

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

MEETING OF
24TH JANUARY, 1989

NO. 1 TO NO. 43

NO. 1 OF 1989

ORAL

THE HON LT COL E M BRITTO

24 1 89

Does Government intend to appoint a new Rent Assessor once the post becomes vacant on promotion of the present incumbent?

ANSWER

THE HON THE ATTORNEY GENERAL

Yes, Sir.

What action will Government take to stop the deteriorating situation as regards the escalating use of fireworks during the Christmas and New Year festivities?

ANSWER

THE HON THE ATTORNEY GENERAL

The Commissioner of Police, Collector of Customs, the Chief Fire Officer, the Assistant Chief Fire Officer and the Specialist in Community Medicine are considering the matter, with a view to making recommendations thereon to the Government.

SUPPLEMENTARY TO QUESTION NO.2 OF 1989

HON P C MONTEGRIFFO:

Is it envisaged that tighter controls will be introduced?

HON ATTORNEY GENERAL:

I think we have to await the report from the persons who are considering the matter but I know they are considering the question of whether or not fireworks should be declared a prohibited import and whether or not to increase the penalties for the throwing of fireworks and generally under the Explosives Ordinance.

HON P C MONTEGRIFFO:

Is it also correct to say that some of the fireworks that were used in the festivities recently, were in fact illegal in Gibraltar? And if so could not the police have enforced the law on those persons using them, moreso since it is well known that such activities take place?

HON ATTORNEY GENERAL:

Well on that question Mr Speaker, I am told that 120 bangers, 57 large rockets and 22 small rockets were detained by the authorities. The police prosecuted in one case and a conviction was recorded.

HON M K FEATHERSTONE:

Will Government consider having a Public Display and thus prevent private displays?

HON ATTORNEY GENERAL:

I do not think that is a matter for me, Mr Speaker.

HON CHIEF MINISTER:

I do not think that having a Public Display will necessarily prevent private displays, Mr Speaker.

Is Government now in a position to say whether the school hours will be changed for the start of the 1989/90 school year?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, there have never been any Government plans to change the school hours.

SUPPLEMENTARY TO QUESTION NO. 3 OF 1989

HON G MASCARENHAS:

Mr Speaker, I am asking the question as a result of a study that the Gibraltar Teachers' Association undertook. Is the Minister saying that Government has not considered the representations that have been made by the GTA?

HON J L MOSS:

Mr Speaker, if the Honourable Member opposite will recollect the public statement that was put out by the GTA at the time, it said that they would contact me for further discussions and I am still awaiting them.

Will the Government consider amending the requirement to undergo one year's training in Gibraltar prior to the commencement of the course in respect of a teacher training award when the circumstances are such that it is in the Government's interest to do so?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, if and when the circumstances are such that it is in the Government's interest to waive the diagnostic year in Gibraltar, it would be considered.

SUPPLEMENTARY TO QUESTION NO. 4 OF 1989

HON G MASCARENHAS:

Mr Speaker, I know a case where a young lady was undertaking a course in an area which would be beneficial to the Government and where the case would have led to the course being one-year as opposed to two-years. Would the Government not have considered that that would have been beneficial?

HON J L MOSS:

Mr Speaker, I do not like playing "Give us a clue", if the Hon Member opposite has a genuine case I am prepared to look at it, but if there has already been an answer, I suspect that this might have been in the young lady's interest but not necessarily in the Government's.

HON G MASCARENHAS:

Mr Speaker, what I am asking is, if a saving of a year's tuition fees, maintenance, etc, is not beneficial to Government? I have a copy of a letter from the Minister to the young lady saying that no he would not consider it at all.

MR SPEAKER:

We must not get involved in a particular circumstance or one particular case. I think the Hon Member has been given a general answer. Any further information should be the subject of another question or, perhaps, correspondence between the Minister and yourself. Next question.

Can Government confirm the number of trainees presently enrolled in the Government's Training Scheme with a breakdown of the numbers of each of the relevant courses?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, following our commitment to ensure that all youngsters who left school last year would be engaged in either further education, employment or training, in the latter respect, the Government introduced a youth training scheme which commenced last September. The idea of this scheme is to prepare youngsters who lack qualifications or skills, for jobs which would be arising in the labour market. The main problem that these particular school leavers encounter when trying to find employment, is that normally they would be considered too young and, of course, inexperienced by employers and consequently, find difficulty in competing for jobs against older or more skilled unemployed persons. The employer, for his part, has to consider that an employee is an investment and invariably is more doubtful about how a school leaver would perform than he would be of a more mature person. Moreover, should an employer have a vacancy for which certain skills are required, employing a school leaver would mean spending time and money on training whilst at the same time also paying a wage to the youngster. This again, further deters the employer from moving in this direction. The Government gave careful consideration to all this and arrived at the conclusion that we should devise a scheme which should be beneficial to these school leavers and at the same time, beneficial to employers as well. The scheme therefore had to count on the co-operation of employers and also had to be attractive enough for them to participate in this. Ideally, it was thought there should be a situation where an incentive should be given to employers to take on school leavers under certain conditions which would make it worthwhile and attractive enough to ensure their participation. Likewise, in order to ensure and maintain the interest and participation of the school leaver, the training would have to be combined with a reasonable financial reward much higher than in any previous training scheme which ever existed in Gibraltar. So last September, Mr Speaker, after the introduction of the training levy, the Government launched our training scheme for school leavers who are now known under the scheme as Vocational Cadets and are receiving payment whilst under training. These cadets are offered to employers to be trained for specific vacancies subject to certain conditions being met. These conditions stipulate that an employer may only engage a cadet provided it is his intention to employ the trainee at the end of the agreed training period. The youngsters would be engaged initially on a trial basis for one month, or as otherwise agreed, at the end of which the employer would have to state whether the cadet is suitable for his needs. Should this be so, a commitment

must be given by the employer that full-time employment will be offered to the cadet at the end of the training period. The Government also introduced a pre-nursing course which is attended by a number of these Vocational Cadets. The progress of each trainee is constantly being monitored and any dissatisfaction, whether on the part of the youngster or the employer, is promptly dealt with. The monitoring also ensures that the trainee is not misused or not receiving proper training in which case the cadet would be withdrawn from that particular employer. The training instructors of the previous two Government training centres are now engaged in this monitoring role which ensures a better utilisation of these resources. It is their duty to report weekly on the progress of each trainee and to ensure their training is proper and worthwhile. They will also help and advise trainees and employers on matters of training in their respective fields. The reports on the monitored progress will assist the Gibraltar Training and Employment Board when a certificate of training is issued to every trainee at the end of the training period. The Government, Mr Speaker, is very encouraged by the results which have been obtained so far and by the response that we have had from employers to the Government's initiative. This can be seen from the figures the Hon Questioner has requested. One hundred youngsters have been recruited so far into the scheme. Of these, one has left Gibraltar and four others are already in full-time employment. The remaining 95 are all engaged in training on a wide variety of trades and specifications. This is broken down as follows:

BUTCHER	1	DENTAL NURSE	1
CAR RESPRAYER	1	ELECTRICIAN	4
CARPENTER	7	GLAZIER	1
CHAMBERMAID	1	HAIRDRESSER	7
CHART CORRECTOR	1	HALL PORTER	2
GENERAL CONST.	4	LABOURER	2
DELIVERY	1	MARINE ELECTRONICS	2
MASON	1	REFRIGERATION	1
MECHANIC	8	SALES ASSTS	10
OFFICE ASSTS	8	SECURITY ASSTS	1
PAINTERS	4	SIGN MAKER	1
PLUMBERS	7	TV TECHNICIAN	1
PRE-NURSING	13	WAITER/COOK	1
RECEPTIONIST	1	WAREHOUSE ASSTS	3

At present, Mr Speaker, we have more offers of training opportunities for youngsters than we have for school leavers and in this respect the Government is considering appraising the situation.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1989

HON P C MONTEGRIFFO:

Is the qualification of this certificate of training given at the end recognised as a qualification of any worth in the United Kingdom or the EEC generally?

HON R MOR:

No, Mr Speaker the idea of giving a certificate at the end of the training period is to show employers that he has received a certain amount of training under the Government's Training Scheme. This is more than they had before.

HON P C MONTEGRIFFO:

Mr Speaker, the actual training therefore simply involves, as I understand it, working with an employer and that work being monitored periodically by the instructors.

HON R MOR:

That is the position, Mr Speaker. The idea of the scheme...

HON P C MONTEGRIFFO:

There are no separate courses. A trainee does not spend part of his time working and then in the afternoons, for example, going to some training.....

MR SPEAKER:

With respect, what is your question.

HON P C MONTEGRIFFO:

I would like to know the extent of tuition which a trainee receives when engaged under the Training Scheme, in this type of employment?

HON R MOR:

Mr Speaker, this is not academic training, it is practical training and as I said at the very beginning, Mr Speaker, the idea is to train these youngsters for jobs in the labour market. Now what better way of training a person than by putting him into a job, which is already available, and receive his training there.

HON P C MONTEGRIFFO:

Mr Speaker, is the Minister not concerned that the so called qualification is not going to be recognised outside Gibraltar, for example, will a plumber receive a certificate of training and no other qualification which would be recognisable outside Gibraltar? Or nurses?

HON R MOR:

Well Mr Speaker, the pre-Nursing course is a different matter, these trainees will eventually go on to the Health Authority and will be trained further within the Nursing structure and receive their qualifications from them. The Training Scheme is geared to providing people with skills, as opposed to academic qualifications, Mr Speaker.

HON K B ANTHONY:

Mr Speaker, 2 persons are being trained as Labourers, 2 trainee Labourers?

HON R MOR:

That is correct, Mr Speaker, 2 persons are currently being trained as Labourers.

HON K B ANTHONY:

And they will get a certificate that they are trained Labourers?

HON R MOR:

Yes Sir. They will get a certificate issued by the Board stating the training that they have undertaken during the year.

HON CHIEF MINISTER:

Mr Speaker, for the benefit of Hon Members who were not present before and do not know what the Training Scheme substituted. The position was that before this Scheme came into operation there was a Construction Training Industry Centre which basically produced people that were subsequently employed by the Gibraltar Government as Boy Labourers. Now, Mr Speaker, during a period of twelve months they were introduced into four areas of the Construction Industry, painting, carpentry, plumbing and plastering but they were not trained to perform these four trades in that year. They were trained to do the level of labouring which is more skilled than somebody who has never worked or been in a similar situation. Part of the problem that we are experiencing in the Labour Department, and which I am sure the previous administration also experienced, is that when an employer asks for a Labourer he wants to know where has that Labourer worked before. If the applicants have come straight out of school then the answer is nowhere. A level of work experience, even at the level of Labourer, seems to be demanded in the Private Sector.

HON DR R G VALARINO:

Mr Speaker, I would like to know the cost of the Training Scheme up till now? Has the Hon Minister the details? I would also like to know how much the Government has recouped from the £2 levy? If the Minister does not have the information with him perhaps he could give it to me later.

HON R MOR:

Mr Speaker, I do not have the details which the Hon Member has requested but as soon as I have them I will provide him the information requested.

HON G MASCARENHAS:

Is there a binding obligation on the employer to retain the services of the trainee at the end of the period.

HON R MOR:

Yes Mr Speaker. That is precisely the idea. The trainee is taken on initially for a period of one month or as otherwise agreed. Then the employer has to give a commitment that at the end of the training period, the youngster will be given full-time employment.

HON G MASCARENHAS:

Could the training period be 12 months?

HON R MOR:

Mr Speaker, that is the maximum that we are prepared to allow.

HON G MASCARENHAS:

Mr Speaker, can the employer turn around at the end of the twelve months and say I do not want him or her now?

HON R MOR:

Mr Speaker, the employer will be asked to give the commitment much earlier than the 12 months. Possibly after 1 month or whatever the trial period is.

HON G MASCARENHAS:

That is what I am asking, Mr Speaker? If, for example, the initial training is for 12 months, at what stage has the employer to give a commitment, make up his mind. After 1 month, 2 months, when?

HON R MOR:

Mr Speaker, after 1 month or whatever has been agreed with the employer.

HON LT COL E M BRITTO:

Mr Speaker, will the Minister not accept that a large percentage of the jobs that he has described are jobs that exist anyway in the Private Sector and that the persons concerned would have found normal employment even if the Training Scheme did not exist?

HON R MOR:

No Mr Speaker. The situation that we found in March when we came in was that there were 71 schoolleavers unemployed from previous years. So the whole idea of the scheme is to give the opportunity, which they have never had before, of going straight from school into employment.

HON LT COL E M BRITTO:

Mr Speaker is the Hon Minister saying that this has created new jobs.

HON R MOR:

Mr Speaker, the jobs these youngsters are now filling used to, in the main, be filled by foreign workers.

HON P C MONTEGRIFFO:

Mr Speaker, is the Certificate of Training that is issued basically an attendance certificate that the trainee will obtain provided he does not do something silly, like shooting his employer, or is it something that is given on merit?

HON R MOR:

Mr Speaker, the intention of the certificate is to show, the experience that the trainee has acquired during the time he has been under training.

HON P C MONTEGRIFFO:

Mr Speaker, it is then just a recognition of the time spent under training and not of a standard. Can a trainee fail to get a certificate and who assesses the standard?

HON R MOR:

Mr Speaker there is no examination at the end of the trainee's training spell if that is what the Hon Member is referring to.

HON P C MONTEGRIFFO:

Mr Speaker, a qualification means that you have achieved something.

HON R MOR:

Mr Speaker, we are not talking about a qualification we are talking about a Certificate issued to a trainee whereby it states the experience that the said trainee has acquired.

HON G MASCARENHAS:

Mr Speaker, what procedure is the Government going to use to determine the length of period the employer has to.....

MR SPEAKER:

No, no. We are not going to get into that line of questioning of the nitty gritty of how the scheme works. Next question.

Has the Government increased all benefits payable under the Supplementary benefit scheme as from the 1st January and will they give details?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as I indicated in this House last November when referring to other benefits, in line with the increase in the cost of living, all means-tested benefits payable under the Supplementary Benefit Scheme have been increased by 5% as from the 1 January, 1989. The Government is prepared to provide the Hon Member with details outside the House.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1989

HON DR R G VALARINO:

Mr Speaker, I thank the Hon Minister for his offer to provide me with details. Could I ask one further question. Whether the 5% also includes those receiving the Elderly Persons Allowance.

HON R MOR:

Mr Speaker, Elderly Persons allowances have not been increased.

HON DR R G VALARINO:

Mr Speaker, that means that they have remained as at 1988.

HON R MOR:

For the time being yes.

HON A J CANEPA:

Mr Speaker, what about the non-householder allowance, payable to a person living in a family where the breadwinner is not on Supplementary Benefits and which is therefore payable to a person aged below 65 years of age? I think that the non-householders allowance is not means tested. Would the Hon Minister confirm that?

HON R MOR:

Mr Speaker, all I can say at the moment is that all means tested benefits have been increased and I will provide the Hon Member with an answer to his question outside the House.

HON A J CANEPA:

Mr Speaker, the point that I am making is that whilst I can understand that the Government may have certain problems with the Elderly Perons Allowance, which used to be linked to the non-householders rate and which is payable to a person living in a family with no income of his or her own and to that extent it is not means tested. But I would say that it does not have the same problems that the Elderly Persons Allowance may have and therefore if the Government has not considered increasing that, I would urge them to look into this allowance more carefully to see if in fact, they are able to increase it if they have not done so.

HON R MOR:

Mr Speaker, we will definately look into it now that the Hon Member has highlighted it.

MR SPEAKER:

Next question.

Now that Government considers that the question of liability for the payment of Spanish pensions has been resolved will Government state when they propose to make a start on reducing pensionable age?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Government is committed to the restructuring of our social security system and the new concept of a social wage will be introduced. It is expected that work on this will start during the course of 1989.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1989

HON DR R G VALARINO:

Mr Speaker, the work on the re-structuring of the Social Security system or the work on the lowering of the pensionable age?

HON R MOR:

Mr Speaker, the concept of the introduction of the Social Wage.

HON DR R G VALARINO:

Mr Speaker, does that mean that Government has reached an agreement on the re-structuring of the Social Security system?

HON R MOR:

Mr Speaker, both things will be happening at the same time.

HON DR R G VALARINO:

Which means, Mr Speaker, that it will be in a position to have an answer by the autumn or winter?

HON R MOR:

Hopefully, that will be so, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind that the Social Wage will become payable only on the termination of the present fund, in 5 years time, at least that is the impression that people in the street have. Will the Social Wage, when it becomes payable, be payable as from the age of 60 or 65 years of age?

HON R MOR:

Mr Speaker, it will be below 65 years of age. Time has nothing to do with the winding up of the fund in 5 year's time.

HON A J CANEPA:

Mr Speaker, has the Government targetted a date for its implementation?

HON R MOR:

Mr Speaker, work will start during 1989.

HON P C MONTEGRIFFO:

Mr Speaker, is the Government still committed to its basic Manifesto pledge to give pensioners retiring at 60 a Social Wage during this term of office?

HON R MOR:

Yes, Mr Speaker.

Will Government confirm that old age pensioners no longer have to contribute to the Group Practice Medical Scheme and why has no statement been issued to that effect?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Opposition is aware that the Social Insurance (Contribution) Regulations was amended in November 1988 to allow for contribution credits to be granted to certain classes of unemployed persons over 60 years of age. These credits effectively cover their insurability under the GPMS Ordinance. The Government issued a legal notice on 22 December 1988 amending the Regulations concerning contributions to the Health Service. Under the new arrangements which were effective from 2 January 1989, unemployed persons (including unemployed pensioners) have their contributions paid from the Social Assistance Fund and are, therefore, not required to make payments themselves. It is the Government's policy to improve services for the elderly and the needy. This step has been taken to achieve an improvement and we do not consider it appropriate to seek unnecessary publicity as we implement elements of our election manifesto.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, will the Minister appreciate that the average person does not read the Gazette, therefore did not see that Legal Notice and are not aware of the fact.

HON MISS M I MONTEGRIFFO:

Mr Speaker, persons have to go to the Health Centre to register and they are informed then. Mr Speaker there are 56,000 files at the Health Centre Records and it would be pandemonium if every person were to go there at the same time. It is therefore much better to deal with them when they come to register.

HON M K FEATHERSTONE:

Mr Speaker, I hope the Hon Minister has no objection if we in the Opposition inform persons who ask us what the position is?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we welcome their help. At long last we have the Opposition helping us!

HON DR R G VALARINO:

Mr Speaker, could the Hon Minister confirm that as stated in the Gazette of the 22 December, 1988, contributions to the GPMS have gone up £2 whereas contributions to the Social Insurance have gone down £1. Thereby making it a £1 raise in total?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker.

Have the BMA now replied to "the specific post of a physician with interest in geriatric medicine" and what were their comments?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, no reply has been received from the BMA. The Government wrote to the BMA on the 23 September, and is naturally disappointed that a reply has not yet been received in view of the initiatives we already have taken in many areas within the Health Services. In a matter such as this we want to consider what advice the BMA has to offer, and we have also pressed them for a reply.

SUPPLEMENTARY TO QUESTION NO. 9 OF 1989

HON M K FEATHERSTONE:

Is the Government still committed to the principle of having a Geriatrician at the Hospital?

HON MISS M I MONTEGRIFFO:

Mr Speaker, before proceeding we are awaiting the BMA's views.

HON M K FEATHERSTONE:

Will the Government press the BMA for a reply? The BMA are very hasty in sending letters when it concerns them and perhaps they could be jogged now that it concerns Government.

HON MISS M I MONTEGRIFFO:

We are pressing them for a reply, Mr Speaker.

Are any Gibraltar Health Authority doctors working at the new clinic at the Watergardens?

ANSWER

THE HON THE MINISTER FOR HEALTH SERVICES AND SPORT

To the best of my knowledge none of the Health Authority's Consultants are working privately from the new clinic.

SUPPLEMENTARY TO QUESTION NO. 10 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, will the Government accept that to the best of my knowledge some are working and will they monitor the situation very carefully.

HON MISS M I MONTEGRIFFO:

We will, Mr Speaker, and if the Hon Member has any evidence we will investigate it.

NO. 11 OF 1989

ORAL

THE HON M K FEATHERSTONE

24 1 89

Has Government now had the black dust emanating from GSL analysed and with what result?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as I informed the House in November last year, the black dust in question was submitted for analysis in UK but no results have yet been received from the UK Laboratory. Since, as explained in answer to my question No.95 of 1988, a total of eighty samples in eight batches of ten were agreed to be sent for analysis over a period of twelve months, a request for information on the results of the first batch submitted has been sent with our second batch and a reply is eagerly awaited.

SUPPLEMENTARY TO QUESTION NO. 11 OF 1989

HON M K FEATHERSTONE:

Mr Speaker will the Government press for a reply.

HON MISS M I MONTEGRIFFO:

Mr Speaker, with a second batch of samples we have asked for an urgent reply to our first batch.

NO. 12 OF 1989

ORAL

THE HON LT COL E M BRITTO

24 1 89

Will the Minister for Sport say whether attendance at meetings of the Sports Advisory Body is restricted to its members?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No.13 of 1989.

Will the Minister for Sport say which were the Sports Associations that she consulted before deciding on the membership of the Sports Advisory Body?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, attendance at meetings of the Sports Advisory Body will normally be restricted to its members. However, if any Sporting Organisation in Gibraltar wishes to make verbal representations, on any specific matter concerning their sport, a representative of that organisation will be invited to attend. As I have previously said in answer to Question No.94 of 1988, the decision on the setting up of the Sports Advisory Body and its composition was taken by Government after having sought the advice not only of Sports Associations but also of individuals involved in the sporting scene as well as officials of Government's Sports Department. Subsequently Sports Associations were consulted by me in order to seek their views as regards the individuals Government had earmarked to be members of the Body and naturally these Associations are the ones which involve seven of the members appointed.

Gibraltar Football Association
Gibraltar Hockey Association
Gibraltar Volleyball Association
Gibraltar Amateur Athletic Association
Gibraltar Amateur Basketball Association
Gibraltar Amateur Swimming Association
Gibraltar Squash Rackets Club

However, I wish to reiterate what I told the Hon Member in the November meeting of the House of Assembly that even though seven members of the Body happen to be members of Sports Associations, their appointments are personal ones and they have so been informed. They have been appointed to advise Government on Sports matters generally and not as representatives of the Sports Associations of which they are members. I wish to stress that Government feels this Body is the way forward to try and improve Sport generally in Gibraltar and with the co-operation of everyone concerned we hope to be able to redress the years of neglect the sporting scene has suffered in Gibraltar.

SUPPLEMENTARY TO QUESTION NOS. 12 AND 13 OF 1989

HON LT COL E M BRITTO:

Mr Speaker, has the Minister advised Sporting Associations of the facility for making representations personally?

HON MISS M I MONTEGRIFFO:

Mr Speaker, once we agree on a date for a meeting and the meeting is held we shall issue a letter to all Sporting Associations informing them of this.

HON LT COL E M BRITTO:

Mr Speaker, is the Minister saying that the Sports Advisory Body has not yet met?

HON MISS M I MONTEGRIFFO:

The Sports Body has not yet met Mr Speaker, because certain individuals and Sporting Associations had not yet replied.

HON LT COL E M BRITTO:

Mr Speaker, when the Honourable Minister says that individuals have not replied is she referring to persons appointed to the Board?

HON MISS M I MONTEGRIFFO:

That is correct, Mr Speaker.

HON LT COL E M BRITTO:

Mr Speaker, is the Minister then saying that those persons have been appointed without them first having indicated that they were prepared to accept?

HON MISS M I MONTEGRIFFO:

No Mr Speaker. It took a bit longer because some individuals were away from Gibraltar. The Sports Advisory body has already been constituted and we will be holding a meeting very shortly.

HON LT COL E M BRITTO:

Mr Speaker, I am not clear from the Minister's answer if only the seven Associations mentioned and who have representatives in the Body were contacted directly.

HON MISS M I MONTEGRIFFO:

No Mr Speaker, I went even further than that. I said that not only had I contacted the Association but had also consulted certain individuals within the Sporting Scene. I also consulted Government Officials.

HON LT COL E M BRITTO:

Mr Speaker, I am asking which Sporting Associations were consulted prior to the decision being made?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I gave a list of the Sporting Associations I had consulted. It is up to the Government consult those Associations it feels are appropriate.

MR SPEAKER:

I think the answer is clear. The Minister has said that she consulted certain Sporting Associations which she has named and subsequent to that she has also approached individuals to become members of the Advisory Board.

HON LT COL E M BRITTO:

Mr Speaker, with respect that is contradictory to the previous answer. I asked "whether these were the only Associations" and I was told "no". I now ask which were the others and I am told that it is only these seven. So which is it only the seven or were there more than these seven?

HON MISS M I MONTEGRIFFO:

Mr Speaker I said that apart from the Associations that I had consulted, I had also consulted individuals in the sporting scene and also Government officials.

HON LT COL E M BRITTO:

Mr Speaker, the answer then is that only these seven Associations were consulted? As Associations?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker. But apart from these Associations, individuals and Government officials were also consulted and I am satisfied with the advice that I have received and as Minister for Sport I stand by the decision that I have taken.

HON LT COL E M BRITTO:

Mr Speaker, obviously the Minister is satisfied. I accept that she has consulted certain individuals but she consulted seven Associations who agreed with the seven nominees that she intended to appoint.....

MR SPEAKER:

No, no. The Minister has most certainly not said that. What the Minister has said, as we have all heard, is very specific. She has said "I have consulted seven Associations, I have consulted individuals belonging to other Associations and I have consulted Government officials and I have appointed these gentlemen to the Advisory Body. Next question.

Will Government state what is the intended use of the dump being created at the southern end of Eastern Beach, bearing in mind that whenever there is an Easterly storm, tipped debris and rubbish is swept away, ending up on Eastern Beach and Catalan Bay Beach?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, rubbish is not being dumped at the area adjacent to the southern end of Eastern Beach. As the Honourable Member was told in a letter to him last year, that area is being used to tip debris from Construction Sites. This will eventually result in a substantial amount of land being reclaimed from the area. Government is trying to enclose this reclamation before the beginning of the summer season.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1989

HON K B ANTHONY:

Mr Speaker, I do not think my question has been answered. I asked for the intended use?

HON J C PEREZ:

Mr Speaker, I do not think that the Hon Member understands. I gave him in a letter last year, all the details. I told him it was being used to tip debris from construction sites and that once the land had been reclaimed, Government would then decide to use.

HON K B ANTHONY:

Thank you, Mr Speaker. So it is open ended as regards its use?

HON J C PEREZ:

Yes Mr Speaker.

HON K B ANTHONY:

Mr Speaker I have recently visited the site and I can assure Honourable Ministers that there is more than just builders debris being dumped there.

HON J C PEREZ:

Mr Speaker, what the Honourable Member may have seen, is that when the skip arrives, there is a man on site, separating

the load. The builders debris is separated from wood etc. The wood etc is removed from the site and taken to the destructor for disposing off.

HON K B ANTHONY:

Mr Speaker, it is obvious to me that if that land is to be reclaimed efficiently there must be some form of breakwater to stop the debris being swept away whenever there is a storm.

HON J C PEREZ:

No Mr Speaker. It was not the Government's intention to reclaim that land but since we needed an area to tip builders debris we thought that we might as well use that debris to try and reclaim the area. There has been more area reclaimed than what has been swept away. So there is still progress. The Public Works Department is looking for ways of enclosing the reclamation so that it stops affecting the beaches in the summer and secondly helping the reclamation by disallowing the heavy seas from entering into the reclamation. The breakwater concept would be used if the Government had definite plans for that area.

HON K B ANTHONY:

Mr Speaker, could not the debris be tipped in the Government's reclamation area in the harbour?

HON J C PEREZ:

No Mr Speaker, as I explained to the Hon Member in my letter, the developers of the reclamation on the western side have asked me not to tip that type of debris in that area because that would disallow the housing project to commence as scheduled. This type of debris seems to affect whether you can start building on it immediately or not. The type of debris being tipped at Eastern Beach needs a settlement period and could not be mixed.

HON K B ANTHONY:

One final question, Mr Speaker, on this topic. Will the debris, etc which has been washed up at Catalan Bay be cleared before the Bathing Season?

HON J C PEREZ:

Mr Speaker, I am not sure to what debris the Hon Member is referring?

HON K B ANTHONY:

Mr Speaker, I have seen debris etc at Catalan Bay and I am sure the Hon Member is aware.

HON J C PEREZ:

Mr Speaker, what type of debris? Sand? Stones?

MR SPEAKER:

We are not going to get into this type of argument.

HON M K FEATHERSTONE:

Mr Speaker, has the Government stopped putting hexagonal concrete blocks in that area to stop erosion?

HON J C PEREZ:

Mr Speaker, one of the reasons why we are continuing with the tipping of construction rubble in that area is because we were advised by the Public Works Department that the road leading to Catalan Bay would need substantial repairs if it was not reinforced through a reclamation programme. So instead of having that debris being pushed into one particular area we are pushing it towards Catalan Bay in order to protect the road. This makes the area more susceptible to erosion than if we had proceeded outwards only. It is certainly something that we are trying to solve through this method, if we fail to do so, we will have to have the boulders, which the Hon Member referred to, being placed in the area to protect the wall and the road.

HON A J CANEPA:

Mr Speaker, has the Minister received any representations from the Catalan Bay Village Council on the matter?

HON J C PEREZ:

No Mr Speaker.

HON A J CANEPA:

Not even verbal representation.

HON J C PEREZ:

No Mr Speaker.

HON A J CANEPA:

Mr Speaker, I understand that the Chairman of the Village Council has pointed out the danger. I am not sure who to. Perhaps the Hon Minister could ascertain if it has been to some of his Department's officials.

HON J C PEREZ:

I certainly will, Mr Speaker.

In view of the recent purchase of a barge for the disposal of rubbish at sea, at a cost of £180,000, will Government confirm that sea dumping is part of the long term rubbish disposal plans of the Government?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Hon Member well knows that sea dumping is not part of the long term rubbish disposal plans of the Government. As I have explained on innumerable occasions, when we came into office on 24 March we found that the previous administration was disposing of rubbish via the chute at Europa Point every time the Incinerator broke down. The Government first faced this problem during the summer season and made alternative arrangements to dispose of refuse at sea because this method was found not to pollute our beaches. This was found to be the case and it was only at the end of the summer season, when the chute was used once again, that items of refuse began to appear on our beaches. The barge which has been acquired is not exclusively for the disposal of refuse. However a particular type of barge to facilitate the operation has been acquired because it was envisaged that the Public Works Department would have to dispose of refuse at sea whilst the major refurbishment of the incinerator takes place. This is due to commence shortly. The barge is of a type which will enable this to be done in accordance with the International Regulations for the Disposal of Refuse at sea.

SUPPLEMENTARY TO QUESTION NO. 15 OF 1989

HON K B ANTHONY:

Mr Speaker, I thank the Hon Minister. Has the organisation Greenpeace been contacted to see if they agree to this type of disposal at sea?

HON J C PEREZ:

No Mr Speaker.

HON K B ANTHONY:

Would it not be a good idea, Mr Speaker?

HON J C PEREZ:

Mr Speaker, when Greenpeace were in Gibraltar the Government explained its position and that organisation certainly understood the Government's difficult position, when it came into office, and were informed of the efforts the Government was making and they even invited the Chief Minister and myself to lunch on board their ship.

THE HON K B ANTHONY

Will Government state whether or not it will now consider entering into arrangements with the Mancomunidad, over the disposal of Gibraltar waste to Spanish rubbish land-fills?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The position as regards using the Los Barrios tip is as stated in my reply, at the November meeting of the House, in answer to a question on this subject.

SUPPLEMENTARY TO QUESTION NO. 16 OF 1989

HON K B ANTHONY:

I thank the Hon Minister, Mr Speaker, but in view of the healthier relationship with the Mancomunidad and the setting up of a joint venture company, would it not be a possibility to consider setting up a joint venture company with a Spanish company for the disposal of rubbish?

HON J C PEREZ:

Mr Speaker, regardless of the position of the relationship between the Gibraltar Government and the Mancomunidad and the Mayor of La Linea, the position on the tipping of rubbish in Los Barrios has not changed from what it was in November.

HON K B ANTHONY:

Mr Speaker, is the Hon Minister telling this House that he is completely satisfied that all our rubbish problems will be solved in the foreseeable future without the use of this land tip?

HON J C PEREZ:

Mr Speaker, I am not telling the Hon Member that. I am telling him what the position was last November and the Chief Minister also explained it. I said "that the possibility of using the Los Barrios Tip has been discarded for various reasons as set out in my Press Release from the Hon Member opposite". The Chief Minister said "It required a request, as a personal favour, to be allowed to use the tip and in the discussions I have had with people in the Foreign Office, who have been in touch with the Authorities on the other side, and it would require a political agreement". The Chief Minister further stated "that the policy of the Government, as I will explain in answer to other questions on cooperation with our neighbours, is that we are not prepared to enter into deliberations where there are strings attached". That remains the position of the Government as far as the dumping of refuse is concerned.

HON K B ANTHONY:

Mr Speaker, the Hon Minister obviously does not understand my question. I did not suggest that it should be dumped in Spain as a personal favour, I am suggesting the setting up of a joint venture company.

HON J C PEREZ:

Mr Speaker, if the Hon Member wants to get into the business, I am quite prepared to look at any proposals he might have in the matter. What I am saying, Mr Speaker, is that the Government has looked into the matter and as far as we are concerned the situation has not changed from what it was in November. If the Hon Member, however, feels that he should make proposals, I shall consider them favourably.

HON K B ANTHONY:

Mr Speaker, I thank the Hon Minister but I am not looking for business in this House.

HON P C MONTEGRIFFO:

Mr Speaker, does not the Government feel that in return for its proposed initiative on the factory that it could have sought from the pertinent authorities in Spain some reciprocal treatment to the refuse problem? Would that not have been sensible?

HON J C PEREZ:

Mr Speaker, I believe that is the subject of a motion the Hon Member has given notice of.

MR SPEAKER:

Yes but it is an acceptable question and the answer may be yes or no.

HON J C PEREZ:

Well, Mr Speaker, the Hon Member will get an answer when he moves his motion.

HON P C MONTEGRIFFO:

Mr Speaker, if that is the type of openness one is supposed to have at question

HON J C PEREZ:

Mr Speaker, I am certainly not going to give the Hon Member ammunition to use against the Government when he moves his motion.

HON P C MONTEGRIFFO:

Mr Speaker, it is not ammunition, it is information for the people of Gibraltar to know. Does the Government still think that Gibraltar would be vulnerable by entering into an agreement with the Mancomunidad to dump rubbish in Spain? Would we be exposed, Mr Speaker?

HON CHIEF MINISTER:

Mr Speaker, it is not a question of being exposed or being vulnerable. The position as explained to the Hon Member opposite in November, is that the Government of Gibraltar is not prepared to enter into any political, Government to Mancomunidad, arrangements for the disposal of refuse, which formed part of the discussions taking place under the previous administration as part of the Brussels process, which this Government disassociated Gibraltar from. However as a commercial venture any private enterprise is free to come to the Government with proposals to dispose of refuse and what they do with refuse after we get rid of it, whether they tip it in Los Barrios or they tip it in La Coruna, is totally irrelevant to us. The position of the Government as already shown from the day it took office is its desire to encourage mutually beneficial cooperation, the concept will be explained once again to the Hon Member when the motion comes, but on the question of refuse, the position is that there will not be any political deals because they are not acceptable to this Government.

HON A J CANEPA:

Mr Speaker, two matters. First of all, will you please confirm, for the benefit of the Hon the Minister for Government Services, that over the years there have been many occasions in this House when after a Member of the Opposition has given notice of a motion, a number of questions have been tabled beforehand by Members of the Opposition with the specific intention of obtaining information to be used later on in the course of the debate.

MR SPEAKER:

Yes, the Rules are quite clear on this. Most certainly the Opposition are entitled to ask questions which will enhance their position vis-a-vis the future motion provided it does not anticipate any matters which are going to be conducted. On the other hand it is for the Government to decide whether they wish to answer the question or not. And neither the Opposition or the Chairman can force the Government to answer questions and the attitude they take, of course, is their decision and they take the consequences. That is the position.

HON J C PEREZ:

Fine, Mr Speaker, if the Hon Member cares to look through Hansard there were many instances where the Government refused to answer questions.

HON A J CANEPA:

Mr Speaker, there were also many instances where the Government, of which I have been a member of, answered a number of specific questions. I can remember, notably, in the days when my colleague Mr Featherstone, was Minister for Medical Services, when a whole series of questions by Mr Gerald Restano, as an introduction to a motion, and the questions were all answered because they were seeking information and the Government had the information available and felt that it should give it. Mr Speaker, I now have a supplementary for the Hon the Chief Minister. Whilst understanding his attitude towards the Mancomunidad, would he consider making a direct approach to the authorities at Los Barrios, to the Mayor of Los Barrios, with a view to entering into arrangements with them to use the Los Barrios Refuse Tip?

HON CHIEF MINISTER:

Mr Speaker, it is clear to me and to the Government from what we have been able to glean from the situation that there are people on the other side who feel that, and I think it has been reflected in public statements, if Gibraltar was given an opportunity to use the Los Barrios Tip it would be a concession to Gibraltar on which something will be asked in return and we think there is no mileage in pursuing that road.

HON A J CANEPA:

Mr Speaker, will the Chief Minister accept that my concern is that a problem that exists and which the Government has so far been unable to solve is solved and also accept that there is a need for Gibraltar to solve on a short-term to long-term basis, for the future, this problem of the disposal of refuse? That it is not easy for the Government to fund the cost of another incinerator and that therefore when an incinerator breaks down, whilst maintenance is undertaken, we have a problem and that there is a genuine desire on the part of many people in Gibraltar that that problem is resolved. What we are offering are alternatives as to how it can be done.

HON CHIEF MINISTER:

Mr Speaker, I am aware that we have to solve this and indeed many, many others, and we do not think that the solution to the problem lies in approaching the Mancomunidad or the Los Barrios Tip, as a Government, and ask for facilities to be provided to the Government of Gibraltar. However, as I have already said, if a private company came to the Government and offered a service of removing the refuse from Gibraltar, what they then do with the refuse, once they have removed it, is something that the

Government is not concerned with. So we are not saying to people 'you cannot take the refuse to the tip at Los Barrios'. What we are saying is that in our political judgement it is not in the best interest of Gibraltar to pursue the line that was being pursued previously, of holding political discussions, where as part of an overall exchange of concessions, we are offered as a concession the Los Barrios Refuse Tip and we have to offer them what they put in the "shopping list". That is the background and this has been discussed in the past. The Hon Member must know it because he was in office when this was discussed. We are not prepared to continue along that road and although we have a problem we also have a responsibility, as a Government, to resolve that problem in the exercise of our judgement as to what we think is best for Gibraltar. That is what we are doing, looking at the situation whereby we can dispose of the refuse by using a barge at a distance from Gibraltar, as answered in Question No. 15 of 1989. We are also looking into other ways of disposing of the rubbish when the incinerator is undergoing maintenance, as my colleague has said, and he is considering various proposals which a number of different parties have submitted. Once a decision, on a permanent solution, is reached we will make an announcement.

HON A J CANEPA:

Mr Speaker, I think there is a misconception in certain quarters, and these I have heard voiced over GBC Radio. Will the Hon Minister for Government Services confirm that since the arrangement that we are discussing would be for limited periods only, in other words, during those times when it breaks down or is undergoing annual maintenance repairs, there is no question of any rundown in the workforce? That people will not lose their jobs, those involved in the disposal of rubbish? Will the Minister confirm that?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member opposite prefaced his previous question by saying "That it was clear that Gibraltar could not buy a new Incinerator, that we had to find a permanent solution to the problem and that we should be looking at the Tip at Los Barrios as one positive way of solving the problem permanently, given that we cannot afford an Incinerator". Obviously if we cannot afford an Incinerator it follows axiomatically that we cannot afford to keep the twelve persons working on a non-existent Incinerator

HON A J CANEPA:

Mr Speaker, if the Hon Chief Minister will give way. We cannot afford a second Incinerator, an additional one, so that we have two and when one breaks down we have another that can be used. That was the thrust of my previous question.

HON CHIEF MINISTER:

Well, Mr Speaker, I think the record will show that the word "second" did not appear and I can tell the Hon Member that certainly his colleague, Mr Anthony, has said in an interview that we could not afford the first Incinerator never mind the second one.

HON A J CANEPA:

Mr Speaker, perhaps the Government cannot afford to set up a new Incinerator at a cost of £5m, £6m or £7m to replace the present one. One accepts that. It is essential to make the point that we are not talking of the labour force being run down as is the impression that is given by Members opposite or their supporters.

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member is asking me a question of information, then he is asking me to say that the impression that people have of what he has said is incorrect. I cannot answer, as a Government, the impression that people may have of what he has said. All I can say is that what he has just said now would tend to support that impression. Because if he is saying that it could well be that the Government cannot afford even one Incinerator, which he has just finished saying, it follows logically that it cannot afford to keep people employed on a non-existent Incinerator. Now we are looking at the possibility of replacing the existing Incinerator, at the end of its useful life, with other facilities which will continue to be in Gibraltar. We are not yet in a position to announce whether that is going to happen or not, because the decision has not yet been taken. We have a number of proposals from private companies for a number of different methods of disposal and we are looking at all of them.

MR SPEAKER:

Next question.

Are the streets now being flushed regularly?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, most streets are flushed regularly as programmed especially during the dry season. However, there are many areas where flushing cannot be done very frequently because of the number of parked vehicles and other obstructions. These areas are included in a separate cleaning programme. Occasional general clean-ups, including flushing is carried out when these areas are cleared, with the co-operation of motorists, the Police and the general public, of parked cars etc.

SUPPLEMENTARY TO QUESTION NO. 17 OF 1989

HON M K FEATHERSTONE:

Is the Hon Member aware, Mr Speaker, that last December was the driest for 140 years? And this could be called part of the dry season and Main street was not flushed once during this period.

HON J C PEREZ:

Mr Speaker, is the Hon Member aware that we had downpours in January?

HON M K FEATHERSTONE:

Mr Speaker, will the Hon Member not agree that the streets of Gibraltar are now dirtier than they have ever been.

HON J C PEREZ:

No, Mr Speaker. The level of cleanliness in Gibraltar has improved dramatically since the 24th March. That does not mean that the Government is satisfied with the level of cleanliness as it is at the moment but it is certainly much better than what it was. Other steps will be taken during the year to further improve the cleanliness of the whole of the city.

HON M K FEATHERSTONE:

Mr Speaker, if the Government think that the streets are cleaner now, they are running under a misconception.

MR SPEAKER:

Next question.

Will Government circulate to the Opposition, the Report on the future electrical demands for Gibraltar for the remainder of this century, that was commissioned by the previous Administration?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as I promised during the Budget Session, a copy will be made available to the Opposition on a confidential basis. This has not been done before because there were insufficient copies available. Extra copies of the Report have recently been received.

MR SPEAKER:

Next question.

Why are so many street lights not working and for such a long time?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, some delays are being experienced in the replacement of defective bulbs etc in areas where there is a need to stop the flow of traffic or remove parked vehicles to allow the work to proceed. The Electricity Department has to coordinate the works with the Police and take their turn within the priorities set out by the Traffic Section.

SUPPLEMENTARY TO QUESTION 19 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, is the Hon Member aware that in Landport Tunnel, which is not liable to any traffic considerations, one of the fluorescent lights, which are easily replaceable, has been out of action for at least 4 months?

HON J C PEREZ:

No Mr Speaker, I am afraid that I do not walk past that way and am therefore not aware of it. However, if the Hon Member gives me details I will see why that has been so. I am aware, for example, that we had one at City Mill Lane, which is pedestrianised, out of order for a long time and this was as a result of a major fault in the area, which has subsequently been repaired. Mr Speaker, if the Hon Member has other details he could perhaps let me have them or he should contact the Department directly.

HON M K FEATHERSTONE:

Mr Speaker, is the Hon Minister also aware that 20% of the lanterns in Main Street, three of them within a hundred yards of this House, are inoperative?

HON J C PEREZ:

Mr Speaker, I do not think that is quite true because I do pass through Main Street, I certainly do not have time to count them, but I will contact the Department and have them check the lanterns.

HON K B ANTHONY:

Mr Speaker, perhaps the Department could consider changing defective lamps during dark hours instead of by day when the traffic flow is minimised?

HON J C PEREZ:

Mr Speaker, sometimes this is done but obviously it is more expensive.

HON K B ANTHONY:

Mr Speaker, could the men be given time off in lieu?

HON J C PEREZ:

Mr Speaker, does the Hon Member honestly think that this will be acceptable to the men?

MR SPEAKER:

Next question.

Will Government state when the planned move of the Main Post Office will take place?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government has not yet taken a decision to move the Main Post Office from its present location.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, does the Government not agree that such a move would be a disaster?

HON J C PEREZ:

Mr Speaker, if that is the view of the Hon Member we shall take it into account when we take a final decision.

HON G MASCARENHAS:

Mr Speaker, will the Government consider leaving at least a couple of counters at the present site, if they do move it?

HON J C PEREZ:

Mr Speaker, all aspects are under consideration. Obviously having a Post Office in the centre of town, in view of the high number of tourists who use it is being weighed up. When we take a final decision we will come to this House and they will have their say if they disagree with the move.

HON A J CANEPA:

You will come to the House or will we hear about it through the media?

HON J C PEREZ:

Whatever comes first, Mr Speaker, we are an open Government we have to announce our decision and then take them.

MR SPEAKER:

Next question.

Will Government state whether or not they intend to go ahead with the ban on private motor vehicles using the Upper Rock (with the exception of taxis or tour operators) from Mondays to Fridays, as reported in the local Press on Friday 9th December 1988?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as I informed the Hon Member recently in reply to a letter I received from him, this is a matter which is presently under consideration. No final decision has as yet been taken.

SUPPLEMENTARY TO QUESTION 21 OF 1989

HON K B ANTHONY:

Has the Hon Minister considered that decongesting the Upper Rock will only bring greater congestion in the City Area?

HON J C PEREZ:

Mr Speaker, that is an argument which the Hon Member used in his letter and I did tell him that all the points would be taken on board, in considering the matter.

HON P C MONTEGRIFFO:

Mr Speaker, is the Government in this case prepared to give an undertaking that they will not take a decision, which will ban or restrict movement of Gibraltarians in the Upper Rock, unless there is first a public debate in this House? I think this is a matter of principle, of sentiment to Gibraltarians.

HON J C PEREZ:

No Mr Speaker, the Government is not prepared to give that commitment.

HON K B ANTHONY:

Mr Speaker, in view of the fact that the reasons for this is to prevent congestion in the Upper Rock, has the Hon Minister considered putting our famous Traffic Wardens there to clamp cars or have them towed-away?

HON J C PEREZ:

Mr Speaker, the contract that the Commissioner of Police has with the Gibraltar Security Services Limited is something for which I am not answerable in this House. It would

be a matter for the Commissioner to look into, if he thinks it would solve the problem. My understanding is that that would not solve the problem.

HON K B ANTHONY:

Mr Speaker, they have considered it then, apparently.

HON J C PEREZ:

Mr Speaker, I said that my understanding of the matter is that that would not solve the problem. I think that it is a matter for the police to decide.

HON A J CANEPA:

Mr Speaker, will the Hon Minister, when considering the matter take into account that there are Gibraltarian families living in the Upper Rock and that it is necessary for their relatives and friends to visit them. No system of permits will really meet the situation

HON J C PEREZ:

Mr Speaker, all this is being taken into account. What I can say is that if we did take a decision to do so, those local cars wanting to go to the Upper Rock will have very little problem in acquiring a special permit to do so.

HON M K FEATHERSTONE:

Mr Speaker, does the Government wish to return to the bad old days of the MOD, when Gibraltarians were prohibited from visiting the Upper Rock?

HON J C PEREZ:

Mr Speaker, that is not the situation that the Government has under consideration at the moment.

HON A J CANEPA:

Mr Speaker, does the Minister consider that in a situation of a family living in the Upper Rock wishing to have a party for the relatives and friends, that these persons wishing to go to the Upper Rock would have to approach some authority, the Police, or Gibraltar Security Services Limited do obtain a permit for an Ad-Hoc visit? Is that satisfactory?

HON J C PEREZ:

Mr Speaker, that is the same as anybody having a party in Main Street or Irish Town nowadays.

MR SPEAKER:

Order, order. Perhaps the Opposition might wish to ask a question as to whether, when this matter is being considered, the interests of people living in the Upper Rock will be taken into account? I do not think we should go into the specifics of how they will be allowed. Next question.

Can Government state how much revenue has been raised through car clamping and towing away during this same period, and how do these figures of cars clamped or towed away compare with previous equivalent period of time, when this responsibility lay with the Gibraltar Police Force?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government does not receive any revenue for clamping and towing away since the Gibraltar Security Services Limited undertook this service. During the equivalent period when this responsibility was undertaken by the Police a total of £2,270 was raised.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1989

HON K B ANTHONY:

Mr Speaker, Government may not be receiving money now but it is a joint venture company therefore presumably Government will be receiving revenue.

HON J C PEREZ:

Mr Speaker, Government will be receiving money from all its interests in all its companies, if they show a profit at the end of a particular year, yes.

HON K B ANTHONY:

In April, presumably, the end of the Financial Year, Mr Speaker?

HON J C PEREZ:

Mr Speaker, it will be at the end of each Company's Financial Year.

What further changes does Government intend to make in the prices of tickets and values of prizes of the Gibraltar Government Lottery?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government does not intend to make any further changes to the Gibraltar Government Lottery.

SUPPLEMENTARY TO QUESTION 23 OF 1989

HON LT COL E M BRITTO:

Mr Speaker, does this mean that the Government is satisfied with the results obtained so far, in the first three weeks of 1989, in the Lottery?

HON J C PEREZ:

Yes Mr Speaker, the Government is satisfied with the results so far.

HON LT COL E M BRITTO:

Mr Speaker, can the Minister disclose what proportion of unsold tickets have been returned?

HON J C PEREZ:

Mr Speaker, if the Hon Member had given me notice I would have brought him the figures but since he has not I do not have them with me. What I can say, Mr Speaker, from memory that the level of tickets being returned to the Government is not far more than the level of tickets in any January previously.

HON LT COL E M BRITTO:

Mr Speaker, if the Hon Minister is correct, and I appreciate that he has not been given notice, it is contrary to the information that I have and which is that a larger proportion of tickets is being returned and maybe he would like to confirm that the conditions of the return of tickets has now been changed. Prior to the end of the year, only a percentage of tickets were allowed to be returned, whereas now all unsold tickets can be returned.

HON J C PEREZ:

Yes, Mr Speaker, now all unsold tickets may be returned but I disagree with the Hon Member that an excessive amount of unsold tickets is being returned. Mr Speaker, it is

not unnatural that in January and February the sale of lottery tickets falls. The new price and prizes structure has not had an unfavourable impact on the sale of tickets. At least that is my information although I do not have the exact details with me. I will however make them available to the Hon Member if he so wishes.

HON LT COL E M BRITTO:

Mr. Speaker, can the Minister confirm that the conditions of the return of unsold tickets were changed as a result of representations by the Lottery Agents?

HON J C PEREZ:

Mr Speaker, a meeting was held with all the Agents and they all eventually agreed to the new structure and to the new system in force today. This was done by agreement with all the Lottery Agents.

HON LT COL E M BRITTO:

Mr Speaker, I notice that the Minister used the word eventually, will the Minister confirm that the Lottery Committee initially advised against the changes and that the Lottery Agents were also against the change.

HON J C PEREZ:

No Mr Speaker, the Lottery Committee recommended that the changes should be introduced in stages but were not against the Government's decision of introducing the changes in one go. The Agents had reservations. I met all the Agents and after the meeting it was agreed that it was in their best interest, in the Government's best interest, in the Sub-Agents and in the best interests of everybody who participates in the Lottery to take the steps now.

HON LT COL E M BRITTO:

Mr Speaker, is this still the opinion of the Minister, now or was this the opinion after the meeting with the Agents.

HON J C PEREZ:

Mr Speaker, it is not a question of opinion, I am telling him the sequence of events that led to the changes in the Lottery. Mr Speaker as a result of my meeting with the Agents some benefit has been derived by the Sub-Agents, because the Government pressed that the Agents should be more amenable in relaxing the amount of money that they allowed to the Sub-Agents in return for the commitment on the return of Lottery tickets. As well as the collection of the prized tickets on the same day. Other things were also worked out and they also agreed that it was in the

best interest of all persons concerned that the price and prize structures should be changed.

HON LT COL E M BRITTO:

Mr Speaker, one final point. Will the Minister accept that the points I have been making are a genuine reflection of opinions and feedbacks that I have had from the buyers of lottery tickets as well as from some sellers. Is he aware that there is a general feeling that the price is high and that a number of people have had to cut down on their "fijos". Whilst people could win £20,000 for £2.50 they can now win £25,000 for £2.50 and there is therefore a tendency to buy half a ticket instead of a full ticket?

HON J C PEREZ:

Mr Speaker, that is the Hon Member's opinion but it is not reflected in the figures. There are a certain amount of people that have released what is termed as "fijos". But there are also more people buying full tickets. It is certainly better for the Agents to sell a full ticket than to have to keep a tenth of a ticket for one person and another tenth for another buyer with all the complications that brings. However, that was not the intention of the change of price structure. We felt that the price and prize structures needed to reflect today's economic circumstances and a lot of persons were complaining that £20,000 was no longer a realistic prize.

HON A J CANEPA:

Mr Speaker, will the Hon Minister confirm whether in the last few draws the Government has won most of the first prizes?

HON J C PEREZ:

Mr Speaker, there was a particular draw where the Government won 9/10th of a ticket.

HON A J CANEPA:

Mr Speaker, does the Hon Minister not agree that was probably an elequent example of someone having retained a 1/10th share and returned 9/10ths. And that for the good image of the Gibraltar Government Lottery, and it has always had a very good image, that that is undesirable. That we do not wish to see the Government winning the first prize too often?

MR SPEAKER:

That is a matter of luck.

HON J C PEREZ:

Mr Speaker, it is desirable that all tickets should be sold and someone win the first prize but it is not unheard of for the Government to win a first prize. Mr Speaker even when the lottery was prized at £20,000 the Government on more than one occasion during any particular year has won the first prize. The fact that 9/10ths of a ticket was returned only signifies that one particular person held 1/10th of a ticket. That does not mean that that particular person always bought previously 2/10ths of a ticket. The situation cannot be looked at depending on the reactions of individuals, it must be looked at as a whole. Then a proper assessment can be made. The Hon Member will be given all the pertinent figures.

THE HON P C MONTEGRIFFO

Can Government confirm that it is now in a position to proceed with the introduction of a full regulatory system for the provision of financial services from Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No Sir. We would only be able to proceed with the introduction of a full regulatory system when legislation is enacted.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker in answer to a similar question in November, the Government replied that it would hope to be in a position to enact this legislation in late January or early February. Does the Minister not consider that this is now vitally urgent and that any further delay is seriously jeopardising Gibraltar's reputation and intergrity as a Financial Centre?

HON M A FEETHAM:

Mr Speaker, I have already stated in November, 1988 that we expected it to be in place by January or February. We are now in January, and February is still to come and by that time we hope to be in a position to publish the Bill.

HON P C MONTEGRIFFO:

We can therefore look forward to a February meeting with the Bill before the House containing the Government's proposals? Can I have that undertaking?

HON M A FEETHAM:

Mr Speaker, I cannot give such an undertaking. We are working towards that programme.

HON P C MONTEGRIFFO:

Mr Speaker, can I also have an indication from the Minister of whether in putting together the system, is it envisaged to increase the manpower and resources available for supervision, so that more effective supervision can be undertaken in the future.

HON M A FEETHAM:

Mr Speaker, I cannot give him that undertaking. These are things that are being looked at by Government and a decision will be taken in due course. It depends on what supervisory role the Government intends to play.

HON P C MONTEGRIFFO:

Mr Speaker, as far as I am aware there has not been a great deal of consultation with the industry. Is there going to be full consultation with all interested parties in the Financial Services Industry before a Bill is brought to this House?

HON M A FEETHAM:

Mr Speaker, we are working towards a Bill being ready in February, it is premature to say that we will be able to publish by then.

HON P C MONTEGRIFFO:

Mr Speaker, does the Hon Minister not consider, because we are all pulling in the same direction, that a further delay in getting this legislation in place is really jeopardising our position?

HON CHIEF MINISTER:

Mr Speaker, there is no delay on the part of the Government, because the political will does not exist. The position is that as soon as we came into Government we looked at the situation as it existed, we looked at the amendment to the Companies Ordinance introduced as a matter of urgency in November 1987 by the previous Government, and which by April 1988 had still not been implemented, and we have given instructions that with the resources that are available to us, and with the views that have been put to us by people who are operating in the Financial Services Sector in Gibraltar, we should provide something which avoids some of the criticism that have been made about the Financial Services Act in UK. It should however be of a sufficiently high standard to ensure that we are able to introduce a licensing system which will reassure those who want to do business from Gibraltar that we are well equipped to keep out the undesirables, to the extent that it is possible to keep them out. Which is never 100%. Therefore there is nothing that we can say or do, at this stage, that will accelerate the process. The process is going as fast as we can make it go. It is as simple as that.

HON P C MONTEGRIFFO:

Mr Speaker, I take note of what the Chief Minister has said. But surely it is a question that you cannot get more out of the same resources, if those same resources are still doing the job they were previously doing. Unless

in the Government's view there was inefficiency before in the way that these resources were being used.....

MR SPEAKER:

Order. We are talking at cross purposes. The resources that the Chief Minister has referred to are not the resources to implement the existing system. The resources referred to are to prepare the new legislation.

HON P C MONTEGRIFFO:

I accept that absolutely, Sir. The question I wish to ask is, does the Government not consider that because of the vital importance of this issue, that urgent resources, expert urgent resources should be put in, either to cope with the work of these people, who are presently doing it, to make sure that that is not delayed or to make sure that the legislation and all the necessary Regulations are completed? We have had Law Draftsmen brought in for certain specific matters. Are additional resources not required to put this together?

HON CHIEF MINISTER:

Well, Mr Speaker, the previous question which I have just answered, was about bringing in expert resources to police the situation after the new law was brought in. That is the question he asked and that is the question that I have answered. If he is now asking "Do we consider that by bringing in somebody from outside we are going to have the law drafted before February, which is 3 weeks away, then the answer is no.

HON P C MONTEGRIFFO:

Mr Speaker, fair enough, the only thing is that I am acting on the Minister's indication that by February there will be something and I am keen to ensure that there will not simply be a paper which will not be enacted until six months time.

HON CHIEF MINISTER:

Mr Speaker, the Honourable Member has been told now, and in November, that the timetable was that the Draft Legislation would be ready, the first Draft, would be ready by February this year. He has now been told by my colleague that the target that we announced in November has not changed. We are still working to the same target, at the same speed, there has been no slippage and we are not behind time. Spending money in bringing lawyers from outside is not going to make us get there any faster, it is just going to get us there more expensively and we are not prepared to do it.

MR SPEAKER:

Next question.

THE HON P C MONTEGRIFFO

Can Government confirm when the Gibraltar Economic Development Council is to be established and will the Government undertake to keep the public fully informed on the deliberations and proposals made?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is Government's intention to proceed with the setting up of the Economic Development Council as soon as the necessary machinery to service it has been set up.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is there an indication when that machinery will be set up?

HON M A FEETHAM:

Mr Speaker, the answer is that this will have to wait its turn in the order of priorities which the Government has drawn up.

HON P C MONTEGRIFFO:

Mr Speaker, the Council was going to be one of the fundamental forums for establishing the Government's economic policy and we are going to be halfway through the Government's term of office with the Council not having met once. Is that desirable bearing in mind the importance the Government gave to the setting up of this Council?

HON M A FEETHAM:

Mr Speaker, as the Hon Member is aware it is not the intention of the Economic Council to formulate economic policy. The Government has its own economic policies and this was clearly stated in our manifesto. The Economic Council is there to play a role of monitoring or it will be there in due course, as soon as we are able to establish it.

HON P C MONTEGRIFFO:

Mr Speaker, as far as the second part of my question is concerned bearing in mind the advisory nature of the body and the fact that it will not take concrete decisions, will the Government keep the public informed? Will it be an open type of forum where various different groups of people will be allowed to participate and where the community, as a whole, will be involved in their deliberations?

HON M A FEETHAM:

Mr Speaker, I think that the Hon Member has got the wrong end of the stick. The Economic Council will be there to monitor Government's economic policies and anything that is brought up by its representatives. It does not mean that everything discussed in the Council is going to be the subject of public debate. The people have elected the Government of Gibraltar on the economic policies it put forward in its manifesto and the Council will be there, as a forum, where the Government's economic policies will be monitored.

HON P C MONTEGRIFFO:

Mr Speaker, is the Council then going to be a form of watchdog over the Government's policies? Is that what the Hon Minister is saying?

HON M A FEETHAM:

No, Mr Speaker, let me inform the Hon Member, who is being a bit of a cynic, that until such time as the Council is set up we are having regular meetings with the Chamber of Commerce and the Trade Unions where the policies that we intend to introduce are explained. Up to now, as the Hon Member is aware, we have been receiving support from both these organisations to the Government's proposals.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind that matters such as the City Plan are made public and the general thrust of Gibraltar's development is also made public, does the Government not consider it desirable that there should be some form of public participation within the Council so that regular reports are given to the public and also a chance for the public to air their views or proposals, subject of course to confidentiality.

HON M A FEETHAM:

Mr Speaker, the answer to that is no.

HON P C MONTEGRIFFO:

Mr Speaker, that is part of the open Government that was promised?

HON CHIEF MINISTER:

Mr Speaker, it is not part of the open Government. It is part of the difficulty we have in explaining things to the Member opposite who clearly does not have a clue of what he is talking about half the time. The Economic Council that the Government included in its manifesto when it fought the Election, which the Hon Member does not believe in anyway, I do not see why he is so enthusiastic to see it happening when he was against it, because he did not vote for us

HON P C MONTEGRIFFO:

Mr Speaker, I have never said that I am against it.

HON A J CANEPA:

Mr Speaker, how does the Hon Chief Minister know?

HON CHIEF MINISTER:

Point taken, Mr Speaker, we don't know. The Council, Mr Speaker, is a sounding board for the policies of the Government. That sounding board today is working on an ad hoc basis in anticipation of more formal machinery being introduced. However, it would be pointless to do the exercise of introducing the machinery if we are unable to provide the people who would be sitting in that Council with the necessary support that the Council would require to do its work. That necessary support is dependent on the degree which we can produce better detailed information than what is available to the Government at the moment and which is the same information, basically, that was available to the previous Government before the 25th March. The Government has to go through an exercise of updating and investing in computerisation on a big scale, which the Opposition will see reflected in this year's Budget, in order to be able to collect data sufficiently quickly to be processed and it is the infrastructural support for economic planning that is missing still and will take more time than we thought it would take because the state of the system is worse than what we thought it was when we were outside Government. At the time we were looking at the situation from the Opposition side of the House, Mr Speaker, Hon Members will recall that when I spoke during last year's Budget, I said that many times, when I was in Opposition I felt that the AACR administration was unwilling to give me information that I was seeking and it is quite obvious to me now that the previous administration was unable to give me the information that I was seeking. Part of the problem is that we have manual collection and manual compilation of information which is very time consuming and quite often by the time you get this answer to the question that you are asking the information is no longer of any use because of the time taken in producing it. Those are the difficulties. Now, given the many other areas that we have to cover, like the Training and Employment Board which we are committed to implementing and which we are still not in a position to start, the situation is that we want to go ahead with the Economic Council, we are committed to it and we want to do it as quickly as we can. Once we are ready we will announce it.

HON P C MONTEGRIFFO:

Mr Speaker, I am always glad when I receive an attack of this nature from the Chief Minister, when he highlights my inability to understand and which probably means that I am hitting the right mark and he has to resort to that. Mr Speaker, if the

Council is a sounding board why then are the Trade Unions and the Chamber of Commerce privileged parties to expressing a view? Is the public not the best sounding board? Have the public no right to be told this is the general direction in which we are going? Why not invite discussion on the development of sites, seek the views of the public on the development, for example, of Jumper's Building, are the people of Gibraltar not entitled to that?

HON CHIEF MINISTER:

No, Mr Speaker, I am afraid the Hon Member, again, shows he does not have a clue about how society functions.

HON P C MONTEGRIFFO:

Your society.

HON CHIEF MINISTER:

No, Mr Speaker, how society has always functioned. XXX XXX left primary school, which is not so long ago. There are representative bodies which the Government of Gibraltar since time immemorial has consulted on issues. When the AACR was in power, they did not have an opinion poll or a referendum, they used to call in the "affected parties" and if Government felt that there were matters of interest to employers and employees, then the people who are consulted, logically, were the representatives of employers and employees. Now in a situation where the Chamber of Commerce is a very high proportion of the business community and the coverage of the Trade Union Movement is a very high proportion of the workforce we therefore have a great ability to consult and seek the views of those affected by the decision making than would be normal in any of the western democracy. Mr Speaker, the Hon Member's concept of some Roman forum, with people voting by a show of hands in the middle of the Piazza on Government policy can only be designed to make sure that we spend the whole of the four years doing as little as they did in the last sixteen and we certainly do not intend to go down that road.

HON A J CANEPA:

Mr Speaker, is the fact that the original question has been answered by the Hon the Minister for Trade and Industry mean that he is going to chair the Council? Or is it intended that the Chief Minister, who is his overall responsibility for the management of the economy, will chair the Council?

HON M A FEETHAM:

Mr Speaker, I will be chairing the Economic Council.

THE HON LT-COL E M BRITTO

Will the Minister for Housing state the projected starting dates of construction of the Westside One and Westside Two projects?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, responsibility for the approval of Developments and Construction lies with my Department and I shall therefore reply to the Question and indeed the next one.

The projected starting dates are as follows:-

<u>WESTSIDE 1</u>	<u>COMMENCEMENT</u>	<u>COMPLETION</u>
Phase 1	April 1989	September 1990
Phase 2	January 1990	July 1991
Phase 3	January 1991	July 1992

<u>WESTSIDE II</u>	<u>COMMENCEMENT</u>	<u>COMPLETION</u>
Phase 1	July 1989	December 1990
Phase 2	July 1990	December 1991
Phase 3	July 1991	December 1992
Phase 4	July 1992	December 1993

SUPPLEMENTARY TO QUESTION NO. 26 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, may I crave your indulgence for two seconds to look at the dates?

MR SPEAKER:

There is approximately eighteen months between the start and finish of each Phase.

HON LT-COL E M BRITTO:

Mr Speaker, what strikes me is the six months difference in Phase 2 between completion and starting of the various phases. Will the Minister explain that?

HON M A FEETHAM:

Mr Speaker, these projected dates for completion and commencement have been provided to us by the developers. They are responsible for the development.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will the Minister for Housing say what is expected to be the price relationship between similar units in the Westside I and Westside II Housing projects?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, there is very little difference in price relation involved between the Westside I and Westside II Developments.

The type of construction and level of finishes are the same.

The Westside II Development works out at a slightly cheaper rate per square metre.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is that as far as the Minister is prepared to go "slightly cheaper rate"?

HON M A FEETHAM:

Mr Speaker, we could be talking about £2 per square metre cheaper.

HON LT-COL E M BRITTO:

Mr Speaker, considering that a proportion of the Government's low cost housing is intended to be in that area, does the term 'low cost housing' still come into play?

HON M A FEETHAM:

Mr Speaker, quite frankly, I don't know what this question has to do with the original question. The two schemes have a different unit mix and are aimed at slightly different markets.

HON LT-COL E M BRITTO:

Mr Speaker, let me re-phrase the question. Is it still intended to provide low cost housing in Westside II?

HON M A FEETHAM:

Mr Speaker, that question has already been answered in a previous meeting by my Hon colleague and the answer is yes.

MR SPEAKER:

What you are being told is that the difference in price between Westside I and Westside II does not take it out of the low cost housing bracket. Next question.

THE HON P C MONTEGRIFFO

Can Government give a breakdown of all joint venture companies in which Government has acquired an interest during the period 25th March, 1988, up to 31st December, 1988, giving details of each of the respective shareholdings and directorships?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the number of joint venture companies where Government has an interest are as stated in the answers given in November, 1988.

There have been no other joint ventures during the period in question.

The directorships and shareholdings of companies, is information which the public has access to and the rules governing this are referred to in Section 17 of the Standing Orders of the House.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1989

HON P C MONTEGRIFFO:

Mr. Speaker, the public may technically have access to it if they bother to go and search....

MR SPEAKER:

No, with respect, Standing Orders does say that the Government is not here to answer questions on information which is easily accessible to the public and if you wish to obtain details then all you have to do is go to the Register of Companies to get your information.

HON P C MONTEGRIFFO:

Mr Speaker, is the answer given by the Minister also inclusive of joint ventures that GSL has entered into or is the answer restricted to Government interests and not GSL interests?

HON M A FEETHAM:

The question refers to Government and I am answering as far as Government interests are concerned.

HON P C MONTEGRIFFO:

Mr Speaker, does the Hon Minister not think, for the sake of openness, that perhaps he could also give us a list, in addition to those which might have been entered into when the last question was put in the House in November, on what GSL has entered into as a joint venture?

HON M A FEETHAM:

Mr Speaker, I can only answer what I have been asked and I am limiting myself to that. I don't answer here for GSL, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, for the sake of openness, is the Government then not prepared to say whether GSL has entered into more joint ventures since the last question was put? Is that not something that the Government is prepared to provide to the Opposition?

HON CHIEF MINISTER:

The position is that GSL may invest in any company as, I think, it did under the previous Government invest in Bond Instrumentation Ltd and the matter never came to the House. If the Government itself takes a shareholding in a company, then the Government will provide information to the Opposition. However, if any company in which the Government itself has a shareholding then invests in something else, then it is a matter for that particular company to decide and its Board of Directors that it is a sound investment or whatever. In the case of GSL, if the Government is not providing the money, it has no responsibility for those investments.

HON P C MONTEGRIFFO:

Mr Speaker, I think this is alarming. My question said 'will the Government give a breakdown of all joint ventures in which it has acquired an interest?' If we are going to be so technical and get into legal niceties, I expect the Government if it is 100% owner of GSL to give this House information concerning what joint ventures GSL has gone into.

MR SPEAKER:

No, with respect, I think we have had, and I think the Hon Leader of the Opposition will verify this, we have had this question many times. Government is not answerable for the day-to-day management and investments of a private company in which they have a share and may I go a bit further, most certainly the accounts of GSL are tabled every year and that will give the Opposition an opportunity to question anything they wish on the accounts. However, the Government, and although it may surprise new Members, is not answerable for the activities of a private limited company in which they are shareholders.

HON P C MONTEGRIFFO:

Mr Speaker, the Rules may be that, one way or the other, but the Government has politically accepted responsibility for GSL and fought an Election saying "We accept political responsibility for GSL and we have a Minister for GSL". It is not really a private company, in any sense of the word, it is a public company that is 100% owned and I think the spirit of my question surely includes those interests that GSL has. What are we talking about here? We are talking about debating something that is technical or we are talking about.....

MR SPEAKER:

We are not debating, that is the problem we are facing, you are asking questions. I have been exceptionally liberal but one has to draw the line somewhere.

HON P C MONTEGRIFFO:

Does the Government accept it has political responsibility for GSL and that therefore it should come to this House to tell the people what ventures GSL has got into?

HON CHIEF MINISTER:

The Government in the Election, Mr Speaker, accepted the political responsibility for curing the mess that GSL was in and which had been created by the AACR. It accepted the political responsibility for stopping the redundancies in GSL. It accepted the political responsibility for turning the company round, from losing money to breaking even. It accepted the political responsibility for getting rid of A & P Appledore.....

HON A J CANEPA:

There is no need for electioneering, Mr Speaker.

HON CHIEF MINISTER:

No, Mr Speaker, I am answering the question. The Hon Member, Mr Speaker, asked me to confirm whether the Government accepts political responsibility for GSL and therefore I am telling him all the things for which we accept responsibility and when I finish that, I will tell him the things for which we do not. The political responsibility we accept is for getting rid of A & P Appledore that were being paid by the previous Government £350,000 a year. We accept political responsibility for having got rid of all the expatriate managers. However, what we do not accept is that we have now got to provide information, now that it is no longer going to be depending on public subsidies, when the previous AACR administration had refused to provide such information

even when they were coming to the House for money. In December, 1987, barely a year ago, the House was asked to give £2m to GSL and they refused to say how it was going to be spent or what it was going to be for. As far as we are concerned, in 1989, GSL operates as a commercial entity at arms length from the Government and we accept the responsibility to make sure that the investment that has gone into GSL in the past is now made to bear fruit. We are certainly not prepared to go beyond that, which is more than has ever been done before.

HON LT-COL E M BRITTO:

Mr Speaker, we are all impressed by the Chief Minister's digression and rhetoric but, I think, if I may, coming back to the thrust of the question and supplementaries arising therefrom, which haven't, in any way been answered, and with respect, it was not surprise that we were showing earlier when you said that it was established procedure not to talk about the day-to-day management of GSL. What we are talking about in the question is the basic principle of the interests that Government has acquired in joint venture companies and the principle that my colleague.....

MR SPEAKER:

No, with respect.

HON LT-COL E M BRITTO:

The question is, Mr Speaker, that if GSL is 100% owned by Government, companies entered into by GSL represent an interest acquired by the Government and we are asking the question: "Can we have a breakdown of joint venture companies in which Government has acquired an interest?"

MR SPEAKER:

With respect to you. I have given an answer to that. They are not, under Standing Orders, and if you wish me to quote it I will do so, they are not responsible to answer for the day-to-day management and commercial decisions taken by a company to which they are shareholders. It is under Standing Orders and that is sacred.

HON LT-COL E M BRITTO:

I accept that that is sacred but that is not what I am asking.

HON A J CANEPA:

Maybe, Mr Speaker, Standing Orders require to be restructured and perhaps a joint venture company of the Government and the Opposition should be created to look into the Standing Orders which date from 1951.

HON J E PILCHER:

There is one already, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, can I ask on what basis, other than the technical matter of Standing Orders, is the reason why the Government is reluctant to give information openly to the people and to this House as to all the interests that Government has either through a fully-owned GSL company or otherwise? Why can we not have all the information?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has asked us to give him a breakdown of all the joint venture companies and we have given him a breakdown, we gave it to him in November and we have said to him that there has not been any change since we gave the answer in November in any new company being set up by the Government or in which the Government has acquired an interest which is the question that he has asked. We have also told him, as he should know, that the directors of those companies are public knowledge and that he can obtain that. And we have told him, thirdly, that any company in which we have an interest which subsequently invests in any other company is not something on which we are prepared to be held responsible because constitutionally we do not have that responsibility and no Government has ever had it. We have also told him that, in fact, GSL already had, prior to our coming into Government, shareholdings in other companies which were never discussed in the House, brought to the House, explained to the House or questions answered in the House. All that we are doing is; we are giving him more information than has ever been given before by any previous Government to any previous Opposition. It may be insufficient to satisfy him. I can tell him that every previous Opposition in the last sixteen years had to be satisfied with a lot less and that is as far as we are prepared to go.

HON LT-COL E M BRITTO:

Is it then the Chief Minister's contention that the Government does not have an interest in a joint venture company acquired by GSL?

