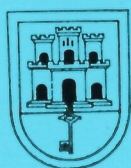


GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

24TH MARCH, 1986

46 TO 109

NO. 46 OF 1986

ORAL

THE HON J E PILCHER

Have Government inquired after the problems being faced by the Computer Operators in the Commercial Dockyard?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

This is not a Government responsibility, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1986

HON J E PILCHER:

Mr Speaker, does the Government not realise that there could be a mass resignation of all the computer operators working in Gibraltar Shiprepair Limited?

MR SPEAKER:

No, perhaps I might guide you. You have asked: "Have Government inquired after the problems being faced by the computer operators?" The answer has been "This is not a Government responsibility". You are not asking other than a simple question 'Have Government inquired?' and you haven't had an answer to that question. Do you follow what I mean?

HON J E PILCHER:

I follow what you mean, Mr Speaker, and I thank you for the clarification but obviously on this side of the House we are certainly not happy with the fact that the Government have not inquired and we just wanted to follow through to see whether
.....

MR SPEAKER:

That is what I am trying to help you to do.

HON J E PILCHER:

The Government therefore don't consider that this resignation of computer operators which could have a drastic effect on the company warrants their asking the company about it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think when I said, with respect, Mr Speaker, that it is not a Government responsibility, I was speaking in the context, which is one which I think Members of the House will be familiar with by now, in the context of what questions the Government will answer, or feel themselves answerable for, in this House where GSL matters are concerned. I am following the line which was, in fact, laid down by the Hon and Learned the Chief Minister as long ago as December, 1984, I think it was, Mr Speaker, when he indicated the questions which the Government would answer for, and I think it was felt to be a reasonable distinction at the time. This is clearly not a matter which I, as Financial Secretary, should be answerable for in view of my responsibilities on the financial side and

MR SPEAKER:

May I not allow the responsibilities of Government to answer questions in this House be obscured by anything that any Member may say. Most certainly the Government can take whatever view they like as to how they answer the questions. The question which has been asked is a completely and utterly proper question to be asked. Whether the Government wishes to answer it or not is another matter. Let there be no doubts about that.

HON J E PILCHER:

Mr Speaker, first of all, I accept what the Hon Member says, although I disagree with him in that we also have the guidelines laid down by the Hon and Learned Chief Minister, reference what the Government would or would not answer to the House. I again feel that I have to make the point that I do not know why the Financial and Development Secretary is answering this question as it doesn't affect financial matters. It is a question simply aimed at the Government which the Government said in the last House of Assembly the Hon and Learned Chief Minister would answer. Therefore I don't know why the Financial and Development Secretary is answering. But nevertheless I think the question which I have put I will put again, because it is a very clear and simple question: "Is the Government not interested in what is happening in the commercial dockyard with the computer operators and the effects that that could have on the operation?" Does the Government accept that it will have an effect, or do they not know whether it will have an effect?

MR SPEAKER:

You are not going to get an answer so we will call the next question.

HON J BOSSANO:

No, Mr Speaker, I would ask the Hon Financial and Development Secretary, whether he is prepared to answer questions in relation to his constitutional obligations as the Controlling Officer of the Gibrepair Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I think, Mr Speaker, as a general answer to that question, naturally, I would be responsible to this House in view of my responsibilities for the Special Fund, as Financial Secretary, yes.

HON J BOSSANO:

Is the Hon Financial and Development Secretary aware that according to the Managing Director of Gibrepair the reason why all computer operators have resigned is because ODA Funds which should have been available to meet a payment to computer operators have been stopped and can the Hon Financial and Development Secretary, as the Controlling Officer, state whether in fact he knows that there is a payment due to computer operators which has not been forthcoming because he as the Controlling Officer has not received the necessary funds from ODA?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, as far as I am aware the Hon Gentleman is misinformed.

HON J BOSSANO:

So in fact, the Hon Financial and Development Secretary is saying that the public statement that has been made by the Government-owned Shiprepair Limited regarding the reason for the resignation being the non-arrival of ODA Funds for the specific purpose of meeting a claim from computer operators is incorrect?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As I understand it, Mr Speaker, the Hon Gentleman said in his first intervention that the reason why or rather it has been said by the Managing Director that the reason why the claim

could not be met was that ODA fund had been stopped. I think I heard him correctly and my answer to him was that I think he was misinformed.

HON J BOSSANO:

Mr Speaker, is he saying that I am misinformed?

MR SPEAKER:

Yes, that is what he is saying.

HON J BOSSANO:

He is questioning whether that is factual, whether the statement that I am making, which is a public statement, is factual?

MR SPEAKER:

He is questioning the correctness of the statement.

HON J BOSSANO:

The correctness of the statement, or that the statement has been made at all: which of the two is it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Gentleman was, I think, to the best of my knowledge misinformed if he says in this House that the Managing Director of Gibrepair said that the reason why the claims could not be met was that ODA funds have been stopped.

HON J BOSSANO:

I see. So independent of whether I am right or not, Mr Speaker, which is a matter that the Hon Financial and Development Secretary can establish for himself because it was a statement made on GBC news, is he saying then that ODA, to his knowledge, and he is the Controlling Officer, has not stopped the payment of funds which would enable the claim of the computer operators to be met and their resignation not to take place. He is saying that has not happened?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am saying that, Mr Speaker. And if I may be even more helpful to the Hon Gentleman, I think he was misinformed if he has taken the view that ODA funds have been stopped. I believe that what the Managing Director said was that the claim could not be

met until there was some assurance about future ODA funding.

HON J BOSSANO:

So in fact, we are in the field of semantics then, Mr Speaker. Can the Hon Financial and Development Secretary confirm that the reason why computer operators have all resigned from the Government-owned company is because the company is not in a position to assure them that it can meet their claim because it doesn't know whether it will receive the money to enable it to do so?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As far as I am aware that is what the Managing Director of Gibrepair has said, Mr Speaker.

HON J BOSSANO:

But since, in fact, for that to be true the Hon Member would have to know that it was true, since he is the one who has to ask for the money, can he tell the House whether it is true or not to his knowledge?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not sure what I am being asked what is true or not at this stage, Mr Speaker.

HON J BOSSANO:

Can the Hon Member say whether what he believes to be true of what the General Manager has said is also true from his knowledge of the negotiations between himself, as the person charged with receiving the money from ODA?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that has got absolutely nothing to do with the question which is on the Order Paper, Mr Speaker, and I am not prepared to say anymore.

MR SPEAKER:

Next question.

THE HON J E FILCHER

ORAL

Has the Government now requested an additional sum of money from ODA for the refurbishment of the Commercial Dockyard and, if so, for what amount?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government submitted proposals to the ODA requesting additional funds for Gibraltar Shiprepair Limited at the end of January. I am not prepared to go into detail about the amount requested.

THE HON J E PILCHER

ORAL

Has Government now considered making public the Management Agreement between Gibraltar Shiprepair Limited and A & P Appledore?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, in answer to a similar question at the last meeting, the Government agreed to consider the suggestion made by the Hon Member that the Agreement should be published in part, excluding those clauses which might be commercially damaging to either or both parties involved. After careful consideration, the Government does not consider that it would be desirable to publish an incomplete document.

THE HON J E PILCHER

ORAL

Has the refurbishment of the Commercial Dockyard now been completed and, if so, what has been the total cost?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, most of the refurbishment work has been completed. There are some minor works underway which were found necessary at a later stage. The total refurbishment cost is higher than estimated. There remains uncertainty about the final cost mainly because negotiations with the main civil works contractor to settle outstanding claims are still in progress. Until these negotiations, together with other smaller claims from other contractors are nearer completion I feel it would be prudent not to quote final figures.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1986

HON J E PILCHER:

Mr Speaker, without the final details and the final figure, could we at least get how much has been spent up to the present moment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There is a question down on the Order Paper about the release of funds from the £28m, Mr Speaker. If the Hon Member wishes to know how much has been settled at this particular juncture, I think I can probably provide the information for him although I don't have it at hand. But I will write and let him know how much we have spent on refurbishment.

HON J E PILCHER:

On refurbishment.

MR SPEAKER:

Next question.

THE HON J E PILCHER

ORAL

Can Government state what was the Wage Bill for hourly paid workers in the Commercial Dockyard for 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I propose to answer this question together with Question No. 51 of 1986.

THE HON J E PILCHER

ORAL

Can Government state what was the Salaries Bill for the monthly paid staff in the Commercial Dockyard for 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the 1985 Wages Bill for hourly paid workers employed by Gibraltar Shiprepair was about £4.5m and the 1985 Salaries Bill for monthly paid staff was about £2.5m.

THE HON J E PILCHER

ORAL

Can Government state how much of the £28 million for the commercialisation of the Dockyard remains to be released?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. About £1.7m. The total released to date is therefore £26.3m inclusive of the Company's working capital requirements for March 1986.

NO. 53 OF 1986

ORAL

THE HON J E PILCHER

Was Government informed in October, 1985, that further payments of funds for the commercialisation of the Dockyard would have to be personally approved by the Secretary of State for Overseas Development?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, as I said in answer to Question No. 6 of 1986 Government has been aware for some time of the concern expressed by ODA officials on behalf of the Minister for Overseas Development about industrial disputes in the Dockyard and a contingent risk to the disbursement of funds.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1986

HON J E PILCHER:

That is not the question, Mr Speaker. If the Hon Member could answer the question. I have got another question about the disputes in a moment, which is Question No. 54.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think I can say that the Government was not notified of any decision by the Secretary of State to delay or hold up the funds. That is to say, at no time did anyone from the ODA write to me or inform me to quote a phrase used by the Hon Leader of the Opposition, "the man responsible for the GSL Special Fund" on what is clearly an important financial matter nor, as far as I am aware, did anyone from the ODA get in touch with any other Member of the Government to that effect. That is the first point I should like to make in elaboration of what was said on the previous occasion when we discussed this in the House.

The second point, I think, I should make is that no request was made to me as Financial and Development Secretary by the Managing Director or the Chairman to the effect that they would need financial assistance as a result of any shortage of funds that might have occurred.

Thirdly, the House will be aware that as some-time Chairman of the Company I am familiar with the arrangements for drawing down of funds and, therefore, I think I can say quite safely that:

yes, as far as I am aware, and I feel fairly confident on this point, that the company have not been financially embarrassed by any temporary shortage which might have occurred as a result of any delay of whatever period in the receipt of funds.

I don't wish to make any further comments on this point, Mr Speaker, because while Hon Members of the Opposition may have their own view about the way in which this question was answered on the previous occasion, and indeed on this occasion, I think it has obviously become a matter of some political debate both here and, indeed, outside the House: there was an article in the Hon Member's 'The People', and there was also a discussion on GBC on which the Hon Leader of the Opposition featured, and I have a copy of what he said. That is one reason, I think, why I don't want to make any further comments. The other is, of course, that we are, as Members of the House will be aware, in the process of applying, indeed, we have applied to the ODA for further funds and I don't wish to aggravate that particular situation.

HON J E PILCHER:

No, Mr Speaker, it is not a question of the Opposition wanting to aggravate the situation, it is a question of the Opposition wanting to clarify the situation. As Controlling Officer of the Fund, would it not be expected that if there were any delays or any hesitations or any new conditions, that the Controlling Officer would be the first to find out since the money has to be channelled through the Controlling Officer to Gibraltar Shiprepair Limited?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I have told the Hon Member, Mr Speaker, that I was not notified of any decision by the Secretary of State or, indeed, by any member of the ODA.

HON J E PILCHER:

The question was not 'Had he been' which he has already answered 'no'. Could he expect to be if it had happened?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That question, Mr Speaker, then takes it out of the realms of fact and into the matter of political controversy which I was anxious to avoid.

HON J E PILCHER:

Alright, Mr Speaker, I take it that the hypothesis is, yes, he would be.

It is not a question of the company being financially embarrassed, it is a question of the company using the hesitations, which has not happened, the stoppage of funds, which have not happened, to lead its workforce in a part, which we brought over last time, by claiming to them in each individual dispute, and I lead on to the next question, on the fact that the ODA funds were being stopped.

I thank the Hon Financial and Development Secretary for making that absolutely clear: that at no stage had the funds been stopped or was there any question of their going to be stopped.

HON J BOSSANO:

Mr Speaker, the Hon Member has said that, in fact, the company was not being financially embarrassed. How does the Hon Member explain then that the company informed its employees that but for the fact that it was able to borrow money from Barclays Bank at the time it would not have been able to meet wages? Would he describe that as being financially embarrassed or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Hon Member has answered the question for me by explaining that the company was able to make temporary arrangements to meet any shortfall in cash requirements.

HON J BOSSANO:

So in fact, what the House is being told, Mr Speaker, is that when the Hon Member says that the company is not financially embarrassed he means that the company has got sufficient credit in the bank to be able to deal with the problem. Is that what he means, not that there wasn't a problem?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have told the Hon Member what I meant, Mr Speaker, I don't wish to bore the House by repeating what I have just said.

HON J E PILCHER:

Mr Speaker, obviously from the answer given I take it that the answer to the initial question was, no, the Government hadn't

been informed that further payments for the commercialisation of the Dockyard would have to be personally approved by the Secretary of State for Overseas Development. There was no change or no new conditions having been put on the actual disbursement of money. Can the Hon Member then explain - I have got a press release, of the 29th January, 1986, by Gibraltar Shiprepair saying: "Following the delay in the October payment, the company was told that after the industrial action taken in October each monthly payment now had to be cleared by the Minister of State for Overseas Development personally".

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It gives me great pleasure, Mr Speaker, to be able to get up and say in this House that I am not responsible for what the Managing Director of Gibrepair may have said.

HON J E PILCHER:

I accept that, Mr Speaker. As Controlling Officer for the Gibraltar Shiprepair Limited Fund he is not responsible, but the Government is responsible as the 100% owners of the company. Will somebody in the Government answer this?

HON J BOSSANO:

Mr Speaker, doesn't the Hon Member or anybody else in the Government think that it is important for the House of Assembly and the people of Gibraltar to know whether that statement is true or not true, or is it perfectly legitimate for a Government-owned company to come out with statements which make reference to matters raised in this House of Assembly - and I think come very close to infringing its privileges - and we are not even able to find out whether the truth is what the statement from the company says or what the Financial Secretary says?

MR SPEAKER:

No, with respect, I don't think that Government is here to reconcile any differences of statements made either by the Company or by the Government. It is a matter to be debated, it is a matter to be investigated, most certainly, otherwise we would be bogged down with the day-to-day running of the company itself which is the responsibility of the Board and its Chairman.

HON J E PILCHER:

Mr Speaker, I accept that but we are not trying to bog the House

down to the day-to-day running of the company.

Mr Speaker, we are talking about a situation where the statement refers specifically to monies being paid which have to be approved by the Secretary of State and, in fact, when we raised this in the House we were satisfied that no new problems existed.

MR SPEAKER:

I think you have achieved your object from the questioning by being able to elucidate that there is a divergence between which the Government and what the company is letting out. What you do with it is another matter, but we must not try to reconcile.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think, if I may intervene, I am anxious not to suggest that there is any dispute over a certain aspect of the Managing Director's letter, that is to say, where he gives information about the dates on which funds were drawn down, that is not in dispute, I wouldn't like the Hon Member to think that I am disagreeing with that.

MR SPEAKER:

Next question.

NO. 54 OF 1986

ORAL

THE HON J E PILCHER

Can Government confirm whether the Secretary of State for Overseas Development will stop the release of funds for the Dockyard commercialisation whenever there is a dispute between Gibrepair and any of its employees?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. I am not answerable in this House for what the Minister of Overseas Development does.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1986

HON J BOSSANO:

Mr Speaker, since the Hon Member has to receive the money into the Special Fund isn't he interested to find out whether the money is going to be forthcoming or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is entirely hypothetical, Mr Speaker.

HON J BOSSANO:

So then it is not true at this point in time that this is happening, it is hypothetical now?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The question asked is: 'Can the Government confirm that the Secretary of State for Overseas Development will stop the release of funds, etc?' and I have said that I am not answerable for that. In any event it is hypothetical.

HON J BOSSANO:

Then at this moment, Mr Speaker

MR SPEAKER:

Again I must insist on one particular thing. You are asking to confirm, whether you can or you can't, or whether you wish or you don't wish is another matter, but the question itself is a proper question, let there be no nonsense about it.

