

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

Meeting of
26 June 1985
137 to 201

Can Government state whether the restriction on the importation of bread to one loaf per person is still in force?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 137 OF 1985

HON J BOSSANO:

Is it Government's intention to continue to retain this restriction?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Government considers that the time which has elapsed since the opening of the frontier is too short to reconsider the matter at this stage until trading operations have normalised and settled but it is reviewing the matter on a regular basis and I suspect that some serious reconsideration of this particular restriction may be taken towards the end of the year.

HON J BOSSANO:

Is the Hon Member aware that in practice it doesn't seem to be enforced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not aware of that, Mr Speaker.

HON J BOSSANO:

Would the Hon Member agree that if it is in fact the case that in practice it is not being enforced it is better to remove it officially since what happens is that the people who choose to ignore the restrictions bring in as much bread as they want whereas those that continue to observe it are effectively imposing a limit on themselves? Would he not agree that that is the situation if what I am saying is true?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If it is true that in fact it is not being enforced, Mr Speaker, then obviously there isn't much point in operating the restrictions

but that is a hypothetical question as far as I am concerned. I accept that in fact there may be certain difficulties but there are clear instructions to the Collector of Customs that this particular restriction has to continue to be enforced.

HON J BOSSANO:

Has the Hon Member any information of how many cases there have been in the last six months of people who have had bread confiscated because of not observing the restriction?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I do not have that information with me. I will undertake to obtain it for the Hon Member.

HON J BOSSANO:

Would the Hon Member agree with me that if the information is that there has been not one single case it would indicate that it isn't being enforced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It may or may not, Mr Speaker.

HON J BOSSANO:

Would the Hon Member agree that if in fact on investigation he establishes that in practice it is not being enforced it would be better to say so officially?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will undertake to look into it, Mr Speaker, that is as far as I can go.

HON J. L. BALDACHINO:

The Hon Member said that the policy would be looked into at the end of the year. Is he speaking on the same date that Spain officially joins the EEC?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I was not drawing any parallel between the two. I was just merely saying that some time needs to elapse before the Government can consider the matter seriously and I think, perhaps, towards the end of the year - it may be before that or it may be after - there is no connection.

HON J BOSSANO:

Is the Hon Member then saying that accession of Spain to the Community would not have any effect on this decision?

MR SPEAKER:

In fairness to the Hon Member, he has been asked whether there has been any connection between that date and the accession and you have been told no.

HON J BOSSANO:

But is the implication then that if there is no connection, Mr Speaker, that in the Government's view the restriction could still be continued after Spanish accession?

MR SPEAKER:

He has said that he had drawn no parallel, that is all he said.

HON J BOSSANO:

And I am asking him, Mr Speaker, is it Government's view that the restrictions could be continued after Spanish accession?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government is of the view that if it so wishes it will continue to operate this restriction even after the entry of Spain into the Common Market.

MR SPEAKER:

Next question.

THE HON J BOSSANO

ORAL

Can Government state how long a resident of Gibraltar needs to be away from Gibraltar to be entitled to duty free allowances on personal purchases and what these allowances consist of?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The Regulations providing the information requested by the Honourable Member were published as Legal Notice No.20 of 1985 on 4 February, 1985.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1985

HON J BOSSANO:

And is the Hon Member saying that those Regulations are in fact being currently applied and that people are being allowed to bring in duty free purchases provided for in those Regulations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I take the Hon Member is referring to residents of Gibraltar?

HON J BOSSANO:

I am, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Regulations, as the Hon Member is aware, allow for duty free allowances to apply to residents of Gibraltar provided they have been away for not less than 24 hours and there is a further condition on this in that a resident of Gibraltar may only be entitled to the allowance if he regularly enters or leaves Gibraltar not more than once a month. As to the practical enforcement of this Regulation, I can only say, Mr Speaker, that the Collector of Customs is instructed to follow the letter of the law and the necessary steps are taken by Customs Officers to ensure that this is applied as far as it is possible.

HON J BOSSANO:

But, Mr Speaker, is the Hon Member not aware that it is frequently the case that the passports of Gibraltarians resident in Gibraltar are not stamped on exit or entry and if so, how do the Customs establish whether they have been out for 24 hours or longer?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I take the point. It is really up to the Customs Officer to enquire and challenge the individual concerned and ascertain whether or not he has been away from Gibraltar on more than one occasion or whatever. I accept that there are practical difficulties because of the non-stamping of passports.

HON J BOSSANO:

Would the Hon Member not agree that in view of the practical difficulties and the fact that those practical difficulties are likely to increase on Spanish accession, would he not agree that it is a system that is open to different individuals being accorded different treatment?

MR SPEAKER:

That is a matter of opinion, I think.

HON J BOSSANO:

Well, then I will put it another way. How does the Hon Member intend to ensure that different individuals are not afforded different treatment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government considers that having regard to the increase in the number of Customs Officers in recent years and months, that there are sufficient resources to enforce this particular measure. If, for any other reason, different individuals manage to evade this particular restriction then obviously different individuals are not receiving different treatment but I think they are getting away with different allowances or conditions which affect the transfer of goods between one frontier and another.

HON J BOSSANO:

Can the Hon Member say what recourse is open to individuals who are in fact prevented from bringing in their duty free allowances and disagree with the assessment of the Customs that is denying them that right?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I stand to be corrected by the Hon Attorney-General but it is really up to the Customs Officer to exercise his

judgement having regard to the regulations. If a particular individual is aggrieved by a decision to confiscate certain goods then he can, I am sure, take the matter up either with the Financial Secretary or, if necessary, in the Courts.

HON J BOSSANO:

Would the Hon Member agree that if there are allegations that this is being administratively operated in excess of what the Regulations require that it is a matter that requires investigation and correcting?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If that is the case, yes, Sir.

THE HON J BOSSANO

ORAL

Is it Government's intention to continue to require minimum quantities of certain foods to be imported before commercial importation can take place and does this apply equally whether the foods are for resale or processing in a catering establishment?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 139 OF 1985

HON J BOSSANO:

Does the Government intend to continue with this practice after Spanish accession to the European Community?

HON A J CANEPA:

I intend to, I haven't discussed it with the Government yet.

HON J BOSSANO:

When will we know, Mr Speaker, whether the Hon Member has been over-ruled by his colleagues or not?

HON A J CANEPA:

Before the end of the year.

MR SPEAKER:

Next question.

THE HON J BOSSANO

ORAL

Can Government state what is the current position regarding entitlement to personal allowances under the Income Tax Ordinance of non-resident individuals?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Under the Income Tax (Permitted Individuals) Rules 1985 a non-resident individual who carries on, exercises or undertakes in Gibraltar any trade, business, profession, vocation or employment is entitled to the personal allowances set out in Section 20 (Personal Allowance); Section 21 (wife and children); Section 22 (Life Insurance, Social Insurance and Contributions to approved Pension Schemes) and Section 19B (Age Allowance). There is also a Section which applies to a non-resident British Subject, a non-resident director of an exempt company and a non-resident individual who is in receipt of a pension accruing in Gibraltar, they are also entitled to claim personal allowances provided they make a return of income from all world sources.

SUPPLEMENTARY TO QUESTION NO. 140 OF 1985

HON J BOSSANO:

Can the Hon Member say when these Rules came into force?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Income Tax (Permitted Individuals) Rules, 1985, came into force on the 5th February, 1985. They were published as Legal Notice No. 42 of 1985 on the 11th April this year.

HON J BOSSANO:

Mr Speaker, is it not the case that under the Income Tax Ordinance there is a requirement that this should be tabled in the House of Assembly before they come into force?

HON ATTORNEY-GENERAL:

I think the Rules purport to be made, Mr Speaker, under Sections 23 and 74 of the Income Tax Ordinance. I cannot see anything in Section 74 which requires them to be brought to this House. The Governor-in-Council may from time to time make Rules generally for carrying out the provisions of this Ordinance, in particular for anything which under the provisions of this Ordinance is required or permitted to be prescribed. Every Rule made under

Section 27(a) shall be laid before the House of Assembly and Section 27(a) deals with rates for qualifying companies. So the answer is no, Mr Speaker.

MR SPEAKER:

Next question.

HON J BOSSANO:

Mr Speaker, I wonder if you would allow me to revert to the supplementary that I got on the income tax where, if you will recall, Mr Speaker, the Attorney-General gave me a negative answer by referring me to a clause on the question of the non-resident allowances. Is it not the case, Mr Speaker, that Legal Notice No. 42 of 1985 to which the Hon and Learned Member referred, states that this has been done in exercise of the powers conferred by Sections 23 and 74 of the old Ordinance, under the re-printed law these have now become Sections 34 and 98?

HON ATTORNEY-GENERAL:

Yes, Mr Speaker, I haven't got my copy. The existing law, Section 74(1), reads: "The Governor-in-Council may from time to time make rules generally for carrying out the provisions of this Ordinance and in particular for anything which, under the provisions of this Ordinance, is required or permitted to be prescribed". Then we inserted Ordinance 24 of 1983, as subsection (1)(a) which is probably completely differently numbered in the revised edition, and subsection (1A) says: "Every rule made under subsection (1) for the purposes of Section 27A" - which has probably been re-numbered in the revised edition - "shall be laid before the House of Assembly". And if you look at Section 27A this was a Section which we inserted by Ordinance No. 24 of 1983 and Section 27A reads: "Rates for qualifying companies", and Section 27A(1) reads: "The Financial and Development Secretary, where he is satisfied that a company complies with the prescribed requirements, may in his absolute discretion issue under his hand a qualifying certificate under this section to the company, subject to such conditions as he may think fit, and the company shall, etc, etc". The current law is available and it would help the Hon Leader of the Opposition but whenever you see a 1A in the present law I hope Sir John has called that subsection (2) or subsection (3), 1A indicates an insertion in the existing law.

HON J BOSSANO:

But am I right, Mr Speaker, in thinking that whatever may have happened to the law in being reprinted what has not happened is that its contents have been changed, that is, it may have been re-numbered but the new law will say the same as the old law did?

HON ATTORNEY-GENERAL:

Yes.

HON J BOSSANO:

If the new law says that any rules made under Section 98 in order to apply the reliefs and allowances to which the Hon Member has referred, has to be tabled before the House of Assembly then presumably in whatever section it is under the old law it must be because otherwise it couldn't be in the new law.

MR SPEAKER:

The Hon Attorney-General has said that that particular thing has not come into force.

HON ATTORNEY-GENERAL:

It hasn't come into force. Could the Hon Leader of the Opposition read Section 98?

HON J BOSSANO:

Section 98 starts as the Hon Member has said: "(1) The Governor may from time to time make rules, generally, for carrying out the provisions of this Ordinance and in particular for anything which, under the provisions of this Ordinance, is required or permitted to be prescribed" and (2) "Notwithstanding subsection (1), no rule shall be made for the purposes of section 41 unless it has been approved by a resolution of the House of Assembly". But I am not talking about a resolution of the House of Assembly, I am talking about the rules made under Section 98 for the purposes of subsection (3) of Section 34, having to be laid in the House of Assembly and subsection (3) of Section 34 says: "Rules made under section 98 may prescribe that a non-resident individual shall on such conditions as may be specified in the rules, be a person to whom the proviso to section 36 applies, and shall be entitled to the deductions, allowances and reliefs set out in sections 23, 24 and 26 to 33". And since the Legal

Notice refers to these rules having been made under Section 23 and Section 74 and since the introduction to this new edition says that Section 23 has become Section 35 and Section 74 has become Section 98, I am assuming, Mr Speaker, that this is not new law.

MR SPEAKER:

May I suggest that this is a matter which perhaps the Hon the Leader of the Opposition and the Hon and Learned the Attorney-General can discuss over the lunch recess.

HON ATTORNEY-GENERAL:

I think that is a good idea.

MR SPEAKER:

Next question.

HON ATTORNEY-GENERAL:

Mr Speaker, may I refer to the point raised by the Hon Leader of the Opposition this morning with regard to the Income Tax (Permitted Individuals) Rules, 1985. On looking at the law carefully at the luncheon adjournment I find that they have to be laid on the table and I seek leave under Standing Order 7(3) to lay on the table the Income Tax (Permitted Individuals) Rules, 1985, out of the Order of the Day.

MR SPEAKER:

In other words, you have realised that there is a requirement for the Rules to be laid.

HON ATTORNEY-GENERAL:

They should have been laid, Mr Speaker. They were published in the Gazette of the 11th April, I don't know if there has been a meeting since the 11th April.

MR SPEAKER:

Leave is granted so let the Rules be laid.

HON J BOSSANO:

Can I ask, Mr Speaker, if there is a requirement for the Rules to be laid does it mean that they don't come into effect until they are laid?

HON ATTORNEY-GENERAL:

No, Section 23(3): "Rules made under Section 74 for the purpose of subsection (3) of this section shall be laid before the House of Assembly". The Rules have been given retrospective effect to and not like, I think, in the Statistics Ordinance where there is one of the motions where you have to lay the draft of the Rules on the table.

THE HON J L BALDACHINO

ORAL

Can Government state how many applicants have applied for tax relief in respect of down payments for home ownership since it started?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir, 28.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1985

HON J L BALDACHINO:

Has the Government got any record of how many people have got home ownership and how they can apply? Are all those 28 using the home that they have got as their own dwelling place?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Hon Member is trying to establish the percentage between those in receipt of relief and those who have actually taken up a house. I don't have any figures but I do have some information from the Commissioner of Income Tax that there have, in fact, been more than 28 enquiries. In some of these cases the relief would either not apply or will have come into operation after the date in which the particular house was bought. I am afraid I cannot give a percentage but I will certainly try and see whether we can monitor this on that basis.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state whether the prices currently being charged by GSL for: (a) commercial work, and (b) MOD work, are in line with the figures projected in the submission made by Appledore in May, 1983?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, in general terms, the prices currently being charged by GSL for commercial work are rather better than originally forecast in the May 1983 A & P Appledore Report. Prices for MOD work are generally in line with the May 1983 forecast.

THE HON J E PILCHER

ORAL

Is Government now in a position to state what is the annual salary of Mr Brian Abbott as General Manager of the Gibraltar Shiprepair Limited and what allowances will be paid over and above this salary?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I understand that the Board of Gibraltar Shiprepair Limited has received information from an international salary research organisation on remuneration terms for comparable posts. The Board will shortly be finalising the detailed terms for the Managing Director's remuneration package having regard to international pay comparisons and the general level of salaries and allowances payable to senior managers of different organisations in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1985

HON J E PILCHER:

Mr Speaker, I accept the answer and obviously we will have to wait till the next meeting to be told the salary of Mr Brian Abbott but in a situation of arbitration, which is really what is going on in the pay of Mr Abbott, Mr Abbott must be getting a salary at the moment or is he just waiting for his salary to be fixed? Can we at least know what he is getting at the moment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, there is certainly no question of arbitration. The fact that it is taking so long, I think although perhaps a matter of concern in many respects, is an indication that the Board of Gibraltar Shiprepair Limited want to arrive at a remuneration package on a proper basis and it is undertaking the necessary research to do so. It is not even negotiating or arbitrating with anybody, it is trying to determine what the appropriate rate should be. As to Mr Abbott's current remuneration, all I can say, Mr Speaker, is that I presume that the company must be making some temporary arrangement to ensure that he doesn't fall into the poverty line.

MR SPEAKER:

Next question.

Can Government confirm that if the current level of losses at GSL continue it would have to close its doors next year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government is aware of the Company's current financial situation. Equally, it is aware of the reasons for this situation and the measures which are under consideration by the Company. The Government, is also aware that, in large measure, these are currently the subject of an industrial relations dispute between the Union and the Company. The Government therefore considers that the resolution of this is primarily a matter for serious and meaningful discussion between the parties concerned.

The Government will continue to monitor closely the financial situation not just in the context of these measures but generally as GSL makes progress towards a hopeful position of viability and commercial success.

SUPPLEMENTARY TO QUESTION NO. 144 OF 1985

HON J E PILCHER:

Mr Speaker, I think the Hon Financial and Development Secretary has got his facts wrong. There is no industrial dispute as regards productivity levels in the yard which is, in fact, what has stemmed from the letter that Mr Abbott sent all the employees in the yard. What certainly is a Government responsibility and I am perplexed, Mr Speaker, why the answers to questions on GSL, especially this question on GSL, is being answered by the Hon Financial and Development Secretary and not by the Hon Chief Minister as I think he insinuated this in a statement given to us, I think, in the last House of Assembly or the House of Assembly before that, when the Hon Financial and Development Secretary, Mr Brian Traynor, did in fact finish as Chairman of the Board. This is clearly a political question and it is seeking political information. What we are asking the Government is, if this is the case what will the Government do because they are 100% owners of the company and are they happy with the alarmist comments of the Managing Director of their company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, it is up to the Managing Director or, in fact, it is up to GSL to answer for its own comments and the Government has its own views, it expresses those views to the Company directly.

HON J BOSSANO:

Is it up to the Managing Director to decide to close the company down next year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I don't think that that is precisely what was said but in the event that we may be faced with that possibility it is up to the shareholders and the owners to take the decision.

HON J E PILCHER:

This is exactly what we are trying to get the Government to establish, whether or not, faced with this letter to the employees which, by the way, has created a lot of alarm within GSL because if what we are talking about is making a success of the company and you get the General Manager of the company telling its workers 'that if we proceed the way we are the company will close its doors next year' in complete contradiction to what the Chief Minister himself has said in this House that everything was progressing well and that the Opposition, in fact, had to eat humble pie on GSL, or words to that effect. What we are trying to establish is, faced with this, what is the Government going to do because the Government are the 100% owners of the company, they are the shareholders. I can give the Government a copy of the letter sent by Mr Brian Abbott which, undoubtedly, they will have, to his employees and it was a clear statement that if this was not remedied the company will have to close its doors next year. This is not, as was said by Mr Abbott, issued by the TGWU after parts of the letter were made public, this is the letter and the letter states that the company will have to close down if the situation on productivity was not improved. Were not the Government alarmed, were not the Government in a position to do anything about it and if so, what did they do and this is what the Opposition here are asking for.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I don't want to get involved in a political war of words.

HON J E PILCHER:

That is what we are here for, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I should correct one thing and that is that the reference to closure was hypothetical to some extent because I think it was qualified, I think it was 'could' go out of business and the Hon Member is saying 'will' and I think there is a substantial difference between one and the other. I think the important point is that costs are obviously higher than anticipated even though revenues are higher than anticipated. There are certain areas which have been the subject of concern of the management of Gibraltar Shiprepair Limited and these have been put to the workforce. I think the reference is not simply to productivity and even in terms of productivity I do not think it is simply a reference to the fact that people have got to work harder, productivity includes other aspects including management and therefore the Government is aware of what the projections are, what the finances look like, the way in which the company is moving forward and what are the difficulties it is facing. To some extent part of the financial difficulties or part of the increases in cost

which arise stem from problems with regard to industrial relations and it is hoped that both the company and the union will as quickly as possible, in fact, arrive at some sort of agreement on this, a final agreement on this so that the company can move along on a more positive note.

HON J BOSSANO:

Mr Speaker, is the Hon Member aware that in the letter to which we are referring and which is the subject of this question, the company has said that they cannot afford any increase in the rates of hourly paid workers? Is the Hon Member aware of that fact?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the reference is to 1985, yes, Sir.

HON J BOSSANO:

The reference is to the rates of pay of hourly paid workers in existence currently which are the rates of pay published in the Gibraltar Chronicle in November, 1983, there has been no change. Is the Hon Member aware that the company has said in a letter to all its employees that it cannot afford to increase those rates?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I would not like to get too involved in answering questions on behalf of the company but having looked at the letter in question my reading of it is that the rates of pay which Gibraltar Shiprepair is implementing at the moment are by and large, higher than in most other sectors in Gibraltar and that on that basis they feel any further increases unjustified. My reading of the letter, too, is that an increase in any case would not be possible this year since the company would not be able to afford it.

HON J BOSSANO:

That is precisely what I am asking so the answer is, yes, the Government is aware that the company view is that no increase can be afforded this year for hourly paid workers notwithstanding the fact that the hourly paid rate is the rate established by the company in November, 1983?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government is aware of the position and has noted that the rates applicable in Gibrepair in 1985 are higher than those in other sectors of the economy irrespective of whether there was a basis for that in 1983, 1984 or 1985.

HON J BOSSANO:

No, Mr Speaker, I am not asking the Hon Member whether they are higher or lower or not, that is a matter of judgement and there are different views because it depends on what you are comparing with what and I am sure the Hon Member doesn't want to get involved in that area which is a matter for negotiation between the two sides but irrespective of whether they are higher or lower, if no increase can be afforded without increasing the losses, does then the Government agree with the analysis that if there is an increase

it will increase the losses and the company could have to close next year because that is the crunch.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, this is certainly obviously one major factor in the equation as far as losses are concerned and as far as costs are concerned and the Government is obviously aware that in a situation where the company is making a loss and that was known in any case for the first year, certainly, that an increase in pay will obviously increase the level of losses.

