

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

27TH NOVEMBER, 1985

202 TO 256

NO. 202 OF 1985

THE HON J C PEREZ

Can Government state whether on the basis of the revenue and expenditure figures of the first six months, they now expect to have a surplus as opposed to a deficit in the telephone accounts by the end of the financial year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, on current prospects the deficit in the Telephone Service Fund is likely to be reduced to about £30,000 compared with the budget forecast of £427,000. This improvement is the result of the revision of the shares agreement on international traffic with Cable and Wireless, an increase in revenue from local and international calls and increased revenue from rentals and connections.

SUPPLEMENTARY TO QUESTION NO. 202 OF 1985

HON J C PEREZ:

Then it would be prudent to presume that in budgetting for the following year we will end up with a surplus in the account?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker, I think it would be reasonable to assume that.

HON J C PEREZ:

Can the Hon Member state for what purpose will such a surplus be used? If the income is in excess of expenditure in budgetting, is it the Government's intention to lower telephone rates?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Obviously, I cannot answer that now, Mr Speaker. We will have to consider the situation nearer the time in the light of the forecast for 1985/86.

MR SPEAKER:

Next question.

NO. 203 OF 1985

ORAL

THE HON J C PEREZ

When did Government decide to threaten telephone subscribers with disconnection of the service for the non-payment of one quarter in telephone rental as opposed to the policy of two quarters or more as announced in March, 1984?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, it was decided in August of this year to issue final demand notices when payment of telephone bills are two months overdue.

SUPPLEMENTARY TO QUESTION NO. 203 OF 1985

HON J C PEREZ:

Can the Hon Member state why that decision was taken?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I explained the background to this, Mr Speaker, in correspondence between myself and the Hon Member recently. Both our letters were, in fact, published and I don't think there is anything more that I have to add to what was then said in that exchange.

HON J C PEREZ:

Mr Speaker, if there was a policy on the part of the Government to reduce arrears in March, 1984, and at that time the Hon Member said that anybody with two quarters in arrears would be disconnected, why is it that the Government saw fit to change that policy? Is it because they were not satisfied with the way the arrears were coming down? When the policy of two quarters was introduced, did that not have the effect of lowering the amount of arrears owed to the Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, as I mentioned in my letter to the Hon Member, I discovered that, in fact, the arrears of the telephone service were not reducing at the rate which it was reasonable one could expect and certainly it has been Government policy to do everything possible to reduce the arrears. The arrears were not reducing and I think the fact that telephone subscribers were not or many of them were not paying their bills until they were two quarters in arrears was the main reason for that.

HON J C PEREZ:

Is the Hon Member then saying that today everybody or every firm that is in arrears for one quarter has the telephone disconnected?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I am not saying that nor, indeed, did I say that when the matter was discussed a long time ago, in fact, in March, 1984. What I

referred to is the issuing of final notices as I explained to the Hon Member as long ago as 1984 and I have the Hansard in front of me: 'disconnection of telephones is another matter and obviously the individual circumstances of each case are considered before disconnection is made'.

HON J C PEREZ:

Mr Speaker, since the Hon Member said publicly in March, 1984, what Government policy was and since he has confirmed this morning that that policy was changed in August, did he not think fit to come out publicly with the change of policy so that telephone subscribers might be informed of what the new situation was?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I have said quite clearly that Government is to take all reasonable measures to reduce the arrears, that is Government policy.

HON J C PEREZ:

But, Mr Speaker, within that policy there was the policy to disconnect after two quarters in arrears and that policy was changed in August as the Hon Member has said. Since he made a public statement in this House saying that that was Government policy at the time, how is it that he did not see fit to announce a change of that policy in August when he took a different decision?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have explained what the Government policy is, Mr Speaker, I have nothing to add.

MR SPEAKER:

Next question.

NO. 204 OF 1985

ORAL

THE HON R MOR

Mr Speaker, can Government confirm that individuals who do not reside in Gibraltar lose their Income Tax allowance in periods of unemployment?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes Sir. The allowances are reduced by one-twelfth for each complete calendar month that the individual is not resident in Gibraltar during the year of assessment.

SUPPLEMENTARY TO QUESTION NO. 204 OF 1985

HON J BOSSANO:

The answer, Mr Speaker, then is that people who are not resident in Gibraltar are treated differently from people who are resident in terms of income tax allowance, is that the answer?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is in fact the case, Mr Speaker, yes.

HON J BOSSANO:

Mr Speaker, wasn't the change introduced by the Government back dated to the 5th February because it was found to be contrary to Community requirements and therefore discriminatory?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As to when this particular change was made, Mr Speaker, I should have to consult my references, I am not at this particular moment quite sure when the change was made effective but I can provide the Hon Member with an answer to that.

HON J BOSSANO:

Is it not a fact, Mr Speaker, that previously the situation was that only residents were entitled to tax allowance and that when this was brought to the attention of the Government the Government accepted that it was contrary to Community requirements and contrary to the Brussels Agreement and therefore that they gazetted an Order which was back-dated to the date of implementation of the Brussels Agreement on the 5th February, 1985?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As to contrary to EEC requirements, I am fairly confident that the answer to that is no. As far as I am aware, there are no EEC requirements governing harmonisation of tax law but the changes in the Income Tax Regulations were certainly made in the context of the opening of the frontier, that much I can certainly say.

HON J BOSSANO:

Mr Speaker, we are not talking about harmonisation of tax law, it has absolutely nothing to do with harmonisation of tax law. Is it not a fact, Mr Speaker, that Community Regulations require that, for example, frontier workers should have equal treatment in respect of rights under social security, tax treatment and so forth and is it not the case that if somebody who is a frontier worker becomes unemployed and loses his tax allowance and somebody who is a resident worker becomes unemployed and does not lose the tax allowance, the treatment is not the same?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the important criteria is residence and the effect of the changes that were made in the Income Tax Ordinance was to provide and we introduced something called the 'Permitted Individual Regulations' which extended to all frontier workers the concessions which were formerly enjoyed by a limited number, that was the purpose of the change. I take the Hon Member's point about social security payments, that I think is a different matter from tax payments and tax assessments.

HON J BOSSANO:

No, Mr Speaker, if the Hon Member says that the change that was introduced was not required in order to remove discriminatory treatment under the tax law, then can he say why it was introduced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I have just explained it, Mr Speaker.

HON J BOSSANO:

No, Mr Speaker, the Hon Member has explained what was done, we know perfectly well what was done. We are asking him if it wasn't done because the previous situation was discriminatory, then why was it done?

MR SPEAKER:

I don't think the Financial and Development Secretary has said that it wasn't done because it was discriminatory. He has said it was not required to be done by the EEC, the tax laws are not affected by EEC Regulations. He hasn't admitted that it is discriminatory, let us put it that way.

HON J BOSSANO:

Mr Speaker, the Government changed the law which previously.....

MR SPEAKER:

You want to know if it wasn't done under EEC Regulations why was it done?

HON J BOSSANO:

Why was it done, if it wasn't done because they were required to do it to remove discrimination then why did they do it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not quite sure which particular law the Hon Member is referring to. If he is talking about the Permitted Individuals Regulations, well, this was done as I have explained, to provide for those who do not reside in Gibraltar but carry on or exercise an employment in Gibraltar to obtain the allowances which a Gibraltar resident would normally enjoy and this was done in the context of the opening of the frontier naturally because it was assumed that there would be people who would qualify. There is another separate issue which is the question of residence and what an individual is entitled to under tax law by virtue of his resident or non-resident qualifications, they are two separate issues.

HON J BOSSANO:

Is it not a fact, Mr Speaker, that the Government granted tax allowance to people who were in employment in Gibraltar but not resident in Gibraltar this year because the previous situation was one where there was discrimination between the resident and the non-resident in terms of tax allowances, is that a fact or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, that is not a fact, because the Hon Member has used the word discriminatory and that is imputing a motive or an intention to the Government which I do not think I would acquiesce to.

HON J BOSSANO:

Would the Hon Financial and Development Secretary then for our benefit explain, if two people are earning the same amount of money in the same job and one is being taxed more than the other and that is not discriminatory how would he describe it.

MR SPEAKER:

No, No.

HON J BOSSANO:

No, Mr Speaker, we haven't had an answer to the question. If you will allow me, Mr Speaker, I don't know whether the Financial and Development Secretary is confused himself or is trying to confuse the House. My Hon Colleague's question leading to the supplementary is, is it a fact that people who work in Gibraltar and reside in Spain lose their tax allowance if they are unemployed whereas people who work in Gibraltar and reside in Gibraltar do not lose their tax allowance when they are unemployed?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have explained that in my very first answer, Mr Speaker.

HON J BOSSANO:

And, therefore, Mr Speaker, if before 1985 the situation was that people who worked in Gibraltar and resided in Spain did not get any tax allowance at all and the Government gave them the tax allowance for the period that they were working, isn't it a fact from that that there is still a preferential treatment for the unemployed resident worker over the unemployed non-resident worker which has not been corrected whereas during periods of employment the difference has been eliminated, if the

Hon Member does not like the word discrimination?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Again I would refer to what I said about residence, Mr Speaker, that the Hon Member has concentrated on the aspect of employment or unemployment. Well, I think he is looking at a very narrow aspect to the problem. The important issue is residence or non-residence. If one were to ignore residence, if one did not have the Regulation which I describe in my answer, namely, that whereby the allowances are reduced by one-twelfth for each complete calendar month that the individual is not resident, one could have an individual who claimed he was earning and had income in Gibraltar, who visited Gibraltar perhaps for one day a year and he might live in the UK, he might live in Madrid, he might live in Paris or Tegucigalpa and he would be entitled to the whole allowance, to the whole one year's allowance. Clearly, that is not or would not be a satisfactory position for a person simply by virtue of having earned for one day in Gibraltar, shall we say, should be entitled to allowances which are normally calculated on a twelve months basis and that is, I think, an aspect which the Hon Member has got to take into consideration.

MR SPEAKER:

We are now debating the merits of the particular legislation and in question time we must not do that.

HON J BOSSANO:

I have no desire to debate the merits, Mr Speaker, I am seeking information.

MR SPEAKER:

You have been told the information. The answer is, yes, they are not entitled to their allowances if they are not resident.

HON J BOSSANO:

Then, Mr Speaker, is the Hon Financial and Development Secretary saying that the current situation which is that, for example, a frontier worker who has the same earnings with the same periods of employment and unemployment as a resident worker pays more tax than a resident worker, that that situation is perfectly acceptable and that the Government is satisfied that that can continue?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

And I in turn ask the Hon Member whether he thinks it would be satisfactory to give full yearly allowances to those individuals who come to Gibraltar for one day and spend the rest of the year in Tegucigalpa, Paris or Madrid?

MR SPEAKER:

We must move to the next question.

HON J BOSSANO:

I have just asked the question, does the Government consider that the current rules on Permitted Individuals are perfectly acceptable, non-discriminatory and can be perpetuated, yes or no? I don't want another question, I want an answer.

MR SPEAKER:

The answer you have been given is to the extent that they obtain certain benefits, yes, to the extent that they must not benefit from a situation that the whole of the structure of taxpayers in Gibraltar enjoys, no.

HON J BOSSANO:

Mr Speaker, with all due respect, I don't want you to say yes, I want the Government to say yes and I haven't had the Government saying yes.

MR SPEAKER:

With respect, I am trying to be reasonable and you have been given the information. What the result of that information is and whether you accept it or not is another matter. What we cannot do at question time is discuss the advisability or the justification of legislation.

HON J BOSSANO:

Mr Speaker, I am asking specifically and I am afraid I must insist because I know you have just said the answer is yes but I haven't heard the Financial Secretary say yes and I want to hear him say yes or I want him to say no and then your interpretation of what he has said would be wrong. My specific question is, is the Government satisfied that the current rules on the taxation of Permitted Individuals are non-discriminatory and do not require change and can therefore be continued?

MR SPEAKER:

With respect to the Hon Leader of the Opposition, that is the question that one asks 'have you ceased beating your wife?'. You can never ask a question like that because it doesn't seek information.

HON M A FEETHAM:

Mr Speaker, can the Hon Member opposite state that the answer which he has given to Question No.204 is not in conflict with Regulation 1612/68 on employment and workers family, is it or isn't it? Can he answer that, I am trying to make it as simple as possible.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Obviously, I would have to look at Regulation 1612/68 but I am fairly confident that it is not and that the reason for the situation I have described is as I have stated.

HON J BOSSANO:

Mr Speaker, we are not asking the Hon Member to give the reasons why he

is doing what he is doing. We are asking the Hon Member to give us a categorical yes or no as to whether the Government is satisfied that the change that they introduced by establishing the Permitted Individual Rules removes the discrimination which they clearly intended to remove by introducing that rule?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, but I think I have to answer it again, Mr Speaker, by pointing out to the Hon Member that we are here talking about the difference between residence and non-residence. We are not talking about frontier workers, we are talking about a tax situation based on residence qualifications and I am very confident that what we are doing is not in conflict with the Regulations which the Hon Mr Feetham has mentioned but I certainly undertake to look at it again.

MR SPEAKER:

Next question.

NO. 205 OF 1985THE HON J BOSSANO

Can Government state whether the revenue for the first half of the financial year indicates that the receipts in respect of income tax and import duty for 1985/86 were under-estimated and if so is it now anticipated that the current financial year will show a surplus rather than the budgeted deficit?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, based on receipts for the first six months of the year, there is every likelihood that there will be an increased yield of about £2 million in import duties and £1 million in income tax for 1985/86. Whether there will be a surplus for the year will depend on the performance of the funded services and on any requests for supplementary funds for additional expenditure. However, I am now hopeful that, after allowing for contributions to the funded services, the Government will at least break even for the year as a whole.

SUPPLEMENTARY TO QUESTION NO. 205 OF 1985

HON J BOSSANO:

Therefore, Mr Speaker, am I correct in deducing from that answer that the Government will not require to use the £2m of loans that they have issued in order to meet a deficit in the current year's spending?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, if the Government were to break even for the year, that is to say, not show a deficit, I think it would follow that the £2m or whatever sum is raised in debentures would be an addition to the reserves rather than a reduction of the deficit.

