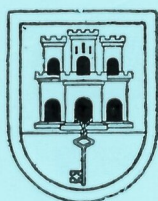


# GIBRALTAR

## HOUSE OF ASSEMBLY



## QUESTIONS AND ANSWERS

9TH NOVEMBER, 1989

NO. 165 TO NO. 216

THE HON G MASCARENHAS

When will Government commence the campaign suggested in answer to Question No. 44 of 1989 in respect of the importation of fireworks?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the campaign has, in fact, already commenced.

A general ban on the importation of fireworks into Gibraltar was effected by the Imports and Exports (Control) Regulations, which is Legal Notice No. 46 of 1989, published on 1st June, 1989.

The Collector of Customs does have power to issue a licence, but will do so only to a recognised importer for the purposes of an organised and controlled fireworks display, and only then after consultation with the Commissioner of Police and Chief Fire Officer.

Since the Regulations came into effect, only one licence has been issued.

Earlier this year meetings were held between the various authorities and what they have termed to me as a plan of action, was agreed. This included press releases, public awareness exercises and also appearances on television. Areas have been designated for the controlled use of fireworks and the Customs Department is already carrying out strict periodical checks at entry points. The Hon Leader of the Opposition will no doubt be aware that Chief Superintendent Maginnis of the Gibraltar Police and Mr Yeo from the Fire Department were both interviewed by GBC television and on the News last Friday evening, 3rd November, they both stressed to the public generally the dangers arising from the improper use of fireworks.

I am also happy to say that I am satisfied from the enquiries I have made that the Police are being most vigilant and efficient about the matter. A series of search warrants have very recently been obtained and as a result of them being executed, several persons have been discovered to have been unlawfully in possession of fireworks.

Mr Speaker, the Police are at present preparing dockets for submission to my Chambers with a view to the instigation of criminal prosecutions against those persons.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1989

HON G MASCARENHAS:

Mr Speaker, I was not aware that I had been promoted to Leader of the Opposition as the Attorney-General's reply implied.

HON ATTORNEY-GENERAL:

Give it time, Mr Speaker.

HON G MASCARENHAS:

Mr Speaker, what I was getting at was whether the Government is considering a vigorous advertising campaign, certainly in the run up to the Christmas period? I was not so much concerned with Guy Fawkes, that has been a controlled affair throughout the years. What I am concerned about is the advertising campaign for the Christmas period, a more vigorous campaign particularly on New Year's Eve.

HON ATTORNEY-GENERAL:

Mr Speaker, I can confirm that it is very much the intention of the Police and Customs Department to carry on the campaign which they have already begun and certainly every possible step will be taken to protect the public from the improper use of fireworks and to ensure the law is complied with in all respects.

HON LT-COL E M BRITTO:

Mr Speaker, does the Government not consider that in the light of the way this public relations campaign was conducted prior to Guy Fawkes, ie organised just a few days prior to the 5th November and that this timescale would be inadequate for Christmas and the New Year and that the campaign should be started much earlier and the public made aware on a continuous basis as from now rather than the last week before Christmas and the New Year?

HON ATTORNEY-GENERAL:

Mr Speaker, regular consultations go on between the Police and the Customs Department. They are free at any time to consult me for advice if they feel that what they are doing is not sufficient. I feel that what they are doing is sufficient and the law passed earlier this year, in particular, will assist in protecting the public, as I have said already, from the improper use of fireworks. It is a matter of individual opinion as to what depth the campaign should be pursued. It is perhaps also a matter of individual opinion when it is most appropriate to start the campaign. The campaign has been started, I consider it has commenced at the most appropriate time and it will continue to be pursued.

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware that there exists in UK something called "Voluntary Fireworks Code" to which all retailers of fireworks subscribe to and which goes a long way towards educating the public by, for example, restricting the age to which fireworks are sold; by handing out free leaflets to anybody purchasing fireworks, and would they give any thought to implementing or trying to encourage a similar system in Gibraltar?

HON ATTORNEY-GENERAL:

Mr Speaker, if anyone has any suggestions to make to the relevant authorities for the improvement of the campaign which has already begun then I would welcome any suggestions which are made by anyone who is interested in pursuing that matter.

HON LT-COL E M BRITTO:

Mr Speaker, one final point which is not really a supplementary. I do not think that I have to declare an interest but I must however say that in the past I have sold fireworks in Gibraltar through my business interest. I have not done so for some time in the past two years or so. Therefore what I am saying is to be taken as constructive and not because of any financial interest from the sale of fireworks.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Attorney-General say whether the Government has sought any advice from him or from his predecessor as to the legality of some of the Government's development plans in the context of the 1976 City Plan, which is currently in force?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, the Government has not sought any such advice from me personally or, to the best of my knowledge, from my predecessor either.

SUPPLEMENTARY TO QUESTION NO. 166 OF 1989

HON A J CANEPA:

Mr Speaker, does the Attorney-General not consider that whether the City Plans are within the law or not, is a matter of concern and it is a matter that someone in Government should consider and refer to the Attorney-General? For instance, Mr Speaker, is it not a fact that the Chief Planning Officer is the Executive Officer appointed under the Town Planning Ordinance and that therefore it is part of his functions to ensure that Government proposals for development are within the law?

HON ATTORNEY-GENERAL:

I think that is about four questions all rolled into one. Mr Speaker, it is not for me to speculate as to what Government Ministers may or may not think or what any member of the public may or may not think about the legality or validity of development at present being carried out in the context of the City Plan. Government is, of course, free to approach me at any time for legal advice. If they wish to have legal advice I have already said in response to the Hon Leader of the Opposition's question that I have not been consulted yet as to whether or not any development is or is not in accordance with the context of the City Plan. Let me give one instance, if I may, Mr Speaker. When Taylor Woodrow (Gibraltar) Limited was given permission by the Development and Planning Commission to demolish the old Command Education Centre in Cornwall's Parade and erect the building which now stands there, the Chairman and Secretary of the Gibraltar Conservation Society brought judicial review proceedings and later an application for an injunction in an endeavour to stop the development. They were not successful in relation to both applications, although the Supreme Court did point out that the development did not fully accord with the context of the City Plan. The Hon Leader of the Opposition will no doubt recall that he was, in fact, the Chairman of the Development and Planning Commission at the relevant time.

HON A J CANEPA:

Precisely, given that background, Mr Speaker, given exactly what happened at the time, does not the Attorney-General - and he has not answered the last question and therefore I will ask him again - does he not consider that the Chief Planning Officer who is appointed, in fact he is not just appointed, it is enshrined in the Town Planning Ordinance, as the Executive Officer under the law has an obligation, has the duty, to keep the matter under review and to seek legal advice if he, the Chief Planning Officer, were to be in doubt about the legality of any proposal?

HON ATTORNEY-GENERAL:

Mr Speaker, I am only a humble lawyer, I am not a prophet, I am most certainly not a clairvoyant and it is not for me to tell anyone else what his duties are or are not. I am quite sure that the Chief Planning Officer will recognise the fact that he has on occasions got to wear two hats and decide which hat is appropriate to meet the particular circumstances with which he is confronted. I do not go looking for legal work, Mr Speaker, I have more than enough to cope with but on the other hand any member of Government, any Government servant, who has a problem and who wishes to have legal advice can approach me at any time they wish, I will gladly consider any problem referred to me and advise accordingly.

HON A J CANEPA:

I am glad to hear the last part of that answer about him being open to approach because my understanding, Mr Speaker, and will he not agree, is that in fact the 1976 City Plan at the time of the Command Education Centre matter, that that plan was in fact kept in the Chambers of the Attorney-General?

HON ATTORNEY-GENERAL:

The Plan was in the Chambers of the Attorney-General at one stage, Mr Speaker, it subsequently was lodged in the Court and remained in the Supreme Court for quite some time pending a possible appeal from the judicial review proceedings and eventually was returned to the Crown Lands Department, in fact, by me personally.

MR SPEAKER:

Next question.

9.11.89

NO. 167 OF 1989

ORAL

THE HON G MASCARENHAS

Has the National Curriculum Working Party set up in December of last year, now made its report to Government?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

The National Curriculum Working Party has already drafted a series of recommendations which are being actively considered by the teaching profession. The replies received from these will be collated and reported to Government.

SUPPLEMENTARY TO QUESTION NO. 167 OF 1989

HON G MASCARENHAS:

In the light of the Minister's answer, Mr Speaker, will the Minister undertake to make a statement in this House, perhaps at the next meeting of the House?

HON J L MOSS:

Mr Speaker, should I feel this to be necessary I would do so but I really do not see the point of making a statement in the House about something which will be put out openly in the press, we do not need to hold on until there is another meeting of the House.

MR SPEAKER:

Next question.

THE HON G MASCARENHAS

What are Government's plans to meet the future schooling requirements in the Westside area?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, Government will not be in a position to decide on schooling requirements for the Westside area until the area's needs are established.

SUPPLEMENTARY TO QUESTION NO. 168 OF 1989

HON G MASCARENHAS:

Is the Hon Member not aware that 500 units will be built in the space of a minimum of two years?

HON J L MOSS:

Mr Speaker, I welcome that question from the Deputy Leader of six-sevenths of the Opposition. I am perfectly aware that 500 flats are going to be built and I am perfectly aware, in fact, I do not know if the Hon Member is, that more flats are going to be built and not just 500, and I think it is only right that we should wait until all the flats have been marketed before we can actually see exactly what the area's requirements are going to be.

HON G MASCARENHAS:

Mr Speaker, is the Hon Member aware that the building of a new school, if that is a possibility at the end of the day, will take a considerable amount of time from the planning stages to the completion of four years at a minimum?

HON J L MOSS:

Mr Speaker, the Hon Member's interpretation of a considerable period of time, I think, differs somewhat from mine. What he would consider to be a considerable period of time I think is something we can actually fit in quite nicely with any requirements which will be needed by the Westside Project.



HON A J CANEPA:

Is not the Hon Member aware of the fact, Mr Speaker, and if he is not I will enlighten him, that there is one official Opposition provided that it has a majority of Members sitting on this side and that the Hon the Chief Minister when he was Leader of the Opposition had three Members supporting him and that did not alter the constitutional position?

HON J L MOSS:

Mr Speaker, I do not see that necessarily as being a supplementary to the original question but I only answered in fractions because they seem to be so well acquainted with factions.

MR SPEAKER:

Next question.

THE HON K B ANTHONY

Does Government have any plans for the improvement and refurbishment of all children's playgrounds, with particular emphasis on the Adventure Playground which is of paramount importance to all children in the Glacis and Laguna Estates?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker, both the Alameda Children's Park and the Cathedral Square playgrounds have already been refurbished and are now being maintained regularly. In the case of Smith Dorrien Park, this park is being closed down to make the site available for the St Bernadette's Occupational Therapy Centre and Home. At this moment the Youth and Careers Office and the Tourist Section are working together to resite the park to the Adventure Playground at Laguna Estate.

The Adventure Playground has already benefitted from a complete facelift being given to the playhut, in conjunction with the Committee, at Government's expense. Works are being carried out to enhance the present amenities and will include new structures, substantial improvement to the existing play facilities, and a new wall around the kick-around area. The perimeter fence will be raised by three metres to afford extra protection for children.

After this has been completed it is also our intention to re-asphalt the area when it is compatible with the road resurfacing programme. This was also done with the Varyl Begg kick-around area and the Dolphin Youth Club play area last year.

SUPPLEMENTARY TO QUESTION NO. 169 OF 1989

HON K B ANTHONY:

Mr Speaker, I thank the Hon Member for that in depth answer. May I ask, when he says regular maintenance does this include regular maintenance of metal surface slide, regular sieving of the sandpits, etc?

HON J E PILCHER:

Yes, Sir.

MR SPEAKER:

Next question.

THE HON G MASCARENHAS

Has any decision been taken as regards the conversion of the John Mackintosh Hall Theatre to a Cinema?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE & YOUTH AFFAIRS

Government has no plans to convert the John Mackintosh Hall Theatre into a cinema.

SUPPLEMENTARY TO QUESTION NO. 170 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, does that answer include plans for third parties to convert the John Mackintosh Hall theatre into a cinema?

HON J L MOSS:

Mr Speaker, the simple answer is No. Because Government does not own the John Mackintosh Hall building.

HON G MASCARENHAS:

Is the Hon Member saying that it is being left entirely to the Trustees?

HON J L MOSS:

Which matter Mr Speaker?

HON G MASCARENHAS:

The matter of converting the theatre into a cinema?

HON J L MOSS:

Well, Mr Speaker, as the Hon Member should know, having been Chairman of the John Mackintosh Hall Board for four years, Government does not own the building therefore any decision to convert a part of it into something else, for other use, would have to go through the trustees.

HON G MASCARENHAS:

The Hon Minister is therefore, Mr Speaker, saying yes to my question?

HON J L MOSS:

In a convoluted way I am saying not quite yes, since I am trying to explain what is the position of the building relative to the Government.

HON G MASCARENHAS:

I am aware of the position having been Chairman of the John Mackintosh Hall Board for four years. But what I am asking the Hon Minister is whether the matter of the decision is being left to the trustees?

HON J L MOSS:

Mr Speaker, it has to be, there is simply no other way it can be done.

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Minister is dodging the original question which was "Has a decision been taken." And the Hon Minister has said "Government has not <sup>taken</sup> a decision" but that was not the question. The question is "Has a decision been taken and are there moves to take a decision?"

HON J L MOSS:

Mr Speaker, do I look like a trustee of the John Mackintosh Hall.....

HON G MASCARENHAS:

The Hon Member is the Chairman of the Board.

HON J L MOSS:

Mr Speaker, I am the Chairman of the Board and the Hon Member understands perfectly well what is the relationship between the Chairman, the Trust, the Board of Management and the John Mackintosh Hall building. Therefore perhaps what is happening is that the Hon Member is asking the question to the wrong person.

9.11.89

NO. 171 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government give details of the general review of social security benefits which they propose to introduce by next January?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Answered together with Question No. 172 of 1989.

THE HON DR R G VALARINO

Having regard to the increases in the cost of living since old age pensions were last increased, will Government consider an appropriate rise for next year?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr. Speaker, the Government is looking at the whole system of Social Security benefits. As has already been explained in this House the Government is not prepared to make any public statements on this matter which could run the risk of being misinterpreted or misquoted. The Opposition was fully informed on the 5th December, 1988, on a confidential basis, about the position on social security benefits and were also informed of how the Government proposes to maintain the standard of living of resident pensioners. The position has also been explained to representatives of the Pensioners Association and they fully understand and accept this and have confirmed their agreement in writing. In answer to Question No. 110 of 1989, the Hon Questioner was told he had the choice of being kept fully informed on a confidential basis or receiving the same answer I have just given him every time he raises the issue in this House. The position remains the same.

SUPPLEMENTARY TO QUESTION NOS. 171 AND 172 OF 1989

HON DR R G VALARINO:

Mr Speaker, dealing with Question No. 171, in fact, the Minister on television said that there would be a general review of the Social Security Benefits and they proposed to introduce this by next January. Will the Minister make a statement at the next meeting of the House regarding the benefits and will he give me prior knowledge of any such review prior to the meeting?

HON R MOR:

Mr Speaker, I do not recall having made a public statement saying that I was reviewing the Social Security Benefits by next January. As the Hon Member is aware I am prepared to give him all pertinent information on a confidential basis and the invitation is still open.

HON A J CANEPA:

Mr Speaker, I do not recall whether it was the Hon Member himself or one of his colleagues but I think there was a reference in a Party Political Broadcast to some action being taken by the Government. It was after the return of the Chief Minister on his lengthy trip, that people could anticipate that the Government was going to take some action on the matter. It may have been one of the other Ministers who made that Party Political Broadcast.

HON CHIEF MINISTER:

Mr Speaker, I did mention in a Ministerial statement that some new facilities were going to be provided, which were an addition to the facilities that had been provided, to give senior citizens free prescriptions, free emergency dental treatment and no payment of health service charges and I had said that those new facilities had already been discussed with representatives of the pensioners. That is not a review of the Social Security system.

HON A J CANEPA:

I am referring to a Party Political Broadcast which I think the Hon Mr Moss made in which he drew attention to the fact that he was anticipating that people could expect developments before the end of the year in the field of social security.

HON J L MOSS:

If I may just clarify the matter. I think I have got a very good memory and it definitely was not on a review of the social security system, I am afraid.

HON A J CANEPA:

It may have been specifically on Old Age Pensions. That is the impression that was gathered from the Party Political Broadcast.

HON J L MOSS:

Mr Speaker, I do not think we can have the video run here but it would be very helpful. If the Opposition is asking a specific question on something which I am supposed to have said specifically then I think it is up to them to find out all the information on that before bringing it to the House.

HON A J CANEPA:

Mr Speaker, the Hon the Minister for Labour has said that the Government does not propose to make any public statement because it is liable to misinterpretation. Does the Government not agree that that is a matter that can happen in any sphere of political activity and therefore it is not a blanket decision or attitude on their part? Does he not agree that if the Government, in fact, does implement some measures in the field of social security the only way that people are going to find out is through the recipients of any improved benefits talking about it and that therefore there is more likely to be misrepresentation of whatever the Government might do in that manner than if the time honoured procedure of past years is followed, namely that the Government makes a statement here in the House of what it proposes to do in any general review of social benefits?

HON CHIEF MINISTER:

Mr Speaker, it is the responsibility of the Government to decide how best to conduct its affairs and the Government in the exercise of its judgement is looking at the problem, devising a system which does not have the flaws that the Hon Member opposite fears. The Hon Member opposite, unfortunately, is talking in ignorance out of choice because if he wants to know what is going to be done and how it is going to be done he has an opportunity to know. He chooses not to know and instead he wants it said here and he is not going to be told here for reasons that he knows full well and for reasons that the people who stand to benefit know full well. They understand and accept that it is not in the best interest of those concerned. So if he cares for the people who stand to gain or lose by this then he is not doing them any good by raising the matter here. If he really wants to satisfy himself that we are actively protecting their welfare the door is open for him to satisfy himself, it is his choice.

HON A J CANEPA:

Does the Chief Minister not accept that when he was sitting on this side of the House and he refused to be bound by the principle of confidentiality he was also conscious of the fact that one thing is to get information from the Government on a confidential basis which can be very welcome but another thing is to accept, Mr Speaker, the restriction that we should not have a right to raise matters here? Does the Chief Minister not see that we are being restricted in our role as responsible Members of the Opposition? For instance, particularly Mr Speaker, when Estimates of Expenditure are presented. If we are not able to question Ministers here, if we are not able to raise the matter then how can we make a judgement when the Annual Estimates of Expenditure are presented and the Government has adopted measures in the field of social security which are then to be reflected in those Estimates? Our role as an Opposition is being constrained in an unacceptable manner.