HON J BOSSANO:

But does the Government agree with the statement in the letter that the consequence of this could be the closure of the yard next year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government would have to judge that at the right time, it is not simply a question of taking a view now on it. We are approximately six months into the first year of operation and it is perhaps a bit premature to make that judgement but certainly an increase in pay in a situation where the company is making losses would obviously worsen the situation and the Government would obviously have to take note of that.

HON J BOSSANO:

But, Mr Speaker, has the Hon Member not said already that the losses were envisaged initially and that pay increases presumably were envisaged initially and therefore there is nothing unusual or unexpected about this, or is there?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the only point where I did make reference to anticipate events was the fact that there would be losses in the first two years, I didn't say that there would be pay increases in any given year. All I said was that the information that the Government has is that rates of pay in the yard are higher than elsewhere in Gibraltar.

HON J BOSSANO:

Mr Speaker, is the Government aware that in their wholly owned company the rates of pay in existence today are the same rates of pay that were published by the company a year and a half ago, that there has been no increase in the rates of pay? Is the Government aware of that fact?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government is aware of certain assumptions which were made in 1983 about pay rates as it is now aware of the rates which apply today. I think the matter is not as simple as that, I

think one has to look at how many people fall into each grade. I am sure that in the original assumption or publication of rates etc in 1983, there were also assumptions about how many people fell into each grade. If more people today fall into the higher grade....

MR SPEAKER:

What you are being asked is a simple question. Are the rates being paid now the rates that were published in 1983? I think you have said yes, as a matter of fact.

HON J BOSSANO:

Mr Speaker, the reason why I am asking is that the Hon Member has made a statement in answer to a question which says that the rate of losses envisaged were on the basis of the rates of pay and that no pay increases were envisaged. Is he aware that the rates of pay for hourly paid workers who are the only people who had the letter, nobody else has had the letter, the Hon Member is aware that the different categories to which he was making a passing reference now have not had this letter, is he aware of that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, I did not catch the last part.

MR SPEAKER:

That the other categories of people who are not hourly paid have not received the letter, are you aware of that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker.

HON J BOSSANO:

And therefore the letter is directed at the people whose rate of pay when the letter was sent out in June, 1985, was the same rate of pay that the company published in the Gibraltar Chronicle when it invited people to apply for jobs.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government's understanding of this is that the rates of pay which are in force today were the subject of a pay agreement which has not been ratified, entered into, I think, in November or December of last year, those rates of pay were negotiated with the Union, I think the question of whether the rates of pay are the same or not the same as in 1983/84 is largely irrelevant.

HON J BOSSANO:

Mr Speaker, if the rates of pay in 1983 established by the company are the rates of pay in 1985, surely, it must follow that there has been no change in the intervening period.

MR SPEAKER:

No, but that is not what the Hon Member has said. The rates of pay existing now were those agreed with the Unions not necessarily those published in 1983, I think that is what you have said, is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

HON J BOSSANO:

Then, Mr Speaker, will the Government make it its business to find out what is going on in its company because I can assure the Government, as a statement of fact, that there has been no change agreed in the rates of pay and that the rates of pay in existence have not been agreed with anybody, they are the ones established unilaterally by the company in 1983 before any negotiations were done with anybody. I am asking the Government, once they have established the fact of what I am saying because it can be factually established, would they agree with me that if the rates of pay in existence today are those that the company chose to introduce unilaterally in 1983 and on which they chose to offer jobs to applicants in 1983, any losses that they are suffering now cannot be attributed to any increase in wages because there has been no increase in wages. Would the Government not agree that that is a statement of fact?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think the matter could be looked at in more general terms. Wages are not the only item which will affect the viability of the company. For all I know, wages may be the same, they may be higher, and other costs may increase which will increase the level of losses and vice versa. I don't think that the matter has to be purely confined to the question of wages. If we are going to enter the argument that because pay rates are today the same as they were two years ago then the factors which contribute to the apparent increase in level of losses are not in fact wages, I think this is the point that the Hon Member is getting at but then there are other factors that come into the whole question and I think the Government prefers to look at this in generality, it doesn't want to go into the details of whether wages are too high, too low, whether they should be increased or should not be increased, that is a matter for the company.

HON J BOSSANO:

I know it is a matter for the company, Mr Speaker, but the company, presumably, works to a policy because it is a Government owned company and I am saying is it then the Government policy that the wages of hourly paid workers in GSL should not be increased for as long as the company is making losses even if the losses are due to the cars that they have in Sotogrande or whatever?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government considers that the question of pay is a matter entirely for the company.

HON J E PILCHER:

Mr Speaker, I want to go back to the generality of the question. I agree with the Hon Financial and Development Secretary that productivity has a lot of areas and it just cannot be tied down but this letter went out to 500 hourly paid workers and to nobody else so the assumption by them was that they were referring to their own productivity and it said: "If the present rate of loss continues the company could go out of business before the end of next year". Could or will, that is splitting hairs. Was this statement by the Managing Director of GSL and, in fact, confirmed in a GBC interview later on that week, cleared with the Board and cleared with the owners of the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I have no knowledge of the procedures which operated at the time of the issue of this letter as to the clearance obtained between the Managing Director and other members of the Board. It certainly was not cleared with the Gibraltar Government.

HON J E PILCHER:

Should not the owners of the company, Mr Speaker, insist that a statement like this which has caused difficulties, the company is in fact in difficulties in recruiting workers, this will obviously make it more difficult for the company to recruit workers if at the end of the day the worker who is being asked to join the company does not really know whether the company will be in existence after a year. This is now causing a difficulty.....

MR. SPEAKER:

But we must not go into the consequences. You can ask questions.

HON J E PILCHER:

If it wasn't cleared with the Gibraltar Government, is the Gibraltar Government not going to ask GSL for a statement as to why this happened?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government obviously consults the company, it has its own director on the Board and it makes its views known through that channel. If I can just go back to the question of the implications for.....

MR SPEAKER:

No, no, we will not go into the implications.

HON J C PEREZ:

Mr Speaker, is the Hon Member prepared to take action against the General Manager of the Shiprepair company for having taken this unprecedented step without consulting the Government who are the owners of the yard?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, no, Sir.

HON J C PEREZ:

Mr Speaker, when is it the intention of the political Government to answer questions in this House about the Gibraltar Shiprepair Limited which they defended in the election, when Abbott runs off with the money and Gibraltar is left without £28m and without a dockyard?

HON J BOSSANO:

Mr Speaker, can the Government say whether the level of losses to which the letter under question in this House refers, is higher than that anticipated?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think we are talking here of projections. Projections change over time. The level of losses which are envisaged today are subject to certain sensitivities, they could be lower and they could be higher depending on whether, for example, the company is able, as the Hon Member was pointing out earlier on, to recruit additional workers in order to take on more work and cut down on its costs of sub-contract labour, for example. There are many factors. I think it would be wrong to make any statement on the level of losses at this stage.

HON J BOSSANO:

But, Mr Speaker, the Hon Member is answering a question which the Government has chosen to put him in the position of answering instead of taking the political responsibility for, which seeks to find out whether the current level of losses could lead to the closure of the yard. We are not asking him to tell us how much the current level of losses is or what is causing the current level of losses, all that we are asking is is it greater than was envisaged, is it the same as was envisaged or is it lower because if a letter has been sent off referring to the current level of losses somebody must know what they are?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Government is not prepared to divulge that information at this stage.

HON J BOSSANO:

So, in fact, the Government is telling its employees in its 100% owned company that it is not prepared to say whether the current

level of losses is higher than envisaged notwithstanding the fact that the Managing Director says that if they continue - without anybody knowing what they are - it could lead to closure, that is the Government's position?

HON CHIEF MINISTER:

No.

HON J BOSSANO:

I wish the Hon and Learned Member would stand up every time he says no, at least he would be in Hansard. If he keeps on saying no sitting down we won't know what credence we put on the no.

HON CHIEF MINISTER:

You are expecting the Financial Secretary to give you the answer you want and he won't and that is what I say no to, that is all.

HON J BOSSANO:

Mr Speaker, with all due respect to the Hon and Learned Member, I don't want the Financial and Development Secretary to answer my questions I want him to answer my questions. Is it, in fact, the case, now that he has finally managed to unstick or unglue himself from his seat, is it the case that the Government of Gibraltar agrees with us that it is not the prerogative of the Managing Director of the Shiprepair Company to decide whether the yard could or could not close, that this must be of necessity a political decision?

HON CHIEF MINISTER:

Yes, of course.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state what amount of money has been spent to date by GSL of the £28m?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, a total of £15.5m was spent by Gibraltar Shiprepair Limited as at the end of May 1985.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1985

HON J BOSSANO:

Mr Speaker, does the Hon Member have an indication whether the rate of expenditure indicated by the £15m in five months is likely to continue or it is slowing down from now on?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the expenditure covers the period, obviously, greater than the first five months of operation, it goes back to last year. I haven't got the information that the Hon Member is seeking precisely but I can certainly indicate that there is an element of underspending at the moment.

HON J E PILCHER:

Of these £15.5m, Mr Speaker, which seems a great chunk of the £28m, although the information might not be available, what percentage of that, at least if we can tie them down to that, is capital expenditure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I will give the Hon Member the general rate which I had prepared in case the question cropped up. Expenditure on GSL assets - capital equipment £4.5m; on yard manufacturers equipment which is mainly the slop barge, £1m; on relocation expenses, refurbishment, doors, etc £0.4m; on start-up costs which is training, publicity, computer systems, etc, £1.8m; stocks £1.1m; working capital £2.8m; civil works, which would fall into the Government assets, are generally £3.6m which is largely on No. 1 dock; and general re-allocations and refurbishment works around the yard £0.8m, that adds up to £15.5m.

HON J C PEREZ:

Mr Speaker, since the Minister for Development Aid, Mr Timothy

Raison, said at a press conference during his visit that up to the end of March £12m had been spent, we can take it that in three months £3.5m have been spent, from March to May. Could one use that as a yardstick on how the money is to be spent in the future or will the rate increase as has been indicated by the Hon Member?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I don't think one can use any of these figures or any of the monthly expenditure figures as a basis for the rest of the year mainly because, obviously, the first year is the year in which there has been a considerable investment and the figures fluctuate widely from one month to another depending on, for example, if there is a payment for a large crane which falls due in one month and not the other. Therefore, I don't think we can use the £3.5m since March as an indication of the likely level of expenditure over the rest of the year.

HON JE PILCHER:

Mr Speaker, is the money needed to cover the losses included in the £15m or not included in the £15m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I referred in the breakdown to working capital of £2.8m, essentially that is generally a large element of the funding for operating losses.

MR SPEAKER:

Next question.

THE HON J C PEREZ

ORAL

Can Government state what is the criteria presently used for the disconnection of electricity supply to subscribers who are in arrears?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the general procedure is to send a letter to a consumer who is three or more months in arrears. This letter requests payment, and invites the consumer to call at the Arrears Section, if he so wishes, to make special arrangements to clear his arrears; he is also advised that failure to comply within ten days renders him liable to have his supply disconnected. In practice it generally takes some thirty days before disconnection, so no disconnection is made unless the arrears are over four months old. Supplies may also be disconnected if a consumer fails to honour an agreement previously entered into for the settlement of his arrears, and ignores a warning letter requesting payment of the outstanding instalments within ten days.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1985

HON J C PEREZ:

Mr Speaker, does this policy change depending on the amount owed, for example, if the amount in the first two months of arrears exceeds let us say, £1,000, does Government take action depending on the amount rather than on the months that the person or the company is in arrears?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There is no difference in treatment irrespective of the amount billed, I think the only innovation recently is that the Arrears Section now has a list of persons who are in receipt of supplementary benefits and whenever any one of these cases comes up for disconnection there is now liaison between the Arrears Section and the Department of Labour, that I think is the only departure from the policy.

HON J C PEREZ:

Mr Speaker, can Government assure this House that nobody will be treated less favourably as has been reported to the Opposition in the past?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, all I can say is that this is the policy and this is

the policy that will be applied.

MR SPEAKER:

Next question.

Can Government state whether all the rights that will be enjoyed by Spanish nationals in Gibraltar under Community requirements on accession, are being advanced to 5th February, 1985, as a consequence of the Brussels Agreement?

ANSWER

THE HON THE ATTORNEY-GENERAL

No, Sir. The rights granted to Spanish nationals by Section 6 of the European Communities (Amendment) Ordinance 1985 are subject to the derogations, exceptions and modifications set out in the Second Schedule to that Ordinance.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1985

HON J BOSSANO:

I know that, Mr Speaker, that is not the question I am asking. What I am asking is whether they are going to get rights on the 1st January, 1986, which have not been back-dated to the 5th February, 1985? On accession are there going to be any additional rights beyond those that have been back-dated under the Brussels Agreement?

MR SPEAKER:

In other words, does the Brussels Agreement encompass the whole of the rights to which they will be entitled on accession.

HON ATTORNEY-GENERAL:

We have granted those rights in the Ordinance with the exceptions and modifications as contained in the Ordinance and that continues.

HON J BOSSANO:

So therefore is the answer to my question then, Mr Speaker, that all the rights that Spanish nationals will obtain on accession to the Community subject to derogations and so forth which are applicable throughout the Community, are being back-dated to the 5th February, that is the position, is it?

HON ATTORNEY-GENERAL:

I would have thought, generally speaking, the answer is yes unless the Hon Member has a particular right which he is

suspicious about which they are going to get back from the 5th February, 1985, let him state the point.

HON J BOSSANO:

Mr Speaker, as I understand it under Standing Orders, question time is not for me to give vent to my suspicions but for me to obtain information and I am seeking information from the Hon and Learned Member and the answer, I take it, to my question is yes.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

Does Government agree that the official journal of the European Community should be readily available in Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

Yes, I agree. I am arranging to obtain three extra copies of the Official Journal. I propose that 1 copy should be kept by the Administrative Secretary, 1 copy should be kept in my Chambers, 1 copy kept by the Clerk of this House.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1985

HON J BOSSANO:

Mr Speaker, I would like confirmation from the Government that the copy kept by the Clerk would, in fact, be available to members of the public.

HON ATTORNEY-GENERAL:

I think that would be a matter for the Clerk of the House.

HON J BOSSANO:

For the public, Mr Speaker, not just for Members of the House because my understanding is that there is a Community requirement that every EEC national should have the right to consult EEC laws.

MR SPEAKER:

I would suggest, perhaps, that the copy held by the Administrative Secretary should be available to the public.

HON ATTORNEY-GENERAL:

That is exactly the idea, that the Administrative Secretary will be responsible for a copy which will be held at the Secretariat and members of the public can go to the Secretariat and if there is any problem they can come to my Chambers.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Has Government now submitted compensation claims for damages sustained to our waterfront and expenses incurred in cleaning-up operations for the different oil leaks experienced over the past four months?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, no formal claims have yet been submitted by Government in respect of the different oil leaks over the past four months. Council of Ministers directed on 29 May that Gibraltar Government Departments should assess the cost of anti-pollution operations and submit their separate claims to the Attorney-General who would, in turn, submit a co-ordinated claim to the responsible parties. The matter was also raised at a meeting of the Joint Working Party on Oil Pollution held on 11 June, 1985.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1985

HON J E PILCHER:

So the answer is that the Government is now assessing the amount of money which the Government has spent on cleaning up operations and will decide whether to put any compensation claim or not?

HON M K FEATHERSTONE:

No, Sir, they are assessing the amounts claimed and they will then send through the claim once it is assessed by all the different departments as a consolidated claim. There is no question of deciding whether to make the claim or not, the claim will be passed through.

HON J E PILCHER:

In assessing this does not the Gibraltar Government have to assess what damage has been caused to Gibraltar not as far as oil pollution itself is concerned but damage to, for example, tourism? The fact that Montagu Basin is closed to tourism, the fact that over the past few months there have been two MOD leaks in the Viaduct area and does this not have a detrimental effect on tourism and are you not able to assess the cost and value the cost of this?

HON M K FEATHERSTONE:

Those are potential damages, what we are actually going to claim is the actual factual damages.

HON J E PILCHER:

So the Government has no intention of claiming for damages other than those immediately accounted for?

HON M K FEATHERSTONE:

The main thing is that one wants to make a claim on something that can be fully established not something that is theoretical and will give rise to long and protracted negotiations.

MR SPEAKER:

Next question.

Is the College of Further Education charging Gibraltar Ship-repair Ltd for the training of apprentices who will be taking up employment with the company?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

No, Sir. The current term is the last phase of the 1984/85 academic year. The position with regard to all courses, staff and students has been maintained as at the start of the year, for obvious reasons, notwithstanding the fact that the Government of Gibraltar took control on the 1st April of this year.

In the new academic year, the principle of fee-charging for students over the age of 18 years will be established. The level of fees to be charged for the different courses to be offered is currently under discussion.

Is Government aware that a recent Cambridge 'A' level Science subject examination paper had incorrect information and that this confused and unsettled the students who sat this examination?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Sir, the answer to the first part of the question is yes, Sir. The second part is not totally correct inasfar as only some of the students experienced difficulties in carrying out the experiments.

As a result, the Department got in direct contact with the Senior Examiner for Physics in Cambridge. The circumstances were fully explained and duly reported in writing. We have received a written assurance from the Cambridge Board that the candidates concerned will be compensated for difficulties which were beyond their control. This is a normal and tested procedure over the many years we have dealt with the Board. The Cambridge Board has emphasised in their letter that the candidates concerned be reassured on this point.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1985

HON R MOR:

Mr Speaker, can Government explain what exactly happened during that examination?

HON G MASCARENHAS:

Mr Speaker, the examination referred to is the 'A' level physics practical test No. 9240/4 which took place on the 23rd May at Bayside School. Practical examinations are tested by Board Examiners before the instructions are issued to schools or centres. Indeed, in keeping with the due procedure, the science teacher at Bayside carried out the full experiment successfully three days before the actual examination. The test dealt with magnetism which some teachers in the UK reported to Cambridge might give rise to some difficulties given certain locations. Guidance notes were issued by the Board on what could be done if these difficulties arose. It is a common and accepted feature of all practical examinations every year that amendments, adjustments or minor operations are carried out at the professional discretion of the local teachers without direct instructions from the Board. These are acceptable provided the Board receives a full report on the matter. Candidates are not penalised in any way. In respect of this specific examination not all the seventeen candidates were affected. The main difficulty experienced was one of obtaining the required readings. It is relevant to point out that marks for these examinations are awarded for a clear record of observations actually made and not measured against an ideal or correct answer. Evidence of knowing the process is more important at this stage than

obtaining a correct answer. It cannot be emphasised enough that the candidates are not penalised in any way. Due regard is taken by the examiners of any special circumstances if duly reported to them. Every year, in fact, has its share of reports on hay fever, toothaches, excessive heat or, indeed, excessive noise such as the NATO exercise 'Locked Gate'.

HON R MOR:

Mr Speaker, can the Government say whether an amendment was in fact received for this particular examination?

HON G MASCARENHAS:

Mr Speaker, if the Hon Member is trying to fish, perhaps if he asks me what he is fishing for I will tell him.

HON R MOR:

Mr Speaker, I have asked a question whether an amendment was received on that particular examination?

HON G MASCARENHAS:

Yes, Mr Speaker.

HON R MOR:

Would the Hon Member tell the House on what date that amendment was received by the Education Department?

HON G MASCARENHAS:

I will tell the House, Mr Speaker, on what date the amendment was received, it was on the 6th May.

HON R MOR:

If the examination took place on the 23rd May and the amendment was received on the 6th May, can the Government explain what happened?

HON G MASCARENHAS:

Mr Speaker, no human procedure can be foolproof. The Department received the paper amongst the literally thousands of papers that are received in the Department during May every year for the Cambridge examinations. The amendment was actually missed by every single member of the Department. That is a human error on our part.

HON J C PEREZ:

Mr Speaker, had the paper carried on to be missed on the 23rd May would that have meant that the examinations would have been invalidated?

HON G MASCARENHAS:

Mr Speaker, I think I have given a very explicit answer. I must re-emphasise that the candidates will not be penalised in any way. The examination that took place is the examination that will be corrected at Cambridge and any fluctuations in the readings will be taken into account and they will be compensated for it.

HON R MOR:

Mr Speaker, one can understand an accident happening now and again but I think it is ridiculous that in a situation where 'A' level students who have reached the peak of their studies and it would affect their obtaining a scholarship and other considerations, I think it is deplorable that an amendment should have been missed as the Hon Member has said. Would the Government ensure that this does not occur again?

HON G MASCARENHAS:

The Government has been attempting for many, many years to get the Cambridge Board to agree to have on their mailing list the different centres of which there are three in Gibraltar plus the Department of Education as a mailing point for examination papers, to avoid these occurrences. The problem of course is that the Cambridge Board insists that the cost of four separate mails to Gibraltar is quite substantial and their policy is that mailing will be done to one central point outside the United Kingdom and including the United Kingdom. The Department as a result of this anomaly is considering whether we should share the cost with Cambridge, Cambridge have signified that they are prepared to look into the matter and we are waiting for a confirmation of that.

