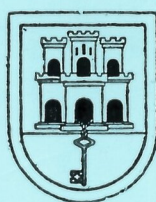


GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

18TH JANUARY, 1990

NO. 1 TO NO. 45

18 JAN 1990

NO. 1 OF 1990

ORAL

THE HON G MASCARENHAS

With the benefit of hindsight, will the Minister for Education say whether more could have been done to avoid the failure of the planned Open University Course?

ANSWER

THE HON THE MINISTER FOR EDUCATION,
CULTURE AND YOUTH AFFAIRS

No Sir.

SUPPLEMENTARY TO QUESTION NO.1 OF 1990

HON G MASCARENHAS:

Mr Speaker, will the Minister not agree with me that aside from the original Press Release and a couple of interviews that he did over GBC TV and Radio, perhaps more publicity could have been carried out?

HON J L MOSS:

No Sir.

HON LT-COL E M BRITTO:

Mr Speaker, what research was done into what the probable support for these courses would have been to justify the Minister's answer?

HON J L MOSS:

The research which had been available for some time in the Department about the possible number of people who might be interested in Open University courses in Gibraltar and the normal research which is done by the Open University in UK in comparable populations.

HON LT-COL E M BRITTO:

Who undertook the research locally, Mr Speaker?

HON J L MOSS:

The Department of Education, Mr Speaker.

HON LT-COL E M BRITTO:

Prior to the present Government coming into office, Mr Speaker?

HON J L MOSS:

There had been some research prior to the present Government coming into office by officials in the Department and this was updated and looked at again by myself.

HON LT-COL E M BRITTO:

In other words, Mr Speaker, what the Minister is saying is that he acted on his own initiative having carried out his own research and forming his own opinion. Is that what he is saying?

HON J L MOSS:

I am afraid that the Hon Member has completely misunderstood what I have said. What is he trying to ask now?

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has said that there was information, that had been there for some time which he updated himself. Is the only additional research what he himself did?

HON J L MOSS:

No, Mr Speaker, I meant my Department. I was using the royal "I".

NO. 2 OF 1990

ORAL

THE HON G MASCARENHAS

Will Government be granting any assistance to students studying in the UK in respect of the poll tax charges which these students will incur?

ANSWERTHE HON THE MINISTER FOR EDUCATION,
CULTURE AND YOUTH AFFAIRS

Mr Speaker, the poll tax legislation is not yet in force in the United Kingdom. Its effect on Gibraltarian students is, therefore, not yet known.

SUPPLEMENTARY TO QUESTION NO.2 OF 1990

HON G MASCARENHAS:

Mr Speaker, my information is otherwise and the poll tax charge will be from £60 to £80 per annum. That will come into force in April this year.

HON J L MOSS:

I would be very happy to see any information which the Hon Member may have. However as he has mentioned himself the law will not come into force until April and having been a member of this House for quite some time he must know that there is quite a slip twixt cup and lip between something being planned and something being implemented.

HON G MASCARENHAS:

What I am asking the Minister is if he will consider if a number of students are affected whether the Government will alleviate the situation for the students.

HON J L MOSS:

That Mr Speaker, is, at the moment, a somewhat hypothetical question but he can rest assured that the Government always takes into consideration what students expenditure might be in terms of assistance and in terms of grants.

HON LT-COL E M BRITTO:

Mr Speaker, I declare an interest in what I am going to say because I have two children studying on scholarship in the UK. Would the Minister not consider that the time to do something about it and to estimate the cost to the students is now and not after the Regulations have come into effect. Because if it is left beyond the current estimates and beyond the 1st of April, what in effect will happen is that students in the coming year starting on 1st April will suffer a drop in their grants.

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HON J L MOSS:

The answer to that question is "no Sir". I do not think that now is the right time.

HON A J CANEPA:

Perhaps I should also declare an interest, Mr Speaker, having a son studying in the UK. When does the Minister consider it to be the right time? After the students have had to fork out the amounts involved and then make representations to the Government when they come back to Gibraltar. Because this is something that is going to happen unless the Hon Minister has information to the contrary.

HON J L MOSS:

Mr Speaker, we are reverting back to my first or my second answer. I think I am talking to the Hon the Leader of the Opposition and not to Notradamous. At the moment the Poll Tax has not come into force yet. The Hon Member does not know how much students will have to pay, if they have to pay, and neither do I. Therefore we cannot proceed at this stage.

MR SPEAKER:

Next question.

NO. 3 OF 1990

ORAL

THE HON DR R G VALARINO

Can Government say whether they intend to carry out surveys at the land frontier aimed at identifying persons working in Gibraltar without work permits?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker, the Government does not intend to carry out surveys at the land frontier to identify workers without work permits. As the House was told in answer to Question No.13 of 1988, the Government was considering different options on how best to ensure that the Employment Ordinance is complied with in an effective and efficient manner. To this end the Government has started by computerising the issue of social insurance cards where the relevant details of all employers and employees will be readily available. The computerised records will provide sufficient information to ensure the basis on which a tighter control can be exercised over the labour market and allow greater capability and potentiality leading to the detection of unauthorised employees.