HON J BOSSANO:

Is the answer that we have been given, Mr Speaker, that the Hon Financial and Development Secretary has stated in the House of Assembly that to date there is no indication that the money he has to receive into the Special Fund from ODA is subject to being stopped by the Secretary of State whenever there is a dispute between Gibrepar and its employees?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, we discussed this very point in my answer to the last question. I have already explained to Members of the Opposition that the Government has not been notified of any such decision and as far as the future is concerned, naturally the only answer I can give to the question is, no, Government will not, or cannot confirm.

HON J E PILCHER:

I accept that, Mr Speaker, if I may, we as the Hon Leader of the Opposition said were very satisfied with the answers given by the Hon Financial and Development Secretary in the last House. It was only that immediately after the House, in fact, the same day at 6 O'clock in the afternoon, Gibrepar issued a press release, and at 8 O'clock in the afternoon the Hon Financial and Development Secretary issued another press release highlighting the fact that he was in agreement with the Company and that he hadn't said what he had said in the House - and I don't want to imitate the Hon Minister for Tourism, I have said what I have said. The question is, having said here in the House that there had been no delay the Company came out with a press release, and I am going to just quote slightly, Mr Speaker, I hope you will bear with me, that the follow-up to the Secretary of State for Overseas Development personally is: 'In November and December these payments were again delayed and the company was told that this delay, as with the delay in October, were directly due to the industrial action which was taken in those months. In each case the payments were finally made after industrial action had ceased. In the light of the fact that there was no industrial action in January and the impending investigatory visit by ODA, the January payment of the Company was made normally'. The Hon Financial and Development Secretary in his press release, issued two hours after this one, did not take any great pains to tell the Company and the people of Gibraltar that this was not the case. Why?

HON FIN ANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think I must ask the Hon Member to withdraw his suggestion, if I heard it rightly and if I didn't hear it rightly then there is no need for him to withdraw it, his suggestion that I issued a press release saying that what I said in the House was not true. I think he did say that, perhaps if he would like to withdraw it I am quite

HON J E PILCHER:

I didn't say it, although I will withdraw it. What I did say, Mr Speaker, and I am going to quote it, it said: 'Report in the Gibraltar Chronicle referring to a statement made by the Financial and Development Secretary having incorrectly stated there would be no delay in ODA payments made to the Gibraltar Shiprepair Ltd. The Company wishes to state categorically that there have been delays over a period of some months'. The Hon Financial and Development Secretary did that same evening tell the Gibraltar Chronicle and GBC that this was not the case. That he, in fact, had not said that and that he shared the ideas of the Company and that he had not said that. In fact, he had not said that at that stage, he had said it at another stage but he didn't bother to tell the public that that is what he had said. And certainly the rest of the press release he did not bother to comment on whereas he has just told

MR SPEAKER:

We are beginning to debate. What are you asking?

HON J E PILCHER:

It is just that I didn't say that.

MR SPEAKER.

I think it has been cleared. Next question.

THE HON M A FEETHAM

ORAL

Has Government accepted that any additional funds provided for the Commercial Dockyard by ODA will have to be deducted from the aid requested for the Development Programme?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir.

THE HON M A FEETHAM

ORAL

Has Government received an indication from HMG that any part of the £16m to be provided for 3 years for the payment of pensions to former Spanish workers should be taken into account in determining the level of Development Aid granted to Gibraltar?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir.

THE HON J C PEREZ

ORAL

Can Government state whether the Waterport Power Station is included in this year's valuation list?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. It was also included in last year's valuation list ie for the rating year commencing 1 April, 1984.

Can Government state whether the Vehicle Test Centre at Eastern Beach is included in this year's Valuation List?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. The Vehicle Test Centre was included with effect from the 1st January, 1986.

Can Government state how much it estimates will be collected in Income Tax through PAYE in 1985/86 and how this figure compares with the amount collected in 1984/85?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Sir, the latest estimate of Income Tax to be collected through PAYE in 1985/86 is £19.75 million compared with £17.8 million in 1984/85.

THE HON M A FEETHAM

ORAL

Can Government state on what basis was the licence agreement granted to the Developer of the old Petrol Station Site at Corral Road?

ANSWER

THE HON THE ATTORNEY GENERAL

Mr Speaker, the answer is a fairly lengthy one and it would be correct to take Question 61 and 62 with this question.

MR SPEAKER:

Yes.

24 3 86

NO. 61 OF 1986

ORAL

THE HON M A FEETHAM

Can Government state the reasons for the lengthy dispute between Government and the company, IES (Med) Ltd, over the development of the old Petrol Station Site at Corral Road and when was this dispute resolved.

ANSWER

THE HON THE ATTORNEY GENERAL

Answered together with Question Nos. 60 and 62 of 1986.

NO. 62 OF 1986

ORAL

THE HON M A FEETHAM

Will Government assure the House that the development of the Old Petrol Station Site at Corral Road will continue on the basis awarded, namely, in accordance with the conditions of Tender?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, in late February 1978 tenders were invited for the site in question for 'the construction of a commercial or light industrial building'.

There were ten tenderers one of whom was GA Byard Group Ltd.

The Byard Group tendered to pay an annual rent of £1,500 and to construct a two storied building with a showroom and offices on the ground floor and a workshop on the first floor. Two additional floors were to be built as Phase II. No use was specified for the two additional floors.

The Development and Planning Commission considered that the economic interests of Gibraltar would best be served by the Byard project and on its recommendation the Company's tender was accepted by the Treasury Tender Board. Notice of this appeared as Government Notice No. 225 of 1978 published on 25th May 1978.

On the 20th November, 1978, an agreement was entered into between Government and International Engineering Services (Med) Limited. IES formed part of the Byard Group of Companies.

The principal terms of this Agreement were:

- (1) The Company were given a licence to enter and remain on the site.
- (2) The Company were to submit an outline development scheme within 3 months.
- (3) Within 3 months of the approval of the scheme by the Government the Company were to submit an application for a building permit to carry out the works approved by Government.
- (4) The Company were to proceed with the development of the site which was to be completed not later than 2

years after the Company were given possession of the Site. Possession of the site had been given on 1st August, 1978.

- (5) On satisfactory completion of the development the Company were to be given a lease on terms which would be determined having regard to the capital expenditure incurred in the development.

The Company failed to submit an outline development scheme within the 3 months period specified in the Agreement and on the 2nd February, 1979, the Solicitors for the Company were informed 'in view of the delay and failure by your clients to comply with this basic requirement the position will be reviewed if the plans are not received by the 28th February, 1979'.

The Company complied with this deadline and the Company's outline development scheme was submitted to the Development Planning Commission on 2nd March, 1979. The scheme submitted differed from the tender proposals in that the Company now proposed a 6 storey development and the scheme included living accommodation and 2 offices. The Company's scheme was approved in principle by the Development and Planning Commission subject to compliance with the statutory parking requirements.

The Company were informed by the Development and Planning Commission that the outline development scheme had been approved on planning grounds but nevertheless they failed to submit an application for a building permit within the three months period specified in the Agreement.

On 3rd July, 1979, by notice the Company were informed that if they failed to submit an application for a building permit by 15th September, 1979, the Government would re-enter the site and the Agreement of 20th November, 1978, would become null and void.

On the 6th September, 1979, by letter the Company informed the Government that the outline scheme considered by the Development and Planning Commission on 2nd March, 1979, was formally withdrawn. The Company stated that a new Architect had been appointed to 're-submit a scheme based on our original proposals submitted to you with our tender' and requested a three month extension to submit revised proposals.

The DPC approved a three months extension for the submission of a building application expiring on 15th December, 1979.

On the 17th December, 1979, the Company requested a further extension of two to three months and on the 18th January, 1980, the DPC agreed to one final extension to the 15th March, 1980.

On the 10th March, 1980, the Company submitted an application for a building permit for the erection of a two storey building with half the ground floor as a bank. However, neither structural nor design details were submitted with the application. The DPC raised no planning objection to the scheme as submitted.

On the 2nd January, 1981, the DPC considered yet another scheme submitted by the Company. The scheme now proposed was a complete departure from the original scheme for a two storey building submitted with the tender and the Government would have none of it.

By a letter dated 23rd March, 1981, addressed to the Company's Solicitors the Company was informed that the Government intended to determine the Agreement of 20th November, 1978, but notwithstanding such determination and provided that the rent of £4,000 due under the Agreement was paid forthwith the Company would be offered a new agreement containing the following conditions:-

- (1) that plans and drawings of the proposed building complying with the relevant Rules and Regulations be submitted within three months
- (2) that the Company construct a building the prime purpose of which was to be a factory/workshop and in accordance with the Original 1978 tender
- (3) that a lease would be granted on satisfactory completion.

The Company were given until the 6th April, 1981, to accept the new terms. In the event of non-acceptance the Agreement of 20th November, 1978, would be determined and the site put out to tender. The Company's Solicitors replied on the 30th March asking for an extension of time. The Government's response was to determine the agreement of 20th November, 1978, and to require the site to be vacated.

The Company challenged the Government's right to determine the Agreement and re-possess the site and invoked the Arbitration clause contained in clause 18 of the Agreement of 20th November, 1978, and Mr Samuel Benady OBE, QC, was appointed sole arbitrator. The parties attended before the arbitrator on the 15th December, 1982.

The Company then put forward an offer to settle the matter and after receiving legal advice the Government agreed in principle to accept the offer.

The offer consisted of proposals to build a banking hall and offices on the ground floor and offices and workshops on the first floor. In addition the Company offered to settle all arrears of rent and rates and to meet the costs of the arbitration.

The parties then began considering Heads of Settlement to be signed in the presence of the arbitrator. However, there was considerable disagreement between the parties as to the Heads of Settlement.

On 24th April, 1985, the Government put forward the following terms of settlement:

- (1) The Company were to construct a two storey block comprising the IES factory, showroom office area and banking area on the ground floor and an IES store, office area and banking area on the first floor.
- (2) The Company were to pay the whole amount owing to Government in exchange for a new licence and authority to enter the land.
- (3) The Company were to pay £1,000 towards the cost of the Arbitration.
- (4) The Company were to submit an application for planning permission within three months of the execution of the licence to enter the site.
- (5) The Company would submit an application for a building permit within one month after the granting of planning permission.
- (6) The Company would submit working drawings within three months after the issue of the building permit.
- (7) The Company were to complete construction within 18 months of the submission of the working drawings.
- (8) On satisfactory completion of the development the Company would be granted a 99 year lease.

The Company responded by agreeing in principle but reverted to the idea of a six storey structure on the grounds that

such a development had already been favourably considered by the DPC. This was rejected by the Government. On the 25th June, 1985, the Company were informed that they had seven days within which to accept or reject the terms put forward on the 24th April, 1985.

On the 11th July, 1985, the Company were informed that there was no basis for further negotiations and that the Government would proceed to enforce its legal rights.

On the 13th September, 1985, after consideration by the DPC, the Government informed the Company that it would consider settling the matter on the terms set out in the letter of the 24th April, 1985, duly amended to allow a four storey building. The Company were informed that in the event that the Company accepted this the agreement for a lease would be in the name of International Engineering Services (Med) Limited and not in that of any other company. This was accepted by the Company on the 3rd October, 1985.

The present position is that the Government and the Company are still in dispute as to the total amount of moneys due and owing by the Company to the Government.

By a letter dated 11th February, 1986, my Chambers were informed that on the 9th January, 1986, Mr K A Robinson had been appointed Receiver and Manager of the Company on behalf of holders of two debentures dated 29th March and 9th May, 1978, both debentures being secured by the fixed and floating charges. The Receiver and Manager requested my Chambers to supply details of all sums outstanding and due to the Government by the Company. To date the Company have paid £59,258.85.

The final figure of the amount due to Government has not yet been ascertained. The Company has to submit the Income Tax deduction cards and statement for the year 1982/83. There are also one or two other accounts that have to be finalised.

Accordingly, the dispute with the Company has not yet been resolved. The Government will continue to deal with the Company and on my present instructions the dispute will only be resolved on the basis of the offer put forward on the 24th April, 1985, as amended to allow a four storey building and the payment of all moneys due to the Government.

SUPPLEMENTARY TO QUESTION NOS. 60, 61 AND 62 OF 1986

HON M A FEETHAM:

Mr Speaker, in view of the detailed reply I have had to the

questions, for which we are very grateful, because Government will agree that if it is useful for the general public to know what goes on in these sort of deals where sites are awarded and at the end of the day it seems that the developers either wish to finish up speculating with the site and not build at all.

If the Hon Member opposite will bear with me while I ask some very simple questions which the lay people are asking. A lot of legal detail has been put over. Can I just ask one straight question? Why hasn't Government taken over the site in view of this seven year wrangle?

HON ATTORNEY-GENERAL:

That is a matter of policy for the Government. As I say, we terminated negotiations with the Company and then a fresh offer was made to settle on the basis of the letter of the 25th April, as amended, to allow a four storey structure, which, of course, was the original tender proposal because the original tender proposal was a first and second floor and two additional floors.

HON J C PEREZ:

Mr Speaker, but if the Hon Member - if I've got him correctly - said that the Company were told in July that Government was at the point of withdrawing the licence from them and putting the site out to tender, why didn't they do it? Why did they have to wait until September so that the Company should reply, and why did they take a different policy decision and accepted to continue negotiations in September with the Company when in July they had already decided to take that action?.

HON ATTORNEY-GENERAL:

I believe certain proposals were made to Government and Government obviously found these proposals attractive. One of their proposals was to go back to the original tender and have ground floor, first floor, and on phase II, two additional floors. It was a matter entirely for Government, it was within their purview and they decided to go ahead on this basis.

HON J C PEREZ:

Since after that there is no agreement, Mr Speaker, that the Company should accept the proposals put by the Government on that basis, why is it that the Government is reluctant to go and withdraw the licence now, even after all that has happened? Why is it that the Government was prepared in July, 1985, to take that action and today, even after there is no agreement with the

Company and the Company has not fully paid the amount of the arbitration, why is it that the Government is still talking with the Company and have not taken strong action in withdrawing that licence and putting that site out to tender again?

HON ATTORNEY-GENERAL:

I don't think, Mr Speaker, that is a matter within my remit I think that is a matter of Government policy and I don't think it is a matter for the Attorney-General.

HON J C PEREZ:

I am asking the Government.

HON M A FEETHAM:

The Hon Member has said it is Government policy. When we talk about Government policy are we talking about the political will not to take away that land from the people who have been awarded it, is it political or is it administration? Is it your or is it the decision of the Members opposite to take over that land?

HON ATTORNEY-GENERAL:

Who makes the decision as to whether there should be a re-entry, no, I take instructions on that.

HON M A FEETHAM:

So you have been instructed by the Government not to do anything about it over the last seven years? It is clear, doesn't the Hon Member opposite agree, that Government have been very, very lenient in dealing with this particular nonsense?

HON ATTORNEY-GENERAL:

Government has, I think, been very, very lenient with the Company, very lenient, indeed.

HON M A FEETHAM:

It is also a fact, is it not, that the Company has developed considerable amounts of money owed to Government. If my calculations are correct, the Hon Member says that it was paying £1,500 per annum on rent, which I presume was paid, I am not quite sure whether it actually paid rent at all, over seven years that would be something like £12,000 rent during all that period. Isn't that correct? And yet he has been accruing arrears up to £50,000/£60,000 owing to Government in all this time while Government was being very lenient with the developer?

HON ATTORNEY-GENERAL:

Yes, rent certainly was accruing, rent hadn't been paid and the figure for rent and rates is specified as £10,693.04.

HON M A FEETHAM:

Do I understand that they have actually not paid rent?

HON ATTORNEY-GENERAL:

They haven't been paying rent, no. It is now paid, it is part of the £59,000.

HON M A FEETHAM:

But during that period they have not been paying rent. As far as I understand it, if the tenant of Government housing doesn't pay rent he finds himself in Court and presumably is dispossessed as well of the Government house. Where is this change of policy on the part of the Government dealing with tenants in one way and dealing with developers in a different manner altogether?