HON R MOR:

Mr Speaker, as I mentioned earlier there is the question of scholarships. Would Government ensure that no student loses out on the opportunity of obtaining a scholarship through the effect of this occurrence? There is a pointage system and there will have to be some application of how many points you are going to award on this specific examination.

MR SPEAKER:

I think the end result of the guarantees that have been given is that the results of the 'A' levels will not be affected and therefore the gradings will not be affected and the pointage is based on the grades. Am I correct?

HON G MASCARENHAS:

Yes, Sir.

HON J C PEREZ:

Mr Speaker, was Government aware of that situation prior to giving out the amendment on the 23rd May?

HON G MASCARENHAS:

No, Mr Speaker.

HON J L BALDACHINO:

Mr Speaker, I am not quite sure what the Hon Member has meant when he said that the results would not be affected. If the paper had incorrect information and the students did the test according to what was on the paper, on that incorrect information, and the answer they gave must be wrong according to the amendment that they received.....

MR SPEAKER:

I think the answer has been given originally. There is a procedure at Cambridge to put matters right when incidents of this nature occur.

HON J L BALDACHINO:

So what he is actually saying is, if the Hon Member can confirm it, is that the gradings will not be affected. Is that correct?

HON G MASCARENHAS:

That is right.

HON J C PEREZ:

Mr Speaker, were representations then made to Cambridge to explain the situation and that is how the safeguard has arisen?

HON G MASCARENHAS:

Mr Speaker, these anomalies occur continuously in every centre which actually holds examinations. The readings in the North of Scotland will differ considerably to the readings in the South of Europe and this is what has happened. Three teachers somewhere in the United Kingdom reported to the Cambridge Board that the examination readings were not exact and they reported that, that is normal procedure. Other schools in Gibraltar have done the same in the past with other readings.

MR SPEAKER:

We must not investigate the whole circumstances.

HON J C PEREZ:

Except, Mr Speaker, that if the amendment would have continued to be lost the Government would have had no idea of what the repercussions would be, they were not sure, they clarified this later, Mr Speaker, because if the Government were sure that it would not affect the students they might have not distributed the amendment on the last day, they were trying to cover their responsibility on the matter.

HON G MASCARENHAS:

Mr Speaker, if the Hon Member will recall, in my answer originally I said that the science teacher at Bayside Comprehensive actually carried out the examination perfectly according to the readings required by Cambridge, that is enough for the Department

HON J C PEREZ:

Mr Speaker, then why did they issue the amendment?

MR SPEAKER:

They didn't issue the amendment.

HON G MASCARENHAS:

Mr Speaker, we did not issue the amendment because it got there too late. The test was carried out as was, on the basis of as was, the Cambridge Board were advised accordingly and the Cambridge Board confirmed that the test would be corrected on the basis of what the children had done and nothing further.

HON J L BALDACHINO:

Mr Speaker, I understand that you answered the question I asked but the Hon Member did not and I would like to have it from the Hon Member.

MR SPEAKER:

No, I could not have answered the question. With respect, I would not have answered the question you asked if the information had not been given by the Minister before. I am not privy to what has happened.

HON J L BALDACHINO:

You clarified the position. Could the Hon Member then answer the question, that this will not affect the gradings.

MR SPEAKER:

He has said that several times.

HON R MOR:

Mr Speaker, can the Government clarify just one point? The Hon Member has stated that the amendment was not issued. My information is that the amendment was issued a short time before the end of the examination, could he verify that?

HON G MASCARENHAS:

Mr Speaker, the amendment was not issued prior to the students sitting the examination.

HON R MOR:

It was issued during the course of the examination.

HON G MASCARENHAS:

I am sorry, my information is that the amendment only came to light after the examination.

HON J BOSSANO:

Mr Speaker, would the Hon Member agree that if in fact he finds his information to have been incorrect he will come back and correct the record in the House?

HON G MASCARENHAS:

Of course.

MR SPEAKER:

Next question.

THE HON R MOR

ORAL

Has Government now reviewed the situation as regards the Social Insurance contributions credit system for unemployed persons over 60 and if so, can they let the House know their conclusions?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, the Government has not reviewed the situation as regards the Social Insurance credit system for unemployed persons over 60.

SUPPLEMENTARY TO QUESTION NO. 152 OF 1985

HON R MOR:

Mr Speaker, does the Hon Member mean that they haven't finalised the review because he did commit himself to keep the situation under review in answer to a previous question in this House?

HON DR R G VALARINO:

Mr Speaker, the Government will be prepared to review the scheme if adequate evidence to justify such a review is brought to its notice.

HON J BOSSANO:

Mr Speaker, is the Hon Member no longer a member of the party that is committed to reviewing this matter and bringing the pensions down to 60 or has he now resigned from the AACR or what is the situation? Is the Government committed, as a matter of policy, Mr Speaker, to the reduction of the age of entitlement to 60, yes or no? Is it a Government commitment or not?

HON DR R G VALARINO:

Mr Speaker, the House will recall that the Government offered to open a special office at the Department of Labour and Social Security last year to consider representations from over 60's who were facing redundancy in the Service Departments and who might suffer hardship thereby. One of the objects of opening this office was to ascertain whether there were adequate grounds for revising the scheme as it stands at present. The response to this invitation was negligible and the Government does not therefore feel that there is any need to revise the scheme at the present time.

HON J BOSSANO:

But, Mr Speaker, didn't the Hon Member, when he originally committed himself to this policy as a small step towards pensions at 60, say that the benefits would be means tested because of the possible cost of making them available to everybody? Wasn't that the original explanation provided by the Hon Member to this House for introducing the present scheme?

HON DR R G VALARINO:

Yes, Sir, but the fact that only fifteen applications have been received for credits under the scheme, there are only 34 Gibraltarians unemployed over the age of 60 and at present Government is only prepared to review the scheme if further adequate evidence to justify such a review is brought to its notice.

HON J BOSSANO:

Mr Speaker, isn't the adequate evidence the figure that the Hon Member has given? How many of the fifteen qualify under the existing rules, of the fifteen who have applied?

HON DR R G VALARINO:

About one-third, Sir.

HON J BOSSANO:

Doesn't the Hon Member think that he can afford to pay to the other two-thirds, which is ten, without breaking the bank?

HON DR R G VALARINO:

Mr Speaker, Sir, a good proportion of persons who retire at 60 receive adequate gratuities and service pensions and there is provision in the Supplementary Benefits Scheme to assist those who may suffer real hardship.

HON J BOSSANO:

Mr Speaker, what is the reason why the Hon Member considers it morally right to require people over 60 who are unemployed and with very little prospect of employment, to continue to have to make voluntary contributions towards their old age pension when, in fact, the Government as a matter of policy is committed to providing pensions at 60 at some future date? Doesn't the Hon Member agree with me that he has to give a reason to the

House why he is pursuing a policy which on the surface of it appears unfair and which victimises ten people?

HON DR R G VALARINO:

Mr Speaker, Sir, I am not pursuing any policy which is unfair and victimising anyone and I would like the Hon Member to retract those words.

HON J BOSSANO:

There isn't the remotest possibility, Mr Speaker, of my retracting those words. Can the Hon Member tell me how it is not unfair and discriminatory to have ten people over 60 with very little prospect of employment having to make contributions so that they can have a pension at 65 which doesn't suffer from enforced unemployment during the last five years of their working lives? Let him explain why that is not discriminatory in his book?

HON DR R G VALARINO:

Because as I have said before, if the Hon Member will listen if he is able to listen. A good proportion of persons who retire at 60 receive adequate gratuities and service pensions and there is provision in the Supplementary Benefits Scheme to assist those who may suffer real hardship and there lies the answer. We are able to make up from the Supplementary Benefits Scheme the amount necessary.

HON J BOSSANO:

So the Hon Member considers that in order to be justified in not having to continue to pay insurance contributions whilst one is unemployed over the age of 60, one should be on the supplementary benefits level notwithstanding the fact that by applying that rule only five people are entitled in the whole of Gibraltar, that is the Government's position?

HON DR R G VALARINO:

Considering, Sir, that only fifteen people have applied.

HON J BOSSANO:

But, Mr Speaker, what is the problem with giving it to the fifteen who have applied?

HON DR R G VALARINO:

As I have said before, the Government would be prepared to review the scheme if adequate evidence to justify such a review is

brought to its notice.

HON J BOSSANO:

Mr Speaker, isn't the adequate evidence that if they gave it to the fifteen instead of to the five they would not be in serious economic difficulty as a result because only ten more people would be entitled to credits and those ten people may be just above the breadline but are being put in a difficult situation. Can the Hon Member say how many of those ten are paying voluntary contributions?

HON DR R G VALARINO:

What I would like, Sir, is for the Hon Member to let me have details of one of fifteen who are suffering hardship and then when I get the name and the household let me consider the facts of the case. If he will do this I will undertake to look at it otherwise this stands.

HON J BOSSANO:

Mr Speaker, I don't know who the fifteen are, he does. What steps has he taken to find out the circumstances of the fifteen people?

HON DR R G VALARINO:

Mr Speaker, what steps has he taken to find out anything that I have said?

MR SPEAKER:

We are now arguing. Next question.

THE HON R MOR

ORAL

What steps are being taken to ensure that persons employed on ships registered in Gibraltar pay Social Insurance Contributions?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, the Minister for Economic Development and Trade raised the question with representatives of the Board of Trade who visited Gibraltar to advise the Government on a number of matters relating to the registration of ships.

The Board of Trade representatives did not have first hand information on how the question of Social Insurance Contributions for ships crews was dealt with in the UK, but they undertook to look into the matter on their return and supply the information in writing.

This information is still awaited.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1985

HON R MOR:

Mr Speaker, isn't it the law in Gibraltar that such persons should contribute to social insurance?

HON A J CANEPA:

That is the law. The problem is how do you go about ensuring compliance with the law with people who are in ships that may never come to Gibraltar. This is what we are trying to find out, how does a slightly bigger country than Gibraltar, namely, the United Kingdom, just a little bit bigger, with many more ships registered, how do they do it.

HON J BOSSANO:

Mr Speaker, isn't the law that the employer and in this case isn't the employer a company registered in Gibraltar, required to pay the social insurance contribution and didn't in fact the Hon Member confirm this when the matter was previously raised?

HON A J CANEPA:

That is the legal position. How do you go about ensuring compliance with that in respect of crews details of which may not be obtainable in Gibraltar. The fact that a company owns a ship and that that company is duly registered in Gibraltar in some legal chambers does not mean that you are able to chase up the question of contributions for specific members of the crew. This is what we are trying to find out.

MR SPEAKER:

It has been a fair answer. There is a legal requirement to pay but how it can be implemented is being investigated.

HON J BOSSANO:

Mr Speaker, can I ask, has the Government written to companies that have got ships registered in Gibraltar informing them that they are required to pay social insurance contribution in respect of the crews of those ships?

HON A J CANEPA:

I don't know, Mr Speaker. I would imagine that is a matter for the Director of Labour and Social Security. He is the enforcement officer in respect of the law but I think that, obviously, enquiries will be made.

HON J BOSSANO:

Mr Speaker, if the question that is down on the Order Paper is 'What steps are being taken', would the Hon Member not agree that that would seem a fairly simply straightforward step to take that would occur to a layman, that the first thing you do.....

MR SPEAKER:

The steps which are being taken is that it is a difficult matter to implement and that advice is being obtained from the United Kingdom to see how it can be done. When the advice comes along perhaps next time we have a meeting the information might be available.

HON A J CANEPA:

I think it is naive, Mr Speaker, to imagine that just by writing letters to legal chambers where companies are registered, that that is going to produce the result anymore than a result is produced by the Commissioner of Income Tax issuing assessments if people don't want to pay. Those that don't want to pay will get away with it unless the manner in which you follow up is effective and that is what we are trying to do.

HON J BOSSANO:

Mr Speaker, the point is that if the company is registered in legal chambers here in Gibraltar then, surely, the Government of Gibraltar can take legal action against the registered company in Gibraltar at the registered legal chambers, surely, that is the difference, Mr Speaker. Therefore what we are asking is has the Government taken what appears to be an obvious preliminary step of informing those companies that they are required by law to pay social insurance contributions in respect of the crews of the ships registered in Gibraltar.

HON A J CANEPA:

I don't know whether that has been done. One should be grateful to the Hon R Mor for bringing the matter to the attention of the Government. What I can say is that this is obviously an area of insurance which has not in the past been followed up by the Department of Labour and Social Security, very little has been done about it and now that the matter is raised the question is how do you go about following the matter up?

HON J BOSSANO:

Mr Speaker, does the Government accept that the people working on the ships where there can be and in fact there have been, to our knowledge, a number of incidents involving industrial injuries could create a problem for the Government in that they are not covered against such accidents and they ought to be covered in law in Gibraltar?

MR SPEAKER:

You are expanding the question.

HON J BOSSANO:

No, Mr Speaker, the whole question is that we have got employees.....

MR SPEAKER:

Well, it is accepted, with respect to the Hon Leader of the Opposition.

HON J BOSSANO:

We are trying to find out whether the Government accepts that this is the case or not. Is there, in fact, a situation where somebody having an injury on a Gibraltar registered ship may create a legal liability here in Gibraltar because he ought to have been covered and he is not covered.

HON A J CANEPA:

Of course, Mr Speaker, but that is the point that was accepted here when the matter was first raised but the Hon Member surely must accept that it is a reasonable course of action for me to take, when there are officials of the Department of Transport specifically in Gibraltar to discuss matters to do with shipping registry, that one should bring the matter to their attention, ask them what is it that is done in UK - and they didn't have an answer - and therefore asked them: "Would you please try to find out how it is that you go about these matters in UK so that we can do likewise". That, I think, is a reasonable course of action. If nothing happens after a period of time, if there is no response from the United Kingdom, we will send reminders, we will follow the matter up and I would imagine that part and parcel of the procedures ought to involve the companies, naturally, because they have got representatives in Gibraltar in some form or other but I am not sure how that is done.

HON J BOSSANO:

Would the Hon Member agree that it is desirable, at the very least, that companies that have got registered offices in Gibraltar and that have got ships registered in Gibraltar, should be informed by Government that under the Gibraltar Social Insurance legislation they are required to take out social insurance for their crews?

HON A J CANEPA:

I would go further, I would say that it is essential that they be so informed by the Director of Labour and Social Security who is

responsible for enforcement of the law. It is not my responsibility, not even the Minister, because I am very conscious of the fact in all the years that I was Minister for Labour and Social Security, that enforcement was not within the province of the Minister. The law is administered by the Head of Department and it is the Head of Department who is answerable. He should issue the instructions but the Minister can bring the matter to his notice and say: "Look, there was heated debate about this matter in the House, please address yourself to it". That is the responsibility of the Minister and the Minister will thereby cover himself by doing that. I can do likewise, I can also have a word with the Director but I am not the Minister for Labour, alright, I have an interest because I am responsible for the Port, naturally, and of course I will bring the matter to the attention of the Director of Labour and Social Security but what neither my colleague nor I can do is to pick up the phone every day of the week or to press instructions everyday of the week so that people in that Department act on the matter. It is ultimately their function.

HON J BOSSANO:

Mr Speaker, we are not asking the Hon Member to do it every day of the week, the House of Assembly doesn't meet every day of the week, it meets every two or three months.

HON A J CANEPA:

Yes, but then the matter comes up again in a few months time.

HON J BOSSANO:

Therefore, in view of the answers that the Hon Member has given me, does he think it is a good idea for his colleague.....

HON CHIEF MINISTER:

He has said yes.

MR SPEAKER:

Next question.

What is Government's policy in respect of employers found to be employing workers without meeting the legal requirements as regards work permits, contracts of employment, social insurance and tax deductions?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, all cases of illegal employment which come to the notice of the Government are investigated by the Inspectorate of the Department of Labour and Social Security. In those cases where after investigation it is considered that there has been a breach of the law, or where there is doubt on the issue, the matter is referred to the Attorney-General's Chambers for appropriate action.

SUPPLEMENTARY TO QUESTION NO. 154 OF 1985

HON J BOSSANO:

Mr Speaker, can I deduce from that therefore that the Government's policy is to prosecute in cases where it is found that there has been illegal employment?

HON CHIEF MINISTER:

No, the Government can never have a policy on prosecuting. The Government can only have a policy of drawing the attention of alleged offences to the Attorney-General whose constitutional responsibility is to decide whether he prosecutes or not. I would like to make that quite clear, that the policy is to refer all matters to the Attorney-General, Government never prosecutes.

HON J BOSSANO:

Is it the Government's policy to refer the matter to the Attorney-General with a view to the Attorney-General prosecuting if it is found that the law has not been complied with?

HON CHIEF MINISTER:

What the Minister has said is exactly what he has said.

HON M A FEETHAM:

Can the Minister state how many such cases have been sent to the Attorney-General's Office and how many such cases have been actually taken to Court?

HON DR R G VALARINO:

Mr Speaker, Sir, I do not have those figures available but I will give those figures to the Hon Member as soon as I have them at hand.

MR SPEAKER:

Next question.

THE HON J BOSSANO

ORAL

What conditions have to be met by firms engaging in labour only sub-contracting?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, the requirement is that such firms should themselves be employing this labour and complying with the necessary requirements as to work permits and accommodation, social insurance and income tax PAYE deductions.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1985

HON J BOSSANO:

Can the Government say whether such firms require a trade licence under the Trade Licensing Ordinance?

HON ATTORNEY-GENERAL:

I would have thought, Mr Speaker, that the answer to that is no. The Trade Licensing Ordinance deals in the sale and purchase of goods and commodities and certain businesses. It is not one of the scheduled businesses. I cannot see that the Trade Licensing Ordinance has any application to a company like this.

HON J BOSSANO:

I would agree with the Hon and Learned Member, Mr Speaker, but would the Government not agree with me therefore that it follows that virtually any of the areas for which a licence is required can be undertaken by a company provided it is supplying labour only?

HON ATTORNEY-GENERAL:

There is no licence required, as I see it, for these firms. Provided that these firms comply with the law of Gibraltar with regard to social insurance contributions, income tax, etc, etc.

HON J BOSSANO:

Perhaps, Mr Speaker, if I can give an example to illustrate the thing because I think this is a matter which we have brought to the attention of the Government before and I think we brought it to the attention of the Government in the context of the Brussels

Agreement when it was debated. Does the Government agree that although a licence is required, for example, to engage in building contracting, it is possible to obtain a building contract with a licence and subsequently to use sub-contract labour from a sub-contractor that is supplying labour only and that sub-contractor does not require a licence of any kind?

HON ATTORNEY-GENERAL:

Building contracting certainly is one of the scheduled businesses and so the building contractor can operate here providing he has a licence under the Trade Licensing Ordinance. Where he gets his labour from then you have got to look at the company, the company who is supplying the labour. There is nothing in the Trade Licensing Ordinance which requires the company supplying the labour to have a licence. It can operate in Gibraltar provided it complies with the law but a firm which is merely supplying labour for building contractors does not need a licence.

MR SPEAKER:

I am afraid we must not go into the interpretation of the laws. You have been given an answer and that is that you do not require a trade licence, the implications is another matter which we must not go into.

HON J BOSSANO:

Mr Speaker, with due respect, the reason why I am pursuing.....

MR SPEAKER:

What are you asking?

HON J BOSSANO:

I know what I am asking, Mr Speaker, if you will allow me. I would wish you to know and I would wish the rest of Gibraltar to know, that is precisely why I wish to get the information recorded in the explicit form that people outside this House will understand. The question that I am asking is, can the Government therefore confirm that there is nothing to stop any firm doing the work in Gibraltar on any contract providing they are supplying labour only without a licence?

MR SPEAKER:

And with respect, that is not seeking information, that is seeking an inference as a result of the law and that is why I

have made the statement that I have made. It is not for Government to confirm or deny what the law requires.

HON J BOSSANO:

Can I ask the Government for information? Can the Government confirm that there is a firm providing labour in the refurbishment of the dockyard and that it is not licensed to carry out construction work and that it does not require a licence to carry out construction work because it is supplying labour only?

HON DR R G VALARINO:

Sir, if the Hon Member will give me details of the company concerned I will look into it and I will send the inspectors to investigate.

HON J BOSSANO:

Mr Speaker, I am trying to establish that that, in fact, is permissible in law and that the firm is not breaking any law because I think that is the important thing that has to come out in terms of information. If the Government doesn't even know it is happening and I need to ask whether it is happening because I know that it is, then can the Government confirm that, in fact, there is nothing they can do about such a situation even if I provide the information?

MR SPEAKER:

With respect to the Hon Leader of the Opposition. The inference of the law is something which you have got to decide upon. You can ask Government whether they are aware that there is a particular firm which is breaking the law but it is not for you to ask Government what the law is.

HON CHIEF MINISTER:

If there is an inspection and it is found that that is illegal we will be told and he will be told. He may get all the facts, he may get part of the facts but before the Government acts or makes a commitment it must have an enquiry.