HON CHIEF MINISTER:

My contention, Mr Speaker, is quite simply that the Government will give the Opposition, as requested in Question No.28, the information that they have asked for which is the joint ventures in which the Government itself invests. But it will not give the Opposition information on what its company in which we have an investment subsequently invests in because there is no limit to how far that could go and those are

commercial decisions which those companies take. And if any company, in the course of its business, decides to buy a shareholding in a supplier, well then that company takes that commercial decision and as far as we are concerned what we look at at the end of the day is the performance of the company in which we have an investment, not every investment that that company itself makes. That is nothing new because that is how it has been until now in respect of GSL which was and continues to be 100% owned by the Government. If the Government previously, under the AACR, argued that it did not have to give any explanation for its 100% owned company investing in another company, why should this administration have to give an explanation for companies in which it may well have a minority interest? For example, we have got a situation where we have got 37% in the Land Reclamation Company and the Opposition may feel that we then have to tell the Land Reclamation Company that every time they invest money in something they have to come and clear it with the House of Assembly because of our 37% holding. Well, we are not going to do it.

HON P C MONTEGRIFFO:

Mr Speaker, all I want to say is that it seems.....

MR SPEAKER:

With respect, I think we have gone far enough. I would most certainly allow you to ask any question you wish to ask but seeking information.

HON P C MONTEGRIFFO:

Does the Government not accept that the policy that they have just enunciated is a form of camouflaging, nothing else, the interests the Government has?

MR SPEAKER:

No, next question, please.

HON CHIEF MINISTER:

Mr Speaker, I would like to answer it.

MR SPEAKER:

No, you are not going to answer it because I have not allowed it. Next question.

HON CHIEF MINISTER:

Well, I wouldn't like him to get away with having said that we are camouflaging anything because we haven't got anything to camouflage.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry make a statement about the proposed development of the former caravan parking site at Catalan Bay?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the site of the former Caravan Parking at Catalan Bay which was awarded, as the Member opposite knows, by his administration, has been re-possessed by Government due to the failure on the part of the developer to sign the Licence Agreement and pay the £250,000 premium.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1989

HON A J CANEPA:

I am grateful for that information, Mr Speaker, which was not available to me. Has the Government decided what it is now going to do with that site now that they have repossessed?

HON M A FEETHAM:

Mr Speaker, we have a number of proposals which the Government are at present considering and will make a decision in due course.

HON A J CANEPA:

Is the Government ruling out the possibility of considering the other tenders that were received at the time or inviting retendering on a closed basis?

HON M A FEETHAM:

Mr Speaker, the Government has its own policies on maximising land and we will make a decision in due course but I can assure Members opposite that we have had quite a lot of proposals submitted from a very wide cross-section of the community, at least people who are constantly involved in development.

HON A J CANEPA:

Has the Government or the Development and Planning Commission taken a decision about the use to which the site will be put? Is it intended to have any departure from the previously indicated use?

HON M A FEETHAM:

Mr Speaker, we have our own policies on economic development and whatever decision is taken will reflect that policy.

HON A J CANEPA:

Does that mean, for instance, that that is going to be reflected in the new City Plan to be exhibited? Is there any departure from what will be shown there about this site being of a tourist orientated nature? Is there any indication in the City Plan that it is going to be any different?

HON M A FEETHAM:

The City Plan will reflect Government's own input.

HON P C MONTEGRIFFO:

Mr Speaker, Catalan Bay, a special place that has special characteristics, will the Government consult the residents and the leaders of Catalan Bay when putting together what is proposed for that site? Because it is going to hang over their village and I think it would be relevant and useful if the Catalan Bay residents were also brought into the process of consultation, at least talked to.

HON M A FEETHAM:

Mr Speaker, I have no qualms about any representations that may be made in this respect.

HON P C MONTEGRIFFO:

Will the Government undertake to approach them so that they can be informed about what the Government's proposals are?

HON M A FEETHAM:

Mr Speaker, the residents in Catalan Bay have been very much aware that the caravan site was due for development, which as I have already explained, the previous administration awarded for a particular development. Since then we have repossessed the site because the developer had not met the requirements and we have not had any representations during the ten months we have been in office regarding the future development of the site from the Catalan Bay residents.

HON P C MONTEGRIFFO:

I appreciate that, Sir, but I am looking for something a little more positive.

MR SPEAKER:

I think the answer that has been given to you is that no, they are not prepared to approach the Council, that Catalan Bay residents are aware what is happening and they have a right to approach Government. Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry give details of the "state of play" of the proposed hotel to be built on the piece of waste ground adjacent to St Martin's School?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the proposed development on the site on the waste ground adjacent to St Martin's School allocated by the previous administration is being reviewed in discussion with the developers to maximise benefit in connection with a wider Government policy for the development of land areas in the North district.

SUPPLEMENTARY TO QUESTION NO. 30 OF 1989

HON A J CANEPA:

Does that mean, Mr Speaker, that in fact the Government does not intend to allow the project to go ahead?

HON M A FEETHAM:

It does not mean that. What it does mean is what I have said, that we are discussing the future use of that land with the developer to see whether we can come to some agreement based on our own thinking for the area, which needs to take into account a number of things that we wish to do, particularly in the surrounding areas.

HON A J CANEPA:

Is the Minister then not ruling out the possibility of a small hotel there on that site in addition to whatever else the Government may want to have on that site?

HON M A FEETHAM:

We have not ruled out that possibility but it does not necessarily follow by this answer that it may happen.

HON A J CANEPA:

When he refers to other Government ideas about the use of that site, does that include the possibility of reprovisioning St Bernadette's Occupational Therapy Centre adjacent to St Martin's School?

HON M A FEETHAM:

That and other matters, yes, Sir.

MR SPEAKER:

Next question.

NO. 31 OF 1989

RAL

THE HON A J CANEPA

In a way, Mr Speaker, this question has been answered by the Hon Mr Juan Carlos Perez earlier on.

What plans does the Government have for the Main Street Post Office building once the Post Office is moved elsewhere?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, Government has not taken a final decision with regards to the future use of the Post Office building, should the Post Office ever be moved elsewhere.

SUPPLEMENTARY TO QUESTION NO. 31 OF 1989

HON A J CANEPA:

When the Government considers the matter, will it take into account the special historical character of the facade of this building, in particular the fact that a considerable sum of money was spent, I think, on improving the facade and that, therefore, if any alternative use is to be made to that of a Post Office, that the use should be in character and that a real effort should be made to preserve the facade?

HON M A FEETHAM:

Yes, Sir.

MR SPEAKER:

Next question.

THE HON A J CANEPA

When does the Government propose to draw up and exhibit a new City Plan?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, all amendments to the Structure Plan Drawings and Written Statement have been completed. Once the Development and Planning Commission has given its final approval we shall go ahead with the exhibition for a period of three weeks, as required under the Town Planning Ordinance.

SUPPLEMENTARY TO QUESTION NO. 32 OF 1989

HON A J CANEPA:

Is the Minister aware that there have been reports last weekend over GBC to the effect that the City Plan would be exhibited in February and can he confirm whether that is accurate?

HON M A FEETHAM:

We are programming on that actually happening during February or March.

HON A J CANEPA:

Was the Government responsible for giving that information to GBC?

HON M A FEETHAM:

Not as far as I am aware, no.

HON A J CANEPA:

So the Minister will confirm that neither he nor his Department nor the Press Office imparted that information to GBC? I ask that question, Mr Speaker, because I think there is a principle involved in that if last Monday, in fact, I had given notice of my question beforehand but it might not have been distributed to Government offices until last Monday, last Monday I gave notice of this question and a few days later there is a report on GBC Radio and Television that

appears to be answering the question of which I had given notice and, naturally, I am glad to see that the Minister is not responsible because I might have been adopting a more aggressive attitude in respect to that and I do not wish to do that.

HON M A FEETHAM:

I know, Mr Speaker, that that used to happen quite often before but.....

HON A J CANEPA:

No.

HON M A FEETHAM:

In fact, if I may enlighten the House, I think that that may have arisen because that information is available at the Mackintosh Hall about meetings for the foreseeable future and GBC may have picked it up there.

HON A J CANEPA:

Mr Speaker, I am sorry that the Minister has said that that used to happen before and therefore I would ask him how often, between 1984 and 1988 when he was in Opposition, I answered questions of which he had given prior notice through the media? I do not think I ever did that in respect of the numerous questions that he ever put to me. Will the Minister now agree?

HON M A FEETHAM:

No, Mr Speaker, I recall very clearly that when we presented questions in some instances the information was made public before to pre-empt.

HON A J CANEPA:

I never did that, Mr Speaker.

HON M A FEETHAM:

No, I did not say the Hon Member did, I said the Government did.

HON A J CANEPA:

I am not here responsible for what other people did.....

HON M A FEETHAM:

Neither am I.

HON A J CANEPA:

I am now the Leader of the Opposition, I have asked a specific question, I expect the Minister to deal with me with the same courtesy that I dealt with him in the last four years or is it that power has now made him so arrogant that he cannot do that?

MR SPEAKER:

Order, order.

HON M A FEETHAM:

Mr Speaker, I am trying to be as honest as possible in my replies.

HON A J CANEPA:

You are failing and the Hon Member knows that he is failing in that respect.

MR SPEAKER:

Let us have a question.

HON M A FEETHAM:

But what am I failing in?

HON A J CANEPA:

The Hon Minister is failing in affording me the same courtesy that I have accorded him during all the years when he was a Member in the Opposition. That is all I am asking for. If he does not wish to do so then I know where we stand and that is the end of the matter, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, the position is that the Minister has already said that he has not leaked the answer to GBC before giving it to the Hon Member and although it happened in the past and since the Hon Member has got more time available than we have, I think, he can go back and check how many times it happened. We take the point that he is making that it is not really the proper way to deal with questions from the Opposition and it will not be the practice of this Government to answer the Opposition's questions that are tabled for the House before the House meets.

HON A J CANEPA:

Mr Speaker, doesn't the Hon the Chief Minister think that the fact that he is now the Chief Minister of the Government, that the time has come when I, as Leader of the Opposition today when we have a number of new Members, should no longer be treated in whatever manner they felt that previous Governments treated them? That the time has come, because there is a view which is increasingly gathering strength that he can afford to be, if anything, a little bit more magnanimous? That is all that I am asking for, the common courtesy which an elected Member of the Opposition is entitled to moreso when he himself when in Government played to certain proper rules. That is all I ask and I thought that the Hon Minister had indicated as much at the beginning of his intervention, I was happy with the answer that he gave but then he had to go and spoil it.

HON CHIEF MINISTER:

Mr Speaker, all that we are doing is saying yes, we accept what the Hon Member has said and we accept that he is now responsible for the Opposition and that therefore we cannot hold him to account for everything the AACR did in the last sixteen years but at the same time he has to accept that if we feel we are going further with him and with his colleagues in dealing with their questions and with their requests for debates and information than was ever the case in the sixteen years that I was there, it is not that we hold him responsible for everything that went wrong in the sixteen years but we are also saying to him: "What you are complaining of is still better treatment than has ever been the practice in the past". That is all that we are saying. Nevertheless, fine, we accept the point that he has made and this is what my colleague has said, we have not sought to pre-empt his question and it is not the policy of the Government to pre-empt the questions of the Opposition and if the Opposition have any questions in any future House of Assembly or in this one which they feel has been answered before we got here, it will only happen because it has happened inadvertently and by mistake and not as a deliberate policy because the policy that we have is that they are entitled to put their questions and they are entitled to receive their answers here and that is what we shall do.

MR SPEAKER:

We will leave it at that. Next question.

HON A J CANEPA:

Mr Speaker, I have a number of other questions arising from the original question. Is the Minister in a position to give this House some indication of the extent to which the amended City Plan will differ from that exhibited by the AACR in November, 1987, in very broad terms?

HON M A FEETHAM:

Mr Speaker, in some respects we will have to take into account the representations which have been made and obviously it will also have to take into account Government's own policies. As the Hon Member is very much aware we have entered into a land reclamation programme which in itself is what I would best describe as an escape valve which will give us time to produce economic activity on the land whilst at the same time we are trying, with the MOD, to produce a new land strategy for the development of land in Gibraltar and the release of land in Gibraltar. These things will also give us the opportunity to protect, as much as possible, the old City which if it wasn't for the reclamation of land on the one hand and the possible release of MOD land on the other, we would be subjected to the pressures that the Hon Member opposite was subjected to previously in terms of requiring to create economic activity in Gibraltar through development to have an increase in office space and commercial areas for sectors of the economy as a financial centre. That sort of thinking, in the Government's point of view, will have to be reflected in the City Plan as indeed it will be our thinking on the leisure complex and things like that which will also be reflected in the City Plan.

HON A J CANEPA:

Having regard to the fact, Mr Speaker, that the AACR Plan of 1987 contained proposals for quite considerable land reclamation, does the new City Plan, as amended, contain proposals that go beyond those, as I know is the case for Westside or are there land reclamation proposals in other parts of Gibraltar over and above what the AACR already had?

HON M A FEETHAM:

First of all, it will reflect some of the developments that we envisage will go on the reclamation areas that will be published in the City Plan which were not necessarily there in the one that the Hon Member published when he was in Government.

HON A J CANEPA:

There was reclamation at Montagu.

HON M A FEETHAM:

Yes, there was reclamation but nevertheless it did not stipulate the type of development that we ourselves have envisaged, for example, in the Westside Development whilst before the previous administration were talking in terms of industrial development in the area, we are talking about commercial and housing development in the area. Also we have made it public that we are pursuing the possibility of the East side development and the type of development that we wish to see in that area will also be reflected in the City Plan.

HON A J CANEPA:

Do the amended Plans contain proposals for the new road in the Upper Rock?

HON M A FEETHAM:

The answer to that, Mr Speaker, is that we are at present considering a proposal and should at the time that the City Plan is published, should we have made a decision, it will be reflected in it, yes.

HON A J CANEPA:

Has the Minister consulted the Gibraltar Ornithological and Natural History Society, as I suggested that he do, about that specific proposal or does he expect representations to be made after the exhibiting of the City Plan?

HON M A FEETHAM:

If and when we decide that the proposal, which we have for consideration is a goer, then we will discuss it with any affected parties before any final decision is taken.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government say what commitments have been reached with third parties covering the use of the land to be reclaimed within the Harbour on the West side of Gibraltar?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes, Mr Speaker. Two areas have been set aside for the construction of the Westside Developments comprising of 1,300 units of residential accommodation. Another area has been committed to a Danish developer for the construction of 60,000 square metres of office commercial development.

Other areas have been set aside to reprovide the Mediterranean and Calpe Rowing Clubs and the swimming pool.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1989

HON LT-COL E M BRITTO:

Is Government retaining title to all the reclaimed land? Will it remain Government land or is any of it passing to the owners of the development?

HON M A FEETHAM:

All the land that is being reclaimed will be owned by the Government of Gibraltar.

HON P C MONTEGRIFFO:

Presumably the office accommodation will be on a long lease to the Danish company.

HON M A FEETHAM:

That is correct, Mr Speaker.

HON LT-COL E M BRITTO:

On commercial grounds, Mr Speaker?

HON M A FEETHAM:

On commercial grounds reflecting market value.

HON P C MONTEGRIFFO:

So they have a first option, effectively, almost.

2.

HON M A FEETHAM:

That is correct.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

What are the terms of the arrangements arrived at or envisaged in respect to the private hospital at Westside Development and what effect, if any, will they have on private practice at St Bernard's Hospital?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the terms of the licence agreement are at present being finalised with the developer. When the agreement is signed a full statement will be made.

Insofar as the latter part of the Question is concerned, the private practice at St Bernard's Hospital is not connected with the development but is a matter under discussion between the Health Authority and the BMA.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1989

HON M K FEATHERSTONE:

Is it Government's intention with this private hospital that is going to be built to phase out private practice at St Bernard's Hospital?

HON M A FEETHAM:

Mr Speaker, as I have indicated in my answer that has nothing to do with it.

HON P C MONTEGRIFFO:

Mr Speaker, basically then the private medicine under the GHA will be in competition with private medicine in the Westside Hospital.

HON M A FEETHAM:

In some respects, Mr Speaker, they will complement each other.

HON P C MONTEGRIFFO:

Absolutely, I don't deny that.

MR SPEAKER:

Next question.

24.1.89

NO. 35 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Housing say what were the number of applicants on the Housing Waiting List on -

- (a) 1st April 1988
- (b) 1st July 1988
- (c) 1st January 1989

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, in respect of items (a) and (b) the position was stated in my reply to Question No. 143 of November, 1988.

As regards item (c), the total number of applications processed to date is 1,200. However, I must stress that the lists have not yet been finalised.

Can the Minister for Tourism state why he thought it convenient to make public the proposed restructuring of the Gibraltar Tourist Office to the Spanish paper "Area" before disclosing such details to the public and press in Gibraltar?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, I did not make public the proposed restructuring of the Gibraltar Tourist Office to the Spanish Paper "Area" and I certainly did not disclose any details because as I have already stated publicly no such details are as yet available. The concept of a Commercial Agency to run the Tourist Office had been discussed with the employees concerned, the Unions, the Chamber of Commerce, the Tourism Council and all the other interested parties. Similar observations to those given by me to the newspaper "Area" have already been made to the UK Press and members of the local press. The 1st April intended date was already made public in the case of other ventures and is simply the obvious date because of the end of the Government's Financial Year. I assure Mr Montegriffo that the public and the press in Gibraltar will be the first informed of the details when all the negotiations have been finalised.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, does the Minister then not accept that there was an element of novelty in the news that he described to the Spanish paper. At least, that was certainly how it was apparently received generally by the press in Gibraltar.

HON J E PILCHER:

Yes Mr Speaker, I do accept that it was received in Gibraltar in that way. However, I think the only novelty was in the association of the date, 1st of April, to the Gibraltar Tourist Agency Limited. Although the 1st April date had already been associated with other Joint Ventures it had perhaps not been associated to this particular Venture and I think that was the novelty, and which was used as a headline by the newspaper Area. I think it was more the headline of the news more than anything else because if you read the article itself you have seen that all that it said was what the concept was and that the intended date would in fact be the 1st April. This is what I told Area, as indeed I had said to other members of the UK press and I think also to people in the local press.

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I must however emphasise that I did not say to Area that the 1st April would be the date, what I said was that the 1st April was the intended date, and it still is the intended date for the commencement of this Joint Venture as well as for the others.

MR SPEAKER:

Next question.

Will the Minister for Tourism make a statement on the proposed non-Government commercial Tourist Office and extended airport terminal and give an undertaking that there will be an opportunity for debate in this House prior to any such arrangements being finalised?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, at this point and as explained in answer to Question 36, there is still some negotiation to be done on the proposed 100% Government owned Gibraltar Tourism Agency Ltd before being in a position to debate this. On the Gibraltar Airport Services Ltd, the joint venture between the Gibraltar Government and the British Airport Services, negotiations are still under way and no details can be made public at this stage. A public announcement will be made through the local media when these are available. It is the policy of the Government to proceed with the implementation of its programme on joint ventures without holding a debate on each occasion a new business is introduced.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, I am aware of that but here we have a major restructuring of an extremely important element in the Tourist Industry and would it not be desirable that it should be the subject of a debate? The Government has a majority in this House and will be able to pass the required legislation without any difficulty so would it not be sensible that the general public should have the right to debate the matter and then the Government would use its majority and proceed with its policy?

HON J E PILCHER:

Mr Speaker, I think that what has to be understood is that there is not going to be any major change in the use of the resources available to the Gibraltar Tourist Office and in any case, Mr Speaker, all the interested parties and the affected parties have already been informed and we are negotiating in some instances and seeking advice in others about the best way forward. Let me remind the Member opposite, or inform the Member opposite, that one of the criticisms made by the trade of the way that the Gibraltar Tourist Office used to operate in the past was that they were not commercial enough in their thinking and that because there was a Civil Service syndrome they could not keep up with the rest of the Tourism Industry.

which was a commercially oriented industry. With regard to the introduction of the Gibraltar Tourism Agency Limited I have received nothing but praise and advice and that it should commence quickly because I think the trade in general has welcomed the fact that the Gibraltar Tourism Agency Limited will then be operating under a commercial guise and therefore operating in the same world as the rest of the Tourist Industry.

HON P C MONTEGRIFFO:

Mr Speaker, I appreciate that, but what is the point of a debate after a decision has been taken? The point at the end of the day is that if there is merit to the restructuring, which is the Minister's view and apparently the view of the industry, is it not therefore useful that this House should be told about the merits and that people should have the opportunity to debate the matter. We, the Opposition consider ourselves an interested party and I as Shadow Minister for Tourism consider myself, Mr Speaker, an interested party and should also have an opportunity to hear about it before a final decision is taken.

HON J E PILCHER:

Mr Speaker, first of all that is not a question. I honestly feel that the matter, particularly this morning, has been more than amply exhausted. The policy of the Government is to implement its policy across the board and which is something that is included in our manifesto. It is the Government's responsibility to implement that policy and I feel Government's policy should be to consult and seek the advice of the interested parties, and then to stand or fall by our decision.

MR SPEAKER:

Next question.

Can Government make a statement on the present position regarding the Gibraltar Heritage Trust and specifically Government's view on the future of the following:-

- (i) The Northern Defences
- (ii) The Garrison Library

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the present position regarding the Gibraltar Heritage Trust is the same as it was since its conception by the previous Government. It is the Government's intention to change the function of the Trust and I am in the process of discussing this change with the interested parties and a public statement will be made when the changes are finalised. Government's view of the future of the Northern Defences and the Garrison Library will be put to the respective owners of these two sites when they resume negotiations with Government on the future of the sites in question.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, will these two matters be areas that should be dealt with by the Heritage Trust and the decision be taken by the Heritage Trust?

HON J E PILCHER:

No Mr Speaker. In respect of the Northern Defences and the Garrison Library, as I have already mentioned, it is up to the Government to discuss the future with the owners. Once the areas have been passed to the Government their use will be discussed with the Heritage Trust. However at the end of the day, Mr Speaker, the first step that has been taken is the transfer of the land from the present owners, in the case of the Northern Defences as far as we are concerned it is still owned by the MOD although the intention has always been to transfer the site but it has not so far been done. This is part of the negotiations of the Lands Memorandum. With regard to the Garrison Library it is still under the trust of the Garrison Library Committee and has not yet been passed over to Government. So, as I say, the first step has to be the transfer, the physical transfer of the areas to the Government before the Government can decide in consultation with the Heritage Trust, what to do with these areas.

HON P C MONTEGRIFFO:

Sir, my understanding was that the Heritage Trust itself

would have these properties vested in it and it would be up to the Trust to decide the best use for the properties. If that did not happen the Trust would be purely consultative?

HON J E PILCHER:

No, Mr Speaker, the Trust will not be purely consultative and the Member opposite is right inasmuch as this were the thoughts of the previous administration. I know this because I spent a considerable time at Question Time seeking this information and we were always told that it was the intention of the then AACR Government to transfer these areas to the Heritage Trust. The thinking of the present Government is not to do that. Phase I will be the restructuring of the Heritage Trust and as I mentioned in my initial answer this is something which we are now discussing with the Heritage Trust itself, with the Friends of Gibraltar in the United Kingdom and with the Museum Committee so that when we do restructure the Heritage Trust we have their comments built into what will hopefully be a new Draft Bill of the Heritage Trust.

HON P C MONTEGRIFFO:

Mr Speaker, then the position of the Heritage Trust is not the same as it was before, and I was not here in the previous House, to vest in the Trust properties of this nature?

HON J E PILCHER:

Mr Speaker, the intention of the previous AACR Government was to vest land in the Heritage Trust but it never happened and a lot of time has been spent and I think the overall view of everybody in the Trust is that the Heritage Trust, Mr Speaker, has not worked. The concept of what the Heritage Trust was created to do has not worked. This is not something that I am saying, it is something that people within the Heritage Trust and dealing with Heritage in one way or another accept. Because of many factors, not only the fact that the land was not transferred to them, the Heritage Trust as it supposedly is there to work today, has not been working.

HON P C MONTEGRIFFO:

Is the Minister in a position to indicate in broad lines at least to what type of use the Government would like to see these two properties being put to, bearing in mind that they are firmly committed to take the initiative in the matter?

HON J E PILCHER:

No, Mr Speaker, we do not have any preconceived ideas at this stage.

HON A J CANEPA:

They do not have any preconceived ideas, but they are going to exhibit a City Plan in a few weeks time? Are the Northern Defences being shown in the City Plan to be used for what purpose? There must be some indication, the Government must know what it is going to do with the Northern Defences.

HON CHIEF MINISTER:

What I will do is I will look back and find out what the previous Government knew it was going to do in October 1987, when they published the last one and we will see whether we want to do the same thing or not.

HON A J CANEPA:

We knew that the Northern Defences were going to be put to a tourist orientated project. Now are they going to have a Joint Venture company on the Northern Defences for the excavation of granite for all I know?

HON J E PILCHER:

Mr Speaker, without wanting to transgress into the City Plan, the idea is still to use the area of the Northern Defences for a tourist orientated project. The Garrison Library is a different matter.

HON A J CANEPA:

In broad outlines.

HON J E PILCHER:

Well in broad outlines yes, but of course we do not have any preconceived ideas because as the Honourable Member opposite knows it is very easy to say, "well my concept is to do a tourism project there and the realities when you come down to look at the cost is that it is not feasible". Therefore the overall planning is obviously to use the Northern Defences for a tourist orientated project but we do not have any preconceived ideas because we are open to different suggestions of what to use the area for. But our main aim is to do so in a tourist orientated fashion, yes.

HON P C MONTEGRIFFO:

As far as the Library is concerned will there be an undertaking that the Library, which is an invaluable asset to Gibraltar because of its cultural importance, will remain as a Library?

HON J E PILCHER:

I think there will be an undertaking that the building will remain, not necessarily as a Library.

Has the Government taken into account the anomalies which we have brought to their attention under the new Family Support Benefit Scheme and will they state how they intend to remedy such unfairness?

ANSWER

THE HON THE CHIEF MINISTER

Government does not accept that there is unfairness in disregarding the income of wives for assessing entitlement to Family Support Benefit. It is Government policy to ensure the continuance in employment of women and the system introduced is consistent with this policy.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1989

HON A J CANEPA:

Does the Government not accept that in a situation where husband and wife both in employment or for that matter deriving income from business and where their joint income is above a certain figure as against where the breadwinner, who could be a husband or it could be in the case of a single parent family with the wife working only and where those single persons whose income is also above that certain figure, that the fact that deductions are made on the level of benefit in the case of the latter and not in the case of the former, that that manifests unfairness?

HON CHIEF MINISTER:

No Mr Speaker, the Government does not accept it for the reasons that I have already given. It is Government's desire to provide an incentive for married women to work and we feel that if the husband's and wife's were aggregated, it would be penalising those who continue to work and would in effect not remove any unfairness. It would just mean that it would cast the net wider for those who would not qualify and the Government is trying to keep this to the minimum as the Honourable Member knows.

HON A J CANEPA:

But surely the purpose behind the former Family Allowance Scheme and this one which is replacing it had nothing to do with the encouragement of whether women worked or not. You give incentives to women to take up employment in other ways, by giving them tax relief.

HON CHIEF MINISTER:

I have not said the Scheme has got that purpose, Mr Speaker, what I am saying is that in determining how we apply the

Rules of Entitlement, we have done it in a way which is not in conflict with the policy of the Government to encourage women to work. We consider that what the Opposition would like us to do and which is to leave more people out because their wives are working would be counter-productive and we are not prepared to do it.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government accept that the wife working at home with three children is working? I think quite frankly it is wrong, an insult might be too strong a word, but it is not accurate to say that a woman staying at home looking after three children is not working, it might not be gainful employment, but to prejudice a family who does not have a nanny and the wife stays at home working with three children in this way, does the Government accept that that work is work and therefore there should not be discrimination against such a person?

HON CHIEF MINISTER:

Mr Speaker, the Government considers that the women who work, work both in the home and outside it, that does not mean that the women who work alone in the home do not work at all, the Government is not at this stage in a position to pay a salary for the housewife if that is what the Honourable Member opposite is suggesting, but certainly in the fullness of time when we have cleared all the other problems we have to face, we might be able to do that.

HON P C MONTEGRIFFO:

No, what I am suggesting is that such a family should not be penalised, and that basically the income that that family receives from the state should not be dependent on the distinction which the Chief Minister has drawn and which is no distinction in substance, there is no reality, no real difference Sir.

HON CHIEF MINISTER:

Mr Speaker, the Rules have been drawn in such a way that they have a minimal effect. We can demonstrate to the Honourable Members opposite, if they want to have it demonstrated, that it has a minimal effect. It is clear it is not what they are interested in because it seems to me that what they are saying is not that the Rules apply in such a way that people are suffering hardship, but that there are people who have complained about the fact that they have been affected, and in order to satisfy those who have complained, we ought to redraw the Rules. The Government is not prepared to do that. It has done the Rules in the way that it is consistent with its policies

and in a way that it will be least affecting those who need help and we are convinced we are doing the right thing. Now we can produce the evidence to the Opposition in confidence if they need convincing.

HON COL E M BRITTO:

Mr Speaker, the Chief Minister says that it only affects a minimal number of people, why is that necessary?

HON CHIEF MINISTER:

I think the Honourable Member knows the answer. If he does not know the answer then the Honourable Member should ask the rest of the Members of the Opposition who had it explained to them in a meeting they had with me and which is also going to be dealt with in a question that follows this one, Mr Speaker.

HON A J CANEPA:

Mr Speaker, is the reason why the Government does not agree with the adoption of a different sort of means test that would not discriminate as between couples where both are in employment and where only one is in employment? If the reason is as given by the Chief Minister then why has not my colleague the Shadow Minister had a more substantial reply other than the offer of a cup of tea in the Honourable Mr Mor's office?

HON CHIEF MINISTER:

I do not know about the offer of tea, it may be in response to offers of teas that were made in the past. What we are saying, Mr Speaker, and for reasons that are already well known to Members opposite, is that we can give them the documentary evidence on a confidential basis, and they will see for themselves how it is working and what the effect is, then they may find that their misgivings about unfairness are not justified. The offer is there.

HON P C MONTEGRIFFO:

Mr Speaker, I would like to see the figures on a confidential basis.

MR SPEAKER:

Next question.

Does the Government realise that because of lack of information, concern is being expressed by contributors to the effect that rather than contributing to the Social Insurance Scheme over the years they might have been better off by taking out a life insurance or annuity policy instead?

ANSWER

THE HON THE CHIEF MINISTER

I propose to answer Questions Nos. 40, 41, 42, and 43 together.

Mr Speaker on 5 December 1988, on my return from UK after seeing Mrs Chalker and Sir Geoffrey Howe, I held a meeting with the Leader of the Opposition and, at his request, all six other members of the Opposition. During this meeting which lasted over one hour I provided him and his colleagues with answers to questions he is now asking and many others. I gave him a full briefing on the negotiations with Mrs Chalker and how we planned to overcome the difficulties of the Social Insurance Fund including the fact that the records are in such chaos that it will take most of the five years to complete this and analyse how best to deal with the new situation taking into account the rights of all contributors. I also informed the Members opposite that the agreement with UK provides that the Government should not be making public statements which are open to being misinterpreted and misquoted and that this was the condition attached by the UK Government to their making up the shortfall in the Social Insurance Fund. I am astonished that knowing all this, full well, the Member opposite should recently have put in doubt whether it is true that Her Majesty's Government is meeting the cost of continued payment and should now be pressing the Government with questions to which he has the answers and on which we are not prepared to enter into a public debate. The Leader of the Opposition and his Shadow Minister for Labour and Social Security are of course welcome to raise any issues on which they may still have doubts with me and will be given full explanation confidentially. However what the Opposition cannot do is accept this offer and continue to pretend in public that they do not know what is happening. I wish to take this opportunity to say that whatever steps are taken will be in accordance with community law and on a non-discriminatory basis. I appeal to those who are in receipt of a pension or expect to get one, to place their trust in this Government who is acting in the best interest of those concerned, having inherited the problem through the failure of the previous Government to act in time prior to 1986.

SUPPLEMENTARY TO QUESTION NOS. 40, 41, 42 AND 43 OF 1989

HON A J CANEPA:

Mr Speaker, let me say that I understand perfectly that the Government is labouring under certain difficulties on this matter, but I think that the Chief Minister has also to accept that we on this side of the House are also labouring under similar difficulties, and that we also have a responsibility to our constituents and to people who stop us in the street expecting answers to questions. The Honourable the Chief Minister has kept a very low profile on this matter. He was interviewed by telephone on television one evening from London, apart from that he has said next to nothing publicly on this matter and he can take it from me that there is a great deal of concern in town and not just from pensioners but from people who are approaching pensionable age and from those who are much younger. There is a limit to the extent that we can give them comfort in the absence of authoritative answers from the Chief Minister or from his colleagues. This very low profile, will he accept Mr Speaker, that the very low profile that he has been keeping on this matter is totally out of character with what he has been accustomed to do in the past, and that therefore the public does have a perception of this fact.

HON CHIEF MINISTER:

Mr Speaker, I am not sure whether I am qualified to judge whether this is in character or out of character with the way I behave or do not behave, but I think there is no secret as to the constraints. The Honourable Member opposite knows it and the public knows it, and we made it clear in the debate in this House prior to these questions being put. When we had questions in November, we told the Members opposite that they knew why we could not give answers to questions which could subsequently be misquoted elsewhere and put at risk something that is sensitive and which we are doing our best to produce and which is the kind of package that we are committed to and which the Members opposite asked us to be committed to and on which we said yes. Having answered that question already, in November and December and having answered the same questions in the debate on the amendment to the Ordinance and if the Honourable Member opposite is genuinely concerned about those, who have misgivings, must realise that if he keeps on asking the same questions and he keeps on getting the same answers, that that is not going to put anybody's mind at rest. If he feels unhappy then fine and I think that as somebody who has got a responsibility to a section of the electorate, the offer is there in my original answer and he can come along to me or the Minister for Labour and Social Security, come along and say "look, I am unhappy about this" or all seven can come to my office and I will spend an hour with them and they can ask me

any questions that they want about what we are planning to do over the next twelve months or over the next five years, subject to what I have said that we cannot be precise in saying we know exactly what is going to happen in a year's time to the Fund. I imagine that in a year's time we will be somewhere along the road of analysing the 90,000 records, which is what we have discovered, that we have. There are 90,000 people who at sometime in their life have made a contribution to our Social Insurance Fund and we need to establish who they are, where they are, are they still alive and what rights, if any, have they got. Now that is a mammoth exercise which we can only undertake because we have been promised technical help by the United Kingdom to get it done, otherwise we would not be able to do it.

HON A J CANEPA:

Mr Speaker, the Chief Minister is well known for the forthright, clear and plain manner in which, he has in the past, spoken publicly and he is not doing that on this matter any longer and the public finds that very puzzling. He can take it from me that the public does not understand why or what are the constraints which the Government is labouring under and which make it difficult for them to impart this sort of information. I, because of my association in the past with old age pensions, am stopped by groups of people, pensioners, in the streets and I can assure the Honourable Member that I give them helpful answers. For instance, to the question: "Is it a fact that we will no longer receive our pensions in five year's time?" That question is put to me by pensioners. I do not know if that question is put to any Honourable Members opposite but I am sure that those of them that continue to have contact with the general public, perhaps less than they used to in the past, because of their commitments in Government, in Government offices, I am sure that they also are asked that question. I do not tell those people, "no the Government is not going to give you a pension in five year's time....."

MR SPEAKER:

You must ask a question.

HON A J CANEPA:

Will the Chief Minister take it from me that one gives as helpful answers as one can, having regard to the confidentiality to which we are committed. "That they will be getting a pension in five year's time". However it is difficult to go further because although we know quite a bit about Government thinking on the matter, what Government would like to do and that what is going to happen over the next five years is not entirely clear but because we are committed to confidentiality I think however it

is in the Government's interest to dispel these sort of notions and will he accept that it is in the Government's interest to do so. The sort of notions are those such as the one that I have pointed out in Question No.40. For the first time ever, people are asking themselves that they might have been better off not contributing to the Social Insurance Scheme and instead have taken out a Life Insurance Policy? That sort of notion needs to be dispelled regardless of the constraints that the Government is labouring under.

HON CHIEF MINISTER:

Well Mr Speaker, I can tell the Honourable Member who would certainly not have been better off contributing to a Private Social Scheme than to the Social Insurance Fund? These are the 5,000 pensioners who regrettably because of action not having been taken in the past are collecting a pension, because they are getting back £1,000 for every £1 that they put in and no Private Insurance Scheme in the universe would have given that kind of return. As regards the rest of us, all of us who pay into the Scheme, including all the Members in this House, what we have to do is in fact what I have said we have to do, accept that we have got a commitment to resolve this problem in the only way that it is possible to resolve it and that in order to be able to do that, we must not say things out of turn which could put at risk what we are trying to do, and also repeat what I have already said in my original answer: "That I appeal to those who already have a pension or to those who are expecting to get one and are contributing to the Scheme to put their confidence in the Government because ever since we entered into office we have been working on resolving a problem which as the Honourable Member opposite will remember, this time last year when I asked him what was going to happen when the money run out, he said that is something which the incoming Government, after the election will have to find an answer for and that is what the incoming Government has done, try to find an answer". I also think that time will tell whether in fact the answer that we have come up with meets the requirements that people are looking for and the reassurance that the people are looking for. Because if it is reassurance that they need, because they have doubts opposite, then Mr Speaker what I can do with them is what I have done with other interested parties who have written to me and I have said "Come and see me and I will give you certain explanations which I am not at liberty to give to you in public". That offer is there, and they take it or they do not take it.

HON A J CANEPA:

Because Mr Speaker, I am in the fortunate position that I understand how the Scheme works and because I have had meetings with the Chief Minister, I am able to understand and assess the extent that the Government would like to

take over the next five years. But one can only reach those people that one comes into contact with and it is a particular lacuna, will the Chief Minister accept that it is a lacuna, it is a glaring example of his not being able to do what he normally has been able to do and which is to speak frankly and clearly and bluntly to people and he has not done that in his New Year's message and he has not done that in an interview on television and these doubts exists. I can assure the Honourable Member, will he accept that I am not taking advantage, when I meet my constituents and when I meet the public in giving them wrong information or misleading information or making it appear that the Government are irresponsible. However there is a limit to the extent that one is able to help and patriotism is all very well, but in a few year's time in a future election I would like to be sitting also on that side of the House.

MR SPEAKER:

We are debating.

HON CHIEF MINISTER:

Mr Speaker, I am not asking the Honourable Member to be patriotic, I am answering his questions and I am telling him that I cannot give him full answers for reasons that he knows, and he admits that he knows the reasons, but he says that even if he knows the reasons, he cannot forgo the opportunity of asking the question because it would damage his chances in the next election. Well fine then he can carry on asking the questions and I will carry on giving him the same answers, Mr Speaker, until you decide that the subject is exhausted and when I sit down if he asks me the same question I will give him the same answer because it is the only answer that I can give him.

MR SPEAKER:

I have come to the same conclusion that the subject is exhausted.

HON A J CANEPA:

I cannot accept Mr Speaker, that of the five questions that I have asked, he is not able to answer any of them. I cannot accept that he is not able to tell this House "Why it is that the Government has increased contributions in the manner in which it has done and benefits have not been increased". I can understand his difficulties about dealing with benefits but about the fact that contributions have been increased and that no explanation has been given publicly or even in the House today, I am sorry but that has nothing to do with the constraints that the Government is under.

HON CHIEF MINISTER:

Mr Speaker, the Honourable Member was given an explanation of that on the 5th December 1988, and if he cannot remember it, then he can approach me after the meeting and I will remind him of it.

HON A J CANEPA:

And I would submit that that sort of information can be made public without any detriment to the Government's overall strategy.

NO. 41 OF 1989

ORAL

THE HON A J CANEPA

24 1 89

How does the Government intend to safeguard the rights of current contributors to the Social Insurance Scheme in five years' time and beyond?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 40, 42 and 43.

NO. 42 OF 1989

ORAL

THE HON A J CANEPA

24 1 89

Having regard to the fact that old-age pensions were not increased on the 1st January 1989, why has Government increased the weekly rate of contribution payable by insured persons and their employers?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 40, 41 and 43.

NO. 43 OF 1989

ORAL

THE HON A J CANEPA

24 1 89

Will the Government give an undertaking that the purchasing power of the old-age pensions payable to Gibraltar pensioners (ie pensioners residing in Gibraltar) will be maintained at its January 1988 level?

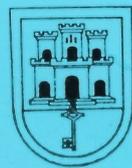
ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 40, 41 and 42.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

29TH MARCH, 1989

NO. 44 TO NO. 121

THE HON G MASCARENHAS

Has the Committee of officials named by the Hon Attorney-General in answer to Question No. 2 of 1989 made any recommendations to the Government yet?

ANSWERTHE HON THE ATTORNEY GENERAL

Yes, Mr Speaker, it has. Following a meeting of the officials mentioned in my answer to question No.2 of 1989, a number of recommendations were made to the Honourable the Deputy Governor. Firstly it was proposed that the Imports and Exports Control Regulations should be amended to prohibit the importation of fireworks, except those authorised to be imported by licence granted by the Collector of Customs, following consultation with the Chief Fire Officer and the Commissioner of Police. Secondly that there should be a substantial increase in the fine imposed upon conviction under Section 9(1) of the Explosives Ordinance in respect of discharging fireworks in the street or other public place. At present the maximum fine is £5.00. In addition it is considered that there should be a campaign, beginning in or about October, highlighting the use of fireworks and showing pictures of injuries previously sustained including any relevant material on TV films, obtained by the Specialist in Community Medicine from the Royal Society for the Prevention of Accidents. Furthermore it is proposed that random spot checks should be carried out by Customs Officers at the Land Frontier, both in respect of vehicles and pedestrians, such action also to begin in or about October of this year. The officials concerned will be meeting again in early October 1989 to work out the precise details.

SUPPLEMENTARY TO QUESTION NO. 44 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, will the Hon the Attorney-General confirm that the first recommendation, in other words that the imported fireworks, be cleared beforehand is already in existence and has been in existence for quite a number of years.

HON ATTORNEY-GENERAL:

Mr Speaker, I am not entirely certain that it is in existence. I will certainly look into the Imports and Exports Control Regulations. I do not think there is a requirement, I may have them here.

HON LT-COL E M BRITTO:

Mr Speaker, I think, using my own experience outside the House, that I should inform the Hon the Attorney-General that it has been a requirement in the past for dealers in fireworks, to have to clear the individual fireworks with a Committee composed of representatives from the Fire Brigade and the Police Force.

HON ATTORNEY-GENERAL:

Mr Speaker, I think that comes under the Explosives Ordinance. I believe that is correct. However to make it an absolute prohibition, the importation of fireworks is prohibited, if anyone wishes to import fireworks they have to specify the type, make, quality, effect, etc before getting a licence under the amended Regulations. However, Mr Speaker, the Hon Member is correct in saying that there is some requirement but it is in the Explosives Ordinance. I however, think that it is better to include it under the Imports and Exports Regulations.

11 4 89

NO. 45 OF 1989

ORAL

THE HON G MASCARENHAS

Has Government considered which new school projects will be included in the Estimates of Expenditure for the financial year 1989/90?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, the Estimates of Expenditure for the financial year 1989/90 are currently being prepared. They will be made available to the Opposition on a confidential basis. It would be improper to reveal what will be contained in the Estimates until this has occurred.

NO. 46 OF 1989

ORAL

THE HON G MASCARENHAS

What are the Government's plans for the future use of the John Mackintosh Hall?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, the John Mackintosh Hall building is held by Government on a lease from Pymont Limited. Use of the building should fall within the terms of clause 2, sub-clause 7, of the Indenture which covenants the lessee:

"To use or allow to be used the demised premises only for educational purposes for the benefit of children whose parents are resident in Gibraltar and in particular for the purposes of promoting the teaching in Gibraltar of the English language and of English history and literature and generally to promote and strengthen so far as practicable by educational means the ties between England and Gibraltar".

There are no Government plans to alter this use.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1989

HON G MASCARENHAS:

Mr Speaker, have any proposals been put to the Trustees of the John Mackintosh Hall?

HON J L MOSS:

Mr Speaker, what type of proposals does the Hon Gentleman have in mind?

HON G MASCARENHAS:

Mr Speaker, in allowing for what the Hon Member has replied to the original question, any plans for any change of use within the parameters that he has quoted?

HON J L MOSS:

Mr Speaker, other than conversations, I cannot really say that concrete proposals have been put either to the Trustees or received from the Trustees.

HON G MASCARENHAS:

Mr Speaker, is the Hon Minister confirming that there are some proposals that he is considering or the Government is considering?

HON J L MOSS:

Mr Speaker, that is a hypothetical question. It is my responsibility to consider, on an on going basis, what happens at John Mackintosh Hall but I cannot tell the Hon Member that there is something specific that would be of interest to him at this stage.

THE HON DR R G VALARINO

Will Government state whether they have the intention to run St Bernadette's as an all year round Therapy Centre as envisaged when it was taken over by the Department of Labour and Social Security and not on educational lines?

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, I would refer the Hon Member to my answer to a supplementary in respect of Question No.87 of 1988 to which I replied on the following lines:

This is a matter which the Government has not considered fully because the present building is inadequate and this has to be seen in the light of the provision of a new building. Once this has been resolved consideration will then be given as to how it will be operated.

This is still the position.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1989

HON DR R G VALARINO:

Mr Speaker, there are two minor points. First, some of the parents had a meeting with the Director of Labour and Social Security and he assured the parents that it was not the building that was holding the introduction of all the year running of the Centre but rather it was staffing because apparently they lacked the Assistant Manageress and two other instructional officers. At least this was what was said to the parents by the Director. In view of this, perhaps the Minister should discuss with the Director who is right. The second point is, if it is indeed the Building, I know that repairs to the roof of the Cottage have been carried out, so it is now in use and what I would like to stress and ask is whether the St Bernadettes Occupational Therapy Centre could be run during the summer, if not on a daily basis at least say two or three days a week, to allow parents of these handicapped persons some time off to be able to do their own work and also help those handicapped. Mr Speaker, I am not asking for the total reversal of this policy but asking for two or three day sessions.

HON R MOR:

Mr Speaker, as far as the Government is concerned we have not

been asked by parents to run the Centre in the manner that the Hon Member has suggested. As regards to what the Director of Labour and Social Security is supposed to have told parents, this is news to me, I have not been informed that that is the case. However, Mr Speaker, the Government is prepared to consider the whole situation with regard to the handicapped and everything will be taken into consideration.

HON DR R G VALARINO:

Mr Speaker, I agree totally with that. What happened was that the parents approached me and this is why I have put the question to the Hon Minister. There is another question, at a later stage, where another aspect will be raised.

HON R MOR:

Mr Speaker, I am most grateful for the information which the Hon Member has provided.

11 4 89

NO. 48 OF 1989

ORAL

THE HON DR R G VALARINO

Mr Speaker, I beg leave to withdraw this question.

11 4 89

NO. 49 OF 1989

ORAL

THE HON K B ANTHONY

Will Government state their policy on the introduction of unleaded petrol into Gibraltar?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the policy of the Government is to encourage the introduction of facilities so that unleaded petrol is available in Gibraltar and we are currently in discussion with the suppliers.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is there not an EEC Directive on the matter?

HON ATTORNEY-GENERAL:

Mr Speaker, under the Imports and Exports Control Regulations, petroleum spirits, are defined in Section 2 of the Petroleum Ordinance "of a kind used as purely motor vehicle with a lead content in excess of 0.15 grams per litre is a prohibited import". There is a proviso that nothing contained in this paragraph shall apply to a petroleum spirit present in the motor vehicle entering Gibraltar where such petroleum spirit is to be used for the propulsion of that vehicle or for the driving of any ancilliary engine or equipment from a part of that vehicle. That, Mr Speaker, was put into the Imports & Exports Control Regulations in 1987.

HON P C MONTEGRIFFO:

Mr Speaker, does that mean that we are in breach of our own Regulations, as well as the Directive? Because if the Hon Minister has implied that it is being sold in retail outlets and it is prohibited.

HON M I MONTEGRIFFO:

Mr Speaker, what I am saying is that before we actually decide to legislate we have to have discussions with the suppliers to what problems there are in Gibraltar.

HON P C MONTEGRIFFO:

Mr Speaker, I would understand that if the Attorney-General had not already told us that there is legislation that prohibits such petrol being brought into Gibraltar in the Imports and Exports Ordinance and that that was introduced specifically because of the EEC Directive. If that is the case, then it is not a question of amending our legislation further but rather of enforcing it. That is the point I would like cleared?

HON ATTORNEY-GENERAL:

Mr Speaker, I am not sure that our law is being breached. I rather understood that when this particular amendment to the Imports and Exports Control Regulations was introduced, the suppliers of petroleum were in fact bringing into Gibraltar petroleum which conformed with that. I do not know whether it is the extreme unleaded degree, but certainly the petrol being brought into Gibraltar, as I understand it, and I have no evidence to the contrary, conform with this legislation.

THE HON M K FEATHERSTONE

Has Government now received the analysis of the black dust emanating from GSL?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES & SPORTS

No Sir.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, it is now nearly a year, is there anything sinister in this black dust which is delaying the analysis?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, there is nothing sinister. On the contrary. We submitted the analysis to Warren Springs where the Department of Trade and Industry have a laboratory and in view of the delay we are looking at the possibility of the MOD helping us to carry out these tests in Gibraltar, in the hope of obtaining better results.

HON M K FEATHERSTONE:

Will the Minister ensure that by the next time I ask this question we have some definite answers?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the delay is in the UK end and we are trying to see if through the MOD we can obtain quicker results.

HON M K FEATHERSTONE:

Mr Speaker, a change in laboratory might achieve this.

HON MISS M I MONTEGRIFFO:

This is precisely what I have just told the Hon Member.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind that we do not know what the black dust contains, has the yard stopped whatever work, it is presumed, has caused the black dust?

HON J E PILCHER:

Mr Speaker, we explained some time back, I think three or four months ago, that the problem of the black dust, which was as a result of the dust in the grit, and that the specification of the dust in the grit was changed by GSL and since then there have been no further incidences. So measures have been taken to ensure no further incidences of black dust clouds which concerned Hon Members opposite.

THE HON M K FEATHERSTONE

Can Government state what other works have been done at the Hospital other than Godley Ward?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Yes, Mr Speaker . The works which I am about to detail for the Hon Member's information are works performed in one financial year not only to upgrade the Medical Services but also to redress the appalling conditions in many areas.

Apart from the complete refurbishment of Godley Ward, its kitchen and bathrooms, to a very high standard, these are:

1. Complete refurbishment of Domestic's rest room and dining area including extensive roof repair;
2. Construction of security fence at top access to the Hospital;
3. Extensive repair of water tanks and replacement of corroded valves following leakage;
4. Alterations to boiler fuel inlets according to safety specifications;
5. Replumbing of water supplies following major pipe burst in Pharmacy Stores;
6. Refurbishment of John Ward kitchen;
7. Refurbishment of ward linen store;
8. Repair of Godley Ward roof;
9. Repair of X-Ray department roof;
10. Construction of new ultra-sound scanning room for the new equipment;
11. Construction of room for new Control of Infection Officer;
12. Refurbishment of hospital quarters;
13. Repair of hospital quarter's roof;

14. Replumbing of salt water supply and replacement of toilets at Victoria Ward due to the cisterns having been built when the new wing was constructed years ago, adjacent to the ward's electrical power supply;
15. Repair of hospital fire alarm and pharmacy intruder alarm system which had been inoperative for years;
16. Fitting of emergency lights to wards;
17. Extensive rewiring.
18. Replacement of entrance gates following collapse due to corrosion;
19. Construction of modules for new filing system;
20. Refurbishment of Dental Clinic in keeping with safety standards;
21. Repairs to flooring;
22. Complete disinfestation programme of the hospital followed by 6 weekly disinfestations of key areas - kitchens and bin stores of the wards;
23. Work is also well advanced on the total refurbishment of Napier Ward to the same high standard of Godley.

I would also like to remind the Hon Member, as I did in answer to Question No.100 of 1988 that the Government has allocated a record sum to works in its first term of office which has gone a considerable way to improving the poor state of the Hospital, and I would like to take this opportunity to thank my management and staff for their considerable help towards all the above improvements which have been achieved in one single year.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1989

HON M K FEATHERSTONE:

An impressive list, Mr Speaker. Have the cockroaches in Napier Ward given their assent to the refurbishment?

HON MISS M I MONTEGRIFFO:

Yes Mr Speaker, and I can assure the Hon Member that when I took up office I saw a Clinical Manager and some members of staff going around the different wards with sprays trying to kill the cockroaches. This is no longer the case.

HON M K FEATHERSTONE:

Has the Hon Member given any thought to the best method of killing a cockroach which is getting a hammer and hitting it hard.

HON MISS M I MONTEGRIFFO:

Well Mr Speaker, the Hon Member can accompany me if he wishes but I can assure him that that is no longer the case.

11 4 '89

NO. 52 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Is Government committed to provide an Olympic size swimming pool, suitable for year-round use, during its term of office?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I am happy to say that this Government is committed to provide a suitable all-year round pool during our first term of office, as we spelt out in our manifesto. I would nevertheless like to remind the Hon Member that the AACR Government had been making such a promise for the past 14 years and even included it in their manifesto three elections ago, without fulfilling their long-standing commitment. In fact, what the then Minister for Sport provided for GASA, as a one-off assistance, was £5000 for materials from the Public Works Department, and "rubbish", as he explained at the time, for them to start reclaiming on their own. GASA have therefore been doing reclamation work for 2 years to no avail. We are already in contact with the Gibraltar Amateur Swimming Association and are liaising both with them and the developers to build a pool which is suitable for our needs. This is a 25 metre indoor swimming pool which will be used by the general public and for competition all-year round. The GASA Clubhouse will also be reprovisioned.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, the Minister's long tirade into the past does not impress me especially as I was not involved at the time. She has, however, avoided answering a direct question.

MR SPEAKER:

Could the Hon Member please phrase it in the form of a question.

HON LT-COL E M BRITTO:

Mr Speaker, does the Hon Minister realise that she has not answered the question which is "Is the Government committed to providing an Olympic size swimming pool?" She has mentioned the word "suitable" and at the very end of the question she has said "25 metre". Mr Speaker, 25 metre is not an Olympic size swimming pool. So is the Government committed or is it not committed?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, what I have said in my answer, and if the Hon Member wishes I will repeat it again, the Government is committed to providing an all year-round swimming pool and what I have said in my answer is what GASA and all the experts, with which we are in contact, have told me meets our needs ie a 25 metre all year round covered swimming pool. So I have answered correctly.

HON LT-COL E M BRITTO:

No Mr Speaker, with respect, the question is whether the Government is committed to an Olympic size swimming pool and this has not been answered. Is the Government committed to building a 50 metre swimming pool, yes or no?

HON MISS M I MONTEGRIFFO:

No Mr Speaker. I have already said that the Government is not committed to providing an Olympic size swimming pool because from the contacts we have had, for example, in Blackpool where the population is 147,000 and they have a 25 metre swimming pool which is adequate for their requirements. The answer is that GASA and Gibraltar will benefit more by having a 25 metre covered swimming pool.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister confirm that GASA prefer a 50 metre swimming pool and are accepting a 25 metre pool as better than nothing?

HON MISS M I MONTEGRIFFO:

No Mr Speaker. In our discussions with the developers, with GASA and with the people involved in building the swimming pool the conclusion reached has been that if we have to choose between a 50 metre uncovered pool and a 25 metre covered pool the latter is preferred.

HON LT-COL E M BRITTO:

Mr Speaker, I understand perfectly what the Hon Minister is saying but will she accept that what GASA prefer is a 50 metre covered pool?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, GASA prefer a 25 metre covered swimming pool.

HON LT-COL E M BRITTO:

Mr Speaker, I cannot accept that because GASA have told me that they prefer a 50 metre covered pool. However, they prefer, as the Hon Minister has said, a 25 metre covered swimming pool to a 50 metre uncovered swimming pool. Their first priority and their first preference is a 50 metre covered pool.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have held numerous meetings with GASA and they have always said that what they wish is a 25 metre covered pool and not a 50 metre covered pool.

MR SPEAKER:

I think we cannot take the matter further. The Hon Mr Britto says that GASA wants a bigger pool and the Hon Minister says that that is not what she has been told by GASA. I think that we are not going to make any further progress and should now proceed to the next question.

THE HON LT-COL E M BRITTO

Will Government provide a detailed breakdown of all financial assistance given to Sports Associations and individuals during the financial year 1988/89?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Sir, as a result of my Government having increased the funds made available for grants to Sporting organisations, from the £15,000 being provided by the previous Government to £40,000, it has been possible to meet all requests received for specific sporting commitments during the financial year 1988/89. The financial assistance given is as follows:

(i)	Gibraltar Volleyball Association	£1500)	£3500
		and £2000)	
(ii)	Grammarians Hockey Club (paid through GHA)	£3000)	£6000
		and £3000)	
(iii)	Gibraltar Subutteo Association (table soccer)	£ 275	
(iv)	Gibraltar Amateur Swimming Association	£ 550)	£2050
		and £1500)	
(v)	Gibraltar Amateur Basketball Association	£1500)	£3500
		and £2000)	
(vi)	Gibraltar Football Association (for G.J.F.L.)	£2775	
(vii)	Gibraltar Island Games Association	£1500	(Token)
(viii)	Gibraltar Hockey Association	£1500	
(ix)	Gibraltar Rugby Football Club	£ 700	
(x)	European Federation of Sea Anglers (Gibraltar)	£ 800	
(xi)	Gibraltar Amateur Boxing Association	£1000	
(xii)	Gibraltar Amateur Athletic Association	£1200	
(xiii)	Gibraltar Badminton Association	£1000	
(xiv)	Gibraltar Table Tennis Association	£ 700	
		=====	
	TOTAL	£40,000	=====

SUPPLEMENTARY TO QUESTION NO. 53 OF 1989

HON LT-COL E M BRITTO:

Thank you, Mr Speaker.

HON K B ANTHONY:

On a point of clarification, Mr Speaker. Is Subutteo a sport or a pastime?

HON MISS M I MONTEGRIFFO:

It is a sport, Mr Speaker. We have made quite sure that it is.

NO. 54 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will Government indicate whether the negotiations for the installation of artificial playing surfaces at Victoria Stadium are still continuing and, if so, whether they are likely to be completed in the foreseeable future?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

The private company concerned with the provision of artificial surfacing of the Victoria Stadium is now engaged in negotiating a contract with a specialist firm who will carry out the installation of the synthetic surfaces and therefore, for commercial reasons, they have asked me not to give details as yet. Once these negotiations have been completed I will provide the Hon Member with more information.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister consider that for the past year she has been giving us the same answer and could she not give us an indication of timescale at this stage. Is it likely to be one month or another twelve months?

HON MISS M I MONTEGRIFFO:

Mr Speaker, this is not the same answer that I have given previously, but in any case I can tell the Hon Member that the company involved in the negotiations, for commercial reasons have to re-negotiate a contract which they have with the specialist firm, as I have stated in my answer. The private company have asked me not to go beyond what I have just told this House in order not to prejudice their negotiations. I can also tell the House that we have an in principle agreement with the company involved.

HON LT-COL E M BRITTO:

Mr Speaker, so the Hon Minister cannot give us a timescale?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have said previously I cannot go any further. I have in fact gone further than what I originally intended by informing members that we have an agreement, in principle.

THE HON LT-COL E M BRITTO

Will Government make a statement of policy regarding sporting links between Gibraltar and Spain and say what action it has taken with regard to the Spanish Government's declared policy of discrimination against Gibraltar sport?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

The Policy is one which has already been given adequate coverage by the media, both locally and in Spain, after I provided them with a statement. I have even appeared on Television twice on the matter. Nevertheless, I will repeat my Government's policy once again.

My Government, contrary to what happens in Spain, does not control Sporting Associations in Gibraltar as they are self-governing. Nevertheless, we advise them and give them financial assistance and I would like to take this opportunity to give credit to the fact that many of our Associations are already accepted as a nation within its own right by International governing bodies of sport. Therefore, Spanish attitudes towards local sport gives credence to what my Government has been saying all along, that whenever Spain offers co-operation both in sport and in other areas eg Brussels and the Airport Agreement, they do it on the basis that they want to gain political capital. As a Government, our co-operation with Spain, as already exists with other nations, in relation to sport we believe should continue to be apolitical.

I have already taken a number of measures, also reported by the media, with local Sports Associations and even informed visiting Spanish sporting delegations as well as members of the Mancomunidad of my Government's feelings, as I have outlined above, and they have promised to transmit these to the pertinent authorities in Spain.

As the declared policy from Spain emanates from the Spanish Foreign Office to the Consejo Superior de Deportes, my Government has already gone through the normal official channels to bring this matter to the attention of Her Majesty's Government who are responsible for our foreign affairs.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, in the light of the Minister's statement what specific advice has she given to Sports Associations about maintaining contacts and participating in sporting events in Spain?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have already answered that. However if the Hon Member wishes me to repeat it. I have just said sporting organisations in Gibraltar are self-governing and at the end of the day they decide on their own. My Government's feelings have already been transmitted to the Associations.

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Minister has generalised but she has not answered the question. What advice has she given the Associations?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the advice given has been stated in my original answer and the advice is as I have already stated both in this House and when I have been interviewed on television, and is, that whenever they offer us an invitation to participate it has to be on the basis that it is unpolitical.

HON P C MONTEGRIFFO:

Mr Speaker, do we have an indication of what the attitude of Señor Pagan and Caracao, at local level, is in this issue? Or do they endorse the official Spanish line?

HON CHIEF MINISTER:

Mr Speaker, this is not a subject that I have discussed with either Señor Pagan or the Mancomunidad, who apparently are not the sphere of Government involved in this controversy. At least this appears to be the position from the information available to the Minister for Sport and which is that the sporting bodies get their orders from Madrid and not from local political institutions. Therefore the La Linea Municipality or the Mancomunidad cannot give a directive to sporting bodies which is in conflict with the directive given from Madrid.

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that they give a directive. What I am asking is whether the Government is able to confirm if Señor Pagan's and Señor Caracao's sympathies and views correspond with those in Gibraltar and that Gibraltar should be recognised and be allowed to participate in the way we want or whether they take the official Spanish line? What I am trying to find out, Mr Speaker, to what extent does the Mancomunidad and Señor Pagan identify with the Gibraltar view or do they back the official Spanish line?

HON MISS M I MONTEGRIFFO:

Mr Speaker, in all honesty I think the Hon Member should address that question to the Mancomunidad and Señor Pagan and not to me.

HON P C MONTEGRIFFO:

Mr Speaker, the Hon Minister talks to them, we do not.

HON CHIEF MINISTER:

Mr Speaker, we do not know what goes on in the minds of our neighbours but what I can tell the Hon Member is that if he casts his mind back to the declarations made by Señor Carracao when he was here and he answered Press questions on the Airport, he gave a view that the territory had been usurped from Spain and then he qualified that view by saying that he was speaking as a Spaniard and not as the President of the Mancomunidad. So it could well be that Señor Pagan and Señor Caracao have one view as Spaniards and one view in their official capacity. But as I have said it is not a matter that the Government is discussing with the Regional Authorities because it is something that has nothing to do with them. And it also appears that whatever views they have or do not have, have no bearing on the matter.

HON P C MONTEGRIFFO:

Mr Speaker, it seems odd to me that the Government does not wish to raise the matter at Regional level when clearly most of the participation, in sport, is taking place within the area.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not think the Hon Member has listened to the answer that I have given. I have taken every opportunity whenever delegations of the Mancomunidad have visited Gibraltar and informed them of the Government's feelings and they have promised to pass the message on to Madrid.

NO. 56 OF 1989

ORAL

THE HON K B ANTHONY

In view of the pollution of the beaches on the Eastern side of the Rock, with debris washed away from the tip for builders rubble at the southern end of Eastern Beach, will Government prohibit further dumping at this site, at least for the duration of the official bathing season?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

It is the intention of the Government to create an enclosure at the Eastern Beach tip so as to contain any debris that might be washed away.

In the event that these works are not completed by the beginning of the summer season, an approach has already been made to the MOD so that the tipping of rubble may be moved to the area outside the South Mole whenever necessary.

SUPPLEMENTARY TO QUESTION NO. 56 OF 1989

HON K B ANTHONY:

Mr Speaker, does Government think that they will have the enclosure ready by the beginning of the Bathing Season?

HON J C PEREZ:

No Mr Speaker, we are trying to but we have had delays in obtaining certain materials, you could say, and the work commenced only yesterday. So we are not very confident that the work will be ready by the beginning of the Summer Season. That is why we have contacted the MOD to have an alternative. In the event that this alternative does not materialise then what we will do is tip the rubble on land until the enclosure is completed. Dumping in the sea will not take place once the Bathing Season begins.

HON K B ANTHONY:

Mr Speaker, does the Minister intend to ban dumping if it is likely to encroach into the Bathing Season?

HON J C PEREZ:

No Mr Speaker, I have just explained to the Hon Member that instead of dumping in the sea we will dump on land until such time as the enclosure is complete. The Government is in no position to ban dumping with all the development going on and all the demolition taking place.

HON K B ANTHONY:

Mr Speaker, did not the Minister authorise the dumping there in the first place?

HON J C PEREZ:

Yes Mr Speaker, and dumping is continuing at the moment. What I have explained to the Hon Member is that when the Bathing Season begins if the enclosure is not ready and we cannot dump at South Mole, which I am hopeful we will be able to, then we shall dump on land until such time as the enclosure is completed.

HON K B ANTHONY:

Mr Speaker, is the Hon Minister prepared to give a commitment to this House that the beaches will not be polluted as from the beginning of the Bathing Season.

HON J C PEREZ:

No Mr Speaker, I cannot give a commitment that our beaches will not be polluted. What I can give a commitment is that debris from that area will not pollute the beaches. I have given that commitment three times already.

NO. 57 OF 1989

ORAL

THE HON K B ANTHONY

Will Government state the progress being made on the annual maintenance of the incinerator, with details of the time being taken, the cost of the operation, and how many tons of domestic rubbish will be dumped at sea, during the maintenance period?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The overhaul of the Incinerator commenced on the 4th March and is due to be completed in the last week of April, a total period of 8 weeks. The overhaul has involved the replacement of some 80% of the furnace refractory lining, substantial repairs to the ductwork, overhaul of the crane and grab, air compressors, grates and ancillaries and fans. The total cost of the overhaul is estimated to be in the region of £280,000 with some £20,000 being required to repair the building later on this year. During the maintenance period some 2000 tonnes of refuse will have been dumped at sea.

11 4 89

NO. 58 OF 1989

ORAL

THE HON M K FEATHERSTONE

Will Government state who is doing the work at the City Hall and was this put out to tender?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with Question No. 59 of 1989.

THE HON M K FEATHERSTONE

Will Government state who is doing the work at Stanley Buildings and was this put out to tender?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The Honourable Member will probably recall that when pressed by me from the Opposition benches over the works to the balconies of Stanley Buildings his former colleague, Major Frank Dellipiani, told this House that the Public Works Department was finding it extremely difficult to get contractors interested in the job and that the sole contractor that had shown an interest had over-shot the estimated price by over 50%.

This was the result of the previous administration having gone out to tender for the works at Stanley Buildings. The then Minister, on the recommendation of the department, decided not to proceed with the tender in the hope that more competitive bids would be encouraged.

That was the situation I found on taking office on 24th March 1988. Six months later no other firm had shown an interest in the works.

In September 1988 I instructed the Design & Planning Division to submit tender documents to the Joinery & Building Services Ltd and thus encourage them to make a bid.

A tender price was received from Joinery & Building Services Ltd which represented a 5.5% reduction on the price submitted by the previous tenderer. This, seven months after the first tender price had been rejected by the AACR Government.

On the basis of the recommendation by the Department that it was very unlikely that Government would obtain a more favourable price, Council of Ministers awarded the tender to Joinery & Building Services Ltd.

Taking into account what we had experienced with this contract, when the documentation for the works at City Hall was ready we asked Joinery & Building Services Ltd to give us a quotation and after this was checked by the Department, Council of Ministers agreed to award the contract to Joinery & Building Services Ltd.

SUPPLEMENTARY TO QUESTION NOS. 58 & 59 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, no tender procedure was gone through with regard to the City Hall? It was not offered to other contractors?

HON J C PEREZ:

No Mr Speaker. As I have explained taking into account the experience we found on this size of contract and the experience of the previous administration that there were very few people interested, and those who were would only do it for a very high price. Also bearing in mind that the size of this project is more or less in that region, we gave it directly to JBS.

HON M K FEATHERSTONE:

Mr Speaker, is the Government satisfied that the quality of works done by JBS is up to the standard of normal contractors?

HON J C PEREZ:

Mr Speaker, the work is being monitored by the Design and Planning Division as if it were a normal contractor and the feedback that we are getting is that the work is of a very high quality.

HON P C MONTEGRIFFO:

Mr Speaker, am I correct in understanding that the Minister's reference to the competitive nature of the price quoted by JBS is irrelevant since it is Government policy to directly allocate to JBS any buildings of a public nature or is there a commercial input always in that decision?

HON CHIEF MINISTER:

Mr Speaker, the Government's policy is not to go to tender but we monitor the cost of the contractor in a case like this where the Government owns the company that is doing the contracting to make sure that the level of prices is in line with what we know would be the market rate had we gone somewhere else. So we obviously keep a comparison all the time and so far the experience that we have is that the company is doing the work for more or less in line with market rates, but obviously we want to make sure that our own company is not overcharging us. If it were we would make a bigger profit on our own work.

THE HON G MASCARENHAS

Is Government now in a position to state whether they will bring the necessary legislation to allow members of the general public to acquire and install satellite receiving equipment?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government has already taken a decision not to allow the installation of very large dishes for the receipt of satellite television because of the detrimental effect this would have on the environment. Although conceivably there could be some instances where the environment is not impaired by such an installation, it would be grossly unfair to allow only a select few to enjoy satellite television.

The Government has therefore concentrated on finding a comprehensive solution to the problem whereby the receipt of satellite television will be available to all citizens.

Following a feasibility study at Government expense by an American firm by the name of Comex; the Gibraltar Broadcasting Corporation have put forward such a proposal to Government which is known as the Multi-point Microwave Distribution System. This is at present being looked at by the Government.

It is not expected that a final decision on the matter will be taken until the end of May because other parties have shown an interest in making proposals and it is the view of the Government that these parties should be given a chance to put forward their submissions before a final decision is taken.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1989

HON G MASCARENHAS:

Mr Speaker, has the Hon Minister given instructions to the Hon the Attorney General to institute proceedings against those persons who have set up dishes already?

HON J C PEREZ:

Mr Speaker, it is not for the Minister to give instructions to the Attorney General. The Attorney General has a sphere of responsibility for which he is responsible and answerable for. I do not give instructions to the Attorney General and neither does the Attorney General give instructions to me.

HON G MASCARENHAS:

Mr Speaker, I must then assume that the report in the Gibraltar Chronicle, where the Hon Minister is quoted as having said so, must be wrong.

HON J C PEREZ:

Again, Mr Speaker, I am not answerable for what the Gibraltar Chronicle prints.

MR SPEAKER:

Under the rules a Member cannot ask questions in connection with the accuracy of statements made in the press.

HON G MASCARENHAS:

Mr Speaker, the Hon Minister has not denied that statement.

MR SPEAKER:

What I am saying is that you cannot ask questions about the accuracy of what is published in the press.

HON K B ANTHONY:

Mr Speaker, the Hon Minister has said in his answer that he would not allow very large dishes. What does the Hon Minister mean by large dishes?

HON J C PEREZ:

Mr Speaker, I shall explain the position to the Hon Members. Because Gibraltar is at the edge of the footpoint of satellite TV, the only dishes that are suitable for Gibraltar are 1.8 metre dishes. Since this is the size that is required to obtain a signal, we consider a dish of 1.8 metres to be a large dish.

HON K B ANTHONY:

Mr Speaker, if a smaller sized dish were to go on the market would that be acceptable to the Government?

HON J C PEREZ:

Mr Speaker, if a smaller sized dish were to go on the market which would have the same effect as the larger sized one, this Government would have to study the situation again. What we are looking at is the environmental effect of the dishes and the larger the dish the larger the problem and the smaller the dish the smaller the problem. Mr Speaker, the Government is also looking at the possibility of doing away with all TV aerials erected in buildings and which also have a detrimental environmental effect on Gibraltar's skyline.

HON G MASCARENHAS:

Mr Speaker, is the Hon Minister aware that in reply to Question No.112 of 1988 he said "the policy of Government in respect of Satellite Receiving Apparatus is to regulate the situation so that the acquisition of this equipment by the general public is allowed by law". And I am now asking the Hon Minister whether that policy has now been reversed completely?

HON J C PEREZ:

Yes Mr Speaker, I have told the Hon Member so. After studying the situation and which is the other part of the answer I gave in answer to his question and which he has not bothered to quote, we have come to the conclusion that it is impractical and detrimental to the environment to allow the equipment to be installed and we are therefore looking at a comprehensive solution to allow the receipt of satellite television without a detrimental environmental effect. This would also allow for everyone to be able to obtain satellite transmission rather than a select few who would be able to obtain planning permission as would be the case with individual dishes.

HON G MASCARENHAS:

Mr Speaker, I do not wish to labour the point, but is the Government, and by the Government I mean the Attorney General, is he taking any action against those persons who have already installed Satellite Receiving Equipment?

HON ATTORNEY-GENERAL:

Mr Speaker, I have had no reports as to any breach of the conditions of the Wireless Receiving Licences. If the Director of Postal Services, as the Wireless Officer, chooses to make reports to me, I will consider them in the light of the evidence available.

HON G MASCARENHAS:

Mr Speaker, in other words we go back to the Minister, for the Minister to give instructions to the Director of Postal Services.....

HON ATTORNEY-GENERAL:

Mr Speaker, the Minister is quite right. It is not the Minister who instructs the Attorney General. The Wireless Officer is the person responsible. He inserts the conditions in the licences and if he finds and brings evidence to me that those conditions are not being complied with then I will consider it. That however is not a political decision. I think it is an administrative decision. I suppose that I could go to the Director of Postal Services and say "look I do not have anything to do today, could you send me one or two cases that I can prosecute". I however think that it is for the Director of Postal Services to make the reports to me.

HON G MASCARENHAS:

Mr Speaker, what the Hon the Attorney General is saying is that he will not be calling in the Director because he is very busy, and I do know that he is very busy, to send him cases to prosecute?

HON ATTORNEY GENERAL:

Mr Speaker, I have made a note "Action ⁶me prosecutions for breach of conditions."

HON G MASCARENHAS:

Mr Speaker, what I would like to point out is that the Government is aware that there are a considerable amount of persons who have put up dishes and they are in a state of limbo. They do not know whether they are going to be prosecuted or not. Surely they need a categorical yes or no from the Government?

HON J L BALDACHINO:

Mr Speaker, I think the position is now reversed. I remember when the Hon Member had that responsibility when he was in Government, and in one of my questions, which was on similar lines, and he did not do anything at the time!

HON G MASCARENHAS:

Mr Speaker, surely this is ~~now~~ the present Government's responsibility?

11 4 89

NO. 61 OF 1989

ORAL

THE HON K B ANTHONY

Will the Government consider, in the context of this year's Budget, and in order to benefit the minimal users of the telephone service, reducing the rental by the sum of £4.80, in lieu of the 120 free call allowance?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government is prepared to consider any suggestion from anyone including the Opposition. I thank the Honourable Member for the suggestion and I will study the implications before taking a final decision.

THE HON LT-COL E M BRITTO

Will Government provide a monthly breakdown of the first quarter of 1989, together with comparative figures of the same period in 1988 of the following:-

- (a) unsold Government Lottery Tickets returned by Agents
 (b) value of prizes contained in those unsold tickets, distinguishing between the three major prizes and others?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the position with regard to unsold Government Lottery Tickets during the first 13 draws of 1989 together with the value of prizes contained in unsold tickets is as follows:-

Month	1988			1989		
	No. of Tickets	3 Major Prizes	Other Prizes	No. of Tickets	3 Major Prizes	Other Prizes
Jan	NIL	-	-	14,553.6	49,000.00	9,389.50
Feb	30	None	12.50	14,689.5	84,250.00	10,181.50
Mar	164.5	None	61.75	15,993.9	52,000.00	10,808.00
			<u>SUMMARY</u>			
Jan/Mar	194.5	None	74.25	45,237	185,250.00	30,379.00

SUPPLEMENTARY TO QUESTION NO. 62 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, bearing in mind the trend is the Hon Minister still satisfied, as indicated in the previous session of the House, with the way the lottery is being run at present?

