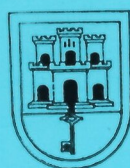


GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

10TH FEBRUARY, 1987

1 TO 71

NO. 1 OF 1987

ORAL

THE HON J BOSSANO

Can Government state whether it has a target for annual growth in the economy of Gibraltar?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. The economy is going through a period of rapid structural change. It would be unrealistic, even if it were considered desirable on policy grounds, to attempt to plan for growth in terms of a specific increase in national product at this juncture. There are also currently a number of problems in both measuring and forecasting rates of growth, because of the substantial structural changes currently taking place.

SUPPLEMENTARY TO QUESTION NO. 1 OF 1987

HON J BOSSANO:

Mr Speaker, has the Government ever had a target of annual growth in the economy of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not to my knowledge, Mr Speaker, although my memory obviously doesn't go back very, very far.

HON J BOSSANO:

Mr Speaker, surely the Hon Financial and Development Secretary is not saying that the reasons he has given for not having one now have always operated, ie is he saying that the economy of Gibraltar has been in a permanent state of structural change?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I am always amazed at some of the inferences the Hon Leader of the Opposition draws from my statements but certainly I didn't intend that one but it is going through a period of structural change at the moment. I might add that we are proposing to engage the economic consultants who helped us in 1979 to build an input/output model of the economy and we expect that they will be providing further services to us during the course of this year. That may help to solve part of the problem which is the problem of measuring and, indeed, forecasting rates of growth in the economy which has been

changing rapidly in the last few years.

HON J BOSSANO:

Mr Speaker, does the Government, even if it doesn't have a target, have a view as to what range it expects growth to lie within?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As the Hon Member will know, I gave an indication, admittedly it was a retrospective indication of the growth in the economy in 1985/86 and the indications are that the growth in 1986/87, of the subsequent financial year, would be of a similar order, I am talking about a figure of 10% during the last twelve months. As to the likelihood in the next twelve months I am afraid I still find it very, very difficult to make an accurate prediction. All I can say is that the indications of a number of largely un-coordinated, in the economic sense factors, are that growth will continue at a not dissimilar rate but I wouldn't like to be held to a precise figure.

MR SPEAKER:

Next question.

NO. 2 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what was the contribution to National Income of tourism in 1983/84, 1984/85 and 1985/86?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. Tourist expenditure in 1983/84, 1984/85 and 1985/86 accounted for approximately 16%, 18% and 22% respectively of National Income, the latter being a provisional estimate. In financial terms, the figures are:-

	<u>1983/84</u>	<u>1984/85</u>	<u>1985/86</u>
Tourist Expenditure	£13m	£16m	£22m*
National Income	£80.76m	£87.18m	£99.63m*

*Provisional estimates.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1987

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member, does the figure that he has given reflect the accuracy or otherwise of the statement made by the Minister for Tourism that there was a 60% multiplier effect in respect of tourist expenditure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Minister for Tourism, if I recall correctly, made a statement in answer to a question in the House recently about this matter and I have nothing to add to what he said then.

HON J BOSSANO:

Mr Speaker, the statement that I am asking the Hon Member to answer me on is the statement that he made. Can he say whether the statement that he made, in fact, is reflected in these figures? That is to say, does the £13m and £22m that he has given show that for every pound that a tourist spent there is an additional effect on national income of 60p which is a statement the Minister made?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I am sorry, Mr Speaker, I cannot really answer on behalf

of the Minister for Tourism.

HON J BOSSANO:

Mr Speaker, I am not asking the Hon Member to answer on behalf of the Minister for Tourism, I am simply saying that the Minister for Tourism on behalf of the Government for whom he is also answering, made a statement to the effect that tourist spending in the economy of Gibraltar produced an additional effect, originally we thought he had said on Government revenue and he subsequently corrected it in the House by saying that it wasn't on Government revenue, it was on national income. Does, in fact, the £13m, £16m and £22m quoted by the Financial and Development Secretary show the figure after the impact of the 60p in every pound quoted by the Minister or before the 60p in every pound quoted by the Minister?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I am just not briefed on that particular aspect, Mr Speaker. I do recall what the Minister for Tourism said and he made a very full explanation. I am sure it was made after consultation with the Economic Planning and Statistics Office and to that extent I would expect to be in a position to support what he said but I am simply not briefed on the matter at this point.

HON J E PILCHER:

Mr Speaker, seeing that the Hon the Minister for Tourism is not here to answer for his own comment which was, in fact, we maintained he had said receipts and in his answer he said 'that for every one pound of tourist expenditure Gibraltar generates 60p'.

MR SPEAKER:

No, that is not being disputed.

HON J E PILCHER:

I know, Mr Speaker, it is a point of clarification. What the Hon Financial and Development Secretary is saying as an explanation was only an explanation on the receipts not on the fact that he maintained that Gibraltar generated 60p from every pound. But can I take the Hon Financial and Development Secretary to task in his understanding of what is the contribution per pound of tourist expenditure since in 1984/85 we have figures that show a rise of £9.46m in tourist expenditure, a national income

growth of £7m and a tourist national income contribution of £3m. What would that mean as far as percentage for the Hon Financial Secretary?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will make a note of the points which the Hon Member has made, Mr Speaker, and I am quite prepared to consider these outside the House but I don't think it would be helpful if I were to attempt to juggle with new figures or points which he has raised during the answers to this question.

HON J BOSSANO:

Mr Speaker, we are not asking the Hon Member to juggle, we are seeking information. If the Hon Member has said that in 1985/86 there was a contribution towards national income of £22m does that reflect the £21.11m shown in the Tourist Survey Report for 1985? Is he talking about the same figure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I haven't got it in front of me but I would think almost certainly yes, if we are talking about tourist expenditure, that certainly strikes a bell to me.

HON J BOSSANO:

Would that imply, Mr Speaker, that there is no multiplier effect at all? That is to say, if the Hon Member is saying that the contribution to national income which he has given us of £22m in 1985/86 is the tourist expenditure of £22m in 1985/86, does that mean that no account is being taken of the multiplier effect?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that is not so. Account is taken, I think it is quite clear that there is a multiplier effect, I am not disputing that. What I am not in a position to say because I am not briefed as extensively on the matter as I would need to be to be able to answer extempore off-the-cuff, I am not quite clear what the detailed calculations are, I would have to consult my staff in the Economic Planning and Statistics Office who are more familiar with the details of this than I. I am quite prepared to do that, of course, but I think it would be more helpful if I were to make that offer rather than to attempt to prolong the answer to this question.

MR SPEAKER:

Next question.

NO. 3 OF 1987

ORAL

THE HON J BOSSANO

Can Government state what was the estimated cost of the 1986 Pay Review for industrials provided under Head 26 at budget time?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. The amount included for industrials in the 1986 Pay Settlement provision was £460,000.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1987

HON J BOSSANO:

Can I ask the Hon Member whether, in fact, the actual outcome of the Review is expected to be within that figure or will there be a need for any additional funds?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There will be a need for additional funds overall, Mr Speaker, yes, inasmuch as the provision which was made covering both non-industrials and industrials was 5% and the average pay increase has worked out at a figure of the order of 6% so there will be a need for additional supplementary funds. I cannot say as of this moment how much of that would be in respect of industrials or non-industrials.

HON J BOSSANO:

But the Hon Member can say that there will be a requirement for additional funds for industrials?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I cannot say whether there will be an additional requirement for funds in respect of industrials. I know that there will be for non-industrials which, of course, account for a much larger sum of money and when I mention 6% I was thinking specifically of certain groups of staff - Police, teachers and I think nursing staff, some of whom were as a result of pay settlements in the UK awarded sums rather more than the average which was provided for.

HON J BOSSANO:

Is it correct, Mr Speaker, to say that there will be a further statement of re-allocations therefore in respect of the sums involved and that the one that has been provided by the Hon Member does not cover all the allocation to different Heads?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There will certainly be further re-allocations, Mr Speaker, before the end of the financial year to reflect the fact which I have just stated, namely, that the Pay Settlement provision made was inadequate and therefore there will be further supplementary funds or re-allocations needed.

HON J BOSSANO:

Mr Speaker, can the Hon Member explain why the re-allocation in respect of industrial workers which is what the question is about, is not all included in the statement of re-allocation since the settlement for industrials took place late last summer and the re-allocation took place on the 28th January?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not off-the-cuff, no, Mr Speaker, but I will endeavour to get the information before we reach the Supplementary Appropriation Bill.

MR SPEAKER:

Next question.

NO. 4 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how the money provided under the Improvement and Development Fund Head 101, Subhead 4 has been used?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Honourable Member will recall that the Hon Minister for Public Works, in answer to Question No.225 of 1986, stated that the Government had decided to abandon this project, and concentrate its efforts on the Engineer House Scheme. Accordingly, no expenditure has been, or will be, incurred under Head 101, Subhead 4.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1987

HON J L BALDACHINO:

Is the Hon Member saying, Mr Speaker, that they will use the money for the survey that is going to be carried out on Engineer House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, the Supplementary Appropriation Bill which will be considered by the House later on in these proceedings includes the provision of £10,000 for the Engineer House site inspection. It is not possible to vire from one project to another in the Improvement and Development Fund.

HON J L BALDACHINO:

Could we then have a commitment, Mr Speaker, from the Government that this money will only be used for housing?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot provide that commitment on behalf of the Government, not so to speak, formally, but certainly as I understand the Government's plans, I don't know whether one of my colleagues wishes to add to this, the Engineer House development is seen as a substitute for the former proposals in respect of Laguna.

MR SPEAKER:

Next question.

NO. 5 OF 1987

ORAL

THE HON J BOSSANO

Is Government now in a position to state to which items of capital expenditure they intend to devote the £2.3m borrowed in the 1985/86 financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. I have nothing to add to the answer which I gave the Hon Member in answer to Question No.261 of 1986. The Government review of the 1986-1990 Development Programme, including the locally-financed element, has not yet been finalised.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1987

HON J BOSSANO:

Does the Hon Member expect to be in a position to provide such information before the Estimates for 1987 are brought to the House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would expect that the information will be provided at the time of the Estimates, Mr Speaker.

HON J BOSSANO:

But he will not be in a position to provide it before, is that right, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think it is highly unlikely that I would.

MR SPEAKER:

Next question.

NO. 6 OF 1987

ORAL

THE HON J BOSSANO

Does Government expect to borrow the £2m estimated at budget time in the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. On present prospects it looks as if sales of debentures to the public during this financial year will be about £1.6m of which £1m will be of the 9½ per cent tranche due for redemption in 1991. Sales of this were sluggish during the latter half of 1986 because of the rise in UK interest rates but have since improved.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1987

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member, does he still expect the same outcome for the financial year on the premise that the borrowing will be £1.6m instead of £2m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Is the Hon Member referring to the outcome as far as the Government's finances are concerned?

HON J BOSSANO:

Mr Speaker, the Hon Member will recall that in answer to a question in the last House of Assembly I asked him whether he was still anticipating that the result for the financial year would be a deficit of £850,000 and the reply was that this was, indeed, still the expectation. I am asking him whether that will continue to be the expectation in the light of the fact that the income of the Government from borrowing will be £1.6m instead of £2m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am grateful to the Hon Member for clarifying that. I think I can answer him in two ways. First of all, I think that the outturn for the financial year may be different from the preliminary provisional forecast I gave him in answer to the question earlier to which he has referred although not, I think, to a very substantial extent. There are a number of changes

which have occurred to prospects both on the income and expenditure side and I am not as of this particular moment in a position to say what the net effect is. However, what I can say, returning to his question, is that this particular variation, namely, that we are expecting to sell £1.6m rather than £2m will not of itself have a significant effect on the outturn for the year.

HON J BOSSANO:

Mr Speaker, I know the Hon Member seems to be particularly good at not answering questions. Can he explain to me, will the income not be down £400,000 if it is showed as income £2m in the budget in March and, if so, is he saying that he expects that deficiency to be compensated by excesses of revenue over expenditure in other items and therefore to be covered or is he saying that it doesn't matter if it is £1.6m instead of £2m, which is he saying?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am saying it is really a bit of both, Mr Speaker, I wasn't trying not answer the Hon Leader of the Opposition's question. Sometimes when I go to great lengths to answer him as intelligently as I know how, the effort obviously exceeds the capacity of my brain. But both points are true. There will be obviously a drop in income as a result of the difference of £0.4m which we have been discussing. On the other hand, there are other changes in the Government's account both on the income side and the expenditure, income revenue from a number of sources has been more buoyant than we thought three or six months ago, and on the expenditure side there are additional items which were not predicted so there are a number of changes which affect the Government's account. Certainly, there will be an adverse variance of £0.4m but I don't regard that as being particularly significant in terms of the overall outturn.

MR SPEAKER:

Next question.

NO. 7 OF 1987

ORAL

THE HON J BOSSANO

Can Government state what would be the estimated loss of revenue in a year of bringing personal allowances and tax rates in Gibraltar into line with current UK levels?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

About £6m, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1987

HON J BOSSANO:

Mr Speaker, can the Hon Member explain why this figure which he has just given differs so much from the one previously given in the House in the light of the fact that the allowances have been coming up quite substantially in UK in the interim period? Is it that the figure has been reworked and the previous one was not accurate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir. I think the Hon Member has, in fact, answered the question. Last year, at the time of the budget, the estimate which we made was between £7m or £8m instead of the £6m which I have just quoted. The Government gave away about £3m in a full year's term in tax reductions but the Chancellor of the Exchequer in the United Kingdom also gave away in 1986/87 as well so one really has to run faster on the spot to catch up.

MR SPEAKER:

Next question.

NO. 8 OF 1987

ORAL

THE HON M A FEETHAM

Can Government give the total number of companies in the Exempt Companies Register as at 31st December, 1984, 1985 and 1986?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the number of companies holding valid tax exemption certificates on the dates in question were:

At 31st December 1984	-	1,354
At 31st December 1985	-	1,588
and At 31st December 1986	-	1,880

NO. 9 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what were the total number of registered Captive Insurance Companies at the 31st December, 1986, and the comparable figures for 1984 and 1985?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. The details are as follows:-

At 31st December 1984	-	13
At 31st December 1985	-	13
At 31st December 1986	-	14

SUPPLEMENTARY TO QUESTION NO. 9 OF 1987

HON M A FEETHAM:

Could the Hon Member then say what is the minimum share capital of a Captive Insurance Company?

MR SPEAKER:

May I suggest that you are free to answer it if you have got the information but that is information which is easily accessible by looking at the particular Ordinance but if you have got the information available it might assist the House, most certainly.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I haven't, I would have to look it up, Mr Speaker. I think it is much safer for me to do that than rely on my memory.

HON M A FEETHAM:

Mr Speaker, on a point of information, we are supposed to be repealing this legislation in this House.

MR SPEAKER:

But until you repeal the legislation there is a requirement.

HON M A FEETHAM:

Mr Speaker, can the Hon Member say is there a minimum share capital under the new law and what is this minimum going to be?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Under the old law I am pretty sure it was £10,000. Under the new law it is slightly more complicated which is why I was hesitant in providing an answer to the question but we are talking about something substantially in excess of that. The reason why I hesitated is that the figure of £100,000 is in my mind but there are other important criteria such as the margins of solvency and the size of the guarantee fund which are larger than that amount and probably rather more important for the purposes of authorisation.

HON J BOSSANO:

Can I ask the Hon Member, is he in fact saying that the provisions that apply to the Captive Insurance Companies under the proposed legislation we shall be passing in this House are no different from the provisions that apply to all insurance companies?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON J BOSSANO:

Are there transitional provisions for the 14 that were registered in December 1986, or will they be required to meet it as soon as the new law comes in?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, there are transitional provisions, Sir.

MR SPEAKER:

Next question.

NO. 10 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm whether ODA has now provided the £2.3m additional grant to the Gibraltar Shiprepair Special Fund and whether any further funds are likely to be provided?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. I think the Hon Member is confused by his Hon Friend's reference to £2.3m in a different context and the figure is, in fact, £2.4m. Payments have already been made by ODA into the GSL Fund from the additional £2.4m which HMG have agreed to make available. HMG have indicated that this is their final contribution to this project.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1987

HON J E PILCHER:

I can take it therefore that the answer to the second part of the question is that no further funds will therefore be provided?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can only tell the Hon Member what the indications are from HMG. This does not mean that as a result of the continued eloquence of the Hon and Learned the Chief Minister we might not nevertheless be successful at some future time.

HON J BOSSANO:

So what we are saying, Mr Speaker, is that really whether the British Government provides any further assistance is not dependent on the original statement by the Chief Minister in the House in 1983 when he said that there was a commitment to provide further assistance if the commercial yard was found to require it but on whether he is as successful as the people who stand outside the House of Assembly playing a violin with a hat on the floor, is that the position?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have nothing to add to that one.

HON J E PILCHER:

He did not expect a reply, Mr Speaker. But what is certainly clear is that the eloquence of the Hon and Learned the Chief Minister has not got us anywhere in getting the extra money that is the difference between what was asked for in 1985 and what was given to us in 1986 and therefore the answer which he gave us in Question No. 187 of 1986 was: 'I cannot do any more because I have exhausted my efforts and I am going to try and give a reply as soon as possible'. The reply is now that those efforts have failed for 1985/86. Whether they are successful in the future is another matter.

MR SPEAKER:

Next question.

NO. 11 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what have been the total disbursements from the Gibraltar Shiprepair Fund as at the 31st December, 1986?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. Payments out of or on account of the GSL Fund at the 31st December, 1986, totalled £28.9 million.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1987

HON J E PILCHER:

Mr Speaker, will the Hon Financial and Development Secretary not agree therefore that he is now outside the law?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, if the Hon Member had listened attentively to my answer to his question he would have seen that I said payments out of or on account of the GSL Fund at the 31st December, 1986, totalled £28.9m. The reason for that is that we have in the past made use of the facility provided for under Section 10(1) (e) of the Public Finance (Control and Audit) Ordinance to make advances on account of a Special Fund but the position, of course, will be regularised, if I may use that word, before the end of the financial year as is required by law and shares will be issued and purchased by the Government to correspond with the value of the amounts which are paid out of the GSL Fund.

HON J E PILCHER:

Mr Speaker, in answer to Question No.10 the Hon Financial and Development Secretary said that the £2.4m had already been passed on to the Fund, am I to understand therefore that only £0.9m of the £2.4m has been allocated?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the position is rather more complicated than that. There is an amount outstanding from the original £28m which is unspent, that is to say, has not been brought to account as at the 31st December under the original grant of £28m drawings and when I say drawings I mean either payments

out of or on account of the Fund, amounted to £27.2m approximately and, again, drawings on account of the Fund in respect of the £2.4m which have been made available totalled £1.7m. That should add up to £28.9m which is the figure I quoted. What I am really saying is that the £28m grant has not yet been exhausted and this is not in any way a surprising development because the agreement with the ODA provided for funds from the £28m to be spent over a period of three years and the three years is not yet concluded.

MR SPEAKER:

Next question.

NO. 12 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what is the anticipated operating loss of GSL for the year ending 31st December, 1986?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I cannot at this stage give the Hon Member a precise estimate, because a number of items have still to be finalised, but the indications are that the loss for 1986 will be nearer to £3m than the original projection of £2.3m for the second year of operation made by A&P Appledore in 1983.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1987

HON J BOSSANO:

Mr Speaker, can the Hon Financial and Development Secretary confirm whether, in fact, the provision of £½m for the payment of rates which was included in the £2.3m is included in the £3m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It will not be £½m, Mr Speaker. What I am saying is the actual rates expenditure by GSL in the financial year in question will not be £½m, there will be expenditure but because of the company's eligibility for and the fact that it has been granted development aid relief, it will be a much lower sum but obviously the figures will include something.

HON J BOSSANO:

That is not my question, Mr Speaker. What I am asking him is if the £2.3m included a cost of £½m for rates, does the £3m include anything for rates?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The £3m will include something for rates, this is one of the items, Mr Speaker, which have not yet been finalised in terms of the actual accounts. As regards the original £2.3m my recollection is that there was a figure of £½m included for rates.

HON J BOSSANO:

What I am saying is, can the Hon Member confirm therefore the difference between those figures is, in fact, much bigger than appears at first sight because the original figure includes £½m of costs which the second figure doesn't?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I don't think so at all. There have been a vast number of changes and a variety of assumptions and the situation which the company has encountered has varied from that which was in the original projections, as is usually the case with all such enterprises, and this is only one particular item.

HON J BOSSANO:

So the Financial and Development Secretary is telling the House of Assembly and the people of Gibraltar, Mr Speaker, that the fact that the company originally projected a loss of £2.3m after having to pay rates does not mean that they have lost £½m more than is being projected now because they haven't had to pay rates, that the money that they saved which means that the original figure for comparison purposes should have looked like £1.8m and now it is £3m, he doesn't agree that that is realistic?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

What I am trying to tell the House, Mr Speaker, is that there have been a very great number of variances since the original projections were made in 1983, I recognise this is one of them but I do not think that it would be proper to isolate this and give it undue prominence.

HON J BOSSANO:

Mr Speaker, when is, in fact, GSL going to be included in the Valuation List and be required to pay rates?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, GSL will have been included in the current Valuation List for 1986/87.

HON J BOSSANO:

Mr Speaker, isn't the current Valuation List which has been published for 1987/88, wasn't the List for 1986/87 published a year ago?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, but amendments can be made. The Valuation Officer in the light of developments can at any time during the year write to a company or a firm and make an assessment, if that is the correct word, although the List has been published.

HON J BOSSANO:

So the Hon Member is saying that it will be included before the 31st March in the current financial year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I hope you won't check me as to the actual precise formality but what I do know is that the Valuation Officer has written to the company with an assessment for rates for 1986/87 which they will have to pay.

MR SPEAKER:

Next question.

NO. 13 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the GSL Pension Fund has now been set up with retrospective effect from the 1st January, 1985?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the position is still as I explained in answer to Question No.258 of 1986; namely that most of the formalities involving the setting up of the Fund have been completed. I understand however that there has been some delay over the question of employee nominations to the Board of Trustees. I hope that the Trustees will be meeting shortly to formalise matters.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1987

HON J BOSSANO:

Mr Speaker, is the Hon Member not aware that the proposed terms of the Pension Fund differ from that agreed in 1985 and have been rejected by the employees for that reason?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I do understand, Mr Speaker, that some points have been raised on the draft Trust Fund deed, the terms of the deed, by either the employees or their representatives at a fairly late stage.

MR SPEAKER:

Next question.

NO. 14 OF 1987

ORAL

THE HON R MOR

Will extra funds be required by the College of Further Education to undertake the B/TEC courses?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

The College of Further Education has been running B/TEC courses for the last 8 years under the umbrella of Plymouth College of Technology.

The Gibraltar College has come of age and is now recognised as a B/TEC examination centre in its own right. In respect of this, the Department arranged the visit of two senior B/TEC officials to our College in January, 1987.

All B/TEC courses in the UK are being re-modelled to include a larger element of practical skills training. This has a resources implication for all colleges, including our own.

The above, taken with the fact that MOD(N) did not make adequate provision for the College over the last ten years, means that the Department is aware of the need to increase funding specifically for training resources.

Over and above recurrent expenditure funding, the Department will be seeking special funds in 1987/88 specifically for updating training equipment at the College in respect of new B/TEC requirements.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1987

HON R MOR:

Mr Speaker, would the Hon Member say specifically how much is going to be needed to up-date the equipment and training?

HON G MASCARENHAS:

Mr Speaker, it is impossible at this stage. Government is in the process of preparing the Estimates for the forthcoming financial year and I cannot give a figure at this stage.

HON R MOR:

Mr Speaker, could the Government confirm that the advice received

by the officials who came out was that there would have to be a requirement of over £100,000?

HON G MASCARENHAS:

No, that is not my recollection. I think to have it in mint condition will require more than £100,000. Within that, the resources can be provided which will be, if I remember correctly, I met the B/TEC officials in my office on a courtesy call and I remember them telling me that sometimes even if you provide the equipment the lecturers with a piece of string can provide the equipment if the lecturer is good enough so perhaps we can measure what the requirements are and perhaps £100,000 might seem too much or too low. Honestly, at this stage, I am not prepared to say how much money the Government is going to put in.

MR SPEAKER:

Next question.

NO. 15 OF 1987

ORAL

THE HON R MOR

Was GBC denied entry at any time into Bayside Comprehensive School to report on the state of the building?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

A Gibraltar Chronicle photographer and a Gibraltar Broadcasting Corporation camera crew were authorised to visit Bayside Comprehensive School on two occasions (30 January and 2 February) to film and photograph freely any area of the school they wished.

However, on the 28 January before the Education and the Public Works Departments had had a chance to assess the situation, a request by Gibraltar Broadcasting Corporation for permission for a camera crew to visit the school was refused. Nevertheless information based on the facts available at the time, was given to the media.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1987

HON R MOR:

Mr Speaker, does Government not agree that the action they took is an obstruction to the media to report.

HON G MASCARENHAS:

No, Mr Speaker, I do not agree because it was always our intention to allow the camera crews and the photographer, the media generally, to go into the school if they wanted to. The position was that on the 28th January my Department and the Public Works Department were not in a position to assess the situation yet, we didn't know what was going on, in fact, I was still waiting for news and on that basis I think it was a decision taken on the matter which we would not have refused the entry at the time, we wanted to assess the situation ourselves before we allowed the television to enter.

MR SPEAKER:

Next question.

NO. 16 OF 1987

ORAL

THE HON R MOR

Does Government accept that the physical deterioration of the building and facilities at Bayside Comprehensive School have reached alarming substandard levels?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

No, Sir. The main source of concern is water seepage through roof joints in certain areas. Although considerable efforts and funds have been expended on this problem over the last five years, the problem has not been overcome. The PWD will be carrying out an in-depth survey of the whole complex to identify long-term solutions. Government will determine its priorities in the light of the advice it receives once the survey is completed.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1987

HON R MOR:

Mr Speaker, seeing that the Government does not agree that the state of the school has reached alarming substandard levels, would they not agree that the teachers who are after all the professionals and the people who work in the building, that they are the ones who would be the experts on the state of the building and does the Government not agree that the teachers would be the best people to say what the state of the building is?

HON G MASCARENHAS:

Mr Speaker, under no circumstances can I accept that. I accept that the teachers are professionals in every sense of the word but as teachers not when it comes to the state of the building, none of them are surveyors or engineers.

HON J C PEREZ:

Mr Speaker, the Hon Member must surely consider that the environment in which teachers are working and the environment in which teachers are teaching children is something that they can adequately assess and that if teachers complain about the deteriorating state of the building then it is not merely because they want to complain but because they have actually physically seen that something is wrong with the building and something is seriously wrong?

HON G MASCARENHAS:

Yes, but the Hon Member, Mr Mor, has said that as professionals they are in a good position to determine what the state of the building is. I am sorry, I cannot accept that. The professionals are in the Public Works Department not in the Education Department if I may say so.

HON R MOR:

Mr Speaker, would the Government state then why were the eight classrooms and two laboratories closed down?

HON G MASCARENHAS:

Mr Speaker, because there was a heavy down pour on the 27th January and there was water seepage through the building and the Headmaster correctly thought that it would be safer to close the classrooms.

HON R MOR:

Mr Speaker, doesn't that constitute a substandard level?

HON G MASCARENHAS:

No, Mr Speaker, the reply that I have given covers what the Hon Member is asking and we have made efforts over the last five years to correct this water seepage, they have not been overcome. Now the Public Works Department is carrying out an in-depth survey in order to solve this problem once and for all.

HON J C PEREZ:

Mr Speaker, can the Hon Member state on how many occasions the Public Works Department has encountered this same problem with this same building?

HON G MASCARENHAS:

Mr Speaker, I am unable to give an answer on that and my Hon Colleague is shaking his head.

HON J C PEREZ:

Mr Speaker, could they state whether this time the situation has been more serious than on other occasions?

HON G MASCARENHAS:

The situation has been created to be more serious, yes.

HON J C PEREZ:

Has the Department carried out a survey in the past or is this the first time that a survey has been deemed necessary in the circumstances?

HON G MASCARENHAS:

No, Mr Speaker, I am not aware whether an actual survey has been carried out in the past. I know that repairs have been effected in the past on numerous occasions, they have not corrected the problem. What is being done now is the survey is very much more in-depth and I hope that we will find a solution and if it is necessary to make an input of funding to correct the problem once and for all it shall be done.

HON R MOR:

Mr Speaker, is the Hon Member aware that there has been an inquiry before into Bayside Comprehensive School?

HON G MASCARENHAS:

Yes, Mr Speaker, of course I am aware.

HON R MOR:

Is the Government aware of the recommendations made in that report?

HON G MASCARENHAS:

Absolutely, Mr Speaker.

HON R MOR:

Why is it then, Mr Speaker, that the Government has not followed these recommendations otherwise the state the school is in today would not have been arrived at?

HON G MASCARENHAS:

Mr Speaker, at the time the faults were cured.

HON R MOR:

Mr Speaker, but the Gibraltar Teachers Association has been constantly making claims on the Government to sort out the problems at the school, is that not correct?

HON G MASCARENHAS:

Mr Speaker, the downpour that occurred on the 27th January for the last five years Bayside has not suffered what was suffered two weeks ago, the situation has changed. In the last five years the corrective measures that have been taken by the Public Works Department have worked up to a certain extent. There has been water seepage and I think there is water seepage in a lot of buildings in Gibraltar not only at Bayside School.

HON R MOR:

Mr Speaker, then the Government must agree that they have been doing patch-up jobs until now, is that correct?

HON G MASCARENHAS:

Mr Speaker, it depends what you call a patch-up job. Over a period of five years a lot of money has been spent on Bayside to correct these measures, that they have not proved to be the right ones, perhaps the Hon Member is right. What we are doing now is to correct it once and for all.

HON J E PILCHER:

Mr Speaker, the Minister is saying that all the physical deterioration of the school is due to water seepage.

MR SPEAKER:

No, he has not said that, under any circumstances. The Minister has said that there have been defects in the school, that they have tried to correct it, that the works that have been carried out have not been effective, that there has been water seepage at the present moment and that they are trying to put it right. Next question.

10 2 87

NO. 17 OF 1987

ORAL

THE HON R MOR

How much of the Education maintenance vote has been spent?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

I am advised by the Public Works Department that as at 30 January 1987, £73,600 had been spent from the £80,000 allocated under Head 4(1) Sub-Head 18 - Minor Works for Education. A further £81,000 has been spent on schools from Head 21 - Sub-Head 62 - Repairs/Maintenance Programme (controlled by Public Works Department).

NO. 18 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm that they have now decided to introduce charges for the use of Government sporting facilities?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

At a Press Conference held on the 30 June, 1986, I gave public notice of Government's intention to introduce two schemes in respect of sports. Extra allocations and facilities will become available through community use of schools; the 25% levy on gate income has been done away with to be replaced by nominal hire charges for use of facilities.

Full details were given and reported in the local media.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister confirm why they have decided to raise this measure?

HON G MASCARENHAS:

Mr Speaker, in June last year I explained that there was a change in Government policy as regards sport, as regards charges at the Government facilities. Additional to that we thought it prudent to utilise to the maximum the resources available to the Government and therefore to the community in the schools and outside certain schools, Hargraves, Mackintosh Hall, and that these were not being used to the maximum use that sports people can put them to and therefore those are coming on line.

HON MISS M I MONTEGRIFFO:

Mr Speaker, why does the Minister consider that it is prudent now when the economic situation according to the Financial Secretary is supposed to be much more improved and when the economic situation was considered to be worse they never charged?

HON G MASCARENHAS:

I am sorry, Mr Speaker, I didn't quite catch that.

MR SPEAKER:

Why are there charges now when the economic situation in Gibraltar is better than before?

HON G MASCARENHAS:

Mr Speaker, it is not now, it is last year in June.

HON MISS M I MONTEGRIFFO:

But they haven't started to charge yet, Mr Speaker. Can the Minister confirm that the charges are retrospective?

HON G MASCARENHAS:

The charges in some cases will be retrospective, yes.

HON MISS M I MONTEGRIFFO:

Why, Mr Speaker, are they going to be retrospective?

HON G MASCARENHAS:

Because we have not been able to introduce them, the implementation has been able to take place at the beginning of the season of certain sports. The problem here is that some sports have different starting seasons. It is very difficult, we wanted to implement by the beginning of the winter season of 1986/87 and this was impossible for several administrative reasons. As far as the Associations are concerned, I made it clear to them at the time and their sums were made in such a way that they knew that they would be liable for this amount, the number of allocations that they have for this 1986/87.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister confirm that all the Associations knew that the charges would be retrospective?

HON G MASCARENHAS:

Mr Speaker, the Gibraltar Chronicle reported on this very extensively on the 1st July. GBC had a Sports Report, the Monday sports programme, which covered this extensively. Cameras were taken to the schools and to all the facilities that would come on line, the Associations had plenty of time to make representations, indeed, some of them did make some representations at the time. I think after all the problems

were resolved if there were any problems in certain cases, other Associations have welcomed it with open arms, there has been a mixed reaction.

HON MISS M I MONTEGRIFFO:

Mr Speaker, how much does the Minister think that the Government will raise with this measure?

HON G MASCARENHAS:

I cannot recall the exact figure but it is not a profit situation, we are still heavily subsidising because the cost of maintaining the school facilities open and having to pay caretakers is quite substantial. We have had to take an extra CO at the Victoria Stadium and certainly we are still subsidising to quite a heavy extent.

HON MISS M I MONTEGRIFFO:

Does Government not know how much money they will actually raise approximately?

HON G MASCARENHAS:

Yes, but I cannot recall, I think it was in the region of £18,000 per annum.

MR SPEAKER:

Next question.

NO. 19 OF 1987

ORAL

THE HON J C PEREZ

What arrangements are being made for the supply of electricity to the commercial dockyard in 1987?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, the MOD (N) will continue to supply electricity to the commercial dockyard during 1987.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1987

HON J C PEREZ:

Mr Speaker, has that already been agreed?

HON J B PEREZ:

Yes, Mr Speaker, there is an agreement for a further period of two years which will then expire on the 31st December, 1988.

HON J C PEREZ:

Can the Hon Member state when that was agreed?

HON J B PEREZ:

I don't know the exact date but obviously it was agreed well before the expiry date which was the 31st December, 1986.

HON J C PEREZ:

Can the Hon Member explain why he has not kept the House informed of developments which was his commitment in November, 1985?

HON J B PEREZ:

I am not quite certain what commitment the Hon Member is referring to, Mr Speaker.

HON J C PEREZ:

I am referring to a commitment he gave in answer to Question No.215 of 1985 when he said: 'I will, of course, keep the House informed of developments'.

HON J B PEREZ:

I will, of course, Mr Speaker, require to read the whole of the question not just what has been highlighted by the Hon Member.

MR SPEAKER:

Was it related to electricity?

HON J C PEREZ:

It was related to the on-going negotiations with the MOD over the supply of electricity to the commercial dockyard.

HON J E PILCHER:

In the new contract which the Hon Minister was referring to, is this the same charge for the electricity as the old contract?

HON J B PEREZ:

I haven't got that information available, Mr Speaker, but let me add, the agreement is, in fact, made between the Ministry of Defence and GSL, an agreement was made by both parties.

HON J E PILCHER:

Mr Speaker, I am not technically asking the Minister, I am asking whoever is responsible for GSL in the House of Assembly on the part of the Government to say whether the new contract is, in fact, the same charges as the old one.

MR SPEAKER:

The responsibilities of the day-to-day running of GSL is that of the Board of Directors and not the House. The responsibility for the general policy is that of the House but I think the Minister has said that he is not aware of the information that you require.

HON J E PILCHER:

It has nothing to do, Mr Speaker, with the day-to-day running, surely a contract on electricity for the next two years is a policy decision.

MR SPEAKER:

That is not for you or I to conclude.

HON J E PILCHER:

It is certainly for the Government.

MR SPEAKER:

I would venture to suggest that the source and manner in which a company derives its electricity is a matter for the company. I am not making a ruling, I am just making a general statement.

HON J E PILCHER:

Mr Speaker, is the Government in a position to answer it?

MR SPEAKER:

No, that is why I have stuck my neck out because I understand that the Minister has said very clearly that he does not know.

HON J E PILCHER:

Are they prepared, Mr Speaker, to give us the information at a later stage?

HON J B PEREZ:

I am prepared to try and ascertain whether in the agreement made between GSL and MOD the rates are the same, yes.

HON J E PILCHER:

And could he also tell us whether the rates are the same as the Gibraltar Government currently charge?

HON J B PEREZ:

Yes, I am prepared to look into the matter, Mr Speaker, but, as I say, the agreement was between the Ministry of Defence and GSL.

MR SPEAKER:

Next question.

NO. 20 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how many industrial injuries were recorded in Gibrepair in 1986?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, total of 48 industrial injuries were reported to the Department by Gibrepair Ltd in 1986.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1987

HON J E PILCHER:

Mr Speaker, can the Hon Member give me the incident rates of accidents in Gibrepair?

HON DR R G VALARINO:

Could the Hon Member expand on that?

HON J E PILCHER:

Yes, Mr Speaker. The incident rates, normally in most of the dockyards in UK there is an incidence rate by which a percentage of man-hours per accident which normally is an average of about 40% in the UK. How does Gibrepair compare with other UK dockyards in this field?

HON DR R G VALARINO:

Mr Speaker, I do not have those accurate figures, let me answer the Hon Member and mention that the Factories Ordinance requires that written notice should be given to the Department of any accident causing loss of life or disabling any person from earning full wages for more than three days but I have no direct knowledge of the question he is asking. I will try to find out and I will see the Hon Member and see whether I have got any information that he will require in this connection.

HON J E PILCHER:

Mr Speaker, according to our information the incidence rates is about 66% which is 26% higher than in UK.

MR SPEAKER:

Are you giving answers to the Minister?

HON J E PILCHER:

I am giving an answer to the Minister to the question that I asked. Could the Minister therefore check that this is the case because if it is there is certainly cause for concern there and certainly his Department should be in a position to check that.

HON DR R G VALARINO:

Mr Speaker, I will certainly check that. It seems to me highly humourous and a waste of time when he knows the answer already to ask me the answer because he could have asked me this outside the House and then I would have been able to give him the details.

HON J E PILCHER:

Mr Speaker, it is far more hilarious to see the Minister reading his prepared answer that has nothing to do with the question I have just asked him.

MR SPEAKER:

Let us leave it at that. Next question.

10 2 87

NO. 21 OF 1987

ORAL

THE HON R MOR

What has been the total amount paid by way of pensions to Spaniards for the year ending 31st December, 1986?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the total amount of pensions paid to Spaniards up to 31 December, 1986, was £6,920,821.92.

SUPPLEMENTARY TO QUESTION NO. 21 OF 1987

HON R MOR:

I am glad, Mr Speaker, that the Hon Member knew that answer, anyway.

MR SPEAKER:

Next question.

NO. 22 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what was the insured male and female working population on the 31st December, 1986, and how many of these were Spanish nationals and could they state the comparable figures for 1984 and 1985?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

I regret that the figure of the insured working population on 31 December, 1986, is not yet available. The figure is based on the exchange of insurance cards and this exercise is not normally completed until the end of March.

The insured working population on 31 December, 1984, was 8424 males and 3370 females making a total of 11794 and on 31 December, 1985, 8637 males and 3896 females making a total of 12533.

The number of work permits on issue to Spaniards were:-

121 on 31 December, 1984

336 on 31 December, 1985

754 on 31 December, 1986

The breakdown of these figures between males and females is not available.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1987

HON M A FEETHAM:

In view that the Minister hasn't got the information to the initial part of the question, I can take it from him that in his usual manner he will supply it to me in writing in due course?

HON DR R G VALARINO:

Mr Speaker, as the Hon Member knows, I have given him guarantees in the past and I will do so again that as soon as I have the figures I will personally write a letter to him giving him all the necessary figures.

HON J BOSSANO:

Could I just ask the Hon Member for clarification, did I understand him correctly to say that insurance cards are exchanged at the end of March?

HON DR R G VALARINO:

No, the exercise is completed at the end of March.

MR SPEAKER:

Next question.

NO. 23 OF 1987

ORAL

THE HON J C PEREZ

Is it still Government's intention to retain a reduced number of lifeguards during the winter season on other duties?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. Government will recruit on a permanent basis a number of lifeguards who will be required to carry out the duties of lifeguards during the Bathing Season and other duties during the winter months.

SUPPLEMENTARY TO QUESTION NO. 23 OF 1987

HON J C PEREZ:

Has the Department done anything to do this after the summer following the commitment of the Hon Member to do so in July, 1986?

HON MAJOR F J DELLIPIANI:

Yes, Sir, my Department is anxious to have this scheme implemented. The actual means of carrying out this is still under consideration by the Establishment Division, the Industrial Relations Officer and my own Department and, hopefully, proposals will be put to the staff side shortly. It is the intention that the lifeguards in permanent employment will be deployed as handymen outside the bathing season.

MR SPEAKER:

Next question.

NO. 24 OF 1987

ORAL

THE HON J C PEREZ

Can Government state how much of the £40,000 provided for under Head 106, Subhead 4 in the Improvement and Development Fund is being used to stabilise the bottom part of the lower water catchments area and render it safe?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1987

HON J C PEREZ:

Mr Speaker, then why did he say that in answer to a question from me in November, 1986?

HON MAJOR FJ DELLIPIANI:

I am sorry, Mr Speaker, I don't know what I said in 1986.

HON J C PEREZ:

Mr Speaker, in November, 1986, three months ago, the Hon Member in reply to a question about the safety of that particular area said: 'Yes, Sir, it is proposed to implement the recommendations of the above Report and £540,000 was earmarked under Head 106, Item 4, for the first phase' referring particularly to making that area safe and the creation of a catchbench.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't see that this question that the Hon Member has put now is relevant to what I said in November, 1986. The Hon Member has asked me how much money has been spent on this project and I have said none and that is all, Sir. I didn't say that we were going to do it in November, 1986, I said that there was a project to do it but I haven't started on it so if he has asked me how much I have spent I have said none.

HON J C PEREZ:

The work envisaged needs to come out from that vote, can the Minister confirm that?

HON MAJOR F J DELLIPIANI:

The work envisaged on the stabilising of the lower area will come from that vote. No work has been carried out because a study is being made on how to do it.

HON J C PEREZ:

Is the Hon Member referring to the stabilising of the lower area where the Quarry Company is established or the area of the lower water catchments where a catchbench is supposed to be created so that falling rocks lie there and don't fall onto the road?

HON MAJOR F J DELLIPIANI:

The main concern of my Department at the moment is to be able to put right the lower part of the area. The question of the catchbench at the top will be an on-going scheme which was started by the Gibraltar Quarry Company and we hope to continue in the future but the immediate danger is from below and it is a fairly big scheme. We hope to take the opportunity during this scheme to widen the road in that area seeing that the width of the area has been excavated by the Gibraltar Quarry Company and it is a fairly long scheme, it is a fairly complex scheme and we hope to carry out the works in phases. To answer the Hon Member's question when he quoted £40,000, I must admit that £24,000 has been spent on the area but it has nothing to do with the stabilisation of the quarry area, it is to do with the outflows that were damaged by a landslide in the area, I am talking about the outflows of the water catchments. If there was an outflow and the outlets weren't properly connected, of course, the water coming down would have caused a bigger problem in the quarry so we have had to spend £24,000 on it to re-connect the outflows which were damaged by the landslide.

HON J C PEREZ:

Mr Speaker, can the Hon Member state from which of the votes allocated is each work going to be done? From which of the votes allocated is he planning to do the work at the bottom and from which of the votes allocated is he planning to do the work at the top?

HON MAJOR F J DELLIPIANI: ..

Mr Speaker, I haven't got the votes at the moment in hand but if the Hon Member will allow me to investigate I will give him the information as soon as possible.

HON J C PEREZ:

Mr Speaker, is the work that needs to be done at the bottom, was it not envisaged that that needed to be done prior to the beginning of this financial year?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker, it is a very big scheme, a very complex scheme and the Public Works Department is not in a position to tackle it themselves. We are appointing consultants, in fact, the same consultants who did the whole study of the catchbench, to advise us on how to proceed.

HON J C PEREZ:

I am not talking now about the catchbench, Mr Speaker, I am talking about the area at the bottom which the Hon Member has said is very worrying and which he said his Department is going to tackle first. I am talking about stabilising the area where the Quarry Company is today. Can he or can he not confirm that money was already allotted for the building of a wall in that area in the last financial year?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker, as I have said, we haven't got the expertise or the time to be able to tackle the problem of the landslide below, this is what Wallace Evans will do for us.

MR SPEAKER:

I am afraid that we are not going to get into the details of what has to be done and how it is going to be done.

HON J C PEREZ:

Mr Speaker, if the Hon Member has said that they have allocated money for that purpose the only thing I would like to know is under what heading in the Estimates has that money been allocated?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I have already given him an undertaking that I will provide him with that information.

HON J C PEREZ:

No, Mr Speaker. Is it Head 105, Subhead 10, the widening of Sir Herbert Miles Road or is it Head 106, Subhead 4, the water catchments?

HON MAJOR F J DELLIPIANI:

I haven't got the information. It could be under the widening because we have taken the advantage of stabilising the sand quarry and at the same time widening the road. It could be any of those two votes.

HON J C PEREZ:

Can the Hon Member confirm that the works that need to be carried out to the area at road level to stabilise the area where the Quarry Company is, is deemed by the Government to be a matter of extreme urgency?

HON MAJOR F J DELLIPIANI:

It is quite urgent but if we are not in a position to do it there is a certain pace at which we can do things. We have already asked the people representing the Public Works Department to get into contact with the consultants to be able to come up with a scheme and we hope to implement it as soon as possible. We have also indicated that we would like within this scheme to take advantage of a road widening programme in the area because there is another area which is opposite the Caleta Palace Hotel where there was a landslide in the past and a temporary wall was built which we hope to improve in the future.

MR SPEAKER:

Let us not widen the scope of the question.

HON J BOSSANO:

I would like to ask the Hon Member, can he confirm that no work will be commenced in the current financial year?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker.

HON J BOSSANO:

And did the Hon Member not tell us in the last House of Assembly that the reason why the Quarry Company could not be allowed to continue was because the employees would not be able to work because of the safety work that needed to be done in that area?

HON MAJOR F J DELLIPIANI:

Yes, Sir.

HON J BOSSANO:

Therefore, is there anything to prevent the employees of the Quarry Company continuing working in that area until the Member is ready to start the safety work?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the question of the men working in the area and the safety is connected with the quarrying operations which make the area risky and that is, for example, the equipment that.....

MR SPEAKER:

No, we are not going to go into that, in other words, the unsafe conditions in which the people are not prepared to work is related to the working of the quarry and not the circumstances surrounding the catchment or the bottom area.

HON J BOSSANO:

Mr Speaker, in the last House of Assembly the Hon Member gave us as an explanation for terminating the Quarry Company the fact that it was not possible for them to carry on being usefully employed in that area on any job because, in fact, something else was going to be done which was to make it safe. Can he tell us whether in the light of the fact that he is not yet able to say when such work is going to be conducted, then the Quarry Company will be able to continue usefully employing those people until such a time because that is the reason he gave us the last time?

MR SPEAKER:

But he has now given you another reason. He has said that the reason why the operations of the Quarry Company - I have just heard him saying it - is the fact that the equipment and the actual activities of the people working in the quarry was unsafe, that is what he is saying.

HON J BOSSANO:

Mr Speaker, when did that equipment and that activity to which he is now referring actually stop?

HON MAJOR F J DELLIPIANI:

Mr Speaker, as soon as the Public Works Department were

convinced that the works could not carry on, last year when I made the statement the Company had finished. What we have done is whilst we are finding them other alternative work within the Government Departments we have usefully employed the Quarry Company in making repairs to the damage caused to the water catchment area by the landslide so they have been usefully employed during all this period but not on quarrying where they have to use equipment which causes vibrations and can put their lives at risk.

HON J BOSSANO:

That is my question, Mr Speaker, that useful employment which the Hon Member mentioned in the last question in the last House he said would have to come to an end because of the safety stabilisation work that was going to be done in the lower part of the water catchments which he has now told us is not going to be done in the current financial year and which he has now told us he cannot give us a date for the start of work on so what is to prevent the same useful work that has been going on until now from continuing, that is my question?

HON MAJOR F J DELLIPIANI:

Mr Speaker, because the work that has been done in the lower catchments in connection with the damage caused by the landslide is now being done by the Quarry Company themselves and being paid from the Public Works Department vote. Once the work is completed I cannot visualise any other work which can be carried out by the Quarry Company which will not endanger their own lives.

MR SPEAKER:

Next question.

NO. 25 OF 1987

ORAL

THE HON J C PEREZ

Does Government anticipate that the painting programme budgetted in the Improvement and Development Fund will be completed in the current financial year?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

No, Sir, the programme will not be completed during the current financial year.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1987

HON J C PEREZ:

Can the Hon Member state how much of the money budgetted has been spent or is intended to be spent by the end of the financial year?

HON MAJOR F J DELLIPIANI:

No, Sir, I am not in a position to do so at this moment but I will supply the information to the Hon Member.

MR SPEAKER:

Next question.

NO. 26 OF 1987

ORAL

THE HON J C PEREZ

Has Government now completed the survey of all balconies in Government buildings deemed to be in a state of disrepair?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Sir, a structural appraisal of one hundred and fifty two balconies in five blocks of flats, viz Stanley Buildings, Anderson House, Willis's House, McFarlane House and McMillan House, has now been completed.

It is anticipated that a report giving a detailed description of the state of the balconies and outlining ways of remedying the defects will be ready by the end of March and provision will be made in the Improvement and Development Fund Draft Estimates.

SUPPLEMENTARY TO QUESTION NO. 26 OF 1987

HON J C PEREZ:

Mr Speaker, can the Hon Member state whether he fulfilled his commitment, following my last question on the subject in November, to make safe the balconies at Stanley Buildings which had been identified to be unsafe through a survey made by his own Department?

HON MAJOR F J DELLIPIANI:

The balconies at Stanley Buildings to correct it in a long-term plan was rather complex and we have done a complete survey of the whole of the building and it is hoped that by the end of March we will be in a position to carry out the repairs on the ones that we think are in a more dangerous condition.

HON J C PEREZ:

Is the Hon Member saying that they are going to get individual balconies and carry out repairs on grounds of safety and then later there is going to be a complete programme to do up all the balconies that are deemed to be in a state of disrepair?

HON MAJOR F J DELLIPIANI:

Mr Speaker, what is hoped is that the danger will be obliterated by either condemning the balconies for a certain period or if it

is possible, make a temporary repair but the in-depth repairs will not be done until the survey is completed and the structural engineers recommend to us the best way to complete the programme.

HON J C PEREZ:

Once the areas are identified is the Government planning a programme of repairs to these balconies on a yearly basis or is it planning to include most of the work in the incoming financial year?

HON MAJOR F J DELLIPIANI:

Mr Speaker, we hope that when the survey is completed we will be in a position to identify which are the worst of the buildings in question and if they are all bad we will try and do them all during one financial year. If one is worse than the other we will phase the programme to meet the resources that the Government will give to the Public Works Department.

MR SPEAKER:.

Next question.

NO. 27 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many new Government housing units were started in 1984, 1985 and 1986?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

1984 - 47 units (Castle Ramp 22, Tank Ramp 11, Glacis Bedsits 14)
 1985 - 12 units (Knights Court 5, St Johns 7)
 1986 - 19 units (Willis's 3, South Pavilion 6, Alameda Estate 8, St John's Court 2 bedsitters) (+ 6 No. units for Social Cases).

SUPPLEMENTARY TO QUESTION NO. 27 OF 1987

HON J L BALDACHINO:

The ones that he has just mentioned for social cases, were they new units or modernised units?

HON MAJOR F J DELLIPIANI:

I think they were modernised so that they were composed of a cubicle which consists of one room and a kitchen.

HON J L BALDACHINO:

Would the Hon Member then agree that there has been a decline on new units being built through the years?

HON MAJOR F J DELLIPIANI:

Mr Speaker, compared to Varyl Begg, of course there has been a decline.

HON J L BALDACHINO:

Why is this so, Mr Speaker?

MR. SPEAKER:

We are not going to debate whether more houses should be built. I think the reason has been stated in the House more than once already. Perhaps you might ask whether it is intended to build more or whether it is intended to make funds available but let us not go into the reasons why it hasn't been done.

HON J L BALDACHINO:

I am asking why there has been a decline in houses being built, Mr Speaker?

HON MAJOR F J DELLIPIANI:

I think, Mr Speaker, that we have had two problems which the Hon Member I am sure is very well aware of. First of all, we haven't had a piece of land the size of Varyl Begg available and the second is that we have been going through a bad financial period which has been aggravated by the fact that ODA under the present Prime Minister has said 'No more ODA funds for social projects'.

HON J L BALDACHINO:

What the Hon Member is saying is that it is not a question of policy but a question of financial resources, is that correct?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I think everybody wants more housing in Gibraltar. I think the question is a rather wide one.

MR SPEAKER:

With respect, we are not going to debate, if we want a debate we can have one. Information is what you are seeking at Question Time.

HON J BOSSANO:

The reason, I think, Mr Speaker, for the question, if the Hon Member will allow me to expand on it, is that if it is a matter of financial constrain and we are asking for 1985/86 how does the Hon Member square that with the supposed prosperity in 1985 and 1986?

MR SPEAKER:

Fair enough, that is a sensible and reasonable question to be asked.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I think if we are going to go into the realms of finances it is not within my responsibilities.

MR SPEAKER:

Next question.

NO. 28 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many new housing units were completed in the financial year for 1984, 1985 and 1986?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

1984/1985 - 30 units (Rosia Dale phase II)
 1985/1986 - 25 units (Tank Rampll, Glacis Bedsits 14)
 1986/1987 - 29 units (St John's Court 9, Knight's Court 5, Castle Ramp 15) (+ 6 units for Social Cases)

SUPPLEMENTARY TO QUESTION NO. 28 OF 1987

HON J L BALDACHINO:

Can I ask the Hon Member, Mr Speaker, if the Government is satisfied that this is enough to break the back of the Housing problem that we have today?

HON MAJOR F J DELLIPIANI:

Mr Speaker, of course not.

HON J L BALDACHINO:

Is it enough to maintain the housing problem that we have today with these figures?

HON MAJOR F J DELLIPIANI:

I am sorry, Mr Speaker, I missed the Hon Member's question.

HON J L BALDACHINO:

Is the Government then satisfied that this is enough to maintain the housing problem as it is today?

HON MAJOR F J DELLIPIANI:

Mr Speaker, no, of course not. Other things have been built by Government during this period. We have just refurbished a completely new school in Town Range, that costs money. There are home ownership schemes, people have been encouraged to buy

old properties and convert them. We haven't become static, it is a known fact that we haven't had the finances and we haven't had the land.

HON J E PILCHER:

Mr Speaker, is the Government satisfied that this level of building houses is enough to keep the housing stock that the Government needs according to the report of the consultants of ODA? Keep the levels of stock as of today.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am asked questions because my Department builds or has the authority to contract out for the building programmes but I am not the Minister for Housing.

MR SPEAKER:

Would you repeat your question?

HON J E PILCHER:

The question is, is the Government happy that this rate of building will keep the housing stock as it is today given the report that they received from the consultants of ODA? That is the question. I have asked the Government not the Minister for Public Works.

HON CHIEF MINISTER:

On a point of order, I think it would help in future if questions are addressed to particular Members and Ministers responsible for the substance of the question. What the Opposition cannot do is under the guise of one question open up a whole area of policy which can be either by a specific question, motions or otherwise and therefore it is interminable if they carry on asking questions from a Minister who is, as he says, not responsible for housing. It is not that we are happy with the situation but I think we get away from the substance of seeking information which is the reason for questions.

MR SPEAKER:

I agree with the Hon and Learned the Chief Minister when he says that the Opposition tend to widen the scope of questions, it is their prerogative to try and if they get away with it, fair enough. It is my judgement to see at any given moment whether any useful purpose is being served but, most certainly, the

questions are asked by the Opposition to the Government and not to any particular Minister.

HON CHIEF MINISTER:

We must have sufficient notice of what is coming.

HON J E PILCHER:

Mr Speaker, we give a week's notice of the questions and half the time in acceptable supplementaries like the one in Question No.25 where the Minister said.....

MR SPEAKER:

May I say that I am liberal with supplementaries but I must add that the scope of questions is most certainly widened to, perhaps, sometimes unacceptable conditions and terms. In any event, if you want to ask a question go ahead.

HON J BOSSANO:

Mr Speaker, Question Nos. 27 and 28 asks of the Government not of the Minister for Housing, the rate of house building in the last three years. Does the Government not consider it an acceptable supplementary to ask them whether that rate of building on the last three years is consistent with the recommendation of the ODA as to the rate of building required to maintain the housing stock? Is it consistent or not or don't they know? Have they had a recommendation from the ODA?

MR SPEAKER:

You are not getting an answer and you are not going to get anywhere with the question.

HON J E PILCHER:

That is fine, the Government not answering is, I suppose, part of what they can do but what they cannot do is to complain that.....

MR SPEAKER:

With respect, I have said this many times. You cannot force the Government to answer if they don't want to, you can take whatever inference you want from the fact that they have not answered.

HON A J CANEPA:

Mr Speaker, I think the Opposition must understand that there are more than one Minister involved with various facets of the housing programme. There is the Minister for Housing who is responsible for allocation, there is the Minister for Public Works who is responsible for the implementation of the Development Programme. I myself have overall responsibility for what goes into the Development Programme and therefore I have some responsibility for the planning that goes into the Housing Programme. Of course, the Government is not satisfied that its present building programme on housing, the Government's own present building programme on housing, is sufficient to break the back of the housing problem but that is not all that it is doing. It has got other schemes such as home ownership to try to tackle the housing problem in Gibraltar. With regard to the specific question about the Government housing stock, the fact is that to maintain the Government's housing stock doesn't just require that we continue to build a modicum of new units, what is also required is that there should be considerable maintenance of the existing housing stock and that is another aspect of the matter. But when a Minister is asked to answer a question, what we try to do is to identify from the question who should be the most appropriate Minister to answer it. In this case because the subject matter is the building of new housing units, the Public Works Department is responsible for that, the answer has been delegated to the Minister for Public Works but the supplementaries that are being asked go beyond the province of the Minister for Public Works.

HON J BOSSANO:

We haven't had an answer, Mr Speaker. The Hon Member makes a very long speech, you tell us that this is not the time for debate and we are simply saying does the figure provided by the Government in answer to Questions No.27 and 28 confirm to the ODA recommendation of the figure required every year to maintain the existing stock of Government housing? It is very simple.

HON A J CANEPA:

It is some time since I read the ODA Report but I am not aware of any ODA recommendation as to what annual figure is required. There may well be but there you are, you are widening the ambit of the subject matter by referring to a Report that Ministers may have read eighteen months ago and which we don't have readily available here so we need separate notice of the question.

MR SPEAKER:

With respect, I will not allow any further questions. Next question.

NO. 29 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether the tender for the conversion into offices of the St Jago's Store block, which closed on 22nd October, 1986, has now been allocated?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1987

HON J C PEREZ:

Can the Hon Member release details of who has got the tender and what the price was?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the date for contract endorsement was Friday 6 February, 1987; the date for possession Monday 23 February, 1987; date for completion 22 February, 1988; tender sum £420,967.79. The tender was awarded to Fabri Construction Ltd which was the lowest valid tender received.

MR SPEAKER:

Next question.

10 2 87

NO. 30 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether it has now been decided to allocate ODA funds to any tourist development project?

ANSWER

THE HON THE MINISTER FOR TOURISM

Answered together with Question No.31 of 1987.

NO. 31 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the Forward Planning Committee has now reached its final deliberations on the tourist development which is going to be proceeded with?

ANSWERTHE HON THE MINISTER FOR TOURISM

The Forward Planning Committee is currently considering a number of projects, including some tourist orientated projects. A decision as to the method of financing those projects to be undertaken during this development programme has not yet been finalized.

SUPPLEMENTARY TO QUESTION NOS. 30 AND 31
OF 1987

HON J E PILCHER:

Mr Speaker, I have been getting the same answer since October where, for example, in December I was told two things, this is why I have two questions down on the Order Paper. One was that the information given to me by the Hon the Minister for Economic Development and Trade was the guise under which we should work but that it hadn't been finalised hence my second question, No.31, and the other was the extent to which the unallocated funds were going to be subject to forthcoming discussions with ODA officials in January/February, 1987, that is the basis of Question No.30. The answer which I have been given is really a repetition of the December answer, in fact, it is more vague than the December answer.

HON H J ZAMMITT:

Mr Speaker, I should add, of course, that ODA officials were here, I think it was last week that a continuation of a presentation was made.

HON J E PILCHER:

So the answer to Question No.30 is that it has not been decided, that it is only a week since the ODA officials were here and it is an on-going process?

HON H J ZAMMITT:

No, Mr Speaker, that is putting words into my mouth, I have not

said it has not been decided, I have said that the Forward Planning Committee has already decided on a number of projects but the financing of this has not yet been finalised.

HON J E PILCHER:

I think, Mr Speaker, the Hon Member sought to answer both questions together and he is now mixing one question with the other. I am asking, Question No.30, is it that the ODA funds which have to be allocated to specific projects by ODA, that is an on-going process started last week which obviously has not been decided yet. That is one part, am I correct or not, Mr Speaker?

HON H J ZAMMITT:

We haven't as yet decided finally on this, Mr Speaker, but there are certain projects in there that might not be ODA financed.

HON J E PILCHER:

Mr Speaker, if I can refer the Minister to the answer given by the Hon the Minister for Economic Development and Trade in the last House, he said: 'The question of unallocated balance of ODA funds as, indeed, the whole funding of the programme is the subject of final consideration by the Forward Planning Committee and, therefore, perhaps I should add that the details I am going to furnish the Hon Member with are still subject to change'. What I am asking is, has the Forward Planning Committee met and is this now accepted or is there going to be change? That is one question.

HON A J CANEPA:

Mr Speaker, since I gave that answer in December, the Forward Planning Committee had a meeting in January. At that meeting we already knew that ODA officials and economists were going to visit Gibraltar at the beginning of February and that therefore these projects would be discussed with them and that has happened already and the Forward Planning Committee will be meeting later on this month to consider the results of those meetings with the ODA officials. For instance, one of the things that we wanted to know from them was what kind of projects, what criteria, what guidelines would they be keeping in mind in considering project applications in order to facilitate the task. We didn't want to submit projects which would be turned down because that is time wasting so these matters were clarified during the course of last week and we ought to be, at the next meeting of the Forward Planning Committee, in a position, I think

to arrive at some decisions, perhaps not full decisions, but some decisions regarding the source of financing.

MR SPEAKER:

Next question.

NO. 32 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how they intend to allocate the £330,000 earmarked for tourism in 1986/87?

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, the £330,000 earmarked for tourism has been allocated for the following works:

- (i) Improvements to St Michael's Cave
- (ii) Improvements to the Upper Galleries
- (iii) Refurbishment of the Air Terminal
- (iv) Embellishment of Europa Point

SUPPLEMENTARY TO QUESTION NO. 32 OF 1987

HON J E PILCHER:

Mr Speaker, the money has been allocated but I expect that the actual expenditure on the actual projects will not be undergone in this financial year?

HON H J ZAMMITT:

Yes, he is right, Sir, it will not be undergone in this financial year. I should like to add that some of it in the form of equipment that we may buy may be spent, Sir.

MR SPEAKER:

Next question.

10 2 87

NO. 33 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how many arrivals were recorded in all hotels in 1986 and what percentage of these were tourist arrivals?

ANSWER

THE HON THE MINISTER FOR TOURISM

Answered together with Question No.34 of 1987.

NO. 34 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what was the average sleeper occupancy levels for all hotels in 1986 and of this what levels were tourist occupancy?

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, the information requested is not yet available. The Hotel Occupancy Report will, hopefully, be tabled during the Budget session of this House.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1987

HON J E PILCHER:

Mr Speaker, we have asked this question obviously because we were not sure that we would get the Hotel Occupancy Survey before the budget. Could the Hon Minister get me the figures I have quoted before the budget session?

HON H J ZAMMITT:

Mr Speaker, normally of course the figures are provided by the hotels and therefore the Statistics Office as yet has not received, I think, the October/November/December figures, the last quarter. We are normally about a quarter behind in obtaining these figures so there could be a chance that I could have them at the end of March or so and, if so, I will certainly provide the Member with those figures, Sir, provided he reminds me of it, Sir.

MR SPEAKER:

Next question.

NO. 35 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what is the estimated tourist expenditure for 1986 breaking it down as follows:-

- (a) Visitor arrivals at hotels
- (b) Excursionists from Morocco
- (c) Excursionists from cruises
- (d) Visitors on yachts
- (e) Visitors in supplementary accommodation
- (f) In-transit visitors
- (g) Visitors arriving by land?

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, this information is not yet available. The breakdown of tourist expenditure will be made available once the Tourist Survey Report has been completed. This is envisaged sometime during Summer 1987.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1987

HON J E PILCHER:

Mr Speaker, I think it is important. In the coming budget there are a number of questions which we have to ask ourselves and ask the Government on their tourist policies, on building more hotels, and obviously these statistics are very, very important for us to analyse the way forward that the Government is producing and whether or not, according to the statistics this, as far as the Opposition is concerned, this is the way that we should go but, of course, without these statistics it is like the blind leading the blind. Is there no way that the Government can have in their possession these figures I accept that as far as the hotels are concerned.....

MR SPEAKER:

What you are asking is whether you can get the information. Can we have an answer to that?

HON H J ZAMMITT:

Mr Speaker, if they are available I will willingly hand them over to the Hon Member but it is just that I haven't got this information which has not been furnished by quite a number of different inputs, it is not just the hotels but from the (a) to (g) that the Hon Member has asked I just haven't got them available. When I have it I commit myself, provided he reminds me to let him have it, Sir.

HON M A FEETHAM:

Is the Minister suggesting that he has no figures available? Are figures produced on a quarterly basis, for example, is he able to furnish at least nine months figures corresponding to the questions which have been put by my Hon colleague or has he got no figures at all?

HON H J ZAMMITT:

No, Mr Speaker, I have plenty of answers and I have plenty of figures I assure the Hon Member. If nine months are wanted, that is, from the 1st January to 30th September, I have them in the office, that can be made available now, in ten minutes, but the question is for 1986 and, of course, one is thinking of the 31st December inclusive and as I have said, in several of the requirements we are lacking the last quarter of the year.

HON M A FEETHAM:

I can understand that, Mr Speaker, but since he hasn't got the full information at least he could supply whatever information he has. Will he do that?

HON H J ZAMMITT:

Yes, Sir.

10 2 87

NO. 36 OF 1987

ORAL

THE HON J C PEREZ

Is it still Government's intention to introduce regulations for the full operation of the MOT Test Centre at Eastern Beach?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. Draft Regulations will shortly be presented to Ministers and it is hoped to publish the Regulations by April, 1987.

NO. 37 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what is the total number of applicants for Government housing up to the end of January, 1987?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there were 2106 applicants for Government housing at the end of January, 1987.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1987

HON J L BALDACHINO:

Is this an increase on previous years?

HON M K FEATHERSTONE:

I think it is a slight increase. The figures have been hovering around the 2000 mark for the last year.

HON J L BALDACHINO:

Can the Hon Member state if the Housing Department has specified why there are these increases through the years?

HON M K FEATHERSTONE:

Would you repeat that please?

HON J L BALDACHINO:

Can the Hon Member state if the Housing Department can identify why there are these increases through the years?

HON M K FEATHERSTONE:

I think it is partly that the number of houses that have become available year by year have not been as great as they were, say five or six year's ago.

NO. 38 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what is the total number of applicants in the Housing Medical List up to the end of January, 1987?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. The Housing Medical List was made up of 56 applicants at the end of January, 1987.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1987

HON J L BALDACHINO:

Am I correct in assuming that the persons in this List will only be allocated houses that are new and it will be a percentage of those that will be allocated from this List?

HON M K FEATHERSTONE:

Of either new or modernised housing and a certain percentage is put aside for the Medical categories. Sometimes an old pre-war house does become available and if it is offered to a medical category and they accept it is given to them.

HON J L BALDACHINO:

The Hon Member can then confirm that the restriction is not only on these people that it has to be new housing? In other words, if a post-war house is available it can also be allocated?

HON M K FEATHERSTONE:

Yes.

MR SPEAKER:

Next question.

NO. 39 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many post-war houses are vacant at present?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there are 4 post-war houses vacant at present.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1987

HON J L BALDACHINO:

Can the Hon Member state when they will be ready for allocation and why they are vacant at the moment?

HON M K FEATHERSTONE:

Sir, the composition of the vacant houses is a bedsitter at St Joseph's, this is to be offered to a tenant from Jumper's Buildings; a 2RKB at Harrington Buildings, the family of the late tenant through their lawyer are making a bid for the exchange of flat, there is another tenant who is also interested and who would exchange for a 3RKB. The problem has been referred to the Housing Allocation Committee and will be resolved at their next monthly meeting to be held on Monday the 2nd March. There is a 3RKB at Rosia House, this is to be allocated on points; and a 2RKB at 11, Royal Sovereign House, this is at the moment occupied by squatters and we are applying to the Supreme Court to get the squatters out.

MR SPEAKER:

Next question.

NO. 40 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state when was the last survey of the Government pre-war housing stock carried out?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The last survey of all pre-war houses was carried out in 1975.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1987

HON J L BALDACHINO:

Doesn't the Hon Member consider that there should be another survey carried out to assess what is the situation of pre-war houses under the Government rent roll?

HON M K FEATHERSTONE:

I think a survey should be carried out about once every ten years so I think one is due now.

HON J L BALDACHINO:

What the Hon Member is saying is that he is satisfied that the information that he has under the 1975 survey is sufficient for the Housing Department to assess if there are any repairs to be carried out to these houses?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 41 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government confirm that they will only allow exchanges between tenants of Rosia Dale and other Estates, if tenants moving into Rosia Dale commit themselves to purchasing the flats?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, exchanges are only allowed if the tenant moving into Rosia Dale commits himself to purchase the flat.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1987

HON J L BALDACHINO:

Am I correct in assuming that this condition was not one put to them when they were allocated the flat?

HON M K FEATHERSTONE:

No, Sir, when the people were allocated the flat it wasn't a question of exchanges or a question of purchasing but since Rosia Dale has been put as an eminent area for home ownership, if anybody should move into the area we wish them to commit themselves to purchasing the flat.

HON J L BALDACHINO:

What happens if somebody accepts those conditions and moves into Rosia Dale and after he has moved he then decided that he doesn't want to purchase the flat?

HON M K FEATHERSTONE:

I think we would try and ask them to exchange back out of Rosia Dale to somewhere else.

MR SPEAKER:

Next question.

10 2 87

NO. 42 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if the monitoring system for the reserve funds that landlords are required to set up under the Landlord and Tenant Ordinance, has been introduced?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

The Legal Notice in respect of the Landlord and Tenant (Reserve Funds) Regulation 1987, introducing the necessary regulations to monitor the reserve funds, will be published on the 12 February, 1987, and will come into effect on the 1 April, 1987.

NO. 43 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state how many persons were registered under the provisions of the GPMS on 1st January, 1987, by virtue of Section 4(1) of the Ordinance and give a breakdown of residence, residence permit holders and frontier workers?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the breakdown requested by the Honourable Questioner is not available. It is estimated that the number of persons covered under the Ordinance is approximately 24,000.

Separate statistics are, however, available in respect of Frontier Workers. There are 635 Frontier Workers registered.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, doesn't the Minister consider that it is important that they should monitor how many people are registered in every aspect like frontier workers, etc?

HON M K FEATHERSTONE:

It presents a certain amount of clerical difficulties to get the figures exactly.

HON MISS M I MONTEGRIFFO:

Mr Speaker, yet it is important for the Government to know how much it is going to cost them at the end of the financial year. Does he not think that this is important at the end of the year?

HON M K FEATHERSTONE:

We have an estimate, we don't have the exact figures which is what you were asking for.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister state how many persons are exempted and how many are paying directly?

HON M K FEATHERSTONE:

I would have to get notice of that question, I will find the information and send it to you.

HON MISS M I MONTEGRIFFO:

Mr Speaker, doesn't the Government consider it extraordinary that they have no projections at all as to the amount of money that it is going to cost them as regards the number of people that are registered under the GPMS, isn't this important?

HON M K FEATHERSTONE:

We do have projections, we have estimated there are 24,000 people.

HON MISS M I MONTEGRIFFO:

And this is overall then because the Minister has just told me that he doesn't know the figures for those people who are exempted, is this an overall figure?

HON M K FEATHERSTONE:

That is an overall figure, yes.

MR SPEAKER:

Next question.

NO. 44 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state what were the operating costs of the GPMS exclusive of the cost of prescriptions, in 1984/85 and 1985/86 and the projected cost in 1986/87?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the figures requested are as follows:

1984/85	£319,752
1985/86	£378,964
1986/87	£395,996

NO. 45 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state how much revenue was collected by contributions to the GPMS in 1984/85 and 1985/86 and the projected revenue for 1986/87?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the actual revenue collected in the financial years 1984/85 and 1985/86 is as follows:

1984/85	£606,636
---------	----------

1985/86	£762,918
---------	----------

The projected revenue collectable in the financial year 1986/87 is estimated as £763,000.

NO. 46 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Is Government satisfied that they now have the Meningitis epidemic under control?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, all possible steps have been taken and will continue to be taken, to deal with the outbreak of this disease.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say how many cases there have been this year?

HON M K FEATHERSTONE:

Off the cuff, I think there have been four cases.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say whether they are, in fact, monitoring the situation and do they know at what stage of the epidemic we are in, whether it is declining, whether it is progressing or whether it is static?

HON M K FEATHERSTONE:

It has not been identified that meningitis is in any specific area of Gibraltar. We have had cases from very different geographical situations. I would say that the situation is static at the moment.

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Government have an idea as to the main cause of the epidemic?

HON M K FEATHERSTONE:

No, Sir, there is no basic reason why it should be prevalent at the moment but it is prevalent in England as well, it seems to be just one of those things that occurs every so often.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is it not a fact that the Medical authorities are putting a lot of emphasis on the fact that Gibraltar is very densely populated?

HON M K FEATHERSTONE:

Dense population is a contributory factor to the spread of such diseases.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Government then taking into account this problem seriously in view of the fact that they are trying to attract more and more people to come and live in Gibraltar in very densely populated areas?

HON M K FEATHERSTONE:

I wouldn't think that if persons come to live in Gibraltar it is going to make a very great increase in the number of meningitis cases.

MR SPEAKER:

Next question.

NO. 47 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state when they ordered the equipment for screentesting for AIDS?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the equipment was ordered on the 18 December, 1986.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Minister know when the equipment is expected to arrive in Gibraltar?

HON M K FEATHERSTONE:

We hope within four weeks.

MR SPEAKER:

Next question.

NO. 48 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state when they will be running an educational campaign on AIDS?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, I have appointed a Committee under my Chairmanship consisting of:

Director of Medical & Health Services
 Director of Education
 Administrator, Medical and Health Department
 Chief Environmental Health Officer
 Matron
 Medical Officer I/C Royal Naval Hospital
 Rt Rev Mgr C Caruana
 Dr D P Wigesinghe
 Dr M Maskill
 Surg Cdr D Evans
 Dr N Borge
 Dr W Fitzpatrick

The Committee has already met once, and I can confirm that the question of running an educational campaign on AIDS is being actively pursued.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am glad for all that information, we are very concerned as well as to the number of people involved in the Committee, but the point that we want to know is when the campaign is actually going to start? I would like the Minister to give a commitment on a date of when the campaign will be seen to be carried out in Gibraltar, I think that is very important.

HON M K FEATHERSTONE:

We have a leaflet from the United Kingdom which was circulated to all households in the United Kingdom. This is being adapted for Gibraltar and also translated into Spanish. It is due to be presented to us on the 23rd of this month for final vetting when it will go to the printers after which it will be circulated to all households in Gibraltar.

NO. 49 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Has Government now ordered the special syringes for our Medical Services, which reduce the dangers of contamination in relation to AIDS?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, I am advised that these special syringes are only used in confirmed areas of infectious diseases, such as AIDS. No danger is envisaged in the continued use of normal syringes, which are disposable, in routine blood taking provided normal precautions are taken. The question of obtaining a small stock of these special syringes is under active consideration.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1987

HON MISS M I MONTEGRIFFO:

By the Committee, Mr Speaker?

HON M K FEATHERSTONE:

No, by the Director of Medical and Health Services.

MR SPEAKER:

Next question.

NO. 50 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state how much they have spent of the £50,000 maintenance money provided for in the Departmental Vote in the Estimates of Expenditure for the Medical Services?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Of the £70,000 provided under Head 16 Sub-head 22, £54,300 have been spent to date.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Government confirm that this is the only money available for the Medical and Health Department?

HON M K FEATHERSTONE:

Well, when all that is spent if we need more and it is something urgent then we will go for a supplementary.

HON MISS M I MONTEGRIFFO:

Is the Minister satisfied with the state of the Hospitals at the present moment, Mr Speaker?

HON M K FEATHERSTONE:

No, Sir.

HON MISS M I MONTEGRIFFO:

Does that mean that the Minister will be asking for more money for their maintenance?

HON M K FEATHERSTONE:

He has already asked for certain extra things to be done, they are under consideration.

HON MISS M I MONTEGRIFFO:

Is the Minister aware of the condition of Napier Ward specifically, Mr Speaker?

HON M K FEATHERSTONE:

Napier Ward is not in too bad a condition, it was painted, I think, last year, it was fumigated this year, it is not in too bad a condition, I go there practically every morning and I think it is in reasonable nick.

HON J C PEREZ:

Mr Speaker, if the Hon Member goes there practically every morning does he not get complaints about cockroaches running up and down the Ward every night and has he not got complaints that the wheelchairs cannot be taken into the bathroom to be able to bathe the patients who need to be carried by nurses and the holes that there are in the washing facilities and the conditions of the showers and the conditions of the toilets and that there is a particular equipment in the washing area which is used by nurses to clean out pans which has been out of order for seven years? Is the Hon Member not made aware of this every time he visits Napier Ward?

HON M K FEATHERSTONE:

I have been made aware of the cockroaches and that was the reason that the whole place was fumigated but since then I have been told there has been no more incidence of these unpleasant creatures. I will look into the other points that you have mentioned.

HON J C PEREZ:

Perhaps you could look into the matter of cockroaches as well because the reports we have are that even last week after the fumigation by the Government, there have been cockroaches running up and down the ledges behind the beds and complaints have been made by the patients to the nursing staff.

HON M K FEATHERSTONE:

They haven't told me.

MR SPEAKER:

Next question.

NO. 51 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Has Government now received confirmation from UK following the visit of the expert, that local nursing qualifications will be recognised by UK and the EEC?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister explain what the problem is?

HON M K FEATHERSTONE:

We are still waiting for the report from the nursing team that came out here, they have promised their report fairly shortly.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister confirm that the nursing team who came over to investigate actually confirmed that our nursing qualifications were acceptable by UK and the EEC?

HON M K FEATHERSTONE:

They were very highly impressed by our nursing situation in Gibraltar and they went back to recommend that we should be accepted but so far it has not come through.

HON MISS M I MONTEGRIFFO:

Is the Minister expecting any changes in our nursing standards?

HON M K FEATHERSTONE:

The only changes I can see would be for the better. At the moment our standards are very high.

HON MISS M I MONTEGRIFFO:

In that case, Mr Speaker, why is it that since 1984 he has been telling me in this House that all sorts of changes had to be

introduced before we got our qualifications accepted?

HON M K FEATHERSTONE:

One of the things that had to be introduced was a cardex system, this has been introduced last year. The other points that were brought out in the earlier report that we had have been looked into by the team that came out and apparently have been found satisfactory.

HON MISS M I MONTEGRIFFO:

Really, Mr Speaker, what we are saying is, since 1979, since the Briggs Report was presented to the Government all that has been required is a minor change and it has taken the Government eight years to get our nursing qualifications accepted. Is that the reality of the situation?

HON M K FEATHERSTONE:

This is not in the Government's hands here, this is something that has to be decided by the Nursing Association in the United Kingdom.

HON MISS M I MONTEGRIFFO:

But, surely, it is the Government that has to get moving to try and see whether our qualifications are acceptable or not. We have been pressing in this House since 1984, Mr Speaker, and we have had all sorts of excuses for the delays. If the Minister is saying now that all that is needed is a minor change, surely it proves that all that the Minister has been doing is looking at the Briggs Report and not getting to the actual body in UK who should have actually okayed our qualifications.

HON M K FEATHERSTONE:

The actual body that has got to look into it are the two gentlemen who came out here a little while ago, have looked into it, have gone back and will be making their report to the Nursing Association in Britain to see whether they will accept it or not. Beyond that the Minister here cannot do anything.

HON J E PILCHER:

Mr Speaker, if these two gentlemen that the Minister is referring to had been brought here in 1984 would we not be at this stage....

MR SPEAKER:

That is hypothetical.

HON J E PILCHER:

It is hypothetical but then his answer was hypothetical as well, Mr Speaker.

MR SPEAKER:

Fair enough, that is why I am stopping you. Next question.

NO. 52 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

When does Government expect to have the report of the Review Team for the Medical Services?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Report has already been received and is being studied.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister give a commitment on a date by which the Government will take a decision as far as its implementation?

HON M K FEATHERSTONE:

No, Sir, as I said, at the moment it is being studied and until the full study has been completed determinations cannot be arrived at.

HON MISS M I MONTEGRIFFO:

Mr Speaker, will the Government be handing the Opposition a copy of that report?

HON M K FEATHERSTONE:

Yes, Sir, in due course copies will be made available to the Opposition and the report will also be made public.

HON MISS M I MONTEGRIFFO:

Mr Speaker, when the Minister saw the experts, did the experts confirm to the Minister that unless these recommendations were implemented our medical services would be at the point of collapse?

HON M K FEATHERSTONE:

No, Sir.

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is what the experts told the Opposition. Is

it that the Minister has had different advice from the experts?

HON M K FEATHERSTONE:

I don't know what they said to the Hon Leader of the Opposition and the Hon Spokeslady for Medical Services for the Opposition when they met. I can only say what they said to us.

HON M I MONTEGRIFFO:

What is it, Mr Speaker, that the experts told the Minister?

HON M K FEATHERSTONE:

They said the matter was urgent but they didn't say that we were on the point of imminent collapse.

HON M I MONTEGRIFFO:

But then, Mr Speaker, if the matter is urgent, does the Minister accept that something has to be done urgently?

HON M K FEATHERSTONE:

Yes, that is why we are studying the matter with a sense of urgency.

HON J E PILCHER:

The Hon Minister said that the Opposition would be getting a report in due course and then he also said that in due course it would be made public. Could we ask confirmation that the Opposition will be getting the report before the Government takes decision on the matter so that we can also refer to the report?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 53 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state whether any restrictions have been placed on the area for the street market in Church Lane?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, following a series of complaints from occupiers in the neighbourhood which have been found to be justified, the Government has decided that the Street Market should not be held in Church Lane or Cannon Lane on Fridays. The Street Market Association have, however, been allocated an alternative site, namely, Sir Herbert Miles Promenade for Fridays and are being allowed to use the Cannon Lane/Church Lane area as usual on Saturdays. I understand, Sir, that we are going to have another alternative site for Fridays.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1987

HON M A FEETHAM:

Can the Minister please state what conclusions they have come to in order to reach that particular decision? Can the Minister confirm that, in fact, what was quoted in the press was that it has hampering the Finance Centre and as a result of that the street market was asked to cease operation on Friday?

HON M K FEATHERSTONE:

It was not hampering the Finance Centre generally, it was hampering the Finance Centre in that building there. It was creating a certain nuisance to the tenants of the Gibraltar Heights building.

HON M A FEETHAM:

Can the Minister confirm that what he said in the media was, in fact, that the complaints arose during Christmas time?

HON M K FEATHERSTONE:

The complaint has arisen long before Christmas but it was aggravated at Christmas time when as a special privilege the market was allowed to be there every day all through Christmas week but there was considerable complaint that transistors were playing very loudly, there was a gentleman clanging a bell all the time and they could not work in the offices very satisfactorily.

HON M A FEETHAM:

Mr Speaker, will the Minister confirm that, in fact, the noise that he was referring to was the fact that we had a Father Christmas ringing a bell.....

MR SPEAKER:

No, with respect, order, I am not going to allow it. You can ask the reasons why but we are not going to go into every detail, I am not allowing it.

HON M A FEETHAM:

Mr Speaker, will the Government say why they acted in such a dictatorial fashion in allowing a street market operation for five and a half months and then without any prior consultation or warning stop the operation overnight? That is what I want to know, why act in that dictatorial fashion?

HON M K FEATHERSTONE:

First, they were not there for five and a half months, they were there I think for a period of something like eight weeks and they had been told when they went there from the previous site that they were allocated which had to be disused for traffic reasons temporarily, that they were there for a period on trial.

HON M A FEETHAM:

Mr Speaker, if it has hampered Gibraltar Heights can the Government say, for example, how many clients Barclays Bank has lost as a result of having the street market operating outside its premises?

HON M K FEATHERSTONE:

I haven't been given any notification of the financial situation of Barclays Bank with regard to the street market.

HON M A FEETHAM:

Mr Speaker, I take it that there has been a complaint from how many persons; one, two, three, who have complained about the street market operating in that area?

HON M K FEATHERSTONE:

There were a number of general complaints from residents in that area.

HON M A FEETHAM:

Mr Speaker, I take it that Government is now offering an alternative site which is by the boulevard?

HON M K FEATHERSTONE:

No, Sir, I told you that we had another alternative site.

HON M A FEETHAM:

Can the Hon Minister say which is the alternative site.

HON M K FEATHERSTONE:

It is the one from which the street market had to leave owing to traffic situations, that is the north side of John Mackintosh Square.

HON M A FEETHAM:

And has the Minister already told the Street Market Association this?

HON M K FEATHERSTONE:

No, Sir, I promised I will tell them that this evening.

HON M A FEETHAM:

If this alternative site is not acceptable, will the Minister take into consideration that the nature of the operation of a street market requires a turnover of people and having made the political decision to allow a street market to operate in Gibraltar it is no good having made the decision, to offer a site to the street market where they are not going to make any income at all or they are going to have losses rather than income.

HON M K FEATHERSTONE:

The Hon Member is definitely flogging a dead horse, I can tell him that the street market would be very happy to go back to the north side of John Mackintosh Square and they have already informed me of that.

HON M A FEETHAM:

If that is the case you should have said so from the beginning.

10 2 87

NO. 54 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how many public companies are registered under the Companies Ordinance in Gibraltar?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, there are 42 Public Companies registered in Gibraltar under the Companies Ordinance.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1987

HON M A FEETHAM:

Can Government confirm that public companies have to publish company accounts under the existing Companies Ordinance?

HON A J CANEPA:

Yes.

MR SPEAKER:

Next question.

NO. 55 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how many public companies registered on the 31st December, 1986, were investment companies?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, there were 40 Public Companies registered in Gibraltar on 31st December, 1986, and all can undertake investment.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1987

HON M A FEETHAM:

Mr Speaker, isn't it a fact that the Bill which is being brought to the House on amendments to the Income Tax Ordinance, that tax concessions are being extended to investment companies?

HON A J CANEPA:

No, we are not aware of that, Mr Speaker.

MR SPEAKER:

Next question.

NO. 56 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now investigated the situation regarding service charges at Ocean Heights and what control do they intend to introduce?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, Government has received representations separately from nine flats owners of Ocean Heights regarding Services Charges.

As a result of this the Consumer Protection Officer has held a series of meetings with these tenants and consideration is being given to introducing legislation in order to protect those concerned.

The Consumer Protection Officer is in contact with the Attorney-General's Chambers in order to advise on the best manner of solving this problem.

NO. 57 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that it intends to put out to tender the site known as old Brympton School?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. Tender documents for the redevelopment of Brympton/Villa Victoria are ready and arrangements are in-hand to invite tenders.

In fact, since the answer was prepared, Mr Speaker, I can state that tenders were invited in yesterday's Chronicle.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1987

HON M A FEETHAM:

Can the Hon Minister give some indication of what the conditions of the tender are going to be?

HON A J CANEPA:

The main conditions are that as regards prices we envisage an element of control over selling prices and therefore it is intended to give preference to proposals aimed at a price range of between £35,000 to £42,000. If there is subsequently an increase in price, the intention would be to control that by loss of a refund on the premium offered and the sharing of any increase on a 50/50 basis with the Government. Also priority in the sale of the units will be given to tenants of Government accommodation who will therefore release accommodation to the Government for re-allocation and then, apart from those, to other people on the waiting list.

HON M A FEETHAM:

Could the Minister say what criteria he has used in arriving at the restriction of the selling of the flats in the range of £35,000 to £42,000 per unit?

HON A J CANEPA:

We have based that on the selling prices obtained at Vineyard in the knowledge that this is a different sort of site. We envisage that instead of having the type of blocks of flats

that are going to be built at Vineyard, this will be a development more tailored to the site there. It is on a slope and therefore building will be somewhat more difficult, access to the site is also more difficult so I don't think that we can expect that the prices could be on a par with Vineyard. It may also be possible to have slightly superior type of accommodation than the sort of blocks of flats that we are going to have at Vineyard and that is how, tentatively, we have arrived at this sort of price range.

HON M A FEETHAM:

Having therefore set a price range for a developer are we debarring any other developer who feels he could, in effect, build units there of a cheaper range?

HON A J CANEPA:

No, not cheaper but certainly above that. The Government would not wish to see units at Brympton above this price range, we don't want to see units which are going to be sold at £55,000 or £60,000. If there is a developer who is able to come up with proposals involving units below this price range they will not be debarred, they will be given very serious consideration.

HON M A FEETHAM:

Could the Minister inform the House when, having established a price of £35,000 to £42,000 and having classified it as moderately priced units, could the Minister inform the House what criteria he used at arriving at that conclusion in terms of the available income in Gibraltar?

HON A J CANEPA:

We have had regard to what new housing has been costing the Government. Even though it was prior to the opening of the frontier, we haven't seen in the public sector as yet any indications that, for Government, prices are that much lower so we are keeping in mind the cost of new accommodation to Government at the time of the last new blocks of flats at St Joseph's, at St Jago's - that was in about 1982 - and they were costing Government over £40,000. At Castle Road/Road to the Lines, even though it has been a case of modernisation, the prices there have been not exactly low and insofar as Government tendering is concerned, in the case, for instance, of offices at St Jago's, the tender prices have been far in excess of what was estimated, thinking that because of the opening of the frontier building costs would be lower, so we

do not envisage that it is going to be possible on a site such as this one to be able to build much more cheaply than the kind of accommodation that was being built for the Government two or three year's ago.

HON M A FEETHAM:

Mr Speaker, what I was trying to extract from the Minister and to some extent he did reply though he went off at a tangent is, having established a price then, obviously, you have also identified a market and a potential area for selling these units and since according to Government's own statistics we are talking about average earnings of about £140 a week, can Government tell me to whom they envisage these flats are going to be sold?

HON A J CANEPA:

I don't think they are going to be sold to people earning £140 a week. They are going to be sold to people who earn beyond that, to families where there is also more than one wage earner and therefore those are people who are interested in giving up the accommodation which they occupy in order to go and move somewhere else where there would be a smaller number of people living, where they might consider because of the view there that their quality of life is going to be improved and so on. The market that there is in this regard, I can tell the Hon Member, is very considerable. There are no end of people who have approached me, who phone the Crown Lands Department asking to be put on some hypothetical list that they think that we are keeping and, of course, we are not. I also know that there are developers who have been approached already and people have asked them to put them on a list should they be successful. I have no doubt that there are enough families to take up the thirty-five or forty units that are probably going to be built there, the majority of which are going to give up accommodation at Laguna, at Varyl Begg and other Government Estates which the Government in turn will be able to allocate precisely to people who can only earn up to about £140 a week and therefore who cannot buy their own property.

HON M A FEETHAM:

Could the Minister inform the House what he had in mind when he said that there would be subsidies available?

HON A J CANEPA:

No, this is a response to proposals that I have received from Action for Housing on a discount scheme that they have submitted to me, I am having a meeting with them next week and within the Government when we considered the proposals that Action for Housing have submitted, we have had one or two ideas which we are still working on, which we are still developing, and I want to put these preliminary ideas back to Action for Housing for them to think about but I don't think that it is fair when I have written to them and released the letter to the media and I have said that I will be informing them of these counter proposals next week, I don't think it would be fair to them to reveal these in the House and, in any case, they are of a general application and do not necessarily arise at this stage out of Brympton. I would think, having regard to what I have said about certain income groups, I don't think that people who will be interested in purchasing accommodation at Brympton will need any subsidies. I shouldn't think that they will. The subsidy scheme is one that we have in mind for Montagu Basin.

HON M A FEETHAM:

I am grateful for that answer. What conditions are there going to be to stop any EEC nationals from coming and buying a flat in that particular project?

HON A J CANEPA:

I think the fact that we are giving priority to others, the fact that priority is being given to people who hand in accommodation to Government in the first place and, secondly to those who are on the waiting list, should take care of that. I doubt whether there will be many units of accommodation left over for other EEC nationals.

HON J L BALDACHINO:

When the Hon Member mentions people who are in the Housing Waiting List, does he mean those people who are physically in the Housing Waiting List or those people who are eligible to be in the Housing Waiting List?

HON A J CANEPA:

Those who are in the Housing Waiting List and then from then on the third category, obviously, would be people eligible. I actually meant people on the waiting list itself, in other words, applicants for housing.

NO. 58 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how the original Rosia Bay Development Project as envisaged in the brochure produced by them in 1984 differs from the one recently awarded?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, there are only two major differences between the original scheme produced by Public Works and the one recently considered. The first is that Parson's Lodge and the escarpment to the south have been omitted from the development area. This will allow the future restoration and conservation of the Battery and the line wall adjacent thereto.

The other main difference is the substitution of an apartment block abutting and overhanging the line wall along Rosia Parade by two tower blocks sited diagonally across the Parade and set back to totally expose the line wall. The two buildings were preferred by the Development and Planning Commission because more open space at ground floor would be available and the splitting of the building into two would be less obstrusive.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1987

HON M A FEETHAM:

Would the Hon Member confirm that this is the brochure that was originally produced at the time of inviting the project?

HON A J CANEPA:

Would he turn it over, the cover normally looks different to that. Yes, thats it.

HON M A FEETHAM:

This is the docket that contains the brochure with the conditions and the plans. Will the Minister confirm, I need to have to repeat in order to be able to ask the question, certain aspects of the way this project was sold to the general public in Gibraltar in order to make a fair comparison, Mr Speaker, with what has been agreed to now. Will Government confirm that the brochure which sold the broad guidelines to invite developers spoke about Gibraltar having many amenities to offer - 'The site is placed in an established leisure area; a historical and

attractive location; major possibilities for an exciting development; the design potential, and the general concept' - That is the brochure, will the Government confirm that that, in fact, is what was sold to the public in August, 1984?

HON A J CANEPA:

I think it is a pity, Mr Speaker, that the proceedings of the House are only being broadcast over radio and not over television.

HON M A FEETHAM:

In reply to my question the Hon Minister has said that, in fact, the Parson's Lodge area which according to the brochure would have seen a development of an apartment hotel on the slope leading up to the Parson's Lodge will no longer form part of the development.

HON A J CANEPA:

The development proposals that have been received from the prospective developers do not include any development on Parson's Lodge or on the slope leading thereto.

HON M A FEETHAM:

So, in effect, will the Government confirm that what would be seen to be a particular difficult area in terms of profitability when looking at it from the point of view of a developer, has now been hived off from a prime site development?

HON A J CANEPA:

It has been hived off but I would not necessarily accept for the reason which the Hon Member has suggested in the first part to his question, namely, a question of profitability. What they have told the Development and Planning Commission is that they do not wish to consider development of Parsons's Lodge for, what I would term, conservationist reasons.

HON M A FEETHAM:

Would the Hon Member not accept that the conservationists argument is not related to the development that was originally envisaged since one thing was not incompatible with the other? We are talking about an apartment hotel, apartments leading up to Parson's Lodge and Parson's Lodge would still have been there for development in one form or another which would have been acceptable to the conservationists. I am asking this question, will Government confirm that that is, in fact, the case?

HON A J CANEPA:

No, not necessarily. They take the view that they don't want to risk proposals for Parson's Lodge which might bring them into conflict with the conservationist lobby, those are the reasons which have been put to me.

HON M A FEETHAM:

In other words, the reason which the Minister has been defending against the conservationist lobby he has accepted being put over by the developers so that a third of the envisaged project is now not going to be developed?

HON A J CANEPA:

What has happened is, Mr Speaker, that the developers have put these views to the Development and Planning Commission, the Development and Planning Commission would prefer to see some modest low scale development on Parson's Lodge, that the whole of the area is developed comprehensively but the Development and Planning Commission, I think, also considers that it is possible for another party to come in in respect of Parson's Lodge and work on something that could harmonise and that would not be in conflict with anyone. In fact, I have had separate letters from other people pointing to interest being shown by a group who would be interested in doing something at Parson's Lodge that would not be incompatible with the objectives of the Conservation Society.

HON M A FEETHAM:

What the Minister doesn't seem to grasp and I am sorry if I am belabouring the matter because we are talking about a major development of the prime site in Gibraltar.....

MR SPEAKER:

With respect, I have to call your attention, we are debating.

HON M A FEETHAM:

I accept that. Will the Minister not accept that having therefore now conceded to the developer that that area is not going to be developed as it originally envisaged of fifty apartment hotel units that therefore one aspect of the original exciting brochure which was produced is no longer there for development as envisaged? Can I now concentrate, Mr Speaker, on the Rosia Parade area. Will the Minister accept that one-third of it is

now no longer there as originally envisaged?

HON A J CANEPA:

The brochure is not sacrosanct, the brochure represents guidelines.

HON M A FEETHAM:

But the brochure also tells us, Mr Speaker, will the Minister not agree, that whilst they are broad guidelines.....

MR SPEAKER:

No, with respect, I think we have established what you want to establish. You have been told already, yes, the new development does not encompass the Parson's Lodge area. You can take your inference from that, but let us not go beyond that.

HON M A FEETHAM:

Will the Minister agree that the original planners or the original thinkers behind this project when this project was put out for development believed that the general concept that was going to be developed in the Rosia Bay area was one which would blend in with the sensitivity and historic potential of the area and, in fact, if that is not what is going to happen and we are now going to have two multi-storey type buildings, that that in fact is harmful to the potential and creative area that is there both from the historical point of view and from the touristic potential of the area? Will the Minister not agree to that?

HON A J CANEPA:

I don't know what was in the minds of the planners. I can tell the Hon Member what is in my mind.

HON M A FEETHAM:

The Minister may not want or believes he doesn't know what was in the minds of the planners but will the Minister.....

MR SPEAKER:

No, with respect, you are not seeking information in any manner or form. If you feel that this is important enough to debate then debate it by all means but at Question Time you are limited to seeking information but not views and opinions.

HON M A FEETHAM:

In that case, Mr Speaker, I will ask for a debate on the adjournment.

HON A J CANEPA:

I hope, Mr Speaker, that it is clear that the Hon Member is asking for a debate on the adjournment not because he is receiving unsatisfactory answers from the Minister responsible for answering but for other reasons because in all the years that I have been in the House whenever a matter has been raised at Question Time and has subsequently been raised in the adjournment debate, it has been because the Opposition has not been satisfied with the answers that they have been getting. I hope that it isn't for that reason.

HON M A FEETHAM:

Mr Speaker, in fact, I am not satisfied with the answers I am getting.

HON A J CANEPA:

I am willing to answer as many questions as you in your judgement will allow me to answer.

MR SPEAKER:

You don't have to give any reasons why you want to raise it on the adjournment, you are entitled to raise it on the adjournment.

HON M A FEETHAM:

If I am allowed to continue with my questions.

MR SPEAKER:

No, not on the lines that you are questioning, certainly not, but most certainly you are entitled, and you don't have to give reasons, to raise it on the adjournment. You have got to give notice in writing. Next question.

10 2 87

NO. 59 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the building of a hotel at Queensway was a necessary condition of the development being awarded to the successful tenderer?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. The intention has always been that an hotel should be constructed at Queensway as part of the redevelopment of the area.

NO. 60 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the area known as the Northern Defences and the Tunnels underneath that area has been allocated on a direct basis?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The area known as the Northern Defences and the tunnels below have not been allocated on a direct allocation basis. An application for a direct allocation of the area to restore the defences, with a view to opening them up as a touristic attraction, was originally made in April 1986 and the matter has now gone through various Government Committees and is currently being considered by the Land Board. Other parties have recently shown a similar interest in the restoration of the area.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1987

HON M A FEETHAM:

Mr Speaker, will the Government be awarding this on a direct allocation basis?

HON A J CANEPA:

It may or it may not, Mr Speaker, no decision has been taken to that effect one way or the other as yet.

HON M A FEETHAM:

Will Government be making any announcement to that effect before it actually happens? Mr Speaker, will the Minister agree that one can accept the concept of direct allocation for particular things, for example, as has happened when we had the kiosk at Alameda, where we have had the Silk Cut Lounge at the airport, where we have had the Government Hostel at Devil's Tower Road and so on, but we are talking about a unique historical thing when once it goes it is gone forever, if you understand what I mean. Therefore, I think that since it is a matter of public interest that there should be a public announcement so that everybody knows where they stand.

HON A J CANEPA:

A public announcement before the Government takes a decision?

A public announcement that the Government is going to consider the matter and then take a decision? Is that what he is after?

HON M A FEETHAM:

That Government intends to make a direct allocation?

HON A J CANEPA:

The Government is prepared to consider making a direct allocation of this site under the criteria that it has accepted as a result of the Pitaluga Report but that doesn't mean that there is a project in respect of which decisions have reached the stage of a direct allocation. The matter is with the Land Board, the proposals that have been received have to be submitted to the Museum Committee because the area in question although very extensive is, in fact, listed as an ancient monument and the views of the Museum Committee have to be obtained. When those views have been received it is possible that the Land Board may recommend to the Government that the project is worthy of a direct allocation but we haven't reached that stage.

HON M A FEETHAM:

Is Government constituting any consultation process in the meantime with, for example, the History and Heritage Committee or is Government aware that the Friends of Gibraltar's Heritage are in the process of raising funds for a specific project in Gibraltar and they have, in fact, earmarked the tunnels and the Northern Defences as a possibility for that project?

HON A J CANEPA:

I will take a leaf out of the book of my colleague the Chief Minister and say there are two questions here, Mr Speaker. The first one is the History and Heritage Committee - which Committee is he referring to? Is the History and Heritage Committee a Committee that was established as a result of the Pitaluga Report, one of the Committees under the Tourist Consultative Board?

HON M A FEETHAM:

Yes.

HON A J CANEPA:

Then the answer to that is that if we consult the Museum

Committee we don't need to consult them, really, it is either one or the other and the proper Committee is the Museum Committee. As far as the Heritage people are concerned, I am aware that there is and, indeed, the Government is aware, that there is considerable interest from that group of people who are anxious to help Gibraltar in the Northern Defences. At the time when there was a meeting here in November, I had a meeting with one or two people who were here then who said that they were representing an interest, which I won't mention by name, but which has got a long-standing connection in the United Kingdom with projects of this nature and who indicated to me last November that they might be interested in submitting proposals. I told them what the state of play was, that a proposal had been received in April, 1986, and I urged them if they were interested in pursuing the matter to let me have their proposals as soon as possible and certainly not much later than next month or so because one cannot keep people waiting forever. As far as the Friends of Gibraltar as a group are concerned, they have not made any distinct proposals, any separate proposals and I don't think that they will either.

HON J E PILCHER:

Mr Speaker, if I can bring the Minister back to something he said about direct allocation. Obviously in my role of shadowing tourism, since the Pitaluga Report was really a Report geared towards tourism, am I not correct in assuming that when the Pitaluga Report spoke of direct allocation he was really referring to direct allocation in areas where there was a question of urgency, where a building had to go up and people had to spend money?

HON A J CANEPA:

No. The intention was direct allocations for projects that were touristically orientated and where the whole idea was new, a new idea that someone had conceived. The intention was to encourage people who came forward with original ideas with intentions to invest in a particular project and to consider a direct allocation in respect of that project because to go out to tender could mean that other people could then poach on this novel idea in the tendering process. That is the philosophy, as I understand it, behind the recommendations in the Pitaluga Report.

HON J E PILCHER:

I accept the philosophy but I think that Mr Pitaluga, in essence, and at least we understand it this way on this side

of the House, was talking about minor touristic projects, not a project of the immensity of the allocation of all the Northern Defences which is a major asset belonging to the Gibraltar Government.

HON A J CANEPA:

But although this area, Mr Speaker, is extensive it has got very little development potential. There is not a great deal that you can do by way of development in that area, more so because it is a listed monument and therefore there is a lot of development that would not be allowed. What can be done is to provide within the tunnel and the Northern Defences something of a historical nature but in terms of development it would be minor scale.

HON J E PILCHER:

We have been waiting very long for MOD to release prime sites. The tunnels.....

MR SPEAKER:

No, with respect, we are now debating, we are not asking questions.

HON J BOSSANO:

Mr Speaker, but doesn't the Government accept that if it has an area or an asset which is unique, then there is nothing to stop the Government making a public announcement to the effect that anybody who has got some imaginative ideas about making use of the place should submit them and then everybody knows that the thing is up for grabs but if the Government gives it to the first person who comes along with the first idea then surely the Government is not in a position to be sure that it is giving it to the best potential concept and once they take a decision and once it is used for one thing however many brilliant concepts come up it is lost forever. Doesn't the Government accept that that is different in terms of direct allocation to giving a piece of land by direct allocation for somebody to put a restaurant or a kiosk or whatever?

HON A J CANEPA:

Perhaps it would also help if I were to say that if it were to be approved the grant would be subject to a licence agreement only, there is no question of giving a long lease in respect of this site, we are not going to alienate that for 99 years and naturally there would be a formula to share the income,

royalties would be derived for the Government. But this site is not being treated in the way that, for instance, Princess Caroline's would have been treated which would have been the subject of a 99 or 150 year lease because you can have substantial development there. But as far as this site is concerned, I am not going to say that I am getting tired about the number of people who come through my office and talk to me about this, but since the frontier opened six or seven people have come to my office to talk to me about the Northern Defences but only two now, a second proposal was received about a month ago, only two have actually got around to sending in any definite proposals and so the first serious proposals that were received in April, 1986, were, I think, worthy of consideration.

HON M A FEETHAM:

Will the Minister confirm, in fact, as a matter of information, that this will not include the World War II tunnels and that this will be a separate item altogether?

HON A J CANEPA:

The Northern Defences is one thing and the World War II tunnels is another.

HON J E PILCHER:

Mr Speaker, if I may, how do people get to know that the site is available? If the Government doesn't say it is the intention to have that piece of land open for people to put in ideas or tenders, how do people know that that place is up for grabs?

HON A J CANEPA:

Mr Speaker, people get to know sometimes that a site is available because the Government invites proposals before reaching a tendering stage but people also come to Gibraltar with ideas and they look around and they see something which is of interest to them and something which they feel that they can invest in and they then make an approach. It is that kind of interest that we also want to foster.

HON J E PILCHER:

Mr Speaker, I am asking questions because I think it is a supplementary arising from the answer that the Minister has given. The Opposition of Gibraltar only found out about the Northern Defences a few weeks ago and we are.....

HON CHIEF MINISTER:

It has been there for 200 years.

HON J E PILCHER:

Yes, we accept that it has been there for 200 years but it didn't belong to the Government of Gibraltar for 200 years, in fact, in April, 1986, we didn't think it belonged to the Government of Gibraltar.

MR SPEAKER:

What is your question.

HON J E PILCHER:

My question is, does the Government not agree that this form of direct allocation should not be used for major projects like this one?

HON A J CANEPA:

I think it is very difficult to say what is a major project. A major project can be one in which you invest £10m, £15m or £20m like, say, at Queensway, and I don't know that a major project is another one in which the investment is £200,000 or £150,000 or £250,000, where do we draw the line? I think the Government has a duty to exercise its judgement on the matter. If a number of people approach the Government at the same time with proposals then obviously tendering is the ideal situation but if an original proposal is received and it meets the criteria of the policy which the Government had accepted it cannot turn round to people and say: 'Sorry, when on such and such a date' - and I think it must have been in October, 1985, when the Pitaluga proposals came out and the Government issued a press release informing the public of the policy that it was going to follow with direct allocation, I don't think you can do a turn-about a few months later when you receive a definite proposal and say: 'No, sorry, this is out of the question'.

HON J BOSSANO:

Mr Speaker, can I ask the Minister, when were the Northern Defences passed over to the Government of Gibraltar?

HON H J ZAMMITT:

Mr Speaker, I am astonished because the Hon Member opposite should know that the Duke of Wellington cleaned it up for the Government of Gibraltar and the Duke of Wellington's have been replaced by the Queen's Regiment that have now left so it must be three years ago, I don't know how they came to know six months ago, quite honestly.

HON J BOSSANO:

So what we are talking about is the outside of the place which was cleaned up by the.....

HON H J ZAMMITT:

No, I am talking of the Northern Defences, Mr Speaker. The Members are confusing the Northern Defences with the Princess Lines which are the tunnels below it.

HON J BOSSANO:

Whatever the label is, Mr Speaker, the place that the Government is proposing to give by direct allocation, when did that become Government property?

HON A J CANEPA:

After the clean-up project of the Duke of Wellington's about two and a half or three years ago.

HON J BOSSANO:

And in all that time that the Government has had it in its possession it has never thought it necessary throughout that period to come out with an announcement saying: 'The Government would be interested in any proposals to develop this site on the basis that it retains its preserved historical nature'?

HON A J CANEPA:

The Government hasn't felt that it was necessary to make a public statement of the fact because there were a number of people coming and talking to the Government about it, showing an interest in the project. It generated a lot of interest and there were a lot of people coming to one talking about it and the Government was expecting proposals sooner or later. It isn't as if it is the kind of project that there is going to be a queue of people because it is a rather specialist project, I have

not mentioned publicly - in fact, I don't mind mentioning it now - some of the people that have shown interest in this are Madame Tussaud, they have got big projects in Warwick Castle, in Windsor Castle, this is not as big as that we only wish it were, but it is that kind of rather specialist interest so where you have enough people evincing an interest in the kind of project that you want to see, in your judgement you don't feel that you need to invite tenders because it isn't as if the usual developers that tender for projects within Gibraltar are going to be in a position to do so.

MR SPEAKER:

I think we have gone as far as we can go on this matter. Next question.

NO. 61 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the kitchen area of the Government Hostel at Devil's Tower Road was granted by direct allocation for the purpose of operating a Restaurant and, if so to whom and under what conditions?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. The restaurant and kitchen area of the Government Hostel at Devil's Tower Road were granted by direct allocation for the purpose of setting up a fast food service for tourists.

The allocation was made to North Catering Ltd, a subsidiary Company of L Peralta and Co Ltd for a term of 21 years at a monthly rent of £500 for the first five years, with rent reviews at five yearly intervals thereafter.

SUPPLEMENTARY TO QUESTION NO. 61 OF 1987.

HON M A FEETHAM:

Can the Minister confirm whether there has been a change of hands in the company running the restaurant?

HON A J CANEPA:

No.

MR SPEAKER: .

You cannot confirm or there hasn't been a change?

HON A J CANEPA:

I cannot confirm that there has been a change. I think I have been asked 'Can the Minister confirm whether.....', I take that to mean that he thinks that there has been, I say I cannot confirm that there has been.

MR SPEAKER:

I wanted to be clear because later on there might be a misunderstanding.

HON J BOSSANO:

Mr Speaker, the Minister is not aware of any intended demolition and development of that area and, in fact, if that were intended it would have to come back to the Government?

HON A J CANEPA:

It would have to come back to the Government because the user clause is for the specific purpose of providing reasonably low cost food to visitors and residents of the Hostel.

MR SPEAKER:

Next question.

NO. 62 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the area of Epram Cottage is a Crown leasehold?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. Epram Cottage is a Crown Property.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1987

HON M A FEETHAM:

Could the Minister give an indication of what were the original conditions of the lease?

HON A J CANEPA:

I think that it was leased for a term which expired on the 30th June, 1985, I know that to be a fact, and it was for residential purposes with the normal conditions about the up-keep and maintenance of the property.

HON M A FEETHAM:

So what the Minister is saying is, in fact, that the lease has been re-negotiated based, presumably, on the original conditions or is it going to be revert to Government?

HON A J CANEPA:

It doesn't revert back to the Government, if the lessees wish to renew the lease I think that they can do so under the terms of the Landlord and Tenant Ordinance and under the terms of the lease there is probably a clause also prescribing what the arrangements would be for renewal.

MR SPEAKER:

Next question.

NO. 63 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state whether the City Plan is now complete?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The first draft of a revised planning scheme, otherwise known as the City Plan, has now been produced and the Development and Planning Commission has already held preliminary discussions on the proposals. The target date for exhibiting the scheme for public inspection is July/August 1987.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1987

HON J BOSSANO:

That gives us a good indicator of the General Election, Mr Speaker.

HON A J CANEPA:

No, because the City Plan should have been renewed before the last General Election.

MR SPEAKER:

Next question.

NO. 64 OF 1987THE HON J L BALDACHINO

Can Government confirm that tenants in Rosia Dale, who indicate an interest in purchasing their flats, have been told recently that prices would be increased if they do not definitely commit themselves to buy?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. Those interested in purchasing have been sent draft leases for their approval with a view to finalising the sale.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1987

HON J BOSSANO:

Is there a time limit within which they have to make up their minds one way or the other?

HON A J CANEPA:

For those who have not yet declared an interest the position is that they have been told that the Government is proceeding to conclude the sale with those intending to purchase providing, naturally, that more than 50% are interested and the offer continues open to all the tenants of the Estate, in other words, to those who haven't yet replied or those who have said no, if they wish to change their mind, for so long as they remain tenants of Rosia Dale but I am afraid that in that case they can hardly expect that the purchase price which is currently on offer to those who have said yes is going to remain frozen forever.

HON J BOSSANO:

Not forever but, Mr Speaker, isn't the purchase price related to the rent?

HON A J CANEPA:

Precisely, for as long as there is no increase in rent the purchase price to those who may become interested in the future would be maintained but after there were to be an increase in rents then, naturally, the price would have to be reviewed for those who have not yet indicated an interest.

HON J L BALDACHINO:

Mr Speaker, those who have shown an interest to buy, if there is a rent increase will the price of the flat go up? Can the Hon Member then confirm that he still stands by the commitment that he gave me in the House in a previous question?

HON A J CANEPA:

If there were to be a rent increase later on this year - which obviously there isn't - then for those people who have already indicated an interest in buying the price will be maintained notwithstanding any rent increase.

MR SPEAKER:

Next question.

NO. 65 OF 1987

ORAL

THE HON M A FEETHAM

Will Government state how many ships were registered and how many officers and crew members were employed on the 31st December, 1986, and how do they compare with the figures for 1984 and 1985?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, there were 113 ships registered at Gibraltar on 31st December, 1986. On 31st December 1985, 70 ships were on the register and in 1984, 43..

There are no requirements in the process of registry to keep a record of crew members employed. These would in any case vary from time to time according to operational requirements. However, once Marine Administration develops, it may be possible to keep these records.

SUPPLEMENTARY TO QUESTION NO. 65 OF 1987

HON J BOSSANO:

Mr Speaker, is the situation then that as far as the 113 ships registered now it doesn't make any difference how undermanned they are with the consequences for the safety of the ship because the Government of Gibraltar has got no control over manning levels?

HON A J CANEPA:

No, Mr Speaker. The position is different to the UK in that what we do not have is a crew manning scale which they have in the UK but we are working towards the international conventions, we want to have them extended to Gibraltar and one of these conventions is the international conventions of standards of training, certification and watch-keeping for seafarers of 1978. Once this convention is extended to Gibraltar, naturally we will abide by it and we hope to be able, as I say, to monitor the situation in respect of crew manning and we would want the necessary standards to be maintained. But at the time when a ship is registered it may be on the home trade, it may be on foreign trade, it may be laid up and therefore there is no need or no requirement, indeed, for crew numbers to be given.

HON J BOSSANO:

Mr Speaker, does the current Merchant Shipping Ordinance not require for members of the crew that are taken on to be notified to the Captain of the Port?

HON A J CANEPA:

I am informed that that is not the case.

HON J BOSSANO:

But, in fact, if it were the case then would the Minister not agree that steps must be taken to enforce the law if one can demonstrate that that is in the existing Ordinance?

HON A J CANEPA:

Yes, indeed. If it is a legal requirement that that should be the case then I think we ought to comply with the law.

HON J BOSSANO:

The Minister accepts that in the amendment that he is bringing to the House he is not adding that to the law?

HON A J CANEPA:

No.