HON J BOSSANO:

Mr Speaker, I am not saying that it is illegal and I am not saying that this firm is breaking the law. What I am trying to establish from the Government, Mr Speaker, is, as a matter of fact, confirmation that this is not illegal, this is what the question asks.

MR SPEAKER:

With respect to the Hon Leader of the Opposition. I am telling you that Government is not here to confirm what the law is, the Government is here to give information

HON J BOSSANO:

Mr Speaker, the information that I am seeking in a supplementary to a question that says "what is the position with regard to companies supplying labour only", that is, doing labour only sub-contracting, and it has been confirmed by the Hon and Learned Attorney-General that such a firm is not engaged in an activity which requires a trade licence.

MR SPEAKER:

Unless it is in the building trade.

HON J BOSSANO:

No, this is precisely what I am trying to establish, not even then, Mr Speaker. What you have just said shows, Mr. Speaker, that the answer that has been given isn't clear because you have misunderstood it.

HON ATTORNEY-GENERAL:

A firm providing labour simply in whatever company or firm or discipline, does not need a licence under the Trade Licensing Ordinance. Somebody who is carrying out building contracting work does need a licence under the Trade Licensing Ordinance, building contracting work as such and not merely the provision of labour for building contracting.

HON J BOSSANO:

I know that, Mr Speaker, that is precisely the point that I am trying to establish so that it is clearly understood because, in fact.....

MR SPEAKER:

But you don't have to establish the point and with respect to the Hon Leader of the Opposition, that is where you are going wrong. You have to seek information. What is the information you are seeking?

HON J BOSSANO:

The information that I am seeking, Mr Speaker, is one which will not lead you to draw the mistaken conclusion that you have drawn in the comments that you have made five minutes ago.

MR SPEAKER:

With respect to the Leader of the Opposition, you ask the question, what is the information you are seeking?

HON J BOSSANO:

But, Mr Speaker, with respect to the Chair, I wish the Chair would allow me to ask the question and the Government to answer because we seem to be in the.....

MR SPEAKER:

With respect to the Leader of the Opposition, will you please sit down. I will allow you to ask questions if you are entitled to ask them not otherwise. Will you please ask your question now?

HON J BOSSANO:

Yes, Mr Speaker, I want to ask the question but I wish you would limit yourself to not answering them. The question that I am asking is, can the Hon and Learned Attorney-General confirm that in the light of what he has just said that for the provision of labour only no trade licence is required, it means that in any contract the entire contract can be sub-contracted to a firm that doesn't have a trade licence which is supplying all the labour? That is the implication of the answer, can he confirm that that is true and legal and permitted?

MR SPEAKER:

But what I have been telling you for the last ten minutes, with due respect to the Leader of the Opposition, is that neither the Attorney-General nor Members of the Government are here to confirm to you what the law is.

HON J BOSSANO:

But I wish you would let them answer if they want to answer, Mr Speaker, they are not here either to be stopped by you from answering.

MR SPEAKER:

I am stopping you as much as I am entitled to stop anyone who asks a question which he is not entitled to ask. With due respect, I have been very, very lenient and liberal but it gets to a stage when one has to draw the line.

HON/J BOSSANO:

But, Mr Speaker, I think you are drawing too many lines too frequently, this is what I am telling you.

MR SPEAKER:

That, with due respect, I will not accept.

HON J BOSSANO:

You are not allowing me to ask that question, that is the position or you are not allowing the Attorney-General to answer, what is it?

MR SPEAKER:

With respect, what I am stating is that you are asking a question which the Government has no reason to answer.

HON J BOSSANO:

But they may if they wish.

MR SPEAKER:

Do you wish to answer the question?

HON CHIEF MINISTER:

He has answered it.

HON ATTORNEY-GENERAL:

With great respect, I thought I had answered it.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state how long is the average time taken by the Family Care Unit to investigate a referred social case?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, social cases referred to the Family Care Unit by the Housing Department are usually investigated within ten to fourteen days of receipt of referral letter.

Office interviews appointments are given six to seven days to ensure that calling cards are delivered to applicants.

The investigation itself takes a few days, depending on circumstances of the individual case plus other work dealt with by the Family Care Unit. In some cases up to three households have had to be visited for one investigation - eg two sets of in-laws and possible rented accommodation.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1985

HON J L BALDACHINO:

What the Hon Member is saying is that the fourteen days might be relaxed where the Department feels that there might be a social case with a real big problem, is that correct?

HON DR R G VALARINO:

Yes, Sir, in fact, to give you some figures on this which I am sure will be of help to the Hon Member, 36 cases have been referred to the Family Care Unit since the beginning of the year and up to the 20th June, 1985, have been dealt with as follows: Cases investigated - 26; cases where applicants have not turned up for interviews - 6; cases outstanding - 4, and, in fact, the outstanding cases have been received within the past week so they have been dealt with fairly promptly all the way through.

MR SPEAKER:

Next question.

THE HON J C PEREZ

ORAL

Can Government state what is the nature of the work being carried out by the Public Works Department at 223 Main Street and what is the cost?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Sir, work to rehabilitate a flat at No.223 Main Street is being carried out at an approximate cost of £16,000.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1985

HON J C PEREZ:

Mr Speaker, can the Hon Member confirm that the flat in question is Government property?

HON MAJOR F J DELLIPIANI?

Yes, Mr Speaker.

HON J C PEREZ:

Mr Speaker, is the whole block Government property and is it controlled and run by the Government and is the flat to be allocated by the Housing Allocation Committee?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the question refers to a flat at 223 Main Street which we need because we have to decant a Government tenant who lives at St Margaret's School in Town Range which is, as you know, due for modernisation for St Mary's Primary School to move there and we cannot proceed with the work until this lady has been re-accommodated at this building: In respect of the other question that you have asked I haven't got any information. All I am interested is in moving this lady from a flat which she occupies which is stopping the modernisation of that school.

HON J C PEREZ:

Mr Speaker, was that the only flat available to Government for the decanting process?

HON MAJOR F J DELLIPIANI:

That, Mr Speaker, has nothing to do with me. I have been asked to rehabilitate the flat which meets the requirement of the lady

at present occupying a flat at St Margaret's School and I have complied with that request.

HON J C PEREZ:

Mr Speaker, is the Hon Member aware that that flat was at one time, and I would like him to confirm whether it is still today, part of a lease from Government to Mr Mattana and that what is being done at present is that the Public Works is undergoing repairs to a flat which is under the control of Mr Mattana or can Government confirm that they have withdrawn the lease from Mr Mattana and they now allocate the houses in question?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I will ask the Director of Crown Lands what the exact position is on this building, I have no idea at all, it does not come under my Ministry.

HON J C PEREZ:

But, surely, Mr Speaker, when the Public Works Department carries out certain works it should make sure that the work that they are carrying out is in fact on Government property and property which is under the control of Government or is it a fact that we are going to decant a lady to the flat and in the future when that lady leaves we are going to leave a semi-new flat, because it has been repaired by the Public Works, for Mr Mattana to hire again under the lease of the Government and to make profit with a Government asset because the Government leased it to him years ago?

MR SPEAKER:

Next question.

NO. 158 OF 1985

26 6 85

THE HON J C PEREZ

ORAL

Will Government say whether it is still their intention to tarmac the surrounding area of North Gorge building?

ANSWER

THE HON. THE MINISTER FOR PUBLIC WORKS

Mr Speaker, though specific funds for the resurfacing were not provided in this year's estimates, my department will endeavour to carry out some if not all the resurfacing work during the course of the financial year.

THE HON J C PEREZ

ORAL

When does Government intend to commence work at Police Barracks in relation to the dangerous state of the corridors?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, as the Hon Member is aware, the corridors are propped-up until repairs can be effected.

The repair work is complex and lengthy and will be tackled as and when labour becomes available. The possibility of giving these remedial works to private contract is also being considered by the department.

SUPPLEMENTARY TO QUESTION NO. 159 OF 1985

HON J C PEREZ:

Mr Speaker, can the Hon Member confirm that the works will be carried out in this financial year?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I will never confirm anything like that because if things happen and I do not meet my word I will be slaughtered. I will say that I will try as much as possible to have it done during the course of this year.

HON J C PEREZ:

Mr Speaker, is the Hon Member aware that in the last session of the House at Budget time he in fact promised to carry this out in this financial year and also said that money had been provided for the works to be carried out?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am aware that I said so but the report I have is a very complex one. Two measures can be taken, one is called a medium repair which is quite costly and the other one a long-term repair which is even more costly and would, in fact, require all the tenants of that building to be decanted which, as the Hon Member will appreciate, with the housing situation in Gibraltar is almost an impossible task. So the medium repairs to be able to carry them out with the tenants still living there is quite complex, it needs a lot of different skills which the Department is rather short of, especially in the metal trade, and we are considering the best way to do it with the supply of labour that we have available. If we can do it within our labour requirements

we will do it, if not we will have to go out to tender.

HON J C PEREZ:

Mr Speaker, is the only qualification for the job to be done the requirement of labour or is the Hon Member saying that if other projects come up this year and there is no money to do it he will not do it this year because there is no money?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker, I haven't said that. Under the system of accounting, Mr Speaker, I am given certain monies to be able to pay my own labour. If this money is used on a contract it means that the money is deducted from my vote and therefore I will not have the money to pay my own labour so if it does have to go out to contract I will have to submit a Council of Ministers Paper for permission to do it within the budget allocated to me and if I do run out of money to ask for a supplementary at the end of the year.

MR SPEAKER:

Next question.

Has Government recruited all the lifeguards needed for the summer season?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, the vacancies for lifeguards were advertised on the 18th April 1985, the minimum qualification required for this post being the Bronze Medallion of the Royal Life Saving Society.

A total of 17 lifeguards are required to cover all beaches.

Only one vacancy has been covered, as the remaining applicants are students and will not be available until the first week in July,

As not enough applications were received to cover the existing vacancies the post was re-advertised on the 25th May. Only 5 applications have been received. These are now being processed.

SUPPLEMENTARY TO QUESTION NO. 160 OF 1985

HON J C PEREZ:

Mr Speaker, is the Government not aware of the seriousness of the situation of operating beaches and bathing pavilions without lifeguards notwithstanding the fact that they themselves admit that they have to wait for the students to come to take over the jobs?

HON MAJOR F J DELLIPIANI:

Mr Speaker, this is, of course, a philosophy which maybe the Hon Member opposite and some Members of my Government share. I do not share the philosophy that it is the duty of the Government to provide lifeguards but as a Member of the Government I respect that. To give an example, try and find a lifeguard in any place in the Costa del Sol or in Jersey or Australia, they are all volunteer bodies. My philosophy, in fact, would be for lifeguards to be provided by volunteer bodies just like there is the St John Ambulance, etc, etc. I think part of the reason why we haven't been able to meet the requirement as laid down by Government of lifeguards during the summer months, is that there are not enough people who are qualified under the Royal Life Saving Society. Perhaps my colleague who is a member can encourage people to take the Bronze Medallion so that they can qualify to cover the lifeguards position.

HON J C PEREZ:

Mr Speaker, one is surprised to hear the personal views of the Hon Member and then to his Department insisting that they should have special qualifications for doing lifeguard work when one will presume that voluntary lifeguards in the Costa del Sol are not necessarily all qualified. What I am asking the Government is, that if they open the summer season and it is the Government policy, notwithstanding the Hon Member's personal views, to supply lifeguards, then why have they not made sure that the lifeguards have been recruited before the official opening of the summer season?

HON MAJOR F J DELLIPIANI:

We advertised on the 18th May, if the people haven't come forward it is not our fault. If you like I will recruit lifeguards from Spain.

HON J C PEREZ:

Mr Speaker, the normal situation every summer is that there are more lifeguards than the Government needs. The special qualifications which the Government is insisting on might not, in my view, be necessary and I am asking whether a test by a qualified person who is employed by the Department would be sufficient to employ the lifeguards and to have lifeguards standby.

MR SPEAKER:

Next question.

NO. 161 OF 1985

26 6 85

THE HON J C PEREZ

ORAL

Mr Speaker, is it the intention of the Public Works Department to recruit a casual labour pool?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, the Public Works Department has no plans to recruit a casual labour pool.

Can Government state whether the Consultative Committee on Tourism has now submitted its recommendations and whether the Government are now in a position to advise the Opposition as to what these are?

ANSWER

THE HON THE MINISTER FOR TOURISM

Sir, the Tourism Consultative Board met and considered the reports of the four Tourism Committees on 12th February, 1985.

The recommendations of the Tourism Consultative Board included:

- (a) improvement of shopping facilities;
- (b) improvement and development of tourist sites;
- (c) development of new tourist sites;
- (d) improvement of beach facilities eg changing rooms, toilets;
- (e) improvement of tourist arrival/departure facilities eg Waterport and Air Terminal;
- (f) landscaping and beautification;
- (g) improvement of leisure and entertainment facilities.

Work has already been put in hand on the following:

- (1) Painting of Government Buildings, Collection Office already completed; City Hall and Government Secretariat to be painted in the immediate future. In addition a number of stone buildings have been selected for cleaning.
- (2) Improvements to toilet facilities - Piazza and Corral Road refurbished apart from the Portaloos.
- (3) Changing rooms/toilets on east side beaches refurbished.
- (4) Additional litter bins provided.
- (5) Beaches cleaned and tent frames removed.
- (6) Pedestrianisation extended.

(7) Street cleaning machine now in operation.

(8) Clean up of Europa Point rubbish dump.

A number of major projects have been included in the ODA submission for the next Development Programme whilst the costing and financing options of other smaller projects are being considered at present.

HON J E PILCHER:

Mr Speaker, obviously I don't have the answer in front of me so it is very difficult for me to judge but what strikes me immediately is that these are all in general terms. I thought the Consultative Committees were going to pinpoint specific projects that they wanted done and specific things that they wanted done apart from cleaning up and general tidiness. We have had five Committees, I think, channelling ideas onto the one Consultative Committee which, to my mind at least, from this side of the House, we thought was going to bring forward a process of revolutionary tourist measures. Perhaps, I have got the wrong impression as I don't have the answer in front of me, but all I have heard is just a general idea which I could have stood up and told the Minister five months ago, ie cleaning up, toilets. I am completely baffled, Mr Speaker, perhaps the Hon Minister could enlighten me if this is all that the Committees have been doing?

HON H J ZAMMITT:

Mr Speaker, I think the Committees have done sterling work. The answer, I accept, is rather long and therefore because the Hon Member hasn't got it in front of him he obviously had to ask a supplementary. I think the last paragraph which I will repeat probably summarises what the Hon Member would like me to itemise which I obviously can't because, as it says: "A number of major projects have been included in the ODA submission for the next Development Programme". That, Mr Speaker, I cannot itemise for obvious reasons. If he has anything he would like me to put to the Consultative Board I would very willingly take it.

MR SPEAKER:

I know, for the reasons that you are stating that, we might fall into the temptation of debating and we must not do that.

HON J E PILCHER:

Mr Speaker, I will try not to debate. I think the Minister is being unfair when he said that obviously we have to ask a supplementary and that is why I got up. I know that there are areas which are subject to an ODA submission but that doesn't stop the Minister telling us all the things that the Consultative Committee told the Government that they should do as a matter of priority. My understanding was that the Consultative Committee was going to issue a priority list, a shopping list, if you like, of the things that the Government had to do. I am trying to find out in another question what projects the Government have thought fit to put forward.

HON CHIEF MINISTER:

You will get it there.

HON J E PILCHER:

If I will get it there then I will wait.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Mr Speaker, can Government now confirm whether they have studied in the Council of Ministers the report on getting Gibraltar nursing qualifications recognised in UK?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. Various details were approved and will be implemented in the coming months. These will lead to acceptance by the UK of Gibraltar qualifications.

THE HON MISS M I MONTEGRIFFO

ORAL

Can Government confirm that there are serious shortages of nursing staff in the Medical Department and when do they propose to remedy the situation?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there are no serious shortages of nursing staff in the Medical Department. A Selection Board was held on 20 6 85, when 9 nurses were recommended for employment.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Government confirm that the persons being engaged will be used to fill up posts which have become vacant and that they are not new posts?

HON M K FEATHERSTONE:

They will fill up posts which are already vacant.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Government confirm that it is the view of the administration in the Hospital that as many as twenty extra staff are needed?

HON M K FEATHERSTONE:

That suggestion has been put forward, I understand, by the Union. The Establishment and Management Consultant Services are looking at it at the moment, I would not agree that there is definitely a shortage.

HON J BOSSANO:

Mr Speaker, can the Hon Member say of the nine people that have been recruited how many of them are already qualified and how many of them will in fact have to undergo training before they are able to do any work?

HON M K FEATHERSTONE:

I think they will all have to undergo training, Sir, but I am not sure, I will find out the information and inform the Hon Member.

HON J BOSSANO:

Doesn't the Government think that that lends weight to the view that has been put over a number of years that the people that are under training should not be counted as part of the establishment employed in the wards because, in fact, they are not physically in the wards.

HON M K FEATHERSTONE:

They are working in the wards, Sir, and therefore they are doing part of the service of the nursing establishment in the Hospital therefore I think they can be counted on the establishment.

HON J BOSSANO:

Mr Speaker, isn't the Government aware, if they look at their own estimates, that trainees in other fields in the Medical Department are supplementary to the establishment and trainee nurses are not and that there is a long outstanding claim from the nursing staff which has the support of the administration going back over a number of years based on the view that if somebody is in school for thirteen weeks then they are not in the wards for thirteen weeks and therefore the ward is short of one body and the shortage will continue while these nine people are in school, surely the Hon Member will understand that?

HON M K FEATHERSTONE:

They are not in school all the time, they do some of the work in the wards and some of the time in the school, Sir.

HON J BOSSANO:

No, Mr Speaker, I am not talking about the two-year enrolled nurse course or the three-year SRN course, I am talking about the thirteen weeks preliminary training before they are actually put on a ward. They don't just get people off the streets and put them straight in care of a patient, it is quite right that they shouldn't, but I am talking about the initial preliminary period, Mr Speaker.

HON M K FEATHERSTONE:

I accept that for the first thirteen weeks they are at school and they are taking initial training after which they then start work in the wards and they become part of the establishment.

HON J BOSSANO:

I know but the point is, Mr Speaker, if the Government recognises that there is now a shortage and the answer is that they have recruited nine who are not going to be available for thirteen weeks, then the shortage is going to stay for the next thirteen weeks, surely?

HON M K FEATHERSTONE:

That is so but it is a shortage which is going to be filled very shortly.

HON J BOSSANO:

But, Mr Speaker, is it not a fact that there is documented evidence that by the time the people in the school come out of the school to join the ward, enough people have left in the thirteen weeks to have created another nine vacancies? Isn't there a long history of this having happened in the last two years, Mr Speaker?

HON M K FEATHERSTONE:

Not as far as I know, Sir, but as I said, the question of the union's claim that there are an extra twenty nurses needed is being studied by Management Services and by the Establishment.

HON J BOSSANO:

I am not dealing with that matter, Mr Speaker, I am dealing with a separate issue which is that if you have got recruits on the basis of vacancies at the beginning of a three month period, if those recruits are then not available to work for three months while they are being trained, by the time they are available for work the vacancies have increased because more people have left during those three months and therefore the people during the three month training should be considered supernumerary. Will the Minister look into this matter in view of the fact that the information is available there and the arguments have been there for a very long time?

HON M K FEATHERSTONE:

I shall be happy to look into it, Sir.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Has Government now given further consideration to the requirement for extra staff in the grade of Mental Welfare Officer?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, consideration has been given to creation of a second post of Mental Welfare Officer. The matter is now for decision by the Council of Ministers.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister aware that in 1979 the Mental Welfare Officer was responsible for 300 outpatients and attended to twelve patients weekly in his office? In 1984 these figures had increased to 1,310 and 40 respectively. It is also difficult to find relief whenever he is on annual leave, therefore does the Minister not agree that an additional post is urgently required?

HON M K FEATHERSTONE:

I am putting forward that the creation of this post should be approved by Council of Ministers, I hope my colleagues will respond to my request.

HON MISS M I MONTEGRIFFO:

So the Minister is, in fact, committed to creating this post?

HON M K FEATHERSTONE:

Yes, I agree.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Is Government proposing to provide an additional post of Dental Clinic Assistant to correct the anomaly where the post is being covered by someone from the nursing establishment?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, this matter is still under consideration.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1985

HON J BOSSANO:

Mr Speaker, can the Hon Member explain what is the fact that is still under consideration? Is it not a fact that there are two Dental Clinic Assistants at the Health Centre and that there have been for some time although only one is shown in the establishment?

HON M K FEATHERSTONE:

It is being considered whether it can be filled from the nursing establishment or whether it should be a separate post by itself.

HON J BOSSANO:

But, Mr Speaker, if somebody was employed a number of years ago without the money having been provided by the House and effectively that has been offset by not employing somebody else in the nursing establishment, what is there to consider, can the Government explain?

