978

HON M XIBERRAS:

Mr Speaker, wasn't it the view of the Government that there were certain flaws in the tenancy agreement which could hardly be implemented and were being flouted in quite a number of cases?

HON H J ZAMMITT:

Mr Speaker, I now understand the question because quite honestly I must confess that it was the only question that had me baffled and I have to read it more than once. If the Hon Member is referring to the question of dogs and other like things, yes, I think it is a matter that would require looking into but it is not at the moment possible.

HON M XIBERRAS:

Is it that Government has not decided on a policy with regard to the subject mentioned by the Hon Member and others, for instance, the use as business premises and so forth.

HON H J ZAMMITT:

Mr Speaker, it is a matter for, I think much deeper consideration and I can say that it is a matter which I will be discussing with my colleague in due course.

HON M XIBERRAS:

With regard to the entitlement of tenants to repairs of houses and so forth, is the Minister satisfied that the agreement is fair on tenants?

HON H J ZAMMITT:

Mr Speaker, I think people do receive fair value for their money and as in any other situation I suppose there are grounds for complaint on both sides but I think people do get value for their money.

HON M XIBERRAS:

Is it not a fact, Mr Speaker, that there are numerous complaints about the repairs and would the Minister not say that tenants find it difficult to have recourse against the Government in these cases and generally drop their complaints.

HON H J ZAMMITT:

Mr Speaker, I get the impression from the questions of the Leader of the Opposition, that there are innumerable complaints. I must say I do not receive many complaints that work isn't being done other than of course major works but the minor works are being done as far as I know within reason. It certainly isn't a problem.

HON M XIBERRAS:

Perhaps the Hon Member should consult with his colleague the Minister for Public Works.

HON H J ZAMMITT:

That is a different thing completely. I can only answer for my own department.

26.6.78

No.134 of 1978

ORAL

The Hon M Xiberras

What expertise does the Housing Department itself possess to ensure that it gets maximum return for the £600,000 for which it is responsible in respect of housing repairs and maintenance?

Answer:

The Hon the Minister for Housing and Sport

The Housing Department is at present together with Public Works Department looking into this matter so as to ensure maximum return for the £600,000 and the whole question is under consideration.

SUPPLEMENTARY TO QUESTION NO 134 OF 1978

HON M XIBERRAS:

I am glad to hear that, Mr Speaker. Would the Hon Member, who appears to have changed his mind somewhat since the Budget debate, would the Hon Member ensure or try to ensure that he gets at least one expert in building, a quantity surveyor or something of the kind in the Housing Department?

HON H J ZAMMITT:

Mr Speaker, I can't assure that I will get a technical man in the Housing Department. I will do my utmost to try and get a technical man in my department.

HON M XIBERRAS:

Could the Hon Member not agree that it is justifiable?

HON H J ZAMMITT:

Mr Speaker, if I didn't think it was justifiable I certainly wouldn't be asking for it.

26.6.78

No.135 of 1978

ORAL

The Hon M Xiberras

Has Government had sufficient time to consider the chaotic parking arrangement at Moorish Castle Estate and if so will it be able to improve the situation there?

Answer:

The Hon the Minister for Housing and Sport

It has not been possible to find a real solution to the problem of parking at the Moorish Castle Estate. Basically, the position is that there are too many cars chasing too few spaces and that there is no practical means of enlarging parking facilities within such a confined area. The difficulties are made even worse by some people blocking the roadway by indiscriminate parking. I hope, however, that it will now be possible to repaint the parking bays as part of this year's "traffic lines" repainting programme and that proper checks will be made. This should result in a marginal improvement in the position.

SUPPLEMENTARY TO QUESTION NO 135 OF 1978

HON M XIBERRAS:

Would the Hon Member not agree that even though the tenants at Moorish Castle don't have an absolute right to park there, in other words, it is public highway and other people can park, it is their private cars as opposed to other cars that should have a priority there, and would the Hon Member not take steps to ensure that this is so in practice.

HON H J ZAMMITT:

Mr Speaker, although one has to accept that it is difficult to find a solution to the problem, I think that something ought to be done and can be done to alleviate somewhat that particular area. I would certainly look into the matter, Mr Speaker, and I am sure that Members will see a possible alleviation in the not too distant future.

26.6.78.

No.136 of 1978

ORAL

The Hon M Xiberras

In view of the revenue raising considerations involved in the proposed Government plan to levy charges on users of Victoria Stadium will Government undertake to make a detailed statement of the plan ahead of implementation? Will Government undertake to involve users of the stadium directly in its management as a condition of implementation and furthermore will Government commit itself to introducing any such plan only by resolution of the House?

Answer:

The Hon the Minister for Housing and Sport

Government will make a detailed statement in due course well ahead of the implementation of the proposed scheme to levy charges on users of the Victoria Stadium.

Government does not intend to involve users of the Stadium directly in its Management.

A fund will be created and all revenue accruing from the Membership Scheme will be paid into this fund. One third of the income raised will be paid into the Consolidated Fund by way of reimbursement as a contribution towards operating costs of the Victoria Stadium. The balance will be funded and used exclusively for the improvement of facilities at the Stadium and to finance annual contributions to different sporting organisations. The Fund will be administered by a statutory Sports Council, chaired by the Minister for Sport, which Government intends to create.

Government does not consider appropriate a resolution of the House for the implementation of such a scheme.

SUPPLEMENTARY TO QUESTION NO.136 OF 1978

HON M XIBERRAS:

Mr Speaker, will the Minister not agree that representation of the users of the Stadium in the statutory Council, which is going to be brought into being would in part at least meet the second point which I am making, and is he prepared to involve sporting associations in the management of the stadium in that way?

HON H J ZAMMITT:

Yes, that is so, Mr Speaker.

HON M XIBERRAS:

Secondly, Mr Speaker, since these are charges being levied on

2.

7,000 persons a year in a Government concern and Government property, what opportunity does the Minister consider is a fitting one for this House to examine these charges that may be revised from time to time.

HON H J ZAMMITT:

I didn't quite catch that, Mr Speaker.

HON M XIBERRAS:

What opportunity is available to Hon Members of this House to discuss the charges which may be charged from time to time?

HON H J ZAMMITT:

Mr Speaker, I don't honestly know nor has Government as yet decided on a particular figure.

MR SPEAKER:

You are being asked how it is going to be brought up before the House.

HON H J ZAMMITT:

Mr Speaker, as I have said in reply to the question I will certainly be making a detailed statement and the House will be given a chance of seeing what Government intends to charge. They may want to up it or lower it, I don't know, and then subsequently I am sure it will come up at every budget session.

HON M XIBERRAS:

Mr Speaker, would the Minister not agree that unless this is done through resolution of the House, as in my view it should since it involves a very large proportion of the community, would he not agree that the Government could change the charges in between budgets and then Hon Members would have to go through the procedure of asking questions and in any case being powerless to lower the charges since we can move no resolution regarding money.

HON H J ZAMMITT:

Mr Speaker, I can certainly give this House an assurance that the fee will not be excessive in any way. Government does not intend to make money out of this at all. But as in everything else if Members opposite were to think that we were being a little abusive they are entitled to bring questions or motions to the House. However, I do not think in all fairness that such an administrative matter requires a resolution of the House.

HON M XIBERRAS:

Does the Minister not agree that apart from the administrative implications this is a revenue raising measure involving

7,000 people, no less, in the community and involving an important facility which the Government and the taxpayers, in fact, provide. What objection would he have, therefore, to introducing any original charge through resolution and to having, what one hopes would be infrequent increases in the charges, come to this House for approval by resolution? What possible objection could the Minister have to that?

HON H J ZAMMITT:

Mr Speaker, under no circumstances will Government accept or admit that these are revenue raising matters, of course it isn't. They are just charges levied to try and improve the present facilities and to give out to the sportsmen themselves what they contribute, in other words, we will help those who help themselves. It is not a revenue raising matter.

HON M XIBERRAS:

Mr Speaker, would the Hon Member not agree that this subject has financial implications? They are for the purpose of raising revenue in respect of a Government project and it is the practice of this House on many occasions, not in all, mind you, on many occasions, to deal with these things which might very well be controversial by resolution of this House. Is the Hon Member not bypassing this House?

HON H J ZAMMITT:

No, Mr Speaker, I am afraid that Government cannot consider the question of having a resolution of the House for its implementation.

HON M XIBERRAS:

Could I ask the Hon Member what his objection is? I asked him before and he didn't give it.

HON H J ZAMMITT:

There isn't any direct objection, Mr Speaker, it is too clumsy to have to come to this House to raise £2 per annum subscription.

HON M XIBERRAS:

Mr Speaker, the Hon Member is adopting a rather dictatorial tone in these matters. Surely, the Hon Member is aware that especially amongst these 7,000 sportsmen, how much they are going to be charged for the use of the Victoria Stadium is a very important matter.

MR SPEAKER:

Order. We are making statements every time we ask a question.

HON M XIBERRAS:

I asked the Hon Member whether he was not aware, and surely he must be, that this question of levying charges at the Victoria Stadium is going to be a burning issue amongst sportsmen and the general level of these charges and what....

MR SPEAKER:

Please ask your question.