HON CHIEF MINISTER:

Mr Speaker, I am not seeking to constrain the Hon Member, it is his choice which he chooses and if he feels that the best thing he can do for the people who stand to benefit is to raise the matter in the House knowing he is not going to be given an answer then let him do that. He has been doing this for a very long time and he has been told the same answer for a very long time. If he accepts that it is in his political interest rather than in the interest of the pensioners to keep on raising the matter here, fine, he is free to do that and he will continue being told the same thing. All I can tell the Hon Member is that we are not waiting for his questions before we do things. Things are going to be happening and the people who are affected will find out directly so they will not have to depend on hearsay and they will not have to depend on switching the radio on and listening to Question Time and they will not have to depend on his reactions or the press' reactions. They will find out directly what they need to know. If the Member wants to know he either has to wait until it happens or he will be given advance information, confidentially, it is his choice.

HON A J CANEPA:

"The advance information confidentially", can we clarify that, Mr Speaker? Is it the understanding of the Chief Minister that if the Opposition is given advance information confidentially that that is on an understanding that we will not raise any of those matters in the House?

HON CHIEF MINISTER:

Mr Speaker, he certainly cannot raise in the House something that he has been told confidentially and then expect to be told in the House what he has been told confidentially otherwise there would have been no need to tell him confidentially in the first place. He could have raised it in the House in the first place and he would have been told in the House in the first place. What he has an opportunity to do when he is informed of what is being planned is, in fact, to contribute to what is being planned and to influence it which I would have thought was an opportunity he would not want to give up but it is his choice. The Government is not trying to tell the Opposition how to do their job. What we are telling them is that this is a matter which is sensitive, he knows why it is sensitive, he knows how dangerous it is to keep on raising it. However, if he wants to keep on raising it, he will keep on getting the same answer, that is all I am telling him, Mr Speaker.

MR SPEAKER:

This is now developing into a debate. Next question.

THE HON DR R G VALARINO

What training programmes for young people is Government implementing at present?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as is already known, the Government introduced a Youth Training Scheme in September, 1988. The Scheme was originally intended to provide school leavers who had inadequate or no qualifications, with opportunities to form part and be able to compete in the labour market. The way the Government proceeded was by recruiting these youngsters as vocational cadets and place them on identified vacancies to receive employer-based training under certain conditions. These conditions included a guarantee of full-time employment at the end of the training period and that the Government would meet the trainees' remuneration for up to twelve months. This was attractive enough to ensure interest from youngsters as well as from employers.

Given that a report on our nursing needs for the Gibraltar Health Authority indicated that there was a requirement for about twelve, between nursing and auxiliary staff every year, the Government introduced a pre-nursing course to ensure an adequate supply is maintained for this organisation. By January 1989, the Scheme had been so successful that we had a situation where we had more offers of training opportunities than we had school leavers. It was therefore decided to extend the main framework of the Scheme to other young unemployed persons under the age of 25. This has caused the Scheme to be subdivided into two different categories, those youngsters under 18 who are in the main school leavers, and those other young people aged over 18 but under 25.

Experience has shown that in many cases employers, when they recognise the potential of good trainees, will take them on permanently long before the end of the twelve month period. This is indicative of the good faith in which the Scheme is generally accepted by employers and a course of action which the Government encourages and welcomes.

169 youngsters under the age of 18 are currently in the Scheme and 69 others who were previously in the Scheme are already in permanent employment with their sponsors. As regards the 18 to 24 age group, 32 are receiving training and 19, who were previously in the Scheme, are already in full-time employment with their sponsors.



It is therefore a matter of great satisfaction that with the operation of our scheme we are successfully achieving already what the European Community is recommending all Member States to attempt to combat youth unemployment over the next few years.

Given the results obtained so far, the Government is confident that we are following the right path with our present scheme and will therefore continue as at present, adjusting wherever necessary in the light of experience gained and taking into account particular cases or circumstances on their merits. Thank you, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 173 OF 1989

HON DR R G VALARINO:

Sir, has the Minister any idea how much the Government will spend on the training programme for young people for this year?

HON R MOR:

Mr Speaker, at the moment all that is being charged to the Training Scheme are the trainees' wages. The rest of the staff which have to do anything with the Scheme are at the moment being paid by the relevant departmental votes.

HON DR R G VALARINO:

Mr Speaker, does this not come out of the £2 levy that employers pay per week?

HON R MOR:

That is correct, Mr Speaker. The levy is being used at the moment just solely to pay the trainees. What I am saying is that at the moment because the Training and Employment Board is not set up yet not all the spending on the scheme is being charged to the scheme itself.

MR SPEAKER:

Next question.

THE HON DR R G VALARINO

Has Government any further information regarding future redundancies at PSA/DOE?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker, the Government has no further information other than that 42 employees accepted voluntary redundancy during the last three months. The PSA/DOE will no doubt inform Government about any further redundancies when they are in a position to do so.

SUPPLEMENTARY TO QUESTION NO. 174 OF 1989

HON A J CANEPA:

Mr Speaker, is not, in fact, such information now overdue? In other words, have not decisions been taken at Ministerial level in the appropriate department in London and that therefore they should be communicated to the Gibraltar Government?

HON R MOR:

Not to our knowledge, Mr Speaker. The situation is that a political decision has been taken to privatise the PSA/DOE and that they will be operating on a commercial basis. Obviously redundancies will depend on how much work they will be able to undertake as a commercial enterprise.

HON A J CANEPA:

I am led to understand, Mr Speaker, and the Chief Minister ought to know more about this than I do, that in fact a political decision has already been taken at Ministerial level.

HON CHIEF MINISTER:

Mr Speaker, the position, as far as we are concerned, is that PSA is covered in Gibraltar by two things - the collective redundancy provisions in the Law of Gibraltar which requires them to inform the Labour Department in anticipation of any redundancies in excess of five people over a ninety day period and this has not happened so therefore, as far as we are concerned, we can assume that there are no redundancies intended over the next ninety days because the ninety day notice which they are required to give by law has not been given. Secondly, because of my contacts with the union that represents the workers there, the union has not been given notice under the redundancy provisions of the Ministry of Defence agreement with the union on redundancies. So whatever they may be planning they have not yet entered into the advance period laid down either in the law or in the agreement in

the MOD with the TGWU. If the Hon Member has got information that we have not got and he makes it available to me I will follow it up. From my last discussion with the Regional Director the position was that they invited voluntary redundancies, in fact, they were able to give improved terms to 27 staff whose jobs were eliminated altogether and the minimum laid down in the agreement for the other 15 staff making a total of 42.

HON A J CANEPA:

Let me clarify, I do not have details on the matter. What I was given was an indication by someone I met that the decisions that were being awaited and which I think there was an undertaking that they would be communicated to the Gibraltar Government and those concerned by the autumn of this year, had now been taken. I would have thought that the Chief Minister would have had an opportunity when he saw Mr Francis Maude in London recently to have raised the matter with him.

HON CHIEF MINISTER:

No, Mr Francis Maude has got nothing at all to do with PSA/DOE.

HON A J CANEPA:

I know he does not have directly but the Chief Minister does deal with the Foreign Office and through the Foreign Office very often with other departments of Government.

HON CHIEF MINISTER:

The position of PSA/DOE is affected by two things, Mr Speaker. It is affected by their customer base and it is affected by changes organisationally which may mean that they do things in a different way and therefore they do things with less people. As regards their customer base the only thing that is happening that is new at the moment as a result of a decision taken in UK, is that the three Services are free to contract direct instead of using Property Services Agency as their Estate Management Agent. So whereas until now they were tied and that was therefore part of PSA's guaranteed workload because they had captive customers who could not go and get the services on maintenance or anything else for themselves, they had to go to DOE and DOE then decided whether they did it with direct labour or whether they did it by sub-contractors. That is no longer true in the United Kingdom. To what extent it has an impact on Gibraltar or not there is a big question mark because one of the things is that in the United Kingdom there are other organisations doing similar work to PSA for other customers and therefore one of the things that they can do in the UK which they cannot do here is actually invite tenders from people who want to become their agents. If we had, as opposed to PSA, a number of other companies in Gibraltar involved in project management then

in theory you could have a situation where the RAF or the Navy decide that they would rather appoint as their project managers Company X instead of PSA. If that happened then certainly PSA might find itself suddenly without customers and suddenly having a difficult problem of what to do with its employees but they would still be bound by law and they would still be bound by the redundancy agreement not to dismiss people before they have gone through the procedures that are laid down in the Laws of Gibraltar and in the agreements that they have got. Even if what is happening in UK were to subsequently be translated to Gibraltar nothing can happen in the next six months and that is the situation.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Have the accounts of the Gibraltar Health Authority now been submitted to the Auditor, and if so, when?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I informed the House in my answer to Question No. 130, at our last meeting, that I had given instructions that the statement of accounts should be submitted to the Principal Auditor by not later than 31 August, 1989. This was done and the accounts were submitted on that date.

SUPPLEMENTARY TO QUESTION NO. 175 OF 1989

HON M K FEATHERSTONE:

When is it hoped that these accounts will be presented to this House?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think that the Hon Member having himself been instrumental in the introduction of the Gibraltar Health Authority Ordinance, he should know that Clause 15(5) states: "The Minister shall lay one copy of the Annual Report of the Audited Accounts at the table of the House of Assembly as soon as practicable after they have been received by him" - in this case 'her', perhaps we need another amendment, Mr Speaker.

HON M K FEATHERSTONE:

Mr Speaker, the Minister has still not given me the date when that is likely to be. When is 'as soon as practicable'?

HON MISS M I MONTEGRIFFO:

Mr Speaker, if it is 'as soon as practicable' how can I give him the date?

HON M K FEATHERSTONE:

If the Auditor had them by the 31st August and he takes about one month to deal with them that would take us to the 30th September. We are now in November and it is about time they were presented.



HON MISS M I MONTEGRIFFO:

Mr Speaker, the Hon Member should know that the Auditor has to look into the Accounts of every Government Department and that the Health Authority has on this occasion presented the accounts to the Auditor much faster than all the other Government Departments.

HON M K FEATHERSTONE:

Then the Hon Member does not see any sense of urgency in presenting these Accounts to the House?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have just said that when the Hon Member was in Government he drew up the Health Authority Bill which under Clause 15(5) states that once I receive them they will be tabled in the House of Assembly. The Accounts are now in the hands of the Auditor, Mr Speaker, and I have kept to my commitment.

HON M K FEATHERSTONE:

Mr Speaker, I do not need to be reminded that I introduced the Bill, in fact, I drew up a clause which said that they had to be presented within three months from the 31st March something which has not been done.

HON MISS M I MONTEGRIFFO:

Mr Speaker, and in answer to Question No. 130 there was a long drawn debate on the matter and I explained to the Member that I did not exactly know what he had in mind when he actually put in the time-scale of three months when everybody else in the Government had nine months. Even GBC and the Museum have no time-scale as far as presenting the accounts to the Auditor. We have presented them earlier than any other Government Department and as I mentioned previously in answer to that question I said that the Government thought it prudent that we should amend the law to give us the same time-scale that other Government Departments have.

MR SPEAKER:

Next question.

NO. 176 OF 1989

ORAL

THE HON K B ANTHONY

Is Government satisfied that the isolation pens for impounded cats and dogs are both hygienic and humane?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, although every effort is made to keep the isolation pens in as satisfactory a condition as possible, the Government accepts that they are not in as good a condition as it would wish. It is a fact that as far back as 1976 the Environmental Health Department highlighted the need for proper alternative kennel space to be made available but without success. This Government is not only conscious of the need for improvement but is also actively looking at suitable alternative sites for the reprovisioning of isolation kennels.

SUPPLEMENTARY TO QUESTION NO. 176 OF 1989

HON K B ANTHONY:

Can the Hon Minister give an indication of the time when we can anticipate these new pens being built and being put into use?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, because if we give a certain day the Opposition will come back and say "You have failed by one day" or "You have failed by so many hours". All I can tell him is that when the previous AACR Government were in power it took them something like twelve years to solve the problem and we are actively pursuing the matter and I am giving him a commitment that it will be looked and take much less than twelve years, Mr Speaker.

MR SPEAKER:

Next question.

NO. 177 OF 1989

ORAL

THE HON K B ANTHONY

Will Government issue instructions that pet cats, clearly collared and identifiable, should not be impounded during cat culls, and also amend the law so that owners of such impounded cats would not be liable to pay a fee of £25 for the return of their pets?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the recommendations of the Gibraltar Rabies Committee based on both UK and local professional medical and veterinary advice are that stray cats should be strictly controlled as they are Gibraltar's greatest rabies risk, hence the reason for the cat culls being effected by the pertinent authorities.

Unfortunately, well meaning though misguided animal lovers have taken to placing collars or ribbons on stray cats to prevent their being culled. In view of this, as provided by Section 24 of the Animals and Birds Ordinance, the authorities are obliged to impound all such animals in the interests of disease prevention. Cats with collars or other means of identification are then kept in the cattery for the requisite number of days to allow owners to claim their animals. In those cases where the owners can be identified they are notified in writing in keeping with section 24(2), and the cats returned to them on payment of the fees prescribed by Rule 10 of the Animals and Birds Rules.

The fees for the keeping of animals detained under the Ordinance were last reviewed and the Animals and Birds Rules so amended on the 21st December, 1987, by the previous administration. However, in deference to the Hon Member I have rechecked the charges to ascertain how they are arrived at and can confirm that they are in keeping with the expenses incurred by Government in running this essential animal health service.

In the light of what has been said I am certain the Hon Member will agree that in the interests of public health the prevention of rabies and the efficient running of the service on present day charges, the culls should continue to be conducted as hitherto and the fees prescribed by law retained at their present justified level.

SUPPLEMENTARY TO QUESTION NO. 177 OF 1989

HON K B ANTHONY:

I thank the Hon Minister. I was unaware that people were putting collars on the stray cats, this is completely new knowledge to me. I think the Hon Minister will also be aware that there is a striking visual difference between a well looked after pet cat and a stray cat and it is the pets that belong to families that are being impounded.

HON MISS M I MONTEGRIFFO:

Mr Speaker, the pets that are being impounded are those pets which are found to be stray and the Bill was brought to the House, as I said, in 1987 by the previous administration and it was found prudent and in the interests of health in Gibraltar as a whole that if cats and dogs were found astray that they should be impounded.

HON K B ANTHONY:

Mr Speaker, when one speaks of a stray cat, I must disagree with the Minister because cats, rather than dogs, are nomadic creatures, they do tend to go out and they tend to come back home afterwards. Dogs do not normally do this. To simply say that because a cat is in the street it is automatically a stray I think is completely erroneous.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am happy that the Hon Member knows so much about the difference between cats and dogs. If a cat is found astray and if it becomes under the Ordinance as far as the Environmental Health Department are concerned, they are in keeping with the law, which as I have said before, was passed by the previous administration.

HON A J CANEPA:

Mr Speaker, the matter is serious. It is no joking matter when a person is attached - I do not have any cats because I am a dog person - but it is a serious matter when a person or a family are attached to a cat and people come to you complaining that that cat has been enticed by the impounders and seized and I can assure the Hon Minister that there are complaints being made of that nature. Does the Minister not agree that people have a right to have pets provided that they are within the law? We on the Opposition are not so much complaining about the law. The law that we enacted is good legislation but it is being wrongly implemented and where my colleague suggests an amendment, it is an amendment because the department are doing wrong in seizing a cat which is not a stray and which might not have had a collar attached to it. People do not go around spending money just like that and I am not talking about a piece of ribbon, I am talking

about a proper dog collar with an identifiable name tag and people are complaining that cats apparently are being enticed and this is wrong and I think that the Minister should see that this is a serious matter and issue the necessary instructions and will she do so?

MR SPEAKER:

If we are going to make statements could we put them as a question please otherwise it develops into a debate.

HON A J CANEPA:

Two questions, Mr Speaker, is the Minister aware that there are complaints of this nature and because there are complaints of this nature will she therefore issue the necessary instructions to the department?

HON MISS M I MONTEGRIFFO:

Mr Speaker, first of all, I am happy in a way to see that the Hon Member is concerned about cats but in any case I think.....

HON A J CANEPA:

Mr Speaker, I am concerned about the rights of people, people have rights.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have not given way. I am answering his question. The Hon Member is saying that there are complaints and what I am telling him is that as far as the department is concerned the cats in this case and not the dogs, I believe, are being found astray and the Department is not in any way harming these cats. All that they are doing is that when they find them astray, as is set down in the law, impounding them and then if they are identifiable, and I have a case in question, Mr Speaker, and this is why I think this question has come to the House. It concerns a lady who had three cats who were found astray. She went to the Environmental Health Department, the Environmental Health Department before it actually impounded the cats tried to get in touch with her and had sent her letters to which she did not reply. They then tried to go to her house but she was not there and therefore they had no recourse but to actually impound the cats until the owner came to the Department and said: "This is my cat" and the cat was given back to her. The cat was not killed, Mr Speaker.

HON K B ANTHONY:

Did the owner have to pay a fee of £75?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we were even more lenient than that. She had to pay something like £100 but because she had three stray cats I decided that she should only pay the fee for one cat, Mr Speaker.

HON K B ANTHONY:

Mr Speaker, one final question. I have heard the Hon Minister mentioning the reasons for this as being anti rabies. Is it not a fact that cats do not have to have anti rabies injections as dogs do?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I have said is that as far as the Environmental Health Department is concerned and the Rabies Committee is concerned, cats are more dangerous as far as rabies is concerned than dogs.

HON K B ANTHONY:

But by law they do not have to be injected annually as do dogs.

HON MISS M I MONTEGRIFFO:

Mr Speaker, that is something which the Hon Member is introducing and which is new. But, in any case, what I have said in my lengthy answer to his question is, I think, sufficient to satisfy the Member that the Government is not doing anything that is going to affect cats and dogs in Gibraltar.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Is Government now in a position to state when an artificial playing surface will be installed at Victoria Stadium?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the time limit set by the Government to Rock Promotions Ltd for the commencement of installation of the artificial playing surfaces at the Victoria Sports Centre will expire at the end of the year and we are expecting the company to give us a date for the commencement of works soon.

The company has been put on notice that if they do not supply the Government shortly with a schedule of works we will have to consider alternative proposals.

SUPPLEMENTARY TO QUESTION NO. 178 OF 1989

HON LT-COL E M BRITTO:

Can the Minister give any indication as to why there is continuing delay with the company coming forward with definite proposals?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think this is a matter for the company to answer and not for me.

HON LT-COL E M BRITTO:

Mr Speaker, it seems that although the Minister has persistently been refusing to give the information in this House the information is becoming available out in the market place. It will appear that the Minister herself may not be aware what the information is or she is not prepared to give it. Will she confirm that the scheme proposed by Rock Promotions Ltd involves financing from advertising to an extent that very little capital outlay will be involved by the company; that the use of the Stadium for something like five to six weekends in the year will deprive local sportsmen, and that if Government themselves undertook the similar scheme the whole project could be done without capital outlay by Government?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, what I have said in this House is very simple and I have never refused to answer questions about the artificial surfaces, on the contrary what I am now prepared to say is that if the deal with another party fails then the

Government is prepared to look at alternative proposals and we are committed to the installation of artificial surfaces. Whether the company itself has delayed the project in the actual possibility of looking for finance that has nothing to do with the Government, Mr Speaker.