HON M K FEATHERSTONE:

It is being considered whether it should be filled from the nursing establishment or whether it should be a separate post as I have already said, Sir.

HON J BOSSANO:

Mr Speaker, how can the Hon Member consider filling it from the nursing establishment if the nursing establishment he admits is under strength because of shortages? How can he fill a vacancy somewhere from an establishment that is not up to complement, can he explain that?

HON M K FEATHERSTONE:

I think I have said all that needs to be said on the matter, Sir.

HON J BOSSANO:

Is the Hon Member aware that a commitment was given some three years ago by the administration to the staff that this matter would be corrected along the lines of the post that is in existence actually being legalised?

HON M K FEATHERSTONE:

I am not aware of that, Sir, but I will enquire into it.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Is it Government's intention to provide an additional post of nurse to work with the extra doctor provided under the Group Practice Medical Scheme?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. Approval to this effect has already been given.

THE HON MISS M I MONTEGRIFFO

ORAL

Can Government confirm that they are considering closing Napier Ward because of shortage of staff?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. Government has no plans to close Napier Ward.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister give an undertaking that the closing of Napier Ward will not be materialising?

HON M K FEATHERSTONE:

I don't see there will be any deterioration at all. The position is that at the moment with the somewhat shortage of nurses the position is being covered by the actual nurses doing overtime.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Can Government explain why the post of Director of Medical Services due to become vacant in November has already been advertised, and that of Matron, which became vacant this month, has not?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, matron's post has not yet been advertised as it is part of a re-organisation of the senior grades of the department. New job profiles have been approved by Government and are being discussed with the Association concerned.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1985

HON J BOSSANO:

Mr Speaker, can the Hon Member say when they have been discussed with the Association concerned?

HON M K FEATHERSTONE:

I didn't say they had been discussed, I said they are being discussed.

HON J BOSSANO:

Well, if they are being discussed can he say when they are being discussed at this point in time? Can the Hon Member confirm that Government is not planning to advertise the post outside the service?

HON M K FEATHERSTONE:

Initially it will be advertised inside the service, Sir. If there is no suitable candidate then it will be advertised outside.

THE HON J L BALDACHINO

ORAL

Can Government state how many dwellings are registered under the Labour From Abroad Ordinance?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, there are currently 475 dwellings registered under the said legislation.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1985

HON J L BALDACHINO:

Mr Speaker, can the Hon Member say if the 475 dwellings meet the requirement as laid down in the Ordinance?

HON M K FEATHERSTONE:

If they didn't meet the requirements we would get pressure for the number to be increased and it would be so increased. Since we have had no such pressure I understand it must cover the requirements. The answer to that is, yes, Sir.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state whether there is any further danger of oil pollution as a result of the Refinery explosion?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir, the Refinery is obviously outside our jurisdiction and the sole responsibility of the Spanish Authorities. An early warning system has, however, been agreed to between the Refinery management, the Spanish Police and our own Police whereby any sudden oil leaks emanating from the hulks are notified in order that prompt protective measures can be implemented.

SUPPLEMENTARY TO QUESTION NO. 171 OF 1985

HON J E PILCHER:

Is the Government not aware that one of the tankers that in fact sunk is still holding some 400 tons of crude oil?

HON M K FEATHERSTONE:

Yes, that is why the agreement has been made that should there be a sudden leak we will be informed.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state what measures it is taking to combat the continuing problems resulting from oil pollution?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, a Joint Working Party on Oil Pollution has been in existence for some time now and meets whenever there is a need. Under the said Joint Working Party all oil pollution resources are pooled, if necessary, to deal with emergencies in that field. Constant surveillance by the various authorities is also maintained in order to be able to deal with oil slicks as they arise and, if necessary, convene a meeting of the said Working Party.

SUPPLEMENTARY TO QUESTION NO. 172 OF 1985

HON J E PILCHER:

Following a question which I put in this House about two meetings ago, the Government took it upon itself to look at possibilities of buying things like more oil booms and perhaps machinery to skim oil from the surface of the sea rather than using the measures which sink the oil and which causes more pollution. Has anything at all been done about this because the joining of forces means that what we are using is PSA/MOD equipment but the Gibraltar Government do not hold anything which is our own?

HON M K FEATHERSTONE:

The only thing the Gibraltar Government holds is a certain amount of oil dispersant held by the Fire Brigade and the PWD.

HON J E PILCHER:

Is the Minister happy with this situation that we virtually cannot at any given stage control an oil leak ourselves?

HON M K FEATHERSTONE:

I am not happy but we have not considered it necessary at the moment to go into the fairly heavy expense of providing a double protection when we have the protection available from the MOD at any given time.

HON J E PILCHER:

Following from the last question, if there is a danger of a

spillage of 400 tons of crude oil in the bay, surely, some measures should be taken already to boom that area off rather than await and survey the situation if there is an oil leak emanating at any particular time. It might be too late if we just wait and see whether the thing is going to come to the surface or not.

HON /M K FEATHERSTONE:

We cannot really boom off an area which is not even in our waters.

HON J E PILCHER:

I am referring to booming off our waters.

HON M K FEATHERSTONE:

That would need a gigantic boom which would impede the passage of vessels backwards and forwards and I think would not be really the answer to the situation which, perhaps, may not even arise.

MR SPEAKER:

Next question.

NO. 173 OF 1985

26 6 85

THE HON J L BALDACHINO

ORAL

Is it correct that Government is planning to increase Tankerville House rents once work on the balconies is completed?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, house rents at Tankerville will not be increased as a result of the work being carried out to the balconies.

THE HON J L BALDACHINO

ORAL

Does Government consider that the Housing Allocation Scheme Revised (1980) needs revising?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Housing Allocation Committee is currently revising the Housing Allocation Scheme Revised (1980) and Clause 7 (Waiting Time) of the Scheme was actually revised and put into effect in October, 1982.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1985

HON J L BALDACHINO:

What the Minister is saying is that the Government considers that the Scheme should be revised in part.

HON M K FEATHERSTONE:

Yes, that is what the Housing Committee is actually looking at at the moment.

HON J L BALDACHINO:

Can the Hon Member say how long has the Committee been looking into what they should revise or not?

HON M K FEATHERSTONE:

I am not sure but I think for at least the last six months.

HON J L BALDACHINO:

Can the Hon Member say when the revised parts will be ready to be brought to this House?

HON M K FEATHERSTONE:

Not entirely in my hands so to do but I will press the Committee to do it with the maximum expediency possible.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state if interviews are at present being given by the Housing Department?

ANSWER

Sir, interviews by appointment were resumed with effect from Tuesday the 18th June, 1985.

The number of interviews granted weekly has also been increased, at present, in order to overcome the backlog of requests for interviews that accrued whilst the Housing Department was temporarily accommodated at the Government Secretariat.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1985

HON J L BALDACHINO:

Am I correct in saying that they used to take place before the industrial action taken at the Housing Department and that the interviews were stopped, I presume they were stopped because of that, that interviews were given in three months period? How long will it take to clear the backlog that you have now?

HON M K FEATHERSTONE:

I am not sure how long it used to take before but we will do our best to see that interviews are given within a reasonable period.

MR SPEAKER:

Next question.

Is Government planning to increase the number of licences for taxis over and above the present complement?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

The whole question of public transport including taxis is under consideration by Government in the light of the new situation now prevailing.

SUPPLEMENTARY TO QUESTION NO.176 OF 1985

HON J C PEREZ:

But is Government considering the question of granting more licences?

HON M K FEATHERSTONE:

As I have said, the whole question of public transport, including taxis, is under consideration.

HON J C PEREZ:

Will Government commit itself to discuss and consult with the Gibraltar Taxi Association before any measures are taken?

HON M K FEATHERSTONE:

No, Sir.

HON J C PEREZ:

Is that not a reversal of Government policy as advocated by the Hon Member in answer to a question on the same issue in past meetings of the House of Assembly?

HON M K FEATHERSTONE:

We will take into account any representations they make but the consultation with them is not a necessary corollary to the fact that the situation is being studied.

HON J BOSSANO:

Mr Speaker, is it not desirable from the Government's point of

view to consult those affected before a decision is taken which could be detrimental to their interests? Doesn't the Government think it is a good way of governing; to consult people?

HON M K FEATHERSTONE:

Yes, it is a good idea to consult all parties concerned.

HON J BOSSANO:

Will the Government reconsider the statement the Hon Member has just made saying that he will not be consulting those affected?

HON M K FEATHERSTONE:

Not consult them as such, we will take into account their views.

HON J BOSSANO:

How does the Minister intend to ascertain their views without consulting them, Mr Speaker?

HON M K FEATHERSTONE:

They make their representations very clear to the Minister whenever they want to.

HON J BOSSANO:

Mr Speaker, how does the Minister expect people to make representations to him without knowing what is in his mind, are they expected to be able to read his thoughts?

HON M K FEATHERSTONE:

When the time comes, if anything is done there will obviously have to be a promulgation of new laws and they will have the opportunity to make any representations that are necessary.

HON J BOSSANO:

Doesn't the Minister think that it would be better before getting to the stage of drafting legislation to put any ideas that he may have to them to assess the acceptability or the objections that there might be to those ideas because it is better to come to the House with a finished project than come to the House with a project that may subsequently have to be changed?

HON M K FEATHERSTONE:

Perhaps it is better that they should put their ideas to the Minister rather than the other way round.

HON J BOSSANO:

Mr Speaker, isn't it normal that it is people who want to change things to have to take the initiative, not people who want things to remain as they are? How does the Minister expect the Taxi Association or any other organisation to make representations to him without knowing what it is that the Government is considering doing in respect of taxi licences. Would he not think it is perfectly reasonable to expect, if he has ideas which involve changes, that he should explain the ideas and the thinking behind it to those affected?

HON M K FEATHERSTONE:

The normal way is for any new legislation to be published in draft and anybody who is interested can make representations thereon.

HON J BOSSANO:

Mr Speaker, isn't it the experience of this House that quite often legislation is published as it is happening with the Landlord and Tenant (Amendment) Ordinance in this meeting with one week's notice and being taken through all the stages in one meeting? Does he think that that is a sufficient period of consultation? Does the Minister not think that by taking the line that he is taking of not being willing to explain the Government's philosophy and get a feedback it creates the impression that what the Government is thinking must of necessity be something that they know to be as unpalatable and unacceptable to those concerned?

HON M K FEATHERSTONE:

That is not necessarily so and there will be more than a week to make any representations that are necessary, there will be ample time.

MR SPEAKER:

Next question.

Can Government confirm that the Transport Commission is required to work to Government policy and, if so, what is Government's policy with regard to the issuing of up to 75 road service licences for private hire buses?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Transport Commission is an independent body whose functions are laid down in the Traffic Ordinance. It does not work to Government policy. It would therefore not be proper for Government to comment on the decisions taken by the Commission.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1985

HON J C PEREZ:

Can Government confirm that the Transport Commission was stripped of all its powers in relation to traffic and was left with those solely in relation to licensing some time ago?

HON M K FEATHERSTONE:

No, there was a change in the Ordinance which said that the question under which the Traffic Commission should advise the Governor on matters referring to traffic was taken away but they are still the licensing authority and they are still the authority to deal with public transport.

HON J C PEREZ:

How, Mr Speaker, does the Hon Member think that the Transport Commission can judge whether 75 extra road licences are to the good of the traffic in general in Gibraltar if those powers were stripped from the Transport Commission?

HON M K FEATHERSTONE:

The traffic situation is the detail traffic of whether you drive right around a certain area or left around a certain area, this has nothing to do with the actual requirement of the transport as such.

HON J C PEREZ:

Mr Speaker, is it not true that a great number of heavy vehicles on our roads would have a detrimental effect on traffic

as a whole and has Government got a specific policy on this or not?

HON M K FEATHERSTONE:

It depends what you mean by heavy vehicles, if you mean vehicles of 20 tons or more there is already legislation to prevent them from being within the City areas.

HON J C PEREZ:

I mean buses for tourists which are, in fact, larger vehicles than private cars?

HON M K FEATHERSTONE:

If the Transport Commission feels there is a need for buses for tourists under the present legislation that is their prerogative.

HON J C PEREZ:

So the Transport Commission will act independently of whatever policy if any, the Government has in relation to the whole situation of traffic especially in the Upper Rock?

HON M K FEATHERSTONE:

The way the law stands at the moment, yes, Sir.

HON J C PEREZ:

Is the Hon Member satisfied with the way the law stands at the moment?

HON M K FEATHERSTONE:

That is why I have said that the Government is going to look into the whole question of public transport including taxis in the light of the new situation now prevailing.

HON J BOSSANO:

Is the situation then, Mr Speaker, that the Government considers that the Transport Commission is free in determining road service licences for private hire buses but not free in determining the number of licences for taxis?

HON M K FEATHERSTONE:

The way the law stands at the moment the Transport Commission is free to decide on the number of buses they may authorise and

though the regulations state that the Government may legislate the maximum number of taxis available these need not be given if the Transport Commission does not so consider.

HON J BOSSANO:

Mr Speaker, if the Government has said that it would not be proper for them to comment on the desirability or otherwise of the granting of 75 road service licences for private hire buses because that is the prerogative of the Commission, how is it that the Government is considering the possibility of increasing the number of taxi licences when that is also the prerogative of the Commission?

HON M K FEATHERSTONE:

No, Sir, the Government can only regulate the maximum number of taxi licences which can be given. Whether they are given or not is the prerogative of the Transport Commission under the law as it stands at the moment.

HON J BOSSANO:

Is the Government then saying that in the review that the Hon Member has said they are carrying out in answer to the previous question even if as a decision of that review they were to decide to increase the quota, the Commission would still be free not to make use of that increased quota?

HON M K FEATHERSTONE:

If the law were changed considerably, no, Sir, it all depends on whatever changes in the law should be made.

HON J BOSSANO:

What is the policy of the Government? Does the Government think there is a requirement to change the law in this direction or not?

HON M K FEATHERSTONE:

Yes, Sir, that is why the Government is looking into the question of changing the law completely with regard to public service vehicles and transport in general.

HON J BOSSANO:

So the Government is then saying that they consider that they should be able to direct the Transport Commission as to the number of licences that should be issued.

HON M K FEATHERSTONE:

No, Sir, what the Government is saying is that new laws are now needed because there is a new situation with regard to transport as such.

HON J BOSSANO:

Mr Speaker, the Government has said it would not be proper for them to say so in the context of 75 extra private hire buses? How can it not be proper in that case and be proper in the case of taxis?

HON M K FEATHERSTONE:

It is not proper at the present moment under the present law to make a comment on the actions of the Transport Commission with regard to the 75 buses, under a new law it may be completely proper so to do.

HON J BOSSANO:

Mr Speaker, I am not talking about whether the Government has got the legal right to dictate to the Commission, it is quite clear that they do not. I am asking what is the Government's policy in respect of transport and is it the Government's policy that there ought to be more than 75 or less than 75, surely, they are entitled as a Government to indicate to the House in answer to a question what their policy on the subject is?

HON M K FEATHERSTONE:

That has not yet been considered by Government as a specific item.

HON J BOSSANO:

If the Government has got all this under consideration doesn't that in fact add weight, Mr Speaker, to the suggestion made in the previous question that the Government should not commit itself to following one particular path until it has consulted those people already operating in that area of the economy and earning their livelihood in it?

HON M K FEATHERSTONE:

All people interested in transport would be consulted or be asked to make their viewpoints known on the draft legislation before it is finalised.

HON J BOSSANO:

So the Government will, in fact, invite views from those affected before the draft legislation is produced?

HON M K FEATHERSTONE:

After the draft legislation is produced, Sir.

HON J BOSSANO:

But doesn't the Government consider looking at it objectively, Mr Speaker, that it is in their own interest because once they publish draft legislation they will find it more difficult, because it is human to react like that, to have to change things? Isn't it reasonable that they should consult before committing themselves to a policy? Surely, once they publish the legislation they are effectively making public a policy decision. Isn't it better before they commit themselves to a specific policy to invite the views of those who are likely to be affected by the different options that they may have under consideration?

HON M K FEATHERSTONE:

At the moment there are a number of conflicting options and therefore Government feels it is wiser for them to put forward their option and to get the viewpoint of the conflicting options on it rather than to have the conflicting options first.

HON J BOSSANO:

Then if there are a number of conflicting options and Government is going to make a decision itself before consulting people.....

HON CHIEF MINISTER:

No.

HON J BOSSANO:

Well, that is the impression the Hon Member has just given me, if it is not the case I stand to be corrected, Mr Speaker. But if the Government has said that they consider it better rather than putting in front of people the different options to make up their own minds and choose one particular option, isn't it more difficult then to go back to the options that have been discarded when they might have been discarded because some arguments have not been put forward because the people who don't know what the options are cannot be expected, Mr Speaker, to come along, surely the Hon Member will agree, and make representations about every

conceivable option there might be unless the Hon Member is prepared to give some indication of what the options are?

HON M K FEATHERSTONE:

No, Sir, the legislation will be basically on what are the powers of the Government to inform the Transport Commission to follow its directives.

HON J BOSSANO:

Surely, Mr Speaker, there are two separate issues. One is the issue of whether it should be the prerogative of the Commission to determine the policy or the prerogative of the Government which in itself is a matter of policy but is not so much a policy decision about transport as such but a policy decision about legislative prerogatives, if anything, and that I would accept from the Hon Member is not a matter for the operators, it may be a matter for political judgement and possibly for the views of the Commission but I am saying in terms of determining a transport policy that has an impact on people who are already in that sector, isn't it consistent with the policy that has been advocated in the past by the Government of consulting staff associations about Government policies before the Government makes up its own mind, it can still make up its mind in conflict with the views that are put to it because it has the authority to do that but, surely, it is better not to make up its mind in ignorance of the views that might be put to it?

HON M K FEATHERSTONE:

We will have all the views necessary from the bus owners, the taxi owners as long as they are willing to give their views to us, taxi drivers, everybody.

HON J C PEREZ:

Mr Speaker, is it not the case, although it is hard to know what the Government is thinking, but is it not the case that already without knowing what the direction of the Government is, there are certain proposals with the Minister and it is the subject of another question?

HON A J CANEPA:

No, not with the Minister, look at the question.

HON J C PEREZ:

The Minister has a copy of the letter.

HON A J CANEPA:

But they haven't been made to the Minister.

MR SPEAKER:

We will come to that question in due course. Next question.

Can Government explain why they have taken the unprecedented step of preventing cars used as taxis in Gibraltar from going into Spain in a private capacity?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, it is not a question of preventing local taxis going to Spain in a private capacity. It is a question that under our Traffic Ordinance it is an offence to use a motor vehicle for any purpose not authorized by the terms of the licence issued in respect of the vehicle, ie a motor vehicle registered as a goods vehicle can only be used as such and similarly, one registered as a taxi can only be used as such - not for private use.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1985

HON J C PEREZ:

Mr Speaker, is the Hon Member saying then that this has never happened in Gibraltar before and that a policeman should, in fact, stop a person from using a taxi to give a ride to his family and is that law enforceable in Gibraltar?

HON M K FEATHERSTONE:

That is the law.

HON J C PEREZ:

But is it enforceable, Mr Speaker?

HON M K FEATHERSTONE:

Why shouldn't it be?

HON J C PEREZ:

Can the Hon Member explain how a policeman goes about checking whether the persons being driven in the taxi are the family and, if so, whether the father of the children is charging his children from driving them in their car?

HON M K FEATHERSTONE:

That is a matter for the policeman to find out.

HON J C PEREZ:

But, Mr Speaker, if that is the law and it is a law which is not enforceable because of the nature of it.....

HON A J CANEPA:

That is your view, we do not agree with you.

HON J C PEREZ:

Can the Hon Member then explain how the law is enforceable?

HON M K FEATHERSTONE:

If a taxi which has on its licence plate 'public service vehicle' is attempting to go through the frontier it can obviously be asked: "Are you taking your family or are you taking a fare". Whatever the answer is so they can be told straightaway: "This is against the law".

HON J C PEREZ:

Mr Speaker, under those circumstances no taxis are able to go into Spain for anything because they are barred from doing it on both counts. What I am saying is that the enforcement of the law in relation to Spain is applicable but the enforcement of the law in relation to Gibraltar is not because it is impossible to judge whether the taxi driver concerned is driving his family and if so, whether he is charging them or not. What is the point of having the law?

HON J L BALDACHINO:

Am I correct in stating that a taxi can only take fare paying passengers and is not meant for private use and that equally applies to goods vehicles and therefore a goods vehicle that is being driven into Spain for the sole purpose of pleasure can also be stopped by the police, is that what the Hon Member is saying?

HON M K FEATHERSTONE:

That is correct, that is the position in law. The reason behind it is that taxis, for example, pay considerably less import duty than private cars. Goods vehicles and taxis pay a considerably lower licence fee than private cars and therefore they are restricted to the categories for which they actually pay their licences.