HON M XIBERRAS:

Mr Speaker, my question is: is the Hon Member not aware that sportsmen will consider this to be a burning issue and, secondly, in view of that - I am sure the answer will be yes - will the Hon Member not give the representatives of people in this House an opportunity of discussing regularly and agreeing or disagreeing with particular charges levied?

HON H J ZAMMITT:

The answer is no, I am afraid it cannot be yes.

HON M XIBERRAS:

I am asking the Hon Member why not?

HON H J ZAMMITT:

Because, Mr Speaker, this House is not to be involved in little administrative matters which are a matter of procedure anywhere in the world. It is done everywhere in the world. Not because the facilities at the Victoria Stadium have been free for the past 5 or 6 years must it continue to be free and the Hon the Leader of the Opposition well knows that when he goes to play hockey in England they have to pay substantially for the ground and that is exactly what Government is going to do.

HON P J ISOLA:

Might I ask the Minister whether he is willing to consult the Hon and Learned Attorney-General as to whether levying fees in the Victoria Stadium without the approval of the House would be unconstitutional.

MR SPEAKER:

Are you prepared to consult the Attorney-General on the matter? That is all you are being asked.

HON H J ZAMMITT:

Of course I am prepared to consult the Attorney-General, Mr Speaker.

HON M XIBERRAS:

Mr Speaker, has the Hon Member changed his mind about the importance of the stadium, generally, to the community in view of the fact that this House was discussing for a very long time certain industrial action that took place in the Stadium not so very long ago and would the Hon Member then reconsider his position in view of the financial implications of this and the right that Hon Members on this side of the House, although we are only five, undoubtedly have.....

MR SPEAKER:

Order. I am not going to say it again. We are going to ask clear cut questions and we are not going to make a statement every time we ask a question. I think I have been as liberal as I can afford to be.

HON M XIBERRAS:

My question was, Mr Speaker, would the Hon Member reconsider, in view of the constitutional implications of the rights of this House to control funds, in view of this would he not reconsider his position?

HON H J ZAMMITT:

Mr Speaker, if it is unconstitutional of course one has to reconsider it.

HON M XIBERRAS:

My point was not that he should do it because it is unconstitutional, my point is would he try to reconsider?

MR SPEAKER:

Order. Next question.

26.6.78.

No.137 of 1978

ORAL

The Hon M Xiberras

Will the Minister for Housing make a statement on the housing cases of (i) Mr R Morello of 2, Goole House and (ii) Mr Savignon of 10, Bro O'Brien House?

Answer:

The Hon the Minister for Housing & Sport

Together with his wife, 3 daughters and grandmother, Mr R Morello occupies 2 Goole House consisting of 4 RKB. This is on the first floor. Since 1975 Mr Morello has been requesting an exchange to Archbishop Amigo House due to noise emanating from the Glacis Club which is immediately below his maisonette and which affects his wife's grandmother who is 91.

The Housing Advisory Committee recommended an exchange on medical grounds.

It was however not considered proper to allow the exchange to No. 45 Archbishop Amigo House on the top floor which became vacant, due to the advanced age of the grandmother. When a similar maisonette (No 6) became vacant it was offered to Mr Morello but rejected. No 6 Archbishop Amigo House is on the first floor but well away from the Glacis Club.

Mr and Mrs Savignon and daughter were decanted from Flat Bastion Road to 10 Brother O'Brien House on the 27 October 1975 in connection with the Modernisation Programme.

Mr and Mrs Savignon took up employment with Queensway Ltd where accommodation was provided. 10 Brother O'Brien House was therefore unoccupied for some 10 months.

On the 19th May 1978 Notice (a) under the Housing Special Powers Ordinance was served upon Mr Savignon at 10 Brother O'Brien House. On the 22nd May 1978 Mr Savignon submitted an exchange form to exchange with Mr Mauro of Lower Castle Road. This was approved. Mr Mauro's flat at Lower Castle Road therefore became vacant. This has now been allocated.

SUPPLEMENTARY TO QUESTION NO.137 OF 1978

HON M XIBERRAS:

Mr Speaker, in respect of Mr Morello's case the Hon Member has said that the Housing Advisory Committee agreed an exchange to Bishop Amigo House.

HON H J ZAMMITT:

No, they did not recommend Bishop Amigo House. They recommended an exchange on medical grounds without any particular directive to any particular house or area.

HON M XIBERRAS:

The Hon Member said that Mr Morello had asked for an exchange to Bishop Amigo House. Would the Hon Member agree that he told me in a meeting of the 25th May to which my letter to him of the 7th June refers, that Mr Morello expressed a distinct interest in No. 45 Bishop Amigo House.

HON H J ZAMMITT:

That is so, Mr Speaker, and I answered in the reply to the Hon Leader of the Opposition that it was considered not proper to allow Mr Morello with a 91-year old grandmother to move to a top floor and therefore an offer was made of No 6 on the first floor.

HON M XIBERRAS:

Would the Hon Member confirm also, Mr Speaker, that in fact Mr Morello had expressed a distinct interest in No.45 Bishop Amigo House well before the present occupant, I believe, his ministerial colleague, in fact got the house.

HON H J ZAMMITT:

That is so, Sir.

HON M XIBERRAS:

Mr Speaker, would the Hon Member also confirm that he was told that there was no impediment to the 91-year old lady living in the top floor because she did not go out often and in any case it was an advantage to her to be on the top floor where she could have a much better view and access of the top area of the house, and this was the view of Mr Morello and his family and I believe also of the doctor.

HON H J ZAMMITT:

That is not so, Mr Speaker. I have letters here referring to the 91 year old grandmother and complaining about the noise, but as far as I know Mr Morello applied for that house and it was not accepted.

HON M XIBERRAS:

Was he not told that his application for No.45 would certainly be kept under consideration and was a note to this effect not made in his file? Was the Housing Manager not aware of Mr Morello's interest in No. 45, Archbishop Amigo House long before the question of the so-called modernisation of another house, occupied at the time by his ministerial colleague, came into the picture at all?

HON H J ZAMMITT:

Mr Speaker, that is not so. Mr Morello was never ever told by the Housing Department in either interviews or by correspondence, that 45, Archbishop Amigo House was for him.

HON M XIBERRAS:

I am saying, Mr Speaker, that Mr Morello, whose exchange, as the Minister rightly said had been approved by the Housing Advisory Committee on medical grounds because of the noise, had expressed an interest both to the Minister and to the Housing Manager in No. 45 Archbishop Amigo House very long before by the Minister's own admission to me in our meeting, very long before his ministerial colleague became interested in that particular house, and by the way Mr Speaker....

MR SPEAKER:

That has been accepted.

HON M XIBERRAS:

In view of the so-called modernisation aspect of this, was it not a fact, Mr Speaker, that it was an interest in No. 45 Archbishop Amigo House by the present occupant which motivated the exchange and was it not a fact that the particular modernisation problem to which the Minister referred to in answer to the question of the Hon Mr Bossano could have been sorted out in a much different way.

HON H J ZAMMITT:

Mr Speaker, I don't know if the Hon Member wants to make an issue of the situation. Archbishop Amigo House was used for the Penney House tenants and it was known that a number of tenants occupying Archbishop Amigo House would be returning to Penney House. When Mr Morello applied for No. 45, it was considered by the Housing Department that No. 45 could not be given to him because of the 91-year old grandmother. However, as I said in reply to the original question, it was not that Mr Morello was thrown out, we did have No. 6 ready because the case made by Mr Morello was one of noise affecting his 91 year old grandmother, not vertigo, noise, and therefore we knew that No. 6 was coming up and we said: "Right, we can allocate No. 45 and Mr Morello can also be sorted out by giving him No. 6". The fact is that Mr Morello happens to be bent on No. 45. I can assure the Hon Member that there is no correspondence whatsoever that says Mr Morello had to have No. 45 or nothing.

HON M XIBERRAS:

Is it not in fact the case, Mr Speaker, that it was the Minister who was bent on No. 45 also and wasn't this the root cause of everything rather than a perfectly good case the Minister may or may not have, and I don't at all say that the Minister does not have a case, but surely if Mr Morello had in fact shown an interest in this House the least the Department could have done was to put two names into a hat and draw for them.

HON H J ZAMMITT:

This Government does not draw names out of a hat, Mr Speaker, I do things as I think proper and fair, Mr Speaker.

HON P J ISOLA:

Perhaps the Minister will pardon us if we have loss of confidence in his choice.

HON H J ZAMMITT:

Mr Speaker, the Hon Member can have lack of confidence. I am afraid that works both ways. I do things fairly, as I think are fair, and I don't have to have the approval of the Hon Mr Peter Isola. I am always prepared to account for all my activities.

HON M XIBERRAS:

In connection with this case, would the Hon Member, however, bear in mind my letter to him of the 7th June in which I stated that Mr Morello had got to know that another house in the top floor No. 47, Archbishop Amigo House, may very well become vacant and that he would be interested in that despite his 91-year old relative and could I ask for an assurance from the Minister that he is going to be considered for that house when it becomes occupied and that this is not going to prejudice this debate that we have had in the House.