HON LT-COL E M BRITTO:

If the company does not deliver is the Government intending to take over a similar project themselves or to find alternative proposals from other private enterprise?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I have said is that if the company do not adhere to the time limit then the Government is prepared to look at alternative proposals.

HON LT-COL E M BRITTO:

But, Mr Speaker, not to take over the project themselves?

HON MISS M I MONTEGRIFFO:

Mr Speaker, at this stage we cannot just say that the Government is going to take the project over. What I have said is very simple, we are looking at other alternatives and we are committed to the surfaces being installed at the Stadium.

HON LT-COL E M BRITTO:

Would the Minister not agree that it would be in Gibraltar's best interests and in sport's, in general, best interest for a similar scheme to be undertaken by Government and therefore the use of the Stadium for considerable periods every year would not be denied to local sport?

HON MISS M I MONTEGRIFFO:

Mr Speaker, we are committed as a Government to installing the artificial surfaces but I cannot say here and now whether it would be better for the Government to undertake the scheme or whether it would be in the best interest of Gibraltar to look at other alternative proposals. Once we look at those proposals then we will come to a decision but the fact is that the Government is committed to having those artificial surfaces installed.



HON LT-COL E M BRITTO:

Mr Speaker, I would ask the Minister to consider that after eighteen months she has had plenty of time to think about it and I would ask her to consider that a scheme similar to the one being proposed by Rock Promotions which, I understand, is on the basis of the ground being divided into six sections, each section bearing an advertising logo and each logo paying in the region of £25,000 in advertising dues, of advertising being sold around the touch line and around other areas of the Stadium and to consider that if Government were to take over a similar project and finance it themselves the pitch would be financed and paid for by the advertising and we would not need external operators to be given any franchise and sport would benefit. I would ask the Minister to consider that.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think I have answered that question by saying that the Government will be in a position to know what is better for the interests of Gibraltar as a whole and we have to look at alternative proposals and then we have to come to a decision. But let me remind the Hon Member that when we came into Government, in the Estimates the AACR administration had earmarked £100,000 for the installation of an artificial surface. This Government was not going to put up a penny at that time for the installation of the surfaces. What I am saying now, Mr Speaker, goes further than that because I am telling the Hon Member that I am committing myself that the artificial surfaces will be installed.

HON G MASCARENHAS:

Would the Hon Member not agree that had it cost us £100,000 and the surfaces had been installed eighteen months ago or two years ago it would have been worth it?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think at that time the money was not available in the Estimates.

HON G MASCARENHAS:

Precisely. What I am asking her is if £100,000 was a good price to pay to have had the surfaces installed already?

HON MISS M I MONTEGRIFFO:

I do not think it would have made any difference, Mr Speaker, at the time for the actual installation of the surfaces.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government provide a monthly breakdown of the second and third quarters of 1989, together with comparative figures for the same periods in 1988, of the following:

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

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

The position with regard to unsold Government lottery tickets during the first six months of this financial year with the value of prizes contained in unsold tickets is as follows:

Month	1988			1989		
	No of Tickets	3 Major Prizes	Other Prizes	No of Tickets	3 Major Prizes	Other Prizes
APRIL	484.3	-	177.00	16,216.9	6,250	12,164.50
MAY	198.0	-	99.00	21,634.2	81,250	15,225.00
JUNE	312.1	-	90.50	17,920.6	95,000	13,829.00
JULY	594.3	-	209.25	25,339.7	5,500	16,377.50
AUGUST	1,162.7	400.00	682.50	20,770.9	-	12,711.00
SEPTEMBER	490.2	-	174.25	20,402.9	21,500	12,835.50

SUPPLEMENTARY TO QUESTION NO. 179 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister concerned about the deteriorating trend that is clearly there, in the increasing number of tickets unsold, from the beginning of this year? Is the Minister concerned about this trend?

HON J C PEREZ:

Mr Speaker, it is not the same trend as there is at the beginning of this year. At the beginning of this year the trend was about 3000/3500 unsold tickets returned every week. That has increased to about 4500/5000 a week. Whereas it began to pick up at the beginning of the year, the advent of Telebingo has affected the lottery which was not something that was known was going to happen when the decision was taken to go ahead with this and I am concerned about the matter.

When the Government decided, after consulting the Chairman of the Lottery Committee, to go ahead with this move we decided that after a year we would sit down and review the situation again. The year lasts till December by which time I shall have a meeting with the Chairman of the Lottery Committee and the representative of the lottery vendors and we will have a look at what is happening with the lottery again. Let me add that it is not only Telebingo that has affected it but it seems that the sale of tickets for charities, such as a very big lottery that is being done by the Calpe House Fund also seems to be affecting the sale of lottery tickets according to the Agents.

HON LT-COL E M BRITTO:

Mr Speaker, will the Minister accept that the figures seem to be worse than he has in fact said, although I have not multiplied the weekly figures but that for the first quarter of the year the average number of tickets unsold is about 14,500 per month as opposed to virtually nothing in 1988? That for the second quarter this rises to about 18,000 average per month as opposed to about 200 in 1988? And that for the third quarter it goes up to over 21,000 per month as opposed to about 700 in 1988?

HON J C PEREZ:

And I am telling the Hon Member, Mr Speaker, that the increase compared with the first quarter is, in our view, as a result of the advent of Telebingo.

HON LT-COL E M BRITTO:

Mr Speaker, coming to the question of unsold prizes, I seem to remember saying at Budget Time that the Government was catering for a substantial amount in unsold prizes and if this substantial amount, and I think it was over £ $\frac{1}{4}$ m, did not materialise whether the profits from the lottery for this year would be less than last year irrespective of the increase in the price. Can the Minister comment whether this is likely to be the end result by the end of this year?

HON J C PEREZ:

It is difficult to compare in that the first quarter when the lottery changed prices and prizes is part of the last financial year and not this one, that is, from January to April that goes into last year's financial year. But I did not say that at the time of the Budget, the Hon Member is incorrect. I have subsequently said that in public and in this House in answer to questions from the Hon Member and that is that the Government was bearing the risk and not the

customer of the lottery of possible losses and although a sum had been estimated that we might get some of the prizes back that is solely an estimate because as has been repeated in this House on several occasions it is a matter of luck as far as the lottery is concerned. I have not got up-to-date figures with me at the moment because the Hon Member has not asked for them but it is certainly something that I will be checking with the Chairman of the Lottery Committee and the lottery vendors when I meet them.

MR SPEAKER:

Next question.

THE HON K B ANTHONY

Will Government explain why the installed traffic lights at the top of casemates Hill are still not operative?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the traffic lights are not yet operative because of the major resurfacing which still has to be completed in the area. Due to the positioning of the traffic lights the surrounding pavement had to be altered and the resurfacing of Line Wall Road has not been completed as a result. At present the resurfacing works are due to commence within the next two weeks. Once resurfaced, the road markings will be effected and then the traffic lights will become operational.

SUPPLEMENTARY TO QUESTION NO. 180 OF 1989

HON K B ANTHONY:

Does that mean we can expect to see them working before Christmas?

HON J C PEREZ:

I think, Mr Speaker, on this occasion well before Christmas.

HON M K FEATHERSTONE:

Did not the Hon Minister tell me in answer to a previous question that the lights would be working once the garage was working and the garage has now been working for several weeks?

HON J C PEREZ:

No, Mr Speaker, the Hon Member is wrong. I told the Hon Member that as far as it was possible we would try and make the operation of the traffic lights coincide with the opening of the garage, but I did not give a commitment that the traffic lights would be operational at the time of the opening of the garage.

MR SPEAKER:

Next question.

NO. 181 OF 1989

ORAL

THE HON K B ANTHONY

Will Government give serious consideration to using Devil's Tower Road as a diversionary road, to help reduce congestion whenever North bound traffic queues extend back into town?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr. Speaker, both the Gibraltar Police and the Traffic Commission have already given serious consideration to this idea some time ago and found it impractical. Devil's Tower Road is very busy and carries a lot of heavy goods vehicles. The suggestion, if implemented, would block this highway in both directions thus emergency vehicles would be unable to respond to incidents. In the summer months other vehicles use this highway to gain access to the beaches and this aggravates the problem further.

The Gibraltar Police, in consultation with the Traffic Commission, agreed on an alternative scheme which seems to have worked satisfactorily. This is that three lanes of Winston Churchill Avenue are used for northward going traffic and one for southward going traffic. The third lane north is reserved for motorists going to the Airport, RAF Married Quarters and the Supermarket in the area. This system requires intensive manpower coverage. The suggestion made by the Hon Member would produce a greater manpower requirement, according to the Commissioner of Police.

SUPPLEMENTARY TO QUESTION NO. 181 OF 1989

HON K B ANTHONY:

Mr Speaker, is the Minister aware that when the three lane traffic is operating there is still the danger and I do not wish to speak about the minibus incident which I believe is still sub judice, but I can assure the Minister that twice in my own experience I have been going south at night on the fourth lane and I have been overtaken by cars on the airstrip when there should really have been northbound traffic only on that lane. There is no way you can police this that is the danger that I am concerned about.

HON J C PEREZ:

Mr Speaker, I am not aware of this but if the Hon Member has had such an experience it would be his civic duty to report it to the Police. I am however not aware of this.

HON K B ANTHONY:

I accept that, Mr Speaker, but the point I am trying to make is that the airstrip is not lit at night and therefore.....

HON J C PEREZ:

Mr Speaker, that is not the question the Hon Member has asked. The Hon Member has asked a question about the traffic in Devil's Tower Road and he is now talking about the lights at the airstrip.

HON K B ANTHONY:

I am saying, in answer to the Minister's reply that it was satisfactory and I beg to differ because I do not think that it is satisfactory.

HON J C PEREZ:

What does he not think is satisfactory, Mr Speaker?

HON K B ANTHONY:

The system of three lanes going northwards, Mr Speaker.

HON J C PEREZ:

The Police and the Traffic Commission and I think it is, Mr Speaker.

HON K B ANTHONY:

So they will accept full responsibility if there is an accident on that three lane system?

HON J C PEREZ:

Mr Speaker, the Government accepts full responsibility for all of its decisions. Every Government should have done that and we certainly do.

HON LT-COL E M BRITTO:

Has the Traffic Commission given consideration to tailing the queue back down Devil's Tower Road as opposed to using it as a diversionary road?

HON J C PEREZ:

Mr Speaker, that is the question that the Hon Member's colleague has asked and I have just answered. Yes, they have considered it and they have found it impractical and I have explained why they found it impractical.

THE HON LT-COL E M BRITTO

Will Government state:

- (a) the date when the resurfacing of Bell Lane started
- (b) the estimated final cost
- (c) why it is taking so long to complete
- (d) the estimated date of completion?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

(a) The preliminary works required in order to enable Bell Lane to be paved commenced on 21st August, 1989.

(b) It is difficult to give a final estimated cost for a number of reasons:

- (i) The repairing of Bell Lane is being carried out as part of an agreement reached between the Government of Gibraltar and Taylor Woodrow. In exchange for the placing of pavia in Bell Lane, the developers of the Cornwall's Centre have undertaken to widen the east pavement of Cornwall's Parade to a triangular shape and pave it using the same slabs they have used in their own project. Trees will also be planted. This is very difficult to quantify.
- (ii) No cost has been incurred in purchasing these blocks since they have been in stock for some years now and seem to have been charged in the past to another project.
- (iii) The cost being incurred is that of labour only and basic materials such as sand and aggregate plus the purchase of a few manhole covers and frames. The labour cost cannot yet be quantified since those included in the project, usually no more than three men at a time, are training, on this type of work which is relatively new to them particularly on hills. The cost of the project will be absorbed from the vote for road resurfacing in the Improvement and Development Fund.

(c) The works are taking some time to complete because it is a pilot scheme serving as training for the workforce and because access needs to be maintained for pedestrians whilst the work is being carried out thus changing the way the work would normally be done.



(d) If all goes well, works should be completed in four weeks time. Some of the work which had already been completed had to be redone as a result of the recent downpour. Steps have been taken by the Department so that the work already done is better protected in the event of rain.

SUPPLEMENTARY TO QUESTION NO. 182 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister satisfied that Bell Lane is the best place for a pilot and training scheme of this nature? It is taking so long and there is the risk of accident.

HON J C PEREZ:

Mr Speaker, I agree that it is not the best place but since I do not intend to put paving stones on the Upper Rock I need to use a pilot scheme where I am going to put pavia and it is part of an agreement between Taylor Woodrow and the Government. The people of Gibraltar as a whole will benefit from the scheme and I think it is a project worth going into at the moment.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister not concerned about the inconvenience that is being caused in the area to traders, elderly people, mothers with prams? It is literally going over an assault course every day.

HON J C PEREZ:

Mr Speaker, I am concerned about it but there is nothing I can do. I am even concerned about the number of times the Hon Member walks by.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister aware that from the dates he has given me so far the rate of progress averages out to about forty of these paving bricks per day?

HON J C PEREZ:

Has the Hon Member taken into account that a lot of the work had to be redone because of the downpour that damaged the work that had already been done. Also that the Hon Member is aware as I have already replied that it is a pilot scheme and that people are training on it and that it is relatively new work for the people concerned?

HON LT-COL E M BRITTO:

Mr Speaker, I ask the Minister to accept that (a) it is the wrong place for a pilot scheme, (b) it is the wrong place for a training scheme, (c) there is risk of danger to life and if not life then limb certainly, for people using the Lane and (d) it is going too slow, at the rate of forty bricks per day? Should something not be done about it to speed things up and finish the work quickly?

HON J C PEREZ:

Mr Speaker, that is the Hon Member's opinion, it is not mine.

HON LT-COL E M BRITTO:

Mr Speaker, it is not an opinion, it is a statement of fact.

HON A J CANEPA:

Is the Hon Minister saying that the downpour was such that pilots were required to navigate there? Is that what the Hon Minister is saying?

HON J C PEREZ:

I do not know. The Hon Member seems to get confused nowadays with what people say.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister satisfied that the sleeping policeman that has been placed across the top of Bell Lane is not in fact a whole Police Station? Because it is extremely high and causes considerable inconvenience to elderly people. Is the Hon Minister satisfied that this contraption will be enough to prevent, in the case of a further downpour as we had recently, water coming down and churning up the whole of the bricks again?

HON J C PEREZ:

The PWD Engineer in charge is satisfied that that will stop the greatest impact of water coming down from Castle Street. He is satisfied that it will divert most of the water, if not all of it. However, that is not the only thing that is being done to protect the work.

MR SPEAKER:

Next question.

9.11.89

NO. 183 OF 1989

ORAL

THE HON K B ANTHONY

Will government state when they intend to start their anti-litter campaign?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the campaign aimed at making the public aware of the need to keep Gibraltar clean is expected to commence early in the new year.

NO. 184 OF 1989

ORAL

THE HON K B ANTHONY

What are the Government's plans for the future disposal of refuse?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Government has received several proposals from private concerns for the disposal of refuse, to replace the present incinerator once the life of the plant runs out.

These proposals have been found to be extremely costly and have been rejected by the Government. Other companies have expressed a desire to put forward new proposals and these are expected to be submitted within the next two to three months.

SUPPLEMENTARY TO QUESTION NO. 184 OF 1989

HON K B ANTHONY:

Mr Speaker, will the Minister inform this side of the House of the decision as soon as possible?

HON J C PEREZ:

Mr Speaker, certainly once I have a solution to the very grave problem of refuse disposal which we inherited, I shall not only inform this House but the whole of Gibraltar.

HON K B ANTHONY:

Mr Speaker, I thank the Minister for this but in answer to Question No.107 of 1988, the Minister said that the Public Works Department had very recently made their recommendations after having given due consideration to all the proposals that were in the Heiste International Report. Are the solutions that are being put forward now the ones that were put forward a year ago?

HON J C PEREZ:

These solutions were followed up commercially and certain commercial concerns made confidential proposals to the Government. We have looked at them, they are certainly good and modern alternatives but very, very costly and we feel that at this stage it is prohibitive. It is not that we have rejected them completely, that is to say, we have told the companies on the basis "We are not interested for the time being". We are now exploring other companies with other proposals and different types to see if we can get a cheaper solution although a good one.

HON K B ANTHONY:

Mr Speaker, I am constantly asking for time-scales. Can the Minister give me any indication of when we are likely to see the campaign under way?

HON J C PEREZ:

No, Mr Speaker, the only thing I can give the Hon Member is an indication and I already have. The new proposals will be submitted within the next two to three months.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Will Government make a statement about the dumping which is taking place off the South Mole and which is to the detriment of the marine environment?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the dumping which is currently being undertaken off the South Mole is to cater for a service which Government has always provided for the disposal of builders' rubble. Originally, the builders' rubble tip started off at the old VTE distiller site and as well as providing a means of disposal of builders' rubble, valuable land was created upon which the VTE new distiller and Waterport Power Station are now constructed.

Subsequently, the tip was transferred to the Waterport Basin area and here again more valuable land was created for the new coach park.

Prior to moving to the existing location, the tip was located at the Eastern Beach area where again valuable land was created which is used as the beach car park and also as a trailer/lorry park.

The tip is used for the disposal of builders' rubble only and is constantly supervised and controlled so as to cause the least detriment to the marine environment.

SUPPLEMENTARY TO QUESTION NO. 185 OF 1989

HON M K FEATHERSTONE:

Is Government aware that toxic waste from GSL is being dumped in that area as well?

HON J C PEREZ:

No, Mr Speaker, Government is not aware that that is happening.

HON M K FEATHERSTONE:

Will Government look into the situation because I am informed that toxic waste is being dumped there very much to the detriment of the fish and marine ecology?

HON J C PEREZ:

Mr Speaker, if the Hon Member has information that this is true I would ask him to present the evidence. I cannot go on hearsay. I have a man there 12 hours a day and he has not informed me that this happening. If the Hon Member has information which he has verified then, by all means let him pass the information and we shall stop it immediately. He cannot, however, come here and suggest that something is happening without first checking his facts.

HON M K FEATHERSTONE:

I will write to the Hon Member, Mr Speaker.

MR SPEAKER:

Next question.

THE HON A J CANEPA

How many meetings has the Development and Planning Commission held since 1.8.89?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Three, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 186 OF 1989

HON A J CANEPA:

Mr Speaker, does not the Minister agree that this is well below the average number of meetings that he himself was holding during the course of 1988?

HON M A FEETHAM:

Mr Speaker, we endeavour to meet on a fortnightly basis but during August what happened was that a substantial number of members of the Commission, not necessarily employees of the Government, were on leave and also due to other pressure of work there was a departure from the fortnightly meetings. We are however back on course at the moment and we have met twice in September and we will continue to meet twice in November.

HON A J CANEPA:

Having regard therefore, Mr Speaker, to complaints that I have received about delays in processing building applications, probably for the reason that the Hon Member has mentioned of lull during the summer, would he please endeavour now to do as much as he can in respect of the agenda for future meetings to try to process such applications for planning permission as quickly as possible?

HON M A FEETHAM::

Mr Speaker, I will take note of what the Hon Member is saying but we have not received any complaints. As regards the subsequent question on the agenda, that may not necessarily have been a fair comment to have made.