HON J C PEREZ:

Yes Sir. I am satisfied with the way the lottery is being run now because the Government's revenue has increased, the Agents are getting more money, the sub-agents are getting more money and those participating are happier with the new prize structure. So yes I am satisfied that the lottery is running well and in fact, both the Agents, the civil servants and myself when we held a meeting and agreed on the price structure agreed that

initially with the new price structure there would be a slump in sales but we expect that to pick up in the near future.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister saying that the Government's priority is to make as much money as possible for the Government and not to run it to give out as much money as possible in prizes?

HON J C PEREZ:

No, Mr Speaker, I have not said that. He has said that. What I have said is that the tickets are available for sale, if people buy all the tickets, then fine. The more tickets that they buy the better but if there is a slump in sales and it does not affect the Government's financial position, or the Lottery's financial position, then the Government is satisfied that the Lottery's price structure is working and operating well and we have no reason to concern ourselves.

HON LT-COL E M BRITTO:

Mr Speaker, what percentage of the total prize value is the "Government winning"?

HON J C PEREZ:

Mr Speaker, if the Hon Member has a calculator with him he can work the percentage out himself. He has not given me prior notice of his request. If he wishes I can work that out for him, but at the moment I do not have the figures with me.

HON A J CANEPA:

Mr Speaker, the Hon Minister has said that the public is satisfied with the structure of the Lottery but is he aware that the other day there was a "phone-in" over GBC Radio and that a number of people did phone in and that none expressed satisfaction with the present price structure? Quite the contrary!

HON J C PEREZ:

Well, Mr Speaker, considering that we publish 20,000 tickets and that we sell about 16,000 or 17,000 tickets every week, I consider that to be a very satisfactory response to the new price structure.

HON A J CANEPA:

Except, Mr Speaker, that the Hon Minister is ignoring, is he not, the fact that a year ago all tickets were being sold. Now 3,000 on average are being returned every week.

HON J C PEREZ:

Of course, Mr Speaker, last year they were all being sold but the advice from the Lottery Committee was that there were many complaints from the general public that the prize structure was not realistic and not in line with today's purchasing power. Therefore, although the Committee's advice was that it should be introduced on a one week on, one week off basis, the Government decided that if that was the way forward it should be done in one go permanently and take the risk, that we have, of having a slump in sales at the beginning of the new price structure. This was expected, it happens everywhere when there is a change in the price structure and we are satisfied that the Lottery is now better than it used to be before .

HON A J CANEPA:

Mr Speaker, I would quarrel with what the Hon Minister has just said, surely the whole object behind the Gibraltar Government Lottery is not that the Government should be winning these huge sums as prizes. It is not for the Government to win. What is desirable, would he not agree, is that the public should win these prizes? It is no good for the reputation of the Lottery, does he not agree, that the Government should be seen to be winning these prizes?

HON J C PEREZ:

Mr Speaker, I do not agree with the Hon Member. I do not know what the whole purpose of the Lottery is, because the AACR was the Party that introduced it, but I have always understood that its original intention was to raise funds for housing. What I can tell the Hon Member is that, yes it would be an ideal situation if every ticket was bought. However in 1984, 1985 and 1986 there were also unsold tickets and the previous administration decided to reduce the number of tickets in circulation by 2,000 so that the prizes were shared by those who bought tickets. It is not this Government's intention to do this Mr Speaker, as your predecessor said, it is a matter of luck. If there are 3,000 unsold tickets and it so happens that those 3,000 unsold tickets come out prized, fine, we will accept them. If there are 3,000 unsold tickets and none win a prize, well we will have to accept that as a matter of luck.

HON A J CANEPA:

Mr Speaker, having regard to the structure of the Extra Ordinary Draw just published, is it not the Government's intention to also win that first prize of £1000,000?

HON J C PEREZ:

No Mr Speaker.

HON A J CANEPA:

Mr Speaker, the Government is increasing the price for these tickets to £10 so a lot of them are going to be returned and clearly that is the objective to win the first prize?

HON J C PEREZ:

No Mr Speaker, last year we had a similar draw with a prize of £100,000 and 25,000 tickets and all tickets were sold out two weeks before the draw took place. Therefore going by last year's experience, the Government is proposing to use the same structure as last year. Because it was very successful. The same response is expected this year.

HON A J CANEPA:

Mr Speaker, one final question. In order to help the Opposition in monitoring the position, will the Minister undertake, to avoid having a question every three months, to provide us with quarterly figures on the same basis as he has done today? There are precedents of this information being provided.

HON J C PEREZ:

No problem, Mr Speaker. I offered last time to provide them but this was not accepted.

HON LT-COL E M BRITTO:

Mr Speaker, if I can correct that I said I did not want the information at the time because it was premature.

HON M K FEATHERSTONE:

Mr Speaker, if the Government were asked in the TV advertisement what would they do if they won the Gibraltar Government Lottery would their answer be "I'll have a damned good time"!

5.

HON J C PEREZ:

No Mr Speaker, the answer would be we would invest it in Government finances which have been left so badly off by the previous administration.

11 4 89

NO. 63 OF 1989

ORAL

THE HON K B ANTHONY

Has Engine No. 3 at Waterport Power Station been put on stream and, if not, will Government explain what has been the delay?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, Engine No.3 completed its trial period and was handed over to the Gibraltar Government on 11th December 1988. Since then it has been "on stream".

THE HON K B ANTHONY

With reference to Question No. 38 of 1988, has any decision on the siting of a new prison yet been made and, if so, when will details be made public?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir, no decision has as yet been taken on the siting of a new prison. This is being looked into in the context of the Government's Development Programme, the available land at present and the land and buildings that will be transferred by the MOD to the Gibraltar Government.

The Government has now come to the conclusion that it cannot afford to build a new prison as part of its heavily loaded Infrastructural and Development Programme earmarked for this term of office. This will not preclude us from identifying a suitable site and earmarking it for our second term in office.

The conditions in the prison have been pretty bad for a number of years. Since little publicity has been given to this in the past, it was not a matter which the GSLP included in its programme whilst in Opposition.

SUPPLEMENTARY TO QUESTION NO.64 OF 1989

HON K B ANTHONY:

Mr Speaker, in view of the recent criticism, made publicly by Mr Justice Alcantara, about the state of the Prison, is the Hon Minister prepared to expedite the siting and building of a new prison?

HON J C PEREZ:

No Mr Speaker. Mr Justice Alcantara's comments will have no effect whatsoever on the earmarking of a site. Mr Speaker, I am aware since taking office of the conditions at the Prison. However, what I find strange is that Judge Alcantara should not have spoken out 10 years ago about the state of the Prison.

HON P C MONTEGRIFFO:

Mr Speaker, is that a criticism of Mr Justice Alcantara?

HON J C PEREZ:

Mr Speaker, what I find strange is that since the conditions of the Prison have been bad for so many years that Mr Justice Alcantara should find it fitting to comment on the Prison's state now. But as I say, Mr Speaker, I do not need Mr Justice Alcantara to remind me about the conditions at the Prison because we recognise that the Prison is in a very bad state. What I am saying is that they have been in a very bad state for a number of years.

HON K B ANTHONY:

But despite that, Mr Speaker, does the Minister not agree that there seems to be a sense of urgency, that seems to be increasing almost daily?

HON J C PEREZ:

Mr Speaker, there is a sense of urgency to having a new Prison, in building houses, in infrastructural work, in sewers, there is an urgency in all these matters and since we were not aware of the state of the Prison whilst we were in Opposition, we did not include it in our Manifesto. We have looked at the problem since coming into Government to see what we can do with this problem, but I am afraid that we cannot include it at present because of the very heavy infrastructural and development programme that we have and we are trying to earmark a site in the context of the answer I have just given the Hon Member to see whether we can include it in our next term in office. That would be a commitment in our next Manifesto. I hope the Hon Member includes it in his.

HON K B ANTHONY:

Mr Speaker, I assure the Hon Minister that we will.

NO. 65 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government consider the installation of "sleeping policemen" at Flat Bastion Road by Baca's Passage and also further down in order to stop vehicles from dangerously exceeding the speed limit in this confined housing area of town?

ANSWERTHE HON MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, it is not up to the Government to consider the Honourable Member's proposal for a "sleeping policeman" at Flat Bastion Road. These are matters considered by the Traffic Commission, something which the Hon Member should know. I suggest the Hon Member writes to the Commission on the matter.

SUPPLEMENTARY TO QUESTION NO.65 OF 1989

HON A J CANEPA:

Mr Speaker, that is a very unsatisfactory answer. The Hon Minister has responsibility in this House for traffic matters and perhaps he might try and be a little more helpful. Will the Hon Minister say whether the installation of "sleeping policemen" on what is regarded a public highway is a matter of policy or is it a matter of law. Does he know?

HON J C PEREZ:

Mr Speaker, it is a matter of policy and that policy is decided by the Traffic Commission of which I am the Chairman. But I cannot give a commitment in this House, because I respect the decision of my Traffic Commission and not like the previous administration used to do. That is take decisions against the advice of the then Traffic Commission. I am afraid, Mr Speaker, that a case like this cannot come to the House, it must be put to the Traffic Commission. It will then be investigated and substantiated by both the Public Works Department Road Section and the Police. Their reports will then be considered and discussed by the Commission and a decision taken. Mr Speaker, I cannot give a commitment on a matter of that nature until the Commission has considered it. The proper procedure would be to write to the Secretary of the Commission and put the case as to why a "sleeping policeman" is required by the Honourable Doctor and it will then be considered in the same manner as many other requests by the general public.

HON A J CANEPA:

Mr Speaker, the Hon Minister has got it all wrong, that is not the way for a Member of the House of Assembly to proceed. It is quite legitimate for the matter to be raised here. If the Hon Minister, who is Chairman of the Commission, does not want to take the matter up, then that is for him but we have a public duty to perform and we are performing it. I am glad to hear, Mr Speaker, that more regard is had for the views of the Traffic Commission than of the Lottery Committee. Because in the case of the Lottery Committee, the Minister has just said that the Government did not take into account the advice that they had received. Will the Hon Minister therefore undertake to have this matter tabled in the Agenda of the Traffic Commission of which he is Chairman, because this is a serious matter?

HON J C PEREZ:

No Mr Speaker.

HON A J CANEPA:

He will not, Mr Speaker, well I hope that there is no accident in that area because if there is an accident that will be the end of his political career.

HON J C PEREZ:

No Mr Speaker, I am not prepared to put that to the Commission because it has not been substantiated and no case has been made to have a "sleeping policeman" at Flat Bastion Road. When the Hon Member puts up a case and it goes to the Commission and it is studied by the relevant Departments it will then be considered by the Commission. That is the proper procedure. Mr Speaker, I am not here to answer for something which I cannot commit myself to do. It is not a question of taking advice from the Traffic Commission. The Traffic Commission has an obligation to take decisions of this nature. It is not the same as the Lottery Committee, Mr Speaker.

HON A J CANEPA:

What does the Hon Minister consider, Mr Speaker, as putting a case? A fatal accident in that area?

HON J C PEREZ:

No Mr Speaker.....

HON A J CANEPA:

Does the Hon Minister not think that we have received representations on this matter from members of the public and that is the reason why we have raised the matter here.

HON J C PEREZ:

Mr Speaker, I do not know whether he has received representations from the general public or not. What I can tell him is that in cases of this nature the matter requires to be substantiated and I am not prepared to commit myself in this House to installing a "sleeping policeman" in Flat Bastion Road, or anywhere else, because the Hon Dr Valarino decides to put a question on the matter in this House without substantiating it. I have a Committee to answer to and there are studies to be made, reports to be considered and I am not prepared to give an undertaking which I may later not be able to keep. I am therefor not prepared to place myself in that position and that is final.

HON A J CANEPA:

Mr Speaker, we are asking him to consider the matter and he is refusing to do so?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member opposite does not seem to understand what my colleague has said, that it is not the Government that has to consider such a proposal. I cannot understand what has happened since the 24 March 1988 that suddenly there is a major black spot in that area which presumably was not there before, because if the Leader of the Opposition is so keen to have "sleeping policemen" in Baca's Passage, I cannot understand why he did not install them, if that is the right thing to do. We believe, as a Government, that there is a machinery for the consideration of these matters and perhaps I can take the opportunity to inform the general public that if they have suggestions of this nature they should write to the Traffic Commission and not raise it with the Opposition who will then have to bring it to the House and asking us to do something which we do not think is our responsibility. The Committee is there to look at these matters and any member of the general public who have any ideas for improving traffic is welcome to write to the Traffic Commission and put them forward.

HON A J CANEPA:

Mr Speaker, can the Hon Chief Minister say what is different

now from what used to happen when they were in Opposition?
Or did members of the public never approach them?

HON CHIEF MINISTER:

Mr Speaker, as far as I can recollect, in the case of traffic we would have had no choice but to bring it here because nobody knew if they were talking about a Traffic Committee or a Traffic Commission. Because we had a situation where the Minister was saying one thing, the Traffic Commission another thing, the Minister disallowing them and he in turn being disallowed himself by Council of Ministers. So we had no alternative but to bring it here.

HON DR R G VALARINO:

Mr Speaker, I brought this question to the House because of a very serious problem at Flat Bastion Road and I thought that the quickest and most efficient way was to bring a question to the House since the Hon Minister is the Chairman of the Traffic Commission. I fear another accident to the one that happened at Flat Bastion Road and since I had representations from people in the area I thought of raising the matter here. If the Hon Minister is inclined not to do anything in a hurry obviously I will write to the Secretary of the Commission. I only hope that in the meantime nothing of a deadly nature occurs at Flat Bastion Road.

HON J C PEREZ:

Mr Speaker, if it was such an urgent case why did he wait to bring it to the House, why did he not ring me up?

NO. 66 OF 1989

ORAL

THE HON K B ANTHONY

Will Government give serious consideration to establishing an escape road from the Frontier loop road, keeping in mind two recent emergencies that occurred, in one case a lady passenger becoming ill and in the other a car catching fire?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, this matter was discussed at the last meeting of the Traffic Commission where the Commissioner of Police referred specifically to the two instances that the Member has raised. He said that on both occasions the Police acted speedily by controlling traffic and diverting it via the three emergency exits already in existence at the loop.

The Commissioner is satisfied that the measures are sufficient.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1989

HON K B ANTHONY:

Mr Speaker, I bow to the expertise but nevertheless the escape road is near the entry point into Spain, where the Police post is. There is no escape route in the looproad itself.

HON J C PEREZ:

Yes there is, Mr Speaker.

HON K B ANTHONY:

Mr Speaker, I am sorry but there is not. I am a motorist and I can assure you there is not. It means that if you wish to get out of the queue you have to go to the very front to get out.

HON J C PEREZ:

Mr Speaker, I am afraid that we are not going to solve anything by me insisting that there is. I went with the Commissioner of Police and there are three exit routes with chains already there. What the Police do is go to the nearest one and direct traffic, as necessary and the emergency cases get through the exit route. Mr Speaker, the Commissioner of Police is satisfied with these arrangements.

NO. 67 OF 1989

ORAL

THE HON K B ANTHONY

Has Government received any representations from car owners in the Moorish Castle Estate complaining about the parking of Government vehicles in the Estate?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1989

HON K B ANTHONY:

Mr Speaker, is the Minister going to do anything about the allegations made in the letter?

HON J C PEREZ:

Mr Speaker, I have tried to check the allegations with the Department but I do not have all the information and I have not been able to get in touch with the tenants because there was no address, although there are around 30 signatures to the letter. I can however inform the Hon Member that around 75% of all Government vehicles are garaged every day and of the small percentage that is not garaged, some are used by people who are on call or on duty that particular night. We are checking to see if there are people taking those vehicles for other reasons than being on duty. But I am awaiting details from the Department who is still investigating the matter.

HON K B ANTHONY:

Mr Speaker, when the Minister has all the details would he let me know what the answer is, please?

HON J C PEREZ:

By all means, Mr Speaker, I will write to the Hon Member.

NO. 68 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry explain why the exhibition of the new City Plan has not been held during the month of March, contrary to the indication which he gave in the course of answers to supplementary questions arising from Question No. 32 of 1989?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, in the last question of the House No. 32 of 1989 I replied that the Amendment to the Structure Plan Drawings and Written Statement, arising out of objections from the last exhibition, were completed and the exhibition would go ahead once the Development and Planning Commission gave its final approval.

As Chairman of the Development and Planning Commission I was not entirely satisfied with the way the City Plan was going to be presented to the Commission. Firstly, although the majority of the objections that were received were being included in the Structure Plan, the context of the Written Statement did not adequately reflect the new Government's policy statements on land and development. Secondly, because of the time that has elapsed since the preparation of the Final Draft Report in 1987, I considered it more beneficial to update the statistical data. Thirdly, the preparation and completion of the Amendments have also caught up with the culmination of a number of major development projects which in Government's view, should be included as part of the Amendments to the Final Draft so that they may be implemented during the next development period.

Our intention is to produce a City Plan that will not only outline the future development of Gibraltar but also become an invaluable source of information on the potentials of Gibraltar for development.

Mr Speaker, the Town Planning Section is giving top priority to the City Plan.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1989

HON A J CANEPA:

Sir, when the Minister indicated in Answer to a supplementary question that the City Plan would be exhibited last March,

was he not aware of these other matters that he has now given as a reason for the delay?

HON M A FEETHAM:

Mr Speaker, only to the extent that having indicated what I wanted to be produced, when the plans were shown to me, prior to my taking them to the Development and Planning Commission, and when I said that I was not entirely satisfied and asked for a number of alterations to be made, because it did not reflect adequately our policy on various matters, that the delay became apparent.

HON A J CANEPA:

Mr Speaker, does the Hon Minister now have a target date for the Exhibition?

HON M A FEETHAM:

Mr Speaker, in the light of what has happened I am giving this priority but I cannot, quite frankly, give you a date at this point in time. It will be done as quickly as possible.

HON A J CANEPA:

Within this term of office, Mr Speaker?

HON M A FEETHAM:

Within this term in office, Mr Speaker.

MR SPEAKER:

Depends on how long the Government lasts!

THE HON P C MONTEGRIFFO

Will Government confirm at what stage it is in its consultation with transport sectors and other interested parties in Gibraltar in the light of the proposed tramway service?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

A feasibility study will be undertaken shortly to look at the possibility of a fast transport service being introduced in Gibraltar.

Until this has been completed no comprehensive consultations can take place.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is this a matter which will be included in the City Plan as well? I am thinking in terms of the general public's participation point of view?

HON M A FEETHAM:

Mr Speaker, not until we have seen the Feasibility Study and considered whether it is feasible or not can we actually include it as a future development potential from the infra-structural point of view.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind the enormous impact it will have on the public, will the Government undertake to publish, if there is provision for this, some form of addition to the City Plan which will include the proposed provision for the tramway service, so that the public can express their views on the matter which will have such a crucial effect on them?

HON M A FEETHAM:

Mr Speaker, it would be premature, in fact, to publish anything in the City Plan to give some indication because until we have identified what is required and whether it is feasible it is not appropriate to actually publish something in the City Plan.

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that. What I am suggesting is that once the Feasibility Study is completed and assuming Government finds it acceptable, in principle, bearing in mind that by the nature of the project, the public transport service, will the Government undertake to publish a supplementary City Plan or some type of addendum to the City Plan which will allow for that consultative process that something of this nature requires?

HON M A FEETHAM:

Mr Speaker, that can only be considered when we have considered the Feasibility Study. If we consider that it is in the public interest to proceed with it, information will be provided and consultations will take place with interested parties who will obviously be approached by the Government.

HON P C MONTEGRIFFO:

Mr Speaker, is the Government prepared to make a copy of the Feasibility Study available to the Opposition?

HON M A FEETHAM:

Mr Speaker, it depends who, at the end of the day, is going to finance the project. If it is financed privately we will require to seek their agreement to make it available to the Opposition. In principle we have no objection to this.

11 4 89

NO. 70 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government say when they expect to be in a position to take a decision on the proposed £300,000,000 airport on the East side?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No Sir. Government cannot say when it will be in a position to make a decision on the possibilities including alternatives to future Airport developments.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind the crucial nature of aviation and the history of the matter viz a viz the Airport Agreement etc, will the Government give an undertaking that no decision will be taken either on the proposed £300m Airport or on the now reported alternative, without debate in this House and consultation with the Opposition? So that the public as a whole can properly understand what is envisaged ie that there should be an undertaking that this House will debate any such alternative before a final decision is taken. Mr Speaker, this follows generally, the line taken in the past on Airport motions.

HON M A FEETHAM:

Mr Speaker, when we announce the decision an opportunity would be had to debate the matter.

HON P C MONTEGRIFFO:

Mr Speaker, that is precisely what we are trying to avoid. We are asking that the matter should be debated prior to a decision being taken. A full debate in this House to enable the matter to be aired publicly before a decision is taken in a matter of such crucial importance to Gibraltar. We are talking of influencing a decision not just commenting after it has been taken.

HON M A FEETHAM:

Mr Speaker, I am not sure what the Hon Member opposite is after? We are aware of how crucial communications are to Gibraltar. What is looked at and whatever feasibility studies are carried which will assist the Government in arriving at a considered judgement, as to the future or otherwise of the airport, the Government will make a decision on that. We will bring whatever is decided to this House in order that the matter will be debated, as has happened in the past.

HON P C MONTEGRIFFO:

Mr Speaker, the Hon Minister does not appear to understand my question. My plain question is before a decision is taken, and bearing in mind that we have reports of possible Spanish participation in the latest alternative, this is the latest talk about the airport running into Spanish Territorial waters, bearing in mind the whole complexity and fundamental importance of aviation, I am calling on the Government before a decision is taken, to defend its stand in this House and have a debate where we may influence the decision and the people of Gibraltar can then express a view. Once this is done the Government can take its decision and defend it publicly. Mr Speaker, if this House is to have any meaning let us have an undertaking from the Government that the matter will be debated before a decision is taken? Will you give that undertaking?

HON M A FEETHAM:

Mr Speaker, I am not prepared to give an undertaking, because I have made it very clear what we intend to do. If and when we consider that a move should be taken on the future development of the existing airport or any other airport and because it is a matter of public interest we would wish to bring it to this House and at that time the Members opposite will have an opportunity to make their views known? Nothing which we will ever do is not going to be in the public interest and in the interests of Gibraltar. So the Hon Member can rest assured that when the time comes he will be given, along with all the other members, an opportunity, should we ever make a decision with regard to the development of the airport or a new airport.

HON P C MONTEGRIFFO:

Mr Speaker, I hope that everything that the Government does is in the interest of Gibraltar. I do not need the Minister to assure me of that. We each have our own views of what is in Gibraltar's best interest. The point that the Minister is missing is that if we have had 8 or 9 or 10 motions on the Airport Agreement where we, as well as the Hon Chief Minister

at the time, was trying to say "we wanted a united Gibraltar view on the Airport Agreement as on the future of the Airport", and now we are talking about alternatives, effectively, to avoid an impasse on the Agreement how can the Government not accept that it is in the interest of democracy that the whole of Gibraltar and this House should debate the alternatives before the Government then exercises its right to choose its alternative. Mr Speaker how can the Government not accept this? Let them debate who is to answer but let us have a clear answer?

HON CHIEF MINISTER:

Mr Speaker, I will give the Hon Member a clear answer on a supplementary which he has raised and which has nothing to do with the original question. Which is the Anglo-Spanish Agreement on joint use, where I moved, as he correctly says 7 or 8 motions in this House from that side trying to commit his party, who was then in Government, as to the policy that was in Gibraltar's best interest. The last that I heard from his Party was that they were still studying, in 1988, the Anglo-Spanish Agreement. As soon as the Hon Member can tell me that they have finished studying and have now made up their mind, we will be quite happy to jointly reject it. There is no problem about that.

HON P C MONTEGRIFFO:

Mr Speaker, that is not an answer. Am I going to have an answer or I just take it for granted that the Government does not believe that in a democracy such a fundamental issue as aviation, it is proper that Gibraltar and both sides of the House debate the alternatives on the future of our airport? Once this is done the Government can take its decision and defend it. What is the difficulty, Mr Speaker, with defending earlier and then deciding?

HON M A FEETHAM:

Mr Speaker, I do not think we need a lecture of democracy. I think I am being very democratic, I think I am giving the Hon Member an assurance that we are still looking at the possibilities of what can be done with the Airport, in the light of expanding our communications into Gibraltar, that this is being done independently of whatever agreement may exist or not exist and that when we are in a position to make a commercial judgement on it, the Government at that point in time will make its views known. We will take all views expressed, and the Member

opposite in this House, will have the right to debate the future policy. Mr Speaker, I think that that is more than what the Hon Member is asking in his question. What I think the Hon Member is trying to do is to mislead the House by diversifying in other matters which are outside the parameters of the question ie the Anglo-Spanish Agreement on the Airport. This question deals with the development of the Airport.

HON P C MONTEGRIFFO:

Mr Speaker, I personally resent, for the record, the allegation that I have misled the House. What I am simply seeking, Mr Speaker, and I am not sure that the Hon Minister has given it to me, is that this House debates the matter before decisions are taken. If the Hon Minister is happy to confirm that then I am entirely satisfied.

HON M A FEETHAM:

Mr Speaker, if a number of things were to happen, because the Hon Member opposite is talking hypothetically, which the Government thought were in the public interest to proceed with, at that point in time, other people, including the Members opposite, would be given an opportunity to examine and perhaps even inclusively change the views of the Government on any particular aspect. That is why I am saying that when we come to the House to debate the matter, that will be when Members have an opportunity to influence Government's ultimate decision on the matter and a vote taken in this House.

HON P C MONTEGRIFFO:

Mr Speaker, I am entirely happy with that.

THE HON P C MONTEGRIFFO

Will Government confirm that the proposed building components factory in La Linea will be operational by September as originally indicated and whether it has managed to arrange for the special frontier facilities it was seeking?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The setting up of a building components factory continues to be actively pursued.

No final decision has been taken with regards to the siting or commencement of the proposed factory.

Discussions between Hojgaard and Schultz, the investors and experts, and the pertinent Spanish authorities continue in case the preferred site should be La Linea and the question of frontier facilities form part of these discussions.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is it no longer a crucial factor that the factory should be operational by the September deadline? As was indicated by the Chief Minister at his Press Conference in La Linea.

HON M A FEETHAM:

Mr Speaker, the target date continues to be September, or before, or maybe after. If the Hon Member remembers, I also explained.....

HON P C MONTEGRIFFO:

Mr Speaker, that is exactly what I wanted to hear!

HON M A FEETHAM:

Yes, Mr Speaker. I also explained.....Mr Speaker, we are a very flexible Government! As I was saying, Mr Speaker, I explained to the Hon Member opposite in answer to a similar question in this House that the Building Components Factory was also linked to the Development Programme that the Govern-

ment is at present putting together and in respect of a particular project, which will be announced in due course. So therefore, Mr Speaker, this project together with the Development Programme and the Building Components Factory will need to be introduced simultaneously. At the moment we are in fact allowing the Danish Company to pursue the question of the Building Components Factory whilst we negotiate with the Developers the development that is going to feed into the Building Components Factory.

HON P C MONTEGRIFFO:

Mr Speaker, I am grateful for that reply. I do not think, however that the Minister has answered the second part of the question and which is "whether the Government has managed to arrange for the special frontier facilities"?

HON M A FEETHAM:

Mr Speaker, I actually said in my answer that the question of frontier facilities formed part of the discussions taking place between the Danish investors and the pertinent Spanish Authorities.

HON P C MONTEGRIFFO:

Mr Speaker, may I also ask in the light of the uncertainty as to whether the project will be established in La Linea, whether provision will be made in the City Plan for a Gibraltar site for the building of a Components Factory as a fallback position?

HON M A FEETHAM:

Mr Speaker, we already have a site earmarked in Gibraltar as an alternative for Building Components Factory.

MR SPEAKER:

If not you will reclaim one!

HON M A FEETHAM:

And it will be on reclaimed land, Mr Speaker.

HON P C MONTEGRIFFO:

I am obliged, Mr Speaker.

NO. 72 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry state when it is expected that a start will be made (a) to the proposed hotel at Alexandra Battery, (b) to the provision of yachting and associated facilities at Rosia Bay, as part of the Rosia Development?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no hotel is proposed for Alexandra Battery.

As regards Rosia Bay, the site was made available to the developer without a hydrographic study of the area. The developers have since undertaken such a study and have indicated that the construction of the Marina is not viable and have offered to surrender it back to the Government. Consideration is currently being given to possible alternative use.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1989

HON A J CANEPA:

Mr Speaker, does the Hon Minister not agree that this is a departure from the agreement entered into and on the basis of which the development at Rosia Bay has gone ahead?

HON M A FEETHAM:

Mr Speaker, the development at Rosia Parade as the Hon Member opposite knows, since he was the Minister responsible at the time, went ahead irrespective of what this Government thought of the development since it was already commenced when we took over. It was handed over to the developers on the conditions laid down in the License Agreement. We have now been informed by the developer that the Hydrographic Study which has been undertaken, as far as Rosia Bay is concerned, makes the development into a Marina not a viable proposition and have asked the Government to take Rosia Bay back. The Government is considering the position.

HON A J CANEPA:

Mr Speaker, is the Minister not aware then of the fact that this was an integrated project, Phase I of which was the development of Rosia Parade and the other Phases were the building of an hotel at Alexandra Battery and the provision of yachting and marina facilities at Rosia Bay? And is the Minister not further aware of the fact, and what is he doing to question the judgement of viability on the part of the developer who may well just be interested in building flats which can easily be sold and which bring a very considerable return. Viability on the part of a developer is a subjective view. What is the Minister doing about this?

HON M A FEETHAM:

Mr Speaker, these are precisely the things that the previous administration should have addressed themselves to before giving a site to a developer for development without being sure themselves that in fact they could not get out of the Licence Agreement because the site that had been handed over to the developer cannot be met in the context of the Licence Agreement ie Rosia Bay which was supposed to have a Marina cannot be met by the developer, because having completed hydrographical and geographic tests this is not viable. I can assure the Hon Member opposite that not being satisfied with the situation I have obtained independent costings and in fact, the figures produced, justify the argument being put forward by the developer. And this administration is now faced with the predicament. Insofar as Alexandra Battery is concerned, in fact I think the Hon Member means Engineer Battery, was planned to commence, as the Hon Member opposite well knows, in July 1988. The developers however encountered difficulties with their original plans in connection with the north end of building and which would encroach onto a Battery listed as an Ancient Monument by the previous Government. This was done after the site was handed over to the developers. Mr Speaker, the south end is also subject to geological difficulties. New plans however are being drawn up and construction is expected to commence before the end of this year. Mr Speaker, as can be seen the only problem area of the development, and which the Government is at present considering, is the question of the viability of a Marina at Rosia Bay.

HON A J CANEPA:

Mr Speaker, let us get the position clear. Engineer and Alexandra Batteries go together. Over the years the Drawing Office or the Crown Lands Department, has always described the Batteries as Alexandra/Engineer Battery and the Hon Minister

in the supplementary information with which he has been provided by the Civil Service obviously knew what I was getting at. That is why he had the information there with him. Mr Speaker, will the Hon Minister confirm therefore that it is still intended to go ahead with the hotel.

HON M A FEETHAM:

Mr Speaker, I have already stated that the hotel is expected to commence before the end of the year.

HON A J CANEPA:

Mr Speaker, with regard to Rosia Bay. Is the position then that a view has been taken by the developers that the scheme is not viable but that the Minister is now looking into this matter more closely?

HON M A FEETHAM:

That is correct, Mr Speaker.

HON A J CANEPA:

Mr Speaker, does the Minister therefore accept that it was always the intention to have an overall comprehensive development of three sites?

HON M A FEETHAM:

Mr Speaker, I will go further than that. What in fact has been produced at the end of the day, what was agreed to by the previous administration far removes itself from what was originally published as a huge tourist complex in the area and I was dismally surprised, quite frankly, when at the end of the day I saw what was going to go there. Mr Speaker what is going there is not what the Hon Member published when he was Minister for Economic Development. No way, Mr Speaker.

HON A J CANEPA:

Mr Speaker, I would suggest to the Minister that if he is going to make statements of that nature he should look very closely at the history of the whole matter, on planning grounds, because it was a matter of consideration over a long period of time. And it is not as simple as he makes it out to be. Mr Speaker, if the Minister is satisfied that the proposed provision of yachting and associated facilities at Rosia Bay are not viable what does he propose to do then?

HON M A FEETHAM:

Mr Speaker, it would be premature at this stage for the Government not yet having considered the developers case, to decide what it is going to do with Rosia Bay itself. It is something that we will consider if we decide to take back Rosia Bay. We might wish to use it for something else but it will have to fit in with our overall development strategy.

HON A J CANEPA:

Mr Speaker, might it also not have to fit in with the new hotel to be constructed nearby as facilities for the hotel, as part of a complex?

HON M A FEETHAM:

Mr Speaker, it could also provide ideal facilities for the people of Gibraltar.

11 4 89

NO. 73 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry state when a start is expected to be made on the Queensway Development?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as the Honourable Member may now be aware, work in connection with this development has already started. A geological investigation is currently in hand, the hoarding along Queensway is being erected and the demolition of the existing buildings is expected to start soon thereafter.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1989

HON A J CANEPA:

Mr Speaker, is the Minister aware of the fact that on the 15 November 1988, he stated in this House "that work was expected to commence in the near future". Four months have now gone by and I hope that "soon thereafter" means a shorter timescale?

HON M A FEETHAM:

Mr Speaker, considering that when I came into office the Queensway Development was at an impasse as a result of a dispute between the Gibraltar Government and the MOD, and the MOD and the Developers and we have, in fact, as a result of this administration assuming responsibility for the Queensway Development broken the impasse. Mr Speaker, if in November I said that we hoped to commence soon it has certainly not been more than the two years that the project had previously been held up.

HON A J CANEPA:

Mr Speaker, is the Minister aware, quite apart from what he refers as an impasse, that a very serious attempt was being made to try to get an additional wharf as part of the overall Queensway Development and that that involved renegotiations between the Flag Officer and GSL? And that went on for over a year?

HON M A FEETHAM:

Yes, Mr Speaker, and what I am saying is that since we took

up office we have been able to resolve all differences, not only with the Flag Officer, but with MOD (Lands) in the UK, with Taylor Woodrow on the terms and conditions, as well as also resolving a problem which arose just as we were about to sign the Licence Agreement and which involved the possibility of unexploded ordnances in the area (which we were unaware of and presumably the previous administration was also unaware of). This involved the use of a team for two months to clear up the Queensway Quay before Taylor Woodrow was handed the site over. Mr Speaker, despite all these problems the Development is about to get off the ground and this has been due to the efforts of the administration. I can assure the Hon Member that it has been a difficult project to get off the ground.

HON A J CANEPA:

Yes Mr Speaker, and the fact that we also worked very hard for a year and a half or two years certainly made it easier for the negotiations to be completed. Or does the Hon Member think that the world was discovered on the 25 March last year?

HON M A FEETHAM:

I am afraid, Mr Speaker, that it is not correct to say that because the previous administration had no desire and made no attempt to get the Queensway Development handed over because there were problems with the sitting tenant which we have had to resolve.....

HON A J CANEPA:

That is the subject of a separate question, Mr Speaker.

HON M A FEETHAM:

No, Mr Speaker.

HON A J CANEPA:

It is in the Agenda, Mr Speaker.

HON M A FEETHAM:

It may well be, Mr Speaker, but it is part of the problems which we have had in resolving this development and it is as a result of this administration's efforts that it is now getting off the ground.

THE HON A J CANEPA

Will the Minister for Trade and Industry make a statement on the state of the negotiations regarding the problem of compensation for the tenants of NAAFI at Queensway, arising from the transfer to Government by the MOD of the Queensway site?

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the inherited problems concerning the tenants of NAAFI which was one of the two major issues delaying the development of the Queensway site, began to be resolved when the Government took the initiative and accepted the transfer of the area from the MOD with the sitting tenant.

The problem, however, was finally resolved in February this year when the developers agreed to settle the issue.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1989

HON A J CANEPA:

Mr Speaker, is Taylor Woodrow paying the sitting tenant?

HON M A FEETHAM:

Yes, Mr Speaker, that is correct.

HON A J CANEPA:

Mr Speaker, does the Hon Minister know on what basis there has been a settlement?

HON M A FEETHAM:

Mr Speaker, that is a private matter between Taylor Woodrow and the sitting tenant.

HON A J CANEPA:

Mr Speaker, is there any question of reprovisioning involved for the sitting tenant? Is the Government providing an alternative site?

HON M A FEETHAM:

No, Mr Speaker .

HON A J CANEPA:

Mr Speaker, so the Minister does not know on what basis the settlement has been reached?

HON M A FEETHAM:

I do know personally, Mr Speaker, but I am not in a position to reveal the information.

11 4 89

NO. 75 OF 1989

ORAL

THE HON DR R G VALARINO

Has Government now formulated:

- (a) plans for the replacement of the present St Bernadette's Occupational Therapy Centre by a new purpose built centre/residential home
- (b) will the necessary funds be included in the Estimates of Expenditure for the year 1989/90, and
- (c) has a decision been taken on the site for the new Occupational Therapy Centre/residential home?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, a statement with regard to Government's intention as to the future development of an Adult Occupational Therapy Centre will be made when the Estimates of Expenditure for the 1989/90 are brought to the House.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1989

HON DR R G VALARINO:

Mr Speaker, may I ask a question which arises out of that. Could the Minister confirm that the Childrens' Amusement Playground at Smith Dorrien Avenue has been allocated for a different purpose?

HON M A FEETHAM:

I cannot, Mr Speaker, and I would suggest that the Hon Member waits until I make a full statement on the matter.

THE HON LT-COL E M BRITTO

What steps does Government intend to take to ensure that the reclaimed land is totally free of unexploded bombs and other live explosives before any construction work begins?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as the Honourable Member should recall I have already said publicly that the Government has taken the necessary steps with the Ministry of Defence to have the area cleared of unexploded ordnance and, as the Honourable Member may already be aware through his army connections with FHQ, a specialist team from the Royal Engineers and the RAF is currently on site carrying out the necessary clearance operations.

I would like to take this opportunity to express the Government's appreciation to the Ministry of Defence for their assistance and to the specialised teams from the Royal Engineers and Royal Air Force in the safe clearing of the site.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, I think that it is valid to say in introduction to the question, and it has happened several times this morning already, that Members on that side of the House refer to public statements and media reports, ie the report of his comments in the Gibraltar Chronicle that he had taken all the necessary steps when it suits them and then when it does not suit them they say that they are not answerable for comments made in the media.

MR SPEAKER:

It is the Rules of Procedure which say that you cannot ask Questions as to the accuracy of statements made in the media.

HON LT-COL E M BRITTO:

Mr Speaker, but I am not asking the Question, I am referring to the fact that the Hon Minister's answer refers to a public statement. Whilst on other occasions such public statements have been denied. Can the Hon Minister give a figure of the

number of explosives or ordnances, that have been identified so far and disposed of? Also what type of explosive are we talking about?

HON M A FEETHAM:

Mr Speaker, I am not quite sure what the intention of the question is, but I do not have that information available. I can however assure the Hon Member opposite, if he wishes, that when the operation has been completed I will provide information of the type and how many ordnances have been disposed.

HON LT-COL E M BRITTO:

Mr Speaker, do we know how many have been found so far?

HON M A FEETHAM:

Mr Speaker, I have no idea. We are too busy to be on site counting how many are found!

HON LT-COL E M BRITTO:

Mr Speaker, it would appear that the Hon Minister was not too busy when he told the Gibraltar Chronicle on the 6 March 1989, that so far a total of 12 live explosives had been identified. I therefore think it is invalid for the Minister to answer in that way.

HON A J CANEPA:

Mr Speaker, did the Hon Minister count them on that occasion or was the information provided to him?

HON M A FEETHAM:

Mr Speaker, I made that statement. The information was provided because it was the first time that we had come across them and I was told the number of explosives found so far and since it was no secret I made the figure known. Since then the Specialist Team has been doing their job without me being beside them and asking them for information, which is not really necessary at this point in time, about the number of ordnances they have picked up. Mr Speaker, some of the ordnances are not even live bombs, let us be clear about that.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that it is the Government's responsibility, as he is quoted publicly, to ensure that the site is free of all explosives? Will the Hon Minister accept the Government's liability to do that?

HON M A FEETHAM:

Mr Speaker, I have already said so. It was at the Government's initiative that this Specialist Team was brought out to Gibraltar. Let me add, Mr Speaker, that they are the best that there is available with the best equipment available, as the Hon Member with his army connections already knows. This team are the experts and they are advising the MOD who in turn are advising the Government of Gibraltar and we cannot do more than that.

HON LT-COL E M BRITTO:

Mr Speaker, I am not questioning the ability of the Specialist Team. What I am saying is, does the Government accept that they have the political responsibility, as they are so fond of saying quite often in this House, for ensuring not that the Specialist Team is good, bad or indifferent but for ensuring that the land is free of unexploded ordnances?

HON M A FEETHAM:

Mr Speaker, we are responsible for the Reclamation Programme. What steps, if any, need to be taken as a result of the works that are being carried out and the clearance necessary is a matter to be considered not in this House by public debate but in due course in the event of something having been prejudiced or not. It is too early to get bogged down in a situation which could prejudice the Government.

HON LT-COL E M BRITTO:

But, Mr Speaker..... I am being put in a difficult position.

HON M A FEETHAM:

Mr Speaker, that is the idea.

HON LT-COL E M BRITTO:

In that case, Mr Speaker, I have no option but to carry on. Has the nationality or the origin of these explosives been established?

HON M A FEETHAM:

Yes, Mr Speaker, they are of British origin.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware as to what depth the sand is being searched?

HON M A FEETHAM:

Mr Speaker, we make political decisions. Contractural works are things that are for the engineers etc. And also for the Dredging Company. Dredging is taking place in the co-ordinated areas provided for us by, beforehand, by the MOD. These areas are the areas in which the company could dredge. The company is doing as they were told. We have since shifted co-ordinates to try and alleviate the situation, which has tremendously improved. The depth of the sea bed, etc is really a matter for the Dredging Company.

HON LT-COL E M BRITTO:

Mr Speaker, I think the Minister has misunderstood, what I am asking is the depth that the reclaimed land is being searched? Will the Minister accept that having created the land mass and having found itself with a situation of having unexploded ordnances in that land mass, does the Minister accept that the Government has political responsibility for ensuring that before any construction work actually starts, and lives put at risk, that that land is free of those unexploded ordnances?

HON M A FEETHAM:

Yes Mr Speaker, to the extent that the clearance certificates by the people who are clearing the site. This is no more, no less than the problem I am facing with the Queensway Development of possible unexploded ordnances as a result of the Bedenham explosion. The contractors will go on site on the basis of the clearance certificates. Mr Speaker, it is the same in the City of London where even today contractors occasionally find unexploded bombs.

HON LT-COL E M BRITTO:

Finally, Mr Speaker, is the Government studying the situation as to where the liability lies in the event of an accident?

HON M A FEETHAM:

Mr Speaker, that is not a matter for the Government. The Hon Member is trying to paint a situation which may not necessarily exist and it would be a matter between the contractors and the developers, to whom the site will be allocated, should the situation arise. I am however advised that it would be negligible and no more and no less than could happen anywhere else.

NO. 77 OF 1989

ORAL

THE HON K B ANTHONY

Will Government make a statement on how the cracking of the roadway at the Viaduct area was allowed to occur and who will bear the cost of the remedial work that will have to be carried out?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as a result of the weight of sand placed adjacent to the North Mole, for reclamation purposes, the sea bed has undergone settlement.

This situation has provoked settlement of the breakwater on which the North Mole Road is built resulting in the cracking of the road surface.

At the time of the occurrence the situation was monitored daily, in order to prevent any possible damage to any of the many services that run along the North Mole Road.

The cracking was of superficial nature and no damage to any of the services has been recorded.

Settlement has now ceased and there is no reason to expect any further consolidation of the sea bed.

Most of the cracking appeared in a stretch of the road which might not have been properly compacted and which could not have been foreseen.

The matter is now in the hands of loss adjusters representing the contractors, and the remedial works necessary to the surface of the road will be undertaken as part of the infrastructure works necessary in the area as a result of the developments projected.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, who will actually bear the costs? Is the Government going to pay for the infrastructure needed in the area?

HON M A FEETHAM:

Mr Speaker, the Government will be obviously allocating funds

for the general infrastructure required as a result of the reclamation and development of the area. The Government will also in connection with this work be undertaking work on the widening of the North Mole Road. However, the cost, that particular cost, of the damage done is now in the hands of the insurance companies, through the contractor and then the question of who will pay for this will be decided.

HON P C MONTEGRIFFO:

Mr Speaker, by the contractor do we mean.....

HON M A FEETHAM:

The contractor carrying out the reclamation, Mr Speaker.

HON P C MONTEGRIFFO:

Absolutely. What we are then saying, Mr Speaker, is that the contractor is primarily responsible and that it is now a matter for the loss adjusters to calculate the extent of the loss?

HON M A FEETHAM:

Yes Mr Speaker. The repair works will not be carried out now because they are going to be taken into account in the general development of the roads to be constructed in the vicinity.

HON P C MONTEGRIFFO:

Mr Speaker, the Minister is obviously at this stage not able, I imagine, to put a figure in the cost of the remedial work for the cracking of the road? It will form part and parcel of the wider infrastructure requirements for the area.

HON M A FEETHAM:

Mr Speaker, I can tell the Hon Members that they are very very minimal.

HON A J CANEPA:

Mr Speaker, the infrastructural works required in the area are included in the funds which the House has previously voted? The £3m odd?

HON M A FEETHAM:

Mr Speaker, no, this will be included in the 1989/90 Estimates.

HON A J CANEPA:

I see.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Has the Government now finalised plans to provide alternative moorings for the boats presently moored at the Camber?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No Mr Speaker, plans have not been finalised and the matter is still very much under active consideration.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1989

HON A J CANEPA:

Mr Speaker, is one of the alternative sites for reprovisioning these boats at Western Beach?

HON M A FEETHAM:

Yes Mr Speaker.

HON A J CANEPA:

Mr Speaker, is that considered to be a safe berthing area bearing in mind prevailing winds?

HON M A FEETHAM:

Mr Speaker, that is a matter which the Government is looking into and taking into consideration when providing the berths.

HON A J CANEPA:

Mr Speaker, are the owners in agreement to being berthed at Western Beach?

HON M A FEETHAM:

Which owners, Mr Speaker?

HON A J CANEPA:

The owners of the boats currently berthed at the Camber?

HON M A FEETHAM:

Mr Speaker, the Camber Boat Owner's Association have had meetings with me and are fully aware of the predicaments which the Government finds itself in, in finding an alternative site for them. So long as we provide them with an alternative site it is simply a question of actually mooring the boats. It is a matter for consultation and discussion with them. We have as yet not reached an agreement with them because we are exploring another possibility but at the end of the day I wish to make it quite clear to the Hon Members opposite that whatever is done has to be cost effective for the services that these boats are provided. Mr Speaker, there are other priorities which are more important than spending huge sums of money in re-providing facilities for these boats.

HON A J CANEPA:

Mr Speaker, if agreement is reached before the next normal meeting of the House, to be held before the summer, will the Hon Minister inform me about any agreement and this will avoid my having to put another question down in the Agenda Paper? If there is agreement, if not I may wish to pursue the matter at the next meeting in any case.

HON M A FEETHAM:

Absolutely, Mr Speaker.

11 4 89

NO. 79 OF 1989

ORAL

THE HON M K FEATHERSTONE

Will Government state who is going to cover the medical services for the Port?

ANSWER

THE HON THE CHIEF MINISTER

There has been no change in the cover provided by Government for Medical Services at the Port.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, is it not a fact that the person who has been doing the job up till the 1st April, has now left the Service?

HON CHIEF MINISTER:

No Sir, this is not a fact.

HON M K FEATHERSTONE:

Mr Speaker, our information is that the gentleman that had been doing the service had been given the sack?

HON CHIEF MINISTER:

Mr Speaker, I do not know the source of the Hon Member's information, but of course, Mr Speaker, under this House's Standing Orders, the Hon Member makes himself responsible for the accuracy of the facts that he says he has. The position is that as a result of a question the Government investigated the history of the provision of services at the Port and we established that the individual that was providing a service, as a result of a letter dated in 1958, as a Health Officer under the Quarantine Regulations and there is a letter dated 16 February 1961, I imagine, Mr Speaker, that the AACR was in power then since they had been around for such a long time, where Dr Isola was informed and this is signed by the Colonial Secretary, saying that he was to act as the Health Officer as specified in the Quarantine Regulations. It appears, Mr Speaker, that as a result of representations made by Dr Isola to the Deputy Governor, before the GSLP took office, a chain of events was triggered off, of which we were not aware. Nowadays the

administration knows that they do not do things without consulting us, this necessarily was not true up to the 24 March and if it had been, then the Hon Member opposite would know because he was then the Minister, and he would know that this was happening. Now as a result of Dr Isola not being satisfied with his conditions, the Deputy Governor as a consequence of the representations received from Dr Isola and after looking into the nature of the work required by the Quarantine Regulations substituted the letter of 1958 by a new letter of appointment, appointing Dr Isola as Health Officer under the terms of the Quarantine Regulations which is in fact the position stipulated in the letter of 16 February 1961 and appointed a second Health Officer, who happens to be the Hon Dr R G Valarino sitting next door to the Hon Questioner. I am sure he can give him more information on what has happened than I can.

HON M K FEATHERSTONE:

Mr Speaker, so the position is that Dr Isola will continue in post?

HON CHIEF MINISTER:

I am not sure that the position to stay in post, Mr Speaker, is a valid definition because Dr Isola in 1958 was paid a retainer of £60 a year, which has continued to be paid for the intervening 31 years Mr Speaker. As I understand it in appointing Dr Isola and the Hon Dr Valarino as Health Officers, the Deputy Governor has no intention of paying either of them £60. Because I can tell the Hon Member opposite that certainly we have not provided for the £120 in the forthcoming Budget.

HON M K FEATHERSTONE:

Shame!

THE HON M K FEATHERSTONE

Can Government state why has the Marina been polluted with floating cork?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, following information received by the Environmental Health Department that waste cork from demolition works in the Waterport area was going to be dumped into the sea at the Eastern Beach reclamation, the Public Works Department was alerted and steps were taken to stop such dumping. Some of it had in fact already taken place. As a result of this action, the dumping of cork at the Eastern Beach reclamation was stopped. Cork has, however, appeared at the Marina and let me add that we can only suppose that those persons who were stopped from dumping at Eastern Beach diverted their dumping to the area of the Coach Park. I must state that no permission was sought or given for the dumping to take place. We suppose that that is the reason why there is presently cork in the area of the Marina.

SUPPLEMENTARY TO QUESTION NO. 80 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, will the Minister ensure that people do not dump indiscriminately?

HON J C PEREZ:

Mr Speaker, Government spends quite a substantial amount of money to try and ensure that this does not happen although I must admit that our efforts have at present not been very successful. Every attempt is however being made to tighten up on this.

HON P C MONTEGRIFFO:

Mr Speaker, is there in fact evidence against the parties supposedly dumping this cork?

HON J C PEREZ:

Mr Speaker, evidence could be collected, I mean, although no one has actually seen the dumping taking place there, at the

time of dumping, we know where the cork originated from. It would therefore not be difficult to do so. Although, I think Mr Speaker, the mistake was for the Government not to have provided an alternative when they were prohibited from dumping at Eastern Beach. It must be recognised that that was a mistake. Because if you are going to stop someone from dumping at Eastern Beach, and you have a demolition taking place, you have to provide an alternative dumping place and this was not done. As a result without permission and without the knowledge of the Department they just took their lorries and dumped where they saw fit. As I say evidence could be collected, Mr Speaker, but I do not think we would have a strong case against the culprit.

11 4 89

NO. 81 OF 1989

ORAL

THE HON M K FEATHERSTONE

Will Government state what has been the cost of distributing Gibraltar coinage?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the cost of distributing Gibraltar coinage covering a period from 19th December 1988, when they were first put on issue, to 31st March 1989, is £5,000.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, is it true that people have been employed on overtime sorting out and counting out these coins?

HON M A FEETHAM:

Mr Speaker, to be quite frank I am not aware of this but I will find out. Is the Hon Member referring to overtime by Government employees?

HON M K FEATHERSTONE:

Yes, Sir.

HON M A FEETHAM:

Mr Speaker, I am not aware of this.

HON M K FEATHERSTONE:

Mr Speaker, perhaps the Hon Minister could look into this?

HON LT-COL E M BRITTO:

Mr Speaker, does the figure include the cost of advertising?

HON M A FEETHAM:

No Mr Speaker. We are talking about distribution costs.

HON A J CANEPA:

Mr Speaker, with regard to what the Hon the Chief Minister said that the administration does not implement anything without prior Ministerial approval it must surely mean that the £5,000 does not include a single penny in overtime. Because if it had been overtime then Hon Members opposite would have been the one's to take the decision.

HON CHIEF MINISTER:

Mr Speaker, we assume that that is so. But at the moment we have an allegation from the other side of the House that this is not the case and which we will investigate.

THE HON A J CANEPA

Will the Government make a statement regarding the provision of premises to enable the Drug Rehabilitation United Group (DRUG) to resume their important social work?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, there has been no provision of premises to the group as far as Government is aware.

SUPPLEMENTARY TO QUESTION NO. 82 OF 1989

HON A J CANEPA:

Does the Chief Minister consider that the Government has a commitment to provide such premises?

HON CHIEF MINISTER:

Mr Speaker, the commitment of the Government is the commitment that we gave in the House in answer to Question No. 125 of 1988, when we said "that if and when we were in a position to consider whether there were premises available to us, as a Government, which could be put to this purpose then the matter would be looked at sympathetically". However, the position has not changed since I gave the answer to Question No.125 of 1988.

HON A J CANEPA:

Has the Government received, on transfer from the MOD, any premises that could be regarded as being suitable for this purpose?

HON CHIEF MINISTER:

No, Sir.

HON A J CANEPA:

None have been recently?

HON CHIEF MINISTER:

None at all.

HON A J CANEPA:

And did the Chief Minister round about Christmas time have a meeting with the people concerned on precisely this matter, where they were informed that what the MOD handed over was a matter for the Government to dispose of and no one was going to tell the Government who it should allocate its Quarters to?

HON CHIEF MINISTER:

Mr Speaker , clearly the Hon Member must have been a fly in the wall at that meeting. Unless he had a tape recorder, which he left behind before he left office and which I have not yet discovered the whereabouts. The position is that on the 22nd December the people concerned came to see me with a representative from the PSA on the basis almost of being faced with a fait accompli. Where the MOD/PSA was already deciding which property would be used for which purpose, prior to a decision being taken as to whether it should be handed over to us. Now, I do not know whether the Hon Member opposite has changed his views about the right of the MOD to decide how property is used when they relinquish it, from the views he held when he was on this side of the House. But I can tell him that the position that I took at that meeting is a position with which he will be very familiar, which is to say to the MOD "that it is a matter for the Government of Gibraltar to decide what is in Gibraltar's best interest when property is handed over and not for the MOD to decide what is best for us beforehand". Since that meeting I have had a letter from the representatives of DRUG, who in fact wrote to me on the assumption, incorrect, that property had been passed over to us and that we had not taken their necessities into account and I wrote back to them, and indeed I wrote to His Excellency the Governor, pointing out that it seemed to me that there were private individuals who seemed to have more knowledge about land transfers than the Government of Gibraltar did. I do not know whether I ought to include the Hon the Leader of the Opposition in that group! The position at the moment is that we are still waiting for the MOD to tell us what property they are going to release and when they do we will decide what the requirements for DRUG are compared to other possible users of that property. We are sympathetic to their needs but we are certainly not going to have the decision taken for us by the MOD.

HON A J CANEPA:

Has the Government had recently transferred to them, or any indications of a transfer of an MOD property in Hospital Ramp?

Behind or adjacent to what used to be St Mary's First School in Hospital Ramp?

HON CHIEF MINISTER:

Mr Speaker, I have already answered that question. The Hon Member has asked me in his second supplementary whether any property has been transferred.....

HON A J CANEPA:

I have now asked for a specific property.....

HON CHIEF MINISTER:

Well if I have said none it must follow that one is included in none.

HON A J CANEPA:

Is the Chief Minister aware of the deteriorating situation regarding drug abuse in Gibraltar in the last 3 or 4 months?

HON CHIEF MINISTER:

No, Mr Speaker, I am not aware that it has deteriorated in the last 3 or 4 months. As far as I am aware there was a bad situation on the 24th March, 1988 and as far as I know, from the reports that I get officially from the Commissioner of Police at the monthly meetings that I have with him and the Governor, the situation is not all that different in March, 1989 from what it was in March, 1988. I think that if the Hon Member opposite has evidence to show that it has got markedly worse in the last three months I would be very grateful if he were to pass it on to me.

HON A J CANEPA:

Will the Hon Chief Minister make enquiries as to whether there have been, in the last 3 months in Gibraltar, any deaths directly attributable to, shall we say, overdoses of drugs? Will he make those enquiries? Because I am not now within the Government to actually ascertain the veracity of such reports but I have been informed, where I am informed of about most matters these days, which is in the street. So I would invite him to ascertain whether that is true or not. Mr Speaker, quite apart from that I am sure that the Hon Chief Minister is aware that the GSLP Manifesto, having regard to what he said a moment ago about the position on the 24th March, 1984, stated that the

little help, and I quote "the little help that is available is almost entirely due to the efforts of public spirited individuals and voluntary groups" and having regard to Government inactivity in the past year in this field what help is there now available, what steps is the Government proposing to take to deal with this problem?

HON CHIEF MINISTER:

Mr Speaker, the Government expects to fulfil the whole of its Manifesto in four years not in the first year and I have already told the Hon Member, as I told him in answer to Question No.125 of 1988 on the 15 November, "that we were aware of the desirability of finding suitable premises for this group and that we will bear it in mind" and I told them (the group) at the meeting when they came to see me that they were competing with other requirements and as and when property was passed on to us we would bear their requirements in mind. I can tell the Hon Member that independent of the Question in the House, the matter will be looked at on its merits, it will not be looked at any more or any less, because the matter is raised in the House. We are conscious of it, we consider that it is an area in our society that the Government has to assume responsibility for and we intend to assume responsibility for that area and not leave it to voluntary groups as indicated in our Manifesto but at the moment we recognise that they are the only ones doing something and that we are not in a position ourselves in the light of many other calls on our time and resources to step in and meet that requirement. It is, however, Government's view that it should not be left to volunteers.

HON A J CANEPA:

The question of priorities, Mr Speaker, is something which we only seem to discover when we are in Government. Will the Chief Minister consider, if the indications that I have given about the deteriorating situation are correct, will he consider dealing with the matter, taking definite steps, earlier on in this term of office, namely, in the second year, and not in the third or the fourth, if my indications are correct?

HON CHIEF MINISTER:

All I can say, Mr Speaker, is that certainly I would agree with him that that should be the case, but not in relation to his original question, that is that dealing with the question does not mean giving a place to DRUG. Because if the situation is deteriorating as seriously as the Hon Member opposite claims, then it may mean that the Government may have to step in itself.

HON A J CANEPA:

This is what I am looking for, that the Government will then step in.

HON J L MOSS:

Mr Speaker, can I just inform the Hon the Leader of the Opposition, to save him the trouble of finding out down the street, that there is in fact, this very week, a course which is being run under the auspices of the Youth and Careers Office to stop drug abuse.

HON A J CANEPA:

Mr Speaker, I hope that the course is very successful because the matter is a very serious one.

THE HON LT-COL E M BRITTO

Will Government give full particulars regarding the disposal of Jumper's Building?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, a statement in respect of this and other relevant matters concerning development will be made by me at Budget time.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, as a matter of principle is the Government not committed to making a statement on the disposal of any area of land as soon as possible after that transfer has taken place?

HON M A FEETHAM:

No Mr Speaker, we will make a statement as and when we feel it necessary to do so and I have said that I will make such a statement at Budget time.

HON P C MONTEGRIFFO:

Mr Speaker, I understand this for the purpose of Jumper's Building but as a general matter is it not Government's position that they will make a statement on the disposal of a property bearing in mind the system now in force, a non-tender system, the moment the disposal takes place or as soon as possible after the disposal takes place? I understood that that would be the case.

HON M A FEETHAM:

Mr Speaker, what I am saying is that the position will be much clearer when I make my statement at Budget time. On the wider issues involved.

NO. 84 OF 1989

ORAL

THE HON A J CANEPA

Has the Government now taken a decision on the proposals which they have received about the development of the former Caravan parking site at Catalan Bay?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No Sir, the future development of this site is still undetermined.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1989

HON A J CANEPA:

Can the Government give any indication, Mr Speaker, as to what is holding the matter up?

HON M A FEETHAM:

Mr Speaker, it is not a matter of what may be holding the proposals up. Government is considering its overall Development Programme, it may wish to implement these proposals or it may not wish to implement them. What is so special about the Caravan Parking Site? We have a substantial area of land which is being reclaimed which the Government may consider in its judgement that that is where it should concentrate its investment and not necessarily at the Caravan Parking Site.

HON A J CANEPA:

Mr Speaker, the Hon the Minister for Trade and Industry is in a very aggressive and pugnacious mood today. I am only asking because he gave the impression, in answering a previous question in the House, that the Government was anxious to consider proposals that it had received and to go ahead with them. Could I ask the Minister, Mr Speaker, if the Government has received more than one set of proposals or only from one particular interested party?

HON M A FEETHAM:

Mr Speaker, as I have previously made it clear and I do not know how I could have given the impression that I was anxious to have the site developed. What I said was that Government had taken possession of the site because the developer who had been awarded the site, by the previous administration, had not met its obligations

and we had taken possession of the site. As a result of this a number of proposals have been received.....

HON A J CANEPA:

A number.

HON M A FEETHAM:

But we may not wish to entertain any of these proposals neither are we in a particular hurry to have that site developed expeditiously.

HON A J CANEPA:

Fine, Mr Speaker.

THE HON LT-COL E M BRITTO

Will the Minister for Housing say whether a Housing unit is being built by Government on what was previously open space on the first floor of Portmore House and, if so, how it is to be allocated?

ANSWERTHE HON MINISTER FOR HOUSING

Yes Sir, the flat will be allocated in the best way to reduce the housing waiting list, when the time comes.

SUPPLEMENTARY TO QUESTION NO.85 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister confirm that the house will be allocated in the normal manner by the Housing Allocation Committee and that the decision has not been made and pre-determined in any way?

HON J L BALDACHINO:

Mr Speaker, if the Hon Member is referring to rumours that he has heard, and I have heard quite a few of them, let me enlighten the Hon Member that it is not only one flat that is going to be constructed there, there will be eleven. Once those flats are completed, Government will decide if they are going to be allocated by the Housing Allocation Committee or whether we are going to use them for decanting purposes or for something else. Once they are constructed we will make up our minds.

HON LT-COL E M BRITTO:

Mr Speaker, for clarification we are talking about the same site? The one that I am talking about unless they are going to be "lego" buildings it is impossible to have eleven of them.

HON J L BALDACHINO:

What I am clarifying for the Hon Member is that there are quite a few rumours going around. At present there is one flat being constructed, at the void in Portmore House, what I am however telling him is that apart from the void at Portmore House in adjacent areas there will altogether be eleven flats built.

2.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government disclose the total cost, including all infrastructure, of the Queensway temporary housing estate?

ANSWERTHE HON MINISTER FOR HOUSING

No Sir, as the project has not yet been completed, the total cost has not yet been finalized.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Minister takes my question too literally and maybe it is my fault for not including the word estimated. Mr Speaker, that was the intention behind the question. Would the Minister care to give an estimate of what the total cost is likely to be?

HON J L BALDACHINO:

Not at this stage, Mr Speaker. Although I am willing to give the Hon Member a very rough estimate but I would not like him to then at a later stage query the figure I am going to quote. I reckon, Mr Speaker, £1.3m.

HON LT-COL E M BRITTO:

Will the Minister confirm, Mr Speaker, that that is some way in excess of the original estimate?

HON J L BALDACHINO:

Not really, Mr Speaker, if one considers the infrastructure that has been required for this project. We have had to purchase a pump for the sewage, the extension of the water mains, electricity system, telephones etc from Line Wall Road and really all in all we are not so far of the original estimate.

HON LT-COL E M BRITTO:

Mr Speaker, is it not correct to say that this pump that you have referred as well as the extra infrastructure from Line Wall Road downwards was not included in the original estimate?

HON J L BALDACHINO:

No, Mr Speaker, that is not correct.

HON P C MONTEGRIFFO:

Mr Speaker, does that include the extra wages like bonuses and other incentives?

HON J L BALDACHINO:

Yes Mr Speaker, that includes wages and the JPC agreed with the people working there.

THE HON LT-COL E M BRITTO

Will Government say whether it intends to build any further temporary Housing Units and, if so, where?

ANSWER

THE HON MINISTER FOR HOUSING

Sir, the Government has not yet made a policy decision on this. Once we take a decision it will be made public.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government considering making a policy decision on this?

HON J L BALDACHINO:

Yes Sir, once the work is completed at the Coach Park we will see if we can fit others but at this stage we have not taken a policy decision on the building of other temporary accommodation.

HON LT-COL E M BRITTO:

Mr Speaker, irrespective of the policy decision which the Government is considering, on the assumption that possible sites have been identified, is there a possibility that such housing units may be built within existing Housing Estates?

HON J L BALDACHINO:

Mr Speaker, that is one of the possibilities just as we have looked at other possible sites but we have not yet made a decision.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware that there is some concern about the effect that this will cause on the parking problems, which as he is aware is very severe in some of these estates?

HON J L BALDACHINO:

Mr Speaker, I am very much aware that people might be concerned about parking facilities but I can tell the Hon Member we have taken this into account and the parking facilities that exist will not be affected.

THE HON LT-COL E M BRITTO

Will Government say what amount of repairs and maintenance has been carried out on balconies at Varyl Begg Estate since 25th March, 1988, to counteract existing problems of water penetration and consequent internal dampness?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, no repairs or maintenance have been carried out on balconies since 25th March 1988 or, as far as I am aware, prior to that date.

Examination of complaints received, indicated that the water penetration is due to the tenant's action of enclosing and incorporating the balconies as part of their living rooms. The professional advice received has been that, as there are no cavity walls between the balconies and the living rooms, the water penetration and consequent dampness cannot be prevented.

SUPPLEMENTARY TO QUESTION NO. 88 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is it therefore a policy of Government not to alleviate this problem?

HON J L BALDACHINO:

Mr Speaker, perhaps I should explain the position to the Hon Members. The balconies at Varyl Begg Estate were not designed to form an intergral part of the building. Therefore.....

HON LT-COL E M BRITTO:

Mr Speaker, if the Hon Minister will give way, it might save the Hon Minister some time. I used to live at Varyl Begg Estate Estate and I am aware of the problem, Mr Speaker.

HON J L BALDACHINO:

Mr Speaker, when tenants seek permission to knock down part of the wall to incorporate the balcony into the living room they fill in the gaps and since they are not very wide no cavity walls can be incorporated and since there is no cavity

wall there is no flow of air. The expert advice that I have been given is that there is nothing that can be done to stop the penetration of water or dampness occurring.

HON LT-COL E M BRITTO:

Mr Speaker, with respect and whilst accepting the sincerity of the explanation the cases that have been brought to my attention and that I have seen for myself, I hope the Minister will accept, the water penetration is not only coming in through the gaps of the demolished walls but is also coming in through other areas of the balconies in question, including the original balcony roof. Will the Minister also accept that his statement in answer to my question that "no repairs have been carried out either before the 25 March or after this date" does not appear to be entirely accurate from the information in my possession.

HON J L BALDACHINO:

Mr Speaker, I am willing to look into the matter, but as I have said the complaints that I am aware of is as a result of what I have just explained, alterations to balconies. If, as the Hon Member has said, there is water penetration via the roofs I will look into the matter and see if there are any complaints. And if there are I will do everything in my power to see that it is remedied.

HON LT-COL E M BRITTO:

Mr Speaker, if it is of help to the Hon Minister I will make available to him addresses that I have seen personally and I will also acquaint him of the address where substantial repairs have been carried out to the subsequent inconvenience to neighbours, etc.

NO. 89 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government give an undertaking that they will clean up the areas to the back of Harrington Buildings in Cumberland Road and remove all debris and rodents in this area.

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, no complaints on this matter have been received by the Department. Now that the Hon Member has pointed it out, it shall be investigated and action taken.

SUPPLEMENTARY TO QUESTION NO.89 OF 1989

HON A J CANEPA:

Mr Speaker, there is no need to write in on this occasion?

HON J C PEREZ:

No Mr Speaker, not on this occasion because the Minister is not responsible to any Committee. By the way, Mr Speaker, for the Hon Members information I am answering this question but any works that might be required will be undertaken by the Gardening Section which comes under my colleague, Mr Pilcher, so that it does not confuse Ministers at a later stage.

HON DR R G VALARINO:

Mr Speaker, it would be difficult to confuse the Hon Minister with anybody else!

THE HON LT-COL E M BRITTO

Will Government give full details of the allocation of housing units to prospective purchasers in the Westside I project?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, the following criteria have been applied:

First priority has been given to the applicants who release Government rented accommodation

The remaining applications were all considered on the basis of the housing pointage shown on record at the time of the priority listing.

No reply was received from any private landlord clearly stating the rents that would be expected from Government nominated tenants. As a result, the group of applications in this category could not be given a clear priority over housing pointages although steps were taken to ensure that all received an offer at a later stage in the process. This was done because of the possibility of subsequent negotiations with the private landlords on the basis of Section 15 of the Landlord and Tenant's Ordinance.

Steps were also taken to ensure that at least eight offers were made to members of the Police Constabulary in accordance with an agreement reached with their Association.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister say how many applications were received in total?

HON J L BALDACHINO:

Mr Speaker, I think 614 or 617 applications were received.

HON LT-COL E M BRITTO:

Mr Speaker, were any refused by Government and were any subsequently turned down by the tenants themselves after the situation was explained to them?

HON J L BALDACHINO:

Mr Speaker, out of the 314 persons that were interviewed?

HON LT-COL E M BRITTO:

Mr Speaker, should that not be 614?

HON J L BALDACHINO:

No Mr Speaker. We received 614 or 617 applications, we interviewed 314 out of the total of 614 or so. Of those 314 36 were withdrawals, 54 of the applicants said that they preferred to wait for an option in the Second Phase of Westside and I think 21 Government tenants then withdrew, I am not sure of the exact figure but it is around that figure.

HON LT-COL E M BRITTO:

Mr Speaker, so in fact all the Housing Units have been allocated is that so?

HON J L BALDACHINO:

Yes Sir, the 214.

HON LT-COL E M BRITTO:

And how many Government Rented Units have been recouped, Mr Speaker?

HON J L BALDACHINO:

72, I think, Mr Speaker.

NO. 91 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Housing say what is the estimated date of completion of the revision of the Housing Waiting List and what was the level of approved applications as at 1st April, 1989?

ANSWER

THE HON MINISTER FOR HOUSING

Sir, I estimate that the complete revision of the Housing Waiting List will take approximately 3 more months.

The level of approved applications as at 1st April 1989 was 88%.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1989

HON LT-COL E M BRITTO:

I am sorry, Mr Speaker, 88% of what?

HON J L BALDACHINO:

Of the total number of persons that were applying for Government Housing, Mr Speaker.

HON LT-COL E M BRITTO:

Could the Minister put that into figures, Mr Speaker?

HON J L BALDACHINO:

Mr Speaker, the number approved was in the region of 1439.

HON LT-COL E M BRITTO:

Approximately?

HON J L BALDACHINO:

Approximately, Mr Speaker.

NO. 92 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Housing explain how paragraph 5, clause 2c of the Housing Allocation Scheme (Revised 1987) is being applied in practice to disqualify housing applications and how many Waiting List applicants have been removed in this way during the current revision of the Waiting List?

ANSWERTHE HON THE MINISTER FOR HOUSING

Sir, paragraph 5, clause 2c of the Housing Allocation Scheme (Revised 1987) is being applied in accordance with the proviso of the said clause as introduced by the previous Government.

It is Government's intention, however, to review the Scheme with particular emphasis on section 5, once the revision has been completed.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, the clause in question, in its explanation, says: "No application will be considered if at the time of applying the requirement for rehousing is the same as that being enjoyed and a dwelling is of the same basic standard as Government post-war accommodation". Will the Minister define what his Department considers 'the basic standard of Government post-war accommodation'?

HON J L BALDACHINO:

It is the same standard that they were applying in 1987 when they were in Government, Mr Speaker. The way that it is being applied is that if a person is living in a private rented accommodation or he is adequately housed, the same as post-war therefore if he has bathroom facilities and toilet facilities then he is disqualified under those grounds to apply for Government housing.

HON LT-COL E M BRITTO:

Is the Minister saying that the only consideration for the basis of the assessment or the comparison is one of the floor area and the availability of bathroom and toilet facilities within the flat?

HON J L BALDACHINO:

No, Mr Speaker, because we also take into consideration the condition that the flat is in, for example, if it has dampness whether it is remedial or it cannot be repaired, what level of dampness it is, if it is a semi-basement flat. There is a whole range of conditions of the flat before one can make a decision. If it is basically the same standard as any post-war Government flat then he is disqualified. If those grounds are something with which I do not agree, I am willing to look into it.

HON LT-COL E M BRITTO:

Fine, I respect that last point and that is the subject of a completely different discussion and I am sure the Minister will agree. But what he has told us sounds perfectly sensible and I could not agree more, the house is compared, if there is damp, if it is in the same conditions, if it is not falling down, etc. Can the Minister tell us who actually makes this comparison? Is the comparison actually being made in all the cases of people who have been removed from the Housing Waiting List? Is someone going along to the house from his department and looking at the applicant's flat before knocking him off the Waiting List and actually checking whether there is damp or whether it is falling down?

HON J L BALDACHINO:

Let me, first of all, clarify a point for the Hon Member. At this stage nobody's application has yet been removed from the Housing Waiting List. I know some applicants have received a letter from the Housing Department but the file has been set aside because I did not want to amend the Scheme once it was halfway through being implemented. I would rather wait until it is implemented and then change the Scheme. Then all we have to do is look at the files that have been put aside and then if they have grounds they will be incorporated back into the Waiting List.

HON LT-COL E M BRITTO:

Mr Speaker, all I can say is that although I appreciate the sense of what the Minister is saying, I think the people affected would appreciate it even more if they were informed of his Department's way of proceeding because I have a copy of the standard letter being sent out here in front of me and if I may read it out, it says - and I draw particular attention to the dates concerned - "Dear Mr So and so, I refer to your application for housing dated the 28th January, 1972". If this drops into a man's or a woman's letterbox out of the blue and tells them that his application, made in 1972 - and that is just an arbitrary date which I have in front of me, it obviously changes with different applications - "I wish to draw your attention to the Housing Allocation Scheme (Revised 1987), paragraph 5(2)(c) and have to inform you that your application cannot be considered".

That to me is telling the person concerned that he is no longer on the Waiting List. That is certainly the way the people who are in receipt of this letter are interpreting it. That is certainly the way that the approaches that I have had have been given to me. Would the Minister not accept that it would be better to make a statement and advise those people who are in some cases under a certain amount of distress by the fact that they have suddenly received this letter and in this particular case, sixteen or seventeen years after making the original application suddenly to be told that he is no longer eligible to apply.