HON J BOSSANO:

So, in fact, what he is saying is he believes it doesn't exist in the law, he believes we ought to enforce it if it were in the law and he has no intentions of putting it in the law if it isn't there?

HON A J CANEPA:

Not for the moment. What we intend to do is as our Marine Administration develops and we are able to expand the administration, we think that we might be able to take on this extra work and we think that we will be able to do it under the relevant convention that I have mentioned.

HON J BOSSANO:

So, in fact, does the Captain of the Port, Mr Speaker, keep crew lists currently or not?

HON A J CANEPA:

He doesn't have full crew lists, no.

HON J BOSSANO:

Does he have copies of the articles upon which seafarers are engaged?

HON A J CANEPA:

He should have.

HON J BOSSANO:

Doesn't the article have the name and address of the person and the capacity in which he is engaged?

HON A J CANEPA:

Not of all the members of the crew, I don't think.

HON J BOSSANO:

Doesn't the Hon Member know that under the Merchant Shipping Acts of the United Kingdom each individual seafarer is required to sign articles and that that provision in the United Kingdom legislation is ipso facto adopted by the Merchant Shipping Ordinance of Gibraltar which I believe it is under Clause 22 says that any clause in the Merchant Shipping Acts of the United Kingdom which is not specifically mentioned in the Merchant Shipping Ordinance of Gibraltar, applies in Gibraltar?

HON A J CANEPA:

I think that that is for officers only.

HON J BOSSANO:

Mr Speaker, there is a provision that says that the Master of a ship must be certificated and must be of British nationality but what I am talking about is the requirements in the United Kingdom legislation which the Government has said: "We, in Gibraltar, have all the same requirements as in the United Kingdom".

HON A J CANEPA:

The information such as I have here with me indicates that

that is only in respect to the officers.

MR SPEAKER:

It would appear that the information is not readily available.

HON A J CANEPA:

I think I would require separate notice of that, Mr Speaker.

HON J BOSSANO:

Mr Speaker, I am asking about legislation that has been around since 1894, plenty of time for the AACR to have done it, since 1894.

HON R MOR:

Despite everything that the Hon Member has said, isn't there a requirement in the laws of Gibraltar that persons employed in ships registered in Gibraltar are required to pay social insurance?

HON A J CANEPA:

That is not absolutely clear, Mr Speaker, and I am not willing to get myself involved in a discussion at this stage under the guise of this question about the law regarding the payment of insurance. The matter I know is being carefully looked at by the Director of Labour and Social Security and we are taking advice and I am not prepared to go beyond that.

HON J BOSSANO:

Mr Speaker, didn't the Hon Member give an undertaking in this House that the Labour Department were going to take steps in 1985 to approach owners of vessels registered in Gibraltar with a view to informing them of the requirement to cover their employees for social insurance and was that undertaking fulfilled which he gave us two years ago?

HON A J CANEPA:

The Labour Department, Mr Speaker, have not as yet been able to satisfactorily clear the matter up and I am familiar with the steps that are currently being taken in order to clear the matter up, in order to get to the root of the matter. They have not been able to go to the root of the matter yet in spite of consultations with the relevant Government Departments in the United Kingdom.

HON J BOSSANO:

Mr Speaker, has the Member not confirmed here, the Government has confirmed in this House that under the law of Gibraltar the position is perfectly clear. If it isn't would the Hon and Learned Attorney-General tell us because we have looked at the law and we think it is explicitly stated, there is no possibility of doubt about what our law says.

HON A J CANEPA:

There is, Mr Speaker, doubt as to whether seafarers are required to pay just employment injuries insurance or additionally social insurance as well. That has not been resolved unless the Attorney-General has some information on the matter.

HON ATTORNEY-GENERAL:

I am prepared to look into this, Mr Speaker.

HON J BOSSANO:

Mr Speaker, we have been asking the Government to look into this for two years and they have told us already. Is the Hon Member then saying that the undertaking he gave the Opposition in 1985 that he would ask the Labour Department not to investigate, the undertaking he gave which is on record in Hansard was that the Labour Department would approach the employers as specified in the law informing them of the requirement. Has that been done? Has an approach been made to the employers?

HON A J CANEPA:

That I don't know. What I do know is that shortly afterwards, because I think that was in March last year, there were officials here from the Department of Transport, they were asked by the Labour Department for information as to how in the United Kingdom they went about collecting the contributions but that information has not been received and therefore the Labour Department is taking further steps on the matter.

HON J BOSSANO:

Mr Speaker, I am not asking the Hon Member that question, I am not asking him about whether he has had a reply from the United Kingdom. What I am asking him is has the undertaking he gave me in this House which was and is on record and he can go back and check it for himself, that the Labour Department would approach the employers, has that happened or not?

HON A J CANEPA:

I don't know definitely but it may well have been. It probably has happened because I know that I have received representations from ship agents about the disincentive that that will have on ship owners wishing to register ships in Gibraltar. So if I have received representations from some ship agents in that respect, I think it is as a result of the Labour Department having intimated to ship owners that contributions were required. I also know that there has been some correspondence where ship owners have alleged that they are covered either elsewhere in another country or that they run their own private insurance schemes and that they are therefore adequately covered but I am talking about a Department of which I am not its political head and therefore I am not in daily contact with them.

HON J BOSSANO:

I accept that, Mr Speaker, and in fact the Hon Member answered me along those lines when he gave the commitment and he said that it wasn't his Department but that he would pass it on and that he wasn't here to be on top of the Department on a day-to-day basis, those were his words at that time. Could I ask the Minister for Labour.....

HON A J CANEPA:

No, I can answer him because I had a meeting with the Minister for Labour and the Director of Labour a week ago and all the information that I am passing over is as a result of that meeting.

HON J BOSSANO:

Mr Speaker, a week ago was when he gave notice of this question.

HON A J CANEPA:

No, in fact, I will take out my diary and I will show the Hon Member exactly the date on which it was.

MR SPEAKER:

Order, in any event, I have been very liberal but it does not arise from the question.

HON J BOSSANO:

Mr Speaker, I beg your pardon, if we have a question that says how many people are employed on ships and the law of Gibraltar says that people who are employed on ships pay social insurance, I would be grateful if you can explain to me how it doesn't arise from the question if we then ask.....

MR SPEAKER:

With respect, I am telling you it doesn't and in my judgement it doesn't and that is why I am telling you.

HON J BOSSANO:

Mr Speaker, and I am saying that since you are not infallible, I think we can accept that you are not infallible.

MR SPEAKER:

With resepct, will you please sit down. I may not be infallible but I am the man who sits here and who has to exercise his judgement and his discretion and I have exercised it.

HON J BOSSANO:

Yes, Mr Speaker, and I am saying that in exercising that discretion which I think you use very, very frequently to stop us asking questions, I would like you to explain to me why the Opposition is not within its rights.....

MR SPEAKER:

Order, I will not accept an imputation that I have called you to order for the purposes of not enabling you to ask questions. That is an imputation which I take objection to.

HON A J CANEPA:

Mr Speaker, my meeting with the Director and the Minister was on the 30th January, well before the Opposition asked the question.

HON J BOSSANO:

I can carry on asking I take it, Mr Speaker?

MR SPEAKER:

Most certainly.

HON J BOSSANO:

Thank you very much. Can I ask the Hon Member between the time that he gave me the undertaking in this House that the matter was going to be pursued by the Labour Department and the date that he has just given me, what has happened between those two dates?

HON A J CANEPA:

What has happened is that the Department has been trying to first of all, clear up without any doubt whether seafarers have got to pay employment injuries and/or social insurance as well. Secondly, how they go about in the United Kingdom, how they go about collecting contributions. Thirdly, what is the position of crew members who are EEC nationals and do they pay social insurance in another country or don't they. Not having had satisfactory answers to these matters, we held this meeting on the 30th January and the intention now is to send a senior officer of the Department to the DHSS in London in order to try to get the information which we are not getting.

MR SPEAKER:

Next question.

NO. 66 OF 1987

ORAL

THE HON M A FEETHAM

Has Government received any representations from users of small boats berthed at the Camber who have been adversely affected by regulations recently introduced by Government?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. Written and verbal representations have been received by the Captain of the Port from Camber users who have been adversely affected by regulations recently introduced by Government.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1987

HON M A FEETHAM:

Can the Minister give any indication of the numbers involved since the regulations affect other people as well?

HON A J CANEPA:

A survey that has been carried out by the Port Department of the vessels in the Camber indicates that there are five bona fide pleasure craft with petrol engines of over 200 brake horsepower and they are therefore affected by the regulations and it is, in fact, from the owners of some of these that representations have been received.

MR SPEAKER:

Next question.

NO. 67 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that it is the policy of the Tourist Office not to bring to Gibraltar any outside experts and will this policy apply to any other areas of Governmental responsibility?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the question of bringing outside experts to Gibraltar to advise or assist the Tourist Office or any other Government Department is a matter to be judged in the light of the particular circumstances prevailing at the time.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1987

HON J E PILCHER:

Mr Speaker, I accept the answer but the question is geared towards a statement made by the Director of Tourism when he took over the job when he said in the Gibraltar Chronicle, he was talking about an overall plan for tourism and he said that it would be done 'not by bringing outside experts in, we have had enough of those'. So I take it that the policy of the Tourist Office as said by the Director of Tourism is that no more outside experts will be brought in.

HON CHIEF MINISTER:

He was expressing his own view on taking over and presumably he will be quite alive to try and avoid the necessity of bringing experts for the Tourist Office. The question had a wider implication.

HON J E PILCHER:

But it is not therefore the policy of the Tourist Office as expounded by the Director of Tourism?

HON CHIEF MINISTER:

It is not a policy for all time, he was explaining the position as he saw it on taking over.

MR SPEAKER:

Next question.

NO. 68 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that GSL have now received assurances of financial support?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I will be dealing with this question in a statement which I have given due notice which I will be making on GSL's funding requirements later on in the proceedings of this House.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1987

HON J E PILCHER:

Mr Speaker, I accept that a statement will be made but obviously I am not in a position to question or ask supplementaries on a statement.

MR SPEAKER:

May I explain perhaps at this time so that you can take a decision as to how you want to proceed. The position is that you have an opportunity now to ask questions if they wish to be answered. You will have an opportunity to ask questions for the purposes exclusively of clarification when the statement is made but most certainly you will also have a better opportunity to seek whatever information you wish to obtain from the Government when the Appropriation Bill is debated.

HON J E PILCHER:

I accept that but what I don't want to happen is that I am then called out of order because this question is.....

MR SPEAKER:

No, it is not out of order and it is right that you should ask a question now to enable you to have information later on.

HON J E PILCHER:

Mr Speaker, I prefer the question to be answered now.

MR SPEAKER:

If the Government wants to answer it.

HON CHIEF MINISTER:

The answer is that I am making a statement in a few minutes time.

HON J BOSSANO:

The Hon and Learned Chief Minister says that the statement will contain the answer to the question, is that what he is saying?

HON CHIEF MINISTER:

Well, it contains a lot more.

HON J BOSSANO:

But it will include the answer to the question?

HON CHIEF MINISTER:

Of course, otherwise I wouldn't have given that answer.

HON J E PILCHER:

He will accept that I can also question the fact why the accounts haven't been brought to the House which is subject to financial assurances by a third party to the Auditors and that is why the accounts.....

HON CHIEF MINISTER:

I think he may get the answer before you hear it.

MR SPEAKER:

Next question.

NO. 69 OF 1987

ORAL

THE HON J E PILCHER

Can Government state when the Price Waterhouse Report will be completed and in their possession?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government has now received the final draft of the Report. An abridged version, which will update the latest financial projections, is being prepared and should be ready for publication by the end of this month.

NO. 70 OF 1987

ORAL

THE HON R MOR

Can Government state what progress has been made by the Joint Study Group set up to look at the problem of meeting the cost of Spanish pensions beyond 1988?

ANSWERTHE HON THE CHIEF MINISTER

Sir, the Joint Study Group have had a number of meetings of an exploratory nature and various matters are being examined. It would not be normal practice for me to say more at this stage about the proceedings of an inter-governmental working group which are confidential, but there is in fact nothing for me to report. I will inform the House of any conclusions or recommendations at the appropriate time.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1987

HON R MOR: -

Mr Speaker, when I last asked a similar question the Hon Member said that he would expect that well before 1988 a solution would be found. Does he still maintain that that is so?

HON CHIEF MINISTER:

I am still hopeful on that.

MR SPEAKER:

Next question.

NO. 71 OF 1987

ORAL

THE HON J BOSSANO

Is it Government's intention to produce a supplement to the Register of Electors prior to the holding of the next General Election?

ANSWERTHE HON THE CHIEF MINISTER

The Elections Ordinance (now the House of Assembly Ordinance) was amended in December 1984, to provide for the preparation of the Register in 1986 instead of 1985 as was due as the law stood before this amendment.

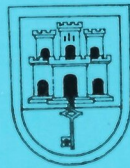
The purpose of the amendment was therefore to allow for the publication of a more up-to-date Register nearer the general election otherwise a new Register would have had to be published in 1985.

The current Register of Electors was accordingly published on the 1st August 1986, and includes persons who will attain the age of 18 years up to the 31st March 1988. It is therefore quite up-to-date.

In the circumstances that I have described, Government sees no reason to produce a new supplement to the Register before the General Election. However, matters of this nature are normally dealt with on a consensus basis and the Government is prepared to consider any suggestions from the Opposition. I would add that I have only recently received representations in this respect from a former member of the House of Assembly which are being investigated.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

24TH MARCH, 1987

NO. 72 TO NO. 146

NO. 72 OF 1987

ORAL

THE HON J E PILCHER

Does Government now accept that the initial A & P Appledore proposals were over-optimistic in order to obtain the contract to manage Gibrepair?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. In making comparisons between the projections in the initial A & P Appledore proposals and subsequent developments it is important to take account of the changing circumstances between the time of the original submission and the commencement of commercial operations and, indeed, subsequently.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1987

HON J E PILCHER:

Mr Speaker; with hindsight, have not certain of the assumptions made in the original proposals never been realised?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is true, Mr Speaker. With the benefit of hindsight I think one could endorse the view which was taken by Price Waterhouse in their Report that certain of the assumptions made in the original proposals have not been realised.

HON J E PILCHER:

In doing so, Mr Speaker, does not the Government accept that Price Waterhouse said that it was a tender document which, by force, had to be competitive and therefore did not address themselves to a lot of areas; projected sales, wages increases, general inflation, time-scale, overheads, does not the Government accept that at that time they were over-optimistic in all these assumptions?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Government, obviously, has noted what Price Waterhouse has said and the Hon Member has quoted fairly accurately, I think, from the Report on this particular point. I think I would merely add that he has chosen one particular extract and that in a neighbouring paragraph Price Waterhouse, while they said, he has quoted them accurately on one account, on the

other they said that in general the proposal appears to have been based on reasonable assumptions given APA's knowledge of the world shiprepair market at the time and information made available to them together with the problems of access to the site when trying to formulate a capital expenditure plan. I think it is important to preserve a certain balance, Mr Speaker, in assessing the situation, I think Price Waterhouse have made a balanced report and, indeed, their comments on that particular issue were balanced. The Government has noted that.

HON J E PILCHER:

So, Mr Speaker, the Government do not believe that A & P Appledore were over-optimistic but rather that it was the circumstances that has led to all these series of proposals not having been realised?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the Hon Member's question was: Did Government accept that the initial proposals were over-optimistic in order to obtain the contract to manage Gibrepair? I think in the last resort this is a matter of judgement, Price Waterhouse have made the very reasonable comment that they wouldn't expect any proposal to be pessimistic if it was intending to win the contract, obviously one cannot compare the circumstances of the other competitors at the time because they didn't get the contract but they might have suffered similarly in the event.

HON J E PILCHER:

Mr Speaker, were not all these areas of the A & P Appledore proposals the reason why A & P Appledore got the contract?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have really nothing more to add on this question, Mr Speaker, I think I have explained the position very clearly.

HON J BOSSANO:

Mr Speaker, does in fact the Government not consider that the argument that is being used now that circumstances have changed seems to be negated by the fact the independent consultant which they engaged made similar observations in the report at the time which still today is secret and would the Government, in the circumstances, not agree now that it is no longer possible to argue that it can affect the commercial viability of the yard to make that report public?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, the Government received advice from various sources at the time, Mr Speaker. I think that the position now is that we have to consider a situation, the Price Waterhouse Report is an analysis of the circumstances of today and I don't think it would be particularly fruitful to go back to the period of 1982/83 when, of course, conditions were entirely different in Gibraltar and the economy was in a different state and, indeed, what we are contemplating is an entirely different scenario for the future of the economy.

HON J BOSSANO:

Mr Speaker, I am referring to a specific report, the one financed by the people of Gibraltar out of local money. Does the Government not accept that the criticism of the assumptions made by A & P Appledore in their submission which was made prior to the contract being granted are, in fact, fully vindicated by the Price Waterhouse analysis?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have nothing further to add, Mr Speaker, to what I have said.

HON J BOSSANO:

Does the Government therefore say that they do not wish to publish the report now even three years after the event because that will prove that the case put at that time was accurate and that the Government made a mistake in granting the contract?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the Government has commissioned the Price Waterhouse Report and has made available the findings of the Price Waterhouse Report which are, I think, one would generally accept, a fairly thorough analysis of the circumstances in which the dockyard project report and, indeed, has been implemented, operated since its inception, the Government doesn't propose to publish anything else.

HON J BOSSANO:

Mr Speaker, if the Price Waterhouse Report which is now being published shows that the Government had information available to it prior to granting the contract which it refuses to make public because it shows that they made a mistake in granting

the contract, what is the justification for the Government withholding that information from the people of Gibraltar who footed the bill?

MR SPEAKER:

Next question.

NO. 73 OF 1987

ORAL

THE HON J E PILCHER

Can Government state in the light of recent accidents at Gibrepar, what safety training is being implemented?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I am informed by the Company that safety training to date has concentrated in three main areas. Firstly, Safety Officers have undergone specialised training in the UK, as well as locally, in safety management aspects, gas free working etc. Secondly, safety operatives have received on-the-job training from the Safety Officers and have undergone formal training with the City Fire Brigade in fire fighting, the use of breathing apparatus and first aid. Thirdly, apprentices spend short periods of attachment with the Safety Department to increase their awareness of safe working practices.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1987

HON J E PILCHER:

Mr Speaker, is the Hon Minister for Labour and Social Security not able to, perhaps, compound the answer by giving us what he promised he would check for us which was the levels of industrial injuries, in the last House? And following from the answer, Price Waterhouse again said that there was at the time of the review very little formal safety training. Obviously, it follows that because there is very little safety training there are a lot of industrial injuries and this was the line of questioning in the last House which the Hon Minister for Labour and Social Security promised to look and check for us. I think if there is a relation between the safety training and the industrial injuries and what we claim was very high industrial injuries for the dockyard.

HON CHIEF MINISTER:

Mr Speaker, in the absence of the Minister for Labour and Social Security.

MR SPEAKER:

He is just coming in.

HON CHIEF MINISTER:

I was going to say that he would answer later.

HON DR R G VALARINO:

Could the Hon Member repeat the question, please?

HON J E PILCHER:

Mr Speaker, the Minister promised in the last House that he would check

reference the number of industrial injuries at Gibrepair and our insistence that the rate of injuries, the incident rate which is calculated at injuries per thousand employees, was particularly high according to our information for Gibrepair. The Minister promised he would check that up and that is the reason for the follow-up on the question of safety training because we think they are inter-related. If there is no safety training and according to Price Waterhouse at the time of the review there was very little safety training, this can obviously compound a number of industrial accidents at the yard.

HON DR R G VALARINO:

Mr Speaker, yes, he is right, he did ask me to provide him with a breakdown of the figure but unfortunately though I gave this matter to the Department as I was not reminded before the House by the Hon Member, I haven't got any facts and figures with me. What I intend to do, if the Hon Member agrees is that I will get back to the Department and as soon as I can I will bring the necessary information to the Hon Member.

HON J E PILCHER:

I accept that, Mr Speaker, but with the exception that following the answer given by the Financial and Development Secretary, the Government is therefore happy that formal safety training is now being given because this was one of the comments made by Price Waterhouse.

MR SPEAKER:

Next question.

24 3 87

NO. 74 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what measures are being taken by Gibraltar Shiprepair Limited to train local managers in order that they may take over from the expatriate managers?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I understand that the majority of local managers are currently being trained 'on-the-job'. A number of these managers will shortly be sent on management courses. It is planned to reduce the number of expatriate managers to around 20 during 1987, that is, to almost half the level prevailing up to the middle of last year.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1987

HON J E PILCHER:

Is the Government now aware, Mr Speaker, that certain extensions have been granted to expatriate managers in the yard and that the reason given for this has been that the local managers are not yet trained up to a satisfactory standard and that we are now nearly two years into the operation and that very little seems to be happening on the ground to train the local managers for them to take over from expatriate managers and what certainly needs to be looked into is the fact that we are going to have at GSL the same situation that we have within the MOD Departments on the question of localisation? Is the Government not aware that there have been already various extensions granted and the reason given has been that the managers are not trained?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have given the company's proposals for the reduction of expatriate managers during the forthcoming twelve months, Mr Speaker, and more reductions are planned for 1988. I would suggest that, again, rather than ask the Government if it is aware the Opposition might note what the future programme for the company is in respect of the reduction of expatriate managers. There may be some delay in the anticipated replacement but they have now given quite clear indications of what their future programme would be.

HON J E PILCHER:

Mr Speaker, the Opposition note what the Financial and Development Secretary is saying. When the Opposition bring a question to the House of Assembly it brings a question to the House because it wants a political answer from what we consider are the owners of the yard. A & P Appledore's proposals in the main, and I think one of the things highlighted at the time was the amount of local training and the reason that within a certain number of years the local managers were going to take over.

MR SPEAKER:

With respect, we are beginning to argue. I think you have had an answer to that question.

HON J E PILCHER:

What I am saying, Mr Speaker, as a follow-up to what the Financial and Development Secretary has said, is that I am not asking the company, I am asking the political wing of the Government whether they are happy with that programme.

MR SPEAKER:

Next question.

24 3 87

NO. 75 OF 1987

ORAL

THE HON J E PILCHER

Can Government state when in 1985 work on No. 1 Dock was completed and how many ships requiring Panamac size Docks were repaired in No.1 Dock in 1985 and what was the value of the work?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, work on No.1 Dock was completed in October 1985. Three vessels were repaired in No.1 Dock. The value of the work totalled £1.83m.

NO. 76 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how much money was paid to sub-contractors by Gibraltar Shiprepair Limited in 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the total amount paid by GSL to subcontractors was approximately £1.75m.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1987

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member whether this paid for labour only or does it involve a mixture of labour of the sub-contractors or sub-contractors being paid to do a job for a particular price?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not know, Mr Speaker. Obviously this information came from the company and in the light of the Hon Member's further query I undertake to pass this on and see if the company will vouchsafe the information. Unless this is in commercial in confidence I see no reason why they shouldn't.

MR SPEAKER:

Next question.

NO. 77 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how much was paid by Gibraltar Shiprepair Limited to A & P Appledore Limited for additional services in 1985?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I assume that the Honourable Member is referring to the additional services listed in paragraph 9 of the Principal Auditor's report to the 1985 GSL Accounts; that is, work in connection with the computer systems, design of the slop barge and project engineering. Total payments for these services in 1985 were £412,500.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1987

HON J E PILCHER:

Can the Government give me how much of that was actually in writing and delivery of the computer software and the installation and implementation of the computer equipment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker. The amount was £150,000.

HON J E PILCHER:

Mr Speaker, given the inefficiency of the computer system and given the fact that even, according to Price Waterhouse, the breakdowns and general disruptions to the normal working week have resulted in financial information not being available, on the one hand, and a lot of expenses incurred by GSL on overtime, etc in order to try and correct the fault of the equipment, is the Government not going to try and get back that money from A & P Appledore.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is, of course, a matter for the Board of the company to take up as they see fit.

HON J E PILCHER:

Mr Speaker, the question is, is the Government of Gibraltar happy that after having spent £150,000 in purchasing a computer for GSL from A & P Appledore. that does not work and that has cost the company perhaps in the region of £50,000-plus in order to try and make it work, is the Government satisfied that we should pay out that money and what steps are going to be taken to remedy that and get the money back?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As I have said, Mr Speaker, this is a matter for the Board of the company to take up and I would further add to that, that I know that the matter has been pursued by the Chairman with the managing agents, A & P Appledore, who were the providers of the service in question.

MR SPEAKER:

Next question.

NO. 78 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the productivity levels at Gibraltar Shiprepair Limited in 1985 reached the anticipated level?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, it is the view of the company that productivity targets were not achieved in 1985 but that there has been a substantial improvement in 1986, particularly during the latter half of the year following the improvement in industrial relations generally.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1987

HON J E PILCHER:

Mr Speaker, can the Financial and Development Secretary be a bit more explicit? By how much did the productivity levels not meet those anticipated by the company in 1985, was it 80%, 90%?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I think the Hon Member, if he has read his Price Waterhouse Report as diligently as I feel sure he has, will have noted that there is quite a substantial passage dealing with the question of productivity and I have no wish to hit my mere financial expertise, such as it is, against the greater experience in this area of Price Waterhouse and their professional consultants.

HON J BOSSANO:

Mr Speaker, is the Hon Member saying that the Price Waterhouse Report actually compares achieved productivity levels? Is he saying that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I don't think what I have said, Mr Speaker, can be construed in quite such an explicit fashion, I merely recommended to the Hon Mr Pilcher and to the Leader of the Opposition a reading of the Price Waterhouse Report which, as in so many other areas to do with the Gibraltar Shiprepair Limited, presents a fairly

balanced and careful analysis of the situation as regards productivity and other matters.

HON J BOSSANO:

Is the Financial and Development Secretary saying, Mr Speaker, that he doesn't know the answer to the question or that he refuses to provide it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think the Financial Secretary's responsibilities, as regards Gibrepair, were stated some time ago, I think it was the 12th December, 1984, and I certainly regard myself as being under an obligation to provide answers to questions raised by the Opposition on Gibrepair even when they are not specifically of a financial matter but I don't regard myself as being an expert or, indeed, as capable of doing more than provide the information requested. I am simply not in a position to go into details either on safety matters, productivity levels or other aspects of Gibrepair which lie outside the financial field.

HON J E PILCHER:

Mr Speaker, we have not asked the Hon Financial and Development Secretary. The fact that the Government of Gibraltar wish him to answer the questions is a matter for.....

MR SPEAKER:

No, the Hon Financial and Development Secretary is not saying that. The Hon Financial and Development Secretary is saying that he is answerable to this House insofar as Government responsibility is concerned. The day-to-day running of Gibrepair is not the responsibility of the Government, it is the responsibility of the Board of Directors of Gibraltar Shiprepair and to that extent he does not have to answer. To the extent that he may have information available which he may wish to make available to the House then, of course, he is answerable but not otherwise.

HON J BOSSANO:

Mr Speaker, the Opposition is not asking him or anybody else to tell us the day-to-day running of the yard. We are talking about something in 1985 and we are now in 1987 and what we are asking the Government is, since the Government accepted A & P Appledore's tender documents on assumptions about productivity levels and since the Government has been told by the managers

of the company that it owns that those productivity levels assumed by Appledore were not achieved in 1985, how close did Appledore . . . come to achieving the target? It is a perfectly simple and straightforward question, does the Government know the answer?

MR SPEAKER:

No, with respect, I think the Hon Financial and Development Secretary gave an answer as to the improvement of productivity from 1985 to 1986. What has been asked by the Hon Mr Pilcher is whether he can give percentage proportions and he has said he is not able to do so. That is what I understand.

HON J BOSSANO:

Let me, perhaps then put the question again if the Hon Member has not understood it. What we are asking is, if the Government has been informed by the managers it selected for its company that the assumed productivity level targetted for the first year of operation was not achieved in the first year of operation, how close did they come to achieving it - that is the answer we want - in 1985? If the company was projecting a certain level, is the company near it or are they very far from it and the reference to Price Waterhouse is a red herring because Price Waterhouse does not comment on that point.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think this is a matter for the company, either for the Chairman or the managing director to address themselves to, Mr Speaker, and I am not prepared to take responsibility as Financial Secretary for answering that sort of question.

HON J BOSSANO:

Does the Government know how close the company came?

HON CHIEF MINISTER:

I imagine we would know if we ask for the particulars.

HON J BOSSANO:

Mr Speaker, we are talking about 1985. Is the Chief Minister telling the House that in 1987 he doesn't know how close his managers in his company came to achieving the target on which they won the contract, is that the answer?

HON CHIEF MINISTER:

No, the answer is that there are many factors that could determine the reply to that which I think might not be conducive to start a discussion on but if the Members opposite attach so much importance to that, I will find out and inform the Members what it is if they attach such importance to it. It is a matter of emphasis in these matters, we try to reply, and the Financial Secretary tries to give reasonable answers in a general way. I think we are going much further in answering questions here on this matter than in Parliament in the United Kingdom they answer for nationalised industries.

MR SPEAKER:

Next question.

NO. 79 OF 1987

ORAL

THE HON J E PILCHER

Can Government give a breakdown of the Capital Expenditure Plan proposed by Price Waterhouse for Gibraltar Shiprepair Limited?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Price Waterhouse Capital Expenditure Plan proposed for GSL amounts to some £4m. The consultants only provided a detailed breakdown of this expenditure for 1987 totalling some £1.8m which consists of the following:

- (1) major capital items (mainly on the dock floors of No.2 and No.3 docks with some additional capital equipment) - £1.1m
- (2) machine tools to reduce breakdown maintenance - £0.5m
- (3) small tools/minor equipment - £0.2m

SUPPLEMENTARY TO QUESTION NO. 79 OF 1987

HON J E PILCHER:

Can we take it then, Mr Speaker, that the Capital Expenditure Plan only goes up to the end of 1987 because of the fact that only £2m were made available by the Gibraltar Government or that an intended £2m was going to be made available by the Gibraltar Government to Gibrepair?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I don't think it is quite as the Hon Member has suggested. First of all, I think one has to distinguish between the Price Waterhouse proposals and what the company itself might propose and, indeed, what it might think is necessary and what Price Waterhouse have proposed is not consistent in every respect with what the company feel is necessary. The company certainly has proposals for additional capital expenditure beyond 1987 in its own plans for the future, they don't correspond exactly with Price Waterhouse's own plans and the company has also, I think I am right in saying, made this point clear in public, if not I don't think I am betraying any commercial confidences in what I am now about to say. The company said that it would not envisage expenditure on the

scale which Price Waterhouse have suggested without further consideration and in its short-term plans, at any rate, it is contemplating expenditure which will produce a quick return in terms of payback or increased productivity. In other words, because of the shortage of funds it was decided to be more selective and, indeed, it has its own priorities for capital expenditure which is essential and necessary, desirable or optional.

HON J E PILCHER:

Mr Speaker, having heard all that there is one point and that is Price Waterhouse recommended an investment by the Government, obviously as part of the capital investment plan, of £5.6m. Has the Government taken this into account, have they arrived at any decision on the £5.6m or is it still in abeyance pending the Capital Expenditure Plan after 1987? I am talking about the Government's contribution according to Price Waterhouse of £5.6m.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think it would be right to say that the Government has put it in abeyance, the £5.6m was a figure which Price Waterhouse put in their Report. The Government is obviously not committed to accepting every recommendation in the Price Waterhouse Report neither, of course, is the company. The company does not necessarily have to endorse everything that Price Waterhouse has recommended. As far as the Government's own contribution to GSL's finances is concerned, I think it has been made clear by the Chief Minister that this is primarily in aid of working capital but also can be used for some capital expenditure purposes during the next twelve months, during 1987, and as far as the future is concerned, I think one can only say one will have to wait and see, optimistically, but one will have to wait and see.

HON J E PILCHER:

Mr Speaker, the Hon Financial and Development Secretary has a way of getting a simple question and taking it completely out of its context. I accept that the Government or the company are not necessarily committed to do what Price Waterhouse has said that they should do. What I am asking is, has a decision been taken on the £5.6m.....

MR SPEAKER:

No, I think the answer you have been given is that the decision

has been taken on the particular £2m which are being assigned this year and that a decision will be taken at a later stage as to whether to accept the recommendations, at least that is what I have understood.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, the question as put, Mr Speaker, indeed, as you have just put it: 'Has Government taken a decision on the £5.6m?' No, because the Government has not been asked to take a decision. The company has a Board of Directors who are responsible for running it and it is their decision and their view and their judgement on the £5.6m which comes first. They have applied to us for funds and they have said: 'We wish £2m additional equity', and that is what the Government, after careful consideration, has agreed to.

HON J E PILCHER:

So the company has not asked for any further funds?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No.

HON J BOSSANO:

Mr Speaker, can the Government say whether, in fact, in arriving at the £5.6m, the expenditure which is going to be met by the £2m is also reflected in the £5.6m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I think there is certainly an overlap between the two, yes.

HON J BOSSANO:

To the extent of £2m, is that right? So, in fact, what Price Waterhouse is saying is that apart from the £2m that the company has asked for for the things that Price Waterhouse also thinks £2m is required, an additional £3.6m is recommended by Price Waterhouse but not by the company, is that the position?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think, broadly speaking, that is the position, yes, it is £2m out of £5.6m if one wishes to express it in that way.

HON J BOSSANO:

And, in fact, Mr Speaker, when the company has stated publicly that all that the Price Waterhouse has done is to endorse the business plan already arrived at by the Board of Directors of the company, that did not include the £3.6m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I couldn't sort of say with absolute precision because I don't have the information in front of me what the company's long-term business plan for capital expenditure, etc adds up to. Clearly, they envisage further capital expenditure beyond the end of 1987 but as I explained in answer to the Hon Mr Pilcher, they have foregone or postponed certain capital works and they have introduced their own priorities in this matter and they don't endorse the conclusion, let me put it this way, of Price Waterhouse, that £5.6m is absolutely essential to ensure viability.

HON J BOSSANO:

So, in fact, Mr Speaker, what the Government is telling us is that of the £3.6m that Price Waterhouse consider is the necessary funding requirement for GSL beyond the £2m that the Government has provided, GSL itself considers a further sum beyond £2m is required but not as much as £3.6m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

This is a matter still under consideration by the company, I think that would be a fair representation of the position at this point in time.

MR SPEAKER:

Next question.

NO. 80 OF 1987

ORAL

THE HON J E PILCHER

Can Government explain the difference in roles between the Financial Executive of the Gibraltar Shiprepair Limited Board and the Financial Controller of Gibraltar Shiprepair Limited?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker, the Price Waterhouse Consultancy Report recommended the appointment of an experienced full-time senior financial executive at Board level. In essence, this means that they envisaged that the company's Finance Manager, a position which of course already existed, should be appointed to the Board. At the time of the consultancy, the Finance Manager post was temporarily being filled by an APA secondee. He has now been replaced by an experienced financial executive recruited directly by GSL. The difference in the roles of the Finance Manager and the Controller is that the former is responsible for the day-to-day financial management of the company whereas the latter, in accordance with the terms of the Management Agreement, acts as an independent check akin to the role of an internal auditor.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1987

HON J BOSSANO:

Could I ask, Mr Speaker, is, in fact, the Government saying that the new post of Financial Executive is not an additional post but in substitution of the existing Finance Manager?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have said that, in a sense, the Finance Manager has been elevated to Board level. There has been some reorganisation in the company's financial management below that level, I am aware of that.

HON J E PILCHER:

Mr Speaker, was not the Financial Controller of the company supposed, initially, to have the two roles and the separation of those is a new idea? The Controller, initially, when we discussed it in the House many a time because of the lateness of his appointment, was he not supposed to do both things, the

control at Board level and the control at company level?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the Controller was certainly envisaged as an independent source of advice to the Board. I think, going back some time, I think there may have been proposals for a Finance Director at one stage, certainly the two functions, that of the full-time Senior Financial Executive at Board level and Controller, are quite different in concept.

MR SPEAKER:

Next question.

NO. 81 OF 1987

ORAL

THE HON M A FEETHAM

Does Government intend to introduce legislation requiring the publication of company accounts?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Mr Speaker. As the House and the Hon Questioner are aware, the EEC's Fourth Directive on Company Law concerning the disclosure of company accounts has to be implemented, but as I stated in reply to a supplementary question from the Hon Questioner in November, 1986 (Question No. 249 of 1986) we are confident that we can bring legislation to the House that will not stunt the growth and development of Gibraltar as a finance centre.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1987

HON M A FEETHAM:

Mr Speaker, can the Hon Member give an indication of when the legislation is expected to come to the House?

HON A J CANEPA:

I am informed as soon as possible.

HON M A FEETHAM:

Will that be in 1987, Mr Speaker?

HON ATTORNEY-GENERAL:

I am hoping so, Mr Speaker.

MR SPEAKER:

Next question.

NO. 82 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many applicants have applied since 1984 for tax relief in respect of down payment for home ownership?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, a downpayment does not in itself qualify for tax relief until title to the property is acquired. About 80 applications, complying with the requirement of Section 26A of the Income Tax Ordinance have been received since the new measure was introduced on 1st July, 1984.

SUPPLEMENTARY TO QUESTION NO. 82 OF 1987

HON J L BALDACHINO:

Have these 80 all been granted tax relief?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, these have all been granted.

HON J L BALDACHINO:

Are there any applicants who have refused tax relief on the down-payment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, there have been obviously various enquiries at the Income Tax Office as to the position in respect of this particular concession and it may well be, in fact, I think it has been the case, that some applicants have been uncertain as to the precise position in law but I couldn't tell you how many enquiries have been received but the Income Tax Department, obviously, have regarded as their duty to explain the situation to those concerned. The figure I gave of eighty applications has been those which have got to the, what I might call, the formal application stage and have been granted.

MR S PEAKER:

Next question.

NO. 83 OF 1987

ORAL

THE HON J BOSSANO

Can Government state by how much it now expects receipts in respect of income tax to exceed the amount of £21.6m estimated at budget time for the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir, the latest forecast for the current financial year is £23.5m, which represents an increase of £1.9m on the estimate at the beginning of the year.

SUPPLEMENTARY TO QUESTION NO. 83 OF 1987

HON J BOSSANO:

Mr Speaker, does this take into account receipts to income tax beyond the figures already provided by the Hon Member up to December, 1986?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, this is the Government's estimate for the full year.

HON J BOSSANO:

What I am asking the Hon Member is, on the basis of the fact that he gave me the last time I put this question, he gave me a much inferior estimate, Mr Speaker, what I am trying to elicit is whether in a couple of weeks time we are going to see the figure revised upwards again or this takes account of the latest information available to the Hon Member?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, it takes account of the latest information available to me about the success of, for example, the Hon J Bossano wearing one of his other hats in obtaining high pay increases and therefore an increase in tax yield for the Government.

HON J BOSSANO:

So does that mean, Mr Speaker, that the Government will not seek to take credit for any action they take in the budget and that they will be giving the credit to the Hon J Bossano

wearing his other hat?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think I have ever been slow in giving credit to the Hon J Bossano, Mr Speaker, no matter what hat he is wearing or even when he is without hat.

MR SPEAKER:

Next question.

NO. 84 OF 1987

ORAL

THE HON J E PILCHER

What does Government estimate was the contribution to National Income made by Gibraltar Shiprepair Limited in 1984/85 and 1985/86?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, in the absence of an up-to-date Input/Output model it is difficult to estimate precisely the contribution of GSL to the economy. Nevertheless, data available on wages/salaries, capital expenditure and imports indicate a contribution for 1984/85 and 1985/86 which lies in the range of 12% to 16% of National Income.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1987

HON J BOSSANO:

Is the Hon Member saying 12% in one year and 16% in the other or is he saying somewhere in between for both years?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Somewhere in between for both years.

HON J BOSSANO:

How can the Hon Member justify a similar contribution in 1984/85 and 1985/86 when in 1984/85 the yard operated for three months and had capital expenditure for six months and in 1985/86 it was going for a full year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There was, of course, quite a substantial element of capital formation and, indeed, of course, wages were being paid in 1984/85 most of them, in fact, throughout all the year so I think it may well have been in the bottom end of the range 12%-16% but it was thereabouts.

MR SPEAKER:

Next question.

NO. 85 OF 1987

ORAL

THE HON R MOR

What does Government estimate will be the value of the Social Insurance Fund exclusive of the Spanish Sub-Fund at the end of March, 1987?

ANSWERTHE HON MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the value of the Social Insurance Fund at the end of March, 1987, is estimated at £15.2 million. This figure does not take account of interest earned on investments during March, 1987, or of Appreciation/Depreciation of investments on 31 March.

The value of the Spanish Sub-fund will have been reduced to £3.1 million by the end of March, 1987, as a result of payments effected.

The answer to the question is, therefore, £12.1 million.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1987

HON R MOR:

Mr Speaker, can the Hon Member explain why he told the House on the 16th December, 1986, that the Social Insurance Fund stood at £13.67m in April, 1986, and that that was without taking account of the £4.5m committed to the Spanish pensions and we now find, Mr Speaker, that, in fact, the accounts show that the Fund stood at £14.14m and that includes already £1.5m paid to the Spaniards?

HON DR R G VALARINO:

Mr Speaker, what I did say and I have got it in front of me, I said: 'The value of the Social Insurance Fund stood at £13.6m in April, 1986', the figure at the moment is for 1987.

HON R MOR:

We know that but we would like him to explain to the House why he told us that it was £13.67m when, in fact, it is £14.1m? Mr Speaker, does the Hon Member still stand by that figure?

HON DR R G VALARINO:

No, because basically that was an estimate, we have only just got the actual accounts of the Fund, it was an estimate which I gave at the time.

HON R MOR:

Mr Speaker, that estimate is about £2m off.

HON DR R G VALARINO:

Yes, but this estimate is increased now probably because of two reasons: one, is the extra number of contributors since April one year to April the next, in one year the extra number of people working in Gibraltar, and the other one, is the increased numbers of contributions being paid by females who are now having to pay the full rate since 1985 as an EEC directive.

HON J BOSSANO:

Mr Speaker, the Hon Member hasn't got the faintest idea what he is talking about. Can the Hon Member explain how he made an estimate in December about the results nine months before and the estimate made nine months after the event was out by £2m?

HON DR R G VALARINO:

Mr Speaker, the Leader of the Opposition hasn't got the slightest idea what I am trying to explain. I think he ought to go back to school and try to learn a little bit, it wouldn't do any harm. The fact that that is a rough estimate and this is an accurate estimate, I have said basically the increase is due to two things, first of all, the increase in the number of people working in Gibraltar since April, 1986, until the end of March 1987. That has been appreciable. Secondly, females as from January, 1987, according to EEC legislation are now having to pay the full whack for social insurance. That, in itself, increases the amount in the Social Insurance Fund. Whether the Hon Member feels that this could well amount to £2m granted the fact that this was an estimate, in my opinion I feel that certainly the figure is a realistic one.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, on a point of information, if I may help my Hon Colleague, of course, it is not my responsibility, did I understand the Hon Mr Mor to say that the difference was £2m? Because the Minister's statement was: 'The value of the Social Insurance Fund stood at £13.67m in April, 1986', he said that was an estimate and I have a copy of the accounts in front of

me and the balance at 31st March, 1986, is surely £14.1m so it is not £2m difference.

HON J BOSSANO:

Perhaps, Mr Speaker, I can help the Hon Financial and Development Secretary rather than him helping us. Is the Government aware that when the Minister for Labour gave the figure of £13.67m he said that this was before deducting £4.5m to be paid to Spanish pensioners leaving a residue in excess of £9m and that the figure that the Hon Member has quoted from the accounts, there is a residue of £14m after deducting £1.5m and therefore the Hon Member is not comparing like with like and if he adds back the £1.5m to the two figures he has quoted he will find that the total difference is of the order of £2m and therefore, if I can now ask the Hon Member, Mr Speaker, the answer that he has given us is the change in the number of contributors since 1986 and what we are asking is the increase shown by the Auditor over the figure he gave us which refers to March, 1986, so we are not asking him for any explanation of anything that has happened since February or March, 1986, which is the answer that he has just given us. How can he explain the discrepancy between the figure he quoted in the House in December to justify increased contributions and if, in fact, that figure was incorrect does the Hon Member now believe that the increase in contributions of January this year was too high?

HON DR R G VALARINO:

Mr Speaker, as the Hon Member well knows, the increase in contributions as far as the Social Insurance Fund this year was the same as last year and there was no change except for the medical scheme and he can check this on Hansard and it was in the region of 60p and I don't think this is an exaggerated amount. Obviously, this will help towards the initial cost because it is at the beginning of the year. He is talking about a difference of £2m. If I could answer the question again, I have said the value of the Social Insurance Fund at the end of March, 1987, is estimated at £15.2m. The value of the Spanish Sub-Fund will have been reduced to £3.1m by the end of March, 1987, as a result of payments effected. The answer to the question is, therefore, £12.1m. We have here the accurate figure that instead of being £13.67m is £14.137m, that is another £½m extra that was in the Fund at the time. As far as I can see, despite what the Hon the Leader of the Opposition will say, there is certainly no tremendous difference as he would like to show.

HON J BOSSANO:

Mr Speaker, can the Hon Member confirm that the figure that he

gave in the House of £13.67m did not take account of any payments to Spanish pensioners?

MR SPEAKER:

That is a simple question you are being asked, whether the £13.67m included the Spanish pensioners or it didn't, it is as simple as that.

HON DR R G VALARINO:

Mr Speaker, certainly that figure of £13.67m - he has asked a very good question.

HON J BOSSANO:

I know what the question is, I want the answer.

HON DR R G VALARINO:

The answer is obviously that the £13.67m included the funds which form part of the Spanish Sub-Fund and then we had to subtract the £4.5m which is the Spanish Sub-Fund in its entirety.

HON J BOSSANO:

So, Mr Speaker, now that the Hon Member has confirmed that the £13.6m included £4½m of the Sub-Fund as he said and as is recorded in Hansard, can he confirm that the figure of £14.1m shown in the audited account does not include £4½m of the Sub-Fund?

HON DR R G VALARINO:

Mr Speaker, the £14.1m is reduced by the amount paid out to Spaniards.

HON J BOSSANO:

Mr Speaker, will the Hon Member confirm that if there are two totals one of which is reduced by £1½m and one of which is not reduced by £1½m and the one reduced by £1½m is £½m higher than the first one, then the difference between the two totals if one compares them like with like is £2m, can he confirm that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Hon Leader of the Opposition is being very unfair to my Hon Friend, Mr Speaker. The actual arithmetic now I am seeing what the record of Hansard is: 'The value of the

Social Insurance Fund stood at £13.67m in April, 1986' - that, obviously, was an estimate - 'Taking account of the £4.5m committed towards the cost of Spanish pensions, the balance of £9.17m', the Minister obviously made that deduction. I am not sure, I want to spare the Minister's blushes, but I am not sure that that particular deduction was a terribly relevant one but what is quite clear is that £1.5m has been paid out to Spanish pensioners during the period up to 31st March, 1986, and therefore that is accounted for, as the Hon Leader of the Opposition will know, in arriving at the balance of £14.1m. You could say that the Spanish Sub-Fund has been reduced by £1.5m certainly but then you will have to take into account what the earnings on the rest of the investments in the so-called Spanish Sub-Fund were and I don't think that that, in fact, appears in the accounts.

HON J BOSSANO:

That is totally irrelevant, Mr Speaker, and the Financial and Development Secretary knows it. Can the Hon Member confirm that on the basis of the statement made by the Government to which he has referred of a residue of £9m, the equivalent figure shown in the audited accounts is £11m? Can he confirm that?

MR SPEAKER:

I am afraid that we are getting to a stage when we are talking mathematically more than anything else.

HON J BOSSANO:

He can't even do a simple sum like that. Mr Speaker, does the Hon Member not agree that the reason why he said in the House in introducing increased charges that the £9m was barely enough to cover two years of expenditure on local pensions was by way of justifying the need to increase social insurance on the 1st January, 1987, by the amount suggested by the Government, does he accept that?

HON DR R G VALARINO:

No, Sir, first of all, increases at the end of the year, obviously, occurred. They occur simply because as a result of a fixed amount old age pensions will go up and that has got to be balanced against the amount that is being paid out in old age pensions. I see that the Hon Member has gone on to the next step in my speech but certainly I deny totally that I had to increase it because the Fund was too low. The 60p and the 61p had to be increased to be able to cater for the amount of money paid out to old age pensioners.

HON J BOSSANO:

Mr Speaker, will the Hon Member confirm that he told the House and I quote from page 5 of Hansard of the 16th December, 1986: 'The Social Insurance Fund stood at £13.67m. Taking account of the £4.5m committed towards the cost of Spanish pensions, the balance of £9.17m represents well under two years expenditure on local pensions at the proposed 1987 rates of benefit. It is therefore proposed to continue increasing contributions by an amount which will provide a surplus of income over expenditure on local pensions'. Will the Hon Member confirm that that is what he said?

HON DR R G VALARINO:

Yes, it is down black upon white.

HON J BOSSANO:

And therefore is he telling the House that that does not mean that because the policy of the Government is to generate a surplus over expenditure, he had to increase charges by so much to guarantee that surplus because there was only £9m in the Fund? That is not what he was telling the House, if it wasn't can he explain what he was telling the House?

HON DR R G VALARINO:

No, Mr Speaker, the Hon Member is double twisting us always. What I said was that we would increase the contributions by a certain amount which would give us a leeway of a certain figure and we have done this time and time again so as to bolster up the Social Insurance Fund so as to get more interest from the Social Insurance Fund so that in due time the contributions can be kept at a reasonable level because we are getting an extra amount of investment value from the Social Insurance Fund and this is the reason why we always try to have a certain amount in hand to be able to put back into the Social Insurance Fund. We do not tax people for the sake of taxing them.

HON J BOSSANO:

Mr Speaker, if the Hon Member believed at the time that he had £9m in the kitty, is he telling the House that whether he has £9m in the Fund or £11m in the Fund doesn't make any difference, he still increases by the same amount?

HON DR R G VALARINO:

Mr Speaker, when the amount is 60p the aim would obviously be

in the long-term to increase by the same amount or by a smaller amount therefore if you have more in the kitty - I am trying to give him a mathematics lesson.....

MR SPEAKER:

We are beginning to debate and I think we have got to the stage where we are getting nowhere.

HON J BOSSANO:

Mr Speaker, we are trying to establish what is Government policy in respect of social insurance contributions and social insurance benefits by obtaining information.

MR SPEAKER:

What is the information you are seeking?

HON J BOSSANO:

The information that we want to know is, does the Government base its policy on raising charges by looking at how much money there is in the Fund or not?

HON DR R G VALARINO:

The answer is no, Sir. The answer is in the cost.

HON J BOSSANO:

So the Government does not take into account how much money there is in the Fund before deciding how much it requires to raise charges to generate income over expenditure?

HON DR R G VALARINO:

No, Sir, not directly.

HON J BOSSANO:

Then, therefore, Mr Speaker, can the Hon Member explain why he used the fact that there was £9m in order to support his argument of the amount that was needed to be increased?

HON DR R G VALARINO:

Mr Speaker, if the Hon Member cares to read, if he is able to do so, I was just stating it. I wasn't trying to defend the increase on the subsequent paragraph. I was just stating it.

MR SPEAKER:

We are not going to get any further on this one so I am going to call the next question. Next question.

24 3 87

NO. 86 OF 1987

ORAL

THE HON J BOSSANO

Does Government now expect that the outcome for the financial year will still be a deficit of £821,500?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Treasury are now engaged on the preparation of Estimates for 1987-88 and I would prefer at this stage to await the completion of that exercise before making any statements about the outturn for the current financial year.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1987

HON J BOSSANO:

But the Hon Member already knows what he is going to tell us about the outturn of the year, he just wishes to reserve the information for a later stage, is that the position?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, not entirely, Mr Speaker. I am not really prepared to say something now which is based on partial or incomplete information. I was fairly confident about the yield from income tax so I gave the Hon Member the information that I have on that and, indeed, I think that will be the forecast outturn for the year which will appear in estimates but there are other factors affecting financial management which could affect the outturn for the year.

MR SPEAKER:

Next question.

NO. 87 OF 1987

ORAL

THE HON J BOSSANO

Can Government confirm that the whole amount provided for wages and other payments to industrial workers will not be spent in the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the amount included in the 1986-87 Estimates for wages and other payments to industrial workers directly employed by the Government was approximately £11.8 million. The latest estimate is that the outturn for the year will be about £11.3 million.

SUPPLEMENTARY TO QUESTION NO. 87 OF 1987

HON J BOSSANO:

Mr Speaker, did the figure quoted by the Financial and Development Secretary take into account the 1986/87 pay review or that is before taking into account that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That takes into account the 1986/87 pay review.

HON J BOSSANO:

So that, in fact, the figure that the Hon Member has given me was on the assumption that the £460,000 which he gave me in the last House as the cost of the pay review of industrials would have been reallocated?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not quite sure why it should have to be reallocated, it would have been brought to account and the figure I have quoted assumes that.

HON J BOSSANO:

Mr Speaker, it will have to be reallocated because, in fact, the House is presented by him with a statement of reallocation warrants putting the cost of the review to each Head of Expenditure and the figure that he told me was provided in the estimates and subsequent due to be reallocated was £460,000.

I am asking him is £11.8m before or after the £460,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, yes, Mr Speaker, obviously the sum will be reallocated as, indeed, are all items included in the pay provision, yes.

HON J BOSSANO:

And I am asking, Mr Speaker, for the third time, is the £11.8m after adding the £460,000 which has to be reallocated or before?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

After adding the £460,000.

HON J BOSSANO:

Can the Hon Member say, therefore, whether the £11.3m includes £460,000 or a different figure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The £11.3m, which is the figure, I cannot say whether it includes exactly £460,000 because that in itself was an estimate and as I think I explained in correspondence with the Hon Leader of the Opposition, that estimate would have included because of the way in which the figure is arrived at, the estimate for the year, that estimate would possibly have included an element for John Mackintosh Hall, Museum and other non-Government enterprises.

HON J BOSSANO:

Does, in fact, Mr Speaker, the discrepancy between the £11.8m that the Hon Member has given the House now and the £12.2m that he gave me in correspondence does that, in fact, take into account the areas that he has mentioned? Is that why there is a difference of £400,000 between the two figures?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I gave the Hon Member an estimate of £12.2m, it is true, and I then wrote to him explaining why it was that for a period of years the outturn, I gave him a number of reasons why it was that for a period of years the outturn for industrial employees was less than the estimate, it was partly the way in which the estimate was calculated on a figure provided to the Treasury to

the Finance Department by the Economic Planning and Statistics Office and I think those explanations which I gave him at the time are still valid.

HON J BOSSANO:

That is not the question I have asked him, Mr Speaker. What I have asked him is whether the difference between the £11.8m and the £12.2m is due to the fact that he has given me £11.8m as the cost of people directly employed by the Government and the £11.2m included para Government Departments like Mackintosh Hall, etc? That is the question I have asked him.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, that was one of the explanations I gave the Hon Member and that is still true.

HON J BOSSANO:

The Hon Member has given me an explanation as to why the figure has not been met, whether the figure is £11.8m or £12.2m. I am asking two separate questions, Mr Speaker. One question is, can the Hon Member confirm that the £11.8m differs from the £12.2m by £400,000 because we are talking about two different populations, one which includes para Government Departments and one which excludes para Government Departments.

MR SPEAKER:

In other words, you are being asked whether the £400,000 difference is that allocated to Mackintosh Hall?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you, Mr Speaker, for explaining it. No, the figure I gave the Hon Member was for payments to industrial workers directly employed by the Government and I gave him a figure of £11.8m which I said was an approximate, it really is a calculation because at the beginning of the year, I am not quite sure why, but we cannot estimate accurately for the Government directly employed element. During the year when we have actual documents to look at, it is fairly clear what the outturn is for Government employees hence the figure I have given him of £11.3m compared with an approximate figure of £11.8m is the best I can do now. I am fairly confident about £11.3m as being the outturn. The explanation of the difference between £11.8m and £11.3m does not take into account John Mackintosh Hall, the Museum, GBC. I think that was at least one of the questions which the Hon Member asked

me, I hope I have answered it.

HON J BOSSANO:

No, Mr Speaker, I know that he expressed his gratitude to you but I am afraid you have had no more success in getting the answer than I have done. What I am asking is the difference between the £11.8m and the £12.2m, that is where the £400,000 comes from.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, there are three figures: £12.2m was the estimate which was provided at the beginning of the financial year.....

MR SPEAKER:

May I stop you there. Does that include John Mackintosh Hall and the others?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It did, Sir.

MR SPEAKER:

Does the £11.8m include the John Mackintosh Hall?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It does not, Sir.

HON J BOSSANO:

So therefore the difference between the two is the £400,000, is that correct, Mr Speaker? That £400,000 is the cost of those extra Departments which is included in the £12.2m and excluded in the £11.8m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Broadly speaking, yes.

HON J BOSSANO:

Can I ask the Hon Member, in the difference that there is of £½m in Government employees can he confirm, in fact, that this figure is much bigger than it has been in other years?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot confirm whether it is bigger than in previous years, Mr Speaker. It is common for there to be underspending certainly, when I say common I mean in 1984/85 and 1985/86 there has been underspending but I would have to examine the records to see what extent the underspending for 1984/85 and 1985/86 is compared with this year. I have the figures for non-industrial staff because I wanted to make a comparison for myself but I haven't got the previous year figures for industrial. Nevertheless it is quite true that there will be a substantial 'underspending' on industrial wages, etc.

MR SPEAKER:

Next question.

NO. 88 OF 1987

ORAL

THE HON J BOSSANO

What does Government estimate is the present rate of growth of the Gibraltar economy?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, in the absence of information from the proposed input/output study it is difficult to provide a reliable estimate of the growth in the Gibraltar economy. The figures I provided recently indicated an increase in National Income for 1985-86 of about 10% in real terms, but there were a number of exceptional features in the year. Allowing for such distortions I think it could reasonably be said that the underlying growth rate in the current year is similar to that of the previous year.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1987

HON J BOSSANO:

And what is the underlying rate of growth which is similar to that of the previous year, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Until I have information from the proposed input/output study, Mr Speaker, I would find it very difficult to say that. The point is that there have been distortions. I think the Hon Leader of the Opposition and myself in an exchange earlier on in these proceedings we touched on this, in fact, in respect to GSL, it was, of course, heavy fixed capital formation on the part of GSL. This has subsequently been replaced to some extent by a fixed capital formation elsewhere but the precise equation how it will affect the national income accounts I am afraid I hesitate to say.

HON J BOSSANO:

Mr Speaker, can the Hon Member then say historically, in respect of 1984/85 or 1985/86 what he thought the underlying rate of growth was then if he cannot say what it is now?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have given the Hon Leader of the Opposition information, Mr Speaker, about national income in 1984/85 and 1985/86. The latter was, of course, an estimate and the information I gave in answer to a question in a previous House of Assembly was that there had been an increase of 14% between 1984/85 and 1985/86 or 10% in real terms. As I have just explained in my answer, I think there were some quite exceptional features in the economy which makes me hesitate to say that the growth between 1985/86 and 1986/87 will also be 14% or 10% in real terms. I would prefer to await the detailed information about national income which I hope the proposed input/output study will provide.

HON J BOSSANO:

Mr Speaker, if the Hon Member has introduced in this House a new and third label, that is to say, there is the gross rate of growth, the real rate of growth after deducting inflation and now the underlying rate of growth and one is saying: 'Well, what does he think the underlying rate of growth was?'

MR SPEAKER:

I think he has been specific. He is not prepared to express a view at this stage even though he has got a fair amount of historical facts in his hands. Next question.

24 3 87

NO. 89 OF 1987

ORAL

THE HON J BOSSANO

Can Government confirm that in 1986 Gibraltarians spent £13,000,000 in tourism and personal imports in Spain?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Hon Leader of the Opposition will not be surprised to hear me say that it is difficult to be precise about the level of Gibraltarian expenditure in Spain. More information should become available when the next Family Expenditure Survey is carried out. This survey is due to commence in October this year. Such estimates as we have so far made suggest that the figure lies somewhere within the £12 million to £16 million range.

NO. 90 OF 1987

ORAL

THE HON J BOSSANO

Can Government confirm that in 1986 Gibraltar imported goods worth £15,000,000 from Spain?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, import statistics have now been compiled for the first six months of 1986. During this period imports from Spain totalled £5.3m, some 65% higher than the corresponding period in 1985. Statistics on imports for the whole of 1986 should be available by the end of April.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1987

HON J BOSSANO:

Does, in fact, the reply imply that the figure will not be £15m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think it is highly unlikely that it will reach £15m for the whole of 1986, Mr Speaker, highly unlikely.

HON J BOSSANO:

So, in fact, Mr Speaker, the Hon Member is saying that the figure quoted in the Annual Report of the Chamber of Commerce was not obtained from official sources?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It was certainly not obtained from me, Sir.

HON J BOSSANO:

This is just a guesstimate on the part of the Chamber of Commerce and is not an accurate figure?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not responsible for the uninadvertence of the Chamber of Commerce.

HON J BOSSANO:

And Government has not provided this information to the Chamber?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, they don't have the statistics.

HON CHIEF MINISTER:

They know more than we do.

24 3 87

NO. 91 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm whether they are considering the employment of eight traffic wardens?

ANSWER

THE HON THE ATTORNEY-GENERAL

Mr Speaker, a study has just been completed and proposals will shortly be put to the Government for the creation of a Traffic Warden Structure.

The number of Traffic Wardens required has not yet been finalised but it would appear that the number will be in excess of eight. I cannot give any definite figure until the proposals have been approved by the Government and the gradings, numbers and conditions of service have been agreed with the Staff Side.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1987

HON J C PEREZ:

Does the Hon Member envisage that funds for the purpose will be included in the coming financial year?

HON ATTORNEY-GENERAL:

That I cannot say, Mr Speaker, because the proposals haven't yet been put to the Government. I don't know what the Government's decision will be and when they will decide that the proposals should be implemented or, indeed, be implemented.

HON J C PEREZ:

So what the Hon Member is saying is that at the moment the idea is at this stage with the Department and that the Government has not discussed the matter at all?

HON ATTORNEY-GENERAL:

It hasn't even gone to the Government yet.

MR SPEAKER:

Next question.

NO. 92 OF 1987

ORAL

THE HON M A FEETHAM

When does Government intend to bring to the House the proposed legislation on Health and Safety at work?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, I am grateful for this question as it enables me to update the answer which I gave to Question No. 267 of 1986.

The first draft of a Buildings (Construction and Demolition) and Excavations Bill, 1987 was received from the Draftsman and submitted to Government on the 16 February last.

Following consultations with the Draftsman I instructed him on 30 January, 1987, to draft for the consideration of Government:

An Employment (Health and Safety) Ordinance which will comprise:-

- (a) the main provisions of the present Factories Ordinance;
- (b) parts of the present Public Health Ordinance;
- (c) parts of the draft Health and Safety at Work Bill.

There will also be legislation which I have given instructions to be drafted, legislation covering the general duties towards persons, other than employees, which are presently contained in the draft Health and Safety at Work Bill.

I cannot say when it will be possible to bring this legislation to the House but I will once again do all I can to ensure that it is brought as soon as possible.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1987

HON M A FEETHAM:

Once again, presumably in 1987?

HON ATTORNEY-GENERAL:

Hopefully, again, Mr Speaker.

MR SPEAKER:

Next question.

NO. 93 OF 1987

ORAL

THE HON R MOR

What steps are Government taking to protect school children from the possible supply of drugs in the vicinity of schools?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, Officers of the Drugs Squad pay regular attention to both Comprehensive Schools, particularly the Girls' Comprehensive School. The problem is not so much in the vicinity of the Schools but in other places frequented by young people. Officers of the Drugs Squad are also paying regular attention to these other places.

SUPPLEMENTARY TO QUESTION NO. 93 OF 1987

HON R MOR:

Mr Speaker, is the Government aware of a recent report in the press which claimed that youths between the ages of fourteen and nineteen are said to be the victims of pushers selling LSD, amphetamines and cannabis in well chosen spots which catch the flow of students from schools and colleges in Gibraltar, credit and low starting price are the attractions? Is the Government doing something about that?

HON ATTORNEY-GENERAL:

It is a question really not so much for the Government as the Police and the Police are aware of it. I also read the Chronicle, Mr Speaker and the Commissioner is very much aware and aware of the contents of this particular article.

HON R MOR:

Mr Speaker, are they doing something about it?

HON ATTORNEY-GENERAL:

Something is being done about it, yes, obviously for obvious operational reasons I cannot tell you what is being done about it, but something is.

HON J L BALDACHINO:

Mr Speaker, why is it that they are more interested in the Girls' Comprehensive School than in the Boys' Comprehensive School?

HON ATTORNEY-GENERAL:

The problem must be that people wait outside the Girls' Comprehensive School, every young man waits outside the Girls' Comprehensive School and young ladies do not wait outside the Boys' Comprehensive School.

MR SPEAKER:

Next question.

24 3 87

NO. 94 OF 1987

ORAL

THE HON R MOR

Can Government now say by how much the Education budget will be increased to meet the extra cost brought about by the reorganisation of B/TEC courses?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Sir, may I draw the Hon Member's attention to my reply to Question No.14 of 1987 on this very matter. The House will be provided with the details at the Budget Session.

NO. 95 OF 1987

ORAL

THE HON R MOR

Can Government state what is the maintenance cost of the College of Further Education in the current financial year and how does this compare with the cost when maintenance was carried out by the Ministry of Defence?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, a total of £80,000 was provided under Head 4(1), Sub-head 18 in 1986/87 for Minor Works within the Education Department, which includes the College of Further Education.

The programme of Minor Works and repairs is carried out by the Public Works Department in terms of general priorities for the Education Service and is not identified under individual institutions. I am advised it is not possible to place a figure on the level of expenditure specifically for the College of Further Education.

There is no means of obtaining the level of maintenance costs previously incurred by the Ministry of Defence. However, judging by what Government took over on transfer of the College buildings, the figures could not have been very substantial.

SUPPLEMENTARY TO QUESTION NO. 95 OF 1987

HON R MOR:

Mr Speaker, isn't it a fact that the Gibraltar Government used to pay 50% of the maintenance cost of the College when it belonged to the Ministry of Defence?

HON G MASCARENHAS:

I beg your pardon, Mr Speaker?

MR SPEAKER:

You are being asked whether it is a fact that the Government of Gibraltar used to contribute 50% of the repair bills?

HON G MASCARENHAS:

We used to pay 50% of the bill and if I remember correctly in terms of the resources but not on the maintenance.

HON J C PEREZ:

Mr Speaker, is the Hon Member saying that out of the minor works budget of £80,000 the Government cannot actually identify what is spent on each institution within the Department on its buildings?

HON G MASCARENHAS:

Mr Speaker, I take the question from the Hon Member but it is not the Education Department, it is the Public Works Department that should answer that and I am advised that they are unable to give me a figure.

HON J C PEREZ:

Mr Speaker, how is it then that when one asks questions about the other votes such as, for example, the one on £700,000 maintenance where the Hon Major Dellipiani gave me a huge breakdown in detail about everything that was being spent and then we come to seeing the breakdown of a mere £80,000 within the Education Department and the Government cannot supply a breakdown?

HON G MASCARENHAS:

Mr Speaker, I can give him what has been carried out during 1986/87 at the College. I can give him the details of what has been done but I cannot quantify that because I haven't been provided with the figures by my Hon Friend.

MR SPEAKER:

It is accepted that the answer is that you have had an amount of work done but you cannot quantify the cost.

HON CHIEF MINISTER:

I think, perhaps for the general benefit of Members, when some of these details cannot be given it is simply that it cannot be given in the time-lag between notice of a question and coming here and the extent of the research required and the importance to deal with a supplementary such as that, really, that is the practical side of it. Certainly at the end of the financial year it can be examined and provided, I should very much hope so.

MR SPEAKER:

Next question.

NO. 96 OF 1987

ORAL

THE HON R MOR

Have Government now completed their survey on Bayside Comprehensive School?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Yes, Sir. On the basis of the advice received, very substantial improvement works are projected for Bayside School which Government trusts will lay the problems to rest for the long-term. Government has already committed the funding necessary to carry out these works and the Public Works Department will shortly start preparing the necessary documents with a view to commencing as early as may be possible.

A working group consisting of Public Works Department and Education Officials, together with the Headteacher of Bayside School has been set up to liaise closely on the programming of these works to ensure minimum disruption to the School.

SUPPLEMENTARY TO QUESTION NO. 96 OF 1987

HON R MOR:

Can the Government say whether a survey on the electrical installations of the school has been carried out?

HON G MASCARENHAS:

The survey, Mr Speaker, is an extensive survey and it includes the electrical rewiring, yes.

HON R MOR:

Can the Government explain why recently there was an incident where a teacher was flung about three metres away due to an electric shock?

HON G MASCARENHAS:

Mr Speaker, all the heaters at Bayside School have a notice on them which says that no weight should be placed on the heater, the teacher in question actually sat on it.

HON R MOR:

Mr Speaker, the same way as a teacher has done it a young student could have done it and the result could have been very different.

HON G MASCARENHAS:

Mr Speaker, the heaters are all marked that no weight should be placed on them. It is very natural for the teacher in the course of his lecturing to perhaps lean on the heater and in this case he actually sat on it.

HON R MOR:

But doesn't the Government accept that it is not convenient to have that sort of heater?

HON G MASCARENHAS:

Mr Speaker, I am forever telling my children not to sit on the heaters at home.

HON J E PILCHER:

Mr Speaker, without commenting on the desirability to sit on top of a heater or not to sit on top of a heater, the reality is that a shock of electricity is not dependent on the weight on the heater. If somebody gets a shock it is because there is a faulty wiring or a faulty system not because of weight.

MR SPEAKER:

With respect, we have touched on the subject and it has been highlighted but we are not going to get involved as to whether that particular heater should have been in the school or whether the teacher should have sat on it or whether it is advisable to have that heater in a school where there are children. That should have been the subject matter of another question.

HON R MOR:

Can I ask one more question, Mr Speaker? Does the Government still accept then that the school has not reached a substandard level?

HON G MASCARENHAS:

That does not arise. If I recall you asked the question at the last House of Assembly and we do not accept that the school is at a substandard level.

HON R MOR:

So you do not accept that. So, in fact, the Government would guarantee to the parents in that school that the school is absolutely safe?

HON G MASCARENHAS:

Mr Speaker, I cannot guarantee anything but I am told by the people who may be able to state what the situation and the condition of the school is that there is no imminent danger as regards, for example, the wiring and the improvement works that will be carried out will not guarantee it, nothing I think in life can be guaranteed.

MR SPEAKER:

Next question.

NO. 97 OF 1987

ORAL

THE HON R MOR

Can Government state whether they consider that accommodation facilities at St Anne's Middle School are adequate?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, the accommodation at St Anne's Middle School is just adequate to meet the basic needs of this School. Government has recently approved a major project for St Anne's which will provide a gymnasium and substantial specialist facilities.

SUPPLEMENTARY TO QUESTION NO. 97 OF 1987

HON R MOR:

Mr Speaker, I think that the Government considers that at present it is adequate, that is what I understood.

MR SPEAKER:

I think the answer was 'just adequate'.

HON R MOR:

Can they confirm that they are using an old pre-fabricated block which is just opposite the school across the playground and that this block was condemned many years ago and it is being used by the school as well?

HON G MASCARENHAS:

Mr Speaker, I don't quite know what block the Hon Member is referring to but the project which we have approved already will include four general classrooms, a gymnasium, a drama area, a computer room, special education area, extra staff and storage place. In fact, it is a substantial project.

HON R MOR:

Mr Speaker, what I am referring to is, in fact, the report which has been produced by the Department of Education, the 1984/86 Report, and it says: 'With limited utilisation of an inadequate pre-fabricated building one-third of which has been declared unsafe by the Public Works Department'. The building is, in fact, across the main school building on the playground.

HON G MASCARENHAS:

I think the Hon Member is referring to what we affectionally call 'the stables'.

HON R MOR:

Can Government confirm it is a stable?

HON G MASCARENHAS:

There used to be stables once upon a time, I am told.

HON R MOR:

What is the cost of this project, Mr Speaker?

HON G MASCARENHAS:

Mr Speaker, at this stage I would not like to divulge it, the project has not gone out to tender yet so it would be improper to give the figures at this stage. It will be included, obviously, at the Budget session and it will be under the Improvement and Development Fund.

HON R MOR:

This has been the first priority for the Department of Education, is that correct?

HON G MASCARENHAS:

Yes, Mr Speaker, I can confirm that, I have said so publicly on many occasions. Once the St Mary's Middle School project was done away with and the St Joseph's First School project is done away with St Anne's will follow suit.

HON R MOR:

But, Mr Speaker, how long has this been the first priority with the Department of Education?

HON G MASCARENHAS:

I didn't say it was the first priority, I said it was the third priority, Mr Speaker.

HON J C PEREZ:

Mr Speaker, does the refurbishing mentioned by the Hon Member include the area affectionately known by the Minister as 'the stables'?

HON G MASCARENHAS:

Yes, I believe so.

HON J C PEREZ:

In actual fact what the Hon Member is saying is that although it is being used at the moment it will cease to be used whilst these works are taking place?

HON G MASCARENHAS:

I cannot answer that, Mr Speaker, I don't know. I don't know how the works will be carried out.

HON J C PEREZ:

What I am getting at, Mr Speaker, is that if there are works to be done there and at the moment it needs to be used in the condition that it is, what other available space is being made available temporarily whilst that area is being refurbished?

HON G MASCARENHAS:

Mr Speaker, I cannot answer that and I can let him have the information as soon as I can find out.

HON J L BALDACHINO:

Having regard to what my Hon Colleague has said that according to PWD part of the area is condemned, will the Hon Member take it upon himself to see that it is safe for the children to use the place?

HON G MASCARENHAS:

Yes, I will do that.

MR SPEAKER:

Next question.

24 3 87

NO. 98 OF 1987

ORAL

THE HON R MOR

Are accommodation facilities at St Joseph's Middle School satisfactory?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, four additional classrooms were provided for St Joseph's Middle School in December 1986 at a cost of approximately £60,000.

The present accommodation with these four additional classrooms, is adequate to meet the current needs of the School. However, Government is conscious of the increasing shift of population to the South district as new housing stock comes on line. Several options are under study in order to either extend the school building or re-provide it on a new site.

NO. 99 OF 1987

ORAL

THE HON R MOR

Is the accommodation in St Joseph's First School satisfactory?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Government will be providing two additional classrooms for September 1987 to enable St. Joseph's First School to accommodate an expected increase in its intake due to a population shift to the South District.

The estimated cost for the two additional classrooms is £57,000.

Government has also recognised the need to re-provide a larger school on another site and is currently studying two options within the school's catchment area.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1987

HON R MOR:

Mr Speaker, what would be the cost envisaged for such a project, is the Hon Member aware?

HON G MASCARENHAS:

That hasn't been costed yet.

MR SPEAKER:

Next question.

NO. 100 OF 1987

ORAL

THE HON R MOR

Does Government consider that the general conditions of Governor's Meadow First School are adequate?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1987

HON R MOR:

Yes, you do consider it is inadequate?

HON G MASCARENHAS:

Adequate.

HON R MOR:

How long has the Government been considering the school as inadequate?

MR SPEAKER:

No, they consider it to be adequate.

HON R MOR:

Does Government accept that this particular school building is, in fact, inadequate because it was never meant to be a school, is that not correct?

HON G MASCARENHAS:

Mr Speaker, it was never meant to be a school but it is a school and we consider it to be very adequate. At the present time we are currently extending to provide the school with a larger multi-purpose hall. The options for re-siting the school, it is a difficult catchment area to re-site the school completely. We are looking at the possibility but I can tell the Hon Member that this is not an urgent priority, the school is adequate.

HON R MOR:

In fact, the report on education says it is a long-term project to re-site the school, is that not so?

HON G MASCARENHAS:

Absolutely.

MR SPEAKER:

Next question.

24 3 87

NO. 101 OF 1987

ORAL

THE HON R MOR

Are general conditions in St Bernard's First School satisfactory?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, within the constraints of a pre-war building, which is not purpose-built, the School provides for all its basic needs.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1987

HON R MOR:

Isn't it a Government long-term policy to re-site that school?

HON G MASCARENHAS:

Mr Speaker, the re-siting of the school in that catchment area, again, presents difficulties for the Government, the problem is - where? Long-term, yes, but again it is not a priority of the Department at this stage.

MR SPEAKER:

Next question.

24 3 87

NO. 102 OF 1987

ORAL

THE HON R MOR

Is St Mary's Middle School in need of additional accommodation?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

No, Sir. The accommodation at Sacred Heart Terrace is ample in relation to the size of the School's population.

The Department is however pursuing the possibility of making use of the area occupied by the old Grammar School Laboratories to provide additional specialist facilities for the School, together with an enclosed gymnasium in the top patio. These works are very desirable as distinct from urgent.

THE HON MISS M I MONTEGRIFFO

Can Government confirm that they have reversed their policy announced in the last House of Assembly meeting, to charge retrospectively for the use of Government sporting facilities?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

No, Sir, there has been no reversal of policy to that announced in June, 1986. However, Government has decided not to charge retrospectively upon the implementation of the Scheme.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, surely, if the Minister is saying that there is no reversal in their policy, what about the answer he gave me in the last House of Assembly meeting when he was adamant in charging retrospectively, surely he has changed his mind since then?

HON G MASCARENHAS:

Mr Speaker, the question is specific 'have Government reversed their policy announced in the last House of Assembly meeting to charge retrospectively?' I did not announce it in the last House of Assembly, it was announced in June. The policy announced in June has not been changed. What you are asking is a separate question.

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, I am asking the Minister on the retrospective element. In the last House of Assembly meeting he announced that he would be charging retrospectively and that this was announced in June and he even went as far as to say that sporting associations had actually agreed to this.

HON G MASCARENHAS:

No, Mr Speaker, the sequence of events is not quite correct. In June of last year neither the Minister or the Department or anybody else had any idea that the implementation scheme would not take place in the coming winter season. What you are referring now is to the question in the last House of Assembly and yes, there has been a change of policy since the last House of Assembly but not on the general policy on charges.

HON MISS M I MONTEGRIFFO:

That is what I am asking, the Minister has changed his mind. There has been a change of policy. Will the Minister confirm that there has been a change of policy?

HON G MASCARENHAS:

Since the last House of Assembly, yes, Mr Speaker.

HON J C PEREZ:

If the Hon Member would have bothered to read the question he would have found out that it refers specifically to the last House of Assembly meeting.

HON G MASCARENHAS:

No, Mr Speaker, it says: 'confirm that they have reversed their policy announced in the last House of Assembly', I did not announce it in the last House of Assembly, it was announced in June of 1986.

HON MISS M I MONTEGRIFFO:

But, Mr Speaker, we are talking about the policy, surely the Minister must agree now that he has changed his mind about the policy?

MR SPEAKER:

Well, he has accepted the fact that there has been a change of policy insofar as retrospection is concerned since he made the statement in the last House of Assembly.

HON MISS M I MONTEGRIFFO:

Will the Minister explain why there has been a change of policy?

HON G MASCARENHAS:

Yes, Mr Speaker, because it would not be feasible to charge retrospectively in the order of five or six months in which there has been considerable delay in the implementation of the scheme. If the delay had been one month or two months, perhaps the Department could have lived with that but it is going to be highly unfair on some people from whom the Department will not be able to collect the charges and other people will get away and some will not get away and therefore on the advice of my Department I considered it would be better not to charge retrospectively.

HON J C PEREZ:

Did the Hon Member receive complaints from sporting associations to this effect since the last meeting of the House of Assembly?

HON G MASCARENHAS:

Mr Speaker, I cannot recall any association which has brought any complaints, no.

HON J C PEREZ:

Is the Hon Member aware then that they made their views public that they were fighting the retrospective element and that they had made representations to the Minister?

HON G MASCARENHAS:

If the Hon Member is referring to one particular association, yes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, will the Government confirm that certain sporting associations have actually told the Government that unless adequate sporting facilities are offered by the Government, they are not prepared to pay for charges when they are introduced in June?

HON G MASCARENHAS:

Mr Speaker, that is not my information.

HON J BOSSANO:

Mr Speaker, will the Government not consider in the light of the fact that they had to reverse what they announced they were going to do in the last House of Assembly and that they have had to change their minds in their proposal in the last House to legislate retrospectively to increase contributions to the GPMS, that they ought to really stop trying to charge people retrospectively for things?

MR SPEAKER:

Next question.

NO. 104 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now made a decision regarding the recommendations of the Conditions of Employment Board as to:

- (a) the Statutory wage for shop assistants and bar staff
- (b) a national minimum wage?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir. The Board only made its final recommendations on 27 January, 1987, after considering a number of objections which had been made to their proposals.

The recommendation for a standard or 'national' minimum wage is a totally new concept for Gibraltar and the Government cannot be rushed into a decision without an assessment of the full implications of the proposals.

It has been necessary to seek the views of other Government Departments for this purpose and some of these views are still awaited. It is hoped to be able to submit the issue to Council of Ministers for their consideration within the next two to three weeks.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1987

HON M A FEETHAM:

Mr Speaker, what is the problem with the implementation of the recommendations, can the Hon Member give details? It has been done every year.

HON DR R G VALARINO:

Mr Speaker, generally, what has been done every year are minor matters which in turn are presented to Council of Ministers and they are agreed to and it goes on like this. This being an entirely new concept for Gibraltar, we have had to ask other Government Departments for their views, the views are awaited and, as I said before, it is hoped to be able to submit the whole issue to Council of Ministers for their consideration within a few weeks.

HON M A FEETHAM:

Mr Speaker, what I was referring to was, in fact, what is the problem with implementation of a statutory wage recommended by the Conditions of Employment Board which has been with the Government since January, that is what I am asking, for shop assistants and bar staff? I am referring to point (a) at this stage.

MR SPEAKER:

What the Hon Member is asking is what is the delay in establishing the statutory wage for shop assistants and bar staff?

HON DR R G VALARINO:

Mr Speaker, because both things were taken by the Board at the same time and a decision was taken on both things at the same time, we have decided to put both together and present them as a package for consideration.

HON J BOSSANO:

Mr Speaker, hasn't the Hon Member just told us that this is a totally new concept into which the Government is not going to be rushed?

HON DR R G VALARINO:

On the minimum wage.

HON J BOSSANO:

Then how can he say that because the Government doesn't want to be rushed into a totally new concept, shop assistants are going to be deprived of their wage increase? Will he be giving them the increase retrospectively?

MR SPEAKER:

In other words, what the Minister is being asked is whether he is prepared to take a decision on the shop assistants immediately and not delay the matter.

HON CHIEF MINISTER:

I understand, Mr Speaker, that the recommendations were made together and therefore they are being looked at together. I agree that if, in fact, they were made separately one thing should be divorced from the other because it has national implications.

HON M A FEETHAM:

What we want to know, Mr Speaker, is when does Government intend to introduce the statutory wage for shop assistants and bar staff? It is a separate issue from the national minimum wage.

HON CHIEF MINISTER:

I don't want to interfere in my Friend's province but if what the Hon Member is asking about is the ordinary statutory wage increase for shop assistants that, I think, should not await the bigger issue and, in fact, if they have been made separately the Minister I am sure will see that that takes the normal course that has taken in the past.

HON M A FEETHAM:

When does the Government envisage that this will be introduced? We have been waiting since January, the appeals procedure was exhausted according to law, now it is up to Government to implement it. Does Government agree with the recommendations?

HON CHIEF MINISTER:

Government hasn't looked at them to agree but may I say that my understanding is that in the past the statutory wage, the only areas except for a few small additions that I remember, the only area where there is a statutory wage normally this has been agreed between employer and employee and has sought the Government's approval to an agreement. But as I understand it now, there has been no agreement between employers and employees. I may be wrong, but if that is the case then, of course, it requires to be looked into but in any case the other one which is a much wider issue, is one which will have very serious repercussions to employment and to the whole of the area and might even have some effects that might not be welcome and, in fact, as I understand it, the policy of the Trade Unions Congress in England is not to go for a statutory wage.

HON M A FEETHAM:

Mr Speaker, doesn't Government accept, as it has always been the policy in the past, that the Conditions of Employment Board make recommendations to Government on the question of statutory minimum wages for bar staff and shop assistants and that it has been normally done every year that that recommendation has been accepted? There is no question, having reached that stage, that there is any dispute between employers and other representatives like the trade unions, it is a Board recommendation. Does Government accept the Board recommendations, yes or no? It is a very simple question.

HON CHIEF MINISTER:

The answer is that Government hasn't collectively been appraised of the situation.

HON J BOSSANO:

Mr Speaker, is the Hon and Learned Chief Minister aware that the Board recommended a rate for shop assistants in November, 1986, which then was published, to which people were then able to object, whose objections were then reconsidered by the Board and the Board then made a final recommendation to the Government in January after having considered the objections, has the Government not yet looked at those recommendations since January?

HON DR R G VALARINO:

Mr Speaker, is the Hon Leader of the Opposition aware that the whole matter.....

MR SPEAKER:

No, let's not ask questions to the Opposition.

HON DR R G VALARINO:

I put them rhetorically, the whole matter could have been dealt with much earlier if there had not been a delay of four months in receiving nominations from the Trades Council when the Board was reconstituted last year. What he is now trying to do is to force the pace when last year we had to wait for four months.

MR SPEAKER:

If I may summarise, what you are being asked from the Opposition is whether Government is prepared to take an immediate decision on statutory wages for shop assistants?

HON J BOSSANO:

We are asking for information. Forgetting whether the Board was nominated or not which has nothing to do with us or this House, Mr Speaker, the Board is appointed by the Governor, can the Hon Member tell us what has happened since the 27th January when he has had the recommendation? What has he done as Minister for Labour since then?

HON DR R G VALARINO:

Mr Speaker, I see he has obviously changed his hat now. What I can say is that the Department are looking at both things together. We will get a paper for Council of Ministers and within two or three weeks they will get the answer. It is as simple as that.

HON J BOSSANO:

In fact, the Hon Doctor, with whatever hat he is wearing at this particular time, is telling us that he has done nothing since the 27th January and he is going to do it within the next two or three weeks?

HON DR R G VALARINO:

Mr Speaker, I wish the Hon Member would take those words back.

HON J BOSSANO:

I have no intention to do so, Mr Speaker.

HON J C PEREZ:

Can Government state whether the implications being looked at about the national minimum wage relates specifically to the concept of a national minimum wage or to the rate being proposed by the Board?

HON DR R G VALARINO:

Mr Speaker, both things.

MR SPEAKER:

Next question.

24 3 87

NO. 105 OF 1987

ORAL

THE HON M A FEETHAM

Can Government give details of the recent survey carried out by the Labour Department at the frontier aimed at identifying persons working in Gibraltar without work permits?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the survey was carried out from 12 to 16 January between the hours of 7.00 am to 10.00 am. During that period, 841 persons were interviewed, 277 females and 564 males.

Of the persons interviewed, 341 males and 23 females had valid work permits and 174 males and 176 females did not have such permits. The remainder of the persons interviewed were either visitors or pensioners.

Those who did not have work permits were advised of the procedure which should be followed in order to regularise their employment situation.

As a result of the survey a number of applications have been received from employers for work permits, particularly for female domestics. The survey has also assisted in identifying areas where inspections need to be intensified and this has been done.

It is proposed to carry out a further survey within the next few weeks.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1987

HON M A FEETHAM:

What the Minister is saying is, in fact, that people who were found to be working in Gibraltar illegally were advised as to what they should do to legalise their position?

HON DR R G VALARINO:

Exactly, yes.

HON M A FEETHAM:

What legal action has Government taken against people who are, in fact, employing workers illegally in Gibraltar?

HON DR R G VALARINO:

Mr Speaker, this is where the inspectorate comes in. If the inspectorate finds anybody working illegally in Gibraltar, ie without a work permit, then what they do is they prepare a report, they make sure that the person is not allowed to work any further and the

details of the case are sent to the Attorney-General's Chambers for legal action should the Attorney-General feel it necessary. As he can see from the newspapers it has been a recurring thing that we have been carrying out.

HON M A FEETHAM:

Mr Speaker, but the Minister has said that, in fact, if I have added my sums correctly, that he identified 350 persons working in Gibraltar illegally. What I am asking is, how many of these cases have, in fact, the Government taken or the inspectorate taken legal action on? How many cases have been submitted to the Attorney-General? We are talking about 350 people working in Gibraltar illegally identified by the Government.

HON DR R G VALARINO:

Mr Speaker, not in this case because this was the original survey. What they have been appraised is of how to regularise their employment situation. The next survey which will be carried out within two weeks will try to find out how many people have regularised their position and if they haven't regularised their position then we shall deal with them effectively. But, first of all, we have to inform them just in case they were not fully informed of the situation.

HON M A FEETHAM:

Having identified 350 persons working in Gibraltar illegally, in what manner has Government identified who the employers were and against what employers has Government taken action? You have spoken to employees, the onus is, am I not correct in stating, is on the employer not on the employee to regularise the position of the worker?

HON DR R G VALARINO:

Mr Speaker, as far as the employer is concerned, the inspectorate section has visited them and acquainted them of the procedure and of the people who had been working for them to make sure that their position is regularised.

HON M A FEETHAM:

Isn't it a fact that Government from time to time publish a legal notice in the press stating that any employer employing any worker without a work permit is liable to a fine of £500?

HON CHIEF MINISTER:

May I intervene here to say that a number of cases have been taken to Court, blatant cases even on a second occasion and they have only been fined £50 or £60 which is much less than three or four weeks national insurance.

HON M A FEETHAM:

With respect, Mr Speaker, I understand that the Court may decide in the end to fine the employer £50 but what I am saying is it is an important issue.....

MR SPEAKER:

No, with respect, you are beginning to make statements. You can ask for information.

HON M A FEETHAM:

How many of the employers have been identified and what action has been taken by the inspectorate of the Minister's Department to inform the Attorney-General of the employers which are breaking the law and how many cases have been taken to task by the Attorney-General?

HON ATTORNEY-GENERAL:

I don't know how many cases are taken to Court, Mr Speaker, I cannot give you the figures. I can inform you later of the figures that we have taken over the past two or three months. I know it is quite a large number, one of my Crown Counsel is almost permanently engaged taking these cases to the Magistrates' Court.

MR SPEAKER:

Next question.

24 3 87

NO. 106 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that over 1,000 Spanish workers are now employed in Gibraltar?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the results of the survey carried out at the frontier would appear to indicate that the total number of Spanish nationals working in Gibraltar could exceed the figure of 1,000.

MR SPEAKER:

With respect to the Hon Minister, that is not the answer that I have been supplied with and we need that for Hansard.

HON DR R G. VALARINO:

The results of the survey carried out at the frontier would appear to indicate that the total number of Spanish nationals working in Gibraltar could exceed the figure of 1,000.

MR SPEAKER:

I am not going to read the answer that I have.

HON DR R G VALARINO:

I am sorry, you are perfectly right, my apologies, Mr Speaker. A total of 849 work permits were on issue to Spanish nationals as at 28 February, 1987.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1987

HON M A FEETHAM:

What the Minister is saying is that roughly 1,000 are legally working in Gibraltar and because he has already identified 350 illegally working that, in fact, we may have 1,350 workers working in Gibraltar?

HON DR R G VALARINO:

No, Sir, I have said nothing of the sort. I may have been

mistaken on the first answer but the first answer says that a total of 849 work permits were issued to Spanish nationals as at the 28th February, 1987. Then I spoke about the survey carried out at the frontier. The other thing that he must remember is that some of these work permits are for a limited period so that at this present moment in time some of the work permits may no longer be in existence. It would be interesting to know at the end of March, 1987, the exact number of work permits in existence.

HON M A FEETHAM:

I take it, Mr Speaker, that what the Minister is saying which is more or less in line with a previous question when we referred to the Chamber, that the Government does not agree with what the Chamber said in its annual report.

MR SPEAKER:

With respect, I am not going to have questions as to whether Government agrees or disagrees with the Chamber. You ask for information.

HON M A FEETHAM:

The question is does Government consider the figure published by the Chamber of Commerce in its report to be accurate?

MR SPEAKER:

Government is not responsible to confirm whether the figures given by any entity in Gibraltar are correct or incorrect.

HON M A FEETHAM:

Mr Speaker, I accept that. Will Government state whether, in fact, it agrees or does not agree with Sir Geoffrey Howe when Sir Geoffrey Howe said publicly and officially that there were over 1,000 workers working in Gibraltar?

MR SPEAKER:

Order, with respect, you have asked a question and you can ask supplementaries on the question but you cannot expand. The question that you have asked is: 'Can Government confirm that over 1,000 Spanish workers are now employed in Gibraltar?' We must take it to be legally employed in Gibraltar and you have been given an answer.

HON M A FEETHAM:

I have been given an answer, Mr Speaker, of 849 but what I am asking now is that since that figure and the official figure quoted by Sir Geoffrey Howe presumably on advice from official circles in Gibraltar said that over 1,000 workers were legally working in Gibraltar, does Government agree that Sir Geoffrey Howe is right or wrong because it doesn't agree with the Chamber of Commerce.

HON DR R G VALARINO:

Mr Speaker, I am not responsible for whatever Sir Geoffrey Howe says on television or on radio.

HON M A FEETHAM:

That is an understatement, Mr Speaker.

HON J BOSSANO:

If, in fact, Mr Speaker, the Foreign Secretary of the United Kingdom makes a statement in an interview quoting an incorrect figure, is the Government not concerned about correcting the information if he has been given incorrect information from sources in Gibraltar?

HON CHIEF MINISTER:

May I ask a rhetorical question, who says that he is not appraised of that?

HON J BOSSANO:

So then the fact is that the Government is aware that Sir Geoffrey made this statement that has taken steps to put him right.

HON CHIEF MINISTER:

I said who said that he is not appraised that the statement may or may not be wrong?

MR SPEAKER:

What you are being answered is that it has not been stated whether he has or he has not been appraised, he might well have been.

HON J BOSSANO:

He might well have been and it is up to us to draw the conclusion whether he has or he hasn't. Why, is the Government not prepared to tell us or is that a secret, as well?

MR SPEAKER:

Next question.

NO. 107 OF 1987

ORAL

THE HON R MOR

What is the position as regards the payment of social insurance by persons employed on ships registered in Gibraltar?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, as the law stands at present, persons employed on ships registered in Gibraltar are deemed to be in insurable employment and liability for payment of contributions rests with the employer. The employers themselves have an obligation to register and obtain an insurance card.

Because of the practical difficulties arising from the fact that most of the ships registered in Gibraltar do not call here the collection of contributions has not been enforced. Nevertheless, the non-payment of those contributions will not prejudice the seafarers' rights to entitlements.

The Government has for some time been considering amending its current legislation to bring it in line with UK legislation where a residence within the Community applies.

As a result of a recent visit by senior officers of the Department to UK to obtain up-to-date information on UK legislation and procedures, it is hoped to produce draft proposals for Government's consideration in the near future. Once the revised legislation is enacted, steps will be taken to enforce the collection of contributions.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1987

HON R MOR:

Mr Speaker, did I understand the Hon Member correctly that seamen will be entitled to benefit without making contributions now?

HON DR R G VALARINO:

Yes, this is the case of social insurance legislation, they are entitled to contributions and are not prejudiced by the failure of the employer to pay the contributions.

HON J BOSSANO:

Is the Hon Member saying right at the end of his reply, Mr

Speaker, that steps are being taken, have the employers been approached with a request to pay the contributions or not?

MR SPEAKER:

Steps are being taken to produce new legislation.

HON J BOSSANO:

New legislation we may agree with or not agree with when the legislation comes to the House. What I am saying is, the legislation at the moment, what is the Department doing to seek collection now?

HON DR R G VALARINO:

At the moment, as I said, because most of the ships which are registered in Gibraltar do not come here, the collection of contributions has not been enforced and there are a lot of practical difficulties of enforcing any collection of any contributions. This is the crux of the matter and what we want to put right is to make sure that the employees are covered and that the revised legislation will be taken to enforce the collection of the contributions.

HON J BOSSANO:

Mr Speaker, when the Hon Member says that what he wants to put right is that the employees are covered, does he know who the employees are that are covered? How does he, in fact, ensure that these people can claim their rights without knowing who they are?

HON DR R G VALARINO:

Mr Speaker, obviously the answer is that crew lists are given periodically to us by the Shipping Agents including any changes in the crew.

HON J BOSSANO:

Since when, Mr Speaker?

HON DR R G VALARINO:

As I said, once we start dealing with this.....

HON J BOSSANO:

No, the Hon Member has said periodically, I am asking since

when does he get these crew lists because in the last House of Assembly we were told they didn't exists?

HON DR R G VALARINO:

I am talking about the future. I will ensure that they will be given to us periodically.

HON J BOSSANO:

But at the present moment, Mr Speaker, the Hon Member has just made a statement saying that although employers are not paying contributions it will not prejudice the rights of employees to entitlement to benefits. How does the Hon Member currently ensure that the rights of employees to benefits is not prejudiced?

HON DR R G VALARINO:

This is very simple. Their right is there and should anything untoward occur they can then contact the Department and they will find out how much they are entitled to and under what sections of the law they come under.

HON J BOSSANO:

Does he actually mean the wife of a seaman getting pregnant that that includes something untoward to which they can claim benefits, Mr Speaker? They are entitled to all the benefits under the Social Insurance Ordinance: Old Age Pension, Unemployment Benefit, Industrial Injury, Maternity Benefit, Death Benefit, all those benefits are claims which the Hon Member says will be respected by his Department in respect of all seafarers serving on the 100 ships registered in Gibraltar, am I correct?

HON DR R G VALARINO:

Mr Speaker, under the Employment Injuries Ordinance obviously they are covered otherwise.....

MR SPEAKER:

I know what you are getting at but we are not going to get involved on how the Ordinance is being implemented or can be implemented in this respect.

HON J BOSSANO:

No, Mr Speaker, I am asking for information. The Hon Member has said in reply to the original question that notwithstanding

the fact that no contributions have been paid in respect of any of the employees on any of the ships, the Department will respect the right and will ensure that they are not prejudiced in their rights to entitlement. I am now asking him, is that right to entitlement to the whole range of benefits under the Social Insurance legislation, yes or no?

MR SPEAKER:

I think, as the Chief Minister said, it must depend on certain benefits on contributions.

HON J BOSSANO:

There are no contributions, Mr Speaker.

MR SPEAKER:

That is why.

HON J BOSSANO:

If the Hon Member has told the House, Mr Speaker, that they will not be prejudiced, I am not asking him to explain how they will not be prejudiced in claiming all these benefits? First of all, I am asking him, can he confirm that the answer that he has given the House that they will not be prejudiced refers to entitlement to all benefits, yes or no?

HON DR R G VALARINO:

The answer to this is twofold, one because it covers two sections of the social insurance legislation, one is employment under the Employment Insurance Ordinance which they are obviously covered because they are in insurable employment and the other one is whether they are entitled to other benefits like, as he said, Unemployment Benefit, etc. Unemployment Benefit etc, depends on the number of contributions paid. Obviously, that then has to go by the number of contributions that could have been paid by the employer and if the number is right then they are entitled to it, if the number is not right then they are not entitled to it.

HON J BOSSANO:

Let me see if I have understood it right. What he is saying is that if a seafarer works on a ship for thirty weeks during which he should have paid social insurance but has not paid social insurance, the Department will pay him the unemployment benefit which he would have been entitled to had he paid but they have

made no effort to collect payment, is that correct?

MR SPEAKER:-

With respect, I accept what the Hon Leader of the Opposition is trying to get at but we are getting involved in the implementation of the Ordinance.

HON J BOSSANO:

No, Mr Speaker, I am asking for information.

MR SPEAKER:

No, it is not information.

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member if a seafarer goes tomorrow to his Department to claim unemployment benefit how do the rules apply? Is that seeking information or not?

HON DR R G VALARINO:

Mr Speaker, the answer is simple, he will have to prove his employment, he will have to prove from what year he has been employed, there are various factors he would have to take up with the Department and the employer would have to be asked as well.

HON J BOSSANO:

But the Hon Member has said in his original answer that the fact that no payment is being made will not prejudice the rights of the employees to benefits. I am trying to establish, Mr Speaker, first of all, if that applies to all benefits.

MR SPEAKER:

What you are asking then is whether he still stands by that statement?

HON J BOSSANO:

I have got to assume that if it is a written answer, Mr Speaker, it is an answer that has been researched by the Department and that they know what they are saying. Is there any reason to suppose, Mr Speaker, that the Hon Member has changed his mind about what he said originally during the course of questioning?

HON DR R G VALARINO:

Mr Speaker, no, despite all the rubbish that has been said from the other side.

HON J BOSSANO:

Mr Speaker, if you will allow me to continue with my rubbish, with your indulgence, I would like the Hon Member to tell me whether I am right in assuming that the implication of his original answer is that it applies to the full range of all benefits provided under the Social Insurance legislation on the assumption that the people concerned would qualify had contributions been made which are not being made because his Department is not doing anything to collect them? Am I right in thinking that?

HON DR R G VALARINO:

Mr Speaker, I object to the last part of the question. My Department just cannot enforce and cannot collect the amount necessary. I very much disagree with the Hon Member there. As far as the beginning of his statement is concerned he is quite right.

HON J BOSSANO:

Then, Mr Speaker, getting to the last part of the statement to which the Hon Member objects, can he tell me since I was promised in the House by the Government in 1985 that steps would be taken by his Department to collect, what action has the Department taken since 1985 when we were promised that?

HON DR R G VALARINO:

Mr Speaker, since 1985 and I have got here Question No. 234 of 1985 so this is obviously the one which he is referring to, the Department has been closely involved with other Departments in the UK to find out about the insurability of mariners. There have been certain changes in legislation because of EEC attitudes and pressures and because we felt that the best way would be to get the information at first hand, we arranged for a visit by senior officers, which included the Deputy Director, to go to UK for a week and acquaint themselves with all outstanding information so that he could bring it back and we could then hurry up the revised legislation which we intend to put before the House.

HON J BOSSANO:

But, Mr Speaker, I am not asking that question. I am not asking the Hon Member what investigations have been done in UK or in Timbuktoo about the legislation anywhere else.

MR SPEAKER:

By implication you have been told that nothing has been done to collect contributions.

HON J BOSSANO:

But, Mr Speaker, I was told on the 26th June, 1985, in a question where we raised the legal requirement and I said to the Government: 'Would it not be desirable at the very least that companies that have got registered offices in Gibraltar and have got ships registered in Gibraltar should be informed by the Government that under the Social Insurance legislation they are required to pay social insurance for their crew?'. That was in June, 1985. And the answer that I received was: 'I would go further' - was the Government reply - 'I would say that it is essential that they be so informed by the Director of Labour and Social Security who is responsible for the enforcement of the law'. Has that been done since June, 1985?

MR SPEAKER:

I think you have been told, by implication, I am just trying to make clear what is happening, you have been told that subsequent to that a further decision has been taken, consultations have taken place and they have decided to do nothing until the new legislation is enacted.

HON J BOSSANO:

Mr Speaker, can the Hon Member tell me after June 1985, when a statement was made in the House of Assembly that something was going to happen, was that carried out or not? Was that commitment carried out or not after June 1985?

HON DR R G VALARINO:

Yes, Sir, enquiries have been made, shipping agents have been written to, UK has been written to on various occasions, we have paid a visit to the UK, we have tried to deal with this very complex problem as much as we can but it is an extremely complex problem therefore to end it all we have decided that the only answer is to go to UK to a particular section and get first-hand

information and for this we have sent the Director, despite all the knowledge that we had previously, we sent the Director and he has brought back information which is now of great relevance and differs somewhat with the information that we had obtained initially both from the UK and from ship owners.

HON J BOSSANO:

Mr Speaker, we are not asking the Hon Member that, we were told in 1986 that they were investigating the position elsewhere in order to change the law. What I am trying to establish from the Government is, have they made an attempt to enforce the law? Have they written to any ship owner in Gibraltar saying 'You should pay social insurance', yes or no? Has that been done?

HON DR R G VALARINO:

Yes, that has been done.

HON J BOSSANO:

Have they had a reply of people refusing to pay? Has everybody refused to pay? Have some people put arguments or have some people paid?

HON DR R G VALARINO:

Most of the people written to have put up arguments on the difficulties of the issue, Sir.

HON J BOSSANO:

But is it, in fact, on the difficulty of the issue, Mr Speaker, or on the fact that they prefer not to pay? If the arguments that have been put to the Hon Member are on the difficulties of the issue, can he explain to the House how it can be any more difficult for an employer who pays wages to deduct and pay social insurance because the wages have been paid to somebody on a ship than it is for somebody who is working in Gibraltar, what is the problem for the employer?

MR SPEAKER:

I am afraid we are getting too complex for question time. It is a matter perhaps which is important but we are not going to get any further at question time.

HON J BOSSANO:

Can I ask the Hon and Learned Attorney-General one question, Mr Speaker? Is, in fact, the Social Insurance Ordinance being broken currently by employers who with the knowledge of Government are not paying contributions?

HON ATTORNEY-GENERAL:

I would have thought that the answer to that was yes.

HON J BOSSANO:

Is the Hon and Learned Attorney-General not responsible for acting against people who break the law?

HON ATTORNEY-GENERAL:

Provided the matter is reported to me.

HON J BOSSANO:

Can the Hon and Learned Attorney-General take it I am now reporting it to him then and what does he propose to do about it?

HON ATTORNEY-GENERAL:

Then I would have to consult with the Department concerned to let me have the details or if the Hon Leader of the Opposition could let me have the details.

HON J BOSSANO:

So the Hon and Learned Member is saying that, in fact, action can be taken to get compliance with the law in this respect?

HON ATTORNEY-GENERAL:

It can be taken, of course.

HON J BOSSANO:

Then I would like to ask the Government whether as a matter of policy they propose to take action to ensure compliance with the law?

HON CHIEF MINISTER:

I think that whether a Government takes a matter to law or not

ultimately it is not the responsibility of the Government. The Government can propose but under the Constitution it is the Attorney-General who has to decide. I am not trying to shift responsibility, I am just trying to put the Constitutional issue in answer to a question which is not clear enough.

HON J BOSSANO:

So, in fact, what we are now being told, Mr Speaker, is that although we have known since it was confirmed in this House by the Government that the law was not being complied with and we were told that on the 26th June, 1985, the Government has not prevented as a matter of policy the Hon and Learned Attorney-General from acting and the Hon and Learned Attorney-General has not acted because although it was said so publicly in the House he requires what, a specific complaint about a specific case?

HON CHIEF MINISTER:

He requires evidence.

MR SPEAKER:

I am afraid we are now going into why the law has not been implemented.

HON J C PEREZ:

Mr Speaker, the Hon Minister for Labour has said that the responsibility for paying the social insurance contributions is the employers, then he went on to say that this has not been possible because the ships don't come to Gibraltar something which he hasn't expanded on and one cannot explain because if one Department which is the Registration of Shipping can collect registration fees every year, I don't see how it is that the Labour Department cannot collect social insurance contributions.

MR SPEAKER:

We will call the next question now. Next question.

24 3 87

NO. 108 OF 1987

ORAL

THE HON R MOR

When does Government expect the Actuarial Review of the Social Insurance Fund to be completed?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Sir, it is expected that the Actuarial Review will be completed towards the end of the year.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1987

HON R MOR:

Will Government be making a copy available to the Opposition or are we likely to have the same problem we had the last time?

HON R G VALARINO

What happened last year was that the review was considered by Government and I believe he and the Leader of the Opposition were allowed to see that on a confidential basis, if I remember rightly.

HON R MOR:

So that will be done?

HON DR R G VALARINO:

Yes.

NO. 109 OF 1987

ORAL

THE HON J C PEREZ

When does Government propose to invite tenders for the work required to make safe the area below the water catchments?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, it is not possible to state at this stage exactly when tenders will be invited in connection with works to increase the stability of the ex-Quarry Company site below the Water Catchment areas.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1987

HON J C PEREZ:

Can the Hon Member state whether he has already contacted the expert that he was going to contact over the matter, a certain Wallace Evans, who he told the House at the last meeting the Government was proposing to engage to look at the situation?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the extent of the quarrying operations has been such that the immediate design of a stabilising structure is not possible without prior ground investigation works and further study. Consultants Wallace Evans and Partners have been engaged to carry out a study of the geotechnical and engineering aspects which will provide a basis for the design of the stabilising works required for the ex-Quarry Company site. Due account will be taken in carrying out the design of the possibility of widening part of Sir Herbert Miles Road. The consultants have already concluded on site exploratory works and their report is expected by the end of April.

HON J C PEREZ:

Since the Hon Member has said on a previous occasion that the area is deemed to be unsafe because of this, will he commit himself to effect whatever is recommended by the report in the coming financial year?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the report will be studied and whatever is reasonable will be done in this current year.

HON J C PEREZ:

There is no reason for delay financially in that there is already provision made under the Improvement and Development Fund for the widening of Sir Herbert Miles Road so barring any other difficulties identified in the report could the Hon Member commit himself that the tenders for the work are invited immediately as a matter of

urgency due to the fact that the area is deemed by the Government itself to be unsafe?

HON MAJOR F J DELLIPIANI:

Mr Speaker, yes, Sir. We consider it to be urgent. There might be a lot of work involved in preparing the tender documents and, first of all, in studying the report but certainly it is the intention of the Public Works Department to give out these works to contract as soon as possible after the receipt of the necessary design work.

MR SPEAKER:

Next question.

NO. 110 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether the Rock face directly behind the Rosia Dale Housing Estate has been found to be unsafe?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, the Rock face behind Rosia Dale is the property of the MOD. Some rockfalls have occurred from this face. The situation has been reported to PSA with the request that they should carry out the necessary protection work without delay.

SUPPLEMENTARY TO QUESTION NO. 110 OF 1987

HON J C PEREZ:

Does that mean that the Government recognise that it is unsafe since they are urging the PSA/DOE to actually do something about it?

HON MAJOR F J DELLIPIANI:

Mr Speaker, obviously it is unsafe because rockfalls have occurred. This particular rockfall occurred on the evening of Saturday 28th February, 1987, the Public Works Department and PSA were called in by the Police to examine the area and as a short-term precautionary measure the PWD will be erecting a higher fence in this area behind the existing penfold fence separating Rosia Dale Estate from the Rock face. Our information is that PSA intends to carry out rockfall protection works in the near future. May I add, Mr Speaker, that this fence is not intended to stop rockfalls but to prevent people from being in the area. I should add, Mr Speaker, that this morning I received a letter from the PSA confirming that they will be undertaking works this year in this area and that they will be contacting the Director of Crown Lands for access, etc.

HON J C PEREZ:

Can the Hon Member state whether he can recall that at the time of the planned project the PSA warned the Government of impending rockfalls in that area?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I cannot recollect that because I believe that the Rosia Dale Project was started before my time so I am not aware of it. If the Hon Member has information on the subject I will be happy to read about it and see why this warning was ignored.

HON J L BALDACHINO:

Considering the conditions that are faced at Rosia Dale, can this in any way affect the sale of Rosia Dale to sitting tenants?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't think it will affect the sale. I consider the East side of the Rock like the catchment areas and the area above Catalan Bay to be more unsafe than this area in particular because of the sheer heights involved. As long as people are prevented from being in the approximate area of the Rock face I don't think that life is in danger. I think what one has to be careful is with children hence the idea of building a fence at this moment.

MR SPEAKER:

Next question.

24 3 87

NO. 111 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if the site investigation at Engineer House has been completed?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1987

HON J L BALDACHINO:

Can the Hon Member give us an idea when he thinks that it will be completed?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the site work is expected to start in early April. There have been various administrative difficulties which have prevented the company which has been awarded the tender to commence before on this area. I think it is something to do with tax, etc.

HON J BOSSANO:

Mr Speaker, are we talking about a specialist contractor from outside Gibraltar having to come to do this or are we talking about a local firm?

HON MAJOR F J DELLIPIANI:

We are, in fact, talking about two things in one, it is a firm not of local origin but represented by established local engineers and this is where the problem about taxation arises.

MR SPEAKER:

Next question.

NO. 112 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if they intend to carry out the repairs needed on the Cubicles at 62 Town Range to improve its conditions?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, it is not proposed to carry out any improvements at 62 Town Range. This address does not, in fact, exist.

SUPPLEMENTARY TO QUESTION NO. 112 OF 1987

HON J L BALDACHINO:

Mr Speaker, maybe the Hon Member has got it down as Prince Edward's Road but the proper address for the Cubicles is 62 Town Range. I am referring to the ones at Prince Edward's Road.

HON M K FEATHERSTONE:

We have assumed the Hon Member refers to 39/41 Town Range, commonly known as 'El Corredor de las viudas', in which case it is proposed to eventually rehouse the tenants living there and improve its conditions by refurbishing it in the same manner that was carried out at 70 Prince Edward's Road.

MR SPEAKER:

Next question.

NO.113 OF 1987

ORAL

THE HON J C PEREZ

Can Government explain why the resurfacing of the south end of Main Street, which was included in the Road Works Programme announced by the Minister for Public Works, has not been proceeded with?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, there have been delays to the resurfacing programme, particularly in the John Mackintosh Square area arising from:-

- a. Inclement weather ie periods of rainfall;
- b. Traffic problems and in particular those arising from the problem to the Seruya Building at the junction of Main Street/City Mill Lane;
- c. Business of the House of Assembly which has prevented the use of pneumatic breakers during certain days;
- d. The site at the North Side of John Mackintosh Square of the Friday Market which has impeded work on this day of the week.

Work in connection with the resurfacing of the south end of Main Street will be commencing shortly and will commence immediately after the programme in the Mackintosh area has been finished.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1987

HON J C PEREZ:

So that means that the Hon Member will try and keep to his word in completing the whole resurfacing programme announced before the end of the financial year?

HON MAJOR F J DELLIPIANI:

I haven't got offhand what the programme was but certainly the south end of Main Street is the programme which I want to start in this financial year so I am hoping for the workforce which is at present working in this area to move to the south before the end of this financial year.

HON J C PEREZ:

With due respect to the Hon Member and I accept that he might have had delays in the surrounding area but he did say in one meeting of the House that the south end of Main Street was to commence in November and subsequently he said that the south end of Main Street was to commence in early January and the delays which he has mentioned, particularly as regards the surrounding area have only recently come to light, certainly they are not there since early January or since November.

HON MAJOR F J DELLIPIANI:

Obviously, Mr Speaker, there have been delays in some other of our programmes. All delays have a snowball effect and when you get the end you get the whole of the delays involved in other programmes but it is not because the section is not working well, the section is working quite well. They haven't had much experience because we haven't done much road works in the past but certainly the surfacing work is improving as they go by and it is getting better and better because they are getting more expert at it, they haven't had practice for a long number of years.

MR SPEAKER:

Next question.

NO. 114 OF 1987

QRAL

THE HON J C PEREZ

Have proposals now been put to the Staff Side for the employment of lifeguards on a permanent basis?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Proposals have been discussed with the Staff Side.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1987

HON J C PEREZ:

Proposals have already been put to the Staff Side?

HON MAJOR F J DELLIPIANI:

They are being discussed with the Staff Side, Mr Speaker. The matter is currently with the Establishment Officer, the Industrial Relations Officer has cleared with the Staff Side an advert to recruit lifeguards on a temporary basis for this coming bathing season which states that temporary lifeguards may have the opportunity of applying for a limited number of permanent life-guard/handyman post. The post will be advertised once conditions, etc are negotiated with the Staff Side. There have been informal contact between the Government Departments concerned and the Staff Side. Mr Speaker, it so happens that during the course of the day I popped into my office and I have an advert here in the Bulletin of Circulars dated 20th March which says: 'These vacancies will be advertised once the conditions, etc of the post are negotiated with the union'. Obviously, the union has agreed for the Department to advertise the post and I think it is in the process now of negotiating the job description for using the lifeguards during the winter period in useful work for the community.

HON J C PEREZ:

Will the Hon Member ensure that the matter is dealt with speedily so that those employed as lifeguards this summer may be in the full knowledge of the fact of what other ranges of duties would be required of them in the case that they should stay on on a permanent basis?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker, I think, in fact, this is a good opportunity as we are creating a new kind of post that both the Government and the prospective employees of the Government coming to a good deal of benefit both for the Government, which is for the community, and for the individuals concerned. I am most anxious because I have been dealing with this matter since last year that this matter is dealt with and we get the best type of people to apply for these jobs who will then become permanent members of my Department.

MR SPEAKER:

Next question.

NO. 115 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm whether tourism expenditure for 1986 is calculated at £28m and if this represents 25% of the National Income as published by the Gibraltar Chronicle on the 3rd March, 1987?

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, Government can confirm that tourist expenditure for 1985/86 has been provisionally estimated at £22m and 22% of National Income. It is anticipated that tourist expenditure for 1986 should be at least £26m although there are as yet no estimate of National Income for 1986/87 available.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1987

HON J E PILCHER:

Mr Speaker, £26m is the estimate?

HON H J ZAMMITT:

Yes.