HON J BOSSANO:

Mr Speaker, is it not the case that at the time when the possibility of raising this loan was debated the Government indicated that if it was not required to finance recurrent expenditure it would be used for the Improvement and Development Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I think, if I am correct, the bill provided for it to be in aid of general Government expenditure certainly but that would not, of course, preclude the Government from using the funds by means of a contribution from the Consolidated Fund to the Improvement and Development Fund for other purposes within the ambit of the law.

HON J BOSSANO:

Mr Speaker, surely the only other purpose for which the Government can use the money as far as expenditure is concerned is the Improvement and Development Fund, there isn't anything else, it is either the Consolidated Fund or the Improvement and Development Fund. If he is not using it for expenditure from the Consolidated Fund the only other expenditure is the Improvement and Development Fund. Didn't the Financial and Development Secretary at the time say that if it was not required for recurrent expenditure then the Government would consider using it for capital expenditure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that possibility is certainly implicit in what I have just said, Mr Speaker, but naturally I cannot anticipate what the Government's plans might be for 1985/86, these have not yet been formulated and I must of course point out, indeed, I think I might say that the Hon Leader of the Opposition himself has pointed out on a number of occasions that the reserves of the Government in the Consolidated Fund were getting lower and I am happy to say that now they are increasing.

HON J BOSSANO:

But, Mr Speaker, surely the Hon Financial and Development Secretary is not telling the House of Assembly that the position is any healthier if one borrows money to put in reserve because the situation is identical, the reserves go up and the viabilities go up and the next position is identical. Is he saying then that the way to have a strong reserve is to borrow money and put that money in a savings account? Is that the philosophy of the Financial and Development Secretary?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that is not the philosophy of the Financial and Development Secretary. I am sure the Hon Member is familiar with my philosophy from the many times that we have discussed it but I think, as I have said before, there is nothing immoral about borrowing and the only problem arises when you cannot borrow money or you cannot meet your liabilities on the money you have borrowed and I am happy to say that neither of those contingencies is one which the Government is faced with.

HON J BOSSANO:

Mr Speaker, if the House has authorised the increase in the borrowing powers of the Government to meet Government expenditure, are we now being told that instead of money being borrowed to meet Government expenditure money is being borrowed to put into reserves, is that the position?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I have already made it clear, Mr Speaker, that the Government will obviously take stock of the situation, the state of Government's finances and, indeed, what is raised by borrowing as a contribution to Government reserves when formulating its next budget.

HON J BOSSANO:

Mr Speaker, what I want to establish is is it Government policy to borrow money in order to put the money borrowed in reserves, yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, it is a simple accounting convention that when the money is borrowed it is put into reserve and put into the Consolidated Fund. What the Government does with the money which is borrowed is as I have said, something which the Government will have to consider in due course in the light of the state of the economy and Government's finances as they appear towards the end of this year. I am not going to anticipate what the Government's policy might be at that stage.

HON J BOSSANO:

But then can I take from that, Mr Speaker, that it isn't Government policy, for example, to pursue their borrowing powers in order simply to put the money in reserves, they intend to spend the money that they are borrowing, is that the position or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think the Hon Leader of the Opposition can assume either way, Mr Speaker, but simply wait and see.

HON J BOSSANO:

The position then is, Mr Speaker, that the Hon Financial and Development Secretary is borrowing money, burdening future generations of Gibraltarians with public debt and doesn't know what to do with it, that is the position then?

MR SPEAKER:

Next question.

NO. 206 OF 1985

ORAL

THE HON J BOSSANO

Can Government state how much of the £13 million UK aid granted for the 1981/86 Development Programme will remain to be spent after 1 April, 1986?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the sum of £9.9m will be spent by the end of this financial year leaving a carry-over of £3.1 for 1986/87. Of the unspent balance £2.4m is for the No.3 Engine at Waterport.

SUPPLEMENTARY TO QUESTION NO. 206 OF 1985

HON J BOSSANO:

So there is, in fact, Mr Speaker, £700,000 which is left unallocated and is not earmarked for any specific expenditure, is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that is not quite right. I said of the unspent balance £2.4m is for the third engine at Waterport but there are other carry-overs for 1985/86 and possibly 1987/88 as well. I mentioned the third engine because that is by far the largest item.

HON J BOSSANO:

Is there any money out of the £700,000 that is not yet committed?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, approximately £400,000 is uncommitted either to provide a contingency margin or depending on the outcome of the various projects which are still in progress, so to speak, £400,000 would remain.

MR SPEAKER:

Next question.

NO. 207 OF 1985THE HON J BOSSANO

Can Government state what is the increased yield in rates expected for 1985/86 from the revaluation of commercial properties?

I think, Mr Speaker, that should read 1986/87, actually, because the revaluation will not affect this year's yield.

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

I was going to answer the Hon Member by saying:

None Sir. The revaluation which has recently been completed and the new ratiable values based on this could not take effect until 1986/87.

SUPPLEMENTARY TO QUESTION NO. 207 OF 1985

HON J BOSSANO:

And what will be the effect in 1986/87, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That, of course, depends on what changes there might be to the draft list which has recently been published and then, of course, following the period during which objections can be made to the draft list, there is then a revised list so there is quite a continual process to allow for comment to be made. If there were and obviously this is purely hypothetical, if there were to be no changes to the draft list which has recently been published, the revised NAV of all properties in Gibraltar for 1986/87 would be £11.36m.

HON J BOSSANO:

And what would that produce in terms of increased yield in rates which is the question?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That again, Mr Speaker, depends on what assumption one makes about the present poundage because the equation is dependent on two variables, of course. Speaking purely hypothetically, the increased NAV at the present poundage would mean a gross increase of £2.9m and that of course includes contributions of £670,000 by the Gibraltar Government and £870,000 by the MOD included in the figure of £2.9m I gave the Hon Member.

HON J BOSSANO:

So then we are talking of an increased yield, Mr Speaker, am I right, of the order of £1.5m on the basis of commercial properties, is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The increase is or would almost entirely be due to the general revaluation of commercial properties which, of course, although it was due in 1984/85 was postponed for two years.

HON J BOSSANO:

But am I right in saying that we are talking about an increased payment of rates by private businesses in Gibraltar of the order of £1.5m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On the assumptions that the Hon Member and I have just exchanged, yes.

HON J BOSSANO:

Can the Hon Member say what percentage increase this would represent over the existing rates?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think I am quick enough to do the percentages, Mr Speaker, but I can compare the NAV for 1986/87 on these assumptions which I have said would be £11.36m and that compares with £6.5m in 1985/86 but I don't think it is fair to express one as a percentage of the other because of the MOD and the Government. Doubtless the Hon Member can do his own arithmetic on that.

HON J BOSSANO:

On the basis of the comparison the Hon Member has given we are talking about a 75% increase. Is he saying then that the amount of rates payable will be 75% higher in 1986/87 or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I cannot say what changes might be made to the poundage in 1986/87 so I think it is not a correct assumption to say that that will be payable. On the hypothetical basis the Hon Member and I have just been speaking, yes, one can make certain comparisons.

HON J BOSSANO:

I accept that it will not necessarily become payable because the Government may decide to change the poundage but on the existing poundage which is the current situation and unless the Government decides to do something different, what I am trying to establish is, Mr Speaker, what is the effect of the revaluation that has just been made public? I think the revaluation is not understood unless the Government gives an indication of what it will mean in terms of the amount of rates that people pay. Does it mean that on current poundage and on the current revaluation subject to change, if nothing was changed does it mean that the amount of rates payable next year would be 75% higher or 50% higher or what are we talking about, what kind of differential are we talking about?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

We are talking about an NAV and a yield of £11.36m compared with £6.5m in 1985/86, Mr Speaker.

HON J BOSSANO:

I know that, Mr Speaker, he has already told me that and I have done the calculations and the answer is 75% and then he tells me no. Well, if it isn't 75% what is it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have given the Hon Member the information, Mr Speaker. I am not prepared to do the percentages for him because he might have done them wrong.

HON J BOSSANO:

Mr Speaker, I have done the calculations for the Hon Member myself with my little calculator over here and what I am asking him is, if he has just announced a revaluation of properties surely the Hon Financial and Development Secretary must have some inkling of what this represents in terms of yield.

HON A J CANEPA:

You have it.

HON J BOSSANO:

So it is 75% then? Thank you very much, Mr Speaker.

MR SPEAKER:

Next question.

NO. 208 OF 1985

ORAL

THE HON J E PILCHER

Can Government state how many visitors are estimated to have entered Gibraltar in 1985 through the land frontier by the end of the year and what is their estimated expenditure in the local economy?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Sir, it is estimated that over two million visitors will have entered Gibraltar through the land frontier in 1985. The Tourist Survey results are rather incomplete so far, but it would not be unrealistic to assume that the figure will be in the region of £10m-£15m.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1985

HON J BOSSANO:

We are talking, Mr Speaker, then that the Government is estimating that the average expenditure per visitor is something in the region of £2 to £3 a head?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, if I do my arithmetic, Mr Speaker, I think I get a figure of £7.50. I am surprised that the Hon Member got that one wrong.

MR SPEAKER:

Next question.

27 11 85

NO. 209 OF 1985

ORAL

THE HON J E PILCHER

Can Government state what was the total hourly paid workforce employed by the Commercial Dockyard on the 31st October, 1985, and how many of them were Gibraltarians?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, to date, the company employs a total of around 730 employees, of which just over 500 are Gibraltarians. The hourly paid workforce (including apprentices) consists of 550 persons, comprising around 380 Gibraltarians, over 100 other British and 70 non-British, mainly Moroccan, employees.

27 11 85

NO. 210 OF 1985

ORAL

THE HON J E PILCHER

Can Government state how much of the £14 million guaranteed RFA work has been done by GSL in 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the value of RFA work undertaken by GSL in 1985 should be around £3m.

NO. 211 OF 1985

ORAL

THE HON J. E. PILCHER

Can Government state whether a Controller has been appointed for GSL as was stated in the House of Assembly in October, 1983?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Mr Speaker. The company interviewed many applicants over a period of almost a year. But for various reasons, it was not possible to make an appointment. By February 1985, the Board felt that it could not allow operations to proceed without a financial controlling function, and it therefore decided to appoint its auditors on an interim basis to carry out this function as an extension of their internal audit work. Quarterly internal audit reports are produced and although the Board is to review these arrangements after a year, they have, in the Board's view, proved satisfactory so far.

-SUPPLEMENTARY TO QUESTION NO. 211 OF 1985

HON J E PILCHER:

So, in fact, Mr Speaker, the Hon Financial and Development Secretary is saying that it is difficult to recruit a Controller for the Company and that in the interim period this is being done by the Auditors of the Company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I am saying that, Mr Speaker. I can speak from personal experience because I was involved over a period of months, while I was Chairman of the Company, in interviewing. We used two different management consultants but it was very difficult to find an individual who would meet the job specifications, the right age and experience, background and motivation, I need hardly say, and of course to get the terms right, I mean the terms as far as the individual was concerned. Another reason which I perhaps ought to mention and I think this is something the House should know, it is very difficult because we were of course looking both in Gibraltar and in UK but our search was mainly in the UK and we found that there was a reluctance especially amongst people with, what I might call financial background, to get out of the main stream of financial jobs for a period of three years because they were worried about the possibilities of re-entry after being away from, what I might

call loosely the rat-race, for three years. It turned out that it was a very, very difficult job to fill.

HON J E PILCHER:

So at this stage the Auditors are doing the thing on an interim basis but is it still the intention of Gibraltar Shiprepair Limited to employ a full-time Controller because the Auditors are not working full-time for the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, as I said, the Board is due to review the arrangements but what decision they come to will depend, first of all, on how satisfactory they find the internal audit arrangements have been and, secondly, of course, the extent to which the problems which I have already described in respect of recruiting a Controller will still exist in the future.

HON J E PILCHER:

The only thing, Mr Speaker, is that, in fact the question refers to the motion and the discussion that took place in this House in October, 1983, and in fact the Acting Financial and Development Secretary which I take it was at that time Mr Montado, sitting right behind you, made this point as a means of pacifying the objections raised and the dangers seen by the then Opposition and, in fact, he said this and if I can quote: 'On a more detailed note there is also provision in the Management Agreement for the appointment of a Controller who will have full access to the business, undertake approvals or investigations on behalf of the Board and examine the details of the Company's trading activities and its accounts. The Controller will serve almost as a daily watchdog on the activities of the new Company and its managers'. If that is being done by the Auditors at this stage as an interim stage we are also happy but I think it is a point that we would like to see a Controller appointed for the Gibraltar Shiprepair Limited.

MR SPEAKER:

Next question.

27 11 85

NO. 212 CF 1985

ORAL

THE HON J E PILCHER

Can Government state how many ships have been repaired by the Commercial Dockyard since January, 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Sir, the overall results have exceeded expectations with work on a total of 200 ships.

27 11 85

NO. 213 OF 1985

ORAL

THE HON J E PILCHER

Can Government confirm that the productivity achieved by the industrial workforce in the Commercial Dockyard is at the level required in the first year of operation as contained in the Commercialisation Proposals of May 1983?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, productivity targets for the first year of operations have generally been achieved, although there remain problems with a number of skills and with exceptionally high labour turnover.

27 11 85

NO. 214 OF 1985

ORAL

THE HON J E PILCHER

Can Government state how much of the £28 million provided for the commercialisation of the Dockyard will have been spent by December of this year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

About £24 million by the end of the year.

NO. 215 OF 1985

ORAL

THE HON J C PEREZ

Will Government be assuming responsibility for the supply of electricity and water to the commercial dockyard in 1987 as programmed?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, existing agreements with MOD/PSA for the supply of electricity and water are due to expire by the end of 1986. Negotiations are underway to extend these agreements because of the costs involved in resolving the problems of supply, and in particular distribution, associated with a transfer of responsibility to the Gibraltar Government. I will, of course, keep the House informed of developments.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1985

HON J C PEREZ:

Has the Hon Member got any fallback position in the event that the Ministry of Defence will not be able to supply, for example, electricity, because of lack of capacity on their part?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am hopeful, Mr Speaker, that the negotiations I have mentioned will have a favourable outcome. I don't think that the question of lack of capacity on the part of MOD is likely to be the main problem.