HON J L BALDACHINO:

Mr Speaker, let me remind the Hon Member that these qualifications were introduced by the previous administration.

HON LT-COL E M BRITTO:

That is not the point.

HON J L BALDACHINO:

What I am not prepared to do, Mr Speaker, is to have different interpretations in the clause. I agree that the clause needs to be changed and once it is changed then we can disqualify people under the new clause or qualify people. What I am not prepared to do, at this stage, is to make allowances to qualify some people under that clause and not to qualify others because then I will have a problem in the Housing Department. I am prepared to put all of them aside and once we have reviewed clause 5 then I am prepared to consider them all again. But if the Hon Member wants a public statement I am making it now. I am saying publicly now that nobody has been disqualified at this stage they have been put aside until we have the amendment incorporated in clause 5.

HON A J CANEPA:

Mr Speaker, the Hon Member cannot attempt to pin the blame on the previous administration. The Housing Scheme was revised in 1987. Apparently, will he confirm, no action was taken by our administration to write to the people concerned in the manner in which the Housing Department has now written to them one year after we left office and nearly two years after the Scheme was revised. Action has been taken now, they take political responsibility for everything, they cannot shove the political responsibility for letters that are being sent now to the previous administration. In any case, is it not a fact that the Housing Allocation Scheme is an administrative Scheme which can virtually be revised by a collective decision of Ministers which can be taken very quickly?

HON CHIEF MINISTER:

Mr Speaker, the position is that the previous Government brought this Revised Housing Scheme to the House, I think it was in November, 1987. They introduced the clause of which they are complaining which presumably they decided politically was.....

HON LT-COL E M BRITTO:

If the Hon Member will give way.

HON CHIEF MINISTER:

I have not finished, Mr Speaker. The Hon Member has got a right to ask me any question he wants after I have finished. Mr Speaker, they brought this clause in for reasons which they presumably considered desirable in order to have a better reflection of housing needs and the Department started the exercise in January, 1988, manually, going through all the files in the Department and is still at it. That is the situation. The exercise that started when they were in office has not yet been completed. We ourselves having come into office have not interrupted the exercise, influenced it or given any political direction. We have allowed the application of the new rules to proceed, however we have got reservations in one particular respect about this clause which is that you can have somebody living in perfectly adequate physical conditions which nevertheless are economically impossible for that person to sustain and that clause never took that into consideration. Therefore we feel that we should let the Scheme, as devised by the previous Government, proceed, be completed and then what my colleague has said is when it is completed and we find who are the people who previously qualified before 1987 and who no longer qualify after 1987, who they are, what their circumstances are and whether, in fact, they are people who may be living in post-war private sector accommodation but may be paying astronomical rent and their capacity to pay the rent is not reflected in the Housing Scheme. And in the light of the exercise then we will decide what further amendment the Scheme needs. I would imagine that that is what Members opposite would have wanted to do with the Scheme anyway, having tested it in practice, assessed whether it was fair or not fair and that is what is happening. It is not a question of saying that we are apportioning blame to the previous administration but whether they like it or not what they are complaining about was their brainchild, not ours.

HON A J CANEPA:

Couldn't an alternative course of action have been for the exercise which we now hear is still an ongoing exercise, for it to have been completed before any letters were sent out? Complete the exercise, examine and evaluate the matter

and only then, if the Government decides that it should go ahead, write to people. That would have been the proper way to proceed or, at least, it is an alternative way and one which, if I had been sitting on that side, would have said that is the proper way to proceed.

HON J L BALDACHINO:

No, Mr Speaker, if the Hon Member had been sitting on this side, I am sure he would have implemented the qualification as he.....

HON A J CANEPA:

He may be surprised because sometimes the Department for which he is responsible has misinterpreted decisions that Ministers have taken and I can give him chapter and verse.

HON J L BALDACHINO:

I accept that, probably my Department might have interpreted different things when the Hon Member was in Government. But there cannot be a different interpretation to this clause precisely because one of the things is what the Hon Chief Minister has said, Mr Speaker, that if you live in post-war houses in the private sector you are automatically disqualified under this clause. If you live in pre-war you might not be disqualified precisely because the flat might not be up to the standard of post-war. Certainly whoever was in power would have disqualified anybody in private post-war flats.

HON LT-COL E M BRITTO:

Mr Speaker, if I can bring back the whole thing into perspective. Will the Government accept - we have gone off at a tangent on the whole thing and this is what I was trying to rectify the Chief Minister on. It is unfair to say to put the blame on the previous administration but if we look at the clause for the moment and take it literally, there are two possible areas of exception, one indicated by the Chief Minister that a person living in adequate physical accommodation but economically in difficulties and the other one, as pointed out by the Housing Minister, a person living in pre-war accommodation which does not compare favourably. But the whole thrust of my original question and the whole thrust of my argument is that the Housing Department, and will the Minister accept, that the Housing Department is not properly checking that the conditions of the clause apply or has not properly checked, I do not know whether letters are still going out and he has not, may I point out, answered my original question on how many people have been disqualified in this way, that the Department is not checking whether the conditions of the house as they exist today are comparable

to Government post-war accommodation because to my information no one has visited those houses, no one has contacted the people concerned, no one has actually checked whether the house is actually still in existence or has actually fallen down ten years ago. Unless you make that physical comparison now I fail to understand how anyone can say that the house compares with Government post-war accommodation or does not.

HON J L BALDACHINO:

Mr Speaker, in every application you have from the Public Health a report. Therefore when my Department makes an assessment of this nature it is basing itself on the Public Health report and therefore it is on those basic grounds that the decision is made and then letters sent. On the question of the letter let me assure the Hon Member that no more letters will be sent until we have revised that clause and we can then make a decision who qualifies and who does not qualify under the new clause.

HON LT-COL E M BRITTO:

Would the Minister not accept that it would be fairer and more in everybody's interests if the recipients of the original letter were all to receive a subsequent letter telling them what he has told us in the House this afternoon, telling them that they are notionally still on the Waiting List until such time as the clause is revised and the conditions of that particular clause of the Housing Allocation Scheme is revised?

HON J L BALDACHINO:

I will check who are the persons who have received a letter and what I am prepared to do is for my Department to write to them saying that that letter is no longer valid and that we will make an assessment on their applications once clause 5 has been revised and the revision comes into effect.

HON LT-COL E M BRITTO:

I thank the Minister for that commitment and I assure him that it will relieve a lot of people who have been caused a lot of distress by having received this letter.

MR SPEAKER:

Next question.

11 4 89

NO. 93 OF 1989

ORAL

THE HON A J CANEPA

Has GSL been paying Government the weekly £2 training levy since the levy was implemented?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question Nos. 94, 95, 96, 97 and 98 of 1989.

11 4 89

NO. 94 OF 1989

ORAL

THE HON A J CANEPA

Does GSL owe Government any PAYE tax deductions and, if so, how much?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question Nos. 93, 95, 96, 97 and 98 of 1989.

11 4 89

NO. 95 OF 1989

ORAL

THE HON A J CANEPA

Does GSL owe Government any arrears of Social Insurance contributions for their employees and, if so, how much and for what period?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question Nos. 93, 94, 96, 97 and 98 of 1989.

11 4 89

NO. 96 OF 1989

ORAL

THE HON A J CANEPA

Does GSL owe Government any arrears in respect of electricity charges and, if so, how much and for what period?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question Nos. 93, 94, 95, 97 and 98 of 1989.

11 4 89

NO. 97 OF 1989

ORAL

THE HON A J CANEPA

Does GSL owe Government any arrears in respect of water charges and, if so, how much and for what period?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question Nos. 93, 94, 95, 96 and 98 of 1989.

THE HON A J CANEPA

Does GSL owe Government any arrears in respect of telephone charges and, if so, how much and for what period?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, I propose to answer Question Nos. 93, 94, 95, 96, 97 and 98 together.

HON A J CANEPA:

Mr Speaker, the problem is that in all these questions I am asking for a great deal of specific information and I do not know in what form the Minister intends that that information be made available to me. I wish to pursue some points in supplementaries.

HON J E PILCHER:

Mr Speaker, when the Hon Member hears my answer he can make up his mind as to what information I am going to give him or not.

Mr Speaker, it is not Government's practice to give details of amounts of arrears owing to Government by individual commercial entities. GSL is in this respect a government debtor amongst many others.

As owners of GSL the government has taken certain steps to restructure its creditors following the situation it found on taking over a year ago.

At the time the company had debts to the Government going back to 1987, which no doubt the Hon Member opposite is aware of. Most of these have now been cleared though payments on account in respect of PAYE are still been made. In addition money was owed to the employees' provident funds which has been paid. Other commercial creditors supplying GSL were owed money and pressing for payment with the consequential risk of no further credits being extended. This situation plus the very high level of losses during the first four months of 1988 meant that the company was faced with a serious cash crisis.

The priority of the Board was to restructure its debts as well as restructuring the company into a group of self-accounting companies. The restructuring examination is now nearing completion and the programme calls for reduction in creditors including payments to the government so that by July the figures are brought down to what is considered to be an average figure given the sum owed to the company by its own customers. The normal commercial practice is that by and large a period of credit is extended to customers similar to that received from suppliers.

The yard is still losing money in terms of trading profits but it is targetted to reach economic viability by this summer so that for 1989 as a whole it should have reached the position that the shiprepairing side is as a minimum no longer a drain on the Gibraltar economy taking out less than it contributes. The Government continues to be reasonably confident that this can be achieved. In part, success depends on the speed with which the subsidiaries can be brought into operation and be made profitable as this has a material effect on the overheads of the parent company.

SUPPLEMENTARY TO QUESTION NO. 93, 94, 95,
96, 97 AND 98 OF 1989

HON A J CANEPA:

Mr Speaker, will the Minister state whether GSL are handing over PAYE contributions on a current basis?

HON J E PILCHER:

Mr Speaker, I have already given the Hon Member opposite the answer that it is not the intention of the Government to disclose what is a commercial company and he will have to wait until we take the accounts for 1988. He will then have an option to discuss everything that has happened in 1988. By that time, Mr Speaker, the Government will have taken a decision on the future of GSL as a whole.

HON A J CANEPA:

Mr Speaker, a commercial company which is wholly owned by the Government and therefore does the Minister not agree that the Government is adopting a different policy towards GSL as compared to what it does to other consumers in the Private Sector?

HON J E PILCHER:

No Sir.

HON A J CANEPA:

Mr Speaker, will the Minister confirm that GSL owe the Government over £1m in arrears of PAYE?

HON J E PILCHER:

No Sir.

HON A J CANEPA:

Mr Speaker, the Hon Minister will not confirm that?

HON J E PILCHER:

No Sir.

HON A J CANEPA:

Mr Speaker, does the Hon Minister deny that they owe the Government over £1m in arrears of PAYE?

HON J E PILCHER:

Mr Speaker, I cannot at this stage confirm it and I am not going to deny it either.

HON A J CANEPA:

Mr Speaker, will the Minister confirm whether GSL owe the Government over £½m in respect of electricity, water and telephone charges?

HON J E PILCHER:

Mr Speaker, I think we are now wasting the House's time because I have said quite clearly and I have explained to the Hon Members opposite the position at GSL taking into account that we have paid during 1988 somewhere in the region of £800,000 owed to its employees in the provident fund which was never paid to this fund since the 1 January 1985. We are also clearing PAYE debts through 1987, this we are paying monthly to clear this up before the end of this financial year and we are also paying arrears of electricity, water, rates etc debts appertaining to previous years. That Mr Speaker, together with the losses sustained through the first four months of 1988, and which were astronomical as the Hon Member knows, somewhere in the region of £½m per month for the first 4 months of 1988. Together with an increased workload which in itself creates a situation where you have to put cash "up front" to pay suppliers etc has created a situation where the company has, as I have said, a serious cash flow position. The position is being reviewed, it is in line with the Government's thinking on the company, and which is that a decision will be taken by the end of June this year as close as possible to the timescale we set ourselves when we came into office. Through 1989, as I have said in answer to the question, the company will make itself responsible for the clearing up of the debts to arrive at a normal commercial situation. Other than that I am not prepared

to say anything further, Mr Speaker. However when the House debates the 1988 Accounts and the auditors are just about to finish the accounts at present, sometime in June or July, without making any commitments because auditors take some time, they will have the right to discuss everything related to 1988 and everything related to the decision that the Government will have taken in the future of GSL. Whatever that decision may be.

HON P C MONTEGRIFFO:

Mr Speaker, is it the Government's intention to treat GSL as just any other commercial entity and is GSL one of the companies targetted by the Income Tax Office for possible prosecution for non-payment of PAYE? Is it also earmarked by the Collection Office for prosecution for non-payment of electricity and other municipal services? Or has a special exemption been made for GSL in that respect?

HON CHIEF MINISTER:

Mr Speaker, the Income Tax Department as far as I am aware does not target individual taxpayers for special or inferior treatment. If the Hon Member has any reason to believe otherwise and he makes that information available to me I will have it investigated. I can tell the Hon Member that previously it appeared that the support for the Income Tax Department to ensure that businesses that were in arrears with their PAYE, going back as far as 1985, did not exist. I can tell the Hon Member that we took the political decision, a new decision, of saying to the Attorney General that people who had already been taken to court and who had already had a court judgement to pay and who had subsequently ignored the orders of the court or people who had entered into an agreement with the Income Tax Department, and had defaulted, and then entered into another agreement and again defaulted, that there had to be a limit to how many opportunities they were given to clear up their debts and that the law was clear and at some stage the law had to be implemented. This had apparently never happened before and certainly as far as the Government is concerned people who think that they can get away with not paying their tax, electricity or water simply because they can get away with it are now living in a different world. I am glad to say that the message appears to be getting through and that collections have improved. That does not stop, Mr Speaker, the Income Tax Department from using their logic and if there is a business that is capable of successfully overcoming a period of difficulties, and is not simply paying because it does not want to, it is better in the Government's own interest that that business should be given a breathing space and allowed an arrangement. This is something that is negotiated

with the Income Tax Department, not with the politicians, to enable them to adjust their own cash flow position and the Government does not press them to the extent of insisting that they have to pay on the dot. There is no difference, Mr Speaker, in the treatment that is afforded to any other business from the treatment afforded to GSL. Of course the Government has a situation, as the Hon Member knows because they voted against it, introduced powers to enable the information on income tax to be scrutinised for the purposes of its economic policy, but in fact the application of its powers do not allow the Government to obtain individual tax files, notwithstanding the Hon Member fears, and do not enable the Government to make public the contents of those files. It may require a further amendment to the Ordinance to do that, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, is the Hon the Chief Minister then confirming that there is a specific agreement between the Board of GSL, presumably, and the Commissioner of Income Tax regarding the supposed non-payment of PAYE as would be required of any other private company?

HON J E PILCHER:

Mr Speaker, there is an on-going agreement between GSL and the Income Tax Department to pay over £ $\frac{1}{2}$ m that was owed from the 1987/88 tax year which GSL is paying on a month-to-month basis and that agreement will be reviewed during this year.

HON P C MONTEGRIFFO:

Mr Speaker, the issue surely is to pay the current PAYE on a monthly basis from now on as distinct from arrears agreement?

HON CHIEF MINISTER:

Mr Speaker, what I am telling the Hon Member is that in his concern that GSL should not be given privileged treatment, there are other commercial businesses in Gibraltar that owe PAYE from 1985/86, 1986/87, 1987/88 and 1988/89 and which the Hon Member appears to think is alright.....

HON P C MONTEGRIFFO:

Mr Speaker, Mr Speaker.....

HON CHIEF MINISTER

Mr Speaker, I have not given way. I do not know whether the Hon Member is concerned that the private sector should be allowed not to pay tax and that GSL must pay tax because the Government, which is the public, owns GSL. What I am saying to him, Mr Speaker, is that the Government is not giving privileged treatment to GSL because GSL is required by the Government to pay the arrears of 1987/88 which many other people have not yet paid. These are the people who are being asked that they either come to an agreement or they have no business to carry on trading. Independent of that as the original answer says the position is that by June this year the Government will be able to assess whether GSL has got a future or not, and which I imagine all in this House wish it should have, and it is the view of the Government that that future must be on the basis that it is viable as a commercial enterprise without any privileged treatment. It is in relation to the future of GSL that it is expected to clear all its arrears by this summer to the extent that it is trading with no more arrears than the average commercial company which probably accounts for 75% of the businesses of Gibraltar. We have a situation where 75% of the businesses of Gibraltar have got a certain level of arrears, GSL is behind that 75% but well ahead of many of the remaining 25%. We expect it to come into line with the 75% of normal viable commercial businesses which we all know are slightly behind with their payments but we all recognise that they themselves are owed money by their customers and they try to match, as far as they can, what they get paid with what they have to pay to the Government, for Government services, and to anybody else. I imagine the Hon Member finds that in his business he has customers who have to be chased for payment. It is a part of commercial life.

HON P C MONTEGRIFFO:

Mr Speaker, I am certainly not impressed by the Chief Minister's retort that I am defending the private sector. What I am defending is if it is Government policy, as I understand it to be the case, that it will not be tolerated that PAYE shall not be left unpaid, and now GSL is not complying with the letter of the law, then that is something which should not be allowed to occur. Now if what you are saying is that the Income Tax is prepared to accept latitude for everybody across the board bearing in mind the importance of any particular industry or company, so be it. Will the GSL Joint Venture Companies also be allowed a certain latitude bearing in mind their start-up difficulties and their importance to GSL?

HON J E PILCHER:

Mr Speaker, the answer is quite clear neither GSL nor any of the joint ventures will be treated differently, any differently, than any commercial entity that is operating in Gibraltar today. That has been made very clear today and the Chief Minister's explanation on the way the Income Tax system works is I think very familiar to him.

NO. 99 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government confirm whether it was Cepsa that pulled out of the proposed joint venture, as stated by the Chief Minister on television, or whether the Government caused Oxy Limited to pull out, as stated in their press release and confirmed by Mr Pilcher?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, as I have explained during the course of the debate on the CEP/SA/OXY Joint Venture, the Government was involved in discussions with all the interested parties and a final decision had yet not been taken. Once these discussions were finalised, the Government decided the extent to which it would support in the Board of OXY Ltd, the creation of a Joint Venture with CEP/SA. The constraints that Government was proposing in the freedom to trade were considered by the other shareholders to be an unreasonable handicap to the future potential of the business. Since the differences could not be resolved, it was decided to discontinue the negotiations by agreement of all concerned. Had it been possible to proceed on the lines acceptable to Government the venture would have proceeded.

SUPPLEMENTARY TO QUESTION NO. 99 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, this is the third version. Is it the case therefore that it was not the Government that caused OXY Ltd to pull out of CEP/SA as stated in the Press Release?

HON J E PILCHER:

Mr Speaker, I honestly feel that the Hon Member is flogging a dead horse. The decision Mr Speaker is a clear decision and the explanation that I have given is a clear explanation. The Government took a position, which is the one that the Chief Minister gave in a discussion programme over GBC and in which the Hon the Leader of the Opposition took part. Those restrictions to the business were discussed within the CEP/SA/OXY joint venture and were found unacceptable to the CEP/SA side, and it was stated in the OXY Press Release as well as in my explanation today, that we felt, the OXY side of the CEP/SA/OXY joint venture, that the situation in which we were putting the joint venture was an unfair

disadvantage on the operation itself. It was therefore mutually decided to break from the joint venture ie GSL caused OXY to withdraw from the venture just as CEPESA caused CEPESA to withdraw from the venture. So both sides decided to withdraw from the venture by mutual agreement. Oxy said so in their Press Release and if CEPESA had issued a Press Release they would have said so as well. It was a mutual decision based on the fact that the restrictions that the Government wished to put was creating an unfair trading situation to that company and had it been possible, which was the message that was given at all moments, had it been possible for those restructures to be acceptable the joint venture would continue in operation today.

HON P C MONTEGRIFFO:

Mr Speaker, if it was by mutual agreement, will the Minister accept that both the Press Release issued by OXY and the Chief Minister's statement on television were inaccurate?

HON J E PILCHER:

No Mr Speaker, because when the Chief Minister spoke on television he spoke for the Government. Mr Speaker, what the Chief Minister of Gibraltar said was "had it been possible to proceed on the lines acceptable to the Government the venture would have proceeded and the Minister would continue to be the Chairman of the joint venture". I think those were his words. As far as OXY is concerned, its Press Release said that they had withdrawn from the venture and as I said if the third party, which is CEPESA, had they issued a Press Release it would have said that they had withdrawn from the venture as well because it was done by mutual agreement.

HON P C MONTEGRIFFO:

Mr Speaker, this is a matter of political integrity, it is not flogging a dead horse. It is a matter of principle. Did the Government take the initiative and tell CEPESA through OXY we want out? "Outputting" which was Mr Pilcher's contribution to the English language. Or did CEPESA decide to pull out, as the Chief Minister indicated on television? If it was neither of these versions, Mr Speaker, and both miraculously turned up at the meeting and said "we want out" then does the Minister not accept that we have been badly informed up till today, wrongly informed, Sir?

HON CHIEF MINISTER:

Mr Speaker, I think that the Hon Member opposite is trying to make an issue where none exists. What I have said on television and what I repeat here today is that if CEPESA had been prepared to go into business with OXY on the terms that were acceptable to the Government of Gibraltar, as a shareholder in OXY, the business would have gone ahead. The terms that we, as shareholders found acceptable, were the terms that we decided were acceptable to us taking into account the views of all the people that were consulted before a decision was taken, which presumably GIBUNCO does not have to consult and CEPESA does not have to consult. What we therefore have is a situation where regrettably, as far as we are concerned because we were interested in the business, it was not possible to get the agreement of the other two parties to those terms, which we recognise, because why should they go into business with the Government if they can do the business for themselves anyway without having the Hon Member putting questions about their business in this House. Having adverse publicity or having the Government saying we have to take into consideration other things which are irrelevant to the simple straightforward consideration of making a profit. Therefore there is no conflict, there is no question of political integrity. I can assure the Hon Member that if there is ever political integrity, and he has not been in this House to see it, the question must be the alternative which I mentioned on television. Where you have a situation where there is somebody who as a politician makes a statement of policy which has an effect on business, where he has an interest, as a private investor, that is where integrity comes into it, not when you are talking about the Government implementing Government policy. Therefore as far as we are concerned the issue is a very simple one. We thought it was a good business, we invest in businesses which we think are good but we do it on the basis that it has to make a profit. The idea is to make a profit to do the many things that need doing in Gibraltar. We also at the same time have an obligation to Gibraltar as a whole, independent of the profit motive, which an individual investor does not have, and therefore we understand the position of our partner in OXY and we understand the position of CEPESA. They do not operate with the same limitations that we do, in terms of priorities in life, so at the end of the day when we said this is as far as we are prepared to go and what we are interested in doing, the answer was that there was no deal. And because there was no deal regrettably it did not happen. But as far as I am concerned what I said on television was that the Government was not withdrawing because had we been able to persuade them we would have continued.

HON P C MONTEGRIFFO:

Mr Speaker, this is very enlightening because I thought that the position of the Minister throughout had been that no decision had in fact been taken at all, that it was not a question of persuading CEPSA to accept something that the Government wanted because the Government had not decided to do anything at all they were just talking and when they had talked to everyone and bearing in mind what was envisaged as a possibility was not thought by the Government to be attractive the matter was abandoned? I am not sure, Mr Speaker, whether we are talking about the Government having had a proposal which, CEPSA rejected, which appears to be the Chief Minister's statement.....

HON J E PILCHER:

Mr Speaker, if we are talking about political integrity then the Hon Member opposite has to be careful of the series of events. They brought a motion to the House, Mr Speaker, the reaction to the motion was "we have not taken a decision on the operations....."

MR SPEAKER:

We cannot have a debate on that motion again and I think enough has been said on this question. Next question, please.

NO. 100 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government explain why it is necessary for the proposed provision of petrol to GSL and its employees as now envisaged, to be done through the Oxy Limited joint venture with Gibunco?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, the Government has not given any directive with regard to any provision of petrol to GSL and its employees. Business expansion within the Joint Ventures is for the Boards of those Joint Ventures and the Government does not get involved directly in those decisions nor is the Government answerable in this House for those decisions.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, if the Government is not prepared to confirm that what is now proposed is in fact that OXY Ltd supplies petroleum to GSL and its employees?

HON J E PILCHER:

Mr Speaker, I feel that I have adequately covered that Question by saying, as I did, "nor is the Government answerable in this house for those decisions".

HON P C MONTEGRIFFO:

Mr Speaker, does the Minister not believe, as the Chairman of GSL, which owns 50% of OXY Ltd that he has a responsibility to clarify the question?

HON J E PILCHER:

No Mr Speaker, because then we come to a different political understanding of what the joint ventures are. We have already discussed this in this House and we feel that we are not answerable in this House for the commercial aspects, and business expansion is one of those commercial aspects, of the joint venture companies. It does not matter whether it is OXY (50% GSL and 50% GIBUNCO) or Gibraltar Electrical Services Ltd (50% GSL and 50% Government) or Gibtel. Mr Speaker, the answer is that although I as Chairman know what each of those individual companies is doing, as far as this House is concerned, we have

made absolutely clear that as part of the GSL Ordinance we will bring the consolidated position of each individual joint venture, so that Members opposite and the public know what these companies are doing as regards profits or losses, they are after all shareholders! What we will not do, Mr Speaker, in this House is answer questions about business expansion or the commercial activities of any joint venture company.

HON P C MONTEGRIFFO:

Mr Speaker, the question is also directly relevant to GSL itself because if the arrangement was, for example, that BP was going to supply GSL with petrol that would be the subject of a legitimate question on what terms is BP supplying petrol to GSL. What we are asking, Mr Speaker, is will the Government not explain why the proposed provision to GSL and its employees, the Government's 100% owned Company, by OXY Ltd makes it necessary to do it through the joint venture? The Government is giving the Opposition less information than would be the case if Shell or BP were supplying the petrol to GSL? How can the Minister defend that, Mr Speaker?

HON J E PILCHER:

Mr Speaker, we would not give that information and the Hon Member should know that, although I realise he has not been all that long in this House and may therefore not know it, if a question, like we asked in Opposition on many occasions, "What is the cost of petrol to GSL that has been supplied by BP, Mobil, Shell"? Well there is an element of a commercial-in-confidence transaction and would not be answered in this House. It is a business expansion transaction of a joint venture company and has nothing to do with GSL.

HON P C MONTEGRIFFO:

Mr Speaker, so the Minister does not think that this House and the people of Gibraltar have the right to know what commercial decisions, of a major nature, GSL and its subsidiarys are taking when public money is going into those ventures?

HON J E PILCHER:

No Mr Speaker, because no public money is going into the venture. There was public money going into the venture during 1985, 1986 and 1987. £32m in fact, Mr Speaker, disappeared through that venture and at no stage did we get any answers to any of our questions.

HON P C MONTEGRIFFO:

Mr Speaker, public money is going into the venture in the salary that we are paying the Hon Mr Pilcher to be there to defend our interests?

HON J E PILCHER:

Mr Speaker, that to quote a Member of the Opposition is a load of cods wollop. The Minister answering this Question gets the same remuneration that was obtained by Members opposite when they were in Government. Passed by the previous Ministers and I hope he is doing his job successfully. This will be seen in June 1988. I assure the Hon Member that this full-time Minister working 18 hours a day, does not cost the taxpayer any more than the other Minister, or Member opposite did when in Government. Mr Speaker, at present no taxpayers money is going towards the operation at GSL or its joint ventures. GSL after the period in question has been operating purely on a commercial basis.

HON P C MONTEGRIFFO:

Mr Speaker, may I ask a final question?

MR SPEAKER:

This is the final question.

HON P C MONTEGRIFFO:

Mr Speaker, what is the Government's reluctance to provide information of this nature. Not on the day to day administration of GSL but on fundamental decisions taken as to who it goes into partnership with? Is it a thrill at keeping us in the dark? Or what?

HON CHIEF MINISTER:

Mr Speaker, the reluctance of the Government is very simple to explain. The Government invests in a number of different ventures. That is the policy that it got elected for. If the Government was giving a subsidy the Hon Member would be right to say "I want to know what that subsidy is paying for because I have to vote for that subsidy and if I have to vote for it I am entitled for an explanation". Now if that was the case I would understand it because that was what I said in 1987 when the House voted £2m and the answer was either you vote or it is passed by a Government majority. We are not going to tell you what the £2m is for. We had to lump it in 1987. But we are saying that we accept that if we were to come tomorrow and say

to the Member opposite we have reviewed the position at GSL and GSL has lost so much money that it now requires an injection from public funds and we want to vote a £1m. Then the Hon Member would be entitled to ask why do you need £1m and where has the money gone to. It is a nonsense to say that because the Hon Minister for GSL happens to spend part of his working day there it costs the taxpayer money. It costs the taxpayer the same if we went there or not. This is no additional cost because of the GSL operation. As far as the Government is concerned the Government is here to answer the Hon Member opposite or any other Member opposite any question on the policy that we are carrying out or on the Estimates we shall be bringing to this House. But whether the petrol pump is operated by OXY or BP is not a matter of Government policy. If the Company considers that there is a commercial advantage in having a petrol station at GSL then the company has taken that decision on commercial logic for which they are answerable ultimately as to whether it was successful or not. If the results fails to meet the Government's expectation then the Government, and I can assure the Hon Member that GSL have a lot of critics scrutinising its performances in Council of Ministers, which expects GSL to function commercially and without help does not get privileged treatment or get interfered with. That is the other side of the coin. What the Hon Member appears to want is that GSL should effectively be emasculated and prevented from being a success. The Hon Member asks why is the Government not answering for everything that they do or do not do, which we do not do for any other business in Gibraltar, but why should they be treated any differently. Well requiring the Government to answer for every single decision that they take, which let me inform the Hon Member was never accepted in this House from 1985 when GSL was formed, a statement of policy was made by Sir Joshua Hassan in this House, in keeping with Standing Orders, that the Government would answer matters of general policy but that the day to day management of the company was in the hands of Appledore. The fact that we have sacked Appledore and saved Gibraltar a third of a million pounds does not change that.

MR SPEAKER:

Next question.

NO. 101 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government inform this House what consultations took place with interested parties in the industry prior to the launching of the Gibraltar Airport Services Limited?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, prior to the launching of the Gibraltar Airport Services Ltd, every person or entity (including the RAF) involved in the industry was consulted on more than one occasion. Let me stress that these discussions included the Unions, the Airlines and all the operators.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, how does this account for Mr Gaggero's disappointment at apparently not having been consulted. Is that incorrect or was it only a passing consultation without any depth?

HON J E PILCHER:

Mr Speaker, I suggest that the Hon Member opposite should ask Mr Gaggero. Mr Gaggero in fact wrote to me saying that he had been misrepresented by the Gibraltar Chronicle.

HON P C MONTEGRIFFO:

Mr Speaker, I am obliged.

THE HON P C MONTEGRIFFO

Will Government make a statement on the dispute that has arisen on Rock tours with the Public Service Vehicles Association and whether they consider it constitutional to legislate for the Gibraltar Tourism Agency Limited to dictate commercial terms to other companies in the private sector?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker. No dispute has arisen with the Public Services Vehicles Association on Rock tours and it is certainly not the Government's intention to legislate for the Tourism Agency to dictate commercial terms to other companies in the private sector.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, if there is no dispute why has the Association instructed a firm of lawyers who have written to the Deputy Governor?

HON J E PILCHER:

Mr Speaker, we are not answerable in this House for what the Association does or does not do. Or the persons that it contacts when it feels aggrieved. However let me tell the Hon Member opposite, in order to be absolutely open, that the letter originated from a misconception on their part of what are the different problems that both the Public Service Vehicles Association, on the one hand, and the Gibraltar Taxi Association on the other, are at the moment discussing with myself and the Hon Member with responsibility for traffic, Juan Carlos Perez.

HON P C MONTEGRIFFO:

Mr Speaker, will the Hon Minister give an indication as to what different rules will regulate Rock Tours for Public Service Vehicles?

HON J E PILCHER:

Mr Speaker, at the moment the Government is in fact looking at different rules and regulations that might or might not, depending on the decision that we take, regulate Rock Tours

in Gibraltar. We are starting from the basis that there are three elements that need to be corrected. One is the fact that we feel there is a need to protect the tourist, ie to regulate what is a Rock Tour in Gibraltar. The second element is to look at the situation where, and I think there is a regulation in the Statute Book already and which has never been adhered to, we need to have proper guides in Gibraltar to ensure as a Tourist Office that any person who is showing tourists around Gibraltar is suitably qualified. The third element is that related to the control of the vehicles used for Rock Tours.

HON P C MONTEGRIFFO:

Mr Speaker, is one of the proposals that the Government is considering that vehicles used for Rock Tours are only used for that?

HON J E PILCHER:

Mr Speaker, that is one of the bones of contention that emanate not from the Tours themselves and this is why in my initial answer to the Hon Member's question I said "no dispute has arisen" because the dispute at the moment or the supposed dispute, is not about the tours it is about two things. One the definition of pre-booking under the law. The other is the use that is made of Private Hire Licenses and the regulation of Private Hire Licenses. Let me explain to the Hon Member opposite, Mr Speaker, that Private Hire Licenses do not only affect the Private Hire Taxis but also any vehicle in Gibraltar which is not a taxi and therefore all the coaches. This is at the moment being looked at by the Traffic Commission.

HON P C MONTEGRIFFO:

Mr Speaker, I assume that consultations are continuing with the Association?

HON J C PEREZ:

Mr Speaker, let me explain that when a Private Hire License is granted or issued for a particular vehicle, the usage of that vehicle is included in the license. What has however happened in the past is that a lot of people have turned a blind eye to the fact that if you have a broken bus here then you use a different bus with a different number plate and a different use. It is not something that requires regulating, Mr Speaker, but rather needs to be implemented.

11 4 89

NO. 103 OF 1989

ORAL

THE HON K B ANTHONY

Will Government ensure that all beaches are cleared of rubbish and cleaned thoroughly before the start of the official bathing season?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Answered together with Question No. 104 of 1989.

11 4 89

NO. 104 OF 1989

ORAL

THE HON K B ANTHONY

Will Government ensure that the necessary establishment of lifeguards for all our beaches is contracted with effect from the first day of the official bathing season?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, the Beaches Section, which include the lifeguards and cleaners, are now under the Tourist Office as opposed to last year. This section, which has been amalgated with other sections, has now concluded a re-structuring and is now preparing for the Official Bathing Season. The Tourist Office will not necessarily be running the beaches as has been previously the case and is at this moment considering the different systems which it could implement. I assure members opposite that everything possible will be done to ensure that the beaches are clean and that lifeguards are contracted as soon as possible.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1989

HON K B ANTHONY:

Thank you, Mr Speaker.

THE HON M K FEATHERSTONE

Will Government give an assurance that the area known as Jacob's Ladder will continue to be a nature reserve if and when the area is handed over by the MOD?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, when and if the area known as Jacob's Ladder is handed over by the MOD, a decision as to its future will be taken. Government is not aware that the MOD is currently using the area as a nature reserve.

SUPPLEMENTARY TO QUESTION NO. 105 OF 1989

HON M K FEATHERSTONE:

Mr Speaker, does the Government appreciate that this is one of the main breeding areas, of the protected species, the barbary partridge, and would be a great loss to the fauna of Gibraltar to upset its habitat.

HON J E PILCHER:

No Mr Speaker, we were not aware of this although we have had representations from the Ornithological Society with regard to Jacob's Ladder and I will shortly be meeting them to assess the situation.

HON A J CANEPA:

Mr Speaker, will the Hon Minister accept that although not formally designated as a Nature Reserve it is in fact regarded as one. I can confirm what the Hon Mr Featherstone has just said, as a keen ornithologist, it is an area where barbary partridges breed.

HON J E PILCHER:

Mr Speaker, I am sure that Hon Members, which all seem to be bird watchers, are right.....

HON A J CANEPA:

Mr Speaker, I am also interested in birds of a different variety!

HON J E PILCHER:

Mr Speaker, I am serious and we have had representations from the Ornithological Society and I am scheduled to meet them shortly. I take the points that both Members opposite have said and I do not doubt what they are telling me and we will assess the situation. But we have not had any indication from the MOD that this area is going to be released to the Gibraltar Government.

HON M K FEATHERSTONE:

Mr Speaker, does the Hon Minister accept that it is not unreasonable to consider that certain parts of Gibraltar should remain as Nature Reserves and all efforts to develop such areas should be resisted?

HON J E PILCHER:

Mr Speaker, not only do I agree with him but if the Hon Member casts his mind back to a few weeks he will recall that we have made provision for that in the Gibraltar Heritage Trust Ordinance and which will have its Committee Stage and Third Reading at a later stage of this meeting.

11 4 89

NO. 106 OF 1989

ORAL

THE HON G MASCARENHAS

Has the Government found a solution to the industrial problems at the John Mackintosh Hall?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 107 of 1989.

THE HON G MASCARENHAS

Will Government state whether the industrial dispute concerning the technicians at Bayside School has now been resolved?

ANSWERTHE HON THE CHIEF MINISTER

Sir, as a matter of policy the Government does not make public statements as regards the contents of negotiations in the conduct of its industrial relations. Experience shows that to do so tends to make such negotiations more difficult and generally lead to a deterioration of industrial relations with entrenched positions being taken because of media attention.

SUPPLEMENTARY TO QUESTION NOS. 106 & 107 OF 1989

HON G MASCARENHAS:

Mr Speaker, I raise the question out of concern. As the Hon the Chief Minister is aware, there is a major festival taking place next month and the facilities at the John Mackintosh Hall will be used quite extensively, more than what they are normally used during the course of the year. Mr Speaker, there is also concern amongst people who use the Hall very regularly that the industrial action is a continuing problem and it seems not to be resolved. The Hon the Minister for Education wrote to me on 24 February, saying that he would spare no effort to resolve the problems entirely and since this has not happened this is the reason for my concern. I would therefore like to ask the Chief Minister whether he has any idea or inkling as to when this problem will be resolved?

HON CHIEF MINISTER:

I cannot say when they will be resolved. All I can tell the Hon Member opposite is that the message that the Government is trying to put across, is to say to people that cases are looked at on their merits not on the amount of discomfort that is caused to other people. However as trade unionists, which we all are in the Government, we respect that individual workers have the right to withdraw their labour and therefore we do not indulge in either recrimination or countermeasures. We hope that by persuasion we can get a change in approach which will enable matters to be resolved by negotiations. We do not believe that there is any other way to do things and we think that the experience that we have had in the past in Gibraltar shows that

in fact, trying to get things done by more aggressive methods does not produce results, I think they have been discredited, and we are not prepared to follow that line.

HON G MASCARENHAS:

Mr Speaker, has there been any possible escalation, by the Bayside School Technicians which could seriously affect the Examinations due to be held next month and in June?

HON CHIEF MINISTER:

Mr Speaker, as I have already said, we do not make statements about the state of negotiations during the course of the negotiations. I am not sure whether in fact industrial action is actually being taken at Bayside School. I know that the negotiations are currently taking place and it is certainly the wish of the Government that these negotiations should be concluded as speedily as possible but on terms that are, as far as we are concerned, acceptable in the context that the Government does not want to set off chain reactions which might then have people feeling aggrieved and putting in compensating claims.

HON A J CANEPA:

Mr Speaker, may I come back to the John Mackintosh Hall. The Chief Minister is I am sure aware that there have been letters in the press from people wishing to have access to the library. The Chief Minister has stated that people are free, which naturally they are, to withdraw their labour. Is it that the staff at the Mackintosh Hall have actually gone on strike and therefore there has been nobody to open the doors that lead into the Hall, and therefore to the library? Or is it that they are just taking selective industrial action refusing to open the door but otherwise present in the premises, presumably getting their full pay packet at the end of the week or the end of the month and therefore regardless of whether the Government tells these people, does the Chief Minister not agree, that they have no merit to the claim, and regardless of whatever pressure the public may be able to bring through letters in the press, the end result is that it is very much the public which is loosing out and the individuals concerned continue to pursue their "withdrawal of labour" without feeling the pinch at all. What is the position?

HON CHIEF MINISTER:

Mr Speaker, the methodology of selective industrial action was invented in 1974 and it is still in existence.

HON A J CANEPA:

Mr Speaker, that does not answer the question. When the Chief Minister refers to the withdrawal of labour, are they exercising the right to go on strike.....

HON CHIEF MINISTER:

Mr Speaker, I believe the last time anybody went on strike was in 1973. Since 1974 people have been effectively pursuing claims through selective industrial action. And to my knowledge that continues to be the preferred option.

HON A J CANEPA:

Does the Hon Chief Minister support that line of action if it results during the month of May when the festival is supposed to be staged at Mackintosh Hall, the doors being closed and the public and those involved in these performances not having access to the Hall but yet the individuals concerned, the labour force, at the end of the month not suffer any deduction from their pay packets because they are not on strike but are taking selective industrial action?

HON CHIEF MINISTER:

Mr Speaker, if I obviously supported the industrial action I would be joining them in it. The position is that I regret that they feel that they have to take industrial action in pursuance of their claim because it does not alter one iota the merit of the claim, the fact that they are taking industrial action. I think that it is an important message that we need to put across if we are going to see a permanent improvement, because I think, as long as people feel that by sitting it out they can achieve their objectives then they will continue to sit it out. The alternative, which we are not prepared to adopt, is that the Government, as an employer, escalates. In our experience that only leads to the problem becoming more intractable. It does not get any better.

HON A J CANEPA:

Mr Speaker, I understand the position perfectly. But is not the problem one where the Government is saying to those concerned "there is no merit to your claim regardless of whatever action you are taking we are not going to budge". Fine, but you may be dealing with people who are just as determined as the Government is. The Government says "sorry your claim is not going to be met" and they are just as determined and say "OK, since we are not suffering any hardships, financial or otherwise, we are

going to continue what we are doing indefinitely" and because the Government is not going to do anything against them, the public are the sufferers. Is that an acceptable state of affairs to be in indefinitely?

HON CHIEF MINISTER:

Mr Speaker, in an ideal world that would be a situation that would never arise. But, certainly, as far as we are concerned, it is a preferable state of affairs to the alternative. And there are only two alternatives. Unless the Hon Member can produce a third one, of which I am not aware of and I have been in this business for a very long time, and I believe that the only way that we can actually get the message through is by continuing the dialogue and notwithstanding the fact that people are taking selective industrial action we never stop negotiating. We have had situations where we have been able to resolve problems notwithstanding the fact that the situation has become difficult at times and we believe that we have no choice in the matter but to pursue that course of action, because we believe that is a course of action that in the long-run will be in the best interest of Gibraltar and that is the one that we are defending as a matter of Government policy.

NO. 108 OF 1989

ORAL

THE HON G MASCARENHAS

Will Government state the outcome of the negotiations with the Gibraltar Teachers Association?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, Government is not aware to which negotiations in particular the member opposite is referring.

SUPPLEMENTARY TO QUESTION NO. 108 OF 1989

HON G MASCARENHAS:

Mr Speaker, if the Hon Chief Minister will allow me, the Gibraltar Teachers Association had a long list of grievances with Government and there was a point, sometime last week when the bubble was about to burst. Negotiations were commenced with the GTA, or so I understand, and these are the negotiations I am referring to.

HON CHIEF MINISTER:

Mr Speaker, in the last twelve months all the Unions have produced long lists and many troubles have been on the point of bursting. When the Hon Member asks for the outcome of the negotiations then I can only assume, since he is not specific, that he was referring to negotiations that have been concluded and what he wants are the results. Because I have already said in answer to Question 106 and 107 that there are a list of things, and I had a meeting with the GTA in January where I regrettably had to say to them that there were certain things that they were pressing where the answer was no. They have kept those things on the table as it were, they have not withdrawn their position but they have not taken industrial action in pursuance of those things and we have not said that because they had not convinced us we would not continue to talk about them. We will continue as long as they wish. To me however, Mr Speaker, in the terms of the original question, "outcome", means that the matter is finally settled. The only matter in 1988 which I can say has been finally settled has been the negotiations on pay. Where the Government agreed to an improvement over the UK analoguing and the new system that was introduced there but not to the extent that the GTA had wanted.

Although they were not entirely happy with what the Government was prepared to offer a settlement was reached and an agreement signed and that negotiation had a successful outcome. There are however a number of things in the list which the GTA presented which were effectively individual posts not issues on conditions of service generally or things like that. On all these there has been no outcome because we have not reached agreement.

HON G MASCARENHAS:

Mr Speaker, perhaps I should have been more specific. I was referring to the two posts in the Department of Education who I believe are still working to rule. They were, I think at the top of the list.

HON CHIEF MINISTER:

Mr Speaker, the position on these two posts is that the Government has taken a view which the GTA is aware of and which the GTA does not accept. There is no outcome to these negotiations because there is no agreement.

NO. 109 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government undertake to inform the House as and when details are finalised of the number of job losses and impact to the economy arising out of the proposed PSA restructuring and withdrawal of the Military Battalion?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the nature and the form of the public statement that is required will be decided by the Government when it has all the facts referred to in the question.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1989

HON DR R G VALARINO:

Mr Speaker, does the Hon Chief Minister have any idea as to timescales?

HON CHIEF MINISTER:

Mr Speaker, all that we know of the intentions of the British Government is what has been made public. That by the Spring of 1991, they will not be replacing the full Battalion, the Resident Battalion, but they have not yet established to what extent part of it may or may not be replaced and I believe that that is conditioned on the on-going negotiations or discussions that take place between the Gibraltar Regiment and the MOD regarding this. Since the Gibraltar Regiment are not unionised I am not very sure whether you call them negotiations or not.

THE HON DR R G VALARINO

Will Government state how they intend to compensate Gibraltarian old age pensioners financially or otherwise, considering that Government has frozen old age pensions, retirement pensions and elderly persons pensions at their January 1988 value?

ANSWERTHE HON THE CHIEF MINISTER

No Sir. The member opposite was given an explanation in confidence on 5 December 1988. He was also told why it was not in the best interests of our pensioners to make public statements of the measure being introduced since these could be misinterpreted. I have already explained this in answer to Questions No. 40, 41, 42 and 43 of 1989. Before that I explained to the Hon Member opposite the position, on a confidential basis, on 22 November and had previously indicated to him the way in which the matter was being handled in answer to Question No. 172 of November 1988. The member opposite has the choice of being kept fully in the picture, on a confidential basis and putting forward any ideas he may have or he can continue to raise matters here and get the same answer as I have given before. It is a matter for him to decide how best he is acting in the interest of pensioners.

11 4 89

NO. 111 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Has the Government any plans to provide industries in Morocco and, if so, will it make a statement on the matter?

ANSWER

THE HON THE CHIEF MINISTER

No Sir.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, I am relieved by that confirmation.

HON CHIEF MINISTER:

I would have thought, Mr Speaker, that the Hon Member would ask whether the "No Sir" was to making a statement or to setting up the industries. He missed the point there.

HON P C MONTEGRIFFO:

Mr Speaker, I assume, that in the spirit of open Government to which the Hon Chief Minister is committed to, it meant "No" to the Question?

HON CHIEF MINISTER:

Mr Speaker, the answer is "No" to both parts of the Question.

THE HON A J CANEPA

Is the Chief Minister now in a position to say what are the terms of the appointment of Mr Stieglitz as head of the Gibraltar Information Bureau in Washington, arising from the negotiations which he referred to in answer to Question No. 163 of 1988?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the Government of Gibraltar (on behalf of the Gibraltar Information Bureau) appointed Mr P Stieglitz as an agent of the Gibraltar Information Bureau.

The Gibraltar Information Bureau is responsible for the marketing and promotion of Gibraltar in relation to the development of tourism, trade, the financial sector and commercial activities generally. Mr Stieglitz is authorised to undertake these responsibilities on behalf of the Gibraltar Information Bureau.

To this end the Bureau is registered in the Department of Justice of the United States of America as an agent of the Government of Gibraltar. Mr Stieglitz has obtained the participation of distinguished personalities in the United States to voluntarily serve in an Advisory Board to the Bureau. George Moore, a retired president of Citybank N.A.; the Hon Jerome Kurtz, a former Commissioner of the US Internal Revenue Services and one of the country's leading tax attorneys; Chester Nosal, a leading attorney with Winston & Strawn; Donald Rappaport, recently retired as Senior Partner of Price Waterhouse, and Victor Webb of Marston Webb International. Mr Stieglitz's services are being retained for a fee of £25,000 per annum, for a period of two years to run concurrently with the rental of the offices. It is considered that the term is sufficient to be able to assess the effectiveness of the benefits of the operation for Gibraltar.

The relevance of retaining the services of an experienced person in Washington, with important personal contacts in the business and diplomatic areas, and who is backed by such a distinguished advisory board, is evidently an efficient and cost effective way of promoting Gibraltar and of ensuring the credentials of these attracted to Gibraltar. The role undertaken by the Bureau in Washington could not be done from Gibraltar at a lesser cost or more effectively.

SUPPLEMENTARY TO QUESTION NO. 112 OF 1989

HON A J CANEPA:

I am grateful for that answer, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, from what premises does this gentleman operate and what are the arrangements in respect of that?

HON CHIEF MINISTER:

Mr Speaker, I already gave the Hon Member that information in the previous question asked by the Leader of the Opposition. As I explained at the time, we have been fortunate that serviced offices became available in Maddison House in a very central location in Washington, very near to where the central Government is, and we were able because the place became available for the period that we were prepared to contract for, which was a relatively short-term two-year lease arrangement, to get it at a very attractive price which means that we are able to operate within the original budget. If the Hon Member will recall, when we brought the Estimates to the House, I said at the time in the Supplementary Appropriation we sought in the House, and I think it was to a question from him, that I said that we were not sure whether the money would be sufficient until we had negotiated Mr Stieglitz's own retainer.

MR SPEAKER:

Next question.

NO. 113 OF 1989

ORAL

THE HON P C MONTEGRIFFO

When does Government intend to have established the proposed Gibraltar National Bank?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, no date has been fixed.

SUPPLEMENTARY TO QUESTION NO. 113 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind that the original target was the establishment of the Bank in the first year, and this has now passed, is it that it has got into problems, and not being able to meet the deadline, or is just of resources on time on the Government's part?

HON CHIEF MINISTER:

Mr Speaker, its the latter. The feasibility study that we conducted produced a strong recommendation in favour of proceeding but given the fact that neither I nor any of my Ministers have spare capacity in terms of the time available to us in all the other things that we have to do, I feel that when we start on the project of establishing the Bank we must be able to be confident that we can devote the necessary time, energy and resources to see it through effectively. It is sensitive, it is an important area and it cannot be allowed to fail once its embarked upon. Regrettably from our point of view, because it is something we are very keen to do, we have had to put it on the shelf. The position was that last year the recommended target date was something like October, on the basis of the Report, with a year being the minimum necessary to recruit personnel, equipment etc. However looking ahead at the next twelve months we cannot see how we can get the time to get it going in the next twelve months.

HON P C MONTEGRIFFO:

Mr Speaker, we are then looking towards the end of the Government's term of office for the Bank to be set up?

HON CHIEF MINISTER:

Mr Speaker, I am afraid that that is the case.

HON P C MONTEGRIFFO:

Mr Speaker, may I also ask if the Government is in fact looking for partners with which to enter into the venture?

HON CHIEF MINISTER:

No Mr Speaker. We have not ourselves gone out and looked for partners. We have had a number of approaches of interested parties but we feel that this is really a major enterprise which involves more than just banking expertise, because at the end of the day the banking expertise can be bought. We can recruit the necessary person that has it if there is no one with experience within the Civil Service. However if you are going into a partnership situation with somebody we need to be sure that the Government side of the partnership has sufficient spare capacity on the call on his time, from other Ministerial responsibilities, to do the job with more than just occasional Board meetings. We are simply not able to do that at the moment.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government not feel, bearing in mind that the establishment of the Bank was supposedly a cornerstone of the policy, that its performance will be hampered by the Bank not being established?

HON CHIEF MINISTER:

Mr Speaker, I think the handicap from the Government point of view is that there were certain things that the Bank would have done which we do not see any other bank doing, such as providing a service for small customers and the domestic market, which are not the most lucrative. The Hon Member will recall that during the Election Campaign he said that it would not be profitable precisely because we were saying that that was one of the things we wanted the Bank to do and which other people do not seem to want to do. From the point of view of the investment in the Bank, it is in the Government's interest to have it in place as early as possible given the fact that we think there is going to be a lot of business and that the Banks that support projects in Gibraltar are going to be involved in profitable lending and we would like the Bank to be there to

participate in that market. At the end of the day we feel that it is better to be 100% confident that we can devote the resources to make it a success than to embark on the project and ourselves having to take time away from it and not do a 100% thorough job. We have not been able to achieve everything that we wished during our first year as I will explain during the Budget Debate and as the Hon Member will see reflected in the Estimates.

HON A J CANEPA:

Mr Speaker, I think the Chief Minister ought to know that I have established during the tea break that the Hon Mr Pilcher has 4 hours per day of spare capacity! But seriously, Mr Speaker is the revised timescale for setting up the National Bank the reason why the Chief Minister has now gone back on statements made in the House, previously regarding the use of to which St Jago's Building is being put?

HON CHIEF MINISTER:

I am not sure, Mr Speaker, to what statement the Hon Member is referring.....

HON A J CANEPA:

Mr Speaker, I would refer the Hon Chief Minister to a supplementary to Question No. 55 of last year and I quote "I can confirm that the St Jago's Building will not be used for Government office accommodation" and contrary to that it is now being used by the Personnel Manager's Department. My question is "is that the reason why", namely that the National Bank is not going to be set up as soon as the Government had expected, and they are using St Jago's for Government offices?

HON CHIEF MINISTER:

Mr Speaker, the feasibility study looked at the suitability of the building amongst other things and the conclusion was that the whole building would not be required for the Bank and therefore the decision to move the Personnel Manager's Department to the top floor was taken independent of the use to which the rest of the building would be put. It was primarily a decision because the Personnel Department was accommodated in Private rented accommodation.

NO. 114 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government confirm to what extent (if any) it is guaranteeing any borrowing made by joint venture companies in which it has an interest either directly or through a Government owned company or subsidiary?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, as the member opposite should know no such guarantee can be given except as provided in the Public Finance (Control and Audit) Ordinance.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, I assume that nothing was in fact given? Have any of those companies, in fact, overdraft facilities or borrowings secured other than under that Ordinance? Is that possible?

HON CHIEF MINISTER:

Mr Speaker, the question is whether the Government has guaranteed any borrowings. The answer is that the only way the Government can guarantee any borrowings is as provided in the Public Finance (Control and Audit) Ordinance, which the Hon Member must be aware of.

HON A J CANEPA:

Mr Speaker, are GSL guaranteeing the overdraft facilities for any of their joint venture companies?

HON CHIEF MINISTER:

That, Mr Speaker, is a matter for GSL. I do not know whether they are but I would not have thought that GSL was in a very good position to guarantee anybody. As the Hon Member knows for the Government to guarantee anything it must be brought to this House by a Resolution and no Resolution has been brought.

NO. 115 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will Government adopt as its policy the publication of annual accounts of all joint ventures in which it has an interest either directly or through a Government owned company or subsidiary?

ANSWERTHE HON THE CHIEF MINISTER

No Mr Speaker, Government is not prepared to adopt such a policy unless it were to be introduced as a requirement for all companies trading in Gibraltar irrespective of ownership.

SUPPLEMENTARY TO QUESTION NO. 115 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is it not Government's policy that the only way that, in fact, the performance of joint ventures, for which they are not answerable in this House, can be monitored effectly? By looking at their Balance Sheets, Accounts and having them published in this House? How are they otherwise to be monitored?

HON CHIEF MINISTER

Mr Speaker, as far as we are concerned, we are the ones monitoring their performance. The Hon Member oppisite does not believe in joint venture companies. He is against them. We as the political party that has defended t hat policy and been elected to implement it are monitoring the performance of the companies that we are investing in. If it were considered to be desirable that businesses in Gibraltar should publish their accounts then the companies which we invest in would follow the normal policy. We do not however see why our companies should be required to publish their accounts when nobody else has to.

HON P C MONTEGRIFFO:

Mr Speaker, has it not always been the Chief Minister's view, certainly in his Trade Union days, that a company should in fact publish accounts, especially certain companies which he was involved with as a negotiator, so that people know their performance. Now should not this apply to joint venture companies, where the citizen has a direct interest, so that the general public should have a sight of their accounts to judge the performance of those companies?

HON CHIEF MINISTER:

Well, Mr Speaker, the views to ¹⁵⁵ which the Hon Member referred

were not views that I expressed in relation to Government owned joint venture companies, they were views that I expressed in relation to all companies and as I have said in my original answer the Government is prepared to consider such a policy, if that is what the Hon Member is advocating, for all businesses in Gibraltar.

HON P C MONTEGRIFFO:

What I am asking the Hon Chief Minister, Mr Speaker, is that if he believes that it is correct for all companies, then he should take the lead by publishing those in which he has an influence, ie joint venture companies. Quite apart from what the famous Fourth Directive of Company Law may oblige us to do one way or another? Mr Speaker, does it not seem unacceptable to the Government that if their line is we will not give you information on the day to day running of the joint venture companies that they should also refuse to give us annual accounts?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member will have the opportunity to find out what they are doing because of the results that the companies will produce or not produce and which will be reflected in the Government's Economic Plan. The fact that the Accounts are not published does not mean that the success or failure of the programme will not be reflected. Because as has been explained on many occasions, before and since we took office, the concept of investing in commercial enterprises was to create a new independent service of income for Government other than through taxation so that the Government could get itself out of the conflict it is inevitably involved, and has always been involved in, which is that members opposite ask for improved services and reduced taxation. They also say that "how that gap should be breached is for the Government to decide, because we are the Opposition and do not have to decide". We are therefore saying that when we were in Opposition previously we thought that the way to get over this problem was in fact to create new revenue generating activities and that is what we are doing. We do not intend to put our new revenue generating activities at a competitive disadvantage with other people but it may well be, as the Hon Member opposite suggests, best that every business in Gibraltar should publish their accounts.

HON P C MONTEGRIFFO:

Mr Speaker, if that is the Government's attitude does the Government intend to legislate so that GSL's Accounts, which now have to be published in accordance with the Ordinance, do

not have to be brought to this House, and if GBC go commercial, GBC's Accounts as well? Is that the Government's intention?

HON CHIEF MINISTER:

Mr Speaker, we are certainly prepared to give serious consideration to that proposal.

NO. 116 OF 1989

ORAL

THE HON LT-COL E M BRITTO

In view of Government's declared policy not to invite tenders or otherwise publicise its intentions when considering the disposal of public assets, eg land, will Government undertake to make a statement giving full particulars whenever it disposes of any public assets?

ANSWERTHE HON THE CHIEF MINISTER

No Sir, Government will explain the policy on utilisation of assets in the context of its programme as outlined in the annual budget statement.

SUPPLEMENTARY TO QUESTION NO. 116 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, I can appreciate that the Government may wish a detailed statement as part of the Budget, but this is something fairly basic. Can the Hon the Chief Minister not be a little more explicit than "no sir"?

HON CHIEF MINISTER:

Well Mr Speaker, let me give the Hon Member an example. At the moment the Government is involved in financing, as he knows, a substantial land reclamation programme and the Government is at the same time involved in negotiations with a number of different parties about possible utilisation of different portions of the land that is being created. Clearly we wish to handle these negotiations in a way that will maximise the return that we get on that land. Because the objective to recover the full cost of the reclamation and to show a profit at the end. Therefore we will make a statement when we announce what we have done in the last twelve months and what we are planning to do in the next twelve. At our policy statement at Budget Time what we hope to do is to give a picture of the economic performance and the participation of the Government of Gibraltar in that economic activity and will involve the use of assets obviously.

HON LT-COL E M BRITTO:

Mr Speaker, does the Chief Minister not accept that in his desire to make profits or to progress economically the Government is failing to keep the people of Gibraltar informed on basic matters like the disposal of land. Mr Speaker, he has mentioned reclaimed land but I come back to a previous question

about Jumper's Building. Land is being disposed of and the public is not being informed on what terms or conditions? The land belongs to the people of Gibraltar and not to the Government. They are there to administer those assets and if you decide to dispose them does the Government not accept that it is their duty to inform the people, preferably before it is disposed of, but certainly immediately afterwards? Mr Speaker, I see the Hon the Minister for Trade and Industry shaking his head but surely he should accept that in certain circumstances, certain sections of the public should be given the opportunity to dissent and to influence the Government before the thing is over and done with and the disposal has gone through?

HON CHIEF MINISTER:

Mr Speaker, we do not see how the Hon Member draws the conclusion that telling the public who has got the land and what they have paid for it gives people the opportunity to dissent and change the decision. To my knowledge what used to happen before was that a piece of land went to tender and then the successful tenderer was published and everybody dissented and said that something fishy was going on. It nevertheless still stayed. Now all I can tell the Hon Member is that we will be able to demonstrate that we have produced greater value for money with the methodology that we have adopted than has ever been produced per square foot of land in any previous negotiation, tender or what have you. At the end of the day this is what the people of Gibraltar want to hear. There is no longer a situation where somebody is lucky enough to get a plot of land by tender, does not pay for it, keeps it for donkeys years, goes round looking for a buyer and when he finds one pays the original price and pockets the difference. That is past history, Mr Speaker. When we got into office we looked at the machinery in place and decided that that machinery was not producing the desired results. We have tested a new machinery and we find that it is producing the desired results and the Hon Member will see that reflected when he sees the Estimates.

HON A J CANEPA:

Mr Speaker, time will tell whether years from now we are in fact not going to find that a company that has had directly allocated to it a piece of land may not do precisely what the Chief Minister has been complaining of. The point is this, Mr Speaker, is the Chief Minister saying that in the course of their Budget statements Ministers are going to inform this House about the terms and conditions on which land has been disposed of? Mr Speaker, if, for example, the Government has sold Jumper's Building directly, is the Minister responsible going, as part of his Budget contribution, to tell this House:-

"We have sold the land for X thousand pounds on the following terms" is that what is going to happen? Or is it going to be much more woolly as the Chief Minister has already given an indication as to what justifies or what does not justify what the Government is about, namely that in 3 years time in a General Election the Government is returned then that justifies the manner in which they disposed the land? Though people may not necessarily be voting for that but voting for them for other reasons. Does he not think that the result of an Election does not justify in itself the way in which the Government is disposing public assets like land?

HON CHIEF MINISTER:

Mr Speaker, I do not think that it is a question of the manner in which we conduct the business of Government being justified or not by the results of the General Election. The Hon Member must remember that he spent sixteen years on this side of the House having won four elections and whenever he was criticized or the Government was criticized for a particular policy their arguments were to say that as far as they were concerned, in their judgement, they were doing the right thing and the proof of the pudding was that Sir Joshua Hassan always topped the polls and always got 7,000 votes. Well we have all got more than 7,000 votes and by that criteria we can do anything that Sir Joshua did in fourteen years and more. We are not saying that is our rationale, the reasons of what we are doing, the results that we are producing, we will explain at a time when we think that it is in Gibraltar's best interest to explain. We have nothing to hide because the money that we get, once the negotiations are completed, are the results of an agreement which is looked at by the Legal Department, by Crown Lands, the money comes into the public coffers, the Auditor audits the money, and there is no question, no doubt about how much we have got or what the terms are, it is all documented. However since we are negotiating with a number of people we feel that we should, like I have said in answer to our conduct on industrial relations, once the negotiation is completed, sealed, signed and delivered and can have no implications then there is nothing wrong with that information being available. But as long as negotiations can have an impact on another with somebody else, we are not going to weaken our negotiating position.

HON A J CANEPA:

Mr Speaker, does the Hon Chief Minister then not accept that instead of saying that a statement will be made at Budget time, because if the Government were to sell some land in May, after the Budget, are they not going to inform the public until April

the following year? Surely that is not what the Chief Minister is saying? Or is he in fact saying that?

HON CHIEF MINISTER:

What I am saying, Mr Speaker, is that the general global policy and its implications and the contents of that policy and the assets we are negotiating with and the results that we are obtaining we will be reporting to the House annually at Budget time. It may well be that during the course of the year there are specific projects that are concluded which the Minister for Trade and Industry may feel that a license agreement is about to be signed and there should be a Press Statement or a Press Conference to explain the position. That may happen, I am not saying it will not happen. But given, for example, what we have experienced in the first twelve months, an annual statement is not an unduly late delay. The Hon Member must be aware of that, because he was involved in land negotiations and dealing with developers and developments for many years, and getting an agreement signed, sealed and delivered and paid for, because we are asking for money to be put up front, from the concept to the finalisation in one year is quite good going. I wish it were possible to say we have one to announce every month. But it is not likely to happen.

NO. 117 OF 1989

ORAL

THE HON K B ANTHONY

Has Government received any report of bags of rubbish washed ashore in Marbella, that were reported to contain documents, letter-headed as coming from Gibraltar Government Departments?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, on investigation the information provided to Government is that receipts given to private individuals by Government departments have been the alleged documents that were supposed to have been found.

SUPPLEMENTARY TO QUESTION NO. 117 OF 1989

HON K B ANTHONY:

In other words, Mr Speaker, they were mostly private correspondence, albeit Government receipts, not Government papers?

HON CHIEF MINISTER:

They were not, Mr Speaker, Official Government Papers as the press reported. We do not know that they exist at all let me say. We however raised the matter through the proper channels and the information that came back was that they were things like a receipt for a Government Service maybe the payment of duty, for example. It had Government of Gibraltar and a stamp saying that people had paid so much in duty. If that was what was found it could be anyones.

HON K B ANTHONY:

Mr Speaker, was there any indication as to how many of these bags were washed ashore?

HON CHIEF MINISTER:

I did not ask about the bags, I just asked about the documents, Mr Speaker. They were not bags full of documents.

HON K B ANTHONY:

Mr Speaker, I am concerned as to whether it was an isolated case of one piece of paper with a Government heading or it could be a number of them in a number of bags.

HON CHIEF MINISTER:

My understanding, Mr Speaker, is that the thing was in fact, if you like, blown out of all proportion in that there were a number of receipts found, allegedly as I say, we have no evidence. All that we know is that someone produced these papers saying that he had found them on the beach. When we asked about them, because we were concerned at some sort of security failure somewhere along the line, the information we received was that they consisted of things like Customs Receipts.

HON K B ANTHONY:

Mr Speaker, there has been no approach to the Gibraltar Government by the Mancomunidad?

HON CHIEF MINISTER:

No, not an approach on this specific matter of the documents which is the subject matter of the Question. The approach to investigate the matter was initiated by the Gibraltar Government in the light of Press Reports.

NO. 118 OF 1989

ORAL

THE HON K B ANTHONY

Will Government make a statement about the incident that occurred on Wednesday 22nd March, when the refuse barge was stopped by a Spanish Gunboat?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, on Wednesday 22 March the Gibraltar Port Services Ltd barge "Rock Service" took up a position 105° T 13 miles from Europa Point Lighthouse, and proceeded to discharge refuse in accordance with standard procedure. It was approached by the Spanish Patrol Boat 'LAZAGA' and asked for its nationality and then 'LAZAGA' informed Tarifa traffic over the Radio incorrectly giving the position as 101° T 11 miles from Europa Point Lighthouse. Tarifa contacted 'Rock Services' on the Radio and asked the Captain who had authorised the dumping of refuse and whether he was aware that he was contravening Marpol Convention Annex 4 of 31 12 88. The Captain decided that he should cease dumping and contact Gibraltar. Since there appeared to be a risk of a possible conflict between the Gibraltar vessel and the armed Spanish Patrol Boat the Gibraltar vessel was ordered to make a tactical withdrawal.

The matter was referred to HE the Governor so that it would be pursued by HMG through the appropriate channels. On Thursday 23 March the 'Rock Service' sailed again to the same location and carried out its task of dumping refuse uninterrupted. The Government decided to suspend the operation after 23 March until a definite answer is obtained from the FCO on the correct interpretation of the international convention regarding dumping of refuse at sea.

SUPPLEMENTARY TO QUESTION NO. 118 OF 1989

HON K B ANTHONY:

Has the Hon the Chief Minister any indication, Mr Speaker, of when he is likely to get an answer from the FCO? Because if the rubbish is not being dumped it is presumably being stockpiled at GSL somewhere?

HON CHIEF MINISTER:

No Mr Speaker, what we have done is revert to what was the original method of dumping it over the edge of the lighthouse,

something which we certainly did not want to do. The position as to the correct interpretation of the law, is that in fact our understanding of the law, is the answer we gave the Hon Member when he raised it in the House. He raised here in this House, Mr Speaker, whether the dumping of refuse at sea with a barge was in conflict with MARPOL Convention Annex 4. The answer that we gave him was that it was not because MARPOL Convention Annex 4 which I have here applies to the Regulations of Dumping Garbage from Ships and garbage is defined in the Regulations as consisting of 'refuse generated during the normal operation of the ship'. So on the basis of that definition what we are throwing out there is not garbage, it may be something else but not refuse generated by the ship. In fact let me say that we cannot comply with MARPOL, not because we have ships of our own generating garbage but because one of the requirements of MARPOL, which is in the following Annex is that "we must undertake to provide facilities to receive other peoples' garbage". Mr Speaker, that is the last thing we want to comply with given the difficulties we have with our own. We bought the barge because the advice that we had from the British Government, in November last year, that there is a Regulation which is called the "Regulation concerning dumping at sea". It is in fact a follow-up on the Dumping at Sea Act of 1974 which applies to Overseas Territories and has to be extended to Overseas Territories under the Environment Protection Overseas Territories Order, 1988. Although Gibraltar is not specifically included we said that we would wish to act in accordance with International Regulations so that we were doing the thing properly. It required that we should have a vessel capable of operating at a distance of over 12 miles from the coastline, because of the normal 12 miles territorial waters. The barge we used at the beginning of the year was not capable of doing that because it was a barge that we had loaned to us by PSA or that someone helped himself to, one of the two, and it is still in dispute. That barge could not go that far. So we bought this barge which is self propelled and which is registered with the ability to sail 15 miles from the coastline. As far as we were concerned we were doing what we had been told was right and the British Government's position until now has been that that was the correct interpretation of the law. I suppose that when someone questions whether the interpretation is correct or not, they are now doing their homework again. We do not want to do anything which is not correct and if we go back to dumping we want solid backing from UK that what we are doing is in fact legitimate and in compliance with International Law. Mr Speaker another complicating factor is, and if the Hon Member will note that in my original answer I mentioned that although our vessel claimed that it was 13 miles away, that the Spanish vessel

claimed that it was 11 miles away. One of the complications that we have since discovered, as a result of the episode, is that in the Straits both Morocco and Spain claim 12 miles and since the Straits are not 24 miles you cannot get out of anybody's territorial waters because as soon as you are out of somebody's territorial waters you are in somebody else's territorial waters. On top of that although Spain does not recognise Gibraltar's territorial waters, the British Government has always been prepared to defend a 3 mile limit. So we have a situation where according to our law, as it were, we are in Gibraltar waters for 3 miles, we then enter what we consider to be International Waters and Spain considers to be Spanish waters. We then leave what they consider to be Spanish waters, we consider to be International waters, but Morocco considers to be Moroccan waters. So getting rid of the rubbish is quite a complicated exercise. You have to be a Geographer on top of everything else, Mr Speaker.

HON K B ANTHONY:

Mr Speaker, I thank the Chief Minister for that erudite answer. The reason I am concerned, Mr Speaker, is because on the figures given in answer to a previous question we are dumping 40 tons a day and 40 tons a day down the chute is not welcome on either side of the House. That was the reason for asking whether an answer could be expedited from the FCO to try and solve this question once and for all.

HON CHIEF MINISTER:

Mr Speaker, we actually tested the thing to see whether it was a one-off thing, the day after it happened. We do not carry on dumping over the lighthouse, let us be clear about that, it is not the preferred option even though that does not cost money and the other does, and Members opposite know how stingy I am with Public Money. We however think it is better to get rid of the rubbish that way, until the incinerator is back in action, 15 miles away. I am not very sure, frankly to be totally honest, whether the British Government is too keen to hurry up the answer and have to take a definitive position on the matter. We are not prepared to take the risk of sending our people out armed with plastic bottles to have a dogfight in the Mediterranean with an armed gunboat.

NO. 119 OF 1989

ORAL

THE HON A J CANEPA

Has the Chief Minister made any representations recently about the worsening problems of delays at the land frontier?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, Government is not aware that the position with regards to delays at the frontier is worsening. It appears to worsen from time to time and the matter is periodically raised with the Spanish Government through diplomatic channels. Incidents are brought to the attention of His Excellency the Governor who takes the matter up with Her Majesty's Government.

SUPPLEMENTARY TO QUESTION NO. 119 OF 1989

HON A J CANEPA:

Mr Speaker, is the Hon the Chief Minister aware that the day he had a visit from Sr Caracao there was a 2 hour delay? That the frontier queue was taking 2 hours to get across.

HON CHIEF MINISTER:

Well all I can say, Mr Speaker, is that I hope Sr Caracao was affected by the 2 hour delay in which case he should not need any convincing. What I can tell the Hon Member is that officers at the frontier have in fact done a fairly sophisticated exercise of the pattern and the speed at which the queue moves and the correlation between who is on duty and how quickly it moves. So it would appear that people on duty at the Spanish side are more conscientious officers, shall we say, and sometimes less conscientious officers and the more conscientious they are the slower the queue moves. This statistical information has been in fact brought to the notice of the Spanish Government who have been arguing, including Sr Caracao himself who argued the case here at the Press Conference and I am told he also argued it in London during the meeting under the Brussels Process, that the delay at the frontier was normal given the number of visitors that we were getting and if there were so many cars and people going through could not be moved any quicker. That argument has been rebutted very effectively by the evidence produced by our police and customs officers and which shows that the correlation has more to do with the individuals on duty than with the numbers crossing.

HON A J CANEPA:

Mr Speaker, could I suggest to the Hon the Chief Minister that through HE the Governor he should put for onward transmission the question as to what power does this individual have that he is so difficult to replace, having regard to the fact that in 1987 we were being told that steps were in fact being taken to remove him and 18 months have gone by and he is still there. What mysterious powers does he hold?

HON CHIEF MINISTER:

Mr Speaker, suspicions cannot be eliminated that nothing very active is being done to persuade him to change his mind. I think that is an inescapable consequence of the point made by the Leader of the Opposition. But like everything else to do with relations with Spain, for example, the question of the Ferry is still a matter that is periodically raised on the basis of Community Law, they should not be blocking the Gibraltar/Algeciras Ferry and independent of the fact that Spain cannot dispute that that is Community Law, it still does not materialise and will not materialise until they decide.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware that if we carry on the way we are going we might consider ourselves Irish instead of Gibraltarian. Because first of all we have the Minister for Trade & Industry telling us that September can mean September any time before or any time afterwards and now the Chief Minister tells us that he is not aware that the problem is worsening but at the same time tells us that he is aware that it is worsening periodically! The point I really want to make to the Chief Minister is that maybe he will consider these representations that are being made and the correlation that has been found between the certain individuals on duty and the rate of movement that there is, and another factor which has not been mentioned so far and that is that there appears to be direct relevance to the delays at the Spanish Police, rather than at the Customs Point. And secondly that the simple expedient of the Spaniards manning both police points instead of one, as they normally do, the delay should be cut down by half. At least even if the gentleman in question was sitting at one point the other could theoretically move normally.

HON CHIEF MINISTER:

Mr Speaker, well if that were to happen I would then be even more Irish because I would have to say that it was worsening in one of the points and getting better on the other.

NO. 120 OF 1989

ORAL

THE HON A J CANEPA

Does the Chief Minister consider that the talks held between Sir Geoffrey Howe and Senor Ordonez last February are still "irrelevant" and does he take the same view about such future contacts about Gibraltar at Ministerial level?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I assume that the Leader of the Opposition is quoting from the interview with GBC on 7 February. For the sake of completeness and for the record I should like to repeat the question and the answer that I gave.

"Interviewer: Have the talks been positive or negative for Gibraltar?"