HON J E PILCHER:

Is the Minister now able to break down that expenditure in different areas as was asked for in the last House of Assembly, visitor arrivals at hotels, excursionists, etc?

HON H J ZAMMITT:

No, Mr Speaker, I am sure it probably could be done but I am afraid I haven't got those details with me at this stage. If the mathematics of it are available by the Statistics Office maybe they could release it, I am not very sure, Mr Speaker. The figures, of course, that I am forwarding to the Hon Member are, of course, figures and statistics offered by the Statistics Office and obviously not by the Tourist Office so therefore I don't really have any direct confirmation of this.

HON J E PILCHER:

I know that, Mr Speaker, since in the last House of Assembly the Minister promised me an answer within ten minutes and then

found that this office did not have the information but rather was held at the Statistics Office. So the Minister is saying that, in fact, he doesn't have it or can he get it or is he not sure that he can get it?

HON H J ZAMMITT:

Mr Speaker, I am sure that if the question had been phrased as to a breakdown then every endeavour would have been made to have secured that but the question, I think, was much more general than a specific request for a breakdown item by item and I am sure that had the Hon Member asked that in his question, I feel sure that the information would have been provided but it is certainly very much beyond my realm here to provide the kind of breakdown that he is seeking.

HON J E PILCHER:

Mr Speaker, if I may, because I will be asking questions but I cannot let the Minister get away because Question No.35 of 1987 asked: 'Can Government state what is the estimated tourist expenditure for 1986 breaking it down as follows' and then I broke down what I wanted. The answer was: 'This information will not be available until summer 1987'. What I have asked the Minister now is is it possible for him to have a preview of that and he has said to me 'If you had asked that you would have got that'. Well, I didn't get it in the last House why should I get it in this House?

MR SPEAKER:

Because you didn't ask for it in this House, presumably.

HON H J ZAMMITT:

Certainly, Sir, the question as phrased I don't think the Hon Member could ask for any answer extended beyond what I have said. He knows very well, Mr Speaker, when the Hon Member mentioned the fact that I had assured him in all good faith of being able to furnish him with the figures and then I was told by the Statistics Office that they could not disclose them because they have not as yet been formulated and updated. I think I have answered the question as comprehensively as the question deserves.

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member, the figure that he has given of £26m as a rough estimate, am I correct in thinking that, in fact, the figure for the previous year was £22m?

HON H J ZAMMITT:

It has been provisionally estimated at £22m, even that has not been closed, it was provisionally estimated at £22m.

HON J BOSSANO:

Could I ask if, in fact, the estimated increase of £4m has the Minister got any idea whether this is primarily due to day excursionists or is it primarily due to UK traffic, the £4m difference?

HON H J ZAMMITT:

Mr Speaker, exposing myself to be broken up in a subsequent meeting, I will endeavour to give my own personal opinion, I intend to think it is the UK traffic, Sir. It is the increased air communications that we have had with tour operators more than the excursionists which more or less has been the same as we had the previous year but flights have certainly increased but I stand to be corrected and I will have to eat humble pie if I am proved wrong.

NO. 116 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what percentage of visitors to Gibraltar visited:-

- (a) St Michael's Cave
- (b) Upper Galleries
- (c) Moorish Castle
- (d) The Museum?

I must say, Mr Speaker, that obviously it is referring to 1986 which was left out of the question.

ANSWERTHE HON THE MINISTER FOR TOURISM

Sir, it is impossible to accurately calculate what percentage of visitors to Gibraltar visited the Tourist sites as the only statistics available for these sites show total entries which include visitors to Gibraltar, residents, servicemen and their families etc. In addition the statistics currently available for visitors to Gibraltar include persons on transit via the Airport and Port.

However, I will supply the figures for total visitors to Gibraltar and total visitors to the sites, which are as follows:-

Visitors to Gibraltar during 1986	2,807,900
Visitors to St Michael's Cave	370,144
Visitors to Upper Galleries	56,608
Visitors to Moorish Castle	17,038
Visitors to Gibraltar Museum	34,500

NO. 117 OF 1987

ORAL

THE HON J E PILCHER

Can Government now state what was the average sleeper occupancy levels for all hotels in 1986 and of this what levels were tourist occupancy?

ANSWERTHE HON THE MINISTER FOR TOURISM

Hotel statistics for 1986 have as yet not been finalised. These will be published in the Hotel Occupancy Report in due course. It is estimated however, that average sleeper occupancy rates for 1986 will be similar to those of 1985 ie 49%-52% for all visitors and 37%-40% for tourist arrivals.

24 3 87

NO. 118 OF 1987

ORAL

THE HON J E PILCHER

Can Government now state how many arrivals were recorded in all hotels in 1986 and what percentage of these were tourist arrivals?

ANSWER

THE HON THE MINISTER FOR TOURISM

Arrivals at hotels for 1986 are estimated at 56,000. Of these, 80% were in respect of tourists.

THE HON MISS M I MONTEGRIFFO

Will Government make provision in the 1987/88 Estimates for the employment of a Dietician?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1987

HON MISS M I MONTEGRIFFO:

When will the Government, Mr Speaker, be bringing out the actual advertisement to employ a Dietician?

HON M K FEATHERSTONE:

An advertisement is now being prepared to try and recruit a suitable person from the United Kingdom.

HON MISS M I MONTEGRIFFO:

Can the Minister commit himself to say when the advertisement will be brought out?

HON M K FEATHERSTONE:

Normally we get somebody about eight weeks after advertising, if the advert goes out next week it will take about two months.

HON MISS M I MONTEGRIFFO:

So, Mr Speaker, the Minister is saying that the advert will be coming out in about two weeks time, is that correct?

HON M K FEATHERSTONE:

Yes.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

When does Government intend to make the report of the Review Team for the Medical Services public?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the Government intends to make the report public once it has had the opportunity to study it closely.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can he give a more definite date of when that is expected?

HON M K FEATHERSTONE:

Sir, the team studying the Report is due to submit its findings by the middle of April. I would hope that it will become public a little while after that.

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister hand a copy to the Opposition in anticipation to it being made public?

HON M K FEATHERSTONE:

As soon as the Study Report has been finalised I will give the Opposition a copy, yes.

HON MISS M I MONTEGRIFFO:

Mr Speaker, will the Report be laid before the House so that we will have an opportunity to debate its contents?

HON M K FEATHERSTONE:

Would you repeat that, I didn't hear it?

MR SPEAKER:

Will it be laid on the table?

HON M K FEATHERSTONE:

If you wish it can be laid on the table of the House, yes.

MR SPEAKER:

Next question.

24 3 87

NO. 121 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

When does Government expect to receive the full report of the Nurses Review?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the report is expected at any moment.

24 3 87

NO. 122 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

What steps has Government taken to implement the Interim Report of the Nursing Review Advisor?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, in order to implement the interim report of the Nursing Review Advisor, in other words, in order to advertise the new and re-designated senior nursing posts which Government has agreed, the Nursing Review Advisor was asked to submit draft job profiles which would then be agreed with the appropriate Staff Association. These job profiles have not yet been received, although I have been assured that they will be sent to me soon.

THE HON MISS M I MONTEGRIFFO

Can Government confirm that there are shortages of important items at St Bernard's Hospital like, eg linen, cotton wool, kleenex towels, gauze swabs, sprilon spray, medical cups, tube gauze applicators and other ward instruments?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 123 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, why hasn't the Minister then not come out publicly denying these allegations in view that I wrote to him about three weeks ago requesting this?

HON M K FEATHERSTONE:

If the Hon Member listened to my broadcast on radio yesterday she would have heard that I had denied such allegations.

HON MISS M I MONTEGRIFFO:

Mr Speaker, but I wrote to the Minister on the 13th March and why haven't I received a reply?

HON M K FEATHERSTONE:

I did not think a reply was required. What I was requested to do was to publicly state whether the allegations made in a letter by a Mr Teuma were correct or not. I don't intend basically to dance to the tune of the Opposition.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister saying that he has never received verbal complaints from patients that they have not been able to be administered with certain medical items because they have not been available, they have been out of stock?

HON M K FEATHERSTONE:

I am saying that I have not received complaints from patients. The question of linen there has never been a shortage, if the Hon Member simply means the laundry is not always received back on the same day which is the case, there is never less than sufficient linen in the Department. Cotton wool, gauze swabs, kleenex towels, by kleenex towels I presume they mean clinical towels, no complaints have been received by my senior staff of any shortage of these items. Sprilon spray - this is a controlled item which is obtained for patients when required. Other alternatives which are equally effective are in

regular use. Tube gauze applicators - no complaints have been received by senior staff. Medical cups - this is an area which is nevertheless being investigated. If the Questioner means tea cups, there was recently a shortage but some were bought locally, the consignment ordered from the United Kingdom has since arrived.

HON J BOSSANO:

Mr Speaker, so the Government is telling us that all these public accusations of serious shortages of basic items are pure invention, there is no truth in any of this, is that the situation as far as the Government is concerned?

HON M K FEATHERSTONE:

They must be the invention of the person who put it in because it is not true, no.

HON J BOSSANO:

Doesn't the Minister think it is important if something like this is said publicly and it is not true that it should be immediately counteracted because, surely, the Government accepts that statements like this must affect the confidence of the patients in the system and in the medical services and if they are not true then they should be denied and if they are true they should be put right, surely?

HON M K FEATHERSTONE:

They were denied in a broadcast yesterday.

HON J BOSSANO:

But, Mr Speaker, yesterday was after the question was in and surely doesn't the Minister agree that if, in fact, he knows that this is not true then he shouldn't wait for questions, he should immediately on his own initiative come out and say: 'This is a load of nonsense and people do not have to worry because none of this is happening'? Doesn't the Minister want to make sure that people have confidence in the services for which he is responsible?

HON M K FEATHERSTONE:

I had a letter in the Gibraltar Chronicle about six or seven days ago.

HON J BOSSANO:

Could I ask one final question, Mr Speaker? Should, in fact, situations arise where it is demonstrated to the Minister that there are shortages in these items, would the Minister agree that items like these are basic essentials of running a hospital and that, in fact, the money must be provided to ensure that the stocks are available, would he agree with that?

HON M K FEATHERSTONE:

The situation is that stocks are available. As I said in my broadcast yesterday sometimes perhaps a ward may run short but the hospital has the stocks, a requisition has to go down and be fulfilled by the person who completed the requisitions.

HON J BOSSANO:

So if, in fact, it could be that the flaw in the system lies in that area, has the Minister looked into that possibility, that the stocks may be there but may not be getting to where they are needed?

HON M K FEATHERSTONE:

As I say, no reports have been made of shortages to my senior staff.

MR SPEAKER:

Next question.

NO. 124 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm that cleaners at St Bernard's Hospital are issued with one bottle of washing-up liquid and one of bleach for a whole month and that this means that they end up washing the floors just with water?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 124 OF 1987

HON MISS M I MONTEGRIFFO:

Can the Minister explain to the House if he has actually asked for a full report on this and what sort of investigation he has carried out?

HON M K FEATHERSTONE:

Sir, the cleaning materials supplied to wards and departments monthly are two litres of bleach, three litres of washing liquid, two litres of teepol, two litres of disinfectant, mops when requested, gloves when requested, steel wool when requested, oven cleaner when requested, soda, vim and powder soap when requested, and polish whenever needed. If the above cleaning materials run out before the month is up these are supplied immediately from the Stores Department. I am not sure the size of the bottle but I don't think they are as big as two litres or three litres. If it was a three litre bottle it would be true that only one bottle was supplied. I think the bottles are normally one litre.

THE HON MISS M I MONTEGRIFFO

Can Government confirm that when the question of overflow in the public wards at St Bernard's arises, patients with booked admissions are sent home despite there being empty rooms in the Private Corridor?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, when the surgical wards are full, and beds are available in medical wards, any overflow is channelled to these empty beds. The reverse is also true. When both the surgical and medical wards are full, patients are sent home even if there are empty rooms in Private Corridor. However, emergencies are never turned away, and if need be are admitted to a bed in the Private Corridor.

SUPPLEMENTARY TO QUESTION NO. 125 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister implying that if the case is not an emergency one then the situation does arise?

HON M K FEATHERSTONE:

The case could arise, very rarely I would think, when a booked admission was turned away but it is very rare because there is usually room in the medical wards when the surgical wards are full without encroaching on the private corridor. The private corridor also is fairly full at times.

HON J BOSSANO:

Does he know, for example, whether this has happened at all in the last three months or if it has happened how often it has happened? Has he asked for figures to show whether it is a serious problem or not, Mr Speaker?

HON M K FEATHERSTONE:

I will ask for figures for you, yes.

MR SPEAKER:

Next question.

NO. 126 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Has the Minister now investigated the complaints about the state of disrepair at Napier Ward?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

I have, Sir. I am not satisfied with the state of repair of the floor covering of the ward, and I have accordingly directed that steps be taken to improve it.

SUPPLEMENTARY TO QUESTION NO. 126 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, what about the other complaints that we highlighted about cockroaches and the state of the washing and the toilet facilities? Has he investigated this?

HON M K FEATHERSTONE:

The cockroaches disinfestation has been done two or three times, we have had no evidence of cockroaches in the last fortnight or the last three weeks. The question of the washing facilities, the bathroom I accept is rather small and congested but it is in an old part of the hospital and it would be very difficult to make those facilities bigger.

HON MISS M I MONTEGRIFFO:

Mr Speaker, in the light of these reports, is the Minister satisfied of the conditions as regards the maintenance of St Bernard's Hospital?

HON M K FEATHERSTONE:

I am always happy to have more maintenance done. The maintenance that has been done has been reasonably good but there are deficiencies in various areas, one of them is, for example, this complaint of the floor covering in Napier Ward, the lino is worn and cracked in places and really needs renewal. We are hoping to take steps in the forthcoming year to remedy this.

MR SPEAKER:

Next question.

NO. 127 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state when they will be introducing legislation for the implementation of the POM List?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the matter is actively being pursued with the Law Draftsman.

SUPPLEMENTARY TO QUESTION NO. 127 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister give a date of when he expects the legislation to be brought to the House?

HON M K FEATHERSTONE:

If the Draftsman is reasonably rapid on drafting the legislation then I should hope it would be available within about a month.

MR SPEAKER:

Next question.

NO. 128 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

What further action has been taken by the Committee set up to conduct an educational campaign on the dangers of AIDS?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the AIDS Committee has drawn up a leaflet for local distribution based on the DHSS 'AIDS: DON'T DIE OF IGNORANCE' leaflet. Clearance has just been received from the UK for the use of material contained in the DHSS leaflet. The leaflet for local distribution has been written in both English and Spanish and arrangements for printing are being made.

SUPPLEMENTARY TO QUESTION NO. 128 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister say when he expects this leaflet to be circulated?

HON M K FEATHERSTONE:

I have just obtained the quotations for the printing. The printing should be started within a week, it will probably take about two weeks to print and then it will be circulated. There will be a media campaign to inform the public of the dangers of AIDS prior to their distribution.

MR SPEAKER:

Next question.

NO. 129 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state if all the dwellings of the Road to the Lines/Castle Ramp remodernisation programme have been allocated?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, all the dwellings which have been handed over by the Contractor have been allocated.

However, seven units are still to come from the Contractors and these will be allocated as soon as the works have been completed.

SUPPLEMENTARY TO QUESTION NO. 129 OF 1987

HON J L BALDACHINO:

Could the Hon Member state why they are taking so long for these seven units to be handed over?

HON M K FEATHERSTONE:

There has been a long delay in the delivery of the last seven units which should have been handed over early in 1986. Since then the contractor has been paying a fine of £350 a week. It is now expected the project will be completed by mid-April, 1987.

HON J L BALDACHINO:

Am I correct in assuming that these dwellings have problems and will the Government ensure that if they have problems they are rectified?

HON M K FEATHERSTONE:

They were old buildings which were being remodernised and with old buildings when you remodernise you often find many things that are wrong which you didn't anticipate at the beginning. I think this is the difficulty the contractor has run into.

HON J L BALDACHINO:

Has the Hon Member got any idea when they will be handed for allocation to the Housing Department?

HON M K FEATHERSTONE:

If they give them to us in mid-April, 1987, the Housing Department will start allocating around the end of April.

MR SPEAKER:

Next question.

24 3 87

NO. 130 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state when he intends to rehouse tenants at North Gorge, Town Range and White Rock Camp?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, it is the intention to rehouse the tenants at North Gorge, Town Range and White Rock Camp, as soon as accommodation adequate for the family composition of these tenants becomes available.

SUPPLEMENTARY TO QUESTION NO. 130 OF 1987

HON J L BALDACHINO:

Will these tenants be subject to the same conditions as any other applicant in the Housing Waiting List for accommodation?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 131 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state if the new flats at Alameda Estate will be allocated under the 'musical chairs' policy?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the allocation of post-war houses is determined by the Housing Allocation Committee. However the 'musical chairs' policy is always employed as a means of maximising the resources available. In the case of the new small flats at Alameda Estate, which consist of 2 rooms, kitchen and bathroom, there may be couples or single persons willing to surrender their large flats for one of these smaller units at Alameda Estate.

The vacated flat would then be allocated on points to a family in the Housing Waiting List.

SUPPLEMENTARY TO QUESTION NO. 131 OF 1987

HON J L BALDACHINO:

What the Hon Member is saying is that part of it will be allocated under the pointage system of the Housing Waiting List and part of it will be allocated under the 'musical chairs' policy, is that correct?

HON M K FEATHERSTONE:

No, I wouldn't say that it is going to be part one, part the other, I would say that the 'musical chairs' policy will be applied all the way through. The idea is to try and get these flats filled by single persons or couples to release bigger accommodation.

HON J L BALDACHINO:

Then, Mr Speaker, in the new flats at Alameda Estate there will not be a percentage allocated to the Medical Waiting List, is that correct, because he is going to use them for the 'musical chairs' policy?

HON M K FEATHERSTONE:

I would think something would be allocated to the Medical Waiting List, there are not many flats available so percentage would be rather small.

HON J L BALDACHINO:

With the exception of medical cases, apart from that, the other flats will be allocated under the 'musical chairs' policy. What percentage will be allocated for the Medical Waiting List?

HON M K FEATHERSTONE:

I think the medical category is 20%.

MR SPEAKER:

Next question.

NO. 132 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state how many families are homeless to date?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, there are thirteen applications from persons claiming to be homeless. This group is made up as follows:-

4 Families

3 Married couples (no children)

5 single persons (males)

1 Mother and child

Of these, eight cases are squatters in Government properties, and one is a couple claiming to be living in a motor-car.

SUPPLEMENTARY TO QUESTION NO. 132 OF 1987

HON J L BALDACHINO:

Mr Speaker, has the Family Care Unit investigated to see if it is true that they are living in a motorcar or not because he has implied that he doesn't know?

HON M K FEATHERSTONE:

I am afraid I don't know the answer to that one.

HON J L BALDACHINO:

Could he then on this particular case ask the Family Care Unit to investigate to see if it is true?

HON M K FEATHERSTONE:

Yes, I will do. I presume you mean the case of a Mr Buttigieg.

HON J L BALDACHINO:

The one that the Hon Member has just mentioned. He said that there was a family claiming to be living in a motorcar, I presume that is the case and the Hon Member, as I understand, has said that he will ask the Family Care Unit to investigate.

HON M K FEATHERSTONE:

Yes, Sir, it is difficult to establish genuine cases of homelessness as the majority are cases of young persons claiming to have left home after having quarrelled with their families. In some instances this

situation is often known to have been self created to advance their position in the allocation of flats. We have to be extremely careful when people do claim to be homeless because it may be to all intents and purposes a put-up-job to jump the queue..

HON J L BALDACHINO:

Seeing that the people claiming to be homeless is on the increase, Mr Speaker, will the Hon Member reconsider the suggestion which I made in January, 1985, in Question No. 42, to have earmarked dwellings or have some sort of accommodation where these people can go on a temporary basis?

HON M K FEATHERSTONE:

Yes, this suggestion has just been put to me by Action for Housing. If Government can find an area where people can be temporarily put up when they are homeless we will try and do so. The difficulty is that very often when you get an area which you consider will be temporary, it turns into a permanent area.

HON J L BALDACHINO:

Does the Hon Member or his Department know why homelessness is on the increase? Have they investigated this?

HON M K FEATHERSTONE:

I haven't seen any evidence that it is on the increase, I think there is always around fifteen persons in the homeless category, perhaps it has actually decreased.

HON J L BALDACHINO:

According to the January, 1985, figure there were only eight, from eight to thirteen is an increase. Wouldn't the Hon Member agree with me that it is on the increase rather than on the decrease?

HON M K FEATHERSTONE:

I would agree it has increased since January but it tends to go up and down throughout the year.

MR SPEAKER:

Next question.

NO. 133 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether the employees who will be made redundant as a result of the closure of the Gibraltar Quarry Company, have been offered alternative employment in the Public Works Department?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, a written offer was made to TGWU on the 15 December, 1986, and rejected by TGWU on the 6 January, 1987.

SUPPLEMENTARY TO QUESTION NO. 133 OF 1987

HON J C PEREZ:

On what grounds was the offer made, what was the exact offer made?

HON M K FEATHERSTONE:

The conditions of the offer were that employment to be offered without any liability for previous service completed with the Gibraltar Quarry Company; employment to be at basic level of craftsman or labourer as appropriate and where applicable, subject to meeting the minimum qualification requirements; the offers of employment to be made as and when suitable vacancies arise provided this does not block promotion within the service; and the personnel concerned must be prepared to accept the level of pay and conditions applicable within the Government to the post offered.

HON J C PEREZ:

Mr Speaker, wouldn't the Hon Member agree that nothing extraordinary is being offered in that these are the same opportunities that people get who are on the dole?

HON M K FEATHERSTONE:

The situation really was that if you were a labourer with the Quarry Company you were offered the post of a labourer with the Public Works Department. The difference in the two jobs was that perhaps one had a high percentage of overtime and the other one didn't.

HON J C PEREZ:

Wouldn't it be better to allow people in the Quarry Company to apply for jobs that come in the Bulletin of Circulars internally for the Government as they come out?

HON M K FEATHERSTONE:

There is nothing to stop them doing so.

HON J C PEREZ:

Mr Speaker, there is at the moment something to stop them doing so, they are not allowed to.

HON M K FEATHERSTONE:

Who by?

HON J C PEREZ:

By the Department because they say that it is internally.

HON M K FEATHERSTONE:

Probably because the unions would be against it.

HON J C PEREZ:

Mr Speaker, I don't think that the union can be against it because when originally the Quarry Company opened the offer of employment to the Quarry Company it was made first to Government employees only and Government employees were given priority to apply to the Quarry Company in a Bulletin of Circulars advert so the same thing should be able to apply in reverse.

HON M K FEATHERSTONE:

If the unions are willing to give the clearance there is no difficulty.

HON J C PEREZ:

Will the Hon Member write to the union to this effect and make this offer?

HON M K FEATHERSTONE:

It is not my job to write to the unions, it should be the job of the persons concerned in wishing to apply.

HON J BOSSANO:

Mr Speaker, isn't it the case that, in fact, the pay rates and the conditions of the Gibraltar Quarry Company employees since the inception of the Company have always been covered by Gibraltar Government agreements?

HON M K FEATHERSTONE:

Yes, but the situation has been that they have been doing a considerable amount of overtime which they would not probably get if they were to move to the PWD.

HON J BOSSANO:

That is not the question, Mr Speaker. The question that I am asking is, is it not the case?

HON M K FEATHERSTONE:

Yes.

HON J BOSSANO:

Then, in fact, are they not de facto and have been for a number of years treated as if they were already in Government employment in that they have not had the freedom to negotiate their own rates of pay like any other commercial company has in Gibraltar?

HON M K FEATHERSTONE:

When they were originally employed they were told they would be paid at Government rates which they accepted.

HON J BOSSANO:

And therefore, Mr Speaker, isn't it reasonable if the company is going to be discontinued by the Government that they should be offered re-employment by the Government not on the basis of waiting as and when vacancies may occur which may create an interval between the time they stop working for one entity and the time they start working for another entity?

HON M K FEATHERSTONE:

They have never stopped working for the Quarry Company and opportunities have come up and they have not taken them.

HON J BOSSANO:

Mr Speaker, can the Minister not confirm that the answer that he read out on the conditions that had been offered to the employees was that they could apply for vacancies which went outside the service because they were not promotion vacancies as and when such vacancies went outside the service and that therefore employees from the Quarry Company can only apply on the basis of the answer read out by the Hon Member if the job is advertised internally and nobody internally applies for it and then it is advertised to all comers. Isn't that the case?

HON M K FEATHERSTONE:

I am not fully aware of the situation.

HON J BOSSANO:

Will the Hon Member look into it and particularly will he look into the fact that there appears to be a discrepancy between the kind of assurances that were given at the time in the House as to the fact that people would have relatively little problem in securing employment and what appears to have materialised and if there is a difference perhaps he can say whether it can be put right?

HON M K FEATHERSTONE:

I will look into it for you.

MR SPEAKER:

Next question.

NO. 134 OF 1987

ORAL

THE HON J C PEREZ

Has Government found an alternative site in the City Centre to ameliorate the parking problem?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Mr Speaker, arrangements are in-hand to surface the area reclaimed at Waterport to reprovide the Coach Park now at USOC. The USOC area will then be available to ameliorate to some extent the parking problem in the City Centre.

The Ministry of Defence have also been approached for the release of Naval Ground No.2. The matter has been raised in connection with current discussions by a Joint Working Group which is considering the limits of reclamation within the Harbour. It is in this context that consideration is being given to reprovisioning the football pitch.

SUPPLEMENTARY TO QUESTION NO. 134 OF 1987

HON J C PEREZ:

Mr Speaker, if and when Naval Ground No.2 is released, does Government propose to build a multi-storey car park there or just use the land available as a car park?

HON A J CANEPA:

I see the drift of the Hon Gentleman, whether we are just going to have parking on ground floor. I think that if Naval Ground No.2 were to be either no longer required for a sporting purpose or were to be reprovided then I think that one should maximise the land there and build a multi-storey car park.

HON J C PEREZ:

Since he seems to have no better use for the land he has reclaimed at Waterport and he is now transferring the coach park there, wouldn't he not consider reallocating the Naval Ground at Waterport and using Naval Ground No.2 to build a multi-storey car park in the centre of town?

HON A J CANEPA:

That is not the thinking of the Development and Planning Commission. The matter has been gone into in the context of the City Plan and the decision that has been taken is that the coach park should be reprovisioned at waterport in order not to have coaches going beyond the roundabout there by the fountain.

MR SPEAKER:

Next question.

NO. 135 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government specify what conditions have been attached to the invitation to tender for the Brympton/Villa Victoria project?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, the conditions attached to the development of Brympton/Villa Victoria were made public when tenders were invited in early February for the development of the area. I have therefore supplied the Honourable Member with a complete set of Tender Documents so that he can acquaint himself with all of the conditions. Briefly, the principal conditions can be summarised as follows:

- (a) proposals were invited for the construction of a residential development with a minimum of 42 units to be sold within a price range between £35,000 to £42,000.
- (b) preference in the sale of the units is to be given to purchasers returning a Government dwelling to the Government for re-allocation.
- (c) if the developer departs from the proposed selling price he will forfeit refund of premium offered for the land and the increase in the price will be shared 50/50 with the Government.
- (d) a 2 year licence agreement will be issued which will entitle the developer to a 150 year lease upon completion of the works.

SUPPLEMENTARY TO QUESTION NO. 135 OF 1987

HON J L BALDACHINO:

Can the Hon Member clarify one point where the sale will preferably be made to somebody who will give up a Government dwelling. I understand the thinking behind that but what happens if the dwelling is a pre-war dwelling because that would not go to the Housing Waiting List, will that person be considered exactly the same as if it was a post-war dwelling?

HON A J CANEPA:

It will be available for reallocation by the Government. I would say that that would qualify, how highly as against post-war dwellings I wouldn't be certain. There are some excellent pre-war dwellings.

HON J L BALDACHINO:

I am asking, Mr Speaker, because I don't know if the Hon Member is aware, that post-war dwellings are allocated under the pointage system and pre-war dwellings are allocated to social cases. What I want to know is if somebody in a pre-war dwelling were to apply and would leave a vacant place if he would be eligible in exactly the same way?

HON A J CANEPA:

I think he would be eligible, how he would stand against somebody, all things being equal, who is prepared to hand in similar post-war accommodation I don't know.

HON H J ZAMMITT:

Mr Speaker, there are quite a number of pre-war housing which are modernised, which have a bathroom and they are given out on the Housing Allocation Scheme.

HON A J CANEPA:

I think the Hon Questioner is thinking of those that are regarded as pre-war, fullstop, not remodernised. I would imagine that they would also qualify after those who give up post-war dwellings, in the normal course of events.

HON J L BALDACHINO:

Am I correct in assuming, Mr Speaker, that a person who lives in a Government dwelling and if he does not leave vacant possession for Government, for example, in the household there might be two persons and one might apply, he will be classed as the second category, is that right? The second category which is with the people normally in the Housing Waiting List?

HON A J CANEPA:

Yes.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

Can Government confirm that it has had a request from the developers for an extension to the Water Gardens Development?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. The Government has received an application from the developer of Water Gardens to continue the development along Waterport. The proposal is currently being considered on planning grounds.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1987

HON M A FEETHAM:

Could the Hon Member give details of the developer's intentions and the proposals in mind?

HON A J CANEPA:

I think the intentions, broadly speaking, are to construct another three tower blocks but not as high as the ones currently being built.

HON M A FEETHAM:

Can Government confirm that, in fact, the extension would be by direct allocation, the land that we are talking about?

HON A J CANEPA:

It is not as simple as that, the matter is much more complicated because the area is currently occupied by Gibraltar Underwater Contractors, Mobil Oil, the Post Office, two bakeries and a Customs cubicle so it is not as straightforward as that.

HON M A FEETHAM:

What the Minister is saying is it hasn't been decided whether it may be by direct allocation?

HON A J CANEPA:

No. What has not been decided is, first of all, there are problems on planning grounds on height restrictions because of Civil Aviation Authority restrictions and, secondly, the feasibility of the whole scheme hasn't yet been determined bearing in mind these existing tenancies.

HON M A FEETHAM:

Has the developer given any indication if the initial problems of reprovioning etc were to be resolved satisfactorily, when they would be able to start the project and finish? Have they given any indication on that?

HON A J CANEPA:

I think the problems of reprovisioning are so considerable that I don't think they can at this moment realistically envisage any time-scale. What they have done has been to submit a proposal for outline planning permission. It is an outline planning scheme in order to get the reaction of the Development and Planning Commission on planning grounds.

HON M A FEETHAM:

Has the developer given any indication of how much they intend to pay for the land?

HON A J CANEPA:

That has not arisen.

HON M A FEETHAM:

So this is still a matter for negotiation between the Government and the developer should the project go ahead?

HON A J CANEPA:

Not necessarily the Government. I think that the developers would have to negotiate with some of the leaseholders there. I think they would have to overcome those hurdles before they are able to negotiate with the Government on the point that he is raising.

HON M A FEETHAM:

What the Hon Member is saying is, in fact, that there are a number of leases which cover the area which the developer wishes to develop and, in fact, whatever is the outcome is a matter for negotiation in terms of buying out the leases and Government may not actually benefit from the extension of the development in terms of revenue?

HON A J CANEPA:

No, the Government might benefit in terms of revenue or it might benefit in some other means in the process of negotiations but I don't see how tenancies that were given by the Government within the last five or six years, notably Gibraltar Underwater Contractors, Mobil Oil, I know that they got tenancies during my period of office as Minister for Economic Development, that has got to be resolved, first of all, and if it isn't resolved then the project, I would imagine, is a non-starter.

HON M A FEETHAM:

If these leases were negotiated and as a result of that there is a satisfactory settlement and a development gets off the ground, do I take it then that there is no onus of responsibility on the Government to reprovision the existing services because they will have lost all rights to being reaccommodated elsewhere?

HON A J CANEPA:

That is if any prospective developer were to buy out the interest that these people have. If they can buy out Gibraltar Underwater Contractors who are content in exchange for, let us say, £50m or £100m to wind up their activities then you have a different situation but my thinking is, obviously, that these entities want to continue with their current economic activity and therefore it is not so much a question of buying out but reprovisioning.

HON M A FEETHAM:

But what I am trying to extract from the Minister is what will happen if that area is, in fact, negotiated and Dragados y Construcciones or the developer

MR SPEAKER:

With respect, that is a statement, that is not a question.

HON M A FEETHAM:

Let me finish, Mr Speaker.

MR SPEAKER:

With respect, I know the rules and I know when I have to call someone to order. You are making a statement and you are not asking questions. You are free to ask whatever question you wish.

HON M A FEETHAM:

Can the Government give a commitment in this House that they will provide alternative sites to the existing services which are there or is there no commitment then?

HON A J CANEPA:

It doesn't arise, Mr Speaker. It doesn't arise at the moment. Why should I give a commitment in respect of something that may not be feasible?

HON M A FEETHAM:

Then why is it that the Government is considering at the level of the Land Board the proposals from the developer?

HON A J CANEPA:

Not at the level of the Land Board.

HON M A FEETHAM:

Or the Development and Planning Commission?

HON A J CANEPA:

The Development and Planning Commission, Mr Speaker. If the Hon Member were to submit an application to erect a tower block here where we are now sitting, the Development and Planning Commission would have to consider it. We have an application on town planning grounds for outline planning permission, we have to consider it.

HON CHIEF MINISTER:

A block of flats in the Piazza.

HON J BOSSANO:

And the matter has got no further than that at this stage at all?

HON A J CANEPA:

At this stage it hasn't got any further than that, no.

MR SPEAKER:

Next question.

NO. 137 OF 1987

ORAL

THE HON M A FEETHAM

Has Government made a decision with regard to the project submitted by Gibraltar Consultants Ltd for the construction of 300 Housing Units and other facilities at the Viaduct Reclamation?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Mr Speaker. The future use of the area when reclaimed is currently being discussed by a working group of representatives from the Port, Public Works, Customs and Crown Lands in connection with port related activities and current demand for additional land for ware-housing and light industrial use.

The proposals submitted by Gibraltar Consultants Ltd will therefore be considered by the Development and Planning Commission in the light of the recommendations from this group and the overall number of planned residential developments.

SUPPLEMENTARY TO QUESTION NO. 137 OF 1987

HON M A FEETHAM:

So the Government, as a matter of policy, have not made a decision on the project?

HON A J CANEPA:

That is correct.

MR SPEAKER:

Next question.

NO. 138 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the Laser Experience Show inside the World War underground tunnels, will be ready by April?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Mr Speaker. The Scheme is a private venture in which the Government is not directly involved. The Government cannot say whether the project will be ready by April, 1987, as control of the area is in the hand of the MOD and it is not surplus to defence requirements.

Perhaps I could add, Mr Speaker, since the draft answer was prepared, that I held a meeting with those concerned last Friday and in the course of that meeting they informed me that they are aiming to make a start in June or July.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1987

HON J E PILCHER:

I am somewhat baffled. It is a private contract between a second party and the Ministry of Defence in which the Gibraltar Government has no part whatsoever?

HON A J CANEPA:

Let me try to explain. The site in question which I think is Hays Level, these underground tunnels at Hays Level, are not surplus to defence requirements so the Ministry of Defence has no plans to transfer them to the Gibraltar Government. That does not mean, in the view of the Gibraltar Government, that the Ministry of Defence is able to deal in a commercial manner with sites or land or facilities that they hold without the Gibraltar Government having no interest in the matter. I said that we have no direct involvement, that doesn't mean we have no interest. We maintain a position with regard to revenue derived from any commercial activity by the Ministry of Defence, naturally.

HON J E PILCHER:

What the Hon Minister has said is really a point of principle of what the MOD can do with its land.

HON A J CANEPA:

That is what I am saying, yes.

HON J E PILCHER:

If they don't need it they pass it to the Gibraltar Government, but if they don't need it and can find a use for it then they don't need it.

HON A J CANEPA:

Well, the position is that they are held by the Ministry of Defence and that they have not been declared to be surplus to defence requirements. To that extent control of the area is a matter for them. If they are able to enter into arrangements with a private company in a manner that will safeguard the continuing defence interests, in other words, if there is some sort of emergency they are able to take possession of the area in question immediately, then that is a matter for them but where a three-year licence is granted by the Ministry of Defence, as I say, it is a commercial venture, we hold a position on the matter and the Director of Crown Lands is dealing with his opposite number in the Ministry of Defence in this respect.

HON J E PILCHER:

The situation is therefore not closed, the Gibraltar Government is pursuing the situation with the MOD because in the same way as a contract has been made with a private company, a contract could have been done with the Gibraltar Government on a three-year lease and then the Gibraltar Government could have passed that land (a) to the Heritage Trust, (b) to a private contractor, (c) for tourism, or whatever.

HON A J CANEPA:

If the tunnels in question had been transferred to the Gibraltar Government then we would be able to take a decision on their future. We are not able to take that decision because the land is not the subject of a transfer.

HON J E PILCHER:

But it is the subject of a three-year licence.

MR SPEAKER:

I think that what the Hon Questioner is asking is that if the Ministry of Defence can release the land on a temporary basis, it should be released to Government. Is that correct?

HON J E PILCHER:

Yes.

HON A J CANEPA:

There are precedents in this respect, Mr Speaker, for instance, there was a precedent, I believe, in respect of the Camber area which was owned by the Ministry of Defence but where boats were allowed to be berthed and the Government and the Ministry of Defence entered into an arrangement regarding the revenue derived. There are certain precedents and this is what the Director of Crown Lands is looking into in order to safeguard a natural interest that the Government has in the matter.

HON J E PILCHER:

Could the Opposition be kept informed of the results of these meetings and negotiations between the Ministry of Defence and the Government?

HON A J CANEPA:

Mr Speaker, if at the next meeting of the House I am in a position to give more information I will certainly gladly do so.

MR SPEAKER:

Next question.

NO. 139 OF 1987

ORAL

THE HON M A FEETHAM

Is Government now in a position to state what is the total commitment plan for the 1986/1990 Development Programme?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

I must confess, Mr Speaker, by way of preamble, that I had a certain amount of difficulty in knowing exactly what information the Hon Member was seeking and therefore I am not absolutely sure that I am providing what he wanted.

The estimated level of expenditure for the 1986/90 Development Programme is in the order of £20 million. The following are the main heads of expenditure:

<u>A. ODA Funding</u>	<u>Cost</u>
1. Hesse's Pumping Station	1,100,000
2. Electricity distribution (GSL)	1,100,000
3. Water Catchments	560,000
4. North Front Wells	250,000
5. Passenger terminal	90,000
6. Network analysis	60,000
	<hr/>
	£3,160,000
7. Port reclamation	to be costed
 <u>B. Other Main Projects</u>	
1. Elec. 4th Set/distr.	6,200,000
2. Airport Terminal	2,500,000
3. Engineer House	1,500,000
4. Tourism projects	1,073,000
5. St Anne's School (Extension)	546,000
6. Sir Herbert Miles Road	500,000
7. Occupational Centre	300,000
	<hr/>
	£12,619,000
	<hr/>

SUPPLEMENTARY TO QUESTION NO. 139 OF 1987

HON J E PILCHER:

Mr Speaker, if I may, could I have a breakdown on the £1,073,000 on the Tourist projects, what does that comprise?

HON A J CANEPA:

That is made up, Mr Speaker, of (a) a nature reserve - I am not sure what that means - £½m; (b) the Upper Galleries - £130,000; (c) St Michael's Cave - £93,000; (d) Europa Point - £50,000; (e) Air Terminal - £50,000; (f) Wellington Front - £50,000; (g) Piazza development - £200,000.

HON J L BALDACHINO:

Can the Hon Member say what the Town Range development consists of?

HON A J CANEPA:

I didn't say Town Range, Mr Speaker.

HON J BOSSANO:

Mr Speaker, is the Hon Member, in fact, telling us that the £1.5m which he is talking about Engineer House is the total projected expenditure on housing between now and 1990?

HON A J CANEPA:

No, Mr Speaker, there are other projects, I am pretty certain that there will be other projects included in the Improvement and Development Fund. At least let me put it this way, the Forward Planning Committee which I Chair, has submitted other projects in the draft estimates for next year but they are still to be considered by Ministers.

HON J BOSSANO:

If the Hon Member has given us a breakdown of £20m that is planned between now and 1990, is he saying that there is additional expenditure for the Improvement and Development Fund above this £20m then?

HON A J CANEPA:

Yes, in fact, I mentioned one project that has not been costed

which is Port reclamation. There is a project for the Tower of Homage, there are other possibilities of other new schools also in the programme. I have given as much information as I have been able to give on the current state of affairs.

HON J BOSSANO:

We are grateful to the Hon Member for the detailed answer he has given, Mr Speaker, but what I am trying to establish is does the breakdown that he has given us total £20m. I understood from what he had said that, in fact, the amount yet to be costed are part of the £20m?

HON A J CANEPA:

No, sorry, the breakdown that I have given is nearly £16m. There are other projects to be costed, in fact, I think we may well exceed £20m.

HON J BOSSANO:

Therefore what I am asking for is, in fact, if with the projects yet to be costed we could come to a total of £20m or over, is the sum total therefore planned for the Improvement and Development Fund the same figure as the figure that he has given us, that is, a £20m programme running from now to 1990?

HON A J CANEPA:

No, because there are projects in the Improvement and Development Fund that are not tackled here. For instance, the Telephone Department will have a number of projects which are not included here, the Electricity Department may have improvements to public lighting, those are not included here. Put it this way, what is here has to go into the Improvement and Development Fund but in the Improvement and Development Fund there may well be other projects.

MR SPEAKER:

Next question.

NO. 140 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what results the Survey carried out by the Port Department has produced, arising out of the new Port Regulations introduced on the 1st January, 1987, which affected owners of small boats, as well as stating the total number of boats envisaged to be affected by the new Regulations?.

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, the Survey undertaken by the Port Department as a result of the implementation of the Port (Amendment) Rules, 1986, has shown that a number of vessels having engines in excess of 200HP are affected, as listed below:-

Marina Bay	18
Sheppard Marina	12
Camber	9
Montagu Basin	-
Other Sites	10
Registered as British Yachts in 1986	33

SUPPLEMENTARY TO QUESTION NO. 140 OF 1987

HON M A FEETHAM:

As a result of that survey, could the Hon Member state how many ships have, in fact, been registered and licenced?

HON A J CANEPA:

To date only three fast launch licences have been issued.

HON M A FEETHAM:

And what is the intention as regards the rest?

HON A J CANEPA:

The intention, Mr Speaker, is that amendments to the legislation are being considered in order to permit such vessels to be moored at Montagu and the Camber.

HON M A FEETHAM:

Mr Speaker, as I understand it, new Port Regulations were introduced which specify that certain launches of a certain size and power, in order to be able to operate within certain hours of the day, namely, ten at night and seven in the

morning, were required to be licensed. Do I take it that, in fact, there have been no approaches made to ensure that these boats obtain the necessary licence which they need to have under the new Regulations or is it that Government do not intend now to proceed with the licensing of these boats?

HON A J CANEPA:

The intention is in respect of the boats that I have mentioned which have got engines in excess of 200HP and which have been affected in the manner that we have described, the intention is to enable the position to be regularised for them. This is an anomaly under the existing legislation, the intention is to amend it in order that the position can be regularised so that they can be moored at the Camber and they can be moored at Montagu.

HON M A FEETHAM:

Mr Speaker, can they then move in and out of the waters of Gibraltar freely?

HON A J CANEPA:

I don't know the legal intricacies of the matter, Mr Speaker, I would require separate notice of that question.

HON M A FEETHAM:

The point I am getting at, Mr Speaker, is that if the Port Regulations state that a particular launch of 200HP which is petrol fuelled requires a licence and the same boat with a diesel engine of 200HP doesn't require a licence, wouldn't the Government agree that the Regulations in themselves as now put into effect are, in fact, not only discriminatory but cannot be enforced because it is, in fact, contradictory?

HON A J CANEPA:

There are anomalies in the legislation which have come to light as a result of representations made and steps are being taken to correct them.

HON M A FEETHAM:

In fact, the Minister does agree that at the end of the day it is preferable not to licence these boats until such time as the Port Regulations are either amended or regulated or another decision taken?

HON A J CANEPA:

No, I don't agree with that but I think I would agree to say that they need to be amended and they are going to be amended.

MR SPEAKER:

Next question.

NO. 141 OF 1987

ORAL

THE HON M A FEETHAM

Will Government state whether there is a required minimum manning level for the crew of Gibraltar registered ships?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, under the Gibraltar Merchant Shipping Ordinance minimum requirements for officers are set out in Section 3(1). These requirements accord with Section 92 of the Merchant Shipping Act, 1894, of the United Kingdom.

There are no minimum levels for crew under the Gibraltar Ordinance. However, as the Honourable Member knows, Gibraltar is working towards having various international safety conventions extended to Gibraltar, and one such convention will be the Minimum Crew Manning on Merchant Ships Convention.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1987

HON M A FEETHAM:

What the Minister is saying, in fact, is that Government will be able to determine the minimum manning levels at some time in the future?

HON A J CANEPA:

Once this extension is extended to Gibraltar we will be able to lay down conditions under the Convention for minimum crew manning levels.

HON M A FEETHAM:

Presumably this manning level will be in line with the UK manning requirements?

HON A J CANEPA:

Yes, that is correct.

HON M A FEETHAM:

So, in fact, the existing viewpoint of Government as expressed publicly that if in a UK registered port a ship requires to have, for example, twenty crewmen in order to attract them

to Gibraltar we may be able to have eighteen or sixteen, is no longer the viewpoint of the Government because we will have to adhere to British standards, is that the case?

HON A J CANEPA:

Yes, we do adhere to British standards.

HON M A FEETHAM:

So, in fact, what the Minister said on television.....

HON A J CANEPA:

I may well have been wrong. I have not yet been granted papal infallibility, it might come in due course.

HON M A FEETHAM:

So, in fact, the Minister will agree that if we were to have continued in the present course as regards manning and other requirements people would have been entitled to criticise Gibraltar as being a flag of convenience?

MR SPEAKER:

That is hypothetical.

HON M A FEETHAM:

No, Mr Speaker, with respect.....

MR SPEAKER:

With respect, if you start saying 'If this had happened this would have been the result' it is most certainly hypothetical.

HON M A FEETHAM:

Mr Speaker, can I therefore re-phrase my question. As it is at the moment, have people been justified to criticise the Gibraltar Registry as being a flag of convenience because up to now we have not been adhering to British standards?

HON A J CANEPA:

I am sorry, Mr Speaker, my attention was distracted.

HON M A FEETHAM:

I have got all the time in the world for the Hon Member opposite because he has always been very good in giving information and I will repeat it for the third time. As it is at the moment the criticism which has been aimed at Gibraltar recently as regards the Registry of Gibraltar has been justified therefore because we have not been adhering to British standards as far as manning and other requirements are concerned? Isn't that a fact?

HON A J CANEPA:

I think we have been abiding by British standards in respect of safety requirements.

HON M A FEETHAM:

My question is on manning, Mr Speaker.

HON A J CANEPA:

But manning must be seen in the context of safety. You have got to be able to man a ship so that the full safety conventions and requirements can be enforced, that must be the criteria.

HON M A FEETHAM:

What I am asking is, Mr Speaker, is it in fact happening at the moment?

HON A J CANEPA:

Yes, I am advised that that is happening at the moment.

HON M A FEETHAM:

Does Government agree with the viewpoint taken by the Shipping Association when they said that ships registered in Gibraltar did not have to comply with the manning levels required by British standards?

HON A J CANEPA:

I am not prepared, Mr Speaker, to answer today in the House a question in respect of statements made in a programme on television by representatives of the Gibraltar Shipping Association without knowing fully what was said and without being able to consider the matter and take advice.

HON M A FEETHAM:

You were in the same programme.

HON A J CANEPA:

I know I was in the same programme but I am not responsible and you were in the same programme and I am not responsible for what you said or for what any member of the Gibraltar Shipping Association said.

HON M A FEETHAM:

But they were speaking with.....

MR SPEAKER:

Order. You see you are beginning to debate and that is what I am trying to stop and you get annoyed when I stop you.

HON M A FEETHAM:

Let's not get annoyed, Mr Speaker, we are having a jest.

HON A J CANEPA:

I may have made a mistake myself in any statements that I made, that is another matter.

HON M A FEETHAM:

Mr Speaker, I accept that.

HON J BOSSANO:

Can we establish then, Mr Speaker, what is, in fact, the required minimum level today for a Gibraltar registered ship?

HON ATTORNEY-GENERAL:

Mr Speaker, perhaps with United Kingdom ships, as I understand the position, the Board of Trade only make regulations as to manning levels, this is what section 43 of the 1970 Act says: 'The Board of Trade shall not exercise their power to make regulations requiring ships to carry seamen other than doctors and cooks, except to the extent that it appears to them necessary or expedient in the interests of safety'. As I understand it from the Captain of the Port to whom I spoke on this that when he is required to look at the manning levels he looks at it from

the point of view of safety and what is necessary in his opinion and he is the Registrar of British ships in Gibraltar and he fixes what he considers to be the safe manning level and no doubt with reference to his experience, reference to the manning levels applying in the United Kingdom, he will then determine the number. But it is safety with crews except, as I understand it, for cooks and doctors and no doubt the manning levels - I would admit that the Hon Leader of the Opposition could answer this better than I can - it is fixed in negotiations with the various seamen's unions as to what is decided to be the proper manning level as agreed with the National Union of Seamen. They may be overmanned but those are the criteria.

HON J BOSSANO:

Is the Hon Member saying, Mr Speaker, that there exists power under the Gibraltar Merchant Shipping Ordinance to fix minimum manning levels?

HON ATTORNEY-GENERAL:

It would apply. If you have got a Gibraltar registered ship before the Captain of the Port will decide whether it is safe to go to sea and what have you, he will say: 'What is the manning level, how many have you got?' and then he will apply, I would have thought, the same criteria as to what is expedient and necessary in the interest of safety. I don't know if the Captain of the Port has been called upon to do it.

HON J BOSSANO:

What I am trying to establish, Mr Speaker, is what is happening today, I am not asking hypothetical questions. What I want to know is, if today a ship applies to register under the Gibraltar Registry can the Captain of the Port tell that ship owner what should be the minimum crew?

HON A J CANEPA:

Yes, he can determine the minimum manning levels.

HON J BOSSANO:

And that is stipulated under the current Merchant Shipping Ordinance of Gibraltar, is that correct?

HON A J CANEPA:

Section 92 of the Merchant Shipping Act, 1894, which was repealed in the United Kingdom but the repeal did not affect Gibraltar.

HON J BOSSANO:

Then, Mr Speaker, the original answer from the Hon Member opposite that in Gibraltar there is no minimum manning level possible other than for officers is incorrect, is that right?

HON A J CANEPA:

The stipulation that I have here in a supplementary note is that when required the Registrar of British ships, who is the Captain of the Port as the Attorney-General explained, determines the minimum levels of manning of ships registered in Gibraltar in accordance with the United Kingdom standards except for doctors, cooks, and so on in the interest of safety. What I am not certain legally is what is the view taken, what is the connotation to be put on 'determines' and 'when required', that is what I am not certain.

HON J BOSSANO:

Mr Speaker, the answer the Hon Member has just given me to my question is incorrect. One of the two answers must be incorrect because one answer contradicts the other one and I am trying to establish the facts.

HON A J CANEPA:

I have in the main answer a sentence which reads: 'There are no minimum levels for crew under the Gibraltar Ordinance'. Then Section 92 of the 1894 Merchant Shipping Act was repealed, it has no effect on the provisions of Gibraltar's Merchant Shipping Ordinance, I am informed, in the terms in which I have read. There would appear to be, at first sight, an inconsistency between the two stages.

HON J BOSSANO:

So, in fact, since there appears to be an inconsistency and I imagine the Government is not in a position to clear it now, can they clear the inconsistency and let us know which is the correct version.

HON A J CANEPA:

Yes, I will clear the matter up.

MR SPEAKER:

Next question.

HON A J CANEPA:

Mr Speaker, I don't know whether the Leader of the Opposition is outside and he is able to listen to what I am saying but I am now in a position to clarify the apparent inconsistency between part of the statement that I was making in the main answer yesterday to Question No.141 and the information which I then imparted in the course of supplementaries. The position, Mr Speaker, is that under our Ordinance there are no rules or regulations laying down manning levels for the crews hence the statement that I made in the main answer, and I quote: 'There are no minimum levels for crew under the Gibraltar Ordinance'. However, under Section 116 of the Merchant Shipping Ordinance, the Captain of the Port has power to detain vessels which are not sea worthy due to their being undermanned and hence the information that I was giving in the supplementary information that the Captain of the Port is in a position to determine the minimum levels of manning of ships.

HON J BOSSANO:

Can I ask for clarification. If the Hon Member has said that the Captain of the Port has powers to detain then, surely, it has nothing to do with whether the vessel is registered in Gibraltar or not but whether the vessel is in Gibraltar waters.

HON A J CANEPA:

That is so, it is regardless of whether a vessel is registered in Gibraltar or not.

HON J BOSSANO:

The question we were asking was about determining the manning levels for Gibraltar registered ships not ships of other nationalities.

HON A J CANEPA:

What happens in the case of Gibraltar registered ships, and I go further, is that the owner may request a certificate of safe manning and to get that certificate of safe manning then obviously it is the Captain of the Port that would have to determine the correct manning levels insofar as safety is concerned.

HON J BOSSANO:

But can, in fact, a ship owner that comes to Gibraltar and says: 'I want to register my ship here' be told: 'You have to have such and such a manning level otherwise you cannot register'. Is that possible or not?

HON A J CANEPA:

There is a relevant Merchant Shipping Notice issued by the Department of Transport in the United Kingdom which will be extended to Gibraltar in due course. When that happens then the Captain of the Port will be able to act in the manner that Mr Bossano is suggesting. At the moment he is only able to do so when required by the owner of the vessel who is seeking a certificate of seaworthiness.

HON M A FEETHAM:

So the answer is, in fact, that at the moment he has no powers to determine the manning levels of ships registered in Gibraltar?

HON A J CANEPA:

Unless somebody asks for a certificate of safety and he will only have powers to do so, in any event, when the shipping notice that I have referred to and which I was having a look at this morning is extended to apply to Gibraltar.

HON M A FEETHAM:

Mr Speaker, in fact, we do not meet British standards at the moment?

HON A J CANEPA:

Yes, we do meet British standards in respect of safety.

HON M A FEETHAM:

I am talking about manning levels.

HON A J CANEPA:

Yes, you do because a vessel could have a crew of fifty of whom thirty are seamen and it is the requirement for those thirty seamen that determines whether you are meeting British standards. The other twenty could be stewards or pursers and whether you have twenty stewards or eighteen stewards or fifteen has got nothing to do with the safety aspects, it is only in that context that there can be savings in respect of overall levels of crew.

HON J BOSSANO:

But at the moment, surely, Mr Speaker, the Hon Member has just said that we cannot require the ship to have thirty seamen or one seaman at all.

HON A J CANEPA:

That is the position at the moment.

HON J BOSSANO:

So therefore at the moment we are not meeting British standards.

HON A J CANEPA:

What we are aiming for, as soon as the relevant conventions are extended, is to be able to comply in respect of the Captain of the Port laying down the full manning levels in respect of safety.

HON ATTORNEY-GENERAL:

And, of course, Mr Speaker, the vessel can be prevented from sailing, a Gibraltar registered vessel sailing from Gibraltar if the manning is below safety standards, that is under section 116 of the Merchant Shipping Ordinance which applies to Gibraltar registered vessels as well as foreign registered vessels.

HON M A FEETHAM:

Mr Speaker, we agree to disagree on that.

NO. 142 OF 1987

ORAL

THE HON J C PEREZ

Will Government make arrangements for members of the public to have privacy when attending Government offices to deal with personal matters?

ANSWERTHE HON CHIEF MINISTER

Sir, arrangements are normally made for members of the public to have privacy when attending Government offices to deal with personal matters. If the Honourable Member wishes to draw attention to any specific case where this has not been done, I will gladly undertake to look into the matter and take whatever action may be necessary.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1987

HON J C PEREZ:

Mr Speaker, I am referring more specifically to the Income Tax Office and to the Labour Department where there are matters raised by members of the general public at a counter and where there are people surrounding the counter and in queues listening to a lot of personal matters which necessarily need to be discussed in this Department?

HON CHIEF MINISTER:

I will certainly look into the second one with more detail. Because I anticipated that the question might be aimed at the Income Tax Office on which there have been previous complaints, I discussed the matter with the Commissioner of Income Tax and he tells me that people who go to discuss matters of an administrative nature, taxpayers themselves on PAYE, are brought into the office and discuss the matter with the relevant officer in his office. He said that there are two positions in the counter where people go to have their codes amended and there might well be people discussing a matter or a code and somebody behind waiting might be hearing. However, work has already started at St Jago's and facilities will be made there to ensure the utmost privacy in these matters. With regard to the Labour Department I will look into the matter and inform the Hon Member whether I can do anything in respect of that. I had not anticipated that and I therefore did not pursue that one but I was able to arrange the one on which there had already been mention at some time in the past.

HON J BOSSANO:

Will the Hon and Learned Member also look into the area of individual consumers of the municipal services like electricity and water where also there is a small window and a queue and people are required to sort of try and negotiate methods of payment of arrears and explain domestic circumstances why they have fallen behind. I think that is also an area that people should have the privacy of an office to discuss their personal circumstances.

HON CHIEF MINISTER:

I agree that matters of that nature requires separate attendance but insofar as routine matters are concerned, very much like the banks and other places, if there is a queue on a routine matter, if somebody overlooks whether you are cashing a cheque for £200 or £2,000 it is impossible to avoid. Certainly, arrangements for the payment of arrears is not a routine matter to be dealt with at a counter.

MR SPEAKER:

Next question.

NO. 143 OF 1987

ORAL

THE HON M A FEETHAM

Would Government consider introducing measures to up-date the electoral register every six months thus facilitating the position of those persons whose residential circumstances have altered and would therefore qualify for inclusion in the Register?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, as I stated in answer to Question No. 71 of 1987 on 10 February, 1987, on the same subject, whilst the Government saw no reason in the circumstances described in my answer, to produce a new supplement I added that matters of this nature are normally dealt with on a consensus basis. I said I was prepared to consider any suggestion from the Opposition. I have not been approached since then and I will be happy to meet any representative of the Opposition to discuss the matter, as well as the possible procedures, time tables required under the present law and other details which would have to be taken into account.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1987

HON M A FEETHAM:

Would the Hon and Learned Chief Minister accept the proposal as outlined in my question as a basis for consensus to satisfy the critics of the present system?

HON CHIEF MINISTER:

I didn't hear the question.

HON M A FEETHAM:

Will the Hon and Learned Chief Minister accept the basis of my question as perhaps a consensus to work upon straight after the meeting of this House, if required?

HON CHIEF MINISTER:

No, I think there ought to be formal consultations first. I must tell Members that, for example, the idea of two supplements or a supplement every six months would mean really having the staff six months in the year because it takes three months to

make a supplement and if you are making two supplements a year it means you must have half a year on supplements by members of the staff of the House. Whether a supplement is done now or rather it is initiated now is another matter which I am prepared to consider. I have a paper here from the Electoral Registration Officer giving me the whole background of what is required and I think we ought to discuss this before I give an impression that the matter is an easy one and that I have no difficulty about this, there are difficulties apart from the expense but the point is that a supplement takes, in accordance with the provisions of the House of Assembly Ordinance, three months to complete.

HON M A FEETHAM:

Mr Speaker, I don't wish to get into the nitty gritty of the thing, what I am saying is will the Hon and Learned Chief Minister accept that we could perhaps meet to discuss the possibility of finding a way round the existing problem where people who at the time when an election is called have already resided in Gibraltar for six months and therefore because they are not in the register are deprived from the right to vote which is fundamental to anybody and certainly to democracy and that the present system as it stands and because there isn't going to be a supplement, is depriving a number of people from the right to vote and perhaps one way around it, this is a suggestion, is perhaps this system or something very similar. Will the Government accept to meet the Opposition to discuss this matter further?

HON CHIEF MINISTER:

I have invited the Opposition to approach me and I will be happy to discuss the matter.

MR SPEAKER:

Next question.

24 3 87

NO. 144 OF 1987

ORAL

THE HON J E PILCHER

Will Government make available to the Opposition an unabridged version of the Price Waterhouse Report?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government is prepared to make arrangements to enable the Honourable Member to see a copy of the unabridged version of the Price Waterhouse Report on a confidential basis.

NO. 145 OF 1987

ORAL

THE HON J E PILCHER

Can Government explain why the Board of Gibraltar Shiprepair Limited did not insist in being provided with the information highlighted by the Price Waterhouse Report?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the points highlighted by the Price Waterhouse Report regarding the provision of adequate financial information were the subject of regular discussion by the GSL Board for a considerable time long before the Price Waterhouse Report. Concern was expressed by the Board well before the consultancy was commissioned. Indeed, the Board took appropriate action under the terms of the Management Agreement to correct the situation.

SUPPLEMENTARY TO QUESTION NO. 145 OF 1987

HON J E PILCHER:

Is it not true to say, Mr Speaker, that when Price Waterhouse first came to Gibraltar they found that the information that the Board was getting was not the information that the Board should have been getting and it was only on the second visit after having mentioned it on the first visit that the thing got better?

HON CHIEF MINISTER:

No, I don't agree with that. The Board expressed concern throughout 1986 and it was not that, it was not being provided with timely and reliable financial information. The managers explained that this was due to problems relating to the proper functioning of the computer system and the inaccurate date on stocks. These were highlighted in the internal audit report. APA at their expense engaged computer audit consultants to tackle the problem. By January, 1987, most of the problems appeared to have been resolved. The GSL Board will not be content until the company's auditors are satisfied that all systems are functioning properly and the financial information is considered to be reliable.

HON J E PILCHER:

Mr Speaker, there are two different points. One, I think, the

Hon and Learned Chief Minister has touched upon which is the realibility of the information that the Board was receiving because of the computer operation and this morning we did mention it and the Hon Financial and Development Secretary said that the question of the computer was being looked at by the Board and that a decision would be taken on the way ahead on the computer system. What I am asking, Mr Speaker, is the comment made by Price Waterhouse that information presented to the Board each month should contain balance sheets, profit and loss account, cash flow projections, contract summaries as regards outturn and work in progress, statements of capital expenditure, things which really are contained as the Hon and Learned Chief Minister has said although the actual contract is confidential, part of the management contract and it is only in February, 1987, when Price Waterhouse returned that they said: 'We are now encouraged that the main information pack includes the following' and they mention that. That is what the Opposition are trying to seek, why wasn't this information available to the Board before December, 1986?

HON CHIEF MINISTER:

The point is that the Board was aware that they were not getting the right information from 1986 and were claiming and taking action on it. Let me say that my information is that not only did they inform Appledore that they would not be paid in respect of certain services on which information was not being rendered but that they have, in fact, made claims against Appledore in respect of things that they feel that they have done wrong and this was done before the Price Waterhouse Report came into being. I would like to state here without going into further matters about this which might transcend what is convenient for commercial reasons, that I have gone into this before I decided to answer this question and I am satisfied that the Board have taken a very firm and strong action with Appledore about their failure to provide the necessary information.

HON J E PILCHER:

I thank the Hon and Learned Chief Minister for that information but the reality is that as far as the Opposition benches were concerned, all that we knew was that for 1985 and 1986 the CSL Board had been operating without any of these things and obviously not been able to do their job properly if they are not provided with the necessary information in order to gauge the company's work.

HON CHIEF MINISTER:

There was no opportunity for the Board to come public in this matter but now that it has been made public in the Report by Price Waterhouse, we can now say what the Board was up against and what it was doing.

HON J E PILCHER:

But surely, Mr Speaker, although I accept what has been said the Board was up against, by virtue of the management contract the Board could actually force the company to give them a breakdown of all these things because that is part of the management contract and yet they were trying for 1985 and 1986 unsuccessfully until early 1987.

HON CHIEF MINISTER:

No, 1986 is, according to my information, when really a hard line was taken by the Board, in 1986, and they started getting tough on the matter and have done so ever since and there have been now guarantees and so on but the claims that have been made arising out of that have not been settled.

HON J BOSSANO:

Mr Speaker, can we in fact deduce from what the Hon and Learned the Chief Minister has just said that, in fact, the recommended information specified in paragraph 212 on page 45 of the Price Waterhouse Report, ie the monthly statement on the balance sheet, profit and loss accounts, cash flow projections, none of that happened in 1985?

MR SPEAKER:

May I ask whether that Report is available to all Members?

HON J BOSSANO:

It has been published, Mr Speaker. Are we to understand that, in fact, this did not happen at all in 1985?

HON CHIEF MINISTER:

I am afraid that the details of 1985 are better known to my colleague than to myself, I can speak from 1986 onwards so I will leave him to deal with that.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I can certainly say to the Hon Member that going back as far as 1984 when I was, of course, associated more

directly with the company, we did have information. The question I think, which arises is as to the accuracy of some of the information which was presented and also whether it was originally comprehensive. As I understand it, it is really that rather than a question of all or nothing that is at issue in this matter.

HON J BOSSANO:

Mr Speaker, we get less information from the Hon Financial and Development Secretary sometimes than we do from any of the elected Members of the Government. My question is very simple. There is a recommendation that the Board of GSL should be provided with a balance sheet, profit and loss and cash flow projections. We have got the Accounts of 1985 which the Hon Member is asking us to note. I want to know whether that information was provided during 1985 to the Board on a monthly basis or not, yes or no? However accurate the information was or inaccurate the information was, was it actually provided every month?

HON CHIEF MINISTER:

Yes, some information was being given but not all of it.

HON J BOSSANO:

Well, either you give a balance sheet or you don't give a balance sheet. I don't see how you can give part of a balance sheet so are we being told that they didn't have a balance sheet provided to them through 1985?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

To be more precise, the company did certainly have (1), (2) and (3) but insofar as I am aware they did not have (4) and (5) and having said that they had (1), (2) and (3) there were some because, inter alia, there were difficulties with the computer system, there were built-in inaccuracies in the information which was provided on a monthly basis.

HON J BOSSANO:

But the information was being provided on a monthly basis, that is what I am asking for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I didn't catch that.

MR SPEAKER:

The information was being provided on a monthly basis.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, certainly, the company had from quite an early stage monthly statements, yes.

HON J BOSSANO:

As long as the Government is quite sure that that was happening, my information is that it wasn't happening.

HON CHIEF MINISTER:

Yes, but it became clearer, I think, that it was more incorrect and incorrect until they put a stop to it.

HON J BOSSANO:

The Hon and Learned Member has finished saying that is why they put a stop to it, did they put a stop to it in 1985?

HON CHIEF MINISTER:

No, I should have said that is why they took action on it.

MR SPEAKER:

Next question.

NO. 146 OF 1987

ORAL

THE HON R MOR

Can Government state whether there have been any new developments as to who will meet the cost of Spanish pensions beyond 1988?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Joint Study Group which is looking into this matter is continuing with its deliberations and there is really nothing that I can report now.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1987

HON R MOR:

Does the Government still maintain that the matter will be resolved long before 1988?

HON CHIEF MINISTER:

It has to be resolved before 1988.

HON J BOSSANO:

By December, 1987.

HON CHIEF MINISTER:

Before the end of 1988 because the money that is provided under the agreement finishes at the end of 1988. I am perfectly straightforward in my statements.

HON R MOR:

Mr Speaker, does the Government accept responsibility to ensure that this matter is resolved before there are general elections in Gibraltar?

HON CHIEF MINISTER:

That is a different problem. I wish we could say that with confidence, unfortunately the extent of the discussions that so far have taken place and the little progress that has been made does not augur well for the problem being solved long before the end of 1988 and therefore I cannot really say whether it will be before or after the general election which would in any case not be later than April, 1988.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

6TH JULY, 1987

NO. 147 TO NO. 247

NO. 147 OF 1987

ORAL

THE HON J BOSSANO

Can Government state how much money has been provided for the wage review of industrial workers this year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the provision included in Head 26-Pay Settlements, for the 1987 wages review of industrial workers is £ $\frac{1}{2}$ m.

SUPPLEMENTARY TO QUESTION NO. 147 OF 1987

HON J BOSSANO:

Can the Hon Member inform me now of what I asked him at the time that the estimates were presented, on which of the various figures for the cost in 1986/87 has the calculation for 1987/88 been based?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is quite true, Mr Speaker, I did promise the Hon Leader of the Opposition to provide this information during the Budget debate. I apologise for not yet having provided it and I intend to write to him very shortly giving that information.

HON J BOSSANO:

Mr Speaker, will the Hon Member also include in there which is, in fact, the accurate of the three separate costs for 1986/87 that he has given me in previous correspondence so that the latest most up-to-date figure that he is using presumably will be the most accurate one of the three. Can he confirm which is the accurate one?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I will look very closely at what I have said in previous correspondence and, indeed, in the House to the Hon Leader of the Opposition and I will do my best to give him the accuracy he requires.

MR SPEAKER:

Next question.

NO. 148 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how much money has been disbursed in the first quarter of the current financial year from the I&D Fund and in respect of which Heads of Expenditure?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Expenditure figures for the Improvement & Development Fund in respect of the 1st Quarter 1987/88 have not yet been finalized. However, I can provide tentative figures produced by the Treasury.

	Locally Funded £'000	ODA Funded £'000	Total £'000
101 - Housing	195	-	195
102 - Schools	-	-	-
103 - Port Development	-	1	1
104 - Misc Projects	74	-	74
105 - General Services	25	5	30
106 - Potable Water Service	7	3	10
107 - Telephone Service	61	-	61
108 - Public Lighting	-	-	-
109 - Electricity Service	10	179	189
110 - Crown Lands	-	-	-
111 - Tourist Development Projects	24	-	24
112 - Medical Services	8	-	8
	<hr/>	<hr/>	<hr/>
Totals	404	188	592
	===	===	===

SUPPLEMENTARY TO QUESTION NO. 148/87

HON M A FEETHAM:

Will Government state if they intend to spend the £8m estimated and projected for 1987/88?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, I didn't quite catch that.

HON M A FEETHAM:

The £8m estimated in the I&D Fund for 1987/88, does Government expect to spend the £8m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot give an answer to that question, Mr Speaker. I doubt whether we could give an answer to that question in general terms at this stage but I will take note of it. I cannot really give any more information than I have given so far.

HON J BOSSANO:

Is, in fact, the programme slipping, this is what we are asking, Mr Speaker? Is the figure that the Hon Member has given an indication that the projects are behind schedule, as it were?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, not in the sense that I am aware of their being behind schedule but the information at this stage of the financial year is usually insufficiently diagnostic to enable such a prediction to be made.

MR SPEAKER:

Next question.

NO. 149 OF 1987

ORAL

THE HON J BOSSANO

Can Government confirm that they have transferred the £2.5m from the Consolidated Fund to the Improvement and Development Fund as legislated in this year's Budget?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Contributions to the Improvement and Development Fund are made throughout the year as and when required. Expenditure figures for the Improvement and Development Fund in respect of the 1st Quarter 1987/88 have not yet been finalized, as I have just explained to the Hon Member's colleague, but tentative figures produced by the Treasury indicate that no contribution has, as yet, been required.

SUPPLEMENTARY TO QUESTION NO. 149/87HON J BOSSANO:

Mr Speaker, isn't the Government required by the Ordinance, unless the Hon Member thinks it is against the public interest, to transfer the money when the Appropriation Bill becomes law?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Hon Member raised this point, if I recall correctly, during the Budget debate and I consider it sufficiently important to say something, perhaps, rather more lengthy with your permission on that question. The first point is that under Section 4(1) of the Public Finance (Control and Audit) Ordinance: "On the coming into force of an Appropriation law the Financial and Development Secretary shall authorise payment out of the Consolidated Fund for such sums as may be required to meet expenditure chargeable on the Consolidated Fund under such a law". However, the same section includes a proviso that "it is within the discretion of the Financial and Development Secretary to limit or suspend at any time, any expenditure so chargeable under an Appropriation law if in his opinion the public interest so requires". If I were to authorise the Accountant-General to make payment out of the Consolidated Fund all expenditure voted by this House immediately upon the coming into force of an Appropriation law passed at the Budget session, I would be authorising the Accountant General to pay over immediately a large amount of money before it was required, something like £60m or £70m, from memory. I would be making an ass of the law and acting against the public interest. It is clearly in the public interest that money should only be withdrawn from the Consolidated Fund as and when required. Moreover, section 3 of the

Public Finance (Control and Audit) Ordinance places on the Financial and Development Secretary responsibility for the management of the Consolidated Fund and the Improvement and Development Fund and the control and direction of all matters relating to the financial affairs of the Government. I am quite sure that that section together with the proviso I have mentioned, give the Financial Secretary the necessary authority to take decisions in the interest of sound financial management. That is really all I have to say, Mr Speaker.

HON J BOSSANO:

Until I ask him my next question, presumably, Mr Speaker, having said a lot of things. And that is, is the Financial and Development Secretary not aware that on every previous occasion contributions from the Consolidated Fund to the Improvement and Development Fund have been carried out by Financial Secretaries since this Government was elected in 1972 notwithstanding the fact that the money has not been spent from the Improvement and Development Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I was not, in fact, aware of that, Mr Speaker, nor do I think that it alters greatly the force of what I have, in fact, said.

HON J BOSSANO:

Mr Speaker, is the Hon Member then saying that every previous Financial Secretary made an ass of the law?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No. If the Hon Member had, in fact, heard closely and I accept that he couldn't have heard closely because he couldn't take it all in, I did not say that to do that would be making an ass of the law. What I said was that to pay over all the money as required by law - I was answering his point on the legality of it - would in fact make an ass of the law.

HON J BOSSANO:

Then the Hon Member accepts that what I am asking him to do would not make an ass of the law because the Hon Member is here to give me information in answer to questions and he has by implication suggested that I am asking him to hand over £70m and my question is directed to £2.5m transferred from one Fund to another and I am asking him, does he in fact confirm that to transfer the £2.5m voted by this House into the Improvement and Development Fund which is not to spend the money but to transfer it to the Fund to which the House has decided it should be is not, in fact, to make an ass of the law as he appeared to be suggesting?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Again, Mr Speaker, I think I must repeat that when I used the phrase 'make an ass of the law' it was a specific reference to the legality of not doing what the Hon Leader of the Opposition said I was doing, that is to say, transgressing the law, he made that point in his earlier comments in the Budget session. I think it is a perfectly reasonable interpretation of the law not, in fact, to pass over the money from the Consolidated Fund to the Improvement and Development Fund and I have tried to give an explanation as to what I think that it is reasonable in the interest of sound financial management. I have also explained what I think what my responsibilities are for sound financial management and, indeed, I have quoted a passage in the law which suggests that I am responsible for sound financial management. I appreciate that Hon Members opposite may take a different view both as to what is necessary and also about my competence as a financial manager.

HON J BOSSANO:

Yes, Mr Speaker, I cannot ask any questions about that point from the Hon Member. Can I ask the Hon Member whether it is, in fact, the view of the Government that it was against the public interest to transfer money from the Consolidated Fund to the Improvement and Development Fund in 1983/84 when it wasn't needed because the Opposition would like to know why it is now against the public interest to do it and it was not against the public interest to do it a couple of years ago?

MR SPEAKER:

I think the answer that the Hon Financial and Development Secretary has given is that it is a matter of practical approach by the person who is implementing the Ordinance at the time.

HON J BOSSANO:

Therefore, is it the case, Mr Speaker, that the Government of Gibraltar is indifferent as to this policy and that they don't really mind one way or the other and they leave it up to the official to decide how he interprets the law?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think it is a matter of policy, Mr Speaker, I think it is a matter of financial management and that is my responsibility.

HON J BOSSANO:

Mr Speaker, can the Hon Member explain why it is contrary to the public interest to carry out a transfer of money from one Fund to another on the premise, presumably, which the Hon Member seems to be trying to draw, that moving the money from the Consolidated Fund to the Improvement and Development Fund is no₆ different from spending the

whole money for the whole year even before you need the people who are providing the Government with services? Does the Hon Member not draw any distinction between the two things?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I have explained that it is in the public interest not to make payments out of the Consolidated Fund before they are required. I have explained that contributions from the Consolidated Fund to the Improvement and Development for these particular projects are not required, that is really all I have to say.

HON J BOSSANO:

Mr Speaker, can the Hon Member explain to the House in what respect is he spending the money by putting it in the Improvement and Development Fund? Does the Hon Member not accept that it is the appropriation of those sums out of the Improvement and Development Fund to meet expenditure that really falls within the parameters that he is explaining?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

We are talking here, Mr Speaker, about the transfer from the Consolidated Fund to the Improvement and Development Fund of expenditure which may be required to meet capital projects. As I have explained in earlier answers, the expenditure on capital projects so far this year has been less than the balances already available in the Improvement and Development Fund and it has not, therefore, been necessary to transfer funds from the Consolidated Fund to the Improvement and Development Fund. I should, perhaps, explain that this is not just an aberration on my part, I accept that it is my judgement sensible to do this and the reason is that it is easier to manage investments and I also incline to the view that the credit of interest earned on those investments should be retained in the Consolidated Fund.

HON J BOSSANO:

So is it, in fact, Mr Speaker, that the real reason for the introduction of that policy was that the Hon Member was forced to accept after having rejected it some two years ago that once the money was in the Consolidated Fund under the terms of the Public Finance (Control and Audit) Ordinance the interest earned on that money should properly be credited to the Fund and that although he originally rejected that view he was subsequently forced into doing it and did show that interest and that is the real reason why he has introduced a new policy?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the Hon Member is, of course, quite right and I think with his customary and meticulous attention to the detail of the Government's finances and accounts for which the House is always extremely grateful, he drew my attention to this and certainly I would admit that he gave me pause to think but I wouldn't agree with his construction that I was forced to do anything, I am seldom forced to do anything even by the Hon Leader of the Opposition except to answer questions.

HON J BOSSANO:

But the Hon Member does accept that the change of policy occurred subsequent to that happening?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Let me say, Mr Speaker, that I was made aware of that amongst many issues mysterious or not mysterious such as I have been made aware by the Hon Leader of the Opposition since I became a Member of this House.

MR SPEAKER:

Next question.

NO. 150 OF 1987

THE HON J BOSSANO

Is Government projecting an increase in total liquidity in the current financial year from the £14m estimated at 31 March, 1987?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. It is too early for me to say what the Government's net cash and liquidity position might be at the end of the financial year.

SUPPLEMENTARY TO QUESTION NO. 150/87

HON J BOSSANO:

Is then the Hon Member saying that he has no notion at all of whether the total liquidity is likely to go up, down or remain the same?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The liquidity position, Mr Speaker, depends, inter alia, on buoyancy of revenue, the rate of capital spending and receipts - something we have just been discussing - and, of course, the Government's borrowing requirement because clearly any amount of money which might be borrowed especially if they were borrowed in a very large amount would affect the liquidity position and I am not trying to disguise anything from the Hon Member when I say that I cannot forecast the position at the end of the financial year. I shall be telling him in answer to a later question that I think it will be satisfactory.

HON J BOSSANO:

Mr Speaker, does the Hon Member not accept that on the basis of the estimates produced by him in the Budget he is, in fact, forecasting the outcome at the end of the year in terms of the reserves in the Consolidated Fund and the projected deficit for 1987/88?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly, I would accept that, yes, Mr Speaker.

HON J BOSSANO:

Does the Hon Member not accept that that indicates a reduction in total liquidity?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, but the position is not a static one, Mr Speaker. It is, as I have explained, dynamic because of changes which may take place.

HON J BOSSANO:

Can I then ask him, Mr Speaker, on the basis of the estimates produced by him and approved by this House at Budget time, can the Hon Member say whether that indicates a decline in total liquidity in the current financial year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I would rather not commit myself in the House of Assembly to making such a statement which, for other reasons which the Hon Member might, in fact, not give me credit for subsequently, might turn out otherwise.

HON J BOSSANO:

Mr Speaker, the Hon Member has mentioned borrowing requirement as one of the factors. Does the Hon Member say that it is the policy of the Government to borrow and not spend money and therefore claim that liquidity has improved and the financial position has improved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

MR SPEAKER:

Next question.

NO. 151 OF 1987

ORAL

THE HON J BOSSANO

What does Government consider to be a prudential level of total liquidity?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I would refer the Hon Leader of the Opposition to the reply I gave him in answer to Question No. 263 of 1986. Although that question and the answer I gave referred to the prudential level of reserves I think the argument adduced therein apply generally to the question now asked.

SUPPLEMENTARY TO QUESTION NO. 151/87

HON J BOSSANO:

Is the Hon Member saying that now that we are disregarding the level of reserves we should apply the same criteria to total liquidity that were previously being applied to reserves?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I will repeat, I think that the arguments which apply to the question of the prudential level of liquidity, apply equally to the question of the level of reserves and while I don't want to go through in full the answer which I gave to the House which was last December, Mr Speaker, I did, on that occasion, assure the Hon Member that the Government's net liquidity position was satisfactory and that I thought that the reserves were adequate given the general state of the Government's finances and the economy.

HON J BOSSANO:

Yes, Mr Speaker, we know that the Hon Member thinks they are adequate and in any case we doubt whether he would tell us different even if he thought different. What we are trying to obtain is information on the criteria that he uses so that we ourselves can judge by his criteria the adequacy otherwise he can say that £14m is adequate today and that £28m is adequate tomorrow and that £7m is adequate the next day. Can the Hon Member inform the House what are the guidelines that he uses, does he relate them to total expenditure or to what?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I am saying, Mr Speaker, that I can conceive of a situation, looking at it historically, in which £8m would be adequate at one time, £14m at another time and £27m at another time. That, of course, I think underlines

my point that this is not a static feature and that one really must adjust one's views on this in the light of economic conditions generally and, indeed, Government policies. What I think is adequate for the needs of the Government at present, given the current policies as I understand them, may not be adequate for the Government because its policies change.

HON J BOSSANO:

Would, in fact, what the Hon Member is saying about adequacy in relation to policies be a reference to those policies as reflected in public expenditure, that is what I am asking?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In general terms I would think so, yes, Sir.

HON J BOSSANO:

Then the Hon Member is saying that he considers, broadly speaking, that £14m total liquidity is adequate for £70m recurrent annual expenditure, is that what he is saying?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I wouldn't wish to be tied down too closely to figures which the Hon Member insists in doing, I think It is adequate for the Government's policy.

MR SPEAKER:

Next question.

NO. 152 OF 1987

ORAL

THE HON J BOSSANO

Is it still Government's view that the economy is currently growing at an annual rate of 6% to 8%?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I explained, during my Budget speech, that this was the best estimate that could be made, on the basis of the imperfect data available to the Economic Planning and Statistics Office. There is as yet no reason to change that estimate.

SUPPLEMENTARY TO QUESTION NO. 152/87

HON J BOSSANO:

Mr Speaker, doesn't the Hon Member consider that the more up-to-date information that he has got in any way gives him an opportunity to produce either confirmation of the accuracy of the estimate or any change?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir. I would hope, incidentally, that the Input/Output Study which should be commencing very shortly, will improve our capacity to make forecasts, I wouldn't say accurate forecasts but forecasts.

HON J BOSSANO:

Is the Hon Member in a position to say what was the growth in 1986/87 with any more accuracy than he did at Budget time when he was not able to do so?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, not at this stage, I am afraid.

HON J BOSSANO:

Can the Hon Member say on the basis of the estimated current rate of growth which of the various elements that have been mentioned as pillars of the economy, that is to say, tourism, commercial shiprepairing and the finance centre, the contributions to this growth from those elements?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can certainly say in what I might call impressionistic terms, Mr Speaker, that using both phrases very generally, tourism and financial services are contributing strongly to growth. I regret to say that I cannot say the same for Gibrepair.

NO. 153 OF 1987

THE HON J C PEREZ

ORAL

Is it Government policy to reduce public spending?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

It is Government policy to ensure that the wealth-creating part of the economy is allowed scope for further development. As part of that process a fall in the public sector share of overall employment and domestic product may take place but it is not Government policy to reduce services to the public.

SUPPLEMENTARY TO QUESTION NO. 153/87

HON J C PEREZ:

Can the Hon Member say whether in the last year public spending has declined or risen in real terms?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It has not declined in real terms, no, Mr Speaker, not during the last year. Although there was some reduction in Government spending on goods and services relative to total domestic expenditure and also, I think, in real terms in 1984/85, this was reversed in 1985/86 following the opening of the frontier. Unfortunately, national income expenditure figures for 1986/87 are not yet available so I cannot answer his question with precision but I think I would say that it is likely that private sector expenditure will have increased relative to Government spending during the past year, that is to say, a reversal of the previous year.

HON J C PEREZ:

Is the Hon Member aware that the Minister for Economic Development thinks otherwise and that he said at the Budget session that, in fact, public spending had declined in real terms?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Middle stumped.

HON J C PEREZ:

Mr Speaker, if I may I would like to clarify who it is we have to believe in this House, whether it is the Minister for Economic Development or the Financial and Development Secretary?

MR SPEAKER:

That is a matter of judgment which perhaps you might exercise.

HON J C PEREZ:

If I may rephrase my question then, Mr Speaker, could the Hon Financial and Development Secretary state whether he is talking for the Government or for himself in saying that there has been no decline in public spending or whether he is speaking for the whole Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

After having been given out once, Mr Speaker, I should hesitate to act as umpire in case of further run out between the Minister for Economic Development and Trade and myself.

MR SPEAKER:

Next question.

NO. 154 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state the value of imports in the first six months of 1987?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Mr Speaker. Imports and Exports statistics have only recently been completed for 1986. The processing of data on imports for 1987 has only just got under way.

SUPPLEMENTARY TO QUESTION NO.154/87

HON M A FEETHAM:

Can the Hon Member state more or less when we are likely to get some indication of the figures?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The normal situation as far as the preparation of statistics on imports, Mr Speaker, is that they are produced three months in arrears, when I say arrears I mean three months after the end of the period. Of course the figures are not available, they don't arrive at the Economic Planning and Statistics Office because they come from various sources and they involve a great deal of work and, of course, the volume is increasing all the time, the volume of paperwork which is handled by the Customs, in the first instance, all the time. The arrears has been aggravated by the increased volume and the staffing problems in the Economic Planning and Statistics Office to a situation where, I regret to say, we are six months in arrears at the moment. I hope that we will be back to normal by the end of 1987.

MR SPEAKER:

Next question.

NO. 155 OF 1987

ORAL

THE HON J BOSSANO

How many local insurance companies are tax exempt and how many pay normal income tax on their profits?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I assume that the Hon Leader of the Opposition is referring to locally incorporated companies as distinct from those just carrying on insurance business in Gibraltar. If that assumption is correct there are 31 active locally incorporated tax exempt insurance companies and 3 companies liable to tax. I refer of course to companies authorised under Section 122 of the Insurance Companies Ordinance.

SUPPLEMENTARY TO QUESTION NO. 155/87

HON J BOSSANO:

Mr Speaker, can I ask, in fact, the ones that are trading in Gibraltar and not incorporated under the Gibraltar Companies Ordinance, are they required to pay tax on the profits generated by their business in Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, I think that is the position in theory. Of course, the tax position of foreign not tax exempt companies carrying on insurance business will vary depending on the business carried out by the company in any fiscal year but, broadly speaking, in the case of a non-resident insurance company the profits are not tax exempt, the profits or gains on which tax is payable are ascertained according to the formula laid down in Section 11(2) of the Income Tax Ordinance .

HON J BOSSANO:

Can I ask the Hon Member, the tax exempt companies that are insurance companies, are they liable to any tax other than the normal sort of £250 levied on other tax exempt companies or are they any different?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The position is much the same as with any other tax exempt company, Mr Speaker.

HON J BOSSANO:

Can the Hon Member say whether any of these companies have, in fact, failed to comply with the requirement of the Companies (Taxation and Concessions) Ordinance, whether any of them have failed to comply in meeting the annual payment which they have to make, I believe it is, in April and October every year and which automatically leads to removal of their exempt status?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot say whether all the tax exempt insurance companies will have complied absolutely and without any interval at any time since their registration with that particular requirement. It is, unfortunately, the case that - and I am not here simply referring to insurance companies which may be tax exempt but other tax exempt companies and there are a great many of them, of course, they do sometimes fails to pay their annual fee and in those circumstances when it is brought to light it is the responsibility of those at the Treasury who look after the tax exempt side of company law to inform the Commissioner of Income Tax accordingly. However, I should say that sometimes the reason why a company has failed to pay its fee is simply that it is no longer active and I am not sure whether the Hon Member may have been thinking of that but it is true that there are a number of registered tax exempt locally incorporated companies in Gibraltar which are no longer active their particular registration has lapsed with the expiry of the period of grace under the new Ordinance because they will cease to be licenced but for the interim under the old Ordinance there is no way we can remove their registration although, of course, we have taken away their tax exempt certificate because they are no longer active. I am sorry for the length of that answer, Mr Speaker.

HON J BOSSANO:

The Hon Member will never find me complaining about the length, he will find me complaining about the brevity of his answers. Can the Hon Member, if I can bring him back to the point, say whether, in fact, I am correct in thinking that the removal of the tax exemption status is mandatory under the law?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

HON J BOSSANO:

And that, therefore, in fact, if there is default they lose their tax exempt status automatically?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

MR SPEAKER:

Perhaps I may add that there is, of course, a period which entitles a company to pay a penalty and to be put into the register. Next question.

NO. 156 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how many insurers have been licensed under Section 17 of the Insurance Companies Ordinance?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

None so far, Mr Speaker, because the necessary regulations governing the form of applications and other matters had not been issued. These regulations have just been published and I will arrange for them to be tabled at the next meeting of the House.

SUPPLEMENTARY TO QUESTION NO. 156/87

HON M A FEETHAM:

Am I correct that the companies should have been registered within six months of the legislation coming into force and the legislation was passed in February?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir, the Hon Member is quite right. Section 122(1) of the Ordinance permits existing insurers to carry on in business for six months from the date of commencement of the Ordinance, that is to say, until the 25th August pending the determination of their application. Given the delay in the publication of the regulations and for other reasons, the period will be extended by a further six months if the House approves Clause 3 of the Insurance Companies (Amendment) Bill to be taken during the proceedings of this House.

HON M A FEETHAM:

I take it that what Government is doing is bringing legislation to extend the period on the basis that the companies have not yet registered?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I wouldn't say that it is on the basis that the companies have not yet registered, it is on the basis that the necessary arrangements for publishing the regulations which will prescribe in detail such things as the solvency margins and the level of guarantee funds to be maintained and how the deposit to be made by insurers who have their Head Offices outside the community will be treated and other information which is to accompany applications have all been laid.

HON M A FEETHAM:

Doesn't Government agree that when it brings legislation which requires regulations to be issued simultaneously so that the legislation can be enacted or adhered to by the people that it is being enforced upon, that all these matters should have been sorted out before legislation is passed in the House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The period of further extension, Mr Speaker, which is the subject of the Bill will be introduced at this meeting.

MR SPEAKER:

We will discuss that when the Bill comes.

HON J BOSSANO:

Mr Speaker, what we are saying is that we are being presented with a Bill which seeks to change a law that was passed in February. Can the Hon Member explain why when they passed the law in the House of Assembly they put six months if they didn't intend to have the regulations ready in the six months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can certainly give one very good answer to that, Mr Speaker, and that is the pressure on a very, very small staff in that part of the Treasury dealing with insurance matters and also a further desire to make the other amendments which are the subject of the Bill which has already been tabled, I will be referring to this in greater detail during my speech.

HON J BOSSANO:

The further amendments which have still got to be decided and may or may not get passed depending on whether we can persuade the Hon Member of the error of his ways has nothing to do with whether the regulations are ready or not ready, surely, or is the Hon Member saying that the delay of the regulations is because the regulations will be materially altered by the amendments that he is proposing?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I wouldn't say that the regulations will be materially altered but that the requirement which, again, this will be the subject of what I say later on the Second Reading when the Bill is taken, the requirement with respect to publication of accounts would have, I think, had a material effect on the insurance industry so amongst other things we were anxious for that particular issue to be resolved, and I am saying it will be resolved in the form of a proposal to extend the period of grace by a further six months before the regulations were issued.

HON J BOSSANO:

Mr Speaker, the Hon Member is bringing a Bill which says in the explanatory memorandum that the object is to impose an obligation to publish accounts. Is he saying that there isn't an obligation to publish accounts now?

MR SPEAKER:

I think, in fairness, these are matters which should be dealt with when the Bill comes before the House. We are not going to discuss the Bill at this stage.

HON J BOSSANO:

We want information, Mr Speaker, we are reacting to the answers that we are getting.

MR SPEAKER:

What you are asking now is the sort of thing which you will be entitled to do when we discuss the general principles of the Bill itself.

HON J BOSSANO:

Yes, and it is not unknown in this House, Mr Speaker, for us to ask a lot of things when we are talking on the general principles and not get any answers at all and we are not able to follow it in supplementaries.

MR SPEAKER:

You are not going to get them now, that is the answer.

HON J BOSSANO:

But the Hon Member seems to be willing to give us answers now, we don't want him to change his mind. I would ask the Hon Member has, in fact, the position been that there are draft regulations which if the amending legislation passes will need changing and that if the amending legislation is not passed will not need changing because that seems to be the indication that he has given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, would the Hon Member repeat that?

HON J BOSSANO:

Presumably, Mr Speaker, when the Hon Member brought the original Bill to the House and it was passed in February it was passed with the intention that within the six months limit there would be regulations telling people how to apply for registration. I am saying the work that has already been done in producing those regulations, he is saying that the regulations will be altered if the amendment is passed that he is proposing in this House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the regulations will not be changed. All that the Bill, I think, will change specifically is the period of grace but there are other provisions in the Bill relating to publication of the accounts on which, as I shall be explaining, the Government has given further consideration and until we are in a position to, I might say, satisfy the insurance industry as well as Hon Members in the House, we do have a duty to the insurance industry as well, until we have resolved that and also because of the other pressures of work which I have referred to, we did not publish the regulations.

HON J BOSSANO:

When the HOn Member talks about the insurance industry is he talking about the three that pay income tax or the thirty-one that don't?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Everybody, Sir.

HON J BOSSANO:

In fact, the Hon Member has been talking to tax exempt insurance companies that don't do any business in Gibraltar as well as local companies?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I didn't say who I had been talking to, Mr Speaker, I said I was referring.

HON J BOSSANO:

No, Mr Speaker, the HOn Member has been talking, has there been consultation with the insurance industry which has led to the proposals that are being changed?

MR SPEAKER:

With respect, I think we are going on and on, but anyway if you don't want to give that answer then we will leave the question as it stands.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

We have, of course, consulted the finance centre group, Mr Speaker.

MR SPEAKER:

Next question.

NO. 157 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what is the minimum issued share capital required of a company licensed to carry out insurance business?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, no minimum issued share capital is specified. The emphasis is on levels of adequate financial reserves backed by suitable assets rather than on minimum issued share capital; hence the references to solvency margins and guarantee funds in the legislation.

Nevertheless the amount of paid up share capital will rank for inclusion in solvency margins and, in that sense, one would expect insurance companies to be adequately capitalised since their reserves should not fall below the amounts prescribed.

SUPPLEMENTARY TO QUESTION NO. 157/87

HON M A FEETHAM:

Mr Speaker, can the Hon Member state what sort of guidelines he would place his judgement on with regard to the financial viability of a company or otherwise?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the various regulations which have, in fact, been laid do specify here, subsequently of course, it is a responsibility of the Insurance Supervisor, in the first place, to satisfy himself through the prudential supervision of insurance companies that the necessary margins are maintained.

MR SPEAKER:

Next question.

NO. 158 OF 1987

.ORAL

THE HON M A FEETHAM

Has Government appointed an Insurance Commissioner and an Insurance Supervisor?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker. As mentioned in my speech last December when presenting the new insurance legislation to the House, the Financial and Development Secretary will perform the functions of Commissioner for the time being.

The duties of Insurance Supervisor will be performed by the Financial Sector Adviser whose post has accordingly been retitled and upgraded.

NO. 159 OF 1987

ORAL

THE HON M A FEETHAM

When does Government expect to bring legislation to the House requiring companies to publish their accounts?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

As soon as the Bill which is required is ready, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 159/87

HON M A FEETHAM:

In view that that has been the standard reply, can Government give some indication when the Bill is likely to be ready in the light of things which are now happening in the EEC where we are told that we are not complying with Community legislation, which we are.

HON A J CANEPA:

The present position, Mr Speaker, is that there has been a first draft of the legislation, we have made a number of comments on that draft. The last set of comments were transmitted to London at the beginning of June and there is now a second draft being prepared.

HON J BOSSANO:

Mr Speaker, when the Hon Member says there have been a number of comments on the draft, is he saying that the Government is consulting with anybody outside Government on the draft?

HON A J CANEPA:

The Government will consult the Finance Centre Group at an appropriate moment. We haven't reached that stage yet, the comments have been from within the Government.

HON J BOSSANO:

Then the indications are that this is a still a long way off, is that correct?

HON A J CANEPA:

I would say that it is not imminent.

MR SPEAKER:

Next question.

ORAL

NO. 160 OF 1987THE HON J E PILCHER

Can Government state how many expatriate managers are currently employed in GSL and how does this compare against the same period last year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, GSL currently employs 27 expatriates, including 3 secondees. This compares with a figure of 38 during the same period last year.

SUPPLEMENTARY TO QUESTION NO.160/87

HON J E PILCHER:

Mr Speaker, does the Financial and Development Secretary still maintain what he gave me in his answer to Question No. 74 of 1987, that the expatriate managers would fall to twenty during 1987, is that target still to be met by the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Broadly speaking, yes, Sir. GSL expect to reduce to about twenty-one or twenty-three by the end of the year and to eighteen by the end of 1988.

MR SPEAKER:

Next question.

NO. 161 OF 1987

.ORAL

THE HON J E PILCHER

Can Government state whether they are considering any changes in the terms of the Management Agreement between GSL and A & P Appledore?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY+

Mr Speaker, I understand that the Board of GSL are currently considering this matter and that they propose to consult the Government, as and when appropriate.

NO. 162 OF 1987

ORAL

THE HON J E PILCHER

Can Government state when the 1986 Accounts for GSL were completed and audited?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the 1986 GSL Accounts were prepared for audit by the 10 February, 1987. I understand that the company audit was completed by the end of May and the Accounts were then considered by the Principal Auditor, as required by the GSL Ordinance. Hon Members have already received copies.

SUPPLEMENTARY TO QUESTION NO. 162/87

HON J BOSSANO:

Mr Speaker, does the Hon Member still intend to proceed with seeking the suspension of Standing Orders to lay on the table the Accounts?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir

HON J BOSSANO:

Can the Hon Member state why having given us notice that he was going to ask for the suspension of Standing Orders he is not now proceeding with it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not aware that I gave Hon Members any notice to that effect, Mr Speaker.

HON J BOSSANO:

Mr Speaker, did the Hon Member not give an indication to the Opposition that he was proposing to table the Accounts at this meeting of the House and that Standing Orders would be suspended for that purpose?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I did, in fact, say this informally to yourself, Mr Speaker.

MR SPEAKER:

No, a Supplementary Agenda was most certainly published specifically, as a matter of fact, for the suspension of Standing Orders and the laying of the Accounts.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

So it seems, I haven't seen the Supplementary Agenda.

HON J BOSSANO:

Now that he has seen it can the Hon Member tell us what has made him change his mind?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr. Speaker, we are not ready, I think this is the reason, we are not ready to have a debate on the 1986 Accounts at this stage.

HON J BOSSANO:

Mr Speaker, does the Hon Member not consider that since we are talking about the year ending December, 1986, and since the House has voted money in the last financial year and voted money again in this year's Budget for this matter and since there is a question on the Order Paper about the extent to which the Government is prepared to vote money, that this is too important an item to be left for when the House resumes after the summer recess? It is not that we wish to put the Government in a difficult position but, Mr Speaker, would the Hon Member not agree that if we have had it at least a day or two after he has and we have done enough work on it to want to discuss to the extent that it is possible the matter, that the view of the Opposition ought to be taken into consideration in this matter?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think those points are very much political aspects, Mr Speaker, on which the House would not expect me to comment. I received the Accounts on the 1st July and I was certainly anxious that Hon Members should have them as quickly as possible because there has been criticism in the past of the time it has taken to get the Accounts out. I am glad that the interval is only six months on this occasion which I think is reasonable by commercial accounting standards for a company this size. I am sorry if there has been some misunderstanding on the matter, clearly I must accept responsibility for the issue of the Supplementary Agenda although I was rather surprised when it was handed to me as I had not seen it before, but I think the point is that certainly speaking for myself as I would be the major contributor to the debate, I am not ready to discuss the Accounts. I can see that Hon Members opposite may have identified already certain points from which they would want to ask questions but I think they would be prepared to acknowledge that the Government might not be in a position to answer all those questions having just received the Accounts itself. It is really in the interests of a decent democratic

Government, Mr Speaker, that we circulated copies when we did and nothing I have said precludes in any way the possibility of Hon Members having a debate on the Accounts at a subsequent meeting.

HON J BOSSANO:

Mr Speaker, I am astonished, I am still waiting for the Hon Member to answer anything on the 1985 Accounts of which he had enough time and where I spoke for something like two hours and the Hon Member's position was that questions of that nature couldn't really be dealt with in a debate and perhaps one ought to substitute some kind of committee system to analyse the Accounts. Is the Hon Member now committing himself to being able to giving answers when this is debated in October?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I wouldn't like to do that, Mr Speaker.

HON J BOSSANO:

I am sure.

HON J E PILCHER:

Mr Speaker, can we therefore take it that what the Financial and Development Secretary is saying is that come October we won't have the Accounts laid on the table but what we will have is a fully fledged debate on the 1986 Accounts of GSL?

MR SPEAKER:

No, with respect, the Accounts have to be laid before they can be debated.

HON J E PILCHER:

Together with, Mr Speaker, a motion noting the Accounts. Mr Speaker, can we have answer to that question?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is not for me to determine.

MR SPEAKER:

It is up to Members who wish to debate the Accounts once they have been laid to put a motion.

HON J E PILCHER:

Mr Speaker, the fact that the Accounts have not been laid on the table from what we hear from the Financial and Development Secretary is because he is not ready to debate it so I take it that if we are going to wait until October to debate them we will get a debate at that stage.

MR SPEAKER:

I imagine so if someone moves, that is what I am saying.

HON J BOSSANO:

Mr Speaker, the Hon Member having given notice of his intention to table the Accounts has now said that the reason why he is not proceeding with his request to suspend Standing Orders is because he is not ready to debate the Accounts which he knows we wish to do. Is he saying that he is deferring tabling the Accounts until he is ready to debate it and that therefore it is his intention to bring a motion to debate the Accounts?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, yes, insofar as I can give that assurance, Mr Speaker, I did say in my comments a short while ago that the House will have an opportunity to debate the affairs of GSL at a subsequent meeting.

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether, in fact, he is in a position to answer questions about these Accounts before the next meeting if we write to him on the subjects?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I think I would be happy to answer general points, Mr Speaker, if the Hon Member writes to me, obviously I would have to get this information from Gibrepar but yes, I would try and do that.

HON J E PILCHER:

Mr Speaker, can I just add because I am a bit perplexed, until the Accounts were presented to the Financial and Development Secretary and the Government none of the contents of this Report were actually known by the Government of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is true, yes, Sir.

MR SPEAKER:

Next question.

THE HON J E PILCHER

Can Government state the number of shares issued to Government by GSL stating on what dates and at what prices?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the nominal value of all Ordinary Shares issued by GSL to the Government as at 30th June, 1987, was just over £23m. Shares have all been issued at par, that is £1 per share, as and when funds have been made available to the company. However, as Hon Members will be aware, to ensure that only such funds as are required for the running of the company are made available, the practice of issuing partly paid shares has been adopted. The position at 30th June, 1987, is that 23 million fully paid shares have been issued and 1 million partly paid at 0.347p in the £1, making a total issue to date of £23,003,474.31.

SUPPLEMENTARY TO QUESTION NO. 163 OF 1987

HON J BOSSANO:

Can the Hon Member say when, in fact, the last £2m was subscribed to by the Government and whether that was subscribed to at part or whether it was subscribed to by instalments?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot give the Hon Member the exact date, I am sorry, Mr Speaker, to give the exact dates of all the partly paid or fully paid issues would mean a great deal of research but I can give the Hon Member a breakdown by financial year if he so wishes.

HON J BOSSANO:

I have not asked him about the £23m, Mr Speaker, I have asked him about the £2m which were created in January, 1987, we are only talking about the last six months.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly the issue has been during the past two months and it has been a partly paid issue. As I said during my answer, at the most recent date we have a total number of shares issued at 24 million; 23 million shares have been fully paid and 1 million is only partly paid that is to the extent of £3,474.31. I think that partly answers the Hon Member's question. That is to say, one would expect, I think the inference which can be drawn from that is that the remainder of the Government contribution will take the figure to £24m.

HON J BOSSANO:

Mr Speaker, how can the remainder of the Government contribution take it up to £24m if what the Government has said they are going to contribute is £2m and that took it from £21m to £23m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I am sorry, perhaps I should have mentioned that of the £2m which we are talking about £1m had already been subscribed by the end of the financial year so we are talking about the remaining £1m.

HON J BOSSANO:

Mr Speaker, the £1m that had been subscribed at the end of the financial year, surely took it from £21m to £22m.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I think it was from £1m to £23m certainly.

MR SPEAKER:

Are we talking about fully paid shares exclusively?

HON J BOSSANO:

Mr Speaker, the Hon Member has said that there is now £23m issued to the Government

HON FINANCIAL AND DEVELOPMENT SECRETARY:

23 million fully paid, Sir.

HON J BOSSANO:

In fact, is it not the case that in March, 1986, there was 21 million issued?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In March, 1986, there was 21 million; March, 1987, 23 million.

HON J BOSSANO:

Therefore, Mr Speaker, would the Hon Member not agree with me that the difference between 21 and 23 is 2? Does the Hon Member agree that the difference between 21 and 23 is 2, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, in much the same way I agree that the difference between 23 and 24 is 1.

HON J BOSSANO:

Can the Hon Member confirm, as he has just done, that if the shares in issue in March, 1986, was 21 million and if in the Audited Accounts which he has not yet tabled it shows that in December at the close of the financial year it was still 21 million, then it must have gone from 21 to 23 between January and March if he says that in March it was 23 million?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, we may be talking slightly at cross purposes because, of course, I am dealing with the Government's financial year and GSL deal in a different, ie calendar financial year, that may account for some of the confusion which is really why I said it is very difficult to explain in answer to a question in the House, Mr Speaker, I would be glad to write to the Hon Member if there is any point outstanding.

HON J BOSSANO:

No, Mr Speaker, there is no confusion. I am asking very specific questions. The Hon Member has got a copy of the Audited Accounts for 1985/86 which he has had for some time now. Can he say whether, in fact, the total shares issued to the Government at the end of the financial year 1986 - he has had time to study that - was 21 million?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir. The shares issued as at the 31st March, 1986, were 21 million, yes.

HON J BOSSANO:

And if, in fact, the company says that the investments in shares in Gibreair Limited on the 31st December, 1986, is still 21 million then it must follow that it went up after the 1st January from 21 million?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The 1st January, 1987, yes, Sir.

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether we are correct in that the amount voted by the House in the 1986/87 financial year was £1m for GSL so how can he explain to me that if we voted £1m for GSL and if in January we had £21m, in March he had £23m, he could not have £23m, Mr Speaker, in fully paid shares which he says he has.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I just do not understand the Hon Member's question. Let me sort of help him to help me. The position at the 31st December, 1986, as I understand, I haven't got the accounts in front of me, is we had an issue of 21 million and between then and the 31st March which is the end of the Government's financial year it becomes £23m, an addition of £2m. Included in that £2m is £1m which this House voted.

HON J BOSSANO:

Mr Speaker, my question then is, if the Government had in issue £23m on the 31st March this year was the £23m on the 31st March fully paid?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly fully paid at the 30th June which is the latest figure. I am fairly sure that it would have been fully paid but I would have to check on that, my notes do not actually provide an answer to that particular question.

HON J BOSSANO:

Would the Financial and Development Secretary not agree with me that if, in fact, the Government held £21m in GSL on the 1st January this year fully paid and £23m on the 31st March this year fully paid, in the three months between January and March they must have paid £2m which is the question I have been trying to get an answer from him all the time?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, it doesn't mean that the Government must have paid, Mr Speaker, because the alternative source of funding is and has been ODA.

HON J BOSSANO:

Then can the Government tell me whether, in fact, ODA funds have been used in addition to the £1m voted by this House to buy shares in those three months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

My assumption is yes, Mr Speaker, but as I said, now that I know the particular question which the Hon Member seeks I will certainly give him confirmation of that subsequently.

HON J BOSSANO:

Would the Hon Member further agree with me that if the information that he is giving is correct and there was £23m fully paid shares in issue on the 31st March and £23m in issue on the 30th June it means that, in fact, no shares were paid for in the period from April to June this year by the Government either using their own funds or ODA funds if that statement is correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Apart from the partly paid issued, Mr Speaker, that is to say, £1m which I have already referred to which, of course, have only been partly paid to the extent of the £3,474. What I am not quite clear myself because I do not have the information is what the exact position was at the 31st March, 1986, as far as the Government's own financial accounts are concerned. I am reasonably confident the information I have given the Hon Member as regards the current share issue as at the 30th June, £24m of what £23m is fully paid and only a small proportion but I think the rather extraordinary figure which I have mentioned, £3,474 may well have been a balancing figure to ensure compliance with requirements of the audit, tedious but then as Hon Members have often said to me, whether it is tedious or not I am made to provide the information.

HON J BOSSANO:

Can the Hon Member tell me whether, in fact, in order to finance the remainder of the £1m partly paid issued shares to the Government the funds provided in this year's Budget are sufficient or whether it requires additional funds?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that question, Mr Speaker, opens up endless vistas which I would not wish to explore. I think I would refer the Hon Member to statements which have been made in the House by the Hon the Chief Minister earlier this year when he explained the status of the Government's contribution and what this was intended for. I have nothing further to say, obviously, on that particular point at this stage.

HON J BOSSANO:

Can the Hon Member say whether, in fact, the £1m voted at the Budget has, in fact, been transferred by him into the Special Fund which is the Gibraltar Shiprepair Limited Fund or whether he has exercised his discretionary powers in that respect as he has done in the Improvement and Development Fund and not put the money in?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

What an awful question. I am fairly confident that the answer to that is that the money has not been transferred to the Special Fund, as the Hon Member puts it, because the Special Fund is simply a vehicle, an accounting convention to enable a satisfactory record to be made of the expenditure. If money is not required then it would not have been transferred because it has not been transferred to GSL. There is nothing particularly clever about changing one entry in the ledger and transferring the sums into another ledger until the particular transaction has some meaning.

HON J BOSSANO:

Mr Speaker, I don't know whether it is clever or not clever, I am only here to establish whether it is right or wrong. Is the Hon Member then saying that under the terms of the Public Finance (Control and Audit) Ordinance he is not required to make effective contributions to Special Funds voted by this House in an Appropriation Bill?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I hesitate to go back to the exchange which I had with the Hon Member earlier during these proceedings but I think I made it clear that funds are transferred as and when required and as I think will be apparent from the exchanges which we have already had on this particular subject, namely, GSL's needs for finance, the £1m which has been voted has not yet been handed over to the managers in the yard.

HON J BOSSANO:

No, Mr Speaker, I am not asking about that. The Hon Member does not have to answer in this House in respect of the money going to the managers of the yard, surely, because the House has voted for the money to be put into the Special Fund and there is a law that says that once that money is in the Special Fund he can only use it to buy shares or for the refurbishment of the assets owned by the Government, am I not correct in thinking that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Member is certainly correct in the latter part of his question but as he will recall from the earlier part of the discussion, I challenged his interpretation as I have done on all items of expenditure that simply because, or rather I challenged his inference that as soon as this House has voted the money for whatever purpose and I think the point is it would be either indivisible or not valid, the money is transferred as voted by the House. As I said, money is transferred appropriately as and when required. That is an aspect of financial management.

HON J BOSSANO:

Mr Speaker, but the Hon Member accepts then that unless and until the Government gives effect to the decision taken by the House in the Appropriation Ordinance to transfer money into the Gibraltar Shiprepair Limited Special Fund, the Special Fund cannot financially finance the purchase of shares because it hasn't got any money?

MR SPEAKER:

We are beginning to debate. You are getting confirmation of what should be done.

HON J BOSSANO:

I am trying to establish, in fact, whether the Government is doing what I understand the law requires them to do, Mr Speaker, that is the information I am seeking.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

But I have explained what the law requires the Government to do, Mr Speaker, and I don't think that there is really any further question to be answered on it. Such money as has been handed over to Gibrepair in exchange for the issue of shares will be money which has come out of the GSL Special Fund of that I am quite sure.

MR SPEAKER:

You are not going to get any further on this one. We will call the next question.

HON J BOSSANO:

Mr Speaker, if the Hon Member says he is not able to give us an answer in the House as to the shares that have been issued to the Gibraltar Shiprepair Limited Fund and I am right in thinking that since the Government brought a change in the law these shares are now assets held in that Fund, if that is the case, Mr Speaker, what we would like to know is, in fact, the actual movement that has taken place. Will the Hon Member write giving us the dates of the shares and the amounts that have been paid at different periods in time so that we can check ourselves whether we are satisfied that what has been done has been done correctly?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Public Auditor is the Officer charged with satisfying himself and, indeed, the community in general that everything is being done properly.

MR SPEAKER:

What you are being asked is simple. Would you please ensure that they get the necessary information in writing as to what has been done. You are being asked for an assurance.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I have given the Hon Leader of the Opposition an undertaking to write to him about the position as at the 31st March, 1987, which, of course, I am not familiar with because the Government Accounts for the year ending 31st March, 1987, have not been published, I have to make enquiries about that, I certainly will. I am not sure whether the Hon Member wanted me to give him or, indeed, his colleague wanted me to give him the dates of each

MR SPEAKER:

In other words, you are prepared to give him the information?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am prepared to look at it, Mr Speaker, and see what amount of research is necessary to provide an answer to that question.

HON J BOSSANO:

Mr Speaker, the position is the Hon Member made a passing reference to the Auditor, is he saying then that provided he satisfies the Auditor he doesn't feel that he has got a constitutional obligation to satisfy the House?

MR SPEAKER:

Let us not put conditions. What he is saying is that if the information is available and if he gets it you are going to get it, I think that is what he said.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I will provide the information if it is readily available, Mr Speaker. I imagine it will take a great deal of research to provide it.

HON J BOSSANO:

I suggest, Mr Speaker, he pays £1 and goes to the Company Registry, he will get half the information there.

MR SPEAKER:

Next question.

NO. 164 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether a decision has been taken on the way ahead on the computer system at GSL?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, this is entirely a matter for the Board of GSL. The shortcomings of the computerised accounting system was the subject of the GSL Board's Notice of Default served on A&P Appledore last year. There is reference to this in the Chairman's Statement on the Accounts which I have not just laid before the House. I understand that most of the deficiencies in this area have now been satisfactorily resolved.

SUPPLEMENTARY TO QUESTION NO. 164/87

HON J E PILCHER:

Again, Mr Speaker, the Hon Member said that this is a matter related to the Board of the company. I would just like to state that from the concept and, in fact, from the running of GSL we have not been in agreement with the fact that the Board is answerable to the Opposition as far as we are concerned for policy decisions on GSL. As far as the computer system is concerned we have, in the past, had fully fledged debates on.....

MR SPEAKER:

With respect, what are you asking?

HON J E PILCHER:

I am asking, Mr Speaker, is the Government which through 1986 the company have continued to pay GSL for the computer system, are they not taking a direct intervention as far as the computer system is concerned?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't see that insofar as I have understood the Hon Member's question, I don't think that follows necessarily.

HON J E PILCHER:

Mr Speaker, the last time I raised the question I was told that the Board was looking at the system of the computer operation. In fact, there is now a default notice because of the computer operation put by the Board on the company. The question last time was, was the Government going to take A & P Appledore to Court in order to get back all the money that GSL had spent because of faulty computers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As I explained, Mr Speaker, this is a matter for the Board.

MR SPEAKER:

It is not for the Government to take them to Court but for the company.

HON J E PILCHER:

Is not the Government giving a direction as far as that is concerned to the Board, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON J BOSSANO:

Does the Government not accept that its requirements as a shareholder in the company are materially affected by extra payments having to be diverted to meet faults with the computer which were originally intended for other matters when the Government subscribed for the shares?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I have explained the position as far as the Government's responsibilities for GSL, Mr Speaker, as far as what I would call matters of day-to-day management on many occasions in this House and I don't wish to prolong a discussion about that. I appreciate the Hon Members opposite take a different view and I think there the matter rests.