SUPPLEMENTARY TO QUESTION NO.3 OF 1990

HON DR R G VALARINO:

Mr Speaker, is Government at this time not worried, since I asked about this matter last time, that there could be a large pool of illegal Spanish workers and which would be costing the Government money in lost PAYE, Social Insurance, etc and would the Government not think that such a survey would help them to identify areas where illegal labour could occur and thereby encourage both employers and employees to seek the appropriate work permits?

HON R MOR:

Mr Speaker, as I stated the last time when the Hon Member asked a similar question, the Government is concerned, and as I said at the time, the Government was looking at all the options which were available, and in the Government's consideration we needed first of all to make sure that we have all the details which are relevant to the labour market readily available. That, Mr Speaker, is the reason why we are starting off by computerising all the records in connection with the labour force. Another thing Mr Speaker, is that the Hon Member is assuming that all illegal labour is just coming in through the land frontier, but the situation is that other people could be arriving into Gibraltar by air or by sea and consequently the best way to proceed is making sure that we tighten the control on those presently working in Gibraltar and then find out ways in which we can control the situation.

HON DR R G VALARINO:

Mr Speaker, since I last asked my question in 1989 what time scale does the Minister have for having all these results which he has mentioned available?

HON R MOR:

Well, Mr Speaker, the Department is already working on this and it should be ready during the course of the year.

THE HON DR R G VALARINO

Has Government strengthened procedures in order to ensure that payment of pensions to beneficiaries residing outside Gibraltar cease at the death of the pensioner?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Yes, Mr Speaker. In June, 1988, barely 3 months after taking up office, I introduced the first change in procedures. Up to then, the procedure followed by the previous administration was that any pensioner residing outside Gibraltar who collected the pension through an agent, was only required to produce a life certificate when new pension books were issued, ie, once a year. The requirements since June, 1988, has been that in these cases life certificates have to be produced every 3 months and any in-between payments are affected on the production of a medical certificate issued by a social security doctor in the country of residence. In cases where pensions are not collected in Gibraltar, life certificates have to be produced before any payment is forwarded on to the beneficiary.

The Government has also computerised lists of beneficiaries which now eases the task of identifying all relevant details associated with pensioners. This includes the age, nationality, address and whether pensioners are collecting their pensions personally or through an agent. The Government will now be conducting a thorough investigation into all the cases where pensions are collected by agents over long periods in order to ensure the legitimacy of these cases.

I am most grateful, Mr Speaker, to the Hon Questioner for bringing several suspect cases to my notice where it was alleged payments were being made to pensioners who were not alive. All these cases have been investigated but so far no evidence has been established which would suggest that malpractices exist. However, as I have already stated, Mr Speaker, all cases of pensioners collecting through agents are to be thoroughly investigated.

SUPPLEMENTARY TO QUESTION NO.4 OF 1990

HON DR R G VALARINO:

Mr Speaker, I thank the Hon Minister for that answer and I wonder if the Hon Member knows the number of beneficiaries whose pensions are being collected at present by an Agent?

HON R MOR:

Mr Speaker, because the records are computerised and we are in the process of tidying up everything in this connection we

will be able to provide these details to the Hon Member after this House concludes.

HON A J CANEPA:

Mr Speaker, will the Hon Minister say whether the Life Certificate which the Government requires every three months is one which is attested to by a Medical Practitioner or by some other person, and if it is a Medical Practitioner, is it a person in private practice or is it a requirement that he be employed by the State.

HON R MOR:

Mr Speaker, I think that Life Certificates can be endorsed by responsible persons, not necessarily Medical Practitioners, like Bank Managers, Company Directors and the like.

HON LT-COL E M BRITTO:

Mr Speaker, is the Minister in agreement that however much security is implemented and instilled in a system, the actual procedure is useless unless periodic checks are carried out and is he aware that in the recent case that came to court it was alleged by the counsel for the defence that the production of written evidence had not been asked from the claimant, this presumably referred to the Life Certificate which the Minister has mentioned?

HON R MOR:

Mr Speaker, I think that the Hon Member is referring to the mitigating circumstances presented by the defence counsel. What this lawyer was doing was pleading these circumstances in order to try and obtain for his client a reduced sentence. These remarks, that he made in Court, were not necessarily correct. Evidence is required for every single payment made to an Agent on behalf of a claimant. Whether the evidence is asked for every time that is a different matter.

HON LT-COL E M BRITTO:

Mr Speaker, do I take that to mean that Government has given instructions that Life Certificates are to be produced in every single case?

HON R MOR:

No Mr Speaker, these instructions have always been in operation. The case which went to Court involved the presentation of false documents.

18 JAN 1990

NO. 5 OF 1990

ORAL

THE HON DR R G VALARINO

When will Government implement the scheme in order to reduce pensionable age in men from 65 years to 60 years by the introduction of a social wage?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr. Speaker, the Government does not propose to reduce the pensionable age. A scheme to provide employment and pay a social wage to the age group in question has been introduced by a private organisation. If the member opposite wishes, I am sure that those engaged in operating the scheme will be happy to give him a confidential briefing on its operation.