HON A J CANEPA:

Mr Speaker, what happened here originally, as I recall it, was that the very first agreement that was entered into by the Government with the Company had many unsatisfactory aspects. This was the time when the agreements that the Government was entering into with a number of prospective developers were not sufficiently watertight, they were not being drawn up by legal chambers, they were not being vetted by legal chambers, and they were just not sufficiently watertight and solicitors on behalf of companies could exploit them on more than one occasion. That was the reason why a Crown Counsel was appointed in the Legal Chambers with special responsibility for conveyancing to ensure that there would be an overall legal supervision of these agreements which had been up until that time drawn up by, in legal terms, laymen, by Government officials. There were many unsatisfactory aspects to it, but on the 24th April, 1985, after the present incumbent, the Hon Mr Eric Thistlethwaite had taken over responsibility as Attorney-General, he advised the Gibraltar Council on the matter and the terms of settlement which he has referred to were put forward. The Company accepted those terms of settlement of the 24th April but they then came back to the six storey structure and then the matter went to the Development and Planning Commission and it was favourably considered by the Commission. The Commission was prepared to have a six storey

structure but the Government, as landlord, would have none of that. And the Government, as landlord, is free to do that. The Development and Planning Commission has a role to consider a planning application. It may approve it on planning grounds but the Government, as landlord, or anybody else, such as the Ministry of Defence, may not go ahead with that because they don't want the land to be released for that purpose.

When the Company were informed on the 11th July, 1985, that there was no basis for further negotiations and that the Government would proceed to enforce its legal rights, they informally made an approach in the interim period which led on the 13th September, 1985, to consideration being given by Development and Planning Commission of a compromise proposal, if you like, that the Company would consider settling the matter on the terms indicated by the Government on the 24th April, but with an amendment, namely, neither a six storey structure nor a two storey structure but a four storey structure. But what was made clear by the Government was that it would not accept an agreement for a lease in the name of any other Company other than IES. I have a feeling, and I seem to remember that events later on, I think, bear this out, that there were some indications, some talk that the shares of the Company, the Company was going to be taken over by some other Company, and this the Government was not prepared to have because in that situation we would go out to tender.

I think the indications are that now if a receiver has been appointed it is because the Company is going into liquidation. The concern of the Government has been all along, first of all, to have development there. During the period when the opening of the frontier was in doubt we could see that the real chances of getting development there were not very bright. The attempts to try and get a banking area were favourable at the time when the frontier was due to open, but when the thing cooled down both in 1980 and in 1982 interest was lost in the matter because no bank was particularly interested in having a bank there if the frontier was not going to open. What the Government was trying to do was to ensure that there was a development there, to safeguard its rights and to abide by the original conditions of tender and ensure that the Company would not benefit by departing from those conditions of tender. But whenever the Government has been taking a firm initiative in attempting to terminate the agreement, they have come back with compromise proposals, they have come back with a desire, apparent desire, to settle and to meet the sums outstanding which, I think, have also been a factor as far as the Government itself was concerned. There was a question of income tax, there was a question of rent and there was a question of other municipal services. We

certainly don't want to have them get away with it and if we can get development going during a time when things are difficult, I think we are prepared to deal with people on reasonable grounds but otherwise, at the moment the position is the dispute will only be solved on the basis of the letter put forward on the 24th April. We are prepared to allow a four storey building, they have got to pay all the sums due to Government, if that is not the case then the policy of the Government is to take possession and put the site out to tender and I am sure that there will be many interested parties in developing that site.

HON M A FEETHAM:

There is no doubt on this side of the House that what Government wants to do is to get a development off the ground there. Do I detect

MR SPEAKER:

With respect, we are now beginning to forget what we are doing. This is question time, let us not debate. I know that the Minister has given a long answer and you are free to ask questions but let us not fall into that temptation.

HON M A FEETHAM:

Do I detect from the answer given by the Hon Minister opposite that, in fact, Government wanted to cancel the agreement but were not able to?

HON A J CANEPA:

Yes, this is the impression I get. Government here is 'Gibraltar Council', the matters have been to Gibraltar Council on a number of occasions, but when it comes to taking a decision, implementation of that then goes out of the hands of the politicians. It is the Director of Crown Lands who then on behalf of the politicians deals with the Chambers of the Attorney-General. What the legal position then is I am not to say. I certainly do not make it my business to follow on a day-to-day basis what happens at that stage. I have said on more than one occasion one of the problems in Government, I think, is the lack of follow-up action, but there we are, it is not in our hands.

HON M A FEETHAM:

Do I understand the answer given by the Hon Minister opposite that Government will not accept a position where this company

has been sold out to somebody else, Government would do everything possible to cancel the lease if that is the case?

HON A J CANEPA:

The lease will not be given to another Company.

HON M A FEETHAM:

But you referred to the shares of IES.

HON A J CANEPA:

If the Company is insolvent they will have to pay. The Company is now insolvent, it has been put into the hands of a receiver.

HON ATTORNEY-GENERAL:

As I understand it, Mr Speaker, the receiver is managing the Company on behalf of the debenture holders and the receiver is trying to receive money for the Company and hopefully, as far as the receiver is concerned, anyway, the Company will not go into liquidation.

MR SPEAKER:

I think the answer has been comprehensive which has to be studied, I am sure, by the Opposition. If there is any further information and you are asking for an undertaking that the shares of the Company will not be sold, I don't think that Government or anyone can give an undertaking in that respect but it is not for me to answer questions.

HON M A FEETHAM:

Mr Speaker, what I want to get to, because I think it is important, and it is in the public interest, that we have to learn by our mistakes. Will Government not accept that we cannot afford to give out developments that in the end are not developed by the people who have been given the development and then when they feel that they can make a killing by speculating, sell off the shares of the Company to somebody else and find that Government, if they had taken over this lease could have made at least £150,000 in putting that land out to tender at today's value. Is the Minister not also aware that the shares of IES have been sold to a Company called Comtego SA?

HON A J CANEPA:

That is the first I hear of that, Mr Speaker.

HON M A FEETHAM:

It is a statement made in public by a director of the Company.

HON A J CANEPA:

Made when?

HON M A FEETHAM:

A Mr Wooton, director of Eurolife Assurance has written to The People, we have got it in writing, saying that the purchase of the shares of IES is Comtego Sociedad Anonima, a company associated with Eurolife. Does Government not agree that after seven years of wrangle the developer has been getting off the hook time and time again and finishes up at the end of the day making a huge profit at Government expense?

HON A J CANEPA:

It wouldn't be at Government expense, it would be at public expense, if anything.

HON M A FEETHAM:

Well, at Government or at public expense, it is all the same.

HON A J CANEPA:

The information that the Hon Member has now revealed certainly is entirely new to me. I am sure that it is entirely new to the Attorney-General.

HON ATTORNEY-GENERAL:

In all fairness, Mr Speaker, I was informed by the solicitors on the 24th February, 1986, saying, an agreement to the sale of shares in IES (Med) Ltd were signed in late November, 1985, and in consequence the company is now represented by Messrs Triay and Triay. I did have that information.

HON A J CANEPA:

I will say one thing. It is because we know that we have these difficulties particularly we have had them at a time when there was a lack of development, we have had them at a time when the

scrutiny of documents was not entirely on a legal footing, it is because of that that the Government has over the years taken certain steps to ensure that the extent to which this happens is ameliorated as far as possible. We would be very disinclined to allow a situation to develop again in which a dispute of this nature is allowed to run the way that it has been but we do lose control over a situation on very many occasions when the matter reaches the stage of a legal dispute, we tend to lose control and there is a limit to what the political input into a dispute of this nature can achieve.

HON J BOSSANO:

Mr Speaker, it is rather difficult to understand because, in fact, if the Government clearly has been very lenient to this Company for seven years, notwithstanding the fact that the Company was not only not meeting its obligations on this site but not even meeting its legal obligations to pay tax and insurance for its employees, is the Government then saying that although if the will to be less lenient was there they were advised that they had to be as lenient as they were because they had no choice in the matter?

MR SPEAKER:

Next question then.

HON J BOSSANO:

Mr Speaker, the point is we don't want to blame the Government for something that they are not responsible for, either they are or they are not and they seem to have difficulty in deciding themselves whether they are, so we will have to judge for them.

Can I also ask, can the Government do anything at all about a situation where the Company is bought out by somebody else or is it, in fact, the case that since the Company is under Company law treated the same as the person in law is as if no change had taken place, if there is a change of ownership and a change of shares, in fact, they are still dealing with the same entity. Am I correct in thinking that?

HON ATTORNEY-GENERAL:

Yes, I think that is right, Mr Speaker. If the Company, IES(Med) Ltd, it doesn't matter who the shareholders are, I deal with the legal entity of the limited company not with the individual shareholders.

HON J BOSSANO:

So in fact, the situation is that the Company can be saying to totally new people now that it is prepared to stand by what it was offering totally different people and that that can be a material asset, that is to say, the willingness of the Government to perpetuate the situation, provided certain things were met, can then become an asset that the owners can sell to somebody else. Am I correct in that?

HON ATTORNEY-GENERAL:

Let me put it this way, I think probably the Government is contractually bound to honour its agreements with IES(Med)Ltd irrespective of who is behind IES(Med) Ltd.

HON J BOSSANO:

So in fact, what the Minister for Economic Development said that he would only do it on the basis that IES continued to be the party is meaningless. It just means the three letters and nothing else. They can be dealing with a totally different entity provided that the new entity is prepared to buy the name, buying the name essentially.

MR SPEAKER:

Next question.

NO. 63 OF 1986

ORAL

THE HON J BOSSANO

Can Government confirm that a new post of deputy to the Administrative Secretary has been created?

ANSWERTHE HON THE CHIEF MINISTER

Yes Sir. I should explain that it had been the intention to issue a Press Release on this matter on 19 March. This was held back when notice of this question was received. The answer which follows is in effect the text of the Press Release.

One object of the new post is to provide the Office of the Chief Minister with a greater degree of direct administrative support, particularly in the new circumstances brought about in the last year by the opening of the frontier and the closure of the Naval Dockyard, and in the light of the Government's policy of encouraging growth in the private sector.

Mr Ernest Montado, formerly Economic Adviser, has been appointed to the new post at the same rate of pay as in his previous post.

The Gibraltar economy is, at this stage more than ever, a central policy issue for the Government and these new arrangements will make it possible to provide a direct economic input in the Chief Minister's office. At the same time, the Deputy will assist the Administrative Secretary in other areas, thus in particular enabling the latter to devote more time, on the Chief Minister's behalf, to regular consultations with Heads of Government Departments.

The new arrangements will, in addition, provide scope for training a successor to the present holder of the post of Administrative Secretary and provide a suitable structure for the future appointment of staff working directly to the Chief Minister. Mr Montado will continue to be a Director of Gibraltar Shiprepair Ltd and will act for the Financial and Development Secretary in his absence.

Following Mr Montado's appointment, the professional staffing structure at the Economic Planning and Statistics Office has been re-organised. The existing three senior economist posts have been replaced by two Economic Adviser posts.

Mr E Felipes has been appointed as Economic Adviser dealing mainly with public sector policy. Mr R Chichon has been appointed as Economic Adviser dealing with major aspects of private sector development. Mr Chichon is also now responsible for the Government's statistical services and has accordingly assumed the duties of Government Statistician.

The net additional cost of the organisation is approximately £12,000 per annum.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1986

HON J BOSSANO:

Anything that makes the Hon and Learned Member more knowledgeable about economic matters is welcome to this side of the House, Mr Speaker.

Can I ask, have I understood him rightly to say that, in fact, the Economic and Planning Unit is being reduced in size by one body? Has he said that the three posts have been reduced to two posts of Economic Adviser?

HON CHIEF MINISTER:

Yes, it has been re-organised and the two have been given the same basis. It was done on the basis of similar re-classification in the United Kingdom and there are two now instead of three.

HON J BOSSANO:

Surely, Mr Speaker, it may well be that the quality of the work that the people were doing already merited an upgrading on their part but if, in fact, he is going to have two people where he previously had three, unless he is able to tell the House that there has been a 50% increase in productivity - by the Financial and Development Secretary perhaps - does the Hon and Learned Member not agree that that must mean that the Unit is able to deal with less work?

HON CHIEF MINISTER:

Pardon?

HON J BOSSANO:

If, in fact, Mr Speaker, and we are not questioning that the grading is correct, we think that if we want to have people who are professionally good then we have got to pay the going rate, but what we are asking the Hon and Learned Member is that from

our point of view we attach a lot of importance to this particular area of Government and, therefore, if we have got two people instead of three, unless somebody's productivity in that area has gone up by 50% it would appear to us that either the workload is being reduced in the area or the thing will be done less well because you are overstretching resources.

HON CHIEF MINISTER:

It remains to be seen what happens in practice. My judgement is that the reassessment of the post and the redistribution of the work will be possible to be carried out by two instead of three, because, in fact, the Economic Adviser has always been very busily engaged in other matters not directly concerned with the Economic Department only. He is still, and that takes a lot of his time, director of GSL, and others, so I don't think the work in his department will suffer.

HON J BOSSANO:

Mr Speaker, I accept that this may well be the case and I accept that that might be a good reason for saying: "Well, if the Economic Adviser is having a lot of his time taken up with other things then we redeploy him to somewhere else" but if you don't replace him at all, which is what is being done, then even if he was only spending 10% of his time on work on the department then the department is short of that 10%. I would have thought it was simple arithmetic that, in fact, the department in question has been depleted. If it has not been depleted by one whole body because Mr Montado was already taking on other things, then it has been depleted by the proportion of Mr Montado's time that was being devoted to that department. I would have thought, Mr Speaker, that it is hardly

HON CHIEF MINISTER:

Will the Hon Member give way? I must apologise in respect of the information I gave earlier in that I have omitted to take regard to the fact that there is a supernumerary Economist supplied to the department in the body of one of those people in the department itself. I should have said that before.

HON J BOSSANO:

So, in fact, we are not short of one person then?

HON CHIEF MINISTER:

No.

HON J BOSSANO:

Then given the importance of that section which is reflected in the Government's reference to the need for economic development and the need to take up the opportunities that arise and which the Government knows has got support from this side of the House, will the Government look at the question of whether that post should be supernumerary or should, in fact, be justified on a permanent basis in the light of their experience of this?

HON CHIEF MINISTER:

It is really to see how the thing works and, of course, if it is necessary it will remain.

I am sorry, I was trying to explain in the press release, which had been done earlier, there had just been mention of the reappraisal of the job in the department.

HON J BOSSANO:

Mr Speaker, I have dealt with the part of the change on the losing end. Now I would like to deal with the gaining end of the equation.

HON A J CANEPA:

In fact, if the Hon Member will give way. A minute ago, we have just been informed we have gained even more, the supernumerary post is now permanent.

HON J BOSSANO:

Mr Speaker, I wish our questions had that dramatic effect in every instance. Are we seeing on the Administrative Secretary's side of the fence the application of what I think is called Parkinson's Law? Did we not have a situation, Mr Speaker, where we used to have the Administrative-and-something-else Secretary at one stage and that was broken into two sections and the Establishment Section was strengthened as a result, and now it appears that even though the workload in that area was reduced an additional body is required? Can the Government explain what is expanding on that side which appears to require more resources, whereas one would have expected the expansion to be required in the economic side?

HON CHIEF MINISTER:

The Opposition cannot expect to keep on asking for changes and

improvements and so on without bringing the consequent necessary administrative support. My experience of that is that at the time, certainly since 1963, I don't know when the Administrative Secretary ceased to be Establishment Officer, but I can assure the Member that for a long time he was purely this in name, somebody else was doing the work because he just couldn't cope with it. I think that it was regularised and, in fact, I understand that the Establishment Department is being staff inspected again because of obvious delays which are noted by Members opposite about how long these things take and one wonders whether you help by getting additional people or not. That is a matter of judgement, but I can say, because I am personally involved, I can rarely speak about the establishment of departments in any other area, that the workload is very high and that already, though the incumbent has only been there for three weeks, there are areas where I get the economic input into a problem much quicker than I would do otherwise. It is sort of in-house and it is of great advantage. I hope that the arrangements which have been made to minimise the extent of expenditure, it isn't Parkinson's Law, it is a natural growth of an area which has a considerable amount of responsibility.