HON J C PEREZ:

Mr Speaker, is it not ridiculous to expect a person who is a taxi driver or who has a goods vehicle to have two cars, one for his work and one for driving his family?

MR SPEAKER:

The law can be amended but as it stands now that is the law.

HON J BOSSANO:

Mr Speaker, the Hon Member has said that this applies to all vehicles and not just to taxis, he has mentioned good vehicles. Are there any exceptions? Is it a fact that a vehicle that is imported for a specific purpose and registered for such a purpose cannot be used for another purpose, is that what the Hon Member saying?

HON M K FEATHERSTONE:

Yes, that is the position in law.

HON J BOSSANO::

Therefore am I correct in deducing from that, Mr Speaker, that the vehicles that were imported for GSL and which consequently didn't pay any duty because they were financed by ODA should not be used by GSL managers for pleasure in Sotogrande over the week-ends?

MR SPEAKER:

Order. I will not have any interruptions from the public gallery. This is the House of Assembly and people are entitled to come and to listen but not to interfere. If I have another outburst like this I will clear the public gallery. Members must be entitled to carry out their duties and responsibilities in the House without any influence, inhibition or interruptions. You may now continue, Mr Bossano.

HON J BOSSANO:

Mr Speaker, I am trying to establish whether what I have said is factually correct.

HON M K FEATHERSTONE:

Yes, Sir, if GSL are flouting the law in the same way as other

people tend to flout it and they can be brought to account they should so be brought to account.

HON J BOSSANO:

Does the Government not agree that it is a well known fact and has been a well known fact to the Government and the authorities for many years, that there are a whole range of vehicles, including Government vehicles, that are used to ferry private individuals at all times of the day to all sorts of places and is the Government now going to enforce the law for everybody or just for taxis? If it is the police that is going to enforce the law, Mr Speaker, is it that the police are paying particular attention to taxis because they have been pointed in that direction as a result of Government policy or not?

HON M K FEATHERSTONE:

No, Sir, it is not Government policy as such, it is Government policy that the law should be compiled with. If taxis are openly flouting the law by going to Spain against the situation under law, it is up to the police that they don't.

HON J BOSSANO:

I am not concerned about going to Spain, Mr Speaker, I am asking the Government if they have suddenly woken up to the fact that the law is being broken because people are using vehicles other than for the reason for which those vehicles have been registered and imported. Is it, having woken up to that, if it is a policy that they support which, I think, they haven't yet said whether they do or they don't, but if it is a policy which they support is it their intention to apply it exclusively to taxis or are they going to apply it to everybody and are they going to inform the police authorities that either they stop everybody or they don't stop anybody?

HON M K FEATHERSTONE:

It has always been the law. For example, if the police see a goods vehicles going to Spain which has no right so to do they would stop it just the same.

HON J BOSSANO:

Mr Speaker, I am not talking about Spain.

HON M K FEATHERSTONE:

The question did refer to Spain.

HON J BOSSANO:

I know and the answer that the Hon Member gave to which I am entitled to ask a supplementary, Mr Speaker, was that that is the law in Gibraltar and presumably it was the law in Gibraltar before the Brussels Agreement and before the full opening of the frontier, the law has always been there, it isn't a new law. I am asking the Government if their position is that that is the law and the law has to be observed, is it not also their position that the law has to be observed by everybody and consequently it has to be observed by all the people who are flouting it here in Gibraltar which the Government knows is the case and the police know is the case? So are the police now going to stop everybody that is ferrying people all over the Rock on vehicles that are not licensed for that purpose?

HON A J CANEPA:

The law applies but it doesn't apply to Transport House.

HON J BOSSANO:

When I am on that side, Mr Speaker, I will answer questions but on this side I cannot.

HON M A FEETHAM:

Can the Minister clarify.....

HON CHIEF MINISTER:

Doesn't the Hon Member have an interest in this?

HON M A FEETHAM:

No, not in this, this is a Traffic Ordinance matter, I haven't asked any questions on taxis, I am asking a question on a point of law. Doesn't Section 40 relate to licenced motor vehicles and isn't it a fact that there is a separate section which comes under public service vehicles where regulations and equipment and use are related to it which does not in any way prevent a taxi or a public service vehicle from being used privately? I think the Minister is quoting the wrong section relating to this particular problem, isn't that a fact?

HON M K FEATHERSTONE:

That is a matter for the Attorney-General. The advice I have been given is exactly as I have already stated.

HON ATTORNEY-GENERAL:

I think it is a matter for me, Mr Speaker. I cannot give off-the-cuff opinions, I have given one off-the-cuff opinion this morning which was wrong.

HON J BOSSANO:

Can I have an answer then to the question that I asked before? Perhaps the Hon and Learned Attorney-General can say whether it is in fact the case that now that the police have decided to enforce the law in respect of whatever instances there might be of owners of taxis using the taxis for pleasure, is that going to be applied across the board to every instance in Gibraltar?

HON ATTORNEY-GENERAL:

I think, Mr Speaker, this is generally the position. The police enforce the law as directed by the Commissioner of Police, not by the Government of the day. If the Commissioner of Police thinks that a certain offence is prevalent the Commissioner of Police will instruct his officers to enforce that law particular law and I hope that Police Officers who are generally supposed to be aware of the criminal law and the offences if they see anything wrong, if they see an offence being committed, they will stop that chap whoever he is and this is the duty of the Commissioner of Police not the Government, nobody else.

HON J BOSSANO:

That is the theory, Mr Speaker.

HON ATTORNEY-GENERAL:

It isn't a theory, it is a fact.

HON J BOSSANO:

With all due respect to the Hon and Learned Attorney-General and the Hon and Learned Chief Minister, it is a matter of opinion whether it is in practice the case that people who are able to pull strings can get people to turn their face the other way, I happen to belong to the school of thought that believes that...

HON A J CANEPA:

The defender of the oppressed masses.

HON J BOSSANO:

Mr Speaker, I would like an answer to the question that I asked whether it is the person who doesn't defend the oppressed masses or anybody else but I would like to know whether what the Government is saying (a) is that they agree with the legislation that there is there now as a matter of Government policy, that is, that anybody that has got a vehicle licence for one purpose should not be permitted to use it outside his working hours for his own use and if so, whether in fact the police can be expected now to enforce the law which has been ignored until now by everybody? That is my question and I would like to have an answer, Mr Speaker.

HON ATTORNEY-GENERAL:

I am saying that the point which the Hon Leader of the Opposition has made I will bring to the attention of the Commissioner of Police. If the Hon Leader of the Opposition isn't satisfied with the way the Commissioner of Police exercises his powers he should refer it to me and I will speak to the Commissioner of Police because the Commissioner of Police if he comes under anybody he comes under me and not under the Government of the day.

HON J BOSSANO:

Mr Speaker, I don't agree with the policy. I am asking two questions, the first one which I am asking the political side is, do they agree as a matter of Government policy that the law should in fact be used in the way that may be technically correct but which it has never been used before? Nobody before, to my knowledge, has ever been stopped by the police because they were using a vehicle to transport people from A to B when that vehicle was not licensed for that purpose. I am asking the Government, politically, do they agree with the policy that is being reflected in the case of the taxis, and the Attorney-General has now told me that presumably for as long as the law is there the police will now be expected to apply it universally, we will see what sort of chaos that brings. I am now asking the Government of Gibraltar politically whether it is their policy to support that view?

HON M K FEATHERSTONE:

The law is there and as far as the Government is concerned the law can stand. Whether the Commissioner of Police wishes to turn a blind eye to such trafficking inside Gibraltar is entirely up to him. The situation has been that as far as taxis going to Spain or lorries or anybody else not licensed as a private car going to Spain, they should be prevented.

HON J C PEREZ:

Mr. Speaker, would Government consider changing that legislation if after consultation with the police they are told by the Commissioner that it is practically unenforceable in relation to Gibraltar?

HON M K FEATHERSTONE:

When the police tell us that we will consider it.

HON J L BALDACHINO:

Mr Speaker, seeing that the police will now try to enforce the law in that way, it is also relevant that private cars which have a licence for personal use cannot be used for carrying goods, is that the case?

HON M K FEATHERSTONE:

Yes, Sir.

HON J L BALDACHINO:

That will also fall in the category when the law is enforced, will it?

MR SPEAKER:

We are not going to discuss every single specimen enforcement that can be done under the Traffic Ordinance otherwise we wouldn't finish. Next question.

NO. 179 OF 1985

26 6 85

THE HON J C PEREZ

ORAL

Can Government state when will the proposals submitted by the Gibraltar Taxi Association on 28th March, 1985, to the Transport Commission on improvements to the taxi service including the introduction of rosters at the taxi ranks, be implemented?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Transport Commission has not yet met to consider these proposals.

SUPPLEMENTARY TO QUESTION NO. 179 OF 1985

HON J C PEREZ:

Mr Speaker, since the Hon Member has a copy of the proposals could he commit himself to take these into account in relation to the whole study of public service vehicles which the Government is undergoing?

HON M K FEATHERSTONE:

Of course, yes.

MR SPEAKER:

Next question.

NO. 180 OF 1985

ORAL

THE HON J C PEREZ

Will Government state what are the functions and powers of the so-called Traffic Committee?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The Traffic Committee is an ad hoc Committee originally set up administratively in 1982, at the time of the announcement of the 20 April, 1982, date for the full frontier opening. It was subsequently resuscitated following the Brussels Agreement, to deal with all traffic matters in an open frontier situation.

It has no statutory powers but coordinates and advises Government on various matters to do with traffic.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1985

HON J C PEREZ:

Does that include advice on licensing?

HON M K FEATHERSTONE:

No, Sir, that is transport not traffic.

HON J E PILCHER:

Mr Speaker, can the Hon Minister tell me what is the composition of this Traffic Committee, who composes this Traffic Committee, not names just the posts that they hold?

HON M K FEATHERSTONE:

Yes Sir, the Minister for Health and Housing with responsibility for traffic; the Minister for Public Works; the Director of Public Works; the Commissioner of Police; the Director of Tourism; the Collector of Customs and the HEO Traffic Section.

HON J E PILCHER:

With all due respect and with the exception of the Commissioner of Police, do you think that all the other people mentioned are in a position to be able to give a real exposé of the traffic situation in Gibraltar?

HON. M K FEATHERSTONE:

I can give you an example. One of the things the Traffic Committee has put into effect recently is the new road system outside the Queen's Cinema where the work by the Public Works in re-aligning the different road sections etc, putting up fencing etc, was very useful and I think they play a very important part.

HON J E PILCHER:

Undoubtedly this is a good idea, this was proposed some two years ago by a weekly called 'The People' - I don't know if you have heard of that - but this was proposed two years ago. It is a serious question, do you not think that a Traffic Committee, a Committee set up to look at all areas of traffic, should include in its composition the professionals of that situation, people like the taxi drivers, transport operators and people who are the professionals in that sphere who can tell you on a minute to minute basis what is going wrong and not people who, for example, like yourself, don't drive or normally you prefer to walk to work?

HON M K FEATHERSTONE:

This is an ad hoc Government Committee, it is not a representative Committee of all parts of the community, it is a Government Committee as such.

HON J BOSSANO:

Mr Speaker, are the people in the Traffic Committee also in the Transport Commission?

HON M K FEATHERSTONE:

I think the Commissioner of Police and the Director of Tourism are on the Transport Commission as well.

MR SPEAKER:

Next question.

Is Government now in a position to state when the necessary legislation, regarding the Motor Vehicle Test Centre, will be promulgated?

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, I have received a letter dated 29th May, 1985 from the Law Draftsman, Sir John Spry, which states (inter alia):

"I hope to let you have at least the draft Bill, and, all being well, the regulations as well, by the middle of July."

I hope that it will be possible for me to bring the Bill before the House in the Autumn of this year.

The Regulations will be promulgated shortly after the Bill has been passed by the House.

Incidentally, Mr Speaker, I now have a permanent Law Draftsman as from last month.

THE HON J E PILCHER

ORAL

Is Government considering extending further the pedestrianisation of Main Street or the surrounding streets?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, at the moment there are no plans for further major pedestrianisation. However, since the current phase of pedestrianisation has a trial period of 6 months ending on 30 September 1985, Government is monitoring its effects and the possibility of alterations being considered at the end of the trial period cannot be discarded.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1985

HON J E PILCHER:

Alterations, you said, rather than extentions?

HON M K FEATHERSTONE:

It could be both, alterations and extensions.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

ORAL

Are there any safeguards against the prices being increased for the flats due for construction known as the Vineyard Housing Scheme?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. Should the selling prices stipulated in the tender conditions have to be increased owing to increasing construction costs, there is a penalty payable to Government equivalent to 50% of the increase in Selling Price.

SUPPLEMENTARY TO QUESTION NO. 183 OF 1985

HON M A FEETHAM:

Do I take it that the Minister is saying in construction costs, can he define construction costs?

HON A J CANEPA:

No, I cannot define construction costs and I am not sure to what extent the answer should just be qualified by saying 'owing to increase in construction costs'. Presumably one should just say owing to increasing costs they may not be construction costs, the costs could arise from some other quarter though it is difficult to think in a building contract, labour costs naturally, but I would imagine that labour costs would also be included under construction, costs of materials and labour, what else can construction costs be? Freight, that is cost of material.

HON J BOSSANO:

Does the answer imply then that if a developer chooses to increase the price for no apparent reason then the condition doesn't apply?

HON A J CANEPA:

No, very much the opposite. The price whether it is for a good reason or for not a good reason, the fact is that if the developer wishes to increase the price then the Government is entitled to 50% of the increase in the selling price whatever is the cost of that increase in the selling price.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member, does he not accept that this doesn't necessarily create a safeguard against price increases, it just means that the Government shares in any price increase?

HON A J CANEPA:

No, because first of all the developer would have to justify any increase, it could be part materially from the primary consideration in the tender and, secondly, the developer is proposing to market the scheme on a 10% deposit plus monthly instalments during the construction period up to 25% of the purchase price therefore he

will have entered into a contract for sale with the purchaser at an early stage in the construction period. He would therefore be prevented from increasing the sale price under that contract.

HON J BOSSANO:

Is there anything to prevent, as has happened in other areas, somebody purchasing the property and re-selling it even if it is completed at a higher price and would the penalty be applicable in such cases?

HON A J CANEPA:

Yes, the penalty would be applicable. I should have mentioned perhaps that in the case of the successful tenderer it wasn't a significant deterrent and that is that included in the conditions of tender was the question of the 75% refund of the tender sum if the developer did adhere to the selling price but, as I say, in the event, that proved not to be significant. There is an additional point, I think, that it is important that Hon Members should keep in mind and that is that the sale of these flats is very much intended to be restricted to a category of persons, namely, by and large, people who are eligible to be on the housing list and therefore the developer would out price himself if he decided to increase the selling price in what I might term a cavalier fashion. Also the scheme, basically, consists of a Housing Estate similar to Alameda Estate. They are going to be six-storey blocks of flats and therefore, in my view, they are hardly the sort of accommodation that would be attractive for speculative sale. I don't think that that is going to arise and having regard to what one hears about the people who are putting themselves down to the scheme and beginning to enter into agreement, I think that the element of speculation will be next to nil.

HON J BOSSANO:

Mr Speaker, I think it is a matter of judgement and hypothetical as to whether the speculation will be attempted or not, I think what we are trying to establish is what safeguards the Government has included to prevent it. Is it, in fact, the case then that the tender condition says that if there is a re-sale of the property the penalty applies on the retail as well?

HON A J CANEPA:

Yes, that is the position.

HON M A FEETHAM:

Do I take it that the Minister has said that the blocks will be six storeys high?

HON A J CANEPA:

Six storeys, yes, of 36 flats per block, very much patterned on what is popularly known as the Humphrey's Estate.

HON M A FEETHAM:

Is it correct to state that the initial tenderer who was not successful suggested blocks of eight storeys high and was told by Government that he would have to submit proposals based on five storeys high, has there been a deviation and was he aware of it?

HON A J CANEPA:

I am just giving factual information, I am telling you what the scheme is. You have raised other matters which I think should be raised more properly under the other question.

MR SPEAKER:

Next question.

HON A J CANEPA:

Mr Speaker, a number of points came up yesterday in supplementaries arising from Question No. 183 about the Vineyard Scheme and I have got some further information which I would like to give Hon Members opposite. I think it was the Hon the Leader of the Opposition who asked me about the question of the penalty of 50% of the difference between a higher price and the stipulated price in respect of re-sale and I said that yes, there was that penalty. Well, I want to make it clear that the penalty arises in the following way: The developer has to include in the sub-lease to the purchasers, he has to include all the conditions of the head lease which the Government gives him so that would be reproduced in the sub-lease but the penalty would not come to the Government, the amount involved would be to the developer. It is the developer when if somebody were to re-sell at a higher price who would derive the benefit of 50% of the difference in price. Turning now to the question of Casola's building. The Hon Mr Feetham, I think he quoted from clause 3(a) of the agreement for a lease which roughly says that within thirty days the licensee shall submit a programme and timetable for the demolition of existing structures and site clearance. That goes on to say 'to be specified in the First Schedule' and if he looks at the First Schedule he will see that there is nothing in the First Schedule about demolition, what there is is site clearance so I was right when I said that that was in the context of site clearance. Therefore the question of the demolition of existing structures, that would apply, for instance, to the roof of Casola's. If the developer wishes to retain the walls for refurbishment but to remove the roof, that would be seen in the context of site clearance. In the Government Notice on the project it said that Casola's Building was also available for development and at the stage of selective tendering the successful tenderer indicated that he would refurbish Casola's Buildings. That was accepted by the Land Board when he was selected for the second stage of actual tendering, that was accepted so therefore there hasn't been any deviation from the scheme. What the refurbishment will comprise is the following: fifteen units,

those which are 3RKB, in other words, two bedrooms, they will be sold at between £16,500 and £19,000 depending on area; and 4RKB, in other words, three bedrooms, to be sold at between £20,000 and £24,000. Those prices are lower than the prices for units in the other blocks. This advantage in the price has not been reflected in the overall price structure but in the specific fifteen units that we are talking about and they will be built in the last phase of the development. That is the information that I have, Mr Speaker. If the Hon Mr Feetham has anything else that I haven't answered or when the Hansard is reproduced if he feels that I have left anything out then if he would like to write to me I will give him further information.

THE HON M A FEETHAM

ORAL

As regards the Vineyard Housing Scheme can Government state the reasons why a project intended to build 256 flats no higher than five storeys with a completion period of 24 months should be rejected in favour of a project that entails the building of 207 flats of which some are in blocks six storeys high but only envisages 72 flats being built in 18 months?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Answered together with Question No. 185 of 1985.

THE HON M A FEETHAM

ORAL

Can Government state when it envisages that work on the Vineyard Housing Scheme will commence and are there any penalties for non-compliance with the commencement date?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

I will be dealing with Question No. 184 first.

Sir, the reasons are many and varied.

In the first instance I should clarify that the deliberations of the Land Board, which is the Government body responsible for adjudicating tenders related to land, have to be treated in the strictest confidence and the Board is therefore not required to explain why it chooses a particular tender.

Having said this, the Board has always taken the responsible view that it should make public the reasons for its decisions. Hence a Press Release was issued on the 6 May giving details of the selected tender and the reasons why it was the preferred scheme. The reason given for the choice was:-

"In awarding the tender the Government took into consideration the impact on the housing situation in Gibraltar not only in terms of the number and type of dwellings, but also in respect of the lower selling prices having regard to the nature of the scheme. Consequently, the land is to be made available for a nominal consideration".

Hence the major consideration was the proposed selling prices on average were some £2000 lower. In addition, there were other important considerations. For example, the track record of the parties concerned particularly in local developments of a similar nature, the financial arrangements and their financial resources, and indeed the financial viability of the scheme.

The selected scheme also proposes mainly three bedroom units which, on the advice of the Housing Department, is the type of accommodation best suited to make an impact on the housing situation.

On the question of whether the selected scheme consists of six storey blocks instead of five storey buildings, I can find no reason why this should weigh in favour or against either of the schemes. Again the Hon Member may be confused because in the first stage of the selective tendering procedure the Government suggested guidelines of five storey blocks. However, these were

merely guidelines and not Conditions of Tender. In accepting a six storey block in the first stage of selective tendering, the developer was qualified to tender on that basis. But I am glad that the Hon Member has raised that point because I would like to explain that perhaps the main reason why the selected scheme consists of 207 units and not 256 is that there are good structural reasons why certain areas can not be built upon without massive and expensive support structures. This important aspect was highlighted in the Wimpey Laboratory Report which the Government commissioned in 1976 and which was made available to the selected tenderers, and the technical advice given to the Board was that more attention had been given to this important technical consideration by the successful tenderer.

Finally, on the question of the phasing of the development, the Board was satisfied that this was not only realistic but sensible having regard to the marketability and viability of the scheme.

Turning now, Mr Speaker, to Question No. 185, the answer is the following.

On present information it is likely that works may commence in Autumn. Already, detailed site investigation is proceeding which will then enable the preparation of detailed working drawings.