HON J C PEREZ:

Mr Speaker, can the Hon Member state how many megawatts the Gibraltar Shiprepair would need or is using at the moment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I am afraid I cannot offhand, Mr Speaker, but I will provide the answer to the Hon Member in due course.

NO. 216 OF 1985

ORAL

THE HON J E PILCHER

Can Government confirm that the basic rates of pay of industrial workers in the five pay grades in GSL are the same today as when first published in November, 1983?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. I recall that this formed part of the understanding reached between the Company and the Union in November 1984. This provided for a pay formula which would maintain comparability with other employers in Gibraltar as far as basic rates in GSL were concerned.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1985

HON J BOSSANO:

The Hon Member must then also be aware that the reasons why they are still the same in November this year is because the Company has argued in the past that they could not be improved upon because productivity targets were not being achieved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I take it that was a question, Mr Speaker. I think I would say that I am aware that there have been many exchanges between the Company and the Union on a variety of matters in the industrial relations field and I don't particularly want to get involved in the details.

HON J BOSSANO:

Would the Hon Member agree that on the basis of his confirmation of the fact that the basic wage rates are identical now as they were in November, 1983, and the fact that the productivity targets have generally been achieved, that any result which is less favourable than that projected cannot be put at the door of the workforce on the basis of the fact that he has confirmed, would he agree with that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I would be the last person to try and attribute anything to one party or another in negotiations. I think I have been in public service long enough to realise that there are always two parts to any negotiation.

HON J BOSSANO:

I am not asking the Hon Member to show his colours. What I am asking the Hon Member to say is would he agree that on the basis of the information he has provided the House, ie that the rates of pay are the same as in November, 1983, and that the productivity targets, generally, are being achieved, that if there is any discrepancy between the projected result and the achieved result it cannot be said to be due either to excessive wage increases, because there have been no wages increases, or to low productivity because the productivity has been achieved, would he agree that that must necessarily follow from the answer that he has given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, commercial viability and commercial prospects, generally, and the financial performance of the company, depends obviously on a variety of matters of which basic rates of pay and, indeed, productivity, are two. I think it would be wrong and too exclusive to single out two factors as being entirely responsible for any situation which arises but I would hope, Mr Speaker, that if the House wants to discuss the commercial prospects of GSL they would avail themselves of the opportunity which will arise when the House debates the motion which is under my name on the Order Paper.

HON J BOSSANO:

Mr Speaker, no doubt that will happen but I am not trying to pre-empt what may happen then. What I am trying to establish and I think perhaps, Mr Speaker, I would ask the Government to confirm that the position regarding the commercial dockyard still is that any future difficulties would be looked at by Her Majesty's Government on the basis of the expense to which an effort had been made to make the thing workable and this is why I am trying to establish, if that is still the scenario which was a scenario operating when the original announcement was made in the House so I would like the Hon Member to confirm that we are still talking against that background, and it is in that context that one can say, with the benefit of eleven months of operation, that there are at least two factors which have been identified which could not be said to be responsible for any deterioration?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Member mentioned Her Majesty's Government, Mr Speaker, and I detect from that comment, putting it in that context,

he is thinking in terms of an approach to Her Majesty's Government possibly for further finance. I can only say that if that were necessary we would have to consider the circumstances and what we might want to say to Her Majesty's Government at the time and certainly the points that he has made are ones which one would give careful consideration to.

MR SPEAKER:

Next question.

27 11 85

NO. 217 OF 1985

ORAL

THE HON J E PILCHER

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

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker. The Managing Director will be paid an annual salary of £29,500, a non-taxable allowance of £7000 per annum, and a terminal gratuity of £9,000 after 3 years, non-taxable.

SUPPLEMENTARY TO QUESTION NO. 217 OF 1985

HON J E PILCHER:

It has certainly been worth the waiting.

NO. 218 OF 1985

ORAL

THE HON J C PEREZ

In the light of the comments made by the jury in the inquest into the death of Giovanni Sene, what steps is Government taking to ensure that the necessary safeguards are introduced before the commencement of the next bathing season?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, a claim against Government has been intimated by the Solicitors of the estate of the late Giovanni Sene following the Jury's verdict of accidental death.

All aspects surrounding this tragic incident are therefore being dealt with by the Attorney General's Chambers and the relevant Government Departments.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1985

HON J C PEREZ:

Mr Speaker, I take it that there have been no claims yet and I take it that the comments of the jury have been duly noted by the Government and notwithstanding the claim I think it is not sub judice for the Government to announce its intentions on what they are prepared to do about the comments of the jury before the bathing season if they feel that the comments of that jury were, in fact, warranted or not?

HON J B PEREZ:

The last part of the question is precisely the problem. One thing is for the jury to make comments and the other thing is to have what is called in legal terms a rider, that is a distinction between a rider and a comment. In this particular case my information is that there was no rider, the jury's verdict was simply one of accidental death. Once the transcript is available which it already is and it is in the hands of the Attorney-General, obviously there is liaison between the Attorney-General and the different Government Departments. If no claim had been intimated by the solicitors of the estate then I would be free to answer more fully.

MR SPEAKER:

May I interrupt you at this particular moment. I allowed the question because I was not aware of the fact that there had been

intimation of a claim. If there is intimation of a claim I think it would be prudent not to deal with the matter because it will affect the position of the parties on either side.

HON J E PILCHER:

Mr. Speaker, perhaps from a tourist angle because we were told in the last House of Assembly that there would be improvements of beach facilities, changing rooms, toilets, etc.

MR SPEAKER:

With respect, that is not the matter that is being dealt with in this question. The matter which is being dealt with in the question is what is being put right in order to prevent, if there is anything to be put right, in order to prevent the occurrences that resulted in the death of this young man not happening. We are not talking about the improvement of amenities in the beaches in any manner or form and to that extent I must rule that the matter is sub judice. Next question.

NO. 219 OF 1985

ORAL

THE HON M A FEETHAM

Can the Hon and Learned Attorney-General state whether he still stands by the commitment he gave the House in answer to Question No. 119 of 1984 that he would investigate any infringement by Government of agreed conditions of employment referred to him?

ANSWERTHE HON THE ATTORNEY GENERAL

Yes Sir, I am prepared to look into any case in which it is alleged that Government is in breach of an agreement with one of its employees. However, having said that I must add that if industrial action is taken by or on behalf of the employee then the matter passes out of my hands and into those of the Government's Industrial Relations Officer.

SUPPLEMENTARY TO QUESTION NO. 219 OF 1985

HON M A FEETHAM:

The answer is yes. Can the Attorney-General then state at what point in time is he prepared to advise before the matter is declared a dispute? Is the Attorney-General saying that he will be in full consultation with the Industrial Relations Officer on these matters or not?

HON ATTORNEY-GENERAL:

No, I think if a worker has a grumble and he feels that the Government isn't sticking by the contract that it has with him and it is felt that that is a justifiable grumble by whoever has to make these decisions as to whether it is a justifiable grumble then if it is referred to me we look at the terms of the contract and if we are in breach then we will remedy it if we are not in breach we certainly won't, we will leave it to the employee either to take action in the Court or for his union to declare an industrial dispute or try and sort it out with the Industrial Relations Officer.

HON J BOSSANO:

Is the Hon and Learned Attorney-General then saying that he will come back with an answer on this or is he going to be prevented from doing so by being told that he is not there to advise the workforce or the union as happened recently?

HON ATTORNEY-GENERAL:

I did give an undertaking in this House that I would investigate and I was prepared to look into cases in which it was alleged that Government was in breach of contract with an individual employee and if we are in breach and the breach is brought to my attention I will advise the Government that I think we are in breach and we should remedy it.

HON J BOSSANO:

What I am saying, Mr Speaker, is if the matter is brought to his attention will in fact the party bringing it to his attention get an answer or will he simply tell the Government what he thinks without telling the party bringing the matter to his attention, that is what I am asking?

HON ATTORNEY-GENERAL:

I think my duty would be to advise the Government, to give it my view as to whether the Government was in breach and if the Government didn't act then it is up to the employee to take whatever action he thinks appropriate but I don't think I would be prepared to advise the employee.

MR SPEAKER:

What you are being asked is if you are directly contacted by a person who has a grievance to the extent that he feels that there has been a breach of contract, do you reply to him?

HON ATTORNEY-GENERAL:

No, I would advise the Government.

HON J BOSSANO:

Surely, the spirit of the answer that the Hon Member gave in Question No. 119 where he said he would be grateful if I brought any alleged infringement to his attention implied that if I brought an alleged infringement to his attention I would get back a reply saying 'Yes, I think there is an alleged infringement and something is being done' or 'No, I think you are wrong, there is not an alleged infringement'. But if I bring an infringement to his attention and I don't get a reply how do I know whether there is an infringement or there isn't an infringement?

HON ATTORNEY-GENERAL:

What I would like to say is that I would advise the Government and if the Government acted in accordance with my advice that there is an infringement, I would hope that the Government would call the employee and say: 'Look, a mistake has been made here and we will correct that straightaway'. If there hasn't been infringement I wouldn't take any action and then it would be up to the employee or the employee's union to pursue that matter.

HON J BOSSANO:

Mr Speaker, wouldn't the Hon and Learned Attorney-General agree with me that the usefulness of the offer that he made in reply to Question No. 119 is that it is quite probable that if he ruled with his expertise that there wasn't an infringement the matter would end there and that, in fact if he gave a reply it is quite probable that the matter would not be pursued either with industrial action or with legal action or with any other kind of action, that is the whole purpose of bringing something to his attention on the basis that he would look at it professionally and without bias.

HON ATTORNEY-GENERAL:

And advise the Government as to what my opinion was whether it was a breach or not a breach and if there was a breach by Government then I would hope Government would act and correct that breach but it is up to the Government, I can only advise the Government.

HON J BOSSANO:

Mr Speaker, I am not asking the Hon and Learned Attorney-General that he shouldn't advise the Government, presumably that is something he is required to do all the time as part of his job. What I am saying to him is that the offer that he made in the House, as I understood it, meant that he would be willing to look at any case that was brought to his attention and give his view on the merits of that case which I thought was a very useful thing because it could in fact avoid disputes and avoid conflicts on the basis that if he has told any aggrieved party: 'Look, I am sorry, I am afraid you are wrong', then the matter would be likely to end there but if he doesn't tell the aggrieved party: 'I am sorry, you are wrong', then part of the usefulness of his intervention surely is lost.

HON ATTORNEY-GENERAL:

I should become an arbiter.

HON J BOSSANO:

Mr Speaker, I am not talking about an arbitrator. If the Hon Member will recall Question No.119 and how it led to him giving me that offer which I welcomed, it was on the basis and as he knows from correspondence that I have had with him is, that I have put to him and I thought he had accepted that individual employees of the Government of Gibraltar who felt that they were entitled to something as a result of their contract of employment should quite legitimately be able to use the Government's own Legal Department because they are employees of the Government to say: 'This is my contract am I entitled to this or not?'

MR SPEAKER:

With respect, I know your difficulties but I think we are going a bit too far at question time.

HON CHIEF MINISTER:

You have to think also of the Union of the barristers who might say: 'This is undermining our position'.

MR SPEAKER:

Next question.

27 11 85

NO. 220 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Has a staff inspection of the nursing establishment been conducted by the Management Services Unit, and if so, when was this completed and does it identify a shortage of nursing staff?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Answered together with Question No. 243 of 1985.

NO. 221 OF 1985THE HON J BOSSANO

What is Government's policy in respect of the re-employment of officers retired from the public service on medical grounds?

ANSWERTHE HON THE ATTORNEY GENERAL

Government's policy is not to re-employ officers who have retired from the Public Service on medical grounds. However, if a vacancy arises for which there are no suitable applicants the Government would be prepared to consider an application from a retired officer if his medical condition were such as to enable him to carry out the duties of the vacant post.

By Section 12 of the Pensions Ordinance where a person who has been granted a pension under the Ordinance is re-employed in the Public Service the payment of his pension may in the discretion of the Governor be suspended during the period of his re-employment. However this is subject to the consent of the pensioner.

It has not been Government policy to invoke the provisions of Section 12 but the matter is under consideration in the context of the proposed Unified Pensions Scheme.

SUPPLEMENTARY TO QUESTION NO. 221 OF 1985

HON J BOSSANO:

Mr Speaker, can the Hon and Learned Attorney-General explain to me how it is that somebody can be retired from the public service as opposed from a specific job which is what the question says and then be re-engaged in the public service again?

HON ATTORNEY-GENERAL:

I believe instances have occurred, Mr Speaker, where an officer has retired and then various departments who can employ people and who do employ people, the retired pensioner goes to this department and is employed by that department. Strictly speaking, then should come into force Section 12 of the Pensions Ordinance but Government has not been doing that because it has not been the policy to do it, as I say, Government is thinking of the matter again in the light of the new Unified Pensions Scheme.

HON J BOSSANO:

I am well aware of what Government has been doing and not doing, Mr Speaker, what I am asking is, in terms of the policy of the Government, irrespective of the fact that it is not their intention to re-employ retired officers, what I am saying is how is it possible to be simultaneously and at the same time in the public service and medically retired from the public service on the grounds that one is unfit to continue in the public service?

HON ATTORNEY-GENERAL:

All I can say is that the job that he is re-employed in his medical condition is such as to enable him to carry out that job.

HON J BOSSANO:

Mr Speaker, surely the position is that people are not retired from jobs. Isn't the provision retirement from the public service and not retirement on the grounds that the person is unfit to do not just that job but to continue to work in the public service?

HON A J CANEPA:

No, attempts are made to find suitable alternative employment and the matter is sometimes referred back to the Medical Board to see whether they will agree that the individual can in fact do alternative work, this has been the practice for some time now.

HON J BOSSANO:

Then that confirms, Mr Speaker, that if the person is capable of doing alternative work then he is not retired from the public service?

HON CHIEF MINISTER:

Of course.

HON J BOSSANO:

So therefore the retirement is not from the job but from the public service because the person cannot do that job or any alternative job?

HON A J CANEPA:

If no alternative employment can be found then that person is retired from the public service and therefore he should not be re-employed subsequently unless his medical condition improves.