HON J E PILCHER:

Mr Speaker, does not the Hon Member agree with me that this is not a day-to-day matter on the running of the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I do not agree with the Hon Member. I am assured that the Board have taken the matter up. If something of this nature which had been highlighted and, indeed, I think is fairly general knowledge, had not been taken up by the Board, I think one would be surprised and at that stage the Government might have to consider other matters, namely, the composition of the Board but that, I am happy to say, is not the case.

HON J BOSSANO:

Mr Speaker, can I ask the Government in the light of the answers that the Hon Member has given and the statement that has been made by the Hon and Learned the Chief Minister as to the purpose to which money subscribed by the Government, for example, the £2m for the last issue of shares, does the Government put as a condition to the Board once it subscribes to those shares that the money that they have provided in subscribing for the shares cannot be used for anything other than what they have stated in the House as subscribing the money for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Government in its dealings with the Chairman of the Board, Mr Speaker, has naturally in the light of the Price Waterhouse Report and other constructive findings to GSL's business, made certain representations but I wouldn't answer the question in precisely the terms that the Hon Leader of the Opposition is clearly inviting me to do.

HON J BOSSANO:

Am I correct in thinking, Mr Speaker, that in fact the implication of the Hon Member's answer is that notwithstanding the statement that has been made as to why the Government was subscribing £2m subsequent to the Price Waterhouse Report, the Board is free to use the money, once it has been subscribed, to meet costs on malfunctioning of computers or anything else, is that the situation?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I don't think that was implicit in my answer either, Sir.

HON J BOSSANO:

Can the Hon Member then say that none of the £2m that have been subscribed are being used to meet the costs arising from faults with the computer?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have said that I am not prepared to answer any further questions about the computer.

HON J E PILCHER:

I dare say that the Hon Financial and Development Secretary can if he so wishes stop answering questions but our questions are aimed at the Government not at the Financial and Development Secretary.

HON CHIEF MINISTER:

If the Hon Member will give way. The question of the computers can well be discussed at length in the motion on the Accounts when it comes before the House.

MR SPEAKER:

Next question.

NO. 165 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the GSL Pension Scheme has been approved to provide 100% commutation?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir. GSL's Management has confirmed that the Scheme approved by the Commissioner of Income Tax provides for a commutation of not more than 25% of the capital value of the pension.

SUPPLEMENTARY TO QUESTION NO. 165/87HON J E PILCHER:

Mr Speaker, is the Hon Member not aware that the original agreement offered was for 100% commutation in 1985?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON J BOSSANO:

Will the Hon Member, first of all, inform himself that this is indeed the case?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I was replying to the Hon Mr Pilcher's question and he said am I aware that it was agreed in 1985. I answered that and said, 'no'. My understanding is that it was not agreed in 1985 but proposals were, in fact, put to the Commissioner of Income Tax in 1986 and they did at that stage include the proposal for 100% commutation and GSL Management were informed that this was not allowed for under the Commissioner's guidelines. That is to say, the exemption from tax as far as contributions are concerned would not be allowed by the Commissioner. Of course, the circumstances and the background to this were explained fully during the Budget speech, Mr Speaker, following the change in the law.

HON J E PILCHER:

Mr Speaker, I think the Hon Member has misunderstood. My question was, was he not aware that this was agreed in 1985 between the company and the workforce that there would be 100% commutation and therefore that brought into it the backdated effect of the Pension Scheme?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, neither am I aware, as the Hon Member puts it, that it was agreed between the company and the workforce in 1985. I know that there have been many drafts of the Pension Fund and, indeed, the delay in setting it up has been subject to a frequent debate in this House, there have been a number of questions asked by the Hon Member. The most recent one was, in fact, on the 10th February and I explained there that there had been some delay over the question of nominations to the Board of Trustees. I then expressed the hope that the Trustees would be meeting shortly to formalise matters and I think that the position, as I then explained it, Mr Speaker, is certainly not consistent with the Hon Member's suggestion that it was agreed in 1985.

HON J E PILCHER:

Hence the Leader of the Opposition's statement that he should first become aware that there was an agreement between the workforce and the company in 1985.

HON J BOSSANO:

Mr Speaker, is it not the case that there was a debate in May, 1986, when there was a three weeks strike in GSL which centred around whether there was an agreement on the pension for 1985 or not and that, in fact, a public statement was made accepting that there was such an agreement and that therefore the money would be provided backdated to 1985?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker. There was an agreement, the Hon Member is quite correct in saying that there was a commitment on the part of the company and, indeed, there had always been a commitment to contribute to a Pension Fund for the employees. The financial contribution had not at that stage been made, I am not sure that it has even now been made but the financial provision is certainly being made whereas in May, 1986, I think it would be true to say that it hadn't and that is a big difference but, as I understand it, there has been and there was until 1986, certainly, delay in setting up the Fund because of the question of employee nominations to the Board of Trustees amongst other things. I gather that agreement has not been reached with the Transport and General Workers Union, for example, about their nominees to the Board of Trustees when I answered the question in February. I hope that such agreement has now been reached.

HON J BOSSANO:

The Government is saying, Mr Speaker, that it is not aware that its wholly owned company accepts that it has an agreement which it is seeking to change which provided initially for 100% commutation and that it is seeking to change it because subsequently they have failed to obtain approval?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Is the Hon Member referring to a decision by the Trustees to seek 100% commutation, perhaps he could enlighten me on that.

HON J BOSSANO:

What I am saying, Mr Speaker, is is the Government not aware that the situation in respect of this Pension Scheme is identical to the situation in respect of another Pension Scheme in that the company accepts that it entered into an agreement with its workforce which subsequently it has had disallowed, as it were, by the requirement that in order for the Scheme to be approved it had to be altered and the 100% commutation replaced by 25% commutation and that therefore the Hon Member will recall that he talked about exceptional circumstances in the introduction in the Budget of the new rules for approval of the commutation of Pension Schemes. Is he not aware that, in fact, the situation is very similar in this case to the one to which he referred in his Budget statement?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I can see very great differences. The one primary is that certainly I do not agree with the Hon Member that the company reached agreement with its workforce and then presented a request for 100% commutation. I know, as I have explained, that there was correspondence in 1986 with the Commissioner of Income Tax by a representative of the company and during that correspondence the representative of the company was informed of the fact.

MR SPEAKER:

We are getting to the stage where we are debating, with respect, let us ask for information.

HON J BOSSANO:

Yes, I am seeking information.

MR SPEAKER:

With respect, let me finish, we are getting to the stage when answers are not satisfactory and then we want to improve on those answers. We cannot go beyond that. In other words, the answer to your question has been simple, no, the commutation is not 100% it is 25%, it is as simple as that.

HON J BOSSANO:

No, it isn't as simple as that, Mr Speaker. Can the Hon Member say that there is an agreed Pension Scheme in GSL which provides for 25% commutation? What is the answer to that one?

MR SPEAKER:

Fair enough, that is a simple question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I assume therefore, from the inference I draw from the Hon Member's question that agreement has not yet been reached. Whether that is as a result of the factors which I mentioned at the last meeting of the House or in February when we discussed this, namely, that the question of employee nominations for the Board of Trustees had not been settled, I do not know. I wasn't asked that particular question, Mr Speaker, I was asked the question about the 100% commutation to which I have given an answer.

HON J BOSSANO:

We are still asking about 100% commutation, Mr Speaker, he is the one who is bringing the Trustees into it, we are not interested in the Trustees. We are asking the Hon Member is he telling the House that there is an agreement in the Government owned GSL between the company and its employees for a Pension Scheme that provides for 100% commutation or for 25% commutation? What is he saying?

MR SPEAKER:

The Financial and Development Secretary has said that he is not aware that there is such an agreement for 100% commutation, is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly, Sir. As far as I know GSL has accepted, has indeed recently, I think I could almost give the Hon Member the date. The Scheme as presented to the Commissioner was formally approved on the 23rd April, 1987, so that is the Scheme which was presented to the Commissioner for approval.

HON J BOSSANO:

And the Hon Member is saying that the Scheme was presented to the Commissioner on the 23rd April, 1987, which provides for 25% commutation?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

HON J BOSSANO:

I am now asking him is he aware that the company has got an agreement with its workforce for a scheme which provides 100% commutation and has had such an agreement since July, 1985, and accepts that it has such an agreement?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have said, no, Sir, and I am rather surprised at the Hon Member making the comment, inasmuch as the Scheme had not been set up at that stage.

HON J BOSSANO:

Mr Speaker, if the Hon Member's answer is that he is not aware then I come to the question that I asked him four questions back, will he take it upon himself to make himself aware? If he is not aware, fine, he is not aware. I am asking him will he now take steps to make himself aware of whether the question that I am asking him is, in fact, factually correct or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON J BOSSANO:

Then, Mr Speaker, is anybody in the Government prepared to answer questions in respect of the Pension Scheme of GSL?

HON CHIEF MINISTER:

I think the answer that has been given to the question on the Order Paper has been given. If there are other questions that are required and notice is given and they are different they will be answered.

HON J BOSSANO:

Mr Speaker, if the answer to the question on the Order Paper is that, in fact, it has not been approved, is the Government interested at all in the fact that they have not approved 100% commutation notwithstanding that there is an agreement that provides for it?

MR SPEAKER:

No, with respect, Government has not accepted that there is such an agreement.

HON J BOSSANO:

Then my question is, if they don't accept that that is factually correct will they take steps to make themselves aware and they say they don't, they don't want to know if it is true or not.

HON CHIEF MINISTER:

I think the Government cannot be expected to answer every hypothetical question or every question of which the Hon Member has got knowledge and we haven't got knowledge if he hasn't put it in the Order Paper. Because he may be intimately connected in his other capacity with this matter, he may have much more knowledge than we have at the time of making the supplementaries but he cannot assume that we can answer all the questions or the facts on all the facts of which he knows that he hasn't given us notice of.

HON J BOSSANO:

Mr Speaker, I am not asking the Government to display the same amount of knowledge. I have asked the Government when they have said they are not aware whether they will take steps to make themselves aware and I have been told, no, by the Financial Secretary. Then it is a perfectly legitimate supplementary to ask why don't they want to know? If they don't know, fine, they don't know. I am asking them to take the steps to find out, they say they don't want to find out, why not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Because, one reason is that the Hon Member is, in fact, asking me to go back to the company and say: "The information you gave me is incorrect because the Hon Joe Bossano said so". That is not a position which it is reasonable to expect me to take up. I have given the information which was provided to me by the company and what I am saying is that GSL had sought, they did, I accept that in 1986 they sought approval from the Commissioner of Income Tax for a Scheme which provided for 100% commutation. He did not give it and they came back to the Commissioner in April, 1987, and asked for approval for a Scheme which provided for 25%.

HON J BOSSANO:

Can I ask one more question, Mr Speaker? Will the Financial Secretary come back and tell the House that the information that he has got and has given was incorrect if it is brought to his notice and demonstrated that it is incorrect since he won't take the initiative of finding out the correct information?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Hon Member can produce the facts, yes, Sir.

MR SPEAKER:

Next question.

NO. 166 OF 1987

ORAL

THE HON J E PILCHER

Is the Government now prepared to provide additional funds to meet the cost of pay settlements at GSL in whole or in part?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, as the Chief Minister explained in his statement to this House on 10 February this year regarding additional finance for GSL, the Government is not prepared to meet the cost of pay settlements at GSL, in whole or in part.

SUPPLEMENTARY TO QUESTION NO. 166/87

HON J E PILCHER:

Would the Hon Member, Mr Speaker, not agree with me that as a result of overspending on assets and it is quite clear in the 1986 Accounts that moneys have been used for other matters, that the Government has a responsibility to help the company out in pay settlement because the money is no longer there since it has been used for other matters?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't see how the 1986 Accounts can, in fact, alter the position of the Government's contribution which has been made in 1987, Mr Speaker, and that was the contribution I was referring to in my reference to the Chief Minister's statement.

HON J E PILCHER:

I will give the Hon Member an example. If the company have had to spend an extra - the figure is from the top of my head - £100,000 to pay in problems relating with the computer system that £100,000 the company does not have to meet the pay settlement this year. Would the Government not agree with me that if that is the fact then the Government has a responsibility to help the company out in meeting pay settlements in whole or in part?

HON CHIEF MINISTER:

I think the Government has got a responsibility to see that the management is properly carried out. I am satisfied that the Board of Directors have got this in hand and if any money is short on the computer system it will be made up in terms on which the Board of Directors are demanding and that has really nothing to do with the principle that the Government will not provide funds for wages reviews in GSL.

HON J BOSSANO:

Mr Speaker, does, in fact, the Government have any say on the level of wage settlements in GSL?

HON CHIEF MINISTER:

Not in general terms, no it hasn't and it shouldn't. It is a company which has to find its way out as has been said many times and has to make itself viable and in special circumstances we have provided funds but we are certainly not prepared to provide funds for settlements which are outside the scope either of the company or of the norm that is kept in the private sector or the public sector. It is not the function of the Government to supply GSL with money to meet claims that the company doesn't become a viable proposition.

HON J BOSSANO:

Would, in fact, the norm that the Hon Member is speaking about be the norm that the Government used as a matter of policy to limit the pay increase of shop assistants so that they would be the same as shop assistants in UK, ie is the Government saying that their view of the norm is that if shop assistants should get paid what shop assistants get in UK, people in shiprepairing should get paid what people in shiprepairing get in UK?

HON CHIEF MINISTER:

I have nothing to say on shop assistants at all.

HON J BOSSANO:

What does the Government mean by the norm then?

HON CHIEF MINISTER:

I just said the ordinary norm and I will not be brought into a particular one in which there is a regulation of wages. The average norm of the Government is well known to the Hon Member.

HON J BOSSANO:

Can the Hon and Learned the Chief Minister say whether the Government has got any say in the emoluments of the directors?

HON CHIEF MINISTER:

Yes, very much so.

HON J BOSSANO:

And can he confirm that, in fact, in 1986 whereas the wage bill of the workers went up by 17.6% the emoluments of the directors went up by 34.6% and that that was approved by Government?

HON CHIEF MINISTER:

I cannot say that but if the Hon Member has figures to substantiate it I suppose it is correct.

HON J BOSSANO:

Yes, Mr Speaker, the figures are on page 12 of the Audited Accounts which the Government has got. Can he say since the Government has a say in the directors' emoluments that this was, in fact, done with Government approval?

HON CHIEF MINISTER:

What we have a say is on the increase of emoluments not the actual emoluments as it originally started.

HON J BOSSANO:

So therefore the 34% increase in the emoluments of directors was approved by the Government as shareholders?

HON CHIEF MINISTER:

I couldn't say.

HON J BOSSANO:

Do they have to approve it or not, Mr Speaker?

HON CHIEF MINISTER:

I know that we have had to look at salary scales recently but I cannot say whether that particular one was approved by the Government or not and that emphasises the fact that it is impossible here in this House, across the House, to be able to answer off the cuff questions which have nothing to do with the questions in the Order Paper.

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member, would I be correct in thinking that directors of companies are not free to increase their own salaries without it being approved by shareholders?

MR SPEAKER:

No, there is no reason why you should answer that question. That is information you can obtain yourself anywhere.

HON A J CANEPA:

Perhaps I might clarify that if by the Government is meant some of my colleagues here sitting with me and myself the answer is no. I think they will confirm that they do not recall ever approving whatever increase there was for the directors or for anybody, we are not in the business of doing that.

HON J BOSSANO:

Mr Speaker, can the Government then say whether, in fact, there are shareholders' meetings of GSL as required by company law?

HON CHIEF MINISTER:

Of course there are, there are meetings and that is in accordance with the statute.

HON J BOSSANO:

Am I correct in saying that whoever represents the Government at such a meeting has to refer for policy decisions to the elected Government or not?

HON CHIEF MINISTER:

It all depends what decision.

MR SPEAKER:

Next question.

NO. 167 OF 1987

ORAL

THE HON J E PILCHER

Can Government state up to what size of ship could be repaired in No. 1 Dock prior to its refurbishment and what size it has been possible to repair as a result of the refurbishment and the cost of providing this additional capacity at GSL?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the size of ship which can be repaired at No. 1 Dock was increased from 38,000 tons dwt to 65,000 tons dwt. The cost of providing this additional capacity was approximately £4.8m.

SUPPLEMENTARY TO QUESTION NO. 167/87

HON J BOSSANO:

Mr Speaker, can the Hon Member say the ships between those sizes that have been repaired in No.1 Dock which previously could not be repaired?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, in my supplementary notes here I have got the comment, first of all, about £4.8m. As Ken Anthony would say: "That's a lot of money, isn't it?" And also I have a note to find out how many bigger size ships have, in fact, been accommodated as a result. I am afraid I haven't been able to obtain that information in the time since the Hon Member put down his question but I am very interested in it myself and I will let the Hon Member know as soon as I can.

HON J BOSSANO:

So, in fact, Question No. 75 of 1987 where the Hon Member said that in 1985 there were three ships repaired in No. 1 Dock with a total value of £1.83m was not, in fact, an accurate answer to a question which said whether, in fact, the ships were once requiring a Panamac size dock which is the 65,000 tons that he has given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Could the Hon Member say what the reference was, Question No. 75?

HON J E PILCHER:

Question No. 75, Mr Speaker, I asked what work on No. 1 Dock was completed and how many ships requiring Panamac size Docks - Panamac size being the 65,000 tons dwt - were repaired in No. 1 Dock in 1985 and what was the value of the work? The answer was £1.83m and three vessels required Panamac size docks. Was that an accurate answer at that time or do we have to wait for the information for 1985 as well?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think that anything I said in any way degrades the answer which I gave, it is simply that I haven't got the most up-to-date information which is what I undertook to obtain because I am interested in the point myself and also to pass on to the Hon Member. Simply because there have only been three or four ships or whatever the figure is, it does not mean, of course, that the investment was necessarily unjustified. I think one would obviously have to take a long term view of such an investment but I will certainly undertake to provide the information.

HON J E PILCHER:

Will the Hon Member also undertake to check the figures for 1985 which he gave us in March?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

To make sure that I didn't give him duff gen, yes, certainly Sir.

MR SPEAKER:

Next question.

NO. 168 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how much money was paid to subcontractors by GSL in 1986?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the total sum paid to subcontractors by GSL in 1986 was £2.98m.

NO. 169 OF 1987

ORAL

THE HON J E PILCHER

Can Government state the value of the work completed in the first six months of 1987 by GSL stating the amount of naval and commercial work?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, GSL's turnover for the first six months of this year was close to £10m, of which £6½m was naval work and £3½m commercial work.

NO. 170 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that the RFA work currently being undertaken by GSL is at a price which permits a profit to be made?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker, I am informed that RFA work undertaken by GSL is at a price which permits a profit.

SUPPLEMENTARY TO QUESTION NO. 170/87

HON J BOSSANO:

Would the Hon Member then agree that if the company is saying that it is breaking even on the first six months it must necessarily follow that, in fact, it has made a loss on the £3½m which has been sufficient to absorb the profit made on the £6½m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I wouldn't necessarily agree with that, Mr Speaker, as we are talking about the half year, I would need to know a great deal more about the details of the company's management accounts and the contribution to overheads and so on. I wouldn't agree with him on that particular point at this stage.

HON J BOSSANO:

Mr Speaker, can the Hon Member then explain how it is possible to make a profit on £6½m and break even on £10m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have no figures, Mr Speaker, and I don't think that, if I understand the Hon Member, if I follow his logic, I don't think that the two are entirely incompatible. It may be that the commercial work, I am stating a hypothesis here simply as the reason why I don't agree with him. I am not saying that these are necessarily the facts but it may be that the commercial work is making a contribution but in terms of overheads in the company not as much as the RFA work. On the other hand it may be that to meet the RFA work although it is being priced profitably there are other hidden costs which if the RFA work were not there, would not be there and the company would then be able to make.....

MR SPEAKER:

In other words, the answer is that you are not aware of the working.....

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, but I wouldn't like the House, as it were, to go away with the seeds of what I might call the dire inferences that the Hon Member has asked them to draw.

MR SPEAKER:

Next question.

NO. 171 OF 1987

ORAL

THE HON J E PILCHER

Has Government made representations to HMG to provide further RFA work to GSL?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the MOD have told the company that any further RFA work beyond the guaranteed £14m at 1983 prices will have to be won by the company in competition with other yards. If the Government sees scope for political intervention it will certainly consider such action, but the primary requirement is competitiveness on grounds of cost and quality.

SUPPLEMENTARY TO QUESTION NO. 171/87

HON J E PILCHER:

So the answer in actual words is no, the Government has not made any representations to HMG at this stage?

HON CHIEF MINISTER:

That is right but we are making an assessment now of the real value of the £14m RFA work at 1983 prices for the yard and not for some contractors.

HON J BOSSANO:

So, in fact, the position is that a decision on whether to make the representations has not yet been finally taken?

HON CHIEF MINISTER:

No. The figures are being looked into in order that if we can make a case we make a good case.

MR SPEAKER:

Next question.

NO. 172 OF 1987

ORAL

THE HON J E PILCHER

Is Government aware of any plans by GSL to generate its own electricity to provide a shore supply for ships?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I understand that the company recently acquired a portable generator to provide shore supply to ships and reduce electricity running costs.

SUPPLEMENTARY TO QUESTION NO. 172/87

HON J E PILCHER:

Mr Speaker, am I right in thinking, is the company, as far as electricity is concerned, a free agent and not require the approval of the Government to buy a generator in that sense?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the distinction here is between the public supply and the supply which they make from ship to shore connections. The alternative would have been in this particular case obtaining supplies from the MOD and not from the Gibraltar Government at this stage but I understand that the MOD charges for hooking up supplies to ships in these particular circumstances is very high and GSL decided to save on costs by acquiring a generator second-hand.

HON J E PILCHER:

Mr Speaker, does the law permit a commercial company not to have to buy from public supply?

MR SPEAKER:

There is no reason why you should answer the question. I think any private individual can generate his own electricity if he wants to.

HON J E PILCHER:

That is what we want to know, Mr Speaker. Is the Government able to tell us that that is the position that any private or commercial entity can generate his own electricity?

HON CHIEF MINISTER:

I think for a change you should commend Gibrepair for having an initiative with a very small investment saving unnecessary cost and I understand that the generator will pay for itself in savings in less than a year.

HON J C PEREZ:

Mr Speaker, could the Government state whether this initiative by GSL was as a result of the MOD refusing to supply more electricity than it is already supplying because of the shortage of capacity on their part?

HON CHIEF MINISTER:

No, it has nothing to do with that, it is entirely an operation of hooking in which is very costly and which in this way can be done cheaper and I think we should commend them. There have been all sorts of statements about money being spent improperly and once money is spent properly we should welcome it and we should encourage them to do that much more, across the whole spectrum of the yard.

HON J BOSSANO:

Mr Speaker, if the Hon and Learned the Chief Minister is so keen that we should either welcome or criticise then I suggest he should have gone ahead and allowed us to debate the Accounts. We are here asking questions on information and you stop us making statements and I suggest you stop him.

MR SPEAKER:

With respect, it doesn't have to be suggested by any Member of this House as to who I should or should not stop in any manner or form. Next question.

NO. 173 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now abandoned its proposals for a Unified Civil Service Pension Scheme.

ANSWERTHE HON THE ATTORNEY-GENERAL

No, Sir. The outline Unified Pensions Scheme was presented to the Staff Side in July, 1986. The Staff Side were asked to submit their comments on the Scheme and to initiate discussions. So far the Staff Side have not accepted the Scheme.

Government will be considering the matter in the near future with a view to deciding the course of action to be taken.

NO. 174 OF 1987

ORAL

THE HON J C PEREZ

Can Government state how many posts of PTO IV have been upgraded to basic PTO and how many downgraded to TGI as a result of the restructuring of technical grades?

ANSWERTHE HON THE ATTORNEY-GENERAL

Of the 56 PTO IV posts under the previous structure 50 have been regraded to the basic PTO grade and 6 have been regraded to the TGI grade.

SUPPLEMENTARY TO QUESTION NO. 174/87

HON J C PEREZ:

So the Hon Member can confirm that the lowest supervisory grade in the PTO structure is now the equivalent of a PTO III which is the basic PTO?

HON ATTORNEY-GENERAL:

The old PTO III and PTO IV are now united in the PTO grade and that is the lowest grade.

HON J C PEREZ:

In fact, what has actually occurred is that the PTO IV has become a PTO III in terms of salary.

HON ATTORNEY-GENERAL:

They are all PTO's as I understand it, the grades III and IV were put into one PTO grade.

HON J C PEREZ:

Yes, which is the old PTO III.

HON ATTORNEY-GENERAL:

That I don't know, whether it is the old PTO III or the old PTO IV. I know that III and IV are now united as PTO.

HON J C PEREZ:

Can Government state what the cost of this exercise has been?

HON ATTORNEY-GENERAL:

No, I haven't got that information. I don't think it would be available at the moment because I believe the position, the six that have been regraded to the TGI grade is still being looked at by the Management Services Unit and also there is another problem, the conditions of service of the six is being maintained at the old PTO IV level for at least a period of ten years. I don't think at this stage while it is being looked at we can give you the cost.

HON J C PEREZ:

Will the Hon Member commit himself to inform me of that once the information is available to him?

HON ATTORNEY-GENERAL:

Yes, if you would give me a reminder because this is not information which normally comes my way.

MR SPEAKER:

Next question.

NO. 175 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

What is Government's policy in respect of nurses wishing to convert from full-time to part-time employment?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, requests by Nurses for transfer from full-time service to part-time service are granted subject to the exigencies of the Service and the wellbeing of the patients at the hospitals.

SUPPLEMENTARY TO QUESTION NO. 175/87

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister saying then that the policy is to take into account the difficulties that are encountered by the nurses because of domestic commitments and that it is better to have nurses part-time than lose trained nurses which would aggravate the question of the shortage of nurses?

HON M K FEATHERSTONE:

Sir, such requests are easier to grant when it involves a direct changeover between full-time and part-time nurses. In those cases where full-time staff wish to convert to part-time but there are no corresponding part-timers wishing to convert to full-time applicants are asked to wait until their numbers are such that the total hours worked on a part-time basis add up to the full-time conditioned hours. The ratio usually is seven part-timers to four full-time posts.

MR SPEAKER:

Next question.

NO. 176 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm that it has instructed the Wireless Officer to refuse all licences for the receiving of Satellite television?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

The Government has not instructed the Wireless Officer to refuse all licences for the receiving of Satellite Television.

SUPPLEMENTARY TO QUESTION NO. 176/87

HON J C PEREZ:

Does that mean that anybody that applies for such a licence could be issued one by the Wireless Officer at the moment?

HON G MASCARENHAS:

Mr Speaker, perhaps I should explain, the equipment that is required in order to be able to receive satellite television consists of a dish antenna, a disc, installed in a suitable location externally and corresponding receiving equipment inside the house. The provisions of the Wireless Telegraphy Ordinance, amongst other things, prohibit the use of any type of receiving equipment unless a licence therefore has been issued or a particular type of equipment has been accepted. Satellite receiving equipment therefore requires a licence, the Wireless Officer acting under the provisions of the Ordinance is not issuing licences for the present.

HON J C PEREZ:

Can the Hon Member explain why not?

HON G MASCARENHAS:

Mr Speaker, I think if we take Question No. 177, perhaps it would have been better to have taken both questions together.

HON J L BALDACHINO:

The receiver is the television, I presume, and not the dish. Therefore, Mr Speaker, today in Gibraltar the televisions that are being sold have provision for satellite television. Is the Hon Member saying that those televisions are illegal?

HON G MASCARENHAS:

Mr Speaker, what I am saying is what I have answered.

MR SPEAKER:

Next question.

NO. 177 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what its policy is in respect of the installation of discs for the purpose of receiving Satellite television?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, at present no licences for satellite television are being issued as there are a number of questions which the Government is in the process of considering as a matter of policy.

SUPPLEMENTARY TO QUESTION NO. 177/87

HON J C PEREZ:

Does that mean then that because the Government is considering matters as a matter of policy that the Wireless Officer has been instructed not to issue them?

HON G MASCARENHAS:

Mr Speaker, I answered in Question No. 176 that the Government had not instructed the Wireless Officer.

HON J C PEREZ:

If the Government has not instructed the Wireless Officer to issue them and the Wireless Officer under the Ordinance at his discretion can issue them, why is it that he is refusing to do so?

HON G MASCARENHAS:

No, Mr Speaker, the Wireless Officer acting under the provisions of the Ordinance is not issuing licences in this respect.

HON J C PEREZ:

Mr Speaker, if he is not issuing licences for this purpose and the Hon Member is saying that these licences are not being issued because there is a policy matter being discussed by the Government then has the Government not instructed the Wireless Officer not to issue these licences whilst they decide on their policy?

HON G MASCARENHAS:

Mr Speaker, the Government is considering in general terms the matters relating to the issuing of licences. It does not mean that we have instructed the Wireless Officer not to issue licences. We are considering the whole policy as regards satellite television.

HON J C PEREZ:

So you could conceivably have a situation where although the Government is considering a matter of general policy the Wireless Officer comes up and issues licences notwithstanding that the Government is not yet satisfied that those licences should be issued? Is that what the Hon Member is saying? Is that the position?

HON G MASCARENHAS:

No, Mr Speaker, the Wireless Officer has to interpret the provisions of the Ordinance as they stand today.

HON J C PEREZ:

Is it not the case that the provisions of the Ordinance as they stand today is that he can actually issue a licence of that nature at his discretion?

HON G MASCARENHAS:

No, Sir.

HON J C PEREZ:

What are they then?

HON G MASCARENHAS:

That he cannot.

HON J C PEREZ:

Why not? Under what section in the Ordinance is the Hon Member saying that the Wireless Officer cannot issue a licence for the receipt of satellite television?

HON G MASCARENHAS:

Mr Speaker, I don't know under what section of the Ordinance he does not licence the receiving equipment, I cannot tell him that. What I am telling him is it is a matter of interpretation and the Wireless Officer acting under his own interpretation and on the advice of the Attorney-General is not issuing licences.

HON J C PEREZ:

So we have a situation now that it is not that the Government has instructed him but on the advice of the Attorney-General that he is not issuing the licences? Is that the situation?

HON G MASCARENHAS:

Mr Speaker, the Wireless Officer would issue the licences and as a matter of interpretation he would consult the Attorney-General, it is not the Attorney-General who would grant the licence.

HON J C PEREZ:

Can the Hon and Learned the Attorney-General state whether there is a matter of interpretation under the Ordinance which prohibits the Wireless Officer from issuing a licence for satellite television?

HON ATTORNEY-GENERAL:

I think he could issue such a licence under the existing ordinance. The position is, since I have been brought into it, I think the position is the Wireless Officer wanted to hold the situation until it has been considered as a matter of policy whether or not satellite television should be permitted in Gibraltar and it was in the exercise of his discretion that he decided after consultation not with the Attorney-General but with my Chambers, "Can I put a condition in the licence, every licence I issue but not for satellite reception", and if that was in accordance with the terms of the Ordinance. He was advised by my Chambers that such a condition could go in the licence and such a condition was put in the licence. It was no question of the Government or anybody else, it was the Wireless Officer himself who consulted my Chambers to how can I hold the situation and not permit licences for satellite reception because if I do give those and it is decided as a matter of policy not to have satellite reception what do I do with the licences I have already issued. He consulted my Chambers 'can I enclose such a condition? My Chambers said 'Yes, you can'.

HON J C PEREZ:

Is it not a requirement for the regulations to be amended for the Wireless Officer to be able to do this? The regulations specify what the licences cover. If the regulations do not actually exclude satellite television from being included in the licence then is that not a requirement and is not the Wireless Officer acting against the Ordinance by precluding satellite television as he is doing at the moment specifically?

HON ATTORNEY-GENERAL:

I think he has got under the Ordinance a discretion whether or not to grant a licence and having decided whether to grant a licence he can impose conditions. There is a section, I am sure, in the Ordinance which allows him to impose conditions. So he says: 'Yes, you can have a receivers' licence but not for satellite television, that is a condition which I impose'.

HON J C PEREZ:

Mr Speaker, could the Government state on what basis are they considering the whole concept of satellite television? What is it that the Government is studying?

HON G MASCARENHAS:

Yes, Mr Speaker. In general terms whether or not the direct reception of satellite television should be authorised, first and foremost; the licence consideration, for example, the duration of the licence and the fees; the effect on the environment as a result of the installation of great numbers of dish antennae and planning considerations in this respect, and lastly but not least, certainly, the implications for GBC in relation to the provisions of the GBC Ordinance.

HON J L BALDACHINO:

May I ask the Hon Attorney-General, you don't need a licence to instal an antenna which is what the disc is, do you, under the law?

HON ATTORNEY-GENERAL:

You get a licence to establish or use any station for wireless telegraphy or keep or instal or use apparatus for wireless telegraphy or any apparatus that can be readily made usable for such purpose except under the authority of a licence granted by the Wireless Officer. And then it goes on in subsection (2): "A licence granted under this section may be issued subject to such terms, provisions and limitations as the Wireless Officer may think fit".

HON J L BALDACHINO:

Is the Hon Member saying that the receiver which is the wireless or the television which are now currently being sold in Gibraltar which have the provision to get satellite television, are they illegal or are they legal to be sold?

HON ATTORNEY-GENERAL:

As I understand it, I am no technical expert, but as I understand it, it is an ordinary television set and you have a dish and a wire comes from that dish into a box and that box goes into the television. I don't understand the technical aspects.

HON J L BALDACHINO:

There are televisions in Gibraltar at the moment which have incorporated provision for channels which can get satellite television and that is the television I am asking about. If you need a licence to have them at your home and at the moment they are not being granted, are these televisions legal or illegal to be sold by the shops? This is my question.

HON ATTORNEY-GENERAL:

The television set is a normal television set which receives more channels, as I understand it, and it needs a special box to receive satellite reception. I think the television set is just an apparatus for the receipt of wireless telegraphy.

HON J BOSSANO:

Mr Speaker, I think the question the Hon. Member is being asked is that if, in fact, what is being done is that there is a refusal to grant a licence to convert a normal television set by adding to it equipment which will enable satellite reception, what is the situation with the latest television sets which incorporate, they are more expensive pieces of equipment, which incorporate already a facility for satellite reception as part of the normal set. Would that need a special licence or would a set licensed like that be okay?

HON ATTORNEY-GENERAL:

I would have to think about it but I think a set that was licensed like that would be alright because I think it is a normal television set. As I say, I know nothing about it, I think it is a normal television set which has the ability to receive other channels but you need something else to make it receive those channels.

HON CHIEF MINISTER:

I would like, Mr Speaker, with your permission, to remind the House that public officers who have discretion granted to them by statute have to exercise them themselves judicially and may I remind Members of the lengthy proceedings some years ago about the refusal or non-refusal of the Licensing Officer to grant taxi drivers wireless licences. I think Members should know the difference between the exercise of the discretion the Wireless Officer in his capacity as such and the question of policy being looked after by the Government. It is perfectly proper that the Wireless Officer, the Licensing Officer, should have his reservations about what is happening and at the same time the Government still considering whether they alter the law giving other directives. There is no incompatibility in the fact that the Wireless Officer has got reservations about

what he can do and the fact that the Government is considering the whole question. They are two completely different matters and I reminded the House about this because ultimately any officer with a statutory authority is answerable for the manner in which he exercises his discretion irrespective, as has been mentioned in another context, irrespective of any directives of the Government.

HON J C PEREZ:

Mr Speaker, can the Government state when they think they will be in a position to inform the House of whether they have arrived at a policy decision on this matter or not?

HON G MASCARENHAS:

The matter is imminent in this case.

HON J C PEREZ:

What does the Hon Member mean by imminent?

HON G MASCARENHAS:

With regard to the publication of accounts it is not imminent, on this one it is imminent.

HON J C PEREZ:

Is the Hon Member saying that in the next House there will have been a policy decision taken?

HON G MASCARENHAS:

I would sincerely hope so.

HON M A FEETHAM:

Can Government state on the interpretation of the law, do I take it that anybody who has been refused a licence which is conditional to the satellite, has he got the right of appeal on the interpretation of the law as it stands now? Has he got the right to appeal?

HON ATTORNEY-GENERAL:

He can always go to the Court and say that the Wireless Officer has exercised his discretion improperly by imposing such a condition and therefore that condition is void. It would be a question of judicial review, I don't know if there is any appeal provision under the Ordinance, Mr Speaker.

HON J C PEREZ:

Mr Speaker, I am sorry to come back to the same subject again but I am not quite clear myself. Have we actually come to the conclusion that the actual disc does not require a licence but that it is a receiver connected to a normal television channel that has?

HON ATTORNEY-GENERAL:

It is a receiver, it is an apparatus for receiving wireless telegraphy. I take it that it is the receiver and not the aerial or the disc.

HON CHIEF MINISTER:

The receiver cannot act without a disc and the disc cannot act without a receiver and the receiver requires a licence.

HON J L BALDACHINO:

Mr Speaker, may I ask the Hon Member what is the difference between this antenna which is the disc and an antenna for a normal television? Is there any difference because you don't need a licence for the antenna and they are both antennae, as I understand it.

HON ATTORNEY-GENERAL:

You need a licence for the television receiver, the thing that receives the pictures.

NO. 178 OF 1987

ORAL

THE HON R MOR

Have works commenced on the new building for St Joseph's First School?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

No, Sir. The current position is that the Education Department has studied the two site options available for the new St Joseph's First School and has stated its preference for the New Mole House site. Government has approached the Ministry of Defence about the release of this site.

SUPPLEMENTARY TO QUESTION NO. 178/87

HON R MOR:

Mr Speaker, in the Estimates for this year the estimated cost of the project was £230,000. Can the Government say when they were aware of the cost of this project?

HON MAJOR F J DELLIPIANI:

The estimated cost is based on a purpose built school and not on a re-conversion.

HON R MOR:

When was the Government aware of the cost of this project? When did the proposal come forward that the cost is going to be £230,000?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't understand his question.

MR SPEAKER:

When was it quantified?

HON MAJOR F J DELLIPIANI:

The date?

MR SPEAKER:

The date, yes.

HON MAJOR F J DELLIPIANI:

I don't know, I can let him know.

HON R MOR:

Mr Speaker, would it be reasonable to assume that last December they were aware of what the cost was going to be?

HON MAJOR F J DELLIPIANI:

I have absolutely no idea, Mr Speaker. If the Hon Member wanted that question he should have let me know and I would have found out.

MR SPEAKER:

It is not the sort of information that the Minister is expected to have. In fairness, he is saying that he will let you have it in due course.

HON R MOR:

I will tell you why I am asking, Mr Speaker, because on the 24th March when I posed the question whether the accommodation at St Joseph's First School was satisfactory, in the Minister's answer he did say that a new school was being looked at for St Joseph's and I did ask "What is the cost envisaged for this project?" The answer I got was that that had not been costed yet. This was on the 24th March.

MR SPEAKER:

At least you have got a date.

HON R MOR:

No, on the 24th March they were not aware of what the cost was and then a week later at the Budget Session £230,000 appeared. What I am thinking of is it could be that the House was being misled at the time. I asked quite a legitimate question as to what the cost was at the time and I would imagine that by then it would have been known.

HON MAJOR F J DELLIPIANI:

Mr Speaker, the Hon Member should clarify that that reply was made by the Minister for Education and not by me.

HON J BOSSANO:

What we are being told is, in fact, that the Hon Member knew although the Minister for Education didn't, is that the position?

HON MAJOR F J DELLIPANI:

As all design works and costings are done by my Department, if that question had been answered by me I would have been able to answer that the project had already been looked at on behalf of the Department of Education. I still cannot remember when the actual date was when we finished the costings. The fact is that we knew that because of the movement of population towards the South district the catchment areas were far larger now and we were going to have a problem with both schools there, in fact, the St Joseph's First School at Scud Hill and St Joseph's Middle School at Witham's Road. There were some conversions carried out at St. Joseph's School in order to accommodate for this year, in fact, I think it is being done at the moment but we are obviously looking for a bigger classroom area for the school and New Mole House has been identified by the Department of Education as suitable site. We have to look at the structure inside the building because the building is suspect and what we want to do now is whether it is worth going into the site presumably if the Ministry of Defence are willing to release it and see whether it is worth spending the money on a structure which at the moment is suspect and hoping that it will meet the requirements of the school. That is the first option of the Department of Education. They prefer the New Mole House site. The engineers are looking at it to see whether it is suitable and we hope that with the estimate that we have done for the original school we will be able to tackle it some time this year.

MR SPEAKER:

Next question.

NO. 179 OF 1987

ORAL

THE HON R MOR

Have works commenced on repairs to the College of Further Education?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The major item earmarked for the College for 1987/88 is the complete restoration of Building 'B' at Queensway, which houses specialist workshops.

Following due consultation with the College management, the architect's brief has been determined. A structural Engineer's report in respect of the foundations is awaited. PWD envisages that tenders for these works will be sought in late July, with the target date for completion being December 1987.

SUPPLEMENTARY TO QUESTION NO. 179/87

HON R MOR:

Mr Speaker, is there any truth in the rumour that the school was struck by lightning the other night?

HON MAJOR F J DELLIPIANI:

I haven't heard anything to that effect and I was in my office this morning at 9 O'clock.

HON R MOR:

Is it still Government policy to resite the College of Further Education to St Bernard's Hospital?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't think we can call it Government policy but it fits into the plan that if we manage to move St Bernard's Hospital elsewhere, where the College of Further Education is sited is a prime site for development and we would put it to any developer to accommodate the College where St Bernard's Hospital is and pay for the cost and release that site for development. It is not a policy, it is a thought.

MR SPEAKER:

Next question.

NO. 180 OF 1987

ORAL

THE HON R MOR

Have works commenced on the extension to St Anne's School?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Extensive consultation has taken place between the Architect and the Department/School management to establish an optimum brief for this extension, inclusive of the provision of a larger gymnasium to allow for an element of community use.

Final drawings are being prepared and it is envisaged that tenders will be sought by February, 1988. Work should start in April, 1988, with target for completion being June, 1989.

THE HON R MOR

Have works commenced on repairs to Bayside Comprehensive School following the survey report?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1987

HON R MOR:

Mr Speaker, why is it that the liaison committee which was set up to look into the situation at Bayside, why hasn't it met during the last four weeks?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the in-depth survey is continuing and it is hoped that a report will be available some time this month. Tender documents will then be drafted by the Public Works Department with a view to seeking prices from the contractors. It is hoped that these works will start this summer.

NO. 182 OF 1987

ORAL

THE HON M A FEETHAM

Will Government confirm that they now have specific proposals for the re-siting of the Prison from the Moorish Castle site to a different area?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

The matter of the re-siting of the Prison is very much under consideration by Government.

SUPPLEMENTARY TO QUESTION NO. 182/87

HON M A FEETHAM:

Can you not give any more indication of what the specific proposals are?

HON J B PEREZ:

The Government has looked at a number of alternative sites that could be used but at this present moment in time no final decision has been taken.

HON M A FEETHAM:

I take it, Mr Speaker, that when the Hon Member gives an assurance and before a final decision is taken there will be consultation with all the affected and interested parties?

HON J B PEREZ:

Let me say that I have yet to convince my colleagues first, Mr Speaker.

HON M A FEETHAM:

The Hon Member will bear in mind that it also includes the Heritage Trust?

HON J B PEREZ:

As I say, my function initially, as I see it, is to identify a number of sites, get the Public Works Department to prepare some initial plans and some preliminary costings. When that is done I first have to convince my colleagues to get full approval of going ahead with the Prison after we know the site, location, area and cost.

HON M A FEETHAM:

As far as the Government is concerned the Public Works Department have not produced plans and specific costings for the resiting of the Prison?

HON J B PEREZ:

Public Works has produced plans for one particular site. They have been requested to produce plans in connection with another site.

HON M A FEETHAM:

Can you give us some indication which are the sites?

HON J B PEREZ:

I think they appeared in today's Chronicle, Mr Speaker. One is the old isolation hospital site and the other site that is being looked at is the Governor's Cottage site.

MR SPEAKER:

Next question.

NO. 183 OF 1987

ORAL

THE HON R MOR

Can Gibraltar pensioners resident in EEC countries collect their Social Security pensions from the relevant paying authority in their place of residence?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir. The established procedure under Community Regulations is that Gibraltar, together with the United Kingdom, makes direct payment to their pensioners living in other Community States. Any changes in this procedure would have to be applied to all Community Nationals living in all Community States, including Spaniards. The additional administrative burden that would be involved is beyond the present resources of the Department.

SUPPLEMENTARY TO QUESTION NO. 183/87

HON R MOR:

Mr Speaker, how often are these pensions forwarded to the pensioners?

HON DR R G VALARINO:

Mr Speaker, Sir, at present we are paying the pensions quarterly in arrears to those pensioners living in the UK. Formerly this was done through the Crown Agents but the system proved totally unsatisfactory.

HON R MOR:

Mr Speaker, doesn't the Government feel it is immoral that an amount which is normally payable weekly should be paid twelve weeks in arrears?

HON DR R G VALARINO:

Sir, I would not think it is immoral but certainly I will look at the possibility of being able to pay monthly instead of three months in arrears. If we are able to do so I will let the Hon Member know.

HON J L BALDACHINO:

The Hon Member mentioned UK, are there Gibraltarian pensioners in any other EEC country?

HON DR R G VALARINO:

I am sure there must be, Sir, I know of a pensioner who lives in South Africa, that is not within the EEC thank God.

HON J L BALDACHINO:

Mr Speaker, seeing that there are some outside the United Kingdom, are they also being paid the same as the ones in UK or is there any other arrangement for them?

HON DR R G VALARINO:

No, we pay them exactly the same way because this is the way the United Kingdom pay theirs. The analogy to this is the fact that a pensioner would be able to cash his social insurance anywhere within the EEC. Certainly, as a small state, we would not be able to because then we would have something like 300,000 expatriate pensioners in the Costa coming to Gibraltar to cash their old age pension which we can hardly afford to do.

HON J BOSSANO:

Mr Speaker, there are a number of things that have been raised by the Hon Member. Did he say, in fact, that we pay social security pensions earned in Gibraltar from contributions in Gibraltar to people outside the EEC?

HON DR R G VALARINO:

Yes, if they have paid their contributions and they are entitled to pensions as a result of their contributions they are paid, if necessary, outside the EEC.

HON J BOSSANO:

Mr Speaker, isn't it the case that, in fact, as a result of the entry of Spain into the EEC on the 1st January, 1986, Spanish nationals became entitled to the payment of a full pension at current rates after entry into the EEC and were not so entitled during the eleven months because Spain did not form part of the EEC and one of the things was a residential condition and the law of Gibraltar talks about residence in Gibraltar and that was subsequently interpreted as a result of our accession to the Community and the requirements of Community law as residents anywhere in the EEC? Isn't that the case?

HON DR R G VALARINO:

Yes, but I think it is a question of entitlement and the fact that they are Gibraltarians.

HON J BOSSANO:

Mr Speaker, isn't entitlement in our law linked to residence in Gibraltar and that, in fact, subsequent to our accession to the Community in 1973, residence in Gibraltar in order to comply with Community Regulations on social security had to be understood as residence within the Community and consequently Spanish nationals were not entitled to claim that residential right and the benefits that went with it during the eleven months period between

February and December because Spain was not part of the EEC? If the Hon Member says that we pay to everybody whether they live in the EEC or they don't live in the EEC.....

MR SPEAKER:

We are talking at cross purposes because I think what the Minister said was that people who have qualified for a pension and therefore they qualify for a pension because they were resident in Gibraltar and they had paid their contribution, if they are living in some other country they can have their pension sent to them. That is what he is saying.

HON J BOSSANO:

The position as we understood it, Mr Speaker, this is why there seems to be a conflict between this and what we have been told before and I am seeking clarification. The position as we understood it was that, in fact, the right to pensions post-1964 at 1964 levels was linked to residence in Gibraltar and that, for example, a Community national living in Spain prior to Spain's accession did not have the right and a Community national, for example, living in Morocco did not have the right. There was a residential qualification so that the contribution of people paid before 1964 gave rise to a frozen pension and that was removed because they attained the full rights on the accession of Spain to the Community. The Hon Member was saying that, in fact, wherever one lives now you get the same pension and the same rights, you don't have to be within the EEC. That seems to be in conflict with what we were told previously.

HON DR R G VALARINO:

Mr Speaker, certainly wherever one lives is not exactly the case because people in the Campo Area have got to come to Gibraltar to collect their old age pensions, we still pay them here. Other people who do live in Spain, say, in the North of Spain who are unable to come are paid. As to what exactly the Hon Member is saying about people living outside the EEC, I think I am right in that respect but I will check it for him and I will let him have the answer possibly tomorrow morning on that question, even on an informal basis.

HON J BOSSANO:

And there is another point, Mr Speaker, that I wasn't very clear on and that is in his initial answer was the Hon Member saying because he seemed to me to be saying something that was in conflict with itself. I understood him to say that, in fact, to pay through the social security administration in different Community countries would put a very high burden on our administration and that is why we are not doing it or was he saying, in fact, that we are not doing it because that is not the system

that applies in the European Community? He seemed to be saying both and one seems to me to be in contradiction with the other. Can I have clarification on that?

HON DR R G VALARINO:

Mr Speaker, Sir, that is not the system that applies in the European Community as far as the United Kingdom nationals are concerned and we as Gibraltarians come under the UK national network.

HON J BOSSANO:

Mr Speaker, what they are saying is if there is a Gibraltar pensioner, that is to say, somebody who has acquired a right under the social security insurance of Gibraltar and tomorrow that person goes to live in France, for example, does he get paid his social security pension through the French social security administration or not?

HON DR R G VALARINO:

No, we pay direct to that person and the other obvious reason why we pay direct is because the United Kingdom also pays direct to all their old age pensioners so if they have an old age pensioner living in Gibraltar then the United Kingdom pays direct to them and we pay direct to any old age pensioners we have within the EEC. We pay direct, we do not go through a third party.

HON J BOSSANO:

And the question, Mr Speaker, that I am asking is is the Minister saying that we do not go through the relevant authority in the country of residence of the pensioner because nobody does it in the Community or because it would put too big a burden on us to do it because it seemed to me that in his original answer he said both things?

HON DR R G VALARINO:

No, we don't do it because it would certainly involve a certain administrative burden and the second reason is the one I have mentioned before, that because the United Kingdom pay directly we tend to follow the United Kingdom in this respect and we also pay directly. So the answer there is twofold.

HON J BOSSANO:

Mr Speaker, when the Hon Member says that they pay directly, is he saying that, in fact, they pay directly to UK beneficiaries who are in Gibraltar or that they pay directly throughout the European Community?

HON DR R G VALARINO:

This is what I said I would check for you and let you know tomorrow but as far as I know we pay directly throughout the European Community.

HON J BOSSANO:

I know what he said he was going to check tomorrow and I am grateful to him, he was going to check about South Africa tomorrow. What I am asking him now is whether, in fact, what he has just told me about the UK paying directly which is a practice he says we are following because I can understand that there may be one arrangement, Mr Speaker, between ourselves and UK because we are part of the same Member State and a different arrangement between the UK including us and the rest of the Community. I am asking, in fact, is he saying that the United Kingdom in respect of its pensioners in the rest of the Community pays direct and that is what we are doing?

HON DR R G VALARINO:

Sir, as far as I am aware, the UK pays directly to all their pensioners within the EEC.

HON R MOR:

Mr Speaker, can the Hon Member say how often the UK pays their pensioners?

HON DR R G VALARINO:

Mr Speaker, I don't know the answer to that question.

MR SPEAKER:

Next question.

NO. 184 OF 1987

ORAL

THE HON R MOR

What is the total amount paid to Spanish Pensioners up to 30 June, 1987?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The total amount paid to Spanish pensioners from February, 1986, to 30 June, 1987, is £11,028,959.15.

SUPPLEMENTARY TO QUESTION NO. 184/87

HON R MOR:

Mr Speaker, the original estimate was £7m a year and I would say that after one and a half years it should roughly be about £10.5m so, in fact, this figure indicates that the figure is much higher than the original estimate.

HON DR R G VALARINO:

Mr Speaker, Sir, certainly the figure for this year will be over the £7m that the Hon Member has said yearly and one of the results of this has been the increases that were put forward at the end of last year when old age pensions went up by 6.7% but the figure this year will certainly be over the £7m that the Hon Member said, that is why there is £½m difference in the calculation that he has done.

HON R MOR:

Mr Speaker, can the Hon Member say what is going to be the position after 1988 as regards the payment of these pensions?

HON DR R G VALARINO:

As far as 1988, as the Hon Member knows, there was a question to the Chief Minister, I believe, at the last House of Assembly and he said that the question has still not been decided and it was the subject of discussion between the Gibraltar Government and the British Government and he could not give any further information at the time. I think that was one of the last questions on the Order Paper.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member, how much of that £11m paid out has been financed out of the £16½m of UK money?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The payments from the United Kingdom, Mr Speaker, are made twice yearly and they are due in April and October so during the eighteen months which the Hon Member has referred to there would have been three payments. In the first year, under the arrangements with the United Kingdom, they paid £6m and this year they are due to pay £5.5m. They have, in fact, made one such payment this year so it is £6m plus £2.75m which is £8.75m.

MR SPEAKER:

Next question.

NO. 185 OF 1987

THE HON R MOR

Can Government now say what is the value of the Social Insurance Fund and of the Spanish Sub-Fund at the end of March, 1987?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The value of the Social Insurance Fund at 31st March 1987, subject to audit, was £15.7 million. As the House will recall, the value of the notional Spanish sub-fund, at 31st December 1985, was estimated at £4.5 million. At 31st December 1986, it stood at £4 million. Our latest estimate for the value of the Spanish sub-fund, at 31st May 1987 is £3.5 million. The value of the sub-fund at 31st March was lower than the figure I have just quoted because the twice yearly contributions of £2.75 million, in 1987, made by HMG, are due in April and October.

NO. 186 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state which is the latest available figure for the number of Spanish nationals employed in Gibraltar?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The latest available figure for the number of Spanish nationals employed in Gibraltar is 967.

NO. 187 OF 1987

ORAL

THE HON J BOSSANO

Do Spanish nationals who have enjoyed a work permit for 12 months from 1st January 1986, become eligible to a work and residence permit for 5 years?

ANSWERTHE HON THE ATTORNEY-GENERAL

No, Sir. By the second proviso to Section 41 of the Immigration Control Ordinance a Spanish national who is in employment is not entitled to a five year residence permit until the expiration of the transitional periods provided for in Articles 55 to 58 of the Act annexed to the Treaty concerning the Accession of the Kingdom of Spain to the European Economic Community and the European Atomic Energy Community.

SUPPLEMENTARY TO QUESTION NO. 187/87

HON J BOSSANO:

Mr Speaker, and this, in fact, is not affected by the length of time that the person holds a permit?

HON ATTORNEY-GENERAL:

No, it isn't because according to the Ordinance you get a five year residence permit if you are self employed or if you are an employed person other than a Greek national, a Spanish national or a Portuguese national.

HON J BOSSANO:

Is, in fact, the Attorney-General satisfied that this is the way that it is operating in other Community countries?

HON ATTORNEY-GENERAL:

I don't know about the countries in respect of which there is a transitional period insofar as Greece, Spain and Portugal are concerned. This is the way we put it in our Ordinance and this was supposed to be in accordance with the European Community law when we drafted the Ordinance, we put it in the Spanish and Portuguese Accession Bill so that seemed to be, according to my understanding, that was the position throughout the Community.

MR SPEAKER:

Next question.

NO. 188 OF 1987

ORAL

THE HON R MOR

In view of the improved economic climate are Government now ready to proceed with the reduction of the age of entitlement to 60 for male social security pensions?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The Government has stated on more than one occasion that it is their aim of policy to reduce the age of entitlement for male social security pensions. It has also explained the financial implications of such a move which would involve a substantial increase in contributions. This is not a matter which is directly related to the general economic climate. It will continue to be considered in the context of the annual reviews of the Social Security Scheme.

SUPPLEMENTARY TO QUESTION NO. 188/87

HON R MOR:

Could the Hon Member say what is the cost per year of lowering pensionable age?

HON DR R G VALARINO:

Mr Speaker, Sir, I would have to really go into a lot of figures to obtain that answer but as my friend knows he is quite welcome to come and visit me in my Department and we can work out the figures together and then we will never quibble about the figures because it has been done jointly.

HON J BOSSANO:

Mr Speaker, we are trying to establish what is the problem that the Government has in doing something that they have been saying they have been wanting to do for a considerable time. If we knew the cost we would perhaps understand why they think it is so difficult. Has the Hon Member any idea at all of what the cost is?

HON DR R G VALARINO:

Mr Speaker, Sir, we will have to review the social security scheme but if I had been given notice of the question as to the cost involved then I would have been able to provide a suitable answer. The fact that there is nothing about the cost involved, in fact, the question only deals with whether we are ready to proceed with the reduction in view of the improved economic climate, I am afraid I cannot go further than what I have already said except invite my good friend over to the Department for a session on this.

HON J BOSSANO:

Mr Speaker, the Hon Member has said the improved economic climate dosen't have any effect on the Government's ability to reduce the age of entitlement, is that what he has said?

HON DR R G VALARINO:

Yes, I have said that.

HON J BOSSANO:

Then what is it they are waiting for? If before we couldn't do it, according to the Government in many, many public statements much though they wanted to because the economic climate did not permit it and now the improved economic climate is irrelevant, what is it that is stopping us from doing it?

HON DR R G VALARINO:

Mr Speaker, the Leader of the Opposition is very adept at altering things slightly. What I said was: "This is not a matter which is directly related to the general economic climate". Certainly, I believe it is not directly related to the general economic climate but I will still maintain that we do need to continue this in the context of the review which is carried out every year as he knows well and it will be so done. Certainly the Government has stated on more than one occasion that it is their aim of policy to reduce the age of entitlement for male social security pensions as I understand also the Hon Members on the other side. I think we are ad idem on that matter.

HON J BOSSANO:

Mr Speaker, that is why we want to see it done because we are ad idem and I would ask the Hon Member why was it turned down the last time it was reviewed and was the last time that it was reviewed last year?

HON DR R G VALARINO:

Mr Speaker, the last time that it was reviewed was last year, certainly. We had several other things to do at the same time and what I am trying to do this year is to review, as I have said before, not only this but the whole of the supplementary benefit scheme to be able to get a better deal for everybody by the end of the year when I am able to put forward the new legislation on this aspect. As to why it wasn't done last year it has certainly no reflection on when the elections are going to be held or anything. I will certainly take

what the Hon Member has said into consideration. I think what we really wanted was to see how the whole thing developed. Certainly I have said that though the economic climate tends to develop we have to wait and see.

HON J BOSSANO:

We are waiting, Mr Speaker.

HON DR R G VALARINO:

Patience is a virtue.

HON J BOSSANO:

Can I ask the Hon Member, in fact, he did say in one of his original answers that it would mean a very substantial increase in contributions, did he not say that?

HON DR R G VALARINO:

Yes.

HON J BOSSANO:

Can he say what the increase would be?

HON DR R G VALARINO:

No, I am afraid I haven't got those calculations with me, Mr Speaker.

HON J BOSSANO:

He can provide them to us, can he outside the House?

HON DR R G VALARINO:

Not out of my hat, I am sorry.

HON J BOSSANO:

Will he be able to write to us and let us have those calculations if they have been worked out by his Department?

HON DR R G VALRINO:

Certainly, I can find out and let the Hon Member know.

MR SPEAKER:

Next question.

NO. 189 OF 1987

ORAL

THE HON R MOR

Are Government prepared to give a final option to pay their arrears to persons who were debarred from the Social Insurance Scheme because of the ceiling on incomes?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir. The Government is satisfied that it has done its utmost, within the financial constraints imposed by the evolution of the social security scheme, to continually widen its scope until it has reached its present stage where it is available to all persons in employment. In the Government's view there is no justification for providing any further options.

SUPPLEMENTARY TO QUESTION NO. 189/87

HON R MOR:

Mr Speaker, can I ask what would be the cost of admitting those people into the social insurance scheme?

HON DR R G VALARINO:

If I may ask, Mr Speaker, what people is he referring to?

HON R MOR:

People who are debarred from joining the scheme because of the ceiling on incomes. At one time anybody earning over £500 was not admitted into the social insurance scheme.

HON DR R G VALARINO:

I have got some calculations on those but the same thing happens, I haven't got those figures here necessarily. I am certainly willing when we meet to give him those figures, we will have a jolly morning.

HON R MOR:

Right, I will take a week off and spend the week meeting with the Hon Minister for Labour.

HON DR R G VALARINO:

With pay or without pay?

HON J L BALDACHINO:

Does the Hon Member know the number involved of the persons who are not now entitled to a full pension because at that time they were debarred from the pension scheme?

HON DR R G VALARINO:

Mr Speaker, no, Sir, because though there are quite a number of persons receiving elderly persons allowance this goes back to people who were born before 1910. It is very difficult to estimate now and from the records to find out how many were self employed or employed or are widows of people who were self employed or employed. One would probably have to consider the number in toto and even if people did not qualify for that it would be impossible to judge exactly the number of people who would be qualified to enter the scheme. One would have to take all the people who were born before 1910 to be able to have any sort of idea as to what the figure would be.

HON J C PEREZ:

Mr Speaker, what we are being told is that the Hon Member doesn't know how many people are involved, doesn't know what the cost would represent but still says no without knowing that kind of information which is essential for the Government to take a decision on whether it can do it or not. Is that what we are being told?

HON DR R G VALARINO:

No, Mr Speaker. With respect, there is merit in the question that he has asked but what I have said is that there are about 373 people who were born before 1910, we know that.

HON J C PEREZ:

Who are still alive today?

HON DR R G VALARINO:

Who are still alive today, which includes my mother. But we do not actually know the people who were employed or self employed and who were not employed or self employed. From our records we cannot break them up so that to allow these people to come back we would have to allow the lot of them and the figure would then be simple. The figure would be if one could work it out, say, at 370 - I am sure three people have died since my last calculation - 370 multiplied by the difference between their old age pension and the elderly persons allowance multiplied by 52 and that would give a fairly reasonable estimate as to what figure is involved.

NO. 190 OF 1987

ORAL

THE HON R MOR

How many people are receiving Elderly Persons Pension (EPP) and how does this figure compare with 1986?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

At present there are 676 persons receiving Elderly Persons Allowance. In 1986 there were 663 persons in receipt of this benefit.

SUPPLEMENTARY TO QUESTION NO. 190/87

HON R MOR:

Mr Speaker, can the Hon Member clarify, in the case where one of these persons is receiving elderly persons pension and if it were to be found that the person is in receipt of another type of pension how would this affect the EPP?

MR SPEAKER:

That is a hypothetical questions and there is no reason why you should answer. If you have an answer and you want to give it by all means do so.

HON R MOR:

Mr Speaker, I am thinking of an example where this lady is in receipt of £70 a month from elderly persons pension and now because it has come to the notice of the Department that she is in receipt of another pension from UK which is worth about £17 they have stopped paying her EPP.

HON DR R G VALARINO:

Mr Speaker, Sir, I will answer the question if I may. These are social insurance allowances and therefore if people are receiving any other social insurance benefits from the United Kingdom these are taken into account when the figure is done as regards their elderly persons allowance. In fact, the answer to the Hon Member is, yes, they are taken into account.

HON R MOR:

But a person in a similar situation where instead of receiving another pension is receiving a handout, for example, from his former firm or whatever, would that affect the elderly persons pension?

HON DR R G VALARINO:

No, Sir, it would not affect it.

HON R MOR:

Wouldn't the Government agree that it is immoral to have a situation like that where on the one hand a person may be getting a considerably large amount of money from his firm or whatever but because it is not a pension it doesn't affect the EPP which is the position in this case?

HON DR R G VALARINO:

I don't tend to agree because I feel if they were given a handout this is a substitute for a social insurance pension so the morality of it I don't think comes into effect. There is also the problem of going into people's very personal life and find out where they have got money and where they haven't got money. The only thing that we can do to a certain extent is to make sure whether they are receiving a pension from the United Kingdom.

HON R MOR:

In fact, what the Hon Member is saying is that the system is means tested for someone in receipt of another pension but not being in receipt of any other amount of money although it is not called a pension, is that what the Hon Member is saying?

HON DR R G VALARINO:

Yes, Sir, that is exactly the position.

HON J BOSSANO:

Would this have been the case prior to the repeal of the Elderly Persons Pensions Ordinance?

HON DR R G VALARINO:

Yes, Sir, there was a provision in the Ordinance to exclude people receiving social insurance pensions from somewhere else. In fact, we have kept to the very word and letter of the Ordinance that was done away with, as the Hon Leader of the Opposition knows, two years ago so that there was an exclusion in the legislation.

HON J BOSSANO:

But isn't it the case, Mr Speaker, that what we have here is a situation where when we replaced the elderly persons pension the Minister told the House that people would be paid equivalent amounts as supplementary benefits and that unlike every other supplementary benefit this supplementary benefit would not be means tested? So we have the peculiar situation that we can have somebody getting supplementary benefit at 64, for example, on top of his occupational pension if he has retired at

60 and then the occupational pension ceases to count for elderly persons pension when they get to 65 and yet it is still deductible if they get a social security pension from another place. Doesn't the Minister consider that there appears to be conflicting treatment of different people on similar incomes under the system he is operating?

HON DR R G VALARINO:

Mr Speaker, Sir, first of all, I do not think I said what the Hon Member has said, in fact, I remember the debate extremely well and he was the one who brought this up. We could check on Hansard and if I am wrong I will apologise to the Hon Member, I believe I am right. As to the second part of his question where he said that there seems to be slightly unfair treatment because somebody is getting a pension and the other one is getting a lump sum, I admit as to the practicalities of that, that that in itself would tend to show that a certain criterion is not followed. This is something that can be looked at but it has been how the scheme has operated in the past unfortunately and there are, to tell you the truth, there are very few people who come up with any problems of this type as far as I am aware. Certainly, I would tend to agree with the Hon Member that there seems to be a certain benefit on one side and non-benefit on the other.

HON J BOSSANO:

So the Minister will therefore look into the matter to see if there is some way that he can overcome the kind of problem will he?

HON DR R G VALARINO:

Sometimes I wish I could do many things. Since the Hon the Leader of the Opposition has asked me I will look into it. The only thing I can add is that the answer may well be in the negative but I will look into it.

MR SPEAKER:

Next question.

NO. 191 OF 1987

ORAL

THE HON R MOR

What is the criteria used in determining whether allowances are given to escorts for sponsored patients?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

All escorts are entitled to free return air passage.

To determine what other allowances, if any, are payable to the escort the following criteria is used:

- (a) the nett income of the family with deductions at current S.B. rates in respect of each member of the family, excluding the patient and the escort is taken into account.
- (b) 50% of the commitments of any member of the family is also deducted from the income (e.g. mortgage, bank loans etc).

When more than one family unit occupies the household the income/expenditure of the patient/escort is still only taken into account when assessing the case.

SUPPLEMENTARY TO QUESTION NO. 191/87

HON R MOR:

And if a person were to be eligible for this amount how much would it be?

HON DR R G VALARINO:

I am unable to say.

HON R MOR:

I will rephrase the question. What is the maximum that an escort would be entitled to?

HON DR R G VALARINO:

The maximum is quite high but I haven't got the exact figure at the moment. I think it is about £70 or £80 but I can give you the exact figure later on this afternoon.

HON M A FEETHAM:

At the summit meeting of next week.

HON DR R G VALARINO:

At the summit meeting. I don't know who is going to be Reagan.

NO. 192 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether they are satisfied with all aspects of Health and Safety at Work in GSL?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Government is never completely satisfied with all aspects of Health and Safety, not only in GSL but in Gibraltar as a whole. The situation is constantly being monitored by Government through its Safety Officer who makes periodic routine visits to GSL.

SUPPLEMENTARY TO QUESTION NO. 192/87

HON J E PILCHER:

Is the Minister aware of various problems at GSL particularly, for example, the asbestos work?

HON DR R G VALARINO:

Yes, certainly some of them have been brought to my notice by the Safety Officer. I must add as well that GSL has a complement of one Senior Safety Officer and two Safety Officers all fully qualified. They are also assisted by six Safety Operatives who are unskilled.

HON J E PILCHER:

I thank the Minister for the information but I would still like to know what the Government is doing about the situation with the asbestos where it has been reported now for over six months that there is cleaning of the ships at high pressure where asbestos is let loose in the atmosphere and is affecting workers around who are not fully protected by protective clothing?

HON DR R G VALARINO:

Mr Speaker, Sir, as I think everybody knows, asbestos is a highly dangerous stuff. If the people working there are not protected as they should be according to the regulations set out then it is the job of the employers and not the Government who are responsible for ensuring that the Health and Safety law is complied with. The only thing is that, as I have said before, my Safety Officer makes periodic visits there and, in fact, I have got a meeting with him tomorrow morning and I shall instruct him to go down there and see whether there is any problem with the asbestos workers who are working there and get it straight from the people there. I can reassure him that through my Safety Officer I shall deal with this. If I find that there is any irregularity I will not only contact the Hon Member but I will certainly contact the company through the Safety Officer about the situation if it is certainly not as it should be.

HON J E PILCHER:

Mr Speaker, the Minister started off his answer by saying that no, he was never satisfied. We have already pointed out to one area where the Minister was not aware of the particular problem. Is the Minister aware of the problems reference the chemical tank cleaning base where there isn't adequate ventilation and that already a few personnel have had to be taken for treatment to the Hospital suffering from intoxication from the chemical cleaning plant and is the Minister also going to get the Safety Officer to look into that?

HON DR R G VALARINO:

Mr Speaker, on this occasion, no, because I am fully aware of the situation there. The Safety Officer has made a report, the doctors there have seen the people who have been involved, they have sent them up to St Bernard's Hospital to a particular physician and the answer from this particular physician is that these people who were in contact with this rather dangerous liquid are now alright and there is no danger to them. As far as this concerned I am aware of this situation.

HON J E PILCHER:

Mr Speaker, but surely the actual plant was inspected before it was used and I would like to know what authority the Government have to stop plant or to stop areas being used as a result of their being found unsafe or dangerous to health?

HON DR R G VALARINO:

Mr Speaker, the power in Government lies in the Safety Officer, he is the one who is able to stop anything which he feels is not safe as far as the working population is concerned. Let me reiterate once more that it is the employers and not the Government who are responsible for ensuring that the Health and Safety laws are complied with and as the Hon Member is fully aware Government makes provision to improve standards in health and safety at GSL by making regulations under the Factories Ordinance. I refer specifically to the Factories Shipbuilding and Shiprepairing Regulations which came into effect in October, 1985.

HON J E PILCHER:

Therefore the Government, Mr Speaker, I take it, have the power under those Regulations to stop any area within a shipbuilding industry or shiprepairing yard to exercise their authority to stop it and is not the Minister aware that on the 27th March the Factory Inspector was informed that the Fire Brigade had not approved the use of this particular plant?

HON DR R G VALARINO:

Mr Speaker, the Safety Officer has certainly not mentioned this particular statement to me. As far as I know I feel that he is happy with it, I have full confidence in him and he would have stopped the operation but I will go back to the Safety Officer and instruct him and tell him about the Hon Member's fears about the aspect of Health and Safety at Work especially with regard to GSL and if there are any irregularities which come to mind, and he has mentioned three topics, I will check on them myself personally and will let you know whether the Safety Officer has done his utmost, his work as he should do as he is employed by us or there are some minor things which have not been done. I do agree with the Hon Member that it is highly important that all the men there should be protected especially when they are dealing with irritating chemicals and asbestos fibre.

HON J E PILCHER:

Mr Speaker, can the Government confirm, in fact, that the accident rate in GSL as opposed to the accident rate where the old Naval Dockyard used to be is, in fact, much higher?

HON DR R G VALARINO:

Mr Speaker, Sir, I think my Director gave the figure to the Hon Member which he had asked last time and I think that figure showed that it was indeed higher.

HON JE PILCHER:

Mr Speaker, first of all, let me point out that this is not a Safety Officer knocking afternoon, I am not knocking the Safety Officer, I know him well and I don't want this question to imply that I am hitting at him, I am hitting at the system where the Minister said he was very, very concerned and the answers show that the concern is not being related as far as the floor is concerned. Is the Minister also aware that due to the fact that when they are painting ships the spray dust of the actual painting is, in fact, being pushed by the winds throughout the south areas and every single car owner in the south area finds his car sprayed every morning in green, yellow, blue or whatever colour GSL like to paint.

MR SPEAKER:

It is fair that you should raise matters of safety generally but not specifically because the Minister is not supposed to have that kind of information in his possession.

HON J E PILCHER:

Will he accept then, Mr Speaker, that there are certain matters related to safety and health which I would like the Minister to take up.

MR SPEAKER:

In fairness, if you expect a reply to a specific question you should have included it in the general question. It is no use asking a general question and then saying, not because you are not entitled to, but because you are not getting information.

HON J E PILCHER:

With the exception that if the Minister was, in fact, as concerned as he said he was he would know the answers to all these questions.

HON DR R G VALARINO:

Mr Speaker, I am deeply concerned not only as a Member of the Government but also as a doctor and I have taken note of everything the Hon Member has said and I will deal accordingly with the matter.

HON J BOSSANO:

Mr Speaker, how many Safety Inspectors does his Department employ?

HON DR R G VALARINO:

We don't employ any Health and Safety Inspector, we just employ one Safety Officer.

HON J BOSSANO:

And that the Hon Member considers to be sufficient to ensure that Health and Safety at Work standards are being maintained in a workforce of 13,500? The Hon Member is happy with that kind of ratio, that he can do any adequate job to ensure that his concern is translated into reality with one man for 13,500 working people?

HON DR R G VALARINO:

Mr Speaker, no, Sir, we inherited the Safety Officer who was before the Factory Inspector, his old title was Factory Inspector. But considering the developments that are taking place in Gibraltar and the development of the shiprepair yard I feel that one man is not enough and I have put forward a staff inspection to find out exactly how we stand on this matter and, if necessary, to recruit other people to be able to help him because so far he is having to do this on his own and also on overtime just in case anything happens there. Let me

congratulate the Safety Officer because he is very intelligent in his duties and he is hard working and he has certainly got the interests of the men at heart.

HON J E PILCHER:

Mr Speaker, when does the Government feel that they will be ready to bring to this House the Health and Safety Ordinance which we are all anxiously waiting for?

HON ATTORNEY-GENERAL:

Mr Speaker, I am trying to think what the state of the legislation is, I think a second draft was submitted about two weeks ago, submitted to me from the Law Draftsman which I put over to the Director of Public Works and to the Chief Environmental Health Officer. I think that is the position but I am not certain. It is an on-going operation but if you are specifically interested in the date and the position I will find out and let you know.

HON J BOSSANO:

Mr Speaker, does the Government accept, as regards the original question, that independent of their responsibility to ensure safe working practices of third parties, as the owners of the yard they have a particular obligation to ensure safe working practices within a business which they own 100%?

HON DR R G VALARINO:

Yes, Sir, the Government has the safety of all people at heart.

HON J BOSSANO:

No, I am saying to him, independent of the fact that he as the Minister responsible for the Safety Officer/Factory Inspector has to make sure that the person concerned is working round the clock to look at all the places of work including the Government's own places, doesn't the Government accept that in the case of GSL they are the owners and consequently they should be concerned as owners independent of any statutory requirements for the health and safety at work of people who work in a business that they own.

HON CHIEF MINISTER:

I think I would like to answer that one myself. I think that, first of all, as the Minister has said our care should be for all the workforce. In respect of GSL, as owners, we have to look to the Board to make sure that safety standards are high and we have done that to some extent and, in fact, the numbers that have been appointed to GSL have been increased as a result of a number of accidents as well as a number of representations made regarding the fact that they have to keep reasonably high standards of safety.

HON J BOSSANO:

Is the Hon and Learned the Chief Minister then aware and if not will he look into the matter, that there is a view within the Safety Department in GSL that the fact that they are answerable to the production manager inhibits their ability to do a thorough job in terms of safety because there are conflicts of interest and that representations in this respect have been going on within the company for a considerable time, virtually since the inception of the Safety Department? If he is not aware of that, would he agree to look into that matter?

HON CHIEF MINISTER:

The answer is I am not aware of the details of that. I will certainly ask for a report, I will see that the question is properly put to me, the wording of the Hon Member so that I can identify the problem and I will take it up with the Chairman of the Board.

MR SPEAKER:

Next question.

NO. 193 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now taken a policy decision on the introduction of a statutory minimum wage?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No final decision has yet been taken on the matter, although the Government is inclined to the view that the fixing of a standard statutory minimum wage would not be in Gibraltar's best economic interests.

SUPPLEMENTARY TO QUESTION NO. 193/87

HON M A FEETHAM:

Government is aware of the longstanding recommendation of the Wages Board which has Government representatives there. Is Government now saying that they will not accept the recommendations?

HON DR R G VALARINO:

The Chairman is the only Government member there, the other members are union members, Chamber of Commerce and independent members. What I have said is that no final decision has been taken on the matter.

MR SPEAKER:

Next question.

NO. 194 OF 1987

ORAL

THE HON J C PEREZ

What measures have Government introduced to clean up Eastern Beach following complaints from the general public?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

An extensive cleaning operation was carried out at Eastern Beach by Beach Cleaners.

Approximately 3 boxes (each 2ft³ capacity) of nails, steel, rusted cutlery and glass were collected during the clean up operation. Some of this material may have come from debris left over from open burning of timber spoil at the extreme south end of the Beach. Since the stipulated cleaning up of such debris can not be guaranteed, the burning of this type of spoil at our beaches will not be allowed in future. There can be little control over flotsam washed up at our own beaches by the sea.

SUPPLEMENTARY TO QUESTION NO. 194/87

HON J C PEREZ:

Is the Department now satisfied that the beach is in a proper condition and that there is no danger to anyone using it?

HON MAJOR F J DELLIPIANI:

Mr Speaker, no Government or Department can guarantee that it will be able to clear up all the beach of all nails and other different objects which can be harmful to the public but I can tell the Hon Member opposite that the beaches are cleaned every day during the summer.

MR SPEAKER:

Next question.

NO. 195 OF 1987

ORAL

THE HON J C PEREZ

Is Government satisfied that a sufficient number of lifeguards have been employed to cover all public bathing spots for this summer season?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

To date it has not been possible to recruit the full complement of Lifeguards required to give the maximum cover at the beaches.

However, the Government is reasonably satisfied with the service which is being provided at all the beaches.

SUPPLEMENTARY TO QUESTION NO. 195/87

HON J C PEREZ:

Could the Hon Member say how many out of what complement have been recruited. I believe there was an advert being placed in a newspaper this week in an attempt to recruit more to meet the total complement.

HON MAJOR F J DELLIPIANI:

Sir, a total of seventeen lifeguards are required to give full cover at all the beaches. To date only ten have been appointed and one is in the pipeline. We have advertised again in the hope that we will be able to attract some of the students coming from UK for their holidays.

HON J BOSSANO:

Mr Speaker, can the Hon Member say when the ten were appointed, were people being turned down who had the necessary qualifications to be appointed?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I can only speak from hearsay because I am not a member of any of the Boards, I gather that there were people who had the qualifications but were still not deemed to be suitable for other reasons. It could be that some of them had worked before for us and they hadn't given us satisfactory service but I know that more than ten applied, some had the proper qualifications but the Board did not think that they were suitable for service.

MR SPEAKER:

Next question.

NO. 196 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether it has now implemented the scheme by which a number of lifeguards employed during the summer season would be retained during the winter on other tasks?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The scheme has not been implemented yet, but the matter is being pursued and it is hoped that proposals will be put to the Staff Side shortly. It should be noted, however, that the scheme did not envisage the automatic retention of lifeguards. The posts will be advertised and lifeguards presently employed on a seasonal basis will have the opportunity to apply for selection for these permanent posts.

SUPPLEMENTARY TO QUESTION NO. 196/87

HON J C PEREZ:

Once they have actually been accepted on a permanent basis on other tasks during the winter they will certainly not have to go through the same process the following year, they would be retained by Government as lifeguards/handyman or whatever if they have been accepted for both the summer and the winter tasks, I presume?

HON MAJOR F J DELLIPIANI:

Mr Speaker, it is Government's intention that the people now working as lifeguards during the summer will be assessed during the summer and if they are good they will probably have to attend the Board with the people on the Board knowing the full facts of their record and service that will be taken into account.

HON J C PEREZ:

Mr Speaker, I am not suggesting that it should be automatic, obviously people would have to be tested to see whether they are qualified to do certain tasks. What I am saying is that once they have been taken on on a dual job then that would be on a permanent basis and the same exercise would not have to be carried out the following year and that would obviously give the Government a greater leeway in that in the summer it would start already with a complement of lifeguards and wouldn't have to encounter the same difficulties in recruiting lifeguards as we are experiencing this summer again. Is that not the case?

HON MAJOR F J DELLIPIANI:

Mr Speaker, that is correct. The thinking behind the question of permanent lifeguards/cleaners for the winter is precisely that. First of all, we want to ensure that we have a reasonable cover for next year and, secondly if there are the odd good days during the winter months we can provide cover during those winter months which are good, the odd days which are suitable for swimming.

HON J C PEREZ:

Could the Hon Member say when he envisages proposals to be sent to the Staff Side?

HON MAJOR F J DELLIPIANI:

Mr Speaker, it is unfortunate that this is taking a long time, I don't like criticising other people in this connection but certainly my Department has been pursuing it for at least a year. It is now with the Establishment Division and we hope that they will pass on the required information to the Staff Side in order to accept it as promptly as possible so that we can implement the scheme soonest. Unfortunately, Government bureaucracy is such that it is taking a very long time.

HON J BOSSANO:

Mr Speaker, will the Hon Member confirm that, in fact, last year he missed the boat, as it were, because by the time the proposals were put out the summer season was over and the people were no longer in employment and that therefore it is essential that there isn't a repetition this year otherwise again nothing will happen?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I have just expressed my concern and my disappointment that it has taken such a long time and I hope that it won't happen again this year.

MR SPEAKER:

Next question.

NO. 197 OF 1987

ORAL

THE HON J C PEREZ

Has Government had any indication from PSA/DOE on when they intend to carry out rockfall protection works on the Rock face directly behind the Rosia Dale Housing Estate?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

PSA have now confirmed that works will commence in early October, 1987, and have already requested the necessary clearances to enter the site for the purpose.

SUPPLEMENTARY TO QUESTION NO. 197/87

HON J BOSSANO:

Mr Speaker, now that the Government is able to tell us that this is proceeding, can they give us a better idea of what is involved? The PSA/DOE no longer have a specialist unit on rock stabilisation which they used to have at one time and, in fact, they tend to do descaling by bringing out specialists from UK, is this the kind of specialist operation like that or is it a routine thing that they can do with their own existing workforce?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I haven't got the details with me but I cannot imagine that it is a routine operation. I think that a considerable number of descaling of the Rock face will have to be done. I imagine that they are thinking of a specialist team, I think the task is not something that can be done by anyone. In my own opinion I think it is probably specialist work but I haven't got details of the actual work. I know that in the past, as the Hon Member has rightly said, descaling has been done by a specialist team coming over to the Rock, an example is the tunnel at Sandy Bay.

MR SPEAKER:

Next question.

NO. 198 OF 1987

ORAL

THE HON J C PEREZ

Is Government aware that the Police Post at Waterport is in a serious state of disrepair?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The Police Station at Waterport is not considered to be in a serious state of disrepair. However, refurbishing is required and minor conversion and painting works are programmed for the current year.

SUPPLEMENTARY TO QUESTION NO. 198/87

HON J C PEREZ:

Has the Hon Member any indication on what the cost of that is?

HON MAJOR F J DELLIPIANI:

I haven't got any indication, Mr Speaker, but if the Hon Member will remind me I shall send it to him.

HON J C PEREZ:

And one would presume that the money would be found in that very particular vote on the Maintenance of Public Buildings, I presume that the money will be coming out of that vote?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I think that the money will come from the Police Vote but if they haven't got any money we will look towards our own secret Vote.

HON J C PEREZ:

When does the Hon Member envisage that these works will commence?

HON MAJOR F J DELLIPIANI:

I don't know, Mr Speaker, and if I did I wouldn't tell the Hon Member because then if it doesn't happen he would tell me: "You said on the 6th July that it was going to start" and I am not prepared to give any more details if I can help it.

MR SPEAKER:

Next question.

NO. 199 OF 1987

ORAL

THE HON J C PEREZ

Has Government now commenced works on those balconies at Stanley Buildings deemed to be in a dangerous condition, which the Minister for Public Works envisaged would commence at the end of March?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

No, Sir. Late last year, make safe measures were carried out to three balconies deemed to be in a state of disrepair. The work was to be supplemented by fixing steel brackets under the balcony slabs but the tenants have been resisting these extra safety measures on the grounds that the brackets would look unsightly.

The structural survey for Stanley Buildings has been completed and a scheme is being prepared for the replacement of all the balconies in this building.

Work will incorporate the renewal of all service pipes, remedial works and external redecorations.

Work is expected to commence in late November, 1987, and next year you will probably ask someone else.

SUPPLEMENTARY TO QUESTION NO. 199/87

HON J C PEREZ:

Someone will probably be asking me next year. Mr Speaker, what tenants are the ones that haven't allowed this? I know of two particular tenants who are very, very worried about the safety of their balconies and who wouldn't mind anything being done to them because they are really concerned about their children that an accident could be caused because of the condition of the balconies. Has the Hon Member got any details of what tenants are the ones who have prohibited the Department from carrying out those works?

HON MAJOR F J DELLIPIANI:

Mr Speaker, if the Hon Member has two tenants who are willing for these works of this nature to be carried out immediately I would ask him to ask them to write to me saying that they are prepared to accept steel brackets and I shall give the order for it to be done immediately to those two tenants.

HON J C PEREZ:

Mr Speaker, if those works were to be carried out, that would not preclude the November dateline for the commencement of the full works on Stanley Buildings, I presume?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker.

MR SPEAKER:

Next question.

NO. 200 OF 1987

ORAL

THE HON J C PEREZ

Can Government state if the old RAF Married Quarters at Calpe, which were recently transferred to the Government, are structurally sound and represent no danger whatsoever to tenants?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The ex RAF Married Quarters at Calpe have been inspected and cracks were observed in the area close to the gable ends of the building. It appears that these cracks are of long standing and measures have been taken to monitor developments in the future.

The cracks, although unsightly, do not impair the stability of the structure.

SUPPLEMENTARY TO QUESTION NO. 200/87

HON J C PEREZ:

So there is no reason whatsoever for tenants being concerned that they would be moved out on safety grounds?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker.

MR SPEAKER:

Next question.

NO. 201 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether they have now awarded the tenders for:

- (a) the external decoration and remedial works to Kingsway House and Victoria House
- (b) the external decorations and minor works at Castle Ramp and Road to the Lines;

and if so, to what companies and at what cost?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

- (a) the contract for remedial works and external decorations to Kingsway House and Victoria House has not been awarded.
- (b) the contract for the external painting/minor works at Castle Ramp and Road to the Lines was awarded to Ressa Bros Ltd in the sum of £37,137.49.

SUPPLEMENTARY TO QUESTION NO. 201/87

HON J C PEREZ:

Can the Hon Member state when this tender was actually awarded because I haven't seen it Gazetted yet?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am not able to help the Hon Member as to the date of this last contract but I shall look it up and inform the Hon Member.

HON J C PEREZ:

Could the Hon Member state when the Government expects to award the other tender which came out in February this year?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am not in a position to answer that question. All tenders are dealt with by a Tender Board and I do not form part of that Tender Board.

HON J C PEREZ:

Is it normal that it should take such a long time?

HON MAJOR F J DELLIPIANI:

Mr Speaker, some tenders take longer than others, it is a fact of life. In fact, I know of many occasions when we have asked the particular contractors who have tendered if they are willing to hold the same price for a few more months whilst we study their tenders so it is not unusual for a tender to take longer than what was envisaged.

HON J BOSSANO:

Mr Speaker, isn't this work that was, in fact, provided in last year's Estimates in the Improvement and Development Fund and was put out to tender and then the date of the tender was extended and has now appeared as a revote in this year's Estimates and we are now three months into the new financial year? Doesn't the Hon Member think that it has taken an awful long time for something that doesn't appear to be demanding great technical skills? Remedial works and decorations of other blocks in the Estate have been carried out by local companies before, why is it taking so long, there is nothing unusual about it, is there?

HON MAJOR F J DELLIPIANI:

Mr Speaker, this forms part of a programme which was thought of last year. The sum was voted, in fact, I think it was last year, subsequently the tender was extended for at least another two weeks or a month and that is at the stage that I know we are in. The Tender Board still hasn't given a final decision as to who has been awarded the tender.

HON J BOSSANO:

This is precisely why there is a question, Mr Speaker, because we have been monitoring what the Hon Member has said has been happening and that is what we know was happening until February and we find it odd that six months later there seems to have been no movement. The money is there, the work needs doing, it doesn't require any specialist skills so what is holding it up?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am not in a position, not being a member of the Tender Board, to say why it has been held up.

HON J C PEREZ:

Is the Hon Member made aware by the Tender Board whether there is more than one company tendering for the project or not?

HON MAJOR F J DELLIPIANI:

I believe there is more than one.

MR SPEAKER:

Next question.

NO. 202 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what its road resurfacing works programme for the current financial year consists of, and could it give a breakdown of the estimated cost of each particular job together with the length of time each job is estimated to take?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

It is intended to resurface part of Europa Road from its junction with Engineer Road southwards up to Woodford Cottage Area and Main Street from Convent Place to Referendum Gates are to be resurfaced in the programme for 1987/88.

The cost of the Works is estimated at £70,000 and £40,000 respectively and estimated duration of the works are 17 weeks and 12 weeks respectively.

The works at Main Street is to include the replacing of the existing pressed cement paving tiles.

It is also intended to resurface Market Lane using Pavia blocks as part of the resurfacing programme. However, we would not like to divulge the estimated cost as these works will be carried out by contract and is therefore subject to tender. No resurfacing works are being carried out at present due to the fact that the road gang is employed in the levelling and resurfacing of the new coach park at Waterport. The road gang has other commitments such as the resurfacing of the parking area at North Pavilion Quarters, a school playground and speedramps at Alameda Estate.

SUPPLEMENTARY TO QUESTION NO. 202/87

HON J C PEREZ:

If I have understood the Hon Member correctly, the only part of Main Street which is scheduled for resurfacing is from Convent Place to Referendum Gate, is that so?

HON MAJOR F J DELLIPIANI:

That is correct, Mr Speaker.

HON J C PEREZ:

Didn't the Hon Member commit himself or his Department commit itself last year with the Chamber of Commerce to resurface Main Street other than the area mentioned

and did he not have part of Main Street other than the area mentioned included in last year's programme which was not carried out?

HON MAJOR F J DELLIPIANI:

Mr Speaker, whether the Department gave a commitment or not and I don't think that we gave a commitment like that, it has been discovered that the south part of Main Street has more, shall we say, structural faults and nothing to do with the resurfacing than the northern end of Main Street and this is why we are tackling Main Street this year. We are also hoping to tackle it, and we have been in contact with the Tourist Office, in January when we estimate that there is less tourist traffic and we can also take the opportunity that the Band of the Royal Anglians will be away in the United Kingdom and there won't be any ceremonies in The Convent area and we are trying to work in such a way so as to cause the least inconvenience.

HON J C PEREZ:

What the Hon Member is actually confirming is that there is no other project in Main Street other than the one mentioned, that is to say, that there is nothing in the programme to include the rest of Main Street other than the bit from Convent Place to Referendum Gate?

HON MAJOR F J DELLIPIANI:

That is correct.

HON J C PEREZ:

I am sure the Hon Member is not satisfied with the condition of the rest of Main Street but wouldn't the Hon Member consider the whole of Main Street a priority given the number of tourists coming in and using the street?

HON MAJOR F J DELLIPIANI:

Mr Speaker, in my own humble opinion and I do travel quite a bit in Gibraltar, there are other worse areas than Main Street.

HON J BOSSANO:

Did I understand the Hon Member to say that the south end of Main Street that isn't being done needs more than just resurfacing, that it is in a worse state than could be put right by merely resurfacing? Did he say something about structural faults?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker.

HON J BOSSANO:

How can he say then that he knows areas that are worse than that in other parts of Gibraltar, surely that is as bad as it can get?

MR SPEAKER:

That is why he is doing it.

HON MAJOR F J DELLIPIANI:

That is why I am doing it.

HON J BOSSANO:

The one with the structural faults is the part that is being done?

MR SPEAKER:

Yes.

HON J BOSSANO:

And will that mean apart from resurfacing, what does that mean that the road needs to be pulled up?

HON MAJOR F J DELLIPIANI:

We will look at certain areas where it has to be strengthened with concrete. It is not just a question of taking off the present surface and putting on a new surface, we might have to go in deeper.

MR SPEAKER:

Next question.

THE HON J C PEREZ

Can Government confirm that a contract has been awarded to Gunac Ltd in relation to works at Glacis Estate, without it going out to tender?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. A contract was directly awarded to Gunac Ltd.

SUPPLEMENTARY TO QUESTION NO. 203 OF 1987

HON J C PEREZ:

Could the Hon Member confirm that this was subsequently subcontracted to Concrete Proofing Ltd?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I cannot confirm because I have no other information except that the contract was awarded to Gunac Ltd.

HON J C PEREZ:

Is it not the case, Mr Speaker, that the works have been carried out by Concrete Proofing Ltd and not Gunac Ltd, that the name of that company has been the one on display whilst the works have been carried out and that, in effect, it has been that company doing the work and not Gunac Ltd?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I regret to say that I am not aware that any other company other than Gunac has carried out the work. If the Hon Member has any other information I will be glad to take it up on his behalf.

HON J C PEREZ:

I have other information which I will put to the Minister now. Is this company, Concrete Proofing Ltd, and this particular contract not the subject of an investigation at the moment? Can the Hon and Learned the Chief Minister confirm that he told Mr Freddie Asquez of Das Aluminium that he had information brought to him by Mr Horace Zammitt and that an investigation was being carried out into Concrete Proofing Ltd in relation to painting tenders?

HON CHIEF MINISTER:

No, as far as I can remember the representations made to me by Mr Asquez was that the Government had a claim against him for PAYE payments and that he had a claim against a company for which he had subcontracted part of the windows of one of the Tower Blocks, that is all I know about it.

HON J C PEREZ:

So this investigation has nothing whatsoever to do with an investigation which is being carried out by the Police on information received by Mr Zammitt in a private capacity which has been made public this afternoon by Panorama?

HON CHIEF MINISTER:

What is the first investigation to which the Member was referring to?

HON J C PEREZ:

The first investigation was the one claimed by Mr Asquez.

HON CHIEF MINISTER:

There was no question of investigation at all in the case of Mr Asquez. Mr Asquez made a complaint to me that he was being sued by the Attorney-General in respect of PAYE payments and that he had an arbitration case with one of the companies which had subcontracted the windows and I passed on the paper to the Attorney-General and told the Attorney-General to deal with Mr Asquez because it had nothing to do with me and, in fairness, there was nothing I could do to interfere in a matter which was really a matter of a personal claim. The fact that one contractor of the Government had not paid him was a matter for him and not a matter for the Government. With regard to the other matter that has nothing whatever to do, as far as I know, with Mr Asquez nor has Mr Asquez's name ever been mentioned in respect of that.

HON J C PEREZ:

Or with Concrete Proofing Company?

HON CHIEF MINISTER:

I don't know about that.

HON J C PEREZ:

But it is certainly a matter which is directly affecting the Public Works Department.

HON CHIEF MINISTER:

There is a matter affecting the Public Works Department which following a complaint was the subject of an inquiry and the Attorney-General ruled that there should be certain investigations and the matter has been dealt with entirely at administrative level and on the directions of the Attorney-General.

HON J C PEREZ:

Will the House be informed of the result of that investigation?

HON CHIEF MINISTER:

Of course.

HON J BOSSANO:

Could I ask, Mr Speaker, going back to the original question, why the Government has given the work that we are asking about in Question No.203 without going out to tender?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't really know because I certainly wasn't consulted on the matter and I don't know if I should be consulted or not. I know that I discovered the work being carried out in George Jeger House because I happen to live in the area and I asked how that work had been allocated and I was told it was done by direct tender because there was more than painting to it, there was waterproofing, expansion joints to be filled, cracks in the walls which were considerable, special membranes to be fixed to the walls and that is how I got to know that the work had been given on a selected tender basis. I gather that even on a selected tender basis I still think the Tender Board is approached but I certainly was not involved.

HON J BOSSANO:

Is the Minister aware, in fact, that his Department has had written representations made to it by the Transport and General Workers Union both on behalf of private sector employers who are complaining of unfair competition and of the Government's own painting section about this and that no satisfactory answers have been given when the specialist nature of this was challenged and the union challenged the Department to go along and demonstrate the specialist nature. Is he aware of this correspondence?

HON MAJOR F J DELLIPIANI:

I am aware of correspondence addressed to the Director of Public Works. I am not aware whether the Director has answered the correspondence satisfactorily or not or not at all. I am aware that from the nature of the operations after I saw it being done I thought that certainly the Public Works Department painting section would not be capable of doing a job of that kind of specialist work. Whether other contractors can or not I am not in a position to say but I can say here that the Public Works Department would not have been capable of carrying out that work.

HON J BOSSANO:

Mr Speaker, is it not the case that when Messrs Gunac arrived on the scene in Gibraltar they were given a licence limited to the recladding of the Tower Blocks precisely because there was no local contractor capable of doing that and that, in fact, when the Government in this House defended the continuation of that contract by Messrs Gunac it was on the basis that there was nobody else in Gibraltar that could do the external cladding of the Tower Blocks and that that was the reason why they were in Gibraltar, that once that work was done that was it, isn't that the case?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the Hon Leader of the Opposition is correct in saying that at the time that the contract for the two Tower Blocks was being worked out by my Department there was no other specialist firm in Gibraltar and there was none until they came to Gibraltar, in fact. It was intended by the company and it was certainly the intention of the Government and by the Government I mean the Licensing, that they should be awarded the licence to work during the period of the contract in Gibraltar. If the contractor then found that there was a need for their specialist knowledge and they decided to stay, the Government has not interfered in that matter. Certainly the contract, as the Hon Member has said, was for the Tower Blocks and the first licence to work in Gibraltar was a limited licence purely for the two Tower Blocks. If the company then decided to stay in Gibraltar it is up to the company and whether they have been awarded a licence or not it doesn't come under my Department.

HON J BOSSANO:

But surely, Mr Speaker, the Hon Member's Department is responsible for having a list of approved contractors and Messrs Gunac are not on that list of approved contractors to do contracting for anything. They were put on the list of approved contractors by virtue of their specialist licence to do a specialist job so it has something to do with the Hon Member's Department.

HON MAJOR F J DELLIPIANI:

As far as I am aware, Mr Speaker, the licence which Gunac has at the moment is of a waterproofing nature, I think, generally, and the works that they have carried out and are carrying out in George Jeger House come under this term, waterproofing, decorative work or whatever, on external works to buildings. The Department is satisfied that the licence held by Gunac is good enough to have them on the list of approved contractors for this kind of work.

HON J BOSSANO:

No, Mr Speaker, that is not the point, that is not what I am saying to the Hon Member. The Hon Member has just said that if they decide to stay here and do other things, well, the Government is not responsible. The Government may not be able to stop Gunac staying here and doing other things for other people but if Gunac was allowed into Gibraltar originally to fulfil a Government contract, was put on the Government tender list as a specialist contractor because nobody else in Gibraltar could undertake for Government the external cladding of the Tower Blocks then, surely, when they finished the external cladding of the Tower Blocks they don't have a right then to be given other jobs. I am not saying that Gunac is incapable of doing it but what I am saying is that other people are capable of doing the work that is now being given to Gunac, they might not have been able to do the Tower Blocks but they can certainly do George Jeger House.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am not saying that on the basis of the licence that they held for three years that they are on the approved list now. They are on the approved list now because they re-submitted another licence.

HON J BOSSANO:

Mr Speaker, isn't it a fact that they haven't done any other work prior to this? Has Gunac in Gibraltar done any work other than the Tower Blocks? So if they obtain a licence for the Tower Blocks and the only work they do is the Tower Blocks, on what basis do they get a licence to do something else? Doesn't the Hon Member accept that what he is saying is legitimate in the case of Gunac, effectively, drives a coach and horses through the Trade Licensing Ordinance?

MR SPEAKER:

With respect, I think what the Hon Minister has said is, first and foremost, he is not responsible for granting licences, secondly, Gunac was accepted because they could do the specialised job that was needed at George Jeger House and, thirdly, that he was satisfied that Gunac had the required licence to do it. Whether it is right or wrong is a matter for another authority to answer.

HON J BOSSANO:

And I am saying, Mr Speaker, that the Hon Member may not be responsible for the issue of the trade licence but the Hon Member is responsible for the list in his Department of people who are entitled to tender for Government works on the basis of having a licence which they have earned and in respect of which one assumes the person has to demonstrate prior competence in Gibraltar. If Gunac came along with a licence limited to the Tower Blocks, if Gunac only does the Tower Blocks, how is it that Gunac is now allowed to go into every other business on Government contracts, forget private contracts, private contracts I accept that is a matter for the licensing and nothing to do with the Minister, I am talking about Government contracts.

HON CHIEF MINISTER:

I would like to make one thing clear and then, I think, the Attorney-General will want to say something because I think we are getting a little confused. First of all, according to Government rules, all contracts must go out to tender but then the Department can submit to the Tender Board and make a case for it to be a direct allocation for a number of reasons, time, speciality of the work, any number of reasons that I cannot think of now and it is the Tender Board, which is presided over by the Financial and Development Secretary, that gives the go ahead for a work to be done by direct allocation and not through tender. Whatever decisions have been taken in respect of direct allocation have been made as a result of the matter having been considered by the Tender Board. In that respect the Minister is not responsible for the direct allocation, his officials may be responsible for making a case for a direct allocation but he is not responsible for direct allocations or, indeed, for the inclusion in the list of authorised contractors. That having been made clear, because we have to apportion the direct responsibility of such things and having regard to the statement I made in reply to the Hon Mr Perez before, I believe the Attorney-General would now like to make a statement regarding this matter because we may be getting into an area which is the subject of an inquiry.

HON ATTORNEY-GENERAL:

I am most anxious, Mr Speaker, that nothing is said in this House or questions posed at this stage which might detrimentally affect the inquiry which is being conducted, the Police investigation, in fact, which is being conducted by the Commissioner of Police. Could we await the outcome of those investigations and if there are any questions then outstanding after the Police investigation has been completed then I can answer them in this House. I don't want anything to be said, Mr Speaker, which could in any way prejudice that Police inquiry or get into the root of the allegations which have been made, those very allegations which are being investigated now.

HON J C PEREZ:

Mr Speaker, just one question, I believe, unconnected with this. Is the only work at Glacis Estate that has been awarded without going out to tender the block that has been painted or is there any more work that has been directly allocated?

HON MAJOR F J DELLIPIANI:

No, Sir, that is the only work that has been done.

HON ATTORNEY-GENERAL:

That is the subject matter of the inquiry.

HON J BOSSANO:

Mr Speaker, we accept what the Hon and Learned Attorney-General has said because we do not want to do or say anything at this stage that will prevent that inquiry from coming up with the truth but can we just ask, Mr Speaker, and we won't pursue the matter because if the answer is that it is connected then it will have to be followed up by the inquiry as well, has the delay of the Queensway House and Victoria House work in any way been connected with, not necessarily with the inquiry but with the possibility of it being given to Gunac as well?

HON ATTORNEY-GENERAL:

Yes.

HON J BOSSANO:

I wish he had given us that answer in Question No. 201 when he didn't know.

MR SPEAKER:

Next question.

NO. 204 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that Thomsons Holidays have officially announced their intention to withdraw from Gibraltar?

ANSWERTHE HON THE MINISTER FOR TOURISM

Yes, Sir, on the 16th June, 1987, Thomsons Holidays officially informed Government of their intended withdrawal from Gibraltar as from Summer 1988.

However, following the discussions which I held with them in London, they will continue to feature Gibraltar in their brochure and will provide at least one weekly flight after Summer 1988.

SUPPLEMENTARY TO QUESTION NO. 204/87

HON J E PILCHER:

Can the Minister give the reasons why Thomsons officially said that they would be leaving the Gibraltar tourist market?

HON H J ZAMMITT:

Mr Speaker, generally speaking, they were dissatisfied with the product the high prices compared with competing resorts and the attitude towards tourism generally. They have mentioned the fact that they thought that they had arrived at Gibraltar a little premature. If I may be able to expand, Mr Speaker, on this topic, I think they had encountered a year of some difficulty in the sense that almost every hotel had been undergoing refurbishment and that there was a certain amount of hindrance that the tourists had suffered. I think they accepted that. Also the fact that the development programme is going on in Gibraltar at the moment with all the hoardings and the road circulation which is jeopardised to a degree by some of the hoardings, again, is a matter of tidiness which, again, they accepted. I think that their main reason was the fact that in comparison we are slightly more expensive, if not more expensive than other neighbouring resorts and therefore they were finding difficulty to rationalise the amount of complaints they had from the Gibraltar end compared to what other resorts were affording them. I should point out that there are very many but I am in the process at the moment of writing about these more or less identified areas, to the Chief Minister for further consideration.

HON J E PILCHER:

Obviously, Mr Speaker, this will be an on-going thing but I would like to ask the Minister, is it not true that the main thrust of the complaints by Thomsons was the fact that Gibraltar has not yet sufficiently developed as a tourist centre and, in fact, we have now become an extension of the Costa del Sol in their eyes?

HON H J ZAMMITT:

I would agree with one part and disagree with the other. I think that, yes, we have not developed.....

MR SPEAKER:

No, let us not go into that. What you are being asked is if those are the reasons why Thomsons have decided to go, we are not deciding whether we are or we are not an extension of the Costa del Sol. What you are being asked is whether in Thomsons' opinion that is the reason why they proposed to leave.

HON H J ZAMMITT:

Mr Speaker, I explained briefly that Thomsons did say that they thought that they had arrived at Gibraltar a little bit too early, that is to say, obviously, that the improvement of Gibraltar which is beginning to take shape affected them but may I also add that they did say that Gibraltar is quite distinct and has to be distinct from the Costa del Sol experience which has always been our aim.

HON J E PILCHER:

Would the Minister not agree that at the moment it is not the case and at the moment we are only an extension of the Costa?

HON H J ZAMMITT:

No, I do not think we are an extension of the Costa del Sol. We have certain things the Costa del Sol has and we have certain things that they most certainly have not got but it requires development.

HON J E PILCHER:

Mr Speaker, the Minister in his initial reply commented about that attitude towards tourism which Thomsons had complained about. Whose attitude, the Government's attitude towards tourism, is that what he is referring to?

HON H J ZAMMITT:

No, Mr Speaker, I think it is general, probably it is Government's attitude too, it was general. General in not seeing the wood for the trees regarding the potential of tourism and the attitude is one generally. I was misquoted the other day once again, may I say, when you talk of nightlife. When you talk of nightlife you will find that any pub or bar or restaurant or even the Casino that attempts to bring about some form of music is compelled to close down because somebody complains almost at eleven o'clock on the dot. That is exactly what I was trying to put over. It is that attitude, there is a general attitude, not geared at one sector of the industry, a general attitude of not appreciating the value of tourism.

HON J E PILCHER:

Would the Minister not agree with me, Mr Speaker, that apart from a lot of promises since 1984 very little has been done to improve the tourist product?

HON H J ZAMMITT:

Mr Speaker, I would obviously have liked the tourist product to have been increased much more than it is. We have put in, as we have just heard the Hon Minister for Economic Development and Trade mentioning a number of touristic improvements but this is something that has occurred since the frontier opened in February, 1985, slow progress but we are getting there. It is just a question of being able to get our priorities right and find out exactly what we can do to improve the product.

HON J E PILCHER:

Mr Speaker, I am sure the Minister would agree with me that the touristic improvements, we have certainly spent three years looking at the priorities but the touristic improvements have not materialised and if he has been hearing what his Hon Colleague was saying to me with the exception of perhaps the Portaloos at the Upper Galleries, nothing else will happen within this four year term of office of the Government.

HON H J ZAMMITT:

All I can say, Mr Speaker, is that we did put up touristic projects to ODA in an attempt to help ourselves, as we have always been told, and they were rejected and therefore we had to find funds from our own resources and that is a matter, as we all know, that has to take its priority within other important areas and we will have to stand in the queue and wait our turn.

HON J E PILCHER:

Mr Speaker, I won't take up much more time on this question because obviously it needs a much more lively debate. One last question, is it not a fact, Mr Speaker, that Thomsons are reducing their presence in Gibraltar or are thinking of reducing their presence in Gibraltar next summer?

HON H J ZAMMIT:

Yes, at the moment they are flying in with two aircraft, the only two charter aircraft arriving at Gibraltar, the rest, as we all know, are scheduled. Yes, after summer 1988 they might reduce to one. If things improve they may continue with two and if they are satisfied with the product they could increase but that is a question that we have to do between now and summer 1988 to try and, if possible, hopefully, to increase the frequency.

HON J E PILCHER:

That takes me, Mr Speaker, to another question which is what, in fact, did the Minister for Tourism take to UK and promise Thomsons that made them change their mind?

HON H J ZAMMITT:

Mr Speaker, what I took to UK apart from the mitigating circumstances I tried to explain, that is to say, the parking problem, the hoardings, the development, the dust, the inconvenience and the construction, I think I can say that every single hotel has carried out refurbishment over the last year and therefore every tourist arriving at whatever hotel has found bricks and cement and sand and aggregate at the entrance or suffering some kind of noise or hindrance. Apart from that, of course, I had a very good letter as is known and made public by the Chief Minister himself which was very carefully read by the top executive of Thomsons and which was accepted very favourably and I think they realised that the letter was meaningful and that there is a deliberate concern not to lose the major tour operator, Thomsons, and in fact meaningful in the sense of improving our product as much as we can.

HON J E PILCHER:

Mr Speaker, the Minister has mentioned twice the refurbishment of the hotels, in fact, Thomsons I know has praised the hotels for the amount of money that they are spending on refurbishment but my question is, he mentioned as well very high costs, has anybody made representations to the Government to lower municipal charges so that the hotels can give people like Thomsons a better deal?

HON H J ZAMMITT:

Mr Speaker, this matter has been thrashed out before and I most certainly do not close the door nor do I think Government would close the door to logical requests as regards municipal charges but may I say that the information we are obtaining from Thomsons themselves is that something like 1,000 pesetas a day is the hotel rate on half pension in Spain, I very much doubt whether if we reduced municipal charges to nil we would ever achieve that kind of cost or rates.

HON M A FEETHAM:

Can the Hon Minister for Tourism say that the aircraft which will be put by Thomsons, the one flight per week, the people coming in that charter aircraft will, in fact, be going into the Gibraltar hotels or will they be partially going into Spain? We are talking about 130 people coming in on the charter.

HON H J ZAMMITT:

Mr Speaker, I am grateful to the Hon Member for that question, there are, in fact, and may I say I must plead total ignorance for not having known this before but, in fact, although we have been receiving two aircraft per week on Sundays, something like 40% of that plane's capacity actually starts in at Gibraltar and takes up accommodation from our runway into our hotels. The remaining amount, there is a small percentage of seats only, about 20% of the seats only, and the other 40% is the one that goes and starts its package in Spain on the two-centre holiday, that is to say, 50/50. But totally unknown to me is that, in fact, some aircraft from Thomsons that go to Malaga do exactly the same thing, in other words, some start in Spain and then share and exchange with people here. To the hotel industry it was not just the aircraft landing here but the continuation of what they can get on the package holiday from planes landing at Malaga.

HON M A FEETHAM:

What the Minister is saying is that we can look forward to about 60% of the occupancy of that aircraft earmarked for Gibraltar hotels on average?

HON H J ZAMMITT:

Yes, Mr Speaker, on charter operations I think they are granted up to something like 40% seat only capacity.

HON M A FEETHAM:

Has Thomsons indicated that one of the reasons, when they referred to underdevelopment of Gibraltar, was the lack of hotel beds which market operators like this require in a resort to be able to make it a viable proposition? Is that one of the reasons why they refer to an underdeveloped Gibraltar?

HON H J ZAMMITT:

I can say they are the major tour operator in England, they are moving millions of people and therefore it becomes viable to them when they start moving a tremendous number of people. The fact that in Gibraltar they are moving virtually 100 a week directed to Gibraltar via their direct flights and the rest coming in from Malaga, of course, does not become viable when one looks at their massive brochure. The Hon Member has a point, of course, if we did have very many more beds to offer then, of course, the muscle that Thomsons has, they direct people where they want to put them but, of course, as we know that is.....

MR SPEAKER:

We are now debating. Next question.

6 7 87

NO. 205 OF 1987

ORAL

THE HON J E PILCHER

Has Government assessed the repercussions of Thomsons Holidays withdrawal from Gibraltar to the economy both in direct terms and subsidiary effects?

ANSWER

THE HON THE MINISTER FOR TOURISM

Answered together with Question No 206 of 1987.

NO. 206 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what would be the impact to -

(a) Tourist arrivals to Gibraltar, and

(b) Bed occupancy at Hotels,

if Thomsons Holidays withdrew from the Gibraltar Tourist Market?

ANSWERTHE HON THE MINISTER FOR TOURISM

Government cannot state what the repercussions of Thomsons Holidays withdrawing from Gibraltar would be to the economy directly or indirectly nor to the level of tourist arrivals and bed occupancy at Hotels.

However, information from certain local hotels indicates that:

- (a) the loss of revenue to the Hotel Industry would amount to some £750,000 per annum, and
- (b) the loss to the economy in general would amount to an estimated £1.7m with a possible loss of some 100 jobs.

SUPPLEMENTARY TO QUESTION NOS. 205 AND 206 OF 1987

HON J E PILCHER:

Mr Speaker, would there be a direct impact on the development if the hotels, in fact, now with a reduced presence of Thomsons ie one flight a week, would that have an impact in the development of the hotels?

HON H J ZAMMITT:

I would say so, yes, Sir.

HON J E PILCHER:

Impact on development, that if there are not the sufficient number of tourists coming in then obviously they will have to look again at the whole concept of building more hotels if they have had a cutback in the number of tourists coming to Gibraltar?

HON H J ZAMMITT:

Not only that, Sir, you would then be leaving one major tour operator and I am talking of one major tour operator from the UK to dictate the market.

HON J E PILCHER:

Apart from that, has the Government assessed the cost both in direct and indirect terms of the reduced presence of Thomsons Holidays in Gibraltar? The Minister has just quoted a figure by the Hotel Industry, £ $\frac{3}{4}$ m annually direct to the hotels, to the economy an estimated £1.7m and generally with immediate effect on employment affecting 100 jobs. That was the impact of, according to some quarters, the total reduction of Thomsons from Gibraltar. There is a partial withdrawal, has that been assessed by the Government?

HON H J ZAMMITT:

No, the partial withdrawal has not been effected, Mr Speaker, they continue to come with the same impetus that they have been coming in the past until summer 1988. There might not be, and I say there might not be any loss of trade if we can between now and summer 1988 we are able to convince Thomsons that they should continue with the same strength if not more. What I would like to say, Mr Speaker, is that the Government cannot give the figures that the Hon Member is asking because apparently they are confidential figures from the trade and I have only been able to give these figures with clearance from the hotels affected before I was able to give this answer.

HON J E PILCHER:

Mr Speaker, is it not therefore correct in assuming that in the same way that Thomsons could increase next summer their one flight back to two flights, they could decrease it from one flight to zero if they are not happy with the promises that the Minister or the undertaking that the Minister has given Thomsons?

HON H J ZAMMITT:

Absolutely.

HON J E PILCHER:

Is therefore the Minister not going to assess the full implications of that to the economy of Gibraltar?

HON H J ZAMMITT:

Mr Speaker, I think I know what the full implications of the total pullout of a major tour operator would be but I am afraid I haven't got figures, I would just say it would be disastrous.

NO. 207 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether it has now considered proposals for the introduction of traffic wardens and, if so, whether or not these proposals have been approved?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, Government has approved the introduction of a Traffic Warden Structure and proposals have now to be put to the Staff Side (SACC) to determine which union will assume negotiating rights and thereafter agree their conditions of employment etc.

In addition Government has also approved the introduction of School Crossing Patrols to cover the school crossings at Scud Hill, Castle Road, Varyl Begg, Red Sands Road and Bomb House Lane.

SUPPLEMENTARY TO QUESTION NO. 207/87

HON J C PEREZ:

How many Traffic Wardens is it envisaged will be employed when the structure is actually implemented?

HON M K FEATHERSTONE:

Eleven posts of Traffic Warden are being created and five posts of School Crossing Patrols.

HON J BOSSANO:

This would then be non-industrial civil servants, would that be the case?

HON M K FEATHERSTONE:

Yes, I would think so.

HON J BOSSANO:

Isn't it the case, Mr Speaker, that when previously there have been people employed under the Police Department on school crossings they have been industrial workers, are they going to introduce something different?