MR SPEAKER:

Next question.

NO. 64 OF 1986

ORAL

THE HON M A FEETHAM

How many Government Industrial Employees with 10 years or more service have been compulsorily retired during 1985 without a pension?

ANSWERTHE HON ATTORNEY-GENERAL

Sir, 41 Industrial Employees over the age of 65 with more than 10 years but less than 20 years service were retired without a pension in 1985.

These individuals did not qualify for a pension under the existing legislation. However, once the proposed new pension scheme has been introduced and the minimum qualifying period of service is reduced from 20 years to 10 years these individuals will be able to exercise an option for the new pension conditions and thus qualify for a pension with retrospective effect to the date of their retirement.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1986

HON M A FEETHAM:

Mr Speaker, in view that there is a commitment on the part of Government to bring this forward and to amend the legislation accordingly back dated to January, 1984, and it is now two years since this commitment is on the table, when does Government expect that the modification will be carried out?

HON ATTORNEY-GENERAL:

When I asked that question, Mr Speaker, I was told that Government hoped to be able to put it to the Staff Side within two to three months. This is the revised pension scheme, the Unified Pension Scheme.

HON M A FEETHAM:

This is, in fact, what I am saying to you, this is what was said to us in December, 1983, about the 'two or three months time'.

HON ATTORNEY-GENERAL:

I believe there had to be some fairly extensive revisions made by the Pension Adviser to the scheme. He drew up a scheme and

then Government asked him to revise the scheme in certain respects. Of course, he went away and did the revision, and, of course, these things take time, but I am told that, hopefully, it will be put to the Staff Side within the next two or three months.

HON M A FEETHAM:

Is the Hon Member opposite aware that some of these 41, quite a lot of them, are in fact on reduced pensions from Social Security and consequently are finding it very difficult to make ends meet, and that perhaps the proposals by the Staff Side to have paid them a pension on the current rate until the legislation was modified would have been a solution to the hardship that these people are now facing?

HON A J CANEPA:

How can one pay a pension to someone when under the present legislation there is no entitlement.

HON J BOSSANO:

Mr Speaker, the Government must be aware that they rejected a proposal that, independent of what would apply to new entrants, for the sake of the limited number of people who are being compulsorily retired, the proposal of applying to them benefits on the same basis as non-industrials should be accepted: only for those people in post who were being retired now and that proposal was rejected by Government a year and a half ago. Surely the Government knows that?

HON M A FEETHAM:

Perhaps the Member can give me a reply. Is Government aware that some of these industrial employees are on reduced pensions on Social Security and are finding it very difficult to make ends meet and the solution to that in 1986 is not them having to queue up at the soup kitchen of Father Caruana to have a plate of soup every day?

HON A J CANEPA:

I must confess that I wasn't aware that any of these people were on reduced social security pensions. In fact, my understanding was that they all had a full social security pension or at least other means of income which put them above the so-called breadline formula, because the Government has been very careful in the last few years not to terminate the employment of people

aged over 65 who are below a breadline formula. And I think all the cases have been very carefully gone into. If they have a reduced social security pension they must have some other means of income that puts them above the full social security pension.

HON J BOSSANO:

Mr Speaker, surely the Minister must know that the breadline formula proposal was withdrawn fifteen months ago. How can these things happen and the Ministers are not aware? So they determine these policies or don't they?

HON A J CANEPA:

But we are dealing with a total of 41 persons some of whom were retired over fifteen months ago and if they were retired over fifteen months ago they were retired in accordance with that breadline formula whether it has been discontinued or not.

HON J BOSSANO:

The bulk of those retired, Mr Speaker, have been retired during the course of 1985. Can the Government confirm that?

HON CHIEF MINISTER:

We confirmed that, 41 in 1985.

HON J BOSSANO:

Very few were retired and, in fact, when the Hon Member is talking about the application of the breadline formula which was being applied in 1984 it was being applied primarily to non-industrials in the range of 60 to 65. If the Government goes back they can check, they can find, that that is factually correct. What we are saying is, is the Government aware, we are talking about 41 people, if we are talking about proposals being made in three months, which then presumably may be subject to the same kind of delay on the Staff Side as it has already experienced on the Management Side, that there has been a proposal that they have rejected fifteen months ago, that those who have been and appear to be less than one would have thought, that those should be treated differently during the interregnum, that proposal has been turned down once. Will the Government be prepared to reconsider it?

HON A J CANEPA:

I, from my own point of view, I would be prepared to see the

Government reconsidering the matter. I think there is a reluctance to tamper with the existing pension scheme. Whenever anything comes up that involves an amendment there seems to be a fear of touching the present pension scheme, of amending it in any way, because of repercussions elsewhere. That is the reaction that I find constantly. And the other thing, of course, is that if one is going to go on the basis of the statement of policy on the matter for which I was responsible, at least I made it in the House in December, 1983, I think the whole thing was viewed as a package. But a package is something that, I would agree with Hon Members opposite, should be progressed in a reasonable period of time. Because if people are suffering hardship and are going to have to collect either supplementary benefits or go to the soup kitchen when they could be, through an amendment, entitled to a pension and then be able to stand on their own two feet, I think that that is the desirable way of proceeding.

MR SPEAKER:

Next question.

24 3 86

NO. 65 OF 1986

ORAL

THE HON M A FEETHAM

Can Government confirm that it is discontinuing the Management Services Unit?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The Government is not planning to discontinue the Management Services Unit. In fact, steps are being taken to fill a current vacancy in the SEO post in the Unit.

NO. 66 OF 1986

ORAL

THE HON R MOR

Will Government consider providing additional funds in this year's budget so that the pointage system for scholarship awards can be abolished?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1986

HON R MOR:

Mr Speaker, does the Government recognise that due to the pointage system a substantial number of students are not getting scholarships?

HON G MASCARENHAS:

Mr Speaker, Government's position on the system for the awards of scholarships remains as stated in this House in June, 1985, as a result of the Hon Member's motion.

HON R MOR:

Mr Speaker, he hasn't answered the question.

MR SPEAKER:

The answer is that they are not prepared to because their policy remains as it was.

Next question.

NO. 67 OF 1986

ORAL

THE HON R MOR

What percentage of students with at least 2 GCE 'A' levels who would be acceptable by some universities or other institutions fail to obtain scholarships in Gibraltar?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, my Department is in no position to assess the number of students who would be acceptable to universities or other educational institutions.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1986

HON R MOR:

Mr Speaker, surely the Education Department is aware of the number of students who hold at least two GCE 'A' levels and who would be acceptable by universities in UK?

HON G MASCARENHAS:

Mr Speaker, that is not the question. However, if the Member wishes to know how many students, of course, the Department knows that. We know the number of students in Westside and Bayside. My reply has been on the basis that we are not in a position to know the full extent. Replies from the universities are for conditional offers of places. Sometimes these are polite refusals. Essentially they are a private matter. The Department does not get involved in applications for places in universities, the student himself does it. There are also the private candidates, and there is quite a substantial number.

However, if he wants to know how many students obtained two 'A' levels in Westside and Bayside I am in possession of those figures.

HON R MOR:

Mr Speaker, yes, I would be grateful if the Hon Member would say so.

HON G MASCARENHAS:

I have here backdated to 1982. Number of students who obtained two or more 'A' level grades, and this back to 1982, and it is

based only on Westside and Bayside: in 1982 it was 56; in 1983 it was 54; in 1984 it was 52; in 1985 it was 60. This does not include the private candidates; it does not include technical scholarships; it does not include the John Mackintosh, it does not include the Gavino's Trust; it does not include Commonwealth Bursaries; it does not include Government Training Schemes provided through the Public Works Department and the Telephone Department; and it does not provide in-service training for our teachers.

HON R MOR:

Would the figures given by the Hon Member refer to acceptable grades, from A to C or A to D?

HON G MASCARENHAS:

I haven't got the grades, no, Mr Speaker, I am sorry, I haven't got the grades.

HON J BOSSANO:

What we want to know, Mr Speaker, is how many of the 56, 54, 52 and 60 got grants from the Government for further education?

HON G MASCARENHAS:

The total number of awards in 1982 was 27; in 1983 20; in 1984 27; in 1985 35; but that is conditional obviously on the exceptions that I have quoted.

HON J BOSSANO:

In fact, then the Minister must recognise the point that we are making and that is the shortfall between the people who get the minimum of two 'A' levels and the numbers that get given grants. - there is a differential between the two figures - is where the situation could be improved if the Hon Member was willing to review his ideas on the pointage system. Those people who are not getting further education are to be found in that group. Is that right?

HON G MASCARENHAS:

Mr Speaker, I think I have to qualify that because the total, if the Hon Leader of the Opposition will refer to the figures, I have just given him on the number of awards granted, the total number of awards including the technical scholarships, which form part of either Westside or Bayside, and including private candidates, is thirtynine, which is an increase of twelve over 27; 44 an increase of 24 over 20; 45 as opposed to 27; and

44 over 35. It does not take into account the deferments of those who have obtained two or more 'A' levels and who would have obtained places. Deferments accounts for four or five a year. Those figures do not include also the rate of failure, they do not include the number of students also who make changes in their courses midstream, and that could be considered as new: if the circumstances are that it is due to non-compatibility in computer studies we have found that a lot of students are failing, that they find that it is not the correct course for them. They have been misinformed as regards the course by the university and they want to change to mathematics. These figures do not include that.

HON J BOSSANO:

In fact, the Hon Member is suggesting that the gap is much smaller than would appear at first sight?

HON G MASCARENHAS:

No, Mr Speaker, I cannot suggest that because the number of school leavers would be greatly reduced if the chances to implement the system that the Opposition favour would be increased.

HON J BOSSANO:

But the maximum, for example, Mr Speaker, if the Hon Member has told us that 60 students obtained two 'A' levels or more in 1985, that is the maximum. If we said that 44 got some form of scholarship or other then the gap can only be 16, it cannot be more than that?

HON G MASCARENHAS:

No, Mr Speaker, if the Hon Member will recall, I said that the number of students was 60 in Bayside and Westside.

MR SPEAKER:

We are talking within those parameters.

HON G MASCARENHAS:

No, Mr Speaker, but we have to take into consideration that there are more students, private students, who account for an average between 10 and 15 a year, who usually do very well, and they are also under the law in Gibraltar, they are ordinarily resident in Gibraltar then they can apply for a

scholarship and under the law we have to provide it. And the technical scholarships which is also a very important point to consider, because they are a service to the community which we have to do as well. Everybody is not going to be an academic.

HON J BOSSANO:

We are not disputing that everybody has to be an academic, Mr Speaker, we have got plenty of evidence in this House that that is not the case. What we are trying to establish in terms of information from the Hon Member is where is the gap, what size of gap are we talking about between the policy that the Government has got on this subject and the one we have got? We have had debate before on the subject, we are now seeking information. Is the gap 16, is the gap 31, does the Minister have some indication of what the gap is on which he bases his policy?

HON G MASCARENHAS:

The gap on last year's figures would be 25, the difference between 60 and 35, that would be the gap based on last year. However, if the situation were that obtaining two or more 'A' levels, or a minimum of two and a conditional offer from the university like I have heard this morning, a conditional offer based on two D's, this would not qualify for our system of a mandatory scholarship. However, two D's is perfectly acceptable to that university, the London Polytechnic. I cannot quantify whether the difference of 25 would be greatly increased if that person with two D's, accepted for university, might apply, it is difficult.

HON J BOSSANO:

I don't think it is that difficult, Mr Speaker. From the point of view of the current information, if the policy had been applied in 1985 the maximum extra would have been 25, is that correct?

HON G MASCARENHAS:

No, I cannot accept that.

HON J BOSSANO:

Has the Minister got an idea what the maximum extra would be? What does he think it would be if he doesn't accept that it is 25, which is the difference between 35 and 60?

HON G MASCARENHAS:

It is impossible to reconcile that figure. There is no way I can tell. I can only tell you the number of students who would have left the 4th year and will remain for the 5th year. Perhaps if they had a chance of success in the scholarships and did not assume that they would get the twelve points, then perhaps they might stay on, the target is twelve points.

HON J BOSSANO:

What the Hon Member seems to be telling the House is that if the system were changed then perhaps people who today don't bother to try again or carry on studying might do that, and that would be a new element but, of course, presumably however attractive it was made we wouldn't find the entire population of Gibraltar getting two 'A' levels. No, so in fact is it realistic, is it a reasonable figure to work with. Are we talking of a potential increase of the order of 20 or 30 or 40 or 50 or 100 or 200 or what?

HON G MASCARENHAS:

I think a potential figure of 70, possibly 85.

HON J BOSSANO:

Instead of 44?

HON G MASCARENHAS:

Instead of 44, yes.

MR SPEAKER:

Next question.

NO. 68 OF 1986

ORAL

THE HON R MOR

Can Government inform the House on the latest position regarding the sum of £40,608 debited to an Advance Account as a result of a water leak at Westside Comprehensive School?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

On 30 March, 1984, approval was given to charge an advance account in the name of the Director of Education the sum of £40,608 pending the resolution of a claim by the Director of Public Works on the contractors for the loss of potable water at Westside Comprehensive School.

The advice of the Senior Crown Counsel on this matter was that such an action would have no prospects and that it would be futile to issue proceedings.

Subsequently authority was sought to write off the said amount. This was approved on the 15 July, 1985. It was decided to offset the amount by re-allocating any surplus in the Education Department Vote 1984/85 instead of asking for supplementary funds. An adjustment of £17,000 was effected on 29 July, 1985. The remaining £23,608 will be reduced from any savings in this year's or subsequent year's vote.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1986

HON R MOR:

Mr Speaker, this is unbelievable. Do I understand the Hon Member correctly that there are no legal proceedings against the firm? Is that what he said?

HON G MASCARENHAS:

Mr Speaker, the advice of the Senior Crown Counsel on this matter was that such action would have no prospects and that it would be futile to issue proceedings.

HON R MOR:

In fact, what the Government is saying is that over £40,000 of taxpayers money is just going down the drain, just like that?

HON G MASCARENHAS:

Mr Speaker, I cannot take the matter any further from what the Law Officers of the Government advise us on.

HON ATTORNEY-GENERAL:

The point, Mr Speaker, apparently is that the prime witness for the Crown had died, he was a PWD Clerk of Works, I think he was a Mr Byrne, and it is all a question of the gaskets, whether they were on the fitting or they were not on the fitting, and it seemed that these gaskets were the all important thing. The Clerk of Works who inspected the pipes immediately after the discovery is the only person who was in the position to give this evidence and he had just died. We have no way of proving whether the fault was the fault of the contractor. It is being considered by several members of my Chambers who looked at it very carefully and said: "What have we got in the way of evidence to start off a case on this".

HON J BOSSANO:

The money will still have to be paid presumably to the Funded Account, to the Water Account. It will have to appear as a charge on the Education, is that it?

HON G MASCARENHAS:

Charge on Education.

MR SPEAKER:

Next question.

NO. 69 OF 1986

ORAL

THE HON J C PEREZ

Has Government taken a policy decision to include non-industrial workers in the productivity scheme due to be introduced for industrial workers in the Electricity Department in July this year?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, Government's policy over a number of years (since JPCs and productivity agreements were first introduced) provides for participation by non-industrial workers in such schemes. The full details of the productivity scheme to be introduced in the Electricity Department later this year have not yet been finalised.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1986

HON J C PEREZ:

Is there a commitment on the part of the Government that non-industrial workers will be included in the scheme?

HON J B PEREZ:

There is, as such, no commitment at this stage, Mr Speaker. As I said in answer to the question, the full details of the productivity scheme have not yet been finalised by Government, so no firm decision one way or the other has been taken on the matter.

HON J C PEREZ:

What is the £133 a quarter being received now being paid for?

HON J B PEREZ:

That, really, Mr Speaker, doesn't arise from the question but I am prepared to answer. The extra sum of money which is being paid to non-industrial workers is what one would call an involvement pay due to the extra work that they are having to carry out in connection with the productivity scheme. It is something that they are carrying on over and above what would be their normal duties.

HON J C PEREZ:

Mr Speaker, if all the non-industrials are involved in these preparations for the productivity scheme, can the Hon Member explain then why we have recruited an expert to do a study when we have got the whole of the non-industrial staff involved in the productivity scheme anyway?