HON J BOSSANO:

I accept entirely what the Hon Member has said. Clearly, if there is a change in the medical condition the thing does not apply but if the position is as I understand it that the person is retired from the public service on the basis that his medical condition makes it impossible for him to discharge the duties of the job he was doing then or any alternative employment, how can he then be on the basis of his existing medical condition be found alternative employment in the public service and be in the public service and medically retired from the public service concurrently? How is that possible?

HON A J CANEPA:

I am not sure what the position is from a legal point of view insofar as the Pensions Ordinance is concerned, that is not my concern, but from an employment policy point of view, I can well see that an

employee of the Government might because of age, for instance, not be fit to do certain work, shift work that would involve working long hours at night and his medical condition is such that he is not fit to do that sort of work but he might be able to do a less onerous job from a point of view of working unsocial hours elsewhere, working in an office, working in a depot, he might well be able to do that and it is, I understand, in instances such as those where people in a few cases have been re-employed. Also, I should say, have been re-employed in the days when there was very little centralisation of employment policy, the departments, by and large, were doing their own thing, there was no uniformity and no coordination in employment policy as between one department and another. Happily, that is not the case today and there is much greater centralisation through the Establishment Division and we are trying to get some degree of coherence in employment policy as regards all departments.

HON J E PILCHER:

Just to get something clear, if a person is medically retired in the public service before he is medically retired alternative employment is sought for the individual and if unable to be found the person is medically retired. If at a later stage employment becomes available, surely it should be seen as a transfer and therefore his medical retirement pension should be curtailed immediately because it is as if he had been transferred at that stage and Section 12 should be applied.

HON A J CANEPA:

I am sure that once a pension is awarded, once someone is retired on medical grounds and a pension and gratuity are awarded, that is the end of the matter. If years later alternative employment is possible because a new job may be created which he can then do, the individual may be interested himself in applying to get back into the Government service but what I don't think you can do under the Pensions Ordinance is to say to him: 'Look, there is a job available for you now, now you have got to come back into Government employment and we are going to cancel your pension and gratuity'. I am sure that is not possible.

NO. 222 OF 1985

ORAL

THE HON J BOSSANO

Does Government still intend to proceed with the termination of employment of Miss Blanca Bruzon for medical reasons without recompense by way of a pension for her 36 years of loyal and dedicated service in the Medical Department?

ANSWERTHE HON THE ATTORNEY GENERAL

When this question was brought to me for reply on Monday I was informed that the Establishment Officer was awaiting certain information from the Director of Medical and Health Services before referring the case to me for an opinion. I would ask the Hon Leader of the Opposition to defer the question to the next House in order to give me an opportunity of fully considering this matter in the light of all the available information and, of course, in response to Question No. 219.

SUPPLEMENTARY TO QUESTION NO. 222 OF 1985

HON J BOSSANO:

I take it then, Mr Speaker, that they will not be proceeding with the termination if the matter is now under consideration?

HON ATTORNEY GENERAL:

The status quo will remain until I have had the opportunity of looking into it before deciding on the case.

MR SPEAKER:

Next question.

NO. 223 OF 1985

ORAL

THE HON R MOR

Is Government taking steps to improve security in Government schools against intruders?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, the Government is continuously taking steps to improve security in Government properties including Government Schools.

Security requires a common sense approach keeping a realistic balance between basic security needs and the nature and function of the institution concerned.

SUPPLEMENTARY TO QUESTION NO. 223 OF 1985

HON R MOR:

Mr Speaker, perhaps the Government can explain this later on. There was a case recently where a ten year old boy and a twelve year old boy broke into one of the schools and indulged in acts of vandalism. Surely, if these two boys can do it surely somebody older with more ill intent can do that as well. Apparently this has been happening in several schools. Has the Government taken any immediate steps to look into this?

HON G MASCARENHAS:

Mr Speaker, I quite understand the concern of the Hon Member, a concern that I share. I do know the case of the two eleven year olds who broke into St Anne's School very recently and created quite a state in a school which had just recently been painted by the Public Works Department, I went down there personally to check the area around St Anne's and quite frankly the height of the fencing is approximately ten to eleven feet plus an extra foot and a half of barbed wire. I cannot see what further we can do on that basis, if people can jump over that what do you do? Do you create a wall twenty feet high and create an Alcatraz or a Colditz?

MR SPEAKER:

Next question.

27 11 85

NO. 224 OF 1985

ORAL

THE HON R MOR

Is the College of Further Education currently in a position to provide a satisfactory level of tuition as regards business/commercial studies?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Yes, Sir. There are three Business and Commercial Studies specialists appointed to the permanent teaching staff of the College of Further Education. These are supported by five lecturers from the General Studies department who meet the language, numeracy and general studies needs of the College.

SUPPLEMENTARY TO QUESTION NO. 224 OF 1985

HON R MOR:

Mr Speaker, not so long ago in answer to a previous question in this House, the Minister said that they were lacking in this area. How many extra staff have been recruited apart from the ones they already had when they used to use the Mackintosh Hall for Commercial/Business Studies?

HON G MASCARENHAS:

Mr Speaker, the three Business and Commercial Studies specialists have been appointed since the last question. It was always Government's intention that there should be three in that area which did not exist prior to the take-over by the Gibraltar Government of the College of Further Education.

MR SPEAKER:

Next question.

NO. 225 OF 1985

ORAL

THE HON R MOR

Can Government state how much money is being provided in the current financial year to cover the maintenance cost of the College of Further Education?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, a total of £66,000 has been provided under Head 4 Subhead 18 for minor works for the financial year 1985/86 within the Education Department, which includes the Gibraltar College of Further Education.

The programme of repairs and maintenance work to be carried out by Public Works Department is identified in terms of general priorities in respect of the Education Service and not under individual institutions.

A number of minor repairs have been carried out by the Departmental squad, essentially at the John Mackintosh Hall annexe. Certain other elements are projected to be carried out by this squad in the Gymnasium.

Public Works Department has installed a new electrical circuit in the Business/Commercial Studies department to meet audio-typing training needs. Repair and re-conditioning of specialist audio-typing equipment has also been carried out. Public Works Department is currently designing a welding bay for the Technology department to be installed within this financial year.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1985

HON R MOR:

Mr Speaker, is the Hon Member aware that at the present time in the College of Further Education in one of the commercial classes specifically, there are broken window panes and given the recent cold weather the teacher has even had to advise the children to take clothing to protect them from the cold?

HON G MASCARENHAS:

No, Mr Speaker, I am not aware of that particular instance of broken windows. I do get a lot of reports of broken windows in all Government educational institutions and obviously they take priority over other non-essential works precisely for the reasons that pupils in the classroom will suffer the effects and obviously teachers and the pupils cannot carry on their business under the circumstances when you have broken windows. I am not aware of that particular instance.

HON R MOR:

Will the Hon Member look into it given that I have informed him in this House?

HON G MASCARENHAS:

Yes.

HON J BOSSANO:

I think, Mr Speaker, what we are trying to establish really is has the Government as a result of taking over the College which means taking over a commitment for maintaining it as well as staffing it, not got a specific sum which wasn't there before because the College wasn't there before, that is really what we want an answer on.

MR SPEAKER:

The question is: 'Can Government state how much money is being provided in the current financial year to cover the maintenance cost of the College of Further Education?'

HON J BOSSANO:

Well, I think the answer I have had is no.

HON G MASCARENHAS:

The answer is no, Mr Speaker.

HON J BOSSANO:

I take it, Mr Speaker, that the Minister accepts the need for that. He may not have done it this year but I take it that he accepts that there is a need if they are taking on a College that they didn't have before then he doesn't think he can simply stretch the previous resources to cover the College as well, does he?

HON G MASCARENHAS:

Mr Speaker, it should be noted that the Government assumed direct responsibility for the College on the 1st April this year. The Ministry of Defence was totally responsible for repairs and maintenance from 1948 till 1985. Within the constraints of funding that may be available the Department will be sensitive to the College needs in the area of repairs and maintenance as it is to the needs of other educational institutions. It cannot be expected, however, to resolve in the very short term the consequences of many years of neglect or lack of due attention to repairs and maintenance by the Ministry of Defence.

HON J BOSSANO:

Mr Speaker, I think perhaps the Hon Member ought to be conscious that the direction of the question is not our fear that he is not going to be able to improve on the years of neglect, it is our fear of the forthcoming neglect which will make what the MOD has done look wonderful by comparison. Will the Hon Member then in the light of that last answer tell us that he will ensure that the neglect under his control of the College will be no worse than the neglect under the MOD?

HON G MASCARENHAS:

Mr Speaker, what I am telling the Hon Member is that we are aware of the situation at the College but it cannot be resolved in one year or two years, it will be a long process of trying to put right what is wrong. The situation is that the College will be able to function and that is the Government's intention. We had to take it over on the 1st April, 1985, for a September, 1985, start and consequently we have proceeded with that. On the question of the maintenance, I am very aware and it is my intention that a considerable input of expenditure should be put in next year's estimates to ensure that we try to eradicate the problems of the past.

MR SPEAKER:

Next question.

NO. 226 OF 1985

ORAL

THE HON J C PEREZ

Can Government confirm that it is not their policy to do away with coin telephone boxes in public establishments?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 226 OF 1985

HON J C PEREZ:

Can the Hon Member explain then whether the Department is experiencing delays in the availability of coin boxes in public establishments and could he explain why?

HON J B PEREZ:

Yes, Mr Speaker, the present number of coin boxes installed already is approximately 186. The Department experienced problems on two matters, namely, a rather technical term, I am sure the Hon Member will forgive me if I don't give him 100% correct information but I am told, first of all, we had a late delivery of coin boxes and, secondly, more important, that apparently due to the speed in which we had installed these original coin boxes we exhausted the pulses at the Exchange and new pulses had to be ordered and I am told it took about six months to be able to correct. I am now told that the matter has been sorted out and we hope to continue with the installation of these coin boxes which, I would reiterate, it is Government's policy to do so basically for two reasons. One because it is useful to the public and, of course, it is revenue producing as well.

MR SPEAKER:

Next question.

NO. 227 OF 1985
THE HON J C PEREZ

ORAL

Is it still Government's policy to proceed with the installation of a fourth generating set at Waterport Power Station in the next financial year?

ANSWER

THE HON THE MINISTER FOR MUNICIPAL SERVICES

No Sir. It has never been the Government's policy to instal a fourth generating set at Waterport Power Station in the financial year 1986/87. It was one of the alternatives incorporated in the generation development programme discussed with Coopers and Lybrand at the time of the preparation of their report on tariffs. The position is currently under review because of the effects the restoration of the full communications with Spain will have on economic activity particularly in development projects now on the cards.

SUPPLEMENTARY TO QUESTION NO. 227 OF 1985

HON J C PEREZ:

Is the Hon Member then suggesting that he is satisfied that with a third generating set he can meet the demand in capacity in the forthcoming years?

HON J B PEREZ:

I did say in my first answer that the whole question is under review as a result of the opening of the border. My own personal view is that since the third engine which we ordered on the 22nd October, 1985, and which hopefully will be installed and operational by October, 1986, we do have sufficient capacity, there can be no doubt about that. However, in the light of all the other developments we are, in fact, looking not only on purchasing a fourth set but to see possibly whether other engines would be required and we are looking ahead in a period of about ten years. One cannot plan ahead just for two or three years.

MR SPEAKER:

Next question.

NO. 228 OF 1985

ORAL

THE HON J BALDACHINO

Is Government monitoring the number of Gibraltarians who are taking up residence in the neighbouring territory and commuting to work in Gibraltar?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as from April, 1985, the Employment Survey questionnaire asks employers to include in the particulars the place of residence of their employees. This has disclosed that 18 Gibraltarians can be classified as 'frontier workers' as they are living in Spain.

This is included in the Report which I have just tabled.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1985

HON J L BALDACHINO:

Mr Speaker, I have got the Report here, Table 5, which the Minister is referring to. Can the Minister explain how he gets the figure of 18, how is that figure arrived at by the Department? Am I correct in assuming that once the worker is employed he puts down that his residence is in Spain, is that the way it is arrived at?

HON DR R G VALARINO:

Obviously my Department also does this but Table 5 talking about number of frontier workers by sector, nationality April, 1985, it says: 'Nationality - Gibraltarians 18, males 14 and 4 females'.

HON J L BALDACHINO:

Is the Minister then satisfied that this is a realistic figure of people who are resident in Spain?

HON DR R G VALARINO:

Mr Speaker, as far as I am concerned I am satisfied to as much a degree as I can because this Employment Survey Report tends to show trends and it is not totally accurate and let me add that the Report has only recently been published, in fact, it was published in September, 1985, and the information that it contains will now be followed up.

HON J L BALDACHINO:

What the Hon Member is saying, and he may correct me if I am wrong is that the way that it is being monitored at the moment, if we can call it being monitored, will not show a realistic figure?

MR SPEAKER:

With respect, we are now getting to a stage when Government is being made responsible for the basis of their information. They are giving you the answer to a question. They are monitoring through their statistics

but whether they are satisfied that the statistics is a correct reflection is not for them to say. The question he is asking is whether it is being monitored and the answer is to the extent that they have a survey done the answer is this, this is the only monitoring they are doing.

HON J E PILCHER:

Surely, a follow-up of that is are you happy with this monitoring?

MR SPEAKER:

What has been asked is whether they are happy that the statistics show the right answer, it is not for them to answer that.

HON J L BALDACHINO:

May I ask then if they are happy with the way it is being monitored?

HON DR R G VALARINO:

I am sorry, I can listen to one person at a time but not to two. Could you please repeat the question?

MR SPEAKER:

I think Mr Baldachino has got the floor and you are entitled to answer him.

HON J L BALDACHINO:

What I am asking now, Mr Speaker, is if the Hon Member is satisfied with the way it is being monitored?

HON DR R G VALARINO:

Yes.

HON J BOSSANO:

The answer from the Hon Member is that he is satisfied with what he is doing. That means that he is telling the House of Assembly that he is satisfied that eighteen Gibraltarians crossing the frontier to work in Gibraltar.....