HON M K FEATHERSTONE:

I think the wardens structure will be non-industrial civil servants. As far as the School Crossing Patrols, the lollipop men, they may still be industrials.

HON J BOSSANO:

In fact, what has been put to SACC is the Warden and not the School Crossing Patrol, is that the case?

HON M K FEATHERSTONE:

Yes, that is correct.

HON J BOSSANO:

Would these posts be part of the Police Department?

HON M K FEATHERSTONE:

No. Sir.

HON J BOSSANO:

Can the Minister say under what Department?

HON M K FEATHERSTONE:

They will liaise very closely with the Police.

HON J C PEREZ:

They will be a separate entity within the Government or where within the Government structure will they come into, for example, will they come under the MOT Test Centre to mention but one?

HON M K FEATHERSTONE:

They will be a separate entity, they will liaise very closely with the Police. I am not sure exactly where they will fit in, possibly with the Traffic Department.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

Has Government now decided to proceed with the supply of syringes to chronic diabetic patients?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No. Sir. Certain information has been requested from the Diabetic Society and so far this has not been forthcoming.

SUPPLEMENTARY TO QUESTION NO. 208/87

HON MISS M I MONTEGRIFFO:

Can the Minister say what sort of information has been requested?

HON M K FEATHERSTONE:

Yes, they were going to give me the number of persons involved so that we could cost the actual amount of syringes that were required.

HON MISS M I MONTEGRIFFO:

Surely, Mr Speaker, doesn't the Government have an idea of how many diabetics there are in Gibraltar?

HON M K FEATHERSTONE:

The Society have a certain number of people but there are also others outside the Society who would also have to be included if we were to make this a running on feature.

HON MISS M I MONTEGRIFFO:

So what the Government is saying is that they are leaving it to the Diabetic Association to tell the Government how many diabetics there are in Gibraltar, is that correct?

HON M K FEATHERSTONE:

They said they would come back to me with the information that I requested, yes.

HON MISS M I MONTEGRIFFO:

Is the Government committed, Mr Speaker, to providing these syringes to the Diabetic Association?

HON M K FEATHERSTONE:

Until we see the costing we wouldn't like to commit ourselves.

MR SPEAKER:

Next question.

NO. 209 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm that it is their intention to fill the vacant post of Kitchen Superintendent at St Bernard's Hospital?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. This post will be advertised shortly.

SUPPLEMENTARY TO QUESTION NO. 209/87

HON MISS M I MONTEGRIFFO:

Can the Minister be more specific, how shortly does he mean, Mr Speaker?

HON M K FEATHERSTONE:

I would say within the next fortnight.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

Can Government state whether they now have a Dietician in post?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Not yet, Sir. The post has been advertised.

SUPPLEMENTARY TO QUESTION NO 210/87

HON MISS M I MONTEGRIFFO:

Mr Speaker, when has the post been advertised?

HON M K FEATHERSTONE:

It was advertised approximately six weeks ago.

HON MISS M I MONTEGRIFFO:

Have they had any applications up to the present time?

HON M K FEATHERSTONE:

I don't know that we have had any applications yet.

HON MISS M I MONTEGRIFFO:

The Minister does not know whether there have been any applications, Mr Speaker?

HON M K FEATHERSTONE:

No, this is something that is done through the Public Service Commission it doesn't come to the Minister.

HON J BOSSANO:

Has it been advertised in Gibraltar or in UK, Mr Speaker?

HON M K FEATHERSTONE:

In the UK.

HON J BOSSANO:

Is it being handled through the Crown Agents over there or are people being asked to apply direct to an address in Gibraltar?

HON M K FEATHERSTONE:

They normally apply direct to Gibraltar and then a small delegation of the Public Service Commission goes and interviews them.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

Can Government state how many occupational therapists are currently in post?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

One Occupational Therapist is currently in post.

SUPPLEMENTARY TO QUESTION NO. 211/87

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Minister know that there are recommendations from the management to substantially increase this post?

HON M K FEATHERSTONE:

Yes, Sir, we had a second occupational therapist who was due to take up duty in Gibraltar some time this month but the person who was selected in the UK after some consideration declined the job. We have now informed the second person on the list and it is hoped that that person will take up the post by the end of the month.

MR SPEAKER:

Next question.

NO. 212 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

When does Government expect the two additional doctors for the GPMS to start work?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

One has been appointed, and is in post, a second doctor has been appointed and is expected to take up his post shortly, I understand it will be on the 13th of the month.

NO. 213 OF 1987

. ORAL

THE HON MISS M J MONTEGRIFFO

Can Government state when it now expects to receive the final report of the Nursing Review?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

As has been stated in earlier meetings, this report is still awaited. I am afraid I cannot go any further than that.

NO. 214 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

When does Government intend to introduce legislation for the implementation of the POM List?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the final touches are being put on this legislation which should be published in the very near future.

SUPPLEMENTARY TO QUESTION NO. 214/87

MR SPEAKER:

Do you think that any member of the public will realise what we have been talking about?

HON M K FEATHERSTONE:

Prescriptions Only Medical List.

HON MISS M I MONTEGRIFFO:

Mr Speaker, in March the Minister said that it would be a matter of weeks before the POM List was introduced if the draftsman responsible was reasonably rapid. Does this mean that the Minister does not consider now that the draftsman involved has been rapid?

HON M K FEATHERSTONE:

We have been pressing the Attorney-General's Chambers on several occasions but we have not managed to finalise the matter yet.

HON MISS M I MONTEGRIFFO:

Can the Attorney-General enlighten us more on the subject, Mr Speaker?

HON ATTORNEY-GENERAL:

We are awaiting information from the Department on the final form of the List.

MR SPEAKER:

Next question.

NO. 215 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

When does Government intend to circulate the information leaflet on AIDS which they committed themselves to do in March?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the leaflets, which are being produced both in English and Spanish, are currently being printed and should be ready for distribution soon.

NO. 216 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

By which date does the Government expect to constitute the Gibraltar Health Authority?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, no firm date can be given as, inter alia, the relevant trade unions have to be consulted and legislation has to be introduced. The post of General Manager has already been advertised, the recruitment of which is an essential prerequisite to the setting of such an authority.

SUPPLEMENTARY TO QUESTION NO. 216/87

HON MISS M I MONTEGRIFFO:

Mr Speaker, can the Minister gave an indication as to whether he expects the authority to be constituted before the General Elections are due?

HON M K FEATHERSTONE:

I would think the legislation should take some little time to prepare and may come to the House, possibly in October or November, whether we have an election before that date I don't know.

MR SPEAKER:

Next question.

NO. 217 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many people are homeless to date?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

There are 13 Applicants claiming to be homeless to date as follows:-

- 4 Families
- 1 Married Couple (squatting)
- 8 Single persons (males)

SUPPLEMENTARY TO QUESTION NO. 217/87

HON J L BALDACHINO:

Is the married couple, Mr Speaker, and the families the same people who were homeless on the 24th March, 1987, or are they different people?

HON M K FEATHERSTONE:

I wouldn't like to say they are the same or whether they are different, I don't have that information. I can find out for him.

HON J L BALDACHINO:

Mr Speaker, what are the main reasons for these people finding themselves in this predicament?

HON M K FEATHERSTONE:

Sir, cases of homelessness are referred to the Family Care Unit for investigation. The families claiming to be homeless are, in fact, young married couples who live with their in-laws and consequently have no home of their own.

HON J L BALDACHINO:

How many of these families have had to place their children in either of the two Homes that we have?

HON M K FEATHERSTONE:

As far as I can remember, one, Sir.

MR SPEAKER:

Next question.

NO. 218 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if they still intend to set up temporary shelter for people who become homeless?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Yes Sir. Government is in the process of looking for suitable locations to establish separate male and female temporary dormitories.

It is envisaged that these dormitories will provide temporary residence but will not be suitable for conversion into permanent family accommodation.

SUPPLEMENTARY TO QUESTION NO. 218 OF 1987

HON J L BALDACHINO:

Will mothers be able to have their children with them?

HON M K FEATHERSTONE:

Yes, Sir, the female temporary accommodation will be for mothers and children.

HON J L BALDACHINO:

Has Government identified any site or any building which they could use for this?

HON M K FEATHERSTONE:

No, Sir, we have tried three sites but unfortunately they are all needed for other purposes.

HON J L BALDACHINO:

When the Hon Member mentions the word 'temporary' how long will temporary be in this case?

HON M K FEATHERSTONE:

We would hope not more than six weeks.

HON J L BALDACHINO:

And after the six weeks, Mr Speaker, will Government then have the obligation to house these people or will they find themselves homeless again?

HON M K FEATHERSTONE:

It is hoped that perhaps by being separated from their husbands the wives and husbands will come more to the conclusion that they could patch up the family squabbles that have made them homeless in the first instance.

HON J L BALDACHINO:

That could well be true, Mr Speaker, if they are not genuine cases but what happens to genuine cases after the six weeks?

HON M K FEATHERSTONE:

Well, we might have to extend temporary for a little longer, Sir.

MR SPEAKER:

Next question.

NO. 219 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many applicants have been recommended by the Housing Advisory Committee for allocation of pre-war dwellings under the Social Cases Scheme and are still awaiting allocation?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

During the last 18 months the Housing Advisory Committee have made 49 recommendations in respect of applicants falling under the social cases scheme.

Out of this total 23 applicants have been allocated pre-war dwellings and 26 are still awaiting allocation.

SUPPLEMENTARY TO QUESTION NO. 219/87

HON J L BALDACHINO:

Does the Hon Member have any indication from his Department when they will be able to accomodate the other 26?

HON M K FEATHERSTONE:

Sir, it is difficult to say when the remaining 26 will be allocated accommodation as this is dependent on the availability of dwellings and the family composition of the applicants, eg single persons only require one room or cubicle which is more likely to become available earlier than larger units which are required to accomodate families of varied composition.

HON J L BALDACHINO:

Am I to understand, Mr Speaker, by the answer that the Hon Member has given originally, that out of the 26 the one who has been waiting longer has only been for eighteen months or has he been waiting for a longer period?

HON M K FEATHERSTONE:

Not necessarily, Sir, it depends on the availability of accommodation that we can find for them. If you get, for example, a family with two children you cannot put them into one room and a kitchen whereas you can put a married couple into that even if they happen to be much later on the waiting list.

HON J L BALDACHINO:

No, what I am saying, Mr Speaker, is out of the 26 who are waiting for accommodation, am I to understand that

they have only been waiting for eighteen months and not longer?

HON M K FEATHERSTONE:

The only information that has been given to me is that during the last eighteen months there have been 49 applications of which 26 are still awaiting. Whether they are waiting before the eighteen months I don't know, Sir.

HON J L BALDACHINO:

Would the Hon Member be prepared to give me a list of how long they have been waiting for?

HON M K FEATHERSTONE:

Yes, I will try and get that for you.

MR SPEAKER:

Next question.

NO. 220 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what is the financial aid given to a tenant who accepts to carry out repairs to the allocated pre-war dwellings?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Tenants accepting to rehabilitate pre-war dwellings allocated to them are not given any financial aid. Government, however, assists them by providing stores worth approximately £250.

This assistance is directed towards providing the dwelling with basic essentials such as bathroom, toilet and piped water where these are not already installed.

SUPPLEMENTARY TO QUESTION NO. 220/87

HON J L BALDACHINO:

Am I correct in assuming, Mr Speaker, that when a pre-war dwelling - and we are talking about a social case - is allocated, the future tenant has the option either to wait until the Public Works carry out the repairs or he can carry them out himself, is that correct?

HON M K FEATHERSTONE:

In most instances the tenant says: "If you give me the accommodation even if it is in bad condition I will carry out the repairs myself". In those instances then the Department gives them materials to help them carry out the work themselves to the value of £250 although in some instances it has been a much higher amount than £250.

HON J L BALDACHINO:

Can I establish then, Mr Speaker, if Public Works were to carry out the repairs the figure could be much higher than the £250, am I correct?

HON M K FEATHERSTONE:

Public Works usually does the work in the instance where it is persons on supplementary benefits, unmarried mothers and old age pensioners. I would think that the amount of Public Works cost is more than the £250, yes. The basic idea is that the £250 of material is supplemented free of charges by the labour of the person concerned.

HON J L BALDACHINO:

May I ask the Hon Member how the figure of £250 is arrived at, why £250 and not £300?

HON M K FEATHERSTONE:

It is usually a toilet, a bath, a wash basin and the necessary piping that goes with it.

HON J L BALDACHINO:

I understand that, Mr Speaker. Am I correct then, if a tenant lives in a pre-war dwelling which hasn't got toilet or bathroom facilities and he applies to instal it himself then £250 are given, is that correct?

HON M K FEATHERSTONE:

Yes, Sir.

HON J L BALDACHINO:

If a tenant, who is a social case, is given a dwelling and the amount that is given to make it habitable is the same as another tenant would get to instal a bathroom, is that correct?

HON M K FEATHERSTONE:

More or less, Sir, yes.

HON J L BALDACHINO:

Doesn't the Hon Member agree with me that that really does not make sense because to carry out full repairs of the house costs more than having a toilet and a bathroom.

MR SPEAKER:

I think the Minister has said in those circumstances they might spend more money.

HON M K FEATHERSTONE:

I have said that in many instances we give more than £250, it will depend what you mean a full repair. If the House needs re-roofing then that is something that is not obviously easily done by the tenant himself and it has to devolve on Public Works. This is done on occasions.

HON J L BALDACHINO:

I have seen some of the pre-war dwellings that are given

to social cases and the amount of work and repairs and the amount of money that has to be spent is well beyond the £250. The Hon Member has said that he is giving £250 exactly the same to a person who has to carry out this type of repairs, the same as he gives to somebody who has to put in a bathroom or a toilet and I am asking, shouldn't the Hon Member reconsider his position and bring up the figure of £250 to the first category that I have mentioned?

HON M K FEATHERSTONE:

I have said already that in many instances more than £250 worth of material is given but the intention is that the person who obtains the accommodation should also be able to put something of his own resources into the improvements.

MR SPEAKER:

We must leave it at that, I think. Next question.

NO. 221 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many private rented pre-war dwellings are required under the Landlord and Tenant Ordinance to have a reserve fund set up by their landlords?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. This information is not yet available, but will be compiled in time for March 1988 when the first returns, under the Landlord and Tenant (Reserve Fund) Regulations 1987 have to be submitted.

SUPPLEMENTARY TO QUESTION NO. 221/87

HON J L BALDACHINO:

Mr Speaker, surely this information is available from the Rent Assessor, isn't that correct?

HON M K FEATHERSTONE:

I can only inform you that my Department say they do not have the information available yet.

HON J L BALDACHINO:

I understand that the Housing Department hasn't got the information. Will the Hon Member check with the Rent Assessor and if the Rent Assessor has the information will he let me know in writing?

HON M K FEATHERSTONE:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 222 OF 1987

ORAL

THE HON R MOR

When will legislation be amended to allow tenants in furnished private accommodation to apply for rent relief?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The necessary amendments to the Landlord and Tenant (Rent Relief) (Terms and Conditions) Regulations are not yet completed; however, it is still anticipated that the amended regulations will be implemented during the Financial year 1987/88.

SUPPLEMENTARY TO QUESTION NO 222/87

HON R MOR:

Mr Speaker, this is practically the same answer we were given the last time and, in fact, he did say it would be done early in the financial year, the last time I posed the question but now it is already three months over. What exactly is the position, is the delay necessary?

HON ATTORNEY-GENERAL:

Mr Speaker, this was lost sight of and when I saw the question on the Order Paper I enquired and the draftsman will get on with the legislation now, it has been put under some other legislation.

MR SPEAKER:

Next question.

NO. 223 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many tenants in the private sector have applied to the rent tribunal for a reduction in rent since it was first set up, to the end of January, 1987?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The Tribunal first met in November 1986 and to the end of January 1987, there have been two cases.

The overall number of tenants who have applied to the Rent Tribunal to date are 20, of which, 13, including the original 2, have been considered and have been successful in having their rent decreased, and 7 are still pending a hearing.

SUPPLEMENTARY TO QUESTION NO. 223/87

HON J L BALDACHINO:

How many of those who have been successful will have the retrospective six months of their excessive rent that they were being charged by the landlord?

HON M K FEATHERSTONE:

I don't know the answer to that, Sir, but I would imagine the Rent Tribunal must have said that all of them should do.

HON J L BALDACHINO:

Mr Speaker, of the twenty, how many individual landlords have gone before the Tribunal, it could be a landlord with two cases?

HON M K FEATHERSTONE:

I would need separate notice of that, Sir, I will enquire and try and find out for the Hon Member.

NO. 224 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whose responsibility it will be to allocate the new units at Catalan Bay Village on its completion?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

Government policy as regards the allocation of rented accommodation at Catalan Bay has always been by reference to the Housing Waiting List for the village. No departure from this procedure is envisaged.

In the case of the "Shingles" private development the selection of participants for the scheme will be made by reference to the same list. Ultimate responsibility will be with the Land Board.

SUPPLEMENTARY TO QUESTION NO. 224/87

HON J L BALDACHINO:

On the ones which are going to be for rental, Mr Speaker, am I correct in understanding that it will be the Housing Allocation Committee who will be allocating these units?

HON A J CANEPA:

Yes, Sir.

MR SPEAKER:

Next question.

NO. 225 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what would be the economic rent for flats projected to be built at Catalan Bay on the basis of current construction and financing costs?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The economic monthly rent of a flat based on a cost of construction of £35,000 for a 4 RKB would be in the order of £230 per month. Any increase or decrease in the cost of construction would have a corresponding effect on the rent.

NO. 226 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what is considered to be low cost housing for home ownership?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

A typical low-cost market structure would be:-

£22,000 for a 2 RKB flat
£28,000 for a 3 RKB flat
£35,000 for a 4 RKB flat
and £45,000 for houses built under the development
of small sites programme.

SUPPLEMENTARY TO QUESTION NO. 226/87

HON J L BALDACHINO:

Mr Speaker, when the Hon Member has mentioned these figures, is he basing his prediction on the ability to pay of Gibraltarians or is he basing these figures on something else?

HON A J CANEPA:

We always have in mind people's ability to pay but this is based on the trends that we have seen initially at Northview Terrace and more recently in the case of the Vineyard Housing Scheme and what is projected for Montagu Basin.

HON J BOSSANO:

Is the question of low cost being looked at from the point of view of the cost of production which is really the difference we are trying to explore or from the question of what a person on average earnings would be able to meet in terms of mortgage repayments?

HON A J CANEPA:

Not on average earnings, the cost of production in that case.

NO. 227 OF 1987

ORAL

THE HON J L BALDACHINO

How many existing Government tenants have informed the home ownership unit that they are willing to hand in their Government accommodation in order to purchase a flat at the proposed Montagu Development?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

No list of likely purchasers is yet being compiled. However, one week after the issue of the Press Release, well over 150 enquiries had been received in the offices of the Crown Lands Department. This is seen as a very encouraging response especially as no invitation has been extended to interested purchasers.

SUPPLEMENTARY TO QUESTION NO. 227/87

HON J L BALDACHINO:

Mr Speaker, is it Government's intention to carry out a survey of people who are living in Government rented accommodation to see how many are willing to give up their accommodation because that appears to be the impetus behind giving out the Montagu Basin, or the Government is not intending to do that?

HON A J CANEPA:

No, a survey, Mr Speaker, would cover a very large number of units and we just don't have the set-up for that. What will happen will be that once the marketing is under way then the response will be seen. It is at that stage that we will be able to gauge how many people are coming forward who are interested in purchasing and who may have accommodation to give up. But to carry out a survey amongst all the householders who are tenants of Government housing would be too far ranging an exercise when 600 units are to be sold and the Government owns 6,000/7,000. We have never had that in mind.

HON J L BALDACHINO:

Mr Speaker, I understand what the Hon Member has said but where I don't agree with him is that the exercise could be so big as he has put it across for various reasons. The only people who would really be involved, if I am correct, and this is what I am asking the Hon Member, would be the people who live in post-war accommodation, am I correct in that?

HON A J CANEPA:

The only people who would be involved in what?

HON J L BALDACHINO:

The first on his list for the Montagu Development priority would be those people and this is what I am asking, I am asking if the Government knows how many people there are?

HON A J CANEPA:

No, not yet, we will have to wait and see.

MR SPEAKER:

Next question.

NO. 228 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whether they are considering making payments as an inducement to encourage Government tenants to purchase flats at the proposed Montague Development and give up their Government accommodation?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The details of the Montague Development are the subject of recently initiated negotiations with Gib Homes Ltd. Every aspect of the scheme, including the possible need for inducements is being considered but it is still too early to give any kind of indication.

SUPPLEMENTARY TO QUESTION NO. 228/87

HON J L BALDACHINO:

The Hon Member has said that it is still being considered and this could be a possibility and therefore I am asking, if that possibility becomes a reality will the same thing apply to other projects?

HON A J CANEPA:

It is a hypothetical question, it is a hypothetical answer, perhaps Engineer House could also be considered in the same way but I want to make it abundantly clear, Mr Speaker, that any question of making payments as an inducement would only be as a very, very last resort. We wouldn't want anybody to get away with the impression that that is the way ahead.

HON J BOSSANO:

I am grateful to the Hon Member for that last answer because, in fact, we have serious reservations ourselves about this. Has he not, in fact, previously in answers to the possibility of any inducements being given in Engineer House indicated as recently as the Budget that the Government was considering marketing Engineer House at cost not below cost.

HON A J CANEPA:

Yes, we are considering marketing at cost, the Government is not interested in making any profit.

HON J BOSSANO:

Or making losses, for that matter.

HON J A CANEPA:

Of course.

HON J BOSSANO:

Will the Government therefore certainly bear in mind that to treat one particular development in isolation differently from any other one would tend to create very serious problems?

HON A J CANEPA:

Whatever policy is adopted, I think, will have to be adopted generally.

MR SPEAKER:

Next question.

NO. 229 OF 1987

ORAL

THE HON J BOSSANO

Can Government state on what basis will civil servants be involved in the sale of flats in the proposed private housing development at Montagu Basin?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

It is envisaged that Crown Lands Department will be marketing the sale of the flats to ensure that the greatest possible impact on the housing problem is achieved.

SUPPLEMENTARY TO QUESTION NO. 229/87

HON J BOSSANO:

Mr Speaker, doesn't the Minister consider that there are risks involved in situations where people buy a flat through a Government Department which in itself has got no control over the quality of the flat or the standard construction or something like that and that there could be repercussions on people who may get the impression that because Crown Lands is involved in marketing there is some kind of Government guarantee about the commodity they are buying?

HON A J CANEPA:

The guarantees about what is being bought is in respect of certain basic standards that have to be kept, basically, the quality of building, the regulations that have to be satisfied, that goes without saying, is the case for any development. What the standard of the finish is and so on will be is another matter. Obviously they may not be the kind of finishes which the Government has had in its own housing schemes over the years. But I don't want Hon Members to think that the involvement of Crown Lands Department is all-embracing and exclusive of the developer, it cannot be, it must go hand in hand. What the home ownership unit will be mainly involved in will be in ensuring that the guidelines and the priorities which the Government has laid down are maintained. In other words, I don't want to see a Government Department involved in marketing as in the way that a developer or in the way that Estate Agents are, that must not be the role of the Government. The role of the Government must be to analyse and to sift interested purchasers with a view that as far as possible the Government guidelines are maintained in order to have the greatest possible impact on the housing problem. I wouldn't like to see our involvement go beyond that because there are all

sorts of other ramifications.

HON J BOSSANO:

That is the point that I am trying to clear up, Mr Speaker, because the Hon Member must be aware that in Northview Terrace there were lots of problems about subsequent defects and if people feel they have bought the thing through a civil servant the last thing we want is to find the government facing certain litigation by people like that. .Wouldn't the Hon Member then agree that it would appear that the staff facing the public should be primarily the sale staff of the developer and that really Crown Lands should be monitoring behind the scenes what the developer is doing?

HON A J CANEPA:

Yes, I agree.

MR SPEAKER:

Next question.

NO. 230 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that if the private consortium's proposals to develop Montagu Basin were not to proceed, it has its own development proposals for the area?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Government development plans for the area are to construct approximately 600 units of residential accommodation and, in fact, these plans were in their embryonic stage before we ever had the approach from the consortium. The proposal from the consortium has accelerated this plan and, if negotiations are successful, it means that 600 units will be built earlier than anticipated.

SUPPLEMENTARY TO QUESTION NO. 230/87

HON M A FEETHAM:

Surely Government must be aware that we are on the verge of taking a fundamental decision on the future of the building of houses in Gibraltar. If Government had proposals or were on the point of reaching some conclusions on those proposals shouldn't that have been a matter made known publicly so that people can decide whether they want to go with Government proposals or with one which is headed by a private consortium?

HON A J CANEPA:

Government had proposals in an embryonic stage. There was a project to reclaim Montagu Basin and to build about 600 units there. What the Government didn't have was the £20m for that project and therefore rather than wait for the necessary time to elapse before we are in a position to embark in such a scheme, the alternative that we prefer is to put in £1.8m into the project by way, say, of infrastructure and accelerate the development through a home ownership scheme.

HON M A FEETHAM:

So, in effect, Government did not have proposals of their own as an alternative in case the consortium stepped down?

HON A J CANEPA:

It wasn't an alternative, it was proposals that we had before

that. The Public Works Department Drawing Office had drawn up a scheme to reclaim Montagu Basin and build 600 units, we had that and it just had to be processed from a planning point of view. There was no question of the finance for that being available.

HON M A FEETHAM:

In fact, Government would not be able to proceed on the basis of alternative proposals because they haven't got the money to build houses.

HON A J CANEPA:

We don't have the money now, we might have the money in five or six or seven years time and we would rather get on with it now.

HON M A FEETHAM:

Mr Speaker, the Hon Member Mr Perez in a debate on television said the contrary to what the Minister is saying now. What I want to know is, what is Government's position?

HON A J CANEPA:

I think the Hon Member was referring to that because he knew that if the private housing development project did not go through the Government would be thrown back onto its own resources and so we would find £2m to reclaim this year, perhaps next year we could build one block or two blocks and gradually over a period of time carry out the development.

HON J BOSSANO:

But, in fact, the situation would not be that if tomorrow the consortium were to withdraw the Government would be able immediately to fill the gap and do the same thing themselves, that is not the situation?

HON A J CANEPA:

We would have to look at that, I don't know to what extent we could get finance. There is no problem about the reclamation or the services because they have to be provided. To what extent we could then borrow another £2m or £3m or £4m to get the project going is another matter. I think it would take the Government longer to complete the project that what it should take the consortium and that is why it is preferred.

MR SPEAKER:

Next question.

NO. 231 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if the Vineyard project is within the time schedule to that of the submitted tender?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

The Vineyards project has suffered some delay as a result of unexpected site problems and difficulties between the developer and a sub-contractor.

It is understood that both these problems have now been resolved and the work is progressing at the speed envisaged at the time of tendering.

SUPPLEMENTARY TO QUESTION NO. 231/87

HON J L BALDACHINO:

Mr Speaker, was there a site investigation carried out prior to the tender being given to the developer and did the developer have knowledge of this report?

HON A J CANEPA:

Yes, many years ago the Public Works Department commissioned a site investigation, I remember that it was either just before I became Chairman of the DPC or shortly after so it must have been around 1980 that I first became aware of the site investigations because at that time the Government itself was considering building at Vineyards and building not just on the flat part but on the slopes as well and this site investigation elicited the information that there were certain geological faults in that area and my understanding is that the information was made available to tenderers at the time when we put the site out to tender. Let me add that the difficulties that have been overcome in the case of the soil has been the rather large boulders that have been encountered and there is provision within the licence agreement to deal with that situation by allowing, within reason, an extension of time.

HON J L BALDACHINO:

I have asked this question, Mr Speaker, because it has come to my knowledge that the developer has said that the delay is due when they had the report and I think it was made by Wimpey, when they carried out the site investigation in the report it was not the problems they have now encountered.

HON A J CANEPA:

That could well be the case. I have answered the Hon Member's question. Had a survey been carried out? Yes, the government did commission a survey, Wimpey carried it out and the information in that report was made available to the developer. That they may now have come across certain problems which were not envisaged in the report I honestly wouldn't know.

MR SPEAKER:

Next question.

NO. 232 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many tenants in Rosia Dale Estate have shown an interest in purchasing their flat?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The number of tenants that are interested in purchasing their flats at Rosia Dale fluctuates. Judging by the response to date over 50% are keen on buying.

NO. 233 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government confirm that the proposed sale of flats to Rosia Dale tenants includes the introduction of a service charge?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

The conditions of sale for the Sale of Flats to sitting tenants requires that they form themselves into an Association to look after the management of the Estate. The maintenance and /or service charges that will have to be paid will be a matter for the Association to decide. However, guidance will be available if required.

SUPPLEMENTARY TO QUESTION NO. 233/87

HON J BOSSANO:

Is it not true, Mr Speaker, that in the discussion between the Association of prospective buyers and the Home Ownership Unit the prospective buyers have been told that they will be expected to be paying £5 a week service charge?

HON A J CANEPA:

I have no information of any figure, Mr Speaker. I just know that it is the normal practice to set up a management company but the decision is a matter for them. I know what I myself contribute on a monthly basis to the management company to which I belong as a mortgage paying for the ownership of a dwelling. It is roughly of that order, yes, I would say that £5 a week but not for service charges. In our case it includes provision for a fund to be created to look after more long term repairs and maintenance but that would be the kind of figure, I would imagine, that is making prudent provision for the future. In other words, I think it ought to include provision for the creation of such a fund. May I, by way of information, add that the Government will be contributing on a similar basis the kind of contribution that is decided on by the management company in respect of those tenants of the Estate who are still paying rent to Government after the sales are concluded. The Government will be a party to the arrangement and will be making a contribution on a pro rata basis.

HON J BOSSANO:

Would that mean therefore then that the Government would give up responsibility for maintenance for the whole of the Estate?

HON A J CANEPA:

It would give up the responsibility to the management company and arrange for its own tenants to be treated in exactly the same way. It could well be that over a period of time the number of Government tenants will diminish as more and more people hopefully become interested in purchasing.

HON J L BALDACHINO:

In this arrangement, Mr Speaker, will the Government go along whatever is decided by the Association that is made up on maintenance, for example?

HON A J CANEPA:

It is a matter for them, Mr Speaker, that is the legal position. I think the management companies and housing associations, their procedures and their arrangements are provided under legislation. There is an Ordinance prescribing this and it is a matter for them.

HON J L BALDACHINO:

I understand that, Mr Speaker, what I am asking is, seeing that we will probably end up with a mixture of tenants, in other words, owners and tenants, the Government will abide by whatever decision the Association which is made up, for example, if they want to paint the whole of the Estate, Government will also form part of that?

HON A J CANEPA:

Yes, I think the Government will abide by whatever decisions are taken within reason. When I say within reason meaning that they are not in breach of any building regulations or any town planning aspects. The Government cannot give up because it is a party and only a minor partner in this case, not a senior partner, it cannot give up its residual rights under other legislation.

HON J L BALDACHINO:

How will the government be represented in the management company?

HON A J CANEPA:

I am not sure, probably the Director of Crown Lands or one of his representatives will be on the Committee. I would imagine that will be the sort of arrangement.

HON J BOSSANO:

Would that mean then that the Estate could also cease to come under the Estate Warden structure of the Housing Department?

HON A J CANEPA:

Without notice I cannot answer that question, Mr Speaker, I really don't know. But it could well be the case, yes.

MR SPEAKER:

Next question.

NO. 234 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the Gibraltar Heritage Trust will be solely responsible for the allocation of the Northern Defences and the Second World War Tunnels?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The Government has agreed, in principle, that the Northern Defences should be vested in the Gibraltar Heritage Trust. It is therefore for the Trust to decide how it should be developed in the best interests of the objects of the Trust as set out in the Gibraltar Heritage Trust Ordinance. I understand the Trust is currently looking into this matter, but has not yet decided how best to proceed.

The Second World War Tunnels are a separate issue as these are held by the Ministry of Defence and have not been declared surplus to defence requirements. The Trust has also shown an interest in these tunnels and the Chairman has been asked to approach the MOD with a view to looking into the possibility of declaring parts of these tunnels as surplus to defence needs or alternatively licensing them for a non-military use. If any are transferred by the MOD the Government intends to offer them to the Trust to consider how best they can be used and if any become available for leasing they will similarly be referred to the Trust for consideration.

SUPPLEMENTARY TO QUESTION NO. 234/87

HON J E PILCHER:

I take it then, Mr Speaker, that the Northern Defences has been officially passed over to the Gibraltar Heritage Trust?

HON A J CANEPA:

A decision has been taken in principle to do that, it hasn't yet gone through.

HON J E PILCHER:

At the moment therefore they are under the Gibraltar Government, are controlled by the Gibraltar Government?

HON A J CANEPA:

Yes, the Northern Defences are under the Gibraltar Government.

HON J E PILCHER:

When is it likely that we will know whether the Government is going to lease it out itself or pass it to the Gibraltar Heritage Trust?

HON A J CANEPA:

It won't lease it out itself, I don't think, having taken the decision in principle, I don't think the Government is going to be involved in leasing out the Northern Defences. I understand that the sub-committee has not yet reported to the Trust. When it does so, at some stage or other their proposals must be made known to Government if only through the Development and Planning Commission, they have to go there, but that is in respect of the Northern Defences and I hope that by the Northern Defences it is understood what we mean by the Northern Defences and what we don't mean by the Northern Defences. I think there could be some dispute as to what forms part of the Northern Defences. For instance, if it is considered by some that Casemates Hostel forms part of the Northern Defences and I am not joking, it could, I don't think the Government is just going to wash its hands of the future of Casemates Hostel just like that. I just want to lay a marker. When I say the Northern Defences the Government has got legitimate and on-going interests in part of what some people may consider to be the Northern Defences.

HON J E PILCHER:

I accept, Mr Speaker, that there is still some confusion as to where the Northern Defences start and end, where the Second World War Tunnels start and end and there is an on-going confusion, but can the Minister say if they have taken a decision in principle why haven't they passed the land over to the Gibraltar Heritage Trust?

HON A J CANEPA:

Because the Gibraltar Heritage Trust is not in a position to accept.

HON J E PILCHER:

Has the Government, Mr Speaker, passed anything at all over to the Gibraltar Heritage Trust?

HON A J CANEPA:

Not yet. The Garrison Library hasn't been passed over yet but they have been told they can have it.

HON J E PILCHER:

And therefore it would be a hypothetical question I expect, that if the Gibraltar Heritage Trust took a decision on what they were going to do with that land, if they were going to lease that land out to a third party that decision would have to be conveyed for debate in the House of Assembly, am I correct?

HON A J CANEPA:

Whatever the Ordinance says, sure.

HON J E PILCHER:

Again, sometimes a bit confusing but I will read Section 6(3)(b): "Notwithstanding the provision of section 5(a) it shall be lawful for the Board to grant a lease of any land subject to the approval of such a lease by the Charity Commissioners confirmed by resolution of the House of Assembly".

HON A J CANEPA:

That is the legal position, Mr Speaker.

MR SPEAKER:

Next question.

NO. 235 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that the Gibraltar Laser Experience will be fully operational by the end of July, 1987?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

May I preface my reply by making it clear that Hay's Level has not been declared surplus to defence requirements and as such has not been transferred to the Gibraltar Government.

It is understood that MOD have granted Gibraltar Laser Experience a licence of these chambers and that the Company plans to be fully operational by the end of July, 1987.

NO. 236 OF 1987

ORAL

THE HON J E PILCHER

Can Government give the estimated completion dates of the following projects:

- a) Improvements to the Upper Galleries
- b) Improvement to St Michael's Cave
- c) Refurbishment of the Air Terminal
- d) Embellishment to Europa Point
- e) Nature Reserve
- f) Piazza Development
- g) Wellington Front Development?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

(a) IMPROVEMENTS TO THE UPPER GALLERIES

Portaloos were ordered 3 weeks ago, a delivery period of 8/10 weeks is anticipated, a further 2 weeks will be required for their installation. It is anticipated that completion will be by the end of August, 1987, subject to there being no hold-ups at the Wharf due to blacking action.

(b) IMPROVEMENTS TO ST MICHAEL'S CAVE

The completion date is the end of October. However, due to the necessary printing paper being held up at the Wharf because of blacking action it has not been possible to go out to tender.

(c) REFURBISHMENT OF THE AIR TERMINAL

The works are being costed.

(d) EMBELLISHMENT TO EUROPA POINT

Tenders were received on 7th June. The Public Works Department is preparing a tender report for submission to the Treasury Tender Board for their consideration.

(e) NATURE RESERVE

The Tourist Department is now considering the undertaking of studies by local specialists.

(f) PIAZZA DEVELOPMENT

The Sketch Scheme has been modified as a result

of a meeting with the Museum Committee. The Scheme will then be on exhibition outside the Tourist Office Piazza as a Public Participation Exercise.

(g) WELLINGTON FRONT DEVELOPMENT

The Development is awaiting the release of the Parish Hall, which is expected at the end of the year, in the meantime a scheme has been prepared which will consist mainly of the preservation of the historical aspects of the site, general beautification and making safe of the area.

SUPPLEMENTARY TO QUESTION NO. 236/87

HON J E PILCHER:

Mr Speaker, on section (c) - Refurbishment of the Air Terminal - has the Government now decided that the refurbishment is enough or is the study looking at the whole context of the Air Terminal still going to be done by the Gibraltar Government or as we have heard over the news media it is going to be taken over by a company?

HON A J CANEPA:

The refurbishment of the Air Terminal is nothing more than that, it is a limited exercise which has got nothing to do with any other studies.

HON J E PILCHER:

Is the Government, Mr Speaker, going to undertake a study into the Air Terminal?

HON A J CANEPA:

There is another question on that.

MR SPEAKER:

Next question.

NO. 237 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state in respect of which projects has ODA approval been obtained?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, in the first half of June this year ODA development aid funds were sought in respect of the following projects:

	<u>Amount</u>
1. Water Catchments (Phase I)	£ 560,000
2. Electricity Consultancy	£ 100,000
3. Network Analysis of the Salt and Potable Water Distribution Systems	£ 60,000
	<hr/>
	£ 720,000
	<hr/>

Approval is still awaited.

NO. 238 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that in their view the infrastructural improvement made necessary following the frontier opening in February, 1985, is now complete?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT
AND TRADE

Sir, the following works have been completed:

Winston Churchill Avenue has been widened;
Roundabouts have been widened;
The Loop at the Frontier has been constructed;
A Car Park at Western Beach has been constructed;
A Coach Park at Queensway was made ready together
with an overspill at Governor's landing area.

The process is of course an on-going one. For example, the reclaimed land at Waterport is now being prepared with a temporary surface in order to provide a larger coach park thereby releasing the existing Coach Park at USOC to be used as a Paying Car Park.

SUPPLEMENTARY TO QUESTION NO. 238/87

HON M A FEETHAM:

Can the Hon Minister give some indication of what remains to be done?

HON A J CANEPA:

I have nothing in hand, Mr Speaker, as to what remains to be done of a major nature though one that readily comes to mind about which we issued a Press Release the other day, the access road at St Michael's Cave, there is a case in point that occurs to one. As I say, it is an on-going exercise, as problems are encountered with a greater influx of visitors and tourists solutions have to be found. What remains to be done? Traffic flows and every other problem surrounding a new Air Terminal. All that remains to be done.

MR SPEAKER:

Next question.

NO. 239 OF 1987

. ORAL

THE HON M A FEETHAM

Can Government confirm that the cost of a new Air Terminal is now estimated at £6m?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. A joint Government/MOD Working Party has been set up to look into the extension of the Gibraltar Airport and other related matters including accessibility within the area. This Working Party is currently at an early stage of their deliberations.

SUPPLEMENTARY TO QUESTION NO. 239/87

HON J BOSSANO:

Mr Speaker, the position then is that the £2½m that was put in the Estimates in the Improvement and Development Fund really that is not now being proceeded with which was originally on the basis of a bridge over the road and on top of the car park?

HON A J CANEPA:

That is correct, Sir.

MR SPEAKER:

Next question.

NO. 240 OF 1987

ORAL

THE HON M A FEETHAM

Can Government say what steps will be taken to provide the owners of boats at the Camber with adequate alternative moorings in the light of the proposed development of the area?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Various alternative sites have been considered. The one most favoured is an area to the north of the North Mole Roadway and immediately west of the reclaimed area at Waterport.

The area envisaged should cater for over 400 boats. In order to give protection to the boats from w'ly winds a breakwater will be built.

6 7 87

NO. 241 OF 1987

ORAL

THE HON M A FEETHAM

What steps has Government taken to remove from the Gibraltar Register ships which are considered undesirable?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

It is anticipated that on the 8th July, 1987 an Order in Council will be made giving effect to the local legislation which contains the necessary enabling powers. Vessels which are "undesirable" will then be given one month in which to comply fully or be struck off the Register.

NO. 242 OF 1987

ORAL

THE HON M A FEETHAM

Have all the ships registered in the Port of Gibraltar British Masters?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The vast majority have British Masters. However, on rare occasions it is reported that a foreign national is employed as Master. The matter is then taken up directly with the owners. During the last twelve months only one such case has been reported.

The Captain of the Port has recently informed owners on application for Registry that the Certificate of Registry will not be issued until the name, nationality and details of Certificate of Competency are produced in respect of the Master, Chief Officer and Chief Engineer.

NO. 243. OF 1987

ORAL

THE HON M A FEETHAM

Has Government now taken action to obtain up-to-date crew lists in respect of all ships registered in Gibraltar?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. Letters were sent to all owners in May informing them of the statutory requirement of keeping the Registrar informed by sending copies of their Crew Agreements and of any changes made.

Replies are still being received.

NO. 244 OF 1987

ORAL

THE HON J BOSSANO

Can Government now state what was agreed in principle with the 'Mancomunidad de Municipios' in April this year?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, working parties consisting of Mancomunidad and Gibraltar Officials have been meeting as necessary to discuss tourism, the environment, public health, consumer protection, education, culture and sport. These meetings will continue to be held.

As indicated in Government's Press Release of 28 November, 1986 (No 152/86), details of the topics discussed will remain confidential until the outcome of the technical talks has been reported to the main delegations.

SUPPLEMENTARY TO QUESTION NO. 244/87

HON J BOSSANO:

Mr Speaker, didn't the Government Press Release of April, 1987, say that once a decision was taken on the matters the Hon Member opposite discussed with his opposite number it would be made public?

HON A J CANEPA:

Yes, Mr Speaker, what happened in April was that an interim progress report was presented to the main delegations in April, 1987, but there has been a hiatus until the newly elected Mancomunidad officials are ready to set a date for the next meeting, in other words, when I met Senor Caracao in April it was already known that the Municipal Elections were in the offing and very little progress beyond the interim stage could be made then and we are hoping to renew contacts at official level as soon as they have appointed their own permanent officials. What we had was an interim report, matters have not yet been finalised and therefore by agreement they are still confidential.

HON J BOSSANO:

So it is not a question that we will see things happening and discover what has been agreed by seeing it happening?

HON A J CANEPA:

It is not a question that we will see things happening, no, the interim agreements ought not to be implemented on new matters because there are some matters on which prior agreement has been reached, by that I mean exchanges on medical matters, education, sporting contacts but on other matters once a meeting is held with the main delegations which considers ^{the} report, I think at that stage there should be a public announcement made.

MR SPEAKER:

Next question.

NO. 245 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm that it is prepared to give serious consideration to proposals for obtaining water and electricity supplies from Spain?

ANSWERTHE HON THE CHIEF MINISTER

No, the Government has not considered any proposals for obtaining water and electricity supplies from Spain. However, Government has accepted an ODA offer to fund a consultancy study into electricity demand in Gibraltar to the year 2005, and the least cost solutions for meeting this. This in no way commits the Government to any particular option for the future.

SUPPLEMENTARY TO QUESTION NO. 245/87

HON J C PEREZ:

That is to say, that in the ODA Study in looking at the least cost the option of getting electricity from Spain will also be studied?

HON CHIEF MINISTER:

Yes, no doubt that will be part of the consultancy.

HON J C PEREZ:

But there is no commitment whatsoever on the part of the Government to accept the recommendations of that Report at all?

HON CHIEF MINISTER:

Not at all, that will have to be looked at when it is reported on with all the consequences that it entails.

HON J C PEREZ:

Has the idea of this report been initiated by the Gibraltar Government or has it been the idea of the United Kingdom Government?

HON CHIEF MINISTER:

The idea of the report which is not necessarily only for that purpose, the idea of the report was offered in the ODA package having regard, of course, to the fact that they had already made a very substantial provision for a new generator in the previous aid package which is holding fire out there in Waterport and the fact that

we had already indicated we would be needing another one whether from ODA funds or not, the offer was made of an overall consultancy for the future of generating electricity, as I say, until the year 2005 and that, as has been mentioned, will be included in the consultancy. We haven't received the terms of the consultancy yet but I would like to stress that in no way are we committed to take all or any of the recommendations made by this consultancy.

HON J BOSSANO:

Am I right, Mr Speaker, in drawing the conclusion from what the Hon and Learned the Chief Minister has said that broadly speaking it continues to be Government policy, as it has been said previously, not in fact to look to supply from the other side to maintain Gibraltar's self sufficiency?

HON CHIEF MINISTER:

Yes, I hope that we will be allowed to do that, we don't seem to be allowed to do that now.

HON J BOSSANO:

We can have a debate on that matter whenever the Hon Member wants.

MR SPEAKER:

Next question.

NO. 246 OF 1987

ORAG

THE HON M A FEETHAM

Has Government now made a decision regarding the publication of a Supplement to the Register of Electors before the next general election?

ANSWERTHE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 246 OF 1987

HON M A FEETHAM:

Can the Hon and Learned Chief Minister give an indication when the decision is likely to be made?

HON CHIEF MINISTER:

I suppose we will be taking a final decision pretty soon. I did not find any particular urge on the part of the Hon Questioner when we discussed this matter that they were particularly keen on that and we ourselves are not that keen. I have not been enthused by anything that I have heard to think of having one.

HON M A FEETHAM:

The Hon and Learned Chief Minister will recall that he personally stated that whatever is done has to be done in line with an August date which is what is required under the Ordinance.

HON CHIEF MINISTER:

There are areas of time which are required and I think I have not forgotten those.

MR SPEAKER:

Next question.

NO. 247 OF 1987

ORAL

THE HON M A FEETHAM

Will Government state what steps it has taken to invite Members of the European Parliament to visit Gibraltar and acquaint themselves with its problems?

ANSWERTHE HON THE CHIEF MINISTER

On 16 December 1986, in reply to Question No. 303 of 1986, I informed the House that Lord Bethell, the Leader of the Gibraltar in Europe Representation Group, had been consulted on this matter and that it was intended to raise it with the Group when a delegation from this House visited Strasbourg in February. As the Hon Member knows, that visit was postponed and will now be taking place in September. The matter will then be discussed and invitations issued for a visit to Gibraltar, hopefully, by a cross-section of the various groups in the Parliament of various nationalities.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

19TH OCTOBER, 1987

NO. 248 TO NO. 337

NO. 248 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how much money has been disbursed in the first six months of the current financial year from the Improvement and Development Fund and in respect of which Heads of Expenditure?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir; the estimated Improvement and Development Fund expenditure for the first six months of the current financial year is as follows:-

	£
Head 101 Housing	276,000
102 Schools	27,000
103 Port	57,000
104 Miscellaneous Projects	271,000
105 General Services	61,000
106 Potable Water Service	43,000
107 Telephone Service	315,000
108 Public Lighting	5,000
109 Electricity Service	189,000
110 Crown Lands	negligible (less than £1,000)
111 Tourist Development Projects	75,000
112 Medical Services	13,000
	<hr/>
	1,332,000
	<hr/>

SUPPLEMENTARY TO QUESTION NO.248 OF 1987

HON M A FEETHAM:

Could the Hon Member give a breakdown of the Miscellaneous Projects, the expenditure involved there, the £271,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't have that breakdown with me, Mr Speaker, but I can let the Hon Member have it later.

HON J E FILCHER:

Can the Hon Member give us a breakdown on the Tourist Development Projects which is for £75,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot, Mr Speaker, I don't know whether the Hon Minister for Tourism whose departmental responsibility it is can provide the information otherwise I would have to make the same offer as I have just made to the Hon Member's colleague.

HON H J ZAMMITT:

Mr Speaker, I cannot at the moment but I will certainly find out or try to find out before the House is over.

HON J BOSSANO:

Mr Speaker, when we asked Question No.148 about the first three months the Hon Member was not able to say whether the level of expenditure which then was £600,000 indicated slippage as regards the estimated spect for the year of £8m. Is he in a position to tell us now?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not really, Mr Speaker, I would think the probability is that there will be some slippage. What I don't know yet is how substantial that slippage will be.

HON J BOSSANO:

But, in fact. Mr Speaker, what we are saying is that the rate of spending in the Improvement and Development Fund instead of being £2m a quarter is £600,000 a quarter because the second three months are virtually a doubling of the first three months. Are we talking then that the actual outcome for the year is going to be around £4m instead of £8m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot answer that question I am afraid, Mr Speaker, but I think, as I have already said, there is every likelihood that there will be some considerable slippage.

HON J BOSSANO:

Mr Speaker, shouldn't the Government be explaining half way through the financial year why they are in a position of not even meeting half the expenditure targets they laid down in the House and which they stressed at Budget time there was so much importance being attached in order to improve the infrastructure? Isn't it here, Mr Speaker, where we are seeing the deficiency in infrastructural developments?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot give that answer, it really rests with departmental Ministers to answer the Hon Member on their individual programmes.

HON J BOSSANO:

Yes, Mr Speaker, but we are asking the Government, we are not asking the Hon Financial and Development Secretary and the purpose of asking for the information is to try and establish the reasons why the targets are not being met.

HON CHIEF MINISTER:

Mr Speaker, this arises out of the reply but it is not necessarily a supplementary because it requires a considerable amount of more information. The information may either be given now or put in another question asking: 'By how much in each department?' The question is put in general terms and I don't think the Financial Secretary can explain in each vote if there has been slippage what the amount of it is but if Members want to know that we shall try to get some information before the end of the meeting.

MR SPEAKER:

It is most certainly a follow-up to find out whether there is going to be slippage as the result of the information given now and to what extent the slippage is going to be but if the information is not available, of course, the answer is that it will be forthcoming.

HON J BOSSANO:

Mr Speaker, we have been told the Government has spent £1.3m in six months and they voted to spend £8m in a year. That is a wide discrepancy and we are not asking for an explanation of every penny, we are asking for an explanation of the magnitude of the change. If the target is now £4m there ought to be some explanation.

HON CHIEF MINISTER:

I didn't anticipate that we would give any detail, I anticipated we would give a Head by Head answer of what is likely to happen. There may be some votes that may require considerable capital which can be spent in six months, it is very difficult to say unless you look at each part but we shall try to get that information for Hon Members.

MR SPEAKER:

Next question.

NO. 249 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state the amount of money received from the sale of Government properties under Head 103, Subhead 1 of the Improvement and Development Fund?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

A nominal amount in respect of deposits has been received under Head 103 from the Development of small sites programme.

The anticipated progress on the sale of flats to sitting tenants has been hampered by the greater priority given to schemes that provide the release of units of rented accommodation to alleviate our Housing problem. In this respect I should inform the House that substantial progress has been made on the Brympton, Engineer House and Montagu developments. Together these include a total of 748 flats which will be marketed through Government for owner occupation.

The Rosia Dale sale is nevertheless virtually complete and awaiting a final meeting with the Association's legal adviser. This model documentation should provide for substantial progress in respect of Rose Shrine and 26A Town Range before the end of the financial year.

SUPPLEMENTARY TO QUESTION NO. 249 OF 1987

HON J L BALDACHINO:

Mr Speaker, I don't know if my question has been answered because I am asking how much money has been received. Under Subhead 1, does that also include the sale of pre-war houses that they have sold in 1982/83 and 1985?

HON A J CANEPA:

In the years 1982/83 and 1985? I think the question has been understood as referring to the current financial year and my main answer was that only a nominal amount has been received in deposits. I cannot go back to 1982/83 and 1985 and state now what the amounts were, I just haven't got that information.

HON J BOSSANO:

Are there properties that have been sold prior to this year and

the money was shown as expected to be received this year and has that money been received?

HON A J CANEPA:

No, mainly it is Rosia Dale where we expected to clinch, as it were, the sale and no money has yet been received, it is imminent, a meeting was arranged a few weeks ago with the Association's legal adviser, it was thought that it was going to be a final meeting to finalise the details of the documentation, the meeting could not be held, it has been postponed through no fault of Government officials and the documentation has been sent on for them to study. Nothing has been received yet in respect of Rosia Dale.

HON J BOSSANO:

Mr Speaker, I think the Hon Member is missing the thrust of the question, we are not urging him to sell Rosia Dale, we are not supporting him on that. What we want to know is the money he expected to receive from Government property. We understand from previous comments by the Auditor that property sold a very long time ago had still not been paid for. Was any of the money shown in this year's Budget as expected to be received in the current financial year in respect of property sold before the beginning of the financial year and, if so, has that money not been received either?

HON A J CANEPA:

That is not how the question was understood, I am afraid, Mr Speaker. It wasn't thought that it was referring to revenue that should have derived in previous years.

HON J BOSSANO:

Can the Member say whether, in fact, the amount shown in the Estimates as the revenue estimated for this year was due to property solely expected to be sold this year or due, as well, to amounts outstanding from previous years? Doesn't he know what was put in the Estimates?

HON A J CANEPA:

My information is that the amount shown in this year's Estimates was in respect of properties which were expected to be sold this year. That is my understanding.

HON J BOSSANO:

Can the Member then say that that means that no money is due from previous years?

HON A J CANEPA:

No, there may be money due from previous years but when the Estimates of expected revenue were drawn up for this year, I do not think that there was any inclusion made - I am speaking from the top of my head as far as I can recall - the Estimate that was made in respect of anticipated revenue. I do not think that it included in respect of previous years. I can check that.

HON CHIEF MINISTER:

I would like to make one thing clear that might help from the experience of other spheres and that is that if it is sold it has to be paid. This is not like arrears of electricity or water. If a title deed is given on the basis of a lease that must be given at the time of payment. Whether the payment is passed on from one part of the kitty to another is another matter but there cannot be any sale unless it is on a basis of payments by instalments on a number of different dates, I cannot see how anything that the Government sells in respect of this can be outstanding once it is sold. What was sold last year must have been paid for last year. There cannot be any outstanding matter when a time limit is given because on the giving of a title the payment is made, there is just no debt.

HON A J CANEPA

May I add, Mr Speaker, that if either a specific question is asked at the next meeting of the House I shall be perfectly happy to provide the answer or if the Hon Questioner wants to follow the matter up by writing to me I will provide him with the answer to whatever questions he wants.

HON J BOS SANO:

I would like to take up the point that the Hon and Learned the Chief Minister has just raised, Mr Speaker. The question is, in fact, the Auditor said that there were properties sold as far back as 1982 for which payment has still not been received. We have asked a question about the expenditure from the Improvement and Development Fund and a question about the income of the Improvement and Development Fund to try and assess what progress is being made on both fronts on the money coming in and the money going out.

HON A J CANEPA:

Yes, I understand now, this morning, I understand the Hon Questioner's question perfectly clearly but when the answer was

drafted by the Director of Crown Lands for me last Friday we did not think that this is what the Opposition was getting at.

MR SPEAKER:

In other words, the information will be forthcoming.

HON A J CANEPA:

I would be grateful because Hansard won't appear for another ten or eleven days, Mr Speaker, I would be grateful if the Hon Mr Baldachino would send me a note as to what it is that he wants and I will provide him with the answer.

MR SPEAKER:

Next question.

19 10 87

NO. 250 OF 1987

ORAL

THE HON J C PEREZ

Can Government explain why arrears notices are being sent to telephone subscribers without the actual bill having reached them first?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

I regret to say that, following complaints from a number of subscribers concerned, it was discovered that about 500 bills for the quarter ending June 30th had not been sent to subscribers when the reminder notices were sent out in September and October. There should have been an interval of at least six weeks between the issue of the last batch of bills for the quarter, at the beginning of August, and the issue of reminder notices in mid-September. A note expressing regret for this lapse is being sent to the subscribers concerned.

SUPPLEMENTARY TO QUESTION NO. 250 OF 1987

HON J C PEREZ:

Does that mean that subscribers who have not received the bill and have received the arrears notice should disregard the threat of disconnection of services within ten days if they fail to pay?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the Hon Member can rely on the good sense of the Arrears Section not to pursue the situation such as he has described in this particular contingency.

HON J E PILCHER:

Mr Speaker, the bills, nevertheless, are going to be sent out because I think one of the problems encountered was that when the people went with the arrears notice they were told that that would now constitute the bill.

MR SPEAKER:

May I say that I am one of the sufferers and that I have already received the bill. Next question.

NO. 251 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what was the contribution to National Income of the tourist industry for the years 1983/84 and 1984/85?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, there is little I can add to the answer I gave to Question No.2 of 1987 where I informed the Hon Member that tourist expenditure for 1983/84 and 1984/85 represented 16% and 18% respectively of National Income. It is difficult to estimate with any accuracy what the net contribution of the tourist industry is to National Income without the up-to-date information which the Government is in the process of acquiring through the Input/Output Study.

SUPPLEMENTARY TO QUESTION NO. 251 OF 1987

HON J E PILCHER:

Mr Speaker, I accept what the Member is saying but, firstly, can the Member say when going back he should have accurate figures of the National Income on the tourist side of the economy. Obviously he is referring to the new Input/Output Study that will give him what he is looking for and what certainly I am looking for for the years after the partial opening and the full opening of the frontier. Can the Member say when does he therefore reckon to have accurate figures working on the old Input/Output Study?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think possibly the answer to that is in two parts. The information for subsequent years when it is available in the form or in a way comparable to the figures which have been given for 1983/84 and 1984/85 and 1985/86 I think as well, will be made available. I think the second point I would make really deals with the question of accuracy. The information which has been given so far is a reasonable estimate of the contribution to National Income in terms of gross tourist expenditure. However, what it doesn't allow for is on the one hand the import content which must be netted and then on the other the multiplier effect of the net figure which is flowing through other sectors. When one has done that one should arrive at a more accurate figure of the domestic value added. Until we have the Input/Output Study, until that is completed, I don't think that we can complete that process which I have just described. That is the

sense in which I think the figure is inaccurate as a contribution to National Income.

HON J E PILCHER:

Surely, Mr Speaker, in order to produce these figures that he did as he correctly says in Question No. 2 of 1987, some logic must have been used behind those figures: Tourist expenditure 1983/84 - £13m; tourist expenditure 1984/85 - £16m. The Hon Member is saying to us that there is some kind of read across between that and the tourist expenditure figures. According to the tourist expenditure figures where did he get the £13m for 1983/84 and the £16m for 1984/85?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I hope the Hon Member doesn't regard the explanation I gave as illogical except to explain what the situation is. If he wants to go into detail as to how the figures which have already been provided in the past, the ones, for example, I quoted and which I quoted in answer to Question No.2, I am quite happy to go into that with him together with the Economic Adviser to see if we can satisfy him on the break-up.

MR SPEAKER:

Let us not debate.

HON J E PILCHER:

I am seeking information, Mr Speaker. If I can refer, Mr Speaker, to Question No.2 of 1987, there was in fact left in the air the question of the multiplier effect which the Hon Member said he was going to go back to his Economic Adviser and try and find out. Six months later we bring the question to the House and I think it is logical to assume that he should have the information. The question I am asking, Mr Speaker, is if he is saying that the gross tourist expenditure is inaccurately but roughly calculated as the tourist expenditure for the year, how does it mean therefore that for 1983/84 when we have tourist expenditure in 1983 of £13.35m he gets a tourist expenditure figure of £13m and for 1984 where the tourist expenditure figure is for £11.65m he gets £16m? First of all, I would like to know where the tourist expenditure figures that the Member is quoting to me are coming from and, secondly, how does he work out the percentages of National Income?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

These particular questions, Mr Speaker, as I have explained to the Hon Member, do require a detailed account which I would be quite happy for the Economic Adviser to give to the Hon Member.

HON J BOSSANO:

Mr Speaker, we ask him what is tourist expenditure, he says £13m and we say to him 'Where do you get the £13m from?' and he doesn't know where he gets the £13m from?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Quite easy, from the Economic Adviser.

HON J BOSSANO:

Where does the Economic Adviser get it from, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is what I suggest we should ask him jointly, Mr Speaker. I cannot explain the question in detail.

HON J BOSSANO:

In Question No. 2 of 1987 we asked for this information and there were a lot of supplementaries and the Hon Member said at one stage he was making notes of all the points that my colleague had made and that he would consider this outside the House and so forth. We now come with the identical question, one would have thought he would go back and check what he answered us in Question No.2. If he doesn't know what the tourist expenditure is then how can he tell us what the National Income is. Does he know how the National Income is calculated?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, it is certainly not calculated by adding up the information which is in the Tourist Survey. I think, perhaps, the point I should have made is that in the two figures I gave in answer to Question No.2 of tourist expenditure and National Income there is no necessary correlation between them because they are built up on an entirely different basis. The National Income figures are derived by a different technique, different methodology, to use the jargon.

HON J BOSSANO:

The Hon Member said, Mr Speaker, in answer to Question No.2 of 1987 when I said to him: 'Is the figure for 1985/86 of the contribution of £22m, does that reflect the £21.11m shown in the Tourist Survey figure for 1985? Is he talking about the same figure?' And the Hon Member said: "I haven't got it in front of me but I would think almost certainly yes, if we are talking about tourist expenditure, that certainly strikes a bell to me". We want to know, can he tell us now whether the figure for 1985/86 he has obtained from the Tourist Expenditure Survey which shows £21.11m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I didn't quite understand the question. What is figure for the Tourist Expenditure Survey?

MR SPEAKER:

Which shows £21.11m.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would have to ask the Economic Adviser to explain the difference between that figure and the tourist expenditure. Tourist expenditure as we have expressed it is simply expenditure by tourists in Gibraltar but as I said there are other things to be taken into consideration, first of all, netting the import content and then, secondly, calculating the multiplier effect so as to provide, to arrive at a figure which is accurate for the purposes of National Income accounts. That is, I think, the information which perhaps I should have provided in answer to Question No.2. As the Hon Member said I offered on that occasion to come back with the answer and I have now given it. What I don't have yet is the accurate figure of the net contribution to the economy of the tourist industry.

HON J BOSSANO:

Mr Speaker, I intend to ask the Hon Member for further explanations on this question that he has said about the multiplier but before we move on to that what I am saying to him is that he told the House in February that the £22m for 1985/86 was based on the £21.1m of the Expenditure Survey. Is he telling the House now that that answer was incorrect?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the difference between £21.1m and £22m does not

seem to me an enormous one. It may very well be that the figures were subject to some further look at, there may have been some inaccuracies which will account for the difference between £21m and £22m, I don't know that because it didn't register at the time that this was a particularly gross miscalculation, I didn't follow that one up.

MR SPEAKER:

He hasn't got the information, he has got to consult his Economic Adviser and he will let you have it.

HON J BOSSANO:

We want more information.

HON J E PILCHER:

He has just said that the £21.1m seems to be very close to the £22m and therefore he assumes that that is the way it has been obtained and I now take him back to 1984/85 where according to tourist expenditure the tourist expenditure is £11.65m and the tourist expenditure that he gave us for 1984/85 is £16m. It assumes that there is a multiplier effect. We don't have a multiplier effect in 1983/84, we do have it in 1984/85 and we don't have it in 1985/86. We are trying to find out the information, Mr Speaker, certainly, initially on the tourist expenditure side.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Member is wrong, we wouldn't have calculated the multiplier effect in 1984/85, I think if he had attended closely to the answer I gave him, I have already given it at least twice, Mr Speaker, we have not yet been able to calculate the multiplier effect of the net tourist expenditure. I have actually been provided with a little note which I do hope is accurate but the explanation for the difference between £21.1m and £22m, it may well be that the Hon Member already knows this and is perhaps just trying to tease me, is that £21.1m is 1985 calendar year and £22m is 1985/86. I wonder if the Hon Member did, in fact, know that, Mr Speaker, and if he would like now to be honest and say it.

MR SPEAKER:

We are going to leave it at that.

HON J E PILCHER:

We are not debating.

MR SPEAKER:

I will allow questions purely on information.

HON J E PILCHER:

That is what I am asking, Mr Speaker.

MR SPEAKER:

That is a matter for me to judge.

HON J E PILCHER:

The Financial and Development has just answered two questions back. he hasn't answered the last question which is that we accept that one is for the calendar year and the other one is for the financial year and therefore there is a slight adjustment. How is it that in one year the slight adjustment is £0.9m and for 1983 the adjustment is £4.4m? For 1984/85 the figure for tourist expenditure for the calendar year 1984 is £11.65m. The figures that he gave me for 1984/85 are £16m. Are we adjusting in the same way?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I wonder if the Hon Member is teasing me again, Mr Speaker, because I seem to remember that the difference between 1984 and 1985 could have been quite significant because at the beginning of 1985 there was a certain event called the opening of the frontier which could, of course, have made a difference.

HON J BOSSANO:

Six weeks.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, but quite a lot of people came in during those six weeks.

HON J E PILCHER:

Right, we will assume.....

MR SPEAKER:

We don't have to assume anything, ask questions because we are beginning to debate and I am going to call it a day let there be no nonsense. If there is some information you require do ask.

HON J E PILCHER:

I am now querying the figures of National Income. Can the Hon Member say how it is that the figure that he quoted for National Income for 1983/84 is £80.76m, the figure he quoted for 1984/85 is £87.18m if the difference there is £3m in the tourist element? Is the Hon Member telling us that the rest of the economy only grew £4m taking into account the input of GSL and everything for the year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I am not telling the Hon Member anything of the sort, Mr Speaker, because the Hon Member has asked quite a different question which is about National Income and I am not in a position to give him the answer.

HON J BOSSANO:

Can the Hon Member say which is the last year in respect of which the Government has got accurate figures for tourist expenditure based on the 1979/81 Input/Output Study?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

1985/86, Mr Speaker.

HON J BOSSANO:

Then how can the Hon Member tell me that the last year for which he has accurate figures is 1985/86 when he has just told the House that the figures for 1983/84, 1984/85 and 1985/86 are all inaccurate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I didn't tell the House that, Mr Speaker, no, I am sorry. I think inaccurate is perhaps a term of art and when I used inaccurate I mean inaccurate in the sense that it would not satisfy professional economists as being a true figure to represent the domestic value added of the tourist industry. I wouldn't agree that the figures which we have been providing for tourist expenditure annually are inaccurate given what I might call rather, I wouldn't say unsatisfactory nature of the definition, but given the.....

MR SPEAKER:

We are now beginning to justify, we are getting nowhere very fast and therefore I am going to call the next question.

HON J BOSSANO:

No, Mr Speaker, there are many other things that the Hon Member hasn't answered which he seems to be willing to answer if you will allow me to ask him the question.

MR SPEAKER:

I am allowing you to ask the questions but what I must not allow is for the thing to go round in circles and we are getting nowhere. I have to be the judge at any given moment whether the House is getting anywhere with a particular question.

HON J BOSSANO:

Mr Speaker, if the House is not getting anywhere it is not because of the question we are asking but because of the answers we are getting.

MR SPEAKER:

That is a matter of judgement.

HON J BOSSANO:

Well, I would welcome very much an exercise of your judgement so that you can tell us when we are getting answers, Mr Speaker. I would like to know whether the £22m for 1985/86 which the Hon Member has said is the last year for which accurate information in accordance with the 1979/81 Input/Output Study, which is my last question, whether that represents 22% of the National Income or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir. It accounts for approximately that proportion of National Income but it doesn't represent it in the form in which following the 1979 Input/Output Study one would expect because the 1979 Input/Output Study is itself inaccurate and no longer satisfactory as a model for determining that. My other point is that the tourist expenditure figures which have been provided and those are simply gross tourist expenditure and we do have actual figures and so far as I know they are accurate in themselves.

HON J BOSSANO:

Mr Speaker, if the Hon Member has just said that the model is no longer accurate, can he tell me which is the last year for which the model was still accurate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, because it becomes more inaccurate with the passage of time. That is, I think, one of the features of models.

HON J BOSSANO:

Was it accurate in 1981/82, Mr Speaker, which is the first year when they had the model available?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would think reasonably so but I am afraid I haven't studied this and I cannot really go back that far from personal experience.

HON J BOSSANO:

Is the Hon Member then telling the House that the Government contracted somebody to do a study of the economy for two and a half years, produced a report in 1981 and the first year when the information was used which was 1981/82, he is not sure whether it was accurate from day one? Is that what he is telling me?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I wasn't here in 1981, Sir, so I cannot really answer that.

HON J BOSSANO:

I can't help that he wasn't here in 1981, Mr Speaker. Is the Government saying to the House of Assembly that the Input/Output Study model which they have quoted ad infinitum to explain the success of the tourist industry was never accurate?

MR SPEAKER:

Next question. It is clear that you are not going to get an answer.

HON J BOSSANO:

Mr Speaker, can I ask the Hon Member therefore to confirm that the answer that he gave to Question No.2 of 1987 and the answer that he has given to the question tabled by my colleague in this House are both incorrect in that the question asked for the contribution to National Income of tourism and the answer that we got which was that it accounted for 16%, 18% and 22% of the National Income in response to a question about the contribution should not have been taken to imply that accounting for and

contributing to were synonymous?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have nothing more, really, to add, Mr Speaker, I don't think it would be particularly helpful if I attempted to prolong the debate on this question.

HON J BOSSANO:

Can the Hon Member say whether he is in a position to tell the House what was the contribution to National Income of tourism in 1983/84, 1984/85 and 1985/86 as he has been asked to do in Question No.2 of 1987, and as he has been asked to do in the question today on the Order Paper? Does the Government know what the contribution of the tourist industry to the National Income was in those years?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, I have already given the answer but subject to the heavy qualifications about the meaning of contribution which I think I have explained and I really cannot go any further than that.

HON J BOSSANO:

Hasn't the Hon Member told the House that the contribution to National Income which is what we want to know and the answer that he gave us are two different things and, if so, does he have the answer to the question we want? Is he able to say for any year at all, either any of those three years or the years before that how much the tourist industry was contributing to National Income? Can he give an answer to that question for any year at all?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have already answered that question, Sir.

HON J BOSSANO:

Well, is the answer that he cannot, Mr Speaker?

MR SPEAKER:

The Leader of the Opposition must realise that whilst he is entitled to ask questions, if the Government or the particular person or Minister who is answering says that he has got no further information to give, that is it. You are flogging a dead horse.

HON J BOSSANO:

Can I ask a new question then, Mr Speaker? Can the Hon Member say now, which he was not able to say in answer to Question No.2 of 1987, whether there is a 60% multiplier effect as had been claimed by the Minister for Tourism in the course of a television programme?

HON H J ZAMMITT:

I have never said there is a multiplier effect of 60%, Mr Speaker.

HON J BOSSANO:

Can the Minister for Tourism then say what the multiplier effect is?

HON H J ZAMMITT:

No, Mr Speaker, what I have explained.....

MR SPEAKER:

No, we are now cross-examining. Next question.

19 10 87

NO. 252 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state the value of imports for the first and second quarters of 1987?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government is in a position to give an estimate of the value of imports for January and February 1987, as follows:

January	£8.7m
February	£8.4m

As the Hon Member is aware, the full report on Imports and Exports Statistics for 1986 was published only last month. As I explained to him in answer to Question No. 154 of 1987, there was a backlog of work at the Economic Planning and Statistics Office but I am glad to say that the processing of data for 1987 is now well under way.

SUPPLEMENTARY TO QUESTION NO. 252 OF 1987

HON M A FEETHAM:

Can the Hon Member say when are we likely to be able to have these figures.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I certainly hope that this will be as soon as possible, Mr Speaker, but there have been certain problems, as I have explained. The new tariff structure which came into effect on the 1st January, 1987, together with the substantial increase in the number of import forms to be coded and processed has meant that the Economic Planning and Statistics Office computer system needs upgrading. There are now twice as many computer entries per month compared with 1986 but I can only express my desire to see that we are now, in fact, working on the subsequent figures and perhaps these will be available at least until the middle of the year by the next meeting of the House.

MR SPEAKER:

Next question.

19 10 87

NO. 253 OF 1987

ORAL

THE HON J BOSSANO

Can Government state whether they now expect the yield from income tax to exceed the figure estimated at Budget time?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. Income Tax receipts for the first six months of the current financial year are just under £12m. At a comparable stage last year, about £11m had been raised and, allowing for the effect of tax changes and increased earnings, it would not be unrealistic to expect the yield in 1987-88 to reach £24m, compared with the budget estimate of £22.8m.

NO. 254 OF 1987

ORAL

THE HON J BOSSANO

Can Government state what was the yield from income tax on company profits in 1986/87 and the projected figure for the current financial year?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir. The yield from income tax on company profits in the financial year ending 31 March, 1987, was £2.4m. The estimate for the current year is also £2.4m.

SUPPLEMENTARY TO QUESTION NO. 254 OF 1987

HON J BOSSANO:

Can the Hon Member explain how it is that the yield from company taxation is not expected to get higher although the total yield from income tax is, in fact, exceeding the Government's estimate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I accept that the fact that the yield is not expected to be greater than next year does give rise to the very question which he has asked. Having discussed this with the Commissioner of Income Tax who I think tends to take perhaps a more cautious view of forecasts than myself, he feels that he is unable at this particular juncture to say with confidence whether the yield from company taxation will be higher. I myself would assume that it ought to be higher but I really have no further information after having discussed this matter with the Commissioner on which to put forward a reasonably safe figure.

HON J BOSSANO:

Is it not the case, in fact, Mr Speaker, that the yield from income tax compared to past years in respect of company profits is not going up at the same rate as the yield from PAYE?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I haven't done that precise calculation but the yield from company tax in 1985/86 was £1.7m, in 1986/87 it was £2.4m despite the reduction in the rate of corporation tax from 40% to 35% in that Budget so that represents quite a substantial increase. I am trying to be helpful to the Hon Member, not ducking out of the question, as I say, my own personal assumption is that there will be some further increase in corporation tax this year. Let me give him an additional piece of information, the revenue from income tax on company profits up to the 30th September, 1987, was £2.4m and at the corresponding stage the previous year it was £450,000. I think that indicates obviously an increase but one must also take into account the fact that the incidence from company taxes is far more erratic, PAYE comes in more steadily and one can make seasonal adjustments, for example,

August is always a slack month, it isn't quite the same in company taxation. One can get a rush and, indeed, does get a rush in the second half of the year. But if I am pressed I would say that I think that the yield from company taxation should be higher than £2.4m.

MR SPEAKER:

Next question.

19 10 87

NO. 255 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that EEC Directive 87/167/EEC on the question of aid to shipyards which applies to Gibraltar Ship-repair Ltd and replaced EEC Directive 81/363/EEC is being complied with?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

The Government has taken advice from the Department of Trade and Industry and the FCO on the application of the relevant Directives to Gibraltar Shiprepair, and we have received assurances that we have acted so far in accordance with EEC requirements as they interpret these.

SUPPLEMENTARY TO QUESTION NO. 255 OF 1987

HON M A FEETHAM:

Will the Hon Member confirm to the House that, in fact, this Directive derogates Member States from the rules of competition and commercial policy insofar as the Treaty of Rome is concerned, the Directive itself, Article 92/3/D?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, could the Hon Member repeat that?

MR SPEAKER:

There is no reason why you should confirm what the Directive says, that is a matter of common information which can be seen.

HON J BOSSANO:

Is it the Hon Member's view that it does?

HON M A FEETHAM:

Is it Government's view that it does, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That it does what?

HON M A FEETHAM:

If you will listen perhaps you will be able to answer.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will listen again, Sir.

HON M A FEETHAM:

Is it Government's view that the Directive derogates Member States from Article 92/3/D on the rules of competition of the Treaty of Rome and Article 113 on aid by States under the commercial policy of the Treaty of Rome?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I wonder if the Hon Member would allow me time to consult my Learned Friend on the meaning of the word derogation?

MR SPEAKER:

Perhaps the Hon Questioner will explain what he means by derogation.

HON M A FEETHAM:

Derogation means, Mr Speaker, that Member States do not have to comply with a particular Article of the Treaty, in this case we are talking about the Treaty of Rome and we are talking about a Directive which empowers Member States not to comply with particular Articles under the Treaty of Rome and I am talking about rules of competition and I am talking about commercial policy. Will the Government confirm that this is so in their view?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot confirm that, certainly, Mr Speaker. May I ask him a question?

MR SPEAKER:

No, under no circumstances.

HON M A FEETHAM:

The Directive does, in fact, Mr Speaker, derogate and therefore we have to comply with the Directive.

MR SPEAKER:

And you have been told that we have complied with the Directive.

HON M A FEETHAM:

I am asking whether we have complied.

MR SPEAKER:

The answer is yes.

HON M A FEETHAM:

Will the Hon Member opposite then confirm that the scheme to set

up Gibraltar Shiprepair Limited should have been notified to and approved in advance by the European Commission?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, that is what I will not confirm because, as I have said, we have taken advice from the Department of Trade and Industry and the Foreign and Commonwealth Office on these matters and, as I have explained to the Hon Member, we have received assurances and they are well aware of the requirements for notification that we have so far acted in accordance with the EEC requirements. I have noted what the Hon Member says and as this is not a simple matter, I would be quite happy to arrange for him to be briefed further on this subject by the Attorney-General and myself.

HON M A FEETHAM:

Mr Speaker, the Hon Member is giving a reply to my answer but he is trying to shirk the responsibility for the answer.

MR SPEAKER:

No, with respect.

HON M A FEETHAM:

Would the Hon Member say whether the Government has informed the European Commission on the performance of GSL as required by the Directive?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Government of Gibraltar normally takes advice from the Foreign and Commonwealth Office or in this case the Department of Trade and Industry on these matters and if there are any notifications required then it would be done through London.

HON M A FEETHAM:

What the Hon Member is saying is that the Directive, in fact, does not apply to Gibraltar?

MR SPEAKER:

No, with respect, we must not go round in circles. The Hon Financial and Development Secretary has not said anything of the sort. The Hon Financial and Development Secretary has clearly stated that so far they have complied with the provisions of the Directive and that they are not in breach of it. They have not said anything more or less.

HON J BOSSANO:

Mr Speaker, does the Hon Member accept that the Directive requires Member States to inform the Commission of shipyards receiving government aid and is the Hon Member saying that the advice that they have got from London is that GSL is not such a shipyard?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I am not saying that. What I have said is that the matter as, indeed, most things involving the Foreign and Commonwealth Office, are not simple and I would be quite happy to arrange for the Hon Member or the Leader of the Opposition to be briefed on this.

HON J BOSSANO:

Has the Government asked the Foreign and Commonwealth Office whether, in fact, Gibraltar Shiprepair Limited is a shipyard covered by the terms of the Directive in question?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Foreign Office have told us what their view and what the views of the Department of Trade and Industry are with regard to Gibraltar Shiprepair Limited. I think that is all I wish to say at this particular moment.

HON M A FEETHAM:

Could the Hon Member repeat again what the views are, that we are complying, is that what he is saying, we are complying with the Directive?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I have said that we have received assurances from the Foreign and Commonwealth Office that so far we have acted in accordance with EEC requirements as they interpret these. The interpretation is not a simple and straightforward black and white matter hence my offer for further confidential discussions with Hon Members.

HON J BOSSANO:

Can the Hon Member say whether any further payments by the Government to GSL will need to be cleared with London first to find whether such payments have to be cleared with the Commission before they are made?

MR SPEAKER:

With respect, before you answer that question, is this related to the EEC Directive?

HON J BOSSANO:

Yes. If I may quote, Mr Speaker: 'Aid granted for shipyards unless linked to a restructuring plan are prohibited by Article 6 of the Directive'.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think the question asked by the Hon Member was slightly hypothetical, Mr Speaker.

MR SPEAKER:

Hypothetical to what extent, that no payments are to be made?
Hypothetical to what extent?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think he asked me if the Government makes further assistance, was that not the question?

HON J BOSSANO:

Is that hypothetical?

HON M A FEETHAM:

Can the Hon Member answer whether the £1m approved in this year's Estimates and not yet paid cannot be proceeded with until approved by the European Commission?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, the £1m which were voted by the House and therefore forms part of the Government support to GSL is, I think I would say, consistent, the status of that £1m is entirely consistent with the answer which I gave to the Hon Member earlier.

HON J BOSSANO:

Does the Hon Member then say that the £1m in question is not investment aid under chapter 3, Article 6?

MR SPEAKER:

You haven't got to answer that. You can ask whether it is within the Directive.

HON J BOSSANO:

I am quoting the Directive, Mr Speaker. I am asking is the £1m investment aid as defined in Chapter 3, Article 6 of the Directive? Yes or no?

MR SPEAKER:

Well, the answer must be yes because it is within the context of the answer.

HON J BOSSANO:

I would like to have the answer. Is the answer that the £1m is investment aid as provided for in the Directive?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would put it this way, that anyone interpreting the Directive and looking at Elm for a shiprepair industry would think that one applies to the other. In the answer I gave to the Hon Member I stressed this is not a black and white situation and I referred to Foreign Office advice and I offered to arrange for a further briefing and really I cannot say anymore than that at this stage.

HON J BOSSANO:

Can the Hon Member explain, Mr Speaker, the public statement that he issued in June or July of this year saying that the Government of Gibraltar was prohibited from giving assistance to GSL because of the Directive, can he explain which is the assistance that he is prohibited from giving?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not aware that I gave a public statement, Mr Speaker.

HON J BOSSANO:

Mr Speaker, he may not remember but he must be aware of what he said although he may not remember it. Then can the Government state whether, in fact, at any stage they have issued a press release to the effect that they could not provide aid to GSL at the time of the pay negotiations because to do so would put them in conflict with the EEC Directive in question?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I wasn't responsible for that. I do actually remember I was asked a question and when the Hon Member says public statement, yes, my memory now begins to click into motion, but it doesn't quite click in the same way in which the Hon Member's did because he attributed to me a much more dogmatic statement on the matter than if I recollect correctly I did, in fact, give. I remember at the time qualifying my remarks by saying that it appeared that this was prohibited but we were seeking advice from the Foreign and Commonwealth Office and the Department of Trade about the application of the Directives to GSL in the present situation. That is what I have just told the Hon Member and his colleague and I think, therefore, what I am saying now is still consistent with what I said then.

HON J BOSSANO:

But is the Hon Member then saying that subsequent to making that statement on radio he has now been told that, in fact, the prohibition which he thought at the time applied does not apply and that the Government is not prohibited by this Directive from giving assistance to GSL? Is that the latest position then?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir. Again the Hon Member is inviting me to sort of say black or white but I cannot do that.

HON J BOSSANO:

Can the Hon Member say what is prohibited if he cannot say what isn't prohibited?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can certainly read out the Directive.....

MR SPEAKER:

No, you will not under any circumstances.

HON J BOSSANO:

I don't know why he will not other than you won't allow him, Mr Speaker.

MR SPEAKER:

Yes, that is precisely why because I think you are not entitled to.

HON J BOSSANO:

We are trying to obtain information, Mr Speaker, from the extent to which.....

MR SPEAKER:

No, with respect, you are trying to get confirmation of statements made before, that is not information.

HON J BOSSANO:

Mr Speaker, if the Hon Member or the Government makes a public statement it is perfectly legitimate for the Opposition to ask for confirmation or rectification of that statement in this House of Assembly, this is what we are here for. And we are asking the Government to tell us, having given the impression in public.....

HON CHIEF MINISTER:

How?

HON J BOSSANO:

By the statements that they made, that they could not give assistance to GSL, whether this is still correct or not correct and if it is no longer correct to what extent it is no longer correct?

MR SPEAKER:

And the answer must be the answer that you have been given by the Financial and Development Secretary as to the correctness of the position and what they have done up till now and the confirmation of this attitude by the Commonwealth Office. Whatever else has been said before must most certainly, I think, be qualified by what has been said now.

HON J BOSSANO:

Perhaps you will tell us what the answer is, Mr Speaker. You seem to have understood the answer, we haven't. All that we have been told is that whatever they have done was correct and that whatever they are going to do, which they don't know yet, will be correct when they do it. If you know what the answer is you tell us.

MR SPEAKER:

With respect, next question, please. I am calling the next question and that is the end of the matter.

NO. 256 OF 1987

ORAL

THE HON J E PILCHER

Does Government propose to provide £ $\frac{1}{2}$ m for the setting up of the GSL Pension Scheme?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir, not directly. As the House is aware, the Government provided a total of £2 million for GSL including £1 million in this financial year. These funds have now been fully drawn down. I understand that the Trust Deed setting up the GSL Provident Fund has already been signed, and the arrears of company contribution to the fund is of the order of £ $\frac{1}{2}$ million.

SUPPLEMENTARY TO QUESTION NO. 256 OF 1987

HON J E PILCHER:

Can the Government confirm, Mr Speaker, that the £ $\frac{1}{2}$ m for setting up the GSL Pension Scheme has come from the £1m that was voted in the House during Budget time for GSL?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, Mr Speaker, I cannot add to the answer I gave except to say that they had the £1m and we knew, obviously, that GSL were going to make a contribution of £ $\frac{1}{2}$ m to the Pension Fund.

HON J E PILCHER:

Mr Speaker, when they did obtain the £1m?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The £1m has been drawn down in three separate tranches. I am speaking from memory so the Hon Member will have to bear with my recollection. The first £250,000 was drawn down earlier in the year during the summer months, I believe. The remainder has been drawn down very recently within the last month or so, all £ $\frac{3}{4}$ m of it.

HON J E PILCHER:

So two tranches not three, £ $\frac{1}{4}$ m and £ $\frac{3}{4}$ m.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, no, there were two tranches of £ $\frac{1}{4}$ m and then £ $\frac{1}{2}$ m. The £ $\frac{1}{2}$ m was, in fact, the last.

HON J E PILCHER:

Therefore what the Government is telling me, Mr Speaker, is that they have given GSL the £1m but have not bothered to find out what the £1m was being used for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, it would be most unfair to accuse the Government of not knowing what GSL is doing with its money.

HON J E PILCHER:

Can they confirm that the £1m has been used for the Pension Fund? It cannot be one or the other, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot confirm that it has been used in the sense that the money has been deposited in a bank account but all I am saying is that I am aware or was aware of the company's requirement which has been there for some considerable time to make a substantial contribution to the Pension Fund and I feel confident that that is what some of the funds will be used for.

HON J E PILCHER:

Can I remind the Hon and Learned Chief Minister of his statement when we were discussing the £2m that was going to be given to GSL, £1m before the Budget and £1m voted at the Budget, where he said quite clearly that the £2m given to the company was going to be given to the company in additional shares in order to work towards a break even position but he made it clear that these £2m would not go towards labour costs either salaries, wages or labour related wages and salaries of which, I suppose, a Pension Scheme is related to. Does the Government therefore at this stage confirm that they have made a U-turn as regards the money that has been given to the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the £2m was given to assist the company to provide working capital in order to enable it to finance its activities. Since the £2m was given the circumstances of the company have changed and while its need for working capital may at that particular juncture have seemed the most important thing, other important things may and, indeed, have taken place.

HON J E PILCHER:

Mr Speaker, the answer in a roundabout way is, yes, the Government have now allowed the company to use the money for other things. Can I ask the Government then whether they can confirm that, in fact, although it was the company's commitment since 1984 to set up a Pension Scheme, the Pension Scheme has been set up by the £1m given to the company by the people of Gibraltar? I rest my case, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you.

HON J BOSSANO:

Mr Speaker, he rests his case and I am starting mine. Can we then have confirmation from the Government that the position is that the Government is no longer committed to the policy that they announced that the only assistance that would be given would be given for working capital and capital investment, that is no longer the case is it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think, Mr Speaker, we have a motion down for debate later in the meeting of the House and I propose to go into that particular question in rather more detail.

HON J BOSSANO:

But the Government is not able to tell us now whether that is still the policy or it is not the policy?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I think I must ask the Hon Member to wait a little while because I would like to answer that particular question in the context of an extensive debate on GSL affairs.

HON J BOSSANO:

Can the Member say did, in fact, the Government receive a specific request for the £2m to be released for the purpose of setting up the Fund?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir. It received requests, I am bound to admit, for early draw down so as to enable the company to continue paying its wages and salaries and to meet its creditors.

MR SPEAKER:

Next question.

19 10 87

NO. 257 OF 1987

ORAL

THE HON J E PILCHER

When did Government approve the decision to double the fee of the Chairman of GSL?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the fee of the Chairman of GSL was provisionally set at £10,000 for 1985 subject to negotiations based on remuneration for comparable appointments elsewhere and further assessment of the time devoted by Mr Simonis to GSL affairs.

Following advice from consultants on fees for non-executive directors and chairmen a fee of £20,000 for 1986 was agreed in June this year.

SUPPLEMENTARY TO QUESTION NO. 257 OF 1987

HON J E PILCHER:

Mr Speaker, first of all, can I ask the Hon Financial and Development Secretary who were the consultants that he got to back this information?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir. The main consultants were Welbeck who were the firm of senior executive consultants through whose services we, in fact, engaged Mr Simonis originally.

HON J E PILCHER:

Mr Speaker, could I ask when the decision was taken, I think the Hon Financial and Development Secretary said that a decision was taken to increase the salary from £10,000 to £20,000. Could I ask, was this one at a shareholders' meeting of the company? When he said 'we', the decision was taken, where was it taken, it was taken in June, 1987, but where? Was it taken after a shareholders' meeting?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The fee for 1986 was agreed in June this year. It was taken, obviously, as company law requires, it was taken at a Board meeting and the directors agreed to this.

HON J E PILCHER:

In June, 1987, although there were particular problems in paying salaries and wages etc in GSL for the people employed there, the Government thought it was advisable to upgrade the salary of the Chairman for 1986 and to, in fact, increase it by 100%, is that what the Member is saying?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I wasn't saying that. I think that is a political matter and I don't propose to comment.

HON J BOSSANO:

Mr Speaker, was in fact Mr Simonis being paid before June, 1987?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I didn't catch that.

HON J BOSSANO:

Was Mr Simonis being paid the doubled salary before June, 1987?

MR SPEAKER:

Was he being paid before it was approved by the Board?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON J BOSSANO:

So that in fact, when we asked in the last House of Assembly in relation to the audited accounts which showed the salary being paid, whether it had been approved, the House was misled when it was told that it was approved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Auditor's Report refers to 1986. I am not quite sure when the Auditor's Report was presented but I don't think that we would have misled the House if it was already in the Auditor's Report.

HON J BOSSANO:

Mr Speaker, if the audited accounts which the Hon Member is going to ask us to note later on in this meeting and which he asked us to note and then changed his mind in the last meeting shows the money already having been paid, how was it already being paid without having been approved?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It should not have been paid without being approved but I will have to check on the facts. I am not quite sure that the situation is as the Hon Member has explained it.

MR SPEAKER:

He is not questioning the fact that it might well be in the accounts, he is not questioning that in any manner or form.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Member said that I or someone misled the House on this matter and I am not quite sure of the context in which we may have misled the House. That is really what I wanted to check.

HON J BOSSANO:

Then perhaps I will remind the Hon Member and perhaps he can confirm that I asked the same question in the meeting of the House when I drew the Government's attention to this increase and I was told that the thing had been approved, in fact, when you said that the Government didn't need to answer the question that I asked as to whether the thing had been approved at a shareholders' meeting and the Hon Mr Canepa came in to say that there had been no involvement by him or his colleagues in the decision. We were being told then that the increase in 1986 had been approved but that the Government politically didn't seem to be aware of it. I am asking now can the Hon Member say whether, in fact, Mr Simonis was being paid the increased salary in 1986 as shown in the audited accounts?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think so, Mr Speaker. Simply because the figure is shown in the audited accounts does not mean that he was paid, this may seem rather surprising but, in fact, accounts work on an accruals basis and it may very well be that the company put this particular figure in on the assumption that it would be approved. It was not approved until June, I am quite positive of that.

HON J BOSSANO:

So, in fact, what we are being told is that the company's accounts and the auditors assumed that the approval would be given before the approval was given?

MR SPEAKER:

In fairness, I think what the Hon Financial and Development Secretary is now doing is conjecturing. He is stating that if it is on the accounts it might be put in as a matter of provision, subject to approval but he is not saying that that was the position. At least that is the way I understand it.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, that is my assumption. I think the Hon Member has, as it were, surprised me with the question and I have given what I think may be the answer because I feel confident that there was no wish to mislead the House.

HON J BOSSANO:

Can I ask the Hon Member, in fact, can he explain how it is that if the decision was taken in June the Government was not aware of it in July at the last House of Assembly?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I know that there were some details still to be settled with Mr Simonis over this and, again, it may be that when the answer was given in June these had not been settled but I haven't seen the answer in June, that is my problem, Mr Speaker, I am not quite sure what we said then. I will certainly look at it and if we owe the Hon Member an apology for giving misleading information or I can explain the circumstances in which we may have appeared to give misleading information I will obviously do so.

HON J BOSSANO:

Can the Government say when they found out that the Board had decided to double the salary of Mr Simonis?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, the discussions about Mr Simonis's fee was obviously something the Government took a close interest in and, as I have said, there is this question of the advice we received from UK consultants so the Government was aware of this but the final ratification, shall we say, subject naturally to the Government's concurring with this, was not until the middle of the year. I say June, July, possibly, I haven't got the precise date but it was round about the middle of the year.

HON J BOSSANO:

Can the Government say.....

MR SPEAKER:

Will you be giving full information as to the circumstances of the matters which have been raised under this particular question at the time of the debate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I shall have a look at the Hansard, I shall look at the accounts and see whether there was any inconsistency with what may have been said in the House in July.

MR SPEAKER:

Would you be prepared to give way during the debate to enable the Leader of the Opposition to have more than one say for the purposes of clarifying the position? Once we come to the debate will you be kind enough to give way to the Hon the Leader of the Opposition so that he can get whatever information he needs then?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

You are expecting me to clear this up by this afternoon.

MR SPEAKER:

Not necessarily this afternoon. At debate time will you give way to the Hon the Leader of the Opposition to ask?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, certainly, what I cannot guarantee is that I will be able to provide information to the satisfaction of the Hon Member.

HON J E PILCHER:

Can I, Mr Speaker, just refresh the memory of the House particularly that of the Hon Mr Canepa which is, I think, what the Hon Leader of the Opposition was referring to.

MR SPEAKER:

Ask your question.

HON J E PILCHER:

It is clarification from Hansard: 'Perhaps I might clarify' - said the Hon Mr Canepa - 'that if by the Government is meant some of my colleagues here sitting with me and myself, the answer is no. I think they will confirm that they do not recall ever approving whatever increase there was for the Directors or for anybody. We are not in the business of doing so' - July, 1987.

MR SPEAKER:

Fair enough, that will come in the debate, I am sure.

HON J BOSSANO:

I would like to put several more questions to the Hon Member so that when he comes to the debate he will know what is the information I want if he cannot answer me now. Can I ask, in fact, when the decision was taken to appoint Welbeck as consultants in order to advise on the revision of the fees of the Chairman of the company?

MR SPEAKER:

Perhaps you might ask a series of questions because you are not going to get the answer now because he hasn't got the information.

HON J BOSSANO:

I would also like to know, Mr Speaker, whether Welbeck was asked to advise on the fee of any other Directors since the accounts show in 1986 that there is one Director earning over £10,000 and in 1985 that there are no Directors earning over £10,000 so we want to know what the implications of that are and whether this was something decided by Welbeck. I would also like the Hon Member to answer whether in considering this matter, the Board took into account the company's ability to pay as well as taking into account the well

deserved 100% increase of the Chairman just like they did in respect of the 10% for the workforce. And I would also like him to say whether, in fact, the decision to proceed with the increase was taken before or after the company had an offer to make to the workforce in settlement of the 1987 pay review.

MR SPEAKER:

Next question.

19 10 87

NO. 258 OF 1987

ORAL

THE HON J E PILCHER

Can Government now state whether any decision has been taken to change the terms of the Management Agreement between GSL and A & P Appledore?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Board of GSL has for some time now expressed a wish to alter the terms of the Management Agreement. In September 1986 A & P Appledore were served with a default notice by the Board in connection with problems over the computers and stores. On expiry of the notice it was decided either to terminate or renegotiate the Management Agreement. This was communicated to A & P Appledore.

During the earlier part of this year, the Board considered proposed changes in the Management Agreement and approached an expert in this field who has already undertaken the necessary preparatory work. Formal negotiations are due to commence shortly. My understanding is that A & P Appledore have expressed themselves as willing to accept changes in the Management Agreement.

SUPPLEMENTARY TO QUESTION NO. 258 OF 1987

HON J E PILCHER:

Mr Speaker, which expert and how much is it going to cost?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The expert is Mr Michael Casey. I have no information on what it will cost.

HON J E PILCHER:

Mr Speaker, is it the same Michael Casey who did the report for us four years ago and said that we shouldn't have a yard in the first place?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Are there two Michael Caseys?

HON J E PILCHER:

Mr Speaker, can the Member tell me when the default notice actually expired?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It has not been withdrawn.

HON J E PILCHER:

The default notice, it must be that it expired or will expire.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, it was a sixty day notice.

HON J BOSSANO:

Mr Speaker, the Government has said that the company decided on the expiration of the notice to renegotiate the contract rather than terminate it. Was that decision approved politically?

HON CHIEF MINISTER:

I think, speaking personally, as I understand it, the idea would be that if we got what we wanted on renegotiation and they were willing to renegotiate we would renegotiate. If not then, of course, it would be a question of finishing it.

HON J BOSSANO:

But the Financial and Development Secretary has said, if I understood him correctly, Mr Speaker, that on expiry of the default notice a decision had to be taken as to whether to terminate or renegotiate. That decision, obviously, required a political decision by the Board. Was that policy decision taken after approval by the Government or was the Government not asked what it thought on the matter?

HON CHIEF MINISTER:

I think some of these things are not exactly on the basis of letter writing and so on. The Ministers are kept in touch with developments and these things are discussed with Ministers and they show a view.

HON J E PILCHER:

The answer from the Hon and Learned Chief Minister was 'speaking personally'. Is the Hon and Learned Chief Minister saying that

he was advised and agreed that Council of Ministers hadn't taken a policy decision? Is that what he is saying?

HON CHIEF MINISTER:

I say that all Ministers were aware of what was happening, certainly.

HON J E PILCHER:

So it has been a decision taken by the Government?

HON CHIEF MINISTER:

It is a decision taken by the Board which has not been disagreed to by the Government.

HON J BOSSANO:

Mr Speaker, if the Hon Member says that there was a sixty day notice given in September, doesn't the accounts say that the default notice was still in existence after the end of the financial year?

HON CHIEF MINISTER:

Yes.

HON J BOSSANO:

How could it have been still in existence if it had expired, Mr Speaker, after sixty days?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It has not been withdrawn. The default still stands because the various defects which centred on the computer system and the financial system had not been put right.

HON J BOSSANO:

When, in fact, the Government says that a decision was taken to renegotiate it doesn't mean that it was taken at the end of the sixty days?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, it was. I cannot say when it was taken exactly. I think on expiry is sort of an attempt to give the sequence of events because the defaults were not put right but other factors, I think, came along in the interim and influenced the Board and

the Chairman in taking the decision to renegotiate.

HON CHIEF MINISTER:

I think it is fair to say that, certainly from my recollection, there has been no dispute that the notice was given for certain reasons which have not been put right.

HON J BOSSANO:

Mr Speaker, the decision to renegotiate which was taken apparently before the end of the 1986 year of the company, before December, was the decision to appoint Mr Casey taken at the same time or subsequent to that date?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is a fairly recent decision, during the last three months or so, Mr Speaker.

HON J BOSSANO:

In fact, the company took a decision over ten months ago to renegotiate the A & P Appledore contract but nothing has happened to date after ten months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As far as I know Mr Casey's advice is not yet complete or finalised.

HON J BOSSANO:

No, Mr Speaker, but if they took a decision to renegotiate ten months ago what did they do about it between then and the time that they appointed Mr Casey?

MR SPEAKER:

Deciding whether to appoint Mr Casey.

HON J BOSSANO:

How long did they take after taking the decision to renegotiate to decide to appoint Mr Casey? Surely, Mr Speaker, if the Board decides to renegotiate the contract, how soon after taking the decision did they act on that decision? How many months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot give that sort of information, indeed, I don't really think it is reasonable to expect me to give exact dates. I am certainly not going to attempt to answer or to provide that information.

HON J BOSSANO:

Mr Speaker, can I ask whether, in fact, the decision to appoint Mr Casey to conduct the negotiations on behalf of GSL was a decision of the Board of GSL or of the Government of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It was the Board, Sir. I don't know what part various members of the Board played in this but it was certainly not the Government.

HON J BOSSANO:

Did the Government approve the appointment of Mr Casey?

HON CHIEF MINISTER:

Yes.

MR SPEAKER:

Next question.

19 10 87

NO. 259 OF 1987

ORAL

THE HON J E PILCHER

Can Government state when it was decided that expatriate managers at GSL should have their electricity, water and telephone bills and house rents paid for by the company and can Government state the total cost of these payments to date?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, under the existing Management Agreement this is a matter which falls on APA as the managers of CSL. I understand that APA decided to make those arrangements from the start of operations. The Board has expressed concern over these matters in the light of reports from the Financial Controller and, within the limits of its power under the existing Management Agreement, is proposing some changes in these arrangements to reduce costs. The total cost to date of these payments amounts to £418,000.

. SUPPLEMENTARY TO QUESTION NO. 259 OF 1987

HON J E PILCHER:

Mr Speaker, the Government is therefore saying that from, in fact, day one A & P Appledore had the power within the Management Agreement to actually pay their expatriate employees electricity, water, telephone and house rents?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

HON J E PILCHER:

Until 1986 the Auditor, when it was picked up by the Auditor and, in fact, the comments which undoubtedly we will debate at length when the motion is brought to the House, was that there was a tremendous amount of electricity, water and telephone consumption by the expatriate managers. Has the Government never picked this up before, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Government is not responsible for the day-to-day management of GSL.

HON J BOSSANO:

Mr Speaker, but is the Government not responsible for bringing legislation to this House to exempt it from income tax?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That, I think, is what would normally be called a rhetorical question.

HON J BOSSANO:

Mr Speaker, when it brought the legislation to the House in March, 1986, was the Government aware that it was legislating to make this money exempt from income tax?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I can only say that I was not aware that the rents, electricity and water allowances were included under the various inducement allowances which were the subject of the tax free legislation. I confess to being guilty myself of not actually having been aware of that, indeed, not really until the Principal Auditor drew it to my attention.

HON J BOSSANO:

And is it not a fact, Mr Speaker, that in the debate that took place over that legislation no indication was given to the House and therefore the House was not under the impression that it was legislating for things like water, electricity, telephones and rental payments to be tax free? The House was told, am I not correct, Mr Speaker, that what was being legislated was the equivalent of the 25% allowance which expatriate Government officers get because they do not get a civil service pension? Was that not the framework within which the explanation for retrospective legislation was brought to this House where the Government legislated to exempt from income tax payments to managers backdated to 1984; backdated to the date of incorporation of GSL? Is it not a fact that the House was given to understand that this is what was being passed?

HON CHIEF MINISTER:

I don't remember the particulars but I am sure that there are two different things altogether, one was an exemption from tax which required an amendment to the legislation and the other one was the conditions of employment under which the people were brought here from the beginning. We would not have to have any legislation for that purpose.

HON J BOSSANO:

But wasn't the Government asked at the time who we were passing the legislation for and in respect of what? Did they know at the time that they were legislating that they were bringing to the House a Bill backdating it to 1984 in order to exempt from income tax payments of which the House was not told about? Did they know it and didn't tell the House or is it that all of us passed the law thinking we were doing one thing when, in fact, it appears we were doing something else?

HON CHIEF MINISTER:

I am quite sure that the law that was passed was done because under the terms of ODA, as I recollect it, people paid under ODA are exempt from tax and we passed the law, it had nothing whatever to do with the question of rent allowances and payments of services. That is, surely, a matter of contract between the officers concerned and the company employing them. You would not require to bring here any legislation to exempt people from paying services for which they are perfectly responsible unless somebody else is responsible for them. The question of tax is completely different because it is a penalty on everybody and these people, because the money was coming from ODA we brought the legislation exempting them from tax.

HON J BOSSANO:

Mr Speaker, isn't it not the case that every other employee of GSL would be taxed as a benefit in kind if the company paid his rent?

MR SPEAKER:

The insinuation which I think is being made, which is correct, is that since these allowances form part of the remuneration they are not subject to tax and they are deductible, as a matter of fact.

HON CHIEF MINISTER:

But it requires an amendment of the tax legislation.

MR SPEAKER:

But no tax is being paid where everyone else does pay tax.

HON CHIEF MINISTER:

Taxes on earnings.

HON J BOSSANO:

No, Mr Speaker, am I not correct in understanding the position and I would like the Government to correct me if I am wrong. Is it not the case that had the Government not passed the legislation that it did in March, 1986, the £418,000 paid in respect of rents, water and electricity would have been benefits in kind subject to income tax under the existing Ordinance and that, in fact, the legislation that was passed in March, 1986, had the effect of exempting these £418,000 from income tax although no one was told that that is what we were doing?

HON CHIEF MINISTER:

They are benefits in kind which when the legislation was passed for as long as the money came from ODA the Commissioner dealt with them as if they were exempt from tax. He does not propose to allow that to happen once the money doesn't come from ODA. He will have to put that into the assessment as being benefits in kind in lieu of money, like company cars in England and so on.

HON J BOSSANO:

Mr Speaker, is it the case then that ODA specifically approved the disbursements of ODA funds for this particular purpose? That is to say, is it the case that the £418,000 have actually been identified as coming from the ODA contribution and not from any other source of Government income?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is not possible to make that identification. It may have been possible to make it in 1984 when the company had no trading income but as soon as the company began trading, one cannot say that they were paid out of ODA funds or that ODA money was used for that. ODA provides a certain sum of money, of course, for working capital and start up expenses and they have a reasonable idea, on the basis of the forecasts which are made, of what the requirements would be. But I don't think it would be correct to say that ODA approved those individual payments.

HON J BOSSANO:

But isn't that, in fact, specifically what was legislated, Mr Speaker? Surely, if we pass a law here which we were not happy with, which says that inducement allowances are non-taxable, the inducement allowances must be identifiable if we are not going to create a loophole in the law which can allow people to be paid whatever they like and provided there is some remote connection with ODA they get away with it, surely, that was not the intention?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, that certainly wasn't the intention. Actually we are now trespassing on to Question No.260 and the information I am going to give the Hon Member was, in fact, going to be provided in answer to that. The relevant legislation which we passed in the House says that any inducement allowance or gratuity paid to an individual recruited from outside Gibraltar and employed by or seconded to a company wholly owned by the Government of Gibraltar and paid either wholly or partly allowance or grants originating from the Overseas Development Administration and until the end of the last tax year in July the Commissioner of Income Tax satisfied himself that for the purposes of his interpretation of the law, the individuals could be regarded as still being paid partly in 1984, I think, they would have been wholly but in 1986/87 it was partly. With the end of this financial year and by virtue of the fact that the remaining amounts still to be drawn from ODA are all clearly indentified to specific projects, I think there is about £600,000 still outstanding for capital projects, the individuals can no longer be regarded as being partly paid out of ODA funds. In other words, the Commissioner will be operating without the law if he were to continue to allow them to have these benefits in kind tax free, either benefits in kind or, indeed, the inducement allowances which is the subject of the Hon Member's next question. That is, broadly speaking, the position.

MR SPEAKER:

So I think the position is clear, whether it is correct or not is another matter but you have the information which you can use.

HON J BOSSANO:

I would like to ask one further question on information, Mr Speaker, because we are talking about expatriate managers at CSL. In fact, we have got one expatriate manager who is the Finance Manager who was appointed by the Government following the advice of the Price Waterhouse Report. Is that expatriate manager an expatriate manager that has his electricity, water, telephone bills and rent paid by the company or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The answer will be yes, but he is also an expatriate manager who is governed by the Laws of Gibraltar.

HON J BOSSANO:

And therefore in his case he has to pay tax although the others don't, is that correct, because he is not paid by ODA, presumably?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Tax has to be paid on the benefits in kind and inducement allowance with effect from the 1st July, 1987.

HON J BOSSANO:

Mr Speaker, the appointment of that particular manager was not either partly, wholly or remotely paid by ODA because this was not part of the ODA funding, this was a decision of the Government of Gibraltar subsequent to the Price Waterhouse Report paid for by the Government of Gibraltar.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, not paid by the Government of Gibraltar.

HON J BOSSANO:

The Price Waterhouse Report was not paid for by the Government of Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, yes, but not the Finance Director.

HON J BOSSANO:

Well, the Finance Director has been paid out of GSL who is getting Government money, Mr Speaker. Is it the case that the Finance Manager is considered by the Government to be funded by ODA?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, neither the Finance Manager nor anyone else with effect from the 1st July can be regarded as being funded by ODA.

HON J BOSSANO:

And I am talking prior to that given that the appointment of the Finance Manager was a Government decision based on a Government commissioned report and consequently would not have been envisaged in the ODA funds provided to the company.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I don't really understand the significance of the Finance Director.

MR SPEAKER:

The significance of the Finance Director as far as the Hon Leader of the Opposition is concerned is the fact that since his salary is being funded by the local Government and since no ODA funds are being used for his salary, therefore the benefits must be taxable as income because the only reason why the other benefits are not taxable is because it is funded by ODA and this particular appointment has never been funded by ODA. Is that correct?

HON J BOSSANO:

Yes, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It could be regarded as being so, in terms of the legislation partly until the end of the recent tax year, that was my point, that all GSL expatriate staff could and, indeed, were regarded as having fallen within the ambit of that definition. Subsequently legal advice was taken and it was considered that beyond the end of the 1986/87 tax year this was no longer applicable and the Finance Director would, of course, be subject to that ruling.

MR SPEAKER:

In other words, he falls in the same category as the others.

HON J BOSSANO:

I don't agree, Mr Speaker. If the Government has taken legal advice and as a result of the legal advice decided that they are now able to subject these payments to income tax after having paid £418,000 on which no tax has been paid, has the Government sought the advice of the Attorney-General given the previous ruling, for example, in the case of the stevedores, that people who had acquired rights could not have the law changed to them and only new people could have the law changed to them when it came to taxation on benefits? Is there an analogy in the interpretation of people's expectations of legal rights in the two cases or has the Government not looked at this possibility at all?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not answering that.

HON J E PILCHER:

May I ask Government if they have told Mr Michael Casey in

looking at the Management Agreement to look at terminating these inducement allowances because does the Government think it is necessary to have that kind of inducement to bring managers to Gibraltar, Mr Speaker?

HON CHIEF MINISTER:

The brief to Mr Michael Casey was given by the Board but I knowing what he knows or I think my knowing what he knows about Gibraltar he is bound to take all these factors into account.

HON J BOSSANO:

Can we be told what the brief is, Mr Speaker?

HON CHIEF MINISTER:

No.

HON J BOSSANO:

Is that confidential?

HON CHIEF MINISTER:

No, it isn't confidential. I am assuming that he will take those matters into account. I am not making any statements. I am trying to be helpful.

HON J BOSSANO:

I am grateful to the Hon and Learned Member who is trying to be helpful, he would be helpful if he answers. Can he tell us what the brief is, the brief that Mr Michael Casey has been given by the Board to renegotiate.....

HON CHIEF MINISTER:

No, I don't, that was given by the Board.

HON J BOSSANO:

Is it that the Government doesn't know?

MR SPEAKER:

I think the answer is that they don't want to give it to you.

HON J BOSSANO:

Which is it, that they don't want to give it?

HON CHIEF MINISTER:

I am not prepared to answer that. The answer simply is the Board has appointed him, it has the sanction of Ministers and that is the end as far as this House is concerned.

HON J BOSSANO:

Can the Government say whether as well as approving the appointment of Mr Casey, the Government approved the brief of Mr Casey?

HON CHIEF MINISTER:

I am not saying no, I am saying I cannot say.

HON J BOSSANO:

He cannot say or he will not say, Mr Speaker?

HON CHIEF MINISTER:

I will not say.

HON J BOSSANO:

Mr Speaker, can the Hon and Learned Member say whether it is intended to keep the Casey Report secret now like he did the last one?

HON CHIEF MINISTER:

I wish the other one could have been made public, I can tell him that.

HON J BOSSANO:

He is still in time, Mr Speaker, we will.

HON CHIEF MINISTER:

You may do many things, you hope, but all I am telling you now is that the matter is under consideration and the question of publication will be considered when the Report is given.

HON M A FEETHAM:

Can the Hon Member give a breakdown of the £418,000 in terms of

telephone bills, electricity, water and rents?

MR SPEAKER:

No, that is not information. You have got it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I am always happy to give the information when I have got it, Mr Speaker. Could I, first of all, stipulate a condition that it doesn't lead to more supplementaries.

HON J BOSSANO:

We'll see.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The amount for rent was £275,000; the amount for electricity was £101,000; the amount for water was £43,000. I haven't got anything for telephones, how extraordinary.

HON J E PILCHER:

Those three figures add up to £418,000. If you add, Mr Speaker, the telephone allowance the global amount will go up. Could the Hon Member give us the amount at a later stage in this House, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, if I can obtain it I will. I think there was a sort of slight hiccup there in the information.

MR SPEAKER:

Next question.

NO. 260 OF 1987

ORAL

THE HON J E PILCHER

Can Government state how much of the ODA Funds have been used to pay inducement allowance to expatriate managers at GSL?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, it is not possible to quantify this in terms of the Hon Member's question because the Company's working capital requirement have been made up with a combination of ODA funding, cash receipts from sales and Government funding but the total cost of these payments to date is £955,000.

SUPPLEMENTARY TO QUESTION NO. 260 OF 1987

HON J BOSSANO:

Mr Speaker, what is the relationship between the £418,000 at least as I understood it, the total cost to date was £418,000 so what is the £955,000 he has just given us?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Hon Member has asked me for inducement allowance which is separate, a separate matter from the rent, electricity, water and telephone, this is a separate figure.

HON J BOSSANO:

In fact, on top of the rent, water, electricity and telephone there are other inducements. Can the Hon Member tell us what the other inducements are?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, these are the inducement allowances which are regarded as necessary to induce expatriate managers to come to Gibraltar and work in Gibraltar Shiprepair. I have identified separately the figures for housing, electricity and water and I regret that I somehow managed to miss the telephones from this but I do hope I have made the definition clear.

HON J BOSSANO:

I am grateful to the Hon Member because, clearly, I had assumed incorrectly that the total inducements were taken up by electricity, water, telephones and rents. Clearly, working in Gibrepar, Mr Speaker, is such a disagreeable thing that that is insufficient inducement. What I would like to know now is what does the other inducement consist of? How is it worked out?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is simply an allowance. I think the nearest equivalent would be the MOD expatriation or overseas service allowance. It is an allowance built on to basic salary.

HON J BOSSANO:

And how is the overseas allowance worked out, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, this is a matter I cannot say because it is a matter of detail. I am giving the Hon Member the information and I am telling him the principle which is certainly one which I am familiar and, indeed which was of course explained in the debate when we passed the particular legislation but I cannot tell you how it is worked out in each individual case.

HON J BOSSANO:

Mr Speaker, what we are saying then is that the expatriate management then get a manager's salary which we are not clear what it is, an overseas inducement allowance which we don't know what it is but which we know costs £1m, electricity, water.....

HON J E PILCHER:

No, £1m on top of that.

HON J BOSSANO:

The £418,000 is not included in the inducement allowance?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, it is not.

HON J BOSSANO:

So the inducement allowance alone on top of the salary and on top of the rent, water, electricity and telephone cost £1m. Is that inducement allowance also tax free, Mr Speaker?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, that inducement allowance has been tax free until the start of this financial year.

HON J BOSSANO:

And is the 25% gratuity in lieu of pension although there are no pensions for anybody else, is that on top of this or is that encompassed by the £1m in inducement allowances?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The legislation is worded in an omnibus way and clearly any gratuity would come within the legislation. I am not sure if any expatriate employee other than perhaps the late Mr Brian Abbott would have been entitled to a gratuity because of their conditions of contract.

HON J BOSSANO:

But at the end of the termination of contract, am I right in thinking that if there is a 25% gratuity similar to the one that is paid in the Gibraltar Government, is that in addition to this or is that included in the figures given?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It is included in the legislation and I assume it is included in the inducement but it is not 25%, I am very sure it is smaller than that.

HON J E PILCHER:

Mr Speaker, what we are asking is, is the inducement allowance.....

MR SPEAKER:

It is clear that the inducement allowances which have so far been paid which is £955,000 does not include, as yet, any retirement benefits which the expatriates will receive at the termination of their employment. Is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is my understanding, Mr Speaker, yes, but there cannot have been very many of these because the company hasn't been in operation for very long.