HON J B PEREZ:

Very simple, Mr Speaker. If one was of the view that our present complement of non-industrial staff could actually work out the productivity scheme then one would not need to bring people from the outside, but if I am of the opinion, and it is Government's policy on the matter, that the matter is so complicated that it is better to have expertise out from the United Kingdom, although I personally am not in favour of bringing so many consultants, but this is a particular area in which it is beneficial to the whole of our complement, both non-industrials and to industrials. Because if you had non-industrials, perhaps not Members opposite, but the industrial staff may not be happy that it is their own immediate superiors who are deciding on the productivity schemes.

HON J C PEREZ:

What I am saying is that if they are all involved in doing work towards the productivity scheme, can the Hon Member explain what type of work the whole of the non-industrial staff is involved in in the Generating Station on the productivity scheme, because if we have got an expert looking at it and we have got the whole of the non-industrial staff of the Generating Station looking at it then they must be contributing something to the study?

HON J B PEREZ:

Mr Speaker, when experts come from the United Kingdom or from wherever they may come they need people here in Gibraltar to tell them about how this particular job is done, how this other job is done, etc, etc. The idea is to be able to come up with a proper scheme which, hopefully, will be acceptable to all and will contribute to the productivity and the efficiency of the Electricity Department, but let me say that that does not arise from the question.

HON J C PEREZ:

Wouldn't the Hon Member agree with me that there is no need for

an expert from UK if we have got this information coming from local sources?

HON J B PEREZ:

What I said was that I personally am not in favour of bringing consultants every time we need somebody to advise us on something. What I am saying is that in this particular point it goes back for quite a number of years, the Government gave a commitment to carry out a productivity scheme for the Electricity Department and I accept that on this particular occasion it is better for all concerned, for industrials, for non-industrials, for the Gibraltar Government and for the TGWU, to have somebody coming out. We approved the money last year, to come and gather all the information, because it is very time consuming, and then to produce their report, to come up with a scheme which, hopefully, will be beneficial and acceptable to all. But as I say, that really doesn't arise from the question.

HON J BOSSANO:

Mr Speaker, getting back to the original question, if the Government has not taken a policy decision on whether they will offer inclusion to non-industrials, what information is the Government waiting for before they are able to take a policy decision? What has prevented the Government from taking a policy decision on this matter?

HON J. B PEREZ:

I don't think the Hon Member was here when I actually gave the answer to the question so for his benefit I will repeat the answer in which I said: "Government's policy over a number of years (since JPC's and productivity agreements were first introduced) provides for participation by non-industrials in such schemes", that has been the Government policy for many years. And then I said: "The full details of the productivity scheme to be introduced in the Electricity Department later this year have not yet been finalised" because we really haven't come to the position where we have to take a decision on whether to include non-industrials or not. And let me add further that I am aware that there is at present a new arrangement being made in the United Kingdom which is being looked at here with the Unions as to perhaps overcoming the problem of the differentiations which existed between the non-industrial and industrial staff which I would say, quite openly, have been and is the problem in the Electricity Department today. The question of the erosion of differentials between a non-industrial and an industrial. That has been the problem for many years and it still is today and I

sincerely hope that with the new productivity scheme we will see an end of that.

HON J BOSSANO:

We are grateful to learn of the Hon Member's hopes and problems but in terms of information, Mr Speaker, is it or is it not a fact that as far as the non-industrials are concerned they have been told that a commitment to include them in the productivity scheme was given in the Steering Committee set up by the Government when the productivity scheme was originally proposed for industrials?

HON J B PEREZ:

That is probably the case, Mr Speaker. I cannot give you chapter and verse of what the Steering Committee said. I know there are reams and reams of paper on the Steering Committee. I know that the question of participation by non-industrials was actually looked at. I am aware that we had given them what is called an involvement payment in connection with the productivity scheme, but what I am saying in the House today, because I wasn't responsible for this Department before, is that, yes, we haven't yet decided whether the non-industrials will participate or not. In that it may well be that the new wage increases that may now become available for non-industrials as a result of the new agreement in the United Kingdom, it may well be that they may not participate, but as yet we haven't taken a firm decision for non-industrials.

HON J BOSSANO:

Mr Speaker, I don't want to get into a debate on the subject because the Hon Member is opening a number of avenues as to whether productivity bonuses are paid to compensate for lower wages or are paid for higher productivity, so what I am asking the Hon Member to say is, is it a fact that the staff in question have been told officially on behalf of the Government that a commitment exists, and if that is the case, how can a commitment exist prior to a policy decision being taken?

HON J B. PEREZ:

What I am saying is, Mr Speaker, that the Steering Committee worked for a very long period of time. I am not aware whether that commitment was as black and white as it has been put by the Hon Member, I am not aware of that commitment. What I am saying is that we are looking at the whole thing and therefore the Government has yet not taken a decision although the policy in the past has been that, yes, that non-industrials should

participate, or the philosophy is that they should continue to benefit from increased productivity, that is the philosophy behind it but no decision has yet been taken.

HON J BOSSANO:

So the Minister is not aware that a month ago this statement was made to the non-industrial staff and that that is recorded in minutes. The Hon Member is not aware of that?

HON J B PEREZ:

What I am not aware is if the commitment as put forward by the Hon Member, perhaps if I see the commitment, that it is in black and white terms as he is making out that it was made, I am not aware that it was made.

HON J BOSSANO:

Would the Hon Member not agree with me that if on investigation he finds that the statement that I am making is factually correct that necessarily implies from the point of the people to whom the statement was made that there was a policy decision to offer them involvement in the new productivity scheme?

HON J B PEREZ:

Yes, but then, Mr Speaker, equally that would have to be looked at in the context of the new wage increases which have been obtained in the United Kingdom and in which one is looking here in Gibraltar to apply on the same basis.

HON J BOSSANO:

I am not disputing whether the Government should pursue a commitment that they have given in the light of changed circumstances or not, that is a matter for the Government to decide. What I am saying to the Hon Member, if he is telling the House that a policy decision has not yet been taken on this subject, would he not agree with me that if a month ago, in answer to a question similar to the one that he is being asked here, the Staff Side has been told that the commitment already existed since the time of the Steering Committee, it would imply for the person getting that answer that the answer he was getting was that the Government was committed to offering inclusion in the productivity.

HON J B PEREZ:

We are saying the same thing, Mr Speaker.

MR SPEAKER:

There we are, and you are trying to get a statement.

HON J BOSSANO:

No, I am trying to get a statement of Government policy, Mr Speaker.

HON J B PEREZ:

And I have already done this.

MR SPEAKER:

Not quite, you are trying to get confirmation of an inference.

HON J BOSSANO:

I am saying to the Hon Member, Mr Speaker, if he said that the Government has not yet taken a policy decision, would he not agree with me that if a month ago in answer to a question the staff has been told: "There is a commitment to include you from the time of the Steering Committee", then that is de facto a reiteration of the commitment that was given three years ago. The commitment was given a month ago, that is what I am saying. If that is the case, how does that affect the Government's policy in this matter?

HON J B PEREZ:

What I am saying, Mr Speaker, is first of all I am not a member of the Steering Committee. Secondly, I have already said it has been the Government's policy that non-industrials should benefit, that is the philosophy the Government applies, that non-industrials should benefit from increased productivity. However, as far as the Electricity Department's new productivity scheme is concerned, since it hasn't yet been determined we don't know what is going to come out of the wash and we haven't yet taken a decision, but the general policy is, yes, we accept that non-industrials should benefit.

MR SPEAKER:

Next question.

NO. 70 OF 1986

ORAL

THE HON J C PEREZ

Can Government state how much has been saved in the cost of fuel due to the decline in oil prices and whether this has all been passed to consumers through the operation of the fuel cost adjustment formula?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, Government had estimated that it would spend £3,130,500 in fuel for the Financial Year 1985/86. As a result of lower fuel prices the actual expenditure will be approximately £2,465,500.

The difference of £665,000 has been passed on to the consumer through the fuel cost adjustment formula which was reduced from 4.06p per unit in April, 1985, to 2.13p per unit in March, 1986.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1986

HON J C PEREZ:

Would the Hon Member not agree with me that the cost of fuel should have decreased more substantially than it has and that the figure of the Hon Member does not reflect the decreases in international prices?

HON J B PEREZ:

No, Mr Speaker.

MR SPEAKER:

Next question.

NO. 71 OF 1986

ORAL

THE HON J C PEREZ

Can Government state whether the City Fire Brigade is responsible for providing fire cover for commercial ships using the port of Gibraltar?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, the City Fire Brigade is responsible for providing fire cover for commercial ships using the Port Of Gibraltar whilst the ship or vessel is in Port. Waters as shown in the copy of Legal Notice No. 39 of 1983 titled The Admiralty Waters (Gibraltar) (Amendment) Order of 1983, which has been circulated to Hon Members.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1986

HON J C PEREZ:

Mr Speaker, since that in some instances could, for example, happen on the Detached Mole, how does the Hon Member envisage that the Department can carry this out?

HON J B PEREZ:

I am sorry, Mr Speaker, I didn't hear the question.

HON J C PEREZ:

If part of the area that needs to be covered in the event of a fire is the part where the Detached Mole is, can the Hon Member state whether the City Fire Brigade has adequate equipment to cope with fire cover in that area in case that they have to put out a fire there?

HON J B PEREZ:

I would say that I think that they have adequate capacity and cover to cover for what we are responsible for, yes, because they have a number of light craft, it may not be an ideal thing because I am aware that the City Fire Brigade would like to have what one would call a rapid intervention vessel, but at the moment we haven't been able to afford that. I think we can cover for these areas.

HON J C PEREZ:

Mr Speaker, can the Hon Member explain why it is that the area covered by the Gibraltar Shiprepair Limited is not included as part of the Port waters and that the City Fire Brigade is actually

HON J B PEREZ:

Of course, because if you look at the Ordinance which I circulated that is, in fact, Admiralty Waters and our coverage is only for Port Waters.

MR SPEAKER:

We are not going to get involved on that one.

HON J C PEREZ:

Mr Speaker, I am asking whether the Government has to provide fire cover?

MR SPEAKER:

They have to provide fire cover to the extent that Port Waters as shown. Whether the Port Waters should be more or less is another matter.

HON J C PEREZ:

Mr Speaker, the Hon Member has said that that is now our responsibility, which is what I was attempting to clarify.

MR SPEAKER:

I thought you were attempting to clarify as to whether the Port Waters should be more extensive than it is shown in the chart, then I misunderstood.

HON J C PEREZ:

Mr Speaker, since the cover area is now more extensive, does the Hon Member not think that perhaps the City Fire Brigade should set up a marine section specialising in this field if we really want to increase the shipping in Gibraltar and we are envisaging increase in Marinas and so on? Does the Hon Member not think that to be able to give a service to this expansion in the shipping area that we should have equipment which can cover fire risks so that we can tackle a fire from the sea?

HON J B PEREZ:

Yes, Mr Speaker, and the same person is also conscious that we need to improve substantially the facilities at St Bernard's and to also improve extra housing and to build 700 extra units. Of course, not one rapid intervention vessel let us have five. It would be ideal but what I am saying is that I think the Hon Member is missing the point, if you look at the law that I have given you you will notice that outside the GSL area that is not Port Waters, we are not responsible to cover for that.

HON J C PEREZ:

It means, Mr Speaker, that if there is a ship on fire we cover the area from the land at Gibrepair but if we have to tackle the area by sea is that the responsibility of the Admiralty Fire Service or not?

HON J B PEREZ:

Yes, absolutely. We are responsible for what I have circulated to Members and which is marked Port Waters, which are three areas in the law. That is all we are responsible to cover, that is the answer to the question.

HON J C PEREZ:

Mr Speaker, the commercial ships coming into the Gibraltar Shiprepair Limited are covered by Admiralty Waters unless they are being repaired in docks in which case they are covered by the City Fire Brigade, is that the case?

HON J B PEREZ:

Absolutely correct.

MR SPEAKER:

Next question.

NO. 72 OF 1986

ORAL

THE HON J BOSSANO

Can Government state whether they have taken a policy decision on resiting the prison?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, the resiting of Her Majesty's Prison is still under consideration by Government. A number of sites have been considered but no firm decision has yet been taken.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1986

HON J BOSSANO:

Can the Government confirm that once they have themselves taken a policy decision there will be consultation with the staff involved if it involves, for example, either a site that is occupied by other staff at the moment which may be under consideration, or simply the people who are working in the existing site?

HON J B PEREZ:

I think I have to answer, no, to that question, Mr Speaker, the way it has been phrased.

HON J BOSSANO:

The Government thinks then it is wise to make up their mind to resite the Prison and then find that the Prison Officers do not agree with the site and they have industrial problems in moving prisoners?

HON J B PEREZ:

It may well be in Government's interest to do so, but I cannot give such commitment at this stage and bind my hands to consulting one person, five persons or ten. It may well be in our interest to do that but I cannot give you that commitment now.

HON J BOSSANO:

It is not then Government policy, as a reasonable policy to pursue, that they should consult their employees when they need to move them from their existing places of work. That is not standard Government policy?

HON J B PEREZ:

It is a totally hypothetical question that makes the answer to a question in which one would be moving to a place in which other people are actually working, and as I said, we have considered a number of sites but no firm decision has yet been taken.

HON J BOSSANO:

Mr Speaker, my question is specific. Is it Government policy currently when they are moving an existing area of Government employment to a different location that they should consult the staff employed prior to the move. Yes or no?

HON J B PEREZ:

Mr Speaker, I think I have already answered the question in the Order Paper, I cannot go any further.

HON J BOSSANO:

The Hon Member has said that in this particular instance, although when the time comes it may be a wise thing to do, he cannot give a commitment as if he was enunciating a new Government policy. If that is the case, am I correct in drawing the conclusion that the Minister doesn't want to commit himself because it isn't a current policy of the Government?

HON CHIEF MINISTER:

Mr Speaker, the Leader of the Opposition is asking for an overall commitment of the Government on a matter of the utmost importance and the Minister for Municipal Services is answering with regard to the Prison. If the Hon Member wants an answer on this one he should put a substantive question on the matter which would be considered and given a proper answer.

HON J BOSSANO:

With all due respect to the Hon and Learned Member, Mr Speaker, I didn't think there was a need for a substantive question because there was no doubt in my mind that it was Government policy until the doubt had been implanted by the answer given by the Hon Minister. Had the Hon Minister said yes, there would have been no need for a substantive question. If he said no, then I have to assume that it isn't Government policy as I have always thought it was.

HON CHIEF MINISTER:

What the Hon Member thought or not thought really, is not particularly relevant to the question, even though he thinks it is.

HON A J CANEPA:

I don't think, in fact, it happens at every stage. For instance, if the Government decides to resite a school does it actually get the consent of the staff prior to moving? I don't think it happens. If the Government decides to have new offices at Town Range does it go and ask the people concerned? At some stage there is consultation, at some stage, but what the nature of that consultation is and how formal it is is another matter.

HON J BOSSANO:

Mr Speaker, with all due respect, I have neither qualified how formal it is nor have I used the word concerned. I have said is it Government policy or is it not Government policy to consult their employees when a change of location is envisaged? I thought it was Government policy.

HON CHIEF MINISTER:

It may be Government policy but the Minister is not in a position to give a commitment that it is Government policy. We may both be thinking the same way but there is no commitment, and if you want a commitment of a general nature it must be put in a substantive question.

MR SPEAKER:

In fact, I think the inference that one draws from an answer is another matter. I think the Leader of the Opposition has been asking for a commitment and Government has answered: "No, we will not give any commitment, it doesn't alter perhaps our policy if we feel that it is expedient in one particular instance to consult".
Next question.

NO. 73 OF 1986

ORAL

THE HON R MOR

Mr Speaker, is Government now in a position to state what provision for social insurance will apply to seamen employed in Gibraltar registered ships?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as I stated in my reply to Question No. 234 of 1985, the Government has been considering amending its social security legislation to bring it in line with UK and European Community Legislation in respect of seamen employed in Gibraltar registered ships, but was awaiting advice from the Department of Health and Social Security in the United Kingdom before proceeding further on the matter.