SUPPLEMENTARY TO QUESTION NO. 5 OF 1990

HON DR R G VALARINO:

I thank the Hon Minister for that answer, Mr Speaker, about which I had no previous knowledge. I wonder, Mr Speaker, why no notice of the introduction of such a scheme been given by the Government or by the organisation?

HON R MOR:

Mr Speaker, the people who need to know are those affected and they have been made aware of the scheme.

HON A J CANEPA:

Mr Speaker, does the Minister know what percentage of people in the age group between 60 and 65 are in fact covered by those somewhat informal methods of employment?

HON R MOR:

Mr Speaker, my understanding is that about 95% of those registered are in the scheme.

HON A J CANEPA:

Mr Speaker, are they in receipt of a Social Wage?

HON R MOR:

Yes Mr Speaker, in receipt of a Social Wage.

HON DR R G VALARINO:

Does the Minister have any idea, Mr Speaker, of the amount of

the Social Wage and whether it is payable only to people who reside in Gibraltar?

HON R MOR:

Mr Speaker, I am sure that the Hon Member can be provided with that information when he receives his briefing.

HON A J CANEPA:

Mr Speaker, is the Government satisfied that the informal manner in which this scheme is being undertaken is enough and word is getting through to all those people who because the matter has not been made official are not missing out? Let me say, Mr Speaker, that I understand the sensitivity of the matter and the reasons why the Government does not want to issue Official Notices. I however think, Mr Speaker, that there is a danger that some people may miss out through not getting to know about it. Are they satisfied that they can get at everybody?

HON R MOR:

Yes Mr Speaker, the persons who are registered at the Labour Exchange and are obtaining credits because they are unemployed have all been informed.

HON A J CANEPA:

Mr Speaker, if there are people who are not registered aged between 60 and 65 then they are not eligible?

HON CHIEF MINISTER:

Mr Speaker, the position is that when we took office, we introduced retrospectively to January, 1988, as the Hon Member will recall, a system which made the payment of quarterly contributions unnecessary, provided that people who were over the age of 60 registered with the Labour Exchange as being available for employment. That is to say anybody that is over 60 and is working pays a normal insurance. Now there were something like 78 who were paying voluntary contributions that they had paid since January and were given credits. What we committed ourselves in June was to do something about this particular group since this particular group has in order to maintain the credit to report every week to the Department of Labour and Social Security. They are told there is this offer from this organisation if they want to take it up they do, if they do not they continue to receive the credit. Our understanding, Mr Speaker, is that 95% of them have said yes.

HON A J CANEPA:

Will the Chief Minister confirm that in fact the scheme shows

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a certain abandonment of what was laid down in the Manifesto, perhaps in the light of experience?

HON CHIEF MINISTER:

No Mr Speaker, the Manifesto never said that we were going to introduce pensions at 60. The concept of the Social Wage was actually mentioned there and the essence of the fact that it is a wage and not a pension is that it is not something that is being given away, it is something that is being given in exchange for the provision of a service. Whether it should have been done directly by the Government or it should have been done in some other way is something that was considered in 1989 not just in the light of experience but in the light of community requirements, of which the Hon Member is aware.

HON P C MONTEGRIFFO:

Mr Speaker, is it the intention of Government to make permanent the arrangement that the Social Wage to be paid by Community Care Ltd or is it a transitional measure which will change when the whole Social Security structure is amended subsequently.

HON CHIEF MINISTER:

Mr Speaker, this has nothing to do with the Social Security structure, because the Social Security structure still is unclear as to how it will be replaced and that concerns people who have reached the age of 65 and ceased work. This other scheme is not for people who have ceased work but for people who have stopped work at 60 and do not become entitled until they reach the age of 65 to an Old Age Pension and therefore have a 5 year gap. The only thing that could alter this would be if post 1993 the new pension arrangement were to come in at 60. Then clearly you would not need to keep both systems. That is the only thing that could affect it, if what substitutes the present Pensions scheme is one that pays at 60. This is something which we need to look at what happens within the European Community particularly on the moves requiring equal treatment of men and women. Because there are those who argue that the Social Security system in Gibraltar, as in the UK, is in fact in conflict with Community Law on Sex Discrimination because it discriminates against males. This is because females get their pension at 60 and males at 65 notwithstanding the fact that they both contribute the same to the scheme. At the moment there are, in fact people in the UK challenging that discrimination which clearly could be corrected by making females collect their pensions at 65. That would be in order except that then there would be the question of removing an acquired right and which raises another legal issue. All those factors are not within our control and if something is done which produces Mandatory Directives from the Community in any of these areas, it would not affect this scheme because this scheme is outside the sphere of Government but it would affect the scheme that we have to

introduce for 1993. And what we do there might have an affect on this but that will not happen until after 1993.

HON P C MONTEGRIFFO:

Mr Speaker, I do not wish to seek to many details, I would also like to benefit from the invitation extended for greater detail. But can I put two questions only to the Government at this stage. One, is the Social Wage taxable? If this question is answered, Mr Speaker, the other might not be necessary.

HON CHIEF MINISTER:

The answer is that of course it is taxable because under the Income Tax Ordinance any wage is taxable it depends on the marginal rate of the persons concerned.