Chief Minister: I think the talks are irrelevant for Gibraltar. The position of the Government of Gibraltar is—there is nothing dangerous about the Secretary of State and his counterpart meeting periodically because anything that is discussed there is ad-referendum to the Government and the people of Gibraltar and nothing can be imposed on them but at the end of the day it depends on us, we are the real owners of the place and it depends on us and not on what people discuss in London and Madrid."

Since then no further meetings have taken place and nothing else has happened to make me change my view.

SUPPLEMENTARY TO QUESTION NO. 120 OF 1989

HON A J CANEPA:

Mr Speaker, has the Hon the Chief Minister been briefed about these talks, let us say, by HE the Governor?

HON CHIEF MINISTER:

Yes I have, Mr Speaker.

HON A J CANEPA:

Why has he bothered, Mr Speaker, to receive such a briefing if they are irrelevant what is the point? Does he not agree?

HON CHIEF MINISTER:

No, Mr Speaker, I do not agree because I like to know everything that is going on everywhere. I keep myself briefed on everything.

HON A J CANEPA:

Even on what is irrelevant?

HON CHIEF MINISTER:

Yes, Mr Speaker. It was irrelevant in the context of whether it is good or bad for Gibraltar. I do not think that what Sir Geoffrey Howe and Sr Ordonez say or do is good or bad for Gibraltar. I think that what the GSLP does or what the AACR does may be good or bad for Gibraltar because at the end of the day the Government is completely convinced that what matters most is what we do in Gibraltar, where we want to go in Gibraltar and how we conduct our affairs. Not what people say or do or discuss about us in London or Madrid. That is our view. And therefore although we are interested in finding out what they are saying about us at the end of the day, it does not really matter. We know that our views are not likely to be shared by either Sr Ordonez or Sir Geoffrey Howe. But I have already recognised that it is probably true that as well as being irrelevant it is irreverant to talk about them in this manner but then I was made that way, Mr Speaker.

HON A J CANEPA:

Very interesting, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, if the Government accepts, as I think it does, and has often used this argument that Britain is responsible for our foreign affairs, as a matter of definition, how can the Government state that the sentiments that the Chief Minister expressed, are fine in theory, but how can the Chief Minister not accept that it is somewhat lacking in prudence, if not just technically inaccurate, to say that these talks are irrelevant? Britain constitutionally acts for Gibraltar in this matter? What we are debating here is technically irrelevant, despite the fact that as Gibraltarians we are doing everything possible to correct that lamentable position?

HON CHIEF MINISTER:

Perhaps then all I can say is that the Hon Member opposite obviously has finally accepted the message of the former Chief Minister who was going to dissuade him to pursue a Motion committing the AACR to pursuing decolonisation and free association in the AACR Conference. Because certainly the idea that what we say is irrelevant, whether we like it or not is not consistent with the kind of sentiments that he has always defended, and if I may say so very ably, and in which I have found myself in sympathy with. We have to act that this is our homeland and that we are the master of it and I think we have to capitalise on the fact that this has been publically defended in the strongest possible terms by the Prime Minister herself in Madrid. Who said "all that Britain can do, as a parliamentary democracy, is respect the decisions of the Government and the people of Gibraltar and that when they disagree with us all they can do is try and persuade us to change our minds" and which they are entitled to do. They are entitled to try and persuade us and if at some future date after another series of talks, where the outcome is positive or negative, and I am asked the question whether the talks are positive or negative I may have a different answer. But as I have said I was asked as to whether these particular talks were positive or negative and I know what went on at the talks and I can assure the Hon Member that nothing went on at those talks that have not gone on hundreds of times before, with both sides repeating the same things and apart from the fact that everybody regretted my absence, all were apparently regretting my absence, Sr. Ordonez, the Prime Minister herself and Sir Geoffrey Howe were all very sorry that I was not there, apart from that which I also consider to be irrelevant, that was the only new thing that I am aware of. Therefore the Hon Member should not try and quote me out of context. I have been very careful to quote the whole thing because I was asked a specific question "was it good or bad?" and I said "it was neither". And at the end of the day fundamentally, in principle, the position is that what is done there is not what determines our future and therefore it is a mistake to be looking at what London does or to what Madrid does and constantly worrying about whether they are going to sell us down the river and which has been a syndrome in the past.

HON A J CANEPA:

Mr Speaker, I am glad that the Hon Chief Minister has described his remarks as "irrelevant" particularly when there is no need for such a description, in a given situation perhaps, but not in so far as negotiations between Britain and Spain are concerned.

Words like this do not win us any friends, in fact there is a danger of quite the opposite. If the talks are perfectly harmless and are neither positive or negative there is no need for such an irrelevant manner. However the truth of the matter is that the Chief Minister, I can see his objective, Mr Speaker, his objective is to give people confidence, but he is not going about it in the right way because it is not the correct constitutional position. Whilst in a given situation I would agree with him that it is good to make the people of Gibraltar feel 10 feet tall, because if something is going to be done over our heads which we do not like, at the end of the day we are going to resist that. Would the Hon Chief Minister not agree that he does not need to take that attitude where the talks are harmless ie neither positive or negative and the danger is that it could lead people to think that there is more to it than that?

HON CHIEF MINISTER:

Well, Mr Speaker, I do not know because he has used a number of mixed metaphors and I do not know whether one has any hair left or one is 10 feet tall or all the hair has been pulled down by then. All I can say is that the Government of Gibraltar does not support the "Brussels Process". The talks in London between Sr Ordonez and Sir Geoffrey Howe are a continuation of the Brussels Process which we do not support and we do not want to continue. It is not just that we do not want to be there, it is that we are not in support of the agreement that is responsible for the Process. We voted against that in this House in 1984 and we are still against it and we have been to an election on the issue. So how can we possibly give any kind of support to meetings in pursuance of the Brussels Process when we are against it. I think it is better to go in for plain talking in Government the same as we used to do in Opposition. And I honestly believe that at the end of the day people respect you more for it than if you try and not step on sensitive toes and give a different impression. I think what we have had in the past was that the Hon Member was involved in such talks, clearly was ignored in the views that he expressed, and frequently came back here and got himself very upset about Sir Geoffrey Howe and other people in the things that they were doing after he had been involved in those talks and clearly had put a view. I remember how irrate he got in this House about the definition of transit passengers used by Sir Geoffrey Howe in relation to the Airport. This was before the Airport Deal was agreed to. He said how can he talk about transit passengers, transit passengers are passengers who get out of one plane and into another plane. The Hon Member's experience I am sure, must have been one of a great deal of

frustration in participating in that process because it was reelected in many debates in this House. We feel that it is better to keep it at arms length. It is a policy which we have defended and on which we got elected. It is a matter of judgement whether that is in Gibraltar's best interest. At the moment, after one year in office, as far as we are concerned the policy is paying dividends.

NO. 121 OF 1989

ORAL

THE HON A J CANEPA

Does the Government have any plans to lobby and keep Members of Parliament informed about Gibraltar and does the Chief Minister propose to hold any meetings with the all-party British Gibraltar Group?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, during the first year in Government I have had two meetings with the British/Gibraltar Group which were held in the House of Commons and well attended by the standards of the past. These were general meetings open to Members of the Group and other interested Members of both Houses. I would propose to continue such contacts with the whole Group at least once or twice a year.

In addition, I have kept in touch with the Chairman and Secretary of the Group both by correspondence and on occasional meetings.

I have held meetings in the first year in Government with several Lords, MEPs and MPs totalling fifteen. It is the Government's intention, as Members opposite know, to bring out groups of UK MPs under the auspices of the CPA. The view of the Government is that we should bring out to Gibraltar Members who have had little contact with Gibraltar previously so that we can maintain the support for Gibraltar amongst the new generation of Members of Parliament.

SUPPLEMENTARY TO QUESTION NO. 121 OF 1989

HON A J CANEPA:

Mr Speaker, I hope that what the Chief Minister is telling us "once or twice a year" is the absolute minimum. I would urge him that on any occasion that he goes through London, if Parliament is sitting, that he might take advantage of his visit to London to try and meet the British/Gibraltar Group at least. I would urge him to do that. Mr Speaker, I am frankly a little bit encouraged that he has at least met them twice. I do not think that it has been given sufficient publicity. I know of one meeting but not of the other. Has the Chief Minister indicated to Members of the Gibraltar Group that in Gibraltar we take not very positive attitude, an irreverent attitude, or approach to the role and function of the Chairman of the British/Gibraltar Group as he apparently sees that role to be himself, namely that we do not particularly like the fact that rather than representing our views to the Foreign Office he very often tries to do the opposite, tries to represent the views of the Foreign Office to us and to convince the people of Gibraltar of those views. Has he done that?

HON CHIEF MINISTER:

Let me say that in my customary irreverent manner I said that to a meeting attended by some twenty-five Members of the Lords and the Commons with the member in question sitting by my side. I explained that, as far as we were concerned, the reason why we had friends in Parliament was not to try and persuade us to fall in line with the FCO but to try and persuade the FCO with the line of the Government and the people of Gibraltar and I did it with him beside me and I did it in a place with quite a good attendance. The two meetings that I have had were circulated to Members in advance. Apart from those meetings I have met individual members of the Group for, perhaps, half an hour or so whenever I am able to do so whilst in London on the occasions where I have actually overnighted and not just stepped of one place and into another one. That is the normal kind of contact to which I referred to in the second part of my answer. I have also been in touch with the Secretary and the Chairman by correspondence and sometimes it has been with one of them and some other member of the Group or some other of our longstanding friends. I do not think, frankly, that more than one or two meetings a year are feasible where you circulate members to inform them of how we are doing in Gibraltar and what progress has been made. The interest cannot be maintained and there are not enough things happening here to keep briefing them at more frequent than six monthly intervals, in my view. Clearly the issues at the time, were the question of the Spanish pensions, what was happening with the commercial Dockyard and what was the position of the Government as regards the implementation or rather the non-implementation of the Anglo/Spanish Agreement on the use of the airport. What were the things that we were opposed to in the Agreement and I had a meeting with a lot of questions and a lot of interest. But I do not think it is something that I can be doing, frankly, more than once or twice a year.

HON A J CANEPA:

Would the Chief Minister then perhaps attempt to contact some of the longstanding friends of Gibraltar, perhaps by writing to them, and make them aware of the present deficiencies, to put it that way, of the British/Gibraltar Group and perhaps encourage some of these longstanding friends of ours, such as Michael Latham, to consider becoming office holders. I think it is vitally important, Mr Speaker, I am sure the Hon Chief Minister will agree with me, that the office holders be totally committed to Gibraltar, like David Young has been over the years, like Sir Albert McQuarrie has always been, that is the kind of support Gibraltar needs.

HON CHIEF MINISTER:

I will certainly proceed along the lines recommended by the Hon Member.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

31ST JULY, 1989

NO. 122 TO NO. 164

NO. 122 OF 1989

ORAL

THE HON G. MASCARENHAS

Will Government state what will be the overall cost of implementing the National Curriculum in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION CULTURE AND YOUTH AFFAIRS

Answered together with Question No. 123 of 1989.

NO. 123 OF 1989THE HON G MASCARENHAS

Will Government say what will be the implications of the implementation of the National Curriculum in Gibraltar particularly as it will affect the teaching profession?

ANSWERTHE HON THE MINISTER FOR EDUCATION CULTURE AND YOUTH AFFAIRS

Mr Speaker, the National Curriculum Working Party was established in December to study all aspects relating to the National Curriculum. It will be making its report shortly after the summer recess. Until this report is forthcoming it would not be prudent to talk of costs, or implications, without knowing the extent to which the Curriculum will be implemented locally.

SUPPLEMENTARY TO QUESTION NO. 122 and 123 of 1989

HON G MASCARENHAS:

Mr Speaker, can the Hon Minister make a commitment that the overall cost will not have any effect on other expenditure in the education budget?

HON J L MOSS:

Mr Speaker, perhaps the Hon Member opposite has not really studied the National Curriculum document as it has been brought out in the UK, but I can assure the Hon Member that more than anything what is happening is an administrative arrangement which is correcting the faults of schools in the UK which were not following a proper line and which should not have significant impact on costs, even in the UK. I am prepared to tell the Hon Member that it will not be affecting other areas of education in Gibraltar.

HON G MASCARENHAS:

Mr Speaker, is the GTA included in the Committee?

HON J L MOSS:

Mr Speaker, the GTA is a party to the consultations of the Committee. That is right.

HON A J CANEPA:

Mr Speaker, having regard to the failure of the Minister to give the information requested will he undertake to make a statement in this House on the matter once he has received the report of the Committee that has been set up? Obviously once the Government has studied the matter.

HON J L MOSS:

Mr Speaker, the Hon the Leader of the Opposition is being, as usual, somewhat facetious if he does not mind my saying so. I have not failed to provide the information. I have answered the question that was put to me by his colleague, the Hon Mr Mascarenhas, I have no intention of making a statement because I will be putting out the information which is discussed independently of making statements in the House.

HON A J CANEPA:

I am talking, Mr Speaker, of making a statement after he has received the report and after the Government has studied it and taken a decision. Will he undertake to inform the House about the decision that has been taken.

HON J L MOSS:

Mr Speaker, if it is considered necessary I shall do so. Although the Hon Member is making a mountain out of a very small molehill.

HON A J CANEPA:

Mr Speaker, the Hon Member is trying to get information and we will pursue the matter in due course if we have to.

THE HON G MASCARENHAS

What is Government's intention as to B/TEC certificate part-time courses for the forthcoming year at the Gibraltar College of Further Education?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, the following part-time B/TEC certificate courses will be available at the Gibraltar College for Further Education this forthcoming year:

Technicians Electrical level 2
Technicians Mechanical level 2
Technicians Construction level 2
Craft Electrical level 2
Craft Mechanical level 2

SUPPLEMENTARY TO QUESTION NO. 124 OF 1989

HON G MASCARENHAS:

Mr Speaker, are all those courses part-time courses?

HON J L MOSS:

Yes, Mr Speaker.

THE HON G MASCARENHAS

Will Government state what their policy is in respect of the "Educational" posts in the Department of Education?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, as the honourable member should know, there are no posts defined as "Educational" in the department of Education; posts are either professional or administrative.

Supplementary to Question No. 125 of 1989

HON G MASCARENHAS:

Mr Speaker, is the Hon Member saying that he does not know to which Members I am referring to?

HON J L MOSS:

Mr Speaker, I am answering the question which the Hon Member has put to me.

HON G MASCARENHAS:

Mr Speaker, will the Hon Minister confirm that in the Department of Education's Administration Section there is an Education Officer, a Teachers' Warden, a General Education Adviser and a Psychologist?

HON J L MOSS:

Mr Speaker, with the exception of the fact that one of them is the Warden of the Teachers' Centre rather than a Teachers' Warden, yes.

HON G MASCARENHAS:

Mr Speaker, is the Government in any position to committ themselves, in this House, that all these posts will remain in place?

HON J L MOSS:

Mr Speaker, what this Government is prepared to committ itself to, is negotiating with the relevant Associations for the future of any posts in the Department of Education.

HON A J CANEPA:

For the future of any new posts, Mr Speaker? Or for the existing posts?

HON J L MOSS:

Existing posts, new posts, you name it.

HON A J CANEPA:

Mr Speaker, will the Hon Minister agree that the implication therefore is that the Government has no commitment to these posts remaining in the establishment?

HON J L MOSS:

No Mr Speaker, I cannot accept that implication. That is a deduction by the Hon Leader of the Opposition.

HON P C MONTEGRIFFO:

Mr Speaker, does the Hon Minister consider that the Education Department is in fact over-staffed with professional employees at present?

HON J L MOSS:

Mr Speaker, the Hon Mr Montegriffo should know better than to ask me that question after what I have just said that we are in negotiations and consultation with the different Associations as to the future of posts in the Department of Education, whether they exist or whether they be new posts and it would be onerous of me to prejudge any of these negotiations by suggesting something to the contrary now.

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that the Hon Member should tell us now how the negotiations are. But what is the Government's position? Is it that the Department is over-staffed? We know, for example, Mr Speaker that the Government thinks that the Civil Service is over-staffed in certain departments and is it the Hon Minister's position that there are too many professional posts in the Education Department. Is that the Government's stand?

HON J L MOSS:

Mr Speaker, the Hon Mr Montegriffo has obviously never been involved in negotiations. Because what he is asking me is exactly the same thing as he has asked me before but phrased differently and the effect of my giving now an indication of what the Government's position is, when we are still involved in negotiations would be exactly the same. It would prejudice these negotiations.

HON G MASCARENHAS:

Mr Speaker, will the Hon Minister say whether he is happy with the state of morale in his Department?

HON J L MOSS:

Mr Speaker, I am an optimist and I am normally quite happy.

THE HON DR R G VALARINO

Will Government introduce the payment of family allowance for the first child?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker.

Supplementary to Question No. 126 of 1989

HON DR R G VALARINO:

Mr Speaker, has Government any idea at all as to what it would cost to introduce the payment of Family Allowance to the first child?

HON R MOR:

Mr Speaker, I do not think it is a matter for the Government to know how much it would cost or anything to that effect. The Government will not introduce the payment of Family Allowance, for the second child or for any subsequent children for the simple reason that the Family Allowance Ordinance was repealed on the 30 November, 1988 as the Hon Member should be aware of.

HON A J CANEPA:

Will the Government then consider, Mr Speaker, paying under the Family Support Benefit Scheme an allowance to the first child equivalent to the former Family Allowance payable before the repeal of the Ordinance?

HON R MOR:

Mr Speaker, if at any time the Government were to think that that was necessary the Government would consider it.

HON A J CANEPA:

By what would the Government judge, Mr Speaker, whether it was necessary?

HON R MOR:

Mr Speaker that would depend on whether the Government felt, at any particular time, that persons or families needed extra support.

HON A J CANEPA:

Mr Speaker, does the Hon Minister not consider that there are families now who require extra support? Families in particular that do not benefit from Tax Relief, such as it is, under the Income Tax Ordinance and who would welcome the addition of another £7 a week of real money as part of the family income?

HON R MOR:

Mr Speaker, if at any time the Government were to feel that these particular families were in need of extra amounts of money then the Government would consider it.

HON DR R G VALARINO:

Then, Mr Speaker, the Hon Minister is saying no to the payment of an allowance to the first child?

HON R MOR:

That is correct, Mr Speaker.

THE HON DR R G VALARINO

What procedures is the Department of Labour and Social Security implementing in order to ensure that payment of pensions to beneficiaries residing outside Gibraltar cease at the death of the pensioner?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the procedures continue to be as follows: Payments to beneficiaries residing outside Gibraltar are effected once a life certificate is produced and consequently this ensures that payments cease at the death of any pensioner. In cases where pensioners reside in the Campo Area and collect through agents because of ill health, medical certificates from Spanish social security doctors have to be produced before any payments are made.

Supplementary to Question No. 127 of 1989

HON DR R G VALARINO:

Mr Speaker, will the Government try to investigate this matter further since it has come to my knowledge that the Government is at present paying pensions to Spaniards, who have died, and who were previously entitled to a pension? Mr Speaker it is not just one or two, the number runs in the hundreds.

HON R MOR:

Mr Speaker, the British Government may be paying this but not the Gibraltar Government since we are not paying for these pensions.

MR SPEAKER:

The Hon Member relies that he is responsible for the accuracy of that statement.

HON DR R G VALARINO:

Yes of course, Mr Speaker.

HON A J CANEPA:

Mr Speaker, on the question that documentation requires to be supplied as proof of the fact that the beneficiary is living, does the Department require that such documentary proof be supplied on a regular basis? For instance at the beginning of the Insurance year when Pension Books are renewed?

HON R MOR:

Mr Speaker, the system is better than what the Hon the Leader of the Opposition is suggesting. Proof that the person is alive must be produced before payment is made.

HON A J CANEPA:

Before payment is made initially, Mr Speaker, once an application is made by the prospective beneficiary or is the Minister saying that everytime a person comes to collect payment proof has to be produced that they are alive? If this is the case, Mr Speaker, I am surprised that the queues are not longer than at the frontier. Since 4,000 people come to collect their pensions every week.

HON R MOR:

Mr Speaker, I think that the Hon Member should know better than to say something like that. Mr Speaker, proof is only required when an agent collects on behalf of a beneficiary not for individuals who come personally to collect their pensions. These people do not need proof that they are alive.

HON DR R G VALARINO:

Mr Speaker, does the Hon Minister have an idea of the number of beneficiaries whose pensions are being collected by an agent?

HON R MOR:

No Mr Speaker, I would need notice before answering that question. But if the Hon Members are so concerned about this matter, I would be grateful if they brought specific cases to my notice and I will then follow them up.

HON A J CANEPA:

Mr Speaker, has the Department received any representations regarding specific cases where an agent is suspected of collecting on behalf of someone who is dead?

HON R MOR:

Mr Speaker, as far as I am aware there was one particular case brought to our notice and the claim was that the beneficiary had died and that the pension was still being paid. This was checked, Mr Speaker, and the allegation was untrue because the person had died and payment had stopped at that time.

THE HON DR R G VALARINO

Mr Speaker, is the Government now in a position to say whether any decision has been taken regarding the rights of divorced women to a social security pension based on their former husband's contributions?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, this point was raised by the Hon Member in Question No 85 of 1989 and at the time the issue was dependent on the future of the present social security system. Due to the remaining lifespan of the present scheme, it is now not considered practical, at this stage, to change the rules as this would entail a major administrative exercise given the practical problems in identifying and monitoring cases outside Gibraltar. The protection of divorced women will however be taken into account in any future arrangements.

Supplementary to Question No. 128 of 1989

HON DR R G VALARINO:

Mr Speaker, that then means no for the time being?

HON R MOR:

No Mr Speaker, that is not the answer. The answer is that given that the present scheme will come to an end in 3 years time, it is not practical at this stage to change the rules and introduce a scheme for divorced women.

HON DR R G VALARINO:

Mr Speaker, the Hon Minister in answer to a previous question had said "However no action will be taken in changing the Social Security Scheme until the Government is in a position to proceed on the reconstruction of the Social Security Scheme which is contingent on the outcome of the negotiations with Her Majesty's Government". How does he equate one answer with the other?

HON CHIEF MINISTER:

Mr Speaker, at the time the Hon Member was told that I was having discussions with the British Government as to what was going to substitute the present scheme. The situation now is that we have progressed in assessing what has to be done by identifying the people covered by the present scheme and we are talking about, at present, microfilming a hundred thousand records which then need to be computerised. Once this has been done we need to devise a number of hypothetical sets of rules and take that through the computer system

to see what the effect would be on different groups. In that scenario we will include provision along the lines suggested by Hon Member when he first raised the question. We have taken his views into account and we are including them in the work being done for the new scheme. But if we try to do this in the present scheme by the time that we actually get it finished it would be too late to do anything with it, but we have not forgotten his views and are in fact taking them into account.

HON A J CANEPA:

Mr Speaker, having regard to the answer given by the Minister for Labour and Social Security, will he say whether he is satisfied that no hardship is going to be caused to any divorced women between now and 1993, when the Government in fact repeals the present scheme?

HON R MOR:

Mr Speaker, any hardship that any person with no source of income would obviously be dealt with under the Supplementary Benefits Scheme and be looked after.

THE HON DR R G VALARINO

Mr Speaker, will Government now give details of the amounts collected in Social Security contributions by persons employed in ships registered in Gibraltar for the year 1988 and what is the estimated figure for 1989?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, a total of £4422 was collected in 1988 and a further amount of £8442 of arrears is currently being pursued. The estimated figure for 1989 is £15,000.

Supplementary to Question No. 129 of 1989

HON A J CANEPA:

Mr Speaker, in view of that estimated figure of £15,000, will the Minister say how many contributions are in fact involved?

HON R MOR:

Mr Speaker, I cannot tell the Hon Member at this time exactly how many contributions are involved. We are trying to improve the system and pursue the matter of collecting from those concerned. However in answer to the question I have been asked, so far this is what we have been able to recover.

HON A J CANEPA:

Mr Speaker, but for 1989 they are estimating that the amount collected will be £15,000. Now having regard to the fact that the combined employer and employee contribution is of the order of £18 or £19 a week which is nearly £1000 p.a., are we talking of more than 15 or 20 contributions from whom the Government is succeeding in collecting contributions? And also having regard to the fact that there are over a 100 ships registered?

HON R MOR:

Mr Speaker, the previous administration changed the rules on the contributions and employers who are not registered or do not have a place of business in Gibraltar are not required to make contributions.

HON A J CANEPA:

Mr Speaker, is the Hon Minister happy with the changes that the previous administration made to the regulations?

HON R MOR:

No Mr Speaker, I am not at all satisfied with the changes the previous administration made. What I am saying is that under the present circumstances and as the law stands today this is what we have been able to recover.

HON A J CANEPA:

Does the Hon Minister have any plans to amend the law during 1989? Or is the fact that they have no plans the reason for that very low estimated figure?

HON R MOR:

Mr Speaker, even if it is a low figure it is much better than what the previous administration was doing. Because when I used to pursue this matter from the other side, Mr Speaker, all I got was that it was not possible to collect. What I am saying now is that we are collecting.

HON A J CANEPA:

Mr Speaker, now that the Hon Member has been on that side of the House sufficiently long what is he going to do about it? Collect £4,000 in one year and £15,000 to be collected in the next, collected from about 20 individuals.

HON CHIEF MINISTER:

Mr Speaker, the Hon Leader of the Opposition obviously does not realise that the Social Security system is in fact being restructured for everybody and that it would be illogical to do anything about seamen, when the system for all the people who are not seamen is being changed. So obviously the collection of these Social Security Contributions will be overtaken by what happens to the scheme between now and 1992. Or does the Hon Member think that we are going to spend all the time creating a new machinery in 1989 to scrap it in 1991 which is the kind of thing the AACR used to do.

THE HON M K FEATHERSTONE

Has the Gibraltar Health Authority caused a statement of its accounts for the financial year ending 31 March, 1989, to be prepared as required by law and have these accounts been submitted to the Auditor and when does Government hope to table these accounts in the House?

ANSWERTHE HON THE MINISTER FOR MEDICAL AND HEALTH SERVICES AND SPORT

Mr Speaker,

By the strict letter of the law the statement of the accounts should have been finalised by the end of last month. I will remind the House that this is the first year of the operation of the Health Authority and in the light of experience 3 months may not be sufficient to allow all the work to be completed and therefore it may be necessary to amend the law to give more time, but nevertheless, I have given a written instruction to the General Manager and the Finance Officer of the Health Authority that the statement of Accounts should be submitted to the Principal Auditor by not later than the 31 August, 1989.

Supplementary to Question No. 130 of 1989

HON M K FEATHERSTONE:

Mr Speaker, so the Hon Minister accepts that at the moment they are breaking the law?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am saying is that the Ordinance in question was brought to the House by the previous administration and in practise we have found that the time allowed is not sufficient and I think that it is unfair that the Gibraltar Health Authority should be given 3 months when all other Government Departments are given 9 months to prepare their accounts.

HON M K FEATHERSTONE:

Mr Speaker, when this was promulgated there was no objection to the 3 months by the then opposition, why is it that they are against it now?

HON MISS M I MONTEGRIFFO:

Mr Speaker, when the previous Government brought the Bill to the House it included the 3 months timescale and when we came into office and took over the running of the Authority there were so many problems and so many things required to be changed in the Ordinance that it was impossible to look into this particular matter. I have already spoken to the Attorney General and he has assured me that what we have done is acceptable to him and it could mean that we have to amend the law.

HON M K FEATHERSTONE:

Mr Speaker, are the finances of the Gibraltar Health Authority in such a bad state that they cannot prepare these figures within the 3 months statutory date?

HON MISS M I MONTEGRIFFO:

Mr Speaker, it is not a question of the finances being in any state, it is a question that when we took office things were in such an appalling state, in the Authority, that we did not have any information, statistical information and as a result things were difficult to resolve.

HON M K FEATHERSTONE:

Mr Speaker, they could not have been so appalling when it was possible to produce estimates every year?

HON MISS M I MONTEGRIFFO:

Within a 9 month timescale, Mr Speaker.

THE HON M K FEATHERSTONE

Will the Minister say whether there was a rat running round one of the wards in the Hospital recently and was a patient scalded in an attempt to kill the rat?

ANSWER

THE HON THE MINISTER FOR MEDICAL AND HEALTH SERVICES AND SPORT

Mr Speaker, yes.

Supplementary to Question 131 of 1989

HON M K FEATHERSTONE:

I am glad to see that this has happened, Mr Speaker, this is really horrendous news, to hear that there is a rat running loose in the hospital. Mr Speaker is this likely to be a regular occurrence? Or is it a one off?

HON MISS M I MONTEGRIFFO:

Mr Speaker, let me remind the Hon Member opposite that this is an isolated incident. I will also like to refresh his memory, in case he does not remember, and I have a list with me of all the incidents that occurred when he was Minister of Medical Services. I would also like to inform the Hon Member that by making this incident public he has upset the nursing profession, because the person involved has been a loyal member of the nursing staff for over 30 years, by casting aspersions in something she did in good faith. This person has written to me reminding me of what used to happen when the Hon Member was in office. The letter also states that they, the staff, is very encouraged by all the improvements that have been carried out in the Medical Service since we took office.

HON M K FEATHERSTONE:

Mr Speaker, I have not cast any aspersions on anybody and I can tell the Hon Minister that there were never any rats running around the hospital when I was in office and if there should be another occurrence of a rat running around will some other method be used to kill the rat rather than to pour scalding water around to the detriment of patients.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the Hon Member has said that there were no rats running around loose when he was Minister.....

HON M K FEATHERSTONE:

Mr Speaker, not running around the wards.

HON MISS M I MONTEGRIFFO:

Mr Speaker, there were and I have the information with me and if the Hon Member wishes I will cite all the incidents.

It appears Mr Speaker that the Hon Member is more concerned about the welfare of people in hospital now that he is in opposition than when he was in office.

HON P C MONTEGRIFFO:

Mr Speaker, does the Minister's statement account to an admission of liability and therefore be making compensation to the patient involved?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am prepared to answer anything concerning the rat but with regard to the legal position the matter is subjudice and I will therefore not make any comments.

HON P C MONTEGRIFFO:

Mr Speaker, I am just asking for confirmation because the Minister has said that a patient was scalded and that amounts to an admission of fault, does it not?

HON CHIEF MINISTER:

The Hon Member knows that we are being sued, as a Government, and what the Minister has confirmed are the facts that have been published and nothing else. I imagine that he is not acting for the person that is doing the suing, but as a lawyer, he ought to know that he should not be trying to get us here to settle a claim which is the subject of litigation between the Law Officers Chambers and the person making the complaint.

MR SPEAKER:

Under the rules of questioning the matter is subjudice. That is my ruling. With regard to the fate of the rat will the Minister say what happened to it.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I definitely did not take up the offer of the Hon Member opposite to kill it with a hammer, I did not do that Mr Speaker.

HON A J CANEPA:

Mr Speaker, having regard to the Minister's description of cockroaches as horrendus, how would she describe the presence of a rat in the ward.

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I have already said it was an isolated incident.

NO. 132 OF 1989

THE HON M K FEATHERSTONE

Has the Government received the analysis of the black dust emanating from GSL and, if so, what were the results?

ANSWER

THE HON THE MINISTER FOR MEDICAL AND HEALTH SERVICES AND SPORT

Yes Mr Speaker.

The results have been received and are inconclusive. Although the full picture is not going to be available for evaluation until all the samples for all the periods have been analysed in UK, the information available at present involves four different dates and ten different locations. The results show a lack of heavy metal with the exception of lead and only three of the 40 samples show lead values which suggest a need for implementing control measures. All 3 are from one single location.

Supplementary to Question No. 132 of 1989

HON M K FEATHERSTONE:

Mr Speaker, when were these result received?

HON MISS M I MONTEGRIFFO:

As far as I am aware the results were received a couple of weeks ago, Mr Speaker.

HON M K FEATHERSTONE:

Only two weeks ago, Mr Speaker?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I said a couple of weeks ago. I do not have the exact information with me. I was told by the Environmental Health Department that the results had been received a few weeks ago.

HON M K FEATHERSTONE:

I query the two weeks because I was under the impression that it was a longer period, Mr Speaker. I was also promised by the Hon Mr Pilcher that I would be given this information as soon as it was received. But if it was only two weeks I will allow the latitude.

THE HON LT-COL E M BRITTO

Is it Government policy to underwrite Gibraltar's participation in future Island Games and similar international sporting events of comparative importance?

ANSWER

THE HON THE MINISTER FOR MEDICAL AND HEALTH SERVICES AND SPORT

Mr Speaker, Gibraltar's participation in the 1989 Island Games recently held in the Faroes was underwritten by Government. This is the first time Government has underwritten a venture of this nature. It is precisely because my Government places a great emphasis on public relations for Gibraltar and considers that Sport is doing well in this context that we, since coming into office, have more than doubled the funds made available by the previous administration for financial assistance to sporting organisations. However, Government has a budget for every year and it would therefore be irresponsible for me to say at this stage whether Government is prepared to underwrite participation in future Island Games or similar sporting events of comparative importance. I can nevertheless reassure the Hon Member that whenever the Gibraltar flag has to fly anywhere in the world and we believe that Gibraltar should be represented, this Government will be very sympathetic as we are already proving to be.

Supplementary to Question No. 133 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, if Government has no definite policy in this respect, at this moment in time, is the implication of the Minister's answer then that such policy will be decided in an annual basis? Taking into account any other sporting events taking place in any given years?

HON MISS M I MONTEGRIFFO:

That has been my answer, Mr Speaker, that it would be irresponsible of me, two years before the event takes place, to give an undertaking.

HON LT-COL E M BRITTO:

Mr Speaker, does the Hon Minister not realise that events of the magnitude of the Island Games need to be planned, budgetted for and financed with more time than what the Hon Minister is prepared to allow? Because if the Hon Minister is going to do it on an annual basis, particularly since budget time is a few months before the Island Games.

HON MISS M I MONTEGRIFFO:

Mr Speaker that will not happen, Mr Speaker, because ever since I became Minister all applications have been considered before the participants have left Gibraltar.

HON LT-COL E M BRITTO:

Is the Minister then prepared to state that she will give equal consideration to other events of comparative importance to Island Games or do we consider the Island Games differently?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, as far as we are concerned when we came into office, as I have already said, we have doubled the grant given to Sporting Organisations. It therefore seems to me hypocritical of the Hon Member opposite to ask me to give a blank cheque to sporting associations. Let me also remind the Hon Member that when I gave a commitment to Small Island Games I was criticized by his administration, when they were in Government, to the extent that I was being irresponsible, that Mr Bossano with his socialistic ideals they doubted whether I would be able to keep my commitment and that I was burdening the Taxpayer. And I would like to remind the Hon Member that this is our standard now and we have done something for sport which had never been done before. Mr Speaker all requests will be considered very sympathetically.

HON LT-COL E M BRITTO:

Mr Speaker, I take exception to the word hypocritical and would ask the Minister to reconsider what she has said. I am trying to obtain information and clarify the position so that organisations like the Island Games can plan ahead. I think it is not conducive, Mr Speaker, to such good planning for Government to consider large events that require special planning in the same manner as those participating in smaller events. Major events, like the Island Games, require different treatment and should be informed whether they will receive the money or at least an idea of what they shall be getting. To lump them together with a group, of say, 2 persons participating in, say, Morocco is getting the thing out of balance.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I can assure the Hon Member that another commitment that I gave and is already functioning is the Sports Advisory Body and what the Hon Member has just said is not happening. I have been in close consultation with all sporting associations and what he is suggesting is not going to happen.

NO. 134 OF 1989

THE HON K B ANTHONY

Is the Government considering any plans for the construction of a further Power Station and, if so, where will it be sited?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker,

The Government is currently considering entering into a contract with a United Kingdom based company which would entail the construction of a power station by the said company. Were this to come to fruition the Power Station would be sited within the GSL complex in existing buildings.

Once the Government has finalised the discussions with the Company I will be making a public statement on the matter.

Supplementary to Question No. 134 of 1989

HON K B ANTHONY:

Mr Speaker, is the Minister satisfied that this new power station will be sufficient with the Westside Power Station to cover our power need for the next 25 years?

HON J C PEREZ:

Mr Speaker, not for the next 25 years but certainly for the next 15 years which is looking further ahead than the AACR ever did.

HON K B ANTHONY:

I still feel, Mr Speaker, that in terms of looking ahead with a capital expenditure of this nature, one should be looking not at the short-term, which is what I consider 15 years to be, but in the long-term which is 25 years.

HON J C PEREZ:

Mr Speaker, I have not mentioned anything about expenditure, the Hon Member is coming to conclusions on the matter. Once I have finalised the negotiations with the company I shall be making a public statement and after that, if he so wishes, he can raise questions on that in this House. At the moment I am not in a position to disclose the details of these talks with that Company.

HON K B ANTHONY:

Mr Speaker, I am not talking about details but I do not think that anyone in this House believes the power station will be built for free. It will have to be paid for and it is a capital expenditure.

HON J C PEREZ:

The Hon Member will be surprised, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, will the Hon Minister confirm that the proposed Power Station will be structured under a commercial joint venture of which UK participants will be members of? Is that the Government's thinking?

HON J C PEREZ:

No Sir.

HON M K FEATHERSTONE:

The Hon Minister has said that the AACR did not look ahead, Mr Speaker, was it not looking ahead well into the 1990's when the building of Waterport Power Station was started?

HON J C PEREZ:

Mr Speaker, at the time certainly not 25 years like the Hon Member has suggested and certainly not 15 either. Because if not I would not be in the position I am now, in this House, and having to take the decisions I have to take now. The power generating situation is very serious and the King's Bastion Power Station, as I announced at Budget time, needs to be closed down because it is in a dire state. Mr Speaker, the AACR left nothing behind for the future in terms of power generation and that is why this administration has had to take the decision to build a new power station. If we had left things as they were by the end of this year or early next year we would be in serious difficulties because King's Bastion Power Station is very old, is in dire conditions and has been for a long time.

HON M K FEATHERSTONE:

Mr Speaker, is the administration not in serious difficulties because their Union held up the implementation of the Third Engine for at least one year?

HON J C PEREZ:

Mr Speaker, the Hon Member always has excuses as to why they failed to deliver.

HON A J CANEPA:

Mr Speaker, is the Hon Minister aware that the decision to site Waterport Power Station where it is was taken in 1980 and that therefore we are talking of a 15 year span at least?

HON J C PEREZ:

Mr Speaker, the Hon Members might have thought of siting the Power Station there.....

HON A J CANEPA:

Mr Speaker, I am talking of a Government decision, taken in 1980, that a power station with, 3 'Engines' was going to go there with room for further expansion.

HON J C PEREZ:

Mr Speaker, the Power Station with 3 'Engines' is there and it is not sufficient, it was not looking at the future and the Hon Member might have had a lot of plans in his mind but putting those plans into effect or having the necessary funds to put those plans into effect is what we are talking about.

HON K B ANTHONY:

Mr Speaker, I have been listening to the discussion, because I was not in this House prior to eighteen months ago, is there any logical reason why the Waterport Power Station could not be expanded as was planned when it was commissioned? Or is there any significance in the New Station going in the GSL area?

HON J C PEREZ:

Mr Speaker the extension of Waterport Power Station would be prohibitive in terms of cost and in any case when I give a statement to the House with full details of the deal I am presently negotiating you will understand why the capital expenditure thought by Members opposite to be required will not necessarily materialise.

HON K B ANTHONY:

One final question, Mr Speaker on this topic. Is the Power Station at GSL going to supercede the Inter Services Power Station which is very close to it?

HON J C PEREZ:

No Mr Speaker. The MOD have no intention of passing on the responsibility to the Gibraltar Government or any other firm.

HON DR R G VALARINO:

Mr Speaker, will the Hon Minister confirm if two local businessmen are involved in the deal with the British Company?

HON J C PEREZ:

Mr Speaker, I know of one. If he knows of another he might care to fill me in on it.

THE HON K B ANTHONY

Will Government explain why switchboard attendants, a semi-skilled grade, were upgraded to TG I's, thus putting them on a higher pay scale than some highly skilled workers in the Power Station, who had served a full apprenticeship?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the post of switchboard attendant is not, as the Hon Member suggests, a semi-skilled grade. This post was graded as craft rate and attracted a craft allowance prior to the latest negotiations.

The upgrading took place as a result of an agreement with the union which took into account a claim for upgrading put to the previous Government as long ago as 1976 and which was never rejected, but instead kept in abeyance. The deal also gives the men in post greater supervising responsibilities and includes agreement on the phasing out of the King's Bastion Power Station.

Supplementary to Question No. 135 of 1989

HON K B ANTHONY:

I would disagree with the Hon Minister, Mr Speaker, about semi-skilled and skilled. I would call a skilled worker one that has served an apprenticeship and switchboard attendants do not serve an apprenticeship. It may well be a craft but not a skilled craft.

HON J C PEREZ:

I suggest that the Hon Member does his homework, Mr Speaker, because if you have craft trades which were put in when the Hon Members opposite were in office, and if they employed switchboard attendants on craft grades and a certain grade of craft allowance then that would presume to me that they are more skilled than the normal ones that undertook the craft apprenticeship. Because they actually gave them the second grade craft allowance.

HON K B ANTHONY:

Mr Speaker, is the Minister not aware of the resentment felt by some of the workers who have served a full apprenticeship at the reduction of the differentials between their pay scales?

HON J C PEREZ:

Mr Speaker, I am not aware of very deep resentment. I am aware of different people in the Generating Station wanting different things and there are on-going negotiations with different groups of people for different reasons and for different claims with different arguments. But I am not aware of resentment that the Switchboard Attendants have been made TG I's. No.

HON K B ANTHONY:

Mr Speaker, I can assure the Hon Minister that there are cases of this. I am aware of this personally.

NO. 136 OF 1989

THE HON DR R G VALARINO

Will Government explain how it is that the holders of posts that have been non-industrialised are not paying contributions to the Widows and Orphans Pension Scheme?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, at the request of the Staff Associations, Government has agreed that the Widows and Orphans Pension Scheme should become optional for those already in the scheme. In anticipation of this, and whilst the necessary changes take place, compulsory deductions for WOPS are not being made to those persons becoming non-industrialised.

Supplementary to Question No. 136 of 1989

HON DR R G VALARINO:

Mr Speaker, will the Government confirm that they are in breach of the law as stated in Section 3 (1) of the Widows and Orphans Pension Ordinance?

HON J C PEREZ:

No Sir. Because having discussed the matter with the Attorney General we were informed that if it is the intention of Government to change the law, so that it is no longer an obligation, in anticipation of this and whilst the law is changed the deduction can be stopped there and then. For example, if we arrived at a position where we found that the law could not be changed then those deductions would be recovered retrospectively and since there is scope for those deductions to be made in any financial year there is no breach of the legislation as such other than if the situation were to last over a year. It is however not expected to take very long.

HON A J CANEPA:

Mr Speaker, is it the Regulations that have to be amended or is it the Ordinance itself?

HON J C PEREZ:

I believe, Mr Speaker, that it is the Ordinance itself but the matter is with the Law Officer's Department at present.

HON A J CANEPA:

And as from when is it, Mr Speaker, that these contribution have not been paid?

HON J C PEREZ:

Very recently, Mr Speaker. The first cases were about a month to six weeks ago, no more than that. The Staff Associations asked that Widows and Orphans Pension Scheme should become optional for those in post and should be scrapped completely for new entrants into the non-industrial grades and I presume that in the same way as they asked for it to be compulsory, many years ago, they believe that now that money can be best invested in other ways nowadays and that Widows and Orphans Pension Scheme should not be compulsory. The Government has agreed to this, Mr Speaker

HON DR R G VALARINO:

Mr Speaker, when does the Government then propose to bring this amendment to the House?

HON J C PEREZ:

As soon as it is ready, Mr Speaker.

HON DR R G VALARINO:

Mr Speaker, the Government is therefore breaking the law for a minimum of at least six months.

HON CHIEF MINISTER:

Mr Speaker, the position has already been explained to the Hon Member. The Law does not say you have to pay Widows and Orphans Pension Scheme every day or every week. It says you have to pay. Provided we enact the necessary legislation amending this within the financial year we are advised that this is in order. But in any case what is it that the Hon Member wants to do? The employees do not want to pay, the employer is quite happy that they do not pay, if that is what they want. What does the Hon Member want us to do? Force people to pay? Because he wants it done? Because, Mr Speaker the employees do not want to pay.

HON DR R G VALARINO:

Regularise the position, Mr Speaker.

NO. 137 OF 1989

THE HON M K FEATHERSTONE

Have there been any cuts in expenditure recently resulting in the disinfecting of sewers and drains being carried out on a less frequent basis than in the past?

ANSWER

THE HON THE MINISTER OF MEDICAL AND HEALTH SERVICES AND SPORT

No Sir.

Supplementary to Question No. 137 of 1989

HON M K FEATHERSTONE:

Can the Hon Minister explain the considerable increase in the sewer-living cockroaches seen in town.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think I ought to remind the Hon Member, and that is why I have said no, that he has made a mistake in the wording of the question when he said "disinfecting" I think the Hon Member meant "disinvestment" not "disinfection". Mr Speaker, you do not disinfect sewers you use a programme of disinvestment. Will the Hon Member confirm that this is what he means?

HON M K FEATHERSTONE:

Mr Speaker, has there then been a decrease in the disinvestment programme?

HON MISS M I MONTEGRIFFO:

I can now answer the Hon Member, Mr Speaker. The disinvestment of sewers and drains for rats and cockroaches is regularly carried out by my department and as a matter of fact disinvestment for cockroaches has been intensified since last summer.

HON M K FEATHERSTONE:

The cockroaches, Mr Speaker, then seem to enjoy the disinfectant used.

THE HON K B ANTHONY

Will the Minister for Government Services make a statement on the condition of our beaches, and progress on improvements, bearing in mind his many statements about the improvements his Department intended to instigate this season?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

I have made no statement whatsoever about the condition of the beaches or any improvement which the Public Works Department intended to instigate.

I find it odd that the Hon Member should continue to direct questions of this nature to me personally when it has been made public on innumerable occasions that the running of the beaches is now the responsibility of the Tourist Office and therefore anything pertaining to beaches should be directed to my colleague the Hon Mr Pilcher.

In fact, in answer to question 104 of 1989 on the 11th May to be exact, my colleague once again reminded him of the change of responsibilities.

Supplementary To Question No. 138 of 1989

HON A J CANEPA:

Mr Speaker, the question of the replacing of the top soil in the beaches is that a responsibility to be undertaken by the Gibraltar Tourist Agency or the PWD?

HON J C PEREZ:

Mr Speaker, whatever happens in the beaches is the responsibility of the Gibraltar Tourist Agency or the Tourist Department. If the PWD is required to do anything it is because we have been asked to do so by the Tourist Office to do it for them. They however are responsible for the Management of the beaches.

HON P C MONTEGRIFFO:

Will someone, whoever he may be, Mr Speaker, inform this side as to what is happening to the supposed dredging of the metre of sand and about which publicity was given to a month or so ago? Let us have open Government and replies not technical answers.

HON J E PILCHER:

Mr Speaker, if the Hon Members ask specific questions they will get specific answers. I did not realise, first of all because it was addressed to the Minister for Government Services, secondly it talks about improvements and we did not know what the improvements were? It also asks about a statement. What statement?

HON A J CANEPA:

Another improvement, Mr Speaker. There was a statement reported in the press about setting up "Lookout Towers". We would regard that as an improvement.

HON J E PILCHER:

Mr Speaker to answer the, I think, three questions. The dredger which was contracted by the Reclamation Company to try and change, or take off the top metre of sand, and recirculate the top sand was stopped because the dredger was unable to do the work. A contract had been drawn up, which had a clause that the contract was subject to a 28 day satisfaction period, and since they were unable to do the work the contract was terminated. The position was difficult in any case to do it during the summer and the operation found it difficult to get underway. With regard to the Lookout Towers, Mr Speaker, it is the intention of the Tourism Agency to get these towers positioned at Eastern Beach. This is the only beach where lifeguards do not have the accessibility of vision that there is at other beaches such as Catalan Bay which has a proper site above sea-level, Sandy Bay, Camp Bay and Little Bay also have vantage points. Eastern Beach is the only one, particularly with the tents which have been allowed, on payment, to be placed at the back of the beach, that has a problem with vision. Plans are already being prepared or have been prepared for presentation to Development Planning Commission approval for these towers.

HON A J CANEPA:

Mr Speaker, having regard to the fact that the Hon the Minister for Tourism is the only member opposite who is well tanned, would he say whether he has taken the trouble to visit our beaches this summer?

HON J E PILCHER:

Yes Mr Speaker. Not only do I visit the beaches regularly as part of my leisure but I also visit them in an official capacity.

HON P C MONTEGRIFFO:

Mr Speaker, does the Hon Minister not accept that he has misled the public in having issued a statement saying that dredging work was going to be undertaken and then not issuing another statement confirming that the work has had to be cancelled and given an explanation?

HON J C PEREZ:

Mr Speaker, I think it is a bit cheeky of the Hon Member to raise this subject when at the time of announcement of the dredging works they came out saying that it should not be done this summer. What is the Hon Member going on about now, Mr Speaker?

HON P C MONTEGRIFFO:

I am enquiring about public accountability and the people's right to know. Why did the Hon Minister feel it necessary to issue a Press release saying that the work was going to be done and then when the work is not proceeded with, which is something we are also interested in, he does not say anything. Has he agreed with the opposition, is it the Government's view that the opposition was right all along and that they took a wrong decision?

HON J E PILCHER:

First of all, Mr Speaker if the Hon Member cares to look at the Press Release that was issued at the time he will notice that the main reason was to inform people of the inconvenience that such work would cause by having sections of the beach closed to the public. If he cares to look at the statement he will see that it was very very clear that the project was being undertaken on a trial basis and that the first few days would determine whether the dredging operation could or could not continue. Obviously if the dredging works did not continue it would be assumed by everyone, except the Hon Member opposite, that it was not possible to do it this summer.

HON P C MONTEGRIFFO:

My impression was, Mr Speaker, that the Government was trying to win favour by saying that it was going to clean the beaches, then nothing happens and there is no explanation. I call that, Sir, misleading by omission.

HON J E PILCHER:

Mr Speaker, the Hon Member opposite can call it whatever he likes. We tried and it was not possible this summer nevertheless the beaches were cleaned and continue to be cleaned.

HON A J CANEPA:

The beaches are very dirty. Dirtier than when the AACR was in Government.

MR SPEAKER:

This has gone on long enough. If the opposition wish to continue to discuss this matter they should table a Motion. Next question.

THE HON K B ANTHONY

Will Government state when the retaining wall around the tip at the southern end of Eastern Beach is going to be constructed?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker since May this year the Public Works Department have been involved in constructing a perimeter wall on the land already reclaimed from the sea. This has been done with stone all along the edge which runs parallel to Eastern Beach and is being extended along the sea front by introducing containers full of rubble into the sea and then covering the periphery with stone.

The works have suffered delays for various reasons, the main one being that when Easterly winds are prevailing works need to be stopped for obvious reasons. Works are expected to be completed shortly.

Supplementary to Question No. 139 of 1989

HON K B ANTHONY:

Mr Speaker, is the Hon Minister aware that as late as the end of June they were still tipping rubbish at that tip.

HON J C PEREZ:

No Mr Speaker, not rubbish what is being tipped is rubble.

THE HON LT-COL E M BRITTO

Will Government explain its failure to meet its own deadlines for completion of the Queensway Emergency Housing Units and give an estimate of the total cost of the project?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Hon Member conveniently jumps to the conclusion in his question that the Government is at fault in not keeping to the deadline for completion of the Queensway Emergency Housing Units. I can categorically state that this is not the case.

The project was estimated to have been completed by the end of April this year. This target has not been met for a varied number of reasons which are as follows:

- 1) Delays due to inclement weather which had not been taken into account in the estimated completion date.
- 2) No previous experience by the workforce in handling a project of this nature or magnitude.
- 3) Major delays in the arrival of materials by the suppliers. There have also been errors in the quantities of goods supplied.
- 4) The suppliers had never before undertaken a project of this nature overseas and this resulted in the lack of proper supervision by them.
- 5) Alterations to the usual design of the units to meet local requirements have led to unforeseen changes to materials and details required.

Since most of the delays are not of the Government's making, the cost of the project is expected to remain within the estimated £1.3m announced in this House by my colleague Pepe Baldachino in answer to question No 86 of 1989.

I would like to take this opportunity of expressing my personal appreciation to all those involved in the project for their committment, dedication and hard work.

The new estimated completion date is dependent on the quick delivery of certain materials which are still pending.

SUPPLEMENTARY TO QUESTION NO. 140789

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that what he has just told us is a summary of incompetence?

HON J C PEREZ:

I do not accept that, Mr Speaker, what I think is incompetence, and I think is irresponsibility, is for the Hon Member to come out publicly and say that what the Government is saying is not true because building a "pre-fab" is like building a "lego". Which is what the Hon Member has said publicly. That is irresponsible, Mr Speaker, and that is inefficiency, not what has been said previously by the Government.

HON LT-COL E M BRITTO:

Mr Speaker, will the Government accept that facetiousness and sarcasm will get them nowhere.

Coming back to the original answer, Mr Speaker, will the Minister accept that the statement that the weather was at fault was denied by his colleague, the Minister for Housing, when it was stated in the press way back in April, 1988?

HON J C PEREZ:

No Mr Speaker. My colleague said that that was not the main reason, and it was not the main reason, it was one of the reasons listed and I have said in answer to the Hon Member's question that the main reason has been the availability of supplies and which the Hon Member has said in public was impossible. I repeat, Mr Speaker, that this is the case.

HON LT-COL E M BRITTO:

Mr Speaker, will the Hon Minister accept that I did not say that it was impossible, what I said was that if that was the reason that is was one of incompetence.

HON J C PEREZ:

Mr Speaker, that is not what the press said that the Hon Member has said.

HON LT-COL E M BRITTO:

Mr Speaker, as the Hon Minister is so proud of telling us, we are not in the business of denying what the Press says.

HON J C PEREZ:

When that is convenient, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, that is what the Government does all the time.

HON A J CANEPA:

Mr Speaker, is the Hon Minister saying that if it is widely known that in Gibraltar the average rainfall is 35 inches during the year, account was not taken of that? And he is also saying that, in fact, last winter it rained more than 35 inches thereby delaying the construction?

HON J C PEREZ:

Mr Speaker, the Hon Member has not heard what I have said. I have just told his colleague that the main reason was not the weather, that it was one of the reasons and that that is why my colleague, Mr Baldachino, in April said that it was not the main reason. I stated that the main reason was the question of supply but I am also confirming that in the estimated date of completion, which is an estimate, because there have been many estimated dates of completion when the Hon Member was in office, for example, the Boys Comprehensive School at Bayside where the estimated completion date lapsed before the project had even been started.

Mr Speaker this is a project, by the PWD, which has not gone out to contract, done by the PWD, and where we are keeping very much within targets despite the problems we have had with the supplier. We were supposed to be finishing in April and we will probably be finishing by the end of August. I accept that there has been a delay, but not of our making. If it were of our making I would come to this House and say "yes it is of our making and this are the problems we are facing" because we are all human. Mr Speaker everybody involved in the building of those houses is human. But I am not prepared to blame the workers or management when it is not their fault.

HON A J CANEPA:

Mr Speaker, is the Hon Minister dodging taking political responsibility for this when they do so so glibly all the time on that side.

HON J C PEREZ:

Of course I am taking political responsibility, Mr Speaker.

HON A J CANEPA:

And that is why he is being questioned Mr Speaker.

HON J C PEREZ:

And I am answering, Mr Speaker. But what the Hon Member wants me to say is that it is the Government's failing, but it is not failing and I am not going to admit that Mr Speaker, just because the Hon Member's opposite want to make political capital of a very serious thing. Because emergency housing is a badly needed thing and every effort is being made to have it available quickly. But the difficulties are there for everyone to see and out of the control of the Government.

HON A J CANEPA:

We were very well taught by the Hon Minister s' opposite in the four years that they were in opposition, Mr Speaker.

HON J C PEREZ:

And they always criticized us for it, Mr Speaker, and if they criticized us for it they should not be doing it now.

MR SPEAKER:

I think the questioning has gone on long enough and the time has come to recess until 3.30 pm. this afternoon.

HON A J CANEPA:

We still have further supplementaries:

MR SPEAKER:

But I think we have had enough discussion on that question and I rule now that we recess until 3.30 pm. this afternoon.

MR SPEAKER:

We are still on Question 140. And in deference to the Hon and gallant Col Britto who could not get a word in edgewise I shall allow further supplementaries on this question.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker, for your understanding and I hope you will be a little bit further understanding in allowing me to recap.

MR SPEAKER:

Hon Members should remember the Rules of questioning. Supplementaries are made to elucidate a matter of fact given in the oral answer. So it must be on a matter of fact that has been given in the oral answer and must not be made a pretext for a debate.

HON LT-COL E M BRITTO:

Right, Mr Speaker. Will the Minister accept that the deadline that he gave us this morning of April was misleading to say the least and that in fact it should have been the end of February beginning of March, more realistically?

HON J C PEREZ:

No Mr Speaker. Initially the deadline according to the Company supplying the materials was as the Hon Member suggests. But later on, after negotiations with the Company, the number of days for which supervision by the Company was needed was altered and before the project started, or shortly after the project started, the estimated date was in fact the end of April. This was as a result of the extension that had been agreed with the Company as a result of negotiations between the Court and the Company on the number of days that needed to be covered in the overall project. So initially

the Hon Member could be right but even before the project started we were already discussing that the programme that the suppliers had submitted was not very realistic. And since they had to cover a supervisor for the duration of the contract, they had to agree to the programme and the subsequent extension of a new one until the end of April.

HON LT-COL E M BRITTO:

Fine, Mr Speaker. I hope that the Hon Minister will agree that I am right because on the 5 of October his colleague the Minister for Housing was quoted by the Gibraltar Chronicle as saying that the work would be finished in 72 days and that according to my reckoning is the end of April. It was then extended to the end of June.

HON J C PEREZ:

No Mr Speaker. The April dead-line was further extended as a result of the issues that I explained this morning in answer to Hon Member's question. I have stressed that the major problem in getting the project completed has been the delay in the supply of components by the firm who has the contract. If materials have not arrived then the work programme has had to be altered drastically. Men that have been on a JPC on that particular project have had to be taken away from this JPC and put to do something else because the materials had not arrived. The extensions that have occurred after that date were a combination of factors but the major problem has been the non-availability of materials. There have been situations where the materials that have been received have not been able to be used because other materials that had to be fitted first had not arrived. That, Mr Speaker, has been the fundamental problem for the delays.

HON LT-COL E M BRITTO:

Will the Minister state why there has been delays in the supply of materials?

HON J C PEREZ:

Because the supplier has not delivered them on time, Mr Speaker

HON LT-COL E M BRITTO:

Mr Speaker, is it not a fact that the real problem is that the whole project is "guinea pig project"? That this is the first time that this firm had built "Pre-fabs" of 3 stories?

HON J C PEREZ:

No Mr Speaker, this is not the case, it is the first time that they have built a 3 "storied Pre-fab" overseas with the alteration that we have insisted on. And we have insisted on those alterations, as the Hon Member well knows, because of fire protection and things like that. We have insisted on standards which are not applicable in UK. But we feel that we have to insist on those standards and that is what has made the project different⁴¹ to what it would have been

in the UK. It is true that it is the first time that the suppliers have erected a 3 "storied Pre-fab " overseas. But the main problem has been our insistence in the alterations required.

LT-COL E M BRITTO:

So, Mr Speaker, all these requirements and changes were insisted upon after the project was started? Why was it not thought about before?

HON J C PEREZ:

No Mr Speaker. I am not replying to his original question, I am now replying to the assumption that the Hon Member has drawn that this is a Guinea-pig affair. If the Hon Member wishes I will answer all of the questions all of the time, but if I am specifically answering his supplementaries then the Hon Member should not draw the conclusion that I have now forgotten what I have told him in answer to a previous question.

HON K B ANTHONY:

Mr Speaker, If there has been a delay in the supply of materials by the manufacturers, is there not a penalty clause in the contract that the Government would invoke?

HON J C PEREZ:

Mr Speaker, that is something we need to pursue once the contract is completed. But as I have said, Mr Speaker, we are still within the targets announced by my colleague, the Minister for Housing, as far as expenditure is concerned. That in itself proves that we have not sustained the cost of the delays to a very great degree yet. If the delay had led to more man-hours to the project and everything else we would have exceeded the estimated costs, but we have not.

HON K B ANTHONY:

But presumably there is a penalty clause within this contract, Mr Speaker?

HON J C PEREZ:

This is something that the Department will wish to pursue once the contract is completed. At the moment I would not like to say anything further on the matter because there could be litigation at a later stage, Mr Speaker.

HON K B ANTHONY:

I ask this, Mr Speaker, because normally penalty clauses are not resolved once the project has been completed. The clause is there as an option that can be applied or not applied according to the Government's choice.

HON J C PEREZ:

Mr Speaker, I think the Hon Member is referring to the Retention Clause. There is also a Retention Clause in the Contract. Mr Speaker this is, something about which I would not like to say very much at this stage.

THE HON P C MONTEGRIFFO

Will Government undertake that prior to any decisions being taken affecting the present structure and operation of GBC that there will be full consultation with the staff and an opportunity to debate the matter in this House?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as the Hon Member well knows for the first time in the history of GBC, the staff side are being fully consulted on the structure and operation of the organisation as it affects them. The House will have an opportunity to debate the matter should any legislative changes be contemplated.

Supplementary to Question No. 141 of 1989

HON P C MONTEGRIFFO:

Mr Speaker, will the Hon Minister indicate how many meetings he has held, with the staff side, since he took office?

HON J C PEREZ:

Mr Speaker, I have held two meetings with the members of the committee at GBC and I have had regular meetings with the Union representatives on the matter.

HON P C MONTEGRIFFO:

Mr Speaker, does the Hon Minister consider two meetings with the staff side is sufficient bearing in mind the fundamental changes which this Government intends to make to GBC on broadcasting.

HON J C PEREZ:

Could the Hon Member inform me of the fundamental changes that I have suggested that we wish to make to GBC. Because, Mr Speaker, the Hon Member appears to know something which I have as yet not concluded.

HON P C MONTEGRIFFO:

Unless the Hon Minister is now saying that what he answered to my original question is now not going to happen. The Hon Minister said "that when there would be legislative changes this House would debate them".

HON J C PEREZ:

Mr Speaker, I said "should there be any legislative changes".

MR SPEAKER:

Could the Hon Member put it in the form of a question because if not we shall have statements being made by the opposition. It should be in the form of a question.

HON P C MONTEGRIFFO:

May I put it this way, Mr Speaker. Is the Government committed to preserving GBC as an entirely local corporation and will he give an undertaking that the matter will be debated in this House before any steps are taken to change this?

HON J C PEREZ:

Mr Speaker, the matter of GBC is being looked at, at the moment, and once the Government has taken a final decision on the matter the major consultative process will begin. I am totally satisfied that, at present, with the thinking there is at GBC, the staff side, the management and the Board have all been kept informed as it arises and once further matters develop, consultation will continue. However, I am not going to commit myself to anything until I have had sufficient time to have all the information available to me and the Government take a decision on the matter.

HON P C MONTEGRIFFO:

Mr Speaker, does the Minister not accept that there is considerable anxiety to GBC, at staff and middle management level, as a result of their complete lack of knowledge of the review which the Minister himself has indicated is taking place at GBC.

HON J C PEREZ:

Mr Speaker, I not not accept that there is great anxiety, other than the one the Hon Member is trying to create. Because I have already talked to the people concerned on the matter.

HON P C MONTEGRIFFO:

Finally, Mr Speaker is it Government's view despite that GBC is a public service orientated corporation, that the people of Gibraltar and this House should not have a right to debate the matter well in advance of any legislative measures but when the Government has an idea about the type of strategy and the type of future that it wants for the corporation?

HON J C PEREZ:

No Sir, my commitment is to have a consultative process with the staff, the management and the Board not with the Hon Member. The Hon Member can have a say if there is a need to change legislation and that is the fundamental change of GBC which Hon Members will have a say. But not on anything else.

HON P C MONTEGRIFFO:

Mr Speaker, the Hon Member left out the people who are really concerned, the public. What about the people are they not entitled to have a say?

HON J C PEREZ:

Does the Hon Member suggest that we have a referendum, Mr Speaker, or does he feel that he speaks for the people all the time?

HON P C MONTEGRIFFO:

Mr Speaker, the opposition speaks for part of the people. The Government speaks for some of the people and we speak for the others and if there is going to be consultation with the Unions and the staff at the very minimum I would expect consultation with us. Yes Mr Speaker. I imagine that the Government would have felt exactly the same 18 months ago when they were in opposition.

THE HON K B ANTHONY

Will Government state when they intend to introduce lifetime driving licences, as are issued in the United Kingdom, and discontinue our present system of licences that must be renewed at intervals?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, when we came into office in March 1988 the Government was informed that although the matter had been agreed in 1985 by the AACR and empowering legislation passed in this House, the required amendments and regulations were not ready because they had proved to be substantial and complicated. The fact that the Law Draftsman was based in the UK was said to have added to the difficulties.

Since then the matter has continued to be pursued and the regulations have been finalised and are pending approval by Council of Ministers. I do not foresee any major difficulty in getting these approved.

Let me make it clear to the Hon Member that the UK does not issue "life-time" driving licences as he suggests in his question. What are issued are actually licences valid in the case of Private Motor Vehicles, until the holder's 70th birthday. The intention of the Government is to follow this practice.

Supplementary to Question No. 142 of 1989

HON K B ANTHONY:

Mr Speaker, "life-time" is three score years and ten in the biblical sense.

THE HON LT-COL E M BRITTO

Will Government say why it is considered appropriate to charge for overnight parking by private cars at the Waterport Coach Park?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as the Hon Members opposite should know, the Waterport Coach Park is run during the daytime for parking tourist coaches. The area is not a public parking area.

The company which runs the coach park for the Tourist Agency decided to offer night parking in the area, including security control, for a fee of £5 a month. Those using the facility are said to be satisfied with the service.

Supplementary to Question No. 143 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, who are the owners of the Land?

HON J C PEREZ:

The land is owned by the Crown, Mr Speaker.

HON LT-COL E M BRITTO:

Bearing that in mind and coming back to my original question, Mr Speaker does the Hon Minister think that it is really moral in an area of Gibraltar where parking at night is such a serious problem, as Varyl Begg Estate, that they should charge a miserly fee of £5 a month instead of opening the area and allowing free parking, as is done everywhere else in the world?

HON J C PEREZ:

No Mr Speaker, because to do that would create a grave problem of clearing cars in the morning. If people are charged a fee in an area that has to be cleared by a particular time and on top of that they get security cover during the night for their vehicles and the fee is around 20p a night I think is good value. Before what used to happen was that there was a huge pile of rubbish left over by the previous administration. When the rubbish was cleared people used to park free of charge until the coach park was moved there. Apart from the vehicles paying for the use of the coach park there are also Public Service Vehicles which are also parked there at night thereby removing them from the road. They are also charged a fee,

I think, Mr Speaker, that it is a very good policy to have an area where lorries, coaches, buses etc. can be parked at night and thereby stop them parking at Waterport or Devil's Tower Road. I might add that this idea needs to be expanded and the people using the facilities are satisfied with the service they are getting from the Security Company.

HON LT-COL E M BRITTO:

Finally Mr Speaker, will the Hon Minister accept that I accept the validity of all his arguments except for the need to charge for parking of private cars. There is either a need to get Public Service vehicles off the road or there is a moral need to allow people to park their private cars free of charge. The cars can still be removed in the morning?

HON J C PEREZ:

No Mr Speaker, not if you have a free-for-all. Because the problem is magnified. Mr Speaker no one gives anything for nothing. If you have an area where your car is protected at night against vandalism, etc and you are getting a service that costs money and people have to pay for that service. The Government cannot provide a service for free.

HON LT-COL E M BRITTO:

Mr Speaker, where does it say in the contract that people are provided a service and the cars are protected?

HON J C PEREZ:

What contract is the Hon Member referring to, Mr Speaker?

HON LT-COL E M BRITTO:

The GSSL contract for parking at the coach park.

HON J C PEREZ:

Mr Speaker, the Security Company is providing a regular service at night to look after the vehicles parked in the area.

HON LT-COL E M BRITTO:

Mr Speaker, I have no intention of asking GSSL, I am asking the Hon Minister who has informed me that a service is being provided.

HON J C PEREZ:

Mr Speaker, I am not providing a service, the Company is providing a service.

THE HON LT-COL E M BRITTO

Will Government disclose the total number of unexploded bombs and other ordinance located and destroyed in the newly reclaimed land?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, as the House is aware the clearance operation is being undertaken by a detachment of Royal Engineers 33 Squadron and the local R.A.F. E.O.D. Section.

A full official report will be made available to the Government on completion of the clearance exercise scheduled to be completed by the end of August of this year. The Government is not in a position to comment further at this stage.

Supplementary To Question No.144 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, does that mean that the Hon Minister has no idea?

HON M A FEETHAM:

No, Mr Speaker, it means that the Government is, at this stage, not prepared to make any statement on this matter.

HON LT-COL E M BRITTO:

Mr Speaker, is there any reason why events surrounding the disposal of these ordinances are kept so secret?

HON M A FEETHAM:

No Mr Speaker, it is not a question of secrecy. The Royal Engineers and the R.A.F. are carrying out a task which we have, as a Government, requested and a full report will be provided which will be considered by Government in the light of the ultimate findings. As the Hon Member knows there are a number of legal implications involved.

HON LT-COL E M BRITTO:

Will the Hon Minister then commit himself to give a full statement in this House, Mr Speaker, once the Government has considered the report?

HON M A FEETHAM:

Once the Government has the report, Mr Speaker, it will decide what it will do and how it will proceed.

HON A J CANEPA:

Mr Speaker, is that the way that the Minister opposite is accountable to the public? Is that what taking political responsibility amounts to?

HON M A FEETHAM:

Mr Speaker, we are a Government that takes political responsibility for everything that we do. The Royal Engineers are carrying out a task, at our request, when their report is received on the extent of the problem we will decide exactly what we are going to do. The reclamation is, as Hon Members are aware, being carried out by a company, the land belongs to the Government and certain things will have to transpire in between. We will know what to do when we receive their report.

HON P C MONTEGRIFFO:

Mr Speaker, did we not hear in the news, and I stand to be corrected, that part of the site had already been handed over to the developers? And that foundation work were due to commence? If the site is still the subject of investigation for ordinances has the handover been delayed?

HON M A FEETHAM:

Mr Speaker, I am prepared to answer the question although it has nothing to do with the original question. Not all the Reclamation is affected and consequently what we are really talking about is north of the North Mole.

HON P C MONTEGRIFFO:

Mr Speaker, then the area that has been handed over is not under investigation?

HON M A FEETHAM:

That has been cleared, Mr Speaker.

HON P C MONTEGRIFFO:

Can the Government not make a statement concerning the area that has been cleared?

HON M A FEETHAM:

Mr Speaker, once I receive the full report, the full report will be analysed by the Government and then the Government will decide what it will make public, if it is necessary we will do so but I am not prepared to commit myself to anything because it will prejudice public interest in doing so.

HON A J CANEPA:

Mr Speaker, it will prejudice the Hon Member's interests.

HON M A FEETHAM:

No Mr Speaker, we are very proud of the Land Reclamation Programme and the fact that it is going to provide 1,300 flats for Gibraltarians. There are already a number of developers committed to the development of that site and by the end of the four years the risk that the Government has taken will have been worth it.

HON M K FEATHERSTONE:

Is the Hon Minister not getting intrim reports from the Royal Engineers, Mr Speaker?

HON M A FEETHAM:

Mr Speaker, these people are very busy doing a very good job let them get on with the work and when they finish let them submit a report.

HON M K FEATHERSTONE:

Mr Speaker, does the Government get intrim reports or not?

HON M A FEETHAM:

The Royal Engineers report the FHQ and FHQ will report to the Government when the clearance has been completed.

THE HON K B ANTHONY

Will Government explain why the small garden around the statue of Queen Victoria at Governor's Parade is being demolished by contractors working on the Holiday Inn?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Holiday Inn is in the process of refurbishing the hotel facilities and improving the vehicular and pedestrian access. As part of their general refurbishment the Company submitted proposals for the beautification of the flower bed surrounding the Queen Victoria Memorial.

The proposals have been approved by the Development and Planning Commission and the works which the Honourable Member is referring to are part of the scheme.

Supplementary to Question No. 145 of 1989

HON K B ANTHONY:

Mr Speaker, does that mean that flower beds are just being beautified or is there further development other than the flower beds?

HON M A FEETHAM:

The area is being beautified and part of it is being linked to the raising platform that the Holiday Inn are providing and it is being given a general uplift.

HON K B ANTHONY:

Can I ask Mr Speaker, why this was not done before when it belonged to the Government?

HON J C PEREZ:

The Hon Member should ask his colleagues!

HON K B ANTHONY:

Mr Speaker, I am asking the Government who have been in power for 18 months?

HON M A FEETHAM:

Mr Speaker, the Government has an awful lot of priorities and a lot of areas that require beautifying. If the Holiday Inn are prepared to do it themselves we shall encourage them.

HON K B ANTHONY:

Will it belong to the Holiday Inn or to the people of Gibraltar? The statue was presented by the people of Gibraltar.

HON CHIEF MINISTER:

Victoria will still rule, Mr Speaker.

HON M A FEETHAM:

It will belong to the people of Gibraltar, Mr Speaker.

THE HON K B ANTHONY

Will Government confirm whether Camp Bay beach belongs to the MOD and is only being used by local families as an MOD concession?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, Camp Bay was formally transferred by the MOD on the 4th February, 1966. The beach facilities are an amenity made available for public use by the Gibraltar Government.

Supplementary to Question No. 146 of 1989

HON K B ANTHONY:

Mr Speaker, is the Minister aware that there appears to be confusion by both the Police and the Lifeguards when motorboats have come close to the beach and people have made complaints and it has been said that it is an MOD Beach and nothing can be done.

HON M A FEETHAM:

No Mr Speaker, I am not aware of any such incident.

HON K B ANTHONY:

Mr Speaker, I can assure the Hon Minister that this is the case.

HON M A FEETHAM:

Mr Speaker, if the Hon Member had written to me about the matter before the House I might have had an answer.

HON A J CANEPA:

Mr Speaker, if the Hon Minister were to read the press on a daily basis he would be aware of an incident that took place and was reported in great detail in the Gibraltar Chronicle.

HON M E FEETHAM:

Mr Speaker, the question is "will Government confirm whether Camp Bay Beach belongs to the MOD and is only being used by local families as an MOD concession" and the answer, Mr Speaker, is "Camp Bay was formally transferred by the MOD on the 4th February, 1966 the beach facilities are an amenity made available for public use by the Gibraltar Government". What has that got to do with my reading the press?

HON A J CANEPA:

Mr Speaker, is the Hon Minister not aware that the point that my Hon colleague is referring to is that there has been an incident recently which appears to indicate that there is confusion, in the minds of the Police, and of the Lifeguards, and the position requires to be clarified.

HON M A FEETHAM:

Mr Speaker, why did they not ask that in the original question and they would have had an answer. Instead they ask whether Camp Bay belongs to the Government of Gibraltar or not.

HON J E PILCHER:

Mr Speaker, perhaps I can clarify the matter. There was a Press report, a letter if I am not mistaken, but there was not an official complaint to the Tourism Agency. Mr Speaker, I think that if people have a complaint they should make it to the relevant authority and not to the press or the Members of the opposition. From the press cutting I checked with the pertinent Lifeguard at Camp Bay who informed me that the information quoted in the press had not been given by the Lifeguards to any member of the public. I cannot however answer for the Police but I dare say it would be the same.