HON A J CANEPA:

Mr Speaker, I am drawing a distinction between applications for Planning Permission and Building Applications. In the context of the DPC it is about applications for Outline Planning Permission and that is to what I am referring to. In other words, people feel that Schemes are being held up because of the DPC not having had as many meetings as in the past.

HON M A FEETHAM:

Mr Speaker, I take note of what the Hon the Leader of the Opposition has said but I do not necessarily agree with his comments.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry say how many building applications were awaiting his approval on the 1.9.89, how many of these have been processed since then, and how many were pending approval on the date of notice of this question?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

None, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 187 OF 1989

HON A J CANEPA:

No application was pending approval in September? None have been processed since then and there are not any pending approval now?

HON M A FEETHAM:

That is correct, Mr Speaker.

HON A J CANEPA:

Will the Minister say then is it that building applications are not being received by the Department of Crown Lands?

HON M A FEETHAM:

Mr Speaker, he is asking me how many applications were awaiting my approval.

HON A J CANEPA:

Does not the Minister as Chairman of the Development and Planning Commission give approval to building applications?

HON M A FEETHAM:

That is correct, Mr Speaker, and I think it is important to clarify what the position is. The position is, as the Hon Member is aware, that building applications are not approved by me, building applications are approved by the Development and Planning Commission of which I am the Chairman. Subsequent to that planning permits are issued and what I am saying is that there were no planning permits for my signature on the date or subsequent to that on the date that the Hon Member is implying. Therefore, since I do not approve building applications as such, the DPC does, all other permits which I sign have been signed the moment they were given to me so there is no delay at all.

HON A J CANEPA:

There are no delays as such, I find that difficult to reconcile. People have complained to me about this and the Hon Minister is not a superman. I myself, when I was Chairman of the Development and Planning Commission, had a constant batch of these permits which come on a periodic basis and I am surprised that there are not any pending but I accept the answer.

HON M A FEETHAM:

I wish to repeat that I sign these as and when they are prepared by the Department. On the date mentioned there were none pending my signature.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Minister for Trade and Industry say when he proposes to exhibit the long-awaited new City Plan which he had previously announced for exhibition last February?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the position remains unchanged from that expressed by me in answer to Question Nos. 32 and 68 of 1989.

SUPPLEMENTARY TO QUESTION NO. 188 OF 1989

HON A J CANEPA:

Will the Minister say, Mr Speaker, whether he really does plan to go ahead with a new City Plan?

HON M A FEETHAM:

Absolutely, Mr Speaker.

HON A J CANEPA:

Or is it, Mr Speaker, that he finds it, in fact, much more convenient rather than go ahead, to do as he pleases in the meantime?

HON M A FEETHAM:

I leave that to the Hon Member to decide what he thinks in his judgement is the case.

HON A J CANEPA:

Does not the Minister accept that it is not a happy situation where you have a City Plan currently in force which is out-of-date, the 1976 City Plan, where the Minister says that he does have plans for a new City Plan and that in between eighteen months have now gone by since the Minister took office and effectively in planning matters we are in a limbo situation. Is that a happy state of affairs?

HON M A FEETHAM:

No more and no less, Mr Speaker, than when the Hon Member's Government took five years to produce the Plan since 1983 and during that period two years to prepare the final structure. We have been in office eighteen months and I think we have made substantial progress in updating the City Plan and, as I say, my position remains as I stated in answer to Question No.32 which I think the Hon Member found acceptable at the time.

HON A J CANEPA:

The Hon Minister when he was a Member of the Opposition, does he not accept that he did not press the Government on the delays in our producing the draft City Plan because he understood that we were living in an abnormal situation. The Government now has a normality and that is the difference. The Government has got definite plans as to where they want to go and people have a right to know and to see these plans included in a new City Plan which is now long overdue.

HON M A FEETHAM:

That is right, Mr Speaker, that is the case and what the Hon Member must remember is that we have got, as I said before, our own economic policies, a lot of this is being reflected in the City Plan, it is being done simultaneously with our efforts to restructure the department, it is also being done against the background where because of our economic policies we are receiving substantial development proposals which needs the time of the Chief Planning Officer and his department and, of course, it is a matter of priorities at the end of the day.

HON A J CANEPA:

Does the Minister agree that we are not likely to see a new City Plan before March, 1992?

HON M A FEETHAM:

I said in answer to Question Nos.32 and 68 of 1989 that it would certainly be done during this term of office.

HON A J CANEPA:

That is a definite commitment?

HON M A FEETHAM:

Yes, Mr Speaker.

HON A J CANEPA:

I will hold him to that.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Does the Government have any plans to introduce a system of public participation under the Town Planning Ordinance in order to consult the public and give them an opportunity to express their views on the Government's development proposals?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir, not beyond the degree already provided for under the Town Planning Ordinance.

SUPPLEMENTARY TO QUESTION NO. 189 OF 1989

HON A J CANEPA:

Does the Minister then not consider that the public are entitled to have a say beyond what there is currently in the Town Planning Ordinance given the fact that the face of Gibraltar is being changed so dramatically by development? That the public have a say in that.

HON M A FEETHAM:

Mr Speaker, what is already there, in our view, is enough for public participation to take its natural course.

HON A J CANEPA:

Does not the Minister consider that effectively what is happening is that they are just going ahead and doing as they please with development and just leaving it to the electorate once every four years at elections to pass judgement when many other considerations in the context of a General Election are going to determine whether what the Government is doing is right or wrong? People are affected by development, moreso on the scale in which it is currently taking place in Gibraltar and they have a right, Mr Speaker, in my view, because a democracy requires greater participation, they have a right to have a say and express their views on how the face of Gibraltar is being changed.

HON M A FEETHAM:

Mr Speaker, I concur entirely with what he is saying but what I am saying is that the machinery that is already there is ample and let me remind the Member opposite that this Government is putting into effect plans that will preserve the old City. That we will not have any more monstrous buildings that have been built during the Hon Member's term of office and that the whole plan of reclamation is entirely

to reclaim land, build the economic policies of the Government on reclamation area, preserve the view of people so that they are entitled to look out of their window and see the Bay which did not happen when the Casemates were built, when the International Casemates Centre was built, when the buildings opposite Rosia were built and so on. Our plans are to take the pressure away. If people are not happy with those sort of plans then there is, in our view, no other alternative. Insofar as minor alterations to the City Plan, which is now in place, that is matter that goes to the DPC where we have the Chief Planning Officer and he gives very strong views on some of the planning applications and the Government takes them on board. So as far as we are concerned once the City Plan is established which will indicate the extent of the Government's economic policy and the restructure of economic development in Gibraltar, I think people will find it far far more progressive than anything that the AACR has done in the last twelve years, Mr Speaker.

HON A J CANEPA:

I am sorry, Mr Speaker, to have to involve you but I have to clarify a comment made.....

MR SPEAKER:

Could you please put it in the form of a question.

HON A J CANEPA:

This is important, Mr Speaker. In the light of the comments made by the Minister that 'the AACR was responsible for what happened at Casemates', I would like to point out, Mr Speaker, that the IWBP administration was responsible for that and in the light of that we amended the law in 1976 so that we could not have a repetition of the loss of view because of the International Casemates Centre. I am referring to what there is on Casemates Square where there is a building right up against another building. That can no longer take place.

HON M A FEETHAM:

I am not referring to that and if that is the impression I gave that is not the case. I am talking about the ICC Centre.

HON A J CANEPA:

Mr Speaker, will the Minister comment on the proposals that we had to allow people living in the neighbourhood where there is development going on, where they are likely to be affected by development, the proposals that we had whereby notice would be publicly exhibited of proposals for development in that area and that would give the public an opportunity to comment. Does the Minister not consider that that is a good way of going ahead and will he seek advise of members of the Development and Planning Commission on the matter?

HON M A FEETHAM:

Mr Speaker, like everything else, I am constantly reminded about proposals that the AACR have had but nothing was ever done with their proposals. As far as we are concerned, I have already stated, as a matter of policy, what the development policy of the Government is. We intend to preserve the old City of Gibraltar as far as it is possible under the present scenery. Any alterations to that will be done in discussion with the DPC and, if necessary, with other Associations involved like the Heritage Trust and so on. Our future development is the construction of the new City of Gibraltar on the first phase of reclamation and going on to the North Mole. the industrial area of Gibraltar will be shifted by agreement to the dockyard area so we will have Devil's Tower Road as a grand promenade going to the east side. The leisure coast of Gibraltar will be on the east side. That is a plan of action for the next ten years. The people of Gibraltar will be able to participate once we have the City Plan published. Within that there is bound to be at times some friction but at the end of the day we are doing something which no other administration has done. We are putting on the table a whole Economic Development Programme for Gibraltar for the next ten years. That is as far as we can go at this point in time.

HON A J CANEPA:

Will the Minister consult those bodies that he has referred to, the Heritage Trust, the Conservation Society, the Development and Planning Commission, on the proposals that I have mentioned which were approved and agreed to by Council of Ministers under the AACR administration and which were just awaiting legal drafting. They were approved and all that was required was for the necessary amending legislation to be drafted and brought to the House. Would he look into the matter?

HON M A FEETHAM:

The Heritage Trust and other organisations are, in fact, consulted and have got access to Building Applications which could infringe or could encroach or could alter some of the existing policies as laid down in the law and their views are taken on board. As far as these proposals that he keeps referring to, we have had no sight of them as the new Government of Gibraltar.

HON A J CANEPA:

I am telling the Hon Minister that the Development and Planning Commission which, essentially, a membership of it insofar as officials are concerned has not changed dramatically, approved proposals that would allow ordinary citizens living in properties next to sites where development is going to



take place to have a sight of what proposals are likely to affect their property and be given an opportunity within a prescribed period of time to present their views and comments to the Development and Planning Commission. They had been approved by the previous Development and Planning Commission, by the previous Council of Ministers and were awaiting legal drafting. The Chief Planning Officer and the Director of Crown Lands should know all about these.

HON M A FEETHAM:

I am not aware of such proposals but let me tell the Hon Member something else. We will not be prepared to move beyond the existing position, as I have already stated in my previous answer and in any case, we will certainly not do so in the light of the restructuring of the civil service that we are trying to implement and consequently anything that could create a more cumbersome administrative procedure will have to be taken on board in the light of all the other changes that we are trying to introduce in our restructuring process. It is no good shifting people in one particular area that may not necessarily be the position in six or seven months time. So like everything else we will have to wait.

HON A J CANEPA:

The Minister is consciously denying the public a right which they have to comment.

HON M A FEETHAM:

No, I am not. It is a matter of judgement and it is a matter of opinion.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

What are Government's plans for South Barracks after it is handed over by MOD?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, it would be premature for the Government to consider plans for any specific area until the full extent of the MOD handover is known.

SUPPLEMENTARY TO QUESTION NO. 190 OF 1989

HON M K FEATHERSTONE:

So the Government has no specific plans at the moment?

HON M A FEETHAM:

Mr Speaker, in fact, we do not know if they are going to hand it over at all and we do not want to pre-empt anything.

MR SPEAKER:

Next question.

THE HON A J CANEPA

Will the Government explain how the East Side Reclamation project will affect Catalan Bay?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, plans for the East Side Reclamation are at present at an early stage of consideration. When it is considered appropriate then the Catalan Bay Village Council will be consulted.

SUPPLEMENTARY TO QUESTION NO. 191 OF 1989

HON A J CANEPA:

I am glad to hear about that because it was a supplementary question that I was going to ask about consultation with the Catalan Bay Village Council. Can I ask the Minister whether steps will be taken to ensure that the beach will not be adversely affected?

HON M A FEETHAM:

Yes, Mr Speaker.

HON A J CANEPA:

And also, Mr Speaker, whether within that if anything, if it were to be possible as a result of an East Side Reclamation Scheme, will the Minister also consider whether it might be possible either by the provision of drawings, for instance, to protect and, if anything, even more desirable, to create a bigger beach?

HON M A FEETHAM:

Mr Speaker, the Feasibility Study that is being done at the moment, in fact, takes all these things into account.

HON A J CANEPA:

Mr Speaker, what plans does the Minister have in respect of other beaches like Catalan Bay and Eastern Beach?

HON M A FEETHAM:

All that is being taken into account in the feasibility study, Mr Speaker.

HON A J CANEPA:

Will that Feasibility Study insofar as these aspects are concerned, at least, about the possible effect on public beaches, will the Minister undertake to make that those aspects of the Feasibility Study public? I can understand that commercial considerations may have to be confidential but what affects public beaches should be made public. Will he undertake to do that?

HON M A FEETHAM:

Yes, Mr Speaker, once we have taken a decision.

HON A J CANEPA:

I am grateful for those answers.

MR SPEAKER:

Next question.

9.11.89

NO. 192 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry make a detailed statement about the terms and conditions governing the agreement which the Government has reached with the Danish consortium on the "Europort" project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 193 of 1989.

NO. 193 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry explain (a) what legal vetting of the documentation has there been, and (b) what financial advice, and from whom, he received in the course of negotiations on the "Europort" project, and prior to his signing the agreement in Denmark?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, in the first instance I would like to re-state that it is not our policy to disclose the conditions for the disposal of any land as these are commercially sensitive transactions.

The document for the disposal of the land for the "Europort" Project was vetted by the Attorney-General's Chambers and advice was given by the Director of Crown Lands whose Department was involved in the negotiations.

SUPPLEMENTARY TO QUESTION NOS. 192 AND 193 OF 1989

HON A J CANEPA:

Does the Minister not think that, commercial considerations apart, the public and the people of Gibraltar are entitled to know how the Government disposes of large tracts of public land, particularly when these have been created as a result of borrowing by the Government of many millions of pounds and which present and future taxpayers' contributions will have to foot the bill?

HON M A FEETHAM:

Mr Speaker, first of all, I think that I have already made the position clear on numerous occasions. When the Government enters into negotiations with prospective developers it takes into account, of course, the public interest and it is a political judgement at the end of the day whether you enter into an agreement or not. What I can state, quite clearly, is that whilst that remains the position, the Danish agreement means that the investment, which the Hon Member is referring to, in terms of public expenditure in producing the land, the 300,000 square metres, I can publicly say that as a result of the Danish agreement all the cost of the reclamation has been paid for arising out of this specific agreement. So at the end of the day that means that we have now cleared our books for the cost of the entire reclamation out of this one deal. As a result we have given free the land to build Westside I and Westside II. Had this not been the case the cost of this land would have had to be paid out by Government funds. This would have been the case before. So everything has been paid out of one deal which the Government has struck.

HON A J CANEPA:

Mr Speaker, will the Minister explain why he did not have any financial appraisal, he referred to the legal vetting and to advice having been received from the Director of Crown Lands, I accept that. However, why did he not separately have a financial appraisal made of the proposals either by people in the Treasury or independently of that?

HON M A FEETHAM:

Mr Speaker, he seems to give too much importance to some things which are not entirely the responsibility of the Government. What have we done? We have produced land in Gibraltar. We have attracted investment. It is up to the investor to do their own appraisals whether the market will take the investment that they are going to put into Gibraltar. Our side is there (a) to make sure that we get the best deal out of this for the people of Gibraltar and which clearly we have done since the deal we have struck has meant that we have paid for the land reclamation entirely (b) that the consumer part of what that building is going to produce is going to enhance and promote Gibraltar in terms of financial centre activities and so on. Our responsibility is not to ensure that the investors are correct or that the market forces appraisal is correct. What I do not want to do, if I have somebody who wants to put £104m into Gibraltar is to put him off. It is up to them to ensure that the investment will meet the targets that they themselves have set up.

HON A J CANEPA:

While not putting people off does not the Minister accept that either the Danish commercial interest or any other commercial interest, for that matter, are not charitable organisations which are just here to fork money out. They are going to come to Gibraltar to invest in order to make profits and financial scrutiny and financial appraisal is required and expert advice is required in order to enable Ministers to be satisfied, other than their own gut feeling, of the viability. Ministers take political responsibility for matters but they must ensure that they are not being taken for a ride by people who are going to engage legal and financial experts on the matter.

HON M A FEETHAM:

Mr Speaker, we are satisfied with the deal that we have done and we are satisfied with the integrity and repute of the companies because they are major companies in Denmark. For example, Mr Speaker, when I went to Denmark I had dinner with the Minister for Housing and Development and he spoke highly of these people. These people know what they are doing. The reality is, Mr Speaker, that these people have faith in the

policies of this Government and feel that our policies are correct and therefore what they are doing, like other people are doing, is in anticipation of our policies creating the economic climate that we believe will happen in Gibraltar, these people are investing in Gibraltar and investing in the policies of the Government. It is their risk. I am not going to turn down the chance of this historical deal being made because I have said the Government has been able to pay for the entire Reclamation Programme, the whole 300,000 square metres, by granting these people development rights on 32,000 square metres of land.

HON A J CANEPA:

Does not the Minister see that in the absence of information about the terms and conditions, other than what he has just said of the allocation to the Danish consortium, all that the public has had access to is that the Europort project will go ahead and the rest amounts to a little more than just propaganda?

HON M A FEETHAM:

No, Mr Speaker, because that again is a matter of judgement. When the Hon Member accepted the Queensway Development and I am assuming that he accepted it because he thought that it was in the best interest of Gibraltar that that scheme should get off the ground even though I have found myself in a position of having to resolve innumerable problems about the Queensway Development because the scheme was badly conceived and not all the problems were resolved before the scheme was handed out. That apart, I am assuming that when he agreed to that scheme it was because it was in the best interest of Gibraltar.

HON A J CANEPA:

But that went out to tender, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, it did go out to tender, I agree, but at the end of the day, let me make it quite clear, if that is the line he is taking, that he disposed of that scheme for £1m and £½m towards infrastructure and the deal that I was able to strike by coming in very late and being able to turn the tables round in a very bad situation because investors were walking away because the Hon Member had been incapable of solving the problem and the package that I have been able to produce is worth about £4m.



HON LT-COL E M BRITTO:

Mr Speaker, I think the Hon Member misses the point of the line of questioning that my Hon Friend was taking. Will he accept that what worries us on this side of the House is the lack of public accountability for the actions of the Government by not giving out the information that we are seeking, by making subjective judgements based on information from within Government sources and not seeking independent advice. By making statements like "the Danish investors know what they are doing" and which I have no doubt for a moment that they are striking the best deal as far as they are concerned. Will the Minister accept, Mr Speaker, that what we are concerned, on this side of the House, is that the Government is making the best deal under the circumstances for Gibraltar and that if chances were given to other people whether a better deal would not have been struck?