HON P C MONTEGRIFFO:

And secondly, Mr Speaker, would it then be the intention of the Government bearing in mind that there are people not in receipt of an Old Age Pension but who receive other benefits to extend the benefits of the Social Wage not just to people between 60 and 65 but also for people above that age but not in receipt of an Old Age Pension? What I mean Mr Speaker, is that it should not only apply between 60 and 65 but that it should apply to anyone not in receipt of other benefits?

HON CHIEF MINISTER:

I think, Mr Speaker, that in this as in other areas what we are doing is very innovative and it is not something that we are copying from anywhere else and it is not something that has been going on for long in fact it has only been in existence for a few weeks. Therefore we have to learn by experience and see how well it works before we decide whether the system should be encouraged and expanded or otherwise. It is still too early, Mr Speaker, to pass judgement.

NO. 6 OF 1990

ORAL

THE HON DR R G VALARINO

Will Government give details of the percentage increases and amounts payable for Supplementary Benefits, now paid from the Social Assistance Fund, as on the 1st January, 1990, and to what extent old age pensioners are to be helped financially this year and how these arrangements are going to take place?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, on 11th April, 1989, the Member opposite was told in answer to Question No.110 of 1989 that he had the choice of being kept fully informed on a confidential basis and allowed to put forward any ideas the Opposition might have or raise these issues in public and get the same answers he has been getting before. He was also reminded at the time that the situation had already been explained in answer to Questions No.40, 41, 42 and 43 of 1989 and it was also pointed out to him that he had personally been briefed by the Chief Minister on a confidential basis on 22 November, 1988, and had also had the situation explained to him in answer to Question No.172 of 1988. The member opposite, together with his colleagues, was also given an explanation in confidence on 5 December 1988. The Hon Questioner was yet again told in answer to Question No.172 of 1989 what the position was. The situation, Mr Speaker, is that he can obtain any information he wishes on a confidential basis but will not be given details in public for reasons he is fully aware of.

SUPPLEMENTARY TO QUESTION NO.6 OF 1990

HON A J CANEPA:

Mr Speaker, we are aware of the reasons in so far as the second part of the question is concerned which deals with Old Age Pensioners and it is in respect of Old Age Pensioners that the consultations and meetings refer and to which the Hon Minister has referred. However the first part, in my view, is a straight forward question. "Whether there have been any increases in amounts paid under the Supplementary Benefits Scheme, and if so, will the Minister say what has happened". I think that is a perfectly legitimate question, Mr Speaker. Or is the Government now saying that the Supplementary Benefits Scheme, which has not in fact been the subject of discussions in the past between the Government and the Opposition, is to be covered by that umbrella or statement?

HON CHIEF MINISTER:

In relation to the Supplementary Benefits Scheme, in the last year, Mr Speaker, what was previously thought to be outside

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the ambit of Community Law, in particular the area of the Elderly Persons Pensions was made non-statutory, on the basis that non-statutory benefits were social assistance and consequently not eligible, and the advice that they had from experts in UK, in fact, I think it was Mr Hannay himself who actually supported that they move in that direction, the advice we got last year is now in conflict with the advice that the Hon Member opposite had received. And in the light of that advice we are now looking to alternative ways of assisting identifiable groups in our society in a way that contains the cost to the Government. Consequently rather than simply add to the existing system we are looking at other ways of reaching the groups. Therefore the offer that stands in respect of what we are seeking to do for pensioners stands for the other groups for the same reasons. Because of that relationship we are treating it in the same manner.

HON A J CANEPA:

Mr Speaker, is the Hon the Chief Minister saying that Groups who are in no way connected with people who may be deemed to be Old Age Pensioners, or Elderly Persons Pensioners eg single parents, all those other categories, is the Hon the Chief Minister saying that they are under the microscope of EEC regulations and that therefore the sensitivity that applies to Old Age and Elderly Persons Pensions is also to be made applicable to these people and is there no way therefore that the Opposition can exercise its legitimate rights to be informed about increases in these benefits and which the Government might introduce other than under the umbrella of total confidentiality.

HON CHIEF MINISTER:

I am saying, Mr Speaker, that the criteria which he knows about, because he introduced them, which limit eligibility to nationality and residence are the criteria that may not be sustainable and therefore we have to be very careful that we do not create a situation that generates unlimited liabilities for which the scheme was never designed. Therefore the whole future of that particular area is also, at the moment, being re-examined. What I am saying to the Hon Member opposite is that his concern to know what is going to happen and how it is going to happen can be met by giving him information but not in a way or in a forum that puts at risk what we are trying to do.

18 JAN 1990

NO. 7 OF 1990

ORAL

THE HON DR R G VALARINO

Will Government give details of the state of the Social Insurance Fund as on the 31st December, 1989, and what will be the projected state of the Fund on the 31st December, 1990?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No Sir, as the Member knows from his days as Minister for Labour and Social Security, the state of the Fund cannot be predicted since it is not possible to know what the return on investment will be for the next twelve months.

As regards the figure for three weeks ago, again, as he knows, it takes considerably longer to compute the details of the state of the Fund which is invested by the Crown Agents in the United Kingdom.