This advice has now been received and concrete proposals will be submitted to Council of Ministers for their consideration in the near future.

NO. 74 OF 1986

ORAL

THE HON R MOR

Mr Speaker, what is the current position under the Employment Injuries Ordinance of seamen who suffer an accident whilst employed on a Gibraltar registered ship?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as the legislation stands at present, a seaman employed on a Gibraltar registered ship is deemed to be in insurable employment and is therefore protected by the provisions of the Social Security (Employment Injuries Insurance) Ordinance and eligible to the benefits paid thereunder.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1986

HON J BOSSANO:

Are they contributing, Mr Speaker?

HON DR R G VALARINO:

No, Sir, there is no insurance contribution as yet being paid but because steps have now been taken and it is Government's intention to change the relevant legislation they will all be taken together.

MR SPEAKER:

Next question.

24 3 86

NO. 75 OF 1986

ORAL

THE HON R MOR

Mr Speaker, how much has been paid in social insurance payments to former Spanish workers by the end of February 1986?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the total of social insurance benefits paid in respect of former Spanish workers during the months of January and February has amounted to £715,408.25.

NO. 76 OF 1986

ORAL

THE HON J E PILCHER

What is Government's policy regarding the employment of casual labour by the Gibraltar Shiprepair Limited?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government's policy is that Gibraltar Shiprepair Ltd should provide the maximum reasonable level of full-time employment. It is accepted however that because of the very nature of shiprepair work, there may be occasions when it may be necessary to employ additional labour on a short-term basis to meet commercial demands.

While there would be no objection to the recruitment of labour on a short-term basis in such circumstances, the Government will keep the matter under close review to ensure that the objective of maximum full-time employment is achieved.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1986

HON J E PILCHER:

Notwithstanding the maximum capable full-time employment, what the Government has just answered is that, yes, they would not stop GSL recruiting casual labour.

HON DR R G VALARINO:

Mr Speaker, there is a limit to which Government is able to interfere with the running of GSL. Government is able to steer the ship, so to speak, but Government must allow the company to run its business in view of its commercial viability as regards the company is concerned.

HON J E PILCHER:

I know, Mr Speaker, that that had to be answered, that written statement by the Minister, he had to get in, but is the answer, yes, or no, from the initial supplementary?

HON DR R G VALARINO:

Mr Speaker, the Hon Member will realise that the number that are employed by Gibraltar Shiprepair is increasing and has now reached round about 800 people employed there. Provided it is

a small number of people the Government have nothing against it. It is totally different if Gibraltar Shiprepair only had about 300 people on their books and they wanted 100 or 200 people at a time. They have got 800 people so a small amount of labour as and when necessary I feel that the Government should not put any impediment in the way of the company.

HON J E PILCHER:

So the answer is, yes, provided there is not too many? Is there any limit because, obviously, the question, as the Hon Member has probably guessed, is the fact that if GSL is allowed to employ casuals once the peak is obtained in the trough the casuals then come on to the payment of dole money, etc, etc. Has the Government got a limit which it will allow GSL to move in or can they absolutely fill up the peak by casual employment?

HON DR R G VALARINO:

Mr Speaker, there is no actual limit but I would like to say two things. First of all, that the Government will keep the matter under close review, by which I mean that my Department and myself will keep the matter under close review to ensure that GSL do not get away with what the Hon Member is trying to say. There is certainly no peak, but this will be kept under very tight scrutiny and we shall make sure that the maximum of full-time employment is achieved by the company.

HON J E PILCHER:

So the company have, in fact, been advised of what the Hon Member has just said because it is a question of planning their work so that the peaks and troughs are sort of balanced out and we don't get a peak which will produce 300 casuals and then the trough which will lay the 300 casuals at the doorstep of the Gibraltar Government.

HON DR R G VALARINO:

Obviously what you have said the Government is not likely to accept. Let me say that the company has been advised.

HON J BOSSANO:

Could I pursue the matter from another angle, Mr Speaker? I take it that what we are being told is the policy of the Labour Department which would presumably be the policy of the Labour Department to a request for casual labour from any employer, it is independent of the fact that it happens to be GSL that wants to employ casual workers, am I correct in that?

HON DR R G VALARINO:

Yes, you are.

HON J BOSSANO:

What I want to know is, as the owner of Gibraltar Shiprepair Limited, is it Government policy that in a Government-owned company there should be a proposal from the company to the workforce that the commercial dockyard should operate on the basis where people are employed when a ship comes in and are sacked when the ship goes, which is the proposal that is on the table. Does that reflect Government thinking on good employer practice?

HON DR R G VALARINO:

Mr Speaker, as you realise this is outside the realms of my Department. I feel that, possibly, the Chief Minister would be better qualified to answer that question, and as he is not here at the moment if due notice could be given of the question I am sure we would prepare an answer for the Hon Leader of the Opposition.

HON J BOSSANO:

If the Hon and Learned Member has made an appropriate theatrical entrance perhaps he can give me the answer.

HON CHIEF MINISTER:

I was reading some papers but I heard my name mentioned, I don't know what is going on, I was reading papers.

HON J BOSSANO:

Can I just recap, Mr Speaker, if you will allow me. I have said, Mr Speaker, that I assumed the statement that we have had from the Minister for Labour reflects the response of the Department as it would be to any employer wishing to employ casual labour independent of who the employer was. Looking at it from a Labour Department point of view and from the consequences of having people laid off and having them on their books. But I am saying from the point of view of the Government as the policy maker in the 100% owned commercial dockyard, does the proposal from the company to the representatives of the union that they should agree to workers being taken on when a ship needs to be repaired and be laid off when there are no ships in order to improve efficiency, is that a reflection of Government policy as to how a good employer should behave?

HON A J CANEPA:

Obviously, it isn't, Mr Speaker. The Government itself doesn't

do that as a good employer but then the Government doesn't run any of its departments on commercial lines, whereas the Gibraltar Shiprepair Limited has got to be run on commercial lines. It is a company, it is not a Government department. To that extent there is a difference in approach, but only to that extent.

MR SPEAKER:

You are extending the orbit of the question, may I say, as to what is the general policy of employment by the Government.

HON J BOSSANO:

The original question was to establish what the Government policy was for employment of casual labour by Gibrepair.

MR SPEAKER:

By Gibrepair, yes, not the general policy of employment of casual labour.

HON J BOSSANO:

No, the Government has chosen to answer it from a Labour Department point of view, the question was not directed at the Minister for Labour in the first place.

MR SPEAKER:

With respect to you, the Government has chosen to answer it to the extent that their general policy is not to employ casual labour unless it is necessary and that the same policy will be applied to Gibraltar Shiprepair, that is the way they have answered it.

HON J BOSSANO:

The Minister for Economic Development has deprived me of having the opportunity of listening to the wisdom of the Hon and Learned the Chief Minister, notwithstanding the fact that he is back in the House. He has told us that this is normal, his justification is that it is not Government policy to employ casual workers but this is normal in a commercial company. Then I think it is perfectly legitimate to ask the Minister for Labour how many other commercial companies has he had requests from to employ casual labour other than Gibrepair?

HON A J CANEPA:

I think the Hon Member, with all due respect, Mr Speaker, must accept that the Government in choosing to answer this question as seen from the point of view of the policy, and the implementation of that policy by the Labour Department, is acting in perfectly good faith. We get a question, we analyse it and the Department of Labour and Social Security has been asked to draft an answer and the Minister is replying. It is not an attempt in any way, we didn't see into this question perhaps as much as the Hon Members have now put into it, and now that they have given the question an added dimension we are being perfectly honest in replying to it here in the House making up our own minds and saying: "What is our attitude to this question, what is our policy?" and that is what I have done, but usually a lot more care and thought goes into drafting an answer than what we have done here in reacting spontaneously to the new slant that has been given to the question.

HON J BOSSANO:

Will the Government accept, Mr Speaker, that for the Government-owned company to seek to run its operation on the basis of hiring people and sacking people in order to keep with fluctuations in work, involves policy decisions on which the Government ought to have a view, and if they haven't thought about it before will they, in the light of the question, consider what their view on the subject should be so that they can give a well thought out answer on the subject?

HON A J CANEPA:

I think if the Hon Member puts that question formally on the Agenda, viewed from that point of view we will give a proper answer, one that will be the result of care and consideration.

MR SPEAKER:

Next question.

NO. 77 OF 1986

ORAL

THE HON R MOR

Mr Speaker, how many Spanish nationals have claimed family allowance since 1 January 1986?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, seventy applications for family allowances have been received from Spanish nationals up to 19 March, 1986.

A further number of Spanish frontier workers have collected application forms for family allowances, but these have not yet been returned.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1986

HON R MOR:

Could the Hon Member give an indication of how many applications have been issued?

HON DR R G VALARINO:

Mr Speaker, as far as I have been notified, and obviously applications may be coming in, I think the applications number slightly less than the seventy that have already had applications for family allowance, but if there is any update on the figure I will let the Hon Member know before the end of the meeting.

MR SPEAKER:

Next question.

NO. 78 OF 1986

ORAL

THE HON R MOR

Mr Speaker, have any further claims for social insurance benefits been received by the Department after the 4663 claims accepted up to January, 1986?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, a further 308 claims for Old Age Pension and 63 claims for Widows' Benefits have been received since I provided the House with figures last January. These claims are currently being processed.

NO. 79 OF 1986

ORAL

THE HON R MOR

Mr Speaker, what provisions have Government made to deal with the problems of single parent families?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, I assume that the Hon Member is referring to the petition submitted by the Single Parents Bureau.

The request made in the petition particularly with regard to the Single Parent Benefit and the payment of Family Allowance for the first child are being considered and I will notify the Bureau of any decision taken as soon as possible.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1986

HON R MOR:

Would the Hon Member tell the House just how they deal presently with single parent problems?

HON DR R G VALARINO:

Yes, Mr Speaker. A one parent family living on their own are presently entitled to the following allowances per week under the Supplementary Benefits Scheme: the parent - £24.25; dependent children - for the first child £5, this is equivalent to the family allowance; for all children according to age as follows: 15 to 19 years - £10.55, plus £5 family allowance per week; 5 to 14 years - £8.60 plus £5 family allowance; under 5 years - £7.10 plus £5 family allowance per week. If the one parent family is living with persons who are on Supplementary Benefits the parent is entitled to £17.55 per week. If the family is living with persons who are wage earners and not on Supplementary Benefits the allowance payable is £12.30. The allowances for the children remain unchanged in all cases. In all cases, however, the maximum weekly allowance payable is £73.70. Apart from this there is also the question of rent relief and a lot of people who are already receiving Supplementary Benefits are getting rent relief. If the parent should be working and is not receiving any help from Government sight should not be lost of the fact that the one-parent family receives higher income tax relief, eg double the personal allowance which at the moment is £850 so it would be £1,700.

HON R MOR:

Mr Speaker, from what the Hon Member has said it would roughly mean that a single parent with one child under 7 would be in receipt of about £32 a week. Does the Government consider that that is sufficient on which to live, £32 a week?

HON DR R G VALARINO:

Mr Speaker, I think one might think it is an equitable sum considering rent relief and the fact that they are actually getting family allowance for the first child, whereas nobody else gets the family allowance for the first child. In fact, I have got a case, I am looking at the different cases and I have got a person whose name obviously I shall not mention: number of children one, living alone, divorced woman with dependent children, and she is getting £36.35 per week. I can show the Hon Member the list. In fact, I have got a list of everybody who is on Supplementary Benefits here with how much.

HON R MOR:

The second part of the question was whether the Government thought that that was an adequate amount on which to live on?

HON DR R G VALARINO:

Mr Speaker, I think they are not going to become extremely rich overnight, but I think this is an adequate amount to live on considering wages at present, and remember this is all tax free as well.

HON R MOR:

I am quite sure the Single Parents Bureau would be pleased that they won't have to pay tax.

MR SPEAKER:

Next question.

NO. 80 OF 1986

ORAL

THE HON R MOR

Is it still Government policy to transfer St Bernadette's OT Centre from the Education Department to the Department of Labour and Social Security?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1986

HON R MOR:

What seems to be the problem, what is holding everything up, Mr Speaker?

HON DR R G VALARINO:

Mr Speaker, a Committee under my Chairmanship has been set up to look into the whole question including possible alternative sites for moving the Centre from its present premises. The Committee is due to report its findings to Council of Ministers not later than the end of June this year and, obviously, after this a decision will be taken.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say what they intend to do with the present premises occupied by the St Bernadette's Occupational Therapy Centre?

HON DR R G VALARINO:

Mr Speaker, I am afraid I am unable to answer that. Once we relinquish it that would be far more left up to somebody like Crown Lands to be able to answer that type of question. What we want to do is move the St Bernadette's Occupational Therapy Centre, and not only that, a type of in-patient, a few beds so that we can treat the chronic handicapped type of person, away from the present site but what will happen to the existing site once we give it up it is passed on to Crown Lands and they then have various priorities and they will give it according to the priority that they feel is the most important one.

MR SPEAKER:

Next question.

NO. 81 OF 1986

ORAL

THE HON M A FEETHAM

Can Government give a progress report on the 14 Trainees that took up posts in the Private Sector under the Government Scheme for 1984?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, initially 14 applications were approved but only 10 trainees actually started their training under the Employer Based Training Scheme.

Eight of them are still in employment with the same employer. The other two left in February, 1985, and October, 1985, respectively, at their own request. Let me say that one of them left in October, 1985, to study in a College of Further Education in UK and the other one left and is now employed elsewhere.

NO. 82 OF 1986

ORAL

THE HON M A FEETHAM

Can Government explain why Hostel Receptionists are paid at Watchmen rates of pay?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the grade of Watchman does not exist in the Industrial Banding Code. However, I assume that the Question refers to Day and Night Caretakers who are generally known as "Watchmen".

Hostel Receptionists are classified as Band 2 in accordance with the grade definitions agreed with the Staff Side. Day and Night Caretakers also fall within this Banding which groups together 36 different industrial grades whose duties do not necessarily have to be related to each other and may be as distinct as those of Caretaker, Telephone Operator, Craftsman Mate General, Laboratory Assistant, Assistant Gardener, etc.

SUPPLEMENTARY TO QUESTION NO. 82 OF 1986

HON M A FEETHAM:

I am grateful for the Hon Member opposite giving me a wider answer to the question on what I wanted, but isn't it a fact that there is an outstanding claim which requires an answer and that in the view of the Staff Side this particular grade has been analogued incorrectly?

HON DR R G VALARINO:

Mr Speaker, if this is correct, and I take the Hon Gentleman's word, I shall contact the IRO and ask him what the state of play is in this one as far as the Hon Member is concerned. Once I get an answer from the IRO I will let the Hon Mr Feetham have the answer.

MR SPEAKER:

Next question.

NO. 83 OF 1986

ORAL

THE HON J C PEREZ

Does Government accept that it has an obligation to provide lifeguards at public beaches and bathing pavilions?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, the Government has no legal obligation to provide Lifeguards at public beaches.

It has accepted that, for certain periods during the bathing season, it has a moral obligation to provide lifeguards and this it will continue to do.

SUPPLEMENTARY TO QUESTION NO. 83 OF 1986

HON H J ZAMMITT:

Mr Speaker, could I just as a matter of information add to that that it may be interesting to note that Gibraltar is the only Commonwealth country that, in fact, pays, or the Government pays, for a lifeguard system. In other parts of the world it would be done on a voluntary basis.

NO. 84 OF 1986

ORAL

THE HON J C PEREZ

Will Government provide the necessary training facilities so that people with the required standards are available for employment as lifeguards?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, it is the policy of the Government that persons applying for the posts of lifeguard must possess as a minimum qualification, the Bronze Medallion of the Royal Life Saving Society. Further training is provided after recruitment.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1986

Mr Speaker, I asked the question precisely because of that. That is what the Hon Member said last year, that there was a grave problem of recruitment last year because not enough people were found with the Bronze Medallion of the Royal Life Saving Society. I am asking the Hon Member whether he will consider training people so that they reach that standard, so that he is not left in the position he was last year where he couldn't recruit the sufficient number of people, which he said himself was 17 that he needed?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the problem last year was that we have always relied on the students coming in June/July to cover, and also other people who are available. As I have said, the training is still the same. We are hoping to introduce other methods of training before that, but I cannot give you a specific answer until the Government has considered some of the suggestions that I have made on future training to cover longer periods of the summer season.