MR SPEAKER:

No, he is satisfied that the manner to monitor this is through statistics but if the statistics are right is another matter.

HON J BOSSANO:

No, Mr Speaker. The method of monitoring is not statistics, the statistics are the result of the monitoring. The information provided by the Government to the House of Assembly presented by the Hon Member and laid on the table of this House at this meeting is that there are fourteen male Gibraltarians living in Spain and working in Gibraltar on April of this year. We are asking the Government are they happy that this method of monitoring through the Employment Survey is an effective way of establishing what the true position is as regards commuting?

MR SPEAKER:

And you have been told yes.

HON J BOSSANO:

Are they satisfied that this reflects an accurate position, surely, are you happy with it or is the Hon Member telling the House that he is satisfied with inaccurate information?

HON DR R G VALARINO:

No.

HON J BOSSANO:

Is the Hon Member then saying that no other way of monitoring the number of Gibraltarians residing in Spain is required and that the monitoring by the Employment Survey is sufficient?

HON DR R G VALARINO:

Mr Speaker, I am not saying that and let me re-state what I have already said. The Report has only recently been published and the information that it contains will now be followed up and I will have to satisfy myself whether the figures that are provided in this Report are accurate entirely or not and if not I will find other means by which to monitor.

MR SPEAKER:

Next question.

NO. 229 OF 1985

ORAL

THE HON M A FEETHAM

Can Government explain what is being done to enforce the requirement of the Control of Employment Ordinance as regards the use of non-EEC workers who do not have work permits?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, the Department's Inspectorate, in close co-operation with the Immigration and Customs authorities, does its utmost to detect cases of illegal employment in Gibraltar. Any information received from outside sources about illegal employment is also followed up by the Inspectorate. Cases are fully investigated and any possible infringements of the Control of Employment Ordinance are reported to the Attorney General's Chambers for action or advice.

It should be noted, however, that under the Control of Employment Ordinance, it is the employer and not the employee who is required to obtain a work permit. There are a number of cases where employees of Spanish firms have been discovered working illegally in Gibraltar and no action can be taken against their employers because they are outside the legal jurisdiction of Gibraltar. The workers, however, are in breach of the Immigration Control Ordinance and such cases are reported to the Immigration authorities who take appropriate action.

It should also be noted that cases of illegal employment in private houses, such as domestic work, are difficult to detect because the Department's inspectors do not have the power of entry into private dwellings. On the advice of the Manpower Planning Committee a notice will shortly be published drawing the public's attention to the fact that work permits are required for the employment of non-Community nationals (as well as Spanish and Portuguese nationals during the seven year transitional period on the free movement of labour) in all areas of work including domestic work.

SUPPLEMENTARY TO QUESTION NO. 229 OF 1985

HON M A FEETHAM:

Could the Hon Member opposite say how many cases have been detected by his Department and how many cases have been reported by people outside his Department with regard to the use of non-EEC labour?

HON DR R G VALARINO:

Mr Speaker, in the last four months twenty-eight cases have been

investigated of which seven have been referred to the Attorney-General's Chambers. Of these I understand that three are due to come before the Courts on the 5th December and the Attorney-General's Chambers are completing their investigations on the remaining four cases. A further four cases are in the process of preparation by the Department for reference to the Attorney-General. These cases have involved a total of sixty-four persons and of these twenty-eight have been dealt with by the Immigration Department who have escorted them to the frontier. The balance of thirty-six is broken up as follows:- (a) thirteen involved in the cases which are going to Court on the 6th December; (b) ten involved in cases still under investigation by the Attorney-General; (c) thirteen involved in cases being prepared by the Department for reference to the Attorney General.

HON M A FEETHAM:

Amongst the cases which have been reported and which are in the process of prosecution or at least they are in the Attorney-General's Chambers, I am talking about the seven, is the particular case which was reported regarding the conversion of a Government Hostel into a restaurant on Government premises where the use of non-EEC labour was reported, is that one of the cases which is going to be prosecuted?

HON DR R G VALARINO:

Mr Speaker, I do not have any knowledge about specific details. I am unable to give this type of information. I am sure if the Hon Member would contact either myself or the Attorney-General personally we would provide him with the necessary answer.

HON M A FEETHAM:

Is the Minister saying that the Department do not know about this specific case or the Minister doesn't know about this particular case?

HON DR R G VALARINO:

No, Mr Speaker, I am talking about factual cases. I cannot identify out of the numbers I have given you this particular case but if you care to see me in my office or if you care to see the Attorney-General in his office we can then clear up this case and we can let you know whether this specific case is there or not. We can give you a definite answer which I am unable to give you at this moment.

MR SPEAKER:

Next question.

NO. 230 OF 1985

ORAL

THE HON M A FEETHAM

Can Government state what steps are being taken to require contractors to comply with the Fair Wages Clause on the absence of agreed rates for the Construction Industry since June, 1984?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as a result of representations made by the Transport and General Workers' Union and unsuccessful attempts made by the Director of Labour and Social Security to mediate on the issue, all Government Contractors were written to on 9 September drawing their attention to the provisions of the Fair Wages Clause and informing them that it was their obligation to implement its conditions.

SUPPLEMENTARY TO QUESTION NO. 230 OF 1985

HON M A FEETHAM:

Mr Speaker, what has been done since then to enforce it?

HON DR R G VALARINO:

Mr Speaker, Sir, no response has been received from the contractors nor have any further representations been made by the union who were informed of the letter written to the contractors on the 9 September. I have taken legal advice from the Attorney-General and the onus is now on the contractor or on the union to submit a further claim if the contractor defaults.

HON M A FEETHAM:

In view of this situation where the Minister does recognise that since 1984 and, indeed, 1985, the industry is paying unilateral rates, wouldn't it be a way of showing that the Department wishes to enforce the Fair Wages Clause by, for example, insisting that Gunac, who are doing a Government contract on Government premises should adhere to the Fair Wages Clause and that has been brought up, I am informed, since 1974?

HON DR R G VALARINO:

Mr Speaker, I will go as far as re-stating and writing to all contractors concerning their duties. If they fail in their duties I expect the Trade Union Movement to come to me and present the

case. On the Fair Wages Clause, if I may read it out to you, it says: 'In the event of default being made in payment of any monies in respect of wages of any workman employed on the contract and if a claim thereafter is filed in the office of the Department of Labour and Social Security and satisfactory proof thereof is furnished, the Director of Labour and Social Security may, failing payment by the contractor, arrange for the payment of such claim out of monies at any time payable under the said contract and the amount so paid shall be deemed payment to the contractor.' Therefore, I need proof.

HON M A FEETHAM:

But, Mr Speaker, the machinery was set in motion. The matter was reported to the Department of Labour and Social Security who reported it to the Public Works Department who wrote to the companies insisting that the Fair Wages Clause should be implemented and they haven't implemented it so what is the Department going to do now under the Fair Wages Clause to enforce it? Is there anything else that they intend to do, that is what I am asking?

HON DR R G VALARINO:

Mr Speaker, Sir, I have said and I shall read it out again.

MR SPEAKER:

No, there is no need to read it out again.

HON DR R G VALARINO:

I have read it.

MR SPEAKER:

Precisely.

HON M A FEETHAM:

Is there anything else that the Department can do to ensure the enforcement of the Fair Wages Clause?

HON DR R G VALARINO:

Mr Speaker, the only thing that the Department can do with the enforcement of the Fair Wages Clause, as I said before, is to write again to all contractors telling them what they need to do and telling them the penalties under the law.

HON J BOSSANO:

But the Minister, Mr Speaker, accepts that the enforcement is a responsibility of his Department? If not, what is the position? Is the Minister saying that in order to ensure compliance with the Fair Wages Clause all that the Department can do is write nice letters to employers?

HON DR R G VALARINO:

No, Sir, we don't write nice letters to employers.

MR SPEAKER:

There is nothing wrong in writing nice letters.

HON DR R G VALARINO:

Of course there is nothing wrong but the crux of the matter is here; 'and if a claim thereafter is filed in the office of the Department of Labour and Social Security' and I expect the unions if the contractors are not complying, I expect the unions, following advice from the Attorney-General, to write and approach the Director of Labour and Social Security.

HON J BOSSANO:

But, in fact, is the Hon Member then saying that they cannot proceed with enforcement of the Clause because they haven't received a fresh claim and that the claim that they have had since 1984 doesn't count, is that what he is saying?

HON DR R G VALARINO:

Yes, Sir.

HON J BOSSANO:

If the claim that was put in 1984 remains still unresolved, what is the Minister requiring in order to proceed, constant repetition of the claim?

HON DR R G VALARINO:

We are now in 1985, Sir.

HON J BOSSANO:

I am well aware of where we are, Mr Speaker, we are not asking him for the date. If he has had a claim there since 1984 why does he need a fresh claim, the old one is still there?

MR SPEAKER:

The answer that you have been given is that certain things happened in 1984, he took certain action, I know nothing about this other than what I have heard in this House, and he feels that unless one of the two parties contacts him again there is nothing else he should do. I think that is obvious.

HON J BOSSANO:

He has told the House that the Department wrote to employers on the 9th September requiring them to comply with the Fair Wages Clause and that the employers haven't given him an answer. He is then saying that because the employers haven't answered and he wrote to them as a result of a claim on behalf of the employees, the employees have now to submit a fresh claim because the employers haven't answered. My question to him is, is he saying that the procedure is that every time he writes to the employers and the employers don't answer a fresh claim has to be submitted? Certainly, I can tell the Hon Member that as far as the employees are concerned they understood that the situation was that once they had filed a complaint the wheels of the Department were turning not that they had to keep on filing their claim fresh but if he is saying that now I want to be absolutely sure of what he is telling the House, what is the problem in implementing the Clause.

HON DR R G VALARINO:

Mr Speaker, Sir, for a start I wasn't there in 1974 so I do not know about this claim. The problem now at the moment is this and I have restated the position so I would be most grateful if the Transport and General Workers' Union or whoever it is, would state their position, write to the Director and put their views forward so that we can go ahead on this matter.

HON J BOSSANO:

Mr Speaker, is the Hon Member aware, incidentally it is 1984 we are talking about not 1974, is the Hon Member aware that in fact a specific claim has been filed in respect of a specific contractor since the date he mentioned and is that being pursued by the Department?

HON DR R G VALARINO:

Mr Speaker, I cannot answer that question at this moment because I do not have that information but I am willing to find out this information and give an answer to the Hon Member this afternoon.

HON J L BALDACHINO:

Mr Speaker, I am not very clear on what the Hon Member said. The Hon Member said that a claim was put in in 1984 and that the Department took it up with the employers. Is the Hon Member then satisfied that the Department did everything in their power to enforce the Fair Wages Clause and if the union now makes a fresh claim in 1985 what would be the difference in the approach of the Department to the one that they took in 1984?

HON DR R G VALARINO:

Mr Speaker, I thank the Hon Mr Baldachino for his intervention. Obviously, as I have said, I will answer this particular question to the Hon Leader of the Opposition and I shall include in that the comments made by the relevant speaker, Sir.

MR SPEAKER:

Next question.

27 11 85

NO. 231 OF 1985

ORAL

THE HON R MOR

Can Government state whether persons in receipt of Elderly Persons Pensions continue to receive this benefit if they take up residence in another part of the European Community?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes, Sir.

THE HON R MOR

Have Government now taken a policy decision on the representations they had from the Moroccan Association for the payment of Family Allowance to Moroccan workers as from 1 January, 1986?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes Sir. After very careful consideration of the representations received, the Government has decided that there should be no change in the present policy whereby Moroccan workers do not receive family allowances in respect of their children residing in Morocco.

This decision has been taken on economic grounds as it continues to be the Government's view that it is beyond its financial resources to grant such a benefit.

The entitlement of Spaniards to family allowances from 1 January in respect of their children living in Spain arises out of their membership of the European Community and is entirely outside the Gibraltar Government's control. The build-up of the Spanish labour force in Gibraltar should be gradual and the economy should have the opportunity to adjust in order to meet this commitment. This is particularly so in view of the three year transitional period after accession during which Spaniards will be entitled to family allowances at Spanish rates and not at Gibraltar rates.

I cannot let this opportunity pass without making reference to the thoroughly malicious accusation of racial discrimination made by the Transport and General Workers' Union in their statement published in the Gibraltar Chronicle of 23 November on this issue.

As I have already explained, the Spaniards' right to family allowances arises out of their membership of the European Community. Other Europeans who are not Community Nationals as well as the nationals of other countries such as the United States, Canada, Australia, etc, will continue to be treated in exactly the same way as Moroccans if they come to work in Gibraltar and leave their families behind in their countries of origin.

It is a matter of considerable regret that the Union should stoop so low as to attempt to stir up racial discontent in a community which over the centuries has been noted for its religious and racial tolerance.

HON J BOSSANO:

With all due respect, Mr Speaker, I think the Hon Member has done more to stir up racial discontent with his answer than anything that has been done by anybody else until now.

HON CHIEF MINISTER:

That is a matter of opinion.

HON J BOSSANO:

It is a matter of opinion and I am expressing mine, Mr Speaker. The Hon and Learned Chief Minister can answer my supplementaries if he wants. Is the Hon Member aware that until 1979, in fact, Moroccan workers benefitted from a reduction in their tax contributions because of their dependent children in Morocco and that the change produced in 1979 had a de facto discriminatory effect of increasing the tax liability of Moroccan workers without a compensating payment being made by an increase in family allowances, is he aware of that?

HON DR R G VALARINO:

Yes, Sir.

HON J BOSSANO:

And is he aware that the Moroccan community has been making representations ever since then to get the matter redressed and that they feel very strongly that the current position is that after being here for many years and contributing to Government revenues for many years, they will be getting inferior treatment as compared to newcomers who may only have been in the economy and contributing to the economy a few weeks?

HON DR R G VALARINO:

Yes, Sir, in fact, not so long ago a meeting was held between the Moroccan Association, the Transport and General Workers' Union, the Chief Minister and myself on several issues and this was one of them. I do not consider that they are receiving inferior treatment, they are receiving the same treatment as they have received before except that now because of EEC Regulations, we have to give family allowances to Spaniards but the fact that we are giving family allowances to Spaniards arises entirely out of our EEC commitment.