When the Audited Accounts are available I will let the Hon Member opposite have a copy.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1990

HON DR R G VALARINO:

Mr Speaker, does the Hon Member have an idea when the Audited Accounts will be available?

HON R MOR:

No Mr Speaker. The Accounts are at present with the Auditor and as soon as they are presented to the Government I will let the Hon Member have a copy.

18 JAN 1990

NO. 8 OF 1990

ORAL

THE HON DR R G VALARINO

Will Government now give details of the amounts collected in social security contributions by persons employed in ships registered in Gibraltar for the years 1988 and 1989 and what is the estimated revenue figure for 1990?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, I have already told the Member less than six months ago what the figures for 1988 were. The estimate that we gave him for 1989 at the time, is one which we are not yet in a position to tell him whether the figure is going to be higher or lower than was estimated because the collection and computation takes longer than the time that has elapsed since the end of the last calendar year, ie since last December. He should know this, Mr Speaker, having been Minister for Labour and Social Security for some years. He must know that the insurance records for the employed labour force of Gibraltar were never ever ready before March or April. So it is not possible to give an accurate figure in less time than that.

For 1990, I am not in a position to give even an estimated figure. As the Hon Member will know, recent world events have had an effect on ship registries around the world and Gibraltar has been no exception. Prior to the American forces' mission to Panama to gently persuade General Noriega to visit the United States courts of justice, the Americans withdrew their ships from the Panamanian Registry and consequently quite a number of companies approached Gibraltar. It is not clear whether those who have approached us will proceed with re-registration in Gibraltar. However, once Noriega was located and tensions eased, it was decided to cancel the previous decision to boycott the Panamanian Registry. Obviously because the amounts contributed by persons employed on ships registered in Gibraltar depends on the ships registered here and also because the whole question of the Ship Registry is in a state of flux at present, there is at the moment no way in which a reasonable estimate can be made.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1990

HON DR R G VALARINO:

Mr Speaker, will General Noriega, sorry I mean the Minister for Labour and Social Security, explain when, in answer to Question 129/89 he said that "a total of £4,422 was collected in 1988 and a further amount of £8,442 of arrears was currently being pursued". Could the Hon Member let me know whether the outstanding amount has been collected and what is the total sum collected in that year?

HON R MOR:

Mr Speaker, because of the short timescale since the Hon Member asked his last question although arrears are being pursued through the Courts in Gibraltar we do not have details available.

HON DR R G VALARINO:

Mr Speaker, has the Government tried to undertake an improvement to expedite the matter of collecting other than the Courts?

HON R MOR:

Mr Speaker, as I said the last time what we were doing was an improvement to what was being done previously. We did also say the last time that the question was raised that because of the time lag and the scheme only having another 3 years to go, that we did not consider it worth the effort to install a machinery that would very soon have to be dismantled when the scheme was wound up.

HON A J CANEPA:

Mr Speaker, will the Minister accept, with the benefit of hindsight, that he perhaps should not have been so vociferous in the past when he was sitting on this side of the House.

HON R MOR:

Yes Mr Speaker, I appreciate that but at the time we did not have the agreement that we managed to obtain from the United Kingdom Government on the question of Spanish Pensions.

18 JAN 1990

NO. 9 OF 1990

ORAL

THE HON DR R G VALARINO

Will Government now consider the introduction of payment under the Social Assistance Fund of an allowance for the first child similar to that of the second and successive children, taking into account that at present families of young children are in real terms less well off?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No Sir, the position is unchanged since the Member asked the same thing seven months ago and was given an explanation of the Government's policy on the matter.

SUPPLEMENTARY TO QUESTION NO. 9 OF 1990

HON DR R G VALARINO:

Mr Speaker, does the Government not consider that nowadays there are families in real need and that increases in the cost of living and with no relief in taxation etc they could do with the extra £7 for the first child and thereby ease their financial worries?

HON R MOR:

Mr Speaker, I do not think that the situation now is any different to what it was seven months ago. I said at the time, Mr Speaker, that whenever the Government considers that there is a necessity for increasing the amounts paid they will do so.

HON DR R G VALARINO:

Mr Speaker, will the Government confirm that such an allowance is payable in the UK?

HON R MOR:

Mr Speaker, the scheme in the UK is totally unrelated to ours and whatever the UK does is up to them.

HON DR R G VALARINO:

Will the Hon Minister however confirm that it is paid in the UK?

HON R MOR:

Mr Speaker, they do not have any Family Allowances they have Child Benefits and they may well be paid under the Child Benefits Scheme but we do not have that.

18 JAN 1990

NO. 10 OF 1990

ORAL

THE HON M K FEATHERSTONE

Will the Minister explain how the increase of over £2 per week between employer and employee under the Group Practice Medical Scheme has been arrived at?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, I will answer this question together with Question No. 11 of 1990.

