

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.

19 10 87

NO. 269 OF 1987

ORAL

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?

ANSWER

THE 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?

ANSWER

THE 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.

NO. 274 OF 1987

ORAL

THE HON R MOR

What is the situation as regards the payment of Spanish pensions beyond 1988?

ANSWERTHE 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 change⁵⁴ 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.

NO. 309 OF 1987

ORAL

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 reprovisioning 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 reprovisioning 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.