HON J BOSSANO:

But that is still to come. Will the Hon Member be able to tell us if not now when the motion on the accounts comes, what that consists of, if it is not 25% which we assumed it would be?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

What I will do for the Hon Member if I can obtain the information by this afternoon I will try and let him have, first of all, the telephone allowance which I am sorry was not included here and also whether there is any element of gratuity included in the inducement allowance figures which I have given him, that was the £955,000 and whether that should be included, is included or whether it should be in addition. I will attempt to do that by the time of the debate.

HON J BOSSANO:

Mr Speaker, would he be able to obtain for us the amount of the total cost of the expatriates which I assume is included in the total wage and salaries bill of the company? That is to say, the accounts show the cost of employing all 800 including everybody from the Director down, what we would like to know is how much of that is the cost of the expatriates.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, I will try and get that figure for him, Mr Speaker.

HON M A FEETHAM:

Could the Hon Member confirm, in fact, that from the figures he has given, £1 $\frac{1}{2}$ m relates to about 7% of the £28m.....

MR SPEAKER:

You can work that out for yourself. You are seeking confirmation of information that you know. Next question.

19 10 87

NO. 261 OF 1987

ORAL

THE HON J E PILCHER

Has Government now made any representation to HMG to provide further RFA work to GSL?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the matter has been raised informally at various levels but Government considers that it has not been opportune to make formal and detailed representations either hitherto or at this juncture.

SUPPLEMENTARY TO QUESTION NO. 261 OF 1987

HON J E PILCHER:

Is the Government, Mr Speaker, still thinking of making representations to Her Majesty's Government at a future date?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't want to, as it were, trespass on political ground here, Mr Speaker, but the Government considers that it cannot really make formal representations at this juncture given the present atmosphere of industrial unrest and uncertainty over the present and future trading position of the company.

MR SPEAKER:

Next question.

19 10 87

NO. 262 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now considered what course of action to take regarding its proposals for a Unified Civil Service Pension Scheme?

ANSWER

THE HON THE ATTORNEY-GENERAL

Yes, Sir. The Government has decided that for the time being it will take no action on the proposals for a Unified Pension Scheme. The matter will, however, remain under review.

NO. 263 OF 1987

ORAL

THE HON M A FEETHAM

When does Government intend to take a decision on the claim by Mr Clive Power regarding his pension rights?

ANSWERTHE HON THE ATTORNEY-GENERAL

The Government took a decision on Mr Power's claim regarding his pension rights early in 1979. On the 13th February, 1979, the Establishment Officer wrote to Mr Power in the following terms:-

"Further to your interview with the Establishment Officer and your latest letter dated 5 9 78 it is regretted that your request to retain pension rights in respect of your previous service as a Public Health Inspector cannot be approved.

As you may no doubt be aware there is at the moment no local legislation in force by which your request could be approved".

SUPPLEMENTARY TO QUESTION NO. 263 OF 1987

HON M A FEETHAM:

Has Government reconsidered the case in the light of representations which have been made, for example, I have made representations on his behalf to the Chief Minister?

HON ATTORNEY-GENERAL:

There were many representations. I think that is the Government's final decision. Many representations had been made in the past and Mr Power was given, I believe, a provisional answer that the matter was being looked at. That is the final word on it, that letter I read out. Mr Power was fully aware of the circumstances when he asked to be re-employed by the Government of Gibraltar. I prefer not to go into these personal letters, quite frankly, in this House, Mr Speaker, I am quite prepared to show the Hon Member the confidential file which I have but from one of the letters when Mr Power asked to be re-employed by the Government he fully understood that he had lost all his pension rights which had accrued to him during his term of office as a Public Health Inspector.

HON J BOSSANO:

Can I ask, Mr Speaker, the Government has now decided not to proceed with the Unified Civil Service Pension Scheme. Did, in fact, the Unified Civil Service Pension Scheme provide for situations like the ones affecting Mr Power not to happen?

HON ATTORNEY-GENERAL:

I cannot answer that, Mr Speaker, but of course, as the Hon Member is fully aware, it must be continuous service to qualify for a pension under the existing legislation and I believe Mr Power's service was

broken by either two or three months. I cannot honestly say whether the proposed Unified Pension Scheme covered such a case as this.

HON J BOSSANO:

Would the Government not accept that if I am correct in thinking that their proposed new Pension Scheme did away with this proviso it must follow rationally that it is Government policy to do away with the proviso otherwise why propose this Pension Scheme that does away with it?

HON ATTORNEY-GENERAL:

I cannot go into that, Mr Speaker, because I don't know whether the Unified Pension Scheme said that. I don't know the details of the Scheme at all.

HON J BOSSANO:

Is it the Government's policy to do away with this proviso or not?

HON ATTORNEY-GENERAL:

I cannot speak as to the policy but it has been in the Pension legislation for a long, long time that continuous service only counts.

HON J BOSSANO:

I am well aware that that has been there for a very, very long time but the Government had been saying for the last six years at least that they wish to change the Pension Scheme and my understanding is that this is one of the things they wished to change. If that is one of the things they wished to change it must be Government policy that it should be changed, surely, otherwise why do they wish to change it?

HON ATTORNEY-GENERAL:

Mr Speaker, I just cannot answer that because I don't know. I don't know what was in the Scheme and I don't know what Government's policy is on the matter.

HON J BOSSANO:

Well, does anybody on the Government have a notion of what Government policy is, Mr Speaker?

HON CHIEF MINISTER:

The Government policy was to review the Pension Scheme on terms that would have been acceptable and which were beneficial both to the Government and to the employees. Since only the areas which were beneficial to the employees were acceptable, we gave them and we have had to stop with the rest because otherwise we would have gone on for years without any proper agreement across the board.

HON J BOSSANO:

Surely the Government will confirm that, in fact, what they wished to do was to introduce a common pension scheme for industrials and non-industrials which clearly were improvements for the industrials and less beneficial for non-industrials. But is it not the case that they included in that a provision which would have eliminated cases like the one of Mr Power and if that is the case and I assume they know what their pension scheme is if they want it, if that is the case, then surely it must be because Government is in favour of doing away with this provision?

HON CHIEF MINISTER:

Mr Speaker, the whole thing was one big overall scheme where there were all sorts of areas which would have helped in many ways both sides. Now there is no policy to change the pension scheme at all and the good and the bad have got to go with that decision because of lack of progress and I think we have gone a long way away from Mr Clive Power.

HON M A FEETHAM:

Will the Hon Member confirm that Government do not consider what has happened to Mr Power to have been an injustice.

MR SPEAKER:

No, you don't have to confirm that. Government doesn't stand in judgement as to what is right or wrong, that is not information.

HON M A FEETHAM:

Can Government confirm, in fact, that the break in service was two months because Mr Power had a serious grievance with the Department and then was re-employed within two months, can Government confirm that?

HON ATTORNEY-GENERAL:

It was within two or three months.

MR SPEAKER:

I don't think we are entitled to go into the reasons why Mr Power left the service and joined again. Whether he is entitled to have his benefits taken into consideration for his previous employment is another matter.

HON M A FEETHAM:

Mr Speaker, there is a moral issue involved.

HON J BOSSANO:

I think the point, Mr Speaker, although the Hon and Learned Member said he had gone away from the case of Mr Power in my references to the Unified Pension Scheme, the reason why I am asking is that if there is something in the existing pension scheme which Government

may think to be legally correct in the sense that that is what the law says but morally undesirable because ideas change over time and we update all our laws then, surely, if they were prepared to correct what would be considered an anomaly in any other pension scheme anywhere in the European Community to deprive people.....

HON CHIEF MINISTER:

That is wide ranging.

HON J BOSSANO:

Mr Speaker, can the Government state whether, in fact, it is not the case that under the United Kingdom Civil Service Pension Scheme this would not happen?

HON CHIEF MINISTER:

If you put a question down in due course it will be answered.

HON J BOSSANO:

Doesn't the Government know what the UK Pension Scheme is?

HON CHIEF MINISTER:

The Hon Member hasn't got a clue of how Government works, it is obvious. I hope if they ever do they will learn that how can one Member make a statement here of what is happening in Europe and what is happening in UK just because it happens to suit the ensemble here to be able to say that. The whole pension scheme was an attempt to formalise and regulate a number of things some of which were of benefit to the employers and generally. That didn't progress, it fell, all the good things and the bad things fell, we are not going to keep the good things, the goodies for one and the baddies for the other, that is a simple action of Government and that is that. If it carries some injustices, well, there are other injustices too.

HON M A FEETHAM:

Will the Chief Minister confirm that, in fact, I did point out in my representations in writing that the UK Departments in Gibraltar, not in Europe, in Gibraltar, allow the situation if somebody were to leave a Department and was re-employed within twelve months that he would have continuity of service provided he met certain conditions?

HON CHIEF MINISTER:

I am not going to deny what the Hon Member wrote to me, I don't remember, I know he wrote to me about Mr Clive Power but I haven't got the correspondence to confirm this or the other. If he says that, probably he said it, it doesn't take the matter any further.

HON M A FEETHAM:

Will the Chief Minister confirm that that representation has been taken into account because I haven't had a reply from the Chief

Minister, in the decision which the Hon and Learned the Attorney-General has conveyed to this House?

HON CHIEF MINISTER:

I have replied verbally to the Hon Member that it is very undesirable that Ministers or Members of the House should get involved with individual cases of civil servants.

HON M A FEETHAM:

Will the Hon Chief Minister confirm that if he has no recourse to anywhere else and he is getting no satisfaction, then he is perfectly entitled to approach any Member of the House?

MR SPEAKER:

That is a matter of opinion. Next question.

19 10 87

NO. 264 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state when they intend to allocate the North Pavilion Government Quarters?

ANSWER

THE HON THE ATTORNEY-GENERAL

Sir, the quarters at North Pavilion were allocated on the 13 October, 1987.

SUPPLEMENTARY TO QUESTION NO. 264 OF 1987

HON J L BALDACHINO:

Can the Hon Member state if all the persons who were allocated a quarter at North Pavilion are serving civil servants?

HON ATTORNEY-GENERAL:

Yes, all serving local civil servants.

MR SPEAKER:

Next question.

NO. 265 OF 1987

ORAL

THE HON J C PEREZ

When does Government expect the Police investigation into the Public Works Department to be completed?

ANSWERTHE HON THE ATTORNEY-GENERAL

I am informed by the Commissioner of Police that provided co-operation is forthcoming from Public Works Department officers and certain other persons the time required to complete his investigations will depend on what other evidence comes to light.

After consulting with the Commissioner of Police I have decided to supply a copy of the Principal Auditor's Report to the Lawyers acting on behalf of the Institute of Professional Civil Servants and on behalf of Gunac Limited. These copies were delivered late on Friday afternoon the 16 October last.

Although the question asks 'when does Government expect the Police investigation to be completed' I would stress that this is a matter for me as Attorney-General and NOT for the Government of Gibraltar. It was my decision to request the Police to investigate this matter. It was also my decision to release copies of the Principal Auditor's Report.

SUPPLEMENTARY TO QUESTION NO. 265 OF 1987

HON J C PEREZ:

Mr Speaker, can the Hon Member supply a copy of that Report to the Opposition on a confidential basis given that those being investigated have now got a copy of it?

HON ATTORNEY-GENERAL:

Mr Speaker, I would prefer not. I provided copies to the solicitors acting on behalf of the IPCS and on behalf of Gunac Ltd because I wanted to get the inquiry moving. I don't want to provide any more copies to anybody on a confidential basis or, indeed, on any other basis.

HON J C PEREZ:

Mr Speaker, can the Hon and Learned Member state whether he has a fallback position in respect of getting the investigation under way if notwithstanding that he has given the Report there is still no cooperation in certain quarters?

HON ATTORNEY-GENERAL:

No, I haven't because hope springs eternal. This is the thing that they have been demanding 'we will not cooperate until we see a copy of the Principal Auditor's Report'. They now have the copy. Surely,

they cannot find another excuse for non-cooperation. I haven't got a fallback position I just hope that they will see sense at long last and cooperate with what is a Police investigation. I have given them what they asked for, now their duty is to cooperate.

HON J C PEREZ:

Mr Speaker, does the Hon Member not have legal powers to make sure that the Police investigation actually proceeds?

HON ATTORNEY-GENERAL:

If I had legal powers I would have used them by now.

MR SPEAKER:

Next question.

NO. 266 OF 1987

ORAL

THE HON M A FEETHAM

When does Government intend to bring to the House legislation to protect employees in the event of the insolvency of their employers as required by Community law?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

A final draft of a Bill to bring the above legislation into effect is now ready and will shortly be submitted to Council of Ministers for their consideration. It will then be referred to the Labour Advisory Board for their views before the Bill is brought before the House.

SUPPLEMENTARY TO QUESTION NO. 266 OF 1987

HON J E PILCHER:

Mr Speaker, can I ask the Government that since they are now committed to bringing before the House a Bill as required by Community law, that if from now until the Bill is brought before the House and passed, can they not agree therefore that if that is their commitment within companies that are 100% owned by them they should respect the.....

MR SPEAKER:

No.

HON J E PILCHER:

Mr Speaker, I am asking whether the Government is going.....

MR SPEAKER:

That will come when the Bill is put before the House.

HON J E PILCHER:

Mr Speaker, I am asking if the Bill is not brought to the House before the close down because of insolvency of any of the companies owned by the Government, will they respect that they have a moral commitment which they have already proved by bringing a Bill before the House?

HON DR R G VALARINO:

Mr Speaker, I don't believe I need to answer that question.

HON J BOSSANO:

Mr Speaker, the company was nearly put in liquidation in July of this year. Had the Government legislated as required by Community law, the company would have been covered by that law. If the Government through its own delays does not have the law ready, does it accept it has a moral commitment to act in accordance with its own laws even if the law has not been implemented because of its own delays? It is a very simple question, the answer is yes or no.

MR SPEAKER:

The question which is being asked is since there is now a commitment by Government to bring legislation should a company, I think it is GSL, go into liquidation prior to the legislation coming into effect, is there a Government commitment to treat the circumstances then as if the legislation had been passed?

HON CHIEF MINISTER:

Well, I imagine the same thing could be said now but when the legislation is before the House the date of its implementation is a very important matter.

HON J BOSSANO:

The point, Mr Speaker, if the Hon and Learned Member will listen carefully is, we are saying there is a requirement to pass this legislation. We were told about it a considerable time ago, in 1986. We have had already a situation in 1987 where the Government owned company GSL said publicly that it was nearly in liquidation and that is still being floated about today. Clearly, if the Government had done in 1986 what they said they were going to do they would have been obliged to comply with that law.

HON CHIEF MINISTER:

If it applied to the Government.

HON J BOSSANO:

If it applies to the Government. One assumes that the Government is not going to legislate for other people and not apply it to its own employees. In any case, it would not apply to the Government because it would be applied to GSL which is not the Government according to the Government. The Hon Member therefore must understand that we are talking about a private company, according to him and not the Government, but a private company which is 100% Government owned.

HON CHIEF MINISTER:

The Hon Member wants to make so many points that he gets it wrong. I wasn't talking about the difference between GSL and the Government at all, I was thinking generally of laws that apply and whether they apply to the Crown or not, I wasn't thinking on the merits of that at all. I am taking it purely as a lawyer that sometimes you don't apply to the Crown certain things.

HON J BOSSANO:

We are not concerned with the Crown at this stage. What we are concerned about is, we are saying if the Government said in 1986 they were going to introduce this law and here we are at the end of 1987 and the law is not there and we have already had one instance in mid-1987 where GSL announced that it was touch and go whether it went into liquidation, had it gone into liquidation and had the law been passed in 1986 it would have been covered. We are saying to the Government, will the Government accept that should that be repeated before the law is passed they because they have got a dual responsibility as owner of the business and as the people required to bring the legislation, will act in consonance with their legislation because that is logically consistent. If that is their policy then they shouldn't, in fact, deprive people of whatever rights the law will give them which we don't know yet simply because we haven't got round to passing the law. It is straightforward.

HON CHIEF MINISTER:

When the Hon Member started asking this question, I wasn't aware of this but he may be satisfied to know that the draft legislation which is going to go to Council of Ministers is in pursuance of a requirement of a Council Directive of the Common Market of 1987/EEC of the 20th October, 1980, that is law anyhow.

HON J BOSSANO:

In fact, people are already entitled to that?

HON CHIEF MINISTER:

I would imagine so.

HON J BOSSANO:

Fine, if that is the case, we have been told in the past, Mr Speaker, that Directives did not apply automatically, that it was Regulations. That is what we have been told until today.

HON ATTORNEY-GENERAL:

The Directive directs Member States to implement the provisions of the Directive. The Directive would be followed, I have no doubt, by the Gibraltar Government as we have to follow Directives and if the Directive is applied to us and I think this one does, so I think the Government would quite clearly implement the provisions of this Directive. We are now complying with the last paragraph of the Directive of putting it into legislative form.

HON J BOSSANO:

What we are saying is that they would still comply with it even though the law has not yet been put on the Statute Book, that is the position?

HON ATTORNEY-GENERAL:

I think we will have to.

HON J BOSSANO:

That is all we wanted.

MR SPEAKER:

Next question.

NO. 267 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whether they intend to proceed with the Committee Stage of the Labour from Abroad Accommodation (Amendment) Ordinance?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Government has received a number of representations on this Bill, and these are currently being studied. No decision whether or not to proceed with the Bill has therefore yet been taken.

SUPPLEMENTARY TO QUESTION NO. 267 OF 1987

HON J L BALDACHINO:

Can the Hon Member state from whom they have received the representations?

HON M K FEATHERSTONE:

Yes, Sir, representations have been received from a number of landlords and from the Chief Environmental Health Officer as well.

HON J L BALDACHINO:

Didn't the Hon Member when he was moving the amendment in this House state that he had already contacted the landlords on this issue and that the landlords were in favour of this?

HON M K FEATHERSTONE:

I think the landlords have had second opinions, Sir.

HON J L BALDACHINO:

Can the Hon Member state why the landlords have had second opinions?

MR SPEAKER:

Surely, you cannot expect the Minister to say why the landlords have had second opinions. They have thought about it and they have made further representations but he is not in a position to say why.

HON J L BALDACHINO:

The Hon Member, Mr Speaker, said that he had already made contact with the landlords and other bodies and now he has said that the landlords have had second opinions. Can we have the reasons why they have had second opinions?

MR SPEAKER:

I think you are entitled to ask whether he can make clear what are the second opinions. The reason why the second opinions are motivated are not within the privy of the Minister.

HON J L BALDACHINO:

Can we have the reason for the objection to passing the amendment?

HON M K FEATHERSTONE:

Yes, Sir, a number of landlords feel that if the law is passed then these persons would fall under the Landlord and Tenant Ordinance and rather than have that they would terminate the tenancies of the persons concerned.

HON J L BALDACHINO:

Can the Hon Member state whether if they don't pass the amendment or if they don't pass part of the amendment the Labour from Abroad Accommodation Ordinance as it stands at the moment is contrary to EEC requirements?

HON M K FEATHERSTONE:

I don't know the answer to that one, Sir.

HON J C PEREZ:

Mr Speaker, when will the Government be in a position to state whether they are going to proceed with the Third Reading of the Bill and, if not, give the reasons why they are not going to do so?

HON M K FEATHERSTONE:

By the next meeting of the House of Assembly.

MR SPEAKER:

Next question.

19 10 87

NO. 268 OF 1987

ORAL

THE HON J C PEREZ

Has Government now taken a policy decision in respect of the issuing of licences for satellite television?

ANSWER

THE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Sir, although at the last meeting I informed the Hon Member that a decision on this matter was imminent, technical and planning problems have arisen which have required further consideration.

I would also like to mention that the Standing Committee on Broadcasting, a Committee set up by the Government, has also been discussing with GBC the question of Satellite transmissions.

However, I can assure the Hon Member that proposals will shortly be put to Ministers.

THE HON MISS M I MONTEGRIFFO

Can Government confirm whether they intend to give any financial assistance to the Small Islands Games participants in respect of their recent trip to Guernsey?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

On the 28 September 1987, the Gibraltar Sports Committee considered an application for financial assistance from the Gibraltar Island Games Association. A grant has been identified specifically for this purpose and is in the process of being paid to this Association.

SUPPLEMENTARY TO QUESTION NO. 269 OF 1987

HON MISS M I MONTEGRIFFO:

Can the Minister say what amount is being granted, Mr Speaker?

HON G MASCARENHAS:

The grant was £1,700.

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Government think that this money is sufficient considering that the Committee spent something like £28,000 towards the trip?

HON G MASCARENHAS:

Mr Speaker, the Association representatives who were present at the meeting of the Gibraltar Sports Committee indicated that all expenses for the Guernsey Games had been met and that they were only seeking to lay sound foundations for future participation.

MR SPEAKER:

Next question.

NO. 270 OF 1987

ORAL

THE HON R MOR

How much extra funding has been made available for B/TEC courses?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

A request from the Gibraltar College of Further Education to set up, inter alia, two additional classes for two B/TEC Courses, during the current academic year, was approved by Government at an estimated cost of £6,000 up to 31 March, 1988.

SUPPLEMENTARY TO QUESTION NO. 270 OF 1987

HON R MOR:

Mr Speaker, can the Government confirm that this extra funding was necessary as a result of some B/TEC courses being heavily over-subscribed recently?

HON G MASCARENHAS:

Yes, Mr Speaker, a total of five additional courses have been approved in total but the extra courses on the B/TEC side which is the specific question that the Hon Member has asked was as a result of the results of examinations and more demand.

HON R MOR:

Mr Speaker, according to a press release which the Government issued the College Principal had identified a need for these courses in mid-September. The Government also said in the press release that they did not hesitate in authorising the necessary expenditure. Is this correct?

HON G MASCARENHAS:

The College Principal identified the need for the four additional courses in mid-September and since then the Government had to look whether the courses were actually required and it is not a simple matter. We are talking about public funds which require accountability and therefore it took some time but I think that at the end of the day the Principal personally reacted quickly and I think that the Government itself also reacted quickly in approving the funds.

HON R MOR:

Mr Speaker, can the Government then explain why on the 29 September a communication was issued by the College Administration informing the students and the employers concerned that the courses were cancelled?

HON G MASCARENHAS:

I am not aware of such a communication. I shall find out from my sources.

HON R MOR:

Mr Speaker, if the Hon Member is not aware I am aware and, in fact, the letter explained to the students and the employers who were giving the students day release that the courses could not be held because additional funds were not forthcoming and unfortunately, following an assessment that they made it was not possible to offer these courses.

HON G MASCARENHAS:

Mr Speaker, as far as I am concerned the request for the funding was made and the matter was considered by the Government and approved within a matter of days.

HON R MOR:

Mr Speaker, I can inform the Hon Member that on the 30th September I got in touch with the Director of Education and he told me that he was not aware of what was going on at the College, that he had not had any representations made to him and he said that he was going to investigate and let me know. When I rang up a couple of days later he said that the matter had been looked into and that additional funds were being applied for from the Government.

HON G MASCARENHAS:

What is the question, Mr Speaker?

HON R MOR:

Are you aware of this?

HON G MASCARENHAS:

Of course I am aware of this.

HON R MOR:

Mr Speaker, if you have a situation where on the 29th September the courses were cancelled and after the Opposition intervened in the matter the matter is resolved satisfactorily, how can the Government now accuse the Opposition of trying to score political points?

MR SPEAKER:

With respect, I don't think that has been said.

HON R MOR:

It has been said in the press. Mr Speaker, for your information, the press release says that it did not require the intervention of the Opposition to get the matter going.

HON G MASCARENHAS:

Mr Speaker, I reiterate that it did not need the intervention of the Opposition, if that is what the Hon Member wants to hear.

HON J BOSSANO:

When was the decision taken, Mr Speaker?

HON G MASCARENHAS:

Mr Speaker, the decision was taken at the Council of Ministers meeting on Wednesday 7th October. The Opposition release came out on Tuesday 6th October after the Hon Member was fully aware of the situation that the paper was going to Council six days at least previously.

HON J BOSSANO:

Why did the Hon Member allow his Department to send letters to the students and the employers cancelling the courses before a decision had been taken?

HON G MASCARENHAS:

Mr Speaker, I have already said that I am not aware of that letter having been sent. If it was sent it was sent from the College and not from the Education Department. I am only telling you that as far as I was concerned the matter was dealt with promptly when it got to the Department of Education.

HON J BOSSANO:

Would the Hon Member not agree that it is not unreasonable for the Opposition to assume that the Minister knows what is going on in the different areas of his Department and that we were consequently reacting to representations from students and employers on information received that the courses had been cancelled which is perfectly reasonable?

HON G MASCARENHAS:

Mr Speaker, what the Hon Leader of the Opposition cannot expect is for any amount of money to be afforded to any Department within the Government without any proper control. At the beginning of the financial year a proper assessment, a reasonable funding was made for the College of Further Education and it transpired that in mid-September as a result of examinations and new demand new courses were required. That is the end of the matter and the Government reacted to that.

HON J BOSSANO:

How much money is involved, Mr Speaker?

HON G MASCARENHAS:

Mr Speaker, the amount of money involved is £10,000 although the question specifically asked on B/TEC courses amounts to £6,000.

HON J BOSSANO:

Does the Hon Member think that in the context of the Budget for Education that is a major increase in expenditure?

HON G MASCARENHAS:

Absolutely not.

HON J BOSSANO:

So does the Hon Member not agree then that it is reasonable to assume that if they have given a commitment in this House that the facilities for B/TEC courses will be created given the new rules in the public service which require the obtaining of this qualification for promotion, that the Government would, in fact, ensure that the resources are available to enable the people who want to study to do the course.

HON G MASCARENHAS:

Of course, Mr Speaker, but nobody is clairvoyant and we were not to know that there would be more demand for certain types of courses.

HON J BOSSANO:

Can the Hon Member say, in fact, whether the money is going to be met within the existing vote of the Department or whether he is going to come to ask for supplementary funds from the House?

HON G MASCARENHAS:

Mr Speaker, at the moment we shall try and meet from within the vote by virement, if possible, before the end of the financial year, if not we shall have to come for supplementary.

HON J BOSSANO:

So, in fact, although the Hon Member is talking about financial constraints and being careful about public money, the possibility may well be that it will not mean an extra cost at all to the Department and that he may well meet it within the original vote?

HON G MASCARENHAS:

Perhaps not.

MR SPEAKER:

Next question.

19 10 87

NO. 271 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm that an eighth telephone operator for the international telephone exchange is going to be employed, and if so, when?

ANSWER

THE HON THE MINISTER FOR MUNICIPAL SERVICES

Government can confirm that an eighth telephone operator will be employed. Instructions have already been issued for the vacancy to be advertised as quickly as possible.

SUPPLEMENTARY TO QUESTION NO. 271 OF 1987

HON J BOSSANO:

Does the Minister for Education have anything to say on the subject, Mr Speaker, given that he said it would be ridiculous for the Government to do this some six months ago?

HON J B PEREZ:

Is he referring to me?

HON J BOSSANO:

No, the Minister for Education who said in the Chronicle it would be ridiculous for the Government to do what it is doing.

HON J B PEREZ:

Mr Speaker, I wasn't quite sure what was the idea of this particular question in the House bearing in mind that the Leader of the Opposition knows quite well that my view in connection with industrial relations in Gibraltar is that when you have a problem and you are able to reach a settlement it doesn't really pay, after a settlement is reached, to then start waving banners of victory. I therefore regret that he decided to pick on my Hon Colleague, the Minister for Education. If the Hon Mr Perez who is asking the question wishes me to give him and the House the full deal with the telephone operators I will do so because I will not mislead the House. I think the state of industrial relations in Gibraltar is better kept if nobody claims victory. Let us all be happy with an arrangement which was a good arrangement for both sides.

MR SPEAKER:

But you are not being asked that.

HON J B PEREZ:

No, but it is a word of warning. If the Opposition want me to give to the House the full deal I will do so but I don't think it will help anybody.

MR SPEAKER:

The Opposition has asked you to reconcile your statement with the statement that the Minister for Education made.

HON G MASCARENHAS:

Mr Speaker, I would like to know what statement I have made to the Chronicle.

HON J BOSSANO:

The Hon Member may not remember, I will remind him. Would the Hon Member not agree, I think it was in a brief period when he was suddenly announced as being responsible for information and then he stopped informing after that. Would the Hon Member not agree that in the light of what his colleague has said about maintaining good industrial relations and having subsequently to do settlements, it is better not to make statements saying that nothing will ever happen because it might?

HON G MASCARENHAS:

I don't recall the statement, Mr Speaker.

HON J C PEREZ:

Mr Speaker, just to say that there was no ill intention at all, I just wanted to confirm that the Hon Member was sticking by his agreement, that is all.

MR SPEAKER:

Next question.

NO. 272 OF 1987

ORAL

THE HON R MOR

Can Government confirm that they will take over the Apprentices Training Centre at the commercial yard?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 272 OF 1987

HON J E PILCHER:

Mr Speaker, can the Minister say as from when they are taking over the Apprentices Training Centre? It is run at the moment by GSL, I think.

HON DR R G VALARINO:

Mr Speaker, Sir, discussions are currently taking place between the Government and GSL management on matters of detail and it is hoped to take over the Centre as from the 1st January, 1988, although no firm date has yet been fixed.

HON J E PILCHER:

Mr Speaker, can the Minister give us some intimation of the cost of running the Apprentices Training Centre to the Government of Gibraltar?

HON DR R G VALARINO:

Mr Speaker, Sir, I am afraid that at this stage I am unable to add to what I have already said.

HON J E PILCHER:

Mr Speaker, can the Minister not confirm or agree with me that, again, this seems to be in complete contradiction to the statement made by the Hon and Learned the Chief Minister that no aid other than for capital expenditure for running of the company would be given to GSL? It seems to me that to actually pay for the running of the Apprentices Centre is, in fact, giving another hidden subsidy to the company.

HON DR R G VALARINO:

Mr Speaker, I believe this is not for me to say. I think maybe

the Hon the Financial Secretary or the Chief Minister may like to comment on this question.

HON CHIEF MINISTER:

At the time when this was decided it was thought that normally that would be a responsibility of the Government anyhow and it was felt that this is one which is given everywhere and that therefore it should be part of the College of Further Education. That was not thought to be in any way help nor was it found necessary to ask for any special procedure under the Directives at all. It was purely an administrative matter.

HON J E PILCHER:

The Chief Minister has to accept that that releases the company from the burden of running the Apprentice Training Centre.

HON CHIEF MINISTER:

Maybe.

HON J E PILCHER:

I think the Chief Minister also has to accept that since GSL was one of the preferred operators because of the Apprentice Training Scheme, then the Chief Minister must accept that it is a strange way for GSL to run an Apprentice Training Centre although I accept it is a derogation of their submission in the first place. Does not the Chief Minister agree with that?

HON CHIEF MINISTER:

This was not done by the GSL, this was decided by the Government.

HON J BOSSANO:

Mr Speaker, is it not the case that when the Government announced in 1983 that they had chosen A & P Appledore as the preferred operator, one of the items mentioned in their favour was the commitment to training within the company's budget? If the training is now going to be at the expense of Government rather than the company, surely, that undermines the original reasons which counted in their favour when they got the contract.

HON CHIEF MINISTER:

I don't think that it was concerned directly with apprentices. Apprentices have been trained in the yard, as I understand it. This is the off work training that is required which is being

undertaken by the College of Further Education.

HON J BOSSANO:

Is there now a new agreement as a result of which GSL will cease training apprentices and the Government of Gibraltar will assume the full responsibility because that is what the original question is?

HON CHIEF MINISTER:

No, there is a slight complication there and I am sorry that this has come up at Question Time, I shall try and explain the matter better according to my conception of the situation, if you don't mind, in the course of the debate tomorrow or this afternoon. I haven't got the material, I am trying to be helpful that is why I got up.

HON J BOSSANO:

Fair enough, I accept that the Hon and Learned Member is trying to be helpful but we seem to have had an answer from the Minister for Labour and Social Security saying, yes, to a question which as we understand is perfectly legible and understandable and our understanding of the situation is that, in fact, we understood it was retrospectively from the 1st January, 1987. We now understand that this is not going to be the case, it is going to be from January, 1988, but our understanding of the situation prior to the Minister's answer was that retrospectively from 1987 the Government of Gibraltar had agreed to finance and run and therefore, presumably, employ the people who are instructors in the Apprentice Training Centre in GSL. Are we being told by the Minister that on the 1st January, 1988, the instructors employed by GSL will become Government employees?

HON A J CANEPA:

That is my understanding. The Government will take them over.

HON J BOSSANO:

Therefore the company will cease to provide training for apprentices from the 1st January, 1988.

HON A J CANEPA:

The Government will take over that responsibility.

HON J BOSSANO:

Which is, in fact, the question I asked the Hon and Learned Member, that that seems to us to be another element where one of the things the company promised to do which put them in a better light than their competitors was that they were saying they would provide a higher level of training and a higher apprentice intake within their budget. If it is now going to be outwith their budget then, surely, the Government must accept that the fulfilment of their projections as to the viability of the yard must be materially affected by the fact that they are no longer having to bear the cost of training their own apprentices. Surely, if the Government were to train apprentices for anybody else in Gibraltar then that particular business enterprise would be relieved of that cost.

HON A J CANEPA:

Of course, and the Government has done so in the past. It has funded the cost of training apprentices in the hotel and catering scheme and it has put on training courses for the retail trade and it has done so for the construction industry training centre, including in some cases even paying their wages.

HON J BOSSANO:

But wasn't that already being done in the case of GSL last year and what is being done now is much more than that, isn't it?

HON A J CANEPA:

Yes, we now have a new situation. I think it is true to say that a factor that told in favour of A & P Appledore was their training programme. How specific that was and how detailed it was in respect of apprentices I cannot recollect four years after the event. Perhaps I think we tended to go more by their retraining programme, in other words, by the steps that were going to be taken to train the people previously employed in the yard and also by the training programme that would enable locally engaged non-industrials to replace the expatriates. This is really what we went for because apprentice training is something that we are used to in Gibraltar and therefore we were not looking so much for that.

HON J BOSSANO:

Is it not the case, Mr Speaker, that in fact A & P Appledore offered in their proposals a much higher level of apprentice intake and that in the costing of the operation the projected results of the operation included, in fact, an element of cost

to the company for training something like 50 apprentices a year which, in fact, has not materialised; they have been taking in 25 and that in future, effectively, they will not be meeting the cost of training any because the Government is going to pick up the bill?

HON A J CANEPA:

That is the position, yes.

HON J BOSSANO:

Can the Government say whether, in fact, it is the intention that the actual payment of the wages of the apprentices would continue to be met by GSL?

HON A J CANEPA:

No, we are not certain whether the wages are also included in this. I don't think that the full details have yet been worked out, I think there is going to be a process of discussion between the College, the Department of Labour and Social Security and the company.

HON J BOSSANO:

But the Government can definitely confirm that there is no element of retrospection involved?

HON CHIEF MINISTER:

I never took that to be the case.

HON A J CANEPA:

I would have thought that it was either from a current date or from the nearest convenient date in the future. In the discussions that we held at the time of the rather difficult negotiations on the wage settlement, no mention was made of it being retrospective to the 1st January, 1987. I don't think anyone was thinking that it was going to be retrospective and that therefore there would be a transfer of funds from the Government to the company to take account of that, that never entered our calculations.

HON J BOSSANO:

So the Government, in fact, is not aware that the company has claimed that it was able to make an improved offer to the pay

negotiations that took place in August this year only because it was going to be reimbursed for the cost of having provided training for apprentices from the 1st January?

HON A J CANEPA:

No, those who were on a day-to-day basis concerned on the Government side with the course of the negotiations were the Chief Minister and myself, we held four meetings including some with the Hon Member opposite and in the course of the meetings that we two were involved in no mention was made and therefore less so can it have been mentioned in the meetings which all Ministers collectively held. The matter just didn't come up. If that is the impression that the company formed that their capacity to fund the wage settlement was improved by the fact that they were going to claim from the Government retrospection back to January, 1987, that is a matter for them. But we have not addressed the matter in those terms.

MR SPEAKER:

Next question.

19 10 87

NO. 273 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state which is the latest available figure for the number of Spanish nationals employed in Gibraltar?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The latest available figure for the number of Spanish nationals employed in Gibraltar is 1044.

SUPPLEMENTARY TO QUESTION NO. 273 OF 1987

HON J BOSSANO:

Can the Minister for Labour explain how he can reconcile the figures that he has given us to the numbers employed with the figures produced by his Department of the new entrants coming in every month which seems to be running at around 100 a month with people becoming unemployed being something of the order of 10 or 15 a month. Would the Hon Member not agree with me that on the basis of the statistics produced by his Department of all the people who come in and the people who go out, the numbers left in employment should be considerably more than this?

HON DR R G VALARINO:

Mr Speaker, Sir, there are two things here. One is the date to which this figure relates, that is, the 24th September, 1987. The other thing is that at times work permits are given to Spanish nationals employed in Gibraltar on a short term basis and this could very well cover the points raised by the Hon the Leader of the Opposition.

HON J BOSSANO:

What I am saying to the Hon Member is, if between July and September, Mr Speaker, something like 80 extra people are said to be in employment and if, in fact, in the intervening period something like 150 permits a month on average are being issued of which something of the order of 100 a month are for Spanish nationals and according to the Department the people becoming unemployed are something like 10 or 15 a month then the figure that he has given for increase between July and September would appear to be the increase for one month according to the figures produced by his Department. Would he not agree that, in fact, there seems to be a discrepancy between this total and the figures that are being produced on a monthly basis by the Department of people coming in and people going out?

HON DR R G VALARINO:

Mr Speaker, Sir, I haven't asked about those figures. The only thing I can say is that this is the figure provided to me by the Department

and therefore I must quote the actual figure which has been provided for me by the Department. As far as the 24th September I can offer the Leader of the Opposition a breakdown of the various industries involved but I cannot discuss the arguments that he has put forward because I do not have those figures.

HON J BOSSANO:

Would the Hon Member agree with me that it is desirable to have figures that are as reliable as possible and, if so, perhaps he could provide me with the information in more detailed form outside the House so that we can compare them with other information that he has given me?

HON DR R G VALARINO:

Mr Speaker, Sir, it will be a pleasure for me to do so.

MR SPEAKER:

Next question.

19 10 87

NO. 274 OF 1987

ORAL

THE HON R MOR

What is the situation as regards the payment of Spanish pensions beyond 1988?

ANSWER

THE HON THE CHIEF MINISTER

The final meeting of the Joint Study Group is scheduled to take place in early December after which a report will be submitted.

SUPPLEMENTARY TO QUESTION NO. 274 OF 1987

HON J BOSSANO:

That would be a report to whom, Mr Speaker?

HON CHIEF MINISTER:

To the Government.

HON J BOSSANO:

Are we going to have an opportunity to discuss the contents of that report or are we going to be told what is in it?

HON CHIEF MINISTER:

I imagine that if in the final analysis decisions have to be taken they will have to be brought to the House and in any case I don't know what the nature of the report is in advance but perhaps it may be of importance that Hon Members may have it. I just don't know. I am giving you a factual reply and that is that they have been meeting, it may be that the report has to be sent back because it is unsatisfactory, I don't know. The only point is that there have been a number of meetings and the last one is due early in December and thereafter, obviously, the report will be produced. I would like to see what the report looks like before we decide what happens.

MR SPEAKER:

Next question.

19 10 87

NO. 275 OF 1987

ORAL

THE HON R MOR

What is the total amount paid to Spanish pensioners up to 30 September 1987?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The total amount paid to Spanish pensioners from February, 1986, to 30 September, 1987, is £13,127,008.44.

NO. 276 OF 1987

ORAL

THE HON R MOR

Can Government now say whether pensioners residing outside Gibraltar can be paid monthly?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir. I have looked into the matter and the additional administrative burden that would be involved is beyond the present resources of the Department.

SUPPLEMENTARY TO QUESTION NO. 276 OF 1987

HON J C PEREZ:

Mr Speaker, could the Hon Member state how many of these pensions have been identified and what extra staffing has been found to be needed in connection with this? Surely, if he has studied it and he has rejected it, it must be because such a study has been undertaken.

HON DR R G VALARINO:

Mr Speaker, Sir, on the question of the study, a quick study was undertaken and it was found it was impossible to do so. I am glad to say that now there is a staff inspection of the Department and when the staff inspection is completed especially of the Social Security Section, I will probably be in a better position to acquaint the Hon Member as to whether the pensions can be paid monthly or as at present three months in arrears.

HON J C PEREZ:

Could the Hon Member perhaps find out and let us know whether the Department has actually tried to identify how many pensioners there are who would want to be paid monthly because that is the extent of the problem, those who would want to be paid monthly?

HON DR R G VALARINO:

Mr Speaker, I believe that if one were to ask the pensioners most of them would like to be paid monthly. The question of how many, I am sure that all would be paid monthly and this is the big problem, it is just not one-fifth or one-quarter, it would have to be all because obviously it is easier for the Department as a whole rather than have the Department paying three-quarters of pensions three months in arrears and then just a quarter of the pensions one month in arrears. It would hardly be fair to the pensioners if one were to discriminate in this manner.

HON J C PEREZ:

How many of these people are there? How many pensioners are there residing outside Gibraltar? Obviously, the Minister must know that.

HON DR R G VALARINO:

Mr Speaker, I don't know the exact number but I can find out the number concerned and let the Hon Member know.

HON J C PEREZ:

Then, Mr Speaker, how does he know that he cannot do it? If he doesn't know the number of pensioners involved and perhaps what we are talking about is an exercise of instead of sending a cheque quarterly sending a cheque monthly, how does he know that his Department cannot cope?

MR SPEAKER:

The answer is that whilst he may not know his Department may.

HON J BOSSANO:

His Department may not want to do it.

HON DR R G VALARINO:

With respect, I would wish that the Hon the Leader of the Opposition didn't make those side remarks. The Department has gone into it, they have found out, they have gone to a lot of trouble and their advice to me is that at the moment they cannot do it. Once the staff inspection has taken place I will probably be in a better position to advise the Hon Gentleman but beyond that I am afraid I am unable to go into any further details.

HON J C PEREZ:

Is the Minister aware whether there is more work involved other than having to do the cheques monthly rather than quarterly? Is that the only difference between having to pay quarterly and monthly or is there some extraneous work which we on this side of the House have not been informed about?

HON DR R G VALARINO:

The type of extraneous work obviously is not one that I am concerned with, it is the concern of the Department. If the Department tells me that at this moment this is impossible I have to follow their advice. The only thing I am very glad to say is that because of the staff inspection we can look at the question all over again.

HON J BOSSANO:

Is the Minister telling the House, Mr Speaker, that he has not bothered to go beyond saying to the Department: 'Can you do it?' and they said: 'No, we cannot do it' and he hasn't asked why, is that what he is telling the House?

HON DR R G VALARINO:

Mr Speaker, Sir, I have been to the Department and I have spoken to several members of the Department on various occasions. This is my usual practice. I don't tend to be dictatorial as the Hon

the Leader of the Opposition seems to be but once I am convinced that it cannot be done with the present staff I am afraid I have to accept what the Department and specially the Director of Labour tells me and I can only hope that the staff inspection which I have tried to hasten as much as I can, especially regarding this as one of the major points, will enlighten me in the future.

HON J C PEREZ:

Mr Speaker, what has he been told by his Department to convince him? The Minister comes here and he says that his Department cannot do it and then he says he has been convinced by his Department that they cannot actually do it, what are the arguments that have been used to the Minister to convince him that this cannot be done?

HON DR R G VALARINO:

Mr Speaker, I would hate to get involved in what the Department said and what I would have said. I would have thought the Opposition Members would quite honestly accept the fact that I have done quite a lot of work in this field, that the Department including the Director have said it is not possible at the moment and that we shall look into this in the near future. But as to what has been said between the Department and myself, to some extent it would be invidious to start discussing the whole issue here at this stage.

HON J BOSSANO:

It is very difficult to maintain the same rhythm of delivery as the Hon Member does that is why, I suppose, by contrast I must sound dictatorial to him and we certainly do not want a verbatim report of his conversation with the Director of Labour with occasional 'emms' and 'aaahs' otherwise it could be a very long time before we get the final answer. What we want to know is, if the Hon Member has sincerely tried to find out whether this is possible what compelling arguments in terms of cost, manpower and numbers involved have they put to him which are facts that he must have at his fingertips that have convinced him so that he can convince us and we can let the matter rest?

HON DR R G VALARINO:

Mr Speaker, Sir, I certainly have the facts, I do not have them here but if I do stand up as a Government Minister and tell the Opposition Members that I have looked into the matter and assure them that it cannot be done I would have thought the least they could do would be to accept my sincerity on the subject and the truthfulness of the subject and accept that a staff inspection will be carried out when probably at the next House of Assembly if they care to repeat the same question or a similar type of question I will be able to inform them further.

HON J BOSSANO:

Mr Speaker, with all due respect to the Hon Member, why should we give him the benefit of the doubt that he has done his homework on this one when he has got an atrocious record in this House of never knowing what he is talking about three-quarters of the time

he stands up. We will certainly put the question to him again and hope that this time round he does look into it.

HON DR R G VALARINO:

Mr Speaker, I have tried to be as gentlemanly as possible. I certainly do not think that the last remarks made by the Leader of the Opposition are sensible and I consider them to be below the belt. I would have thought if he has any dignity he should retract them.

HON J BOSSANO:

Mr Speaker, I can tell the Hon Member that he has got an audacious cheek because every Member of this House knows the truth of what I am saying and we will certainly with each 'below the belt' we will give him an opportunity to defend himself.

MR SPEAKER:

Order, that is the end of the question. Next question.

NO. 277 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what Estates have been painted and what amount has been spent from the figure of £456,000 shown in the Improvement and Development Fund Estimates of 1987/88, Head 101 - Housing, Subhead 15?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Sir, the amount spent to date in this financial year is £50,773.

At Laguna Estate 6 blocks have been painted to date. At Glacis Estate 1 block has undergone remedial and decorative works.

SUPPLEMENTARY TO QUESTION NO. 277 OF 1987

HON J L BALDACHINO:

Can the Hon Member state if he intends to spend the remaining amount in this financial year?

HON MAJOR F J DELLIPIANI:

Sir, at Laguna we have so far painted six, we hope to paint another four before the end of the financial year. We have also earmarked out of ten blocks at Glacis Estate including the two Tower Blocks, seven will have undergone remedial works. In actual fact if we take the non-payment of £41,000 in connection with the Glacis Estate, George Jeger House, the sum would have come up to £100,000 and if we include the two blocks at the Alameda Estate which are the subject of a controversy over Gunac, that would have been another £100,000. So in actual fact within six months of the financial year we would have used approximately half of the sum allocated.

HON J L BALDACHINO:

Could the Hon Member also say if the Estates he has mentioned are the only ones that are to be painted or are there others that will be covered by the remaining £400,000?

HON MAJOR F J DELLIPIANI:

Mr Speaker, no. Though we have other programmes for other

individual buildings, as Estates go the three major Estates are Glacis, Laguna and Alameda.

HON J C PEREZ:

Did I get the Hon Member right, is the only work scheduled for Glacis complete which is the George Jeger one is or is there more work scheduled for Glacis?

HON MAJOR F J DELLIPIANI:

No, I did not say that. I said seven will have undergone, at the moment only the two Tower Blocks and George Jeger have been done. A total of seven will be done.

HON J C PEREZ:

And it is included in that sum?

HON MAJOR F J DELLIPIANI:

It is included in the sum of £456,000.

HON J BOSSANO:

Mr Speaker, if in fact, for example, in the Alameda Estate the reason for the non-painting of that Estate is what the Hon Member has referred to as the controversy involving the tenders, what is to stop somebody else doing the painting? Why doesn't the Government go ahead and give it to somebody else if the money is there and they think it needs painting?

HON MAJOR F J DELLIPIANI:

Obviously, Mr Speaker, there are legal implications as to how the re-award of the tender has to be done. I think it would be unfair on any one who has tendered not to be awarded the tender for whatever reason. If somebody else does this tender it means that the people on this tender list according to priority will not be given the chance to take effect the tender that is supposed to have been awarded. I suppose that is the reason.

HON J BOSSANO:

Surely, Mr Speaker, the people that the Minister has to be fair to are the taxpayers and the tenants. This is not a business of being fair to tenderers or being fair to contractors. If the Government feels that the tenants in its houses deserve to have their houses painted and there is a problem involving one

contractor, why should the tenants be penalised and why should the Government suffer by having its property deteriorating because they are not painting it?

HON MAJOR F J DELLIPIANI:

Mr Speaker, it is easy for the Hon Leader of the Opposition to make those remarks. I do not award tenders, I have nothing to do with the legal aspects of tenders. I just said what I thought might be the reasons why the tender has not been awarded to somebody else or the whole tender question has not been reallocated again or put out to tender again. I am saying that because I am not a legal man and I don't control the way the tenders are put out. My main concern is that the tender is done as soon as possible within the framework that I can work with. If somebody tells me: 'Minister, you can do it this way' I will do it.

HON J BOSSANO:

Didn't the Hon Member, in fact, in the last House of Assembly in answer to my questions say that these tenders, the ones for the Alameda Estate, were still with the Treasury Tender Board and that he didn't know why they hadn't allocated it? Isn't that the answer he gave me in July?

HON MAJOR F J DELLIPIANI:

Yes, and they are still with the Tender Board.

HON J BOSSANO:

And they can stay with the Tender Board presumably forever more and the block never gets painted, is that it?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the whole thing is subject to the inquiry.

HON J E PILCHER:

Mr Speaker, since the Minister has alluded to legalities and technicalities, could we have the Hon the Attorney-General answering whether it is possible to contract out or give this tender out to anybody else pending the inquiry?

HON ATTORNEY-GENERAL:

I don't know the position of this, I haven't been listening to the exchanges, I must confess. I can discuss it with the Minister.

and find out what the position is. I must confess, I haven't been listening to the exchanges, I just caught on at the end.

HON J L BALDACHINO:

Mr Speaker, can the Hon Member state that there have been tenders put out for the painting of different Estates and is it correct then that the company which is under investigation at the moment have put in a tender for every painting job that has to be done on the Estate, is that the case?

HON MAJOR F J DELLIPIANI:

Mr Speaker, may I correct one statement that the Hon Member has just made. The company is not under investigation as far as I am concerned. The company, as far as I know, has tendered for the blocks at Alameda Estate, that is all I know. I cannot remember any other building that the company has tendered for. I can specifically remember, because I mentioned it in July, that the company in question tendered for two blocks at Alameda Estate and that is as far as I know the extent of the works which this company has tendered for. I would like to make it quite clear to Members opposite, as they haven't had the privilege of being in Government, that for my part, as a Minister, I tend to shy away from all things connected with tenders.

HON J L BALDACHINO:

Therefore, Mr Speaker, if that is the case then there is nothing stopping the Government from putting out tenders to do the jobs other than the ones at Alameda Estate, is that correct?

HON MAJOR F J DELLIPIANI:

I see no reason why this should not be so and I think I have more information in another question relevant to problem buildings.

HON J C PEREZ:

Mr Speaker, just to clarify the point. The Tender Board never allocated Alameda Estate to any company, is that the position?

HON MAJOR F J DELLIPIANI:

Mr Speaker, the position is that the Tender Board has not awarded publicly the tender for the two Alameda blocks. Obviously, they must have met and realised which are the tenders, which is better and which is worse, but they have not notified any of the tenderers who was successful and who wasn't.

HON J BOSSANO:

Is it not a fact, Mr Speaker, that what is under investigation is that even before it was awarded publicly the company in question seemed to know they were getting the tender, isn't that part of the problem?

MR SPEAKER:

The matter, in fact, is sub judice.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I can easily answer that. I am surprised how quickly everybody in Gibraltar knows what the tender figure is. In actual fact, as I have been in the business myself, what happens is that you have a deadline, say, twelve o'clock tomorrow, none of the tenderers will speak to each other until ten minutes past twelve. Once the tenders have been put into the box they all seem to meet and they say: 'I submitted £50,000' so by logic they know which is the other one's tender and usually, but not always, the lowest tender is the one that is awarded so the tenderers themselves, because they belong to the Master Builders or whatever, they won't tell each other what they are going to tender for but as soon as the envelopes are in the tender box they speak quite freely.

HON J BOSSANO:

We won't go, Mr Speaker, into how the companies share the tenders amongst themselves, that would require a full blooded debate, I believe. But what I would like to ask, in fact, if the conditions of work being put out to tender are such that the Government is free to allocate the tender to whoever they want be it the lowest or the highest and if there is a problem because of this particular company and if the Government feels that there is a necessity to paint these blocks and if the Government has provided the money in the Improvement and Development Fund, is there anything to stop the work proceeding with somebody else? That is the question.

HON MAJOR F J DELLIPIANI:

Mr Speaker, I have already stated that it is a question that I haven't got the expertise to answer. I have tried to answer as honestly as possible like my friend the Hon Dr Valarino.

HON J BOSSANO:

Not an example you should follow.

HON MAJOR F J DELLIPIANI:

But what I can say is, speaking as a layman, that if I was a tenderer and I thought I was successful and for whatever reason I wasn't awarded that tender and they gave it to somebody else under a new tender procedure, I think I would sue the Government.

HON J C PEREZ:

Mr Speaker, on another aspect, there is still work to be done in Glacis. Only one block has been done in Glacis by the same company and under direct allocation. Is there anything stopping that work from being put out to tender or given to another company?

HON MAJOR F J DELLIPIANI:

No, Sir. Four more blocks at Glacis Estate are programmed for remedial and decorative works during the current financial year - Brother O'Brien House, Portmore House, Goole House and Gustavo Bacarisa House.

HON J C PEREZ:

Will that be put out to tender?

HON MAJOR F J DELLIPIANI:

Yes, obviously.

HON J L BALDACHINO:

He has mentioned that there are still four blocks left to be done in Laguna and seven in Glacis, am I correct?

HON MAJOR F J DELLIPIANI:

Yes.

HON J L BALDACHINO:

Is it that all the blocks in Laguna will be painted and all the Glacis blocks will be painted or will some of them not be painted? If that is the case why not?

HON MAJOR F J DELLIPIANI:

Mr Speaker, there are thirty-four blocks in Laguna Estate. Ten, we hope, will have been painted by the end of this year, that is ten out of thirty-four. There are ten blocks at Glacis Estate, seven blocks will be painted by the end of this financial year. The reason why we are not painting all is that if we painted all we probably wouldn't have the money for it, we have other works to be done in other areas which we consider worse off than these particular blocks in the Estate. I would love the whole of Glacis Estate to be painted because I live in one of them and you will notice that I haven't included mine.

HON J L BALDACHINO:

Can the Hon Member say, if I have understood what he has just said, that his Department has chosen to paint ten blocks, is it that those ten blocks are the ones that are in the worst conditions? Has that been something that has been taken into account when deciding which ten out of the thirty-four or is it something else?

HON MAJOR F J DELLIPIANI:

Quite frankly, Mr Speaker, I don't know the basis as to why these particular ten at Laguna Estate have been selected. I would expect maybe that they were because they thought they were in the worst condition, I hope it is that. It could be that they are more visible and that is why they are being done.

HON J C PEREZ:

Mr Speaker, can the Hon and Learned the Attorney-General confirm that the direct allocation of George Jeger is also subject to investigation?

HON ATTORNEY-GENERAL:

George Jeger is, yes.

HON J BOSSANO:

Mr Speaker, the Hon Member said that the four blocks were obviously going out to tender, did I catch him right?

HON MAJOR F J DELLIPIANI:

Yes.

HON J BOSSANO:

Can the Hon Member say whether the work that has already been done in the Laguna Estate has been done by his Department?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker.

HON J BOSSANO:

Then can he say why he has decided not to do the remaining work with his Department and has decided to go to tender and why he has not made any attempt to consult with the union in his Department about the change of policy?

HON MAJOR F J DELLIPIANI:

Mr Speaker, in actual fact I might have misled the House. I probably said to tender, I should have said that they are programmed for this year, I don't know if they are going to tender or not. I can tell the Hon Leader of the Opposition that if I had my way my painting section would certainly not paint any more blocks because the productivity at Laguna is atrocious.

HON J BOSSANO:

What is the Hon Member doing about the situation if that is how he feels about it?

HON MAJOR F J DELLIPIANI:

If the Hon Member wouldn't cause a general strike I would sack them all except three or four guys.

HON J BOSSANO:

Mr Speaker, does the Hon Member, in fact, feel like that only recently or did he feel like that when he was an employee of the Transport and General Workers Union?

HON MAJOR F J DELLIPIANI:

Mr Speaker, as a trade union member long before Mr Bossano came back to Gibraltar I have always thought and I go by a great man who was a Member of this House called Alberto Risso, he said 'Just like Capitalists steal, a workman who doesn't give his eight hours work also steals' and that is my answer.

MR SPEAKER:

May I say that we are really departing from the main thrust of the question.

HON J BOSSANO:

Is the Hon Member aware that, in fact, his Department has just agreed a productivity agreement with the painters in his section which may not survive the remarks that he has just made in this House? Is he aware of that?

HON MAJOR F J DELLIPIANI:

I am aware, Mr Speaker.

HON J BOSSANO:

Is he saying that he doesn't approve of that, that it hasn't had his approval.

HON MAJOR F J DELLIPIANI:

Mr Speaker, because.....

HON A J CANEPA:

Mr Speaker, on a point of order. Is it not wasting the time of the House for two Members to be debating a productivity agreement that is being negotiated by the Government's Industrial Relations Officer and Trade Union Officials? Is that what we are here for? Is that what is being broadcast over radio?

HON M A FEETHAM:

No, sacking people is being broadcast over radio.

MR SPEAKER:

Order, we will call the next question.

HON J BOSSANO:

No, Mr Speaker, the Hon Member, not in answer to a question but quite gratuitously and of his own voluntary initiative, has said that the productivity in his Department is very low that if he has his way they wouldn't paint any more blocks. It is perfectly legitimate as a supplementary to that to ask him if he is aware that his Department has just in fact agreed a productivity agreement for the painting of these blocks. Is it

that it doesn't have his support?

HON MAJOR F J DELLIPIANI:

Mr Speaker, it has my support because it is the best we could do. I am convinced that in order to be able to give the people of Gibraltar a fairer deal, a lot of the work should go out to tender and not be done by the Public Works Department except in very specialist fields.

MR SPEAKER:

Next question.

19.10 87

NO. 278 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state when they intend to start the refurbishment of 39/41 Town Range?

ANSWER

There are no plans to refurbish 39/41 Town Range.

SUPPLEMENTARY TO QUESTION NO. 278 OF 1987

HON J L BALDACHINO:

When the Hon Member says there are no plans does he mean there are no plans in this financial year or there are no plans even in future to refurbish 39/41 Town Range?

HON MAJOR F J DELLIPIANI:

Mr Speaker, my Department has not been approached by anyone to furnish plans or advice on the refurbishment or otherwise of 39/41 Town Range.

HON J L BALDACHINO:

Mr Speaker, on the 24th March, 1987, in Question No. 112 of 1987, the Minister for Housing stated: 'It is proposed to eventually rehouse the tenants living there and improve its conditions by refurbishing it in the manner that was carried out at 70, Prince Edward's Road'. Is that not the case, has there been a change of policy on the part of the Government precisely on 39/41 Town Range or is it still Government's policy that they will do it eventually?

HON MAJOR F J DELLIPIANI:

Sir, at the time of answering this question to the Hon Member there were no plans or requests in my Department for giving a brief as to what to do with 39/41 Town Range. I can say that as far as I am aware one of the areas which were burnt out I think has been allocated to a club so it could be that the place which has now been decanted could be put by somebody else to another use. I would remind the Hon Member that we act as the agents to the Housing Department and, indeed, to other Departments where we advice, design and in some cases actually construct or refurbish or decorate on their behalf. As far as I am concerned, and I replied to this question on Thursday morning, I have no indication or brief from any other Government Department as to what they wanted to be done in the area which has been damaged by fire recently.

HON J L BALDACHINO:

Mr Speaker, to clarify the point, I am not referring to what was involved in the fire. What I am referring to are the cubicles that people are still living in, that is what I am referring to. Can the Hon Member then confirm that the Housing Department has not approached Public Works to carry out refurbishment on the cubicles?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I will answer again. I wrote this on Thursday and I had not seen an approach by Housing saying: 'This is what we want done'. They might have thought about it, talked about it but as far as I am concerned, and I am trying to be as helpful as possible, on Thursday I had not seen anything saying 'This is what we want done at 39/41 Town Range'.

HON J L BALDACHINO:

Seeing that the answer I am getting is from the Minister for Public Works, Mr Speaker, can the Minister for Housing state if he still intends to carry out refurbishment at 39/41 Town Range or will he approach Public Works to carry out those repairs?

HON M K FEATHERSTONE:

I think there has been a little mix up in the address 39/41 Town Range, which my Hon Colleague has taken to be what was known as 'La Cueva'. The area that we wish to have rehabilitated is the area further up Town Range which is as you say at the moment, cubicles.

HON J L BALDACHINO:

Mr Speaker, the Hon Member when I asked Question No. 112 of 1987, said that the address I was giving at Prince Edward's Road did not exist and he gave me that address, that is, La Cueva, and he mentioned La Cueva and I am asking about that address because that is the address he gave me. Is he saying that La Cueva is another address now?

HON M K FEATHERSTONE:

I can say categorically now that it is not the Department's request to have La Cueva rehabilitated after the fire, it has been allocated to a club who are going to rehabilitate it at their own cost.

HON J L BALDACHINO:

We are talking at cross purposes. The one I am referring to, so that the Hon Member knows, is 'El corredor de las viudas', I think that is what it is called.

MR SPEAKER:

I am beginning to get confused. Now we have got the cubicles, 'La Cueva' and 'El corredor de las viudas'.

HON J L BALDACHINO:

What I am referring to are the cubicles which is also called 'El corredor de las viudas', that is what I am referring to. Is Government thinking of eventually refurbishing that as was answered in Question No. 112 of 1987?

HON MAJOR F J DELLIPIANI:

Mr Speaker, if the Hon Member is referring to 39/41 Town Range, I don't care what he calls it, there is nothing there for refurbishment. If the Hon Member is thinking of another place and it is a different number I will look at the different number if he gives it to me and I will check what is going on but I can tell you that up to Thursday we were not refurbishing 39/41 Town Range.

MR SPEAKER:

Next question.

NO. 279 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many of the 1,359 pre-war Government housing stock are considered to be problem buildings?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. The number is Nine.

SUPPLEMENTARY TO QUESTION NO. 279 OF 1987

HON J L BALDACHINO:

Can I have a breakdown of the nine?

HON MAJOR F J DELLIPIANI:

Sir, Police Barracks 30, Castle Road; Police Barracks 34, Castle Road; Jumper's Building; 4, Rodger's Road; 2 Richardson's Passage; Hargraves Barracks; 62, Prince Edward's Road/1, Gavino's Dwellings; 15, Town Range; 1/3, Rosia Lane.

HON J L BALDACHINO:

Mr Speaker, if I have got the answer right he said nine. There are more than nine in Rodger's Road alone. How can there be nine, there are about eleven in Rodger's Road.

HON MAJOR F J DELLIPIANI:

Mr Speaker, the Hon Member has asked how many buildings, he didn't ask how many flats. I have given him buildings and I have given him nine because 62, Prince Edward's Road and Gavino's Dwellings is considered as one so if he heard ten it was nine.

HON J BOSSANO:

Mr Speaker, is he saying in answer to the question that nine out of 1,359 are problem buildings? That is to say, that there are 1,350 pre-war Government houses which are not problem buildings, is that what he is saying? Because the answer of nine must be in relation to the question.

HON MAJOR F J DELLIPIANI:

Sir, what I am saying is that we have talked of pre-war Government housing stock and out of that housing stock nine buildings are involved, I am not saying nine flats are involved, nine buildings and some of them have a considerable number of flats. The Police Barracks between them probably have something like thirty or forty flats.

HON J BOSSANO:

Then can he say how many of the 1,359 pre-war Government housing stock are found in what are considered to be problem buildings?

HON A J CANEPA:

But the question is not clear if the Hon Leader of the Opposition will look at it closely. What is housing stock, is it units or buildings? 1,359 what, units or buildings? What is housing stock?

MR SPEAKER:

May I ask you a simple question, are there 1,359 pre-war Government housing stock or are there 1,359 pre-war Government housing units?

HON MAJOR F J DELLIPIANI:

Mr Speaker, it is a very simple answer to a very simple question. I have only answered what the Hon Member has asked.

MR SPEAKER:

I am asking you to answer my question.

HON MAJOR F J DELLIPIANI:

Yes Sir, I will answer your question. He has mentioned the figure. He asked: 'Can Government state how many of the 1,359 pre-war Government housing stock' and then he asked me 'are considered to be problem buildings?' He doesn't ask me if they are considered to be problem housing stock - problem buildings. So I have given him the answer, there are nine problem buildings. If he had asked me 3,000 flats I would have given him the answer in flats. He has asked me in buildings and I have replied in buildings. If he wants to rephrase that and come to my office I will work out how many flats there are in these buildings.

HON A J CANEPA:

If you take away nine from 1,359 it won't make any sense, no?

HON J BOSSANO:

It won't make any sense and therefore for the benefit of the Minister for Economic Development who wanted to know what we meant I would refer him to the Government Abstract of Statistics which the Government publishes which is where according to the Government it is stated that there are 1,359 pre-war Government units wherever there may be, buildings, houses or whatever, and therefore in the Government housing stock there is a table, Mr Speaker, that says: 'Government housing stock - pre-war 1,359'. We find it odd that the Government should not know where the 1,359 comes from since they publish the information. And the question that we want to know is, how many of those 1,359 which we don't know where they are and we don't know whether they are single buildings, multi-storey buildings or what kind of buildings, how many of them are considered problem buildings by the Government? So if the answer is that there are nine buildings but the answer is not that those are nine out of 1,359 then how many of the 1,359?

MR SPEAKER:

What you are being asked now is how many units are found to be problem buildings.

HON CHIEF MINISTER:

Mr Speaker, the question has been misunderstood or whatever it is and I think the answer is for the Minister to get the figure and send it to the Member and let us get on with the questions. We are taking about seven minutes per question.

HON J BOSSANO:

Mr Speaker, the House meets infrequently enough.

HON CHIEF MINISTER:

Yes, but not to be bored with every supplementary for every question which comes from every Member by the Leader of the Opposition.

HON J BOSSANO:

We are all entitled to ask as many questions as we like, Mr Speaker. The Hon Member may muzzle the AACR, he cannot muzzle the GSLP.

MR SPEAKER:

Order, order.

HON J L BALDACHINO:

Mr Speaker, may I ask the Hon Member whether he will give me the figures, after this clarification, of what it really means?

HON MAJOR F J DELLIPIANI:

Yes.

MR SPEAKER:

Next question.

NO. 280 OF 1987

ORAL

THE HON J C PEREZ

Can the Minister for Public Works supply the House with the department's programme for the current financial year in respect of the following:

- (a) external painting of pre-war buildings
- (b) works on problem buildings
- (c) remedial works to balconies?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The Department's programme for the current financial year is as follows:

(a) External painting of pre-war buildings

- (i) Bado's Building
- (ii) 46 Castle Road
- (iii) 11 Willis's Passage
- (iv) 22 Castle Ramp
- (v) 10 Road to the Lines
- (vi) 12/14 Road to the Lines
- (vii) 16 Road to the Lines
- (viii) 223 Main Street
- (ix) Maxwellton
- (x) South Pavilion
- (xi) Police Barracks Scud Hill
- (xii) 25 Scud Hill

(b) Works on Problem Buildings

There is currently no programme of works for problem buildings with the exception of Gavino's Dwellings, as in all other cases, commencement of work depends on the partial or the total decanting of tenants.

(c) Remedial works to balconies

Remedial works to balconies have been programmed for commencement during this financial year. Two blocks of flats ie Stanley Buildings and MacMillan House will be the first to be tackled.

SUPPLEMENTARY TO QUESTION NO. 280 OF 1987

HON J C PEREZ:

Mr Speaker, can the Hon Member say what part of the painting has already taken place in the first six months of the current financial year?

HON MAJOR F J DELLIPIANI:

Property (viii) which refers to 223 Main Street the tender has

been awarded, property (ix) that is pending an award of tender, property (x) which is South Pavilion has gone out to tender, property (xi) which is Police Barracks Scud Hill awaiting Tender Board adjudication, property (xii) has not been commenced.

HON J C PEREZ:

Mr Speaker, the Hon Member has said that there are no works on problem buildings.

HON MAJOR F J DELLIPIANI:

I have been answering supplementaries on pre-war buildings.

HON J C PEREZ:

Supplementaries on (a), now I am going to supplementaries on (b). He has said that there is no programme of works other than Gavino's Dwellings on the works on problem buildings and he has mentioned that the Police Barracks at Castle Road are considered to be a problem building and we have passed a substantial amount of money in the Improvement and Development Fund this year for works on that building. I know that there is another question on the Order Paper but it has struck me as being odd that he has said that there was no programme of works for this year.

HON MAJOR F J DELLIPIANI:

Mr Speaker, what we have been doing in Police Barracks is making the building as safe as possible. It is not intended to do remedial works to them immediately. I can say that in relation to the Police Barracks we have just agreed, in fact, last week to modernise the building inside in order that though we might lose housing units they will be proper units with proper kitchens and bathrooms which were in fact developed by the house owners before in a sort of lackadaisical manner, it wasn't done properly and what we hope to do with the building, certainly with the Police Barracks, is to save them and at the same time reduce the number of units but bringing the standards of units up.

HON J C PEREZ:

Mr Speaker, I think I will leave the Police Barracks for the question on the Order Paper but it strikes me that certainly the amount of money which we voted in the Improvement and Development Fund does not tally with the Hon Member's exposition but I think I will leave that. On the question of the balconies, is the Hon Member sure that the works are actually going to commence in this financial year? He did say that they were going to commence in April at one stage and then he said that he didn't want to commit himself because then I would stand up in the House and accuse him of having committed himself to something which he cannot deliver.

HON MAJOR F J DELLIPIANI:

Mr Speaker, all I can say is that in relation to these two buildings the basic problem is the balconies, and these two have been identified as requiring priority and one would hope that we do them this year. Certainly, it is the intention of the Department to

start work this year. It so happens that a lot of the work connected with problem buildings and with balconies is to do with engineering structures and we seem to have had a bout of problem buildings this year. I should mention that the staff is only one engineer and one graduate engineer on structural engineering and they are rather overloaded with work. I know that a lot of advanced technical work has been done on this, I think it is only subject now to probably a bill of quantities to come out.

HON J C PEREZ:

Is it expected for that work to go out to tender or is the Government intending to tackle it itself?

HON MAJOR F J DELLIPIANI:

I think it would be best because of the engineering involved to go out to tender.

MR SPEAKER:

Next question.

19 10 87

NO. 281 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what was the expected life span of White Rock Camp huts when constructed?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

The normal expected life span of a Nissen Hut is 20 years.

SUPPLEMENTARY TO QUESTION NO. 281 OF 1987

HON J L BALDACHINO:

When will the White Rock Camp Huts reach the twenty years life span, Mr Speaker?

HON MAJOR F J DELLIPIANI:

I know, Mr Speaker, that the Hon Member has said that tongue in cheek. In actual fact we had no technical know-how as to extent of the life span of a Nissen Hut, in fact, we had to ask the Property Services Agency for the information because we do not put up Nissen Huts. These Nissen Huts were erected during World War II so they are quite a few years old, certainly more than twenty.

MR SPEAKER:

Next question.

NO. 282 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what is the expected life span of North Gorge Buildings?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The normal expected life span for this type of pre-fabricated building is 15 years. The building was erected in 1976 and it is therefore 11 years old.

SUPPLEMENTARY TO QUESTION NO. 282 OF 1987

HON J L BALDACHINO:

Is the life span of the building also subject to the way that it is maintained or has that got nothing to do with it?

MR SPEAKER:

We are now asking Ministers to give technical answers. If the Minister has the answer I will not object to the question.

HON MAJOR F J DELLIPANI:

Mr Speaker, it is a technical question and if he had asked me this in his main question I certainly would have given him a technical reply. I can only give an honest man's reply. I think that with everything in life, whether it is your car or anything, the extent of the life of a car or of anything which is manufactured or structured the more maintenance the more it is likely to last even beyond what is quoted, fifteen years. Yes, if proper maintenance is carried out the life span should be fifteen years or more. Equally so there are some good buildings without any maintenance which carry on for years and years.

MR SPEAKER:

Next question.

NO. 283 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state when they intend to commence the repairs of the roofs of blocks at Laguna Estate?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The repairs to the roofs of blocks of flats at Laguna Estate is an on-going exercise which is carried out by PWD as the need arises. There is no set programme as there are no major repairs to be effected.

SUPPLEMENTARY TO QUESTION NO. 283 OF 1987

HON J L BALDACHINO:

Mr Speaker, wasn't it the case that in some blocks at Laguna Estate the roofs needed repairing and rather than carry out the repairs they were going to build extra storeys because it would then be cheaper to get the units, is that the case? Weren't some of the blocks really in urgent need to have the roofs repaired or was this not the case?

HON MAJOR F J DELLIFIANI:

Mr Speaker, what the Government thought as a possible solution in helping our housing problem and in avoiding the problems that flat roofs are causing in Gibraltar, we were trying to look ahead, flat roofs do not seem to work as well as sloping roofs and we thought in terms of (1) giving extra housing to the people of Gibraltar, and (2) providing these extra units on top with a flat roof which would give us more long term protection from the kind of problems that flat roofs give not only in Gibraltar but to all private landlords who have flat roofs. Of course, we did away with it because the expenses involved because of safety and all the rest proved prohibitive for this scheme to go on. At the moment what we are reacting to is individual flats that have problems, not major problems but problems. We haven't come across cases where, like in other buildings which I will give the Hon Member some tips, the whole roof has been affected. We know of individual flats which have a particular problem either in one room or the other but not where the whole top floor has been affected.

MR SPEAKER:

Next question.

19 10 87

NO. 284 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whether the site investigation at Engineer House has been carried out and completed?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. The site investigation was carried out in April, 1987, and a report on the findings was submitted to the PWD in June.

19 10 87

NO. 285 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what is the order of cost of the Piazza redevelopment currently under display?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

There were two schemes under display. The order of costs for Scheme No.1 as at 21 January, 1987, was estimated at £200,000. Scheme No.2 has not been costed as it was only very recently completed, but it is anticipated to be more expensive than Scheme No.1.

NO. 286 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what part of the Road Resurfacing Programme for the current financial year has now been completed?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

The road resurfacing programme was amended by the inclusion of the Waterport Coach Park and Forbes Lane. The coach park which was a major work was completed on 30 July. A large backlog of trench and pothole reinstatement work was cleared in August with particular attention to dangerous areas in the Upper Rock and Naval Hospital areas. However, major breakdowns of the asphalt plant occurred during August and September causing delays to the programme of some 6 weeks. Furthermore the use of cold asphalt was blocked by the Transport and General Workers Union for a period of some 2 weeks. At present the resurfacing of Forbes Road is being undertaken and a section of the pavement at Europa Road is being realigned and reconstructed, work which must be done before the road is resurfaced with hot rolled asphalt.

It is estimated that the resurfacing of that section of Europa Road will be completed by early January after which work on the pavements on Main Street from Convent Place to Referendum Gate will commence, prior to the resurfacing of that section of road.

SUPPLEMENTARY TO QUESTION NO. 286 OF 1987

HON J C PEREZ:

Did he not, in fact, say at Budget time that that section needed more than resurfacing? That the last section of Main Street which he has mentioned needed more than resurfacing and that is why the Department saw fit to include it in this year's programme?

HON MAJOR F J DELLIPIANI:

That is so, Mr Speaker, and I haven't said anything that changes that.

HON J C PEREZ:

No, because he actually said resurfacing. Can he say whether the type of work needed involves a greater amount of funds than what would be normal resurfacing anywhere else?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker, because though it is difficult to give an order of cost on things which are hidden below, we have calculated that some of the areas involved, certainly in Main Street up to Referendum Gate, there are areas which concern us because it is not just a question of putting on an asphalt topping but we estimate that we can do it with the money in our vote.

HON J C PEREZ:

And that it can be completed by April?

HON MAJOR F J DELLIPIANI:

Barring any hiccups, mechanical or industrial, yes, Sir.

HON J BOSSANO:

Is it right, Mr Speaker, to assume from what the Hon Member has said that the resurfacing programme, in fact, has been interrupted by the deviation of resources to the Waterport coach park?

HON MAJOR F J DELLIPIANI:

Yes, Mr Speaker, I think I said that in my answer just now. It was a major work as far as our small gang is concerned. I would emphasise that if this work had gone out to tender, and here I am giving you a perfect example how some areas of my Department can work efficiently because we made enquiries of different contractors and the cost for resurfacing the area by one of the contractors was £169,000 whereas the cost by the Public Works Department was £38,000. This is why I can say with confidence there are some areas where the Department has the expertise and the will to do it properly and we can do it better than anybody else.

HON J BOSSANO:

This is the same area, Mr Speaker, that the Hon Member had locked out for three months because he didn't think they had the expertise to be upbanded by one band or have I got the wrong Department?

HON MAJOR F J DELLIPIANI:

No, you have got the wrong Department.

HON J BOSSANO:

Is it not the asphalt plant workers who were out for three months because they didn't have the expertise, according to the Department?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't think this is relevant.

MR SPEAKER:

Next question.

19 10 87

NO. 287 OF 1987

ORAL

THE HON J C PEREZ

Can Government state when the in-depth survey into Bayside School was completed and handed in to Government?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Sir, the report following the in-depth Survey of Bayside Comprehensive School was submitted to the Government on 21 July, 1987.

SUPPLEMENTARY TO QUESTION NO. 287 OF 1987

HON J C PEREZ:

Mr Speaker, if the report was completed on the 21 July how did Government expect the works at Bayside to have commenced during the summer?

HON MAJOR F J DELLIPIANI:

Mr Speaker, because when the work was commissioned on the 28 April a decision had been taken that the work in order that it should progress quickly should be done on a selected tender basis and the original idea was to have the contractor do a design and repair tender. That means that you would be responsible for the design or the suggestions on how to go about it quickly and he would also do it at the same time so it was design/build programme which because of circumstances afterwards it was cancelled.

HON J C PEREZ:

It is the same contractor that actually carried out the survey and the works could not have commenced until the survey was completed or am I wrong in that?

HON MAJOR F J DELLIPIANI:

No, Mr Speaker, because during the course of the commissioning it then came about that there were objections to the licence of this particular contractor and all kinds of challenges were made and then it was thought best that in order to be fair we should not proceed with the single tender thing and we should put it out to tender but nevertheless because most of the work had been done we said: 'Right, carry on with the consultancy as to how it should be done and that will be used in the future for a competitive tender'.

HON J C PEREZ:

When was it decided that the in-depth survey should be carried out? The Hon Member has said that the decision to get the in-depth survey to be carried out was taken in April and that in parallel to that works were going to commence, is that not true?

HON MAJOR F J DELLIPIANI:

The original idea was yes, almost in parallel.

HON J C PEREZ:

But it was going to be a direct allocation?

HON MAJOR F J DELLIPIANI:

Yes, it was going to be a direct allocation and then because of certain allegations the Government, and it was a Council of Ministers decision, decided that it was best to accept the report when it was completed and then the works instead of going almost parallel with the consultants report should go out to tender.

HON J C PEREZ:

But when did this happen? When were these allegations brought to light to the Government that the contract was, according to the Minister, stopped in the manner that it was being pursued?

HON MAJOR F J DELLIPIANI:

When the contract was challenged, not this particular contract; this particular contract was not challenged what was challenged was the award of the tender to the two blocks at Alameda Estate. When that challenge was received it was then decided by the Government to stop the selected tenderer procedure for Bayside. I cannot remember when it was, whether it was in May, June or July I cannot remember but it was at the same time that the contractor was challenged in the Alameda blocks that we stopped what we thought was a good idea by both the Minister for Education and myself who were directly concerned with the problems of Bayside.

HON J BOSSANO:

The Hon Member said that in April it was thought that the thing would be in parallel. In fact, how did it come about that somebody was asked to act as a consultant to advise the Government on who should do the work or what work was required in April?

HON MAJOR F J DELLIPIANI:

I think it was before April, I cannot remember now the exact date but because of the problems we had been having at Bayside we wanted to do something quickly to react to the concern shown by the parents and the teachers of Bayside and at a meeting which my staff and the staff of the Education Department had we thought that the best way to solve the problem of Bayside quickly and efficiently was to be able to do it with a selected tender, to do it quickly would mean that if we went out to tender we would have to go out with bills of quantities, first of all we would have had to wait for a report which showed us all the faults and then the solution of those faults and then we would have to design the work and then after the design work it would have to go to a bill of quantity and it would have taken six months. We thought if we went into basics we had what we thought was a competent contractor who knew the problem,

who had seen the problem, he could do it quickly almost in parallel, as soon as he finished the report we could go ahead with it. But because there were certain allegations, Government thought fit that until the allegations were cleared we should not go ahead with the selected tender but whenever we got the report available to the Government and the bills of quantities were prepared, we would go out under normal tender procedure.

HON J BOSSANO:

I haven't asked him about the actual tender, whether it is selective or competitive, I have asked him about the consultancy, Mr Speaker. Is he saying that the contracting firm selected without a competitive tender was engaged to do both, the consultancy and the contracting?

MR SPEAKER:

Is that correct?

HON MAJOR F J DELLIPIANI:

Correct, Mr Speaker.

HON J BOSSANO:

Isn't it, in fact, the case that there was a separate company involved as a consultant?

MR SPEAKER:

No.

HON J C PEREZ:

Mr Speaker, at this stage what is the Government doing, preparing tender procedures for the whole of the works?

HON MAJOR F J DELLIPIANI:

Mr Speaker, what is happening at the moment is that the report was submitted in July and it has been sitting in the office of the Department since July because of the Police investigations because quite rightly, I think, until the staff knows what it is being accused of they haven't wanted to cooperate.

MR SPEAKER:

But what is the present position?

HON MAJOR F J DELLIPIANI:

That's it, my staff have not wanted to touch a report from Government. I hope now that the report has been made available to the solicitors of my staff that my staff will now get hold of this report and prepare the tender documents as soon as possible in order to help the school.

MR SPEAKER:

Next question.

19 10 87

NO. 288 OF 1987

ORAL

THE HON J C PEREZ

Have the consultants engaged by Government to look into the future needs of refuse disposal now submitted their report?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

No, Sir. The consultants commenced their study in July, 1987. A detailed analysis of the refuse was undertaken at the Incinerator in August to determine the nature and quantity of the refuse. At the same time the consultants visited and undertook interviews at commercial and other establishments to identify waste disposal problems in these areas.

The terms of the consultancy require that the report should be submitted by early December and it is expected that the Consultants will submit their findings in mid December, ie one week late.

SUPPLEMENTARY TO QUESTION NO. 288 OF 1987

HON J BOSSANO:

Are we going to get sight of this report, Mr Speaker?

HON MAJOR F J DELLIPIANI:

I have no objections to the Hon Juan Carlos Perez seeing the report if he comes to my office when it is there. This is for the good of Gibraltar, I have nothing to hide.

MR SPEAKER:

Next question.

19 10 87

NO. 289 OF 1987

ORAL

THE HON J C PEREZ

Can the Minister for Public Works say whether the expenditure for a computer for his department has now been approved, and if so, when it is to be purchased?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Sir, the purchase of the computer has been approved and the order placed, with a delivery date of mid-November 1987.

SUPPLEMENTARY TO QUESTION NO. 289 OF 1987

HON J C PEREZ:

Did that go out to tender?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I have no idea. I think the Government acts on the advice of the Computer Manager as to what is suitable for each Department. I am not sure what the procedure is. What I am sure and I am happy to say is that we hope to have it in November when we will then be in a position to give him more information on the maintenance of buildings.

MR SPEAKER:

Next question.

NO. 290 OF 1987

ORAL

THE HON J C PEREZ

Is Government now in a position to state whether Gibraltar's water desalination capacity is sufficient for the foreseeable future?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. The Gibraltar Government desalination capacity is sufficient to meet the water requirements of the civilian population for the next five years.

SUPPLEMENTARY TO QUESTION NO. 290 OF 1987

HON J C PEREZ:

Of the civilian population but not sufficient for everything other than the civilian population, I presume. The Hon Member did say in the Budget that the Department was actually supplying Gibrepair through the DOE and that that might create a problem for the future, that is why I am asking whether anything has happened since then to change the Hon Member's mind or does he know that Gibrepair is going to be shut and therefore the extra capacity is no longer needed?

HON MAJOR F J DELLIPIANI:

Mr Speaker, what I am saying is that the civilian population excludes the MOD, I am not excluding anybody else. I think Gibrepair is civilian unless the Hon Member knows something that I don't know, I always thought that Gibrepair was civilian. It is very difficult to talk about the foreseeable future. What is the foreseeable future, five years, six years, seven years? In fact, I think unless something drastically goes wrong in the way they control the water and our biggest worry, in fact, is Gibrepair though I think the situation has improved lately, is yes, there is enough water for five years but it is very hard to be able to project these things. If it grows at the same growth rate we will be able to have plenty of water for the next five years. If something drastic happens, I couldn't say. I am confident that the Department monitors the situation very well, we produce reports on a weekly basis of water production and water consumption. I think I am confident that for the next five years we have enough water even for Gibraltar Shiprepair unless they do something stupid now and then. I can only say that yes, I think so.

HON J BOSSANO:

I take it, Mr Speaker, that the Hon Member is telling us that the projects that there are in the pipeline have been taken into account in his Department in projecting future demands and there is spare capacity to deal with all of those?

HON MAJOR F J DELLIPIANI:

Yes, possibly, Mr Speaker, at the expense of not being able to give to the MOD or PSA, this is why we said civilian needs. Obviously, it is to our benefit that we should help out the PSA and we hope that the PSA will help us out when we are in need.

MR SPEAKER: |

Next question.

NO. 291 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what extra manpower has been provided for the Cleansing Department in the last 12 months?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. Government approved six additional sweeper/flushers for the Cleansing Section.

SUPPLEMENTARY TO QUESTION NO. 291 OF 1987

HON J C PEREZ:

The Government approved, have they actually taken them on?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I don't think we have taken all of them, I gather that some of the candidates were not considered suitable and some of the candidates chosen actually withdrew their application later so the people we chose withdrew their application.

HON J C PEREZ:

So how many of the six posts have been filled?

HON MAJOR F J DELLIPIANI:

I have no idea, Mr Speaker, and if the Hon Member will bear with me I will be able to give him the exact number that have been engaged.

HON J BOSSANO:

Mr Speaker, in arriving at this figure of six that the Government has approved, is it the case that the Government cut down what the Department considered it required or not?

HON MAJOR F J DELLIPIANI:

No, Sir. This was done quite a long time ago, in fact, Government approved it over a year ago, if I am correct. This was done in order to improve the image of Gibraltar by having more men available in flushing and sweeping. There has been no cut, this is to give the Cleansing Section more manpower, more flexibility because of sick leave and uncertified sick leave and injuries and all the rest and because of the different festivities which affect the Moroccan labour force and they disappear and we wanted to have more people to be able to be flexible in the areas we could move them to. Unfortunately, it seems to have taken a long time before we can employ somebody, such a lot of procedures. A lot of the work now has been centralised and where before Departments could hire and discharge at will now it is not possible, everything is centralised.

HON J BOSSANO:

But is the Minister then saying that it isn't true that a year ago when the Government approved six the Department thought it needed twenty, that is not true, is it?

HON MAJOR F J DELLIPIANI:

I am not saying it is not true or true, Mr Speaker, all I am saying is that I cannot remember asking for twenty and if I did ask for twenty I would not get twenty I would get six because this is how Departments work. Ideally every Department wants more manpower, it is easier to ask for more manpower than to put your Section right, it is far easier to say: 'I need more men'. I cannot remember that I was asked for twenty, quite frankly and I do the votes, I cannot remember. Probably if there was twenty I probably asked for twenty and I got six but it doesn't necessarily mean that we have cut down but probably to give the kind of service that people were asking for and still demand of the Cleansing Section we thought we would help them out with an extra six. My own views on the matter is that no matter how many people we put in the Cleansing Section until we learn to behave ourselves and be good citizens the situation will not improve unless you have a sweeper behind every person in Gibraltar.

HON J BOSSANO:

Well, that may be an element in it, Mr Speaker, but surely the Hon Member must accept that if there are many hundreds of thousands extra visitors to Gibraltar then the quantity of litter deposited on our streets is linked to the number of visitors we get and that if the departmental management feel that to deal with more litter they need more people then, surely, if the Government is committed to a cleaner Gibraltar they should be concerned to provide the manpower that his Department thinks is required. Would the Hon Member not agree?

HON MAJOR F J DELLIPIANI:

Mr Speaker, no, I don't agree with that.

MR SPEAKER:

We are arguing, with respect, we are now debating whether we need more men or whether the people are dirty. Let us leave it at that. Next question.

19 10 87

NO. 292 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether the tender has been awarded for the embellishment of Europa Point and whether they can now estimate a completion date for this project?

ANSWER

THE HON MINISTER FOR PUBLIC WORKS

No, Sir, no tender has been awarded. Only one tender was received and this was well in excess of the funds available.

The scheme has been redesigned and sent to the Tourist Office for approval and new tenders will be invited. Therefore no estimated completion date can be given at this stage.

SUPPLEMENTARY TO QUESTION NO. 292 OF 1987

HON J E PILCHER:

Can Government confirm that this project will certainly not get off the ground by the end of this financial year?

HON MAJOR F J DELLIPANI:

No, Mr Speaker, of course not. As it appears the contractors in Gibraltar are enjoying such a boom that only one applies and probably he applied tongue in cheek and gave a very inflated tender, of course not. Whilst there is a lot of private work around we will be the sufferers.

NO. 293 OF 1987

ORAL

THE HON R MOR

Can Government say when major works at Bayside Comprehensive School will commence?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Government have a report on the major works required at Bayside Comprehensive School. The survey was carried out by GUNAC Ltd and the report was submitted on 21 July, 1987. Following the announcement that the Police was to investigate certain allegations made against the Department, the Institute of Professional Civil Servants instructed its members that they were not to deal with any work related to this Company. Consequently it has not been possible to prepare the detailed contract documents which will enable Government to seek tenders.

SUPPLEMENTARY TO QUESTION NO. 293 OF 1987

HON R MOR:

Mr Speaker, in view of what the Hon Member has said, does the Government accept that they are incapable of resolving the situation at Bayside despite the concern that has been expressed?

HON MAJOR F J DELLIPIANI:

Mr Speaker, can the Hon Member clarify in what context he uses the word 'incapable', does it mean incapable because the work-force is not capable of doing it?

HON R MOR:

No, Mr Speaker, I am referring to the Government. What is the Government going to do if this situation prolongs?

HON MAJOR F J DELLIPIANI:

The Government - and by the Government I mean the Public Works Department of which I am the Minister - has taken practical steps in order to ensure that the winter months which are upon us do not cause any major problems to the school and in this context ever since we found out that the

report was banned by the staff the maintenance section has done very good work in the building in waterproofing the roof as much as possible, in identifying areas which are within their capabilities to tackle and at this moment, in fact, at half past two there were members of the maintenance staff doing some modifications to one of the.....

MR SPEAKER:

No, what you are being asked is the major works. What does Government intend doing?

HON MAJOR F J DELLIPIANI:

I am coming to that, Sir. As the major works are of very big magnitude we are talking possibly either in two or three stages or nearly up to £½m, we want to do it right and we think that the report if it is now accepted by the IPCS, one of their objections was that they hadn't seen the Principal Auditor's Report which the Minister has not yet seen, once they had seen the report they were quite willing as a gesture of goodwill to tackle the Bayside tender documents based on the report submitted. It is hoped that now that the Attorney-General has released the report to the IPCS on a confidential basis, it is hoped that the staff will now accept the fact that they can go ahead and prepare the tender documents based on the report. As I have said to the Hon Member, the Department is tackling the work though obviously where there is a lot of design work involved we haven't got the capabilities either in terms of manpower or maybe in terms of expertise to do it ourselves but what we can do we are doing and it is on a daily basis. We also have, Mr Speaker, as a matter of interest to Members opposite, a system where the PWD can gain entrance to the school during weekends so that if there is any rainfall they can monitor the situation immediately so that on Monday when school starts again it is hoped that any penetration of water, any damage that could possibly have been done can be identified over the weekend and cleared before Monday.

HON R MOR:

Mr Speaker, the Hon Member has said that the PWD has done very good remedial work. Could he explain how it is that after recent rains the drama studio was flooded and, in fact, the tiling which had just been laid very recently before was all spoilt?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I have an inspection report of the 10th October which, I think was last Saturday, this is a report from one of our maintenance staff: 'Upon arrival I met with Mr Cruz and Mr Barbara' - this was on a Saturday - 'and proceeded to inspect all critical areas with the following comments - (a) woodwork stores - no water penetration, (b) metalwork rooms - no water penetration, (c) drama studio - no water penetration. Roof was subsequently inspected by Mr Barbara showing severe puddling, water accumulation along gutters, faults appear to be inadequate'. So there was no water penetration but the staff saw that there were water puddles on the roof which could be a cause for problems but there were no problems. My information is slightly more up-to-date than yours. '(d) mains outside staff room - no water penetration, (e) extension ground floor corridor - some water ingress via ceiling light caused by water ingress in corridor above, (f) extension first floor corridor - failure with roof lights'.

MR SPEAKER:

With respect, I don't think we are going to get involved on minor repairs or reports when we are being asked 'Can Government say when major works at Bayside School will commence?'

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am answering a supplementary where he accused the Department of failing and that there was water penetration.

MR SPEAKER:

The answer to that is a simple one, say 'there is no water penetration and my report states that that is a fact' but let us not get into details.

HON R MOR:

I would like to clarify, Mr Speaker, we are not accusing, we are actually asking for information.

HON J C PEREZ:

Mr Speaker, turning to the major works. It is my information that part of the major works that need to be carried out is the repair to a particular wall which is keeping one or two classrooms closed. Could the Hon Member state whether this work could be undertaken prior to the tender papers being ready and those two classrooms opened with that repair done immediately?

HON MAJOR F J DELLIPIANI:

Sir, the question of the structural repair to one of the walls is an on-going thing, it will be going out to tender shortly as well, in fact, probably sooner than the problems connected with the water penetration.

HON J BOSSANO:

I am not sure that I have been able to understand precisely what it is that is holding up the work, Mr Speaker.

MR SPEAKER:

I think it has been stated that what is holding up the work is that the Department will not prepare the necessary papers to enable it to go out to tender.

HON J BOSSANO:

Is he saying that the Department will not prepare any documents for any tender in any place under any circumstances?

MR SPEAKER:

I wouldn't know but insofar as these works are concerned that this is the reason.

HON MAJOR F J DELLIPIANI:

Mr Speaker, to clarify what the Hon Member has said. The staff, the quantity surveyors, structural engineers, anybody who has been involved with the tenders which have been dealt with by GUNAC, are not prepared to tackle anything by them. The structural wall has not been tackled by GUNAC, the design work has been done by my staff so that will go out to tender, very shortly, too.

HON J BOSSANO:

Then I come, Mr Speaker, to the point that I made in relation to the question of the Alameda Estate where the Hon Member was concerned about fairness. Is there anything to stop the work being handled as if it had nothing to do with GUNAC and going out to tender to other people or is it that it had already gone to tender and was under consideration already which was the argument for the Alameda Estate?

MR SPEAKER:

Has any part of the major works in the Comprehensive School gone out to tender yet?

HON MAJOR F J DELLIPIANI:

Yes, Sir, the one on the structural wall.

HON J BOSSANO:

That was already with the Treasury Tender Board and tenders had already been invited, is that it?

HON MAJOR F J DELLIPIANI:

Tenders have been invited.

HON J BOSSANO:

I don't think the Hon Member has understood the question. The work is stopped, is it stopped because GUNAC had already tendered for it?

HON MAJOR F J DELLIPIANI:

I think, Mr Speaker, I have repeated this three or four times. The tender documents have not been prepared by my staff because GUNAC is blacked.

HON J BOSSANO:

Fair enough but that was the reason given, Mr Speaker, in the Alameda Estate. The distinction I am making is that in supplementaries in relation to the Alameda Estate the Hon Member said that since GUNAC had already tendered if they now gave it to somebody else then GUNAC could feel that they were being unfairly treated. But in this case if GUNAC has not already tendered what is to stop the work being done by somebody else and going out to tender and forgetting what GUNAC had done already and getting on with the job? Is there anything to stop that happening?

HON MAJOR F J DELLIPIANI:

My staff, who are under investigation, refuse up to today to touch anything which is connected with GUNAC. The report has been submitted by GUNAC and my Department will not touch the report. So even if we used that report and said: 'We'll use that report for somebody else to do it' which is what we wanted to do after we decided in July their answer is 'No, because it has been prepared by GUNAC we will not prepare the tender documents for anyone else to do it because GUNAC was the one who prepared the report'.

HON J BOSSANO:

Presumably, Mr Speaker, it seems to me that GUNAC seems to have prepared the report on virtually every Government building. What did the Government do before GUNAC appeared in Gibraltar, didn't they put any Government buildings out to tender? Can't they forget the report of GUNAC and get somebody else to look at the building? Surely, it is more beneficial for the Department and the people who use the building, Bayside School, even if they have to forget the cost and write it off, at the end of the day they may save money because they don't know how long this is going to be held up, surely?

MR SPEAKER:

Has the Hon Minister a reply to that?

HON MAJOR F J DELLIPIANI:

Mr Speaker, all I can say is that all this time we were hoping to come to an agreement with the staff to tackle the report and not waste money. We were hoping that something would happen and we hope that now, because of the release of the report, something will happen and the works at Bayside will continue. We were hoping all the time that we could discuss the problem with the Staff Side and come to an honourable solution in respect of Bayside School so that the work could be carried out as quickly as possible. It may be that I was mistaken in my judgement and I thought I could do it quicker with this existing report than wait for another report which in any case would take some three months to prepare. I think there would have been a delay even then because once the report was blacked one still has the hope that it will be 'unblacked' and when does one judge or give up hope? I try to have hope all the time because I have read the report and I thought it was a good report and most of my staff who are blacking it thought it was an excellent report. Whether they are experts or not, it has nothing to do with it. It is a fact that the report is a good report and better people than myself have judged it so.

MR SPEAKER:

Next question.

19 10 87

NO. 294 OF 1987

ORAL

THE NON R MOR

Are works on the College of Further Education proceeding according to plan?

ANSWER

THE HON THE MINISTER FOR PUBLICWORKS

It is Government's intention to put this project out to tender before the end of the financial year. The Architectural drawings have been completed and the Bill of Quantities is currently being prepared. It is anticipated that the structural working drawings could be prepared within a period from 8 to 12 weeks.

SUPPLEMENTARY TO QUESTION NO. 294 OF 1987

HON R MOR:

Only last July, Mr Speaker, the Government gave us the target for completion by December, 1987.

HON MAJOR F J DELL'APIANI:

Obviously, Mr Speaker, if I gave that target the target has not been met. I made the point of mentioning in my reply that the structural drawings could be prepared within a period from eight to twelve weeks, it is precisely the structural section of my Department which has been overworked with 4 Rodger's Road and all the problem buildings, etc.

MR SPEAKER:

Next question.

NO. 295 OF 1987

ORAL

THE HON J E PILCHER

Has Government assessed what would be the impact to:-

- (a) Tourist arrivals to Gibraltar and
- (b) Sleeper occupancy to Hotels

of the Sovereign Enterprises withdrawal and the partial withdrawal of Thomsons for the summer 1988?

ANSWERTHE HON THE MINISTER FOR TOURISM

- (a) Sir, Government has assessed the possible effect to tourist arrivals that the withdrawal of Sovereign Enterprise and the partial withdrawal of Thomsons for the Summer of 1988 will have, which is considered to be minimal. However given the situation that the figures available to Government are of a confidential nature Government cannot divulge these figures.
- (b) As regards Sleeper occupancy Government regrets any move by Tour Operators which could affect a particular sector of the trade. Government is actively pursuing its efforts to encourage more Tour Operators to include Gibraltar in their itinerary to counteract any adverse effect the withdrawal of any particular operator might have.

Information exists which indicates that some of the Tour Operators are in fact increasing their operations to Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 295 OF 1987

HON J E PILCHER:

Mr Speaker, since in Question No. 206 of 1987 the Minister answered the question - this was on the Thomsons withdrawal - of the impact it was going to have on the local hotels, can the Minister now state whether he has any knowledge of the effects, he said minimal, whether that would be a minimal effect to the hotel industry as well?

HON H J ZAMMITT:

Mr Speaker, Sir, the answer I gave at the time of the Thomsons withdrawal or threat of withdrawal because, of course, they had intended to move out completely, the figures that were given, in fact, if I remember correctly, were afforded by the Hotel Association or one of the hotels and therefore because it was made public in the, I think it was the Gibraltar Chronicle at the time, I was allowed to refer to them rather than giving them out ourselves. I cannot quantify in so many hundred thousand pounds or so many bed nights lost.

HON J E PILCHER:

Surely, Mr Speaker, when the Minister said that the impact to the tourist industry would be minimal, he must have contacted the Hotel Association to find out whether that was true as far as bed occupancy in hotels were concerned?

HON H J ZAMMITT:

Mr Speaker, Sovereign Enterprises are, in fact, small tour operators in the context of their counterparts such as Thomsons or Intasun or the like. They afford what we call a trickle as opposed to the mass market. I think I should point out, Mr Speaker, that I have not given up hope that we will be able to convince them not to pull out. In fact, during my recent visit to UK I was to have a meeting with Sovereign Enterprise but I think as Hon Members were over there they like me discovered that the British Airways setup is being rehashed on the facts of costly and severe overheads. I think it is common knowledge that the withdrawal of Enterprise is not having selected Gibraltar but they have chosen a wide variety of destinations which because of their minute movement of people were not reaping the benefits they would like within their very large operation. But I haven't given it up and, as I said, some of the present tour operators intend expanding and I think I can say, Sir, that I hope next month to be able to conclude with an entirely new and I think very worthwhile new tour operator which will be starting up with Gibraltar.

HON J E PILCHER:

Mr Speaker, the Minister after that long statement hasn't really answered the question. The question was has he had information from the hotels as to how that affects them in the sleeper occupancy?

HON H J ZAMMITT:

Mr Speaker, no.

MR SPEAKER:

That is the answer then.

HON H J ZAMMITT:

But I think no is a very nice answer to give the Opposition but I think it is not a fair answer, I say no because, in fact, I can say that the Tourist Office as such have not been officially informed by Sovereign Enterprise that they are pulling out. It is the London end that has informed the London Office but we have not been informed. We have not been told officially, the London Office has gathered this up as much as there were other threats of other tour operators moving out.

HON J E PILCHER:

Then, Mr Speaker, in whose opinion is the withdrawal that is supposedly known in UK but not here assessed as minimal?

HON H J ZAMMITT:

Mr Speaker, I think that the Hon Member is picking on words because I think both he and the Hon Mr Juan Carlos Perez who recently went to Britain at the time and this was only two or three weeks ago, there was talk of Intasun pulling out, there was talk of Marshall Sutton pulling out and this, I think, they have found is not to be so. We have only got to know of the intention of Sovereign Enterprise pulling but we have not been told.

HON J E PILCHER:

Mr Speaker, the fact that Sovereign Enterprise is withdrawing is a fact.

MR SPEAKER:

No, ask a question.

HON J E PILCHER:

Mr Speaker, how can I ask a question if the answer is that they have not got official recognition of Sovereign Enterprise's pulling out?

MR SPEAKER:

Then you haven't got a question to ask.

HON J E PILCHER:

Mr Speaker, the Hon Minister for Tourism in his initial reply spoke about confidential figures which assessed how minimal it was. Could the Minister tell me what confidential figures he is talking about and provided by whom?

HON H J ZAMMITT:

Mr Speaker, the confidential figures of the importance of tourism is, in fact, the 50% withdrawal of Thomsons, that hurts and those were the figures that were revealed at the last meeting of the House and I forget exactly how many hundreds of thousands of pounds I said was the loss to the economy or loss to the hotel industry. All I can say is that that is a pinch to the tourist industry because Thomsons not only brings people here directly by air but brings people here on a two centre holiday by using both Gibraltar and Malaga airport. If we lost one plane out of the two that were coming in per week then, of course, we were losing 50%, that was bad and it is bad and we have to try and rescue that.

HON J E PILCHER:

Mr Speaker, can the Minister confirm that last time what he did tell me was that he did not need to assess the full implication because he knew what it was, he said it was totally disastrous. What I am asking is if the withdrawal or partial withdrawal of Thomsons was disastrous or a kick in the chin how strong is the kick in the chin now that Sovereign Enterprise has also withdrawn?

MR SPEAKER:

I think the answer was given to you, it is minimal.

HON H J ZAMMITT:

Minimal, Sir, I wouldn't like to put figures to it but I can assure Members here that Sovereign Enterprise probably bring in something like fifty or sixty a week and no more.

HON J E PILCHER:

Mr Speaker, if I can remind the Minister of the question, the question is: 'Has Government assessed what would be the impact of the Sovereign Enterprise withdrawal and the partial withdrawal of Thomsons?' The answer to that was minimal. Was he saying that the minimal effect is for Sovereign Enterprise and a heavy kick in the chin for Thomsons? Which is it, minimal

for the two, heavy for the two a slightly heavy kick for both?
Which is it?

HON H J ZAMMITT:

Mr Speaker, what I am trying to say is that Thomsons which is really the main worry was that they had threatened to leave by summer 1988. We were able to convince them to continue and they said they would at least continue with one aircraft. It is between now and 1988 that we have to remedy the situation to try and make them continue. At the moment we have lost nothing with Thomsons, they are still coming with two aircraft so we must try and rescue the day before summer 1988. If it is rescued then there is no impact, it continues as we were going.

HON J C PEREZ:

Mr Speaker, could the Hon Member state if any further progress has been made about the secret commitment given to Thomsons in a letter by the Hon and Learned the Chief Minister in relation to their threat of withdrawal which I think the Minister delivered personally?

HON H J ZAMMITT:

Mr Speaker, the letter of the Chief Minister which conveyed the commitment of Government, there is a motion later on and it may be more appropriate then, the letter of the Hon and Learned the Chief Minister which I conveyed to the Managing Director of Thomsons, categorically stated Government's commitment towards tourism in an endeavour to remedy and to find out what problems they had. On my return from England I submitted a whole array of suggestions and, indeed, recommendations - but I will say this because I think it is important for the Opposition to know - way back, I think it was the 5th August, to the Economic Adviser for his professional advice on the economic consequences that certain things could bring about. I regret to say that to this date I have not been able to present my colleagues with that paper because I am awaiting the reply from the Economic Adviser. I think I need not add, we all know that there is one man in that Department at the moment.

HON J C PEREZ:

The Minister said that he had until summer 1988 to be able to try and hold Thomsons in Gibraltar, is that true?

HON H J ZAMMITT:

Mr Speaker, I think things will between now and summer 1988 be able to bring about some of the hindrances that are visible in Gibraltar, the buildings that are going around.

MR SPEAKER:

We are not going to go into this.

HON J C PEREZ:

But is he not aware that the decision of whether Gibraltar is included in the summer 1989 brochure of Thomsons is taken in April/May, 1988, and therefore he hasn't got until next summer to try and remedy the situation?

HON H J ZAMMITT:

Mr Speaker, I have until next May.

HON J E PILCHER:

Would the Minister not agree that if Sovereign Enterprise withdraw even though they are only producing fifty or sixty people a week that will have an effect on guest nights sold to the hotel industry at the moment?

HON H J ZAMMITT:

The answer, of course, has to be yes but, in fact, the answer is no. I will explain that, Mr Speaker, I think I have explained it to Members opposite before. What is occurring, once again, is that in fact tour operators are finding difficulty in obtaining beds in Gibraltar.

MR SPEAKER:

Then the answer is no.

HON H J ZAMMITT:

Well, Sir, it is no in reality and yes because, of course, it is fifty people less but they cannot get a bed here.

HON J E PILCHER:

Mr Speaker, the answer has to be yes. If the answer is yes, and it is yes, obviously in the debate I will expound on that, what will that yes do for the policy of the Minister for Tourism in increasing the bed capacity.

MR SPEAKER:

No, not as a result of this question. Next question.

NO. 296 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what steps have been taken to refund and therefore remedy the situation whereby Monteverde & Sons had to pay a fine in Spain after having had a lorry impounded through no fault of their own?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, at the time representations were made to the Provincial Director of Transport in Cadiz and the Ministry of Transport in Madrid. The UK Department of Transport also made representations and the matter was also taken up by the Foreign and Commonwealth Office, through the British Embassy in Madrid, to the Spanish Ministry of Foreign Affairs. To date, however, no positive reply has been received.

SUPPLEMENTARY TO QUESTION NO. 296 OF 1986

HON M A FEETHAM:

Is the Hon Member implying by that that they are actually making the Spanish authorities responsible for the situation?

HON M K FEATHERSTONE:

Sir, the matter continues to be raised periodically in contacts between local and Spanish transport officials but the indications are that the Spanish Government may only consider if an appeal were made by the firm through their legal machinery. A meeting was arranged at the time between Messrs Monteverde and the Provincial Transport Director in Cadiz where the Spanish appeals mechanism was explained and where the Director offered to personally assist them through the administrative steps. It is understood that the offer was not taken up and the appeal never lodged.

HON M A FEETHAM:

With respect, Mr Speaker, the Hon Member is giving me a reply but he is not replying to my question. Do I take it that the British Government, who is responsible in this matter, is implying that the Spanish Government is responsible for having Monteverde's lorry impounded originally?

HON M K FEATHERSTONE:

The British Government through the Foreign and Commonwealth Office are taking it up on Mr Monteverde's behalf, it would therefore appear that they are in agreement that the Spanish Government is responsible.

HON M A FEETHAM:

Mr Speaker, it was the Hon and Learned Chief Minister who replied to previous questions in the House on this matter. Monteverde and Sons crossed the frontier with a lorry under information which had been given to him which he considered to be appropriate for him to proceed into Spain. Those conditions were agreed between the British Government and the Spanish Government. If there was a mistake incurred it wasn't Monteverde's fault but the fault of the people who advised Monteverde that he could proceed into Spain. Is the Hon Member saying that the British Government is not accepting any liability for having advised the Gibraltar Government Transport Department who advised Monteverde to proceed only to find his lorry impounded in Spain?

HON M K FEATHERSTONE:

I do not think the British Government can accept liability for something the Spaniards do not wish to recognise in the first place.

HON M A FEETHAM:

The Hon Member doesn't seem to understand that our interpretation of the incident is that the Spanish Government acted because they interpreted that Monteverde was acting outside the accord but the fact is that Monteverde was advised on this side of the frontier that he could proceed because the agreement which had been agreed at technical level allowed him to do so, so whoever advised Monteverde originally must be liable.

HON M K FEATHERSTONE:

That is why the British Government is taking up the cudgels on Monteverde's behalf.

HON M A FEETHAM:

Against themselves or against the Spanish Government?

HON M K FEATHERSTONE:

Against the Spanish Government.

HON J BOSSANO:

In fact, the implication is that Mr Monteverde was correctly advised and that the Spanish Government was incorrect in stopping him?

HON M K FEATHERSTONE:

That is so.

MR SPEAKER:

Next question.

19 10 87

NO. 297 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what discussions have taken place with the Spanish authorities with regard to cross-frontier services for taxis ?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, informal discussions have taken place with the Spanish Authorities in order to sound their views on the possibility of the introduction of cross-frontier services for taxis. No formal talks have taken place.

SUPPLEMENTARY TO QUESTION NO. 297 OF 1987

HON J C PEREZ:

Are formal talks expected to take place shortly as a result of these informal discussions?

HON M K FEATHERSTONE:

It seems there is no urgency on the Spanish side both from officials in Madrid and the Campo Area as well as from the taxi trade in La Linea on its implementation.

HON J C PEREZ:

What the Minister is implying is that there is no progress whatsoever in the informal discussions that have to date taken place?

HON M K FEATHERSTONE:

There is no progress at the moment but the matter can, of course, be raised when we have talks with the Spaniards.

MR SPEAKER:

Next question.

19 10 87

NO. 298 OF 1987

ORAL

THE HON J C PEREZ

What is the policy of the Government in respect of the use of radio transceivers in private hire cars?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the policy of Government is not to introduce legislation prohibiting radio transmitter/receivers in respect of this type of licence.

SUPPLEMENTARY TO QUESTION NO. 298 OF 1987

HON J C PEREZ:

Is this true regardless of the round the table talks that are taking place between the Chief Minister and all those involved in the trade? Surely, if the issue is raised there and there is agreement to do something different would the Government not be in a position to be able to take a different view?

HON M K FEATHERSTONE:

Sir, any legislation enacted prohibiting the use of such wireless apparatus would discriminate against the fifteen holders of private hire licences. It would deprive the seven successful applicants of their existing rights to the protection and use of their property, it would deprive the seven successful applicants of the existing rights which the law currently affords them and as such would be at least repugnant to and probably inconsistent with the provisions of the Constitution. Government has been advised most strongly against the enactment of any such legislation and Government accepts such advice.

HON J C PEREZ:

What I am saying is whether with the agreement of those concerned in the round table discussions that are taking place the Government might decide to take a different view on the matter. If the Government is having a round table discussion on the whole of this issue, I presume that everything is open for discussion between all sectors and if at any stage agreement were to arise which might be of a different nature to the policies that the Minister is advocating then the Government might find itself in a position where it might be able to accept the change of policy in that respect.

HON M K FEATHERSTONE:

If there were such an agreement it would have to be done on a personal basis and not as the result of legislation which, as I say, has been deemed to be repugnant to an inconsistent with the provisions of the Constitution.

HON J BOSSANO:

Is the Hon Member saying that this legislation cannot be changed under any circumstances unlike any other law in Gibraltar.

HON M K FEATHERSTONE:

It can be changed but it could be challenged in the Courts and it might be found to be against the Constitution and therefore it would be a bad law as has occurred in the past.

HON J BOSSANO:

What is special about this law that makes it impossible to change as opposed to any other law? Is it not the case, Mr Speaker, that every time the Government comes here and changes something they are introducing a new set of rights or removing rights that people already enjoyed before the law was passed?

HON M K FEATHERSTONE:

This has been a matter of careful scrutiny and that has been the legal opinion given on such matters of legislation.

HON J BOSSANO:

But I am asking whether it is something peculiar to this particular right and this particular law or whether it is the view that any other rights enjoyed under any other law cannot be removed from the people that enjoy them? That is to say, anybody presumably that is already operating a private hire car whether they have exercised that right or not enjoys it, is that the position?

HON M K FEATHERSTONE:

On this specific case that is the advice that has been given and that is the advice the Government is following.

HON J BOSSANO:

But I am trying to be specific and understand the nature of the advice, Mr Speaker, because there are other things that the Government is trying to change which we will be asking the Government to tell us whether what they are trying to change in other areas is consistent with this advice. I am asking is there something peculiar about transceivers that makes them a particularly sacrosanct right that people enjoy and people can be deprived of every other right except this one or is the principle in the Constitution applicable generally?

MR SPEAKER:

Perhaps the Hon and Learned the Attorney-General might help.

HON ATTORNEY-GENERAL:

There is nothing special in the legislation regarding transceivers. The proposal was that seven or eight people applied for transceiver licences. They apparently had taken steps to purchase transceivers, they were given the wave length on which these transceivers would operate and then the proposal was; 'No, let us enact legislation to stop these people getting these seven or eight transceiver licences'. I said legislation enacted in circumstances such as that would be repugnant and probably inconsistent with the provisions of the Constitution. There is nothing special about the Wireless Telegraphy Ordinance but there is something special about legislation to take away acquired rights, the Government had gone so far as suggesting: 'Here is the wave length, go along you just have to put in a formal application'. Then somebody comes along and says: 'No, we are going to stop it, no private hire cars can have a wireless telegraphy licence'. That law as enacted in those circumstances would be contrary, I think, and repugnant to the Constitution.

HON J BOSSANO:

Mr Speaker, hasn't the Hon Member said that this applies also to the eight existing holders of private hiring cars who have not, to my knowledge, applied for licences? Do they have acquired rights as well?

HON ATTORNEY-GENERAL:

When I gave this advice I was dealing with seven applications which hadn't been formally filed but it had been verbally said: 'What do we have to do to get a transceiver for our private

hiring cars? Do we have to have a wave length?' 'Yes'. 'What wave length?' And those seven people went away no doubt to find transceivers on that particular wave length so that they could use them in their private hiring cars. If the other eight private hiring car operators haven't applied for a licence then they wouldn't have lost it because they obviously don't want a licence. This would be the 'seven private hiring cars exclusion from rights Bill' if you are going to present legislation in that way to stop seven people getting their licence and that legislation would be wrong.