The Agreement for a lease which is to be finalised shortly provides that:-

- (1) the developer shall submit within 30 days of signing the Agreement a programme of works;
- (2) a building application shall then be submitted within 3 months;
- (3) on the grant of the Building Control Permit, to proceed and complete the development within the time limit specified in the Agreement, which is 36 months, and in accordance with the programme of works.

The penalty for non-compliance for any of these conditions is revocation of the Agreement.

SUPPLEMENTARY TO QUESTION NOS. 184 AND 185 OF 1985

HON M A FEETHAM:

Will the Minister state whether the prices that have been

submitted by the successful tenderer equates to the original tender document whereby, for example, some of the existing buildings had to be demolished as required in the tender document and, in fact, the successful tenderer will not be demolishing existing buildings but will be remodernising them?

HON A J CANEPA:

Some of Casola's buildings are being refurbished and I think that consequently they are being offered for sale at a lower price than the new construction.

HON M A FEETHAM:

Can the Minister state whether the lower price of £19,500, I think is what was published, does that equate to a re-modernised flat in Casola's buildings or not?

HON A J CANEPA:

Mr Speaker, I wouldn't be able to say what would be the cost to Government or to the tenderer of remodernising a flat.

HON M A FEETHAM:

Mr Speaker, the Government has accepted a project which will produce X number of flats. The original tender requirements were that they were going to be, from what I understand, new flats and that existing buildings would be demolished. The successful tenderer, in his project, will not be demolishing an existing building as required but in fact, some of the flats will be remodernised and this could well have affected his price structure as against the other tenderers who were not aware that buildings did not have to be demolished. All I am trying to do is to establish the reality of the situation and how many flats in Casola's buildings are going to be modernised?

HON A J CANEPA:

I am making a note, Mr Speaker, because I don't have the answer readily available. All I can do is make enquiries and try, if possible, to give the Hon Member an answer as soon as I can. But, again, I doubt whether the original conditions inviting tenders either on a selective or on a natural basis, made it a requirement that these buildings be demolished. I am sure that this was not a requirement. Again, if they are shown as being demolished it would have been a question of guidelines being given by the Government but I don't have a copy of the

tender conditions in front of me.

HON M A FEETHAM:

Can I just quote, Mr Speaker, that it says: "Within thirty days from the date hereof the licensee shall submit to the Surveyor his programme and timetable for the demolishing of the existing structures and site clearing which programme shall form part of this agreement".

HON A J CANEPA:

But the existing structures may not mean Casola's building, there may well be other structures on the site other than Casola's buildings.

HON M A FEETHAM:

So, in fact, Casola's buildings was not meant for demolition and this was clear in the tender?

HON A J CANEPA:

I am not saying that it is one way or the other. What I am saying is that there was probably no definite indication given in the tender conditions about Casola's buildings.

HON M A FEETHAM:

Out of the 72 flats which are envisaged in the successful project, how many of those 72 flats are, in fact, part of the remodernising programme?

HON A J CANEPA:

I don't know how the programme is phased, whether the modernisation comes in the first phase or later, I couldn't say. I hope the Hon Member realises that I cannot be expected to carry that information with me. In fact, I could just adopt the attitude of saying I require separate notice of the question and expect him to put a specific question in October. I will try to be as helpful as I can but I am not a walking encyclopaedia nor a walking computer.

HON M A FEETHAM:

Mr Speaker, I appreciate that and I am not here, I can assure the Hon Member, in any way to catch him out on anything. We are talking about a project and if he is not able to answer I

will expect to get answers outside the House.

HON A J CANEPA:

In fact, I think the Hon Member has an advantage over me. I am sure he has been provided by somebody with more information than what I have in front of me.

HON M A FEETHAM:

Well, it is a matter of opinion.

HON A J CANEPA:

It is not a matter of opinion, it is a matter of fact.

HON M A FEETHAM:

Well, you are the Minister, you are the Chairman of the Land Board, you are the one who authorised the acceptance of the project, you should be in a better position than me.

HON A J CANEPA:

But you go and ask the engineers or the surveyors about these matters, not the Minister.

HON M A FEETHAM:

Wasn't it a fact that it was originally suggested that not more than twenty families should be living in each block and, in fact, now you have accepted thirty-six?

HON A J CANEPA:

Those were guidelines. The sale of flats in Gibraltar is a complex matter. There are few if any developers who are geared to sell in a very short period of time anything of the order of 200 flats, it is complex, it is difficult and many arrangements have to be made and therefore, again, the Government was giving guidelines of having small blocks of flats of, say, twenty, because that would make phasing of the construction easier, sale and marketability easier but it was not a condition, it was not a requirement that everybody had to stick to blocks of twenty flats.

MR SPEAKER:

With respect, we are debating. You may ask for whatever

information you require but let us not make further comments because otherwise we will go on and on.

HON M A FEETHAM:

In the project itself, the general price structure, will that meet also the development of the surrounding areas in terms of landscaping and amenities or will that be something which will not be done or will be something which will have to be charged later?

HON A J CANEPA:

The question of access roads, landscaping, parking, all that has been included in the scheme.

HON M A FEETHAM:

That will be met by the developer?

HON A J CANEPA:

By the developer.

HON M A FEETHAM:

Can the Minister state what sort of conditions are in relation to for example, the pre-financing which he spoke about before, what will the developer meet in terms of pre-financing in starting off the development which will not be charged to the tenants?

HON A J CANEPA:

I said he is marketing the scheme on a 10% deposit plus monthly instalments during the construction period of up to 25% of the purchase price.

HON M A FEETHAM:

Will the cost cover, for example, engineering costs, demolition costs and everything else that goes in actually setting up the project before the prices of the flats are.....

MR SPEAKER:

Let us have a question. We are making statements basically and we must not debate a question time.

HON M A FEETHAM:

What I want to know is how will the developer be financing the project?

HON A J CANEPA:

He is financing the project totally except that he is entering into contracts as he has done elsewhere whereby people will pay a 10% deposit and during the construction period pay monthly instalments which will add up to 25%. That will bring the developer a certain amount of money, say, 35% of the sale price through the period of construction but then there is a 65% for which I imagine the developer will have to raise the finance in the normal way.

HON M A FEETHAM:

So, in fact, the answer is that the development to a great extent is being financed by the people who will be purchasing the flats?

HON A J CANEPA:

That is your view, to a great extent is 35%, if 35% is a great extent then so be it. In my view, being a mathematician, I think 65% is bigger than 35%, 65% is a great extent, 35% is a minor extent.

HON J BOSSANO:

Mr Speaker, isn't it in fact the case because the logic of the Hon Member's argument would only apply, I am sure he will agree, if the developer is charging the 35% in respect of the first houses to the first people. But is, in fact, the developer able, for example to charge 35% of 100 houses and then use that money to build the first ten houses in which case the people contributing the 35% of the 100 will be paying for the total cost of the first ten?

HON A J CANEPA:

I don't see if he only builds ten how he can be expected to build 72 in 24 or 18 months. I don't see how he can do that.

MR SPEAKER:

We are now going into the financing of the scheme.

HON J BOSSANO:

Mr Speaker, the Hon Member has given an answer in a question where my colleague is trying to establish to what extent the developer is investing his own capital in the project and to what extent all that he is doing is charging people for houses which haven't yet been built and building the houses with their money. That is what we are trying to find out. Does the Government have any control over that situation or not?

HON A J CANEPA:

Of course, he stands to lose the tender. If he doesn't comply with the conditions that I have stated he stands to lose the tender. If he doesn't satisfy the Land Board about his financial resources, he has got to put a package together, whether in the package there is a 35% element from the prospective purchasers or not, he has got to put a package together which will satisfy the Land Board that he has the financial resources to proceed with the development otherwise he is in default.

HON J BOSSANO:

And that has got to be done when within thirty days?

HON A J CANEPA:

That has got to be put before he gets an agreement to build or a licence to get on site.

HON J BOSSANO:

Didn't the Hon Member mention a period of thirty days earlier?

HON A J CANEPA:

Let me look at the answer again. The agreement for a lease which is to be finalised shortly provides that the developer shall submit within thirty days of signing the agreement a programme of work. To sign the agreement he has got to satisfy us about his financial resources.

HON J BOSSANO:

Does that have to happen within the thirty days the Hon Member has mentioned?

HON A J CANEPA:

No, he has got to submit a programme of work, of physical works within thirty days of signing the agreement for a lease. The Government will not sign, the Director of Crown Lands will not sign the agreement for a lease with the developer until he is satisfied, amongst other things, one of the main conditions being the financial package.

HON J BOSSANO:

And is there a timetable for the signing of the lease?

HON A J CANEPA:

The lease, eventually, on completion of the building.

HON J BOSSANO:

I must have misunderstood the Hon Member.

HON A J CANEPA:

I am answering the Hon Member's question.

MR SPEAKER:

There is an agreement to grant the lease, the lease is not granted until the completion of the project.

HON A J CANEPA:

And as far as the agreement for a lease is concerned it is in the mutual interest of the two parties, both the Government and the developer, that that should be finalised. The Government because it wishes to see the development proceed, the developer because if he takes too long to sign the agreement for the lease his costs will go up.

HON J BOSSANO:

But apart from that is there any penalty attached to that period or is that a vacuum? This is what I am asking.

HON A J CANEPA:

There is a reasonable period, I don't know whether the tender conditions says an agreement for a lease has to be signed within a stipulated period, usually that is not the case. From my practical experience in the last three years in the Land Board,

a reasonable period of time is allowed and then if eventually the Land Board is not satisfied that the banks are backing the scheme because the money is not there then they are in default and that's it and we either go out to tender again or give it to the next one.

HON J BOSSANO:

Hasn't the Hon Member said that the penalties attached to, for example, the 36 months construction period and the 30 days.....

MR SPEAKER:

The penalty is for non-compliance of the terms of the agreement to grant the lease.

HON J BOSSANO:

But there is no penalty for taking six months to enter into an agreement or a year or whatever?

HON A J CANEPA:

Very likely there isn't.

HON J C PEREZ:

Mr Speaker, could the Hon Member confirm that in his original reply he said that one of the reasons for having opted for the successful tenderer was that that tenderer had paid more attention to the Wimpey Lab Report?

HON A J CANEPA:

Yes, the technical advise which the Land Board received was that the successful tenderer had done that.

HON J C PEREZ:

Could the Hon Member confirm that in the way that it paid more attention to the Wimpey Lab Report is by not building at all in that area?

HON A J CANEPA:

Very much so because it is very costly and very problematical to the extent to which building can take place on the geological faults there.

HON J C PEREZ:

And was the Government satisfied that in the proposals of the unsuccessful tenderer which was proposing to build in that area that it was completely safe what they wanted to do and in accordance with what the Wimpey Lab Report required them to do?

HON A J CANEPA:

I doubt if the technical advise would indicate that we were totally satisfied. I always hear my predecessors say that in engineering anything is possible but there is a question of costs and it might be possible to build on the geological fault in such a way that you would have to sell the dwellings at £60,000, £70,000, £80,000 but I think the assessment that is made on a technical basis was put in a positive way by saying: "These question marks have been posed by Wimpey Laboratories. One of the parties is not going to build there so that takes care of that. The other one proposes to do so and that has given rise to question marks of a technical nature".

HON J C PEREZ:

But in relation to what you have said about the price, is it not true that the unsuccessful tenderer was going to build on that area and that the price was going to be spread out around the whole of the estate and not necessarily to the purchasers of that particular building?

HON A J CANEPA:

Naturally but then, also, doubts begin to be raised about the reliability of those prices having regard to building on part of the site where building is problematical.

HON J C PEREZ:

Would the Hon Member not presume that it would be completely prohibitive to build on that area with one block on its own only?

MR SPEAKER:

We are beginning to lose sight that question time is exclusively for the purpose of obtaining information and not for debating.

HON J L BALDACHINO:

Mr Speaker, in the original proposal from the unsuccessful tenderer which envisaged eight-storey buildings and he had to

change to five-storeys, wasn't it because according to law if you built above five storeys you need a lift?

HON A J CANEPA:

The unsuccessful tender months before the site went out to tender submitted to the Development and Planning Commission an outline planning scheme. The consideration that the Development and Planning Commission gave to that outline planning scheme had nothing to do with the subject that we are discussing which is the award of the tender because the question of inviting tenders even on a selective basis had not arisen at the time but nevertheless he went ahead, he publicised the scheme in a certain newspaper and he submitted the scheme to the Development and Planning Commission and the Development and Planning Commission considered that scheme and reacted in certain respects and one of those respects was the point made by the Hon Member that any scheme that contains a proposal to build flats on eight floors would require a lift, that is, by and large, a condition.

HON R MOR:

Mr Speaker, what is the Government's policy as regards the installation of lifts?

HON A J CANEPA:

Over five floors, generally, you require a lift, by and large that is the policy. I am not saying that there may not be a marginal departure from it. I understand that as far as this scheme is concerned where six storeys are being built there will be lifts.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

ORAL

Would the Government consider as a matter of policy the encouragement of Housing Cooperatives?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, if the Hon Member is referring to Housing Cooperatives as 'Management Cooperatives' then there is a clear Government policy to encourage these in order to ensure the success of the home ownership scheme.

As a matter of fact the necessary legislation was introduced in 1982 with the Housing Association Ordinance, which laid down the requirements and procedures for the formation and registration of Housing Associations to ensure the proper maintenance and management of Housing Estates.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1985

HON M A FEETHAM:

Mr Speaker, what I actually meant was building Housing Cooperatives.

HON A J CANEPA:

That is the other form of Housing Cooperatives which doesn't just involve control of the estate but building and ownership. Our reaction to this, Mr Speaker, is that it could present difficulties with the local banks and building societies with regard to mortgage facilities. This is our first reaction. I also have some practical experience of another scheme which is on a semi-cooperative basis, Woodford Cottage, and I can tell the Hon Member that the headaches involved with only sixteen co-owners are incredible. I think the prospects of success of a Cooperative building scheme where there are diverse interests are extremely difficult not to mention, as I say, the other aspects of the reaction of the banks and the building societies.

HON M A FEETHAM:

I can understand the comments made by the Minister.

HON A J CANEPA:

In fact, if I can go further, there are only eight left and there have only been eight left for two years and still the project doesn't show any real signs of going ahead.

HON M A FEETHAM:

If a project were to be presented to Government which entailed the Housing Cooperatives made up by members of the community who wished to build their own flats on a particular piece of land and the scheme was considered feasible, would Government encourage it or not encourage it?

HON A J CANEPA:

I think we would encourage it, I think that we would but there is nothing to indicate at present that there is any such move afoot and therefore there has been nothing to indicate to the Government that our present policy needs reviewing but I think we would be receptive to any approach along those lines.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

ORAL

Can Government state what is the position with regard to the tender for the Rosia Tourist Development Scheme?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, the position is that the Land Board has considered the two proposals received in the first stage of the selective tendering procedure and has selected both parties to tender for the site.

Tender documents are now in the process of preparation and will be sent to the two Companies within the course of the next two weeks.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1985

HON M A FEETHAM:

I take it that the previous statement by the Minister that the project will commence this year still stands?

HON A J CANEPA:

Yes, very much so, I have heard all sorts of complaints about the non-availability of the Rosia Swimming Club.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state if New Mole House is going to be used for Housing purposes?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, the New Mole Hostel is included in the list of MOD properties which are earmarked for transfer to the Gibraltar Government.

The position is that the Government is now looking at that list in detail to decide what uses the various properties can be put to. No decision has yet been taken whether the Hostel is to be used for housing purposes.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1985

HON J L BALDACHINO:

Is the Hon Member aware that the Hostel is being made up by the Army and refurbished, are they going to use it?

HON A J CANEPA:

As far as I am aware the Hostel is on offer. I say it is on offer because it is a freehold, the Hostel is a freehold property, it is not Government's by the 1983 Land Memorandum and therefore if we wish to accept it we would have to pay, we wouldn't get it free. If I may add, Mr Speaker, I also have some information which indicates that the MOD wish to use it temporarily to house RAF personnel while maintenance works are being carried out at the RAF Housing Estate.

HON J L BALDACHINO:

Even though we have to pay for the Hostel once we get it, will the alterations that have been carried out be included in the price?

HON A J CANEPA:

They would affect the valuation, I imagine, and the valuation would be made at the appropriate time.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state what are the arrangements reached with the successful tenderer for the Vineyard Housing Project in relation to the following:

- (a) sale of houses
- (b) maintenance of Estate?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, I am afraid I do not quite understand the question nor what is meant by 'arrangements'.

The sale of houses is a matter for the developer to undertake subject to his complying with the tender conditions. I think I have already explained in detail the Conditions of Tender etc, but basically the position is that on completion of the development to Government's satisfaction, the developer will be granted a 150 year lease which he in turn will be able to sell to entitled persons by way of underlease.

The maintenance of the Estate is a matter for the developer who as Head-Lessee will be answerable to the Government as Head-Lessor on the upkeep of the Estate.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1985

HON J BOSSANO:

Mr Speaker, is the situation then that priority on the housing list in terms of the current housing conditions of different prospective purchasers will have any weight in their eligibility?

HON A J CANEPA:

I think what is more likely to be the case that will have weight is the greenback, the money, availability of the financial resources together with basic eligibility and, of course, the Government will wish to see the list and satisfy itself that the prospective buyers are eligible to be on the housing list. After that it is really a question of financial arrangements. Whilst one would sympathise with the problems of a seriously overcrowded family as against a young couple wishing to get married, obviously, there is more weight in social terms to be attached to one than to the other, if the young couple are able to make the necessary mortgage finance and the others are not that is going to weigh

more heavily with the purchaser. I would imagine what one would like to see is where all things are equal then the social conditions, one would hope, should prevail but we cannot give the developer any definite directive in that respect.

HON J BOSSANO:

On the maintenance side, the Government has said that they hold the developer responsible for the maintenance of the estate once the estate is completed and sold. Does that mean that because of that responsibility that the Government is putting on the developer the prospective purchasers have no choice but to let the developer be responsible for the maintenance of the estate?

HON A J CANEPA:

No, what happens in fact is that a management company is set up to which all the buyers belong. They set up a committee and they take decisions regarding the contributions that should be made by them with regard to the upkeep of the estate. I think that this is the normal practice elsewhere and to that extent I think once leases have been granted, to that extent I think all that the developer has got to do is to satisfy the Government in that he has been responsible of bringing about procedures which the Government finds satisfactory in this regard.

HON J C PEREZ:

Can the Hon Member confirm then that in fact those who buy the houses are not obliged at all to employ the developer as their maintenance company?

HON A J CANEPA:

They are not obliged. What happens is that the developer ought to oblige them to belong to the management company. The agreement for a lease which the developer will give them I think should make that a condition.

HON J L BALDACHINO:

Is it correct to state, Mr Speaker, that the developer really wanted the Government to be responsible as to who the houses were sold to?

HON A J CANEPA:

No, I don't think that that has been the case at any stage. I

don't think the developer wanted the Government to decide who they should sell to and certainly the Government would never wish to be involved in that.

HON J L BALDACHINO:

Mr Speaker, seeing that this project is being made due to the housing conditions that we find ourselves in Gibraltar and it is one way of finding a solution to the housing waiting list that we have at the moment.....

MR SPEAKER:

No, I will not allow that question. You read the original question: "Can Government state what are the arrangements reached with the successful tenderer on sale of houses and maintenance of Estate?" We are expanding the scope of every single question we are asking.

HON J L BALDACHINO:

Wouldn't the Hon Member agree then, Mr Speaker, that it would have been better for the Government to have laid down the criteria to whom the houses should have been sold?

HON A J CANEPA:

Then you might never have been able to sell them and therefore you might never have been able to see the project through to fruition. I think that some commercial judgement must come into the transaction at some stage and the Government doesn't use such criteria.

HON J C PEREZ:

Mr Speaker, would it not be logical to assume that the Government would want to reduce its housing list and under the eligibility to purchase as it is which is applicable to all those eligible to the housing list, would it not be correct to give priority to those already on the housing list?

HON A J CANEPA:

If they are able to make the necessary financial arrangements, yes, naturally, it would be.

HON J C PEREZ:

So is the Hon Member saying that people in the housing list who are able to make the necessary arrangements will be given priority

of sale over those who are only eligible to be included in the housing list?

HON A J CANEPA:

I am not saying that that is going to happen because I don't see how the Government could make that an effective condition. It may, in practice, happen in some cases but I don't see how the Government could ensure that the people concerned would be able to make satisfactory arrangements for financing their commitments.

MR SPEAKER:

I will not have any further questions on this matter unless it is seeking information.

HON J BOSSANO:

Mr Speaker, if the condition attached to the purchase of the house has a bearing on housing needs to the extent that people are expected to be eligible for Government housing before they are eligible to purchase, does that apply throughout the 150 year lease? Does it mean that it can never be sold except to somebody who is eligible for Government housing?