HON J BOSSANO:

But, Mr Speaker, is it not the case that over the years the position

of the Moroccan community and of other immigrant workers has been that they were told on the one hand that the law did not discriminate because it was based on the residence of the children in Gibraltar and that therefore if a Moroccan worker had his children in Gibraltar he did get family allowance and on the other hand they were told that under the Immigration Control Ordinance they couldn't bring their children to Gibraltar to have their family allowance and that therefore for the Hon Member to say that all they have to do is to bring their families with them is nonsense because even if they wanted they cannot do it because they are not allowed by the Government, is that not the fact?

HON DR R G VALARINO:

Mr Speaker, there are two things there. First of all, that residence in Spain counts for residence in Gibraltar as far as EEC Regulations are concerned as far as Spaniards are concerned but the other factor which the Hon Leader of the Opposition mentioned was the difficulty in bringing their families over here. The leader of the Opposition knows very well the problem we have with housing and this has been explained to them ad nauseam and they have accepted the fact.

HON J BOSSANO:

This is precisely the point I am making, Mr Speaker. If the Hon Member is aware of these facts and the Hon Member is aware that the argument of the limitations of sites, of the impossibility of them bringing their families, has been accepted, be it grudgingly, by the Moroccans over the years, does he not understand that the decision of the Government now is not seen in the same light and cannot be seen in the same light by those affected? Surely, he can tell the difference between what the Moroccans have accepted in the past which as far as they were concerned, I am sure the Hon Member will confirm that he knows this to be the case, as far as they were concerned, it was a question of the Gibraltarian being in his own homeland getting slightly better treatment.

MR SPEAKER:

We are not asking questions.

HON J BOSSANO:

My question to the Government is, how can they tell the House of Assembly, Mr Speaker, that this is not perceived as discrimination by those affected in the light of the facts which they confirm they know about, all the background of the case?

HON CHIEF MINISTER:

Sir, I would like to intervene on this one because it is a matter which transcends, if I may say so, the responsibilities of the Minister for Labour and Social Security. The Minister has referred to a meeting which was held some time ago and we have had a lot of heart searching on this matter as we have looked at possible alternatives to ameliorate the difficulties but we have inevitably and regretfully come to the conclusion that in the state of the economy now and for other reasons it is impossible to accede to that request. It is not a decision which has been taken either lightly or easily, it is a decision that has been taken with a considerable amount of thought and a decision which one would not have liked to have taken and one which, perhaps, I am not saying anything more than that, a better situation might be able to improve but it has been reached at the highest level with every possible consideration and every possible alternative and we could not find any method that could ameliorate in some form or give them some element of comfort. I can understand them thinking that it is racial discrimination but what the Minister has been saying is it applies to all the people who are not EEC nationals and therefore they may feel discriminated.

HON J L BALDACHINO:

Mr Speaker, what has arisen from the answer that the Minister has given is that if an EEC national works, for example, in Gibraltar and he has his family residing, in this case, in the Kingdom of Spain which will be another Member country of the EEC on the 1st January, 1986, then the family allowance is paid because his family is residing in another EEC country. What I am asking, Mr Speaker, is if a non-EEC national is working in one country, in this case Gibraltar, and has his family residing in the Kingdom of Spain which is also an EEC country, how.....

MR SPEAKER:

That is another question. The answer is simple, he would not be entitled to the allowance either because he is not an EEC national. But that is another question.

HON R MOR:

Mr Speaker, I think arising from the original question the Hon Minister mentioned a three-year transitional period in which Spaniards would be paid at the Spanish rate. Could he tell us what the rate is?

HON DR R G VALARINO:

As far as I can remember, the rate in Gibraltar is £5 per child per week, for the second and every other child.

MR SPEAKER:

You are being asked what are the Spanish rates?

HON DR R G VALARINO:

Yes, but I am giving you the Gibraltar rates first, for the second and for every other child it is £5 a week. As far as I have been able to gather from past information, it is in the region of 250 pesetas per child per month in Spain.

HON J L BALDACHINO:

Mr Speaker, does that include the first child? In the Spanish family allowance does that also include the first child?

HON DR R G VALARINO:

As far as I have been informed it includes all children.

HON J L BALDACHINO:

And that will be the way they will be paid here as well, in other words, for the first child as well, on that basis?

HON DR R G VALARINO:

Yes, Mr Speaker, but I will check on that and if I am wrong I will let the Hon Member know.

HON J C PEREZ:

Mr Speaker, presumably, if during those three years there are increases to these allowances in Spain which are lower still than the ones that we are paying, these will have to be met by the Department notwithstanding that the legislative power to increase them is in Madrid?

HON DR R G VALARINO:

Of course, Mr Speaker.

MR SPEAKER:

Next question.

NO. 233 OF 1985

ORAL

THE HON R MOR

How many persons over 60 are paying voluntary contributions to the Social Insurance Scheme?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, there are 36 persons over the age of 60 paying voluntary contributions to the Social Insurance Scheme.

SUPPLEMENTARY TO QUESTION NO. 233 OF 1985

HON R MOR:

Mr Speaker, in view of the rather low number of persons over 60 paying voluntary contributions, would the Government not consider giving credits to all of them?

HON DR R G VALARINO:

Mr Speaker, first of all, I think that to introduce credits into this question is an entirely new thing and I don't think it arises out of the question.

MR SPEAKER:

Basically, it is a supplementary, until such time as they knew the number of contributors they couldn't ask a supplementary.

HON DR R G VALARINO:

I will bow to your judgement, Sir. As I have stated in the past, a good proportion of persons who retire at 60 receive adequate gratuities and service pensions and they probably do not consider it worth their while to continue paying voluntary contributions after retirement in order to get the maximum rate of old age pension when they reach the age of 65. In the Government's view the credit system for unemployed persons over 60 as it stands at present provides adequate protection for cases of real hardship.

HON A J CANEPA:

Mr Speaker, some of them may have a pension of £10,000 a year. Why should a person who retires at the age of 60 with £10,000 a year pension not pay social insurance contributions when a worker

with a smaller income has to pay?

HON R MOR:

With respect, Mr Speaker.....

MR SPEAKER:

Order. We are now beginning to debate the merits.

HON J BOSSANO:

Is the Minister then saying that the philosophy of the Government is that in order not to give an advantage to one possible rich pensioner of £10,000 they are prepared to penalise everybody else, that is the philosophy of the Government?

HON A J CANEPA:

That is not the philosophy but just because the numbers are thirty-six and are low it doesn't mean that they should all get it. You have got to go into the merits of the matter and people who retire at the age of 60 fully and do not continue in employment, retire at the age of 60 because they are sufficiently well off to be able to live on their income.

HON J BOSSANO:

But, Mr Speaker, didn't the Hon Member for years use that identical argument about elderly persons pensions not being tax free and yet in the last budget in the House of Assembly irrespective of their income he has given people tax free elderly persons pension?

HON A J CANEPA:

We didn't do it in the last budget.

MR SPEAKER:

Order, we are now beginning to debate.

HON J BOSSANO:

You did it in the other before then.

MR SPEAKER:

Order. Next question.

NO. 234 OF 1985

ORAL

THE HON R MOR

Have Government now received information from UK as to how to proceed in recovering Social Insurance contributions from persons employed in ships registered in Gibraltar?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, a certain amount of information has now been received on the subject. The position is that under UK legislation a mariner employed on a UK registered ship must live in Great Britain to be liable for social insurance contributions. If he does not live in Great Britain, neither he nor his employer are liable for contributions.

Under European Community legislation, a person employed on board a vessel flying the flag of a Member State and remunerated for such employment by an undertaking or person whose registered office or place of business is in the territory of another Member State shall be subject to the social security legislation of the latter state if he is resident in the territory of that State.

The Government is considering amending its legislation to bring it in line with the foregoing, but more detailed advice is still being awaited from the Department of Health and Social Security in the UK before firm proposals for such amendments are made. The Director of Labour and Social Security has had discussions on the matter recently with DHSS officials in the UK and has asked them to expedite their advice.

Meanwhile, the owners of vessels registered in Gibraltar are being written to for information as their normal place of business, the place of residence of members of their crew and other information which will be relevant to the application of the legislation once it is amended.

SUPPLEMENTARY TO QUESTION NO. 234 OF 1985

HON R MOR:

Mr Speaker, I am impressed with the eloquence of the Hon Member.

NO. 235 OF 1985

ORAL

THE HON J C PEREZ

Is it Government's intention to provide supplementary expenditure during this financial year for the purpose of undertaking repairs to the corridors at the Police Barracks?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. The Public Works Department intends to seek supplementary provision in this financial year so as to be in a position to undertake these repairs.

SUPPLEMENTARY TO QUESTION NO. 235 OF 1985

HON J C PEREZ:

Since the Department is seeking to do so, has the Minister any indication on whether the Government as a whole is willing to accept the recommendation of the Department?

HON MAJOR F J DELLIPIANI:

Mr Speaker, my Department has prepared two Council of Ministers papers on what we term 'problem buildings', in order to highlight the one on the Police Barracks though it is mentioned on the first paper, I have singled it out for a special paper. It is hoped that I am able to convince the Government.

HON J C PEREZ:

Will the Hon Member stress, when he does put his case, that he himself admitted in this House of Assembly that the position of the corridors and could be a source of danger and therefore urgent consideration needs to be given to the situation?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker: What I did say in the House was that we had made very temporary repairs to the corridors of the Police Barracks and that there were two schemes which had been prepared by my Department, one was called a mid-term lifespan and the other one a long lifespan of repairs. One would not require decanting of the premises and the long-term one would require decanting of premises which would further aggravate the housing problem. We have chosen to go for the medium term repairs and that is the basis of my paper to Council of Ministers.

NO. 236 OF 1985

ORAL

THE HON J E PILCHER

Can Government state whether any of the projects recommended by the Tourism Consultative Board have been completed or are in the process of being completed?

ANSWER

THE HON THE MINISTER FOR TOURISM

Sir, a number of major projects, recommended by the Tourism Consultative Board, have been included in the ODA submission for the 1986/90 Development Programme.

In addition, and as stated in reply to Question 162 of 1985, work has been put in hand on a variety of minor projects.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1985

HON J E PILCHER:

Mr Speaker, the answer to Question No. 162 - I have in front of me at the moment - went through several of the issues and the areas that are being looked at. This is not the extensive Report by the Tourism Consultative Board, is it?

HON H J ZAMMITT:

No, Mr Speaker, the Tourism Consultative Board made other recommendations not necessarily on projects, they made other recommendations on the improvement of the tourist product as a whole but not necessarily in building or in providing or in cleaning up.

HON J E PILCHER:

Nor is what has been asked for under the ODA submission all that the Tourism Consultative Board thought was needed in order to put Gibraltar back into the tourist-orientated world, there are X number of projects but there must have been other projects that were not put in the ODA because of the amount of money that they would have needed, am I correct in assuming that?

HON H J ZAMMITT:

Yes, Mr Speaker, there were other projects such as the painting which the Hon Member no doubt has the answer to question 162.

There were other projects there of £300,000 we made provision for under the special heading of the tourist vote last year.

HON J E PILCHER:

Mr Speaker, would the Hon Member be prepared to give the Opposition benches a copy of all the recommendations made by the different Tourism Consultative Boards so that we can gauge what the Government are in fact doing on tourism and what are the priorities being given to certain areas of tourism?

HON H J ZAMMITT:

Mr Speaker, there is no such thing as other Consultative Boards, there is one Consultative Board and Committees that furnish that Consultative Board with recommendations. I am delighted to see that the Opposition is taking an interest in tourism because I do not think they have ever been interested in tourism

HON J E PILCHER:

I am sorry, Mr Speaker, if you allow the Minister to get away with a comment like that and he has made the comment.....

MR SPEAKER:

Will you please sit down. I have not allowed the Minister to make a comment, I cannot expect to read the Minister's mind before he makes a comment, I have stopped him immediately I have been able to and that is the end of the matter.

HON M A FEETHAM:

Mr Speaker, I believe it was the Minister, gave an undertaking in this House that in the context of the Development Aid Programme which was going to be presented to Her Majesty's Government, certain projects for development in the tourist area were going to be included. Is he now in a position to tell the House what those projects are and with what aim are those projects being presented?

HON H J ZAMMITT:

No, Mr Speaker, I cannot do that. I don't think I would be prepared to, in anticipation of their approval, make them available to anybody at all never mind the Opposition.

HON M A FEETHAM:

But you did give the undertaking that you would inform us of the

projects that the Government had decided were to put forward to ODA, I recall this, it was either the Minister or the Minister for Economic Development and Trade.

HON H J ZAMMITT:

I don't think I can be held responsible for having said that I would make available the projects that we were going to put to ODA, Mr Speaker.

HON J E PILCHER:

Mr Speaker, I apologise for my argument. Mr Speaker, in answer to Question No. 192 the Hon Mr Canepa gave us the projects that have been submitted to ODA - 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; I can go on. And not only that, Mr Speaker, can I just verify the answer given to me by the Hon Minister for Tourism, what he said to me in the last answer that he would look into whether or not he gives us the proposals because he is not happy that we consider tourism an important asset.....

MR SPEAKER:

No, I am not going to allow you now to ask what I asked you to withdraw.

HON J E PILCHER:

I think he said: 'I will consider whether I give you the proposals because of the fact that I am not interested in tourism, am I correct in assuming that that was his answer?

HON H J ZAMMITT:

Yes, Mr Speaker, I did say that.

HON J BOSSANO:

Mr Speaker, can I just ask, is this now Government policy, that is, that they will determine, for example, whether they answer questions on social insurance depending on whether they think we are interested in social insurance or is this something that will apply only in the field of tourism?

MR SPEAKER:

No, with respect, you will not answer that question. The position as far as answering questions is concerned is very, very clear. The Opposition ask questions, it is the prerogative

of the Government whether they wish to answer them or not.

HON J BOSSANO:

I accept that, I accept that they have the prerogative not to answer questions but given that the Minister for Tourism has been kind enough not only to tell us that he doesn't seem to be inclined to give us an answer but also why, I am trying to establish whether it is now Government policy in respect of all matters or it is only exclusively in the field of tourism that the degree of success in obtaining an answer will depend on the enthusiasm that we display to the satisfaction of the Minister for Tourism. I don't know whether we have to come here with castanets and play flamenco for him, Mr Speaker.