HON J BOSSANO:

We are not talking about stopping anybody getting anything, I am trying to find out from the Government the information that has been provided. In the light of what the Hon and Learned the Attorney-General says, is then the answer given by the Minister incorrect when the Minister said it would be repugnant and contrary to the Constitution in respect of all fifteen? Is that answer incorrect then?

HON ATTORNEY-GENERAL:

It certainly is correct for the seven, for the other eight I would have to look at it. I don't think this applies, I don't think they have lost any rights. Of course, under the existing law they have a right to apply, OK, we can change that law and they would be unable to apply but the seven had already applied in everything but on the form and you were taking away those rights and that is why it would be repugnant in the seven cases. Please don't commit either myself or the Minister to the fifteen cases, commit us to the seven and the seven only.

HON J BOSSANO:

Then what the Minister has said is incorrect and the advice of the Hon and Learned the Attorney-General is that people who have not yet exercised the right that exists today in law can, in fact, be deprived of their right before they exercise it, is that the situation? I am trying to get information, Mr Speaker.

HON ATTORNEY-GENERAL:

If you have the right to do something today and this House decides to remove that right tomorrow and you haven't exercised or made any steps to put yourself out in any way to exercise that right, then it is no skin off your nose, it doesn't matter. There are several rights which exist which you can remove by legislation. The right to do this, no, you don't have the right to do that. You have the right to drive this way in Main Street today, we change the law tomorrow and you cannot drive that way in Main Street. That is the right which you can change but not people who have acquired and have decided

to exercise that right.

HON J BOSSANO:

Mr Speaker, I am trying to get information, whether it is some skin off somebody's nose or skin off any other part of the anatomy is neither here nor there. I am trying to establish what is the advice given by the Hon and Learned Member professionally as to what is consistent or inconsistent with the Constitution. Obviously, we want to know because we are not here to tell the Government to break the Constitution.

MR SPEAKER:

I think the advice that has been given is to the extent that seven people have their licences they cannot be deprived of that right. What are the implications on other matters I think one must try not to remember or to recall, it has nothing to do with the particular question.

HON J BOSSANO:

Independent of whether people are aggrieved or not aggrieved by it the position is is it unconstitutional to change the law? We have asked the Government what their policy is, clearly whatever their policy is if it is unconstitutional it is unconstitutional. We are not being told that it is unconstitutional to change that particular law in respect of the existing fifteen licence holders which is the original answer, that is not correct.

MR SPEAKER:

Perhaps because I have a little knowledge of the law I think what you are being told is that it is unconstitutional to deprive someone of a right which he has been exercising.

HON ATTORNEY-GENERAL:

To pass legislation to deprive seven people to an existing right, deliberately to deprive those seven people, obviously, is repugnant to the Constitution.

MR SPEAKER:

I am not saying that I agree with that advice.

HON J BOSSANO:

The Hon Member seems to be harping about whether it is seven

people or seven hundred, we are trying to find out a matter of Government policy and if the answer is that independent of whether it is Government policy or not the Constitution lays down what can be done then we want to be sure what is the nature of the interpretation of the Constitution by the Hon and Learned Member so that we can remind him every time he brings laws here that changes the rights that people have already got, that is all.

MR SPEAKER:

No, we have better leave it at that. Next question.

NO. 299 OF 1987

ORAL

THE HON J C PEREZ

What steps have been taken by Government to proceed with the employment of traffic wardens?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, it is the practice to clear the conditions of service of all grades with the Staff Side.

Since the grade of Traffic Warden is new there is no union which has negotiating rights for them as yet. The Staff Association Co-ordinating Committee (SACC) has been invited to consider which association will take on the responsibility of representing this grade and a reply is awaited.

SUPPLEMENTARY TO QUESTION NO. 299 OF 1987

HON J C PEREZ:

When was this taken to SACC?

HON M K FEATHERSTONE:

I don't know but it must have been within the last two or three weeks.

HON J C PEREZ:

Mr Speaker, my information is that it hasn't happened but in any case, is the Hon Member not aware that there is only one particular union that can cater for that?

MR SPEAKER:

That is another matter.

HON J C PEREZ:

Obviously it is a matter for your Industrial Relations Department to pursue.

HON A J CANEPA:

It was taken to SACC.

HON J C PEREZ:

Our information is that it hasn't been taken to SACC.

HON M K FEATHERSTONE:

My information is that it has been.

HON J C PEREZ:

But you are not sure when?

HON M K FEATHERSTONE:

I am not aware when.

HON A J CANEPA:

Maybe a meeting cannot be held.

HON J BOSSANO:

Is the Government aware whether it has received a claim for negotiating rights from anybody?

HON A J CANEPA:

Yes, from ACTSS.

HON J BOSSANO:

Mr Speaker, is there any reason to suppose that that claim for negotiating rights in respect of this grade is being contested by anybody else?

HON A J CANEPA:

What there is reason is to follow the procedure that has always been followed, that is all. Let SACC meet at an early date, let them consider the matter and if nobody else is contesting then let them give negotiating rights to ACTSS but let them be the ones to do it, don't expect the Government to do it.

HON J BOSSANO:

Mr Speaker, if the Government has announced a policy decision the Government has in previous answers to questions complained, the Minister for Public Works complained about the time it takes to employ people. If they have announced a desire to employ

traffic wardens what do they expect, that the initiative should come from different unions? They expect the GTA to come along and say: 'I want to represent traffic wardens'?

HON A J CANEPA:

No, what we expect them is, on the basis of a round robin, to say: 'We have no objections to ACTSS having the negotiating rights' but let them say so. Why can't they, what is the problem about saying so? In fact, I am going to ask the questions now, what is it inefficiency, lack of interest, what is the reason for the Staff Association Co-ordinating Committee not replying to the Government as an employer and say: 'We have no objections to the negotiating rights being given to ACTSS in respect of traffic wardens', what is the problem?

HON J BOSSANO:

Will the Hon Member not agree with me that the presumably rhetorical question he has asked, because I cannot give him an answer, would not apply if they haven't been asked? Would the Hon Member accept that if he expects an answer it is reasonable that the Government should take the initiative to ask the question.

MR SPEAKER:

That is what we are now debating. You have asked a question you have been given the information, whether it is the right one or not is another matter. Next question.

HON A J CANEPA:

Mr Speaker, may I make a statement arising from a previous question which I intervened. I am informed that the Government did refer the matter to the Staff Association Coordinating Committee about a couple of months ago. We wrote to the Secretary of the Staff Association Coordinating Committee, we have not received a reply from them.

NO. 300 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state if he is satisfied with the present conditions of 4 Rodger's Road Government Quarters building and that it does not represent any danger to the tenants?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Mr Speaker, although this question is addressed to the Minister for Housing, it is more appropriate that I should answer it.

I am not satisfied with the state of No.4 Rodger's Road which was built in 1874. The PWD has for several years now, been observing certain structural defects which already existed when the building was handed over to the Gibraltar Government in 1974. The main defects in this building are:-

- (1) Corrosion of the beams and columns that support the walkways at first and second floor levels;
- (2) Significant cracks between the wings of the building and the main structure. The wings were constructed after the building had been erected. In order to safeguard the tenants, the suspended walkways and stairs are being propped up and wire netting is being placed under the soffit of the slabs to catch any concrete that may spall off. These measures will render this part of the building reasonably safe in the short term.

It is considered that there are no signs of imminent danger in the vicinity of the wings of the building, and, hence, no action is to be taken in these areas. The condition of the building is being closely monitored by the professional staff of the PWD.

SUPPLEMENTARY TO QUESTION NO. 300 OF 1987

HON J L BALDACHINO:

Is the Hon Member saying that he is satisfied that there is no danger to the tenants?

HON MAJOR F J DELLIPIANI:

Mr Speaker, what I have said is that there is no imminent danger of the building collapsing. This does not detract from the fact that we are concerned with the state of the building and it is not only to do with the corrosion of the walkways it is that because we suspect that in the area where this building is there is movement of the subsoil which is affecting not only this building but other buildings in the area both Government owned, owned by the Ministry of Defence and owned by private landlords. It is the hope of this Department that we vacate the building within a year, we would like to vacate it in an orderly fashion seeing that all the tenants are transferred to other suitable accommodation which will, no doubt, give a few headaches to the Hon Minister for Housing because we consider that the building because of the movement of the subsoil, apart from the corrosion of the building and the cracks, it would be too expensive to save and it would be far better for the building to be demolished. The Department is inspecting it on a weekly basis and I have arranged with the tenants to submit this report to them every Monday, in fact, I had the first report this morning and there has been no significant movement which would cause any immediate danger to the tenants. I cannot and no one will say it is imminently safe because if something happened you will all be on me. I think I am being very honest in saying that my opinion based on the reports submitted by the professionals is that, yes, the building is dangerous just like the Parliament Lane building is dangerous and it is still there. I think it is a source of concern and I would like to see them moved out as soon as possible but I think that in any case I would not like to see them moved out in a rush and then the building stays there and they say: 'You moved us out under extreme conditions and the building is still on ice'. I want to be able to balance it carefully in coordination with the Minister for Housing so that as soon as we can make suitable offers to them they can be moved as quickly as possible to suitable accommodation.

HON J L BALDACHINO:

Mr Speaker, I would like to ask the Minister for Housing because I specifically mentioned him in my question because as he well knows he is the person who is responsible under the Housing (Special Powers) Ordinance to decent people, does he share the same view as that of his colleague?

HON M K FEATHERSTONE:

Yes, Sir.

HON J E PILCHER:

Mr Speaker, can the Minister define because I am not directly involved but I was worried when he used the words 'reasonably safe', can he define 'reasonably safe'?

MR SPEAKER:

No, in other words, they are taking a considered judgement, I think that is what they are saying, in the circumstances.

HON J BOSSANO:

Didn't the Hon Member, Mr Speaker, draw a parallel between the building in Parliament Lane where, in fact, the Court ruled that the state of the building was such that it had to be vacated and the building demolished. For example, if this was not a Government owned building would the situation be that the Government would be prosecuting the landlords to get the building vacated?

HON MAJOR F J DELLIPIANI:

I have not received any report from the Health Department, the Chief Environmental Health Officer, saying that with the same forcefulness as was said in Parliament Lane, in respect of this building. What I don't want to happen is that the tenants are made to move in a hurry, if it is possible, into conditions which are worse than where they are living now because accommodation is a problem in Gibraltar and then for the tenants to be able to look at the building and say: 'The building is still there, nothing has happened'. This is why it is being monitored on a weekly basis, there are tell tales there to tell us whether there have been any further movements to the building and what we hope to say is if there is any significant movement we will be able to do something about it, not to prevent it but to safeguard the tenants.

HON J C PEREZ:

Mr Speaker, if the situation is being looked at on a weekly basis it means that the Department expects that week by week the situation could deteriorate. That is certainly not a very safe premise on which to work on the question of the safety of eleven families.

HON MAJOR F J DELLIPIANI:

Mr Speaker, in actual fact the recommendation of the Department was to monitor it on a fortnightly basis and it was I who said:

'No, I would like it on a weekly basis' to be able to reassure the tenants that all possible reasonable inspections are being carried out to the building so, in fact, the recommendation of the Department was two weeks and I said: 'No, I would like a report every Monday on my desk in order to be able to contact the representative of the tenants and inform them of what is happening'. I want to keep in touch with the tenants, they have behaved in a most reasonable manner and I think I have established a good relationship and I hope that with goodwill from everybody in Gibraltar we will be able to solve the problem. I would not like to see them moved into buildings which are not suitable for them.

HON J C PEREZ:

I believe that there is an internal report on this building. Would the Hon Member be prepared for the Opposition to have a copy of this report so that we may judge for ourselves the extent of the safety of this building, this particular issue because of the safety aspect?

HON MAJOR F J DELLIPIANI:

Mr Speaker, I am very surprised to hear the Hon Member say that because I have said, certainly since he has been over there, time and time again that whenever he wants anything I am quite prepared to give it to him.

MR SPEAKER:

So the answer is yes.

HON MAJOR F J DELLIPIANI:

Yes, of course it is. If I am going to give it to the tenants I think that it is only right that I give it to the Hon Member in the Opposition.

HON J BOSSANO:

I would like to ask two questions, Mr Speaker. One is, have the Environmental Health people been asked to take a look at it? And the other one is, if the Hon Member is talking about soil movement, is this something that can be affected by, for example, heavy rains in the near future?

HON MAJOR F J DELLIPIANI:

I think, Mr Speaker, that he has asked two questions. The first

one was has the Environmental Health expressed any views. In actual fact when there are problems of a structural nature it is the Environmental Health Officers, however well qualified they are, who ask for the opinion of my structural engineers. The second question is a very technical question. I suppose with all heavy rains subsoils can be affected, I do not know. What I do know is that we want the area to be surveyed by geological people, people who know about it and we are, in fact, drawing up parameters for a consultancy of the area to be made available to the Government.

HON J L BALDACHINO:

Mr Speaker, as far as we have established I think the Government is also of the opinion that sooner or later these tenants will have to be decanted from Rodger's Road, that is correct, isn't it?

HON MAJOR F J DELLIPIANI:

Yes, Sir, it is hoped, as I have said in my answer, that we should do this within a year.

HON J L BALDACHINO:

The Hon Member has said within a year, Mr Speaker, is it because the Housing Department do not have at the present moment enough accommodation for these tenants or is it based on something else?

HON M K FEATHERSTONE:

The Housing Department at the present moment has no accommodation where they can decant these people. As accommodation comes along they have been decanting from another dangerous building so we have pressure from two sides, we are doing our best to suit the decanting needs as far as we can possibly manage to do so.

MR SPEAKER:

Next question.

19 10 87

NO. 301 OF 1987

ORAL

THE HON J L BALDACHINO

When is Government intending to implement the revised Housing Allocation Scheme tabled at this meeting of the House?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

As soon as administratively possible. Date of implementation with effect from 1st January, 1988.

SUPPLEMENTARY TO QUESTION NO.301 OF 1987

HON J L BALDACHINO:

Mr Speaker, I have got the new scheme. Would the Hon Member be prepared to pass me some information so that I can monitor the effect it will have, the change from one scheme to the other?

HON M K FEATHERSTONE:

With pleasure, Sir.

MR SPEAKER:

Next question.

19 10 87

NO. 302 OF 1987

ORAL

THE HON J L BALDACHINO

Can the Minister for Housing state the number of post-war allocations given since 1 7 86 to date?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Twenty five post-war houses have been allocated since 1 7 86.

SUPPLEMENTARY TO QUESTION NO. 302 OF 1987

HON J L BALDACHINO:

Will the Hon Member fulfil the commitment he gave me at the time on the 1st July, 1986, to give me the names and the pointage of the people who were allocated these premises?

HON M K FEATHERSTONE:

Yes, Sir.

19 10 87

NO. 303 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state (a) how many applicants are there in the Housing Waiting List and (b) give a breakdown of the number of applicants in various categories, ie 2RKB, 3RKB, etc?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

There are 2,196 applicants on the Housing Waiting List.

1 RKB : 318

2 RKB : 428

3 RKB : 769

4 RKB : 602

5 RKB : 74

6 RKB : 5

19 10 87

NO. 304 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state what method of allocation was applied to flats converted from voids at Alameda Estate?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

The 8 bedsitters converted from voids were allocated under the pointage system; Medical Priority List; Government Quarter Scheme and 'Musical Chairs' method.

SUPPLEMENTARY TO QUESTION NO. 304 OF 1987

HON J L BALDACHINO:

Can the Hon Member state what was the effect when he applied the 'Musical Chairs' on the bedsitters?

HON M K FEATHERSTONE:

Yes, Sir, under the 'musical chairs' method two accommodations were given, a 2RKB was vacated and the other one a 3RKB was vacated.

MR SPEAKER:

Next question.

NO. 305 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whether Flat 18 of St Jago's Estate (52, Town Range) was allocated by the Housing Allocation Committee under the housing pointage system?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. This flat never became vacant and I authorised a change of tenancy to a person who had been residing in the flat since 1985 with the landlord's permission and who I considered had acquired certain rights.

This person was prepared to enter into a commitment to purchase the flat, if and when this Estate is put on sale under the Home Ownership Scheme.

SUPPLEMENTARY TO QUESTION NO. 305 OF 1987

HON J L BALDACHINO:

Can the Hon Member clarify the last part. He said that this person was prepared to purchase the flat, is that why he was given the tenancy?

HON M K FEATHERSTONE:

No, Sir.

HON J L BALDACHINO:

Isn't it correct, Mr Speaker, that this person was the granddaughter of the person who used to be living there?

HON M K FEATHERSTONE:

That is correct, yes.

HON J L BALDACHINO:

Isn't it also correct that since 1935 all the allocations to people or permission by the landlords for people to live with their grandparents were all based on the provision that once the persons passed away then they had no right to the tenancy?

HON M K FEATHERSTONE:

In most cases yes but not in all cases.

HON J L BALDACHINO:

How many other cases are there then, Mr Speaker, apart from this one?

HON M K FEATHERSTONE:

Off the top of my head I cannot tell you.

HON J L BALDACHINO:

Why then, Mr Speaker, does Government have a policy for some and a policy for others?

HON M K FEATHERSTONE:

It depends on the circumstances of the case. In this instance the person had been living there two years, they are willing to buy the property which is not easy to sell, bedsitters are not easy to sell, and it was considered that this was a good opportunity to sell one of the bedsitters where we would have difficulty otherwise.

HON J L BALDACHINO:

How can the Hon Member say that? Has he approached any persons who are on the Housing Waiting List for bedsitters to see if they want to acquire the property or not?

HON M K FEATHERSTONE:

The policy is to give the sitting tenant the first refusal.

HON J L BALDACHINO:

I understand that but what I am trying to establish is that this wasn't a sitting tenant.

HON M K FEATHERSTONE:

I would beg to differ that this person was the sitting tenant.

HON J L BALDACHINO:

He will be the sitting tenant, Mr Speaker, once the tenement is given to this person but before the person was not the

sitting tenant, isn't that correct?

HON M K FEATHERSTONE:

The person had the right to be the sitting tenant.

HON J L BALDACHINO:

Will the Hon Member then, Mr Speaker, seeing that he has made allowances in this case, will he also make allowances for all the other persons who have been living with their grandparents, will he also make the provision that they will be given the tenancy once the legal tenant passes away? You cannot have a policy for one and a policy for others.

HON M K FEATHERSTONE:

Where they have been residing with their grandparent for a reasonable period of time then they will be given good consideration but not where they have gone there two weeks before the person passes away.

HON J L BALDACHINO:

Is the Hon Member aware, Mr Speaker, that there are people who have been threatened with eviction letters from his Department who have been living with their grandparents for about four or five years? Is he aware of that?

HON M K FEATHERSTONE:

I would like you to bring those to my attention and I will look at them.

HON J L BALDACHINO:

If I bring those to the attention of the Hon Member will he apply the same provision that he has applied in this case, Mr Speaker?

HON M K FEATHERSTONE:

If they are willing to buy a bedsitter then we will look at it very favourably if they are the sitting tenants.

HON J L BALDACHINO:

I tried to establish that originally. Was the buying of the flat got anything to do with providing the tenancy?

HON M K FEATHERSTONE:

If the person has been there more than six months and they become a protected tenant then we will give the permission, yes.

HON J L BALDACHINO:

So the way that the Housing Department is carrying out its business now of allowing people to live with their grandparents and saying that you can only stay there if you are looking after them but once they pass away or they leave that accommodation they cannot remain there is totally incorrect? Is that what he is saying? His Department is applying that rule incorrectly?

HON M K FEATHERSTONE:

I would not say that, Sir.

HON J L BALDACHINO:

What is the Hon Member then saying, Mr Speaker?

HON M K FEATHERSTONE:

I am saying that the matter will be looked at sympathetically with persons who are bona fide living with their grandparents for a considerable period of time.

HON J L BALDACHINO:

And I am telling the Hon Member there are people who have been living for a considerable period of time and if he is prepared for those people who have been living there for a considerable period of time to remain living there or for him to give them the tenancy once the legal tenant passes away or he moves away somewhere else. Is he prepared to do that, Mr Speaker?

HON M K FEATHERSTONE:

If they have been given that condition from the Housing Department, yes.

HON J L BALDACHINO:

What conditions, Mr Speaker?

HON M K FEATHERSTONE:

That they can become the sitting tenant.

HON J L BALDACHINO:

No, Mr Speaker. His Department, and I have said that originally, to people who are not the mother or the son or the daughter or the in-laws when they go and move - and this has been going on since 1985, I presume the Hon Member is aware of that - all the Housing Department does is that they say: 'I give you permission to remain with your grandmother so long as your grandmother is living there but once she passes away or she moves somewhere else you cannot stay there, you have to give up the property'. It is immaterial whether they are living for six months or five years. This is the question I am asking.

MR SPEAKER:

We are beginning to talk at cross purposes. What the Minister has said is that in those circumstances if they have been living there for a considerable time then they would be considered.

HON J L BALDACHINO:

What is a considerable time for the Hon Member?

HON M K FEATHERSTONE:

It would have to be at least six months.

HON J BOSSANO:

Mr Speaker, the Hon Member has just said if that was the condition, is he saying that in this particular case when the person moved in they were told when they moved in that they would be allowed to stay or, in fact, it was his intervention as a matter of Ministerial policy that made it possible in this case and not in others?

HON M K FEATHERSTONE:

In this case the sitting tenant is willing to purchase the property which is what is the great criterion.

HON J BOSSANO:

I am asking him when the person moved in in 1985, were they told in 1985 that they would be allowed to stay behind in the property? It has nothing to do with whether they would be purchasing it or not purchasing it, the place may not be for sale in a year's time.

HON M K FEATHERSTONE:

No one is told at the time of moving in that they are going to be allowed to be the sitting tenant. That is a matter that is dealt with as a period of time goes by.

HON J BOSSANO:

So, in fact when he said just now that provided there was that condition he didn't mean that, that is what I am trying to clear up.

MR SPEAKER:

Next question.

NO. 306 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state when they intend to decant the remaining tenants of 30 Castle Road (Police Barracks)?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. As soon as possible but this depends on the availability of housing units also taking into account the interests of applicants on the Waiting List.

SUPPLEMENTARY TO QUESTION NO. 306 OF 1987

HON J L BALDACHINO:

Mr Speaker, is this building really in danger because there are tenants who have already been decanted?

HON M I FEATHERSTONE:

I am liaising very closely with the Hon Minister for Public Works who will advise me as and when there is any imminent need to decant people. We will try and decant them as we can go along but, as I say, we have pressure from decanting from the Police Barracks which you have just mentioned here and we also have pressure from people on the Waiting List.

HON J L BALDACHINO:

Am I correct then in assuming, Mr Speaker, that there is imminent danger in this building because people have already been decanted?

HON M K FEATHERSTONE:

In the Police Barracks?

HON J L BALDACHINO:

Yes.

HON M K FEATHERSTONE:

I wouldn't say there is imminent danger but there is falling of concrete and it is required to decant them as fast as possible to be able to repair the building as such.

HON J L BALDACHINO:

Mr Speaker, why then wasn't the policy that is being adopted now in Rodger's Road not adopted here because if in Rodger's Road they are saying there is no imminent danger and therefore people can wait there for a year and here we have where the Government started already decanting people and we have still got people living there, isn't there an imminent danger there because they already started

decanting some of them?

HON M K FEATHERSTONE:

We will start decanting people in Rodger's Road as soon as we can, as soon as we can find available accommodation which they are willing to accept.

HON J C PEREZ:

How many families are still in the Police Barracks and how many families have already been decanted, is the Hon Member aware of that?

HON M K FEATHERSTONE:

I don't know how many have been decanted but there are seven left in the Police Barracks, I think about seventeen have been decanted.

HON J C PEREZ:

Is it not the case that proposals were put to those families recently to get them to move within the Barracks themselves to one area to try and commence works?

HON M K FEATHERSTONE:

They have been asked to move and some of them are moving.

HON J C PEREZ:

Is this not contrary to the whole essence of the danger that was first identified in the building?

HON M K FEATHERSTONE:

The part of the building they are moving to is not in such a poor condition as the part that they are moving from.

HON J C PEREZ:

And why were people decanted from that part of the building then? There have already been families decanted from that part of the building. Is the Minister telling me that they decanted people at random and now they find that one part of the building is not dangerous?

HON M K FEATHERSTONE:

No, I am not saying that it is not in poor condition but it is not in as poor a condition as the part where we are decanting from at the moment.

HON J L BALDACHINO:

Mr Speaker, why then were the people decanted from that side when the people who were in real danger were the people from the other side, the ones he didn't decant? Why didn't he apply originally that procedure from the start?

HON M K FEATHERSTONE:

The original intention was to try and decant everybody but certain people when they were told the area where they could decant to were not satisfied with it and they stayed where they were, this happens on frequent occasions, sometimes it takes two or three years to empty a building, Jumper's Building is one example of it and this is the difficulty that the Housing Department is up against.

HON J L BALDACHINO:

I understand that, Mr Speaker. I understand the original idea was to decant everybody from the start. What I am asking the Hon Member is if that was the original idea why didn't he decant first the people who were in more dangerous flats?

MR SPEAKER:

He has already told you, because they did not want to move, they did not want to accept the accommodation that they had been offered.

HON J C PEREZ:

Mr Speaker, if you decant seventeen families and you have seven families left because you find that the building is in danger and you are going to start works within that building and you want to get some of those families on the other side of the building, the danger rises at the commencement of works so we are really going to have a more serious situation of safety and people still in the block if works commence whilst those people are still there.

HON M K FEATHERSTONE:

I do not agree that that is a correct thesis.

MR SPEAKER:

Next question.

19 10 87

NO. 307 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many Government pre-war dwellings are vacant at present?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

There are thirteen Government pre war dwellings vacant at present, excluding Jumpers Building and the units already vacated at the Police Barracks 30, Castle Road.

All of the thirteen dwellings are in a bad state of disrepair and are being rehabilitated. Seven units have been passed to Public Works Department and six are being dealt with by the Housing Department maintenance gang.

SUPPLEMENTARY TO QUESTION NO. 307 OF 1987.

HON J L BALDACHINO:

Has the Hon Member any idea when these buildings will be in a position to be rehabilitated?

HON M K FEATHERSTONE:

One of the usual needs of rehabilitation is the electrics and this normally takes a period of about three to four weeks to do. I would say that we would get all these thirteen dwellings back within the next six months.

MR SPEAKER:

Next question.

19.10.87

NO. 308 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if they have now identified any site suitable for a homeless centre?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes Sir, consideration is being given to the possibility of rehabilitating some of the voids at South Jumpers Bastion and converting them into dormitories for homeless cases.

SUPPLEMENTARY TO QUESTION NO. 308 OF 1987

HON J L BALDACHINO:

When will this take place, Mr Speaker?

MR SPEAKER:

Within the next five or six months. Jumper's Building is one of the buildings which is being rehabilitated. The Minister said that in the answer to the previous question.

HON J L BALDACHINO:

South Jumper's Bastion, will it be converted into two homeless centres or just into one?

HON M K FEATHERSTONE:

It will be converted into two dormitories, one for males and one for females with children.

HON J L BALDACHINO:

How many will be accommodated in such a centre?

HON M K FEATHERSTONE:

I think each dormitory can take about twelve persons.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

Can Government state what is its policy on the hosing down of Government Housing Estates?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Government Housing Estates are not hosed down. They are, however, swept by personnel from the Housing Warden Structure.

SUPPLEMENTARY TO QUESTION NO. 309 OF 1987

HON J L BALDACHINO:

So Government has got no policy whatsoever for hosing down Government Estates, is that correct?

HON M K FEATHERSTONE:

Not at the moment, Sir.

HON J L BALDACHINO:

Does Government consider that they should really have a policy for hosing down Estates?

HON M K FEATHERSTONE:

In an Utopian society yes, Sir.

HON J L BALDACHINO:

Is the Hon Member then satisfied that the Housing Estates are really as clean as the tenants should have them?

HON M K FEATHERSTONE:

As the Hon Chief Minister has just commented some are clean and some are not so clean. We would like to see hosing done if possible but this is not possible with the staff available at the moment.

HON J L BALDACHINO:

So, really, it is not the Public Works Cleansing Department which is responsible for hosing down Estates, it is the Housing Department, is it?

HON M K FEATHERSTONE:

The Housing Department.

MR SPEAKER:

Next question.

NO. 310 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state whether the post of Kitchen Superintendent has now been filled?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. However, certain proposals were put to the Staff Side, which were rejected and their counter proposals are now under consideration.

SUPPLEMENTARY TO QUESTION NO. 310 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, in July the Minister said that the post would be filled in a fortnight's time, what has happened to change his mind?

HON M K FEATHERSTONE:

Because the Staff Side rejected the proposals that were put at the time.

HON MISS M I MONTEGRIFFO:

When were the proposals put to the Staff Side, Mr Speaker?

HON M K FEATHERSTONE:

It must have been a matter of two months ago.

HON J BOSSANO:

Mr Speaker, isn't it the case that the post of Kitchen Superintendent is shown in the Estimates and what the Hon Member said then was that the vacancy that exists was going to be filled in July? Does the Hon Member know what happened after that?

HON M K FEATHERSTONE:

Apparently the conditions under which the person concerned was going to be employed were not accepted by the Staff Side and these conditions having been rejected by the Staff Side, further negotiations were necessary.

HON J BOSSANO:

Will the Hon Member look into the matter to satisfy himself whether, in fact, it is as he said or indeed it is that nothing was done for two months after he gave the answer in this House and that subsequently the Establishment Division claimed that a management restructure was needed of which apparently the Minister knew nothing in July when he answered the question?

HON M K FEATHERSTONE:

I will look into it, yes, Sir.

MR SPEAKER:

Next question.

THE HON MISS M I MONTEGRIFFO

Is it Government policy to continue having an isolation hospital in Gibraltar?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. Following the eradication of smallpox from the world and the introduction of modern drugs which permit the treatment of infectious diseases in hospitals subject, of course, to the taking of the recommended precautions pertinent to each particular disease, there is no longer a need to maintain an isolation hospital in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 311 OF 1987

HON MISS M I MONTEGRIFFO:

Mr Speaker, with the problems of Gibraltar as regards the density of population and the spread of infectious diseases because of this problem, doesn't the Minister think this is of primary importance having regard that Gibraltar is very densely populated?

HON M K FEATHERSTONE:

I am advised no, Sir, it has not been used for several years, it has really been a piece of wasted area. The infectious diseases, as I have said, have been treated in the hospital taking the necessary precautions with the modern drugs available and it is really a waste of space, time and money to have an isolation hospital.

HON MISS M I MONTEGRIFFO:

For what is the Government going to use the actual space at the moment, Mr Speaker?

HON M K FEATHERSTONE:

There are one or two suggestions, one of the suggestions is that it should be an extension to the Prison.

HON J BOSSANO:

When did the Government take the decision to discontinue having an isolation hospital?

HON M K FEATHERSTONE:

About six months ago.

HON J BOSSANO:

Mr Speaker, what steps did they take having taken that decision?

Given that the isolation hospital is part of the agreed complement in the Medical Department, apart from announcing it now in answer to the question what steps has the Minister taken? Has he discussed this with the Staff Side or consulted anybody or anything like that?

HON M K FEATHERSTONE:

Nobody was employed there.

HON J BOSSANO:

When was the person employed there last, Mr Speaker, in relation to the isolation hospital?

HON M K FEATHERSTONE:

To my knowledge at least four years ago.

HON J BOSSANO:

Will the Hon Member look into the matter and find, in fact, whether the decision was not taken when the person that was employed ceased employment?

HON M K FEATHERSTONE:

I will look into that, yes.

MR SPEAKER:

Next question.

NO. 312 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

What arrangements has Government made for the provision of oxygen cylinders to the Medical Department?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Oxygen cylinders have been available to the Medical Department for many years. They are refilled as required through the services of a local firm.

SUPPLEMENTARY TO QUESTION NO. 312 OF 1987

HON MISS M I MONTEGRIFFO:

But where is the service coming now from, Mr Speaker, can the Minister say where the oxygen cylinders are being provided from?

HON M K FEATHERSTONE:

The oxygen cylinders originally came from Britain.

HON MISS M I MONTEGRIFFO:

But where are they coming from now, Mr Speaker?

HON M K FEATHERSTONE:

Where are they coming from now? You mean where are they filled? They are filled in Spain.

HON MISS M I MONTEGRIFFO:

Is the Minister satisfied with the service that we are getting from Spain?

HON M K FEATHERSTONE:

So far we have had no complaints.

HON MISS M I MONTEGRIFFO:

So the Minister is not aware of complaints that cylinders are sometimes received half empty and sometimes even empty?

HON M K FEATHERSTONE:

I have not had that but I will investigate it.

HON J E PILCHER:

Mr Speaker, is the Government not aware that Gibraltar Ship-repair have an oxygen plant?

HON M K FEATHERSTONE:

Sir, tenders were sought, they were two tenderers, the most economical tender was awarded.

HON J E PILCHER:

I accept that, Mr Speaker, but would it not be preferred if we have problems at GSL for there to be some kind of move made to see whether the oxygen plant could be utilised for the Medical Department?

HON M K FEATHERSTONE:

If they had tendered and they had been the cheapest tender they would have been accepted.

HON J E PILCHER:

I accept that but would the Government not agree or not be prepared to look into the situation of the oxygen plant at GSL as an alternative?

HON M K FEATHERSTONE:

If it is within reasonable figures, yes.

HON J E PILCHER:

Since the Government are controlling that aspect of it I am sure that they could deal with the company, it is their own company after all.

MR SPEAKER:

Next question.

19 10 87

NO. 313 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government state whether they are now in a position to provide free syringes to diabetic patients?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir. It is intended to do so with effect from 1 November, 1987.

19 10 87

NO. 314 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government now confirm when they expect to constitute the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

It is the aim of the Government to set up the Gibraltar Health Authority by April, 1988. However, this will require new legislation together with wide changes in administrative and financial procedures. As the House will appreciate progress on this matter will be dependent on the amount of parliamentary time available.

19 10 87

NO. 315 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Has the Government now received the final report of the Nursing Review?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes, Sir, the final report has been received and is currently under consideration.

SUPPLEMENTARY TO QUESTION NO. 315 OF 1987

HON MISS M I MONTEGRIFFO:

When does the Minister expect it to be implemented, Mr Speaker?

HON M K FEATHERSTONE:

I haven't even seen it myself yet, it only arrived here a few days ago. Until it has been considered I wouldn't like to say when it will be implemented.

MR SPEAKER:

Next question.

19 10 87

NO. 316 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government now state when legislation for the POM List (Prescribed Only Medicines) is going to be introduced?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

The final stages of the legislation have recently been completed and will shortly be published.

19 10 87

NO. 317 OF 1987

ORAL

THE HON J BOSSANO

How many exempt companies have failed to pay the instalment of tax due on 1st October and 1st April this year and what are the comparable figures for last year?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the number of tax-exempt companies which were notified of the cessation of their exemption from tax because of failure to pay their instalment of tax within 30 days of the due date of 1 April, 1987, was 388, of which 154 were subsequently reinstated on payment of the tax due and the prescribed reinstatement fee of £25.

I am unable as yet to let the Hon Questioner have a similar breakdown for 1 October 1987, as companies have until the end of the month to pay the instalments due on that day before they can be notified in writing of the cessation of their exemption. By virtue of the proviso to section 15(2) of the Companies (Taxation and Concessions) Ordinance the fee of £25 is not payable if a company pays its tax due within 30 days after the date on which such tax becomes payable.

The corresponding figures for 1 April, 1986, and 1 October, 1986, were as follows:

- 1.4.86 - number of companies ceased: 272 of which 138 were reinstated.
- 1.10.86 - number of companies ceased: 217 of which 92 were reinstated.

SUPPLEMENTARY TO QUESTION NO. 317 OF 1987

HON J BOSSANO:

Am I correct, Mr Speaker, in taking it from that answer that this thing is something that is done automatically and that these are all the companies that haven't paid, that is to say, that there aren't any others who have not been approached and have not paid?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I confirm that, Mr Speaker.

MR SPEAKER:

Next question.

19 10 87

NO. 318 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now extended the various International Safety Conventions on Merchant Shipping to Gibraltar particularly the Convention on minimum crew manning?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. It is not for the Gibraltar Government, but for the UK Government to extend these conventions in Gibraltar. Further talks are being held at the end of this month with the Department of Transport to finalise the arrangements necessary in order to have the various conventions extended.

19 10 87

NO. 319 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now received replies from all the owners of ships registered in Gibraltar regarding their obligation to keep the Registrar informed of crew lists?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, replies have been received covering about 85% of vessels registered at Gibraltar. The process is continuous due to the frequency of crew changes. Reminders are being sent to owners who have not yet replied.

NO. 320 OF 1987

ORAL

THE HON M A FEETHAM

Has Government now ensured that all ships registered in the Port of Gibraltar have British Masters?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, all owners have been made aware of the requirement and the Crew Agreements held by the Department show that Masters are British or British Commonwealth certificated.

SUPPLEMENTARY TO QUESTION NO. 320 OF 1987

HON M A FEETHAM:

Can the Hon Member say whether they have received any representations through the British Government or the Board of Trade to Gibraltar from the Officers' Union expressing their concern that in the case of at least 75 ships registered in Gibraltar they are not aware whether they have got British Masters or not?

HON A J CANEPA:

I do recall, I think, some months ago getting a telex from NUMAS.

HON M A FEETHAM:

What has the Hon Member's response to that been?

HON A J CANEPA:

The answer that I have given, that we have made all the owners aware of the requirement and no registry is now being undertaken at this Port, the Port of Gibraltar, unless the names, the nationality and the certificate numbers of the Master, the Chief Officer and the Chief engineer is submitted. The name and certificate number of the Master is recorded on the certificate of registry.

HON M A FEETHAM:

If it came to light that some of the ships registered did not, in fact have British Masters their certificate of registry would be withdrawn, is that what he is saying?

HON A J CANEPA:

I don't know whether we are able to do that under the Ordinance. The position is that they would be in breach and certainly we would not register them if all the necessary particulars are not complied with.

HON M A FEETHAM:

When NUMAS sent the telex to the Hon Member, did he outline the names of the ships which they were concerned about?

HON A J CANEPA:

I think one or two were mentioned, yes, I seem to remember that there were one or two mentioned but I didn't get a list of them, no.

HON M A FEETHAM:

So if I were to give the Hon Member the list of seventy-four ships would he look into that?

HON A J CANEPA:

Absolutely, certainly.

MR SPEAKER:

Next question.

NO. 321 OF 1987

ORAL

THE HON M A FEETHAM

How many ships which have been considered undesirable have been struck off the Gibraltar Register?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, to date, none have been struck off directly as a result of the powers obtained by the Merchant Shipping (Amendment) Ordinance 1987.

However, since the Ordinance became effective, six vessels have transferred registry to other ports, two of which had previously been the subject of adverse reports.

SUPPLEMENTARY TO QUESTION NO. 321 OF 1987

HON M A FEETHAM:

Am I correct in interpreting from the answer that what the Hon Member is saying is, in fact, that no ships have been given one month's notice which may be considered to be undesirable?

HON A J CANEPA:

What I am saying is that it has not been necessary to do that and that, in fact, six vessels which for obvious reasons must have been transferred to other Ports, two of them had been previously the subject of adverse reports and therefore those would have been investigated immediately.

HON M A FEETHAM:

What the Hon Member is saying is that out of the 116 ships registered today in Gibraltar only two or half a dozen were considered undesirable and they have actually voluntarily left the Gibraltar registry?

HON A J CANEPA:

Six have themselves voluntarily left in recent months.

HON M A FEETHAM:

But how many have you decided were undesirable?

HON A J CANEPA:

I don't have that information with me now.

HON M A FEETHAM:

I take it then that the Captain of the Port or the Registrar is satisfied that out of the 116 ships registered in Gibraltar today none of them are considered undesirable?

HON A J CANEPA:

I would say that he is satisfied otherwise I would expect him, if that is not the case, to take active steps to put the matter right.

MR. SPEAKER:

Next question.

NO. 322 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what progress has been made so far on the reprovisioning of alternative moorings for the owners of boats berthed at the Camber in the light of the proposed development of the area?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, as a result of the Queensway Development all the pleasure craft berthed at the Camber must be re-sited.

The number of pleasure craft ranging from 15' skiffs to 60' yachts amount to nearly 200. In order to accommodate this number in safety, plans have been prepared for an area of protected waters to the North of the North Mole roadway, commencing at the present extremity of the 'Coach Park' at Waterport to approximately opposite the Generating Station. Protection will be afforded by the building of a break-water.

SUPPLEMENTARY TO QUESTION NO. 322 OF 1987

HON M A FEETHAM:

Can the Hon Member confirm that since this reprovisioning has come about because of the awarding of the Queensway development to Taylor Woodrow that, in fact, Taylor Woodrow will be responsible for the cost of reprovisioning the small boats?

HON A J CANEPA:

Not the breakwater because the terms of the agreement provide for Taylor Woodrow to reprovision in a protected area to be made available by the Government. In other words, what they will be responsible for will be for what one might term the pontoons and the moorings.

HON M A FEETHAM:

Can the Hon Member say why they will not be responsible for the whole cost?

HON A J CANEPA:

Because I imagine that at the time when the agreement was drawn up it could well have been envisaged that the Government could

provide an area of protected water and that therefore all that was required was the provision of pontoons but because of extensive reclamation works which are going to be carried out within the harbour, such an area is not available and therefore the reprovisioning is going to take place in an area outside the harbour and it requires some protection by means of a breakwater.

HON J BOSSANO:

Therefore the Government is saying that they are going to finance the construction of this breakwater?

HON A J CANEPA:

We will finance either directly or through a project application from the ODA. From the funds that were set aside out of the £6m for Port development we will either apply for those or if those are used for some other purpose we can make it directly available.

HON J BOSSANO:

What kind of timescale is the Hon Member talking about? If a decision on the source of finance is not yet being taken, we are not talking about work on the breakwater starting this year?

HON A J CANEPA:

We have taken a decision and the decision is that we are going to make it an ODA project but if ODA were to turn it down then we would finance it directly through Government funds in the knowledge that whatever money is not used for that purpose we are going to be able to use it for something else but we are now drawing up a project application to the ODA.

HON J BOSSANO:

Could I ask, Mr Speaker, in the sequence of the development of that area at what stage does the reprovisioning have to take place, that is to say, is it something that can happen after work has started or has the reprovisioning got to take place first before Taylor Woodrow can move in?

HON A J CANEPA:

On present form it will never take place. We are giving it a

certain amount of priority even though we naturally realise that a lot of the development on the Queensway site is on land and therefore this doesn't come into the picture at such an early stage but we are pursuing the matter because we know that by the time the project application goes through ODA, the matter goes out to tender and the breakwater is built a lot of time, eighteen months or two years, could well go by so we look at it within that sort of timescale.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

Can Government state whether they still intend to proceed with the construction of Catalan Bay Housing Project for Government rental?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

Yes, Sir. Government is at present assessing the potential of White Rock Camp. Preliminary drawings have been prepared which indicate that a maximum of 15 units could be built on the site in a 5 storey block over a car park.

SUPPLEMENTARY TO QUESTION NO. 323 OF 1987

HON J L BALDACHINO:

Seeing that the Hon Member mentioned White Rock Camp, Mr Speaker, before they carry out the project I presume they will have to decant White Rock Camp. What is Government making provision for the decanting of White Rock Camp?

HON M K FEATHERSTONE:

One more decanting problem, Sir. Some of the people will actually move to the private scheme that is being built at 'the shingles', the others will have to move temporarily out of Catalan Bay into town somewhere.

HON J L BALDACHINO:

Can I ask then, Mr Speaker, because I think the estimate that we voted in the Budget, am I correct in assuming that the idea was to build at 'the shingles' is it that it will now cost more because it is more expensive to build in White Rock Camp or that is not the case?

HON A J CANEPA:

No, because at 'the shingles' there were twenty units and here there are fifteen only. The provision in 'the shingles' was fairly generous, I think it was nearly £1m for twenty units. I would hope that fifteen units at White Rock Camp are not going to cost £1m.

HON J L BALDACHINO:

Am I correct in assuming that the building for home ownership will be the first one before you develop White Rock Camp, is that correct?

HON A J CANEPA:

My information is that good progress is being made and there may be some development, I think, this coming month.

HON J BOSSANO:

The situation in 'the shingles' is what, that the Government is providing

the land and the people are privately getting a contractor to put the building up for them?

HON. A J CANEPA:

That is so and, of course, we have laid down certain conditions. They don't have an entirely free hand, it is by agreement with the Crown Lands Department.

HON J BOSSANO:

And what we are talking about is one building with twenty units in it or a number of buildings?

HON A J CANEPA:

I haven't seen the plans. I have been told that the first sketches are not considered by the Chief Planning Officer to be very much in keeping with the character of the Village so he may make some proposals for changes but the application hasn't yet gone to the Development and Planning Commission.

HON J BOSSANO:

Presumably the twenty people who are going to occupy this as owner/occupiers have already been identified?

HON A J CANEPA:

Yes, that is so.

HON J BOSSANO:

Is it in the nature then of a collective application in the name of the twenty?

HON A J CANEPA:

That is so.

HON J BOSSANO:

Can the Government say what happens because the Hon Member must recall the saga of Woodford Cottage where people kept on dropping out and coming in, does the Hon Member have in mind what happens if people change their mind afterwards out of the twenty, what do they do, do they sell their share or does the Government select to take them or what?

HON A J CANEPA:

I hope that the difficulties with Woodford will not be repeated, I think we learnt many lessons from Woodford. Incidentally, I was able to verify yesterday with my own eyes that Woodford is at long last making very good progress. But many lessons have been learnt from that and that is why other schemes that have come later have made much greater progress. The problem of somebody dropping out of any home ownership scheme is one which is not peculiar, I think, to

Catalan Bay, I am sure that many other developers in town, in the case of Vineyards, in the case of Northview Terrace, must be faced with that problem. I think it would be a case of trying to, first of all, have somebody from Catalan Bay filling the gap, as it were, and if there was nobody else left from Catalan Bay I think a unit would have to be sold to somebody and perhaps it might have to be from a family in town.

HON J BOSSANO:

The difference that I am trying to establish, Mr Speaker, is this seems to be to me a different kind of situation from the other ones that the Hon Member has told the House about before. Surely, in something like the Vineyards if somebody is paying on account for a property either he can sell his share to somebody else or presumably he can sell it back to the developer who can then sell it to somebody else. In this situation is there any kind of intermediary of that nature and, if not, to what extent is the Government in control of the situation?

HON A J CANEPA:

The intermediary is the Crown Lands, I think it is the Crown Lands Department that are doing the marketing. Incidentally, perhaps I should also have mentioned that many of the difficulties associated with Woodford had to do with the fact that they had no security, they had no title to the land and therefore many people unless they have ready cash available could not get a mortgage and that is why I say that the lessons learnt from that have been applied elsewhere and notably in this case under certain conditions we are prepared to give them such title to the land as will enable them to get a mortgage.

HON J L BALDACHINO:

Is the Government giving away the land free to these twenty persons who have shown a desire or are they charging them?

HON A J CANEPA:

We are not charging them for the land and there is a precedent even when we have been out to tender, the precedent was Vineyards, we gave it away for a pittance.

HON J L BALDACHINO:

On a point of clarification, Mr Speaker, the Hon Minister for Housing said that some of the people from White Rock Camp could be decanted into 'the shingles' but if he has already identified that they are going to be for home ownership how can we do that unless there are people who are willing to buy.

HON A J CANEPA:

They are willing to buy.

MR SPEAKER:

Next question.

19 10 87

NO. 324 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm whether they are responsible for the maintenance of the walkway in front of Shorthorn Estate?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Sir, the walkway in front of Shorthorn Estate is the shared responsibility of those tenants who purchased their houses, with Government contributing one-eighteenth share in respect of each house which remained unsold.

NO. 325 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether they are satisfied that the building situated at No.26 Parliament Lane represents no danger to road users?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Premises No.26 Parliament Lane have been made the subject of a Section 39 Order under the Public Health Ordinance as part of the top floor on the West Side is considered dangerous. In keeping with the provisions of the said section and on the instigation of the pertinent authorities, the area below the unsafe section has been fenced off by the owners to prevent passers-by loitering in the area. The Government is, therefore, satisfied that every pertinent precaution, in keeping with current legislation, has been taken pending demolition of the premises by the owners. The Government is naturally, keen that the Section 39 Order is complied with and continues to press the matter with that object in mind.

SUPPLEMENTARY TO QUESTION NO. 325 OF 1987

HON J C PEREZ:

Mr Speaker, can the Hon Member explain why it is that the road in that area was closed at the beginning of the crisis, if we can call it that, and that subsequently it was opened to traffic notwithstanding that nothing changed to suggest that the building was safer?

HON M K FEATHERSTONE:

I think that the initial closing of the road was over-reaction. Now there is a six foot area fenced off and the rest of the road is considered clear, if anything should fall it is hoped it falls in the six foot area.

HON J C PEREZ:

Was it over-reaction or an attempt to put pressure on the tenants to leave because, let's face it, the moment the tenants left the building the road was opened?

HON M K FEATHERSTONE:

Sir, on the 2nd September the agents for the owners were prosecuted for failing to comply with the Section 39 Order, they were convicted and fined £50.

HON J C PEREZ:

On another point, Mr Speaker, if the proprietor of the building does not actually carry out the necessary repairs what steps does the Government intend to take?

HON M K FEATHERSTONE:

Yes, Sir, the Government is currently considering acting in default and demolishing the dangerous parts of the building as provided for in the legislation in question. There are, however, certain factors such as the protection of adjoining properties, insurance cover, etc which are the cause of unavoidable delays.

HON J C PEREZ:

But the Government would then subsequently charge the proprietor of the building for such works?

HON M K FEATHERSTONE:

That is correct.

HON J L BALDACHINO:

Mr Speaker, am I correct in assuming that, seeing that we were speaking about the Constitution, isn't it unconstitutional to have a building in that state?

MR SPEAKER:

No, it is not unconstitutional, the law is there to be enforced.

HON J L BALDACHINO:

Under Section 6, I think it is, subsection (4)(v) where it says it is dangerous to persons, animals, properties or plants, isn't that building a danger to persons, animals, properties or plants and if that is so isn't it unconstitutional and if it is, how long is the Government willing to tolerate a landlord having a building in such a state?

MR SPEAKER:

What clause of the Constitution are you quoting from?

HON J L BALDACHINO:

I think it is Section 6, subsection (4)(v), Mr Speaker.

HON ATTORNEY-GENERAL:

It is Section 6 of the Constitution 'Protection from deprivation of property - (4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section - (a) to the extent that the law in question makes provision for the taking of possession or acquisition of property - (v) by reason of its being in a dangerous state or injurious to the health of human beings, animals, trees or plants'. There is a law, it is not inconsistent with the Constitution insofar

as that law makes provision for the removal of the danger.

HON J L BALDACHINO:

The law that the Hon Member is quoting makes provisions for that, is that correct?

HON ATTORNEY-GENERAL:

Section 39 enables the Chief Environmental Health Officer to serve a notice requiring either for certain defects to be remedied until the building is demolished and the nuisance to be abated and that law, I think, is consistent with the provisions of Section 6 of the Constitution. It is not inconsistent with that.

MR SPEAKER:

Next question.

NO. 326 OF 1987

ORAL

THE HON J E PILCHER

Has the Government now officially passed the Northern Defences to the Gibraltar Heritage Trust?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The sub-committee of the Trust has apparently not yet completed preparations of the development brief on how the area should be restored and used. Until this sub-committee reports to the Trust and a formal request is received by the Government the vesting of the area cannot be proceeded with.

SUPPLEMENTARY TO QUESTION NO. 326 OF 1987

HON J E PILCHER:

Mr Speaker, does the Government know when this is likely to be because we produced a Bill to form the Heritage Trust and it seems to be that it is now dragging a bit as to their capability to take on land.

HON A J CANEPA:

I have the week before last discussed the matter of certain delays both with the Secretary to the Trust and the Chairman. I hope that progress can be made.

HON J BOSSANO:

Has the Trust got problems in assuming responsibility for an area in terms of its resources, is there a difficulty in that area or not?

HON A J CANEPA:

No, I think it is the case that they have got a number of sub-committees and obviously unless one is in public life there is a limit to the extent that one can give time to working on sub-committees and unless meetings are held on a regular and frequent basis, to progress matters as complicated as a development brief for that huge area is not easy, no easy task, it is bound to take time. This is a mammoth task, the development of the Northern Defences.

HON J E PILCHER:

Does this not seem to slightly negate the formation of the Heritage Trust?

HON A J CANEPA:

The urgency of getting the legislation through at the time that we did was the Heritage dinner in London, surely, to be able to go there and announce that the Heritage Trust, let us be absolutely frank, had been set up. The area of development and planning is difficult, it is a complex one. They are having one or two problems in coping perhaps with some of the planning applications that we are sending from the Development and Planning Commission, we have given them an undertaking that all the planning applications that go to the DPC they will get sight of so that they are able to let us have their comments on matters that may affect the heritage. Again, that is not an easy task, it requires a lot of work on a consistent basis and these people are volunteers, most of them.

MR SPEAKER:

Next question.

NO. 327 OF 1987

ORAL

THE HON J E PILCHER

Have the Second World War Tunnels, or any part thereof, been transferred to the Gibraltar Government?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The only Second World War Tunnels that have been transferred to the Gibraltar Government are Keightley Way and Dudley Ward Tunnel.

SUPPLEMENTARY TO QUESTION NO. 327 OF 1987

HON J E PILCHER:

If I am not mistaken, Mr Speaker, in Question No.234 of 1987, the Minister did, in fact, inform us that the Government were going to make representations to the MOD with a view of looking into the possibility of declaring parts of these tunnels surplus to defence needs. Has this not happened or they have and the MOD has said no?

HON A J CANEPA:

No, what is happening is that, again, I think the Heritage Trust are also being asked to look into the future of the Second World War Tunnels.

HON J E PILCHER:

Will the fact that a Heritage Trust is in operation, in fact, make it more difficult because now there is somebody else who has got to look at projects for us to be able to push these projects through?

HON A J CANEPA:

Perhaps not, I can tell the Hon Member that the Crown Lands Department has enough on their plate. If one were to ask the Crown Lands Department to look into the future of the Second World War Tunnels they could only do that at the expense of some other important work that they now have in the in-tray.

HON J E PILCHER:

But we haven't given up the arguments and we will be looking at the Second World War Tunnels in the future with a view of getting them transferred to the Gibraltar Government?

HON A J CANEPA:

That is the policy certainly, yes.

MR SPEAKER:

Next question.

NO. 328 OF 1987

ORAL

THE HON R MOR

Have Government taken a decision as regards taking over the former New Mole House to use as St Joseph's First School?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Mr Speaker, I think the property the Honourable Member is referring to is New Mole Hostel and not New Mole House which is presently occupied by the DOE/PSA as their Headquarters, I only wish it were.

New Mole Hostel, however, is fraught with structural problems which affect the economic viability of refurbishing and converting the building for use as a school. These matters are currently being studied in depth and no final decision has yet been arrived at.

SUPPLEMENTARY TO QUESTION NO. 328 OF 1987

HON R MOR:

Mr Speaker, when I asked a question on St Joseph's First School in July I was told that the Education Department had studied two site options, which one was the other one?

HON A J CANEPA:

In fact, there are three that I am aware of. This is one, the other one is I think Jumper's Building and the other one is the Victualling Yard area.

MR SPEAKER:

Next question.

NO. 329 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state why it was necessary to nullify all the tenders for the Maida Vale site and to invite new applications?

ANSWER

THE HON THE ATTORNEY-GENERAL

The Land Board was concerned about the strict legalities surrounding the tendering and as a result of advice which I tendered it decided to treat its consideration of the tenders as a nullity and to re-advertise.

SUPPLEMENTARY TO QUESTION NO. 329 OF 1987

HON M A FEETHAM:

Can the Hon and Learned Attorney-General confirm that under the Tender conditions private property owners living in rented accommodation were not debarred from tendering?

HON ATTORNEY-GENERAL:

I cannot confirm that because I don't have the details.

HON M A FEETHAM:

Can any Member?

HON A J CANEPA:

Yes, that is so, they were not debarred from tendering.

HON M A FEETHAM:

Can the Hon Member confirm then that priority.....

HON A J CANEPA:

Mr Speaker, perhaps you might give a ruling, am I required to declare a family interest in respect of any matters that I answer to try and help the House on this question?

MR SPEAKER:

May I explain that most certainly there is no reason why you should not declare an interest if you feel so inclined and you

feel that the circumstances warrant that you should but once you have declared an interest it doesn't debar you from taking part in the proceedings.

HON M A FEETHAM:

Mr Speaker, can I clarify one thing. All I want to do is ask a series of questions just to find out information.

HON A J CANEPA:

Perhaps I should clarify that I will only be able to answer questions to the extent that the Attorney-General may not be able to answer them because they involve policy and particularly policy which may have been decided before tenders were invited.

HON M A FEETHAM:

Can the Hon and Learned Attorney-General confirm then that priorities in awarding the tenders was based on releasing accommodation to the Government for reallocation?

HON ATTORNEY-GENERAL:

No, I cannot confirm that either.

HON A J CANEPA:

What was the question?

HON M A FEETHAM:

That having answered the first question can the Hon Member opposite confirm that the policy in going to tender was that the priority would be given to those releasing accommodation for reallocation by the Government?

HON A J CANEPA:

Mr Speaker, before I deal with that I do want to declare that I have a family interest in respect of two brothers-in-law who tendered for the Maida Vale site. What was the question?

HON M A FEETHAM:

Having accepted that private property owners living in rented accommodation were not disqualified, that the priority was based on releasing accommodation for reallocation?

HON A J CANEPA:

That is so.

HON M A FEETHAM:

Can the Hon Member confirm that insofar as private property ownership was concerned that was taken into account under the pointage system in awarding the tender because certainly it did not disqualify them from tendering? If you had to declare private property I assume that that was done on the basis that that would be considered.

HON A J CANEPA:

No.

HON M A FEETHAM:

It was not considered, that is what I wanted to know. The answer is having private property as part of the qualifying factor was not considered in the pointage system in awarding the tender, it was not a priority?

HON A J CANEPA:

No, because there could be no guarantee that the Government could get its hands on that private property and therefore use it in order to have an impact on the housing problem.

HON M A FEETHAM:

Will the Hon and Learned Member confirm then that at the first meeting of the Land Board which considered the tenders, the Land Board was acting in a quasi judicial capacity?

HON ATTORNEY-GENERAL:

Yes, when the Land Board consider any tender it acts in a quasi judicial capacity that is why it gives an opinion.

HON M A FEETHAM:

Will the Hon and Learned Member confirm that when the decision was made to award to the successful tenderer, that a letter was sent to them accepting their bid?

HON ATTORNEY-GENERAL:

I don't know whether a letter was actually sent, that I don't know.

HON A J CANEPA:

It is the normal practice, whether the letter is issued immediately or whether people are informed verbally beforehand and then the letter could follow within a day or two.

HON M A FEETHAM:

Would the Hon and Learned Member answer whether, in fact, that verbal understanding or that letter constitutes an agreement between the Government and the successful tenderer?

HON ATTORNEY-GENERAL:

No, I don't think I should answer that question, Mr Speaker, for two reasons. The first reason is the advice which I tendered, of course to the Land Board is privileged. It is the privilege of the Land Board and not my privilege; it is the basis of a lawyer/client relationship, the advice I gave. The second one is I know as a fact that at least two letters have been received from a firm of solicitors and it could well be that litigation may result as a result of the decision come to by the Land Board based on my advice and I don't want to say anything which will prejudice the Government's case, the Land Board's case or, indeed, the privilege which the Land Board has on any advice which I give it.

HON M A FEETHAM:

But the Hon and Learned Member seems to overlook that most of the questions which I am putting in this House and the ones that I intend to follow have, in fact, been said in the press by Members of the Government and members of the Home Ownership Unit and he hasn't stopped them from doing so so can he please answer my question?

HON ATTORNEY-GENERAL:

I cannot stop anybody from doing anything but I can be stopped from publicising advice which I gave and I am not prepared to ask for the lifting of privilege, if privilege isn't lifted I am stuck with it.

HON M A FEETHAM:

Can the Hon and Learned Member confirm that the successful tenderer at that stage had been awarded the tender because they had committed themselves to handing back five units as against three units from the second tenderer?

HON ATTORNEY-GENERAL:

I was only concerned with the framework of the decision making process, I didn't go, although I am a member of the Land Board I always have to send a representative because I just cannot attend myself so I don't know the details but I believe there were several criteria that were set out by the Land Board, maybe that was one of them, I simply don't know.

HON A J CANEPA:

In the final analysis that was the determining factor.

HON M A FEETHAM:

Can the Hon and Learned Member confirm that the Chairman was present at that meeting, the Minister for Economic Development?

HON A J CANEPA:

I will confirm it because I have stated so publicly.

HON M A FEETHAM:

Will the Hon Member confirm that a representative of the Attorney-General's Office was present at that meeting when that decision was taken?

HON A J CANEPA:

Yes, of course.

HON M A FEETHAM:

Is it correct then to state that at that meeting a judicial decision was taken perfectly in order up to that point?

HON ATTORNEY-GENERAL:

I am in some difficulty about answering that. I don't know whether the member of my Chambers fully appreciated what the exact position was at that meeting. It was only at the second meeting that the member of my Chambers realised what the position was, got worried and referred it to me. At the first meeting my representative was not aware of the circumstances. In the second meeting something happened which made it clear to my member and then my member got worried.

HON M A FEETHAM:

But I haven't reached the second meeting, I have only reached the first meeting. Can I ask the Hon and Learned Member to confirm it was as a result of information received after that first meeting, presumably from an aggrieved tenderer or from any other source, that it was found that one of the members composing the successful tenderer had, in fact, failed to include in his tender that he owned private property at 18, Hospital Ramp although he did include that he had private property at Lynch's Lane?

HON ATTORNEY-GENERAL:

I think after the first meeting certain representations were made and as a result of those representations a second meeting of the Land Board was held.

HON M A FEETHAM:

Will the Hon and Learned Member opposite confirm that as a result of the information which was sought the Land Board at that second meeting discussed the omission by the successful tenderer and confirmed the decision once again?

HON ATTORNEY-GENERAL:

The second meeting I believe the Land Board had no reason to change the view it arrived at at the first meeting.

HON M A FEETHAM:

What the Hon and Learned Member is saying is that after having found out that one of the members composing the successful tenderer had failed to put in his tender that he owned private property at 18, Hospital Ramp, the matter was discussed and the Land Board confirmed the decision and decided not to reallocate? That is what the Hon Member is saying?

HON ATTORNEY-GENERAL:

Yes.

HON M A FEETHAM:

What the Hon Member is saying is that the omission itself was not considered misleading or prejudicial?

MR SPEAKER:

No, now we are debating.

HON A J CANEPA:

I think you will appear in next week's episode of LA Law.

HON M A FEETHAM:

This has been a matter of great public interest and one wants to find out the facts so if you bear with me I am trying to get the facts. If the Hon and Learned Member confirmed that in awarding the points that led to the successful tenderer being awarded the tender the difference between not having the information there.....

MR SPEAKER:

With respect, we are now conjecturing. You are now asking the Hon Attorney-General to express opinions, you cannot do that.

HON M A FEETHAM:

No, it is not expressing an opinion.

MR SPEAKER:

Then ask a question which will seek information.

HON M A FEETHAM:

Can the Hon and Learned Member confirm that not having submitted the information had no bearing in the number of points that led to the award of the tender?

HON ATTORNEY-GENERAL:

I prefer not to answer that question, Mr Speaker, because I want to keep my options open in the event of litigation. I prefer not to answer it.

HON M A FEETHAM:

Will the Hon and Learned Member confirm whether the Chairman, the Minister, was present at the second meeting?

HON A J CANEPA:

Yes, let me explain what the position was. The second meeting was a routine meeting of the Land Board, the meeting was not called for this purpose, it had been previously arranged that there was going to be a meeting of the Land Board on such

and such a date and there was a separate and lengthy agenda. The matter of the Maida Vale tender arose from the minutes and at that stage I withdrew from the proceedings whilst the item was being discussed and returned subsequently for the rest of the meeting.

HON M A FEETHAM:

So having ascertained that you were not present, was the representative of the Legal Department present at that second meeting when the judicial decision was confirmed?

HON CHIEF MINISTER:

He wasn't there to protect the Minister.

HON M A FEETHAM:

No, but was he there?

HON A J CANEPA:

Yes.

HON ATTORNEY-GENERAL:

Yes, he was there. The reservations at that meeting I don't know but he expressed his reservations shortly thereafter, I don't know if he did at the meeting, I wasn't at the meeting.

HON M A FEETHAM:

But as far as that second meeting was concerned the successful tenderer's position was vindicated insofar as the decision was confirmed and your Department was present at that meeting.

HON A J CANEPA:

Yes.

MR SPEAKER:

Is that a statement of fact?

HON M A FEETHAM:

That is what I am asking.

HON A J CANEPA:

I cannot tell you exactly where he was sitting around the table.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

He was sitting next to me.

HON M A FEETHAM:

Will the Hon Member confirm that soon after that he acted out of his own initiative and tendered advice to the Land Board that they had not acted within strict legalities?

HON ATTORNEY-GENERAL:

I will go this far, I acted on my own volition after I had been approached by my representative who had been at both meetings of the Land Board. He came to me, he told me what had happened, expressed his apprehension and I agreed with him and therefore I approved the advice that was given and I argued the case verbally.

HON M A FEETHAM:

As a result of that would the Hon and Learned Member confirm that all of a sudden the Land Board became concerned about strict legalities, as a result of your so-called intervention?

HON ATTORNEY-GENERAL:

Let us put it this way, they got my written advice very clearly, I thought I argued it reasonably clearly and they decided to make the decision, as I said, to nullify the tender award and to readvertise. That was in line with my advice.

HON M A FEETHAM:

Will the Hon Member state the reasons why he advised to readvertise? That is what I am asking now, not to nullify, to readvertise?

HON ATTORNEY-GENERAL:

No, I won't. I think that is clearly covered by privilege.

HON M A FEETHAM:

Can I ask the Hon and Learned Member if he has got the powers to advise the Land Board to quash a judicial decision which had been taken which could be open to judicial review from an aggrieved party?

HON ATTORNEY-GENERAL:

I don't think it is a question of powers. I gave legal advice, I think it was good advice, I still think it was good advice. The Land Board considered it and decided to act in accordance with my advice.

HON M A FEETHAM:

Will the Hon Member not accept that if a decision has been made and then confirmed and it is no good saying that the Crown Counsel was there two meetings and then started thinking that perhaps something was wrong, he was there, your Department was there, and confirmed the decision, a perfectly good decision as far as the Land Board's consideration was concerned.....

MR SPEAKER:

With respect, you are asking for the Attorney-General to give an opinion as to whether the decision of the Land Board was the correct one or not. That is not information.

HON M A FEETHAM:

Doesn't the Hon and Learned Member consider that, in fact, by giving the advice that he has given he has now left himself open and the Government to a judicial review not perhaps from the second tenderer who may have felt aggrieved, but from the first tenderer, the second tenderer, all the tenderers and perhaps if there are legal proceedings against the Government, in fact, all those people who have now been asked to readvertise could do a judicial review as well and find out that, in fact, everybody is aggrieved by the advice he had given to the Land Board?

HON ATTORNEY-GENERAL:

Yes, Mr Speaker, I realise that.

HON M A FEETHAM:

Therefore, Mr Speaker, can the Hon Member confirm that based on natural justice alone no justice has been done.

MR SPEAKER:

No, that is not information, that is seeking an opinion.

HON M A FEETHAM:

A couple of final questions. When the Land Board invites tenders, who is responsible for opening the tenders?

HON A J CANEPA:

Members of the staff of the Crown Lands Department which invariably mean, I think that in the case of sites for housing I think it would be likely to be from amongst the following:- the Director of Crown Lands, his Deputy, the head of the Home Ownership Unit and the Secretary of the Land Board. Invariably, it would be two out of those four.

HON M A FEETHAM:

So tenders are submitted to the Chairman, in this case the Minister, and the tenders are, in fact, opened up by any of four or five different people?

HON A J CANEPA:

I don't think the tenders are submitted to the Chairman, I think they are submitted to the Secretary of the Land Board.

HON M A FEETHAM:

No, they are addressed to the Chairman of the Land Board, are they not?

HON A J CANEPA:

Well, if they are it is only a euphemism, I think it is the Secretary of the Land Board or it ought to be because it is always the Secretary of the Treasury Tender Board, therefore it ought to be the Secretary of the Land Board and if it isn't then since it is an administrative matter it jolly well ought to be put right.

HON M A FEETHAM:

I take it then from what the Hon and Learned Member has said that notice of proceedings has been given?

HON ATTORNEY-GENERAL:

No.

HON M A FEETHAM:

Then what is the problem with that?

HON ATTORNEY-GENERAL:

Sabre rattling has occurred from two firms of lawyers.

HON M A FEETHAM:

So you have refused to answer some of the questions based on sabre rattling which may not occur and then the public may not know the real reasons why you advised the Land Board to quash the decision?

HON ATTORNEY-GENERAL:

My reason for not answering the questions in great detail is the question of the solicitor/client privilege which I cannot break. I could stand here and read out my written opinion but I am not permitted to do that because everything I write to any Government Department, any quasi judicial body is privileged, it is their privilege not mine. They can say: 'Yes, Eric, it is alright bring this out, you can give the opinion' or they can say: 'No, we don't want you to do it'. A lawyer cannot disclose advice which he has given to a client and he cannot be made to except if it is advice given in pursuance of a criminal purpose.

HON M A FEETHAM:

The Government is there and the Government can reply, at least the Chairman can reply but he has a vested interest and cannot so where do we get the answers?

HON ATTORNEY-GENERAL:

I would advise the Chairman not to reply having regard to the sabre rattling that has occurred.

HON M A FEETHAM:

The final question to the Hon and Learned Member. Is this strict legality based on the fact that the Hon Minister for Economic Development as Chairman of the Land Board was present at the first meeting?

HON ATTORNEY-GENERAL:

I am not prepared to answer that question, Mr Speaker.

HON J BOSSANO:

Mr Speaker, the Hon Member has said that he is not prepared to answer a number of questions because that would be a breach of his client/solicitor privilege as if he was advising a private client. Since the client in this case is the Government and the questions are addressed to the Government, can we hear from the client what their objections are since the client are free to release their solicitor and we are asking the Government as the Government of Gibraltar for explanations?

HON CHIEF MINISTER:

My colleague has asked me whether I can recall in the few years I have been associated with Government a situation where the Government has released the privilege of advice and I cannot think of any one, not at all, and certainly not in the terms put forward by the Leader of the Opposition that because the advice is being given to a Government Department the Government has got the right because that would open up Pandora's box of everything that is confidential in Government and which is subject to legal advice. Having said that, it is still, in my view, the privilege of those to whom the advice has been given to give it up. My advice politically to my colleague is that he should consult with his colleagues in the Land Board whether they want to give it up or not because it is not his own decision at all. I would know what my advice would be but I am not going to say so but I will say that politically, the premise doesn't stand to any test that the Government because it is a Government and is answerable to the House of Assembly has got any less privilege than anybody else. I know that it is not intended to do that but that is what one would call monstrous in legal terms to give up that privilege. If there are exceptional cases where a thing can be considered on the merits, that is a matter for the people whose privilege it is but not just because they are under fire in the House of Assembly.

HON J BOSSANO:

No, Mr Speaker, I am not asking the Hon and Learned Member that he should make a policy statement that from now on on each and every occasion the Government will release to the House of Assembly each and every piece of advice they get. What I am saying is since on this occasion the reason given by the Hon and Learned Member which I don't know, he says that in his knowledge it has never been released before, in my knowledge, I have been fifteen years here and I have never heard an Attorney-General saying in the House of Assembly as many times as I have heard on this question that there is a special solicitor/client relationship so these are not normal questions

and normal everyday events. On this occasion and since this is the reason given and since in this case the client happens to be present, if we cannot ask the solicitor we can ask the client. I take entirely what the Hon and Learned Member has said. If the Minister for Economic Development in his capacity as Chairman of the Land Board seeks the views of his colleagues and if the Land Board collectively decide that the information should be available then, clearly, the solicitor will be absolved by the client of his ethical solicitors problems.

MR SPEAKER:

I think we have finished with this question.

NO. 330 OF 1987

ORAL

THE HON M A FEETHAM

Has the Development and Planning Commission now concluded its deliberations regarding the participation by the general public in the matter of applications for planning permission?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

Yes, Sir. The Development and Planning Commission has concluded its deliberations on public participation and its recommendations have also now been approved by the Government. A first draft of the necessary amendments to the Town Planning Ordinance is currently under consideration.

SUPPLEMENTARY TO QUESTION NO. 330 OF 1987

HON M A FEETHAM:

Can the Hon Member give some indication when it is likely to come to the House?

HON A J CANEPA:

I think we would like to bring it to the House before the life of this House expires but I don't know whether, having regard to the fact that we have only got a first draft, I don't know whether that will be possible.

MR SPEAKER:

Next question.

NO. 331 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state what is the present position regarding the application from the Water Gardens Developers to extend their development by another three tower blocks?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The application was considered on planning grounds and no final decision was arrived at. The applicant was advised that the proposals contravened Civil Aviation requirements, which limit the height of developments permissible in the area, and were asked to re-consider their proposals. No further consideration has been given to this application.

SUPPLEMENTARY TO QUESTION NO. 331 OF 1987

HON J BOSSANO:

Mr Speaker, the height of the blocks that were proposed, were they the same as the ones that are there now?

HON A J CANEPA:

Yes.

HON J BOSSANO:

Can the Hon Member explain why those don't interfere with Civil Aviation?

HON A J CANEPA:

Probably because the arm is at an angle and closer to the runway but I don't want to go into the CAA requirements because they are extremely complex.

HON J BOSSANO:

Who, in fact, is responsible for that aspect of the thing, is it something the Government clears with the RAF Gibraltar?

HON A J CANEPA:

Yes, from the Development and Planning Commission through the Ministry of Defence representative it goes to the RAF and they are advising us on these matters.

HON M A FEETHAM:

Can the Hon Member confirm that there have been other applications in respect of this particular development?

HON A J CANEPA:

Other applications?

HON M A FEETHAM:

Or other approaches, people interested?

HON A J CANEPA:

I am not aware of any, no.

MR SPEAKER:

Next question.

NO. 332 OF 1987THE HON M A FEETHAM

Has Government now taken a policy decision with regard to the project submitted by Gibraltar Consultants Ltd for the construction of 300 housing units and other facilities at the Viaduct reclamation?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The project submitted by Gibraltar Consultants Ltd, as well as proposals submitted by other companies for alternative uses, were left in abeyance pending the outcome of a report on the future use of the area. The Development and Planning Commission has now considered this report and has established that the area is to be used for commercial, storage, light industrial and port related activities.

SUPPLEMENTARY TO QUESTION NO. 332 OF 1987

HON M A FEETHAM:

What the Hon Member is saying is that this particular project will be turned down?

HON A J CANEPA:

What I am saying is that having taken note of the total number of residential units that are now being proposed and by that I am referring to Brympton, Engineer House, Montagu etc, and having regard to the scarcity of land that is available for commercial and warehousing use, the view that the Commission takes about the user of that area is that it should be for the purposes that I have stated and not for housing.

HON M A FEETHAM:

What the Hon Member is saying is that this particular project will be turned down?

HON A J CANEPA:

No, because as I am saying, it has been left in abeyance, it was only the third or the fourth in a series of other applications that we had received in the past about reclamation at Viaduct, there was no decision taken on any of them because we wanted to carry out a study of the matter and now what has happened is that

a decision has been taken that the area will be used for these purposes and tenders will be invited.

HON M A FEETHAM:

But the Hon Member must agree that if Gibraltar Consultants Limited propose a development to build 300 housing units in that area and as a result of a report the Government decides that it is going to be for an industrial area then it follows that that project will be turned down, it won't go ahead?

HON A J CANEPA:

That project will not go ahead.

HON M A FEETHAM:

So the Government will inform the proposed developers that their project will not go ahead?

HON A J CANEPA:

I think they deserve a reply. Certainly, if they haven't had a reply they ought to get one and I will make a note and ensure that they do get a reply.

HON J BOSSANO:

Could I ask the Hon Member, this report, who in fact was responsible for producing the report that identified the requirements in that area for commercial and storage?

HON A J CANEPA:

This is a sub-committee of the Forward Planning Committee which I Chair and which identifies Government requirements and also monitors progress or lack of progress on projects, as the case may be, and consists of representatives of the Public Works Department, the Captain of the Port, perhaps the Collector of Customs, I am not very sure.

HON M A FEETHAM:

Could the Hon Member say whether the decision to have the Viaduct as an industrial area has anything to do with the possibility of having to re-provision existing services as the Water Gardens development or to make way for that?

HON A J CANEPA:

No, I think it is fair to say that it is the limits of the Montagu reclamation which are intended to, it is difficult to say, there is a bit of reprovioning in both because we are having to move port facilities. For instance the Port Workshop has to be moved from where it is. I am not too sure whether it goes at the front end of the Montagu reclamation or of the Viaduct reclamation. But to answer the Hon Member's question, the immediate cause for the decisions to have commercial warehousing and it is not so much industrial user but commercial user, the immediate course is not a specific project such as the continuation of the Water Gardens project but a whole series of reprovioning requirements arising from the overall reclamation that is going to take place in the Port area. So it doesn't arise from a specific requirement but from a series of requirements.

MR SPEAKER:

Next question.

19 10 87

NO. 333 OF 1987

ORAL

THE HON J BOSSANO

Do the restrictions placed on the political activities of persons paid out of public funds apply to Mr Pitaluga?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 334 and 335 of 1987.

19 10 87

NO. 334 OF 1987

ORAL

THE HON J BOSSANO

Does the Chief Minister think it is compatible for Mr Pitaluga to be hawking around town his embryonic political party and continue advising the Government on foreign affairs?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 333 and 335 of 1987.

NO. 335 OF 1987

ORAL

THE HON J BOSSANO

Can Government state what was the cost of including the Chief Minister's private foreign affairs expert adviser in the recent delegation to Strasbourg?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, as stated in a press release by the Council of Ministers on 21 November, 1986, Mr Pitaluga would become a private citizen with effect from 1 December 1986, irrespective of whether or not he were to do any part-time work for the Gibraltar Government. The General Order restricting the political activities of non-industrial civil servants does not therefore apply to Mr Pitaluga.

The only restriction placed on Mr Pitaluga, on undertaking his advisory role on external affairs was that he would be subject to the provisions of the Official Secrets Acts and would be required, at all times, to observe confidentiality on all matters dealt with by him in his advisory role.

Mr Pitaluga is therefore entirely free, if he so wishes to take steps to stand for election while performing the role of adviser on external affairs.

Because of our close working relationship for over 24 years, Mr Pitaluga confided in me during the summer that he was contemplating the possibility, in certain circumstances, of looking for a team to contest the next elections. At that stage neither he nor I saw any incompatibility between his possible exercise of this democratic right and his continuing role as adviser on external affairs. One thing has nothing to do with the other.

What would happen, should Mr Pitaluga actually take part in the forming of a political party and his position remained unchanged would be an anomaly or an absurdity. This anomaly or absurdity would consist of the leader or member of one party advising the leader of another party. But if that anomaly were to come about it would be one between Mr Pitaluga's party, if formed, and my own. I really do not see why it should be a matter of concern to the questioner.

In confiding to me that he was contemplating the possibility of standing for election, Mr Pitaluga also told me that if and when he were actually to reach this stage, he would inform me before making any public announcement and would, at the same time, give me notice of his relinquishment of his advisory role precisely in order to avoid the anomaly or absurdity to which I have referred.

The total cost of the visit to Strasbourg was over £5,150. The portion relating to Mr Pitaluga came to approximately £1,160 which is roughly one-fifth of the total.

SUPPLEMENTARY TO QUESTION NOS. 333, 334 AND 335 OF 1987

HON J BOSSANO:

First of all, Mr Speaker, does the Hon and Learned the Chief Minister now believe that Mr Pitaluga's appointment is a party political appointment and not as he stated in the debate that took place in this House of Assembly, an appointment as adviser to the office of the Chief Minister, if the Hon Member will look back at what he said then, and not therefore one which must surely concern his party but one that concerns the House which was responsible for voting the money, would he not agree?

HON CHIEF MINISTER:

No, I don't agree. I didn't want to labour the point unnecessarily but he is not the private adviser to me, he is the adviser to me appointed by the Government and therefore I do not see that there is any, I don't know what the first question was, I am sorry.

HON J BOSSANO:

The Hon Member has said that it should not be my concern whether Mr Pitaluga is forming another political party or not. I am saying, surely that would be the case if he was a party political appointment of the AACR but when the Hon Member brought the proposal to the House, as he will recall and is able now to confirm, he argued in this House that, in fact, the appointment was of adviser to the office of Chief Minister and, in fact, at one stage he was arguing that Mr Pitaluga would be subject to the same restrictions as any other civil servant during the course of the debate.

HON CHIEF MINISTER:

I know that I made a mistake on that and I apologised to the House and I corrected it and I said that I was wrong when I said that he would be a civil servant. I think we don't have to labour that more than is necessary once you make a correction. Well, there it stands, the point is that he is adviser to me and I am sure that, first of all, if in fact he decided to plunge into the political arena proper then, of course, not only will he tell me but we would come to an end and there would be no requirement of any time element, that can be done by a simple conversation 'I am going, thank you very much' and that is the end. That is one point. The other point is that in the interim I have to judge whether his advice to me can be coloured by the fact that he has political ambitions and I have come to the conclusion that it cannot be in any circumstances coloured by that, that the advice that he has given to me over twenty-four years is no different today than it was before he may have decided to launch himself or it is said that he is launching himself into the political arena. The position now is perfectly simple, as soon as a decision is taken or as soon if it were not communicated to me in time then I would communicate it to him that there is no room for his advice and he would not want to be concerned with this. A lot of fuss has been made about this but I would remind Hon Members opposite that certainly in Downing Street and in Westminster the appointment of political advisers to Members paid by the Government are galore and they are paid by the Government and they are paid to advise the Prime Minister, the various Ministers and so on

apart from the regular civil service and there is nothing untoward in that. I agree that when it comes to taking a stand then the matter really doesn't arise because I wouldn't have it either so that is the position.

HON J BOSSANO:

Can the Hon and Learned the Chief Minister out of his galore of examples that he says exists in the United Kingdom quote one single one where the adviser to the existing Government is going round organising a competing political party?

HON CHIEF MINISTER:

I may not be able to quote. First of all, that is what is alleged but anyhow I cannot put a figure but I can tell you quite clearly that there are many people who start as advisers to Ministers and finish up as Members of Parliament.

HON J BOSSANO:

Not simultaneously, Mr Speaker. Didn't the Hon and Learned the Chief Minister have this matter raised by me during the visit in Strasbourg when I told him that as far as the Opposition was concerned, Mr Speaker, and can he confirm that, it was not compatible to have as adviser to him and by implication to the delegation somebody that would be taking a political stand independent of the two parties that are represented in this House? And didn't the Hon Member say that Mr Pitaluga had said there was no truth in the report and that he, the Hon and Learned the Chief Minister, would be the first to know if there was a change? Has, in fact, there been a change since Strasbourg?

HON CHIEF MINISTER:

Not really. In fact, he didn't say that, what he said and I think it is fair to say that from the moment he retired Mr Pitaluga has been asked about whether he was standing for election, he has always said that he did not discard the idea ever since he retired, that is true, and at the time when the Hon Member raised the matter as he asked me to raise it with him I did and I brought a piece of paper which was what I had been told of the circumstances and I reported the matter to the two members of the delegation on that side and my colleague and it was then decided that in the circumstances and as the Hon Member himself said, at that time you had no objection and in fairness I think we acted and he worked for us and he prepared the joint statement that we provided subject to vetting, as I recall matters were vetted by the Leader of the Opposition and ourselves and he acted properly in that delegation and that dealt with that. I don't think there is any question now of his accompanying any joint delegation anywhere anymore.

HON J BOSSANO:

But, Mr Speaker, is the situation that, in fact, the Hon Member knew before the delegation went to Strasbourg that Mr Pitaluga was in the process of organising a new political party and approaching people

to invite them to stand as candidates in this embryonic party including, so I understand, people from his party and possibly people that have been linked with the party that is on this side of the House? Did he know that?

HON CHIEF MINISTER:

No, certainly not.

HON J BOSSANO:

And does he know whether that is happening now?

HON CHIEF MINISTER:

Not quite as specific as the Hon Member. I have read the press, I am quite aware of what the press have said and I know that perhaps the position is slightly different to what it was at the time that the matter was raised in Strasbourg. I accept that there has been, perhaps, a slight move forwards but to me it is still very nebulous. I don't know, I won't make any prophesies on the matter but I am not really worried because the extent to which the advice that is required is being given is, as far as I am concerned, perfectly sound and as soon as I find that there is any incompatibility, we have agreed and if we hadn't agreed I would have done it, the relationship will come to an end.

HON J C PEREZ:

If the Hon and Learned the Chief Minister were to know that Mr Pitaluga has approached members of his party to try and get them to join his party, would he then think that it is incompatible for Mr Pitaluga to continue advising him on foreign affairs?

HON CHIEF MINISTER:

I would consider that it was a bit more than that, I would consider that it would be improper. I have read a lot of reports and some papers sometimes forget what they publish one week when they publish another story but there was a story, in fact, the story that was communicated to the Leader of the Opposition when we were in Strasbourg. I would remind the Hon Leader of the Opposition that his party organ 'The People' of the 7th August, 1987, stated: 'Former Administrative Secretary, Joe Pitaluga, is thought to form part of the AACR election line-up if Sir Joshua has his way'. I have never tried and that was proved to be completely uncertain but there it is the day that it was published it was news, then the next day or the next week when something else is published it is news and then when it is incorrect nobody remembers about it. So there has been certainly no political connection in our relationship and the advice that I get in the circumstances so far continues to be useful. How long it will be useful I am sure Hon Members will appreciate that I have to be the judge of it and then answer for it here.

HON J BOSSANO:

Is the Hon and Learned Member then trying to suggest that he has asked Mr Pitaluga whether there is veracity in this press report and Mr Pitaluga has said there isn't, is that what he is telling the House?

HON CHIEF MINISTER:

No, I haven't said that. I said that I did ask him in Strasbourg as a result of the remarks the Hon Leader of the Opposition made to me and I brought back the reply which I had taken the care to write down in order that there would be no wrong interpretation and I read that note to Hon Members and they were satisfied with that reply at that time. The matter insofar as the joint delegation has not arisen again nor is it likely to arise in the time that there is between now unless there is something very special that we do not expect and then, of course, there would be a completely new situation.

HON M A FEETHAM:

Will the Hon Chief Minister confirm that since the visit to Strasbourg at least one leading member of our community has stated in public that Mr Pitaluga has approached him to join his party?

MR SPEAKER:

No, with respect, the Chief Minister cannot confirm what somebody else has said.

HON M A FEETHAM:

But, Mr Speaker, doesn't the Chief Minister consider it to be incompatible with Mr Pitaluga's role as foreign adviser to the Government if Mr Julio Pons has said that Mr Pitaluga has approached him to join his party?

HON CHIEF MINISTER:

I have not thought that that was in itself incompatible. I have sought some clarification of that and whilst not wanting to get into an argument about it and whilst my admiration for Mr Julio Pons public service is well known and he knows it as everybody does appreciate his work, I do not think that the right version of what has happened has come out clearly according to my understanding, it was somebody else who approached Mr Pons according to my understanding and it was just an enquiry. But, anyhow, be that as it may, the position now is that it is a matter of time now how long it will be if, in fact, he means to stand and as the matter approaches it is bound to be of substance if it materialises. Let me also say that if the kind of talks that have been generated recently about were to continue and increase then, of course, apart from raising the matter with him the matter would become of much bigger concern. So far I think that is where the difference lies, so far I have not considered that the work since Strasbourg to today which he has been required to do has got anything to do with whether he stands for election or not. I have to judge that and stand by it and that is what I have done.

HON J C PEREZ:

Mr Speaker, if the Hon and Learned Member were to verify that a member of his party had been approached by Mr Pitaluga personally, namely, Mr Peter Montegriffo, would he think differently about everything that he has said today?

MR SPEAKER:

With respect, that is a hypothetical question.

HON J C PEREZ:

Mr Speaker, it is not a hypothetical question, Mr Peter Montegriffo has been approached.

MR SPEAKER:

With respect, I am here to judge what is and what is not. You have not asked the question in that particular way, if you wish to put the question in that particular way you are free to do so.

HON J C PEREZ:

I am asking him if he were to verify that because I am sure the Hon and Learned the Chief Minister is going to tell me he knows nothing about the matter.

HON CHIEF MINISTER:

I am not prepared to answer that hypothetical question.

HON J C PEREZ:

Mr Speaker, can the Hon and Learned the Chief Minister confirm that he has no knowledge whatsoever that Mr Peter Montegriffo was approached by Mr Pitaluga in an effort to get him to join his political party?

HON CHIEF MINISTER:

I am not prepared to disclose what I may or may not know in a confidential capacity. All I say is that if an official approach had been made I would know.

HON M A FEETHAM:

Can the Hon Chief Minister reconcile the compatibility of Mr Pitaluga being the foreign affairs adviser to him and at the same time forming a party which must, by its very nature, provides an alternative to the AACR?

HON CHIEF MINISTER:

Yes, that is a very good point and that is the point I made before. The day that that becomes a reality it is obviously ridiculous that I should be getting advice from somebody who is preparing to oust my party from office.

HON M A FEETHAM:

Can the Chief Minister not then confirm that, in fact, the mere fact that he is going around asking and setting up the party is a threat to the AACR.

HON CHIEF MINISTER:

Well, I would like the Hon Member to leave the threat to the AACR to me, I will look after them, you look after your party?

MR SPEAKER:

Next question.

NO. 336 OF 1987

ORAL

THE HON J BOSSANO

Does Government agree that the statement made by Mr Seruya giving Chamber support to an airport deal are in conflict with the unanimous view of the House of Assembly that flights from Spain to Gibraltar must be subject to the same rules as flights from any other foreign country?

ANSWERTHE HON THE CHIEF MINISTER

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 336 OF 1987

HON J BOSSANO:

Obviously Mr Pitaluga has greater protection from the Hon and Learned Member than Mr Seruya has had, Mr Speaker.

HON CHIEF MINISTER:

The policy of the Government on foreign affairs has been the policy of the Government. The Government has got advisers but the policy is explained here and explained everywhere and it has been done, if I may say so with respect, long before I was associated with Mr Pitaluga because that only started in 1963 and I have been in office since 1945.

HON J BOSSANO:

I am talking about Mr Seruya, Mr Speaker, and I am saying that I anticipate that the Hon and Learned Member will not be so quick to defend the position of Mr Seruya as he has just been to defend the position of Mr Pitaluga, that is the remark I am making. I am sure everybody in the House agrees with me. Would the Hon Member consider that it is desirable in the light of the statement made by the remaining Directors of the Chamber of Commerce to point out that in the view of both sides of the House there is an incompatibility since it would appear that the support that Mr Seruya has from his remaining colleagues is based on an assumption that the statements made are not in conflict with what the House of Assembly has agreed unanimously in previous motions?

HON CHIEF MINISTER:

I believe that I have done all that is required in the circumstances by answering the question the way I have answered it. I also believe that it is unnecessary to give Mr Seruya much more publicity, which he loves, than he deserves and that therefore the less one says about that the better. May I remind Hon Members that in the Gibraltar Chronicle of

Saturday 3rd October there was a note about all this fuss and I am quoted as saying: "Meanwhile the Chief Minister, Sir Joshua Hassan, yesterday endorsed his Deputy's reaction to Mr Seruya's statement. The Government's position on the question of the airport is as set out in the motion passed unanimously in the House of Assembly which reads as follows: 'This House declares that the views and wishes of the people of Gibraltar in respect of the use of the airport are that it should continue....' - I won't repeat it. - "Within this Sir Joshua went on to say yesterday: 'We must pursue the negotiating process established in the Brussels Agreement towards promoting cooperation on a mutual and beneficial basis'. The Chief Minister reminded the Chronicle of his words during a debate on the airport back in June, 1985: 'The airport is a sensitive issue mainly because Spain does not acknowledge British sovereignty over the isthmus. I should make it clear that should any implication of this nature arise from any discussions that may emerge on air communications, such implications should be resisted and I am certain that they would be". So I think my judgement is that the reply that has been given should be the reply to all those who signed the rather nebulous vote of confidence that the letter attempts to show without saying it.

HON J BOSSANO:

Would the Hon and Learned Member not agree that it is important also to state quite clearly that the implication in this so-called nebulous vote of confidence and also in some of the statements attributed to Mr Seruya that there is an impending settlement about to be imposed on us is one which certainly to the knowledge of this side of the House has no substance and I would welcome that he should be able to confirm that from the information available to that side of the House, has no substance either?

HON CHIEF MINISTER:

Yes, of course and, in fact, it was interesting, again looking at newspapers, in looking at the Gibraltar Panorama of yesterday where it says that the settlement had been grounded. If you look back at the Panorama of a few weeks ago they said that there was a deal already. Some newspapers publish what they like. The answer is there is no deal and there is no settlement as far as I know and as far as the position goes. What may happen in the future is another matter and we keep a very watchful eye on this matter.

HON J BOSSANO:

And that there is, I think, Mr Speaker, would the Hon Member confirm, that certainly from his contacts with the British Government there has been no indication that Her Majesty's Government is contemplating imposing anything on us as is indicated by the communique of the Chamber of Commerce to its members saying that before a settlement is made over our heads it is necessary for us to act?

HON CHIEF MINISTER:

Not at all and they know nothing about it. They are just, if I may say so with the greatest respect, trying to cover up a faux pas without having the courage to say so.

MR SPEAKER:

Next question.

NO. 337 OF 1987

ORAL

THE HON M A FEETHAM

What representations have Government made to the Spanish authorities regarding the unjustified delays to which vehicles are being subjected on crossing the frontier to and from Spain?

ANSWERTHE HON THE CHIEF MINISTER

Representations have been made to the Spanish authorities at various levels on a number of occasions and it continues to be the case as and when the position gives course for such representations.

SUPPLEMENTARY TO QUESTION NO. 337 OF 1987

HON M A FEETHAM:

Can the Hon and Learned Chief Minister confirm that it was originally envisaged by the Working Team to have a red and green channel and what progress has been made on that as far as that is concerned?

HON CHIEF MINISTER:

Well, it was discussed early in the talks but it is not for me to give the reasons. It is something completely new to Spain in land frontiers and therefore efforts in respect of that have not had the desired effects but I do not think that it has been given up as a suggestion as being the way that might help in the question of traffic.

HON M A FEETHAM:

Can the Hon and Learned Chief Minister state whether the Spanish authorities have given any indication or information as to the reason for these unnecessary delays which occur from time to time, some with more enthusiasm on the part of the Spaniards than other times?

HON CHIEF MINISTER:

Yes, sometimes they give an explanation, sometimes it is blamed on the lack of manpower, sometimes it is other matters connected with their own national security. There are quite a number of reasons given but not a justification every time. It is in the somewhat friendly relations between our Collector of Customs and the Director of Customs in Spain that these matters are aired in the best interest possible. Now that they have appointed a Member of their Parliament to look after the affairs of Gibraltar, I think perhaps we may be able to have somebody with authority locally that can attend to these matters less bureaucratically.

HON M A FEETHAM:

Is the Hon and Learned Chief Minister aware that under European Community Rules on cross frontier services and crossings that there are at local level facilities particularly for frontier workers to be able to cross the frontier in a privileged situation compared to everybody else so that people who are going to work back and forth do not have to be in the queue for two hours?

HON CHIEF MINISTER:

Yes, but it is also fair to say that the Treaty of Accession of Britain and Gibraltar to the Economic Community did provide Gibraltar with certain exemptions from VAT, CAP and CU and it is really not completely integrated in that sense, and I mean in the strict sense of the Community, in the sense of customs and so on because there is this difficulty.

HON M A FEETHAM:

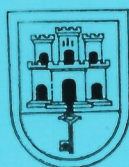
The Hon and Learned Chief Minister is correct in what he has said insofar as exports and duty free are concerned but there are arrangements at local level in the spirit of cooperation at frontiers that facilitates movement of people of certain categories as to (a) to speed up the crossings, and (b) to help people get back home from work on each side of the frontier and I think that would help all round.

HON CHIEF MINISTER:

Well, attention to that has no doubt been drawn by the British diplomats and no doubt also by the people affected. I know that the people affected have made representations because otherwise it may not be worth their while to work here if they have got to spend one-third of their time trying to get in or out.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

15TH DECEMBER, 1987

NO. 338 TO NO. 393

15 12 87

NO. 338 OF 1987

ORAL

THE HON M A FEETHAM

On what conditions is it intended to grant a Casino and Gaming licence to the Queensway Project?

ANSWER

THE HON FINANCIAL AND DEVELOPMENT SECRETARY

With permission, Mr Speaker, I will answer Questions No 338 and 339 together.

Discussions with the developer in connection with the Casino operation which is to form part of the Queensway project have so far been of an exploratory nature. An indication has been given to the developer that the terms and conditions applying to the Casino operation would be, broadly speaking, the same as those now applying to the International Sporting Club of Gibraltar. It is not the Government's intention to license any other Casino apart from the International Sporting Club and the Queensway operator in Gibraltar, subject only to the possibility of a Casino being included at some future date in the East Coast Reclamation project.

SUPPLEMENTARY TO QUESTION NO 338 OF 1987

THE HON M A FEETHAM

Mr Speaker, will Government confirm that the lease will be conditional to a casino being built and operated?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes Sir, I think the understanding on both sides as far as the Queensway project is concerned, is that the casino will form part of the development. Those are the conditions which have been agreed between the developer and the Government.

HON M A FEETHAM

The lease will be granted to the developer who will be responsible for the casino?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, we may be getting into technicalities here over the head lease and such lessees, I am not an expert on the Queensway project itself but the developer will wish to choose a casino operator but that yet, as far as I am aware, has not been decided, the developer has not named a casino operator.

2.

I know that he has had discussions with one or two interested parties but, certainly, I have not been told formally of the name of the casino operator. It may be the same person or the same organisation which is to run the hotel, I do not yet know.

MR SPEAKER

Next question.

15 12 87

NO. 339 OF 1987

ORAL

THE HON M A FEETHAM

Does the Government intend to give any other Casino or Gaming licences for any site other than the existing Casino and the proposed Queensway Development?

ANSWER

THE HON FINANCIAL AND DEVELOPMENT SECRETARY

Answered together with question No. 338.

NO. 340 OF 1987

ORAL

THE HON J BOSSANO

Does Government still consider that the present trend is that Government revenues are rising faster than Government expenditures?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

In general terms, Mr Speaker, the answer to the Hon Member's question is yes; Government revenues have been rising faster than Government expenditure since 1983-84. The calculation is however complicated from the sale of debentures; and, on the expenditure side, by the inclusion of contributions to the Funded Services, contributions to the Improvement and Development Fund, earlier repayment of public debt and, during the current and previous financial year, Government assistance to GSL.

SUPPLEMENTARY TO QUESTION NO. 340 OF 1987

HON J BOSSANO

Mr Speaker would the Hon Member not agree with me that, in fact, in looking at the trend of Government revenues it makes a nonsense to include in it the level of Government borrowing since the level of borrowing is something that Government can control and therefore they can either create a trend or eliminate a trend on that basis by deciding to borrow more or borrow less.

HON FINANCIAL AND DEVELOPMENT SECRETARY

I would agree with the Hon Member. I would not agree that one does anything nonsensical in the Treasury but I would agree that it would be reasonable to exclude revenue from borrowing. We are, in fact, borrowing by sale of debentures however, we are only talking about £4m since 1983-84 and I am quite satisfied that even allowing for that it is still true to say that Government revenues are rising faster than expenditure. The crude figure, taking 1983-84 and 1986-87, the crude figures, according to our estimates, the revenue has increased by 45% and expenditure by only 28%. Admittedly, in that revenue figure there is a sum of £4m for borrowing but I think even without that the general answer I gave still holds true. Of course, we have reduced revenue artificially by reducing taxation to the sum of about £7m.

in two years.

HON J BOSSANO

But, Mr Speaker, how does the Hon Member explain that the forecast outturn for 1986-87 shows a deficit of revenue over expenditure excluding borrowing, whereas in fact in 1985-86 there is a surplus of revenue over expenditure excluding borrowing and that you know by simple arithmetic would indicate a deterioration in performance and, in fact, a higher growth in expenditure than in revenue in 1986-87 as opposed to 1985-86.

HON FINANCIAL AND DEVELOPMENT SECRETARY

In 1986-87, again according to my crude figures, there was an increase in revenue over the previous year of 15% and an increase in expenditure compared to the previous year of 16.4%. Those are my crude figures, that may be another way of making the point the Hon Member has made. He did ask me about the trend and I think I would go back to what I said and allowing for various distortions and the question of definition, what is Government's term 'expenditure', I still hold to my original answer.

HON J BOSSANO

But, Mr Speaker, hasn't the Hon Member just confirmed that the trend in 1986-87 was a higher growth in expenditure than in revenue and is he expecting what happened in 1986-87 to be reversed in 1987-88 or are we likely to get in 1987-88 a figure for a growth of expenditure higher than for revenue, excluding borrowing?

HON FINANCIAL AND DEVELOPMENT SECRETARY

We have a number of questions laid down later in the Order Paper, Mr Speaker, on revenue and expenditure. I prefer to answer questions about this year, 1987-88, in that context. But as I said, the Hon Member's original question was about trends and I have taken the years since 1983-84 as constituting a trend.

HON J BOSSANO

But, Mr Speaker, isn't the Hon Member aware that the frontier opened in February, 1985, and that 1985-86 was an unusual year and therefore the trend has to be looked at on the basis of the trend established since the opening of the frontier and not the difference between the situation that existed

prior to the opening of the frontier and post the opening of the frontier.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, I think that was really the starting point, Mr Speaker.

HON J BOSSANO:

Can the Hon Member then say that using as a base the situation of the revenue and expenditure of the Government of Gibraltar post the opening of the frontier, the trend is that Government revenues are growing faster than Government expenditure since the opening of the frontier.

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think that is broadly true, Mr Speaker. The Government has, of course, given away, if I can use that phrase rather loosely, have given away £7m in revenue terms, that is to say, by reducing taxation as an indication that revenue was rising to the extent that enabled them to do it. And of course since then we have had a doubling of the yield from import duty.

HON J BOSSANO

When the Hon Member says the Government is giving away he is in fact saying that the Government collected in 1986-87, £1.6 million more in income tax from people than they had collected the previous year. That is what he means by giving away money.

MR SPEAKER

Next question.

NO. 341 OF 1987

ORAL

THE HON M A FEETHAM

What is Government's latest estimate for expenditure for the current financial year from the Improvement and Development Fund?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the latest indications are that expenditure in the Improvement and Development Fund will be about £2m less than the budgetted figure of £8.6 million.

SUPPLEMENTARY TO QUESTION NO. 341 OF 1987

HON M A FEETHAM

Can the Hon Member give a breakdown of expenditure to date?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, alas, I can't Mr Speaker. I would have to ask yet again for the breakdown. I think what I have given him is an estimate of the out-turn to the end of the year. That does not mean to say that the out-turn of spending at this particular juncture will be two million less but if he wants an account of the expenditure to date I will see if we can provide that for him.

HON M A FEETHAM:

Can he give us an indication why it was two million less?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Why it is two million less? Yes, I think I can, about £1.7 million represents slippages in the approved programme and approximately £0.3 of a million represents projects cancelled. I should add that in giving that figure I have not allowed for additional commitments which include some of the supplementaries being sought at this meeting of about £200,000. The figure I have given of £2m is in round terms. The budgetted expenditure is £8.5m. We expect additional commitments of £200,000 offset as I have said by the £2m representing slippages and projects cancelled.

15 12 87

NO. 342 OF 1987

ORAL

THE HON J BOSSANO

Can Government state whether it still expects to transfer £2.5m to the I&D Fund?

ANSWER

THE HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 342 OF 1987

HON J BOSSANO

Can the Hon Member then say whether he has now become converted to the view that he should transfer money to the I&D Fund even if he does not expect it all to be used up in the current financial year?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, I always listen very attentively to the lectures which the Hon Leader of the Opposition gives me on that subject, Mr Speaker.

NO. 343 OF 1987

ORAL

THE HON J BOSSANO

Is Government now in a position to state whether it expects any change from the estimated figure of £14m total liquidity of March, 1987, by March, 1988?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker. Compared with the figure of £14 million at the beginning of this financial year, I expect the comparable figure of liquidity at the end of the year to be about £9½m.

The main reason for this is that, compared with an opening balance of £1m in the I & D F at the beginning of the year, I am now expecting a deficit of £1m in that fund at the end of this year. Together with a contribution for the Consolidated Fund of £2.5m, that produces a total of £4.5m in terms of net cash outflow.

All the other changes in revenue and expenditure should, broadly speaking be mutually offsetting.

SUPPLEMENTARY TO QUESTION NO. 343 OF 1987

HON J BOSSANO

Can the Hon Member say, given the emphasis that was placed on this figure in the last budget, whether he thinks £9½m is an acceptable figure or whether he thinks it ought to be higher and is the Government concerned to achieve a certain target in terms of liquidity.

HON FINANCIAL AND DEVELOPMENT SECRETARY

No Mr Speaker, I don't think we have a target, I certainly regard £9½ million as acceptable. I think, as I have said on other occasions, one has to consider the general movement of the economy and the relationship between Government revenues and economic development. I think I have also said that what might cause alarm in circumstances of economic contraction, might be perfectly acceptable or even too much in circumstances where the economy is expanding and Government revenues are buoyant. In other words circumstances do alter cases.

HON J BOSSANO

Then we can take it that if it was not a great disaster for liquidity to decline by £4½ million, it is no longer considered a great achievement to increase it by that kind of order?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, I would certainly accept that, Mr Speaker.

NO. 344 OF 1987

ORAL

THE HON J BOSSANO

Will Government state what is the latest estimate of revenue, other than borrowings, in the current financial year?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, it is currently estimated that revenue for 1987/88, excluding borrowings, will exceed £72 million.

SUPPLEMENTARY TO QUESTION NO. 344 OF 1987

HON J BOSSANO

Mr Speaker, can I ask the Hon Member whether that estimate of £72 million is on the basis of the answer he gave me in the last House of an estimates revenue yield from Income Tax of £24 million or in fact is the Income Tax component now considered to be likely to be higher than that?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, Mr Speaker, that still rests on the same assumption as the one underlying the answer I gave in the last meeting of the House. We are, of course, now about a month further down the road and there are signs that Income Tax is perhaps, more buoyant than we thought a month ago but I would not like to put a figure on it at this stage. The same is true, actually, of import duties.

HON J BOSSANO

So in fact, Mr Speaker, the difference between what would be accounted for by the previous figure provided by the Hon Member on Income Tax and the total would be mainly accounted for then by Import Duty?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

NO. 345 OF 1987

ORAL

THE HON J BOSSANO

Can Government state whether they still expect a deficit of £340,000 for the current financial year?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, taking into account the supplementary appropriations included in the Bill to be taken later in this meeting, but allowing for some underspendings on these and continued buoyancy of Government revenues I would expect the deficit for the year to be between £0.5m and £1.0m.

SUPPLEMENTARY TO QUESTION NO. 345 OF 1987

HON J BOSSANO

Mr Speaker, is it Government's intention to continue with the policy of borrowing to cover deficits on recurrent revenue which was announced as an exceptional measure in November, 1984, or is that policy no longer going to be pursued.

HON FINANCIAL AND DEVELOPMENT SECRETARY

That policy is no longer, I would not say it was a policy even then but even if it were it is no longer being pursued.

HON J BOSSANO

So, in fact, the position is that the Government feels that they can afford at this stage to have a situation of expenditure in excess of revenue on the basis of running down the Consolidated Fund balance, is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I don't think it would be fair to say running down the Consolidated Fund balance. What I have given the Hon Member are estimates. There is always a substantial underspending and indeed I am bound to say there is usually or there has been for the last three years, if not for longer, an underestimate of revenue. When I am giving him an estimate now with some implications for the Consolidated Fund reserves, the implications are not significant and it would not surprise me at all to find at the end of the year that there was no deficit and that there was a modest surplus.

NO. 346 OF 1987

ORAL

THE HON J BOSSANO

Can Government now give an estimated growth rate for National Income for 1986/87 and the up-to-date figure for 1985/86?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the National Income of Gibraltar in 1985-86 was £99 million. The 1986-87 figure was a little over £110 million, showing an increase of about 11½ per cent nominal or 6½ per cent in real terms.

SUPPLEMENTARY TO QUESTION NO. 346 OF 1987

HON J BOSSANO

Mr Speaker, given the fact that in answer to a previous question the Hon Member has told me that Government expenditure rose by 16½%, if the economy as a whole grew by 11½% over the same period, is the Hon Member happy to see Government expenditure taking an increasing proportion of national income?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think one has to consider what the constituents of the Government expenditure are in economic terms as well as simply their status as Government expenditure. I think the obvious example would be a contribution from the Government to GSL, that, I think, has a different economic status from Government spending which is to increase numbers of civil servants. That is the sort of general answer I would give the Hon Member on that but certainly if he is asking me about my own personal philosophy, I do not like to see Government expenditure increasing relative to the private sector especially at this juncture in Gibraltar's economic development.

HON J BOSSANO

Mr Speaker, would the Hon Member say whether, in fact, he considers the annual rate of growth of 11½% for 1986-87 an indication of the rate of growth that the economy of Gibraltar can sustain or would he say that there were exceptional factors affecting the rate of growth that year.

HON FINANCIAL AND DEVELOPMENT SECRETARY

That is a very difficult one for me to answer. I think there

were certainly exceptional factors immediately following the opening of the frontier which of course coincided with the setting up of the GSL. As to what rate of growth the economy can sustain, I find it very difficult to answer that. There is no doubt that current rates of growth have caused strain in certain parts of the economy, employment construction delays in response of the services sector, including the Government services sector, I think this is well known. I think it was inevitable once it became apparent that the rate of growth immediately after the frontier was going to be substantial. Quite honestly, I don't see how Gibraltar could have escaped this experience. One can only hope that in due course the response of the economy to the demands made on it will improve.

HON J BOSSANO

Can the Hon Member say whether he has any indication if the proportions of what are considered by Government to be two major factors in the economy, tourism and shiprepairing, significantly altered in those two financial years.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Not in those two financial years. I am not sure whether we are talking about their relative proportion. I think that in terms of relative proportion they were the same. All the answers I give I am bound to say, Mr Speaker, at this stage, are a little bit impressionistic because we have not yet had the advantage of the benefit of the results of the input-output study but the relative significance of the contributions of ship repair, tourism and financial services I do not think really changed until the latter half of the period we are talking about. What I mean is that ship repair and tourism, as we understand it, led the way immediately after the frontier opened but financial services increasingly taking over, especially from ship repair, as one of the main motive forces of the economy. That is what has happened recently.

HON J BOSSANO

Can the Hon Member say whether the input-output study will reflect what happened in this period or will the input output study limit itself to giving us a picture of the economy in 1987-88?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think it will shed light on what has happened. I hope that it will support with rather more accurate data what I have

been saying in this House. I hope also it will give the Government a basis for forecasting economic development and also as a tool of economic policy in the near future.

HON. J. BOSSANO

Can the Hon. Member say when that is likely to be ready. Has he got a target date for the completion of the input/output study?

HON. FINANCIAL AND DEVELOPMENT SECRETARY

Early next year, Mr. Speaker, is the best estimate I can give at the moment.

MR. SPEAKER

Next question.

NO. 347 OF 1987

ORAL

THE HON J BOSSANO

Can Government give an indication of whether imports have increased in 1987 as compared with 1986?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, figures for the first nine months of 1987 reveal a substantial increase in the level of imports compared with the corresponding period last year.

The value of imports (excluding petroleum products) for January to September 1986 was £57.3m and for January to September 1987 it reached £81.2m. This represents an increase of 42%.

SUPPLEMENTARY TO QUESTION NO. 347 OF 1987

HON J BOSSANO

Mr Speaker, can the Hon Member explain the increase of 42% given the estimates for import duty. Is it that there is a high content in that of things like building material, for example, which don't pay import duty?

HON FINANCIAL AND DEVELOPMENT SECRETARY

The increase in manufactured goods, mainly building and construction materials, although there are one or two other items, was about 200%. It is very heavily construction orientated. Foodstuffs about 13%. Machinery and transport equipment, mainly motor vehicles private and commercial, about 20%. I should think it is probably consistent with the increased yield from import duty, and miscellaneous manufactured articles, various, I mean, clothing, textiles, videos, clocks and watches etc, about 33%.

MR SPEAKER

Next question.

NO. 348 OF 1987ORALTHE HON J E PILCHER

Can Government state how they estimate the expenditure of excursionists from Spain?

ANSWERTHE HON THE MINISTER FOR TOURISM

Mr Speaker, the expenditure of excursionists from Spain is calculated on an estimated per capita spend based on the results of the Tourist Survey. For 1986 it was estimated that the 2.6 million excursionists spent an average of £6.00 per capita.

SUPPLEMENTARY TO QUESTION NO. 348 OF 1987

HON J E PILCHER

According to the Tourist Survey Report 1986, I estimate, Mr Speaker, that for 1985 the per capita expenditure was £3 per head. Can the Minister explain why in 1986 the per capita expenditure was put up to £6? Is it a guesstimate of what tourists spend in Gibraltar or is there a reason behind the increase from £3 in 1985 to £6 in 1986?

HON H J ZAMMITT

Mr Speaker, I do not know the reason. This, of course, is based as a result of the tourist survey carried out and therefore I do not know the reason why it has gone up. Nevertheless, Mr Speaker, I can say that a figure for 1987 is not yet available as the tourist survey for that year has not been completed. However, the trend indicates that the figure will be higher than £6 per capita so there seems to be an indication of a greater spend as the years go on.

HON J E PILCHER

Mr Speaker, the Minister has missed the point. We are asking can Government state how they estimate the expenditure of excursionists from Spain. If the Government has laid before the House a paper that says in 1985 the excursionists from Spain element was £7.8m and in 1986 the element was £15.6m, which is a doubling of that figure, can the Minister explain how that comes about when there hasn't been a doubling of the arrivals by land from 1985 to 1986. We want to know what is the reason behind the figure, whether it's £3 or £6 or £7. How do they calculate that amount? Because these statistics, Mr Speaker, will be used by the Government to say what a tremendous amount of money is coming into Gibraltar from excursionists from Spain. How can they argue that if they don't know how they arrive at this figure.

HON H J ZAMMITT

Mr Speaker, as I have explained, the expenditure is based as a result of a survey carried out and therefore the Statistics Office has come out with the formula that they estimate that £6 is spent per capita of excursionists coming into Gibraltar. I do not take part in the survey. I do not ask the questions. They are questions listed from a cross section of excursionists coming through. How they come to that conclusion, of course, is not for me to say. The Statistics Office carry out the survey and that is what they have concluded.

HON J E PILCHER

Mr Speaker, am I to understand that the Minister for Tourism who has laid this document on the table does not understand or wants to understand?

MR SPEAKER

With respect, the Minister has not got to justify the figures. What he is saying is that he has to rely on the statistics that he is given by the Department. If the statistics are wrong perhaps he can say that he will enquire, but he hasn't got to justify the statistics.

HON J E PILCHER

Can the Minister then say whether he is happy about the formula as used in 1986 or 1985 or 1987 or doesn't he know the formula used?

HON H J ZAMMITT

I do not know the formula used, Mr Speaker. The formula is not for me to implement. It's not a matter of policy. The formula is a matter for the Statistics Office. If they come up with £10 per capita that is their prerogative, that is their working and reasoning. They are economists and they are qualified people to come to that conclusion. I cannot, Mr Speaker, Sir, say more than the information afforded to my Department by the Statistics Office, which I have no reason to doubt.

HON J E PILCHER

Is the Statistics Office, Mr Speaker, a part of the Government machinery or is it not?

MR SPEAKER

It is part of the administration.

HON J E PILCHER

Right. Therefore, when I put this question I did not ask for the question to be answered by the Minister for Tourism, I asked it of the Government. Can somebody in the Government explain how they estimate the expenditure of excursionists from Spain?

MR SPEAKER

With respect, I am telling you it is not for the Government to answer that question. It is for you to ask the Government whether they are satisfied with the figures, whether the figures are wrong and whether they will enquire from the people who prepared it.

HON J E PILCHER

Mr Speaker, the question asked: 'Can Government state how they estimate the expenditure of excursionists from Spain?' Obviously, Mr Speaker, the question is aimed at the fact that there has been a doubling of the expenditure from one year to the other. I think it is a responsible question to ask why in 1985 the per capita expenditure was £3 and in 1986 it is £6. If the answer is that they don't know how the statistics office come up with that figure, then, Mr Speaker, we are not satisfied. If the Government is satisfied with that then it is up to them but we certainly are not satisfied.