HON H J ZAMMITT:

Mr Speaker, I can assure the Leader of the Opposition that all cases in housing are considered, but that Mr Morello will get a top floor flat that I very much doubt, Mr Speaker, not with a 91 year old grandmother. We are referring to correspondence here of noise and we have sorted Mr Morello's problem by changing him somewhere else where there is no noise.

HON M XIBERRAS:

Would the Hon Member not agree that if a medical certificate is produced to the contrary he would be treating Mr Morello most unfairly if he insisted in his own particular view on medical grounds as above that of a doctor.

HON H J ZAMMITT:

Is the Hon Member saying that some doctor is supposed to have said that a 91-year old grandmother should go to a 6th floor?

MR SPEAKER:

Order, we are getting out of hand.

HON M XIBERRAS:

Mr Speaker, will the Minister understand that this old lady hardly goes out, that she has nothing wrong with her medically and that she is better off in the top floor than below. Relating

to the case of Mr Savignon, the Hon Member has said that the department had already started proceedings and actually posted a notice on the door of 10 Bro O'Brien House under the Housing Special Powers Ordinance on the grounds that the tenant, Mr Savignon, was taking a tied house at Ocean Heights. This is in fact the case and do I take it, Mr Speaker, that the department knew that that house was vacant and because it was vacant the Housing Department was trying to take possession?

HON H J ZAMMITT:

That is so, Sir.

HON M XIBERRAS:

Mr Speaker, would the Hon Member confirm that in fact in our meeting of the 25th of May he said that a transfer had been arranged between Mr Savignon and Mr Mauro of Lower Castle Road.

HON H J ZAMMITT:

That is so, Sir.

HON M XIBERRAS:

Mr Speaker, how can the Hon Member reconcile what he has often said in this House that he will not arrange to take transfers, that he will in fact exchange two houses that were similar in size and obviously that the occupants of the two premises involved had to be in possession. How can he reconcile those statements which he has said in the House with his action in this particular case?

HON H J ZAMMITT:

Mr Speaker, prior to the service of Form A on Mr Savignon, on the 19th May, prior to this, Mr Speaker, Mrs Savignon herself approached me in the street wanting an exchange because she was not using her house and she mentioned the particular person that they eventually changed with. The fact that we served Notice A was because we had written some five or six letters to Mr Savignon at 10 Bro O'Brien and there was no reply at all.

HON J BOSSANO:

Mr Speaker, if the Minister is saying this does he tell the House that he thought that the Savignon family was actually going to occupy Castle Road, or did he not expect them to stay in Ocean Heights where they were living already?

HON H J ZAMMITT:

I accept that, I knew they were going to stay in Ocean Heights. All they wanted was, possibly, a smaller house for a few days to put furniture.

HON M XIBERRAS:

Would the Hon Member say, in fact, that this is a genuine transfer?

HON H J ZAMMITT:

Yes, Mr Speaker, I always do genuine transfers, I don't do anything else, Mr Speaker, and I think the Leader of the Opposition should be the first one that should realise this because he comes to see me on matters which he wouldn't like me to disclose here. When I do things, Mr Speaker, it is because I have a reason to do things.

HON M XIBERRAS:

Mr Speaker, would the Hon Member not agree that to call a genuine transfer the case of someone who is going to occupy a house even in theory for two or three days only or two or three weeks with the knowledge of the department that he is going to be moved in fact to a house that was for the taking of the department, that that is a genuine transfer?

HON H J ZAMMITT:

Mr Speaker, it is as genuine a transfer as the Hon Leader wants to have his brother close to him.

MR SPEAKER:

Order, I will not have any personal imputation.

HON M XIBERRAS:

Would the Hon Member say what in fact he did with the procedure that was instituted in which the Housing Advisory Committee is involved?

HON H J ZAMMITT:

The Housing Advisory Committee is involved in what?

HON M XIBERRAS:

Involved in the Housing Special Powers Procedure.

HON H J ZAMMITT:

No, the Housing Allocation Committee.

HON M XIBERRAS:

What did he do with that procedure, did he refer it back to the Housing Allocation Committee and say: "We are no longer taking action under this," or did he just drop proceedings of his own volition, and did he inform the Housing Allocation Committee of this?

HON H J ZAMMITT:

I think the Housing Manager did, Sir.

HON M XIBERRAS:

Will the Hon Member please make sure.

HON H J ZAMMITT:

Mr Speaker, I will make sure later on.

HON M XIBERRAS:

Will he not agree that he was treating the Housing Allocation Committee rather shabbily having persuaded them to take possession of this flat and then not tell them that the proceedings had been discontinued?

HON H J ZAMMITT:

Mr Speaker, I have said the same thing here today on a number of occasions. Some members opposite and particularly the Leader of the Opposition who has been Minister for Housing, well know that there are circumstances in housing when one is seeing that there are particular considerations to be given in every particular case, and every particular case is distinct from every other case. Mr Speaker, one tries to do things as best as possible and one is fully aware that if every time one does something one is going to have to account to 15 different people then one might as well not be there. There are some circumstances when one is, I wouldn't say compelled or forced, but when one has a very particular inclination to try and help as much as possible and this is exactly what I did in the case of Savignon who did not want to go to Court and in the case of the other tenant who obviously was trying to find an exchange for very valid reasons, Mr Speaker, and therefore I accepted it and that is what I said before, I am Minister for Housing and the day that my Chief Minister doesn't want me there he is at liberty to move me, Mr Speaker.

HON M XIBERRAS:

Mr Speaker, would the Hon Member not agree that it would be much fairer and appear much fairer if in such cases as the Minister has described, the Minister would shoulder responsibility for Ministerial allocation by calling it a ministerial allocation rather than calling it a transfer because now there are a number of things which are in effect ministerial allocation which are being called by another name.

HON H J ZAMMITT:

There is no such thing as a ministerial allocation. I only allow exchanges in connection with the modernisation programme.

HON J BOSSANO:

But, Mr Speaker, does the Hon Member really expect either Members

of the House or Members of the public in Gibraltar to swallow what he wants when it is quite patent that he is incapable of defending his decision? Can he tell the House whether, in fact, this is or is not a precedent? Is there ever a previously recorded case of a tenant being given notice to quit because he has not occupied the house for ten months and somebody is allowed to move into it as an exchange when the Hon Member knows that the tenant that is theoretically exchanging the house has got no intention of occupying the house into which he is supposed to move?

HON H J ZAMMITT:

Mr Speaker, that was to my advantage. I wanted the pre-war accommodation.

HON J BOSSANO:

Mr Speaker, is it not a fact that his nephew wanted the house in Glacis?

HON H J ZAMMITT:

Yes, and I also wanted the pre-war house which I got.

HON J BOSSANO:

But, Mr Speaker, if the Hon Member wanted a pre-war house and he needed it for his modernisation programme, there was no need to try and camouflage it by getting an exchange between the person having been given notice to quit....

HON H J ZAMMITT:

Mr Speaker, on a point of order, I did not try to get any exchange. They came to the department with the exchange. The Housing Department and the Minister did not intervene at all in the exchange. They requested the exchange.

HON J BOSSANO:

Mr Speaker, is it not true that the Hon Member, perhaps in his capacity as uncle rather than in his capacity as Minister, signed a cheque to the tenant in order to pay £100 for the wallpaper?

HON H J ZAMMITT:

Mr Speaker, I hold the Hon Member responsible for his allegation. She is not my niece nor did I sign any cheque and I challenge the Hon Member on that, Mr Speaker.

MR SPEAKER:

Order, there is no imputation that the Minister has done something he shouldn't have done.

HON J BOSSANO:

He is quite free to give cheques to whoever he wants.

HON H J ZAMMITT:

She is not my niece nor have I given any cheques.

HON J BOSSANO:

Will the Hon Member say he has not had any personal involvement?

HON H J ZAMMITT:

I have not, Mr Speaker.

HON J BOSSANO:

Well, then perhaps he can deny that this is the case. My information is that he has had personal involvement in a personal capacity, not as Minister, but it also happens that it is an unusual situation that when the Housing Department gives notice to quit to a tenant because the tenant is not occupying the house, the normal procedure is that that tenant will not be allowed to exchange with somebody because the Housing Department normally suspects that this is a way of jumping the queue. The Hon Member said that he wanted the pre-war house, well, surely, if he wanted the pre-war house the exchange doesn't enter into it at all, Mr Speaker. If he wanted the pre-war house all he had to do to get that pre-war house was to.....

MR SPEAKER:

Mr Bossano, I know what you are trying to say but what are you trying to ask the Minister?

HON J BOSSANO:

I am trying to tell the Minister that if in fact he wanted the pre-war house, Mr Speaker, then there was no need for the transfer because all he had to do was.....

HON H J ZAMMITT:

I wanted the pre-war house, yes.

MR SPEAKER:

You are being asked that if you wanted the pre-war house there was no need to go about it the way you did.

HON H J ZAMMITT:

Mr Speaker, they came to me about it and I accepted it because I saw I was killing two birds with one stone.

HON CHIEF MINISTER:

On a point of order. The Hon Mr Bossano has made an allegation about a cheque for wallpaper which the Minister denies completely. Perhaps it may be through a misunderstanding of some other name and maybe it has been done in good faith but if the Minister says that he has not had any connection whatsoever of any financial nature and has not paid for wallpaper or anything, I think the Hon Mr Bossano should withdraw the allegation.