MR SPEAKER:

No, order, that is hypothetical. Next question.

27 11 85

NO. 237 OF 1985

ORAL

THE HON J L BALDACHINO

Can Government state if there has been a decrease of dwellings registered under the Labour from Abroad Ordinance.

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the number of dwellings registered under the Labour from Abroad (Accommodation) Ordinance has not decreased but has, in fact, increased over the last year. Twenty premises were removed from the register over the last twelve months, but 32 new premises were approved and registered over the same period. There has therefore been an increase of 12 premises overall. The number of premises currently registered stands at 465.

27 11 85

NO. 238 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

What specific measures has Government introduced to bring about an improvement in the Domiciliary Nursing Service promised over one year ago?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, since I answered Question No. 157 last year a senior member of Nursing Staff has been sent for training as a MacMillan Nurse and is now attached to the District Nursing Team.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister satisfied that our senior citizens are being adequately catered for with the new arrangements?

HON M K FEATHERSTONE:

I think it is working well, yes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the information that we have is that the trend for geriatric care seems to be in the increase. Would the Minister then be prepared to expand it further if the service proves to be insufficient because there are cases of elderly people not being catered for?

HON M K FEATHERSTONE:

I am willing to look at it in consonance on the amount of money that will be involved.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

Can Government confirm that the necessary steps have now been implemented to gain acceptance by UK on Gibraltar Nursing Qualifications?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, arrangements are being made for a re-organisational and staffing review to be carried out to bring local conditions into line with UK standards and to the level required for recognition by the English National Board.

SUPPLEMENTARY TO QUESTION NO. 239 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, in June the Minister said that details had already been approved and that they would be implemented in a few months. Could he not be more specific on this occasion?

HON M K FEATHERSTONE:

As I said in answer to an earlier question, a consultant will be coming out to look at the whole thing very shortly.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister at least give a guarantee that Gibraltar Nursing Qualifications will be accepted outside Gibraltar before the 1st January, 1986?

HON M K FEATHERSTONE:

No, Sir, I could not give that guarantee.

HON J BOSSANO:

Mr Speaker, if the Hon Member is saying that he is now going to bring a consultant, isn't that in fact what happened when Miss Briggs was brought out precisely who advised the Government on what steps they needed to do, is he saying now that they need fresh advice on what they need to do?

HON M K FEATHERSTONE:

Yes, Sir, since the time when Miss Briggs was brought out there

have been considerable changes in the nursing setup in the UK and we feel that a more up-do-date consultant is required.

HON J BOSSANO:

So that the Government is saying that if they now finally were to implement the original recommendations that would now not be sufficient?

HON M K FEATHERSTONE:

I think that is correct, Sir.

HON J BOSSANO:

Has the Minister taken any steps to inform those affected of this or has his Department, or has anybody told anybody, this is all new.

HON M K FEATHERSTONE:

I think once the consultant has been out and various staff matters have been discussed we will be able to move ahead rather quickly.

HON J BOSSANO:

Can the Minister clarify one point? Is the position that we are required in Gibraltar to accept nursing qualifications that are acceptable in other Member States of the European Community?

HON M K FEATHERSTONE:

I am afraid I don't know the answer to that question. I will find out and inform the Hon Member.

MR SPEAKER:

Next question.

27 11 85

NO. 240 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Has the additional nurse for the Health Centre already been recruited as promised by the Minister in June of this year?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir.

NO. 241 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Has the Minister for Medical Services now satisfied himself that a commitment was given some three years ago by the Administration to Staff that an additional post of Dental Clinic Assistant was being established?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, no record has been found of a commitment ever having been given by the Administration to create an additional post of Clinic Assistant, although reference to this allegation has been made during meetings held with the Staff Side.

The creation of this additional post is a matter that still has to be considered by the Government and will be dealt with in the context of the proposed re-organisational and staffing re-appraisal of the Nursing Grades.

SUPPLEMENTARY TO QUESTION NO. 241 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister, at this stage, accept that by drawing the Dental Clinic Assistant from the complement of the nursing staff he is, in fact, creating a shortage to the nursing establishment?

HON M K FEATHERSTONE:

Yes, I would agree with that.

HON J BOSSANO:

Mr Speaker, is the Minister then saying that because he has found no records they are not proceeding with implementing that commitment or is he saying that they are not prepared to implement that commitment, which of the two is it?

HON M K FEATHERSTONE:

I am saying at the moment we are not proceeding pending the investigation by the consultant.

HON J BOSSANO:

Mr Speaker, doesn't the Hon Member appreciate that if there is an

agreed establishment for St Bernard's Hospital and an additional person is employed in the Health Centre and instead of that additional person being employed on top of those who are at St Bernard's Hospital, that person is drawn away from the Hospital establishment then the Hospital establishment is short of one person. Where does the consultant come into that? That is the point that is being made and that was accepted by the Government three years ago.

HON M K FEATHERSTONE:

I have already said that as far as records show, no commitment to that effect was ever established three years ago or even since.

HON J BOSSANO:

What I am asking the Government is, is the reason why they are not prepared to do it now because they haven't been able to establish that this is the case because if that is the reason then would he be able to tell me that if he can be satisfied that this commitment was given he is prepared to fulfil it?

HON M K FEATHERSTONE:

If we can be satisfied we will fulfil it, yes.

MR SPEAKER:

Next question.

27 11 85

NO. 242 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government explain why they are not prepared to create a second post of Mental Welfare Officer since the urgent need for such a post has been established?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Government has considered the advisability of creating another post in this field and has agreed to do so as soon as possible.

SUPPLEMENTARY TO QUESTION NO. 242 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister be more specific again? Can he say exactly when they are intending to create the post?

HON M K FEATHERSTONE:

I would imagine that an advertisement will go out within the next month.

MR SPEAKER:

Next question.

27 11 85

NO. 243 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Is Government aware that the employment of trainee nurses on a supernumerary basis, as is the practice with trainees in other departments, was recommended by staff inspectors in 1977 and promised to the Staff in 1979?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there is no record in the 1977 Staff Inspection Report of a recommendation having been made to employ trainee nurses on a supernumerary basis.

This recommendation was in fact made in a preliminary staff re-appraisal of the Nursing grades carried out in 1983/84, which also recognised the need for additional staff. However, this preliminary re-appraisal fell short of the requirement to carry out an in-depth re-organisational review which would not only provide adequate manning levels but would also bring local conditions into line with UK standards and to the level required for recognition by the English National Board.

The Government has just approved that such a review be carried out and, to this end, a consultant will be engaged from the United Kingdom as soon as possible.

NO. 244 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm whether there are any categories of patients under the Health Scheme eligible for free prescriptions?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, persons entitled to medical attention and treatment under the District Medical Scheme are eligible to medicines under the Group Practice Medical Scheme and are exempted from the payment of a prescription fee.

SUPPLEMENTARY TO QUESTION NO. 244 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Government prepared to give free prescriptions to people suffering from chronic diseases like, for example, diabetes?

HON M K FEATHERSTONE:

Not unless they are members of the District Medical Scheme. If we are going to widen the scope to that extent one gets to a stage in which one never ends. The position must be realised that the more one is willing to give the more that is asked for.

HON MISS M I MONTEGRIFFO:

Mr Speaker, it is the practice in all European Community countries that people suffering from chronic diseases get free prescriptions.

HON M K FEATHERSTONE:

I am not sure that this is so in all Community Countries but the position at the moment in Gibraltar is that we could not finance free prescriptions for diabetics.

MR SPEAKER:

Next question.

27 11 85

NO. 245 OF 1985

ORAL

THE HON MISS M I MONTEGRIFFO

Has Government now established that once Spain forms part of the European Community, Gibraltarians residing in the neighbouring territory and commuting to work in Gibraltar will be covered by their contributions to the Group Practice Medical Scheme in respect of their dependents?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, Gibraltarians residing in the neighbouring territory and commuting to work in Gibraltar will continue to be covered by the provisions of the Group Practice Medical Scheme whilst in Gibraltar. As 'frontier workers' they and their families will be covered for medical treatment in Spain at the expense of the country of insurance, ie Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 245 OF 1985

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Government fully satisfied that what they are doing is permissible under EEC Rules?

HON M K FEATHERSTONE:

This is the agreement under the EEC Regulations, yes.

27 11 85

NO. 246 OF 1985

ORAL

THE HON J C PEREZ

Can Government state what they propose to do in respect of the grievances brought to their attention by tenants at the North Gorge Hostel?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, all grievances brought to the attention of Government by the tenants of North Gorge Hostel have been carefully studied. Work on the safety aspects of the representations was completed by October 1985.

It is also intended to tarmac the approaches to the blocks once the Asphalt plant is operating normally, and to improve the steps leading down to the area.

NO. 247 OF 1985

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing explain what he means when he said that the Housing Waiting List is not sacrosanct?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the expression 'that the Housing Waiting List is not sacrosanct' means that if a situation arises where a person who is overhoused voluntarily surrenders his tenancy in favour of smaller and adequate accommodation, the exchange may be authorised notwithstanding the fact that the person giving up the larger unit may not be the first in the list of that particular category of flat. In this manner, it is possible to benefit the maximum number of persons awaiting re-accommodation who are first in the category of the larger flat.

SUPPLEMENTARY TO QUESTION NO. 247 OF 1985

HON J L BALDACHINO:

Am I to understand that if the situation is not the one that the Hon Member has mentioned but an allocation of pointage system, then the Housing Waiting List is sacrosanct?

HON M K FEATHERSTONE:

No, Sir, this is simply that if somebody is overhoused and is giving up a flat he can be awarded a smaller flat even though he is not at the top of the list.

HON J L BALDACHINO:

I understand that. What I am saying is that in any other situation apart from that, if the allocation of new flats is going to be made then the Housing Waiting List is sacrosanct. In other words, the one at the top of the list will get the house unless it is in a situation as the Hon Member has just said?

HON M K FEATHERSTONE:

Unless we are doing the process of what we call 'musical chairs.'

HON J L BALDACHINO:

The Housing Waiting List will then be sacrosanct if we are not doing the 'musical chairs'?

MR SPEAKER:

What you are being asked is other than for the exception on 'musical chairs' the Housing List is sacrosanct?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

27 11 85

NO. 248 OF 1985

ORAL

THE HON J L BALDACHINO

What measures will Government introduce to monitor the Sinking Fund required to be set up by landlords under the Landlord and Tenant Ordinance?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, Section 16 of the Landlord and Tenant Ordinance which required Landlords to maintain a Sinking Fund was revoked and substituted by a new section 80A which requires landlords to maintain a reserve fund.

Under Section 81 the Governor may from time to time make regulations for the purpose of regulating the manner in which the reserve funds shall be maintained, the manner in which accounts shall be kept and the inspection and audit of such records. No Regulations have yet been made.

SUPPLEMENTARY TO QUESTION NO. 248 OF 1985

HON J L BALDACHINO:

But the Government has the intention of setting up measures to see if the landlords are complying with the Ordinance?

HON M K FEATHERSTONE:

Some form of inspection will have to be set up, yes, Sir.

HON J L BALDACHINO:

The Government doesn't know which measures they are going to use, is that correct?

HON M K FEATHERSTONE:

It hasn't completely cleared its mind on how it is to be done yet.

MR SPEAKER:

Next question.

NO. 249 OF 1985

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state what are the terms of reference for the Housing Allocation Committee?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Terms of Reference of the Housing Allocation Committee are as follows:-

- (a) to consider applications for accommodation in Government owned premises;
- (b) to award points to applicants in accordance with the Government's Housing Allocation Scheme;
- (c) to place applicants on the basis of points awarded, on the Housing Priority List;
- (d) to approve the allocation of such accommodation except in cases which have been certified by the Minister for Housing to have been utilised for decanting purposes;
- (e) to review from time to time, the Housing Allocation Scheme and to recommend to the Minister such amendments as may be considered necessary in the light of prevailing circumstances;
- (f) to consider such matters relating to housing which may be referred to the Committee by the Minister and to make recommendations thereon, and
- (g) to approve the allocation to applicants, under the Scheme, of suitable accommodation to their need and requirements. However, should the public interest so demand, these recommendations may take the form of an allocation to one or more of the other family units forming part of the same household or of the provision of suitable alternative premises on an exchange or transfer basis for the household, or any other arrangement of this nature, which, in the opinion of the Committee, adequately meets the situation.

SUPPLEMENTARY TO QUESTION NO. 249 OF 1985

HON J L BALDACHINO:

May I ask the Hon Member why is it that it states in the Housing Allocation Scheme (Revised) 1980 and I quote: 'The Housing

Allocation Committee established by Section 3, subsection (1) of the Housing (Special Powers) Ordinance, 1972, advises the Minister for Housing on the allocation of Government housing. The Committee terms of reference are at present under review'.

HON M K FEATHERSTONE:

They are under review, Sir, as I have said these are the present terms but they are being reviewed.

HON J L BALDACHINO:

I have had correspondence on this before with the Hon Member and I would like to query with regard to the Housing Allocation Committee's terms of reference which are still under review but this is the one they are applying at the moment, is that correct? Under (g), what the Hon Member has just quoted is exactly the same that we had in 1974 which his predecessor, the Hon Mr Zammit, brought to the House, is that correct?

HON M K FEATHERSTONE:

Yes, Sir, I think Clause 1G is also the subject of a further question by the Hon Member.

HON J L BALDACHINO:

That is why I want to establish if the terms of reference that he has just mentioned are the ones that they will be applying permanently or is it under review?

MR SPEAKER:

These are the existing ones which are being reviewed. Is that correct?

HON M K FEATHERSTONE:

Yes, that is one of the Clauses which is under review.

MR SPEAKER:

These are the ones that apply now and they are being reviewed and (g) is one of the ones that is being reviewed.

HON J L BALDACHINO:

May I ask the Hon Member why has it taken five years and we still haven't got the reviewed terms of reference for the Housing Allocation Committee?