HON M A FEETHAM:

Mr Speaker, I think we have outside this door about twenty different groups wanting to invest £104m in Gibraltar. I have got them out there waiting! Is that what the Hon Member is saying? I think the Hon Member is living in limbo, quite frankly, Mr Speaker, because if he had been in my position during the last nine months trying to get this deal together, convincing the investors group who were being brought to Gibraltar continuously over the last nine months, the amount of negotiations and discussions that have taken place, the amount of bad nights that we have had to face during those negotiations, to get that deal for Gibraltar and at the end of the day make it such that it is beneficial to the people of Gibraltar, then I think that you had better accept that it is our judgement. What I am not going to do is to tell everybody who wants to invest in Gibraltar, be it within Gibraltar or people coming from outside Gibraltar, what valuations we give to any specific project. And let me tell the Hon Member something else, Mr Speaker, that Estate Agents, other valuers in Gibraltar and other people who are investing in Gibraltar or have, in fact, invested in Gibraltar have told me "please never disclose your commercial deals because if you do that what you are doing is weakening the position of the Government and weakening the position of Gibraltar as a whole with outside investors". I have an ace and I am not prepared to give it away. That is my position, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, if anybody is living in limbo it is the Hon Minister. He has shown, by what he has said this morning, a degree of naivety that I did not expect from a Member of that side of the House. To say that the best interests of Gibraltar are served because Danish investors know what they are doing is being naive in the extreme.

MR SPEAKER:

Next question.

NO. 194 OF 1989

ORAL

THE HON A J CANEPA

Will the Government explain what methods have been employed in allocating the 90% of the Westside Reclamation?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Sir, I have repeated quite often the policy of the Government on the matter of land disposal and I have also said that Government has been and continues to be in discussion with developers. The reclaimed land is being treated no differently.

Out of the allocations which have been made on the reclaimed area a large part is in respect of land made available free of charge to meet social obligations such as Westside I and Westside II.

Let me also add that the Government is pleased to announce that it has been able to resolve the longstanding problem of many years to reprovide the Mediterranean Rowing Club and agreement has also been reached with the Calpe Rowing Club thus guaranteeing the future of these longstanding traditional Clubs which cater for the leisure activities of such a large sector of our community.

Land has also been provided for the establishment of the Components Factory at the Western end of the reclamation to the North of North Mole and I am pleased to say that work on the construction of the Factory has already begun.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1989

HON A J CANEPA:

Does not the Minister consider, Mr Speaker, that it is fair to give all interested parties in Gibraltar, particularly commercial ones, an opportunity to apply for allocation given the fact that we are talking of public land and public expense?

HON M A FEETHAM:

Mr Speaker, I have already said on innumerable occasions that my agenda during the course of any day is between eight to ten meetings with all developers in Gibraltar. I have had them collectively and I have had them singly in my office. These can actually be named in a handful, we are talking about Louis Peralta, Taylor Woodrow, Mr Isola, people like that, all of those who have invested in the past in Gibraltar, know what our policies are, they have submitted proposals which

are being discussed. Insofar as the outside world is concerned, I can assure the Hon Member opposite that the outside world is more knowledgeable of Gibraltar now than they were before and we are getting development proposals from outside.

HON A J CANEPA:

Is it a case then, Mr Speaker, of having the ear of the Minister or Ministers in order to have a chance to be allocated such valuable land?

HON M A FEETHAM:

No, Mr Speaker, everybody comes through our offices, be it my office or any other Government Minister's. It is not a question of personality, it is a question of what is in the best interest of Gibraltar as we see it, Mr Speaker.

HON A J CANEPA:

And as we see it that policy goes against the public interest.

HON CHIEF MINISTER:

Mr Speaker, all I can say to the Hon Member is that we are prepared to have our record compared to the AACR's record in protecting the public interest in all the projects where as in the past everybody was commenting throughout Gibraltar what the connection was between the successful tenderer and the composition of the Government. They cannot say that of this Government.

HON A J CANEPA:

The Hon the Chief Minister may be surprised as to what they say about that Government, Mr Speaker.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Is Government aware that a number of soft toys which are dangerous are being sold in Gibraltar?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no. The Department of Trade and Consumer Affairs is not aware of any dangerous soft toys being sold in Gibraltar. If the Hon Member would kindly pass me the details I will have the matter investigated.

SUPPLEMENTARY TO QUESTION NO. 195 OF 1989

HON M K FEATHERSTONE:

I shall be happy to supply the information to the Hon Member, Mr Speaker. However, would the Hon Minister consider enacting in Gibraltar the equivalent of the 1974 Toy Act in Britain which deals with the quality of toys, in particular, soft toys?

HON M A FEETHAM:

Mr Speaker, we are presently looking at this particular area of toy legislation in the light of EEC requirements. This will, however, have to be dealt with in line with the Government's priority on EEC legislation. Mr Speaker, at present we have mountains of EEC legislation outstanding for the last fifteen years. We have presently someone working full-time on this. We are trying to establish some sort of priority order. In any case, Mr Speaker, the House should bear in mind that most importations are from the UK and which already meet EEC requirements. Therefore the extent of the problem is not as big as may be seen to be and therefore the need to have cumbersome legislation may not be necessary but we shall have to find some way round. We are, however, conscious, Mr Speaker, of this matter and are looking into it.

HON M K FEATHERSTONE:

Will the Hon Minister not agree, Mr Speaker, that although most of the soft toys come from the UK quite a number come from places such as Taiwan and China?

HON M A FEETHAM:

That is correct, Mr Speaker, and that is the element that we would wish to concentrate on rather than talk of cumbersome legislation.

THE HON LT-COL E M BRITTO

Mr Speaker with your leave, before I ask the question can I say that it is unusual for a Minister not to be present in this House at Question Time and take the opportunity to extend from my colleagues in the Opposition our best wishes to the Minister for Housing for a speedy recovery and hope to see him here at an early date.

Mr Speaker, will the Minister for Housing confirm that those applications for Government accommodation which were removed from the Housing Waiting List because of paragraph 5 clause 2c of the Housing Allocation Scheme (Revised 1987), have been reinstated and that this has been confirmed in writing to the applicants concerned?

ANSWERTHE HON THE MINISTER FOR TRADE & INDUSTRY

Mr Speaker, those applicants referred to by the Honourable and gallant gentleman have now been reinstated and notified in writing.

SUPPLEMENTARY TO QUESTION NO. 196 OF 1989

HON LT-COL E M BRITTO:

Mr Speaker, can the Minister say when were they notified?

HON M A FEETHAM

No Mr Speaker, I am unable to do so. This would be a matter which my colleague the Minister for Housing will be able to answer in due course.

MR SPEAKER:

Could I repeat what I said previously, that you can either pursue the matter by letter or you could always ask the question again at the next Meeting.

HON LT-COL E M BRITTO:

Yes Mr Speaker, I shall ask Supplementary questions and if the Hon Minister cannot answer them then the Minister for Housing can answer them in writing at a later stage.

HON M A FEETHAM:

Mr Speaker, what I can do is answer what my colleague would have answered and any Supplementaries should be answered by the Minister for Housing because he is responsible for these matters.

MR SPEAKER:

We shall then leave it at that.

HON LT-COL E M BRITTO:

Mr Speaker we can leave it at that if, as has been agreed, I am allowed to ask this question at the next Meeting of the House.

MR SPEAKER:

That will be in order. Next question.

NO. 197 OF 1989

ORAL

THE HON LT-COL E M BRITTO

Will Government state when the emergency housing units at Queensway will be completed and when will they be allocated?

ANSWERTHE HON THE MINISTER FOR TRADE & INDUSTRY

Mr Speaker, all major works including services such as water and electricity have now been finalised. Two blocks comprising some 40 units have already been completed and a further block of 20 units should be ready say within a fortnight or so. Minor works should then progress quickly towards completion of the remaining block thus terminating the whole estate of about 81 units in about one month.

I cannot be more specific because I am awaiting the final check up of every unit and the degree to which minor imperfections can be corrected, with a view to allowing habitation with the least possible delay and an absolute minimum of personalising by tenants.

Allocations will commence within a fortnight and last about another fortnight, hopefully completing the whole exercise before Christmas. We will be inviting prospective tenants to view a couple of show flats aimed at speeding up the final allocations. Upon accepting Tenancy we will expect the moving in and any anticipated surrender of current dwellings to be fairly rapid.

SUPPLEMENTARY TO QUESTION NO. 197

THE HON LT-COL E M BRITTO;

Mr Speaker, is the Minister speaking on behalf of the Minister for Housing?

THE HON M A FEETHAM;

Yes Mr Speaker, the answer is as would have been answered by the Minister for Housing.

THE HON LT-COL E M BRITTO;

Mr Speaker, my supplementary would have been:- "Can the Minister guarantee that his forecast of one month from now will be more accurate than his Honourable colleague's, the Minister for Government Services, back in July for completion by the end of August".

THE HON J C PEREZ;

Mr Speaker, I do not accept the insinuation that my forecast was out, given my explanation in answer to the question by the Honourable Member last time. What I can say on this occasion is that the same reason that caused the delay last time is continuing to cause the delay this time and that

hopefully even before the month is out everything will be completed. There are some minor things which are being dealt with and we have in some cases had to take a decision of buying items locally and we will refuse to pay for those items when they are received from the Company because of late arrival. I therefore think that before the month is out the "Estate" will be completed.



THE HON P C MONTEGRIFFO

Can the Minister for Housing confirm that it is still Government policy to build 500 low cost houses for people who cannot afford to purchase their homes and when he envisages that construction of these houses will commence?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

(In the absence of the Hon the Minister for Housing)

Mr Speaker, as the Hon Member will note if he looks at the Estimates of Expenditure, the Government has budgeted a sum of £18m for the construction of the 500 housing units in question. The position is, of course, that this programme has already commenced because he will see that money was spent last year and in the current financial year.

Details of the units being built at various Estates have been provided by the Minister for Housing both at Question Time and at Budget time.

The Government has made it clear that the exact composition of the units and the number required would be kept under review in the light of the increased output of Home Ownership Units in Westside II which did not exist at the time the original assessment was made.

It has already been stated publicly and in this House that the Government has, in fact, an option to purchase units in that project should this be the most cost effective way of producing some of the houses planned.

The Government is not in a position to advance beyond the information that has been provided on this and any previous occasion.

SUPPLEMENTARY TO QUESTION NO. 198 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, I am not sure what the position is with regard to supplementaries on this question but I will ask them and see what happens. Mr Speaker, is the position then that the figure of 500 houses which were promised during this term of office, in the GSLP manifesto, no longer a definite figure but a figure open to revision depending on how Westside sells?

HON M A FEETHAM:

No, Mr Speaker, the figure stands as stated but what we are saying is that once we have assessed Westside II, and we have already stated that we have an option on the units there, 500 units there, we will just have to see how matters develop and a decision will be taken as to the next appropriate step to take.

HON P C MONTEGRIFFO:

So the 500 units will be provided within the four year term of office?

HON M A FEETHAM:

Yes, Mr Speaker, if it is found that this is necessary in the light of what is happening, yes.

HON P C MONTEGRIFFO:

Mr Speaker, can Government indicate what criteria it will use to determine who is entitled to those 500 units, or such proportion as is needed, bearing in mind that if at present somebody wishes to apply for Westside and potentially he may be entitled to rented accommodation from the 500 units, it should be fair that the Government indicated what category of person is eligible for the 500 houses? Is Government saying that it has no criteria that could be made public on this matter?

HON M A FEETHAM:

Mr Speaker, the position is that allocation of Government rented accommodation is governed by the Housing Allocation Rules.

HON P C MONTEGRIFFO:

Mr Speaker, what the Government is then saying is that everybody in the Housing List from 1 to 500 if they wait two and a half years they should be able to obtain a Government flat that does not form part of the Home Ownership side of the Westside development. Mr Speaker, I think it is important that people should know how they stand on this point.

HON M A FEETHAM:

Mr Speaker, there is a Home Ownership policy which the Government is pursuing and which people are free to take advantage of. There is also a social obligation for the Government to provide accommodation for those people who may not be catered for by Home Ownership. The position is that that will be taken on board in the light of the present policies on Housing allocations. We are not shifting from that criteria and it would be inopportune at this point in time to make any further statements on the matter.

HON P C MONTEGRIFFO:

Mr Speaker, if I understand the position correctly, the GSLP position in the manifesto was that there was a three-tier system of Housing: the old system of unrestricted Home Ownership, as it were; the Government assisted Home Ownership, which was described as the Montagu Project, and a third category for people who could not buy and for which the GSLP had a commitment of 500 units. I am prepared to accept, Mr Speaker, that it is reviewing how many houses it needs to build depending on the amount catered for by Home Ownership. But what needs to be clarified is that if there is a commitment to build houses up to 500 units outside the Home Ownership Scheme, what type of people are these 500 units earmarked for? This is to enable people to know if they have to go through the effort of saving for a house when they might be entitled to rented accommodation. This would require Government to inform people, through published Rules, the criteria for being eligible to this third tier? And this is something people are entitled to know.

HON CHIEF MINISTER:

Mr Speaker, this assumes on the part of the Hon Member opposite that people do not want to buy their own homes and are being forced to buy their own homes because Government is failing to provide them with an alternative. Now that might well have been true of the policies of the party to which the Hon Member used to belong. And if that party were still in Government the premise might have been correct but under the GSLP analysis of Home Ownership does not apply because we think that Home Ownership is a desirable end in itself and not something that people are forced into because the Government fails to provide rented houses. The proof of that is that a high proportion of the people who have bought already in Westside are Government tenants and are freely, without any Government coercion, giving up their tenancy. Mr Speaker, we believe that the £10,000 allowance which we have introduced will itself have an effect on how many more people can afford to buy and therefore what we are saying is that we are committed to building 500 houses but if we find that there are empty houses because the market is saturated there is no point in the Government building more houses and therefore we have taken an option in Westside II to possibly meet our commitment if that were the best way to do it. But until we see the progress, and at the moment the situation is that there are more people wanting to buy than there are apartments available, we certainly do not want to do what the Hon Member has suggested and which seems to me to be to discourage people from buying and instead hanging on in order to rent. Unless what he means is whether we intend to "means test" people in order to be on the Waiting List. If that is what he is trying to find out then the answer is "no", we do not have any intention of altering the criteria for eligibility to rented accommodation on the Government Waiting List. What we do intend to do is to make Home Ownership increasingly more attractive so that less and less people will want to rent and more and more people will want to buy. It is against that background policy that the requirement for Government to add to the housing stock will be assessed.

HON P C MONTEGRIFFO:

Mr Speaker, I accept the promotion of Home Ownership but it is not a matter of what I say, it is a matter of what the Hon the Chief Minister said. The GSLP said that they would stimulate Home Ownership but would still provide 500 houses. That was the GSLP estimate of what was necessary to provide houses for those who could not afford to buy. Having said that, what I am saying is, is it not fair that people knowing that there are going to be 500 flats other than for purchase during the next two and a half years, that they should know what type of person Government considers would be eligible for these flats so that they can assess whether to buy a flat or say "no, I do not have to sacrifice myself and perhaps buy a car or deprive my family of certain things because I fall within that type of bracket that Government considers needs special help and for which it is building the 500 flats". Otherwise, Mr Speaker, you have a situation that until Westside is marketed completely, Government does not say we acquire flats for non-purchasers.

HON CHIEF MINISTER:

Mr Speaker, the answer is that there is no change. The people who need to know what the criteria is know it. It is the same criteria that there was on the 24th March when we got elected. We are not introducing any new restrictions on eligibility to Government Housing.

HON P C MONTEGRIFFO:

Mr Speaker, I can then take it for granted that come two and a half years from now, if people have not bought and are eligible under the present Rules, Government will provide 500 homes for purposes other than second-tier Home Ownership as envisaged in the GSLP manifesto.

HON CHIEF MINISTER:

Mr Speaker, we have a commitment to construct 500 units. That commitment is reviewed in the light of supply and demand. We are not going to build homes if they are not needed or houses that people do not wish to rent. The commitment is that in the first four years of Government we will build 500 as opposed to the previous record which was 80 houses in four years.

MR SPEAKER:

Next question.

THE HON LT COL E M BRITTO

ORAL

Is Government satisfied with the efficiency of the system supplying brackish water to the households at Varyl Begg Estate and will it state what has been -

- (a) the cost of resiting the sea water intake
- (b) the annual increase in the running costs subsequent to the resiting?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the system for supplying salt water to the Varyl Begg Estate is the same as that initially installed when the estate was built. The system is not an ideal one, as it relies totally on the efficiency of pumps since sea water is pumped directly from the sea to the dwellings. Consequently, any failures of the pumps would result in the loss of supply to the estate.

As part of the overall infrastructural works to be undertaken shortly by Government, a direct gravity supply from Moorish Castle Reservoir will be provided to the reclamation areas which will also be extended to include Varyl Begg. Once these works are undertaken Varyl Begg will be linked up to the salt water network and these should not be subject to the frequent breakdowns which has existed since Varyl Begg was built.

To enable the reclamation works to proceed in the area in front of Varyl Begg, a sump was created in front of the existing intake at Varyl Begg from which a supply to the estate could still be drawn. To replenish the sump, a temporary supply was provided from a pump placed adjacent to the yacht reporting station; these works will become obsolete once the permanent supply has been provided. The temporary works have been undertaken by the Gibraltar Land Reclamation Company to maintain the present supply to Varyl Begg.

SUPPLEMENTARY TO QUESTION NO. 199 OF 1989

HON LT COL E M BRITTO:

Mr Speaker, I welcome the contents of the reply although it does not answer the question. The households at Varyl Begg will also welcome the reply because they are the ones that are being inconvenienced by the breakdowns. The answer however does not cover the question of the costs involved in resiting the intake or of the increased annual costs?

HON J C PEREZ:

Yes it does Mr Speaker. If the HOn Member would have taken more notice of what I said he will have realised that we

have not resited the intake so no costs are involved and I have explained what we have done instead. Mr Speaker, the Hon Member has come to the conclusion that we have resited the salt water intake but we have not. We have created a sump and we have put new pumps to divert the water. The intake however is where it was. Therefore the question does not arise.

HON LT COL E M BRITTO:

Mr Speaker, we are playing with words. The place of the sea water intake is by the sea and the Minister has said that this has been moved to the Yacht Reporting Berth.

HON J C PEREZ:

No Mr Speaker. What has been moved to the Yacht Reporting Berth are two pumps.

HON LT COL E M BRITTO:

Two pumps, Mr Speaker, and how is the water pumped from the Yacht Reporting Centre to the sump at Varyl Begg?

HON J C PEREZ:

Because of the sumps, Mr Speaker. The intake remains in the same place.

HON LT COL E M BRITTO:

To me, Mr speaker, the sea water intake is where the sea enters the piping system and the sea enters the piping system at the Reporting Berth. Right or wrong?

HON J C PEREZ:

Wrong, Mr Speaker.

HON LT COL E M BRITTO:

Is the Minister aware, Mr speaker, clearly where the sump is at Varyl Begg?

HON J C PEREZ:

Yes, Mr Speaker.

HON LT COL E M BRITTO:

Is there any sea surrounding the sump at Varyl Begg, Mr Speaker?

HON J C PEREZ:

There is sea surrounding the intake, Mr Speaker.

HON LT COL E M BRITTO:

And where is the intake, Mr Speaker?

HON J C PEREZ:

In the sump, Mr Speaker. The intake is where it was originally, it has not been changed. What has changed is the way that the water goes to the estate. The intake is where it always was. So the Hon Members question does not arise.