HON J BOSSANO:

Mr Speaker, I wasn't making any allegation because if the Hon Member wants to give cheques to members of the public, I was not suggesting he was doing it with public funds.

MR SPEAKER:

Order, order.

HON J BOSSANO:

I was saying that he had an intimate and personal knowledge of the transaction, that is what I am saying. If he says it is not true, well, I accept it is not true unless I can prove otherwise but my information is that he was intimately involved in this.

MR SPEAKER:

Order. You have insinuated that his relationship with the people involved was such that he even gave a cheque because he was intimately involved. That has been denied by the Minister and you are being asked now to withdraw the statement.

HON J BOSSANO:

I accept that my information is incorrect until I can prove otherwise.

MR SPEAKER:

Order. It is incorrect because you must accept the Minister's word. I am sure you withdraw without reservation because you have been given an explanation.

HON J BOSSANO:

I have no choice.

HON CHIEF MINISTER:

It is not a question of choice, it is a question of doing the right thing if there is going to be honour in this House.

HON J BOSSANO:

I wish one could be as confident about that as the Hon the Chief Minister wants us to be.

MR SPEAKER:

Order, so you withdraw.

HON J BOSSANO:

Yes.

HON P J ISOLA:

Mr Speaker, on the second case that the Minister mentioned - I will not use any information that I have from other sources which I cannot of course disclose professionally - but could I ask, is there in the Housing file which he has in front of him, a letter some months past under which, as I understand it, the Savignons asked for some assurance from Government that they would give up their house if they got some assurance that once they left the tied house they would get back similar accommodation, months back, not 19th of May, and was that not an indication to the Minister that there was no intention of exchanges or anything of the sort, it was a question of a tenant leaving O'Brien House, writing many months back, and seeking an assurance from Government that if they were sacked from their job or lost their job and therefore the tied house, Government would give them similar accommodation? I think if the Minister looks through the file he will probably find the letter, so what is all this about exchanges at this late stage. That is the only thing that bothers me.

HON H J ZAMMITT:

Mr Speaker the furthest back I can go on this matter is the 8th February 1978. They wrote on the 1st December, 1977.

HON P J ISOLA:

So in December, 1977, they were seeking assurances about their house. Nothing to do with exchanges then. I don't see how exchanges can come into this.

HON H J ZAMMITT:

It certainly happened, Mr Speaker.

HON M XIBERRAS:

Mr Speaker, could I ask the Minister whether he would be prepared to ask the advice a posteriori, of the Housing Advisory Committee on these two cases?

HON H J ZAMMITT:

No, Mr Speaker, I am the Minister for Housing, I take decisions and I run housing, I do not have to consult the Leader of the Opposition, the Housing Advisory Committee or the Housing Allocation Committee.

HON M XIBERRAS:

Mr Speaker, since the answers of the Minister not only in these cases but in other questions raised by the Hon Mr Bossano in relation to Housing Allocation have not been satisfactory in our view, I give notice that I intend to raise these matters on the adjournment.

HON J BOSSANO:

Mr Speaker, can the Minister say why he bothers to have a Housing Allocation Committee at all? Why doesn't he do the whole show?

HON H J ZAMMITT:

The Housing Allocation Committee is there when houses are available for allocation, meanwhile I do the lot, Mr Speaker.

HON J BOSSANO:

Then the position, Mr Speaker, is that the Minister considers that his ministerial responsibility and what he has been elected to do is to give houses to whoever he wants.

MR SPEAKER:

Order. Next question.

26.6.78

No.138 of 1978

The Hon J Bossano

Can Government give the end of the month unemployment figures for the months of April and May giving a breakdown by sex and nationality?

Answer:

The Hon the Minister for Labour and Social Security

The end-of-the-month figures of persons registered as unemployed either with the Department of Labour and Social Security or the Youth and Careers Office of the Education Department are shown in the table which I am circulating.

Once again, these figures include a hard core of about 40 Gibraltarians who, for different reasons, are extremely difficult to place in employment.

26.6.78

No.139 of 1978

ORAL

The Hon J Bossano

Can Government state the number of new employment permits issued in April and May giving a breakdown by trade industry and nationality?

Answer:

The Hon the Minister for Labour and Social Security

The numbers of new employment permits issued by the Director of Labour and Social Security were 24 in April and 38 in May. The breakdown as requested, by trade, industry and nationality, is shown in the list which I am circulating.

26.6.78

No.140 of 1978

ORAL

The Hon J Bossano

Will Government ensure that the staff employed at Mount Alvernia do not receive less favourable treatment than Government employees in the current pay review?

Answer:

The Hon the Minister for Labour and Social Security

The conditions of employment of the staff employed at Mount Alvernia is a matter for the Board of Governors of the John Mackintosh Home. I understand, however, that it has been the practice of the Homes to follow the wage rates of comparable Government employees.

SUPPLEMENTARY TO QUESTION NO 140 OF 1978

HON J BOSSANO:

Mr Speaker, is the Member aware that the employees have in the past encountered difficulties when the time has come to follow a pay review in the public sector on the grounds that the Homes could not afford the increases, is he aware of that?

HON A J CANEPA:

Yes, Sir. But I am sure that the Governors will wish to ensure that wages and conditions are fair and reasonable and if the implementation of such conditions is constrained by financial considerations I think it can be expected that as in the past the Board of Governors will approach Government for assistance and the Government will be ready to consider any such approach.

26.6.78

No. 141 of 1978

ORAL

The Hon J Bossano

Will Government consider the introduction of a method of payment of industrial injury benefit which will allow employers to pay full wages to their employees and recover the benefit from the Department of Labour and Social Security?

Answer:

The Hon the Minister for Labour and Social Security

The suggestion made in this question carries with it very considerable difficulties, not least of which would be the impossibility of ensuring that every injured employee is paid by his employer at least the amount of injury benefit to which he is entitled under the Employment Injuries Insurance Ordinance.

Entitlement to sick and injury pay varies from one employer to another, subject to the minimum prescribed in the Conditions of Employment (Sick Pay) Order, which is 2 weeks on full pay and 4 weeks on half pay within any period of 12 months, and even this is only payable, in law, if the employee has been continuously employed by the same employer for at least 3 months.

The same Order already enables an employer to deduct from any sick pay due to the employee the amount of any injury benefit to which the latter may be entitled under the Employment Injuries Insurance Ordinance in respect of the same period, but the benefit is still paid by the Department of Labour and Social Security to the employee himself.

Beyond this, Government cannot see its way to agreeing to a system on the lines suggested in the question which in any case does not seem to carry the necessary safeguards for the employee.

SUPPLEMENTARY TO QUESTION NO 141 OF 1978

HON J BOSSANO:

Mr Speaker, is the Hon Member aware that it is not unknown as a practice that an employee should get the full pay from his employer and that the employer should be able to get reimbursement of the insurance benefit from the social security, that this is fairly common practice in other places including the United Kingdom.

HON A J CANEPA:

It is the practice in Gibraltar insofar as the Gibraltar Government is concerned. An agreement on the lines of what the Hon Member has proposed has been in force for Gibraltar Government employees for many years and, I am told, in the City Council days but this is only possible because it is an internal arrangement and one which can be properly administered and what I certainly feel that the department must ensure is that the benefit goes fully to the person for whom it is intended and that no scheme does in any way jeopardise the possibility or not ensure sufficiently that the individual for whom the benefit is intended will not get it in full and this is the problem. It is a benefit which can vary from day to day. It can also vary according to the number of dependents and those considerations coupled to the provisions of the Conditions of Employment (Sick Pay) Order makes one rather loath to enter into something which cannot be very, very closely monitored to ensure that the beneficiary does get his full benefit.

HON J BOSSANO:

Can the Hon Member say what happens today as regards the entitlement to pay from the employer? Surely the situation is that an employee cannot get both his full pay and the injury benefit and therefore the employer must be aware of what the injury benefit is because the employer only makes up his wages.

HON A J CANEPA:

In some cases I wouldn't be surprised if he didn't get both. The department pays the injured worker his entitlement to injury benefit. What happens after that is not within the provisions of the department, it is up to the employer, if he so wishes, to exercise his rights under the Conditions of Employment (Sick Pay) Order but in some cases they may not. The department doesn't particularly worry in the case of injury benefit what happens with regard to the Conditions of Employment (Sick Pay) Order unless a worker makes a complaint that he is not getting his proper due. Providing we pay the injury benefit then if the employer wishes to deduct that from any amount of wages which he may have paid, that is his prerogative.

26.6.78

No. 142 of 1978

ORAL

The Hon J Bossano

Can Government confirm that there has been a Spanish suggestion for a working party to study what is to become of the Military Base in the event of Gibraltar becoming Spanish?

Answer:

The Hon the Chief Minister

There has been no such suggestion.

SUPPLEMENTARY TO QUESTION NO 142 OF 1978

HON J BOSSANO:

Mr Speaker, is the Honourable and Learned Chief Minister saying that there has been no suggestion to the Government of Gibraltar or there has been no suggestion to either the Government of Gibraltar or Her Majesty's Government and that he knows this to be the case?

HON CHIEF MINISTER:

I know this to be the case insofar as the Government of Gibraltar is concerned and insofar as the British Government is concerned I also know it to be the case and this reply has been cleared that high.