HON A J CANEPA:

I think so, yes, I think resale is also limited to people eligible for Government housing, I am pretty certain about that.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state whether the distribution of flats planned for the Vineyard Housing Project takes into account the needs of the Government Housing List?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, as explained in my detailed reply to Question No.184, the selected scheme consists mainly of three bedroom units, which on the advice of the Housing Department is the type of accommodation which is most required.

It is therefore considered that the project takes into account the needs of the Government Housing List.

THE HON J L BALDACHINO

ORAL

Has Government included in their submission to ODA any project for the development of houses?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1985

HON J L BALDACHINO:

Is the Hon Member in a position to say which projects?

HON A J CANEPA:

We are making provision for a programme for around 430 units at a total cost of £10.9m and the breakdown is: Laguna Estate, 100 units - £2m; Glacis Estate, the voids, 20 units - £0.2m; North Pavilion, 6 units - £0.17m; and Montagu site, 300 units - £8.5m.

HON J L BALDACHINO:

The Glacis voids are the ones already that have been made?

HON A J CANEPA:

No, it is additional.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state whether they have requested the United Kingdom Government to allocate funds to Tourism and, if so, for what projects, for what amount and with what result?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, there is provision in the next development programme for expenditure on tourist projects amounting to some £3m. These include the development and improvement of five major tourist sites as well as general embellishment. The implementation of some or all these projects will naturally depend on the availability of funds, both from ODA and local resources. The aim is to upgrade Gibraltar as a tourist resort and, in the case of the sites, increase revenue yields directly.

SUPPLEMENTARY TO QUESTION NO. 192 OF 1985

HON J E PILCHER:

Mr Speaker, can the Hon Minister be more explicit in giving us the sites in question?

HON A J CANEPA:

Mr Speaker, the redevelopment of St Michael's Cave and O'Hara's Battery - £0.5m; redevelopment of Upper Galleries - £0.13m; redevelopment of the Tower of Homage - £0.6m; development of Nun's Well in Europa Point - £0.03m; development of the Northern Defences and the Lower Galleries - £0.2m; the development of the Piazza - £0.14m; Sea Wall Promenade - £0.28m; Promenade at Eastern Beach/Catalan Bay - £0.2m; and general landscaping and embellishment - £0.1m.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

ORAL

Can Government state what will be the losses in revenue on the introduction of 10% reduction in general rates on houses bought for home ownership occupation?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, I take it the Hon Member is referring to the present stock of owner-occupied houses in which case the estimated loss in revenue is around £16,000.

Needless to say, this amount may increase as a result of the Vineyard Housing Scheme and the sale of Government flats to sitting tenants both of which would increase the number of owner-occupied dwellings in the Valuation List.

SUPPLEMENTARY TO QUESTION NO. 193 OF 1985

HON J L BALDACHINO:

Mr Speaker, how will these revenue losses be recovered by Government, by what means?

HON A J CANEPA:

They wouldn't be recovered.

HON J L BALDACHINO:

Mr Speaker, maybe if I can explain to the Hon Member. If there is a loss, surely, to cover the costs some other means will have to be raised or will the rates on those left in Government flats and not owner-occupier be increased?

HON A J CANEPA:

Mr Speaker, it is £16,000 in a figure of what, £60m is the valuation, it is a drop in the ocean.

MR SPEAKER:

Next question.

NO. 194 OF 1985

26 6 85

THE HON J L BALDACHINO

ORAL

Can Government state if the post for temporary assistant Rent Assessor has been filled?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes. The Officer was appointed on 2 July 1984.

THE HON J L BALDACHINO

ORAL

Can the Minister for Economic Development and Trade state what were the proposals put by him on behalf of the Government to the Chairman of Catalan Bay Village to solve the Village housing problems?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, I have held two meetings with the Chairman of the Catalan Bay Village Council. The first meeting was held in order to discuss the personal housing problem of one of the villagers who accompanied the Chairman. During the course of that meeting, the question of home ownership came up and it was suggested that it might be useful if the Chairman were to discuss with the Village Council the possibility of adopting a formula whereby villagers might be able to purchase flats to be built at Catalan Bay in the future.

The second meeting was held against the background of the ODA policy regarding housing as expounded by Mr Raison during his recent visit to Gibraltar. Again the question of home ownership was raised and I was given to understand that the reaction of the Village Council to the question of home ownership was quite understandably that few people would be able to contemplate purchasing a flat at the price which it would cost Government to build. It is clear that it is only the more modest price range of flats to be built at Vineyard that could offer some prospect of pursuing the matter.

The question of housing at Catalan Bay will be kept under review.

THE HON M A FEETHAM

ORAL

Can the Minister for Economic Development and Trade state which steps have been taken in response to the petition submitted to him by employees working in the area of North Mole who have expressed concern about the proximity of tankers discharging petrol and fuel at the North Mole Jetty?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, the answer reads: "a reply was sent to the petitioners on 21 June, a copy of which I am now circulating". My understanding was up until this morning, Mr Speaker, that those that deal in Secretariat with the arrangements that are made for bringing to the House copies of answers to questions, already had available some thirty copies of the letter that I sent the petitioners. I understand from the Usher that that is not the case. Fortunately, the letter was published in this morning's Chronicle and I have got a copy of which I think photocopies could be made and circulated. I apologise to the House if for some reason the arrangements have not been made as I had contemplated them.

SUPPLEMENTARY TO QUESTION 196 OF 1985

HON M A FEETHAM:

This is a matter of great concern and clearly the Minister has looked into the matter with some thoroughness and I don't wish to, in any way, debate it. All I want to do is ask him two or three questions. What, actually, are the powers of Government in relation to this particular problem? Where do Government's powers start and finish in relation to discharging by tankers in the Port area?

HON A J CANEPA:

Primarily, I would say, Mr Speaker, in the Port Rules. Whether in addition to that the Chief Fire Officer also has some legislation that would apply there I am not certain but I would imagine, primarily, they stem from the Port Rules.

HON M A FEETHAM:

So I take it that whatever cargo, apart from what is being discharged, whatever cargo is aboard the tanker other than, for example, white oil or fuel oil, would be the responsibility of the tanker and the agents handling it and not that of the Gibraltar Government?

HON A J CANEPA:

I am sorry, would he repeat that?

HON M A FEETHAM:

Do I take it then that any cargo which is aboard a vessel discharging in Gibraltar, and we are talking about tankers, fuel in this respect, the responsibility is of the tanker and the agents and not of the Government should anything happen, for example, an explosion, aboard the ship?

HON A J CANEPA:

Responsibility in respect of what, liability? I think liability would lie with the company but I must qualify that by saying that that assumes that there has been no element of negligence on the part of any officer of the Government.

HON M A FEETHAM:

If a tanker had an accident which caused death, for example, the responsibility would be of the tanker and presumably the people who are handling the discharging in Gibraltar?

HON A J CANEPA:

Yes, I think that that is normal.

HON M A FEETHAM:

So as far as Government is concerned they are satisfied that the handling of these ships and the safety measures which are imposed by the people discharging the ship is adequate, that is what the Minister is saying?

HON A J CANEPA:

Yes, I am satisfied that that is the case.

HON M A FEETHAM:

Looking at it from another angle. Is there any relation between the discharging of super tankers or tankers in Gibraltar in a terminal and the proximity of the other operations, which is a commercial port, which are two distinct things, and the proximity, for example, of housing estates in the area?

HON A J CANEPA:

Yes, obviously, the question of housing is a factor that has to be taken into account but I think the third paragraph of my letter is the one that indicates how we deal with the matter in that there are two classes for the purpose under review. It doesn't matter whether it is a tanker or whether it is a super tanker, what is the nature of the cargo? If it is discharging fuel oils then it is deemed that these cause no undue safety problem but if it is the case of discharging white oils then much more stringent measures are applied. That is what decides the element of danger, ordinary fuel oil as against white oil. The question of proximity to residential areas is a factor that we took very much into account four years ago because up until July, 1981, discharging of white oils was carried out at the extension to No.3 Jetty and it was in July, 1981, that the operations were transferred to berth 2 West thereby increasing the distance from the town and making it, in fact, also easier in the event of an accident to cut off the ropes and ensure that the vessel would just drift out on the seaward side. That was a factor in determining where the discharge now takes place and I think that a berth on the seaward side of North Mole other than in the case of Varyl Begg Estate is the furthestest you can get away from residential accommodation.

HON M A FEETHAM:

What the Minister is saying by this last explanation is that the discharging of fuel which is carried out by the Ministry of Defence which is only approximately 200 yards from Varyl Begg Estate, the safety requirements are adequate and it does not in the case of an accident present an immediate danger to life in that area?

HON A J CANEPA:

That is the case because if dangerous cargoes such as white oils were being discharged the discharging would have to take place on the seaward side of North Mole and not elsewhere.

HON M A FEETHAM:

I take it then that aviation fuel, for example, is not being discharged by the MOD in that Jetty?

HON A J CANEPA:

I would require separate notice of that question but I would imagine that common sense would indicate that aviation fuel is not being discharged at the extension to that Jetty. I have no

information, I am going on the basis of the use of my intelligence based on the reports that I have as to what the current practice and procedures are.

HON M A FEETHAM:

So as far as the Government is concerned there is no need to go beyond this initial review and, in fact, ascertain whether we are discharging fuel in a sort of a semi-official terminal which is a terminal for that purpose and which under international legislation, for example, as far as this particular industry is concerned, would require greater safety requirements because a fuel discharge terminal has an awful lot of legislation geared to it that in fact we do not need that sort of legislation in Gibraltar.

HON A J CANEPA:

That is my information, we don't require it, no.

HON M A FEETHAM:

So, in fact, where we have just had an accident in a terminal which is classified as a terminal with all the safety requirements and every other requirements which meet legislation in that respect, we are doing a similar operation in Gibraltar and the Minister is satisfied that there is no further legislation or review or enquiry to be done. All we are looking for are assurances that safety requirements are correct and that we are in fact minimising the possibility of danger.

MR SPEAKER:

We are trying to debate and we must not do that at question time as I have been saying from the very beginning.

HON A J CANEPA:

I am satisfied, Mr Speaker, that the review which has recently been undertaken has come up with the right advice and that is that on balance as between the use of Berth No. 2 West, on the seaward side of North Mole, and the suggestion that was made to me by the petitioners that we should consider using the Detached Mole, on balance the berth that we are now using is better and safer than the one at the Detached Mole for the reasons that I have explained in my letter. It isn't a question of avoiding expense in laying electricity, this is not a consideration at all, it is a far better berth because the other one would be very difficult to get to so, on balance, having regard to the

reality of the situation in Gibraltar as between residential accommodation in the Port area, having regard to the safety of people working there, I think that the advice that I am getting from the staff of the Port Department in consultation with Shell because they have also brought Shell into the matter, and in consultation with the Chief Fire Officer who was consulted about the contents of my letter before my letter was sent, the technical advice that I have and I think it is the best available, is that our measures are adequate, they are the best obtainable under the circumstances in Gibraltar.

MR. SPEAKER:

Next question.

THE HON J BOSSANO

ORAL

Will there be any retrospective element in the payment of revalued social security benefits to Spanish nationals on Spain's accession to the European Community?

ANSWER

THE HON THE CHIEF MINISTER

There will be no element of retrospection in the payment of revalued social security benefits to Spanish nationals on Spain's accession to the European Community.

SUPPLEMENTARY TO QUESTION NO. 197 OF 1985

HON J BOSSANO:

Does that mean, Mr Speaker, that Spanish nationals will acquire rights on accession to the Community which will not be back-dated to the 5th February?

HON CHIEF MINISTER:

Absolutely, the European Communities (Amendment) Ordinance, 1985, provides for the derogation of the application of Community legislation on social security to Spanish nationals during the period of advance implementation. Spanish pensioners will not therefore be legally entitled to current rates of benefits until the date of accession.

HON J BOSSANO:

Will the same apply to entitlement to family allowances?

HON CHIEF MINISTER:

That is a separate matter of which I would require separate notice.

MR SPEAKER:

Next question.

THE HON R MOR

ORAL

Can Government now state whether the British Government will pay for the pensions of Spaniards, who qualify because of their pre-1969 contributions, as from 1 January, 1986?

ANSWER

THE HON THE CHIEF MINISTER

The matter is still under discussion between the Gibraltar and UK Governments.

SUPPLEMENTARY TO QUESTION NO. 198 OF 1985

HON R MOR:

Mr Speaker, can the Gibraltar Government meet the extent of paying these pensions?

HON CHIEF MINISTER:

Certainly not.

HON R MOR:

Mr Speaker, can I ask then what is it that is going to be negotiated?

HON CHIEF MINISTER:

The question of payment.

HON R MOR:

But from the Hon and Learned Chief Minister's answer, Mr Speaker, there is no alternative. If the British Government is going to pay then what is there to negotiate, will it just be how much they are going to contribute, how much the Gibraltar Government is going to contribute.

HON CHIEF MINISTER:

That is precisely what is under discussion.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

ORAL

Can Government state to what extent they are responsible for the welfare of the residents of Mount Alvernia?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, the welfare of the residents of Mount Alvernia is primarily the responsibility of the Board of Governors. The Government only has responsibility to the extent that it is responsible for social welfare generally, ie, some of the residents are entitled to social benefits such as Supplementary Benefits and any social problems brought to their notice are dealt with by the Family Care Unit.

SUPPLEMENTARY TO QUESTION NO. 199 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, when there are any complaints made by the residents of Mount Alvernia, who is answerable, is the Government answerable at all?

HON DR R G VALARINO:

The Director of Labour and Social Security attends all meetings of the Board of Governors and is thereby kept informed on behalf of the Government on the way the Homes are run. The Government has never had occasion to interfere in the day-to-day administration of the Home.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is there a system by which the residents of Mount Alvernia can lodge complaints if need be?

HON DR R G VALARINO:

Sir, I imagine through the Board of Governors.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Will Government be seeking the advice of the Gibraltar Air Transport Advisory Board on the proposals at the moment being discussed by the working parties on air communications?

ANSWER

THE HON THE CHIEF MINISTER

Sir, once the Working Group on air communications has completed its discussions, officials on both sides will report to their respective Ministers and the Gibraltar Government will, of course, be consulted. This consultation will, in the first instance, be on a confidential basis.

It is too early, at this stage, to say whether it would be appropriate to refer the matter to the Gibraltar Air Transport Advisory Board.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1985

HON J E PILCHER:

Mr Speaker, is not the Gibraltar Air Transport Advisory Board just that, a Board which sits to advise the House of Assembly on matters relating to air transport.

HON CHIEF MINISTER:

Yes, whether a particular matter is referred to the Board lies within the discretion of the Chairman. In this case reference would depend on the nature of any proposals emerging from the Working Group since this might fall, in the first instance, within the arrangement for confidential consultation on matters relating to foreign affairs. The Leader of the Opposition has refused to accept confidentiality and cannot complain if he is not consulted.

HON J E PILCHER:

Mr Speaker, I don't want to press that point, I accept the answer given by the Hon and Learned Chief Minister. I just think that in a question of air transport which is something that obviously will have to materialise sooner or later, it would seem advisable to seek the advice of a body which is there specifically for that purpose, represented by two Members and out-voted by three Members of the Government so it is not a question of the Opposition being able to out-vote the Government. It seems a good manner of running a Government to have a Board there to advise the Government and then to choose not to seek its advice.

HON CHIEF MINISTER:

Yes, of course, if the matters are of a confidential nature and some members of the Board are not prepared to abide by that confidentiality then it has no place in it.

HON J E PILCHER:

Mr Speaker, I think on that particular point I would just like to inform the Hon and Learned Chief Minister that as far as this side of the House is concerned the deliberations of GATAB are, in fact, confidential and we have never broken confidentiality on any matter discussed in the Gibraltar Air Transport Advisory Board.

HON CHIEF MINISTER:

Perhaps when the extent of the nature of the information to be considered by possibly the Board a new situation will arise and no doubt the Leader of the Opposition may review his attitude towards the question of confidentiality, generally, and not just to the confidentiality of GATAB only if things are brought into GATAB that would not otherwise be brought into GATAB.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state what is being discussed in the field of tourism at the talks that are being held both in Madrid and Gibraltar.

ANSWER

THE HON THE MINISTER FOR TOURISM

Sir, discussions have been held with the Mancomunidad de Municipios of the Campo Area on 5 June, 1985, and with the Central Administration in Madrid on 14 June, 1985, on the general principle of developing Tourism in the region as a whole for mutual benefit.

Specific ideas and projects to achieve this development will be explored through regular contacts at technical level and these will start in the immediate future.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1985

HON J E PILCHER:

Mr Speaker, is the Hon Minister going to advise this House of the projects that are being discussed vis-a-vis tourism?

HON H J ZAMMITT:

Mr Speaker, I am sure that given the time and the right opportunity I think the House will be informed, obviously, of the outcome of the suggested improvements. At this particular stage we are not yet in a position to do so because we have not really agreed to anything other than getting together and discussing various proposals.

HON J E PILCHER:

What the Hon Minister is saying is that we are not being informed because we are still at the tentative stage and not because tourism is now becoming a confidential matter as well?

HON H J ZAMMITT:

No, Mr Speaker, it isn't. The fact is that we just have not got anything concrete at this stage, as you know there have only been two meetings at that level and from now on, now that the communications have been cleared, official talks will continue and then special and specific proposals will be cleared and brought for implementation and then, of course, I am sure the House will be informed.

HON J E PILCHER:

Mr Speaker, can I just ask the Hon Minister why is it that in the talks held in Gibraltar, I may be wrong, he was present, whilst in the talks in Madrid it was the Deputy Governor who chaired the meeting and the Director of Tourism who represented him on behalf of his Department?

HON H J ZAMMITT:

Mr Speaker, there was no Minister at the talks in Madrid which is away from Gibraltar. At this end, of course, as the Hon Member will recall, my colleague Mr Canepa, from a development point of view, was chairing the meeting and, in fact, we were expecting Senor Palomino, the President of the Mancomunidad, to have turned up but other reasons kept him away and that is why Ministers were there just at the initial stages. I do not think from now on that Ministers will be involved directly in the official talks.

HON M A FEETHAM:

Mr Speaker, can the Minister say what proposals he has in mind to discuss within this Working Party?

HON H J ZAMMITT:

Mr Speaker, we have proposals but I think it would be unfair for me to disclose some proposals. For instance, I can say that one which I think there is no particular conflict is that we would like to see advantage taken of the Bay of Gibraltar for boating and sea activities which could be exploited beneficially for both sides on an international basis.

HON M A FEETHAM:

So in fact what you are actually saying is that that is the only proposal you have in mind?

HON H J ZAMMITT:

No, Mr Speaker, I am just mentioning one. There are very many more but I think it would be unfair because we have agreed not to make them public at this stage. They are just suggestions for closer coordination and the possibility of improving the region, the Campo de Gibraltar region in particular, to see what benefit we can mutually take advantage of.

HON M A FEETHAM:

Mr Speaker, I am asking this question because if Government are

going to give an impetus to tourism which is what we are expecting, and they have got a policy for developing the region and they are going to participate, Mr Speaker, wouldn't it be better that if the Minister is discussing proposals or has something to the benefit of the Gibraltarian community that he should say so so that private investors in Gibraltar should begin to look towards investing in those projects if they agree, why should it be kept so confidential?

HON H J ZAMMITT:

Mr Speaker, one is not keeping things confidential. I think the Hon Member wants things to be printed before they are written, that cannot be so. We have just agreed to get together and discuss a number of ideas. I don't think Government will be involved in the major projects it is obviously going to private investment and private entrepreneurs to fulfil but I don't think the Government can be ^{accused} of keeping things away. We just haven't got anything at this stage of substance that I think will please anybody in Gibraltar or in the Campo Area other than to say: "We are getting together, it was a very healthy meeting, views were exchanged very frankly and honestly and that was a great step forward", and therefore from there we start working.

HON M A FEETHAM:

So, in fact, you haven't really got any proposals of substance which the private sector who you wish to participate in this development could be thinking about in terms of re-directing their policies towards that development, there isn't anything like that, is there?

HON H J ZAMMITT:

Mr Speaker, we have proposals, the Gibraltar Government and the Tourist Office have proposals but these proposals have to be put jointly to the Spanish Campo de Gibraltar and we have not yet got to the stage of putting down concrete proposals.

HON M A FEETHAM:

But you will need the backing of the Gibraltarians to see it through. Why is the Minister, for example, putting things over to a Working Party about regional cooperation, regional development in tourism, if at the end of the day the Gibraltarians who are supposed to be participating in that may not agree with it, why don't you tell the people what you are doing?

HON H J ZAMMITT:

Mr Speaker, the Hon Member is talking about a matter of judgement, it is a matter of judgement.

HON J E PILCHER:

Mr Speaker, I take tourism is still a defined domestic matter and will be brought to the House of Assembly to discuss before any proposals are made to the Spanish side?

HON H J ZAMMITT:

You are absolutely right, it is a defined domestic matter and mostly it is defined domestic matters which Ministers responsible for are normally crucified and I think the procedure is well known, Mr Speaker.