HON J C PEREZ:

For example, if there is an applicant who hasn't got the Bronze Medallion that you require, will you at least try and train that person, because if the Hon Member remembers correctly last year he said that even the school leavers that had come were not interested in the job because the frontier was open and they preferred to go up the Coast and that they were having problems recruiting people?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker, if anybody wants to be employed as a lifeguard Government will make arrangements with the Royal Life Saving Society to train them to Bronze Medallion standard.

MR SPEAKER:

Next question.

NO. 85 OF 1986

ORAL

THE HON J C PEREZ

Mr Speaker, what steps has Government taken to ensure that there is no repetition of the accident that took place last summer which resulted in the tragic death of a lifeguard?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, Government will continue to discharge its responsibility on their premises to provide safeguards against accidents, for its workforce and the public in general. An accident is by its very nature an event which is unforeseen and unexpected, and therefore Government can only take all reasonable precautions to minimise the risks of accidents occurring.

NO. 86 OF 1986

ORAL

THE HON J C PEREZ

Mr Speaker, is it Government policy to continue to employ shift workers at the Desalination Plant on a 7-day week?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, by the very nature of the continuous operation of a Desalination Plant it is necessary to work shifts. Government is currently studying a proposal tabled by the Staff Side for the introduction of a 5 crew 3-shift arrangement similar to that currently operating at the Waterport Power Station.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1986

HON J C PEREZ:

Does the Hon Member know when the Government will be in a position to reply to the request of the workforce?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker.

HON J C PEREZ:

Is the Hon Member aware that this request was put in a considerable long time ago and that the workforce are anxious for a reply?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker. As far as I am aware of the question an offer to operate this type of shift was made to the Staff Side when the manning of the new plant was under discussion in early 1985, that is, shortly after it became operational. This offer was rejected by the Staff Side at the time as they preferred to keep the same shift system as they had at the old distillers.

HON J C PEREZ:

Is the Hon Member aware that since agreement was reached in the Generating Station for the changeover from 7-day to 5-day with those conditions, that the workforce requested then at the time to go on a 5-day shift with the conditions attached to the Generating Station which is a few yards away?

HON MAJOR F J DELLIPIANI:

No, I wasn't aware of that, Mr Speaker.

MR SPEAKER:

Next question.

NO. 87 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Will Government consider making specific budgetary provision in 1986/87 for the preservation, maintenance and repair of ancient monuments, so designated under the Museum and Antiquities Ordinance?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, yes, a provision of £9,000 has been made in the draft Estimates for maintenance and repairs on Government sites listed under the Gibraltar Museum and Antiquities Ordinance. Further substantial funds have also been allocated for restoration work on historical buildings, some of which are scheduled under the Gibraltar Museum and Antiquities Ordinance.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say whether this money will be shown under a specific vote?

HON H J ZAMMITT:

I think these £9,000 will be shown under, I am not very sure, Mr Speaker, because it is in the draft Estimates, but I think it comes under the Museum.

HON A J CANEPA:

I think it is under Special Expenditure under the Tourist Office vote.

HON H J ZAMMITT:

On my vote, I am not sure, Mr Speaker, I would not like to mislead the House, I am not very sure.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say, for example, how many monuments this amount will cover?

HON H J ZAMMITT:

Mr Speaker, no, I could say that an attempt will be made to restore clean up but I cannot say how many it will cover because it depends entirely on the state of some of them and of course the return of the actual billing, how much we can do with the £9,000.

HON MISS M I MONTEGRIFFO:

Mr Speaker, has the Government got any specific plans drawn up for the preservation and upkeep of the monuments?

HON H J ZAMMITT:

Of course, there is a list of priorities mentioned within the priorities of what we would like to do. As to how they will be tackled I am afraid I cannot say. I suppose Public Works will be one that will have to be consulted as to which priority they would prefer to attack first.

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Minister accept that it would be better to have a specific vote that not only clearly shows the amount that they are spending but it would also help them if at some future date they want to make a case for the British Government to actually contribute towards the scheme?

HON H J ZAMMITT:

It could well be, Mr Speaker. That is a question of judgement, I suppose. I don't think we will ever get money for cleaning up our monuments quite honestly but nevertheless, again it is hypothetical, I don't know.

MR SPEAKER:

Next question.

NO. 88 OF 1986

ORAL

THE HON J E PILCHER

Does Government accept that the Tourist Consultative Board has failed?

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, the Government does not accept that the Tourism Consultative Board has failed.

The Government continues to place much emphasis on the contribution that the Consultative Board makes in the field of Tourism in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1986

HON J. E. PILCHER:

Mr Speaker, does not the Hon Minister for Tourism have in his power a copy of the Annual Report by the Chamber of Commerce wherein they state that the Consultative Board is now defunct and has failed.

HON H J ZAMMITT:

Mr Speaker, I am alarmed to hear that the Hon Member now places total faith in the Chamber of Commerce. Yes, possibly the Chamber of Commerce may want to say that but that is not our view.

HON J E PILCHER:

Mr Speaker, it is not that the Opposition puts their faith behind the Chamber of Commerce, but obviously the Consultative Board is a Board that primarily is composed of people representing the industry. The industry which is represented by the Chamber of Commerce has stated in their Annual Report that the Consultative Board has failed. Who is the Government going to proceed the Consultative Board with?

HON H J ZAMMITT:

Mr Speaker, I think the Consultative Board has sixteen members and I think the Chamber of Commerce has one. It does not necessarily mean that the other fifteen are in total agreement with that. And let me say, Mr Speaker, it could not have

failed because the Consultative Board has come up with a tremendous amount of recommendations which the Hon Member knows have been published in one of the local papers in anticipation of it being considered by Council of Ministers.

HON J E PILCHER:

It is a matter of opinion, Mr Speaker, whether the one member is represented by the Chamber or all the members representing the industry are representational, say, in the Chamber's. Notwithstanding that, the Board has only met four times in the last sixteen months whereas as part of the constitution it is supposed to have met once a month. Does this not contribute to the feeling by the Chamber that the Committee has failed?

HON H J ZAMMITT:

Mr Speaker, I think the Member is absolutely right in saying that under the Pitaluga Report the Committee should have met on a monthly basis, I accept that totally. I can also accept the fact that attempts have been made within the sixteen months to have had more meetings but sometimes it has been impossible to do so. One of the main things why meetings have not been held so regularly was the fact that in the final recommendations of the other Boards feeding the information to the Consultative Board, upon them all being gathered up, some were about July/August last year and submitted to the Consultative Board, they were then packaged up into a paper form for ODA. As the Hon Member knows we have had no reply from ODA which we did think we would have had some reply by about November last year. Because of that it really is futile to continue just to meet and discuss what? After recommendations have been made and we have still not been able to decipher exactly what we would be able to get from ODA or not.

HON J E PILCHER:

The Hon Member is therefore happy with the Consultative Board and does not think that that should be superimposed by any other type of Board like a Board with executive powers which is the one suggested by the Chamber of Commerce?

HON H J ZAMMITT:

No, Mr Speaker, I think that the setting up of the Pitaluga Report very clearly defined the requirements of several Committees in several fields of tourism to recommend to the Consultative Board. I accept the fact that the Consultative Board should have met more regularly. It is not really my prerogative, I am not Chairman of the Consultative Board.

MR SPEAKER:

You have been asked a simple question, are you happy with the Board?

HON H J ZAMMITT:

No, Mr Speaker, I am not happy. I would have liked the Consultative Board to have met at more frequent intervals if only to revise and review what in fact has happened, but I am afraid I am not responsible for that directly.

MR SPEAKER:

Next question.

NO. 89 OF 1986

ORAL

THE HON J L BALDACHINO

Can Government state if the provisions under Part II, Section 7 of the Landlord & Tenant Ordinance for the establishment of a Rent Tribunal, have been met?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, as required under Section 7 of the Landlord and Tenant Ordinance, a panel of five persons has already been nominated and invited to serve as members of the Rent Tribunal. Three nominees have already accepted and a reply is shortly expected from the other two. As soon as these formalities have been completed the Rent Tribunal will have been properly constituted and will be in a position to carry out its functions.

Regulations prescribing the remunerations to which members of the Tribunal shall be entitled have already been enacted.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1986

HON J L BALDACHINO:

Mr Speaker, can the Hon Member say why there has been a delay to set up the Tribunal?

HON M K FEATHERSTONE:

It takes time to find persons of independent opinions who are willing to serve on the Committee.

HON J L BALDACHINO:

Shouldn't it have been done in conjunction or simultaneous to the implementation of the Ordinance? What happens now if a landlord or a tenant wants to refer to the Tribunal anything under Part III or Part IV of the Ordinance?

HON M K FEATHERSTONE:

I think it would have to be held in abeyance until the Tribunal is set up.

MR SPEAKER:

Next question.

NO. 90 OF 1986

ORAL

THE HON J L BALDACHINO

Mr Speaker, can Government state by how much they intend to reduce the Housing Waiting List in the next financial year.

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, new housing units under construction or being modernised will reduce the Housing Waiting List by at least 42 applications.

NO. 91 OF 1986

ORAL

THE HON J L BALDACHINO

Can Government state how many houses do they expect to be sold in 1986 in Government selected Estates to sitting tenants?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, as previously indicated in the House the Government has now set up a Home Ownership Unit to deal with the sale of flats to sitting tenants within selected Estates.

The questionnaire sent last year has now been analysed and it has been decided to concentrate initially on Rosia Dale, which produced the most promising response.

It is expected that, on a conservative estimate at least 50% of the Estate will be sold in 1986. This would represent about 42 dwellings at a total sale price of £550,000.

Needless to say, if the final commitment from tenants in these selected Estates exceeds our minimum expectations a concerted effort will be made to meet this response. It is anticipated that further units will be sold at Rose Shrine, St Joseph's, Penney House and Seaview House during the course of 1987.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1986

HON J L BALDACHINO:

If there are applications which the Government does not consider that it would be viable to sell, is it Government policy then to either accommodate those who don't want to buy somewhere else, or at least to advise them to move?

HON A J CANEPA:

I think we would try to arrange for transfers which might boost the figure in a particular block of flats or Estate beyond the 50%. The Government would be amenable to that and, in fact, in pursuance of that, we have already given a directive to the Housing Allocation Committee to consider favourably exchanges where they may lead precisely to the situation that would produce more than a 50% positive response for home ownership.

HON J L BALDACHINO:

Will the Hon Member still abide by his commitment that if in case there is a rent increase between now and when they sell the houses, would they abide by saying that the price would be based, or one of the ingredients of the rent, would be based on the current rent?

HON A J CANEPA:

If delays in selling flats are on the Government's part the answer is quite definitely, yes. If there were to be an attempt on the part of legal practitioners representing tenants to draw the matter out too far into the future the Government might have to say: "Well, look up until such and such a date we are prepared to sell on the basis of the 1986 prices, if you like, but I am afraid that if you don't come to terms by such a date we may have to reconsider".

HON J C PEREZ:

Mr Speaker, can the Hon Member state whether it is the Government's intention to use the funds from the sale of houses for housing?

HON A J CANEPA:

It is the Government's intention to generate funds that will put it in a position to consider further building of houses. I say that in anticipation of an ODA response which we don't expect to be very favourable.

HON J C PEREZ:

I am talking specifically of the money coming out of the sale of houses?

HON A J CANEPA:

Yes, the money is intended to go into the Improvement and Development Fund in order to finance, primarily, new housing.

MR SPEAKER:

Next question.

NO. 92 OF 1986

ORAL

THE HON J L BALDACHINO

Mr. Speaker, can Government state how many applicants have been considered by the Advisory Committee as social cases and are awaiting accommodation on the Committee's recommendation?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, during the last 18 months the Housing Advisory Committee has considered 107 social cases of which 43 have been accommodated and 64 are awaiting the availability of suitable accommodation.

NO. 93 OF 1986

ORAL

THE HON J L BALDACHINO

Mr. Speaker, can Government confirm that self-employed EEC Nationals are now being permitted to apply for Government housing and has this required a change to the Government Housing Allocation Scheme?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the eligibility and qualification of persons for Government housing is defined under Clause 3 of the Housing Allocation Scheme (Revised 1980) which provides eligibility to persons who at the time of submitting an application have a right of permanent residence. There has therefore been no requirement to change the Housing Allocation Scheme.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1986

HON J L BALDACHINO:

So the answer is, yes?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 94 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Mr Speaker, can Government state whether any decision has been taken on the question of the ban on meat imports from Spain?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, as far as Government is able to ascertain no decision on the ban on meat imports from Spain has yet been taken by the EEC. The Environmental Health Department is in contact with the UK Ministry of Agriculture, Fisheries and Food with a view to obtaining the results of the EEC Commission's review of the situation which was due to commence on the 1st March, 1986. As soon as the Commission's findings are known, Government will, naturally, initiate the necessary procedures to give effect to the Commission's directives.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister state whether the ban also involves processed meat products?

HON M K FEATHERSTONE:

Yes.

MR SPEAKER:

| Next question.

NO. 95 OF 1986

ORAL

THE HON J L BALDACHINO

Mr Speaker, can Government state how many Government dwellings would in the opinion of the Chief Environmental Health Officer be declared unfit for human habitation by a Court of Summary Jurisdiction?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, without conducting a full survey of all Government dwellings it would be impossible for Government to give details of the number of dwellings which, in the opinion of the Chief Environmental Health Officer, would be declared unfit for human habitation by a Court of Summary Jurisdiction, although it would be fair to say that the numbers are not expected to be much in excess of the 73 already so certified by the CEHO since the methods of working of the Environmental Health Department are widely known and readily available to everyone.

This system of certification by the CEHO has been implemented in order not to prejudice any Government tenant's standing in the Housing Waiting Lists vis-a-vis occupiers of privately-owned accommodation in respect of which the Environmental Health Department may apply to a Court for a Prohibition Order in the course of enforcing abatement notices.

It is pertinent to note that 19 of the 73 certificates mentioned have been rescinded since the premises have either been repaired and rendered fit for human habitation or demolished.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1986

HON J L BALDACHINO:

Mr Speaker, may I ask the Hon Member why such a big increase since 1984 to 1986, because in 1984 in Question No. 68 he answered that there were ten dwellings. Why such a big increase from 1984 to 1986?

HON M K FEATHERSTONE:

I think because the Department of Health has been looking into the matter with a certain sense of urgency.

HON J L BALDACHINO:

Can the Hon Member confirm that this is not due, for example, to dwellings which were not under the Government stock but under the private sector and have come back from leases expiring?

HON M K FEATHERSTONE:

No, these are all Government dwellings, Sir. The number of privately owned premises which have lately been the subject of prohibition orders under Section 83 of the Public Health Ordinance is nineteen of which seven have been rehabilitated or demolished, twelve are outstanding.

HON J L BALDACHINO:

What I am asking, Mr Speaker, is that the difference of increase is quite big in my opinion and this has no relation that in 1984 because we are talking about the houses in Government stock, we are not talking about the private sector. I am saying has it got any relation of these 73 dwellings that from the 10 in 1984, that those dwellings have come from leases that the Government had to private landlords and now have come back to the Government stock. Has that got a relation in the increase?

HON M K FEATHERSTONE:

It is possible some of them do include those cases, yes.

MR SPEAKER:

Next question.

NO. 96 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Mr Speaker, how many frontier workers are registered at the Health Centre?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there are 229 Frontier Workers registered at the Health Centre.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister satisfied that these are the actual numbers of frontier workers that are in Gibraltar or could there be more who have simply not registered?

HON M K FEATHERSTONE:

These must be people who are in employment and I would say rather a reasonable number, yes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Government informing all frontier workers once they get a job in Gibraltar that they can register at the Health Centre? Are they all being informed?

HON M K FEATHERSTONE:

I would think so, yes.

MR SPEAKER:

Next question.