HON H J ZAMMITT

Mr Speaker, may I say I have just received information that the £3 mentioned in 1985 was a guesstimate whereas the £6 is, in fact, the true reflection of the actual spend.

HON J E PILCHER

Right. At least, Mr Speaker, we have now established that the £3 was a guesstimate. Can we find out how it is that the £6 for 1986 is not a guesstimate. How is it worked out? What calculations are made in order to find out how it is £6 per capita expenditure taking into account that there has only been a 28% increase in coaches coming for 1986 and there is 105% increase in the expenditure.

HON H J ZAMMITT

Mr Speaker, what I am saying, and I think the Hon Member is refusing to accept what I am saying or not understanding what I am saying, is that the 1986 figures do indicate that there is a £6 spend as a result of a survey carried out. If there is a doubling up of the £3 mentioned earlier as I have said I have just been informed that the £3 was a guesstimate whereas in 1986 there was an actual survey carried out which concludes and is quite emphatic that it is, in fact, £6 per capita.

HON J BOSSANO

What the Hon Member is saying is that he has just discovered as a result of our question that there was never before 1986 a survey of tourist expenditure made on pedestrians. Is that correct?

HON H J ZAMMITT

I think, Mr Speaker, that there was some problem regarding who

was doing the survey at the time and we employed enumerators to carry out the survey but as I said that information has come to me two minutes ago. The Minister for Tourism is not responsible nor is his Department responsible for carrying out surveys of this nature. One relies on information afforded by the Statistics Office.

HON J BOSSANO

But, Mr Speaker, surely the Hon Member remembers that in September 1986, a year ago, he tabled a tourist expenditure survey report for 1985 in this House. He must have read it before he tabled it and if he read it before he tabled it he must remember that what he read there was that there were 614 interviews carried out at Gibraltar Airport, North and South Moles and Waterport Wharf but that no interviews were conducted of people coming across the land frontier. If he read the report before he brought it to the House he would know that the Statistics Office told him that there had been no survey done.

HON H J ZAMMITT

Mr Speaker, absolutely. He is reminding me of what happened in September, 1985. When this question was asked I did not remember what the 1985 survey had mentioned. What I do know and it is clear from what the Hon Leader of the Opposition has read out, that there was not a pedestrian or land frontier exercise carried out and therefore there was a guesstimate put down at £3. Therefore, it is coincidental that the spend today happens to be £6 and therefore there is 100% increase but those are the figures that are there, one cannot argue with them.

HON J BOSSANO

Well, Mr Speaker, we can argue with him, actually because can the Hon Member say what was the size of the sample carried out to arrive at this figure?

HON H J ZAMMITT

I could probably find out, I don't know. Again, I repeat, it is not my Department that carries it out, it is the Statistics Office that does that. All I can do is ask the Statistics Office as to what number of surveys they carried out to come to this conclusion.

HON J BOSSANO

Has the Hon Member read the report that he has tabled this year, never mind if he can't remember whether he read the one last year.

HON H J ZAMMITT

Mr Speaker, unfortunately the Hon Member hasn't been in Government or fortunately he hasn't been in Government. Ministers

have to read many more documents than just the one that one lays on the table.

HON J BOSSANO

Presumably, Mr Speaker, he lays it on the table so that we read it and we read it when we get it and when we look at it we come here expecting him to have read it. Does he know that he has just tabled the document on the table of this House that says how many interviews have been carried out?

HON H J ZAMMITT

On this particular incident.

HON J BOSSANO

Yes.

HON H J ZAMMITT

Yes, Mr Speaker but I can't remember. Unless I read it now I can't remember. I am not prepared to come here saying there were 364 because I can't remember that kind of thing. He is looking at it now and obviously, with hindsight, he can say how many but if he wants me to do it I can find out.

HON J BOSSANO

Can I ask the Hon Member whether he can tell the House, of the 994 interviews that were satisfactorily completed, how many were in respect of excursionists from Spain.

HON H J ZAMMITT

Mr Speaker, I don't know. I didn't carry out the survey, the Statistics Office did.

HON J BOSSANO

Is there anybody that knows?

HON H J ZAMMITT

Yes, Mr Speaker, I am sure there is, I will find out and tell him.

HON J BOSSANO

Well can the Hon Member tell me then, even if he doesn't know, that if there were 614 interviews last year and they didn't interview anybody from the land frontier, it is not unreasonable to deduce that the increase of 300 interviews this year have been the new interviews of people that came across the land frontier and, if so, that it is a totally unrepresentative sample of 2½m people.

HON H J ZAMMITT

Well, Mr Speaker, I don't know. The Hon Leader of the Opposition is saying he is assuming.

MR SPEAKER

Order. We are now questioning the validity of the survey and we are not going to do that at question time.

HON J BOSSANO

The methodology.

HON J E PILCHER

Mr Speaker, the Minister said that the amount shown as the expenditure of tourists was evaluated at £6 per capita. I would like to take him to table 12 and I would like him to explain to me why it is that expenditure, excluding hotel and travel costs, average amounts spent per person per day in 1986 and at the bottom of the table it's got coach park excursionists £7.50. Does that tally with the £6 per capita that he mentioned for 1986, Mr Speaker.

HON H J ZAMMITT

Again, Mr Speaker, the mathematical workings, of course I am not going to say I agree or disagree with it. What I can say is that there may be a difference in spend between a coach arrival and a pedestrian crossing. One could come with an organised tour and have a greater spend than the other. I just don't know, Mr Speaker.

HON J BOSSANO

Can I ask the Hon Member whether the contribution to national income of tourist expenditure which have been given in this House previously both by him and by the Financial and Development Secretary, are based on the figures in the tourist survey report?

HON H J ZAMMITT

I am sure, Mr Speaker, that they certainly must have a reflection on the national income. Whether they are based on the figures in the Tourist Survey Report, again, that is a question for the Financial Secretary to work out. It is not for the Minister for Tourism to work out and to come to that conclusion. I am sure that the Tourist Survey Report does give the Hon Financial Secretary the input to be able to evaluate the value of tourism and what tourism contributes to the national economy.

HON J BOSSANO

Would the Hon Member not agree, as Minister for Tourism,

that if the accuracy of the expenditure survey results is questionable then the Hon Member's predictions about the increasing importance of tourism in the national economy could, in fact, be incorrect, if these results are questionable, would he not agree with me?

MR SPEAKER

That would be hypothetical but, anyway, if he wants to answer he can do so.

HON H J ZAMMITT

Mr Speaker, if these figures are wrong then, of course, it does upset the whole belief that one has in the industry of tourism. I very much doubt that they are wrong.

HON J BOSSANO

Would the Hon Member not agree, in the light of the discrepancies that we have brought to his attention, that it would be useful for him to go back and investigate the matter further so that he will be able to answer some of the points we have raised.

HON H J ZAMMITT

Mr Speaker, I am prepared to go back and question but I will not accept the fact that there are discrepancies.

HON J BOSSANO

Mr Speaker, will the Hon Member not agree that we have raised questions of discrepancy which he is not able to answer at this stage.

HON H J ZAMMITT

No, Mr Speaker, I cannot accept the fact that they base their argument because there was £3 spent in 1985 and there is £6 spent in 1986 that that is a discrepancy.

HON J BOSSANO

Would the Hon Member not agree with me that if, in fact, the Government assumed that people were spending £3 in 1985 and also assumed a figure of that order in 1984 and also assumed a figure of that order in 1983, and I will tell him what the figures were - £3.11 in 1983, £3.29 in 1984, £3.45 in 1985 and suddenly £5.92 in 1986 - it is reasonable to ask why has the Government in 1986 suddenly assumed almost 100% increase in per capita expenditure whereas in the preceding three years they assumed an annual rate of growth of per capita expenditure of the order of five or six or seven per cent.

HON H J ZAMMITT

Mr Speaker, I cannot agree with the Hon Member's theory on

that. I think that for the first time there has been a survey into the excursionists coming in and what I must say, Mr Speaker, is that it appears that the sample was low and of course a more ideal sample would be something between 10,000 and 15,000 which has obviously not taken place and it is however for the first time in 1986 that at least we had some accurate information

MR SPEAKER

I am being very lenient because we are now talking about hypothetical questions.

HON J BOSSANO

The Hon Member has just said that in 1986 is the firsttime we have accurate information coming in. Then I am entitled to ask as a supplementary, on what advice does the Hon Member consider that a sample of 300 instead of a sample of 15,000 provides accurate information. It is a complete negation of all statistical systems.

HON H J ZAMMITT

Mr Speaker, I am not a statistician, I am not an economist. All I can say is that if the survey has been carried out over 400 people and we are getting something like 3 million excursionists in, then the percentage of those taken is rather low on the number of people coming in. I suppose it will increase and we will get better information.

MR SPEAKER

Next question.

15 12 87

NO. 349 OF 1987

ORAL

THE HON J E PILCHER

Can Government state the fee being paid to Mr Michael Casey to study the re-negotiation of the Management Contract with A & P Appledore?

ANSWER

THE HON FINANCIAL AND DEVELOPMENT SECRETARY

No, Mr Speaker. The decision to employ Mr Casey as a consultant in connection with the re-negotiation of the Management Contract with A & P Appledore was taken by the GSL Board. It is not a matter for the Government.

SUPPLEMENTARY TO QUESTION NO 349 OF 1987

HON J E PILCHER

Whether it is a matter for the Government or not I am sure that certainly both sides of the House would have a different interpretation like we have always had. Is there any expectation on the part of the Government on when this study will be ready?

HON FINANCIAL AND DEVELOPMENT SECRETARY

As I have said, Mr Casey provides assistance to GSL but their solicitors, GSL solicitors, have in fact prepared a new draft Management Agreement and a copy of this has been passed to the Government for their consideration because, obviously, the Government have an interest.

HON J E PILCHER

Obviously, the Government have an interest. What then is the intervention of Mr Michael Casey because if you remember, Mr Speaker, that I am quoting from a piece of information released to us by the Chief Minister in the last House of Assembly when he said that Mr Michael Casey was being brought to Gibraltar to look at the renegotiation of the contract. Could I therefore find out what exactly is the intervention of Mr Michael Casey in this area since I have now been told that it is the lawyers of GSL that are preparing the draft documents?

HON FINANCIAL AND DEVELOPMENT SECRETARY

As I have said, Mr Speaker, my understanding is that Mr Casey has been employed as a consultant to give advice to GSL as to the changes which might be desirable. He has a knowledge of the background in such matters as I think the House will know but the responsibility of preparing a Management Agreement and actually drafting it rests with the Board. It is up to them to say what particular changes they need and that may go beyond Mr Casey's advice. I really can't

2.

say any more than that. I don't think there is anything unusual about the operation.

HON J E PILCHER

I think, Mr Speaker, that there is something unusual when the question of Mr Casey being brought to Gibraltar is told to the public by the Hon the then Leader of the AACR, Sir Joshua Hassan, and now we are told in this House that he is only brought by GSL in an advisory capacity, it can't be both. Is the report going to be made available to this House whether it is by Mr Michael Casey or by the lawyers or whoever, is it going to be made available to this House.

HON FINANCIAL AND DEVELOPMENT SECRETARY

If the Hon Member is referring to any new Management Agreement, then I think if I remember correctly the Government did offer to Hon Members at an earlier stage, going back a period of three years or so, to make copies of the Management Agreement then and, indeed, still in existence, available to Hon Members on a confidential basis and I will expect that the Government will do the same once the present discussions have come to fruition.

HON J E PILCHER

Mr Speaker, am I to understand that although the Government of Gibraltar have quite clearly intimated that part of the problems related to GSL are, in fact, the Management Agreement which has always been kept confidential and I saw a copy sitting down in the Secretariat with Mr Joe Pitaluga, the then Administrative Secretary, looking over my shoulder. Am I to understand that although that has been the cause of GSL's failure we are now going to get a new Management Agreement and it is going to be confidential and nobody is going to know anything about it.

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think all I am saying, Mr Speaker, is that if the Hon Member wishes to see it in much the same way as he had seen the last one, then I am quite sure that the Government would make available to him the same facilities as had been made available in the past although it won't be with the Leader of the Independent Democratic Party on this occasion. That is really all I have to say on this subject, Mr Speaker. As I understand it the Management Agreement is still a draft which naturally the Board wish to show the Government and that is what they have done.

HON J C PEREZ

Have I understood the Hon Member when he said the draft agreement is going to be seen by the Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY.

Yes, Sir.

HON J C PEREZ

Could the Hon Member state whether the final decision on the agreement has to be approved by the Government as well?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think the final decision must rest with the GSL Board but, naturally, they wish to consult the Government as the major shareholders, obviously.

HON J C PEREZ

So you could have a situation where the Government was completely against the draft agreement being negotiated but the GSL Board took the view that that was the management agreement that was needed to replace the old one and you could have a situation where the Board of GSL actually took a decision against the wishes of the Government on this one notwithstanding that the company is 100% owned by the Government.

HON FINANCIAL AND DEVELOPMENT SECRETARY

That is one of those hypothetical situations, Mr Speaker, which even I with my limited experience of politics can recognise.

HON J C PEREZ

With the information available from the Hon Member, the Hon Member must admit that according to what he said this morning that is a possibility, not a very remote one.

HON J E PILCHER

Mr Speaker, I am glad for the intervention of my colleague if nothing else because I have just been able to find from the Hansard of the last House when the Leader of my party asked: 'did the Government approve the appointment of Mr Casey', the then Leader and Hon Chief Minister said: "Yes, Mr Speaker",

MR SPEAKER

How is that relevant?

HON J E PILCHER

Question 258. It is relevant because if the Government approved the appointment, did they not approve the fee?

MR SPEAKER

Are we prepared to disclose or quantify the fee which is going to be paid to Mr Casey?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I have taken the precaution of coming to this House without the information. This is something which my predecessor, Reg Wallace, used and I think it is a very useful principle. If you don't know you can't give the information provided of course that you say that you are not responsible for giving the information which I already have done.

HON JE PILCHER

Mr Speaker, the Hon Financial Secretary did not forget to bring the Supplementary Appropriation Bill where we are voting £2m for GSL. The question is, although the Government approve the appointment of Mr Casey, the Government did not approve the fee, that was left up to GSL, is that the answer?

MR SPEAKER

The responsibility lies fairly and squarely on GSL. He has said that he has not got the information and it is not a responsibility of Government.

HON J E PILCHER

Mr Speaker, we are asking a question. Did the Government approve the fee for Mr Michael Casey?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No Sir.

HON J BOSSANO

So does the Government then tell us, as the Hon and Learned Chief Minister of the time told us last month, that they took the decision of approving, and presumably the GSL Board could not proceed with Mr Casey's appointment without Government approval, otherwise there would have been no need for them to approve it, they took the decision of approving his appointment and then gave GSL Board total freedom to pay him whatever they like. That is the situation?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think that is stretching the credibility a little bit, Mr Speaker. If it came to light that Mr Casey was being paid an extortionate amount then, naturally, this would be a matter of public interest in much the same way as there were at the last meeting of the House various questions about expatriate remuneration which were a matter of public interest. I think one must judge each particular question on its merits but as far as I am aware this is the normal fee paid to a consultant for his services. I don't think it is a matter for the Government to investigate.

HON J BOSSANO

But then, Mr Speaker, if it is a normal fee for a consultant and this particular consultant, the Hon Member will no doubt recall, has been previously paid fees which were considered by members of this House exorbitant and which were very controversial, this particular individual. Would the Hon Member say why it was that the Board of GSL considered itself incapable of negotiating the agreement without the need to engage a consultant?

MR SPEAKER

We are now going beyond the orbit of the question. We did that at the last meeting of the House.

HON J BOSSANO

Well, then, Mr Speaker, can the Hon Member say whether the decision to produce a draft agreement after consultation with Mr Casey is one which the Government can overrule?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I am not quite sure what the Hon Leader of the Opposition is asking me to say what the Government can overrule, Mr Speaker.

HON J BOSSANO

What I am saying, Mr Speaker, in fact is, is the Board of GSL a free agent in terms of a management contract which we have been told it has to go to the Government for approval, is that not an inconsistency?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think the GSL Board would wish to carry the Government with them in any changes but I think they are the motive force. I mean they are as a Board, I think, the body which has been most concerned about the limitation on their powers contained in the previous Management Agreement. In that sense I think the Board is mainly concerned and the Government naturally is concerned because it is the shareholder and takes a close interest in the affairs of the Board.

HON J BOSSANO

Can I ask one question, Mr Speaker. Does the draft Management Agreement mean that the Management Contract by A and P Appledore could be extended or does it mean that their original contract is changed in terms of the powers that they have but that it will not be beyond the original date?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think that there will be some changes in what I might

6.

call the ambiance and the period to which the agreement relates, yes.

HON J BOSSANO

And would the Hon Member not agree that that is in itself a highly polemical decision where there are clear political positions and not a matter for the Board of GSL to decide for themselves.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Certainly. I think that is something the Government would take a very close interest in, yes.

MR SPEAKER

Next question.

NO. 350 OF 1987ORALTHE HON J E PILCHER

When is Government taking a decision on the redundancy proposals by the GSL Board?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

With permission, Mr Speaker I will answer Questions No.350 and 351 together.

The Government is considering a submission by the GSL Board outlining proposals for the future of the Company, including redundancy measures. The Government has agreed, in principle, to the restructuring of the yard, but has sought clarification on a number of points. The Government will take a final decision in the light of the Board's response and after further discussion of the details of the proposals between management and the Unions. Implicit in the Government's agreement is an assurance, which has been sought by the Board, that further funds will be made available to enable the company to continue operations while the restructuring takes effect and as a contribution towards the costs of redundancies. As the House will be aware, the Government has so far provided £2m in 1987 by way of subscription for shares in GSL. The Appropriation Bill to be taken later in this meeting of the House provides for an additional £2m by way of a Government cash subvention for the purposes I have just described.

SUPPLEMENTARY TO QUESTION NOS. 350 AND 351 OF 1987

HON J BOSANO

Mr Speaker, can the Hon Member confirm that the cash subvention is the total subsidy for 1987?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker, plus the earlier bits and pieces which I have mentioned.

HON J BOSSANO

We know about the earlier bits and pieces which are not called subventions, Mr Speaker. Is the Hon Member then saying that on the basis of the estimated loss for 1987 which the company must now have because we are in the last month of the year, it is not expected that the Company will require any further funds to close the 1987 accounts?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think there are several questions implicit in the Hon Member's question. Certainly, at this stage the Company

has a clear idea of what its loss will be in 1987 and I would remind the Hon Member that we also had a discussion about this very recently and I don't think the position as far as 1987 is concerned has changed a great deal in the intervening period. What we are now, in fact, confronting and what the purpose of the Government's agreement about the further £2m is intended to meet is the on going situation after the end of this current year into the early year of 1988, which is what the £2m is being provided for.

HON J BOSSANO

Mr Speaker, I wish to.....

MR SPEAKER

What you musn't do is pre-empt.

HON J BOSSANO

I am not trying to pre-empt.

MR SPEAKER

Or anticipate the debate on the Appropriation Bill.

HON J BOSSANO

No, Mr Speaker. But question 351 and 350 by my colleague, Mr Pilcher, ask two different things which the Hon Member has chosen to take together and we are seeking to disengage the information so that we can get back to what the original questions were. Is the Hon Member saying that the total subsidy for 1987 is £2m or that, in fact, £2m includes the subsidy for 1987 and money for 1988 because of restructuring. Which of the two is he saying?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I am saying that one cannot, in fact, separate them arithmetically, £2m 1987, £2m now being sought as appropriation for 1988. I think there is as inevitably one would expect, some relationship but most of the £2m which the Government will be asking the House to approve in the Appropriation Bill will be for 1988. That is to say, we are assuming that the £2m or rather the funds which the Government has already provided by way of subscription for share capital in 1987 will be broadly sufficient but I would remind the House that at the last meeting of the House we approved an overdraft facility, we gave a guarantee, we asked the House to approve the giving of the guarantee and of course that overdraft facility was for £ $\frac{1}{2}$ m. There is obviously some fluctuation in that, that is to last until the end of the financial year but further funds will replace that particular overdraft facility. There is another aspect in which the fund has already provided and the funds now being sought are interrelated.

HON J BOSSANO

But, Mr Speaker, if the Hon Member when he came to this House originally to seek money for subscription for shares in GSL sought it on the basis that it was for working capital on the recommendations of the Price Waterhouse Report and now we are talking about a subvention to cover 1987 losses, then in fact is he saying that the 1987 losses are not expected to be anywhere the £2m?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, I am not saying that. I am saying that as far as I am aware the 1987 losses will be much as forecast when I last came to the House. I don't actually have the figure of the loss in my mind but not a great deal has changed in the situation as far as 1987 is concerned. Hence what I am also saying is that we don't foresee a need for further funds beyond the needs I have already acquainted the House with in the last debate, namely, that we have an overdraft facility of £500,000 and it may be that come the end of the year the company's cash flow position will point to a need to replace some of that £500,000 with actual money, in other words, the company will have to pay back Barclays Bank. I am saying that it is of the order of £½m, it may be less, I can't say precisely, but most of the money which is the subject of my answer to this question namely the £2m for which approval has been sought in the Appropriation Bill, that belongs to, if I might use that phrase 1988 and the restructuring and also contribution to the cost of redundancies.

HON J BOSSANO

Mr Speaker, but we are not asking the Hon Member of the £2m that is in the Appropriation Bill, that we will be asking when we get there. We are asking the Hon Member to explain what is the subsidy required for GSL for 1987, that is the question on the paper. Can he tell us that?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, as far as I am aware I think I have in fact answered the question, Mr Speaker. Perhaps not in the precise terms which the Hon Member would have wished but then I have to answer the question in terms of the situation as I understand it.

MR SPEAKER

From what I have heard what you are saying is that the subsidy amounts to whatever has already been voted either by subscription for shares or otherwise and a little of what is going to be voted in the Appropriation Bill. Is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Sir.

MR SPEAKER

Then from what I have understood, I think it is clear.

HON J BOSSANO

I am grateful to you, Mr Speaker. Then, Mr Speaker, if that is the case how does the Hon Member explain that when he came to this House to ask for the subscription for shares he told the House that that was not to meet a subsidy for losses in GSL, that that was for working capital and at the time there was an estimate of a loss in 1987 of £200,000 and on the last occasion that we discussed the matter the Hon Member gave us an estimate of £3m. I would like him to explain to me how he estimated GSL needed the money that was voted before with anticipated losses of £200,000 and he tells us that it still needs that and no more with anticipated losses of £3m.

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think I understand that, Mr Speaker, but I would remind the Hon Member that when I came to the House to ask the House if they would vote an additional £2m, it was in the early part of this year, in March. Well, on the prospects then, as they were understood by the Government in the light of the advice from the Company, it was a need for £2m for working capital to help finance the operation for that year. The situation has since changed, quite a lot has happened in GSL since then.

HON J BOSSANO

Is it then, Mr Speaker, that the Hon Member is telling the House that when the accounts for GSL are brought to the House it will be found that the loss for the year is not of the order of £3m as he gave us to understand recently but of the order of £200,000 as he gave us to understand six months ago?

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, Mr Speaker, not at all. It will be of the order of £3m.

HON J BOSSANO

Can the Hon Member then say that of that £3m loss for 1987 only a small part of it will be met by the £2m to which he keeps referring which he says is primarily for 1988?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think there are two different calculations and situations envisaged in the Hon. Member's question.

MR SPEAKER

What you are being asked is are you going to meet the balance of the deficit for the year?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I am aware of that, Mr Speaker, but I can't answer the question as it is put because, really, the answer which he is seeking relates to an entirely different question which he hasn't asked. There are three different questions, if you like. At the beginning of the year we sought the approval of the House for Government funds for sufficient additional share capital to subscribe to working capital. The company's needs have changed, the situation of the company has changed, it is now going to make a loss of £3m. I don't think there is any argument about that, there may be argument about the size of what it is. The whole financial situation of the company has changed.

MR SPEAKER

Next question. We are having a debate and we are going to have a further bite at the cherry later on.

HON J BOSSANO

We are seeking information.

MR SPEAKER

No, with respect you are seeking confirmation, not information and you are not going to get it. We have got to a stage when a question passes its usefulness.

HON J E PILCHER

Even if I do accept that I must remind the Hon Speaker that they are answering Question 350 and 351 together. I want to ask supplementaries on question 350.

MR SPEAKER

Well, ask the question.

HON J E PILCHER

Mr Speaker, the Hon Financial and Development Secretary said that the Government had agreed, in principle, to the restructuring. The Government has therefore already taken a decision to go ahead with the redundancies.

HON FINANCIAL AND DEVELOPMENT SECRETARY

The Government has agreed in principle, Mr Speaker, that is all I can say but there are still a number of points requiring clarification.

HON J E PILCHER

When does Government intend to implement this decision, in principle, seeing that we are now getting to the end of the

year and we are two months, three at the most, away from an election, Mr Speaker.

HON FINANCIAL AND DEVELOPMENT SECRETARY

As I have said, the Government will take a final decision in the light of the Board's response to the various points which have been put to the Board by the Government seeking further information and clarification and also after further discussion of the details of the proposals between Management and the Unions which so far as I am aware has not yet taken place.

HON J E PILCHER

When is this likely to take place?

HON FINANCIAL AND DEVELOPMENT SECRETARY

In the near future, I would imagine, Mr Speaker. I really can't say any more and I can't predict the outcome of the discussions or the pace at which events will take place.

HON J E PILCHER

Do I understand that the Board who we know are keen to get the restructuring from the Government are being held up by Government decision making?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I am sure the Hon Member wouldn't expect me to answer that sort of question.

HON J BOSSANO

Can the Hon Member say whether, in fact, delay on proceeding with the restructuring is itself adversely affecting the financial position of the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think I would say that if there were to be delay on proceeding with the restructuring it would adversely affect the financial position of the company.

HON J BOSSANO

And would the Hon Member agree that if that is the case and the Board cannot proceed because it has not been given the green light by the Government, the Board is expecting the Government to foot the Bill? Is, in fact, the Board of GSL waiting for the green light from the Government to proceed with the restructuring?

HON FINANCIAL AND DEVELOPMENT SECRETARY

There are other parties involved in the restructuring,

7.

Mr Speaker, there is discussion between Management and Union.

MR SPEAKER

We will now call the next question.

15 12 87

NO. 351 OF 1987

ORAL

THE HON J E PILCHER

What does Government expect the total subsidy to GSL for 1987 to amount to?

ANSWER

THE HON FINANCIAL AND DEVELOPMENT SECRETARY

Answered together with question No. 350.

NO. 352 OF 1987

ORAL

THE HON J E PILCHER

Can Government state what is the transfer payment being made by GSL to the Gibraltar Government to cover pension rights for the past service of the staff at the Training Centre?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the transfer payment being made by GSL to the Gibraltar Government to cover pension rights for the staff at the Training Centre is £20,245.

SUPPLEMENTARY TO QUESTION NO. 352 OF 1987

HON J E PILCHER

Mr Speaker, has this transfer payment been based on the GSL pension scheme or the civil service pension scheme. How has the Government come up with this transfer payment?

HON FINANCIAL AND DEVELOPMENT SECRETARY

It is a very difficult calculation, Mr Speaker. I really haven't the faintest idea but if the Hon Member wishes to have further details, I will see that those who are more knowledgeable about this matter write to him about it.

HON J E PILCHER

Can I also ask, Mr Speaker, where that £20,245 is going to come from. Is this going to come from the pension fund as such at GSL or is it going to come from general revenue, perhaps from the £2m we are just going to vote.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Well, as far as that is concerned my understanding is that it would be at least partly met by the employer's share of the fund which the company has already undertaken to contribute towards the pension fund.

HON J BOSSANO

How much?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I can't say precisely. If that question is of interest to Hon Members I will see if the information can be furnished to them.

HON J BOSSANO

Right.

NO. 353 OF 1987

ORAL

THE HON J E PILCHER

What is the estimated sales of GSL for 1987 giving the breakdown of this figure between RFA work and commercial work?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, estimates sales of GSL for 1987 are expected to be £15 million of which £10 million is in respect of naval work, including £1.0 million on RMAS work and £5 million commercial work.

SUPPLEMENTARY TO QUESTION NO. 353 OF 1987

HON J E PILCHER

Does the Hon Member know, of the £5m commercial work, how much does the Gun Wharf play in that £5m. The Gun Wharf element of GSL?

HON FINANCIAL AND DEVELOPMENT SECRETARY

The Gun Wharf element is, approximately, £ $\frac{3}{4}$ m thereabouts.

NO. 354 OF 1987

ORAL

THE HON J E PILCHER

Has Government now made a submission to Her Majesty's Government to obtain more RFA work for GSL?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government will be considering this matter in the context of the Company's proposals for a restructuring of the yard.

SUPPLEMENTARY TO QUESTION NO. 354 OF 1987

HON J E PILCHER

Mr Speaker, I dare say the Government must be aware that RFA refit programming takes place years before the actual RFA vessel materialises in a naval base dockyard refit yard. The Government must therefore realise that their failure to have done up to now would mean that there is no RFA work for the GSL for at least the next two years.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Naturally, I am familiar with the programming the Hon Member has said. It is not really for me to say much more on this because I think it is a political matter but one would hope that any political approach might, if it were judged appropriate by the Government, overcome the sort of difficulties which the Hon Member has mentioned.

HON J E PILCHER

Irrespective of political difficulties, Mr Speaker, there is a physical reality which is that you need to programme the thing before. Is the Government therefore saying that they will approach Her Majesty's Government the moment we have restructured the yard. Is that what they are saying?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I don't think I am saying that the Government would wait until the restructuring has taken place but it is considering the matter in the context of those proposals. When the Hon Member asked a similar question in the House of the last meeting, I gave the answer then that again without wanting to

trespass on political grounds, the Government didn't feel that it could make representations at that juncture because of the difficulties. Though the situation has moved on the Government now sees more of a prospect of making representations. That is really all I have to say.

HON J E PILCHER

I accept that, Mr Speaker, but it is only that, particularly given the figures that we've just had as answer to question 353, if there's only 4.25 of commercial work, if there is no MOD element next year then they are not talking about restructuring.

HON J BOSSANO

Could I ask the Hon Member if the company has issued a statement to its workforce telling them that the restructuring is due to the fact that there is no more RFA work, does it not mean that the yard will not be in a position to undertake RFA work after the restructuring and therefore a decision on RFA work has to precede a decision on restructuring. Is that not the case?

MR SPEAKER

With respect, it is the case, it is a natural consequence but it is not seeking information, it is seeking confirmation of what is going to happen.

HON J BOSSANO

The information I am seeking from the Hon Member is how does he expect to be in a position to approach the British Government to seek RFA work when he has removed the capability of doing it? That is the information I want.

MR SPEAKER

Yes, that is the consequence.

HON J BOSSANO

I would like an answer, Mr Speaker.

MR SPEAKER

Well, can you give an answer?

HON J BOSSANO

The Hon Member has said, Mr Speaker, that the Government has

not ruled out the possibility of doing this in the future. I am saying to the Hon Member, how does he expect the Government to be in a position to make submissions to Her Majesty's Government to send RFA work to Gibraltar in the knowledge that Gibraltar would not be able to undertake it after the restructuring.

HON FINANCIAL AND DEVELOPMENT SECRETARY

Although it is not a question for me to deny, I don't think that the latter half of the Hon Gentleman's sentence has any reply, that Gibraltar or the yard would not be able to take on RFA work after the restructuring. When we are talking about RFA work, it may be that the British Government will say 'yes, you can have another £14m or £20 or as many RFA's as you like'. But I don't think anybody is anticipating manna dropping from heaven to quite that extent. What we are talking about is an additional ship or two. We have, as I think I have mentioned in the past in the House, we have been told quite clearly by the MOD that when the guarantee element comes to an end Gibraltar must compete on cost grounds and they have also told us that our costs are about 40% higher than they were in 1984 which presented difficulties for them and, indeed, for the yard. What I am really talking about in terms of an approach to Her Majesty's Government is whether it may be possible to extend the guarantee, if you like, by a further ship or so. Not a long term programme. If it were a long term programme, then I think everyone would be delighted.

HON J BOSSANO

Mr Speaker, have I understood the Hon Member correctly in saying that our costs were 40% higher than they were under the naval dockyard. In 1984 it was a naval dockyard.

HON FINANCIAL AND DEVELOPMENT SECRETARY

No I think 40% higher than they were in GSL when they began.

MR SPEAKER

We will not call the next question because the Attorney General has been detained for urgent business.

15 12 87

NO. 355 OF 1987

ORAL

THE HON J C PEREZ

Can the Attorney-General state whether the Police investigation into the Public Works Department has now been completed?

ANSWER

THE HON THE ATTORNEY GENERAL

Sir, the investigation is still ongoing and at this juncture it is not possible for me to give an indication of an anticipated date of completion.

SUPPLEMENTARY TO QUESTION NO 355 OF 1987

HON J C PEREZ

Could the Hon Member clarify whether the investigation going on is the same one or whether there has been a new investigation asked for by his department which is what some workers in the Public Works believe?

HON ATTORNEY GENERAL

Mr Speaker, the investigation is the same investigation which is going on. I received preliminary reports from the police and as a result of those reports I asked for further investigations to be carried out to clarify certain issues and it is that that the police are doing now.

NO. 356 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether it has now taken a policy decision in respect of satellite television?

ANSWERTHE HON THE MINISTER FOR EDUCATION SPORT AND POSTAL SERVICES

Sir, since your last question, Ministers have considered this matter and a preliminary report has been prepared on the technical and planning problems involved.

2. As I mentioned last time this is a matter which requires careful study and the various departments involved ie Crown Lands, Director of Postal Services (Wireless Officer), Superintendent of Telephones and Law Officers Department will shortly be considering the preliminary report.

SUPPLEMENTARY TO QUESTION NO. 356 OF 1987

HON J C PEREZ

Can the Hon Member clarify whether that report and that study has anything to do at all with the Bill before the House to allow the Gibraltar Broadcasting Corporation to relay satellite.

HON G MASCARENHAS

Not at all, Sir.

HON J C PEREZ

Can the Hon Member state when he thinks his Government will be in a position to take a final decision on this matter which in July he described as imminent.

HON G MASCARENHAS

Mr Speaker, having regard to what I described as imminent in July, I would be very careful to actually give a target date at this stage seeing that the matter is very, very complex.

HON J C PEREZ

Seeing, Mr Speaker, that a preliminary start has already been made and that it is with the Heads of Department, couldn't the Hon Member give what is described on that side of the House as a guesstimate so that we might be able to know more or less when we are going to have a final decision on this matter?

HON G MASCARENHAS

Mr Speaker, it is very difficult to give a guesstimate at

this stage. If the Hon Member wants my opinion I would say in a matter of three months.

HON J C PEREZ

Can the Hon Member state whether having seen the progress report he is satisfied that all the points have now been covered and that what he is actually waiting for is comments by the Heads of the Departments that he has mentioned on the report itself?

HON G MASCARENHAS

Yes, absolutely, Mr Speaker.

HON J C PEREZ

And with that knowledge in mind, Mr Speaker, isn't the Hon Member able to give a guesstimate of when, more or less, a final decision on this matter will be taken?

HON G MASCARENHAS

Mr Speaker I have given my opinion. I think a matter of three months.

HON J E PILCHER

Certainly not with the technical knowledge that my colleague seems to have, but can I ask is it therefore subject to the implementation of new regulations or legislation. Is it at the moment illegal to have satellite receiving equipment ie the dish as it's called. Is it illegal for somebody to have this equipment?

HON G MASCARENHAS

Mr Speaker, I think the Attorney General I think is better equipped to answer that question than I am.

HON J E PILCHER

Well, perhaps, when the Attorney General comes, Mr Speaker, you will be so kind as to allow me to put these questions to him.

MR SPEAKER

Most certainly.

HON J L BALDACHINO

Is it correct that the only thing that can stop somebody putting up a dish, as such, is that he needs planning permission?

HON G MASCARENHAS.

No, Sir, I cannot say that.

HON J BOSSANO

Getting back to the point about the legislation providing for GBC to undertake satellite permission, is the Government saying that they are going to allow GBC to have a monopoly of satellite transmission between now and the time they decide whether other people can or cannot do it?

HON G MASCARENHAS

At the moment that is the position, yes.

HON J L BALDACHINO

Shouldn't Government then reach a decision as quickly as possible because there are people who are putting up dishes and if it is decided that GBC should have the monopoly what is going to happen with the money that is spent by those people who have been putting up the dishes?

HON G MASCARENHAS

Mr Speaker, there is nobody more aware of the urgency of the matter than I am. I said in July that the matter was imminent because I was under pressure and therefore I wanted to hurry it. It is a complex matter and I think Members will have to bear with us.

MR SPEAKER

Next question.

HON J E PILCHER

There was a question I wanted to ask the Attorney General and that is, at the moment is it illegal to have satellite receiving equipment given that the Government has not yet passed regulations or legislation that caters for that. Is it at the moment illegal to have what they term the 'dish' put up for receiving satellite?

HON ATTORNEY GENERAL

Satellite receiving equipment is illegal at the moment because it is contrary to the endorsement on the wireless telegraphy licence which has been inserted in those licences, I believe, since the 1st October, 1986, and it is the term and condition of those licences issued that this licence does not allow the licence holder to instal or operate equipment for the receipt of television or sound radio programmes which are transmitted by means of satellite to an antenna and associated receiving apparatus which operated together are designed to receive and process such programmes for ultimate presentation on the television or screen or through a radio loudspeaker. There-

fore satellite receivers are television sets, as the Hon Mr Baldachino has said, these sets are already geared for the receipt of satellite television and indeed television sets or screens which have the black box which I call this piece of equipment between the television screen and the antenna, that of course again is contrary to the terms of the endorsement on the licence, on all wireless telegraphy licences issued by the Wireless Officer, my instructions are, since the 1st October, 1986.

HON J C PEREZ

Mr Speaker, if the equipment referred to was installed prior to this date does that continue to be illegal or would it be denying a right to the individual which he previously enjoyed?

HON ATTORNEY GENERAL

The position as I understand it is that you have to have a new licence every year. If you had equipment for receiving satellite television prior to the 1st October, 1986, you don't have a licence after the 30th September but on the 30th September we imposed new conditions, if you like, by way of endorsement on the licence and therefore strictly speaking the television set should not be used for the purposes of receipt of satellite television. But I realise now the difficulty, the trench I have dug myself, as to whether or not the people who were receiving satellite television before the 1st October, 1986, have a right to continue receiving despite the terms of the licence and whether or not they should be exempted because of the same reasons I gave this House on the last occasion as to radio receivers in taxis. I have to consider that. Quite honestly at this moment I don't know but certainly I am quite clear that any set that was adapted to receive satellite television after the 1st October, 1986, should not do so because it is contrary to the conditions endorsed on the licence.

HON J E PILCHER

And has the dish also got acquired rights, Mr Speaker?

HON ATTORNEY GENERAL

I am told it is most unlikely that there will be any dishes because these are quite expensive and they are quite large, any dishes would be acquired without the necessary connection to the television set whether it is the Hon Mr Baldachino's television set that works automatically or whether it be a normal television set which needs the black box in between. I can't imagine anybody would have a dish without having a satellite receiver because of the expense. It is not like in the old days when you put a television antenna to let the neighbours know that you've got a television which you really don't have.

HON J E PILCHER

The answer to my initial question was, yes, it is illegal to have a dish. Is it the same as you were saying, Mr Speaker, as regards the television with the black boxes if the dish was put up before the 30th September it is legal, if it is put after the 30 September it is illegal and, if so, will the Government check it or is the Government in a position to want to check into dishes which are being erected pending the decision being taken by the Government as regards new regulations or legislation on satellite television?

HON ATTORNEY GENERAL

Well, the dish is a fair sized piece of equipment but the dish itself is not wireless telegraphy receiving, it is what goes after the dish.

HON J L BALDACHINO

What needs a licence is not the dish but the receiver, in this case the television. Therefore it is not illegal, let's put it that way, to put a dish up, it becomes illegal when the dish is connected to the television, am I correct?

HON ATTORNEY GENERAL

Yes. I think the dish itself, per se, is not a piece of wireless receiving equipment but I can't imagine any dishes being put up without the necessary connection to the receiver. But the dish itself, no, it is what happens after the dish.

HON J BOSSANO

Then, Mr Speaker, the previous answer we were given that the only grounds on which it is illegal to have this is on planning grounds because they need planning permission and nobody has been given planning permission, how does one thing tie up with the other. I know the Hon Member wasn't here but when the Minister was answering previously, he said it was not admissible on planning grounds and nobody had been given planning permission. Is that still true?

HON A J CANEPA

It isn't so much that they are not admissible on planning grounds, the problem is that it is very difficult for the Development and Planning Commission to take a view to adopt a policy on planning grounds in the absence of other information. For instance, would it be possible to designate a number of blocks of flats as being suitable for having one dish appertaining to them for their use. Should dishes be used on the basis of zoning areas and, if so, what about individual households where they are detached. It has not been possible for the DPC to take such a decision in the absence of other information of a highly technical nature which the other departments need to provide for the Commission and this is what is really holding matters up.

NO. 357 OF 1987

ORAL

THE HON J C PEREZ

Does Government intend to intervene in the dispute between Cable and Wireless and its workforce to ensure that Gibraltar will not be left without communications with the outside world come 1st January 1988?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Yes Sir.

SUPPLEMENTARY TO QUESTION NO 357 OF 1987

HON J C PEREZ

Can the Hon Member state what it intends to do?

HON J B PEREZ

Mr Speaker, let me say first of all that there is no reason why Gibraltar should be left without international communications come the 1st of January, 1988, as I see it. The Government has already made its position well known to Cable and Wireless which I will reiterate in this House of Assembly and that is that Cable and Wireless should discharge all its moral and legal obligations that it has with its staff. If there is a dispute as everybody knows that there is particularly in connection with the payment of redundancies, this should be sorted out either by arbitration or by litigation and today I read in the Gibraltar Chronicle that the Union has, in fact, taken a writ against Cable and Wireless. The third alternative was by possible negotiation but I believe that the time which has been spent in negotiation has not really been fruitful at all. As far as the Government is concerned, Gibtel is ready to offer employment to all present members of staff who will become redundant on 1st January of next year on terms as I have already committed myself to do so, on terms no less favourable than those which they have enjoyed in the past. Again, I would reiterate, Mr Speaker, primarily it is a matter between Cable and Wireless at its start but the Government or I have put my points very clearly to both sides. There is very little that one can do at this moment in time particularly more so that I got to know today that a writ has been taken out against Cable and Wireless.

HON JC PEREZ

Would the Government not consider that refusing to finalise the Agreement with Cable and Wireless over the purchase of equipment is another thing that the Government can do to put pressure on Cable and Wireless to do what the Hon Member has asked the Company to do?

HON J B PEREZ

Let me again reiterate what I have said because I don't think the Hon Member has got it clear. I am not prepared to sit as a judge of whether the men are entitled to x or x plus y. I am not capable of doing that and I don't think it is my function as a Minister to say yes or no. What I do say is, on a personal basis that C&W have to discharge both commitments. I think they have a moral one and they have a legal one. I cannot be the judge that is for the Courts to decide. If I was appointed as an arbitrator then I would give a judgment but I don't think I should give a judgment on this matter. What I will reiterate is that as far as I am concerned I will do everything I can to try and ensure that Gibraltar does not suffer as from 1st January but, again, there is no reason why a Court action cannot continue with Cable and Wireless and those men who are made redundant come the 1st January are offered employment after 1st January by the new company. If they have a grievance, which undoubtedly they have, and if they have a good case let the matter go to court but start work on 1st January and don't let Gibraltar suffer. That is my opinion.

MR SPEAKER

Next question.

15 12 87

NO. 358 OF 1987

THE HON J C PEREZ

ORAL

Can Government state whether they are satisfied that there are sufficient international telephone lines to meet present day demands?

ANSWER

THE HON THE MINISTER FOR MUNICIPAL SERVICES

Government is aware that at present the number of international telephone lines is not sufficient to adequately carry the peak telephone traffic. Steps to rectify this has already been taken by the newly formed Gibtel and a vast improvement should be noticeable in the New Year.

SUPPLEMENTARY TO QUESTION NO. 358 OF 1987

HON JC PEREZ

Could the Hon Members specify what he means by a vast improvement? Has, for example, the demand been monitored and is the new capacity going to be in line with present demands?

HON J B PEREZ

What the new company has already done is purchased equipment, it is proposed to increase the number of lines to cater well over the demand at peak times so it is not a question of catering just for the first six months, we have gone into it longer term.

MR SPEAKER

Next question.

15 12 87

NO. 359 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the site at Poca Roca will house the new Prison?

ANSWER

THE HON THE MINISTER FOR MUNICIPAL SERVICES

A final decision on the matter has yet not been taken, although it has been identified as the most suitable site.

SUPPLEMENTARY TO QUESTION NO. 359 OF 1987

HON M A FEETHAM

Mr Speaker, can the Hon Member say whether having identified it that means that subject to funds that is likely to be the site?

HON J B PEREZ

As I have said no final decision has been taken, of course the question of finance is of paramount importance but, yes, having gone through a number of sites in Gibraltar the Government has come to a decision that that appears to be the most suitable site for the new Prison.

HON M A FEETHAM

So can the Minister give some indication on when it is expected that a start will be made?

HON J B PEREZ

In view of the term left to this Government I don't really think that there is going to be a decision taken.

MR SPEAKER

Next question.

15 12 87

NO. 360 OF 1987

ORAL

THE HON J E PILCHER

Can Government confirm that they have taken over the Apprentices Training Centre at the commercial yard?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes Sir. Government took over on the 1 December 1987.

SUPPLEMENTARY TO QUESTION NO 360 OF 1987

HON J E PILCHER

I therefore assume, Mr Speaker, that GSL has ceased to train apprentices and Government are now assuming the full responsibility for doing this.

HON DR R G VALARINO

That's right, Mr Speaker.

HON J E PILCHER

Can the Minister therefore give us, Mr Speaker, the cost of running the Apprentices Training Centre to the Government in a year?

MR SPEAKER

No, I think that should have been the subject matter of a direct question because Ministers are not expected to carry a completion set of information.

HON J BOSSANO

He may be able to answer it, Mr Speaker.

MR SPEAKER

Are you able to answer it?

HON DR R G VALARINO

Mr Speaker. I can answer it and I will be pleased to answer the question that the Hon Member has asked. Based on current figures the cost would come to between £119,000 and £130,000. GSL will continue to pay the salary of the apprentices although the Government will continue to make a contribution of £15 a week in respect of each of the first year apprentices.

HON J BOSSANO

Mr Speaker, could I ask the Hon Member, are they going to be using the training centre for any other apprentices or just GSL?

HON DR R G VALARINO

Mr Speaker, as far as I know it will only be used for GSL apprentices.

HON J BOSSANO

Wouldn't the Hon Member agree that without the restructuring having gone through, he is not in a very good position to judge what is the demand and the requirement that is going to be made at the training centre.

HON DR R G VALARINO

Mr Speaker, as far as the training centre is concerned we think that there are certain facets there which could be of use and there will be consultations between different bodies to see whether in the future the equipment and the personnel involved could be used for other methods of training apart from just GSL employees.

HON J E PILCHER

Mr Speaker, can I ask the Government what was the thinking when they decided to take over the Apprentices Training Centre of GSL.

HON A J CANEPA

The immediate thinking behind the Government was to relieve GSL of certain overheads, naturally. That was the immediate cause. But since having taken over the centre unaware as we are of the quality of the equipment there, the education department through the College of Further Education would like to consider the potential of the training centre and see whether those training facilities can be used for other forms of training including apprenticeships.

HON J E PILCHER

But the potential has not been quantified now, it is going to be quantified in the future. Can I therefore not assume, Mr Speaker, following the answer given by the Hon Chief Minister, that it is another hidden subsidy for GSL in the region of £119,000 to £130,000 a year?

HON A J CANEPA

I think that was made clear at the time when the Government took the decision of taking it over. If we were going to take it over we were paying for the expenses of the training centre. It is a form of indirect subsidy, if you like.

3.

MR SPEAKER

Next question.

NO. 361 OF 1987

ORAL

THE HON R MOR

When does Government anticipate that the Spanish Sub-fund of the Social Insurance Fund will be exhausted?

ANSWERTHE HON FINANCIAL AND DEVELOPMENT SECRETARY

As Hon Members know, the agreement between the Government and HMG provided for an ODA contribution to be made in two half-yearly instalments, to be paid in April and October of each of the three years, 1986, 1987 and 1988. In the first year the two instalments were of £3m, in the second year £2.75m, and, in 1988 £2.5m making a total of £16½ million. The incidence of those payments affects the balances deemed to be in the Spanish sub-fund. Hence the sub fund, which at present is in surplus, will move into apparent deficit early in 1988. It will be restored to credit by the payment by HMG due to in April 1988, but will return to deficit during the middle of 1988. On present prospects, the payment due in October 1988 will be insufficient to cover fully the deficit in the Spanish sub-fund at that date.

SUPPLEMENTARY TO QUESTION NO 361 OF 1987

HON R MOR

Mr Speaker, could the Hon Member say what is the estimated amount projected for the end of this year of the Spanish sub fund?

MR SPEAKER

The next question is coming up and you will be getting that information. You want to know the amount which has already been paid?

HON R MOR

What I have asked for what is the amount of the Spanish sub-fund at the end of this year?

MR SPEAKER

You are being asked for the balance in the sub fund at the 31st December 1987 or at the 1st November.

HON FINANCIAL AND DEVELOPMENT SECRETARY

On the 1st November. Well, I can't give it on the 1st November, I can only give monthly figures but the balance in November is just over £2m.

HON J BOSSANO

The Hon Member has mentioned payment in October, 1988, from the UK which I assume will be £1.25m.

HON FINANCIAL AND DEVELOPMENT SECRETARY

No, £2.5m.

HON J BOSSANO

Is it £2.5m every six months then?

HON FINANCIAL AND DEVELOPMENT SECRETARY

Correct. In 1988 it will be.

HON J BOSSANO

He said the £2.5m of October, 1988, will be insufficient to cover the deficit then in the sub fund. Am I correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY

That is correct.

HON J BOSSANO

Therefore, Mr Speaker, could I ask him what is expected to be the remaining deficit after that £2.5m is received.

HON FINANCIAL AND DEVELOPMENT SECRETARY

In effect the Hon Member is asking me what will be the position at the end of 1988, as I understand it. It is difficult to be precise but the deficit would be in excess of £2m.

HON J BOSSANO

I see. And, in fact, has the Government taken a policy decision to continue with the payment of the pensions once the sub fund is exhausted?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I don't think that question is for me to answer, Mr Speaker?

HON A J CANEPA

We haven't taken such a decision, it will be a decision for the next Government to take.

HON R MOR

Thank you very much.

HON J BOSSANO

Are there any more ghastly decisions for the next Government to take, Mr Speaker?

MR SPEAKER

Next question.

15 12 87

NO. 362 OF 1987

ORAL

THE HON R MOR

What is the total amount paid to Spanish pensioners up to 30th November, 1987?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The total amount paid to Spanish pensioners from February 1986 to November 1987 is £14,465,747.98.

SUPPLEMENTARY TO QUESTION NO. 362 OF 1987

HON R MOR

Mr Speaker, could the Hon Member say out of this amount, how much is paid by way of full pensions?

HON DR R G VALARINO

Mr Speaker, I haven't got the full information that the Hon Member requests.

HON A J CANEPA

Do I understand the question. How much is paid by way of full pension? At the end of 1985 when the agreement was concluded, I remember that we were being told by the Department of Labour and Social Security that there were then about 700 Spanish pensioners entitled to full pension. I don't think that it can have gone up because the only people that were entitled to full pension were those in receipt of pension prior to 1969. It must have decreased slightly in the last few years by wastage by natural death. I think the computation can be made from there, 700 pensioners at the full pension and a reasonable accurate estimate can be worked out.

MR SPEAKER

Next question.

NO. 363 OF 1987

ORAL

THE HON R MOR

Have Government now considered reducing male pensionable age to 60?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The Government has stated on more than one occasion, and as recently as July 1987 in reply to Question No. 188 of 1987, that it is their aim of policy to reduce the age of entitlement for male social security pensions.

The matter is kept constantly under review with a view to implementing this aim of policy at the earliest possible date.

SUPPLEMENTARY TO QUESTION NO 363 OF 1987

HON R MOR

Is the Government intending to introduce this policy early in the new year?

HON DR R G VALARINO

Mr Speaker, could I please repeat what I said in the last paragraph. 'To implementing this aim of policy at the earliest possible date'. I mentioned nothing about the cost. I have said nothing as yet about whether we could consider it at the end of this year or in the forthcoming year, Sir.

HON R MOR

When, Mr Speaker, does the Government understand is as early as possible?

HON DR R G VALARINO

It really depends on a policy decision of the Government to bring down the pensionable age to 64. I have got some figures in front of me which gives us the cost, in fact, I think at the last meeting of the House you wanted to know the cost and I have got the costings here. Once we analyse the costing of the figure it may be easier.

MR SPEAKER

You are being asked if it is going to be in the immediate future?

HON DR R G VALARINO

I am trying to give the figure to the Hon Member. If one were to reduce the pensionable age to 64, the total cost

2.

involved would be £2,648,250; to 63, £6,246,660; to 62, £10,820,910; to 61, £16,345,320 and to 60, £22,819,890. I believe these were the figures you asked for.

HON J BOSSANO

Mr Speaker, could I ask the Hon Member whether in the computation of these figures it has been assumed that there will be a liability to pay to a greater number of Spanish pensioners than exist at the moment?

HON DR R G VALARINO

Yes, Sir.

HON J BOSSANO

I see. So therefore is the Hon Member saying that because of the fact that the Government now has to pay Spanish pensioners they are less able to do it than they were in the past?

HON DR R G VALARINO

No, I am not saying that. This is the total cost. If you would like a breakdown between British and others and Spanish I will be prepared to give you a breakdown.

HON J BOSSANO

We would be grateful to have information as it will help us to assess the position, Mr Speaker. Is he going to provide it now or subsequently.

HON DR R G VALARINO

If the Hon Member doesn't mind I can give it to him subsequently.

HON J BOSSANO

Is the Hon Member saying that the Government does not consider in the light of the figures that he has provided that they can move by even one year, or has no decision at all yet been taken?

HON DR R G VALARINO

Mr Speaker, no decision has yet been taken.

HON J BOSSANO

Does the Hon Member or his Government concur with the view of the General Secretary of the party in power that in the present economic situation the Government can afford to bring the pensionable age down now?

HON A J CANEPA

The Government is not answerable for what the General Secretary of the AACR may say, I think he was speaking for himself. I

just want to add one thing that, obviously, the timing of a decision amongst many other factors hinges, I think, also on the renegotiation of the agreement with the British Government, the Agreement which expires at the end of 1988 and what the result of that agreement may be. If, hypothetically speaking, somebody else were to pick up the Bill for the next twenty something years of the Government's, its ability to finance a move in the direction which the Hon Minister has explained having regard to the cost, the ability of the Government to move in that direction would be considerably enhanced. I think we really have to wait to see what the result of the negotiations with Her Majesty's Government is on the question of Spanish pensioners.

NO. 364 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many Varyl Begg Estate flats still suffer water penetration?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

There are 28 flats still suffering from water penetration.

SUPPLEMENTARY TO QUESTION NO. 364 OF 1987

HON J L BALDACHINO

Can the Hon Member say if this is due to the faults in the roof?

HON MAJOR F J DELLIPIANI

Mr Speaker, I have tried to guess what the supplementaries would be and looking at the information that I had at the time I noticed that there were flats which were on top floors and some which were on middle floors so I required quite a lot of time to be able to investigate all the faults and I haven't had that time. I promise the Hon Member that I will ask the Department to send a written reply specifying the faults in the twenty eight flats which are suffering water penetration.

HON J E PILCHER

If I can ask one further question Mr Speaker. Is his Department working on these 28 flats, have the works been stopped or perhaps they haven't yet started. Can the Hon Member enlighten me on that?

HON MAJOR F J DELLIPIANI

Mr Speaker, I cannot honestly say what the position of each flat is. I tried very hard to get this information for the Hon Member but I haven't been able to do so. I will certainly make it a point of informing the member as soon as possible.

15 12 87

NO. 365 OF 1987

ORAL

THE HON R MOR

What is the present situation as regards repairs to Bayside Comprehensive School?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

Sir, .

LONG TERM REPAIRS

It has been agreed by Public Works Department and the Education Department that the optimal commencement date for the long-term full-scale repair and refurbishment work should be the 1st week of July 1988. The Public Works Department have therefore prepared a detailed programme of preparatory work which will include drawings, specification, schedules of work and bills of quantities in order to meet a target tender date for the end of March 1988.

The period of time between invitation of tenders and contract commencement is necessary to ensure that all the specified materials are available on the 8 July 1988. At this stage, investigation work and drawings are being prepared by the Department.

The Contract for the cladding to the South Wall of Rooms 35 and 36 was signed on the 3 December 1987. It is envisaged that the works will start during January 1988.

SHORT TERM REPAIRS

The present situation as regards short term repairs to Bayside Comprehensive School is that during the period 1 January 1987 to date, 158 requisitions have been received and to these 6 are outstanding at present.

SUPPLEMENTARY TO QUESTION NO. 365 OF 1987

HON R MOR

Mr Speaker, at a meeting which was held by the Bayside Parent's Association and the Minister for Education, the Minister for Education gave a guarantee that the minor repairs which had been carried out at Bayside would hold during this winter but we all know, Mr Speaker, very recently there was a problem of water getting into the school and electricity having to be switched off, and flooding. Is the Government still abiding by its guarantee in these circumstances.

HON MAJOR F J DELLIPANI

The Hon Member, Mr Speaker, has omitted to say that the cause of the last ingress of water in the new part of the school

was caused by a tennis ball getting into one of the gutters.

HON R MOR

Well, Mr Speaker, is the Government taking any action to prevent tennis balls blocking the drainage system.

HON MAJOR F J DELLIPIANI

I think we could consider employing a ball boy.

HON R MOR

Mr Speaker, during the very heavy storm which we had where lots of flooding took place in Gibraltar, I noticed that there was about two feet of water throughout the whole playground. Is that another problem with the drainage system there? Another tennis ball?

HON MAJOR F J DELLIPIANI

Mr Speaker, the problem that the Hon Member refers to was caused by the staff of the school, and I mean the maintenance and cleaning staff, not cleaning the patios.

HON J C PEREZ

Mr Speaker, can the Hon Member state whether the contract for the cladding of the south wall was granted on a direct allocation basis or did that go out to tender?

HON MAJOR F J DELLIPIANI

Sir, the contract for cladding was a tender invitation to contractors on the list of the Public Works Department.

HON J C PEREZ

Could the Hon Member state, if he's got the information, what company was granted this tender and for what amount.

HON MAJOR F J DELLIPIANI

No, Mr Speaker, I have no idea who the contractor is nor the price.

HON J C PEREZ

Could the Hon Member state, Mr Speaker, what is the estimated time that the major repairs that are scheduled to commence on 8th July, 1988, will take for the works to be completed?

HON MAJOR F J DELLIPIANI

Mr Speaker, I have no idea because one cannot, really, give an estimate of time until one sees the full documentation of the contract, such as what the specifications are, the drawings

and the Bills of Quantities. It is a fairly big job, I will not hide that from the Hon Member. We are also limited as to the amount of time and work because one doesn't want to interfere with the school programme. This is why we hope to start in the first week in July so that we will be able to take advantage of the summer holidays. I can't give you a time but it is a fairly long job which is constrained by having to work within the school and not causing the school undue problems.

HON R MOR

So what the Hon Member is saying really is that it could be that by the time school resumes after the summer recess of 1988 the works would still be continuing.

HON MAJOR F J DELLIPIANI

Mr Speaker, I have no doubt that this might be the case. I think, with due respect to Hon Members and to the teaching staff at Bayside, the school is not a bad school. The last flooding that was caused by a tennis ball only affected two classes. The way many people reacted one would have thought the whole school had been closed down. The school, as schools go, is a good school. It's not as good as Westside because Westside is a very new school but we are over dramatising the whole situation at Bayside.

HON J C PEREZ

Mr Speaker, without wanting to dramatise anything and I am certainly not on record as saying that it is a bad school at all. But I think that given the situation one has the right to ask these questions and the last question which I asked the Minister was whether he thought that the works could be finished by the end of the summer, 1988, and he said no. Fine. Given that situation, Mr Speaker, does he foresee any problems with the major works continuing whilst the school is in session, whilst the pupils are attending the school and whilst the school is open, does he foresee any problem and would that mean that the work would have to be done in stages when the school is closed for holidays?

HON MAJOR F J DELLIPIANI

Mr Speaker, as I have previously informed this House, there is a working party from the Public Works Department and the Department of Education in order to liaise works at the school so that it causes minimum problems to school life. In that sense, Mr Speaker, it is hoped that by proper liaison between the two Departments and the contractor, whoever that might be, that the minimum bother is caused to the pupils and staff and we hope that it is programmed in such a way that full use of all the hours available to work at the school is taken care of.

HON J C PEREZ

Mr Speaker, could it be said that barring any irregular tennis balls in the drainage system that there shouldn't be any extraordinary problems this winter with the school in terms of electricity and flooding and the problems that have affected the school in the past year?

HON MAJOR F J DELLIPIANI

Mr Speaker, I would be able to give the guarantee if I was the contractor who got the tender.

MR SPEAKER

Next question.

15 12 87

NO. 366 OF 1987

ORAL

THE HON J C PEREZ

Can Government state what is the exact number of extra posts filled at the Cleansing Department in the last 12 months?

ANSWER

THE HON THE MINISTER FOR PUBLIC WORKS

In reply to Question No. 291 of 1987 it was statd that the 1987/88 Estimates included funds for 6 extra additional sweeper/flushers for the Cleansing Section. These men were additional to the extra 6 men approved in 1986/87. During the last 12 months these men have been employed. In fact, because of personnel leaving this grade, 3 other sweeper/flushers were employed, a total of 15. However, during this period of time 8 men have left the Service and though some have been recruited the Department still has 5 vacancies to be filled. These vacancies have been re-advertised outside the Service and the closing date for the applications is Friday 11 December 1987.

MR SPEAKER

Next question.

NO. 367 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state if the Public Health Department has made a report on 4 Rodger's Road Building after the last House of Assembly meeting?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The premises have been inspected by the Environmental Health Department since this House last met. No further deterioration was noted and no report was, therefore, submitted although the pertinent record is kept in that department's file on the matter.

The said inspection is over and above those regularly undertaken by the Public Works Department's own engineers.

SUPPLEMENTARY TO QUESTION NO. 367 OF 1987

HON J L BALDACHINO

Can the Hon Member then state, Mr Speaker, if the building in question is a condemned building in the opinion of the Environmental Health Officer, if it was taken to a court of summary jurisdiction?

HON M K FEATHERSTONE

Yes Sir.

MR SPEAKER

Next question.

NO. 368 OF 1987

ORAL

THE HON J C PEREZ

Can Government confirm it now has in its possession the report of the consultants engaged to look into the future needs of refuse disposal?

ANSWERTHE HON THE MINISTER FOR PUBLIC WORKS

No Sir, the report by the consultants has not yet been received.

SUPPLEMENTARY TO QUESTION NO. 368 OF 1987

HON J C PEREZ

Mr Speaker, has the Hon Member got any indication on when the report will be ready?

HON MAJOR F J DELLIPIANI

Sir, it is expected that the report will be received in early January, 1988.

HON J C PEREZ

Mr Speaker, at the last meeting of the House the Hon Member said he would have no objection to me going to his office to see the report in his office. Would he mind very much if a copy of the report was given to the Opposition for consideration when it is ready?

HON MAJOR F J DELLIPIANI

I would be delighted, Mr Speaker, to show the report to the Hon Member.

HON J C PEREZ

No, Mr Speaker, the difference being that one thing is to show it to me in his office and another thing is to give us a copy for us to study in our own time. That is the difference which I have spelt out and what I am asking the Hon Member.

HON MAJOR F J DELLIPIANI

I have no objection, Mr Speaker.

NO. 369 OF 1987

ORAL

THE HON J E PILCHER

Can Government state whether they have now considered the study by local specialists on the Nature Reserve?

ANSWERTHE HON MINISTER FOR TOURISM

Government has approved in principle a local consultancy for the study of the future utilisation of the Upper Rock on the lines of a nature reserve.

SUPPLEMENTARY TO QUESTION NO. 369 OF 1987

HON J E PILCHER

Mr Speaker, I am not sure that I have understood that. Government have got in their possession the study undertaken on the Nature Reserve or have commissioned the report on the Nature Reserve?

HON H J ZAMMITT

Sir, we have approved in principle that a study by local experts should be conducted in the near future.

HON J E PILCHER

Surely, Mr Speaker, I've got to check back on this, I was told this about six months ago, that the study into the Nature Reserve that was going to be done by local specialists had been commissioned about six months ago.

MR SPEAKER

Yes and they have now approved in principle the local consultancy report.

HON J E PILCHER

So practically nothing has happened at all.

HON J BOSSANO

Has the report already been conducted and is complete?

HON H J ZAMMITT

No, Mr Speaker, it is not being conducted. As I said we have agreed in principle, Government has now agreed in principle that the report should be undertaken by the local experts within Gibraltar and not, I would remind the Hon Mr Pilcher, not as was envisaged earlier on that we had to have outside experts. We have now agreed that it should be done by the local experts at a much lower cost, may I say, than was envisaged.

HON J E PILCHER

When, Mr Speaker, does the Government believe that the report will be ready for them to be able to study?

HON H J ZAMMITT

Mr Speaker, I can assure Members opposite that a paper outlining the whole Upper Rock area is circulating within Government at the moment and it should be coming to Council of Ministers, I expect, within the next two or three weeks.

HON J E PILCHER

And can the Hon Member state whether this was one of the recommendations of the famous committee that was set up after the Pitaluga Report in 1984?

HON H J ZAMMITT

Mr Speaker, there was talk even before the committee was set up in 1984 of looking at the Upper Rock area as a Nature Reserve with very many other branches of the whole of the upper area ie including traffic and circulation of persons and movement of people and the resiting of Apes Den, all that enshrined within this study.

HON J E PILCHER

So all that will be incorporated in the study but nothing at all has been done on any of those points to date.

HON H J ZAMMITT

Yes Sir, nothing has been done.

MR SPEAKER

Next question.

15 12 87

NO. 370 OF 1987

ORAL

THE HON J E PILCHER

How does Government explain the difference between the 1986 and 1985 expenditure of visitor arrivals at hotels?

ANSWER

THE HON THE MINISTER FOR TOURISM

Mr Speaker, the difference in expenditure by visitor arrivals at hotels between 1986 and 1985 has been mainly a fall in the average length of stay with a consequent drop in guest nights sold at hotels and an overall decrease in the average spend per capita linked to stability of hotel prices.

SUPPLEMENTARY TO QUESTION NO. 370 OF 1987

HON J E PILCHER

Mr Speaker, does the Minister not accept that this confirms that certainly in 1986 there was a decline in tourism, certainly the tourism that both the Minister and I referred to as tourists and not the excursionists. Would he not confirm that that is the case?

HON H J ZAMMITT

No, Mr Speaker. I hope the answer is understood. There is a drop of the stay in Gibraltar. It is not that there is a drop in tourists. People are staying for a shorter time in Gibraltar but that does not necessarily mean there are less tourists, quite the contrary.

HON J E PILCHER

Mr Speaker it's a question of semantics. The reality is in 1985 the expenditure was £8.66m. In 1986 the expenditure is £7.37m. Whether it is less guest nights or less tourists there is a decrease of £1.3m related to visitor arrivals at hotels. Does that not imply a decline in that area of tourism, Mr Speaker?

HON H J ZAMMITT

No, Sir, it does not imply a decline in tourism in that area. It implies that people are staying here for a shorter time than previously and therefore they are not able to spend as much as when somebody spends fourteen days here.

HON J E PILCHER

Mr Speaker, is that not a decline in tourist expenditure?

HON H J ZAMMITT

That is different, Mr Speaker, it is not day tourist

expenditure, he said tourists.

HON J E PILCHER

Tourism

HON H J ZAMMITT

Well, it isn't a decline in tourism. It is a decline in tourism yield, if one wants to put it that way, because people are staying for a shorter time but there are more people coming.

HON J E PILCHER

Mr Speaker, there are various questions, one is, since we have now been able to establish that there is a decrease in tourism, ie tourism expenditure, which is what the question said, what is the Minister going to do about this or what is he, in fact, doing already throughout 1987 about this?

HON H J ZAMMITT

Mr Speaker, we are trying and I said at the last meeting of the House that I was in the process then of being able to announce the arrival of a new tour operator who are the people that we really want to encourage. In fact, I am now able to say Saga Holidays will be coming to Gibraltar as from next winter and they have been able to contract with some local hotels. That is the only thing we can do to keep our beds occupied. The other very important fact which I have mentioned here also in the past is the fact that the guest nights sold drop dramatically on account of very many people coming to Gibraltar just for one night and therefore when the average is absorbed then, of course, there is a decline in average length of stay. Mr Speaker, if the average length of stay in 1985 was 5.5 nights, in 1986 it's 4.6 so one sees that there is a greater shortage of long stays. The two-centre holiday accounts for an awful lot of that.

HON J E PILCHER

Mr Speaker, since we are now near the end of 1987, can the Minister say what is likely to be the estimated expenditure of visitor arrivals at hotels for 1987?

HON H J ZAMMITT

Mr Speaker, I cannot with accuracy say it but I can tell the Hon Member and, indeed, the House that every indication is that it will be far in excess of 1986.

HON J BOSSANO

What was in fact the decline in guest nights sold?

HON H J ZAMMITT

There is no decline in guest nights sold, Mr Speaker. There

is a shortage of guest nights sold between the 4.6 and the 5.5 between 1985 and 1986.

HON J BOSSANO

I mean were less guest nights sold in 1986 than 1985. Yes or no?

HON H J ZAMMITT

Yes, Mr Speaker.

HON J BOSSANO

So that is a decline if there are less guest nights sold. Can he say how much the decline was?

HON H J ZAMMITT

Mr Speaker, I am afraid I don't know if I have made myself clear or if members opposite do not want to understand what I have been saying here for some time now. What is occurring now is that people are coming here on shorter holidays and they are staying in Spain as a two-centre holiday whereas in the past people would come and spend ten days or fourteen days in Gibraltar, now we know they are coming for four and a half days and the remainder in Spain or in Morocco, but it is not that we are receiving less tourists.

HON J BOSSANO

I accept the point the Honourable Member has made, there are more tourists but they are staying a shorter time, therefore, the point of nights multiplied by tourists gives you a result which is the guest nights sold. Can the Honourable Member tell us by how much did the total amount of guest nights sold drop between 1985 and 1986?

HON H J ZAMMITT

I haven't got that information with me here but I can certainly get it before the end of this meeting, Mr Speaker, and pass it over to the Honourable Member.

HON J BOSSANO

Does the Honourable Member not consider that given that the average expenditure per person per day is shown as having increased from £11.26 to £14.67, the fact that the total expenditure is down, notwithstanding that the individual expenditure is up, indicates a fairly substantial decline?

HON H J ZAMMITT

Mr Speaker, yes, to a degree, but of course it must be remembered that the hotels have maintained their prices at the same rate for the last two years.

HON J BOSSANO

Mr Speaker, the figures that I have just quoted to the Honourable Member have absolutely nothing to do with prices of hotels since I am quoting the figures from the Tourist Survey Report he has tabled in this meeting of the House which says average expenditure, excluding hotels, so whether the hotel has gone up or down is totally indifferent, the £11.26 and the £14.67 has absolutely nothing to do with the cost of hotels, according to his figures presented in this House in this Meeting.

HON H J ZAMMITT

I am afraid I will have to look at that, Mr Speaker.

MR SPEAKER

Next question.

15 12 87

NO. 371 OF 1987

ORAL

THE HON J C PEREZ

Can Government explain why bus route NO.2 is not being serviced?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

On January this year, the present licence holder made a transaction with another party for the servicing of bus route No.2. A disruption of the service ensued when the latter realized that only the buses and not the actual licence had been transferred to him.

Legal proceedings are presently being taken up by the Police against both the owner and user of the route for the discontinuation of the service.

An application for a transfer of the route has been lodged with the Traffic Commission and will be considered once the outcome of the legal proceedings are known.

SUPPLEMENTARY TO QUESTION NO. 371 OF 1987

HON J C PEREZ

Mr Speaker, what has the legal proceedings to do with the outcome of the transactions? If there is an application for the transaction of the licence, the Traffic Commission has to look at that in isolation to anything that might have happened, and in any case can the Honourable Member explain why they have taken so long to take any action since the licence holder has been the same one and is still the same one and he has the responsibility to service the route?

HON M K FEATHERSTONE

He has got the licence but he hasn't got the vehicles, he has transferred the vehicles to a third party.

HON J C PEREZ

Mr Speaker, that is not the Traffic Commission's problem. He has got an obligation under the licence to service that route, if he hasn't got vehicles, either you insist that he gets new vehicles for the route or you withdraw the licence because he is not complying with the terms of the licence.

HON M K FEATHERSTONE

That is why the Police are taking legal proceedings against him.

HON J C PEREZ

Taking legal proceedings about what, Mr Speaker?

HON M K FEATHERSTONE

About his non compliance with the terms of his licence.

HON J C PEREZ

Surely, you do not have to take legal proceedings, there is a clause in the licence which permits you to withdraw that licence and to put it out to tender to someone else.

HON M K FEATHERSTONE

We can look into that as a possibility for the future.

HON J C PEREZ

Mr Speaker, another aspect of it is that there is under consideration at the moment the possible transfer of that particular licence, am I right or not? Mr Speaker, is it not the case that at the time that the licences for the frontier were given that each licence holder already in operation was given the advantage of getting a route for the frontier because they were already in operation, is that not the case?

HON M K FEATHERSTONE

I am not aware of the situation at the time when the frontier was opened, I was not doing the transport at the time.

HON J C PEREZ

If the Honourable Member can find out and confirm that the licences of the routes for the frontier were given to existing licence holders, if one route is transferred does the Honourable Member not think that the route that was given because the man was operating a route already which is the frontier one, should be transferred jointly or would we have a situation where different operators run the different routes?

HON M K FEATHERSTONE

The situation is that different operators run the different routes.

HON J C PEREZ

Notwithstanding the fact that they were given that route because they had been in the market with very bad routes for many years.

3.

HON M K FEATHERSTONE

Yes Sir.

MR SPEAKER

Next question.

15 12 87

NO. 372 OF 1987

ORAL

THE HON J C PEREZ

Can Government state whether the Traffic Commission has given due consideration to objections raised in relation to the pedestrianisation of Irish Town?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

Yes Sir, both the Traffic Commission, and the Traffic Committee, have given due consideration to all representations forwarded in respect of the pedestrianisation of Irish Town.

SUPPLEMENTARY TO QUESTION NO. 372 OF 1987

HON J C PEREZ

Did the Traffic Committee actually meet those involved?

HON M K FEATHERSTONE

The Traffic Committee met on it a number of times. In fact, they gave it initially for six months, they then extended it for a second six months and now it has been made official. They have had three bites of the cherry.

HON J C PEREZ

But did they receive the people in a hearing as requested by those complaining?

HON M KFEATHERSTONE

We had representations for and against but the majority of the representations favoured pedestrianisation.

HON J C PEREZ

Mr Speaker, that is not the point. I am asking the Honourable Member whether those that objected who asked to meet the Traffic Committee before the matter was considered, whether those were met by the Traffic Committee before a final decision was taken. I am not saying that I am against pedestrianisation, I am just looking at the aspect whether these people's objections have been proceeded with adequately or not.

HON M K FEATHERSTONE

They have not been heard specifically but their objections were taken into consideration and it was considered that by giving a certain number of exemptions for vehicles to pass through their objections could be met.

HON J C PEREZ

And is the Honourable Member not aware that in the first six month period of pedestrianisation, this same policy of exemption discs was adopted and that this was insufficient to cure the problems of those objecting and could he not confirm that they did ask the Traffic Committee for a hearing on the matter?

HON M K FEATHERSTONE

I don't think they asked the Traffic Committee for an actual hearing but a number of people said that the permission given to them was not sufficient and increased permission was actually given. In fact, one firm who was allowed to have one vehicle a day has now got two vehicles a day.

HON J C PEREZ

I am not sure whether they actually wrote direct to the Traffic Committee, I don't understand they wrote to the Minister, in fact, I wrote to the Minister on the 3 August and I still have no reply to that letter.

HON M K FEATHERSTONE

They did come to see me and I told them that their point would be put before the Traffic Commission and they were.

HON J BOSSANO

Can the Hon Member clarify something for me. He keeps on using Traffic Commission and Traffic Committee as if they were synonymous. Who in fact takes a decision, the Traffic Commission or the Traffic Committee.

HON M K FEATHERSTONE

The Traffic Committee.

HON J BOSSANO

Has that got statutory powers under the Traffic Ordinance to decide on pedestrianisation?

HON M K FEATHERSTONE

No, they are an ad hoc Committee set up under my chairmanship and when we make decisions then they are ratified by Council of Ministers.

HON J BOSSANO

So, in fact, where does the Traffic Commission come into it. If people are asked to make representations to the Traffic Commission and the Traffic Commission does not take a decision, it is the Traffic Committee, are they directing their representations to the wrong body?

HON M KFEATHERSTONE

The Traffic Commission deals with licensing.

HON J BOSSANO

But the Honourable Member in his previous answers has been interchanging with each other the Traffic Commission and the Traffic Committee. Have all the representations in this case gone to the Traffic Committee?

HON M K FEATHERSTONE

To the Traffic Committee, yes.

NO. 373 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can the Government state how much money is required for the setting up of the Gibraltar Health Authority?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

For the setting up, per se, of the Gibraltar Health Authority the only funds required are the salaries of the General Manager and two senior colleagues from February to March 1988, which amounts to £12,000.

SUPPLEMENTARY TO QUESTION NO. 373 OF 1987

HON MISS M I MONTEGRIFFO

Mr Speaker, when the 1988 Budget comes along, can the Minister confirm what they intend to do in practice. Will the Health Authority be given a block vote, for example?

HON M K FEATHERSTONE

I think the question was somewhat wrongly framed. I believe the Honourable questioner wants to know what is going to be the cost of the Gibraltar Health Authority in the first year. As far as I understand, they will be given a subvention by this House towards meeting their costs. They will also receive the monies paid in from the Insurance Fund and they will also receive any monies that accrue for hospitalisation in the private corridor and laboratory fees etc. That will go to their credit and that will be the amount they will work with.

HON MISS M I MONTEGRIFFO

Mr Speaker, can the Minister actually say what will happen in the Budget, presuming the Government is still in power, as regards the Health Authority, when it comes to the Estimates?

HON M K FEATHERSTONE

The figure hasn't been worked out yet, it will be somewhat greater than the present amount because there will be certain extra expenses which are at the moment hidden in Government's own financing. For example, the Health Authority will have to pay the National Insurance contributions of its members and this will be an extra expense which will have to be added on to the Health vote, etc. The total figure we have estimated will be between 1/4 and 1/2 million more than the present Health funds.

HON MISS M I MONTEGRIFFO

Mr Speaker, can the Minister say whether funds will be provided for the extra posts required for the nurses as recommended in the Hill Report?

HON M K FEATHERSTONE

Yes, the Government has accepted the Hill Report to be implemented over a period of five to seven years and extra funds will be put in each year to allow for the Hill Report to become implemented.

HON MISS M I MONTEGRIFFO

And this will be included in the £1/4m that the Minister has just stated.

HON M K FEATHERSTONE

Yes.

HON J BOSSANO

When does he expect the process of the implementation of the recommendations of this Report to actually start taking effect? Is it going to start fairly soon or is there any further decision awaited from the Government, has the Government now given the green light for its implementation?

HON M K FEATHERSTONE

We hope to start straight away.

MR SPEAKER

Next question.

NO. 374 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government say whether they have bought the equipment for the Medical Services contained in the Estimates under the Improvement and Development Fund, Head 112?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, the funds provided under I&DF Head 112 for the purchase of equipment for the Medical Services have been committed. Some payments in respect of items received have been made; further payments will be made as other items on order are received.

SUPPLEMENTARY TO QUESTION NO. 374 OF 1987

HON MISS M I MONTEGRIFFO

Mr Speaker, can the Minister give examples of the sort of equipment that we are talking about?

HON M K FEATHERSTONE

Yes, Sir, the ward furniture and equipment which has been put into Godley Ward cost £32,000. Various medical equipment for the theatres, etc, is costing £100,000. The purchase of electric cookers is £10,000, a new hearse £17,000. Quotations have been sought and these are at the moment being received and the electrical installation at St Bernard's Hospital, PWD has not been able to carry it out yet due to staff difficulties.

MR SPEAKER

Next question.

NO. 375 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can the Government confirm whether the post of Dietician has now been filled?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

No Sir, it is hoped to advertise this post shortly.

SUPPLEMENTARY TO QUESTION NO. 375 OF 1987

HON MISS M I MONTEGRIFFO

Mr Speaker, the Minister in the last House of Assembly Meeting said that the Public Service Commission were considering applications.

HON M K FEATHERSTONE

Well, apparently they had to get their terms of reference right to get the job profiled which has taken them longer than we had anticipated they were going to do. They have actually now done so and the job will be advertised.

HON MISS M I MONTEGRIFFO

Where is the job going to be advertised, Mr Speaker?

HON M K FEATHERSTONE

Both in Gibraltar and England.

MR SPEAKER

Next question.

NO. 376 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state whether any special conditions are being attached to the allocation of units that become vacant in Estates that have been earmarked for sale to sitting tenants?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Under the Home Ownership Scheme it is proposed to invite applications from tenants in Government rented premises and private sector tenants - the latter if they can provide the necessary landlord's certification that he will accept an applicant from the housing waiting list, at an acceptable rental level - to tender for any unit which may become vacant in an Estate earmarked for sale.

Tenders will be invited on the basis of a fixed selling price with competitions based on the most suitable alternative accommodation released and having regard to Government's requirements for same.

SUPPLEMENTARY TO QUESTION NO. 376 OF 1987

HON J L BALDACHINO

Are there any vacant flats at present in these Estates?

HON M K FEATHERSTONE

Yes, there are two units at present vacant, they will be put out to tender as soon as all the necessary documentation has been prepared.

HON J L BALDACHINO

Mr Speaker, can the Honourable Member clarify one point. If they do not go out to tender does it depend on who offers more money?

HON M K FEATHERSTONE

No, it is basically, as I said, on the available accommodation that they can release. All that he will have to do is to accept the selling price that the Crown Lands have adjudged the property to be worth.

HON J L BALDACHINO

But how can that be so, Mr Speaker, if the Crown Lands have not reached an agreement with the sitting tenants there, how can they, before they reach an agreement with the sitting tenants, put out a property to tender if they don't know what the price is going to be because they haven't negotiated

with the sitting tenants?

HON M K FEATHERSTONE

There are no sitting tenants at the moment in these two properties.

HON J L BALDACHINO

I understand, Mr Speaker, but there are sitting tenants in other flats in that building.

HON M K FEATHERSTONE

They will be offered the premises at the figure that has been the current figure for the type of accommodation in which they are living. We will determine the figure.

HON J L BALDACHINO

I understand that, you will determine the figure, but if these two flats, for example, are put out to tender and people offer a certain amount of money before the Government has set a price how can it go out to tender? This is what I am asking.

HON M K FEATHERSTONE

The award would be basically on factors other than the money, for example, if somebody tenders for one of these flats and he can offer two Government flats to be released, and another person only offers one government flat, then it would appear that the person offering two government flats to be released would have the advantage.

HON A J CANEPA

This has happened on previous occasions, that the Government goes out to tender on the basis of a reserved lowest price. Here it is the price, the assessment that the Government has made, and it is the price for which it has been offered for sale to other tenants in that Estate.

HON J BOSSANO

This is a new policy that the Government is announcing in answer to this question of which they have given no previous indication, am I correct?

HON M K FEATHERSTONE

This has never happened before.

HON J BOSSANO

But even when something happens for the first time, Mr Speaker, is it the Government policy that one should discover

a new policy of housing by accident. Is it the case that the units have become vacant and no longer covered by the Housing Allocation Scheme and awarded by the Housing Allocation Committee on pointage.

HON M K FEATHERSTONE

If the units that become vacant are in an area which is designated as a housing purchase area, then they are separate, yes.

HON J BOSSANO

And isn't that in conflict with the terms of the Housing Allocation Scheme which the Honourable Member tabled in this House at the last meeting when he gave absolutely no indication of any other change envisaged other than the change in the construction of the pointage system.

HON M K FEATHERSTONE

No, because you will be getting something back in as an equivalent which you will be able to give to the Housing Allocation Committee.

HON J BOSSANO

Mr Speaker, that is a hypothetical situation because it assumes that the person with the highest priority on the waiting list will be given a house on another estate equivalent to the one that has become vacant, and it is very difficult to understand why somebody who is in a house in one estate, perhaps the Honourable Member can explain to me how he expects that to happen, but somebody with a house in one estate will hand that one in to get an identical one in another estate which he has to pay for. Why does he think this is going to happen. Is not the waiting list based on need for a certain size of accommodation, so if a certain size of accommodation becomes available can the Honourable Member say how he will be able to guarantee that the person with the highest priority on the waiting list will still get allocated a house after he does what he proposes to do?

HON M K FEATHERSTONE

There are certain areas where housing is not for sale, for example, Laguna Estate. There are certain other areas, for example, Rosia Dale, where the housing is available. If a house became vacant at Rosia Dale, then somebody at Laguna could say he would be willing to purchase that house at Rosia Dale and leave the flat at Laguna which would then be offered to the next person on the housing list.

HON J BOSSANO

I see, Mr Speaker, isn't the Government making available houses

on these estates on the basis that they are being sold at vastly reduced prices according to them because they are sitting tenants, and how then does the Government propose to overcome a situation or is it the Government's intention to finish up with people of a particular income group living in one area of Gibraltar and people with lower income groups living in different areas of Gibraltar, is that the purpose of the exercise?

HON M K FEATHERSTONE

The purpose of the exercise is to get certain specific areas of Gibraltar to be privately owned from ex Government stock and if anybody is a sitting tenant in a Government stock in Laguna and he tenders for the vacant flat in Rosia Dale, he will move to Rosia Dale, he will vacate his flat in Laguna which will then be available to somebody on the Housing List who is not able to afford the purchase of the flat.

HON J BOSSANO

But, then, Mr Speaker, isn't that a fundamental departure of Government housing policy up to date where people are living in Government housing estates independent of means. Does the Honourable Member not think that this is a total radical change of Government housing policy which ought to be debated in this House?

HON M K FEATHERSTONE

It has not been a total radical change insofar that this has been the policy for some considerable time. I think it has been well known in this House that the Government intends to put out certain estates, Laguna, St Joseph's, St Jago's for the purchase by the sitting tenants and by other persons should a flat become vacant.

HON J L BALDACHINO

Mr Speaker, can the Honourable Member say when this matter has been raised in the House before?

HON M K FEATHERSTONE

I think it has been common knowledge that we have been negotiating with the tenants at Rosia Dale for the purchase of their flats for at least one year, to my knowledge.

HON J L BALDACHINO

Yes, Mr Speaker, I am not referring to that, we know that the Government has been negotiating with sitting tenants, in particular the ones at Rosia Dale but can the Honourable Member tell us on what occasion this matter has been raised before in this House?

HON M K FEATHERSTONE

Well, in actual fact, never before have we had the opportunity of two vacant flats in one of the estates that we have put out for sale.

HON J L BALDACHINO

Then can the Honourable Member tell this House how long have those flats been vacant, especially the one in Irish Town.

HON A J CANEPA

They have now been vacant for a number of months and what I think Honourable Members opposite have got to understand is this. If you are dealing with six maisonettes or so at Town Range and the Government offered these for sale three or four years ago and there have been delays progressive with the matter, if the majority of those tenants had indicated to the Government that they were interested in purchasing that accommodation, let us say that four out of the six indicated to the Government that they wanted to purchase those flats, then the Government would go ahead with the sale of those maisonettes. In the intervening period they have become vacant because the tenants have died and now you have a situation where of the original four who wanted to purchase only two remain. If you allocate those maisonettes to people on the waiting list who are not prepared to buy, then these other two tenants have lost the opportunity of purchasing the maisonettes and the Government has lost the opportunity of selling those particular maisonettes, so that is why we have decided to invite tenders from people who will commit themselves to buy to go in first. We will certainly not recoup accommodation inferior in size to the one there.

HON J L BALDACHINO

The Honourable Minister for Housing answered when the question was originally put, Mr Speaker and what he said appears to be in conflict with what is being said now because originally what he said was that this will be going out to tender to people who leave Government accommodation and to people who live in the private sector.

HON A J CANEPA

No, there is no conflict because the Honourable Questioner does not seem to remember the answer which my friend gave that applications received from Private Sector tenants would be conditional on their providing a landlord's certification that they will accept an applicant from the Housing Waiting List. You are achieving the same objective.

HON J L BALDACHINO

Can I then ask, Mr Speaker, would this be only on pre-war accommodation in the private sector because on post-war

accommodation in the private sector there is no rent control and therefore there are no conditions attached.

HON A J CANEPA

I can see the point the Honourable Member is making, that there is a question of rent control. Obviously, you can control the rent in the case of pre-war accommodation but not in the case of post war accommodation but there is nothing to stop a landlord from entering by contract into an agreement regarding the rent and the rent could be a reasonable one.

HON J L BALDACHINO

Mr Speaker, it is not the rent.

MR SPEAKER

We are beginning to debate.

HON J L BALDACHINO

Mr Speaker, there is no contract on post war buildings, in other words, the landlord can ask the tenant to leave at any time and what is the position then?

HON A J CANEPA

There is nothing to stop a landlord from entering into a legal contract, I hope I am correct in saying so, with the tenant. There is nothing to stop the landlord. It is not a statutory duty but he can do so and I imagine that the contract would be binding.

HON J BOSSANO

Mr Speaker, the Honourable Member is not saying, is he, that part of the requirement is that the person that vacates a private sector post-war dwelling with an undertaking from the landlord that would be made available, I mean, let me give the Honourable Member an example. If there is somebody that is renting a property in the private sector for £50 per week and he puts in a tender for one of these properties, the fact that the landlord may be willing to rent it for £50 per week to the person at the top of the housing list is hardly the kind of guarantee the Honourable Member is offering, how does he overcome that problem?

HON A J CANEPA

We don't, if the rent is £50 per week and that is considered to be rather high, then his chances of being successful are not very good, but if a more reasonable level of rent were to be the case, let us say £20 per week, and that is considered by the Land Board to be a reasonable rent, then we have a different situation.

HON J BOSSANO

Could I have just one final question?

MR SPEAKER

Yes.

HON J BOSSANO

In terms of the Housing Allocation Scheme which is recently in the process of being revised by the Government, in fact, is it not the case that until the answer to this question in this House, the position has been that all post war vacant Government property have been passed over to the Housing Department for allocation by the Housing Allocation Committee?

HON M K FEATHERSTONE

No, they have been required for decanting and for various other purposes and it has not all been passed over to the Housing Allocation Committee.

HON J BOSSANO

But whenever that has happened hasn't the Government made a case for saying "We are departing from the normal rules", is the Honourable Member now saying that the normal rules in an important proportion of the Government housing stock is that they will be put out to tender rather than provided for allocation to people on the waiting list, is that what he is telling us?

HON M K FEATHERSTONE

Yes Sir.

HON J BOSSANO

Doesn't the Honourable Member then think that that requires a change in the procedures laid down for housing allocation which is the setting up of a Housing Allocation Committee with powers under the Housing (Special Powers) Ordinance?

HON M K FEATHERSTONE

The Housing Allocation Committee is well aware that there are certain areas which the Government wishes to sell off to the sitting tenants as has now occurred where there is some vacant accommodation, to other persons who can give other accommodation back to Government.

MR SPEAKER

Next question.

15 12 87

NO. 377 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government state how many flats from its housing stock are situated in problem buildings?

ANSWER

THE HON THE MINISTER FOR HEALTH AND HOUSING

There are 66 flats in problem buildings as follows.

30 Castle Road	39 flats
4 Rodger's Road	12 flats
2 Richardson's Passage	15 flats
	<u> </u>
	66 flats

SUPPLEMENTARY TO QUESTION NO. 377 OF 1987

HON J L BALDACHINO

How many of those, Mr Speaker, have still got tenants?

HON M K FEATHERSTONE

I think there are still about 10 tenants in 30 Castle Road, 4 Rodger's Road still has the full 12 tenants and 3 Richardsons Passage has 15.

MR SPEAKER

Next question.

15 12 87

NO. 378 OF 1987

ORAL

THE HON J L BALDACHINO

How many Government flats will become available as a result of the allocation of Government quarters at North Pavilion?

ANSWER

THE HON THE ATTORNEY GENERAL

Sir, four Government post-war flats and one Government quarter should become available as a result of the allocation of quarters at North Pavilion.

SUPPLEMENTARY TO QUESTION NO. 378 OF 1987

HON J L BALDACHINO

Can Government state, Mr Speaker, if these flats, when they become available, will be allocated by the Housing Allocation Committee?

HON A J CANEPA

They could be allocated for decanting tenants at Rodgers Road, if they are suitable, if they meet their housing needs.

MR SPEAKER

Next question.

NO. 379 OF 1987

ORAL

THE HON J L BALDACHINO

What is the main criteria used by Government in selecting successful tenders in the sale of small plots for home ownership occupation?

ANSWER

THE HON THE CHIEF MINISTER

The main criteria applied in shortlisting tenders received in the sale of small plots under the 'Approach on Housing' is as follows:-

- a. the total number of residential units released;
- b. the total number of rooms contained by the released area;
- c. the total number of people who would reside in the proposed development; and
- d. the number of units proposed in the development.

15 12 87

NO. 380 OF 1987

ORAL

THE HON J E PILCHER

Has the Government now officially passed the Northern Defences to the Gibraltar Heritage Trust?

ANSWER

THE HON THE CHIEF MINISTER

No Sir. The matter, as I understand it, is under active consideration by the Trust and no request for the acquisition of the land has yet been received.

SUPPLEMENTARY TO QUESTION NO. 380 OF 1987

HON J E PILCHER

Mr Speaker, I think this is the third or fourth time that I have asked this question. The answer is 'No, Sir', but are there any specific problems associated with the Heritage Trust which prohibit them from taking on land. I think that when we passed the legislation to make this possible it was seen as a way forward to move quickly with areas like the Northern Defences etc. It seems to me that it has produced another major obstacle and it wasn't what we assumed it would be when we legislated accordingly.

HON A J CANEPA

I understand that there is a specially appointed sub-committee working on this project. It is a complex project and a very sizeable one, I can grant him that, but I do agree with the Honourable Member that it has taken some time now. Perhaps people who are outside Government might now be more appreciative of the fact that unless Committees meet regularly, like for instance the Development and Planning Commission meets every fortnight, the workload entailed, particularly for people who are doing this on a voluntary basis, is a very serious commitment indeed and they should think seriously about it before they venture forth.

HON J E PILCHER

Does the Honourable Chief Minister have any idea when we are likely to get some kind of intimation from this special sub committee as regards their ability to take that on?

HON A J CANEPA

Not on this one. I do know that I have been urging the Trust in respect of their clearing building applications for the need not to delay matters beyond what the five Government departments to which building applications are circulated normally delay them because otherwise developers, naturally, complain. I am a bit more relaxed about this because it is at the moment Government land and it is not delaying anybody in the private sector who would like to bid for the job but it is a matter for concern and I will take the opportunity when I see the Chairman of the Trust to express to him the views that are being expressed in the House today, the concern in the House about delay in moving on this important project.

HON J E PILCHER

Mr Speaker, have many of the plots of lands or situations that come up have to go to the Heritage Trust or only those that have got a direct repercussion on the Heritage angle?

HON A J CANEPA

I think there are two at the moment. There is this one and the question of the takeover of the Garrison Library and the tunnels, what we term the World War 2 tunnels, as well.

HON J E PILCHER

Mr Speaker, really it is not a supplementary, but I do beg your leave to ask. The Secretary of the Heritage Trust, if I am not mistaken, was Mr Joe Pitaluga. Has he resigned from the Trust since this was supposedly an unpolitical body totally?

HON A J CANEPA

Apparently yes, he has resigned.

MR SPEAKER

Next question.

15 12 87

NO. 381 OF 1987

ORAL

THE HON M A FEETHAM

What is the position of any development project not included in the published Draft City Plan?

ANSWER

THE HON THE CHIEF MINISTER

The position is that any such proposal for a development project would be considered in the normal way. The application would be considered by the Development and Planning Commission in relation to the planning policies as stated in the City Plan and the merits of the scheme itself.

MR SPEAKER

Next question.

NO. 382 OF 1987

ORAL

THE HON J L BALDACHINO

Can Government confirm the accuracy of the quote in the Draft City Plan that 800 to 1000 houses are required to meet the demand for Government housing from the Housing Department Waiting List?

ANSWERTHE HON THE CHIEF MINISTER

The figure quoted in the Gibraltar City Plan is an estimate extrapolated from the initial projections in the 1976 Housing Needs Survey, the information contained in the 1981 Census and the pattern of demand shown by the number of applications in the Housing Waiting List. The figure is therefore an approximation of the crude gap between demand and supply. It could only be refined if a new Housing Needs Survey were to be undertaken.

MR SPEAKER

Next question.

15 12 87

NO. 383 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state how and when the figures referred to in the Draft City Plan were arrived at that;

- (a) 60% of the economy was MOD spending, and
- (b) that it had now fallen to 35% or 40%?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the figure of 60 per cent was based on the 1981 Input/Output study of the Gibraltar economy. I understand that it included the contribution of HMG through development aid as well as MOD direct spending, spending by service families and visiting servicemen. That contribution is now much less as a result of reductions in defence spending, the transfer of the dockyard to the private sector and the rapid expansion of the rest of the economy during the last two or three years. There is of course an element of approximation in the calculation of the current contribution as being of the order of 35 to 40 per cent.

SUPPLEMENTARY TO QUESTION NO. 383 OF 1987

HON J BOSSANO

When was the last year in which it was 60%?

HON FINANCIAL AND DEVELOPMENT SECRETARY

That I cannot say. If we are looking historically this would have been 79 or 80, but I cannot say for certain.

HON J BOSSANO

And given that in 1985/86, Mr Speaker, Gibraltar received £28m of development aid and the fact that the Honourable Member has said that the development aid is included in the 60 per cent, how could it have been considered to have fallen? And also in that context, where does the money provided by ODA for the payment of Spanish pensions come into the equation?

HON FINANCIAL AND DEVELOPMENT SECRETARY

It does not, really, come into the equation. I think it is a fair point for the Honourable Leader of the Opposition to make, how do you classify the £30m contribution which HMG made to the dockyard, bearing in mind that that was a once and for all figure and it is no longer there now and it would not be regarded as being a continuing contribution in the way in which development aid was for the purposes of the

2.

previous analysis. I should make the point that the new input/output model, which is now in the course of construction, will shed more light on this in due course. I think 35 to 40 per cent as a figure of the current contribution may be on the high side, my guess should be nearer 30, in terms of the current contribution.

MR SPEAKER

Next question.

15 12 87

NO. 384 OF 1987

ORAL

THE HON M A FEETHAM

Can Government confirm that the MOD has agreed to the reclamations shown in the Draft City Plan?

ANSWER

THE HON THE CHIEF MINISTER

A joint working party of MOD and Government of Gibraltar officials agreed the extent of reclamation within the Port Area and North of the North Mole.

The MOD are aware of the proposals for the reclamation of the airfield and it is anticipated that this will become the subject of a joint working group discussion.

SUPPLEMENTARY TO QUESTION NO. 384 OF 1987

HON M A FEETHAM

Could the Honourable Chief Minister say whether MOD has agreed.

HON A J CANEPA

Yes, because they have been involved in drawing up the proposals and because they are fully represented on the Development and Planning Commission and the Draft City Plan, naturally, emanates and comes from the Development and Planning Commission.

HON M A FEETHAM

Could the Honourable Chief Minister make available to me a copy of the report which was drawn up by the joint party of MOD and the Government?

HON A J CANEPA

I think it is an internal Government document, Mr Speaker. I don't have it at hand myself, I don't even have it in my office, it is in the Crown Lands department. If the Honourable Member would like to send me a note about it to remind me, I will look at it and if it is possible, because there are no implications and there is no reason why he shouldn't know, I will try to make it available.

HON J BOSSANO

The City Plan makes no specific reference to the reclamation on the East Side, does it?

HON A J CANEPA

It is not one of the actual areas, no.

HON J BOSSANO

What then is the state of play with regard to that reclamation?

HON A J CANEPA

The state of play is that interest by developers just isn't there and therefore it is not an area in which we expect anything very dramatic to happen over the next five years.

HON J BOSSANO

Is there any specific reason in terms of the possibilities for reclamation related to the geology around the area or the depth of the water or anything that puts a limit to how much is possible, is that something that the Joint Committee has looked at?

HON A J CANEPA

Yes, within the harbour I think they do certainly have to have consideration to those effects. Weight patterns, silting, all that has got to be taken into account.

MR SPEAKER

Next question.

NO. 385 OF 1987

ORAL

THE HON M A FEETHAM

Can Government state why the Draft City Plan makes no mention of sewage treatment waste disposal?

ANSWERTHE HON THE CHIEF MINISTER

Gibraltar's sewer network was designed and built to discharge at Europa Point. The discharge of untreated sewage via sea outflows is an accepted means of disposing of sewage. There is therefore no need in the City Plan to deal with a matter which does not present problems.

SUPPLEMENTARY TO QUESTION NO. 385 OF 1987

HON M A FEETHAM

What the Honourable Chief Minister is saying is that there is no requirement at all for treatment plans at this point in time?

HON A J CANEPA

That is right.

HON M A FEETHAM

Can the Honourable Chief Minister then say what is being discussed in the technical talks between Spanish and Gibraltarian representatives regarding sewage disposal?

HON A J CANEPA

What is being discussed is refuse disposal, not sewage.

MR SPEAKER

Next question.

15 12 87

NO. 386 OF 1987

ORAL

THE HON M A FEETHAM

Is it Government's policy to introduce further incentives to encourage more private sector development?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir. As the Hon Member will recall, at the last Budget Session of the House, the Government, satisfied with the level of private sector investment in development, considered that there was no need for further incentives and therefore introduced measures to limit the type of project which would qualify for Development Aid.

SUPPLEMENTARY TO QUESTION NO. 386 OF 1987

HON M A FEETHAM

What the Honourable Chief Minister is saying is that the reference in the Draft City Plan to the effect that the Government may need to look at further incentives is no longer the case.

HON A J CANEPA

No, it is in the Draft City Plan. I think the Government has always got to leave itself that option open, moreso, as the Draft City Plan covers a rather long period. It could well be that in four or five years time the present pace of development may slacken and the Government of the day might identify the need to give incentives to the private sector in order to encourage a certain type of development. I think that that option has got to be kept open when you are planning over a period of between five to ten years.

HON M A FEETHAM

I can understand what the Honourable Chief Minister says, that one leaves it open. What the policy that the Draft City Plan was portraying for everybody to see was clearly that there was a lot of development going on and that there was a statement saying that further incentives may have to be considered by Government. Is that not policy of the Government?

HON A J CANEPA

No, it is the policy of the Development and Planning Commission and even though I am the Chairman I am in a minority, that is the policy and it would be for the Government to decide.

15 12 87

NO. 387 OF 1987

ORAL

THE HON M A FEETHAM

Has Government studied the possible implications of reclaiming Montagu Basin in relation to the effects in the change of tide to the surrounding areas?

ANSWER

THE HON THE CHIEF MINISTER

Whilst the Government has not made such a study, it is aware of the possible effects of such reclamation on wave patterns, tidal movements and silting. The developers will therefore be required to carry out such a survey prior to commencement of reclamation.

SUPPLEMENTARY TO QUESTION NO. 387 OF 1987

HON M A FEETHAM

Do I take that the developers have in fact been told that this is a necessary requirement?

HON A J CANEPA

Yes, I am sure they must know about this.

MR SPEAKER

Next question.

NO. 388 OF 1987

ORAL

THE HON M A FEETHAM

Has Government approved the grant of a sub-lease to a third party by Taylor Woodrow on the part of the Queensway Site that is intended for a Hotel and Casino?

ANSWERTHE HON THE CHIEF MINISTER

No Sir. No such approval has been sought, let alone given.

SUPPLEMENTARY TO QUESTION NO.388 OF 1987

HON M A FEETHAM

So I take it the Honourable Chief Minister is saying that no such approval would be given?

HON A J CANEPA

No, I am not saying that. If there is an application we will consider it but if we haven't had an application and therefore the matter is hypothetical, it doesn't arise. We may not get such an application so why bother about it at the moment.

HON J BOSSANO

Do the conditions of the lease allow the developer to, for example, sublease bits of it at a profit without actually undertaking the work.

HON A J CANEPA

What the Crown Lands department has done is to produce and send to Taylor Woodrow a licence agreement and the terms in that licence agreement are those put down by the Crown Lands department. There has to be a come back from the developers. It could be in connection with that licence agreement, it is possible that they may come back in line with the terms that the Honourable Questioner has put but that is not the case as yet. I cannot remember off the top of my hat whether the tender conditions provided for a sub-lease to a third party. I would think not. Subject to confirmation, I am pretty certain that they didn't but I am not 100% certain because I haven't seen the tender documents recently but it was never the intention at the time that there should be provision for a sub-lease to a third party but I stand to be corrected.

HON J BOSSANO

If there should be such a proviso enabling it to happen, would the Government have any say in the price or the premium that the main leaseholder would be able to charge for a sub-lease? Would the Government have any say in the premium, I mean, is there anything to stop the main leaseholder selling sub-leases at a profit without laying a brick.

HON A J CANEPA

Yes, I think so. From time to time, when the Crown Lands department approves sub-leases, one of the conditions in the terms of the sub-lease is that the Government must be consulted in respect of rent increases, for instance. That is common practice so I am sure we do have a say in that respect.

HON M A FEETHAM

Would the Honourable Chief Minister not agree that if the Queensway site was put out to tender and was awarded to Taylor Woodrow, based primarily on the project and the amount of finance or premium that was paid by Taylor Woodrow to Government, that the responsibility for that development is with Taylor Woodrow. Can he answer that?

HON A J CANEPA

Of course, yes.

HON M A FEETHAM

And that therefore, having obtained the right to develop for Taylor Woodrow to say that they are not interested in building the hotel and the casino and the conference centre and then sub-leasing that to a third party, is in principle against the tender conditions that were originally put out and people were asked to tender for.

HON A J CANEPA

It may not be possible for a developer to take on the whole of the burden but I do get the drift of the Honourable Member's argument. I know what he is trying to say, what he is trying to say is: 'Well, look, if there is an area set aside there for a hotel and for a casino, why should that have gone to Taylor Woodrow, if now they intend to sub-lease it to a third party, why shouldn't the Government have retained that area and invited tenders itself'. It is a point that has got

to be kept very much in mind but, as I say, not being aware of such a request we are really discussing the matter hypothetically. If it does materialise, if they were to seek approval for the granting of a sub-lease, the points that have been made here are the sort of considerations that would very much have to be taken into account.

HON M A FEETHAM

Would the Honourable Chief Minister also take into account that the developer having decided to seek a third party to do part of that development, that it would be completely immoral, because I cannot find a stronger word, that that developer, Taylor Woodrow, should obtain a considerable premium for having given that sub-lease to a third party to build upon when it is their responsibility to develop in the first place. I want you to take note of that.

HON A J CANEPA

Yes, whilst also taking note of that point, Mr Speaker, I hope that we are not confusing the possibility of a third party being granted a sub-lease as developer or as a partner in the development as against an operator, that is clear, they are quite clear that Taylor Woodrow can do the development and get a hotel operator and get a casino operator.

HON M A FEETHAM

I am quite clear on that, what I am saying^{is} that if Taylor Woodrow have got this development and they sub-lease that part of the site where the hotel is going to be built and the casino to a third party in return for a premium which is being paid to them for granting them that right to a sub-lease that is, for lack of a stronger word, immoral and it is your responsibility to ensure that it doesn't happen.

HON A J CANEPA

Well, they are depriving the Government from getting the premium itself.

MR SPEAKER

Next question.

NO. 389 OF 1987

ORAL

THE HON M A FEETHAM

Is Government obliged to provide at its own expense water supply, sewage, electricity and other services connections to the Queensway Development?

ANSWERTHE HON. THE CHIEF MINISTER

Yes Sir. The tender offer for the development of the site was £1.5m inclusive of infrastructure cost estimated at £500,000. This has been accepted and Government now has to meet the cost out of the £1.5m tendered.

SUPPLEMENTARY TO QUESTION NO. 389 OF 1987

HON M A FEETHAM

Mr Speaker, I hope that the Honourable Chief Minister is aware of what I am trying to imply and their commitment to provide £½m on top is a bit too much.

HON A J CANEPA

Point taken, Mr Speaker.

NO. 390 OF 1987

ORAL

THE HON MISS M I MONTEGRIFFO

Can Government confirm whether they have received proposals for the construction of a private hospital in Maida Vale?

ANSWERTHE HON THE CHIEF MINISTER

Yes Sir. Proposals for a 60 bed private hospital, with a possible increase to 120, have been received and are currently being considered.

SUPPLEMENTARY TO QUESTION NO. 390 OF 1987

HON MISS M I MONTEGRIFFO

Mr Speaker, can the Chief Minister say what the Government's position is on the matter, are they in agreement?

HON A J CANEPA

No, because it hasn't yet gone to the Government, it has been considered by the Development and Planning Commission on planning grounds, it has been considered by the Land Board and the matter still has to go to the Government.

HON MISS M I MONTEGRIFFO

Mr Speaker, what are the present conditions on the actual site?

HON A J CANEPA

Mr Speaker, I remember the last time that a question was asked on Maida Vale, on the terms of which that is held, and the answer was a very very lengthy one. I remember you remarking on the length of it, Mr Speaker. I wouldn't hazard at the moment, Mr Speaker, for one moment to be able to go into details on the conditions. I can say that Maida Vale was allocated for a hotel development and therefore alternative use would have to be considered. I don't think the Development and Planning Commission, as a planning authority, has got any strong objections to an alternative use. A hotel, a private hospital that doesn't create any difficulties, but it is another matter, the Land Board could on behalf of the landlord take a different view. This went out to tender for a hotel and now we are talking of a private hospital, is a consideration for Government as landlord to take into account amongst other considerations.

HON J E PILCHER

I am clear up to the moment when the Honourable Chief Minister said that it is up to the Government to take that into consideration, plus other things. Have the Government taken a policy decision?

HON A J CANEPA

Not yet because the Land Board met last week. There was a meeting of the Land Board last week, the question of a private hospital came up and now the matter has got to be taken to Council of Ministers.

HON J C PEREZ

Surely, Mr Speaker, in principle the Government cannot be against a private hospital if the matter is being considered at a planning level before going to the Council of Ministers so at least we know in principle the Government has no great objection to the establishment of a private hospital and that it is going to look at it once the full details of the matter are known.

HON A J CANEPA

The Development and Planning Commission only have authority to approve the project on planning grounds and no other policy considerations come into it. The Government has got a much wider area of responsibility, it has got to take into account many other factors, not the least is the fact that the Government is the public authority responsible for the medical services. One thing has got to be weighed up against another, that must come into the equation.

HON J E PILCHER

Is it not also true that the Planning Commission have a lot of pressing matters to look at and investigate and therefore could we not take it that if the matter has gone in front of the Planning Commission, it is tantamount to an acceptance.

HON A J CANEPA

No, what the Planning Commission gets is a direct, straightforward application for a change of use and that is very much part and parcel of the work of the Development and Planning Commission and it is entitled to exercise its statutory duties without any interference from the Government and without any regard from the view that the Government might take and then the Government has got to look at other matters.

NO. 391 OF 1987

ORAL

THE HON M A FEEHTAM

Can Government state what proposals it has received for the redevelopment of the Regal Cinema site?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the owners of the Regal Cinema site, a Freehold Property, have planning consent for the construction of 8015 square metres of offices with 60 car parking bays at basement level.

SUPPLEMENTARY TO QUESTION NO. 391 OF 1987

HON J C PEREZ

Is the Honourable Member aware that the figure of 60 car parking spaces is only due to the fact that the developer himself is in negotiation with the MOD for the reprovisioning of No.2 Naval Ground to be developed as a car park?

HON A J CANEPA

I think, from the answer that I have given, that he has got planning consent for the construction of so much of office space with 60 car parking bays at basement level, that cannot have anything to do with No.2 Naval Ground. If you provide so much office space in a development, there is a car parking requirement based on a certain formula. What we have approved does not include the Naval Ground No.2.

HON J C PEREZ

No, Mr Speaker, what I am saying is that that developer was intending to have many more car parking spaces and withdrew from that project on the understanding that the Naval Ground No.2 was negotiable and that since he has produced two sites to the MOD which the MOD have turned down and they refuse to release Naval Ground No.2. In that event does the Honourable Member foresee any alteration to the project to include more car parking spaces in the event of the refusal of the MOD to release Naval Ground No.2?

HON A J CANEPA

If Naval Ground No.2 were to be released to the Gibraltar Government, I think that the Gibraltar Government would use that area separately from the Regal Cinema site.

HON J C PEREZ

We are not talking about the Government getting Naval Ground No.2, which is even more serious. As I understood it some months ago, in an article in the Chronicle, and this was confirmed to me by the developer himself, the developer individually is negotiating with the MOD for the release for him to develop once he had found an alternative site which is the same as the Laser Experience.

HON A J CANEPA

That is contrary to the Lands Memorandum. The Naval Ground No.2 cannot be made available to any private business concern without the Gibraltar Government acquiring the transfer of that.

MR SPEAKER

Next question.

15 12 87

NO. 392 OF 1987

ORAL

THE HON R MOR

Can Government now say who will meet the cost of Spanish pensions after 1988?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the matter is still under discussion by a Joint Study Group of officials from the British and Gibraltar Governments. A meeting was held last week in London and a report should be finalised shortly.

SUPPLEMENTARY TO QUESTION NO. 392 OF 1987

HON J BOSSANO

This report, is it something that the Government will make available to us, obviously, it is a matter which is very important.

HON A J CANEPA

I will keep the point the Honourable Member is making in mind. It may depend on the timing of it. I say it is to be finalized but I don't have any indication as to when the report may actually be received.

HON R MOR

Mr Speaker, is it still the Government's intention to resolve this matter before the next elections?

HON A J CANEPA

No, I don't think that it will be possible to deal with this matter before the next elections. The present arrangements continues until the end of 1988. Obviously, it will be a matter for the incoming Government to have to negotiate with the British Government what is going to happen after 1988.

HON J BOSSANO

Can I ask the Honourable Chief Minister, in fact, the report is as to what happens after the end of 1988.

MR SPEAKER

October, 1988.

HON J BOSSANO

Am I correct in thinking that the present agreement with HMG runs to December, 1988, and therefore if there is a shortfall.....

MR SPEAKER

As I said before it is October, 1988.

HON J BOSSANO

But the negotiations to which the Honourable Member refers are from 1989 on, am I right?

HON A J CANEPA

Yes, very much so.

HON J BOSSANO

So that the shortfall from September to December is a totally separate issue?

HON A J CANEPA

It would be, yes. But, inevitably, it is likely to be caught up in the same negotiations.

HON J BOSSANO

Has any work been done so far. Didn't we get told before, Mr Speaker, that in fact, a report would be ready by December?

HON A J CANEPA

By this December. Well, that could well be the case. This is the first time that I answer the question on this subject and obviously I haven't been able to read back over the correspondence or even previous questions. I said that a meeting was held in London last week and the report should be finalised shortly. That is indicative of the fact that their deliberations must be coming to an end.

HON J BOSSANO

Was a report already prepared for that meeting that took place in London and did that meeting in London not have submitted to it an analysis of the cost and the implications and so forth?

HON A J CANEPA

The answer is that I don't really know. They may have had a draft report for consideration but I am not certain.

MR SPEAKER

Next question.

15 12 87

NO. 393 OF 1987

ORAL

THE HON J BOSSANO

Can Government state whether it is continuing with the position of Private Foreign Affairs Adviser to the Chief Minister?

ANSWER

THE HON THE CHIEF MINISTER

No Sir, the arrangement was terminated on the 9th December by mutual agreement when Sir Joshua announced his intention of retiring from public life.

SUPPLEMENTARY TO QUESTION NO. 393 OF 1987

HON J BOSSANO

Can I take it, Mr Speaker, that the present Chief Minister feels quite capable of dealing with foreign affairs without the post having to be filled by anybody else?