HON LT-COL E M BRITTO:

Mr Speaker, it is difficult to put what I want to say in the form of a question but I will try. I would like to inform the Hon Minister that I personally have been told by both Lifeguards and Policemen on duty at Camp Bay that the area is not clearly recognised as a public beach. That in pursuance of that information I contacted the Attorney-General and asked for information and will the Hon Member further accept that I spoke, personally, to employees of the Tourist Agency, at Camp Bay, and appraised them of the situation and that therefore his statement just now, that complaints to the Tourist Agency have not been made is not accurate.

HON J E PILCHER:

Mr Speaker, I think the Hon Member opposite is in fact, to use a phrase which he likes to use, misleading this House. Because he is not referring to Camp Bay but to Promenade adjacent to Camp Bay. The matter which has been raised by the Hon Member, and if I am not mistaken he did raise it with the Agency and I have raised it with the A-G myself, is the area of Promenade adjacent to Camp Bay. This area has never been considered part of the beach and has always been left out of the Regulations controlling the access

to Camp Bay. The matter has been looked into by me over the last few weeks and is being dealt with in the Regulations shortly to be published, the Promenade will be taken into account.

Mr Speaker if the Hon Member wishes to he can write to me telling me the name of the Lifeguard and the Policemen concerned and who said that this was not a Gibraltar Government Beach we will then take the matter up. Mr Speaker other than this incident concerning the Promenade I am not aware of any other reports.

HON LT-COL E M BRITTO:

Mr Speaker, will the Hon Minister again accept the accuracy of what I am going to tell him. Firstly that I again resent the statement that what I said was misleading, because I went out of my way to get clarification from the Attorney-General and from the Commissioner of Police as to whether the Keys Promenade was considered part of Camp Bay or not, and the answer that I got was that it was considered part of Camp Bay. This was given to me personally by the Attorney General and I am sorry that he is not here today to confirm this. At first, Mr Speaker, the Attorney-General had expressed some reservations but he researched the matter and later informed me that it was part of Camp Bay. I was therefore referring to Keys Promenade, but in the light of the information given to me by the Hon the Attorney-General I referred to Camp Bay globally including the Promenade.

HON J E PILCHER:

Mr Speaker, again I thank the Hon Member for the information and I assure you Mr Speaker and the House that we were of the impression that he was referring to the Promenade. The information that the Hon Member has just given me I will check with the Attorney-General because that is not the information which I was given but it does not refer, directly, to the question of whether the ownership belongs to the Gibraltar Government or not. If the wrong information is being given to Members of public then any information which officially points the people giving the wrong information will be quickly clarified by us.

THE HON LT-COL E M BRITTO

Will Government make a statement regarding the disposal of its property at 6, Red Sands Road?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the property was put on the market for sale through local estate agencies.

The sale was subject to a reserved selling price of £250,000. An offer for this amount has been received and accepted and the necessary documentation is now being drawn up.

Supplementary To Question No. 147 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, was there any reason for the departure from previous practice of going to 3 specific Estate Agents for this purpose?

HON M A FEETHAM:

Mr Speaker, not really. As far as I understand it the instructions were to go to all the Estate Agents. However if it did not materialise, it was not because of any specific instructions not to do so. I have been unable to find out why it was not done. But I assure the Hon Member that the instructions were for all to be informed.

HON LT-COL E M BRITTO:

Is the Hon Minister then saying, Mr Speaker, that there might have been some administrative error and that in future it would go to all Estate Agents?

HON M A FEETHAM:

That is correct, Mr Speaker.

HON LT-COL E M BRITTO:

Can the Minister then also confirm that the price was exactly a £½ Million?

HON M A FEETHAM:

Mr Speaker, the property was valued by the Crown Lands Department and substantiated by other private valuers and a reserve price of £250,000 was placed. The property has been disposed of for that price.

HON P C MONTEGRIFFO:

Mr Speaker, what is the nature of the Commission negotiated with the Government which the Estate Agent could charge? Was it the normal commission or a special commission?

HON M A FEETHAM:

I understand, Mr Speaker, that it was a normal commission.

HON A J CANEPA:

Does the Hon Minister know, Mr Speaker, whether there was only one offer for the property or were there others?

HON M A FEETHAM:

Mr Speaker, there were others but they did not reach a contract being agreed to in principle.

HON A J CANEPA:

What does the Hon Minister mean by that, Mr Speaker?

HON M A FEETHAM:

Mr Speaker that the proposed purchaser dropped out.

HON P C MONTEGRIFFO:

Does the Hon Minister not think that such a property, in a very good site, could have been disposed of without the need to go to an Estate Agent and therefore not pay a commission? And is it the Government's intention for all future sales of such properties to be conducted in this same way? And also Mr Speaker does the Government not feel that it could sell through its own Crown Lands Department or the new Department which has been set up recently rather than through Estate Agents? x

HON M A FEETHAM:

Mr Speaker it is the Government's intention to proceed in the same fashion through private Estate Agents. x

HON A J CANEPA:

Mr Speaker, have any restriction or conditions been placed on the use to which the property may be put?

HON M A FEETHAM:

Mr Speaker, there are no development rights for the property. It is owner-occupier.

HON A J CANEPA:

And the length of the lease, Mr Speaker?

HON M A FEETHAM:

150 years, Mr Speaker.

THE HON P C MONTEGRIFFO

Can Government now confirm where and when it will establish:

- a. the building components factory?
- b. the bicycle factory?
- c. the ball point factory?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it is not Government policy to establish any factory in Gibraltar.

In so far as the three mentioned by the member opposite is concerned the prospective investors, as far as the Government is aware, continue with endeavours to set up these factories.

Supplementary to Question No. 148 of 1989

HON P C MONTEGRIFFO:

Mr Speaker, did the Government not indicate recently that it still had to take a decision on whether the building components factory would be set up in Gibraltar or Spain?

HON M A FEETHAM:

Yes, Mr Speaker, but I made it quite clear, and I think it was in answer to Question 71 of 1989, that I said that the investors were negotiating with the authorities on the other side and indeed are discussing with the Government the possibility of an alternative site in Gibraltar for setting up the factory. It does not necessarily follow that the Government is directly involved in setting up the factory.

HON P C MONTEGRIFFO:

Mr Speaker, will the Government confirm what sort of deadline it has in mind for the setting up of the factory in Gibraltar be it through the developers, the promoters or otherwise bearing in mind the Development Programme and bearing in mind the indication given in this House last time, that September before or later would be the deadline?

HON M A FEETHAM:

Mr Speaker, we do not set the deadline, Mr Speaker.

HON P C MONTEGRIFFO:

The Hon Minister did, Mr Speaker.

HON M A FEETHAM:

We announced, Mr Speaker, what the investors intentions were. The setting up of the factory is linked to a number of developments taking place and which are now at a very advanced stage. One thing is synonymous with the other and at present the investors see the end of August beginning of September as the more likely date for mobilisation with regards to the factory.

HON P C MONTEGRIFFO:

What does the Hon Minister mean by mobilisation, Mr Speaker?

HON M A FEETHAM:

The beginning of the works for the setting up of the factory Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government still consider that Spain is an export market for the building components factory? Is that one of the areas that the Government is considering?

HON M A FEETHAM:

Mr Speaker, the investors certainly think so.

HON P C MONTEGRIFFO:

Mr Speaker, is the Government actually assisting the investors in seeking the special customs regime which we understood was necessary in order to allow the factory to be set up successfully in Spain? Or is the Government not participating in that at all?

HON M A FEETHAM:

Mr Speaker, the Government is not participating, the Government is attempting to support the request from the investors as to the sort of arrangements they would like to see in place. Any Government that seeks investment in Gibraltar would try to do its best to meet all conditions put forward, however not all these conditions can sometimes be met. It is however up to the investors themselves to seek, and they are seeking such arrangements.

HON P C MONTEGRIFFO:

Mr Speaker, I do not wish to labour the point but this is not investment in Gibraltar it is investment in Spain, since the factory will be built there. And what I would like to know is the nature of the support that Government is giving to the investors in the seeking of Special Customs arrangements bearing in mind that the news of the factory was very much heralded as an example of practical co-operation with our neighbours and which the Government was seeking as an example of what could be done? What is the Government doing in supporting these moves?

HON M A FEETHAM:

Mr. Speaker, all we have done is put them in touch, and in fact made the initial representation with them, the La Linea Ayuntamiento and the technical people in Spain, that is the nature of our involvement so far as the setting up of the factory on the other side is concerned. I have made it quite clear that the decision will be made by the people putting up the money not the Government of Gibraltar.

HON P C MONTEGRIFFO:

Finally, Mr Speaker, having understood that, at what time will it become necessary for the Government to seek alternative materials from another source for building materials, for its own Development Programme, because there must be some deadline by which the building components factory must be in place for the Government to become its client for the Development Programme?

HON M A FEETHAM:

The question of alternative supplies is determined by the contractors who carry out the work be it for the Government or be it for a private company. We are not in the business of stock piling supplies. Supplies come from the traditional areas and the constructors will obtain supplies from those areas.

HON P C MONTEGRIFFO:

I do not understand, Mr Speaker what was then the reason for the purported deadline of September? Because when the Chief Minister went to La Linea he said that the factory had to be set up by September? Because by then Gibraltar would need the product for the Development Plan. If there was never any link then there is no deadline that is relevant at all?

HON M A FEETHAM:

Far from it, Mr Speaker. First of all let us discard the question of reports. What is relevant is what is said in this House, not what is said in the newspapers and particularly in "Area". What I have said and what I will continue to say is that the Government is supporting the setting up of a Building Components Factory be it in Spain or be it in Gibraltar. The final decision will be taken by the investors. The Government has taken the initiative of ensuring that should the factory be set up in Gibraltar, a site is available. The deadline continues to be September for the mobilisation of the factory. Full stop.

HON P C MONTEGRIFFO:

Mr Speaker, will the Minister not accept that in this House he said that the deadline was September and that the Government would guarantee work for the first 5 years. Is that not on the record?

HON M A FEETHAM:

Mr Speaker, thirty seconds ago I said that the deadline continues to be September.

HON CHIEF MINISTER:

Mr Speaker, it is not that the Government has imposed a deadline on anybody. It is that in the Company's Business Plan they have themselves said to us this is the target towards which we are invoking. And we in answer, to the request for information from the other side, told them the information that we have. We are sharing with them the information that we have.

THE HON LT-COL E M BRITTO

Will Government explain the continuing delays in completing the formalities for handing over the Rosia Dale Estate to the Rosia Dale Tenants Association?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, the delays in completing formalities for handing over the Rosia Dale Estate to the Rosia Dale Tenants' Association is that the Association have said that they are not ready to take over.

The Government is waiting for the Rosia Dale Tenants' Association to say when they are ready to complete formalities. The Government have been ready since March 1989.

Supplementary To Question No. 149 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, perhaps the Hon Minister will accept from me that the Association will be delighted to learn of what he has just answered, because I have been asked by the Association to try and put some pressure since they were wondering about the delay in the handover. They also informed me that the Hon Minister has said that he required to meet them to re-negotiate certain aspects.

HON J L BALDACHINO:

No Mr Speaker. In March 1989 when nearly all the sales were finalised I then gave instructions to my south district warden not to carry out any more cleaning of the estate, since the estate belonged to the Rosia Dale Tenants' Association. I then had representations from some of the people who had bought houses in Rosia Dale saying that they were not yet sufficiently organised and as a result I informed them that I was prepared to continue with the cleaning of the estate until they were in a position to carry out the cleaning of the estate. This has as yet not happened. It is also true that I also told them that I needed time to sit down with them to discuss the best way of solving the question of those persons who have not bought their houses and how much the Government should pay for those people and how it should be done. As I say, Mr Speaker, I am still awaiting a response from the Association.

HON LT-COL E M BRITTO:

To conclude, Mr Speaker, can the Minister confirm that I can advise the Association that if they approach him he is ready to start negotiations with them?

HON J L BALDACHINO:

Mr Speaker, the Hon Member can go further than that. He can tell the Tenants' Association that I am prepared to handover the estate tomorrow.

THE HON LT-COL E M BRITTO

Will Government say whether the housing units being built at Glacis Estate within the Portmore, Ironside and George Don complex:

- (a) were approved by the Development and Planning Commission?
- (b) have the technical approval of Senior Architects and Planners at Crown Lands and PWD?
- (c) maintain the population density within acceptable levels?

ANSWER

THE HON THE MINISTER FOR HOUSING

As the Honourable members opposite should be well aware, unless planning difficulties were envisaged, it has never been the practice to take Government projects to D.P.C. for approval.

The plans were not submitted for approval of the officers and departments named as the scheme was produced in-house by the Housing Department which has its own technical/professional expertise.

The number of units being built will provide for approximately 30 persons which is a figure we are advised should not affect the density of the Estate.

Supplementary To Question No. 150 of 1989

HON A J CANEPA:

Mr Speaker, will the Hon Minister accept that he has been misinformed with regard to his statement that "unless planning difficulties are envisaged, it has never been the practice to take Government projects to D.P.C". The position is, Mr Speaker, that the Town Planning Ordinance does not bind the Crown and therefore neither the Gibraltar Government or the M.O.D. have an obligation to submit any plans. But will he further accept that it has always been the practice for Housing Schemes, drawn up by the Gibraltar Government, at the planning stage to be taken to D.P.C. for their comments and views.

HON J L BALDACHINO:

Mr Speaker, the information that I have is that projects like those of the bedsitters built at St. John's Court and those built at Glacis were never sent to D.P.C. Projects quite rightly, as the Hon Member says, like Housing Estates and similar projects, and we submitted the "Pre-fabs" at USOC and Poca Roca, but my advise is that projects like those mentioned in the question have never been submitted to D.P.C.

HON A J CANEPA:

Mr Speaker, I do not quarrel with the Minister in what he has said, with what I quarrel is with the initial statement that "only when planning difficulties are envisaged". If the Hon Minister had said that "minor projects which involve creating within an existing Housing Estate, a small number of units, had never been taken to D.P.C." that is another matter all together.

HON J L BALDACHINO:

Mr Speaker, I have answered in respect of the question asked.

HON LT-COL E M BRITTO:

Mr Speaker, coming back to the original question. Will the Minister accept that there was resistance either verbal or otherwise from Crown Lands and P.W.D. to the whole concept of building within the Housing Estate?

HON J L BALDACHINO:

Mr Speaker, the Hon Member appears to have more information than Ministers on this side. As far as I am aware nobody has written to me on the lines he has suggested.

HON LT-COL E M BRITTO:

Mr Speaker, it is not a question of having more information, it is that we are so used to the Government trying to find loop holes in the questions to avoid answering them, that one has to dig to get information. And the feedback that I have is that certainly technical disapproval to the project from Senior Architects and Planners in Crown Lands and P.W.D. was made known.

HON J L BALDACHINO:

Mr Speaker, if the Hon Member tells me who they are fine, but I am not aware of any disapproval either verbal or in writing.

HON LT-COL E M BRITTO:

Mr Speaker, is the Hon Minister saying that if it had been submitted to D.P.C. it would have had the approval of everyone concerned?

HON J L BALDACHINO:

Mr Speaker, I do not need D.P.C. approval. It has been done in-house because we have the necessary expertise.

HON LT-COL E M BRITTO:

Mr Speaker, does that mean people like the Chief Environmental Health Officer and the Chief Fire Officer were not consulted?

HON J L BALDACHINO:

Mr Speaker, the Chief Fire Officer has probably been consulted by the Head of the Project, at least I hope he has done so.

HON A J CANEPA:

Mr Speaker, will the Hon Minister check that that is the case, Mr Speaker. Because it is a very serious matter if the Chief Fire Officer has not been consulted.

HON J L BALDACHINO:

Mr Speaker, my colleague responsible for the Fire Brigade has said that it has been submitted to the Chief Fire Officer

THE HON P C MONTEGRIFFO

Will Government confirm what assets have been or are intended to be transferred to the Gibraltar Tourism Agency and whether the Agency's liabilities are underwritten by the Government?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

None, Sir. No liability is being undertaken.

Supplementary to Question NO. 151 of 1989

HON P-C MONTEGRIFFO:

Mr Speaker, does that mean that it is Government policy, with regard to the Agency, that the Agency will rely on its limited liability of Creditors claims or in the event of a liquidation? Are people dealing with the Agency expected to deal with it as a Limited Company without Government backing?

HON J E PILCHER:

Yes Mr Speaker. The Agency has a Government contract to perform a function as laid down by Government policy. It is there to manage the company and in managing those assets the company has liability against insurance claim etc. But it is to be treated as a Limited Company.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government not consider since it is considered to be a Public Agency, that there should be some Government backing, underwriting, so that people dealing with Agency have something more than limited liability.

HON CHIEF MINISTER:

Mr Speaker, the Hon Member should know that to undertake such underwriting as he suggests would be illegal, unless approved by a Motion in the House of Assembly, because the Public Finance (Control and Audit) Ordinance provides that if the Government is underwriting the liabilities of the entities it has to be with the approval of the House of Assembly since it effectively creates an impacting on the borrowing capacity of the Government of Gibraltar. He should know that, because the only occasions when we have actually underwritten anything has been when the previous administration brought a Motion underwriting the overdraft of GSL. This is provided for by the Public Finance (Control and Audit) Ordinance. It would be pointless to have a limited liability company and then for the Government to accept no limit to the liability by underwriting it.

HON P C MONTEGRIFFO:

Mr Speaker, the point that has to be made is that in dealing with the Agency, which has been explained as a vehicle to rationalise the Civil Service, unless the Government clearly states that it is not responsible for the Agency's liabilities, as is now the case, that an element of underwriting is what people would expect when dealing with an Agency which is essentially considered by people as a Government owned agency. Mr Speaker, if legislation requires to be passed no doubt it would be. The point is the Agency was not set up, as far as it has been explained, to restrict Government liability, it was set up as part of a restructuring exercise and people dealing with the Agency, I put it to the Minister, believe that they are dealing effectively with the Government but, in fact, are dealing with a shell, a limited shell. Not owned by ICI or BAT but in fact by someone who is not prepared to underwrite its functions. That is the point that should be made clear.

HON J E PILCHER:

We have made it clear, Mr Speaker. Although I do not know to what people the Hon Member is referring to.

THE HON A J CANEPA

Will the Government explain why no more apprenticeships are being offered by Gibraltar Shiprepair Limited?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, Gibraltar Shiprepair Limited discontinued apprenticeships under the AACR administration. When I took over the Chairmanship of the company, the matter was looked into once again and it was decided that, since the strategy to be followed was to reduce the dependence on shiprepairing activities, it would not make sense to re-introduce apprenticeships at this stage.

Supplementary to Question No. 152 of 1989

HON A J CANEPA:

Will the Hon Minister care to comment, Mr Speaker, on the statement attributed to Mr Ken Navas, the ACTSS Convenor at GSL, and made to the Gibraltar Chronicle on the 18th July to the effect "there is a need to have a larger number of highly trained employees".

HON J E PILCHER:

No Mr Speaker, Mr Navas is quite capable of answering his own statements.

HON A J CANEPA:

What are the Hon Minister's views on such a statement, Mr Speaker? Is there a need in GSL to have a larger number of highly trained employees? Does the Minister agree with that statement?

HON J E PILCHER:

Mr Speaker, I am not answerable in this House for Mr Navas's statement. I have already made my statement and if the Hon Member cares to analyse what I have said it would not make sense to re-introduce apprenticeships at this stage.

HON A J CANEPA:

Does that mean that the matter is being kept under review?

HON J E PILCHER:

Of course, Mr Speaker, the whole future of GSL is under review and this is included in the review.

THE HON A J CANEPA

What is the Government's position on Gibrepair and on its future viability?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the Government's position on Gibrepair is well known. The company have now finished the re-structuring and will shortly be undergoing a six monthly audit. This together with the report by the Board of GSL will give the Government the necessary information to determine the future viability or otherwise of the company. In the first instance, the Government will inform its employe~~es~~s and shortly thereafter the House of Assembly and the people of Gibraltar. I can however, confirm that a decision to cut back on the size of the yard has already been taken. The scale of that reduction is still dependant on the information mentioned previously.

Supplementary to Question No. 153 of 1989

HON A J CANEPA:

Mr Speaker, is the Minister aware of the fact that he has slipped considerably in his targets and that he had previously stated, in this House, that the exercise would be completed by the end of June and that therefore at the July meeting of the House he would be in a position to make a comprehensive statement on the future of GSL?

HON J E PILCHER:

Mr Speaker, it is still the Government's intention, as soon as possible, to make a full and comprehensive report on GSL to this House and to the people of Gibraltar. In fact it is something which we want to do as soon as possible but nevertheless we do not want to do it hastily but until we have all the information available. The information that we need having finished the restructuring, which finished at the end of June, is the six monthly audited accounts and the Board's Report. The Board will in fact be meeting shortly and immediately that the information is available to the Government we will be making a full report to this House.

HON A J CANEPA:

Mr Speaker, is the Hon Minister in a position to say whether the yard has in fact been accepting work which it could not realistically undertake and that it was therefore loosing money on such work?

HON J E PILCHER:

When the full statement is made, Mr Speaker, on the future of GSL this will be one of the areas to be tackled by me.

HON A J CANEPA:

Mr Speaker, is the Minister in a position to say whether they owe any money to their subsidiary joint venture companies? And if so will he give details?

HON J E PILCHER:

Mr Speaker, the position of the accounts of GSL is well known to this House and again I have to say to the Hon Member opposite that this will form part of the overall statement that I will be making as soon as possible.

THE HON LT-COL E M BRITTO

Will Government clarify whether there are any classes of people who do not pay one or more of the following charges, either by direct exemption or by some form of indirect Government subsidy -

(a) Rent (b) Rates (c) Water (d) Electricity (e) Telephone?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The following persons are not liable to charges, Mr Speaker:

RENT:

- 1) Those persons eligible to Rent Relief under the Section 35 of the Landlords and Tenants Ordinance.
- 2) Public Officers whose conditions of service entitle them to rent free accommodation.

RATES:

1. Those persons exempted under Section 279 of the Public Health Ordinance.
2. Those persons occupying properties covered by a licence under the Development Aid Ordinance. A small number of such properties are still covered by an element of Rating Relief under Section 280 of the Public Health Ordinance.
2. Those Charitable and/or Religious Institutions in respect of which the Governor has authorised partial or total exemption under Section 282 of the Public Health Ordinance.
4. Owners eligible to relief in respect of unoccupied property as provided under Section 273 of the Public Health Ordinance.

WATER AND ELECTRICITY

No persons are either in receipt of a Government subsidy or exempt from the payment of Electricity and Water.

TELEPHONE

1. Those Government officers eligible to Telephone Allowance under their conditions of service.
2. Persons who are granted a telephone subsidy under the Supplementary Benefit Scheme.

2.

However if what the Hon Member is getting at is the provision of telephones for Government Ministers, this was answered in question No. 113 of 1988.

NO. 155 OF 1989

THE HON G MASCARENHAS

Will Government ensure that the industrial dispute with the Nursery Officers is resolved before the start of the new school year?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government cannot guarantee that this or any other industrial dispute is resolved by any specific future date, anymore than any other employer can. The industrial action was however lifted in this particular case and negotiations are taking place with the Personnel Manager who hopefully will provide a satisfactory solution to the problem.

Supplementary to Question No. 155 of 1989

HON G MASCARENHAS:

Mr Speaker, will Government take into account the hardship that industrial action of this nature courses to many parents, particularly the female in the family, and take this into account. Will the Personnel Manager take this into account?

HON CHIEF MINISTER:

No Mr Speaker, it is not that we want anybody to suffer hardship. The Hon Member must realise that if one is going to be influenced in settling a dispute by the degree of hardship that is caused to potential users of that service then by implication, it means that the more hardship that is caused the bigger the settlement you should reach. Therefore what we are trying to do is persuade, as I think I have said before in this House and which Members opposite have said that they hope I will succeed in achieving, that we will look at the merits of their case irrespective of whether there is action or not going on. Let me say that the merits of this particular case have ben looked at many times before. The Hon Member may know this. In fact the structure that we have in the schools was introduced in 1981 and that 1981, because I have gone back and checked the information available in the files in order to answer this question, I find that the Officials in the Department were already warning the Government, in 1981, that they could be facing future problems by introducing the structure that was being introduced. And regretably the problem is here now and has been raised periodically on and off. It stems from the fact that the argument is that there are people doing the same job with different titles and different rates of pay. This is always a ver y difficult problem to resolve.

HON G MASCARENHAS:

Mr Speaker, I am aware that the problem is a long standing one but I would like the Chief Minister to be aware that we are dealing with pre-school aged children and that they are different to any other form of industrial action.

HON CHIEF MINISTER:

Mr Speaker, the Government's wish is that this matter should be resolved during the summer holidays so that the problem is over by the time school starts. But what I am not prepared to do is give any kind of undertaking in that respect and then to be asked by the Hon Member opposite that the Government has now admitted that it has failed because the claim has not been met. The opposition will not get any dates from me, Mr Speaker.

THE HON P C MONTEGRIFFO

What are the specific uses that Government has made of the monies that have passed through the Gibraltar investment Fund including:-

- a. The £3m transferred to it as a result of the dissolution of the Funded Services;
- b. The drawing down of any borrowings made on behalf of the Government?

ANSWER

THE HON THE CHIEF MINISTER

There are no specific uses for specific sums of money in the Gibraltar Investment Fund. The fund was created in accordance with the policy in the GSLP manifesto on which the 1988 electoral programme was based.

The purpose of the fund is to promote the economic and social development of Gibraltar by investment in such commercial or industrial undertakings as the Government considers beneficial to the promotion of such development as stipulated by its institution under the provisions of Section 18 of the Public Finance (Control and Audit) Ordinance.

As the House already knows from the previous statements, that I have made the major investment was planned to be the Gibraltar National Bank but it has not been possible to proceed with this as quickly as had been hoped. As a consequence the bulk of the funds have been directed to the creation of the Gibraltar Commercial Property Company.

Supplementary to Question No. 156 of 1989

HON P C MONTEGRIFFO:

Mr Speaker, where and how is the £3 million being held pending? Is it being held as a separate fund?

HON CHIEF MINISTER:

Mr Speaker, I believe that none of the money in question has yet been transferred. It is still in the Consolidated Fund.

HON P C MONTEGRIFFO:

Mr Speaker, I take it from the Hon Chief Minister's reply that therefore none of the commercial borrowing has been taken up and put into the Investment Fund at all?

HON CHIEF MINISTER:

No, Mr Speaker, some of the drawings have already been used to capitalise the Commercial Property Company which, I think I announced during the Budget Session of the House, and I remember at some stage explaining that the first property bought was St Jago's Building and I also explained already, Mr Speaker I believe, that the position was that we were recycling the Money into the Improvement and Development Fund i.e. instead of borrowing the money from the Bank and putting the money into the Improvement and Development Fund we are borrowing the money from the Bank creating shares in the Commercial Property Company with that money and the money that the company has is used to purchase property from the Government and the receipts from the sale of the property, as laid down by the Public Finance (Control and Audit) Ordinance, is income for the Improvement and Development Fund. What we are doing in fact is that the money from the Loan finishes up in the Improvement and Development Fund but in the process passes through the Investment Fund and creates the Commercial Property Company, which again as I announced a considerable time ago, it is the intention to make shares in this company available to the general public. We are not in a position to do this because, if the Hon Member will recall, we legislated in April last year, 1988, in order to offer tax relief for investment in such shares but the way the amendment was drafted, at the time, meant that that relief would only be available provided the investment took place within the Tax Year which ended on the 30th June; And since we often find that we programme to do certain things at certain times and either within the public administration or with the solicitors that are handling the registering of the shares or whatever, we sometimes find that we cannot meet the very fast pace that we are trying to get things done at. We find that we overlap the date and then we cannot do what we had set out to do. And this is one case in point. We set out to do a certain series of things and then we find that they had not been done before the 30th June and in fact in this House of Assembly there is a Bill to amend the Income Tax Ordinance to enable us to have the flexibility to alter the dates when we find this sort of thing happening.

HON P C MONTEGRIFFO:

Mr Speaker, in the light of the Chief Minister's explanation, no money transferred to the Fund has been used to pay up the shares in the various other joint venture companies. Does that mean or rather is the Chief Minister prepared to accept to answer this question? That share capital for all the other joint venture companies has been money taken from either the Consolidated Fund or the Development and Improvement Fund?

HON CHIEF MINISTER:

No, Mr Speaker.

HON P C MONTEGRIFFO:

Mr Speaker, where has the money for the other joint venture companies come from then?

HON CHIEF MINISTER:

I have said, Mr Speaker, that the bulk of the money has gone into the Commercial Property Company. When we are talking of £ millions, in addition to that we have been investing hundred of thousands of pounds in other things but 96% or 97% of the money is devoted to financing the Government's investment programme in the Improvement and Development Fund. If the Hon Member goes back and reads the published Approved Estimates of Expenditure he will find that there is a £22.5 million Development Programme scheduled to take place in this Financial Year and there is, on paper, a deficit and that deficit is in the process of being corrected by the raising of finance for which we obtained the approval of the House in the Loans Empowering Ordinance. This is being done by the equity in the buildings that the Government owns and therefore recycling the money. So, in fact, now it is being done

as we said it would be done. I cannot follow, Mr Speaker, what the Hon Member is saying about using the money from the Improvement and Development Fund. He ought to know, Mr Speaker, that it cannot be used, that the Improvement and Development Fund can only be used for the purposes for which the House has approved expenditure and the Consolidated Fund can only be used for the purposes for which the House has approved expenditure. This is why we have the Appropriation Bill.

HON P C MONTEGRIFFO:

Mr Speaker, what I know is that the Hon the Chief Minister has the Fund and which means that the Government can use monies without an element of public accountability from this House. What I would now like to ask the Hon the Chief Minister, Mr Speaker, is when can we expect the Accounts of the Fund to be prepared and if he is prepared to give me an itemized breakdown of the use to which the fund has been put since its creation?

HON CHIEF MINISTER:

The answer, Mr Speaker, is that he will get ^{it} the some way as any other Special Fund i.e. when they have been audited. The answer to his second question is that I am not prepared to give him an itemized breakdown of anything. The position is that we explained what we would do in our Manifesto and we got elected to do it. We said in the Manifesto that this would be done by redeploying existing resources and we are doing it in the way that we said we would do it. The Hon Member may not agree with it and that is the reason why he is on that side and I am here.

HON P C MONTEGRIFFO:

Mr Speaker, can the Chief Minister confirm that the money in the Investment Fund, apart from the £3 million from the association of the Funded Services, is recycled wealth belonging to the people of Gibraltar? That this is an Investment Fund used specifically to spearhead the Government's Investment Policy? And I put it to the Government, Mr Speaker, that they should itemize at periodic stages i.e. every quarter what funds have been used? Because, Mr Speaker, if the Government is going to produce Audited Accounts, as it must, what is danger of not letting us know, every three months, what monies have been used and what for?

HON CHIEF MINISTER:

Mr Speaker, I do not see why the Hon Member is so keen to know when he is against what we are doing and he fought an election opposing our policy. If he ever gets elected into Government then he can dissolve the Investment Fund and do something different. What we are doing is implementing the Government's Programme in accordance with the Public Finance (Control and Audit) Ordinance and in accordance with the powers that we have legislated to enable us to do it. Mr Speaker, like every other Special Fund in the Accounts of the Government of Gibraltar, the Hon Member will get the information at the same time as every other Special Fund. There is no greater reason why I should tell the Hon Member what is each individual investment from the Investment Fund than any other previous Government has ever been asked in this House by any previous opposition in the sixteen years that I have been here Mr Speaker, it might have happened before, but not in the sixteen years that I have been here. There has never been any occasion when the Government has been asked for a breakdown of all the investments in any other Special Fund. It has never happened, and there is no reason why it should. Mr Speaker, what is there to stop the Hon Member, if I were to accept the legitimacy of his position, from tomorrow asking that every quarter I should let him have an itemized breakdown of all the investments in the Government Insurance Fund or in the Savings Bank Special Fund or any other Special Fund that he cares to ask for to enable him to find some argument to criticize us. Mr Speaker, the answer is that he is not going to get the information.

HON P C MONTEGRIFFO:

Mr Speaker, the Chief Minister well knows that this Fund is totally different to the other Special Fund. This is a fund which is being used with the people of Gibraltar's money without public accountability. The Chief Minister knows this, Mr Speaker, to be the case and to draw a distinction with the other Special Funds in the Government Accounts is misleading and quite inaccurate and he should accept, Mr Speaker, that it is not a fair and accurate comparison?

HON CHIEF MINISTER:

Not only do I not accept that that is the case, Mr Speaker, I put to the Hon Member that it is utter and complete nonsense what he is saying, and that it is so much nonsense that it is impossible for him to honestly not know it, and that he is deliberately talking nonsense in an attempt to undermine what the Government is trying to do by suggesting that we are doing something that we should not be doing. Mr Speaker, the guardian of the Constitution of Gibraltar as of the Public Finance (Control and Audit) Ordinance or of anything else is not the Hon Member opposite but the Attorney-General. And I can tell the Hon Member that the way the funds are being invested in the Gibraltar Investment Fund is perfectly in keeping with the Control of Public Finance laid down in the laws of Gibraltar and if he does not think that that is the case, then I invite him that instead of talking any more nonsense in this House to take us to the Supreme Court where he can challenge the constitutionality of what we are doing.

HON P C MONTEGRIFFO:

Mr Speaker, what I am asking the Chief Minister is how he can reconcile not giving information in this House about a fund which contains monies belonging to the people of Gibraltar with the Government's expressed policy of open Government?

HON CHIEF MINISTER:

Because as I have said before, Mr Speaker, the Hon Member opposite is not the elected guardian of the conscience of the GSLP. I reminded him of that during the Budget Debate when he was jumping up and down on the other side like Pinocchio's son and telling us where we are acting sinfully. If we say we believe in informing the people we will inform the people of what we think is important that they should know. It will be our judgement. We will make mistakes or we will not make mistakes. But it is the judgement of the Government of Gibraltar now, and it has always been, to take decisions on what to explain about what they are doing. It is quite obvious that the Hon Member is not interested in the people, he is not interested in the welfare of the people, or in open Government, he is interested in being able to corner the centre of the stage so that he can project himself as the only man in the opposition that is pushing the Government along and we have very many important things to do than to play silly games with the Hon Member. So the answer is that we are carrying out an investment programme, we are doing what we were elected to do, because it is in our Election Manifesto and is more than what the AACR ever did in sixteen years because they came into power and did what they liked. What the AACR did was say "if you want Hassan vote for the seven" and presumably what the Hon Member is hoping for is at a future date to say "if you want Montegriffo vote for the seven". Then, Mr Speaker, he will not have to mind about open Government because that will never enter into their

vocabulary. We are being more open than they have ever been, perhaps not enough to satisfy the Hon Member opposite, but then he joined the wrong party.

HON P C MONTEGRIFFO:

Mr Speaker, if I am Jiminy Cricket then I suppose the Chief Minister well knows what Pinocchio, presumably himself, was infamous for? Perhaps he can explain to the people what Pinocchio was infamous for?

MR SPEAKER:

Next Question.

THE HON LT-COL E M BRITTO

Will Government give details of the destination, purpose and cost of each visit abroad made by Ministers during 1989?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, I hope with my answer which I have tried to make as comprehensive as possible I will exhaust the Hon Lt-Col Britto's appetite for open Government. During 1989 a number of overseas visits have been made by myself and other Ministers in pursuance of the Government's policy of promoting Gibraltar or as a result of the need to participate in international events representing Gibraltar.

In February I combined a visit to France, at the invitation of the French Multinational Group, Spie Batignolle with a visit to Madrid at the invitation of Spanish Television to appear in the Spanish programme 'La Tarde'.

The visit to France involved a presentation of the construction of Nice Airport on reclaimed land and was in anticipation of French proposals for a new Gibraltar International Airport which were submitted to the Gibraltar Government at the time of Sir Geoffrey Howe's visit. Advantage was taken of the visit to include a visit to the town of Laon which has a population of 30,000 to see the inauguration of a Rapid Transit System based on electric traction and operating over very steep inclines which Spie Batignolle have developed and which the company feels might be capable of application to Gibraltar.

It also involved a visit to the Company's headquarters north of Paris where the main research campus is, with some 5,000 employees, and where developments in a variety of products varying from incineration of refuse to electronic filing systems and smart card office technology were discussed as areas of possible interest to Spie Batignolle in terms of the Gibraltar Market.

In Madrid as is known I took part in an interview on television and made use of my time there to meet and discuss with the British Ambassador matters of mutual interest to Gibraltar.

In all these meetings I was accompanied by the Minister for Trade and Industry.

I then followed this with a visit to Hong Kong to open the local offices of the Gibraltar Information Bureau and to attend the Costa del Sol property exhibition at which the Gibraltar Information Bureau had a stand.

There was wide publicity given to our participation and the launching of the Bureau. I gave radio, television and press interviews on the Gibraltar economy and its potential. There was also a reception to inaugurate the Bureau which was very well attended by a wide cross section of prominent Hong Kong businessmen.

I attended a number of meetings with different business groups organised by institutions with a Hong Kong and Gibraltar presence for example the Bank of Credit and Commerce whose Gibraltar Manager was in Hong Kong specially for the Bureau opening.

I also had a chance to meet a number of Hong Kong based Gibraltarians. I was able as well to fit in a meeting with the Governor of Hong Kong, Sir David Wilson, to exchange views on a number of issues.

On my way back I was able to visit Malta at the invitation of the General Workers Union. I held meetings with the management and workforce of the commercial dockyard whose experiences following the closure of the Naval Yard in the 1960's have been with problems similar to our own. I met the Prime Minister and Leader of the Opposition. I also held meetings with the leadership of the Labour Party and the General Workers Union, and with the Chairman of Air Malta and the Minister of Tourism exploring the possibility of improving communications and trade between our two communities. I was joined in Malta by the Minister for Trade and Industry who was able to participate in these discussions.

Last month I attended the Regional Conference of the Commonwealth Parliamentary Conference. I was accompanied by the Minister for Labour, as Regional Representative, and the Minister for Education as well as the Leader of the Opposition and the Hon Dr Valarino. I took advantage of my presence in London to hold a number of meetings and promotions. I was asked to be the keynote speaker for the first International Offshore Convention and was joined for this occasion by Mr James Levy who kindly agreed to support the Government's participation and shared the platform with me on the second day of the Convention. I was also asked to become the first Patron of the newly created institute for Offshore Investment which I accepted. I held meetings with a firm of City solicitors to discuss the draft Financial Services Ordinance and Commission which has now been published.

I attended a lunch hosted in my honour by the Commonwealth Jewish Council kindly organised by the Rt Hon Greville Janner MP and very well attended by members of the Council, Foreign and Commonwealth Office representatives, the Ambassadors of a number of small Commonwealth States and of Israel.

I held a lengthy meeting with Neil Kinnock during which we reviewed a number of areas of my Government's economic programme especially in the light of the economic policies a future Labour administration in the United Kingdom might have which could impact on our economy.

I also had a two hour meeting with Mrs Lynda Chalker during which we reviewed a number of areas of mutual concern to ourselves and Her Majesty's Government. As is already known we have agreed that this should become a regular feature and the next such meeting is due early in October and will now take place with Mr Maude, Mrs Chalker's successor at the Foreign and Commonwealth Office.

I also had meetings and discussions on matters affecting Government's future plans with the Crown Agents. This involved both the management of the Gibraltar Government's investment portfolio as well as the proposals for an international fund to be created by and for members in small states which I proposed during my participation in the Small States Forum at the IMF World Bank meeting in Berlin in 1988.

I also held a meeting with the Director General of the Commonwealth Fund for Technical Co-operation and from which I discovered that virtually the entire Commonwealth, except Gibraltar, belongs to. Since my return, the Council of Ministers has approved Gibraltar's application for membership and a contribution to the Commonwealth Fund is to be made in the current Financial Year for which supplementary funds are being sought in this House. I held meetings with individual members of the Parliament and addressed a general meeting, in the House of Commons, of the British Gibraltar Group during which I was able to give an up to date report on the progress we have made in our first year towards the goal of creating a viable economy and the many problems we still face. I took the opportunity to explain our Government's opposition to the airport deal and the lack of progress on maritime communications. I also had some 10 meetings with different groups of businessmen, some of whom were already involved in Gibraltar, others interested in hearing at first hand from me the investment potential that exists. Whilst in London I was joined for one day by the Minister for Government Services and senior executives from Nynex who came out from the United States to discuss the proposals that the company will be putting to us for a joint venture. The meeting, at their request, was to get further clarification of the type of venture that the Gibraltar Government is looking for.

The Minister for Government Services also held meetings in London with British Telecom, at their request and for economical reasons this was done on the way back from a visit to Stockholm to attend the Congress of European Lotteries to see what effect the 1992 situation would have on Gibraltar and to discuss the technology governing worldwide lotteries. The proposal for a world lottery from Gibraltar was also discussed. Finance Ministers from most European countries were represented and, therefore, the growth of the financial centre in Gibraltar was of great interest to them. The Minister for Government Services also visited Paris to attend a World Stamp Exhibition - Fillex France - and Berne to make a presentation to the International Postal Union Headquarters on behalf of the Gibraltar Post Office. Advantage of these visits were also taken to go to Copenhagen to look at a number of sites operating incinerator plants for refuse, where a very high standard of emission control is maintained and as a result there is virtually no environmental effects. A feasibility study with the possibility of some plants being introduced in Gibraltar is already under way and discussions were held with a firm called BIRWELCO on Gibraltar's future incineration needs. BIRWELCO is undertaking a feasibility study, at their own expense, which will be at the disposal of the Gibraltar Government once finished.

The Minister for Trade and Industry in addition to the visits I have already mentioned, attended a conference at Wilton Park on EEC matters. The theme of the conference was the progress of the European Communities 1992 programme and its implications for world trading partners. As Members opposite will know Wilton Park conferences congregate an international cross-section of prominent politicians, diplomats and businessmen. In the past these conferences have been attended by Gibraltar Government Ministers, members of the Opposition, Civil Servants and local businessmen.

In addition the Minister went to London to hold discussions with other investors interested in participating in the airport expansion, and to Holland to hold discussions with our Dutch partners in the land reclamation programme.

The Minister for Tourism and GSI made a visit to Oslo to attend the Official Opening of the Gibraltar Information Bureau and took the opportunity, whilst there, to attend several meetings relating to tourism and shiprepair.

The Minister for Education, Youth and Culture went to London to hold discussions on the arrangements for providing Open University Courses from Gibraltar. He also visited Portugal as chairman of Gun Wharf, to look at provisions of new facilities in line with proposals for new developments at Gun Wharf.

The Minister for Health and Sport went to Portugal at the invitation of the GFA and accompanied the Grammarians Hockey Club, also at their invitation, to Sardinia to attend the qualifying round of the European Hockey Cup for Club Champions.

In her capacity as Mayor she was one of the three Mayors visiting the City of London as a guest of the Corporation of London on the occasion of a major gathering of tall ships prior to the race from London to Hamburg. The occasion was part of the Corporation of London's celebrations of the 800th Anniversary of the mayoralty.

The total cost of all these trips in respect of myself, my Ministers and where appropriate Officials amounts to £17,755 in respect of both fares and accommodation plus subsistence.

Supplementary to Question No. 159 of 1989

HON LT-COL E M BRITTO:

Mr Speaker, no questions except to ask the Chief Minister when and where will he and his Ministers go for a holiday this year?

HON CHIEF MINISTER:

Mr Speaker, I hope that the Hon Member is not suggesting that this implies, after all the information that I have given him, that we have been on holiday in the last six months.

THE HON M K FEATHERSTONE

When did the Committee appointed under the Gibraltarian Status Ordinance last meet and when will it meet again?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the former Gibraltarian Status Advisory Committee last met in March 1987 and its term of office expired on 1 August 1987.

No action was taken by the previous administration to reconstitute the committee and its future is under consideration by the Government.

Supplementary to Question No. 158 of 1989

HON M K FEATHERSTONE:

Mr Speaker, will the Hon Chief Minister appreciate that there are a number of people who have considerable anxiety that the committee should be reconstituted and should meet to deal with those cases as soon as possible?

HON CHIEF MINISTER:

Mr Speaker, I do not know whether the Hon Member opposite is saying that the anxiety increased after we were elected or whether the anxiety existed when he was in Government and did nothing to reconstitute the Committee. The information that I have, Mr Speaker, is that the Committee, in fact, was required to look at the question of Residence Permits under Section 28 of the Immigration Control Ordinance and that there is still the matter of the conflict of the applicability of this Section with the question of Section 3 of the Ordinance as regards Community Nationals. The Committee itself felt, before it expired, that until this conflict was resolved it should not meet to consider cases. This conflict has as yet not been resolved.

HON M K FEATHERSTONE:

Mr Speaker, irrespective of that will the Chief Minister give urgent consideration to the reconstitution of the Committee?

HON CHIEF MINISTER:

No Mr Speaker, because I am not satisfied that there is this urgency now which clearly was not there before. There was no urgency apparently in 1987 and no new evidence has been brought to me to show that there is now an urgent need for Gibraltarian Status per se. I know that there is a backlog on questions on nationality and residence and that is something, as the Hon Member must know, that has been going on and froing between the United Kingdom Government and the Gibraltar Government for quite some time. It was a very clear cut thing before but then things changed, firstly by the British Nationality Act of 1981 which revoked the automatic grant of Nationality of spouses, for example, and secondly it was changed by the way the law applies to Community Nationals as opposed to Non-Community Nationals. I can also tell the Hon Member that there is now a draft, EEC Directive doing the rounds, on which the Government I am glad to say has been asked to express its views before it is passed, to my knowledge it is the first time that this has happened, and which would raise, in our judgement, impossible burdens for Gibraltar. Because it extends rights to everything in Gibraltar from Council Housing to Vocational Training to unlimited generations of people who acquire the right of permanent residence in Gibraltar. Mr Speaker, I am not prepared to give a guarantee that this is going to be resolved quickly because it is a very complicated thing. It is no use re-constituting the Committee, if the Committee is not clear how to deal with the problems when they start surfacing. We first need to get the law clear and we are not in a position to do that yet.

THE HON P C MONTEGRIFFO

Will Government agree to amend the Gibraltarian Status Ordinance to confer equality to women on the right to Gibraltarian status?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government supports the principle of equality for women. This proposal was put forward by me a few years ago to the then Chief Minister, Sir Joshua Hassan. At the time I was told that there were insurmountable technical difficulties which made the change proposed impossible to implement. I accepted this explanation assuming I was being told the truth. Therefore the matter was not pursued when my Government took office.

In the light of this question I have however asked that the possibility be investigated in case I was misled by the former Chief Minister.

Supplementary to Question No. 159 of 1989

HON P C MONTEGRIFFO:

Mr Speaker, I will not dwell on what exchanges the present Chief Minister had with a former Chief Minister. Is there any sort of timescale that the Chief Minister has in mind? I ask this because the matter is linked to a timescale of a particular event for which ^{the} Gibraltarian Status Ordinance is important. It would be helpful if there could be some indication of the timescale involved? Basically the Miss Gibraltar Contest.

HON CHIEF MINISTER:

Let me say, Mr Speaker, that I have asked for the matter to be looked at, because of his question, and I do not know how long it will be before I get an answer. If the answer that I get confirms the explanations that I was given and which I am prepared to give the Hon Member on the same basis as it was given to me, which is that it should not be made public, when I asked the question some years ago. I am having that answer checked for accuracy, I can either give him the answer that I had before it is checked or I can come back to him after it is checked and I can tell him either that the answer that I was given does not hold water and we can move or that the answer that I was given has now been confirmed, again, and we cannot move for the same reasons.

HON P C MONTEGRIFFO:

I am grateful, Mr Speaker, and I will speak to the Chief Minister later on.

THE HON P C MONTEGRIFFO

Will Government amend the law to give men and women equal rights to jury service so as to improve the administration of justice?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the present law gives women more rights than men as regards jury service since the former may choose to serve or not whereas it is compulsory for men. To give equal rights, which I understand would be welcomed by men, implies that compulsory male jury service would be replaced by voluntary service. I am advised that this would make it very difficult to maintain a system of jury service and it might require a different form of administration of justice. The Government is not convinced that to do away with the jury system would improve the administration of justice but it is prepared to consider any evidence the Member opposite can provide in support of this view.

Supplementary to Question No. 160 of 1989

HON A J CANEPA:

Mr Speaker, on a serious note. Does the Chief Minister consider that it is good for parliamentary democracy that he should deal with questions in such a flippant way?

HON CHIEF MINISTER:

Mr Speaker, whether I am dealing with it in a flippant way or not is a matter of judgement, and I can tell the Hon Member that I do not think that it is conducive to the standing of this House, in the eyes of the people of Gibraltar, that we should get flippant questions. I can also tell him, Mr Speaker, that we consider a very high proportion of the questions that they put to be flippant, but again it all depends on which side of the House one is sitting, or standing, whether it appears to be flippant or not. However, as far as I am concerned I do not think that there is anything in the answer that I have just given that does not address itself to the question that I was asked.

HON A J CANEPA:

Mr Speaker, does the Chief Minister consider that this is a flippant question or is it a case ^{that} he has chosen to interpret it in such a flippant manner? I would have thought that the question is perfectly clear but he has chosen, Mr Speaker to twist it round completely in order to make it flippant.

HON CHIEF MINISTER:

Mr Speaker, what is the question the Hon Member is asking me? Whether I have chosen to twist it? Or whether in fact in the Queen's English, as I was taught by the Christian Brothers and which is the same one who taught him, to give equal rights to men and women where women have got more rights than men, must mean bringing men into line with women. Not taking away rights from women!

HON A J CANEPA:

Mr Speaker, is the Hon the Chief Minister not aware that women generally will not agree with him in that interpretation? They do not consider themselves equal, in fact they consider that they are being deprived of a right?

HON CHIEF MINISTER:

Mr Speaker, women have the same rights now as they had before the 24 March, 1988. Now if the Hon Member considers that women were so badly discriminated why did he not during his sixteen years in office do something about it? Or is it that all of a sudden we have a mass movement of women all wishing to do compulsory jury service? And all are making representations to him? It must be because he has so much time in his hands that he can afford to go up and down Main Street. I do not know.

HON A J CANEPA:

Mr Speaker, has the Hon the Chief Minister forgotten that a Bill was brought to this House on the question of women and jury service and in which there was a full vote? Obviously he has forgotten.

HON CHIEF MINISTER:

Mr Speaker, I believe that Hon Member voted against it on that occasion.

HON P C MONTEGRIFFO:

Mr Speaker, this question is quite clear and is too important to be treated in a light hearted fashion. The question asks "will the Government change the law so that equality of rights exists between men and women"? Mr Speaker, how you define equality is a matter entirely up to the legislature in the proper exercise of its functions to make sure that justice is administered. As the Chief Minister well knows, Mr Speaker, in the United Kingdom there is equality but it does not mean that nobody has to do Jury Service. What I am asking Mr Speaker, is "does the Government accept that the Rules of law administration are archaic and therefore should be amended to place men and women in equal footing"?

HON J C PEREZ:

Mr Speaker, making something compulsory in this case means depriving people of the right that they have to refuse and therefore if we are talking about extending rights we are talking about extending that right that the women have to refuse to the man. That is what they are talking about because I cannot understand how they can feel that extending a right is making something compulsory to a lot of women who might not wish to do Jury Service.

HON P C MONTEGRIFFO:

Mr Speaker, do the Hon Members opposite not understand that equality, which is what I am talking about, does not mean coming down to the lowest denominator, in this case women. Mr Speaker, plainly every sensible Hon Member opposite knows that the answers which I am being given are not just flippant but an insult to non-discriminatory legislation and which the Constitution of Gibraltar should provide for. Is the Government saying that women should not have the same obligations and rights that go hand in hand and that there should not be an equating of the obligations with regard to Jury Service and if so will it amend the law to provide for this?

HON CHIEF MINISTER:

Mr Speaker, Government is saying that the present law gives women more rights than men and if it is discriminatory it is against men and presumably it is the men that can claim that they do not have the right to serve or not serve as women have. To my knowledge the ones that are complaining are the men. I however do not know whether the people who vote for the AACR or go to see the AACR are all the women who wish to do Jury Service. My information is that men are reluctant to serve and that if they were given the choice to refuse they would do so. In fact if giving women the right to refuse and not giving it to men is against the Constitution then all I can say Mr Speaker, is that it is against the Constitution since you were Chief Minister in 1969 and the AACR since 1972 because we are still dealing with the same Constitution. We are, however, advised that the present law is not unconstitutional but if the Hon Member is saying that the present law is unconstitutional then I will, again, ask whether this is the case and if it is unconstitutional we will make it constitutional.

HON P C MONTEGRIFFO:

Finally, Mr Speaker, does the Government not accept that the administration of justice would be better served by having more women on the Jury, by equating the position of men and women and making it compulsory, with certain safeguards, for women? Or is it satisfied that the best system of Jury Service for Gibraltar is that currently in force?

HON CHIEF MINISTER:

Mr Speaker, I am not qualified to judge whether in fact the administration of justice would be better carried out if there were more women juries because by implication that means that there is now maladministration of justice, that is to say

HON P C MONTEGRIFFO:

I would accept that, Mr Speaker. I will say that there is bad administration of justice in a system that you are only tried by men and not women because it is a mockery of the system of jury, whereby you are tried by your peers. I hope that the Chief Minister can but accept that proposition.

HON CHIEF MINISTER:

I do not know, Mr Speaker, whether in fact it is true that the fact that there are more men than women on the jury means that the jury is taking unfair decisions in judging people, in deciding whether people are guilty or not guilty. and that if there were more women we would either get more people guilty or less people guilty. Which is it that the Hon Member thinks will result? Or whether he thinks that women are going to be fairer to other women or unfair? I do not know what he thinks will happen or what evidence he has to suggest that justice is being administered unfairly. All I can tell him, if this is such an important issue, and we are being flippant as suggested by the Hon Leader of the Opposition, why did they not do something about it when they had an opportunity and why they did not say in their manifesto that they were going to do it. They did not say that, if they had got elected in 1988, they would remove this form of injustice and force women to serve on juries. As we understand it, Mr Speaker, women do not want to serve on juries and as we understand it men would like to have the right to refuse. That is our understanding of the situation, Mr Speaker. My answer, therefore, reflects on my understanding of the situation. From the Government's point of view, as I have made it clear in another context, we believe that it is not for the Government to interfere with the administration of justice and therefore whether the jury is all male or all female or all black or all yellow, they are supposed to be looking at the evidence in front of them in deciding whether the weight of evidence is for or against the defendant. That is my understanding of the situation but I am not a lawyer, Mr Speaker. The Hon Member opposite is and therefore, presumably, he is talking not as a politician but from professional experience, that there is something wrong with the system of justice that we have at the moment. If he has evidence, as I have said in my original answer, to support the view that there is something wrong with the system, we are prepared to look at it. It is up to him to produce the evidence. He is making the claim.

HON P C MONTEGRIFFO:

Mr Speaker, is the Chief Minister therefore saying that he requires evidence before accepting, in principle, the principle of equality between men and women when it comes to legislation? Mr Speaker, I would also be interested to hear the views of the Lady Minister to see whether she confirms the attitude of the Hon the Chief Minister in this matter?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has brought a question to this House. The Standing Orders of this House are clear in what the Hon Member is entitled to ask or not ask. He is not entitled to find out what the view of the Minister for Medical Services is on sex discrimination. This is about changing the law of Jury Service and as far as I am concerned the law, at the moment, means that there is discrimination against men and in favour of women. Because the men that serve on juries tell me that they would like to be treated the same as women. And the women that do not serve on juries tell me that they would not like to be treated like the men. So unless the Hon Member thinks that on top of being the spokesman for open Government, accounting etc., he is now also the spokesmen for discriminated women in Gibraltar, which he can add to his long list of vote catching slogans, then fine let him bring me the evidence that demonstrates to the Government that the system of justice in Gibraltar is suffering from the way that it has been operating since March, 1988 under our Government, and since July, 1972 under the AACR, which the AACR clearly did not feel they needed to do anything about, because as the Leader of the Opposition said the matter was discussed here, there was an open vote and members of the AACR were not unanimous of the view that the Hon Member has suggested because they voted against. The position therefore is we have no evidence that there is a serious flaw in the administration of justice. We have looked at the matter and said "if we are going to change the law to remove the unequal treatment of men and women" how can we treat them both the same and we can treat them both the same by doing one of two things. Firstly making it compulsory for women, which the women do not want or secondly we can make them both the same by making it voluntary for men, which the men want. Is it feasible to remove the discrimination by making it voluntary for men? Or is the Hon Member saying that if we make it voluntary for men we would not remove the discrimination? Is he saying that he is against men being voluntary the same as women, on what grounds? If his concern is that there should be identical treatment of men and women by making it voluntary for men then we have to say if we make it voluntary will anyone volunteer?

And the information that I have is that if you make it voluntary nobody volunteers or hardly anyone volunteers. And you could well have an even worse administration of justice because you could well have only persons with the sadistic pleasure of condemning people and finding them guilty. So you would then have a psychological imbalance in juries. I do not know whether this demonstrates to Hon Members opposite that we have considered the matter seriously at an intellectual and philosophical level and that we are not being flippant at all. We have given the matter a lot of thought, amongst all the other pressing commitments that the Government has, to the Hon Members concern to make sure that there is an improvement in justice in Gibraltar under the GSLP. I know, Mr Speaker, that he wants us to improve Gibraltar in all respects even in the administration of justice. I am grateful for his concern for the welfare of my administration, let him bring the evidence forward, Mr Speaker, and we will give him a fair hearing.

HON P C MONTEGRIFFO:

Mr Speaker, I know that the Chief Minister thinks that I am often scandalised but I am flabbergasted that a Chief Minister, in 1989, committed to equality of rights and to democracy to seriously argue in this Chamber that the law does not require amendment to put men and women on an equal footing to create a better system of justice. Mr Speaker, can the law not be changed to what it is in the United Kingdom?

MR SPEAKER:

I really have to stop you at this stage because this is really developing into a debate.

HON CHIEF MINISTER:

Mr Speaker, is there a question that the Hon Member requires an answer to? Because Mr Speaker, one thing that we may have to consider, instead of doing something about men and women and jury service, is providing the Hon Member with a hearing aid. I have told him the same thing ten times and he comes up and asks me the same question again. If he has evidence to show that there is bad administration of justice and that it would be improved by giving men and women equal rights, which is the right to refuse, to be on the jury, we will look at it.

HON A J CANEPA:

Mr Speaker, how can the Hon the Chief Minister think that we would be suggesting that the law should be amended in order to allow men to opt out of jury service, in order to put men on a voluntary footing, when that really would not be conducive to the better administration of justice.

If we cannot have a jury system because men do not volunteer, then that would not improve the administration of justice. The question says that, Mr Speaker. That is my quarrel with him that he did not read and get the thrust of the question. We want to improve the administration of justice. What he said could be done, in his original answer, and put men on a voluntary footing would not achieve that, Mr Speaker. Does he not realise that?

HON CHIEF MINISTER:

Mr Speaker, as far as I am concerned I was not aware that questions are in fact suggestions from Members opposite as to what we should be doing. I thought questions were to find out what Government's policy was, not to tell us what the Government's policy should be. So I did not think, Mr Speaker, that the question was a suggestion.

HON A J CANEPA:

Mr Speaker, has the Hon the Chief Minister during the sixteen years that he was in opposition asked a question suggesting something to the then Government? Because I can do some research and bring him numerous examples?

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member looks back he will find that there is no record of my having raised the Gibraltarian Status Ordinance in the House. I raised it direct with the Hon Chief Minister or as I did quite frequently, as the Leader of the Opposition will be able to corroborate, when I wanted to make suggestions was to write to the Minister and say I have been informed of this problem is there something that you can do about it? When I asked a question here it was because I thought it needed an explanation, in public, and this is what presumably the Member opposite wanted on this matter. This is a matter which did not appear in our Manifesto, or on their's, so I cannot be expected to read the minds of the Members opposite and I answered the question as it affected the law and the letter of the question. What is asked gives us, as I understand it, the option of either making it compulsory for women, who do not want it, or making it voluntary for men, who do want it. I assume that unless we get a political mandate to do something that nobody wants, they would not be expecting me to do it. The position is, Mr Speaker that we are prepared to consider making it voluntary for men if it can be shown that that would produce an improvement.

MR SPEAKER:

That is the end of this matter. Next question.

THE HON A J CANEPA

What is the nature of the legal advice received from the FCO about the incident involving a Spanish patrol boat and the GSL "refuse" barge?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the advice received from the Foreign and Commonwealth Office is that the legal interpretation given by the Gibraltar Government and which was explained in my answer to Question No. 118 of 1989, is correct.

Supplementary to Question No. 161 of 1989

HON A J CANEPA:

Mr Speaker, what does the Government propose to do in the light of that advice?

HON CHIEF MINISTER:

Mr Speaker, that advice does not require the Government to do anything.

HON A J CANEPA:

Mr Speaker, is any further use to be made of the barge?

HON CHIEF MINISTER:

The barge is only there, Mr Speaker, to be used when we feel it is necessary because the Incinerator is not working. Now we know that contrary to what the Hon Mr Anthony suggested here in the House, the use of the barge has nothing to do with MARPOL. We had explained to the Hon Member opposite that we had used the barge on the premise that it had nothing to do with MARPOL. The Foreign and Commonwealth Office when the Spaniards questioned that and said that it was in conflict with MARPOL, said they would need to re-study their original advice, Mr Speaker, and the advice that we have received now is the advice that we were given the last time round. And we acted the last time on the basis of that advice. It was only when the Spaniards claimed that we were breaking the MARPOL Convention and the boat came out from Tarifa and told the personnel in the barge that this was the case, that we went back to the Foreign and Commonwealth Office and said "look the Spaniards are saying

this can you confirm that we are right and they are wrong. And that until we were informed whether we were right or wrong the best thing to do, because we do not wish to break international law, is hold our horses until you come back to us". They have come back to us and they have told us that we are right. Now that we know we are right we also know that the attempts by the Spaniards to invoke this is wrong and that we have been right all along.

HON A J CANEPA:

Mr Speaker, the Government's position is that if and when a need arises to make use of the refuse barge they will resume dumping operations.

HON CHIEF MINISTER:

Well, Mr Speaker, the Government will look at that situation when and if the situation arises. I am not going to tell the Spaniards now what I am going to be doing the next time I need to do it. When the time comes we will do what we need to do. But we know that we are legally correct in what we have been doing. Which is what the Hon Member wanted to know.

THE HON A J CANEPA

At what stage in receiving advice or taking proceedings is the Government in its declared legal challenge of Gibraltar's exclusion from the amendments to the 1983 Inter-Regional Airports Agreement?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the EEC Amendment to the 1983 Directive increasing the size of aircraft that can operate inter-regional flights was approved on June 5th.

On June 7th I wrote to HE Governor informing him that the Gibraltar Government rejected the exclusion of the Gibraltar Airport from the amending Directive and proposed to challenge this decision.

As the Member opposite knows and as stated in my interview with GBC on June 8th, we propose to mount a challenge as a Government within the time limit of 3 months which the AACR Government could and, in our view, should have done between December and March 1988 when the original exclusion from the EEC Directive was brought in.

This view we have formed on the advice given by Mr Ian Forrester to the AACR administration, we have not asked Mr Forrester to advise again on the same issue.

It will be recalled that Mr Forrester's view was that the Government could bring any action under Article 173 in Luxembourg. He recommended against doing this mainly on political grounds because of the possible hostile reaction of the United Kingdom and Spanish Governments.

The AACR acting on this advice which was confirmed by the Administrative Secretary and the Attorney General at the time decided not to proceed as a Government but instead to seek the involvement of some other party for action in the Gibraltar Courts under Article 177.

The Gibraltar Government will support fully any such action against the original Air Liberalisation exclusion since there is no time limit for any party to do this under Article 177.

However the original advice was not to act simultaneously under Article 173 and Article 177 if action under the first Article was to be started. I think it was argued then that action under 173 would be considered to be stronger action and that we would weaken the argument for the stronger action if we simultaneously proceeded under 177 which is considered to be weaker action and presumably that is why there is no time limit.

On June 22nd, I raised the matter directly with Mrs Lynda Chalker in London explaining the position of the Gibraltar Government. I pointed out that this was not a hostile act by us against the United Kingdom, Spain or anyone else but a fundamental step in establishing exactly what our rights are in the EEC, and that we therefore intended to seek a ruling on this matter from the Court in Luxembourg.

Though the matter is not seen in the same light by HMG, I am satisfied that our position is understood accurately.

Following my return from the United Kingdom, the preparation of the technical steps for the presentation of our case in Luxembourg has been initiated.

For obvious reasons it is not in our interests to divulge, beforehand, the steps that are being followed or the nature of the arguments that are to be used in support of our case.

Supplementary to Question 162 of 1989

HON A J CANEPA:

Mr Speaker, when the Chief Minister says it is not seen in the same light as the United Kingdom, I take it that Mrs Chalker did not agree with him in respect of what the Government was wanting to do, in other words the Foreign and Commonwealth Office do not support this course of action of taking up the matter under Article 173 to the Court in Luxembourg?

HON CHIEF MINISTER:

Mr Speaker, I would have thought that it was self evident that the Foreign and Commonwealth Office is not going to support that I should take them to Court. Otherwise all that they had to do is not to have signed the Agreement in the first place. They think that the Agreement that they signed is the best they could obtain for Gibraltar in the light of their commitments under the Brussels Agreement and in the light of their commitments under the Anglo-Spanish Joint Use Agreement and that consequently the agreement that they made in Brussels in 1984, which is to discuss mutual use of air communications and the joint use of the Airport which we have not implemented, and have no intention of implementing, means, as far as they are concerned, that all that they can argue with Spain is that all that we

already had prior to the Brussels Agreement of 1984, the 77 Seater Aircraft that we had in 1983 for example, Spain de facto accepted. Therefore Spain has no right to expect us to give up the things that we enjoyed prior to their entry into the Community and prior to their agreement with the United Kingdom in Brussels.

HON A J CANEPA:

Mr Speaker, could the Hon Chief Minister clarify whether the legal proceedings are in fact being taken against the United Kingdom, against Spain, against the United Kingdom and Spain or against the EEC? Can he make it abundantly clear?

HON CHIEF MINISTER:

No Mr Speaker. I cannot make it abundantly clear because then I would not need someone doing the job for me. I would be able to do it myself. I am acting on the advise which we received, when he was Chief Minister, and that advise does not say who is being taken to Court or who could have been taken to Court in March, 1988 when the Air Liberalisation Package left us out in October 1987. What it says is that legality of that decision is questionable.

HON A J CANEPA:

Mr Speaker, does the Hon the Chief Minister not accept that it is in fact the EEC that is excluding Gibraltar as a result of an agreement reached by two of its Member States? Britain and Spain reached an agreement outside the EEC to a certain course of action, that results in the EEC taking a certain stand point, with regard to Gibraltar, namely excluding Gibraltar in the knowledge that both Britain and Spain agree to that. And therefore it is against the EEC that legal proceedings are to be taken.

HON CHIEF MINISTER:

Mr Speaker, I do not accept what the Hon Member is saying is correct because I am not in a position to either accept it or reject it. It seems to me that his line of argument is leading us into a situation where we cannot take legal action. Because if what he is saying is accurate that would be the defence that is going to be facing us when we get to Luxembourg. I am certainly not going to fight a case here with him. We are both supposed to be on the same side on this, Mr Speaker. Let Luxembourg argue that.

THE HON P C MONTEGRIFFO

Will the Chief Minister explain his present policy of practical cooperation with Spain in the light of his recent comments that Spain cannot be trusted to deliver on anything?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the policy of practical co-operation of the Government today is the same policy on which it was elected on 25th March 1988. No doubt the Honourable Member opposite will remember that during last year's election he was the one who was most actively trying to persuade the electorate that the Brussels Agreement should be supported and that failure to do so would mean retaliation from Spain.

The GSLP on the other hand drew a clear distinction between practical co-operation, in order to benefit from economic interchange, and negotiations at a political level which requires, as the Brussels Agreement does, acceptance of a level of good faith on the part of Spain for which there is no evidence.

The latest incident involving assurances given by Spanish Authorities to the Gibraltar Courts is one more example in a long series of failure of the political institutions to deliver on anything.

It is to be hoped that Members opposite now realize the historic mistake that was made by the AACR Government in 1976 when it took the initiative to hold talks with the Spanish Government and launch the Strasbourg process which involved accepting that Spain would deliver its promise of good will. I will remind the Member opposite that this led to the Lisbon Agreement, also accepted by the AACR and broken by Spain, and the Brussels Agreement which led to the promise to allow maritime communications, the promise to eliminate frontier delays and the Airport deal, in the negotiation of which the AACR Government participated.

As the Honourable Member can appreciate the scepticism of my Government dates back a very long time and is not the result of recent events. It has therefore no bearing on the programme of practical co-operation which is aimed at improving economic co-operation where this is to the benefit of Gibraltar and as long as there are no political strings attached.

Supplementary to Question No. 163 of 1989

HON P C MONTEGRIFFO:

Mr Speaker, if the Chief Minister considers that his alternative policy of co-operation has been a success, can he give me concrete examples of types of co-operation, in the economic field, and which the Government is currently embarked upon?

HON CHIEF MINISTER:

Well, Mr Speaker, in terms of how long the policy has to go before it is judged a success, I would say, Mr Speaker, that the policy that we have been pursuing of distancing ourselves from political negotiations involving Gibraltar's future and encouraging investment into Spain and vice versa, this has been going on for fourteen months. The AACR policy went from 1976 to 1988 and all that it produced was broken promises which have never been delivered and I would have thought that it had been demonstrated that however good our alternatives are it is definitely better than what was going on before. Of that, Mr Speaker, there is no question. That has been proved beyond doubt.

HON P M MONTEGRIFFO:

Mr Speaker, the Hon Chief Minister does not appear to understand, I have asked him for concrete examples of what practical co-operation his Government is embarked upon in the last fifteen months?

HON CHIEF MINISTER:

And I have already given him the answer, Mr Speaker. I am saying to him that the programme of practical co-operation is an alternative to a programme carried out by the AACR administration of co-operation at a political level which lasted from 1976 to 1988 and in order to judge the success of our policy you cannot judge sixteen months against 16 years. We have had one month of our policy for every year of AACR policy. However what is clear, Mr Speaker is that however inefficient the alternative that we are pursuing may be at producing concrete results, which is what the Hon Member opposite is looking for, it cannot be worse than the one that we have discarded. Because the one that we have discarded has produced a long series of things which were not implemented. I have listed some, Mr Speaker, but there is no reason I should have because the Hon Member knows that I am telling the truth. So he knows that the programme that was being implemented before we came in and from which we pulled Gibraltar out of the Brussels process was getting Gibraltar nowhere. As an alternative to that, but it is not something that we need

as a fundamental piece of our programme it is something that is worth having, because as far as we are concerned it is better to be on good terms with our neighbours than to be at war with our neighbour. But our neighbour has to understand that we are not prepared to buy peace. And because we are not prepared to buy peace, what we say is if there is an opportunity of encouraging investment then, as the Hon Member has already been told in answer to another question, if the Danes having been introduced by us to the possibility of opening a building components factory, then it will be a good thing. It is not a good thing from his point of view because the Hon Member has publically told us that we should stop the Danes from doing it and has brought a Motion to this House saying we should not be doing it. So he is opposed to the practical co-operation that we are trying to encourage. So he should not be concerned that I cannot tell him that it is producing concrete results because that should make him a very happy man. It is what he wants, Mr Speaker. The position of the Government is that the recent incident, which I imagine is what the question is all about and I do not know whether the Leader of the Opposition will agree with me that this time I am reading the question right or not? But again limiting myself to my poor English, Mr Speaker, I read the question as asking us whether the latest incident has caused us to give up our policy, that seems to me what the Hon Member is asking me. Because he is asking me to explain how the policy has changed in the light of my recent comment and which have to do with the incident involving the Spanish Customs and their non-appearance in the Courts. I have answered the question on the assumption that he wanted to know whether the policy of practical co-operation was now going to be given up because of the incident, the answer is no, one thing has nothing to do with the other.

HON P C MONTEGRIFFO:

Mr Speaker, we are not talking about our policy of co-operation, Mr Speaker, we are not the Government. We are talking about your policies of practical co-operation your alternative policy and what I am saying is that there is no practical policy and I am challenging the Hon the Chief Minister sixteen months after a general election to tell the people of Gibraltar what concrete examples there are. If we do not have a building components factory, we do not have a bicycle factory, we do not have a ball-point factory, can the Hon the Chief Minister tell us what and how are you co-operating with Spain? Or is there none?

HON CHIEF MINISTER:

Mr Speaker, it is a total waste of time to take the Hon Member opposite seriously. If I told the Hon Member tomorrow that there was going to be a Dane, arriving on a bicycle with a pocketful of ball-point pens and a building component strapped to his back he would ask me why the tyre

was punctured. It is quite obvious that nothing we are going to do will satisfy him because he wants to get elected into Government. The Hon Member says we have failed to complete the houses at USOC, never mind that they did not build any houses in their last few years in Government. We have failed to produce ball-point pens, we have rats in our hospitals, anybody would think, Mr Speaker, that the Member thinks that by making speeches in this House, when he should be asking questions, he is going to fool the whole of the electorate into thinking that the massive damage done to Gibraltar by the AACR in sixteen years would suddenly disappear if they got re-elected. We would be back where we were before. Our programme of practical co-operation makes sense, Mr Speaker. It makes sense to the business community here and it makes sense to a whole lot of other people. Notwithstanding that we are very clear on fundamentals, it is a good thing to show that we are not afraid to work with Spanish business men when it can be demonstrated to be in Gibraltar's long-term interest to do so. We are not afraid of doing that, Mr Speaker. It is a good thing for Gibraltar and its a good thing for relations with Spain. If it does not produce any practical results it is still a good thing to attempt it. So that in itself is a benefit. It is a benefit to have such a policy and it is a policy that the AACR for many years was arguing that the Brussels process was about practical co-operation and not about anything else. The only problem is that the two parties that signed the Agreement did not agree with the AACR. The AACR said it was about practical co-operation the British and Spanish Government said, in writing, that it was about implementing the United Nations Resolution on the decolonisation of Gibraltar that is what they signed.

HON P C MONTEGRIFFO:

Mr Speaker.....

MR SPEAKER:

I am sorry, if the question is going to be the same one the Hon Member has asked about five times already I am afraid that I am not going to allow the question. I say this because it is very clear that you are not going to get anything more.

HON P C MONTEGRIFFO:

I can see that, Mr Speaker. I however have one other important question which is "is it the Chief Minister's view therefore that we have at present friendly workable relations with Spain"?

HON CHIEF MINISTER:

Well Mr Speaker I do not know who is "we"?

HON P C MONTEGRIFFO:

The people of Gibraltar, Mr Speaker.

HON CHIEF MINISTER:

Well I would imagine that the people who went across to the fair might be in a better position to answer than I because I was not there to judge how friendly the atmosphere was in La linea. But I do not think that the people of Gibraltar relate to Spain, I think, the people of Gibraltar at an individual level relate to the people that live in the Campo Area and I imagine^{and} that the situation there is now as it was a few months ago^{is} likely to be in the future. However the relationship between the United Kingdom and the Kingdom of Spain has been undoubtedly damaged by the incident that took place and where the laws of Gibraltar were broken. The position of the Government of Gibraltar is that all

HON P C MONTEGRIFFO:

Mr Speaker, I do not want an answer if the Hon Chief Minister is not going to answer the question because it is not worth listening to.