26.6.78

No.143 of 1978

ORAL

The Hon J Bossano

Can Government confirm that the terms of reference and composition of the proposed Anglo Spanish working parties have now been agreed and if so does it propose to make these public?

Answer:

The Hon the Chief Minister

The terms of reference and composition of the proposed working parties are still under discussion between the British and the Spanish Governments. I am informed that an announcement will be made in the near future.

SUPPLEMENTARY TO QUESTION NO 143 OF 1978

HON J BOSSANO:

Mr Speaker, does the Honourable and Learned Chief Minister's answer apply to both parts of my question, that is, the composition is also still under discussion or just the terms of reference?

HON CHIEF MINISTER:

The whole question is still under discussion and I would like to take this opportunity of saying that in the terms of reference there has been full consultation with the Leader of the Opposition and myself.

26.6.78

No. 144 of 1978

ORAL

The Hon J Bossano

What steps is Government proposing to take regarding the allegations of corruption that have been made in public in connection with the Aid Programme?

Answer:

The Hon the Chief Minister

If the Hon Member is referring to an article published in World Medicine, the answer is that the Government does not propose to take any steps.

SUPPLEMENTARY TO QUESTION NO 144 OF 1978

HON J BOSSANO:

Will the Honourable and Learned the Chief Minister not agree that it is desirable to ensure that the magazine in question withdraws the article if in fact there is no substance at all in the allegation?

HON CHIEF MINISTER:

Consideration has been given to this and we think that the nature of the article is such that it will only achieve publicity for them and will not put matters straight. I don't know whether the Hon Member has seen the article itself, if not, I shall be happy to show it to him. It is a critical article of everything that happened here in the BMA from the very beginning to the end and it also has some further juicy bits about what some people in Gibraltar want. The BMA also, and I don't speak for them, they are able to do that for themselves, thought because they came under great fire in this article, whether they ought to take action but they say that it is rather a sensational medicine paper and not a serious paper and they decided not to take action. The allegation is that of the £14m. of aid that the Gibraltar Government will get from the British Government, £2m will go in corruption and it adds that that is short by mediterranean standards. This is something that those of us who know the officialese required to get help from the ODM and the amount of trouble we get to get the grant and the control on the grant, will just laugh at it. Our judgement is that having regard to the whole of the article, it is not worth taking it up. I will pass it on to the Hon Member and I am quite happy to discuss it with him if he thinks that it ought to be more seriously followed.

HON MAJOR R J PELIZA:

Mr Speaker, this is a very, very serious allegation. Whether the magazine is sensational or not, I think there are a lot of influential people who read that paper. If that goes unrefuted, at least when it says that £2m are involved, unless that is refuted some people might think that this is the case and I would suggest that the Public Relations side of the Government should at least refute that matter.

HON CHIEF MINISTER:

To be quite frank I would invite the Hon and Gallant Member to read the article because the whole thing is really not to be taken seriously. I will quote from the article: During the Ceremony of the Keys the Governor of Gibraltar, Marshal of the Royal Air Force Sir John Grandy, took the salute but the Governor is more than a ceremonial figure. Though the Rock is allegedly ruled by an elected assembly an editorial in "Calpe News" pointed out during the BMA visit "that with all our democratic cackle Gibraltar will not only tolerate but loves the concept of Service or military head of Government. Nor is the headship nominal but real and the Governor can assent or not to laws passed by the legislative assembly and if needs be he can pass laws himself without recourse to the Legislative Assembly." That is the end of the quote on that one. The article continues: "Yet despite the feudalism and despite the growing feeling among the Rock's intellectuals that their future must lie in reproachment between Britain and Spain, most Gibraltarians are fiercely loyal to Britain and the loyalty is rewarded. This year Gibraltar will receive £14m from the United Kingdom and only £2m will be disappear in "corruption", a percentage which, I am reliably informed is encouragingly low for the mediterranean territory." There are some other remarks here that show that the matter has been very flippantly taken and I am told that the man who wrote it, Mr Michael O'Donell, is either a bad doctor turned worse journalist or a worse doctor turned bad journalist, I do not think that we ought to take that seriously. I think we may be fastidious and we ought to be fastidious about matters that are near us but an allegation of that nature in those broad terms looks to me to be very flippant. This is the view that we take and when Hon Members read it they will see what it says about the BMA itself - and he was one of the members that came - and they have also decided not to take it seriously. However, I have an open mind to hear other people's different views, if need be.

HON MAJOR R J PELIZA:

My view is that I think we ought to refute that allegation, forget about the rest of the article, but that particular point I think ought to be refuted.

HON CHIEF MINISTER:

I had the opportunity at the time when this was picked up by GBC, to issue a complete denial and, in fact, I gave details of the particulars. What I am saying is that in order to judge whether to reply not only to just that allegation alone, you have to look at the whole thing and if you think that it is scurrilous then you say: "Well, is it worth it". That is all I am saying.

26.6.78

No.145 of 1978

The Hon M Xiberras

Bearing in mind previous in principle agreements between Government and Opposition on the desirability of Members of the House making formal declarations of interests, will the Chief Minister agree to set up a Committee of the House to make proposals to the House?

Answer:

The Hon the Chief Minister

Yes Sir. Draft proposals to give effect to the agreement previously reached are being considered by the Council of Ministers. When this has been done I will take the necessary steps to propose the appointment of a Select Committee.

26.6.78

No.146 of 1978

ORAL

The Hon M Xiberras

Has the inquiry promised by the Chief Minister in his statement of 24 April, 1978 taken place and if so has he anything to report?

Answer:

The Hon the Chief Minister

The Principal Auditor who, as I informed the House on the 24 April, was conducting inquiries into allegations of malpractices, reported the results to the Financial and Development Secretary on the 15 June. The latter is now considering whether any further inquiries are required and, if so, what form these should take.

SUPPLEMENTARY TO QUESTION NO 146 OF 1978

HON M XIBERRAS:

Mr Speaker, bearing in mind that this is the last meeting of the House before the recess could the Hon Member reiterate his undertaking to me that I will be kept informed about developments in this area?

HON CHIEF MINISTER:

Yes, I will certainly do and I would like to take this opportunity also of saying that no evidence of malpractices has so far been found. The existing systems of control have not been followed in some cases and it has also been reported that some of the systems are themselves unsatisfactory. Corrective action has been taken. Owing to the limited availability of staff only a small percentage check has been carried out and these are only in respect of purchases made through one agency. The Financial and Development Secretary, as I have said, is considering whether any further action, including the need for more extensive investigation, is required. I do not think that I should make any further comments but if there is anything further that comes out of this I will certainly keep the Honourable Leader of the Opposition informed.

HON M XIBERRAS:

Mr Speaker, since the Chief Minister did announce that an inquiry was taking place and since I had expressed an interest in this matter some time before, in fact before he made the statement, would he not agree that any investigations that have been made so far should be made known to me whether there is substance in the allegation or not.

2.

HON CHIEF MINISTER:

Yes, I have no objection.

MR SPEAKER:

Next question.

26.6.78

No.147 of 1978

The Hon M Xiberras

Bearing in mind the Chief Minister's reply to my question (351 of 1977) to the effect that a second meeting of representative bodies to discuss the replies to his questionnaire sent out on 19/4/77, about the future generally was 'highly important and becoming increasingly important', when does the Chief Minister propose that the meeting should be held?

Answer:

The Hon the Chief Minister

As soon as possible after we have dealt with the Green Paper.

SUPPLEMENTARY TO QUESTION NO 147 OF 1978

HON M XIBERRAS:

Mr Speaker, whilst appreciating, as I think I said some time in February and again in April, bearing in mind the workload of the Government, generally, could the Honourable Member be a bit more specific since there is another question on the Order Paper asking him to give a date for the meeting on the Green Paper?

HON CHIEF MINISTER:

I have circulated papers for the Green Paper and I hope to have that meeting and a date has been fixed.

HON M XIBERRAS:

Yes. But what I mean is that there has been a delay on the question of the Green Paper itself. Could the Hon Member give an indication as to when he envisages that the meeting is to be held?

HON CHIEF MINISTER:

This one?

HON M XIBERRAS:

This one.

HON CHIEF MINISTER:

The point is that since the answer to which the Honourable Member refers was given - that is to say, on the 2nd November 1977 - the Government has been dealing with a number of major issues. These have included the Development Aid Talks, the Budget, the Pay Review and the Strasbourg and Paris Talks. There has, in addition, been the usual and high pressure of day-to-day business. I still, of course, fully believe that the matter is one of great importance and the need to hold another meeting has not been overlooked. The other matters to which I have referred were, however, of a more immediate nature and therefore took priority.

HON M XIBERRAS:

Mr Speaker, whilst accepting all that the Chief Minister has said I will not agree that since there was in fact a motion of the House on this very subject which indicated, after considerable discussion, that the House was of the view that the question of the future, generally, should be discussed at the same time as the Strasbourg process and so forth continued, would he not agree that Honourable Members would not in fact be discussing as they said they would discuss at that time.