HON M K FEATHERSTONE:

The Hon Member hasn't taken five years because I haven't been there for five years.

HON J L BALDACHINO:

I mean the Government, naturally.

HON M K FEATHERSTONE:

I don't want to answer for previous Members. We are doing it as expeditiously as we can.

MR SPEAKER:

Next question.

NO. 250 OF 1985

ORAL

THE HON J L BALDACHINO

Can Government state whether they are applying the provisions of Clause 1G of the Housing Allocation Scheme?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the provisions of Clause 1G are still applicable. However, the Housing Allocation Committee is currently reviewing the Housing Allocation Scheme in the light of prevailing circumstances and pending subsequent recommendations which the Committee may consider necessary to advise they have decided to restrict the transfer of pointage only after careful consideration and in exceptional circumstances.

SUPPLEMENTARY TO QUESTION NO. 250 OF 1985

HON J L BALDACHINO:

Mr Speaker, I take it that Clause 1G means the terms of reference of the Housing Allocation Committee and if the terms of reference is enshrined in the other Committee in the Scheme, in other words, the Scheme that they are given to persons who are down in the Housing Waiting List, shouldn't the Minister then consider that some people might not be aware that Clause 1G exists and should also be enshrined in the Housing Allocation Committee as the terms of reference of the other Committee?

HON M K FEATHERSTONE:

I am not sure whether everybody is aware of all the Clauses of the Housing Allocation Scheme, anyway. People, if they apply, are given a copy of the Scheme but I don't think I can take responsibility for people's ignorance or otherwise of the actual terms of reference.

HON J L BALDACHINO:

Mr Speaker, it is not a question of people being ignorant, it is a question that the Housing Allocation Scheme does not set down the terms of reference of the Allocation Committee and therefore people might not be aware that Clause 1G exists or any other Clause for that matter and yet the terms of reference of other Committees, the Advisory Committee and the Medical Committee, if one may call it that, is enshrined in the Housing Allocation Scheme.

HON M K FEATHERSTONE:

I can only say that there are quite a number of people who seem to have used Clause 1G so they must be cognizant of the fact that it exists. Further than that I cannot go.

HON J L BALDACHINO:

Then, Mr Speaker, if I can make the Hon Member aware that there are people who come to me and say: 'Why has so and so made use of Clause 1G' and I have to explain it, a vast number of people have come to me, if I may make the Hon Member aware of that will he then look into it to see if the Housing Allocation Committee's terms of reference are enshrined in the Housing Allocation Scheme?

HON M K FEATHERSTONE:

It is very good of the Member to explain something which the person, if he went to the Housing Department, would get explained to him anyway.

MR SPEAKER: -

Next question.

NO. 251 OF 1985

ORAL

THE HON J L BALDACHINO

Is it Government's intention to apply the same policy to future allocation of bedsitters as to those of Glacis Estate?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, should a similar situation arise.

SUPPLEMENTARY TO QUESTION NO. 251 OF 1985

HON J L BALDACHINO:

Mr Speaker, shouldn't the Hon Member then think that it is fit and proper that he makes a statement so that people are aware in the Waiting List for bedsitters that they most probably will not get one?

HON M K FEATHERSTONE:

We shall have to wait and see what is available and see whether the situation arises or not. I think it can be taken now from the actual House of Assembly proceedings that such a statement has been made.

HON J L BALDACHINO:

Mr Speaker, I have brought this question to the House because Government has the intention of building other bedsitters in other areas. Is the Hon Member then saying that once those bedsitters are completed then he will make up his mind whether to use them for 'musical chairs' or not or is he saying that he will use those bedsitters for 'musical chairs'?

HON M K FEATHERSTONE:

I think the Hon Member will accept that we have a very difficult housing situation and if we can house twenty people rather than ten we have done something of benefit to the people of Gibraltar. even if in so doing one or two people who thought they were going to be re-housed miss out on the deal.

HON J L BALDACHINO:

I agree with the Hon Member that that might be the right

procedure to take with the bedsitters they are building now. What I am saying is that if it is Government policy to do with the bedsitters what they did with the ones at Glacis then the Hon Member should state clearly what their policy is once those are built, that is what I am asking.

HON M K FEATHERSTONE:

When we have the next batch of housing accommodation available I will consider making such a statement.

HON J C PEREZ:

Mr Speaker, does the Hon Member not think it is advisable to draw up a policy for the allocation of those bedsitters beforehand so as not to give the impression to those people on the waiting list that they might be the ones to get those houses, that is to say, the Hon Member knows the number of bedsitters that he is going to have available, should he not beforehand give a statement as to what policy the Government is going to apply, whether it is going to be the musical chairs policy or they are going to be allocated by the Waiting List?

HON M K FEATHERSTONE:

The only difficulty is that the circumstances are changing almost from week to week and it is difficult to give it as a policy statement three months in advance.

HON H J ZAMMITT:

Mr Speaker, may I on a point of clarification to the Hon Mr Baldachino say that what was done at the Glacis bedsitters was certainly not a novel idea. For very many years in the past Government, in trying to maximise its housing stock, always tried to decant people that were overhoused and gave up larger accommodation and using Government smaller accommodation thereby generating vacancies for people requiring two, three or four bedrooms and therefore everybody benefitted from that movement. If we were to build 100 bedsitters and you deducted the first 100 people on the Waiting List you would find that those first 100 have been waiting possibly months as opposed to people waiting fourteen years for two, three and four bedrooms.

HON J L BALDACHINO:

Mr Speaker, I think the gist of my question has not been caught by the other side. I am not disputing what the allocation of

bedsitters for musical chairs does, I am not disputing that, I am not in disagreement with that. The point is that hardship has been created for people who are in the Housing Waiting List waiting for a bedsitter who find in the last week that they will not be getting one because the Government has used it for something else, for example, musical chairs, I am not disputing the procedure of the musical chairs, what I am asking is doesn't the Government consider that it is better to announce its policy so that they don't have any comeback afterwards? That is what I am asking.

MR SPEAKER:

Next question.

NO. 252 OF 1985

ORAL

THE HON J C PEREZ

Is Government now in a position to give a definite date on when the Motor Vehicle Test Centre at Eastern Beach is expected to be fully operational?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, a first draft of a Bill introducing private motor vehicle testing was received from Sir John Spry but as some amendments are necessary it has not proved possible to include such provision in the Traffic (Amendment) Ordinance that will be taken through all its stages at this meeting. The other problem lay in the filling of the vacancies, the last one of which is now in the process of being filled.

Pending unforeseen circumstances, it is expected that the Centre will be fully operational in the reasonably near future.

The Centre has been operational since April this year and, inter alia, PSV and goods vehicles are examined there.

SUPPLEMENTARY TO QUESTION NO. 252 OF 1985

HON J C PEREZ:

Mr Speaker, since I have been raising this issue since I came to the House of Assembly nearly two years ago when the Test Centre was already built and ready for use, I think it is not enough that the Minister should say 'in a reasonable time'. I think that the Minister should, now that the legislation is being promulgated, commit himself to a definite date as to when he expects the Test Centre to be fully operational.

HON M K FEATHERSTONE:

As I have told the Hon Member we have to have the legislation and I can only comment on the Spanish adage 'cosas de palacio van despacio'.

HON J BOSSANO:

Mr Speaker, are we actually going to get an estimate from the Government of income and expenditure of the operation of the Centre which he promised us a long time ago?

HON M K FEATHERSTONE:

I would hope, Sir, in due course, Sir.

MR SPEAKER:

Next question.

27 11 85

NO. 253 OF 1985

ORAL

THE HON M A FEETHAM

Is it still Government's policy to reduce earnings of employees where these are considered to be too high and compensate by creating additional jobs in the Government Service?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, it is still Government's policy to consider the possibility of creating additional employment in areas where long hours are being worked in excess of conditioned hours. As there is already financial provision for most of the cost, it is possible to create the additional jobs without the need to vote excessive supplementary funds.

In areas where such a policy is to be implemented, the proposals will be put to the staff side for consultation.

NO. 254 OF 1985

ORAL

THE HON J L BALDACHINO

Can Government state when it will be offering other Government tenants the same opportunity to purchase their dwellings as was offered in 1984 to tenants of Shorthorn Estate?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, an offer of sale was made in March 1985 to 247 tenants in the following Estates:-

St Joseph's
Town Range (Maisonettes)
Rosia Dale
St Jago's
Medview Terrace
Seaview Terrace
Rose Shrine House
Tank Ramp

The terms and conditions of sale in fact represent an improvement on those offered in October 1979 to all Government tenants which was only taken up by the tenants of Shorthorn Estate.

The response to the offer is encouraging and a Home Ownership Unit is now being set up in order to expedite matters.

SUPPLEMENTARY TO QUESTION NO. 254 OF 1985

HON J L BALDACHINO:

So in actual fact, Mr Speaker, the thing hasn't materialised, has it?

HON A J CANEPA:

A survey has been carried out of the responses that were made and the response on the whole is quite encouraging. The matter is to be implemented by the Crown Lands Department and because of excessive demands made on the staff there in the last few months due to considerable interest that there is in private sector development, I have already obtained the approval of Council to some modest increase in staff for the Crown Lands Department which should enable a Unit to be set up of people who will be able to provide additional information for those who have expressed an interest and those answers from whom are still pending. But if I can give some indication of the kind of response that there

is, there are some Estates, for instance, like Rosia Dale where out of 83 circulars that were sent 73 have been returned and 44 tenants have indicated that they are interested in buying their flats. That is the best response that we have had but the overall position is that out of 247 circular letters sent 195 replied, 52 are pending and 105, which is over 40%, indicated that they were interested in buying. What we want to do through this Unit is to follow-up those that are pending and pursue, in particular, the matter in those Estates where a positive response has been indicated.

HON J L BALDACHINO:

If I may draw the attention of the Hon Member to the pamphlet that was circulated to create an incentive, point 9 where it states more or less 'buy now or you might find that the selling price might go up because of the revised rents', will the Government be honouring that seeing that it is not the tenants' fault that they haven't been able to buy now?

HON A J CANEPA:

I think it is only fair that the Government should take that into account, naturally.

MR SPEAKER:

Next question.

27 11 85

NO. 255 OF 1985

ORAL

THE HON J L BALDACHINO

Can Government confirm that it is their intention to sell Government Quarters particularly those classified as A1 and A2 to present occupants?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir.

NO. 256 OF 1985

ORAL

THE HON M A FEETHAM

Can Government list the 302 items which are alleged to constitute new TGWU claims submitted to Government between December 1984, and May 1985?

ANSWERTHE HON THE CHIEF MINISTER

The Government has never alleged that the 302 items constituted new claims. What the Government said was that there had been an increase in the number of claims and then proceeded to quote comparative figures under the heading, quite clearly, 'Number of items recorded in minutes'. The figures were 302 during the period December 1984 to May 1985, 129 during the same period in 1983 and 1984 and 76 during the same period in 1982 and 1983. The fact that some of the items appear more than once in the minutes does not in any way detract from the work that has to be carried out by the staff of the Industrial Relations Office who have to follow up and investigate what progress has been made on all pending items. The fact remains that, in a period of 2 years, the number of items recorded in the minutes actually quadrupled. It is worthwhile noting also that from 1 January 1985 to date the TGWU has tabled 95 new claims at meetings with the Industrial Relations Officer and has sent 47 new claims in writing, a total of 142 which compares with a total of 55 new TGWU claims during 1984. I don't know what the reason for the question is but let me say that it was never intended to be offensive to say that, it was only an attempt to show the extent of the workload that had to be coped with when allegations were being made that claims were not being dealt with, that was the reason for that.

SUPPLEMENTARY TO QUESTION NO. 256 OF 1985

HON J BOSSANO:

Mr Speaker, isn't it a fact that when the Government made that statement and when they included it in a paid advertisement, the allegation that was being made was that, in fact, the Government was being inundated with claims? That is in the context in which the 302 items were mentioned by the Government.

HON CHIEF MINISTER:

I am sorry I hadn't realised we had come to the end of questions

so quickly, I asked for the print part to be produced but I will show it to Hon Members, it is matter of looking at the thing but my recollection was that it was in response to allegations that we were not dealing with claims suitably. It was intended to indicate the extent of the workload in the Department and hence the time that it took to deal with some claims at the time when allegations were being made that the Government wasn't dealing with claims properly.

HON J BOSSANO:

But isn't the Hon and Learned the Chief Minister aware that it was at the instigation of the Official Side that regular weekly meetings were instituted at which the items that had not been answered were recorded as still awaiting an answer and, of course, if the Official Side proposes regular weekly meetings and doesn't answer any item and there are twenty items the first week, after four weeks there are eighty items. Is the Hon and Learned Member not aware of that?

HON CHIEF MINISTER:

I am not disputing that, I won't say I am aware of it, I am not disputing that.

HON J BOSSANO:

But then, surely, the Hon Member must understand that it isn't compatible to say that it involves extra workload if (a) the extra workload was initiated by the Government and (b) if the extra workload consists simply of having a record because some of the items related to matters that had been raised years previously and in some cases both the Staff Side and the Official Side had even forgotten about them, that the procedure to improve industrial relations at the request of the Official Side was introduced of having regular meetings with a list of all outstanding items. How can the Government then say that that is then produced as evidence of an increase of work initiated by the staff when in fact the whole thing was initiated by the Government?

HON CHIEF MINISTER:

Well, if I may ask the Hon Member not to pursue the matter, we hope we have a better climate now as a result of everything which everybody has learnt of recent events and certainly I can assure you that it was not meant to be competitive, it may have been defensive rather than offensive and that in fact in many cases it may well be true that the fact that the

items have only been recorded to be sure that they are not dropped but in some cases progress was made. I don't look at these papers but I know that in some cases some progress is made but if you don't finish you still keep it in the item but let us hope that there are no pending claims.

HON J BOSSANO:

I only have one further point and I don't intend to pursue the matter further. I would ask the Hon and Learned the Chief Minister whether for his own satisfaction he will actually look into the record of the thing and he will see that to say the least, the way it was presented publicly gave a different impression, for his own satisfaction I would ask him whether he will look into that?

HON CHIEF MINISTER:

Yes, I will look when I have the time.