18 JAN 1990

NO. 11 OF 1990

ORAL

THE HON M K FEATHERSTONE

How much was the total contributions to the Group Practice Medical Scheme from insurance cards in 1989 and how much is estimated for 1990?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the sums required in 1990 have been arrived at on the basis of meeting a proportion of the increased recurrent costs of the medical services for the forthcoming year. I cannot give figures for the yield since this depends on a number of factors and the amounts for 1989 have not yet been computed. As the Hon Member is aware the requirements for the preparation of the 89 Accounts were recently extended to allow these to be produced within 9 months ie by the end of December 1989.

As soon as these have been audited I will let the Hon Member have the information for the relevant period.

SUPPLEMENTARY TO QUESTION NOS. 10 AND 11

HON M K FEATHERSTONE:

Does this increase, Mr Speaker, entirely represent the increase in inflation costs? Or has any improvement to the Service been made?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I said in my original answer to the Question it is a question of meeting the proportion of what we consider to be an increase in recurrent costs to the Medical Services. As soon as I have accurate figures I will send them to the Hon Member. Because the last thing that I wish to do is to supply inaccurate figures to the Hon Member.

HON M K FEATHERSTONE:

Does the Hon Minister remember, Mr Speaker, that she used to make available to me, on a quarterly basis, certain figures of costs and expenses and that she has not been doing so for the last six months.

HON MISS M I MONTEGRIFFO:

That is precisely because we have had nine months in which to prepare and produce the Accounts and as I have already said I will supply the information once it has been audited not before.

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HON M K FEATHERSTONE:

So all figures that will be produced in the future will have this nine months delay, Mr Speaker?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, it is not a question of having a nine month delay but of the Health Authority having the same conditions as every other Government Department. I have explained this in this House on numerous occasions. The answer Mr Speaker, is that as soon as I have accurate substantiated figures I will let the Hon Member have them.

HON A J CANEPA:

Mr Speaker, is it not then the increase of £2 a figure taken out of the top of the Minister's head and which may not be entirely justified?

HON MISS M I MONTEGRIFFO:

No Mr Speaker. What we are doing is looking at a proportion of what we consider to be the recurrent costs in Medical Services and it is not a question of taking figures out of the top of my head. What I am not prepared to do in this House is go give figures until they are accurate and audited.

HON M K FEATHERSTONE:

Mr Speaker, is it not that the subvention to the Hospital must be kept to the absolute minimum and the balance is going to be made up through extra money from the Group Practice Medical Scheme?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have already said in my original answer that the increase is based on a proportion of the expected recurrent expenditure of the Medical Services and I will provide the Hon Member with the necessary figures once they have been audited.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Will the Minister for Medical Services explain the circumstances and reasons why the Branch Officer of the TGWU was allowed a side room in John Ward during his stay in hospital last December, why he was given telephone facilities there and allowed to hold meetings with numerous persons, and whether the TGWU, or the taxpayer, has been charged for these facilities on the date of notice of this question?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, as Members opposite should know, decisions on patients and their admissions are taken by the medical profession and not decided at political level. No exception has been made in this case and the decision to place this patient in a side room was made by the consultant on medical grounds.

Similarly when he requested a telephone, the doctor in charge was asked if this would adversely affect his condition and, when it was confirmed that it would be appropriate for the telephone to be available, it was installed. The cost of installation, rental and calls were fully met by the patient's employer.

This situation applied at the time, 'on the date of notice of this question', and still applies.

SUPPLEMENTARY TO QUESTION NO. 12 OF 1990

HON M K FEATHERSTONE:

Is it not a regulation of the hospital, Mr Speaker, that only three persons can visit a patient at any one time? And did not the Branch Officer have up to ten persons in his room at one time?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have already said that this is a question that has to be determined by the medical profession and the nursing staff in the ward. As far as I am aware there have not been a stream of people going into the medical ward because I do not think that either the nursing or the medical profession would allow people to come into the ward to the detriment of this particular patient or, indeed, other patients.

HON M K FEATHERSTONE:

Mr Speaker, I can inform the Hon Minister that at one time there were at least ten persons having a vociferous argument in the actual side room to the detriment of patients in the ward. Perhaps the Hon Minister could investigate the matter and not put all the blame onto the nursing or medical staff.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have already investigated the matter as a result of the Hon Member's question. This is a matter, Mr Speaker, which does not come to the Minister to decide upon. It is a matter that is dealt with by the medical profession. Now, if he is telling me that there was a fairly large group of persons upsetting other patients there, I am completely confident that staff in the ward would not have allowed it.

HON M K FEATHERSTONE:

I am glad to see, Mr Speaker, that the Hon Minister is in agreement with me that it is not the sort of practice one wishes to see in the hospital. Will she see that this does not occur in the future?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as I am concerned, the Hon Member is referring to something about which I have no information. The Hon Member is making the allegation.

HON A J CANEPA:

Mr Speaker, the meeting to which my colleague is referring to was not a meeting that took place during visiting hours. It was outside visiting hours, fairly late at night, and it was a very heated meeting involving members of the TGWU. Does the Minister consider that that is what a side room in a ward in her hospital should be used for?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I as the Minister implement policy. I am not responsible for the running of the wards. That is something that is run by the nursing and medical profession. It is really for the Sister in charge to decide what is admissible or not admissible. Mr Speaker, I repeat to the Hon Member that I am confident that if anything happened in the ward it was not to the detriment of the patient concerned or other patients.