HON CHIEF MINISTER:

It is very important that we should have this meeting but it is also important to bear in mind the pressures and the priorities. I think it will be unfair not have a meeting, apart from anything else, because a lot of people have put a lot of hard work into it and therefore, with those reservations, I am anxious too to have a preliminary meeting to launch the further inquiries. Let us deal with the Green Paper and from then on I hope to be much more relieved from that. It is also connected with something else that may come later on in this meeting which is the question of the back-up in the Secretariat for this kind of work for which really we are not fitted and we are hoping to make amends on that, too few people dealing with too many important matters.

HON J BOS SANO:

Has the Chief Minister now obtained replies from everybody? I remember that at another stage in the proceedings one of the things holding up recalling of the Representative Bodies was the fact that not everybody had answered the questionnaire. Has he now obtained an answer from everybody?

HON CHIEF MINISTER:

There are still one or two bodies that haven't answered it.

HON M XIBERRAS:

Mr Speaker, I seem to recall that the last time this was raised the Chief Minister announced that the last body, whoever it was, had just submitted representations.

HON CHIEF MINISTER:

I did announce that one who had promised to reply at about that time had done so. I don't want to rely too much upon my memory. My memory is that either one or two have not replied or all have replied.

26.6.78

No. 148 of 1978

ORAL

The Hon M Xiberras

Has Government received any official communication from HMG in reply to the wish unanimously expressed by the House that Gibraltar be enfranchised in respect of direct election to the European Parliament?

Answer:

The Hon the Chief Minister

No Sir.

SUPPLEMENTARY TO QUESTION NO 148 OF 1978

HON M XIBERRAS:

Has the Government made any attempt to ask for an official answer in view of the importance the Government must obviously attach to a motion unanimously accepted in the House?

HON CHIEF MINISTER:

I have a bit of the history of the matter here. This is the sequence of events which may help Honourable Members. On the 5 May 1977 there was a letter from the Chairman of the European Movement to the Chief Minister dated 5 5 77 requesting Gibraltarian participation in European elections. On the 16 May I wrote to the Governor forwarding the letter and said: "All elected members in the House are members of the Gibraltar Branch of the Movement and I confirm that they fully support the request that the people of Gibraltar, as Community Nationals, should be able to vote at the elections when they are held." A reply from London was received on the 24 June. I don't know whether I did mention this before in the House but it did raise matters which I think I brought to the notice of the House, where the Governor wrote saying:

"You wrote to me on 16 May enclosing a copy of a letter from Mr Xiberras about Gibraltarian participation in the elections to the European Assembly. I have now been asked to give you the following reply.

You will be aware that on 3 May Lord Harris told the House of Lords that Annex 2 to the EEC Council decision of 20 September 1976 stated that the United Kingdom will apply the provisions of this Act (relating to direct elections) only in respect of the United Kingdom. This, Lord Harris explained, meant that there were no plans to hold direct elections in Gibraltar or in the Channel Islands and the Isle of Man.

The position of Gibraltar (and the Islands) was considered very carefully at the time of British accession to the EEC and again when EEC elections were under discussion, but the conclusion was that it would be inappropriate for Gibraltar, which is not directly represented at Westminster or in the present Assembly, to be included in arrangements for direct elections.

The British Government realise the importance which Gibraltarians attach to their position within the Community, namely, that except for Gibraltar's exclusion from the CAP, the Customs Territory and the application of VAT, the Treaties apply to Gibraltar as a territory for whose external relations a Member State is responsible. But these are most important exceptions. The Treaty of Accession did not specifically define Gibraltar's position as regards Article 138(3) - the provision concerning a directly elected Parliament. At that time there seemed little prospect of an early move to implement that Article, and it was in any case clear that a new agreement between Member States, approved by their Parliaments, would be needed for the purpose. It was appropriate to clarify the position as regards Gibraltar in that agreement - hence Annex 11. The position of a colony must inevitably be different from that of the parent State which is an independent member of the Community. Gibraltar's external interests are looked after by HM Government, which takes into account the views of Gibraltar Ministers: this is why it was explained to Gibraltar Ministers before British entry that HM Government would be responsible for Gibraltar's representation in the Community.

The direct elections are essentially a matter for EEC Member States and are, from Gibraltar's point of view, an aspect of external affairs. The question of citizenship, and the description of Gibraltarians as UK Nationals for Community purposes are not relevant to the franchise: as already pointed out, Gibraltarians are not directly represented at Westminster. In no other State will an Overseas Territory which does not already participate in that Member State's national elections be participating in direct elections. There are also practical difficulties in the way of Gibraltar's inclusion in the arrangements, in that she is not, of course, large enough to merit a seat of her own and could not realistically be assimilated to any UK constituency: but these were not the basis of the decision.

For the reasons indicated the British Government could see no possibility of Gibraltar participating in the direct elections, and could see no way of logically making a case to Community partners for her to do so. I have been asked to say however that it is of course not the intention of this decision that the people of Gibraltar should be deprived of their democratic rights.

Nor does the decision have that result. They will, as before, have a full voice in their own affairs through elections to the House of Assembly and through the appropriate constitutional channels for communication with the British Government. The main decision-making body in the Community will continue to be the Council of Ministers where the British representative will continue to look after Gibraltar's interests."

That was on the 24 June, 1977.

HON M XIBERRAS:

Who wrote that?

HON CHIEF MINISTER:

The Governor to me. Then there was a motion passed unanimously here on the 11 July 1977, the motion of the Leader of the Opposition: "That this House notes with concern the substance of the reply contained in the letter - which is the letter that I have just read to you - from His Excellency the Governor to the Chief Minister regarding the representations made to Her Majesty's Government in favour of the enfranchisement of the people of Gibraltar in respect of direct elections to the European Parliament." That motion was passed on to the Acting Governor on the 22nd August 1977 when I wrote: "I now formally transmit to you the following motion which was passed unanimously at the meeting of the House of Assembly held on 12 July" - I quoted the motion - "As I said in reply to House of Assembly Question No 285 the matter will be discussed by the elected members when they meet on the question of the Green Paper on British Nationality Law I sent them a copy of the Hansard of that motion. Then there was a question from the Hon the Leader of the Opposition on the 13 December 1977: "Has any direct and official communication been received from the Foreign and Commonwealth Office in reply to the wish unanimously expressed by the House that Gibraltar should be enfranchised in respect of Direct Elections to the European Assembly?". The answer was 'No, Sir' and there it remained. That is how the position stands.

HON M XIBERRAS:

Mr Speaker, has the Chief Minister done anything positive, in fact, to put forward the views of all elected members of this House? Has he required an answer from Her Majesty's Government?

HON CHIEF MINISTER:

I have at every stage and I made sure that when the last motion was passed it was not only a letter confirming the terms of the motion but I made sure that we sent the full Hansard so that the very strong views expressed therein could be brought to the notice of those who had to take a decision.

HON M XIBERRAS:

But wouldn't he agree, Mr Speaker, that it is scant regard for Members of this House that an answer should not have been received by the Chief Minister of Gibraltar when the Director of the European Movement in London did get a reply from the Minister responsible for European affairs in the Foreign and Commonwealth Office, Mr Judd, who is also responsible for our affairs.

HON CHIEF MINISTER:

I cannot answer for what Mr Judd has done. All I can tell this House is that we have passed on and made representations on everything that the House has decided.

HON M XIBERRAS:

My point is, Mr Speaker, would the Chief Minister not agree that the unanimous motion of this House is at least as important as a motion passed in the General Meeting of the British Council of the European Movement and would be not agree that as far as Honourable Members in this House are concerned, it is a matter of important principle that a motion of this kind should be replied to. Would he not agree that he should, in fact, insist that he has a reply from Mr Judd?

HON CHIEF MINISTER:

I agree that if the European Movement supports the case of Gibraltar and they get a reply, we who have the case should get a reply, of course, because it emanates from us and it is good to get support from friends who are prepared to support us. From what I have read it seems that every letter has been answered.

HON M XIBERRAS:

Mr Speaker, bearing in mind the strong feelings of Honourable Members here, will the Chief Minister ensure that there is some form of reply from Her Majesty's Government on this?

HON CHIEF MINISTER:

Yes of course.

HON MAJOR R J PELIZA:

Mr Speaker, I wish the Chief Minister would realise that we all expect, at least I certainly do, that he would act not just as a Post Office but really throw his weight behind the views of this House and really make a strong case and follow it up and not just, not having received an answer since August, just wait for the next question to be put in this House, and I hope some action is taken by him.

HON CHIEF MINISTER:

I have not acted as a Post Office, indeed, every time I have made representations to the previous Governor, I have expressed the very strong feelings of the House in no uncertain terms which I am sure must have been conveyed giving the feelings of the House of which we are all members and to which we all owe loyalty. I think that it may be that it is difficult to make them move from the position which they explain in the original letter in which they add reasons and in the meantime there has been a certain amount of to-ing and fro-ing from the Government itself about what was going to happen which doesn't help in that respect, that is to say, the British Government itself has been in a bit of a quandary until very recently on this matter. I cannot say any more except to say that we have carried out the wishes of the House. I don't know whether dealing with it in any other way we would have achieved differently, I do not think so. I think the House expresses itself by its resolutions and by what is said here and I have no doubt that they have been taken into account. The fact that they have not thought fit to include us, for the reasons stated in that letter, may or may not be agreeable but it is a fact of life.