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member does not want an answer he should stop asking questions. That is his choice and he sits down until I have finished. The position of the people of Gibraltar, which is the question that he has asked me, are as friendly or as unfriendly, at an individual level, with the individual people of Spain as they have always been. I am not aware that one can define the relationship between Spain, as a State, and the people of Gibraltar, as a people. You can only define it as between Governments. And as between Governments, which is where I was getting to when the Hon Member interrupted me, or tried to, there is no doubt that the position that developed in Gibraltar with the illegal incursion on our beach and the decision of the Attorney-General to pursue the matter as laid down in our laws and the decision of the Courts to issue arrest warrants when the individuals did not make an appearance has undoubtedly affected Anglo/Spanish relations. And although it is regrettable that it should, the position of the Government of Gibraltar, and I would hope the position of this House, is that the law is the law. The law must be respected and if a price of a deterioration in relations has to be paid in order to uphold the law then since we are parliamentarians and we believe in the rule of law it is a price we are willing to pay.

THE HON P C MONTEGRIFFO

What alternative plans for the use of Gibraltar airport have been put by the Government to Britain and what details have been disclosed to Spain?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

None, Sir.

SUPPLEMENTARY TO QUESTION NO. 164 OF 1989

HON P C MONTEGIRFFO:

Mr Speaker, the Hon Member when criticised for having made alleged disclosures to the Spanish press about proposals on this matter that had been put to Britain, and about which the Spanish Government apparently had notice of, stated that he did not know what the fuss was about because everything said there had apparently been said before. Is there no truth at all of any alternative plans which have been put to Britain of which Spain has apparently been informed of?

HON J E PILCHER:

Mr Speaker, I am answering Question No. 164 of 1989 and although I can understand a Spanish newspaper being slightly confused by the issue I cannot understand the Hon Mr Montegriffo, who prides himself of knowing everything that goes on in Gibraltar, being confused. The question he has asked is "What alternative plans for the use of Gibraltar airport?" As the Hon Member opposite knows the alternative which is being looked by the Government of Gibraltar is an alternative for the existing airport not an alternative use for the present airport which is what conceptually was discussed with Sir Geoffrey Howe when he came to Gibraltar and which was in fact made public shortly after, and to which the Hon the Chief Minister has alluded in answer to a previous question.

HON P C MONTEGRIFFO:

Mr Speaker, to what extent has Spain been made aware of these proposals and on whose authority have such disclosures to Spain taken place?

HON J E PILCHER:

Mr Speaker, as far as we are aware details of these proposals cannot be made aware to anyone because the Gibraltar Government itself does not have these details. The new Terminal, the new Airport was a conceptual alternative, there are no details because those details are being looked at by private enterprise, as I am sure he is aware, there are various firms looking at this.

HON P C MONTEGRIFFO:

Then, Mr Speaker, there is again no truth in the report that Spain was on notice of certain proposals?

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member remembers during the visit of Sir Geoffrey Howe on the 1st February we made him aware of the fact that we were looking not at the joint use of the existing airfield but at the creation of a new airfield. As a totally new initiative unrelated to what was there and deadlocked. We made Sir Geoffrey aware of this with the permission of the people who had financed the proposals made to us, because it is not our property, we made copies of this aware to Sir Geoffrey and what I said to him was that we had no objection if when he met Senor Ordonez, this was last February, he told him that this was what the Government of Gibraltar was looking at. Not that he should take the proposals made by the French Company, to the Gibraltar Government and propose that to Senor Ordonez, but that he should make Senor Ordonez aware, when Senor Ordonez raised the question of the airport, and he did, that the Government of Gibraltar was looking at it from a totally new line. Not of whether we implement or we do not implement what they had agreed. We are thinking of an entirely new concept for the kind of expansion that we want for our economy. That is the extent to which, as far as I know, Spain is aware from the British Government of the thinking of the Gibraltar Government. But we have not made specific proposals to the British Government and the British Government has not made specific proposals to Spain.

HON P C MONTEGRIFFO:

I am grateful for that answer, Mr Speaker. Has there been any comeback from Spain on the sketch proposals that the Government has asked Britain at least to inform Spain of?

HON CHIEF MINISTER:

No, Mr Speaker. The position of the Spanish Government appears to continue to be that they have an agreement with Britain and that it is up to Britain to ensure that its colony complies with the Agreement that exists, which is what they have said publicly in fact, they have not said anything privately, to my knowledge, that they have not said publicly.

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

9TH NOVEMBER, 1989

NO. 165 TO NO. 216

THE HON G MASCARENHAS

When will Government commence the campaign suggested in answer to Question No. 44 of 1989 in respect of the importation of fireworks?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the campaign has, in fact, already commenced.

A general ban on the importation of fireworks into Gibraltar was effected by the Imports and Exports (Control) Regulations, which is Legal Notice No. 46 of 1989, published on 1st June, 1989.

The Collector of Customs does have power to issue a licence, but will do so only to a recognised importer for the purposes of an organised and controlled fireworks display, and only then after consultation with the Commissioner of Police and Chief Fire Officer.

Since the Regulations came into effect, only one licence has been issued.

Earlier this year meetings were held between the various authorities and what they have termed to me as a plan of action, was agreed. This included press releases, public awareness exercises and also appearances on television. Areas have been designated for the controlled use of fireworks and the Customs Department is already carrying out strict periodical checks at entry points. The Hon Leader of the Opposition will no doubt be aware that Chief Superintendent Maginnis of the Gibraltar Police and Mr Yeo from the Fire Department were both interviewed by GBC television and on the News last Friday evening, 3rd November, they both stressed to the public generally the dangers arising from the improper use of fireworks.

I am also happy to say that I am satisfied from the enquiries I have made that the Police are being most vigilant and efficient about the matter. A series of search warrants have very recently been obtained and as a result of them being executed, several persons have been discovered to have been unlawfully in possession of fireworks.

Mr Speaker, the Police are at present preparing dockets for submission to my Chambers with a view to the instigation of criminal prosecutions against those persons.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1989

HON G MASCARENHAS:

Mr Speaker, I was not aware that I had been promoted to Leader of the Opposition as the Attorney-General's reply implied.

HON ATTORNEY-GENERAL:

Give it time, Mr Speaker.

HON G MASCARENHAS:

Mr Speaker, what I was getting at was whether the Government is considering a vigorous advertising campaign, certainly in the run up to the Christmas period? I was not so much concerned with Guy Fawkes, that has been a controlled affair throughout the years. What I am concerned about is the advertising campaign for the Christmas period, a more vigorous campaign particularly on New Year's Eve.

HON ATTORNEY-GENERAL:

Mr Speaker, I can confirm that it is very much the intention of the Police and Customs Department to carry on the campaign which they have already begun and certainly every possible step will be taken to protect the public from the improper use of fireworks and to ensure the law is complied with in all respects.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government not consider that in the light of the way this public relations campaign was conducted prior to Guy Fawkes, ie organised just a few days prior to the 5th November and that this timescale would be inadequate for Christmas and the New Year and that the campaign should be started much earlier and the public made aware on a continuous basis as from now rather than the last week before Christmas and the New Year?

HON ATTORNEY-GENERAL:

Mr Speaker, regular consultations go on between the Police and the Customs Department. They are free at any time to consult me for advice if they feel that what they are doing is not sufficient. I feel that what they are doing is sufficient and the law passed earlier this year, in particular, will assist in protecting the public, as I have said already, from the improper use of fireworks. It is a matter of individual opinion as to what depth the campaign should be pursued. It is perhaps also a matter of individual opinion when it is most appropriate to start the campaign. The campaign has been started, I consider it has commenced at the most appropriate time and it will continue to be pursued.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware that there exists in UK something called "Voluntary Fireworks Code" to which all retailers of fireworks subscribe to and which goes a long way towards educating the public by, for example, restricting the age to which fireworks are sold; by handing out free leaflets to anybody purchasing fireworks, and would they give any thought to implementing or trying to encourage a similar system in Gibraltar?

HON ATTORNEY-GENERAL:

Mr Speaker, if anyone has any suggestions to make to the relevant authorities for the improvement of the campaign which has already begun then I would welcome any suggestions which are made by anyone who is interested in pursuing that matter.

HON LT-COL E M BRITTO:

Mr Speaker, one final point which is not really a supplementary. I do not think that I have to declare an interest but I must however say that in the past I have sold fireworks in Gibraltar through my business interest. I have not done so for some time in the past two years or so. Therefore what I am saying is to be taken as constructive and not because of any financial interest from the sale of fireworks.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Attorney-General say whether the Government has sought any advice from him or from his predecessor as to the legality of some of the Government's development plans in the context of the 1976 City Plan, which is currently in force?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the Government has not sought any such advice from me personally or, to the best of my knowledge, from my predecessor either.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1989

HON A J CANEPA:

Mr Speaker, does the Attorney-General not consider that whether the City Plans are within the law or not, is a matter of concern and it is a matter that someone in Government should consider and refer to the Attorney-General? For instance, Mr Speaker, is it not a fact that the Chief Planning Officer is the Executive Officer appointed under the Town Planning Ordinance and that therefore it is part of his functions to ensure that Government proposals for development are within the law?

HON ATTORNEY-GENERAL:

I think that is about four questions all rolled into one. Mr Speaker, it is not for me to speculate as to what Government Ministers may or may not think or what any member of the public may or may not think about the legality or validity of development at present being carried out in the context of the City Plan. Government is, of course, free to approach me at any time for legal advice. If they wish to have legal advice I have already said in response to the Hon Leader of the Opposition's question that I have not been consulted yet as to whether or not any development is or is not in accordance with the context of the City Plan. Let me give one instance, if I may, Mr Speaker. When Taylor Woodrow (Gibraltar) Limited was given permission by the Development and Planning Commission to demolish the old Command Education Centre in Cornwall's Parade and erect the building which now stands there, the Chairman and Secretary of the Gibraltar Conservation Society brought judicial review proceedings and later an application for an injunction in an endeavour to stop the development. They were not successful in relation to both applications, although the Supreme Court did point out that the development did not fully accord with the context of the City Plan. The Hon Leader of the Opposition will no doubt recall that he was, in fact, the Chairman of the Development and Planning Commission at the relevant time.

HON A J CANEPA:

Precisely, given that background, Mr Speaker, given exactly what happened at the time, does not the Attorney-General - and he has not answered the last question and therefore I will ask him again - does he not consider that the Chief Planning Officer who is appointed, in fact he is not just appointed, it is enshrined in the Town Planning Ordinance, as the Executive Officer under the law has an obligation, has the duty, to keep the matter under review and to seek legal advice if he, the Chief Planning Officer, were to be in doubt about the legality of any proposal?

HON ATTORNEY-GENERAL:

Mr Speaker, I am only a humble lawyer, I am not a prophet, I am most certainly not a clairvoyant and it is not for me to tell anyone else what his duties are or are not. I am quite sure that the Chief Planning Officer will recognise the fact that he has on occasions got to wear two hats and decide which hat is appropriate to meet the particular circumstances with which he is confronted. I do not go looking for legal work, Mr Speaker, I have more than enough to cope with but on the other hand any member of Government, any Government servant, who has a problem and who wishes to have legal advice can approach me at any time they wish, I will gladly consider any problem referred to me and advise accordingly.

HON A J CANEPA:

I am glad to hear the last part of that answer about him being open to approach because my understanding, Mr Speaker, and will he not agree, is that in fact the 1976 City Plan at the time of the Command Education Centre matter, that that plan was in fact kept in the Chambers of the Attorney-General?

HON ATTORNEY-GENERAL:

The Plan was in the Chambers of the Attorney-General at one stage, Mr Speaker, it subsequently was lodged in the Court and remained in the Supreme Court for quite some time pending a possible appeal from the judicial review proceedings and eventually was returned to the Crown Lands Department, in fact, by me personally.

MR SPEAKER:

Next question.

9.11.89

NO. 167 OF 1989

ORAL

THE HON G MASCARENHAS

Has the National Curriculum Working Party set up in December of last year, now made its report to Government?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

The National Curriculum Working Party has already drafted a series of recommendations which are being actively considered by the teaching profession. The replies received from these will be collated and reported to Government.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1989

HON G MASCARENHAS:

In the light of the Minister's answer, Mr Speaker, will the Minister undertake to make a statement in this House, perhaps at the next meeting of the House?

HON J L MOSS:

Mr Speaker, should I feel this to be necessary I would do so but I really do not see the point of making a statement in the House about something which will be put out openly in the press, we do not need to hold on until there is another meeting of the House.

MR SPEAKER:

Next question.

THE HON G MASCARENHAS

What are Government's plans to meet the future schooling requirements in the Westside area?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, Government will not be in a position to decide on schooling requirements for the Westside area until the area's needs are established.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1989

HON G MASCARENHAS:

Is the Hon Member not aware that 500 units will be built in the space of a minimum of two years?

HON J L MOSS:

Mr Speaker, I welcome that question from the Deputy Leader of six-sevenths of the Opposition. I am perfectly aware that 500 flats are going to be built and I am perfectly aware, in fact, I do not know if the Hon Member is, that more flats are going to be built and not just 500, and I think it is only right that we should wait until all the flats have been marketed before we can actually see exactly what the area's requirements are going to be.

HON G MASCARENHAS:

Mr Speaker, is the Hon Member aware that the building of a new school, if that is a possibility at the end of the day, will take a considerable amount of time from the planning stages to the completion of four years at a minimum?

HON J L MOSS:

Mr Speaker, the Hon Member's interpretation of a considerable period of time, I think, differs somewhat from mine. What he would consider to be a considerable period of time I think is something we can actually fit in quite nicely with any requirements which will be needed by the Westside Project.

HON A J CANEPA:

Is not the Hon Member aware of the fact, Mr Speaker, and if he is not I will enlighten him, that there is one official Opposition provided that it has a majority of Members sitting on this side and that the Hon the Chief Minister when he was Leader of the Opposition had three Members supporting him and that did not alter the constitutional position?

HON J L MOSS:

Mr Speaker, I do not see that necessarily as being a supplementary to the original question but I only answered in fractions because they seem to be so well acquainted with factions.

MR SPEAKER:

Next question.

THE HON K B ANTHONY

Does Government have any plans for the improvement and refurbishment of all children's playgrounds, with particular emphasis on the Adventure Playground which is of paramount importance to all children in the Glacis and Laguna Estates?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, both the Alameda Children's Park and the Cathedral Square playgrounds have already been refurbished and are now being maintained regularly. In the case of Smith Dorrien Park, this park is being closed down to make the site available for the St Bernadette's Occupational Therapy Centre and Home. At this moment the Youth and Careers Office and the Tourist Section are working together to resite the park to the Adventure Playground at Laguna Estate.

The Adventure Playground has already benefitted from a complete facelift being given to the playhut, in conjunction with the Committee, at Government's expense. Works are being carried out to enhance the present amenities and will include new structures, substantial improvement to the existing play facilities, and a new wall around the kick-around area. The perimeter fence will be raised by three metres to afford extra protection for children.

After this has been completed it is also our intention to re-asphalt the area when it is compatible with the road resurfacing programme. This was also done with the Varyl Begg kick-around area and the Dolphin Youth Club play area last year.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1989

HON K B ANTHONY:

Mr Speaker, I thank the Hon Member for that in depth answer. May I ask, when he says regular maintenance does this include regular maintenance of metal surface slide, regular sieving of the sandpits, etc?

HON J E PILCHER:

Yes, Sir.

MR SPEAKER:

Next question.

THE HON G MASCARENHAS

Has any decision been taken as regards the conversion of the John Mackintosh Hall Theatre to a Cinema?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Government has no plans to convert the John Mackintosh Hall Theatre into a cinema.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, does that answer include plans for third parties to convert the John Mackintosh Hall theatre into a cinema?

HON J L MOSS:

Mr Speaker, the simple answer is No. Because Government does not own the John Mackintosh Hall building.

HON G MASCARENHAS:

Is the Hon Member saying that it is being left entirely to the Trustees?

HON J L MOSS:

Which matter Mr Speaker?

HON G MASCARENHAS:

The matter of converting the theatre into a cinema?

HON J L MOSS:

Well, Mr Speaker, as the Hon Member should know, having been Chairman of the John Mackintosh Hall Board for four years, Government does not own the building therefore any decision to convert a part of it into something else, for other use, would have to go through the trustees.

HON G MASCARENHAS:

The Hon Minister is therefore, Mr Speaker, saying yes to my question?

HON J L MOSS:

In a convoluted way I am saying not quite yes, since I am trying to explain what is the position of the building relative to the Government.

HON G MASCARENHAS:

I am aware of the position having been Chairman of the John Mackintosh Hall Board for four years. But what I am asking the Hon Minister is whether the matter of the decision is being left to the trustees?

HON J L MOSS:

Mr Speaker, it has to be, there is simply no other way it can be done.

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Minister is dodging the original question which was "Has a decision been taken." And the Hon Minister has said "Government has not/a decision" but that was not the question. The question is "Has a decision been taken and are there moves to take a decision?"

HON J L MOSS:

Mr Speaker, do I look like a trustee of the John Mackintosh Hall.....

HON G MASCARENHAS:

The Hon Member is the Chairman of the Board.

HON J L MOSS:

Mr Speaker, I am the Chairman of the Board and the Hon Member understands perfectly well what is the relationship between the Chairman, the Trust, the Board of Managment and the John Mackintosh Hall building. Therefore perhaps what is happening is that the Hon Member is asking the question to the wrong person.

9.11.89

NO. 171 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government give details of the general review of social security benefits which they propose to introduce by next January?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Answered together with Question No. 172 of 1989.

THE HON DR R G VALARINO

Having regard to the increases in the cost of living since old age pensions were last increased, will Government consider an appropriate rise for next year?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr. Speaker, the Government is looking at the whole system of Social Security benefits. As has already been explained in this House the Government is not prepared to make any public statements on this matter which could run the risk of being misinterpreted or misquoted. The Opposition was fully informed on the 5th December, 1988, on a confidential basis, about the position on social security benefits and were also informed of how the Government proposes to maintain the standard of living of resident pensioners. The position has also been explained to representatives of the Pensioners Association and they fully understand and accept this and have confirmed their agreement in writing. In answer to Question No. 110 of 1989, the Hon Questioner was told he had the choice of being kept fully informed on a confidential basis or receiving the same answer I have just given him every time he raises the issue in this House. The position remains the same.

SUPPLEMENTARY TO QUESTION NOS. 171 AND 172 OF 1989

HON DR R G VALARINO:

Mr Speaker, dealing with Question No. 171, in fact, the Minister on television said that there would be a general review of the Social Security Benefits and they proposed to introduce this by next January. Will the Minister make a statement at the next meeting of the House regarding the benefits and will he give me prior knowledge of any such review prior to the meeting?

HON R MOR:

Mr Speaker, I do not recall having made a public statement saying that I was reviewing the Social Security Benefits by next January. As the Hon Member is aware I am prepared to give him all pertinent information on a confidential basis and the invitation is still open.

HON A J CANEPA:

Mr Speaker, I do not recall whether it was the Hon Member himself or one of his colleagues but I think there was a reference in a Party Political Broadcast to some action being taken by the Government. It was after the return of the Chief Minister on his lengthy trip, that people could anticipate that the Government was going to take some action on the matter. It may have been one of the other Ministers who made that Party Political Broadcast.

HON CHIEF MINISTER:

Mr Speaker, I did mention in a Ministerial statement that some new facilities were going to be provided, which were an addition to the facilities that had been provided, to give senior citizens free prescriptions, free emergency dental treatment and no payment of health service charges and I had said that those new facilities had already been discussed with representatives of the pensioners. That is not a review of the Social Security system.

HON A J CANEPA:

I am referring to a Party Political Broadcast which I think the Hon Mr Moss made in which he drew attention to the fact that he was anticipating that people could expect developments before the end of the year in the field of social security.

HON J L MOSS:

If I may just clarify the matter. I think I have got a very good memory and it definitely was not on a review of the social security system, I am afraid.

HON A J CANEPA:

It may have been specifically on Old Age Pensions. That is the impression that was gathered from the Party Political Broadcast.

HON J L MOSS:

Mr Speaker, I do not think we can have the video run here but it would be very helpful. If the Opposition is asking a specific question on something which I am supposed to have said specifically then I think it is up to them to find out all the information on that before bringing it to the House.

HON A J CANEPA:

Mr Speaker, the Hon the Minister for Labour has said that the Government does not propose to make any public statement because it is liable to misinterpretation. Does the Government not agree that that is a matter that can happen in any sphere of political activity and therefore it is not a blanket decision or attitude on their part? Does he not agree that if the Government, in fact, does implement some measures in the field of social security the only way that people are going to find out is through the recipients of any improved benefits talking about it and that therefore there is more likely to be misrepresentation of whatever the Government might do in that manner than if the time honoured procedure of past years is followed, namely that the Government makes a statement here in the House of what it proposes to do in any general review of social benefits?

HON CHIEF MINISTER:

Mr Speaker, it is the responsibility of the Government to decide how best to conduct its affairs and the Government in the exercise of its judgement is looking at the problem, devising a system which does not have the flaws that the Hon Member opposite fears. The Hon Member opposite, unfortunately, is talking in ignorance out of choice because if he wants to know what is going to be done and how it is going to be done he has an opportunity to know. He chooses not to know and instead he wants it said here and he is not going to be told here for reasons that he knows full well and for reasons that the people who stand to benefit know full well. They understand and accept that it is not in the best interest of those concerned. So if he cares for the people who stand to gain or lose by this then he is not doing them any good by raising the matter here. If he really wants to satisfy himself that we are actively protecting their welfare the door is open for him to satisfy himself, it is his choice.

HON A J CANEPA:

Does the Chief Minister not accept that when he was sitting on this side of the House and he refused to be bound by the principle of confidentiality he was also conscious of the fact that one thing is to get information from the Government on a confidential basis which can be very welcome but another thing is to accept, Mr Speaker, the restriction that we should not have a right to raise matters here? Does the Chief Minister not see that we are being restricted in our role as responsible Members of the Opposition? For instance, particularly Mr Speaker, when Estimates of Expenditure are presented. If we are not able to question Ministers here, if we are not able to raise the matter then how can we make a judgement when the Annual Estimates of Expenditure are presented and the Government has adopted measures in the field of social security which are then to be reflected in those Estimates? Our role as an Opposition is being constrained in an unacceptable manner.

HON CHIEF MINISTER:

Mr Speaker, I am not seeking to constrain the Hon Member, it is his choice which he chooses and if he feels that the best thing he can do for the people who stand to benefit is to raise the matter in the House knowing he is not going to be given an answer then let him do that. He has been doing this for a very long time and he has been told the same answer for a very long time. If he accepts that it is in his political interest rather than in the interest of the pensioners to keep on raising the matter here, fine, he is free to do that and he will continue being told the same thing. All I can tell the Hon Member is that we are not waiting for his questions before we do things. Things are going to be happening and the people who are affected will find out directly so they will not have to depend on hearsay and they will not have to depend on switching the radio on and listening to Question Time and they will not have to depend on his reactions or the press' reactions. They will find out directly what they need to know. If the Member wants to know he either has to wait until it happens or he will be given advance information, confidentially, it is his choice.

HON A J CANEPA:

"The advance information confidentially", can we clarify that, Mr Speaker? Is it the understanding of the Chief Minister that if the Opposition is given advance information confidentially that that is on an understanding that we will not raise any of those matters in the House?

HON CHIEF MINISTER:

Mr Speaker, he certainly cannot raise in the House something that he has been told confidentially and then expect to be told in the House what he has been told confidentially otherwise there would have been no need to tell him confidentially in the first place. He could have raised it in the House in the first place and he would have been told in the House in the first place. What he has an opportunity to do when he is informed of what is being planned is, in fact, to contribute to what is being planned and to influence it which I would have thought was an opportunity he would not want to give up but it is his choice. The Government is not trying to tell the Opposition how to do their job. What we are telling them is that this is a matter which is sensitive, he knows why it is sensitive, he knows how dangerous it is to keep on raising it. However, if he wants to keep on raising it, he will keep on getting the same answer, that is all I am telling him, Mr Speaker.

MR SPEAKER:

This is now developing into a debate. Next question.

THE HON DR R G VALARINO

What training programmes for young people is Government implementing at present?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as is already known, the Government introduced a Youth Training Scheme in September, 1988. The Scheme was originally intended to provide school leavers who had inadequate or no qualifications, with opportunities to form part and be able to compete in the labour market. The way the Government proceeded was by recruiting these youngsters as vocational cadets and place them on identified vacancies to receive employer-based training under certain conditions. These conditions included a guarantee of full-time employment at the end of the training period and that the Government would meet the trainees' remuneration for up to twelve months. This was attractive enough to ensure interest from youngsters as well as from employers.

Given that a report on our nursing needs for the Gibraltar Health Authority indicated that there was a requirement for about twelve, between nursing and auxiliary staff every year, the Government introduced a pre-nursing course to ensure an adequate supply is maintained for this organisation. By January 1989, the Scheme had been so successful that we had a situation where we had more offers of training opportunities than we had school leavers. It was therefore decided to extend the main framework of the Scheme to other young unemployed persons under the age of 25. This has caused the Scheme to be subdivided into two different categories, those youngsters under 18 who are in the main school leavers, and those other young people aged over 18 but under 25.

Experience has shown that in many cases employers, when they recognise the potential of good trainees, will take them on permanently long before the end of the twelve month period. This is indicative of the good faith in which the Scheme is generally accepted by employers and a course of action which the Government encourages and welcomes.

169 youngsters under the age of 18 are currently in the Scheme and 69 others who were previously in the Scheme are already in permanent employment with their sponsors. As regards the 18 to 24 age group, 32 are receiving training and 19, who were previously in the Scheme, are already in full-time employment with their sponsors.

It is therefore a matter of great satisfaction that with the operation of our scheme we are successfully achieving already what the European Community is recommending all Member States to attempt to combat youth unemployment over the next few years.

Given the results obtained so far, the Government is confident that we are following the right path with our present scheme and will therefore continue as at present, adjusting wherever necessary in the light of experience gained and taking into account particular cases or circumstances on their merits. Thank you, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1989

HON DR R G VALARINO:

Sir, has the Minister any idea how much the Government will spend on the training programme for young people for this year?

HON R MOR:

Mr Speaker, at the moment all that is being charged to the Training Scheme are the trainees' wages. The rest of the staff which have to do anything with the Scheme are at the moment being paid by the relevant departmental votes.

HON DR R G VALARINO:

Mr Speaker, does this not come out of the £2 levy that employers pay per week?

HON R MOR:

That is correct, Mr Speaker. The levy is being used at the moment just solely to pay the trainees. What I am saying is that at the moment because the Training and Employment Board is not set up yet not all the spending on the scheme is being charged to the scheme itself.

MR SPEAKER:

Next question.

THE HON DR R G VALARINO

Has Government any further information regarding future redundancies at PSA/DOE?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker, the Government has no further information other than that 42 employees accepted voluntary redundancy during the last three months. The PSA/DOE will no doubt inform Government about any further redundancies when they are in a position to do so.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1989

HON A J CANEPA:

Mr Speaker, is not, in fact, such information now overdue? In other words, have not decisions been taken at Ministerial level in the appropriate department in London and that therefore they should be communicated to the Gibraltar Government?

HON R MOR:

Not to our knowledge, Mr Speaker. The situation is that a political decision has been taken to privatise the PSA/DOE and that they will be operating on a commercial basis. Obviously redundancies will depend on how much work they will be able to undertake as a commercial enterprise.

HON A J CANEPA:

I am led to understand, Mr Speaker, and the Chief Minister ought to know more about this than I do, that in fact a political decision has already been taken at Ministerial level.

HON CHIEF MINISTER:

Mr Speaker, the position, as far as we are concerned, is that PSA is covered in Gibraltar by two things - the collective redundancy provisions in the Law of Gibraltar which requires them to inform the Labour Department in anticipation of any redundancies in excess of five people over a ninety day period and this has not happened so therefore, as far as we are concerned, we can assume that there are no redundancies intended over the next ninety days because the ninety day notice which they are required to give by law has not been given. Secondly, because of my contacts with the union that represents the workers there, the union has not been given notice under the redundancy provisions of the Ministry of Defence agreement with the union on redundancies. So whatever they may be planning they have not yet entered into the advance period laid down either in the law or in the agreement in

the MOD with the TGWU. If the Hon Member has got information that we have not got and he makes it available to me I will follow it up. From my last discussion with the Regional Director the position was that they invited voluntary redundancies, in fact, they were able to give improved terms to 27 staff whose jobs were eliminated altogether and the minimum laid down in the agreement for the other 15 staff making a total of 42.

HON A J CANEPA:

Let me clarify, I do not have details on the matter. What I was given was an indication by someone I met that the decisions that were being awaited and which I think there was an undertaking that they would be communicated to the Gibraltar Government and those concerned by the autumn of this year, had now been taken. I would have thought that the Chief Minister would have had an opportunity when he saw Mr Francis Maude in London recently to have raised the matter with him.

HON CHIEF MINISTER:

No, Mr Francis Maude has got nothing at all to do with PSA/DOE.

HON A J CANEPA:

I know he does not have directly but the Chief Minister does deal with the Foreign Office and through the Foreign Office very often with other departments of Government.

HON CHIEF MINISTER:

The position of PSA/DOE is affected by two things, Mr Speaker. It is affected by their customer base and it is affected by changes organisationally which may mean that they do things in a different way and therefore they do things with less people. As regards their customer base the only thing that is happening that is new at the moment as a result of a decision taken in UK, is that the three Services are free to contract direct instead of using Property Services Agency as their Estate Management Agent. So whereas until now they were tied and that was therefore part of PSA's guaranteed workload because they had captive customers who could not go and get the services on maintenance or anything else for themselves, they had to go to DOE and DOE then decided whether they did it with direct labour or whether they did it by sub-contractors. That is no longer true in the United Kingdom. To what extent it has an impact on Gibraltar or not there is a big question mark because one of the things is that in the United Kingdom there are other organisations doing similar work to PSA for other customers and therefore one of the things that they can do in the UK which they cannot do here is actually invite tenders from people who want to become their agents. If we had, as opposed to PSA, a number of other companies in Gibraltar involved in project management then

in theory you could have a situation where the RAF or the Navy decide that they would rather appoint as their project managers Company X instead of PSA. If that happened then certainly PSA might find itself suddenly without customers and suddenly having a difficult problem of what to do with its employees but they would still be bound by law and they would still be bound by the redundancy agreement not to dismiss people before they have gone through the procedures that are laid down in the Laws of Gibraltar and in the agreements that they have got. Even if what is happening in UK were to subsequently be translated to Gibraltar nothing can happen in the next six months and that is the situation.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Have the accounts of the Gibraltar Health Authority now been submitted to the Auditor, and if so, when?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I informed the House in my answer to Question No. 130, at our last meeting, that I had given instructions that the statement of accounts should be submitted to the Principal Auditor by not later than 31 August, 1989. This was done and the accounts were submitted on that date.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1989

HON M K FEATHERSTONE:

When is it hoped that these accounts will be presented to this House?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think that the Hon Member having himself been instrumental in the introduction of the Gibraltar Health Authority Ordinance, he should know that Clause 15(5) states: "The Minister shall lay one copy of the Annual Report of the Audited Accounts at the table of the House of Assembly as soon as practicable after they have been received by him" - in this case 'her', perhaps we need another amendment, Mr Speaker.

HON M K FEATHERSTONE:

Mr Speaker, the Minister has still not given me the date when that is likely to be. When is 'as soon as practicable'?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if it is 'as soon as practicable' how can I give him the date?

HON M K FEATHERSTONE:

If the Auditor had them by the 31st August and he takes about one month to deal with them that would take us to the 30th September. We are now in November and it is about time they were presented.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the Hon Member should know that the Auditor has to look into the Accounts of every Government Department and that the Health Authority has on this occasion presented the accounts to the Auditor much faster than all the other Government Departments.

HON M K FEATHERSTONE:

Then the Hon Member does not see any sense of urgency in presenting these Accounts to the House?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have just said that when the Hon Member was in Government he drew up the Health Authority Bill which under Clause 15(5) states that once I receive them they will be tabled in the House of Assembly. The Accounts are now in the hands of the Auditor, Mr Speaker, and I have kept to my commitment.

HON M K FEATHERSTONE:

Mr Speaker, I do not need to be reminded that I introduced the Bill, in fact, I drew up a clause which said that they had to be presented within three months from the 31st March something which has not been done.

HON MISS M I MONTEGRIFFO:

Mr Speaker, and in answer to Question No. 130 there was a long drawn debate on the matter and I explained to the Member that I did not exactly know what he had in mind when he actually put in the time-scale of three months when everybody else in the Government had nine months. Even GBC and the Museum have no time-scale as far as presenting the accounts to the Auditor. We have presented them earlier than any other Government Department and as I mentioned previously in answer to that question I said that the Government thought it prudent that we should amend the law to give us the same time-scale that other Government Departments have.

MR SPEAKER:

Next question.

NO. 176 OF 1989

ORAL

THE HON K B ANTHONY

Is Government satisfied that the isolation pens for impounded cats and dogs are both hygienic and humane?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, although every effort is made to keep the isolation pens in as satisfactory a condition as possible, the Government accepts that they are not in as good a condition as it would wish. It is a fact that as far back as 1976 the Environmental Health Department highlighted the need for proper alternative kennel space to be made available but without success. This Government is not only conscious of the need for improvement but is also actively looking at suitable alternative sites for the reprovisioning of isolation kennels.

SUPPLEMENTARY TO QUESTION NO. 176 OF 1989

HON K B ANTHONY:

Can the Hon Minister give an indication of the time when we can anticipate these new pens being built and being put into use?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because if we give a certain day the Opposition will come back and say "You have failed by one day" or "You have failed by so many hours". All I can tell him is that when the previous AACR Government were in power it took them something like twelve years to solve the problem and we are actively pursuing the matter and I am giving him a commitment that it will be looked and take much less than twelve years, Mr Speaker.

MR SPEAKER:

Next question.

NO. 177 OF 1989

ORAL

THE HON K B ANTHONY

Will Government issue instructions that pet cats, clearly collared and identifiable, should not be impounded during cat culls, and also amend the law so that owners of such impounded cats would not be liable to pay a fee of £25 for the return of their pets?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the recommendations of the Gibraltar Rabies Committee based on both UK and local professional medical and veterinary advice are that stray cats should be strictly controlled as they are Gibraltar's greatest rabies risk, hence the reason for the cat culls being effected by the pertinent authorities.

Unfortunately, well meaning though misguided animal lovers have taken to placing collars or ribbons on stray cats to prevent their being culled. In view of this, as provided by Section 24 of the Animals and Birds Ordinance, the authorities are obliged to impound all such animals in the interests of disease prevention. Cats with collars or other means of identification are then kept in the cattery for the requisite number of days to allow owners to claim their animals. In those cases where the owners can be identified they are notified in writing in keeping with section 24(2), and the cats returned to them on payment of the fees prescribed by Rule 10 of the Animals and Birds Rules.

The fees for the keeping of animals detained under the Ordinance were last reviewed and the Animals and Birds Rules so amended on the 21st December, 1987, by the previous administration. However, in deference to the Hon Member I have rechecked the charges to ascertain how they are arrived at and can confirm that they are in keeping with the expenses incurred by Government in running this essential animal health service.

In the light of what has been said I am certain the Hon Member will agree that in the interests of public health the prevention of rabies and the efficient running of the service on present day charges, the culls should continue to be conducted as hitherto and the fees prescribed by law retained at their present justified level.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1989

HON K B ANTHONY:

I thank the Hon Minister. I was unaware that people were putting collars on the stray cats, this is completely new knowledge to me. I think the Hon Minister will also be aware that there is a striking visual difference between a well looked after pet cat and a stray cat and it is the pets that belong to families that are being impounded.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the pets that are being impounded are those pets which are found to be stray and the Bill was brought to the House, as I said, in 1987 by the previous administration and it was found prudent and in the interests of health in Gibraltar as a whole that if cats and dogs were found astray that they should be impounded.

HON K B ANTHONY:

Mr Speaker, when one speaks of a stray cat, I must disagree with the Minister because cats, rather than dogs, are nomadic creatures, they do tend to go out and they tend to come back home afterwards. Dogs do not normally do this. To simply say that because a cat is in the street it is automatically a stray I think is completely erroneous.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am happy that the Hon Member knows so much about the difference between cats and dogs. If a cat is found astray and if it becomes under the Ordinance as far as the Environmental Health Department are concerned, they are in keeping with the law, which as I have said before, was passed by the previous administration.

HON A J CANEPA:

Mr Speaker, the matter is serious. It is no joking matter when a person is attached - I do not have any cats because I am a dog person - but it is a serious matter when a person or a family are attached to a cat and people come to you complaining that that cat has been enticed by the impounders and seized and I can assure the Hon Minister that there are complaints being made of that nature. Does the Minister not agree that people have a right to have pets provided that they are within the law? We on the Opposition are not so much complaining about the law. The law that we enacted is good legislation but it is being wrongly implemented and where my colleague suggests an amendment, it is an amendment because the department are doing wrong in seizing a cat which is not a stray and which might not have had a collar attached to it. People do not go around spending money just like that and I am not talking about a piece of ribbon, I am talking

about a proper dog collar with an identifiable name tag and people are complaining that cats apparently are being enticed and this is wrong and I think that the Minister should see that this is a serious matter and issue the necessary instructions and will she do so?

MR SPEAKER:

If we are going to make statements could we put them as a question please otherwise it develops into a debate.

HON A J CANEPA:

Two questions, Mr Speaker, is the Minister aware that there are complaints of this nature and because there are complaints of this nature will she therefore issue the necessary instructions to the department?

HON MISS M I MONTEGRIFFO:

Mr Speaker, first of all, I am happy in a way to see that the Hon Member is concerned about cats but in any case I think.....

HON A J CANEPA:

Mr Speaker, I am concerned about the rights of people, people have rights.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have not given way. I am answering his question. The Hon Member is saying that there are complaints and what I am telling him is that as far as the department is concerned the cats in this case and not the dogs, I believe, are being found astray and the Department is not in any way harming these cats. All that they are doing is that when they find them astray, as is set down in the law, impounding them and then if they are identifiable, and I have a case in question, Mr Speaker, and this is why I think this question has come to the House. It concerns a lady who had three cats who were found astray. She went to the Environmental Health Department, the Environmental Health Department before it actually impounded the cats tried to get in touch with her and had sent her letters to which she did not reply. They then tried to go to her house but she was not there and therefore they had no recourse but to actually impound the cats until the owner came to the Department and said: "This is my cat" and the cat was given back to her. The cat was not killed, Mr Speaker.

HON K B ANTHONY:

Did the owner have to pay a fee of £75?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we were even more lenient than that. She had to pay something like £100 but because she had three stray cats I decided that she should only pay the fee for one cat, Mr Speaker.

HON K B ANTHONY:

Mr Speaker, one final question. I have heard the Hon Minister mentioning the reasons for this as being anti rabies. Is it not a fact that cats do not have to have anti rabies injections as dogs do?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I have said is that as far as the Environmental Health Department is concerned and the Rabies Committee is concerned, cats are more dangerous as far as rabies is concerned than dogs.

HON K B ANTHONY:

But by law they do not have to be injected annually as do dogs.

HON MISS M I MONTEGRIFFO:

Mr Speaker, that is something which the Hon Member is introducing and which is new. But, in any case, what I have said in my lengthy answer to his question is, I think, sufficient to satisfy the Member that the Government is not doing anything that is going to affect cats and dogs in Gibraltar.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Is Government now in a position to state when an artificial playing surface will be installed at Victoria Stadium?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the time limit set by the Government to Rock Promotions Ltd for the commencement of installation of the artificial playing surfaces at the Victoria Sports Centre will expire at the end of the year and we are expecting the company to give us a date for the commencement of works soon.

The company has been put on notice that if they do not supply the Government shortly with a schedule of works we will have to consider alternative proposals.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1989

HON LT-COL E M BRITTO:

Can the Minister give any indication as to why there is continuing delay with the company coming forward with definite proposals?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think this is a matter for the company to answer and not for me.

HON LT-COL E M BRITTO:

Mr Speaker, it seems that although the Minister has persistently been refusing to give the information in this House the information is becoming available out in the market place. It will appear that the Minister herself may not be aware what the information is or she is not prepared to give it. Will she confirm that the scheme proposed by Rock Promotions Ltd involves financing from advertising to an extent that very little capital outlay will be involved by the company; that the use of the Stadium for something like five to six weekends in the year will deprive local sportsmen, and that if Government themselves undertook the similar scheme the whole project could be done without capital outlay by Government?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I have said in this House is very simple and I have never refused to answer questions about the artificial surfaces, on the contrary what I am now prepared to say is that if the deal with another party fails then the

Government is prepared to look at alternative proposals and we are committed to the installation of artificial surfaces. Whether the company itself has delayed the project in the actual possibility of looking for finance that has nothing to do with the Government, Mr Speaker.

HON LT-COL E M BRITTO:

If the company does not deliver is the Government intending to take over a similar project themselves or to find alternative proposals from other private enterprise?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I have said is that if the company do not adhere to the time limit then the Government is prepared to look at alternative proposals.

HON LT-COL E M BRITTO:

But, Mr Speaker, not to take over the project themselves?

HON MISS M I MONTEGRIFFO:

Mr Speaker, at this stage we cannot just say that the Government is going to take the project over. What I have said is very simple, we are looking at other alternatives and we are committed to the surfaces being installed at the Stadium.

HON LT-COL E M BRITTO:

Would the Minister not agree that it would be in Gibraltar's best interests and in sport's, in general, best interest for a similar scheme to be undertaken by Government and therefore the use of the Stadium for considerable periods every year would not be denied to local sport?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we are committed as a Government to installing the artificial surfaces but I cannot say here and now whether it would be better for the Government to undertake the scheme or whether it would be in the best interest of Gibraltar to look at other alternative proposals. Once we look at those proposals then we will come to a decision but the fact is that the Government is committed to having those artificial surfaces installed.

HON LT-COL E M BRITTO:

Mr Speaker, I would ask the Minister to consider that after eighteen months she has had plenty of time to think about it and I would ask her to consider that a scheme similar to the one being proposed by Rock Promotions which, I understand, is on the basis of the ground being divided into six sections, each section bearing an advertising logo and each logo paying in the region of £25,000 in advertising dues, of advertising being sold around the touch line and around other areas of the Stadium and to consider that if Government were to take over a similar project and finance it themselves the pitch would be financed and paid for by the advertising and we would not need external operators to be given any franchise and sport would benefit. I would ask the Minister to consider that.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think I have answered that question by saying that the Government will be in a position to know what is better for the interests of Gibraltar as a whole and we have to look at alternative proposals and then we have to come to a decision. But let me remind the Hon Member that when we came into Government, in the Estimates the AACR administration had earmarked £100,000 for the installation of an artificial surface. This Government was not going to put up a penny at that time for the installation of the surfaces. What I am saying now, Mr Speaker, goes further than that because I am telling the Hon Member that I am committing myself that the artificial surfaces will be installed.

HON G MASCARENHAS:

Would the Hon Member not agree that had it cost us £100,000 and the surfaces had been installed eighteen months ago or two years ago it would have been worth it?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think at that time the money was not available in the Estimates.

HON G MASCARENHAS:

Precisely. What I am asking her is if £100,000 was a good price to pay to have had the surfaces installed already?

HON MISS M I MONTEGRIFFO:

I do not think it would have made any difference, Mr Speaker, at the time for the actual installation of the surfaces.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government provide a monthly breakdown of the second and third quarters of 1989, together with comparative figures for the same periods in 1988, of the following:

- (a) unsold Government lottery tickets returned by Agents
- (b) value of prizes contained in these unsold tickets, distinguishing between the three major prizes and others?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The position with regard to unsold Government lottery tickets during the first six months of this financial year with the value of prizes contained in unsold tickets is as follows:

Month	1988			1989		
	No of Tickets	3 Major Prizes	Other Prizes	No of Tickets	3 Major Prizes	Other Prizes
APRIL	484.3	-	177.00	16,216.9	6,250	12,164.50
MAY	198.0	-	99.00	21,634.2	81,250	15,225.00
JUNE	312.1	-	90.50	17,920.6	95,000	13,829.00
JULY	594.3	-	209.25	25,339.7	5,500	16,377.50
AUGUST	1,162.7	400.00	682.50	20,770.9	-	12,711.00
SEPTEMBER	490.2	-	174.25	20,402.9	21,500	12,835.50

SUPPLEMENTARY TO QUESTION NO. 179 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister concerned about the deteriorating trend that is clearly there, in the increasing number of tickets unsold, from the beginning of this year? Is the Minister concerned about this trend?

HON J C PEREZ:

Mr Speaker, it is not the same trend as there is at the beginning of this year. At the beginning of this year the trend was about 3000/3500 unsold tickets returned every week. That has increased to about 4500/5000 a week. Whereas it began to pick up at the beginning of the year, the advent of Telebingo has affected the lottery which was not something that was known was going to happen when the decision was taken to go ahead with this and I am concerned about the matter.

When the Government decided, after consulting the Chairman of the Lottery Committee, to go ahead with this move we decided that after a year we would sit down and review the situation again. The year lasts till December by which time I shall have a meeting with the Chairman of the Lottery Committee and the representative of the lottery vendors and we will have a look at what is happening with the lottery again. Let me add that it is not only Telebingo that has affected it but it seems that the sale of tickets for charities, such as a very big lottery that is being done by the Calpe House Fund also seems to be affecting the sale of lottery tickets according to the Agents.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that the figures seem to be worse than he has in fact said, although I have not multiplied the weekly figures but that for the first quarter of the year the average number of tickets unsold is about 14,500 per month as opposed to virtually nothing in 1988? That for the second quarter this rises to about 18,000 average per month as opposed to about 200 in 1988? And that for the third quarter it goes up to over 21,000 per month as opposed to about 700 in 1988?

HON J C PEREZ:

And I am telling the Hon Member, Mr Speaker, that the increase compared with the first quarter is, in our view, as a result of the advent of Telebingo.

HON LT-COL E M BRITTO:

Mr Speaker, coming to the question of unsold prizes, I seem to remember saying at Budget Time that the Government was catering for a substantial amount in unsold prizes and if this substantial amount, and I think it was over £ $\frac{1}{4}$ m, did not materialise whether the profits from the lottery for this year would be less than last year irrespective of the increase in the price. Can the Minister comment whether this is likely to be the end result by the end of this year?

HON J C PEREZ:

It is difficult to compare in that the first quarter when the lottery changed prices and prizes is part of the last financial year and not this one, that is, from January to April that goes into last year's financial year. But I did not say that at the time of the Budget, the Hon Member is incorrect. I have subsequently said that in public and in this House in answer to questions from the Hon Member and that is that the Government was bearing the risk and not the

customer of the lottery of possible losses and although a sum had been estimated that we might get some of the prizes back that is solely an estimate because as has been repeated in this House on several occasions it is a matter of luck as far as the lottery is concerned. I have not got up-to-date figures with me at the moment because the Hon Member has not asked for them but it is certainly something that I will be checking with the Chairman of the Lottery Committee and the lottery vendors when I meet them.

MR SPEAKER:

Next question.

THE HON K B ANTHONY

Will Government explain why the installed traffic lights at the top of casemates Hill are still not operative?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the traffic lights are not yet operative because of the major resurfacing which still has to be completed in the area. Due to the positioning of the traffic lights the surrounding pavement had to be altered and the resurfacing of Line Wall Road has not been completed as a result. At present the resurfacing works are due to commence within the next two weeks. Once resurfaced, the road markings will be effected and then the traffic lights will become operational.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1989

HON K B ANTHONY:

Does that mean we can expect to see them working before Christmas?

HON J C PEREZ:

I think, Mr Speaker, on this occasion well before Christmas.

HON M K FEATHERSTONE:

Did not the Hon Minister tell me in answer to a previous question that the lights would be working once the garage was working and the garage has now been working for several weeks?

HON J C PEREZ:

No, Mr Speaker, the Hon Member is wrong. I told the Hon Member that as far as it was possible we would try and make the operation of the traffic lights coincide with the opening of the garage, but I did not give a commitment that the traffic lights would be operational at the time of the opening of the garage.

MR SPEAKER:

Next question.

NO. 181 OF 1989

ORAL

THE HON K B ANTHONY

Will Government give serious consideration to using Devil's Tower Road as a diversionary road, to help reduce congestion whenever North bound traffic queues extend back into town?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr. Speaker, both the Gibraltar Police and the Traffic Commission have already given serious consideration to this idea some time ago and found it impractical. Devil's Tower Road is very busy and carries a lot of heavy goods vehicles. The suggestion, if implemented, would block this highway in both directions thus emergency vehicles would be unable to respond to incidents. In the summer months other vehicles use this highway to gain access to the beaches and this aggravates the problem further.

The Gibraltar Police, in consultation with the Traffic Commission, agreed on an alternative scheme which seems to have worked satisfactorily. This is that three lanes of Winston Churchill Avenue are used for northward going traffic and one for southward going traffic. The third lane north is reserved for motorists going to the Airport, RAF Married Quarters and the Supermarket in the area. This system requires intensive manpower coverage. The suggestion made by the Hon Member would produce a greater manpower requirement, according to the Commissioner of Police.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1989

HON K B ANTHONY:

Mr Speaker, is the Minister aware that when the three lane traffic is operating there is still the danger and I do not wish to speak about the minibus incident which I believe is still sub judice, but I can assure the Minister that twice in my own experience I have been going south at night on the fourth lane and I have been overtaken by cars on the airstrip when there should really have been northbound traffic only on that lane. There is no way you can police this that is the danger that I am concerned about.

HON J C PEREZ:

Mr Speaker, I am not aware of this but if the Hon Member has had such an experience it would be his civic duty to report it to the Police. I am however not aware of this.

HON K B ANTHONY:

I accept that, Mr Speaker, but the point I am trying to make is that the airstrip is not lit at night and therefore.....

HON J C PEREZ:

Mr Speaker, that is not the question the Hon Member has asked. The Hon Member has asked a question about the traffic in Devil's Tower Road and he is now talking about the lights at the airstrip.

HON K B ANTHONY:

I am saying, in answer to the Minister's reply that it was satisfactory and I beg to differ because I do not think that it is satisfactory.

HON J C PEREZ:

What does he not think is satisfactory, Mr Speaker?

HON K B ANTHONY:

The system of three lanes going northwards, Mr Speaker.

HON J C PEREZ:

The Police and the Traffic Commission and I think it is, Mr Speaker.

HON K B ANTHONY:

So they will accept full responsibility if there is an accident on that three lane system?

HON J C PEREZ:

Mr Speaker, the Government accepts full responsibility for all of its decisions. Every Government should have done that and we certainly do.

HON LT-COL E M BRITTO:

Has the Traffic Commission given consideration to tailing the queue back down Devil's Tower Road as opposed to using it as a diversionary road?

HON J C PEREZ:

Mr Speaker, that is the question that the Hon Member's colleague has asked and I have just answered. Yes, they have considered it and they have found it impractical and I have explained why they found it impractical.

THE HON LT-COL E M BRITTO

Will Government state:

- (a) the date when the resurfacing of Bell Lane started
- (b) the estimated final cost
- (c) why it is taking so long to complete
- (d) the estimated date of completion?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

(a) The preliminary works required in order to enable Bell Lane to be paved commenced on 21st August, 1989.

(b) It is difficult to give a final estimated cost for a number of reasons:

- (i) The repairing of Bell Lane is being carried out as part of an agreement reached between the Government of Gibraltar and Taylor Woodrow. In exchange for the placing of pavia in Bell Lane, the developers of the Cornwall's Centre have undertaken to widen the east pavement of Cornwall's Parade to a triangular shape and pave it using the same slabs they have used in their own project. Trees will also be planted. This is very difficult to quantify.
- (ii) No cost has been incurred in purchasing these blocks since they have been in stock for some years now and seem to have been charged in the past to another project.
- (iii) The cost being incurred is that of labour only and basic materials such as sand and aggregate plus the purchase of a few manhole covers and frames. The labour cost cannot yet be quantified since those included in the project, usually no more than three men at a time, are training, on this type of work which is relatively new to them particularly on hills. The cost of the project will be absorbed from the vote for road resurfacing in the Improvement and Development Fund.

(c) The works are taking some time to complete because it is a pilot scheme serving as training for the workforce and because access needs to be maintained for pedestrians whilst the work is being carried out thus changing the way the work would normally be done.

(d) If all goes well, works should be completed in four weeks time. Some of the work which had already been completed had to be redone as a result of the recent downpour. Steps have been taken by the Department so that the work already done is better protected in the event of rain.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister satisfied that Bell Lane is the best place for a pilot and training scheme of this nature? It is taking so long and there is the risk of accident.

HON J C PEREZ:

Mr Speaker, I agree that it is not the best place but since I do not intend to put paving stones on the Upper Rock I need to use a pilot scheme where I am going to put pavia and it is part of an agreement between Taylor Woodrow and the Government. The people of Gibraltar as a whole will benefit from the scheme and I think it is a project worth going into at the moment.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister not concerned about the inconvenience that is being caused in the area to traders, elderly people, mothers with prams? It is literally going over an assault course every day.

HON J C PEREZ:

Mr Speaker, I am concerned about it but there is nothing I can do. I am even concerned about the number of times the Hon Member walks by.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware that from the dates he has given me so far the rate of progress averages out to about forty of these paving bricks per day?

HON J C PEREZ:

Has the Hon Member taken into account that a lot of the work had to be redone because of the downpour that damaged the work that had already been done. Also that the Hon Member is aware as I have already replied that it is a pilot scheme and that people are training on it and that it is relatively new work for the people concerned?

HON LT-COL E M BRITTO:

Mr Speaker, I ask the Minister to accept that (a) it is the wrong place for a pilot scheme, (b) it is the wrong place for a training scheme, (c) there is risk of danger to life and if not life then limb certainly, for people using the Lane and (d) it is going too slow, at the rate of forty bricks per day? Should something not be done about it to speed things up and finish the work quickly?

HON J C PEREZ:

Mr Speaker, that is the Hon Member's opinion, it is not mine.

HON LT-COL E M BRITTO:

Mr Speaker, it is not an opinion, it is a statement of fact.

HON A J CANEPA:

Is the Hon Minister saying that the downpour was such that pilots were required to navigate there? Is that what the Hon Minister is saying?

HON J C PEREZ:

I do not know. The Hon Member seems to get confused nowadays with what people say.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister satisfied that the sleeping policeman that has been placed across the top of Bell Lane is not in fact a whole Police Station? Because it is extremely high and causes considerable inconvenience to elderly people. Is the Hon Minister satisfied that this contraption will be enough to prevent, in the case of a further downpour as we had recently, water coming down and churning up the whole of the bricks again?

HON J C PEREZ:

The PWD Engineer in charge is satisfied that that will stop the greatest impact of water coming down from Castle Street. He is satisfied that it will divert most of the water, if not all of it. However, that is not the only thing that is being done to protect the work.

MR SPEAKER:

Next question.

9.11.89

NO. 183 OF 1989

ORAL

THE HON K B ANTHONY

Will government state when they intend to start their anti-litter campaign?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the campaign aimed at making the public aware of the need to keep Gibraltar clean is expected to commence early in the new year.

NO. 184 OF 1989

ORAL

THE HON K B ANTHONY

What are the Government's plans for the future disposal of refuse?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government has received several proposals from private concerns for the disposal of refuse, to replace the present incinerator once the life of the plant runs out.

These proposals have been found to be extremely costly and have been rejected by the Government. Other companies have expressed a desire to put forward new proposals and these are expected to be submitted within the next two to three months.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1989

HON K B ANTHONY:

Mr Speaker, will the Minister inform this side of the House of the decision as soon as possible?

HON J C PEREZ:

Mr Speaker, certainly once I have a solution to the very grave problem of refuse disposal which we inherited, I shall not only inform this House but the whole of Gibraltar.

HON K B ANTHONY:

Mr Speaker, I thank the Minister for this but in answer to Question No.107 of 1988, the Minister said that the Public Works Department had very recently made their recommendations after having given due consideration to all the proposals that were in the Heiste International Report. Are the solutions that are being put forward now the ones that were put forward a year ago?

HON J C PEREZ:

These solutions were followed up commercially and certain commercial concerns made confidential proposals to the Government. We have looked at them, they are certainly good and modern alternatives but very, very costly and we feel that at this stage it is prohibitive. It is not that we have rejected them completely, that is to say, we have told the companies on the basis "We are not interested for the time being". We are now exploring other companies with other proposals and different types to see if we can get a cheaper solution although a good one.

HON K B ANTHONY:

Mr Speaker, I am constantly asking for time-scales. Can the Minister give me any indication of when we are likely to see the campaign under way?

HON J C PEREZ:

No, Mr Speaker, the only thing I can give the Hon Member is an indication and I already have. The new proposals will be submitted within the next two to three months.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Will Government make a statement about the dumping which is taking place off the South Mole and which is to the detriment of the marine environment?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the dumping which is currently being undertaken off the South Mole is to cater for a service which Government has always provided for the disposal of builders' rubble. Originally, the builders' rubble tip started off at the old VTE distiller site and as well as providing a means of disposal of builders' rubble, valuable land was created upon which the VTE new distiller and Waterport Power Station are now constructed.

Subsequently, the tip was transferred to the Waterport Basin area and here again more valuable land was created for the new coach park.

Prior to moving to the existing location, the tip was located at the Eastern Beach area where again valuable land was created which is used as the beach car park and also as a trailer/lorry park.

The tip is used for the disposal of builders' rubble only and is constantly supervised and controlled so as to cause the least detriment to the marine environment.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1989

HON M K FEATHERSTONE:

Is Government aware that toxic waste from GSL is being dumped in that area as well?

HON J C PEREZ:

No, Mr Speaker, Government is not aware that that is happening.

HON M K FEATHERSTONE:

Will Government look into the situation because I am informed that toxic waste is being dumped there very much to the detriment of the fish and marine ecology?

HON J C PEREZ:

Mr Speaker, if the Hon Member has information that this is true I would ask him to present the evidence. I cannot go on hearsay. I have a man there 12 hours a day and he has not informed me that this happening. If the Hon Member has information which he has verified then, by all means let him pass the information and we shall stop it immediately. He cannot, however, come here and suggest that something is happening without first checking his facts.

HON M K FEATHERSTONE:

I will write to the Hon Member, Mr Speaker.

MR SPEAKER:

Next question.

THE HON A J CANEPA

How many meetings has the Development and Planning Commission held since 1.8.89?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Three, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1989

HON A J CANEPA:

Mr Speaker, does not the Minister agree that this is well below the average number of meetings that he himself was holding during the course of 1988?

HON M A FEETHAM:

Mr Speaker, we endeavour to meet on a fortnightly basis but during August what happened was that a substantial number of members of the Commission, not necessarily employees of the Government, were on leave and also due to other pressure of work there was a departure from the fortnightly meetings. We are however back on course at the moment and we have met twice in September and we will continue to meet twice in November.

HON A J CANEPA:

Having regard therefore, Mr Speaker, to complaints that I have received about delays in processing building applications, probably for the reason that the Hon Member has mentioned of lull during the summer, would he please endeavour now to do as much as he can in respect of the agenda for future meetings to try to process such applications for planning permission as quickly as possible?

HON M A FEETHAM::

Mr Speaker, I will take note of what the Hon Member is saying but we have not received any complaints. As regards the subsequent question on the agenda, that may not necessarily have been a fair comment to have made.

HON A J CANEPA:

Mr Speaker, I am drawing a distinction between applications for Planning Permission and Building Applications. In the context of the DPC it is about applications for Outline Planning Permission and that is to what I am referring to. In other words, people feel that Schemes are being held up because of the DPC not having had as many meetings as in the past.

HON M A FEETHAM:

Mr Speaker, I take note of what the Hon the Leader of the Opposition has said but I do not necessarily agree with his comments.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry say how many building applications were awaiting his approval on the 1.9.89, how many of these have been processed since then, and how many were pending approval on the date of notice of this question?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1989

HON A J CANEPA:

No application was pending approval in September? None have been processed since then and there are not any pending approval now?

HON M A FEETHAM:

That is correct, Mr Speaker.

HON A J CANEPA:

Will the Minister say then is it that building applications are not being received by the Department of Crown Lands?

HON M A FEETHAM:

Mr Speaker, he is asking me how many applications were awaiting my approval.

HON A J CANEPA:

Does not the Minister as Chairman of the Development and Planning Commission give approval to building applications?

HON M A FEETHAM:

That is correct, Mr Speaker, and I think it is important to clarify what the position is. The position is, as the Hon Member is aware, that building applications are not approved by me, building applications are approved by the Development and Planning Commission of which I am the Chairman. Subsequent to that planning permits are issued and what I am saying is that there were no planning permits for my signature on the date or subsequent to that on the date that the Hon Member is implying. Therefore, since I do not approve building applications as such, the DPC does, all other permits which I sign have been signed the moment they were given to me so there is no delay at all.

HON A J CANEPA:

There are no delays as such, I find that difficult to reconcile. People have complained to me about this and the Hon Minister is not a superman. I myself, when I was Chairman of the Development and Planning Commission, had a constant batch of these permits which come on a periodic basis and I am surprised that there are not any pending but I accept the answer.

HON M A FEETHAM:

I wish to repeat that I sign these as and when they are prepared by the Department. On the date mentioned there were none pending my signature.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry say when he proposes to exhibit the long-awaited new City Plan which he had previously announced for exhibition last February?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the position remains unchanged from that expressed by me in answer to Question Nos. 32 and 68 of 1989.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1989

HON A J CANEPA:

Will the Minister say, Mr Speaker, whether he really does plan to go ahead with a new City Plan?

HON M A FEETHAM:

Absolutely, Mr Speaker.

HON A J CANEPA:

Or is it, Mr Speaker, that he finds it, in fact, much more convenient rather than go ahead, to do as he pleases in the meantime?

HON M A FEETHAM:

I leave that to the Hon Member to decide what he thinks in his judgement is the case.

HON A J CANEPA:

Does not the Minister accept that it is not a happy situation where you have a City Plan currently in force which is out-of-date, the 1976 City Plan, where the Minister says that he does have plans for a new City Plan and that in between eighteen months have now gone by since the Minister took office and effectively in planning matters we are in a limbo situation. Is that a happy state of affairs?

HON M A FEETHAM:

No more and no less, Mr Speaker, than when the Hon Member's Government took five years to produce the Plan since 1983 and during that period two years to prepare the final structure. We have been in office eighteen months and I think we have made substantial progress in updating the City Plan and, as I say, my position remains as I stated in answer to Question No.32 which I think the Hon Member found acceptable at the time.

HON A J CANEPA:

The Hon Minister when he was a Member of the Opposition, does he not accept that he did not press the Government on the delays in our producing the draft City Plan because he understood that we were living in an abnormal situation. The Government now has a normality and that is the difference. The Government has got definite plans as to where they want to go and people have a right to know and to see these plans included in a new City Plan which is now long overdue.

HON M A FEETHAM:

That is right, Mr Speaker, that is the case and what the Hon Member must remember is that we have got, as I said before, our own economic policies, a lot of this is being reflected in the City Plan, it is being done simultaneously with our efforts to restructure the department, it is also being done against the background where because of our economic policies we are receiving substantial development proposals which needs the time of the Chief Planning Officer and his department and, of course, it is a matter of priorities at the end of the day.

HON A J CANEPA:

Does the Minister agree that we are not likely to see a new City Plan before March, 1992?

HON M A FEETHAM:

I said in answer to Question Nos.32 and 68 of 1989 that it would certainly be done during this term of office.

HON A J CANEPA:

That is a definite commitment?

HON M A FEETHAM:

Yes, Mr Speaker.

HON A J CANEPA:

I will hold him to that.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Does the Government have any plans to introduce a system of public participation under the Town Planning Ordinance in order to consult the public and give them an opportunity to express their views on the Government's development proposals?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir, not beyond the degree already provided for under the Town Planning Ordinance.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1989

HON A J CANEPA:

Does the Minister then not consider that the public are entitled to have a say beyond what there is currently in the Town Planning Ordinance given the fact that the face of Gibraltar is being changed so dramatically by development? That the public have a say in that.

HON M A FEETHAM:

Mr Speaker, what is already there, in our view, is enough for public participation to take its natural course.

HON A J CANEPA:

Does not the Minister consider that effectively what is happening is that they are just going ahead and doing as they please with development and just leaving it to the electorate once every four years at elections to pass judgement when many other considerations in the context of a General Election are going to determine whether what the Government is doing is right or wrong? People are affected by development, moreso on the scale in which it is currently taking place in Gibraltar and they have a right, Mr Speaker, in my view, because a democracy requires greater participation, they have a right to have a say and express their views on how the face of Gibraltar is being changed.

HON M A FEETHAM:

Mr Speaker, I concur entirely with what he is saying but what I am saying is that the machinery that is already there is ample and let me remind the Member opposite that this Government is putting into effect plans that will preserve the old City. That we will not have any more monstrous buildings that have been built during the Hon Member's term of office and that the whole plan of reclamation is entirely

to reclaim land, build the economic policies of the Government on reclamation area, preserve the view of people so that they are entitled to look out of their window and see the Bay which did not happen when the Casemates were built, when the International Casemates Centre was built, when the buildings opposite Rosia were built and so on. Our plans are to take the pressure away. If people are not happy with those sort of plans then there is, in our view, no other alternative. Insofar as minor alterations to the City Plan, which is now in place, that is matter that goes to the DPC where we have the Chief Planning Officer and he gives very strong views on some of the planning applications and the Government takes them on board. So as far as we are concerned once the City Plan is established which will indicate the extent of the Government's economic policy and the restructure of economic development in Gibraltar, I think people will find it far far more progressive than anything that the AACR has done in the last twelve years, Mr Speaker.

HON A J CANEPA:

I am sorry, Mr Speaker, to have to involve you but I have to clarify a comment made.....

MR SPEAKER:

Could you please put it in the form of a question.

HON A J CANEPA:

This is important, Mr Speaker. In the light of the comments made by the Minister that 'the AACR was responsible for what happened at Casemates', I would like to point out, Mr Speaker, that the IWBP administration was responsible for that and in the light of that we amended the law in 1976 so that we could not have a repetition of the loss of view because of the International Casemates Centre. I am referring to what there is on Casemates Square where there is a building right up against another building. That can no longer take place.

HON M A FEETHAM:

I am not referring to that and if that is the impression I gave that is not the case. I am talking about the ICC Centre.

HON A J CANEPA:

Mr Speaker, will the Minister comment on the proposals that we had to allow people living in the neighbourhood where there is development going on, where they are likely to be affected by development, the proposals that we had whereby notice would be publicly exhibited of proposals for development in that area and that would give the public an opportunity to comment. Does the Minister not consider that that is a good way of going ahead and will he seek advise of members of the Development and Planning Commission on the matter?

HON M A FEETHAM:

Mr Speaker, like everything else, I am constantly reminded about proposals that the AACR have had but nothing was ever done with their proposals. As far as we are concerned, I have already stated, as a matter of policy, what the development policy of the Government is. We intend to preserve the old City of Gibraltar as far as it is possible under the present scenery. Any alterations to that will be done in discussion with the DPC and, if necessary, with other Associations involved like the Heritage Trust and so on. Our future development is the construction of the new City of Gibraltar on the first phase of reclamation and going on to the North Mole. the industrial area of Gibraltar will be shifted by agreement to the dockyard area so we will have Devil's Tower Road as a grand promenade going to the east side. The leisure coast of Gibraltar will be on the east side. That is a plan of action for the next ten years. The people of Gibraltar will be able to participate once we have the City Plan published. Within that there is bound to be at times some friction but at the end of the day we are doing something which no other administration has done. We are putting on the table a whole Economic Development Programme for Gibraltar for the next ten years. That is as far as we can go at this point in time.

HON A J CANEPA:

Will the Minister consult those bodies that he has referred to, the Heritage Trust, the Conservation Society, the Development and Planning Commission, on the proposals that I have mentioned which were approved and agreed to by Council of Ministers under the AACR administration and which were just awaiting legal drafting. They were approved and all that was required was for the necessary amending legislation to be drafted and brought to the House. Would he look into the matter?

HON M A FEETHAM:

The Heritage Trust and other organisations are, in fact, consulted and have got access to Building Applications which could infringe or could encroach or could alter some of the existing policies as laid down in the law and their views are taken on board. As far as these proposals that he keeps referring to, we have had no sight of them as the new Government of Gibraltar.

HON A J CANEPA:

I am telling the Hon Minister that the Development and Planning Commission which, essentially, a membership of it insofar as officials are concerned has not changed dramatically, approved proposals that would allow ordinary citizens living in properties next to sites where development is going to

take place to have a sight of what proposals are likely to affect their property and be given an opportunity within a prescribed period of time to present their views and comments to the Development and Planning Commission. They had been approved by the previous Development and Planning Commission, by the previous Council of Ministers and were awaiting legal drafting. The Chief Planning Officer and the Director of Crown Lands should know all about these.

HON M A FEETHAM:

I am not aware of such proposals but let me tell the Hon Member something else. We will not be prepared to move beyond the existing position, as I have already stated in my previous answer and in any case, we will certainly not do so in the light of the restructuring of the civil service that we are trying to implement and consequently anything that could create a more cumbersome administrative procedure will have to be taken on board in the light of all the other changes that we are trying to introduce in our restructuring process. It is no good shifting people in one particular area that may not necessarily be the position in six or seven months time. So like everything else we will have to wait.

HON A J CANEPA:

The Minister is consciously denying the public a right which they have to comment.

HON M A FEETHAM:

No, I am not. It is a matter of judgement and it is a matter of opinion.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

What are Government's plans for South Barracks after it is handed over by MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would be premature for the Government to consider plans for any specific area until the full extent of the MOD handover is known.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1989

HON M K FEATHERSTONE:

So the Government has no specific plans at the moment?

HON M A FEETHAM:

Mr Speaker, in fact, we do not know if they are going to hand it over at all and we do not want to pre-empt anything.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Government explain how the East Side Reclamation project will affect Catalan Bay?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, plans for the East Side Reclamation are at present at an early stage of consideration. When it is considered appropriate then the Catalan Bay Village Council will be consulted.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1989

HON A J CANEPA:

I am glad to hear about that because it was a supplementary question that I was going to ask about consultation with the Catalan Bay Village Council. Can I ask the Minister whether steps will be taken to ensure that the beach will not be adversely affected?

HON M A FEETHAM:

Yes, Mr Speaker.

HON A J CANEPA:

And also, Mr Speaker, whether within that if anything, if it were to be possible as a result of an East Side Reclamation Scheme, will the Minister also consider whether it might be possible either by the provision of drawings, for instance, to protect and, if anything, even more desirable, to create a bigger beach?

HON M A FEETHAM:

Mr Speaker, the Feasibility Study that is being done at the moment, in fact, takes all these things into account.

HON A J CANEPA:

Mr Speaker, what plans does the Minister have in respect of other beaches like Catalan Bay and Eastern Beach?

HON M A FEETHAM:

All that is being taken into account in the feasibility study, Mr Speaker.

HON A J CANEPA:

Will that Feasibility Study insofar as these aspects are concerned, at least, about the possible effect on public beaches, will the Minister undertake to make that those aspects of the Feasibility Study public? I can understand that commercial considerations may have to be confidential but what affects public beaches should be made public. Will he undertake to do that?

HON M A FEETHAM:

Yes, Mr Speaker, once we have taken a decision.

HON A J CANEPA:

I am grateful for those answers.

MR SPEAKER:

Next question.

9.11.89

NO. 192 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry make a detailed statement about the terms and conditions governing the agreement which the Government has reached with the Danish consortium on the "Europort" project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 193 of 1989.

NO. 193 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry explain (a) what legal vetting of the documentation has there been, and (b) what financial advice, and from whom, he received in the course of negotiations on the "Europort" project, and prior to his signing the agreement in Denmark?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, in the first instance I would like to re-state that it is not our policy to disclose the conditions for the disposal of any land as these are commercially sensitive transactions.

The document for the disposal of the land for the "Europort" Project was vetted by the Attorney-General's Chambers and advice was given by the Director of Crown Lands whose Department was involved in the negotiations.

SUPPLEMENTARY TO QUESTION NOS. 192 AND 193 OF 1989

HON A J CANEPA:

Does the Minister not think that, commercial considerations apart, the public and the people of Gibraltar are entitled to know how the Government disposes of large tracts of public land, particularly when these have been created as a result of borrowing by the Government of many millions of pounds and which present and future taxpayers' contributions will have to foot the bill?

HON M A FEETHAM:

Mr Speaker, first of all, I think that I have already made the position clear on numerous occasions. When the Government enters into negotiations with prospective developers it takes into account, of course, the public interest and it is a political judgement at the end of the day whether you enter into an agreement or not. What I can state, quite clearly, is that whilst that remains the position, the Danish agreement means that the investment, which the Hon Member is referring to, in terms of public expenditure in producing the land, the 300,000 square metres, I can publicly say that as a result of the Danish agreement all the cost of the reclamation has been paid for arising out of this specific agreement. So at the end of the day that means that we have now cleared our books for the cost of the entire reclamation out of this one deal. As a result we have given free the land to build Westside I and Westside II. Had this not been the case the cost of this land would have had to be paid out by Government funds. This would have been the case before. So everything has been paid out of one deal which the Government has struck.

HON A J CANEPA:

Mr Speaker, will the Minister explain why he did not have any financial appraisal, he referred to the legal vetting and to advice having been received from the Director of Crown Lands, I accept that. However, why did he not separately have a financial appraisal made of the proposals either by people in the Treasury or independently of that?

HON M A FEETHAM:

Mr Speaker, he seems to give too much importance to some things which are not entirely the responsibility of the Government. What have we done? We have produced land in Gibraltar. We have attracted investment. It is up to the investor to do their own appraisals whether the market will take the investment that they are going to put into Gibraltar. Our side is there (a) to make sure that we get the best deal out of this for the people of Gibraltar and which clearly we have done since the deal we have struck has meant that we have paid for the land reclamation entirely (b) that the consumer part of what that building is going to produce is going to enhance and promote Gibraltar in terms of financial centre activities and so on. Our responsibility is not to ensure that the investors are correct or that the market forces appraisal is correct. What I do not want to do, if I have somebody who wants to put £104m into Gibraltar is to put him off. It is up to them to ensure that the investment will meet the targets that they themselves have set up.

HON A J CANEPA:

While not putting people off does not the Minister accept that either the Danish commercial interest or any other commercial interest, for that matter, are not charitable organisations which are just here to fork money out. They are going to come to Gibraltar to invest in order to make profits and financial scrutiny and financial appraisal is required and expert advice is required in order to enable Ministers to be satisfied, other than their own gut feeling, of the viability. Ministers take political responsibility for matters but they must ensure that they are not being taken for a ride by people who are going to engage legal and financial experts on the matter.

HON M A FEETHAM:

Mr Speaker, we are satisfied with the deal that we have done and we are satisfied with the integrity and repute of the companies because they are major companies in Denmark. For example, Mr Speaker, when I went to Denmark I had dinner with the Minister for Housing and Development and he spoke highly of these people. These people know what they are doing. The reality is, Mr Speaker, that these people have faith in the

policies of this Government and feel that our policies are correct and therefore what they are doing, like other people are doing, is in anticipation of our policies creating the economic climate that we believe will happen in Gibraltar, these people are investing in Gibraltar and investing in the policies of the Government. It is their risk. I am not going to turn down the chance of this historical deal being made because I have said the Government has been able to pay for the entire Reclamation Programme, the whole 300,000 square metres, by granting these people development rights on 32,000 square metres of land.

HON A J CANEPA:

Does not the Minister see that in the absence of information about the terms and conditions, other than what he has just said of the allocation to the Danish consortium, all that the public has had access to is that the Europort project will go ahead and the rest amounts to a little more than just propaganda?

HON M A FEETHAM:

No, Mr Speaker, because that again is a matter of judgement. When the Hon Member accepted the Queensway Development and I am assuming that he accepted it because he thought that it was in the best interest of Gibraltar that that scheme should get off the ground even though I have found myself in a position of having to resolve innumerable problems about the Queensway Development because the scheme was badly conceived and not all the problems were resolved before the scheme was handed out. That apart, I am assuming that when he agreed to that scheme it was because it was in the best interest of Gibraltar.