HON A J CANEPA:

Mr Speaker, is the Minister saying that if a meeting takes place in the hospital it is not a matter of policy? That it is a medical matter? The medical condition of the patient requires that he be allowed to hold a meeting with ten or twelve persons late at night?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am the Minister not a doctor. These decisions do not come to me. They go to the medical profession and the information that I have from the medical profession is what I have given to the Hon Member, Mr Featherstone. It could well be that there have been similar situations in the past. I really do not know what has prompted the Hon Member to raise this matter. Perhaps the Hon Member is incensed because the patient happened to be the Branch Officer of the TGWU.

HON A J CANEPA:

Mr Speaker, it is the patients in the ward who were incensed and have made representations to us on the matter.

HON MISS M I MONTEGRIFFO:

Mr Speaker, no representations have been made either to the staff, management or the Government.

HON M K FEATHERSTONE:

Mr Speaker, the Minister in her answer made reference to an assessment made by the doctor as to whether the availability of a telephone would affect the condition of the patient. The medical condition of the patient? Or other considerations?

HON MISS M I MONTEGRIFFO:

Mr Speaker, as far as I am concerned, it is the doctor who decides what arrangements are for the benefit of the patient concerned and for the other patients in the ward. That is what I have already told the Hon Member.

HON A J CANEPA:

Mr Speaker, will the Hon Minister find out in how many other cases doctors take into account precisely these sort of considerations, whether a patient should have the use of a telephone? Is that part and parcel of the new facilities being given at St Bernard's Hospital since the Minister took over responsibility?

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I am saying is that as far as I am concerned, as the Minister, I do not run the wards. I do not have to consider what is good or not good for the patient, that is up to the medical profession and the staff involved.

HON M K FEATHERSTONE:

Is it not a shame, Mr Speaker, that the Hon Minister should hide behind the doctors?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have complete confidence in the doctors and I am not hiding behind them.

HON A J CANEPA:

Mr Speaker, the Minister has been afraid to give a straightforward answer.

HON MISS M I MONTEGRIFFO:

Mr speaker, I have been more honest by telling the Hon Member that I have complete confidence in the staff and in the doctors and I am not going to infringe in their profession because I am not a doctor, I am a Minister.

MR SPEAKER:

Next question, please.

18 JAN 1990

NO. 13 OF 1990

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Sport say how often the Sports Advisory Body met during 1989 and on what dates?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, during 1989 the Gibraltar Sports Advisory Body met on five occasions ie on 9 February, 7 March, 16 June, 22 June and 14 September.

SUPPLEMENTARY TO QUESTION NO. 13 OF 1990

Mr Speaker, will the Minister confirm that the first two meetings dealt purely or almost exclusively with the allocation of financial grants for the previous year?

HON MISS M I MONTEGRIFFO:

No Mr Speaker, I cannot confirm that because it is inaccurate. Every time we have had a meeting members and associations have been able to raise any matter they wished related to Sport and they have been discussed at every meeting. So the meetings have not been purely on the allocation of grants to Sporting Associations. I can confirm that to the Hon Member, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, has the initiative for these meetings been taken by the Minister or by the relevant Association?

HON MISS M I MONTEGRIFFO:

Mr Speaker, any member or Association belonging to the Sports Advisory Body or the Minister can call a meeting when they have something that they wish to decide.

HON LT-COL E M BRITTO:

Mr Speaker, I can appreciate that but it does not answer my question. I am not asking for suppositions but for facts. What proportion of these meetings have been held on the initiative of the Minister and what proportion have been called by the Sports Association or members thereof?

HON MISS M I MONTEGRIFFO:

It depends, Mr Speaker, but I can inform the Hon Member that when the Sports Advisory Body has met it is because there were matters related to sport that the Advisory Body had to resolve.

HON LT-COL E M BRITTO:

Mr Speaker, I am sorry that I must persist but I am still not getting an answer to my question. On these five dates that the Minister has given were they held because the Minister called them or were they held because the Association called them? I understand the Minister's principle but I am not talking about the future we are talking about meetings that have already been held. Have they been held because they were called by the Minister or because they were called by the Associations?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I have explained to the Hon Member the aspects about which we meet and I think it is immaterial whether I call the meeting or the Associations call it. The fact is that we have met and we have resolved what matters required to be resolved and the Associations must be happy with the way things are going because we have resolved a lot of pending issues.

HON LT-COL E M BRITTO:

Mr Speaker, whether the matter is immaterial or not is for me to decide because I am asking the question and the fact is that I have not got a straight answer and I will leave it at that. But I fail to see why I cannot get a straight answer.

HON MISS M I MONTEGRIFFO:

Mr Speaker, I do not know at what the Hon Member is aiming but I have told him the times and dates that the Advisory Body has met and that it did not only meet to dish out money but to resolve other sporting problems. As to whether I called the meetings or the Association or the members called it is immaterial. The fact is that we have met and resolved issues.

MR SPEAKER:

Next question.