HON M XIBERRAS:

Mr Speaker, the point is that at least the courtesy of a reply should have been expected and when eventually we do get that courtesy from the Foreign and Commonwealth Office in respect of this important matter, would the Honourable Chief Minister note that the answer received by the Director of the European Movement in the United Kingdom from the Minister was not in terms half as unfavourable as the one we got from Lord Goronwy-Roberts in this House.

HON CHIEF MINISTER:

Was that the letter that was misplaced a copy of which we couldn't find?

HON M XIBERRAS:

Yes, in fact, the letter I informed the Honourable Member about.

HON CHIEF MINISTER:

The point is that if I had had a copy of that letter I could well have taken it up.

HON M XIBERRAS:

Yes, Mr Speaker, but the Chief Minister knew of course the contents of that letter because I went to see him about it, and could take note that the contents of that letter said that the people of Gibraltar could not be enfranchised for one reason because it required a meeting behind the Speaker's chair, an agreement between the major parties in the United Kingdom, before questions of franchise could be

altered. But the general tone of that, as the Chief Minister well knows, was that it was not a closed thing, in other words, that there could be movement on this question. Will the Chief Minister make representations and acknowledge that this was the case, in fact?

HON CHIEF MINISTER:

Yes, certainly.

HON M XIBERRAS:

When?

HON CHIEF MINISTER:

As soon as I get the Hansard of this meeting. I think we get the Hansards very quickly. There has been an innuendo, Mr Speaker, that we are only going to get the Hansard by next Christmas.

MR SPEAKER:

The Honourable the Gallant Major will, I am sure, stand up at the next meeting and apologise for the innuendo.

HON J BOSSANO:

Will the Honourable and Learned Chief Minister not agree that there appears to be a qualitative difference in the nature of the replies that we get, perhaps, because of the colonial relationship or the fact that we have to go to the Foreign Office, and the way the concept of enfranchising Gibraltarians in European Elections is treated in the context of the European Movement and in the relations between the European Movement and members of the House of Commons.

HON CHIEF MINISTER:.

I really don't understand what the Honourable Member is getting at.

HON J BOSSANO:

Would the Honourable and Learned Chief Minister not agree that it appears almost when representatives of the House of Commons are talking to prominent persons in the European Movement on that net they tend to adopt one approach and when they are speaking to the Honourable and Learned the Chief Minister through the channel of the Foreign Office there doesn't appear to be quite the same sort of flexibility, shall I say, or open mindedness about the situation.

HON CHIEF MINISTER:

It would not be surprising if it were different people but if they are the same people I don't see why.

HON MAJOR PELIZA:

Could the Chief Minister point out that in fact in this letter in which they reject the idea that we should have representations in the European Parliament, one reason I think that they say that there is no need for that is because we are represented by the British Government. Yet on a straight forward question which is put by this House last June a year later we have not even had a reply to those representations. Doesn't that contradict the spirit of that letter by which they say that there is no need for representation of Gibraltar in the European Parliament. Couldn't the Chief Minister take some action and press for replies on matters which emanate from this House and not just wait for the reply to come which never comes and obviously in this case there is apparently no intention to reply given that it is well over 12 months since that was made.

HON CHIEF MINISTER:

I am afraid that I cannot agree with that. I have discussed this matter in London with the Minister when I have had a good opportunity to raise it. The letter may have been hopeful and so on but they don't seem to have acted in that spirit. Perhaps with the change of Governor now we may have a new look taken at this matter by referring to a letter which has remained unanswered for a long time and make representations on the discussions we have had today.

HON J BOSSANO:

Wouldn't the Honourable and Learned Chief Minister agree that surely one of the most important if not the primary fundamental reason given in the original rejection of the idea of participation was, in fact, that the nature of our relationship being that of a colony made it impossible, because no other colonial territory as such as participating in European elections. If one does away with all the other administrative arguments about the difficulty of finding a constituency and the size of the place and so on which in fact would not appear to hold water when one considers that French dependencies smaller than ours and more distant from Europe than we are are being allowed to do it, it is a question of the colonial relationship, is something surely that must be faced by us. Shouldn't we be tackling whether in fact it is incompatible for us to seek participation in direct elections to Europe and maintain a colonial relationship with Britain. That is a point which cannot be simply ignored.

HON CHIEF MINISTER:

Surely it isn't exactly like that because if that were the case the Channel Islands who have no colonial relationship with Britain or rather whose relationship with Britain is not of a colonial nature, are not having the right to be represented in the European Parliament.

HON J BOSSANO:

But it is also true, Mr Speaker, surely that the Channel Islands are not particularly seeking to be represented. One doesn't know what success they would have if they pressed for their right to vote in Direct Elections to the European Parliament. Is it not a fact that if one considers the objections that have been raised so far one can see that the fundamental constitutional objection is that one and that all the others are of an administrative nature pointing out difficulties in the way of doing it.

HON CHIEF MINISTER:

It would have seemed to be so because it stems from the very nature of our relationship with Britain, that we are in Europe as a dependent of Britain for which Britain is responsible for our foreign affairs, yes.

HON MAJOR R J PELIZA:

That, Mr Speaker, is the case with other French territories. The difference is of course that they have representation in their own Parliament. Could the Chief Minister ascertain that the status of the Channel Islands and ours with regard to the Common Market are very different.

HON CHIEF MINISTER:

I don't have to ascertain that, I know that. In fact, they were very afraid that they had to have a special treaty.

HON J BOSSANO:

Mr Speaker, if you will allow me. Would the Chief Minister if we pursue this idea that in fact the fundamental objection of Her Majesty's Government stems from the fact that they consider the colonial relationship between Gibraltar and Britain to be an insuperable obstacle, shouldn't we then, Mr Speaker, following that line (a) establish whether any other member of the EEC has got colonial dependent territories that are allowed to participate and (b) find out whether this is a view shared by other members of the EEC or it is a view that is peculiar to Her Majesty's Government concept of what rights Britain can allow colonial territories to have or not, because it may be that the others will not find the idea as objectionable as Her Majesty's Government seems to think they would.

HON CHIEF MINISTER:

It could well be. It is very difficult to anticipate the thinking. My own view is that they haven't got it very clear themselves as to how they themselves are going to be represented in Europe.

HON M XIBERRAS:

Since the official reply to the motion of this House is so outdated, wouldn't we be gaining some time if we tried to make representations now knowing what the answer would be. Would the Chief Minister be prepared to support the proposition that a Speaker's Conference should be called on this question as it relates to Gibraltar and that these representations should be made to Her Majesty's Government straight away.

HON CHIEF MINISTER:

I would like to consider that a little more. I would like to consider what is the best to do in the circumstances but to ask out of the blue to convene a Speaker's Conference might result in a negative answer which we don't want to get. I would rather go through the not unfavourable reply from the Minister to the European Movement and take it up from there.

HON M XIBERRAS:

Mr Speaker, but with the matter being so outdated surely something more than that needs to be done. Couldn't preliminary enquiries at least be made that the question of enfranchisement should be looked at by all parties in Britain. After all, we do have friends in all three parties.

HON CHIEF MINISTER:

I would have no difficulty in initiating an unofficial inquiry but what I did not want is to say yes to a formal request at the behest of this House of a matter on which there might be considerable difficulties.

HON M XIBERRAS:

Since the Bill on Direct Elections I think is almost through and the opportunity for Gibraltar's case to be argued at the Committee Stage of that Bill appears to have been lost, surely the Chief Minister should now make some form of protest that the case of Gibraltar has not been taken into account bearing in mind particularly that the British Council of the European Movement in its motion in November last year supported this wholeheartedly and if we don't move, Mr Speaker, who is going to move for us? We are letting down our friends in Britain.

HON CHIEF MINISTER:

Yes, I am prepared to take it up on that basis.

26.6.78

No.149 of 1978

ORAL

The Hon M Xiberras

In view of the magnificent support of the people of Gibraltar given to the letter written by two young Gibraltarians to HM the Queen on the subject of the Green Paper on British Nationality, would the Chief Minister not agree that any further delay in concluding the representation of the Elected Members and representative bodies on this subject would be difficult to countenance and will the Chief Minister undertake to call a further meeting within the next two weeks?

Answer:

The Hon the Chief Minister

As the Hon Member is now aware, a revised draft memorandum to the Secretary of State was circulated to elected members on the 20 June. If no further amendments are proposed by the 15 July, representative bodies will then be consulted on the terms of the draft memorandum.

SUPPLEMENTARY TO QUESTION NO 149 OF 1978

HON M XIBERRAS:

Mr Speaker, I am grateful for the appearance of this document. As a matter of interest the date on the covering letter was the 20 June but it was delivered some time on the 21st, I believe it was.

HON CHIEF MINISTER:

I am not responsible for the actual delivery.

HON M XIBERRAS:

Mr Speaker, in answer to question No 351 of 1977 the Chief Minister said: "I said in my answer that that was received on the 12 August". I am referring to the questionnaire on the future, generally. It is connected with question No 147 and I just thought that the House would like to know that in fact all the representations have been received.