HON LT COL E M BRITTO:

Will the Hon Minister accept that the Hon Member's question is not wrong. He is just clearly misunderstanding the question. Will the HON Minister correct what I say in that:- When the sea was right up Varyl Begg, the sea water inlet was directly there and there was a little pumping station at Varyl Begg Estate which pumped in the water. That was the sea water intake. Now when the land was reclaimed and that became land locked, the sump that the Hon Member was referring to was created there and a new water intake was created at the Yacht Reporting Berth and pumped the water from there to the sump and from there into the system. Therefore the sea water intake is by the sea and has therefore been resited. Will he agree with this, Mr Speaker?

HON J C PEREZ:

No Mr Speaker, I know that I have given a long reply which is rather complicated for persons like the Hon Member and myself, who are not engineers, so instead of coming to the conclusion that I am confused he should take time and read the answer I have given and if necessary raise the matter again. But I am not mistaken, Mr Speaker, the Hon Member is the one who is mistaken.

MR SPEAKER:

Perhaps I can help. The Hon Member has asked for the cost of resiting the sea water intake and the Hon Minister has replied that there has been no resiting.

HON LT COL E M BRITTO:

Yes Mr Speaker and that is what I am not accepting. I maintain that there has been a resiting.

HON J C PEREZ:

Mr Speaker, I can offer the Hon Member a tour of the site and show him the intake.

MR SPEAKER:

Next question.

9.11.89

NO. 200 OF 1989

ORAL

THE HON K B ANTHONY

Will Government explain why the look-out towers, due to be built at Eastern Beach for use by lifeguards, were not erected during the last bathing season?

ANSWER

THE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, technical work on the erection of the Life Guard Towers from a planning angle were not completed until well into the summer season. At that stage it was felt that the inconvenience caused to beach users would be such that it was better to erect them at the preparatory stage for next year's summer season.

SUPPLEMENTARY TO QUESTION NO. 200 OF 1989

HON K B ANTHONY:

Mr Speaker, I appreciate this is a matter that must be considered but nevertheless these are intended to assist in lifesaving and I would have thought that inconvenience to bathers would be of secondary consideration.

HON J E PILCHER:

Not at the late stage of the planning of these towers, in early August, and by the time that the equipment and the site were ready, by late August or early September and functioning the inconvenience caused would not have been worthwhile because the bathing season would have been over by then. It was therefore felt that it would be ready for the following year's bathing season.

HON K B ANTHONY:

Will the Minister confirm that towers will be ready by next year's bathing season, Mr Speaker?

HON J E PILCHER:

Yes, Mr Speaker.



NO 201 OF 1989

ORAL

THE HON A J CANEPA

Will the Minister for GSL explain why it was necessary for him to attend the CPA Barbados Conference, in lieu of another of his colleagues, at a time of serious industrial unrest in the yard?

ANSWERTHE HON THE MINISTER FOR GSL & TOURISM

Mr Speaker, as the Honourable questioner knows, arrangements for a Commonwealth Parliamentary visit are made months in advance. At the time of my departure to Barbados, there was no industrial action in GSL. When the decision to reject the pay offer and take industrial action was taken by the GSL employees my colleagues did not feel it warranted recalling me from Barbados.

SUPPLEMENTARY TO QUESTION NO. 201 OF 1989

HON A J CANEPA:

Mr Speaker, the Minister is saying that at the time when he left everything was alright at GSL. There were no industrial problems that could be apprehended?

HON J E PILCHER:

Yes Mr Speaker, that is what the Hon Minister is saying.

HON A J CANEPA:

The Minister would not agree that it was particularly convenient for him to be out of the way at the time to give a free hand to his boss?

HON J C PEREZ:

Mr Speaker, I can assure the Hon Member that I was acting Chief Minister at the time and if I had known that something like this would have happened I would have asked him not to go.

HON A J CANEPA:

Mr Speaker, under the circumstances I accept that.

THE HON P C MONTEGRIFFO:

Will the Minister for GSL and Tourism make a statement regarding the guarantee of employment made to GSL and joint venture company employees in the yard who may be affected by the proposed restructuring and the conditions that will attach to any new such employment?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

No Sir, the Government feels that the guarantee of employment made to GSL and Joint Venture Company employees is a matter for the individuals affected and the Company concerned to negotiate between them.

SUPPLEMENTARY TO QUESTION NO. 202 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, the guarantee that has been given, and I assume that a guarantee has been given, has that been communicated to the employees by letter or in what other way. Depending on the Government's reply will the Government confirm that it is a legally binding commitment which workers and employees can rely on in the courts?

HON J E PILCHER:

Mr Speaker, as I have already said in my answer we are not prepared to discuss the matter in this House. The guarantee of employment is a matter to be discussed between the employee and the companies concerned.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government not accept that the future of GSL and the future of its employees is a matter of direct concern, not just to this House, but to the economy of Gibraltar generally and to the people of Gibraltar in the broadest sense? And therefore whilst not asking for precise details of the guarantee, we need to know what basis there is for the guarantee and whether workers have a right to turn up and tell Government in six months time they have a legally binding commitment for equivalent employment. Mr Speaker, the entire Opposition and the people of Gibraltar need to know what the plans are in that respect. Does Government not accept that there is a public interest in that?

HON J E PILCHER:

Mr Speaker, there are about seven questions in one. I will take them one at a time. Yes the Government is aware

that the future of GSL is important to the Government, is important to the people and is important to the economy. The question asks is the guarantee of employment of the individuals and the "we" that the member opposite is referring to as far as I can define is the "we" ie the employees. And it is up to the company and the Government to negotiate that guarantee with the employees and not with the Hon Member opposite.

HON P C MONTEGRIFFO:

Mr Speaker, I am not talking about with me or anybody else? What I am talking about is that there is a public statement, made by the Chief Minister, saying we will go one further that what other people have done in the past by guaranteeing employment to people made redundant at GSL and in the joint venture companies and all that I am asking is will that guarantee be one which employees can legally rely on? In order that we can assess the validity of that guarantee. Because if the guarantee is just a political guarantee they can kick the Government out in two years time.....

HON J E PILCHER:

Who is "we" Mr Speaker?

HON P C MONTEGRIFFO:

"We" is everybody in the Opposition and everybody in Gibraltar. And I want to know specifically. Is that guarantee a formal guarantee of equivalent employment which an employee can go to his wife and say "Don't worry I have a guarantee that we are safe". That is all that I am asking and I think it is a very fair question for the Government to reply to?

HON J E PILCHER:

Mr Speaker, certainly we are not offering guarantees for those individuals who have taken redundancy. The people who have taken voluntary redundancy in GSL therefore have no guarantee of employment. As the Hon Member opposite has said the Government is on record as having stated officially that the employees of GSL have a guarantee of employment. Now that guarantee of employment is a matter between the company and the individuals and although the Hon Member opposite wants to know himself, I can assure him, Mr Speaker, that the people affected by the guarantee of employment are the people we shall be discussing the matter with. There is no need for this matter to be discussed in this House with the Hon Member opposite.

HON P C MONTEGRIFFO:

One final question, Mr speaker. Can there be a guarantee

from the Government that in whatever negotiations GSL has with its employees, the guarantees will be the same salary and terms of employment that such employees presently enjoy?

HON J E PILCHER:

No Sir, we cannot give such a guarantee in this House. This is a matter between the individual affected and the company concerned.

HON P C MONTEGRIFFO:

So it is not a question of guarantee of employment but a guarantee of other employment?

HON J E PILCHER:

Mr Speaker, as the Hon Member has himself said in his question it is a guarantee of employment.

NO. 203 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Minister for GSL explain clearly what is the purpose behind the invitation for application for voluntary redundancy within the associated joint venture companies of GSL?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question No. 204 of 1989.

THE HON A J CANEPA

Following the call for voluntary redundancies at GSL and its associated joint venture companies, (a) how many applications have been received at GSL, and (b) at the joint venture companies?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, I will answer this question together with Question 203 of 1989.

The purpose of opening the voluntary redundancies within the joint venture companies was to provide a larger base from which to obtain a reduction in manpower. The vacancies created within the Joint Ventures could then be used to re-deploy existing GSL employees. To date 64 applications have been received from GSL employees and 28 from Joint Venture company employees.

SUPPLEMENTARY TO QUESTION NOS. 203 AND 204 OF 1989

HON A J CANEPA:

Mr Speaker, what the Hon Minister is hoping to achieve is that the vacancies that are created as a result of redundancies in the Joint Venture Companies will in turn be offered to employees of GSL? Is the objective to reduce the complement of the joint venture companies?

HON J E PILCHER:

Not necessarily, Mr Speaker, the objective is to reduce the complement of GSL.

HON A J CANEPA:

And to shut down any of the joint venture companies?

HON J E PILCHER:

No Mr Speaker.

HON A J CANEPA:

So an overall reduction in numbers is behind the venture.

HON LT COL E M BRITTO:

Mr Speaker, who will foot the bill for the redundancies of the employees in the joint venture companies?

HON J E PILCHER:

Mr Speaker, in the case of workers who accept voluntary

redundancies in the joint venture companies and we can re-deploy people into these vacancies, GSL will foot the bill.

HON G MASCARENHAS:

As a result of the 64 applications for redundancy does this have any consequence on the number of managers?

HON J.E. PILCHER:

Mr Speaker, the voluntary redundancies was open across the board for everyone, including managers. I do not have the exact figures but in the 64 there are some managers.

HON LT COL E M BRITTO:

Mr Speaker, can I clarify the answer to the previous supplementary question please. Voluntary redundancies from joint venture companies, the redundancy payment will be paid from GSL funds? Is that correct?

HON J E PILCHER:

Yes Sir.

HON LT COL E M BRITTO:

So in effect, Mr Speaker, GSL is subsidising the joint venture companies?

HON J E PILCHER:

No Mr Speaker. Because in redeployment then GSL offers the vacancy to one of its employees and ends up with one employee less. So in effect it is a reduction at GSL.

HON LT COL E M BRITTO:

Mr Speaker, the reduction in GSL is created which is what the Minister is trying to achieve but the joint venture company is a commercial entity between GSL and private enterprise or whatever and it is giving voluntary redundancy to one of its employees.....

HON J E PILCHER:

At the request of GSL, Mr Speaker.

HON LT COL E M BRITTO:

And it is being paid by GSL.....

HON J E PILCHER:

Yes, Mr Speaker, because GSL saves the money. Let me give

3.

the Hon Member an example. Mr Speaker, one of the vacancies, voluntary redundancy, could have been a Security Guard. He leaves on voluntary redundancy and one of the individuals employed by GSL is then moved on to the company which means that the company has the same number of employees and that the entity that has saved one individual's salary is GSL and the reduction is at GSL who pays the redundancy payment.

HON A J CANEPA:

GSL pays the cash payment arising from the Redundancy Agreement.

HON J E PILCHER:

That is correct, Mr Speaker.



NO 205 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Minister for GSL give an estimate of the accumulated losses sustained by the yard during the course of 1989?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question Nos. 206 and 207 of 1989.

NO. 206 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

When will the GSL audited accounts for 1986 be made public?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Questions Nos. 205 and 207 of 1989.

NO. 207 OF 1989

ORAL

THE HON A J CANEPA

Will the Government give a definite commitment about the long-awaited statement on the future of Gibrepaire?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

The GSL audited accounts will be made public by me once they have been inspected by the Principal Auditor. I believe this will be in time for the adjourned meeting of the House in December in which case I will bring a motion to this House noting the accounts. I will then make a full statement to this House.

SUPPLEMENTARY TO QUESTION NOS. 205, 206 AND 207 OF 1989

HON A J CANEPA:

Mr Speaker, is that a definite commitment or is it dependent on when the Auditor, in the exercise of his functions and duties, may inspect the Accounts?

HON J E PILCHER:

Mr Speaker, I am assured that the Principal Auditor should have the Report ready by the end of this month which will give us plenty of time to circulate the Report and bring a Motion to the adjourned House in December. I know what the Hon the Leader of the Opposition is implying "If the Accounts are not ready will I bring the Motion?" I would like to do both things at the same time, lay the Accounts and bring the Motion, because it is very difficult to bring a Motion and not have the Accounts laid before the House. But, as I say Mr Speaker, I am assured that everything will be ready by the end of this month and the Accounts will be ready for tabling next month.

HON A J CANEPA:

Mr Speaker, I hope that the Hon Minister understands that it is very important for us, on this side of the House, ten months into 1989 to have a sight of the Accounts. It is vital in order to be able to know exactly what the picture at GSL looks like financially, to be ready to consider whatever plans the Government may make about the future of the yard?

HON J E PILCHER:

I agree and accept what the Leader of the Opposition has just said, Mr Speaker. The Government is working to be able to do just that in December.

HON A J CANEPA:

Mr Speaker, is the Hon Minister in a position to say or confirm that during the course of 1989 GSL has lost something in excess of £2 million.

HON J E PILCHER:

No Mr Speaker, I will not say or confirm anything now, I prefer to make a full statement in this House in December.

HON A J CANEPA:

Mr Speaker, would the Hon Minister care to comment on a recent news item by GBC that it is currently loosing at the rate of £125,000 per month?

HON J E PILCHER:

No Mr Speaker, as the Hon Member opposite is aware we never comment on speculations by the Press.

HON A J CANEPA:

Mr Speaker, what is the Government proposing to do about those losses? Does it intend to carry them over from one year to another? If the Hon Minister cannot answer now perhaps he will consider including the answer in his statement in December.

HON J E PILCHER:

Mr Speaker, as I have already said I should make a full statement in December. However, the logical answer to that question is that if we have a loss this year, as undoubtedly we have, we have no option but to carry it over to next year.

HON A J CANEPA:

Mr Speaker, is the Government in a position to meet the losses or to wipe them out. Is the Government able to do that?

HON J E PILCHER:

Mr Speaker, we have not yet at this stage, considered this matter globally.

HON A J CANEPA:

Mr Speaker, I hope that the Hon Minister will this time meet the commitment which he has given on a number of

occasions and that the adjourned meeting in December will not be allowed to pass by. Otherwise the Government will be doing a very great disservice to the employees and the public generally and we would feel very seriously let down and we would have no option to perhaps allow time for an emergency motion on GSL, perhaps even a motion of censure in the event of the Government not making a statement. The position would be antenable.

HON J E PILCHER:

Mr Speaker, as I have already stated I will do my utmost to bring the Accounts to this House and have a full debate in December. As regards the position of the employees and the people of Gibraltar and the position of GSL, there is nobody with more willingness to take a final decision than the person responsible for GSL and that is me.

HON A J CANEPA:

Mr Speaker, the Hon Minister has said that it would not just be a question of making a statement he would be hoping to bring a motion to the House and no doubt incorporate his statement in the motion. Am I right that we can anticipate notice of this given in a Supplementary Agenda for the adjourned meeting of the House next month.

HON J E PILCHER:

Yes, Mr Speaker, that is correct. From the answers that I have given the intention is to bring a motion noting the Accounts of GSL and subsequently we will be able to discuss what has happened in 1989, what the Government's position is at the moment and what will be the Government's position in the future. It is the Government's intention, Mr Speaker, to have a full debate in December.

HON A J CANEPA:

We look forward to that, Mr Speaker.

9.11.89

NO. 208 OF 1989

ORAL

THE HON DR R G VALARINO

Will Government explain in detail the position regarding pension rights for former Government employees who have taken up employment in joint venture companies?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, former Government employees that have transferred to a Government owned company have been paid a gratuity under the Pensions Ordinance and their pension rights have been preserved at their present value.

NO 209 OF 1989

ORAL

THE HON P C MONTEGRIFFO

Will the Government state what latest information it has in relation to the announced MOD cuts and what type of guarantees it is seeking from the MOD in relation to employees whose jobs are at risk?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, there is no detailed information yet available as to the effect in 1991 of the proposed withdrawal of the Resident Battalion.

SUPPLEMENTARY TO QUESTION NO. 209 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, the Government has in the past indicated that its own Economic Programme takes on board the impact of continuing MOD cuts, does the Government have its own projections of the nature of the cuts, and if so, could the Chief Minister alert the House of the severity or otherwise that those cuts might have for Gibraltar. Bearing in mind, Mr Speaker, that the Government has provision for this in its own programme?

HON CHIEF MINISTER:

Well, Mr Speaker, the only thing that we have are the calculations that were made initially and which might be something like 7% or 8% of GNP. Because that is what the Army in Gibraltar is thought to contribute. Now, since we do not know how much of that 7% or 8% will disappear totally because we do not know how the Gibraltar Regiment is going to take over. We also do not know how many civilians employees supporting the Resident Battalion will be required to support the Gibraltar Regiment in its expanded form. We again do not know how much of the maintenance of the MOD accommodation in respect of the Resident Battalion is still going to be needed or how much will be needed in respect of the maintenance of the Gibraltar Regiment. The answer is therefore that it would be pure speculation to suggest a figure. Except that the ceiling figure is 8% and 8% means taking everyone out and not putting anybody in its place.

HON P C MONTEGRIFFO:

Mr Speaker, I am grateful for the information given by the Chief Minister but I presume that 8% is the figure that the Government is working to? In its own estimates, I assume that the Government is working to the worst possible scenario. Could the Chief Minister indicate what sort

of timescale the Government envisages that that type of cuts would have to be absorbed by Gibraltar?

CHIEF MINISTER:

It would be after the next elections.

HON P C MONTEGRIFFO:

One final question Mr Speaker. What type of guarantees is the Government seeking? Is the Government in a position to make public, at this stage, the framework with which the Government would be prepared to see the cuts being made? At least would like to see the cuts being made. What type of rundown would the Government prefer?

HON CHIEF MINISTER:

Mr Speaker, I regret that even after my appearance in the McLaughlin Show Mrs Thatcher still has not got round to asking my permission before she does things. So I am afraid that the Government does not have a strategy on which we will condition our approval of their cuts. The decision that they have taken is something which we have accepted is determined by military manpower and military requirements and not by a desire to harm the economy of Gibraltar. The fact that it has an impact on the economy of Gibraltar is true of this cut as it is true of every other cut that we have had in the last twenty years. Until we know the extent of the cuts we cannot formulate a response. The UK Government has told me that they expected to be able to give me a complete picture by the end of October and they have not been able to do so because they themselves have yet made up their minds. And although I have pointed that the whole purpose of the announcement so far in advance was to give us the necessary time to prepare for it and that therefore every day that passes is one day less that we have to prepare. I do not want to give the impression that I am pressing them to go ahead with the cuts. Because that is not our intention and if they were to change their minds tomorrow we would be quite happy to keep the Resident Battalion.

HON P C MONTEGRIFFO:

Mr Speaker, I am not sure whether the Chief Minister has not understood my question or wants to circumvent it by giving an answer to something that I have not asked. The point that I am making is that the Government has said that they have to plan to absorb the impact of the cuts assuming the worst scenario materialises ie an 8% cut in the GNP. If that is the case I am asking the Government if they can make public what the Government's thinking as to what type of staggered cuts or other types of guarantees it would be seeking to obtain from the British



Government or from MOD in an attempt to properly absorb these cuts? Is the Government able or is not prepared to make it public?