NO. 97 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Mr Speaker, can Government confirm that frontier workers are entitled to make use of Gibraltar's Medical Services for themselves and their dependents if they so choose?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, frontier workers are entitled to treatment both in Gibraltar and in Spain. The families of frontier workers are entitled to treatment in Spain on the basis of the worker's insurance in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, the information that we have is that if people are registered at the Health Centre but are resident in Spain in order to obtain free treatment in Spain they should be provided with an EEC Form 121. Is the Health Centre providing these forms?

HON M K FEATHERSTONE:

I think that is a new one on me, I am afraid I shall have to look into it.

MR SPEAKER:

Next question.

NO. 98 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state what are the arrangements for meeting the cost of medical treatment in Spain for those frontier workers and their dependents who use Spanish Medical Services.

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, each Community Country keeps a record of the cost of treatment given on behalf of another Community Country. Credits and Debits are settled at National level - in the case of Gibraltar through the Department of Health and Social Security since Gibraltar is an integral part of the United Kingdom for the purposes of Regulations 1408/71 and 574/72.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, presumably Britain and Spain will be talking about the tourists which visit Spain. In our case we have frontier workers and their dependents. If there is a balance due how will it be determined out of that balance who is the frontier worker and who is the tourist, especially when now we know we don't have an EEC 121 Form?

HON M K FEATHERSTONE:

I don't know whether they have got any arrangement to differentiate between the frontier worker or the tourist.

HON MISS M I MONTEGRIFFO:

Mr Speaker, will the Minister endeavour to find out?

HON M K FEATHERSTONE:

Yes, I will try and do so.

MR SPEAKER:

Next question.

NO. 99 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Mr Speaker, are persons registered at the Health Centre who do not pay registration fees because of low income, still required to pay prescription charges?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1986

HON MISS M I MONTEGRIFFO:

They are required to pay?

HON M K FEATHERSTONE:

Yes, Sir.

HON MISS M I MONTEGRIFFO:

Mr Speaker, why is it then that the Minister on the 15th January, 1985, in answer to Question No. 37 said that they did not have to pay prescription charges?

HON M K FEATHERSTONE:

The Minister was considering that the persons who do not have to pay are the persons on the district scheme who do not have to pay.

MR SPEAKER:

Next question.

NO. 100 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Given that since the 1st January, 1986, Spanish nurses who qualify in Spain are entitled to take up employment in UK without further training, why are nurses trained in Gibraltar not so eligible?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, at the present moment, and until the Nursing course in Gibraltar is recognised in the UK, nurses trained in Gibraltar need a 3 month (or shorter) assessment course to take up equivalent employment in the UK. We are moving towards recognition of the Gibraltar course in the UK. A team will be coming out shortly to advise on this.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister aware that as from the 27th June, 1977, there is an EEC directive for the mutual recognition of nursing qualifications and does he not consider that from 1977 to now, 1986, there was sufficient time to have done something about our nursing qualifications?

HON M K FEATHERSTONE:

Yes, I appreciate that a considerable time has gone by and I rather regret this. I do hope that the situation will be cleared up satisfactorily in the very short future.

MR SPEAKER:

Next question.

NO. 101 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm that since 1st January, 1986, Spanish nursing qualifications have been recognised in Gibraltar, although Gibraltar ones are not so recognised in Spain?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the following Spanish Nursing qualifications have been recognised by the EEC: "Titulo de Diplomado Universitario en Enfermeria (university diploma in nursing) awarded by the Ministry of Education and Science."

Since Gibraltar is an integral part of the United Kingdom for community purposes, these nursing qualifications would be recognised in Gibraltar.

As the Hon Questioner is aware we have for some time now been working towards the goal of having our local qualification recognised by the English National Board and steps have already been taken to request the appointment of a team of specialists to look into and advise on this question.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, we have heard on various occasions the Government talk about the spirit of reciprocity emanating from the Brussels Agreement. Can the Minister confirm whether in the bilateral talks with Spain this matter has been brought up with the Spanish authorities?

HON M K FEATHERSTONE:

I would think that the Spanish authorities would justifiably be able to say that if the Gibraltar nursing qualification was not accepted in the EEC they need not accept it.

MR SPEAKER:

Next question.

NO. 102 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

When are the Staff Inspectors for the Medical Department due to arrive?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Mr Speaker, no indication has yet been given by the Overseas Development Administration as regards the appointment of the team of Specialists or the date when they are likely to be available to undertake the re-organisational and manning level review of the Nursing Grades.

The Overseas Development Administration has been made aware of the urgency of the exercise and it is hoped that the team will be made available shortly.

NO. 103 OF 1986

ORAL

THE HON MISS M I MONTEGRIFFO

Mr Speaker, what steps is Government taking to fill the post of Dietician?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Mr Speaker, all efforts made in the past to recruit a qualified Dietician or a student who can be suitably trained to obtain the necessary qualifications have failed, despite repeated advertising for suitable candidates.

No further efforts to fill the post have been made pending consultation with the locally appointed Consultant who will be dealing with the Diabetic Clinic when he takes up his appointment on 1 May 1986.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1986

HON MISS M I MONTEGRIFFO:

Mr Speaker, in the light of representations made by the Gibraltar Diabetic Association, would the Minister not accept that this post should be filled as soon as possible?

HON M K FEATHERSTONE:

If the consultant who comes can fill the needs of the Diabetic Association satisfactorily then I would not say it is so necessary.

MR SPEAKER:

Next question.

NO. 104 OF 1986

ORAL

THE HON J C PEREZ

Mr Speaker, does Government intend to make the Motor Vehicle Test Centre at Eastern Beach fully operational this year?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes Sir. It is expected that the legislation will be brought to the House at the summer meeting and the testing of private vehicles which are 10 years old and over should then get off the ground.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1986

HON. J C PEREZ:

The summer meeting of this year?

HON M K FEATHERSTONE:

Yes, the summer meeting of this year.

HON J C PEREZ:

Can the Hon Member state whether Government have already recruited all the extra staff necessary to make the Centre fully operational?

HON M K FEATHERSTONE:

Yes, Sir.

HON J C PEREZ:

Can the Hon Member explain why it is that the employment of staff has been taking place since a year ago for the extra operation of the Test Centre, when he couldn't give a commitment in this House when it was actually going to be operational? Does he not think that it would have been wiser for the Government to make sure when the legislation would be able to be promulgated before filling the post?

HON M K FEATHERSTONE:

We had hoped the legislation would have come through quicker, but the staff is being made use of quite satisfactorily looking after public service vehicles which are tested at the Centre.

HON J C PEREZ:

When will the Hon Member be in a position to supply us with estimates, as he promised to do, about the costing of the whole operation?

HON M K FEATHERSTONE:

As soon as it is fully in operation, Sir.

HON J C PEREZ:

But the Hon Member did say, in fact, the last time I raised this, he said in answer to a question from my colleague, the Hon Mr Bossano who asked: "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?" And he said: "I would hope so, Sir, in due course, Sir". Is 'in due course' when it is fully operational, because the commitment given by the Hon Member was not that one?

HON M K FEATHERSTONE:

You cannot really work it out until it is in full operation because you cannot estimate all the costs satisfactorily until then.

HON J C PEREZ:

Obviously, you can work out an estimate of the operation of the Centre up to date and then adjust it when it becomes fully operational. I am sure the Government needs to have those estimates for themselves.

HON M K FEATHERSTONE:

If that will satisfy the Hon Member I will dig it out and send it to him.

MR SPEAKER:

Next question.

NO. 105 OF 1986

ORAL

THE HON J C PEREZ

Mr Speaker, what is Government's policy in relation to parking and traffic flow particularly with the congestion being experienced in the city area?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Government has turned all available open areas into parking spaces and has taken other measures to improve the flow of traffic considerably in the past two years.

The problem of traffic congestion has recently been aggravated by the need to close certain 'arterial' roads in connection with development projects.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1986

HON J C PEREZ:

Mr Speaker, has the Hon Member perhaps thought of approaching the Ministry of Defence for the use of one of their Naval pitches to be made as a car park?

HON M K FEATHERSTONE:

Yes, Sir, that has already been done and is being looked into.

HON J C PEREZ:

Could the Hon Member give us a commitment that he will duly inform this side of the House of the result of those negotiations?

HON M K FEATHERSTONE:

Yes, Sir.

HON J E PILCHER:

Is the Hon Member satisfied with the steps taken up to now to tackle these problems of parking and traffic flow? We have heard that they have been doing something over the past two years but I was just wondering whether they are happy with what has been done, especially taking into account the experiences of late when I think every person on the road, on a car, is coming to a stage where they are short of shooting themselves in the middle of a traffic jam. They don't

know what else to do? Is there any long-term planning for public parking and traffic flow?

HON A J CANEPA:

If they shoot themselves it will aggravate the situation considerably.

HON M K FEATHERSTONE:

As for long-term plans, there is a long-term plan that the Naval Grounds should be eventually reprovided elsewhere and then they might be available for parking. Apart from that there are no specific long-term plans since there is no specific large area where parking can obviously be made available.

HON J C PEREZ:

Mr Speaker, is the Hon Member saying that the conditions of the talks being held with MOD is about reproviding the football pitches?

HON M K FEATHERSTONE:

That is in the long-term. In the short-term they may be made available for, perhaps, the summer period without reproviding them, but the long-term plan is that those two pitches should be reprovided elsewhere by reclamation and then they would become available to the town area.

HON J C PEREZ:

Mr Speaker, doesn't the Hon Member think it absurd that we should be, in fact, talking about even long-term reproviding football pitches for the Navy. Were we talking about defence needs I perhaps might agree with the Hon Member, but that we should be reproviding football pitches when they have three and they don't use them to the full extent, is ridiculous. I think that, if anything, they should be giving us at least one of them without reprovioning.

HON M K FEATHERSTONE:

Yes, I agree with you.

HON J C PEREZ:

Will the Hon Member then put forcefully that position to the MOD?

HON M K FEATHERSTONE:

It has already been put to them.

HON J E PILCHER:

Coming back to the question, because I am less than satisfied, I accept that Gibraltar's land is at a premium and, therefore, if there are no parking spaces, there are no parking spaces, but that does not satisfy the person who is paying a licence in Gibraltar and who is paying a road tax in Gibraltar and who has a car in Gibraltar and who has to park that car in Gibraltar. And to be told that there is no long-term plans I think is something which certainly is not satisfactory. That is on parking alone. Is the Government saying that they have no long-term plan at all except the obtaining of the Naval Ground which will go only a slight way to improving the parking situation in Gibraltar, and only on parking, but that will only go a small way to clearing up the parking situation?

HON M K FEATHERSTONE:

If you had large areas of spaces that were lying dormant then one could easily say: "We will have a long-term plan to turn these into parking areas". We do not have these spaces available. There are parking areas at the moment which are still under utilised; the one at Queensway opposite the College is still not fully utilised. The difficulty is that people wish to park completely outside their office or their home. People must learn that they will often sometimes have to park at some reasonable distance from where they actually want to finish up.

HON J E PILCHER:

Mr Speaker, I cannot accept that. I accept that people want to park outside their house or outside their office, but we are talking about a reasonable distance from their office or their house. Obviously, if the Government builds a housing project and do not cater for the amount of cars that are supposed to be parked at that housing project, then the problem squarely lies with the Government and the planners of the project.

HON J C PEREZ:

Mr Speaker, can the Hon Member confirm that the Traffic Committee is carrying out a study to try and get the traffic flow better organised?

MR SPEAKER:

What we cannot do is hope, with respect, at question time to settle the Gibraltar traffic and parking problems. You can get whatever information you need so that you can later formulate plans to do that.

HON J E PILCHER:

Mr Speaker, I think if we are not going to solve the traffic problem I think what we have a right to try and do at question time is see what the Government is going to do or trying to do to solve the traffic problem. But when we hear that they have no

MR SPEAKER:

With respect, that is a matter for debate, not to seek information.

HON J C PEREZ:

Mr Speaker, can the Hon Member confirm that the newly set up Traffic Committee is studying the question of traffic flow?

HON M K FEATHERSTONE:

There is a Traffic Committee which sits every month and looks into the traffic situation generally and does its best to improve the flow of traffic. One of the recent efforts that they made was to put a blue line outside the Health Centre on Line Wall Road, where there was very considerable congestion of traffic, and I think it has improved the flow considerably. They are looking at all the small areas where improvements can be made but, as I say, the global problem is a very vast problem and it is not easy to find an absolute solution. The only solution really would be to take draconian measures which I don't think Gibraltar is willing to accept.

MR SPEAKER:

Next question.

NO. 106 OF 1986

ORAL

THE HON M A FEETHAM

Will Government be making provision in this year's estimates to set up the necessary machinery to monitor properly ships registered in Gibraltar?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. A political decision has been taken and provision will be made in the estimates for 1986/87 to cover the initial cost of setting up the marine administration. I should also add that two posts for Marine Surveyor have just been advertised.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1986

HON M A FEETHAM:

Does Government intend to allocate it under a separate subhead under the Port vote?

HON A J CANEPA:

It will be in the Estimates of the Port Department.

HON M A FEETHAM:

But will it be a separate subhead?

HON A J CANEPA:

The post of Marine Surveyor or whatever it is called will be shown separately in the establishment of the Port.

HON J BOSSANO:

Mr Speaker, what we would like to encourage the Government to do is to identify the cost because then we can see what this is costing and see how well it is producing. It is more difficult if it is just lost in the total cost of the Port vote.

HON A J CANEPA:

It may be more difficult and yet it may be easier because otherwise the Department of Trade and Industry will be trying to impose on us their own staffing levels, their own manning

levels, which one has got to be careful about. They have got guidelines about one Marine Surveyor for so many ships and we have to be careful that if the registry rose we might have to end up according to their way of looking at it with an army of surveyors. In due course I think the Hon Member is along the right lines but it is early days yet. Let us wait and see how it goes.

MR SPEAKER:

Next question.

NO. 107 OF 1986

ORAL

THE HON M A FEETHAM

When did Government receive payment for the allocation of the Casemates Triangle Site to Pall Mall Ltd?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, the Government received payment from Pall Mall Ltd in respect of the Tender sum of the Casemates Triangle Site upon transfer of the site from the MOD and upon execution of the Licence Agreement, namely on the 26 September, 1985.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1986

HON M A FEETHAM:

But wasn't it part of the acceptance that the £105,000 which is the amount we are talking about, should have been paid within fifteen days of the acceptance of the tender?

HON A J CANEPA:

Fourteen days. Yes, there was a stipulation that payment should be made within fourteen days, but that is if the tender acceptance had not been qualified. In the event, the tender acceptance was qualified in that the company had to, first, satisfy the Government of certain conditions, one of which was that they had to enter into a contract with the Ministry of Defence for the reprovisioning of the seven quarters on site. This condition was later changed at the request of the Ministry of Defence to one of a cash payment of £300,000, once they had finalised their building programme for new quarters and in full settlement of reprovisioning. The payment, in fact, was a condition of transfer and until the transfer was effected the payment could not be made.

MR SPEAKER:

Next question.

NO. 108 OF 1986

ORAL

THE HON M A FEETHAM

Has the Feasibility Study undertaken by Tricon-Wimpey on the reclamation of the East Side Development now been finalised?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, the Director of Crown Lands has only recently been informed by the Company's Solicitors that they are now ready to submit their outline proposals for Phase I of the development for Government's consideration.

They therefore intend to come to Gibraltar shortly after Easter to present their proposals.

NO. 109 OF 1986

ORAL

THE HON J BOSSANO

Has Government now taken a policy decision to submit proposals to HMG for Gibraltar's decolonisation through Free Association?

ANSWERTHE HON THE CHIEF MINISTER

No, Sir. As I told the 'Gibraltar Chronicle' in reply to questions last month, the AACR's sub-committee on constitutional reform, chaired by the Hon Mr George Mascarenhas, had just completed the preparation of detailed proposals and these are being considered by my party's Executive Committee. I went on to say that, if the latter agreed to proceed, the proposals would then be put to the party membership and, if approved, would become party policy to be put to the people at the right time. I emphasised - and I do so again today - the importance of the right timing in this matter.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1986

HON J BOSSANO:

Mr Speaker, I am not questioning when is the right timing to put it to the British Government. What I am questioning is whether, in fact, the Government itself has decided, and apparently the answer is that the Government itself hasn't made up its mind yet.

HON CHIEF MINISTER:

It is still at Party level.