26.6.78

No.150 of 1978

ORAL

The Hon G T Restano

Will the Chief Minister state what is the actual position with regard to the setting up of an earth station in Gibraltar by Cable and Wireless; will he inform the House about any talks he may have had with the Company on this matter and will he furthermore state whether Government has given the Company any formal guarantees that international tele-communications will be channelled through the earth station?

Answer:

The Hon the Chief Minister

Sir, negotiations between Cable and Wireless and the Government are proceeding regarding the setting up of an earth station and some progress is being made. However, I do not consider it opportune to disclose at this stage any aspect of these negotiations as this could prejudice the final outcome.

SUPPLEMENTARY TO QUESTION NO 150 OF 1978

HON G T RESTANO:

So I take it then, Mr Speaker, that no formal guarantees have been given to the Company.

HON CHIEF MINISTER:

We are negotiating.

HON P J ISOLA:

Is there likely to be a conclusion because whilst these negotiations continue the situation, as the Honourable and Learned the Chief Minister knows, with the telephone and international calls, will continue to worsen. There is some urgency here to bring negotiations to a conclusion one way or another.

HON CHIEF MINISTER:

There is urgency on both sides and Cable and Wireless themselves are also urging but there are major decisions in the public interest that must be taken before a final conclusion can be reached in the negotiations.

HON J BOSSANO:

Mr Speaker, is it true to say that there has been no change on the part of Government's enthusiasm for this project. At one stage they did say in the House that they were favourably disposed towards the setting up of the earth station. I take it that there has been no change in attitude.

HON CHIEF MINISTER:

We are favourably disposed and adventurously disposed but that precisely makes it the more necessary to make sure that we are not taken for a very long ride to an earth station.

HON G T RESTANO:

Mr Speaker, is there any possibility that if a decision is not taken in the near future that we will not be able to have the earth station.

HON CHIEF MINISTER:

No, there is no possibility of that. There is a possibility that the time-table for it might be extended if certain decisions are not reached soon but to be quite frank when members know the particulars of this - I think it will not be prudent to discuss them now because we are under negotiation - I think Members will realise that we are looking after the interests of the people of Gibraltar in not rushing into an agreement.

HON M XIBERRAS:

Will the Chief Minister agree in that context that it is not only the financial interest of the people of Gibraltar that is important, there is also the political aspect.

HON CHIEF MINISTER:

Both.

26.6.78

No.151 of 1978

ORAL

The Hon G T Restano

Will Government state when it expects work to commence to convert Mercury House for use by GBC and what is the estimated cost of this conversion?

Answer:

The Hon the Chief Minister

It is expected that work on the conversion of part of Mercury House for use by GBC will commence in January 1979. As regards cost it is not yet possible to give any clearer indication what this will be until tenders have been received. As will be recalled, however, I did give a figure of £125,000 as an order of costs on 3 April 1978 in reply to question No.80 of 1978.

SUPPLEMENTARY TO QUESTION NO 151 OF 1978

HON G T RESTANO:

Can the Chief Minister say why it will take so long to commence, January 1979, over 7 months?

HON CHIEF MINISTER:

The plans and the quantities for the conversion which has to be carried out there and which has to be put out to tender - the usual story that one hears about. It is a story, but it is a true story that has to be put up with if we want to get competitive tenders. In this case in order to expedite and in order not to take away any staff from the Development side of the Development Programme, we have commissioned an independent Architect to act for us direct in order to be able, I hope, to cut corners.

HON G T RESTANO:

Is that independent Architect here?

HON CHIEF MINISTER:

Here, Mr Ronald Chapman was entrusted to carry out the work in connection, originally, with the Vasquez Factory and later on with Mercury House and he is working at it.

HON G T RESTANO:

When are those plans expected to be ready in order to be put out to tender?

HON CHIEF MINISTER:

Tenders would be signed some time in Christmas and work should commence in January 1979 to be completed in 12 months. They are major works to convert a very big site into what we hope is a first class TV station.

HON MAJOR R J PELIZA:

Mr Speaker, will GBC go much more colour than it is today or we will be restricted to a few programmes.

HON CHIEF MINISTER:

I don't think it is fair comment to say that because I think they are as colourful as one would expect them in the way in which they are working.

26.6.78

No.152 of 1978

ORAL

The Hon M Xiberras

In view of the decision of the Supreme Court that it would be unconstitutional to apply the provisions of Section 5 of the Price Control Ordinance, will the Chief Minister take immediate steps to repeal this Section and in the meanwhile give an undertaking to the House that the provisions of this Section will not be applied?

Answer:

The Hon the Chief Minister

Sir, immediately after being informed by the President of the Chamber of Commerce that proceedings were to be instituted on this matter I gave instructions that Section 5 should not be put into effect pending the result of the action. I so informed the President at the time.

With all due respect, the question reveals the Hon Member's ignorance of the manner in which the Constitution works. That the provisions of Section 5 would not be applied follows automatically from the decision of the Supreme Court and, even if I had not taken steps before the result was known, there can never have been any question of the Government or any of its officers acting in a manner contrary to that decision.

Although Section 5 is now a dead letter, steps will be taken at a later stage to repeal that Section in order to re-introduce the former provisions which it replaced.

SUPPLEMENTARY TO QUESTION NO 152 OF 1978

HON M XIBERRAS:

I am very glad about this, Mr Speaker, that the Government is now going to repeal this Section and I only wish that the Chief Minister's lately acquired .....

MR SPEAKER:

No, no statements. Order.

HON M XIBERRAS:

Well, Mr Speaker, would the Government in future pay more attention to the arguments of my Honourable and Learned Colleague, for instance, .....

MR SPEAKER:

That is not seeking information.

HON M XIBERRAS:

As to the constitutionality of laws of this kind?

HON CHIEF MINISTER:

The Government has got its own Legal Advisers and it has got amateurs around too and they have their views about matters, but we have a Legal Adviser and we are very honoured to have a Legal Adviser, even if he makes mistakes sometimes.

HON M XIBERRAS:

Mr Speaker, could the Honourable Member say what form the repeal will take? Is he going to leave the repeal of this Section till the next meeting of the House because, unfortunately, in my ignorance, it is not my understanding that it follows from the ruling in the Supreme Court that the law cannot be applied by the Government.

HON ATTORNEY-GENERAL:

The ruling means that if a Consumer Protection Officer should enter premises under this Section and demand to see or demand the production of books, he would be liable to an action in damages, it is as simple as that.

HON M XIBERRAS:

It doesn't follow, Mr Speaker, that the law cannot be applied, or is it in fact the case that the Government would be open to litigation if it applied that law?

HON ATTORNEY-GENERAL:

The question answered by the Supreme Court was a hypothetical one. The question was, if the Consumer Protection Officer or the Assistant Consumer Protection Officer should exercise his powers under this Section, would he be in breach of the Constitution. The answer of the Supreme Court was yes. The section stays on the statute book until it is repealed but anybody - there are only two people who can - purporting to exercise their powers under that Section, would be, according to the declaration of the Supreme Court, in breach of the Constitution and an action for redress would lie.

HON M XIBERRAS:

In fact the ruling of the Supreme Court, Mr Speaker, does not in any way invalidate that law as law.

HON ATTORNEY-GENERAL:

No.

HON M XIBERRAS:

And therefore Mr Speaker, it does not follow upon the ruling of the Supreme Court that no action could be taken by the Government in respect of Section 5, but simply that it would be very unwise and very imprudent for the Government to act in this way and that it would open itself .....

MR SPEAKER:

Order, you are making statements and this is not allowed.

HON M XIBERRAS:

Mr Speaker, I am asking if this is in fact the case in the opinion of the Government, because the Chief Minister appears to think .....

MR SPEAKER:

What are you asking?

HON M XIBERRAS:

I am asking whether, in fact, the Government could make use of the powers given to it, even now, under Section 5. I am asking the Attorney-General that question.

HON ATTORNEY-GENERAL:

The Consumer Protection Officer could enter premises but immediately he did so he would be liable to an action.

HON M XIBERRAS:

That is why, Mr Speaker, I was asking for an assurance that the powers would not be used.

MR SPEAKER:

The Chief Minister gave that assurance.

HON P J ISOLA:

Mr Speaker, I think the Attorney-General will agree with me, that that would only be the case if the shopkeeper was aware that the Consumer Protection Officer was acting against the Constitution in applying Section 5, a law passed by this House. Is not the position really that we find ourselves that the House at the insistence of the Minister for Labour despite appeals from this side of the House, found itself passing a law which is unconstitutional. Can we have an assurance that the Minister of Labour will not force his attention so much on his colleagues so that we don't have repetitions of this.

MR SPEAKER:

We are now making statements.

HON J BOSSANO:

I take it that the Government is, in fact, not going to appeal against the decision of the Supreme Court in this matter, is that the case?

HON ATTORNEY-GENERAL:

I have 14 days in which to do so, I haven't yet seen the Judgement. It appeared to me in Court to be a good judgement. I think it is highly unlikely that the Government will appeal.

HON J BOSSANO:

Mr Speaker, since I supported the Government on this I am not satisfied with that. Is, in fact, the Government going to do something to ensure that we give the protection that they convinced me was necessary to consumers in a way that it doesn't conflict with the constitution?

HON CHIEF MINISTER:

That is precisely why we are not rushing an amendment.