HON A J CANEPA:

But that went out to tender, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, it did go out to tender, I agree, but at the end of the day, let me make it quite clear, if that is the line he is taking, that he disposed of that scheme for £1m and £½m towards infrastructure and the deal that I was able to strike by coming in very late and being able to turn the tables round in a very bad situation because investors were walking away because the Hon Member had been incapable of solving the problem and the package that I have been able to produce is worth about £4m.

HON LT-COL E M BRITTO:

Mr Speaker, I think the Hon Member misses the point of the line of questioning that my Hon Friend was taking. Will he accept that what worries us on this side of the House is the lack of public accountability for the actions of the Government by not giving out the information that we are seeking, by making subjective judgements based on information from within Government sources and not seeking independent advice. By making statements like "the Danish investors know what they are doing" and which I have no doubt for a moment that they are striking the best deal as far as they are concerned. Will the Minister accept, Mr Speaker, that what we are concerned, on this side of the House, is that the Government is making the best deal under the circumstances for Gibraltar and that if chances were given to other people whether a better deal would not have been struck?

HON M A FEETHAM:

Mr Speaker, I think we have outside this door about twenty different groups wanting to invest £104m in Gibraltar. I have got them out there waiting! Is that what the Hon Member is saying? I think the Hon Member is living in limbo, quite frankly, Mr Speaker, because if he had been in my position during the last nine months trying to get this deal together, convincing the investors group who were being brought to Gibraltar continuously over the last nine months, the amount of negotiations and discussions that have taken place, the amount of bad nights that we have had to face during those negotiations, to get that deal for Gibraltar and at the end of the day make it such that it is beneficial to the people of Gibraltar, then I think that you had better accept that it is our judgement. What I am not going to do is to tell everybody who wants to invest in Gibraltar, be it within Gibraltar or people coming from outside Gibraltar, what valuations we give to any specific project. And let me tell the Hon Member something else, Mr Speaker, that Estate Agents, other valuers in Gibraltar and other people who are investing in Gibraltar or have, in fact, invested in Gibraltar have told me "please never disclose your commercial deals because if you do that what you are doing is weakening the position of the Government and weakening the position of Gibraltar as a whole with outside investors". I have an ace and I am not prepared to give it away. That is my position, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, if anybody is living in limbo it is the Hon Minister. He has shown, by what he has said this morning, a degree of naivety that I did not expect from a Member of that side of the House. To say that the best interests of Gibraltar are served because Danish investors know what they are doing is being naive in the extreme.

MR SPEAKER:

Next question.

NO. 194 OF 1989

ORAL

THE HON A J CANEPA

Will the Government explain what methods have been employed in allocating the 90% of the Westside Reclamation?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Sir, I have repeated quite often the policy of the Government on the matter of land disposal and I have also said that Government has been and continues to be in discussion with developers. The reclaimed land is being treated no differently.

Out of the allocations which have been made on the reclaimed area a large part is in respect of land made available free of charge to meet social obligations such as Westside I and Westside II.

Let me also add that the Government is pleased to announce that it has been able to resolve the longstanding problem of many years to reprovide the Mediterranean Rowing Club and agreement has also been reached with the Calpe Rowing Club thus guaranteeing the future of these longstanding traditional Clubs which cater for the leisure activities of such a large sector of our community.

Land has also been provided for the establishment of the Components Factory at the Western end of the reclamation to the North of North Mole and I am pleased to say that work on the construction of the Factory has already begun.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1989

HON A J CANEPA:

Does not the Minister consider, Mr Speaker, that it is fair to give all interested parties in Gibraltar, particularly commercial ones, an opportunity to apply for allocation given the fact that we are talking of public land and public expense?

HON M A FEETHAM:

Mr Speaker, I have already said on innumerable occasions that my agenda during the course of any day is between eight to ten meetings with all developers in Gibraltar. I have had them collectively and I have had them singly in my office. These can actually be named in a handful, we are talking about Louis Peralta, Taylor Woodrow, Mr Isola, people like that, all of those who have invested in the past in Gibraltar, know what our policies are, they have submitted proposals which

are being discussed. Insofar as the outside world is concerned, I can assure the Hon Member opposite that the outside world is more knowledgeable of Gibraltar now than they were before and we are getting development proposals from outside.

HON A J CANEPA:

Is it a case then, Mr Speaker, of having the ear of the Minister or Ministers in order to have a chance to be allocated such valuable land?

HON M A FEETHAM:

No, Mr Speaker, everybody comes through our offices, be it my office or any other Government Minister's. It is not a question of personality, it is a question of what is in the best interest of Gibraltar as we see it, Mr Speaker.

HON A J CANEPA:

And as we see it that policy goes against the public interest.

HON CHIEF MINISTER:

Mr Speaker, all I can say to the Hon Member is that we are prepared to have our record compared to the AACR's record in protecting the public interest in all the projects where as in the past everybody was commenting throughout Gibraltar what the connection was between the successful tenderer and the composition of the Government. They cannot say that of this Government.

HON A J CANEPA:

The Hon the Chief Minister may be surprised as to what they say about that Government, Mr Speaker.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Is Government aware that a number of soft toys which are dangerous are being sold in Gibraltar?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no. The Department of Trade and Consumer Affairs is not aware of any dangerous soft toys being sold in Gibraltar. If the Hon Member would kindly pass me the details I will have the matter investigated.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1989

HON M K FEATHERSTONE:

I shall be happy to supply the information to the Hon Member, Mr Speaker. However, would the Hon Minister consider enacting in Gibraltar the equivalent of the 1974 Toy Act in Britain which deals with the quality of toys, in particular, soft toys?

HON M A FEETHAM:

Mr Speaker, we are presently looking at this particular area of toy legislation in the light of EEC requirements. This will, however, have to be dealt with in line with the Government's priority on EEC legislation. Mr Speaker, at present we have mountains of EEC legislation outstanding for the last fifteen years. We have presently someone working full-time on this. We are trying to establish some sort of priority order. In any case, Mr Speaker, the House should bear in mind that most importations are from the UK and which already meet EEC requirements. Therefore the extent of the problem is not as big as may be seen to be and therefore the need to have cumbersome legislation may not be necessary but we shall have to find some way round. We are, however, conscious, Mr Speaker, of this matter and are looking into it.

HON M K FEATHERSTONE:

Will the Hon Minister not agree, Mr Speaker, that although most of the soft toys come from the UK quite a number come from places such as Taiwan and China?

HON M A FEETHAM:

That is correct, Mr Speaker, and that is the element that we would wish to concentrate on rather than talk of cumbersome legislation.

THE HON LT-COL E M BRITTO

Mr Speaker with your leave, before I ask the question can I say that it is unusual for a Minister not to be present in this House at Question Time and take the opportunity to extend from my colleagues in the Opposition our best wishes to the Minister for Housing for a speedy recovery and hope to see him here at an early date.

Mr Speaker, will the Minister for Housing confirm that those applications for Government accommodation which were removed from the Housing Waiting List because of paragraph 5 clause 2c of the Housing Allocation Scheme (Revised 1987), have been reinstated and that this has been confirmed in writing to the applicants concerned?

ANSWERTHE HON THE MINISTER FOR TRADE & INDUSTRY

Mr Speaker, those applicants referred to by the Honourable and gallant gentleman have now been reinstated and notified in writing.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, can the Minister say when were they notified?

HON M A FEETHAM

No Mr Speaker, I am unable to do so. This would be a matter which my colleague the Minister for Housing will be able to answer in due course.

MR SPEAKER:

Could I repeat what I said previously, that you can either pursue the matter by letter or you could always ask the question again at the next Meeting.

HON LT-COL E M BRITTO:

Yes Mr Speaker, I shall ask Supplementary questions and if the Hon Minister cannot answer them then the Minister for Housing can answer them in writing at a later stage.

HON M A FEETHAM:

Mr Speaker, what I can do is answer what my colleague would have answered and any Supplementaries should be answered by the Minister for Housing because he is responsible for these matters.

MR SPEAKER:

We shall then leave it at that.

HON LT-COL E M BRITTO:

Mr Speaker we can leave it at that if, as has been agreed, I am allowed to ask this question at the next Meeting of the House.

MR SPEAKER:

That will be in order. Next question.

NO. 197 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will Government state when the emergency housing units at Queensway will be completed and when will they be allocated?

ANSWERTHE HON THE MINISTER FOR TRADE & INDUSTRY

Mr Speaker, all major works including services such as water and electricity have now been finalised. Two blocks comprising some 40 units have already been completed and a further block of 20 units should be ready say within a fortnight or so. Minor works should then progress quickly towards completion of the remaining block thus terminating the whole estate of about 81 units in about one month.

I cannot be more specific because I am awaiting the final check up of every unit and the degree to which minor imperfections can be corrected, with a view to allowing habitation with the least possible delay and an absolute minimum of personalising by tenants.

Allocations will commence within a fortnight and last about another fortnight, hopefully completing the whole exercise before Christmas. We will be inviting prospective tenants to view a couple of show flats aimed at speeding up the final allocations. Upon accepting Tenancy we will expect the moving in and any anticipated surrender of current dwellings to be fairly rapid.

SUPPLEMENTARY TO QUESTION NO. 197

THE HON LT-COL E M BRITTO;

Mr Speaker, is the Minister speaking on behalf of the Minister for Housing?

THE HON M A FEETHAM;

Yes Mr Speaker, the answer is as would have been answered by the Minister for Housing.

THE HON LT-COL E M BRITTO;

Mr Speaker, my supplementary would have been:- "Can the Minister guarantee that his forecast of one month from now will be more accurate than his Honourable colleague's, the Minister for Government Services, back in July for completion by the end of August".

THE HON J C PEREZ;

Mr Speaker, I do not accept the insinuation that my forecast was out, given my explanation in answer to the question by the Honourable Member last time. What I can say on this occasion is that the same reason that caused the delay last time is continuing to cause the delay this time and that

hopefully even before the month is out everything will be completed. There are some minor things which are being dealt with and we have in some cases had to take a decision of buying items locally and we will refuse to pay for those items when they are received from the Company because of late arrival. I therefore think that before the month is out the "Estate" will be completed.

THE HON P C MONTEGRIFFO

Can the Minister for Housing confirm that it is still Government policy to build 500 low cost houses for people who cannot afford to purchase their homes and when he envisages that construction of these houses will commence?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

(In the absence of the Hon the Minister for Housing)

Mr Speaker, as the Hon Member will note if he looks at the Estimates of Expenditure, the Government has budgeted a sum of £18m for the construction of the 500 housing units in question. The position is, of course, that this programme has already commenced because he will see that money was spent last year and in the current financial year.

Details of the units being built at various Estates have been provided by the Minister for Housing both at Question Time and at Budget time.

The Government has made it clear that the exact composition of the units and the number required would be kept under review in the light of the increased output of Home Ownership Units in Westside II which did not exist at the time the original assessment was made.

It has already been stated publicly and in this House that the Government has, in fact, an option to purchase units in that project should this be the most cost effective way of producing some of the houses planned.

The Government is not in a position to advance beyond the information that has been provided on this and any previous occasion.

SUPPLEMENTARY TO QUESTION NO. 198 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, I am not sure what the position is with regard to supplementaries on this question but I will ask them and see what happens. Mr Speaker, is the position then that the figure of 500 houses which were promised during this term of office, in the GSLP manifesto, no longer a definite figure but a figure open to revision depending on how Westside sells?

HON M A FEETHAM:

No, Mr Speaker, the figure stands as stated but what we are saying is that once we have assessed Westside II, and we have already stated that we have an option on the units there, 500 units there, we will just have to see how matters develop and a decision will be taken as to the next appropriate step to take.

HON P C MONTEGRIFFO:

So the 500 units will be provided within the four year term of office?

HON M A FEETHAM:

Yes, Mr Speaker, if it is found that this is necessary in the light of what is happening, yes.

HON P C MONTEGRIFFO:

Mr Speaker, can Government indicate what criteria it will use to determine who is entitled to those 500 units, or such proportion as is needed, bearing in mind that if at present somebody wishes to apply for Westside and potentially he may be entitled to rented accommodation from the 500 units, it should be fair that the Government indicated what category of person is eligible for the 500 houses? Is Government saying that it has no criteria that could be made public on this matter?

HON M A FEETHAM:

Mr Speaker, the position is that allocation of Government rented accommodation is governed by the Housing Allocation Rules.

HON P C MONTEGRIFFO:

Mr Speaker, what the Government is then saying is that everybody in the Housing List from 1 to 500 if they wait two and a half years they should be able to obtain a Government flat that does not form part of the Home Ownership side of the Westside development. Mr Speaker, I think it is important that people should know how they stand on this point.

HON M A FEETHAM:

Mr Speaker, there is a Home Ownership policy which the Government is pursuing and which people are free to take advantage of. There is also a social obligation for the Government to provide accommodation for those people who may not be catered for by Home Ownership. The position is that that will be taken on board in the light of the present policies on Housing allocations. We are not shifting from that criteria and it would be inopportune at this point in time to make any further statements on the matter.

HON P C MONTEGRIFFO:

Mr Speaker, if I understand the position correctly, the GSLP position in the manifesto was that there was a three-tier system of Housing: the old system of unrestricted Home Ownership, as it were; the Government assisted Home Ownership, which was described as the Montagu Project, and a third category for people who could not buy and for which the GSLP had a commitment of 500 units. I am prepared to accept, Mr Speaker, that it is reviewing how many houses it needs to build depending on the amount catered for by Home Ownership. But what needs to be clarified is that if there is a commitment to build houses up to 500 units outside the Home Ownership Scheme, what type of people are these 500 units earmarked for? This is to enable people to know if they have to go through the effort of saving for a house when they might be entitled to rented accommodation. This would require Government to inform people, through published Rules, the criteria for being eligible to this third tier? And this is something people are entitled to know.

HON CHIEF MINISTER:

Mr Speaker, this assumes on the part of the Hon Member opposite that people do not want to buy their own homes and are being forced to buy their own homes because Government is failing to provide them with an alternative. Now that might well have been true of the policies of the party to which the Hon Member used to belong. And if that party were still in Government the premise might have been correct but under the GSLP analysis of Home Ownership does not apply because we think that Home Ownership is a desirable end in itself and not something that people are forced into because the Government fails to provide rented houses. The proof of that is that a high proportion of the people who have bought already in Westside are Government tenants and are freely, without any Government coercion, giving up their tenancy. Mr Speaker, we believe that the £10,000 allowance which we have introduced will itself have an effect on how many more people can afford to buy and therefore what we are saying is that we are committed to building 500 houses but if we find that there are empty houses because the market is saturated there is no point in the Government building more houses and therefore we have taken an option in Westside II to possibly meet our commitment if that were the best way to do it. But until we see the progress, and at the moment the situation is that there are more people wanting to buy than there are apartments available, we certainly do not want to do what the Hon Member has suggested and which seems to me to be to discourage people from buying and instead hanging on in order to rent. Unless what he means is whether we intend to "means test" people in order to be on the Waiting List. If that is what he is trying to find out then the answer is "no", we do not have any intention of altering the criteria for eligibility to rented accommodation on the Government Waiting List. What we do intend to do is to make Home Ownership increasingly more attractive so that less and less people will want to rent and more and more people will want to buy. It is against that background policy that the requirement for Government to add to the housing stock will be assessed.

HON P C MONTEGRIFFO:

Mr Speaker, I accept the promotion of Home Ownership but it is not a matter of what I say, it is a matter of what the Hon the Chief Minister said. The GSLP said that they would stimulate Home Ownership but would still provide 500 houses. That was the GSLP estimate of what was necessary to provide houses for those who could not afford to buy. Having said that, what I am saying is, is it not fair that people knowing that there are going to be 500 flats other than for purchase during the next two and a half years, that they should know what type of person Government considers would be eligible for these flats so that they can assess whether to buy a flat or say "no, I do not have to sacrifice myself and perhaps buy a car or deprive my family of certain things because I fall within that type of bracket that Government considers needs special help and for which it is building the 500 flats". Otherwise, Mr Speaker, you have a situation that until Westside is marketed completely, Government does not say we acquire flats for non-purchasers.

HON CHIEF MINISTER:

Mr Speaker, the answer is that there is no change. The people who need to know what the criteria is know it. It is the same criteria that there was on the 24th March when we got elected. We are not introducing any new restrictions on eligibility to Government Housing.

HON P C MONTEGRIFFO:

Mr Speaker, I can then take it for granted that come two and a half years from now, if people have not bought and are eligible under the present Rules, Government will provide 500 homes for purposes other than second-tier Home Ownership as envisaged in the GSLP manifesto.

HON CHIEF MINISTER:

Mr Speaker, we have a commitment to construct 500 units. That commitment is reviewed in the light of supply and demand. We are not going to build homes if they are not needed or houses that people do not wish to rent. The commitment is that in the first four years of Government we will build 500 as opposed to the previous record which was 80 houses in four years.

MR SPEAKER:

Next question.

THE HON LT COL E M BRITTO

ORAL

Is Government satisfied with the efficiency of the system supplying brackish water to the households at Varyl Begg Estate and will it state what has been -

- (a) the cost of resiting the sea water intake
- (b) the annual increase in the running costs subsequent to the resiting?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the system for supplying salt water to the Varyl Begg Estate is the same as that initially installed when the estate was built. The system is not an ideal one, as it relies totally on the efficiency of pumps since sea water is pumped directly from the sea to the dwellings. Consequently, any failures of the pumps would result in the loss of supply to the estate.

As part of the overall infrastructural works to be undertaken shortly by Government, a direct gravity supply from Moorish Castle Reservoir will be provided to the reclamation areas which will also be extended to include Varyl Begg. Once these works are undertaken Varyl Begg will be linked up to the salt water network and these should not be subject to the frequent breakdowns which has existed since Varyl Begg was built.

To enable the reclamation works to proceed in the area in front of Varyl Begg, a sump was created in front of the existing intake at Varyl Begg from which a supply to the estate could still be drawn. To replenish the sump, a temporary supply was provided from a pump placed adjacent to the yacht reporting station; these works will become obsolete once the permanent supply has been provided. The temporary works have been undertaken by the Gibraltar Land Reclamation Company to maintain the present supply to Varyl Begg.

SUPPLEMENTARY TO QUESTION NO. 199 OF 1989

HON LT COL E M BRITTO:

Mr Speaker, I welcome the contents of the reply although it does not answer the question. The households at Varyl Begg will also welcome the reply because they are the ones that are being inconvenienced by the breakdowns. The answer however does not cover the question of the costs involved in resiting the intake or of the increased annual costs?

HON J C PEREZ:

Yes it does Mr Speaker. If the HOn Member would have taken more notice of what I said he will have realised that we

have not resited the intake so no costs are involved and I have explained what we have done instead. Mr Speaker, the Hon Member has come to the conclusion that we have resited the salt water intake but we have not. We have created a sump and we have put new pumps to divert the water. The intake however is where it was. Therefore the question does not arise.

HON LT COL E M BRITTO:

Mr Speaker, we are playing with words. The place of the sea water intake is by the sea and the Minister has said that this has been moved to the Yacht Reporting Berth.

HON J C PEREZ:

No Mr Speaker. What has been moved to the Yacht Reporting Berth are two pumps.

HON LT COL E M BRITTO:

Two pumps, Mr Speaker, and how is the water pumped from the Yacht Reporting Centre to the sump at Varyl Begg?

HON J C PEREZ:

Because of the sumps, Mr Speaker. The intake remains in the same place.

HON LT COL E M BRITTO:

To me, Mr speaker, the sea water intake is where the sea enters the piping system and the sea enters the piping system at the Reporting Berth. Right or wrong?

HON J C PEREZ:

Wrong, Mr Speaker.

HON LT COL E M BRITTO:

Is the Minister aware, Mr speaker, clearly where the sump is at Varyl Begg?

HON J C PEREZ:

Yes, Mr Speaker.

HON LT COL E M BRITTO:

Is there any sea surrounding the sump at Varyl Begg, Mr Speaker?

HON J C PEREZ:

There is sea surrounding the intake, Mr Speaker.

HON LT COL E M BRITTO:

And where is the intake, Mr Speaker?

HON J C PEREZ:

In the sump, Mr Speaker. The intake is where it was originally, it has not been changed. What has changed is the way that the water goes to the estate. The intake is where it always was. So the Hon Members question does not arise.

HON LT COL E M BRITTO:

Will the Hon Minister accept that the Hon Member's question is not wrong. He is just clearly misunderstanding the question. Will the HON Minister correct what I say in that:- When the sea was right up Varyl Begg, the sea water inlet was directly there and there was a little pumping station at Varyl Begg Estate which pumped in the water. That was the sea water intake. Now when the land was reclaimed and that became land locked, the sump that the Hon Member was referring to was created there and a new water intake was created at the Yacht Reporting Berth and pumped the water from there to the sump and from there into the system. Therefore the sea water intake is by the sea and has therefore been resited. Will he agree with this, Mr Speaker?

HON J C PEREZ:

No Mr Speaker, I know that I have given a long reply which is rather complicated for persons like the Hon Member and myself, who are not engineers, so instead of coming to the conclusion that I am confused he should take time and read the answer I have given and if necessary raise the matter again. But I am not mistaken, Mr Speaker, the Hon Member is the one who is mistaken.

MR SPEAKER:

Perhaps I can help. The Hon Member has asked for the cost of resiting the sea water intake and the Hon Minister has replied that there has been no resiting.

HON LT COL E M BRITTO:

Yes Mr Speaker and that is what I am not accepting. I maintain that there has been a resiting.

HON J C PEREZ:

Mr Speaker, I can offer the Hon Member a tour of the site and show him the intake.

MR SPEAKER:

Next question.

9.11.89

NO. 200 OF 1989

ORAL

THE HON K B ANTHONY

Will Government explain why the look-out towers, due to be built at Eastern Beach for use by lifeguards, were not erected during the last bathing season?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, technical work on the erection of the Life Guard Towers from a planning angle were not completed until well into the summer season. At that stage it was felt that the inconvenience caused to beach users would be such that it was better to erect them at the preparatory stage for next year's summer season.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1989

HON K B ANTHONY:

Mr Speaker, I appreciate this is a matter that must be considered but nevertheless these are intended to assist in lifesaving and I would have thought that inconvenience to bathers would be of secondary consideration.

HON J E PILCHER:

Not at the late stage of the planning of these towers, in early August, and by the time that the equipment and the site were ready, by late August or early September and functioning the inconvenience caused would not have been worthwhile because the bathing season would have been over by then. It was therefore felt that it would be ready for the following year's bathing season.

HON K B ANTHONY:

Will the Minister confirm that towers will be ready by next year's bathing season, Mr Speaker?

HON J E PILCHER:

Yes, Mr Speaker.

NO 201 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for GSL explain why it was necessary for him to attend the CPA Barbados Conference, in lieu of another of his colleagues, at a time of serious industrial unrest in the yard?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, as the Honourable questioner knows, arrangements for a Commonwealth Parliamentary visit are made months in advance. At the time of my departure to Barbados, there was no industrial action in GSL. When the decision to reject the pay offer and take industrial action was taken by the GSL employees my colleagues did not feel it warranted recalling me from Barbados.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1989

HON A J CANEPA:

Mr Speaker, the Minister is saying that at the time when he left everything was alright at GSL. There were no industrial problems that could be apprehended?

HON J E PILCHER:

Yes Mr Speaker, that is what the Hon Minister is saying.

HON A J CANEPA:

The Minister would not agree that it was particularly convenient for him to be out of the way at the time to give a free hand to his boss?

HON J C PEREZ:

Mr Speaker, I can assure the Hon Member that I was acting Chief Minister at the time and if I had known that something like this would have happened I would have asked him not to go.

HON A J CANEPA:

Mr Speaker, under the circumstances I accept that.

THE HON P C MONTEGRIFFO:

Will the Minister for GSL and Tourism make a statement regarding the guarantee of employment made to GSL and joint venture company employees in the yard who may be affected by the proposed restructuring and the conditions that will attach to any new such employment?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

No Sir, the Government feels that the guarantee of employment made to GSL and Joint Venture Company employees is a matter for the individuals affected and the Company concerned to negotiate between them.

SUPPLEMENTARY TO QUESTION NO. 202 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, the guarantee that has been given, and I assume that a guarantee has been given, has that been communicated to the employees by letter or in what other way. Depending on the Government's reply will the Government confirm that it is a legally binding commitment which workers and employees can rely on in the courts?

HON J E PILCHER:

Mr Speaker, as I have already said in my answer we are not prepared to discuss the matter in this House. The guarantee of employment is a matter to be discussed between the employee and the companies concerned.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government not accept that the future of GSL and the future of its employees is a matter of direct concern, not just to this House, but to the economy of Gibraltar generally and to the people of Gibraltar in the broadest sense? And therefore whilst not asking for precise details of the guarantee, we need to know what basis there is for the guarantee and whether workers have a right to turn up and tell Government in six months time they have a legally binding commitment for equivalent employment. Mr Speaker, the entire Opposition and the people of Gibraltar need to know what the plans are in that respect. Does Government not accept that there is a public interest in that?

HON J E PILCHER:

Mr Speaker, there are about seven questions in one. I will take them one at a time. Yes the Government is aware

that the future of GSL is important to the Government, is important to the people and is important to the economy. The question asks is the guarantee of employment of the individuals and the "we" that the member opposite is referring to as far as I can define is the "we" ie the employees. And it is up to the company and the Government to negotiate that guarantee with the employees and not with the Hon Member opposite.

HON P C MONTEGRIFFO:

Mr Speaker, I am not talking about with me or anybody else? What I am talking about is that there is a public statement, made by the Chief Minister, saying we will go one further that what other people have done in the past by guaranteeing employment to people made redundant at GSL and in the joint venture companies and all that I am asking is will that guarantee be one which employees can legally rely on? In order that we can assess the validity of that guarantee. Because if the guarantee is just a political guarantee they can kick the Government out in two years time.....

HON J E PILCHER:

Who is "we" Mr Speaker?

HON P C MONTEGRIFFO:

"We" is everybody in the Opposition and everybody in Gibraltar. And I want to know specifically. Is that guarantee a formal guarantee of equivalent employment which an employee can go to his wife and say "Don't worry I have a guarantee that we are safe". That is all that I am asking and I think it is a very fair question for the Government to reply to?

HON J E PILCHER:

Mr Speaker, certainly we are not offering guarantees for those individuals who have taken redundancy. The people who have taken voluntary redundancy in GSL therefore have no guarantee of employment. As the Hon Member opposite has said the Government is on record as having stated officially that the employees of GSL have a guarantee of employment. Now that guarantee of employment is a matter between the company and the individuals and although the Hon Member opposite wants to know himself, I can assure him, Mr Speaker, that the people affected by the guarantee of employment are the people we shall be discussing the matter with. There is no need for this matter to be discussed in this House with the Hon Member opposite.

HON P C MONTEGRIFFO:

One final question, Mr speaker. Can there be a guarantee

from the Government that in whatever negotiations GSL has with its employees, the guarantees will be the same salary and terms of employment that such employees presently enjoy?

HON J E PILCHER:

No Sir, we cannot give such a guarantee in this House. This is a matter between the individual affected and the company concerned.

HON P C MONTEGRIFFO:

So it is not a question of guarantee of employment but a guarantee of other employment?

HON J E PILCHER:

Mr Speaker, as the Hon Member has himself said in his question it is a guarantee of employment.

NO. 203 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Minister for GSL explain clearly what is the purpose behind the invitation for application for voluntary redundancy within the associated joint venture companies of GSL?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question No. 204 of 1989.

THE HON A J CANEPA

Following the call for voluntary redundancies at GSL and its associated joint venture companies, (a) how many applications have been received at GSL, and (b) at the joint venture companies?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, I will answer this question together with Question 203 of 1989.

The purpose of opening the voluntary redundancies within the joint venture companies was to provide a larger base from which to obtain a reduction in manpower. The vacancies created within the Joint Ventures could then be used to re-deploy existing GSL employees. To date 64 applications have been received from GSL employees and 28 from Joint Venture company employees.

SUPPLEMENTARY TO QUESTION NOS. 203 AND 204 OF 1989

HON A J CANEPA:

Mr Speaker, what the Hon Minister is hoping to achieve is that the vacancies that are created as a result of redundancies in the Joint Venture Companies will in turn be offered to employees of GSL? Is the objective to reduce the complement of the joint venture companies?

HON J E PILCHER:

Not necessarily, Mr Speaker, the objective is to reduce the complement of GSL.

HON A J CANEPA:

And to shut down any of the joint venture companies?

HON J E PILCHER:

No Mr Speaker.

HON A J CANEPA:

So an overall reduction in numbers is behind the venture.

HON LT COL E M BRITTO:

Mr Speaker, who will foot the bill for the redundancies of the employees in the joint venture companies?

HON J E PILCHER:

Mr Speaker, in the case of workers who accept voluntary

redundancies in the joint venture companies and we can re-deploy people into these vacancies, GSL will foot the bill.

HON G MASCARENHAS:

As a result of the 64 applications for redundancy does this have any consequence on the number of managers?

HON J.E. PILCHER:

Mr Speaker, the voluntary redundancies was open across the board for everyone, including managers. I do not have the exact figures but in the 64 there are some managers.

HON LT COL E M BRITTO:

Mr Speaker, can I clarify the answer to the previous supplementary question please. Voluntary redundancies from joint venture companies, the redundancy payment will be paid from GSL funds? Is that correct?

HON J E PILCHER:

Yes Sir.

HON LT COL E M BRITTO:

So in effect, Mr Speaker, GSL is subsidising the joint venture companies?

HON J E PILCHER:

No Mr Speaker. Because in redeployment then GSL offers the vacancy to one of its employees and ends up with one employee less. So in effect it is a reduction at GSL.

HON LT COL E M BRITTO:

Mr Speaker, the reduction in GSL is created which is what the Minister is trying to achieve but the joint venture company is a commercial entity between GSL and private enterprise or whatever and it is giving voluntary redundancy to one of its employees.....

HON J E PILCHER:

At the request of GSL, Mr Speaker.

HON LT COL E M BRITTO:

And it is being paid by GSL.....

HON J E PILCHER:

Yes, Mr Speaker, because GSL saves the money. Let me give

3.

the Hon Member an example. Mr Speaker, one of the vacancies, voluntary redundancy, could have been a Security Guard. He leaves on voluntary redundancy and one of the individuals employed by GSL is then moved on to the company which means that the company has the same number of employees and that the entity that has saved one individual's salary is GSL and the reduction is at GSL who pays the redundancy payment.

HON A J CANEPA:

GSL pays the cash payment arising from the Redundancy Agreement.

HON J E PILCHER:

That is correct, Mr Speaker.

NO 205 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Minister for GSL give an estimate of the accumulated losses sustained by the yard during the course of 1989?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question Nos. 206 and 207 of 1989.

NO. 206 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

When will the GSL audited accounts for 1986 be made public?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Questions Nos. 205 and 207 of 1989.

NO. 207 OF 1989

ORAL

THE HON A J CANEPA

Will the Government give a definite commitment about the long-awaited statement on the future of Gibrepaire?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

The GSL audited accounts will be made public by me once they have been inspected by the Principal Auditor. I believe this will be in time for the adjourned meeting of the House in December in which case I will bring a motion to this House noting the accounts. I will then make a full statement to this House.

SUPPLEMENTARY TO QUESTION NOS. 205, 206 AND 207 OF 1989

HON A J CANEPA:

Mr Speaker, is that a definite commitment or is it dependent on when the Auditor, in the exercise of his functions and duties, may inspect the Accounts?

HON J E PILCHER:

Mr Speaker, I am assured that the Principal Auditor should have the Report ready by the end of this month which will give us plenty of time to circulate the Report and bring a Motion to the adjourned House in December. I know what the Hon the Leader of the Opposition is implying "If the Accounts are not ready will I bring the Motion?" I would like to do both things at the same time, lay the Accounts and bring the Motion, because it is very difficult to bring a Motion and not have the Accounts laid before the House. But, as I say Mr Speaker, I am assured that everything will be ready by the end of this month and the Accounts will be ready for tabling next month.

HON A J CANEPA:

Mr Speaker, I hope that the Hon Minister understands that it is very important for us, on this side of the House, ten months into 1989 to have a sight of the Accounts. It is vital in order to be able to know exactly what the picture at GSL looks like financially, to be ready to consider whatever plans the Government may make about the future of the yard?

HON J E PILCHER:

I agree and accept what the Leader of the Opposition has just said, Mr Speaker. The Government is working to be able to do just that in December.

HON A J CANEPA:

Mr Speaker, is the Hon Minister in a position to say or confirm that during the course of 1989 GSL has lost something in excess of £2 million.

HON J E PILCHER:

No Mr Speaker, I will not say or confirm anything now, I prefer to make a full statement in this House in December.

HON A J CANEPA:

Mr Speaker, would the Hon Minister care to comment on a recent news item by GBC that it is currently loosing at the rate of £125,000 per month?

HON J E PILCHER:

No Mr Speaker, as the Hon Member opposite is aware we never comment on speculations by the Press.

HON A J CANEPA:

Mr Speaker, what is the Government proposing to do about those losses? Does it intend to carry them over from one year to another? If the Hon Minister cannot answer now perhaps he will consider including the answer in his statement in December.

HON J E PILCHER:

Mr Speaker, as I have already said I should make a full statement in December. However, the logical answer to that question is that if we have a loss this year, as undoubtedly we have, we have no option but to carry it over to next year.

HON A J CANEPA:

Mr Speaker, is the Government in a position to meet the losses or to wipe them out. Is the Government able to do that?

HON J E PILCHER:

Mr Speaker, we have not yet at this stage, considered this matter globally.

HON A J CANEPA:

Mr Speaker, I hope that the Hon Minister will this time meet the commitment which he has given on a number of

occasions and that the adjourned meeting in December will not be allowed to pass by. Otherwise the Government will be doing a very great disservice to the employees and the public generally and we would feel very seriously let down and we would have no option to perhaps allow time for an emergency motion on GSL, perhaps even a motion of censure in the event of the Government not making a statement. The position would be antenable.

HON J E PILCHER:

Mr Speaker, as I have already stated I will do my utmost to bring the Accounts to this House and have a full debate in December. As regards the position of the employees and the people of Gibraltar and the position of GSL, there is nobody with more willingness to take a final decision than the person responsible for GSL and that is me.

HON A J CANEPA:

Mr Speaker, the Hon Minister has said that it would not just be a question of making a statement he would be hoping to bring a motion to the House and no doubt incorporate his statement in the motion. Am I right that we can anticipate notice of this given in a Supplementary Agenda for the adjourned meeting of the House next month.

HON J E PILCHER:

Yes, Mr Speaker, that is correct. From the answers that I have given the intention is to bring a motion noting the Accounts of GSL and subsequently we will be able to discuss what has happened in 1989, what the Government's position is at the moment and what will be the Government's position in the future. It is the Government's intention, Mr Speaker, to have a full debate in December.

HON A J CANEPA:

We look forward to that, Mr Speaker.

9.11.89

NO. 208 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government explain in detail the position regarding pension rights for former Government employees who have taken up employment in joint venture companies?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, former Government employees that have transferred to a Government owned company have been paid a gratuity under the Pensions Ordinance and their pension rights have been preserved at their present value.

NO 209 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will the Government state what latest information it has in relation to the announced MOD cuts and what type of guarantees it is seeking from the MOD in relation to employees whose jobs are at risk?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, there is no detailed information yet available as to the effect in 1991 of the proposed withdrawal of the Resident Battalion.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, the Government has in the past indicated that its own Economic Programme takes on board the impact of continuing MOD cuts, does the Government have its own projections of the nature of the cuts, and if so, could the Chief Minister alert the House of the severity or otherwise that those cuts might have for Gibraltar. Bearing in mind, Mr Speaker, that the Government has provision for this in its own programme?

HON CHIEF MINISTER:

Well, Mr Speaker, the only thing that we have are the calculations that were made initially and which might be something like 7% or 8% of GNP. Because that is what the Army in Gibraltar is thought to contribute. Now, since we do not know how much of that 7% or 8% will disappear totally because we do not know how the Gibraltar Regiment is going to take over. We also do not know how many civilians employees supporting the Resident Battalion will be required to support the Gibraltar Regiment in its expanded form. We again do not know how much of the maintenance of the MOD accommodation in respect of the Resident Battalion is still going to be needed or how much will be needed in respect of the maintenance of the Gibraltar Regiment. The answer is therefore that it would be pure speculation to suggest a figure. Except that the ceiling figure is 8% and 8% means taking everyone out and not putting anybody in its place.

HON P C MONTEGRIFFO:

Mr Speaker, I am grateful for the information given by the Chief Minister but I presume that 8% is the figure that the Government is working to? In its own estimates, I assume that the Government is working to the worst possible scenario. Could the Chief Minister indicate what sort

of timescale the Government envisages that that type of cuts would have to be absorbed by Gibraltar?

CHIEF MINISTER:

It would be after the next elections.

HON P C MONTEGRIFFO:

One final question Mr Speaker. What type of guarantees is the Government seeking? Is the Government in a position to make public, at this stage, the framework with which the Government would be prepared to see the cuts being made? At least would like to see the cuts being made. What type of rundown would the Government prefer?

HON CHIEF MINISTER:

Mr Speaker, I regret that even after my appearance in the McLaughlin Show Mrs Thatcher still has not got round to asking my permission before she does things. So I am afraid that the Government does not have a strategy on which we will condition our approval of their cuts. The decision that they have taken is something which we have accepted is determined by military manpower and military requirements and not by a desire to harm the economy of Gibraltar. The fact that it has an impact on the economy of Gibraltar is true of this cut as it is true of every other cut that we have had in the last twenty years. Until we know the extent of the cuts we cannot formulate a response. The UK Government has told me that they expected to be able to give me a complete picture by the end of October and they have not been able to do so because they themselves have yet made up their minds. And although I have pointed that the whole purpose of the announcement so far in advance was to give us the necessary time to prepare for it and that therefore every day that passes is one day less that we have to prepare. I do not want to give the impression that I am pressing them to go ahead with the cuts. Because that is not our intention and if they were to change their minds tomorrow we would be quite happy to keep the Resident Battalion.

HON P C MONTEGRIFFO:

Mr Speaker, I am not sure whether the Chief Minister has not understood my question or wants to circumvent it by giving an answer to something that I have not asked. The point that I am making is that the Government has said that they have to plan to absorb the impact of the cuts assuming the worst scenario materialises ie an 8% cut in the GNP. If that is the case I am asking the Government if they can make public what the Government's thinking as to what type of staggered cuts or other types of guarantees it would be seeking to obtain from the British

Government or from MOD in an attempt to properly absorb these cuts? Is the Government able or is not prepared to make it public?

HON CHIEF MINISTER:

Mr Speaker, it is not a question of being prepared to make it public. The Hon Member has asked when will this effect be felt and I have told him after the general elections. So therefore our programme which takes account of the need to compensate for reduced economic activity or the worst possible scenario is the programme for economic growth in the year 1992-1996. When the time comes and we need his vote at the next General Election I will try to put a persuasive package so that he will vote for us. Now that he does not belong to the other party.

THE HON P C MONTEGRIFFO

Will the Government make a statement on its attitude and policy towards the proposed commercialisation of the PSA in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

The Government is not aware that it is proposed to commercialise PSA in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1989

HON P C MONTEGRIFFO:

My understanding, Mr Speaker, is that the privatisation of PSA and the strongly felt opinions held in the UK will be matched by moves in Gibraltar. Is the Government then perhaps aware of assurances or is in receipt of other information which would indicate that there is not this danger in Gibraltar and which would make me for one very happy.

HON CHIEF MINISTER:

No Mr Speaker, it is just that we happen to know, as the Hon Member might know, of a Lands Memorandum in Gibraltar and therefore it is not a question of privatising Crown Land in Gibraltar. If the people that are occupying that land today are a Government Department then clearly that is covered by the existing relationship on property between us and the United Kingdom. As far as we are concerned if PSA is privatised in UK then it does not follow that they can use public property in Gibraltar and forget the Lands Memorandum. And without the property PSA is nothing it is just a collection of employees with nowhere to work.

HON P C MONTEGRIFFO:

Mr Speaker, is the position then that the Government does not accept that what is as far as the public is concerned, from the information available, that the PSA is not going to be commercialised and that that cannot be done here because of the Lands Memorandum? Despite what the PSA has been saying in public and is what the PSA has been saying incorrect?

HON CHIEF MINISTER:

Well Mr Speaker, I do not know what the PSA has been saying in public. I know what the PSA has been saying to me. And I know what the position is in the UK. I do not know whether the Hon Member knows from the horses mouth as it were or from what he picks up here and there or reads in the press.

The position is that in the UK, as I have already said in answer to another question, PSA is being unlinked and therefore no longer enjoys a monopoly that can happen in Gibraltar as it can happen in the UK. The scenario of that procedure is that PSA would then become an Agency. It would still be an institution employing civil servants and public servants. The third stage is that PSA is actually converted into a limited company and the shares sold. Now what I am saying to the Hon Member is that there will not be PSA (Gibraltar) Ltd being put on sale in Gibraltar. That Mr Speaker, is how I understand the question.

HON P C MONTEGRIFFO:

Mr Speaker, with respect, what the question is talking about is the proposed commercialisation and what that means is that PSA would be run not on the basis of its performance commercially but as is the case today. Because today if there is no work to be done the PSA staff sit behind their desks or the workers at their Depots sit waiting for work to come in and nobody cares a damn. However that is not what PSA would look like, as I understand it, a year, or two, or three from now, it would look like an Agency an entity that would have commercial responsibility and therefore be answerable in a commercial sense. Hence the proposed commercialisation. What I am asking the Government, Mr Speaker, is if that is, from their information, what is going to happen to PSA do they have any particular policy on that process?

HON CHIEF MINISTER:

I have already answered that Mr Speaker. It was asked by another member of the Opposition in relation to future redundancies. And I have already said that the information that we have from PSA is that when they continue as a Government owned entity, but in a more competitive environment there is, at present, no advance information that they intend to have any redundancies. I have already said something on this this morning, what I said is that if they were to do that they would be required to comply with the law of Gibraltar as regards collective redundancies and with the agreements that PSA was with the TGWU and the IPMS. As far as we are aware, and as far as anybody else is aware, the commercialisation does not involve any changes in manpower.

HON P C MONTEGRIFFO:

Mr Speaker, I am not talking about redundancies. My question is a statement on the attitude and policy of the commercialisation. Redundancy is one aspect, I accept that, but one of my main queries, Sir, which I put to the Government now is, does the Government have a view on the impact on the local construction industry which a commercialised PSA operation would have bearing in mind

that they would be in competition with local constructors for work in Gibraltar. Bearing in mind also that the MOD presence has shrunk and there is less work from that quarter?

HON CHIEF MINISTER:

The Hon Member appears to have switched the emphasis of his question, Mr Speaker, from PSA loosing its monopoly to other people loosing their monopoly and have to compete with PSA. Mr Speaker, the Government of Gibraltar is not responsible in the House of Assembly for the performance of PSA in the economy of Gibraltar and the Hon Member opposite is not elected to this House to question the policies of the British Government on how they run PSA in Gibraltar or anywhere else in the world. If he wishes to ask anything of the Government it must be something that is of relevance to the performance of the Government or something for which the Government has legal responsibility. If PSA is going to compete with Dragados and Construciones, it would be the same as if Entre-Canales is going to compete with Dragados and Construciones. But that does not give the Hon Member the right to say to me if tomorrow Volker Stevens start competing for work in Gibraltar what is the Government's policy? The answer is that the policy of the Government is that we are covered by Community Law and under Community Law people are entitled to compete with each other.

HON P C MONTEGRIFFO:

Mr Speaker, as my final supplementary. We sit in this House also to protect the local trade which is already suffering enough under the competition of outside competitors and a lot of jobs that the local trade can absorb because they are smaller jobs and the big Spanish firms are not interested in but which a commercialised PSA no longer looking for work exclusively within the MOD could compete with the local firms for what is left. This, Mr Speaker, is something which I think we are legitimately entitled to ask questions on and defend in this House.

HON CHIEF MINISTER:

Mr Speaker, I am afraid that this indicates that the Member opposite does not have a clue of what he is talking about. If the Hon Member wanted to know whether PSA presented a threat to small businesses in Gibraltar that is what he should have asked. He is asking the Government to make a statement on our attitude and policy to the proposed commercialisation of PSA in Gibraltar? Well, Mr Speaker, we are not responsible for having attitudes and policies on proposed commercialisation. As far as I am aware it is not proposed to commercialise PSA in Gibraltar. That is the answer, Mr Speaker. If the fact that they commercialise PSA in UK means that PSA will get bigger

or smaller is something that PSA does not know, so if PSA does not know how am I supposed to know or how am I supposed to tell him. Certainly I can tell him, not as a matter of Government policy but as a matter of my experience of PSA and of my experience of their cost structures that I do not think he needs to lose any nights sleep over local businesses being able to stand up to competition. That is the answer from my experience of them, Mr Speaker.

HON P C MONTEGRIFFO:

Well, Mr Speaker, we are then talking about redundancies as well.....Mr Speaker, there is a problem if you suddenly put on the market an entity which at present is not in competition.

HON CHIEF MINISTER:

I think that there is a problem, Mr Speaker, and it is that the Hon Member opposite, who has not spoken once this morning, wants to make up for it this afternoon and have his voice heard on the radio innumerable times. He has now gone back to asking me what he started asking in the original question and which I have already answered this morning. It is not that there is a problem and that PSA are going to put people out of business or that PSA is going to put itself out of business and we are going to be facing redundancies. There is no problem. The problem is invented by the Hon Member. We are not aware of a problem. The Chamber of Commerce is not aware of a problem and have not come to me with any representations. PSA are not aware of a problem. The problem is being created by the Hon Member Mr Speaker.....

HON P C MONTEGRIFFO:

And the Unions, are they aware of a problem?

HON CHIEF MINISTER:

Mr Speaker, if the Unions become worried about the problem I am likely to know about it before the Hon Member does of that I can assure him.

MR SPEAKER:

Next question.

NO. 211 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Government open an office in Brussels, given the paramount importance for Gibraltar of EEC matters?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 212 of 1989.

THE HON P C MONTEGRIFFO

Will Government confirm what plans, if any, it has to open an Information Bureau in Brussels both for the purpose of promoting Gibraltar and representing our interests in relation to the Economic European Community?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, at this point in time it is not Government's intention to open an office in Brussels in relation to representations on matters connected with our membership of the EEC. The question of an Information Bureau for promoting Gibraltar commercially is however under consideration provided a suitable partner can be found on terms acceptable to Government to make such an operation cost effective.

SUPPLEMENTARY TO QUESTION NOS. 211 AND 212 OF 1989

HON A J CANEPA:

Mr Speaker, are there any difficulties being put in the way of opening such an office? Because I think that the Hon Chief Minister said that it is not Government policy at the moment but is he aware if there would be any difficulties, if it were to become Government policy, being placed by for example the Foreign Office?

HON CHIEF MINISTER:

Mr Speaker, as far as I am aware there is no objection from the British Government to this happening because in fact offices of this nature do exist already in Brussels run by a variety of organisations that could be termed similar like for example Regional Parliaments or local authorities or lobbies of particular industries. It is however a very expensive business and therefore it is a question, from our point of view, of what would we gain by having someone there supplying us with information at what would be an extremely high cost. This bearing in mind that we already have difficulty at our end in coping with the flow of information that is readily available. Because the mass of new things that is churned out, 3000 odd pieces, of legislation, Directives and Regulations that come out of the EEC are of such a nature that the people that are normally retained to sieve them are specialists. Therefore most people that have this type of office are concentrating on one particular aspect. If for example your interest is in fishing because you represent the fishing community then you have somebody there with

instructions not to let anything on fishing go by without making sure how it affects them and so forth. One problem is that the EEC with regard to legislation treat us de facto as if we were a nation but we do not have, as they have in the FCO in UK, experts on a variety of things. That is why, in part, we have such a backlog of EEC Directives which, frankly, our own public administration in Gibraltar has not been able to cope in the last fifteen years.

HON A J CANEPA:

Has cost then, Mr Speaker, been the main consideration and why there has been a higher priority for offices or information bureaux which have been opened elsewhere like Washington, Tokyo etc rather than in Brussels?

HON CHIEF MINISTER:

No Mr Speaker, I have drawn a distinction between the two totally. The question from the Hon Member opposite, Mr Montegriffo, talks about one or the other and we have said that the Information Bureaux which is what we have in Washington, Tokyo or Hong Kong are offices intended to promote business involvement in Gibraltar and therefore that is looked at in one light, not as a political arm of the Government, but as a way of encouraging investment or tourism or banking in Gibraltar and in that line we are looking at the possibility of having something in Brussels. Whether the people who would be doing that, if it comes off, will also be able to alert us to anything else on the other side is a different matter. However, if we are talking about Brussels Representation which is a very clear cut and specific thing and which a number of people are doing we are really talking about something that is very, very expensive.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government consider that the Foreign Office at present, or such other relevant Department as may be responsible for a particular matter, adequately representing Gibraltar's interests from what emanates from the various Community bodies?

HON CHIEF MINISTER:

I think Mr speaker, that we have improved things slightly over the last year but it is still not enough to satisfy us and it is very difficult to see how much more can be done to improve what is basically a not very satisfactory situation. Because frankly I do not think the terms of reference of Gibraltar, when they were agreed in 1972, were thought out with so much foresight that we would know how to deal with situations 17 years later. Therefore part of the problem that we have, which although at a

political level, Sir Geoffrey Howe and his successor have both expressed sympathy for our predicament and have said they wanted to help, is that in London in the Foreign Office, in the section that deals with the European Community there is no one single person saying this is what we need to do with this thing coming out of the Community. There are a number of people who are specialists in a number of different areas and therefore each one of those experts would need to be alerted to keep a look-out for something that might be of relevance to us. They would then have to alert us of this and frankly by the time London asks for our comments and we are able to feed them back our comments it would be too late because the timescale in this things is quite short. Therefore when we think of something we alert them that it is important and there are a number of areas where they are on notice that it is important. However that is not a full-proof system. Because you can suddenly discover that we are expected to do something which is for us extremely difficult to do, because of our size or because of our resources, and that when it was agreed no one thought of us. That I am sure is still happening and has certainly been happening since we joined in 1973 and we are discovering things now which affect us and which were agreed 10 years ago and which nobody thought of Gibraltar when it was agreed.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind the Government's recognition of the inadequacy of the present arrangements, does not the Government consider that gestures like levying a £2 premium or fee on employers to stimulate youth training that there should be a case for a significant contribution from the private sector whose interests are also directly affected by what the Community may churn out in funding what has now become an essential avenue of information to Gibraltar. Is the Government prepared to consider a source of funding as a way of resolving the present situation?

HON CHIEF MINISTER:

Well Mr Speaker, I have mentioned the cost of having a representation in Brussels as being very very high. The answer that I have just given to the Hon Member is in relation to his question about how adequate is the system that we have of feed back from the Foreign Office in London. And what I am saying is that the problem with the FCO in London is not a problem of money which is the problem with Brussels and I do not think that having an office in Brussels, which is something that money may cure, cures the other problem. Because at the end of the day even if we have an office in Brussels any input that we put into the system has to be put through the Foreign Office in London. Now if we are going to have in Gibraltar the

equivalent of what every Member State has, in monitoring, pressing and reacting to draft legislation the entire population of Gibraltar would be doing that and nothing else.

HON P C MONTEGRIFFO:

Mr Speaker, I am sure that the Hon Chief Minister knows that that is not what we are seeking to do. The Hon Chief Minister also knows that without having all these persons of specialised knowledge there are sophisticated information services who for what is normally a fairly expensive fee provide information which they assess is useful or necessary for a particular commercial entity or Government or Region. The idea of funding it with the private sector is that in the absence of an alternative should the Government not consider asking the private sector to fund the payment of a fee to one of these highly professional and sophisticated setups in Brussels with a brief on what is considered to be something which Gibraltar should be looking for from the EEC. Independent information which would help us, because I agree with the Hon the Chief Minister that we have to go through the Foreign Office, as an avenue of help which the Government should consider. Does the Hon the Chief Minister think this is worthwhile?

HON CHIEF MINISTER:

I am sure, Mr Speaker, that the Hon Member knows that we have in fact, in conjunction with the private sector financed a study of the possible impact of 1992. That study has in fact been produced and it is a joint effort between the Government and persons in the Financial Services Industry. I think that is an avenue which can continue to be exploited but it will not solve either of the two things, that I understood, the question to be pointing which I accept are two real problems but to which we do not have an answer. I know that there is a problem. One is the problem which requires an awful lot of money, and which is not in our capacity to produce, and the other one is that there is a requirement for a huge pool of expertise and manpower, which is not within our capacity to produce. Therefore given those two things we may still be able to get ad-hoc situations where we can identify a problem like 1992 and concentrate on doing some work on that. But the amount of stuff which is being churned out daily, while we are talking here, from the Community is something that cannot be done other than the way that it is done by Member States which involves masses of technical people and masses of paper and the problem that we have is that we are not a nation in terms of resources.

NO. 213 OF 1989

ORAL

THE HON A J CANEPA

Does the Chief Minister propose to take any fresh initiative in order to deal with the continuing problem of serious frontier delays?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the question of frontier delays is a matter that is constantly being raised by Her Majesty's Government with the Government of the Kingdom of Spain. It features in the regular discussions I have with the Secretary of State. The Spanish Government claims that there is no abnormal delay at the frontier.

SUPPLEMENTARY TO QUESTION NO. 213 OF 1989

HON A J CANEPA:

Mr Speaker, I think the impression that is generally gathered is not that it is constantly being raised by the British Government with the Spanish Government, ie by the Foreign Office with their counterparts, and if it is, the impression which we have, which the public has, is that it is not being very energetically pursued and certainly was not during the summer. Does the Hon the Chief Minister agree?

HON CHIEF MINISTER:

Well, Mr Speaker, I am a fairly energetic person myself, and I dare say that by my standards it is not very energetically pursued. But it is being pursued as energetically as it has ever been before. Unless, of course, they are lying to me. I am taking it that they are not lying to me and I am accepting that if they tell me that they are constantly raising this with their counterparts in Madrid at every conceivable opportunity without getting any joy because the other side claims that all that is happening is that there are nearly 4 million people crossing the land frontier and it is therefore inevitable that there should be delays if officials on duty there do their job conscientiously.

HON A J CANEPA:

I would accept, Mr Speaker, that in the first half of the year to the summer, from the information that I have, we were not getting delays. But I am not happy that the inconvenience that is being caused to so many innocent people and the adverse effect that this is causing to the Gibraltar economy is a matter that is causing London a loss of sleep.

HON CHIEF MINISTER:

Well, Mr Speaker, I am not sure what is that adverse effect in the economy but we are, as we have said publicly, on target for the rates of economic growth we are hoping to achieve. If that is happening in spite of adverse effects on the economy which the Hon Member says are the consequence of delays at the frontier, then I can only assume that our economic policies are even more successful than I could have hoped for. Because without the adverse effects we would be doing even better.

HON A J CANEPA:

Mr Speaker, the Hon the Chief Minister has referred to regular discussions with the Secretary of State. I do not think that that position is accurate?

HON CHIEF MINISTER:

Well Mr Speaker, subject to Mrs Thatcher making up her mind as to who it should be, yes.

HON A J CANEPA:

Precisely, Mr Speaker. The fact of the matter is that Sir Geoffrey Howe was here last February and I do not think that the Hon the Chief Minister had further meetings with him subsequently before Mrs Thatcher promoting him. Since then all that the Hon the Chief Minister has had is a twenty minute meeting with Mr Major, who is now more worried about the EMS and the economy. And that therefore does he not accept that at the level of Secretary of State there cannot have been any input into the matter and given that there is now a new Secretary of State, Mr Douglas Hurd, will the Chief Minister take an initiative, before he meets the new Spanish Foreign Minister, in order to have this matter given the priority it deserves?

HON CHIEF MINISTER:

Well no Mr Speaker. I cannot take an initiative because an initiative means putting something new and I am not in a position to offer any concessions in exchange for normality.....

HON A J CANEPA:

Will the Hon the Chief Minister give way, Mr Speaker. Perhaps I have used the wrong phrase. Will the Hon the Chief Minister make energetic representations to the new Secretary of State with a view to achieving the objective that I have explained?

HON CHIEF MINISTER:

Yes, I will, Mr Speaker.

THE HON P C MONTEGRIFFO

Will Government state what safeguards and actions are being taken to prevent Gibraltar being used as a base for the smuggling of tobacco to Spain?

ANSWERTHE HON THE CHIEF MINISTER:

The Government regrets that the Hon Member opposite should be suggesting that Gibraltar is being used as a base for smuggling and that the authorities here need to act to prevent it.

For many years in a hostile campaign against us, our detractors have periodically levied this accusation but I believe it is the first time that one of Gibraltar's own elected representatives has added his voice to the accusation. As you know Mr Speaker members of this House make themselves responsible for the accuracy of their remarks here and the member opposite may therefore be called upon to provide the evidence he has that there is a smuggling base in Gibraltar.

That contraband takes place into Spain of goods purchased in Gibraltar, there can be little doubt. It has done so as long as anyone can remember and indeed is specifically mentioned in the Treaty of Utrecht of 1713.

The same happens at practically every other frontier town in the world. This is a sensitive matter on which it would be better not to make public statements which can only tend to make relations with our neighbours more difficult. However, since this subject has been raised the Government feels that it has to clear Gibraltar's name. The information available to the Government indicates that the smuggling that takes place of goods purchased in Gibraltar, is organised from and based in the neighbouring area in Spain and that precious little is being done by the pertinent authorities there, to prevent these areas being used as a base for smuggling.

The authorities in Gibraltar are closely monitoring the situation and are in close consultation with three local companies that have export licences to design a framework within which they can conduct their legitimate business in a manner that does not give ground to those who wish us no good, to campaign against us. This is currently being actively pursued.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, let it be absolutely clear for the record that I do allege that Gibraltar is being used for smuggling.

That it is something which has to be looked at and which has to be dealt with. I understand the Government's position to be that it does not accept that there is contraband into Spain on a degree about which it is worried about. That, Mr Speaker, is my understanding of the position. If that is the case does the Government accept that licenses are issued at present to people wishing to export tobacco without details being requested from them as to what sort of vessels, whether they are large vessels, or what sort of destination the produce is due to go to? Can the Government confirm that?

HON M A FEETHAM:

Mr Speaker, the Hon Member is inaccurate in suggesting that licenses are being issued for this purpose.....

HON P C MONTEGRIFFO:

Export licenses, Mr Speaker.

HON M A FEETHAM:

Will the Hon Member clarify what he means by licenses, Mr Speaker.

HON P C MONTEGRIFFO:

Export licenses is my understanding what is required before the export of any product can take place. Can the Hon Minister confirm that export licenses are issued to people not in possession of seafaring vessels but to small vessels?

HON M A FEETHAM:

No Mr Speaker. As far as Export Licences are concerned the only operators with Export Licences are Messrs Saccone & Speed, Lewis Stagnetto, Marina Bay Wine Company and Sun Traders. These are the only people who have Export Licences for tobacco.

HON P C MONTEGRIFFO:

Does the Government therefore not accept, Mr Speaker, that there is a problem of fast launches that is bringing a bad name to Gibraltar, and which we in this House should condemn, because we are here to defend Gibraltar's good name internationally, as good Europeans, and that there is a problem of tobacco smuggling and that it is an issue that should be dealt with?

HON CHIEF MINISTER:

No Mr Speaker, the Government does not accept what the Hon Member has said, Mr Speaker, because as I have already said in my original answer this accusation against us,

which he clearly shares, is one which has been going on for a very long time and which is not confined to tobacco. And if the Hon Member reads the press in Spain and the press in the UK he will know that there was an article recently where we were accused of running fleets of fast launches to ferry hashish from Morocco to Spain. Now that is another of the accusations levied against us, and it is not the only one, there is also the accusation levied periodically against the legal and other related professions in Gibraltar, to which the Hon Member opposite belongs, and that accusation is that they are responsible for Gibraltar being used as a base for tax evasion in Spain through the creation of shell companies. These reports claim that this activity deprives the Spanish exchequer of £millions much more than the loss attributable to tobacco smuggling. Those who make the accusations believe that the Government here should take action to prevent the use of Gibraltar as a base for tax evasion in order to be clean good Europeans like the Hon Member wants us to be.

HON P C MONTEGRIFFO:

I agree with that, Mr Speaker.

HON CHIEF MINISTER:

The Hon Member agrees with that? However, those people who say that we should stop it want us to do so because what they claim are the very lucrative incomes earned by the professionals which they say are engaging in such practices. Now I would have thought that the Hon Member opposite would agree with me that these reports are accusations which are in fact politically motivated and constitute a misrepresentation of the finance industry. Where there are so many hardworking professionals, such as himself, earning an honest living. And I am sure he would not want us to stop his source of income.

HON P C MONTEGRIFFO:

I totally disagree, Mr Speaker. The Chief Minister thinks that a finance industry is about tax evasion and it is not. The finance industry is about proper international planning which will stand up to challenge at an international level and I find it alarming that we cannot debate in a parliament, in a democratic parliament, what we all know is a problem. We all know we have a problem of contraband and therefore Gibraltar's clean image should be protected. Mr Speaker, I would like to ask the Chief Minister how can he invite the Americans to consider that Gibraltar will be a base from which to do business with Europe which will rival the other centres unless there is a commitment here to understand that to be good Europeans and to have the repute of the international community we have to tackle problems like the export of tobacco, which infringes the rules of our neighbour, with honesty and with clarity. That

is required Sir.

HON CHIEF MINISTER:

Mr Speaker, what the Hon Member thinks is required or not required he can go to an election on and get a mandate for. He certainly does not have a mandate for saying that this is required at this point in time in his political career. However if he is asking questions in order to obtain information and which is what Standing Orders says he is supposed to be doing, then I can tell him that our position is that we believe that the laws of Gibraltar are framed in order to make it possible for the Gibraltar economy to develop. And those laws have to be complied with. And the reason why we employ people out of our taxes is to see that our laws are not contravened. Other countries employ other people out of their taxes to protect their laws. I cannot accept that the role of a member of the Opposition is to try and make the Government of Gibraltar responsible, at public expense, for making sure that the laws of our neighbours are not infringed. This notwithstanding the fact that I can give him all the evidence that he requires, and I have already told him that, but he simply ignores it. I have already told him, Mr Speaker, that we have enough evidence to demonstrate that the trade to which the Hon Member is referring is going on because it is organised by non-Gibraltarians in the neighbourhood and that that is well known and well documented and that no attempt is being made to stop it. So if the people that are supposed to be suffering the consequences of us not being Europeans do not do anything to stop it what is it that they are bad Europeans? The Hon Member seems to be more concerned to save our neighbours from themselves than to look after the interests of the Gibraltarians that have elected him.

HON P C MONTEGRIFFO:

My last question, Mr Speaker. I am concerned to protect Gibraltar's proper reputation. That is what is important here. I assume, Mr Speaker, in conclusion that the report at the time when the issue became publicly sensitive, that the then Attorney General, Mr Thistlewaite, was confirming that the laws were actually being reviewed? At least there was a press report about this which read as follows:- "Mr Thistlewaite confirmed that the laws are actually being reviewed and the Foreign Office has confirmed that it is looking into the matter with the Governor". I assume, Mr Speaker, that the Attorney General was acting on his own initiative not with the consent of the Government because the Government did not feel that those laws needed review?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member can assume whatever he likes.

HON P C MONTEGRIFFO:

Mr Speaker, I am asking you what the answer is.

HON CHIEF MINISTER:

Mr Speaker, what is the Hon Member asking?

HON P C MONTEGRIFFO:

Did the Attorney General, Mr Speaker, take it upon himself, without political input, to make a statement to the press saying "that the laws were actually being reviewed" or did the Government ask the Attorney General to do that?

HON CHIEF MINISTER:

Mr Speaker, we have not asked anybody to review anything. The only thing that we have done, and which I have already answered, is in consultation with the companies that my colleague has stated have the Export Licenses and who are responsible for these exports, not with the people who transport the stuff, we have discussed with them how they conduct their legal business and for which they have a legal export licence in a way that does not reflect or harm or is exploited by anybody that wants to exploit it so that it hurts our reputation. However, what the Hon Member chooses to ignore, Mr Speaker, is that he happens to be siding with the people who are exploiting this to criticize us and those people have a vested interest. Tomorrow it will be something else, Mr Speaker. Once the Hon Member has been longer in politics he will become immune in his sensitivity because he will realise that those people who produce articles today on the Finance Centre, tomorrow about laundering money, another day about fast launches, another about tobacco smuggling, another day about Gibraltar companies being used to buy all the property in Spain, he will have a full time job in his hands and will require to set up a little party just to deal with that if he is going to take up all those grievances from our neighbours and bring them to this House.

HON P C MONTEGRIFFO:

Mr Speaker, this is a Banana Republic attitude.

HON CHIEF MINISTER:

Mr Speaker, we will go into the banana export trade and that perhaps might have the Hon Member asking me what we are going to do to protect the Canary Islands?

MR SPEAKER:

Next question.

NO. 215 OF 1989

ORAL

THE HON A J CANEPA

Will the Chief Minister give an indication as to when Gibraltar's challenge of its exclusion from the amendments to 1983 Inter-Regional Airports Agreement is likely to come up in the European Court?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the case was submitted to the Registrar of the Court of Justice on 28 September 1989. The Defence Council for the Council of Europe has asked for more time to prepare the defence and our lawyers have not raised objections. At this stage it is not known when the case will be heard by the courts.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1989

HON A J CANEPA:

Mr Speaker, can I draw out the Chief Minister and invite him to comment about press reports in this morning's Gibraltar Chronicle and specifically two matters which I think will be of considerable concern to the public namely that a source within the European Commission, whom we might dub "Deep Throat" has stated that there are apparently two possibilities as to what the Court might do. One is a decision from the Court that could force the United Kingdom to impose joint use of the Airport and the second possibility and which I imagine would be more serious is the possibility that the Court could decide whom the land belongs to on which the Airport is constructed. Mr Speaker, I would ask the Chief Minister to comment on the second one against the background of an offer from the United Kingdom in the sixties to take the whole issue of sovereignty, not to the European Court, but to the Court of Justice at the Hague?

HON CHIEF MINISTER:

Mr Speaker, I cannot stop the Hon the Leader of the Opposition inviting me to comment. I do not believe that it is right, frankly, to react on the basis of a report in today's paper for which the writer of that report has to answer as to its accuracy. All I can say is that the well placed source in Brussels is a remarkably ignorant source if he does not know, as the Leader of the Opposition has pointed out that the United Kingdom has been prepared internationally to have the question of the sovereignty of the isthmus tested in an International Court and certainly to my knowledge the European Court of Justice is not competent to pass judgement of the sovereignty of the isthmus. And that is not the issue, the issue is very simple and a very legal one. We are not challenging the Gibraltar

Constitution, we are not trying to de-colonise Gibraltar, all that we are saying is that there is a Community Directive and that Community Directive has as a result of a Bilateral Agreement, by two member states, not been applied to Gibraltar. It is a Directive that extends the original rights that we enjoyed in 1983. Is this legal? We want somebody to look at that and tell us is this legal? All that we are doing now is what could have been done in March 1988, if the General Elections had not intervened. All we have asked the Court to do is to adjudicate whether the decision is compatible with Community Law or not compatible with Community Law and obviously the advice that we have got, as the Hon Member knows from when he was in Government in 1988, is that there is a point in law there to be tested and that if we want it tested there is an avenue to test it.

HON A J CANEPA:

Mr Speaker, will the Chief Minister then agree that the message that should come from this House to the public in Gibraltar arising from this report and from the question in the Order Paper is that based on the legal advice which the Government has from within Gibraltar, from the Attorney General Chambers and which we were given at the time and based also on the legal advice which the Government has from the lawyer engaged in Brussels, the European Court has no competence in respect of an order enforcing upon Britain to impose joint use of the Airport and even less on the question of sovereignty over the isthmus?

HON CHIEF MINISTER:

Yes, Mr Speaker, I can confirm that that is as far as we are concerned absolutely correct. Indeed the advice upon which we are acting is the same advice that the Hon Member had when he was in Government. We simply picked up the thread where it was left off by them, we are using the same firm, Mr Forrester and he is not telling us, frankly, on the case that he had not said before, except that it is more updated. None of the considerations outside the pure question of the legality of the non-application of the Directive to Gibraltar is within the competence of the European Court. And certainly even if the United Kingdom was told to implement the Directive we all know that that would require legislation in this House unless they chose to suspend the Constitution and involve the powers of the Secretary of State in which case we are in for interesting times if the Chronicle is right.

HON P C MONTEGRIFFO:

Mr Speaker, notwithstanding that does the Chief Minister not believe, in the light of the Report, that it would be prudent in a case which can have such far reaching

implications and precedent for Gibraltar's position generally to have specific replies tabled in reply to the issues raised in the report and which have come from a Brussels source? Because if I was an owner of an airline company and my case was an equivalent one and I read about it in the press I would be on the phone to my lawyer asking what about that aspect? Will the Government be looking at that specifically, Mr Speaker?

HON CHIEF MINISTER:

Obviously we cannot ask the newspaper to reveal its sources to us. This would not be ethical. So that all that we are doing is making our advisers aware of the contents of the article, Mr Speaker.

HON P C MONTEGRIFFO:

I am obliged, Mr Speaker.

THE HON P C MONTEGRIFFO

ORAL

Will the Government confirm to what extent it is being consulted or approves of the proposed terms of the European Economic Community's Social Charter which is presently being finalised by Member States?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government is in contact with Her Majesty's Government as regards its view on the proposed Social Charter which is currently opposed by UK.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is the view of the Gibraltar Government supportive of the Social Charter as is the case of the 11 other Member States apart from the UK or does the Gibraltar Government follow the UK line?

HON CHIEF MINISTER:

Actually, Mr Speaker, we tend to disagree with the parts that the UK agrees and vice versa. That is to say that the bits that offend Mrs Thatcher are the ones that please me and the ones that offend me please her.

HON P C MONTEGRIFFO:

Mr Speaker, to what extent is the Government involving the Trade Union and Chamber of Commerce representations in its own thinking as to whether the Social Charter is a good thing for Gibraltar bearing in mind that both sides of Commerce will be as directly affected as anybody apart from the Government?

HON CHIEF MINISTER:

Mr Speaker, nobody will be directly affected at all because the Social Charter, as the Hon Member ought to know otherwise he should not have put the question, is not a Directive, mandatory or law it is in fact a matter of intent and in the practical area of implementation in Gibraltar much of it we have done already in anticipation of other people. For example, one of the things that we did, and which the previous Government had not been willing to do, was to introduce a Minimum National Wage and that is one of the things the Social Charter recommends which the UK opposes. We are of course not against it because we have already introduced it even before Europe has agreed to do it. There are however, Mr Speaker, wide ranging implications on the

movement of workers and which is something that does not concern the Trade Union Movement or the Business Community here since it is a question of public expense. This is a situation that arises if we accept unlimited commitments for unlimited number of people wanting to come and settle in Gibraltar. This is the only area that we feel is of concern to Gibraltar and we have expressed our concern to the United Kingdom but it is not in any of the specific areas because in the specific areas we seem to be ahead of the rest.

HON P C MONTEGRIFFO:

Mr Speaker, even if the document is not binding it is set up as an example which good Europeans would be deemed to want to follow and in that respect and assuming that there is no secrecy about the Social Charter, on the contrary it is something about which Europe is proud to be promulgating and without seeking to make the Government views towards the Social Charter public I would have thought it desirable, as a matter of Government, that the Unions and the employers who are bound to be affected should make some contribution towards the Government's own position on the Charter? Does that not sound reasonable to the Chief Minister?

HON CHIEF MINISTER:

No, Mr Speaker, it is totally unreasonable. The Charter is a public document, as the Hon Member says it is, and presumably everybody has read it and if they had something that they wanted us to take into account they would have approached us. We have read it, I do not know if the Hon Member has read it?

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that it is a public document. What I am saying is that there is no element of secrecy because what is envisaged is a broad European space which the Charter will help to bring about. And unless the Government can persuade us that there is good reason for keeping it secret it is something that the whole of Gibraltar should be celebrating in. That we can be part of the process of assisting the Government in formulating what Gibraltar's views should be on something as important as this.

HON CHIEF MINISTER:

Mr Speaker, I do not know if the Hon Member has read the Charter or if he has just read about it and decided to stick in a question just to be able to make a speech. However, if he has read it he will know that it is not about "broad" space or "narrow" space it is about a number of specific things, desirable attainments, that the Community urges its Member States to achieve and what I have told

him already, several times, is that we have looked at it and we have already attained most of them. However there is one area which we are not as advanced as the Social Charter suggests Member States should be. That we agree in giving unlimited numbers of Europeans unlimited rights to come here and claim unlimited social security benefits. In that area we are not as advanced. Whether that is a cause for celebration I leave up to the Hon Member but I can tell the Hon Member that that is the one area that Gibraltar has to put, in the light of our past experience in that area, our concern Mr Speaker, in that area we are now sensitized because having been bitten once, every time we look at anything we say to ourselves what will this mean because it may look very innocent but does it mean that we will have to be paying half of Andalucia so much. We now look at everything in that light. And it is in that light that we have put into the United Kingdom net our own concerns. For example one of the things that we have expressed in our input is the question of the Free Movement, because one of the proposals in the Charter is that the free movement should not be as conditioned as it is at the moment to people who go in from one Member State to another and having six months in which to obtain employment and then having a permit of residence for five years which cannot be renewed at the end of those five years if at the end of those five years they have not got employment. So, Mr Speaker, there is a relationship now between the right to move anywhere in the Community to seek employment and the right to remain if you obtain it. Under the wider freedom of movement what the Charter is basically saying is you should be able to move from anywhere in Europe to anywhere in Europe like you can move to anywhere in Spain to anywhere in Spain or anywhere in Britain to anywhere in Britain. Now if we analyse the implications of that and you go from Scotland to England you can simply move your Social Security Benefits from one part of the country to another because you are still paying tax to the same central Government in London. Therefore if you are going to have a community wide movement of people it is only sensible if you have a Central Bank, Monetary Union, and if you have a situation where you are running a European Social Service financed from Brussels. But what you cannot do is be a community of 30,000 people and 320 million people can if they want sign in tomorrow at our Labour Exchange. At least not without my colleague the Minister for Labour and Social Security having a heart attack.

HON P C MONTEGRIFFO:

Mr Speaker, my understanding is that if we have done it all then we should publish it. What is the sensitivity?

MR SPEAKER:

Would the Hon Member phrase it in the form of a question

please. No speeches please.

HON P C MONTEGRIFFO:

Yes Mr Speaker, we all make speeches I agree. My understanding and I have not read the Charter because the Charter has not been made public.....

MR SPEAKER:

Will the Hon Member put it in the form of a question, otherwise I shall have to stop you.

HON P C MONTEGRIFFO:

Mr Speaker, my understanding from my reading of the background to the Charter is the question of worker participation in management and the degree to which workers can be involved rather like the German Company model operates in proper participation in the management of companies. Now if that is correct, Mr Speaker, and the Chief Minister will confirm this, then that is the sort of issue about which we do not have legislation in Gibraltar and which affects the affairs of trade unions and of employers.

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has admitted in his last intervention that he has not read the Charter and I think it would have helped him with his question if he had actually obtained a copy because this is not something which the Government has to release this is available to whoever wants it. There is, Mr Speaker, an element in the Charter of worker director included in the provisions of the Social Charter on consultation but this is already a highly controversial area and normally they are talking about units of employment that are of course significantly bigger than anything that there is in Gibraltar. In Gibraltar with the possible exemption of GSL I do not think anybody else would be big enough to have worker directors. Otherwise they would all be directors and there would be no workers. In Gibraltar we are talking about small units. There is a cut-off point below which the bulk of the business in Gibraltar would be.