HON CHIEF MINISTER:

Mr Speaker, it is not a question of being prepared to make it public. The Hon Member has asked when will this effect be felt and I have told him after the general elections. So therefore our programme which takes account of the need to compensate for reduced economic activity or the worst possible scenario is the programme for economic growth in the year 1992-1996. When the time comes and we need his vote at the next General Election I will try to put a persuasive package so that he will vote for us. Now that he does not belong to the other party.

THE HON P C MONTEGRIFFO

Will the Government make a statement on its attitude and policy towards the proposed commercialisation of the PSA in Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

The Government is not aware that it is proposed to commercialise PSA in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 210 OF 1989

HON P C MONTEGRIFFO:

My understanding, Mr Speaker, is that the privatisation of PSA and the strongly felt opinions held in the UK will be matched by moves in Gibraltar. Is the Government then perhaps aware of assurances or is in receipt of other information which would indicate that there is not this danger in Gibraltar and which would make me for one very happy.

HON CHIEF MINISTER:

No Mr Speaker, it is just that we happen to know, as the Hon Member might know, of a Lands Memorandum in Gibraltar and therefore it is not a question of privatising Crown Land in Gibraltar. If the people that are occupying that land today are a Government Department then clearly that is covered by the existing relationship on property between us and the United Kingdom. As far as we are concerned if PSA is privatised in UK then it does not follow that they can use public property in Gibraltar and forget the Lands Memorandum. And without the property PSA is nothing it is just a collection of employees with nowhere to work.

HON P C MONTEGRIFFO:

Mr Speaker, is the position then that the Government does not accept that what is as far as the public is concerned, from the information available, that the PSA is not going to be commercialised and that that cannot be done here because of the Lands Memorandum? Despite what the PSA has been saying in public and is what the PSA has been saying incorrect?

HON CHIEF MINISTER:

Well Mr Speaker, I do not know what the PSA has been saying in public. I know what the PSA has been saying to me. And I know what the position is in the UK. I do not know whether the Hon Member knows from the horses mouth as it were or from what he picks up here and there or reads in the press.

The position is that in the UK, as I have already said in answer to another question, PSA is being unlinked and therefore no longer enjoys a monopoly that can happen in Gibraltar as it can happen in the UK. The scenario of that procedure is that PSA would then become an Agency. It would still be an institution employing civil servants and public servants. The third stage is that PSA is actually converted into a limited company and the shares sold. Now what I am saying to the Hon Member is that there will not be PSA (Gibraltar) Ltd being put on sale in Gibraltar. That Mr Speaker, is how I understand the question.

HON P C MONTEGRIFFO:

Mr Speaker, with respect, what the question is talking about is the proposed commercialisation and what that means is that PSA would be run not on the basis of its performance commercially but as is the case today. Because today if there is no work to be done the PSA staff sit behind their desks or the workers at their Depots sit waiting for work to come in and nobody cares a damn. However that is not what PSA would look like, as I understand it, a year, or two, or three from now, it would look like an Agency an entity that would have commercial responsibility and therefore be answerable in a commercial sense. Hence the proposed commercialisation. What I am asking the Government, Mr Speaker, is if that is, from their information, what is going to happen to PSA do they have any particular policy on that process?

HON CHIEF MINISTER:

I have already answered that Mr Speaker. It was asked by another member of the Opposition in relation to future redundancies. And I have already said that the information that we have from PSA is that when they continue as a Government owned entity, but in a more competitive environment there is, at present, no advance information that they intend to have any redundancies. I have already said something on this this morning, what I said is that if they were to do that they would be required to comply with the law of Gibraltar as regards collective redundancies and with the agreements that PSA was with the TGWU and the IPMS. As far as we are aware, and as far as anybody else is aware, the commercialisation does not involve any changes in manpower.

HON P C MONTEGRIFFO:

Mr Speaker, I am not talking about redundancies. My question is a statement on the attitude and policy of the commercialisation. Redundancy is one aspect, I accept that, but one of my main queries, Sir, which I put to the Government now is, does the Government have a view on the impact on the local construction industry which a commercialised PSA operation would have bearing in mind

that they would be in competition with local constructors for work in Gibraltar. Bearing in mind also that the MOD presence has shrunk and there is less work from that quarter?

HON CHIEF MINISTER:

The Hon Member appears to have switched the emphasis of his question, Mr Speaker, from PSA loosing its monopoly to other people loosing their monopoly and have to compete with PSA. Mr Speaker, the Government of Gibraltar is not responsible in the House of Assembly for the performance of PSA in the economy of Gibraltar and the Hon Member opposite is not elected to this House to question the policies of the British Government on how they run PSA in Gibraltar or anywhere else in the world. If he wishes to ask anything of the Government it must be something that is of relevance to the performance of the Government or something for which the Government has legal responsibility. If PSA is going to compete with Dragados and Construciones, it would be the same as if Entre-Canales is going to compete with Dragados and Construciones. But that does not give the Hon Member the right to say to me if tomorrow Volker Stevens start competing for work in Gibraltar what is the Government's policy? The answer is that the policy of the Government is that we are covered by Community Law and under Community Law people are entitled to compete with each other.

HON P C MONTEGRIFFO:

Mr Speaker, as my final supplementary. We sit in this House also to protect the local trade which is already suffering enough under the competition of outside competitors and a lot of jobs that the local trade can absorb because they are smaller jobs and the big Spanish firms are not interested in but which a commercialised PSA no longer looking for work exclusively within the MOD could compete with the local firms for what is left. This, Mr Speaker, is something which I think we are legitimately entitled to ask questions on and defend in this House.

HON CHIEF MINISTER:

Mr Speaker, I am afraid that this indicates that the Member opposite does not have a clue of what he is talking about. If the Hon Member wanted to know whether PSA presented a threat to small businesses in Gibraltar that is what he should have asked. He is asking the Government to make a statement on our attitude and policy to the proposed commercialisation of PSA in Gibraltar? Well, Mr Speaker, we are not responsible for having attitudes and policies on proposed commercialisation. As far as I am aware it is not proposed to commercialise PSA in Gibraltar. That is the answer, Mr Speaker. If the fact that they commercialise PSA in UK means that PSA will get bigger

or smaller is something that PSA does not know, so if PSA does not know how am I supposed to know or how am I supposed to tell him. Certainly I can tell him, not as a matter of Government policy but as a matter of my experience of PSA and of my experience of their cost structures that I do not think he needs to lose any nights sleep over local businesses being able to stand up to competition. That is the answer from my experience of them, Mr Speaker.

HON P C MONTEGRIFFO:

Well, Mr Speaker, we are then talking about redundancies as well.....Mr Speaker, there is a problem if you suddenly put on the market an entity which at present is not in competition.

HON CHIEF MINISTER:

I think that there is a problem, Mr Speaker, and it is that the Hon Member opposite, who has not spoken once this morning, wants to make up for it this afternoon and have his voice heard on the radio innumerable times. He has now gone back to asking me what he started asking in the original question and which I have already answered this morning. It is not that there is a problem and that PSA are going to put people out of business or that PSA is going to put itself out of business and we are going to be facing redundancies. There is no problem. The problem is invented by the Hon Member. We are not aware of a problem. The Chamber of Commerce is not aware of a problem and have not come to me with any representations. PSA are not aware of a problem. The problem is being created by the Hon Member Mr Speaker.....

HON P C MONTEGRIFFO:

And the Unions, are they aware of a problem?

HON CHIEF MINISTER:

Mr Speaker, if the Unions become worried about the problem I am likely to know about it before the Hon Member does of that I can assure him.

MR SPEAKER:

Next question.

NO. 211 OF 1989

9.11.89

THE HON A J CANEPA

ORAL

Will the Government open an office in Brussels, given the paramount importance for Gibraltar of EEC matters?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 212 of 1989.

THE HON P C MONTEGRIFFO

Will Government confirm what plans, if any, it has to open an Information Bureau in Brussels both for the purpose of promoting Gibraltar and representing our interests in relation to the Economic European Community?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, at this point in time it is not Government's intention to open an office in Brussels in relation to representations on matters connected with our membership of the EEC. The question of an Information Bureau for promoting Gibraltar commercially is however under consideration provided a suitable partner can be found on terms acceptable to Government to make such an operation cost effective.

SUPPLEMENTARY TO QUESTION NOS. 211 AND 212 OF 1989

HON A J CANEPA:

Mr Speaker, are there any difficulties being put in the way of opening such an office? Because I think that the Hon Chief Minister said that it is not Government policy at the moment but is he aware if there would be any difficulties, if it were to become Government policy, being placed by for example the Foreign Office?

HON CHIEF MINISTER:

Mr Speaker, as far as I am aware there is no objection from the British Government to this happening because in fact offices of this nature do exist already in Brussels run by a variety of organisations that could be termed similar like for example Regional Parliaments or local authorities or lobbies of particular industries. It is however a very expensive business and therefore it is a question, from our point of view, of what would we gain by having someone there supplying us with information at what would be an extremely high cost. This bearing in mind that we already have difficulty at our end in coping with the flow of information that is readily available. Because the mass of new things that is churned out, 3000 odd pieces, of legislation, Directives and Regulations that come out of the EEC are of such a nature that the people that are normally retained to sieve them are specialists. Therefore most people that have this type of office are concentrating on one particular aspect. If for example your interest is in fishing because you represent the fishing community then you have somebody there with

instructions not to let anything on fishing go by without making sure how it affects them and so forth. One problem is that the EEC with regard to legislation treat us de facto as if we were a nation but we do not have, as they have in the FCO in UK, experts on a variety of things. That is why, in part, we have such a backlog of EEC Directives which, frankly, our own public administration in Gibraltar has not been able to cope in the last fifteen years.

HON A J CANEPA:

Has cost then, Mr Speaker, been the main consideration and why there has been a higher priority for offices or information bureaux which have been opened elsewhere like Washington, Tokyo etc rather than in Brussels?

HON CHIEF MINISTER:

No Mr Speaker, I have drawn a distinction between the two totally. The question from the Hon Member opposite, Mr Montegriffo, talks about one or the other and we have said that the Information Bureaux which is what we have in Washington, Tokyo or Hong Kong are offices intended to promote business involvement in Gibraltar and therefore that is looked at in one light, not as a political arm of the Government, but as a way of encouraging investment or tourism or banking in Gibraltar and in that line we are looking at the possibility of having something in Brussels. Whether the people who would be doing that, if it comes off, will also be able to alert us to anything else on the other side is a different matter. However, if we are talking about Brussels Representation which is a very clear cut and specific thing and which a number of people are doing we are really talking about something that is very, very expensive.

HON P C MONTEGRIFFO:

Mr Speaker, does the Government consider that the Foreign Office at present, or such other relevant Department as may be responsible for a particular matter, adequately representing Gibraltar's interests from what emanates from the various Community bodies?

HON CHIEF MINISTER:

I think Mr speaker, that we have improved things slightly over the last year but it is still not enough to satisfy us and it is very difficult to see how much more can be done to improve what is basically a not very satisfactory situation. Because frankly I do not think the terms of reference of Gibraltar, when they were agreed in 1972, were thought out with so much foresight that we would know how to deal with situations 17 years later. Therefore part of the problem that we have, which although at a



political level, Sir Geoffrey Howe and his successor have both expressed sympathy for our predicament and have said they wanted to help, is that in London in the Foreign Office, in the section that deals with the European Community there is no one single person saying this is what we need to do with this thing coming out of the Community. There are a number of people who are specialists in a number of different areas and therefore each one of those experts would need to be alerted to keep a look-out for something that might be of relevance to us. They would then have to alert us of this and frankly by the time London asks for our comments and we are able to feed them back our comments it would be too late because the timescale in this things is quite short. Therefore when we think of something we alert them that it is important and there are a number of areas where they are on notice that it is important. However that is not a full-proof system. Because you can suddenly discover that we are expected to do something which is for us extremely difficult to do, because of our size or because of our resources, and that when it was agreed no one thought of us. That I am sure is still happening and has certainly been happening since we joined in 1973 and we are discovering things now which affect us and which were agreed 10 years ago and which nobody thought of Gibraltar when it was agreed.

HON P C MONTEGRIFFO:

Mr Speaker, bearing in mind the Government's recognition of the inadequacy of the present arrangements, does not the Government consider that gestures like levying a £2 premium or fee on employers to stimulate youth training that there should be a case for a significant contribution from the private sector whose interests are also directly affected by what the Community may churn out in funding what has now become an essential avenue of information to Gibraltar. Is the Government prepared to consider a source of funding as a way of resolving the present situation?

HON CHIEF MINISTER:

Well Mr Speaker, I have mentioned the cost of having a representation in Brussels as being very very high. The answer that I have just given to the Hon Member is in relation to his question about how adequate is the system that we have of feed back from the Foreign Office in London. And what I am saying is that the problem with the FCO in London is not a problem of money which is the problem with Brussels and I do not think that having an office in Brussels, which is something that money may cure, cures the other problem. Because at the end of the day even if we have an office in Brussels any input that we put into the system has to be put through the Foreign Office in London. Now if we are going to have in Gibraltar the

equivalent of what every Member State has, in monitoring, pressing and reacting to draft legislation the entire population of Gibraltar would be doing that and nothing else.

HON P C MONTEGRIFFO:

Mr Speaker, I am sure that the Hon Chief Minister knows that that is not what we are seeking to do. The Hon Chief Minister also knows that without having all these persons of specialised knowledge there are sophisticated information services who for what is normally a fairly expensive fee provide information which they assess is useful or necessary for a particular commercial entity or Government or Region. The idea of funding it with the private sector is that in the absence of an alternative should the Government not consider asking the private sector to fund the payment of a fee to one of these highly professional and sophisticated setups in Brussels with a brief on what is considered to be something which Gibraltar should be looking for from the EEC. Independent information which would help us, because I agree with the Hon the Chief Minister that we have to go through the Foreign Office, as an avenue of help which the Government should consider. Does the Hon the Chief Minister think this is worthwhile?

HON CHIEF MINISTER:

I am sure, Mr Speaker, that the Hon Member knows that we have in fact, in conjunction with the private sector financed a study of the possible impact of 1992. That study has in fact been produced and it is a joint effort between the Government and persons in the Financial Services Industry. I think that is an avenue which can continue to be exploited but it will not solve either of the two things, that I understood, the question to be pointing which I accept are two real problems but to which we do not have an answer. I know that there is a problem. One is the problem which requires an awful lot of money, and which is not in our capacity to produce, and the other one is that there is a requirement for a huge pool of expertise and manpower, which is not within our capacity to produce. Therefore given those two things we may still be able to get ad-hoc situations where we can identify a problem like 1992 and concentrate on doing some work on that. But the amount of stuff which is being churned out daily, while we are talking here, from the Community is something that cannot be done other than the way that it is done by Member States which involves masses of technical people and masses of paper and the problem that we have is that we are not a nation in terms of resources.

NO. 213 OF 1989

ORAL

THE HON A J CANEPA

Does the Chief Minister propose to take any fresh initiative in order to deal with the continuing problem of serious frontier delays?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the question of frontier delays is a matter that is constantly being raised by Her Majesty's Government with the Government of the Kingdom of Spain. It features in the regular discussions I have with the Secretary of State. The Spanish Government claims that there is no abnormal delay at the frontier.

SUPPLEMENTARY TO QUESTION NO. 213 OF 1989

HON A J CANEPA:

Mr Speaker, I think the impression that is generally gathered is not that it is constantly being raised by the British Government with the Spanish Government, ie by the Foreign Office with their counterparts, and if it is, the impression which we have, which the public has, is that it is not being very energetically pursued and certainly was not during the summer. Does the Hon the Chief Minister agree?

HON CHIEF MINISTER:

Well, Mr Speaker, I am a fairly energetic person myself, and I dare say that by my standards it is not very energetically pursued. But it is being pursued as energetically as it has ever been before. Unless, of course, they are lying to me. I am taking it that they are not lying to me and I am accepting that if they tell me that they are constantly raising this with their counterparts in Madrid at every conceivable opportunity without getting any joy because the other side claims that all that is happening is that there are nearly 4 million people crossing the land frontier and it is therefore inevitable that there should be delays if officials on duty there do their job conscientiously.

HON A J CANEPA:

I would accept, Mr Speaker, that in the first half of the year to the summer, from the information that I have, we were not getting delays. But I am not happy that the inconvenience that is being caused to so many innocent people and the adverse effect that this is causing to the Gibraltar economy is a matter that is causing London a loss of sleep.

HON CHIEF MINISTER:

Well, Mr Speaker, I am not sure what is that adverse effect in the economy but we are, as we have said publicly, on target for the rates of economic growth we are hoping to achieve. If that is happening in spite of adverse effects on the economy which the Hon Member says are the consequence of delays at the frontier, then I can only assume that our economic policies are even more successful than I could have hoped for. Because without the adverse effects we would be doing even better.

HON A J CANEPA:

Mr Speaker, the Hon the Chief Minister has referred to regular discussions with the Secretary of State. I do not think that that position is accurate?

HON CHIEF MINISTER:

Well Mr Speaker, subject to Mrs Thatcher making up her mind as to who it should be, yes.

HON A J CANEPA:

Precisely, Mr Speaker. The fact of the matter is that Sir Geoffrey Howe was here last February and I do not think that the Hon the Chief Minister had further meetings with him subsequently before Mrs Thatcher promoting him. Since then all that the Hon the Chief Minister has had is a twenty minute meeting with Mr Major, who is now more worried about the EMS and the economy. And that therefore does he not accept that at the level of Secretary of State there cannot have been any input into the matter and given that there is now a new Secretary of State, Mr Douglas Hurd, will the Chief Minister take an initiative, before he meets the new Spanish Foreign Minister, in order to have this matter given the priority it deserves?

HON CHIEF MINISTER:

Well no Mr Speaker. I cannot take an initiative because an initiative means putting something new and I am not in a position to offer any concessions in exchange for normality.....

HON A J CANEPA:

Will the Hon the Chief Minister give way, Mr Speaker. Perhaps I have used the wrong phrase. Will the Hon the Chief Minister make energetic representations to the new Secretary of State with a view to achieving the objective that I have explained?

HON CHIEF MINISTER:

Yes, I will, Mr Speaker.

THE HON P C MONTEGRIFFO

Will Government state what safeguards and actions are being taken to prevent Gibraltar being used as a base for the smuggling of tobacco to Spain?

ANSWERTHE HON THE CHIEF MINISTER:

The Government regrets that the Hon Member opposite should be suggesting that Gibraltar is being used as a base for smuggling and that the authorities here need to act to prevent it.

For many years in a hostile campaign against us, our detractors have periodically levied this accusation but I believe it is the first time that one of Gibraltar's own elected representatives has added his voice to the accusation. As you know Mr Speaker members of this House make themselves responsible for the accuracy of their remarks here and the member opposite may therefore be called upon to provide the evidence he has that there is a smuggling base in Gibraltar.

That contraband takes place into Spain of goods purchased in Gibraltar, there can be little doubt. It has done so as long as anyone can remember and indeed is specifically mentioned in the Treaty of Utrecht of 1713.

