

# 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.



NO. 60 OF 1989

ORAL

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 <sup>6</sup>me 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"!

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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 therefore 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.

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.

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?

ANSWERTHE 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.

NO. 82 OF 1989

ORAL

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.

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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 CEPASA 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, CEPASA 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 barbury 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 barbury 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.

11 4 89

NO. 110 OF 1989

ORAL

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?

ANSWER

THE 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.

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 <sup>155</sup> 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 irrelevant 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.