The same happens at practically every other frontier town in the world. This is a sensitive matter on which it would be better not to make public statements which can only tend to make relations with our neighbours more difficult. However, since this subject has been raised the Government feels that it has to clear Gibraltar's name. The information available to the Government indicates that the smuggling that takes place of goods purchased in Gibraltar, is organised from and based in the neighbouring area in Spain and that precious little is being done by the pertinent authorities there, to prevent these areas being used as a base for smuggling.

The authorities in Gibraltar are closely monitoring the situation and are in close consultation with three local companies that have export licences to design a framework within which they can conduct their legitimate business in a manner that does not give ground to those who wish us no good, to campaign against us. This is currently being actively pursued.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, let it be absolutely clear for the record that I do allege that Gibraltar is being used for smuggling.

That it is something which has to be looked at and which has to be dealt with. I understand the Government's position to be that it does not accept that there is contraband into Spain on a degree about which it is worried about. That, Mr Speaker, is my understanding of the position. If that is the case does the Government accept that licenses are issued at present to people wishing to export tobacco without details being requested from them as to what sort of vessels, whether they are large vessels, or what sort of destination the produce is due to go to? Can the Government confirm that?

HON M A FEETHAM:

Mr Speaker, the Hon Member is inaccurate in suggesting that licenses are being issued for this purpose.....

HON P C MONTEGRIFFO:

Export licenses, Mr Speaker.

HON M A FEETHAM:

Will the Hon Member clarify what he means by licenses, Mr Speaker.

HON P C MONTEGRIFFO:

Export licenses is my understanding what is required before the export of any product can take place. Can the Hon Minister confirm that export licenses are issued to people not in possession of seafaring vessels but to small vessels?

HON M A FEETHAM:

No Mr Speaker. As far as Export Licences are concerned the only operators with Export Licences are Messrs Saccone & Speed, Lewis Stagnetto, Marina Bay Wine Company and Sun Traders. These are the only people who have Export Licences for tobacco.

HON P C MONTEGRIFFO:

Does the Government therefore not accept, Mr Speaker, that there is a problem of fast launches that is bringing a bad name to Gibraltar, and which we in this House should condemn, because we are here to defend Gibraltar's good name internationally, as good Europeans, and that there is a problem of tobacco smuggling and that it is an issue that should be dealt with?

HON CHIEF MINISTER:

No Mr Speaker, the Government does not accept what the Hon Member has said, Mr Speaker, because as I have already said in my original answer this accusation against us,

which he clearly shares, is one which has been going on for a very long time and which is not confined to tobacco. And if the Hon Member reads the press in Spain and the press in the UK he will know that there was an article recently where we were accused of running fleets of fast launches to ferry hashish from Morocco to Spain. Now that is another of the accusations levied against us, and it is not the only one, there is also the accusation levied periodically against the legal and other related professions in Gibraltar, to which the Hon Member opposite belongs, and that accusation is that they are responsible for Gibraltar being used as a base for tax evasion in Spain through the creation of shell companies. These reports claim that this activity deprives the Spanish exchequer of £millions much more than the loss attributable to tobacco smuggling. Those who make the accusations believe that the Government here should take action to prevent the use of Gibraltar as a base for tax evasion in order to be clean good Europeans like the Hon Member wants us to be.

HON P C MONTEGRIFFO:

I agree with that, Mr Speaker.

HON CHIEF MINISTER:

The Hon Member agrees with that? However, those people who say that we should stop it want us to do so because what they claim are the very lucrative incomes earned by the professionals which they say are engaging in such practices. Now I would have thought that the Hon Member opposite would agree with me that these reports are accusations which are in fact politically motivated and constitute a misrepresentation of the finance industry. Where there are so many hardworking professionals, such as himself, earning an honest living. And I am sure he would not want us to stop his source of income.

HON P C MONTEGRIFFO:

I totally disagree, Mr Speaker. The Chief Minister thinks that a finance industry is about tax evasion and it is not. The finance industry is about proper international planning which will stand up to challenge at an international level and I find it alarming that we cannot debate in a parliament, in a democratic parliament, what we all know is a problem. We all know we have a problem of contraband and therefore Gibraltar's clean image should be protected. Mr Speaker, I would like to ask the Chief Minister how can he invite the Americans to consider that Gibraltar will be a base from which to do business with Europe which will rival the other centres unless there is a commitment here to understand that to be good Europeans and to have the repute of the international community we have to tackle problems like the export of tobacco, which infringes the rules of our neighbour, with honesty and with clarity. That

is required Sir.

HON CHIEF MINISTER:

Mr Speaker, what the Hon Member thinks is required or not required he can go to an election on and get a mandate for. He certainly does not have a mandate for saying that this is required at this point in time in his political career. However if he is asking questions in order to obtain information and which is what Standing Orders says he is supposed to be doing, then I can tell him that our position is that we believe that the laws of Gibraltar are framed in order to make it possible for the Gibraltar economy to develop. And those laws have to be complied with. And the reason why we employ people out of our taxes is to see that our laws are not contravened. Other countries employ other people out of their taxes to protect their laws. I cannot accept that the role of a member of the Opposition is to try and make the Government of Gibraltar responsible, at public expense, for making sure that the laws of our neighbours are not infringed. This notwithstanding the fact that I can give him all the evidence that he requires, and I have already told him that, but he simply ignores it. I have already told him, Mr Speaker, that we have enough evidence to demonstrate that the trade to which the Hon Member is referring is going on because it is organised by non-Gibraltarians in the neighbourhood and that that is well known and well documented and that no attempt is being made to stop it. So if the people that are supposed to be suffering the consequences of us not being Europeans do not do anything to stop it what is it that they are bad Europeans? The Hon Member seems to be more concerned to save our neighbours from themselves than to look after the interests of the Gibraltarians that have elected him.

HON P C MONTEGRIFFO:

My last question, Mr Speaker. I am concerned to protect Gibraltar's proper reputation. That is what is important here. I assume, Mr Speaker, in conclusion that the report at the time when the issue became publicly sensitive, that the then Attorney General, Mr Thistlewaite, was confirming that the laws were actually being reviewed? At least there was a press report about this which read as follows:- "Mr Thistlewaite confirmed that the laws are actually being reviewed and the Foreign Office has confirmed that it is looking into the matter with the Governor". I assume, Mr Speaker, that the Attorney General was acting on his own initiative not with the consent of the Government because the Government did not feel that those laws needed review?

HON CHIEF MINISTER:

Mr Speaker, the Hon Member can assume whatever he likes.



HON P C MONTEGRIFFO:

Mr Speaker, I am asking you what the answer is.

HON CHIEF MINISTER:

Mr Speaker, what is the Hon Member asking?

HON P C MONTEGRIFFO:

Did the Attorney General, Mr Speaker, take it upon himself, without political input, to make a statement to the press saying "that the laws were actually being reviewed" or did the Government ask the Attorney General to do that?

HON CHIEF MINISTER:

Mr Speaker, we have not asked anybody to review anything. The only thing that we have done, and which I have already answered, is in consultation with the companies that my colleague has stated have the Export Licenses and who are responsible for these exports, not with the people who transport the stuff, we have discussed with them how they conduct their legal business and for which they have a legal export licence in a way that does not reflect or harm or is exploited by anybody that wants to exploit it so that it hurts our reputation. However, what the Hon Member chooses to ignore, Mr Speaker, is that he happens to be siding with the people who are exploiting this to criticize us and those people have a vested interest. Tomorrow it will be something else, Mr Speaker. Once the Hon Member has been longer in politics he will become immune in his sensitivity because he will realise that those people who produce articles today on the Finance Centre, tomorrow about laundering money, another day about fast launches, another about tobacco smuggling, another day about Gibraltar companies being used to buy all the property in Spain, he will have a full time job in his hands and will require to set up a little party just to deal with that if he is going to take up all those grievances from our neighbours and bring them to this House.

HON P C MONTEGRIFFO:

Mr Speaker, this is a Banana Republic attitude.

HON CHIEF MINISTER:

Mr Speaker, we will go into the banana export trade and that perhaps might have the Hon Member asking me what we are going to do to protect the Canary Islands?

MR SPEAKER:

Next question.

NO. 215 OF 1989

ORAL

THE HON A J CANEPA

Will the Chief Minister give an indication as to when Gibraltar's challenge of its exclusion from the amendments to 1983 Inter-Regional Airports Agreement is likely to come up in the European Court?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the case was submitted to the Registrar of the Court of Justice on 28 September 1989. The Defence Council for the Council of Europe has asked for more time to prepare the defence and our lawyers have not raised objections. At this stage it is not known when the case will be heard by the courts.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1989

HON A J CANEPA:

Mr Speaker, can I draw out the Chief Minister and invite him to comment about press reports in this morning's Gibraltar Chronicle and specifically two matters which I think will be of considerable concern to the public namely that a source within the European Commission, whom we might dub "Deep Throat" has stated that there are apparently two possibilities as to what the Court might do. One is a decision from the Court that could force the United Kingdom to impose joint use of the Airport and the second possibility and which I imagine would be more serious is the possibility that the Court could decide whom the land belongs to on which the Airport is constructed. Mr Speaker, I would ask the Chief Minister to comment on the second one against the background of an offer from the United Kingdom in the sixties to take the whole issue of sovereignty, not to the European Court, but to the Court of Justice at the Hague?

HON CHIEF MINISTER:

Mr Speaker, I cannot stop the Hon the Leader of the Opposition inviting me to comment. I do not believe that it is right, frankly, to react on the basis of a report in today's paper for which the writer of that report has to answer as to its accuracy. All I can say is that the well placed source in Brussels is a remarkably ignorant source if he does not know, as the Leader of the Opposition has pointed out that the United Kingdom has been prepared internationally to have the question of the sovereignty of the isthmus tested in an International Court and certainly to my knowledge the European Court of Justice is not competent to pass judgement of the sovereignty of the isthmus. And that is not the issue, the issue is very simple and a very legal one. We are not challenging the Gibraltar

Constitution, we are not trying to de-colonise Gibraltar, all that we are saying is that there is a Community Directive and that Community Directive has as a result of a Bilateral Agreement, by two member states, not been applied to Gibraltar. It is a Directive that extends the original rights that we enjoyed in 1983. Is this legal? We want somebody to look at that and tell us is this legal? All that we are doing now is what could have been done in March 1988, if the General Elections had not intervened. All we have asked the Court to do is to adjudicate whether the decision is compatible with Community Law or not compatible with Community Law and obviously the advice that we have got, as the Hon Member knows from when he was in Government in 1988, is that there is a point in law there to be tested and that if we want it tested there is an avenue to test it.

HON A J CANEPA:

Mr Speaker, will the Chief Minister then agree that the message that should come from this House to the public in Gibraltar arising from this report and from the question in the Order Paper is that based on the legal advice which the Government has from within Gibraltar, from the Attorney General Chambers and which we were given at the time and based also on the legal advice which the Government has from the lawyer engaged in Brussels, the European Court has no competence in respect of an order enforcing upon Britain to impose joint use of the Airport and even less on the question of sovereignty over the isthmus?

HON CHIEF MINISTER:

Yes, Mr Speaker, I can confirm that that is as far as we are concerned absolutely correct. Indeed the advice upon which we are acting is the same advice that the Hon Member had when he was in Government. We simply picked up the thread where it was left off by them, we are using the same firm, Mr Forrester and he is not telling us, frankly, on the case that he had not said before, except that it is more updated. None of the considerations outside the pure question of the legality of the non-application of the Directive to Gibraltar is within the competence of the European Court. And certainly even if the United Kingdom was told to implement the Directive we all know that that would require legislation in this House unless they chose to suspend the Constitution and involve the powers of the Secretary of State in which case we are in for interesting times if the Chronicle is right.

HON P C MONTEGRIFFO:

Mr Speaker, notwithstanding that does the Chief Minister not believe, in the light of the Report, that it would be prudent in a case which can have such far reaching

implications and precedent for Gibraltar's position generally to have specific replies tabled in reply to the issues raised in the report and which have come from a Brussels source? Because if I was an owner of an airline company and my case was an equivalent one and I read about it in the press I would be on the phone to my lawyer asking what about that aspect? Will the Government be looking at that specifically, Mr Speaker?

HON CHIEF MINISTER:

Obviously we cannot ask the newspaper to reveal its sources to us. This would not be ethical. So that all that we are doing is making our advisers aware of the contents of the article, Mr Speaker.

HON P C MONTEGRIFFO:

I am obliged, Mr Speaker.

THE HON P C MONTEGRIFFO

ORAL

Will the Government confirm to what extent it is being consulted or approves of the proposed terms of the European Economic Community's Social Charter which is presently being finalised by Member States?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government is in contact with Her Majesty's Government as regards its view on the proposed Social Charter which is currently opposed by UK.

SUPPLEMENTARY TO QUESTION NO. 216 OF 1989

HON P C MONTEGRIFFO:

Mr Speaker, is the view of the Gibraltar Government supportive of the Social Charter as is the case of the 11 other Member States apart from the UK or does the Gibraltar Government follow the UK line?

HON CHIEF MINISTER:

Actually, Mr Speaker, we tend to disagree with the parts that the UK agrees and vice versa. That is to say that the bits that offend Mrs Thatcher are the ones that please me and the ones that offend me please her.

HON P C MONTEGRIFFO:

Mr Speaker, to what extent is the Government involving the Trade Union and Chamber of Commerce representations in its own thinking as to whether the Social Charter is a good thing for Gibraltar bearing in mind that both sides of Commerce will be as directly affected as anybody apart from the Government?

HON CHIEF MINISTER:

Mr Speaker, nobody will be directly affected at all because the Social Charter, as the Hon Member ought to know otherwise he should not have put the question, is not a Directive, mandatory or law it is in fact a matter of intent and in the practical area of implementation in Gibraltar much of it we have done already in anticipation of other people. For example, one of the things that we did, and which the previous Government had not been willing to do, was to introduce a Minimum National Wage and that is one of the things the Social Charter recommends which the UK opposes. We are of course not against it because we have already introduced it even before Europe has agreed to do it. There are however, Mr Speaker, wide ranging implications on the

movement of workers and which is something that does not concern the Trade Union Movement or the Business Community here since it is a question of public expense. This is a situation that arises if we accept unlimited commitments for unlimited number of people wanting to come and settle in Gibraltar. This is the only area that we feel is of concern to Gibraltar and we have expressed our concern to the United Kingdom but it is not in any of the specific areas because in the specific areas we seem to be ahead of the rest.

HON P C MONTEGRIFFO:

Mr Speaker, even if the document is not binding it is set up as an example which good Europeans would be deemed to want to follow and in that respect and assuming that there is no secrecy about the Social Charter, on the contrary it is something about which Europe is proud to be promulgating and without seeking to make the Government views towards the Social Charter public I would have thought it desirable, as a matter of Government, that the Unions and the employers who are bound to be affected should make some contribution towards the Government's own position on the Charter? Does that not sound reasonable to the Chief Minister?

HON CHIEF MINISTER:

No, Mr Speaker, it is totally unreasonable. The Charter is a public document, as the Hon Member says it is, and presumably everybody has read it and if they had something that they wanted us to take into account they would have approached us. We have read it, I do not know if the Hon Member has read it?

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that it is a public document. What I am saying is that there is no element of secrecy because what is envisaged is a broad European space which the Charter will help to bring about. And unless the Government can persuade us that there is good reason for keeping it secret it is something that the whole of Gibraltar should be celebrating in. That we can be part of the process of assisting the Government in formulating what Gibraltar's views should be on something as important as this.

HON CHIEF MINISTER:

Mr Speaker, I do not know if the Hon Member has read the Charter or if he has just read about it and decided to stick in a question just to be able to make a speech. However, if he has read it he will know that it is not about "broad" space or "narrow" space it is about a number of specific things, desirable attainments, that the Community urges its Member States to achieve and what I have told

him already, several times, is that we have looked at it and we have already attained most of them. However there is one area which we are not as advanced as the Social Charter suggests Member States should be. That we agree in giving unlimited numbers of Europeans unlimited rights to come here and claim unlimited social security benefits. In that area we are not as advanced. Whether that is a cause for celebration I leave up to the Hon Member but I can tell the Hon Member that that is the one area that Gibraltar has to put, in the light of our past experience in that area, our concern Mr Speaker, in that area we are now sensitized because having been bitten once, every time we look at anything we say to ourselves what will this mean because it may look very innocent but does it mean that we will have to be paying half of Andalucia so much. We now look at everything in that light. And it is in that light that we have put into the United Kingdom net our own concerns. For example one of the things that we have expressed in our input is the question of the Free Movement, because one of the proposals in the Charter is that the free movement should not be as conditioned as it is at the moment to people who go in from one Member State to another and having six months in which to obtain employment and then having a permit of residence for five years which cannot be renewed at the end of those five years if at the end of those five years they have not got employment. So, Mr Speaker, there is a relationship now between the right to move anywhere in the Community to seek employment and the right to remain if you obtain it. Under the wider freedom of movement what the Charter is basically saying is you should be able to move from anywhere in Europe to anywhere in Europe like you can move to anywhere in Spain to anywhere in Spain or anywhere in Britain to anywhere in Britain. Now if we analyse the implications of that and you go from Scotland to England you can simply move your Social Security Benefits from one part of the country to another because you are still paying tax to the same central Government in London. Therefore if you are going to have a community wide movement of people it is only sensible if you have a Central Bank, Monetary Union, and if you have a situation where you are running a European Social Service financed from Brussels. But what you cannot do is be a community of 30,000 people and 320 million people can if they want sign in tomorrow at our Labour Exchange. At least not without my colleague the Minister for Labour and Social Security having a heart attack.

HON P C MONTEGRIFFO:

Mr Speaker, my understanding is that if we have done it all then we should publish it. What is the sensitivity?

MR SPEAKER:

Would the Hon Member phrase it in the form of a question

please. No speeches please.

HON P C MONTEGRIFFO:

Yes Mr Speaker, we all make speeches I agree. My understanding and I have not read the Charter because the Charter has not been made public.....

MR SPEAKER:

Will the Hon Member put it in the form of a question, otherwise I shall have to stop you.

HON P C MONTEGRIFFO:

Mr Speaker, my understanding from my reading of the background to the Charter is the question of worker participation in management and the degree to which workers can be involved rather like the German Company model operates in proper participation in the management of companies. Now if that is correct, Mr Speaker, and the Chief Minister will confirm this, then that is the sort of issue about which we do not have legislation in Gibraltar and which affects the affairs of trade unions and of employers.

HON CHIEF MINISTER:

Mr Speaker, the Hon Member has admitted in his last intervention that he has not read the Charter and I think it would have helped him with his question if he had actually obtained a copy because this is not something which the Government has to release this is available to whoever wants it. There is, Mr Speaker, an element in the Charter of worker director included in the provisions of the Social Charter on consultation but this is already a highly controversial area and normally they are talking about units of employment that are of course significantly bigger than anything that there is in Gibraltar. In Gibraltar with the possible exemption of GSL I do not think anybody else would be big enough to have worker directors. Otherwise they would all be directors and there would be no workers. In Gibraltar we are talking about small units. There is a cut-off point below which the bulk of the business in Gibraltar would be.