18 JAN 1990

NO. 14 OF 1990

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Sport say what has been the effect of the ultimatum given to the proposed supplier of the Victoria Stadium, artificial surfaces to produce results by the 31st December, 1989?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Government has not had the assurances it requested on the schedule of works by 31 December 1989 and therefore the option granted to the proposed suppliers is now terminated. The Government is now free to negotiate with other parties and is pursuing possibilities that previously could not be pursued.

SUPPLEMENTARY TO QUESTION NO. 14 OF 1990

HON LT-COL E M BRITTO:

Mr Speaker, with the benefit of hindsight can the Minister attribute any reasons for the failure of the proposed scheme?

HON MISS M I MONTEGRIFFO:

Mr Speaker, it is not my responsibility to answer in this House for the Company. It is the Company that has failed. In view of the Company's failure we are pursuing other proposals.

HON LT-COL E M BRITTO:

Mr Speaker, can the Minister give us an indication of the way forward?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the way forward, following the failure of the Company is to look at other alternatives. This we are now doing.

HON LT-COL E M BRITTO:

Mr Speaker, I am asking the Hon Minister if she can give us an indication of what these alternatives are?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I am not going to divulge things in this House when I am in the process of talking to companies and individuals. If I did so I would be prejudicing the negotiations and I am certainly not going to do that.

HON LT-COL E M BRITTO:

Mr Speaker, does the Hon Minister realise that she is repeating what she told me 18 or 20 months later? Moreso when what she told me, now, 20 months later, has failed. But still she refuses to give indications as to why the scheme has failed? I am now asking, Mr Speaker, whether the HON Minister is still going to negotiate to some sort of proposals? Different proposals? Are they with commercial companies? As a Government? I am not asking for details, commercial information, what I am asking is on what broad front does she intend to proceed in order to install an artificial surface. I however get the impression that the Hon Minister refuses to provide the information.

HON MISS M I MONTEGRIFFO:

Mr Speaker, what I have given the Hon Member is factual information. The fact that we gave the Company a deadline. The Company did not meet that deadline. Following this failure the Government is pursuing other alternatives with other companies and individuals. When the Government decides that we have a deal which we think is good for Gibraltar we will announce it.

18 JAN 1990

NO. 15 OF 1990

ORAL

THE HON P C MONTEGRIFFO

What are the details of the arrangements of the commercialisation of the household rubbish collection service with the newly formed Government owned company?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, I will answer this question together with question Nos.16 and 17 of 1990.

18 JAN 1990

NO. 16 OF 1990

ORAL

THE HON M K FEATHERSTONE

Having regard to the importance for the arrangements for the collection and disposal of refuse, will the Minister for Government Services make a detailed statement about the setting up of the Gibraltar Industrial Cleaners Ltd?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Answered together with question Nos.15 and 17 of 1990.

NO. 17 OF 1990

ORAL

THE HON M K FEATHERSTONE

Will the Government say whether there is any collection of refuse on Sundays?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there is no major significance in the fact that the trade and household refuse collection service is now undertaken by a Government owned company. This has come about as a result of negotiations between the workforce and the Government.

The only difference between the present system and the old arrangements, as far as the public is concerned, is that, at present there will be no collection on Sundays. This is to enable refuse collectors to have one day off every week, since they were the only group of workers within the Government Service who worked 365 days a year.

SUPPLEMENTARY TO QUESTION NOS. 15, 16 AND 17 OF 1990

HON P C MONTEGRIFFO:

Mr Speaker, these arrangements do they include any guarantees of the service which is being continued to be given to the public or is there no mention in the arrangements whether it is going to be done by contract or otherwise? What type of service?

HON J C PEREZ:

Mr Speaker, does the Hon Member mean the arrangements between the Government and the private company?

HON P C MONTEGRIFFO:

Yes, Mr Speaker, arrangements between those two entities.

HON J C PEREZ:

Mr Speaker, I have already told the Hon Member that it is a Government owned company and he would not expect the arrangement to be different to the job that they are presently doing. It is not a question of the Government entering into an agreement with a company partly owned by a third party. It is a Government owned company.

HON P C MONTEGRIFFO:

So, Mr Speaker, there is no intention for a change in the

service at present other than the lack of collection on Sundays?

HON J C PEREZ:

That is correct.

HON P C MONTEGRIFFO:

What about the question of fees, Mr Speaker. Will Government give an undertaking that the company does not intend to charge fees to either residential or business premises in the future as a method of recouping funds for its operations?

HON J C PEREZ:

Mr Speaker, the company does not charge any fees and the Government does not charge any fees. The question of fees does not enter into the matter at all.

HON P C MONTEGRIFFO:

Mr Speaker, will the Minister give an indication as to whether the intention would be, in the future, to fund the company through the implementation of fees?

HON J C PEREZ:

No Mr Speaker, there are no plans for that.

HON M K FEATHERSTONE:

Mr Speaker, we asked for a detailed explanation and we have not had it. Who is the Chairman of the company?

HON J C PEREZ:

Mr Speaker, the Hon Member asked for a detailed explanation and I have replied that it is of no major significance what has happened. If he is interested in the name of the Chairman and directors once it is finally incorporated I will forward the details to him.

HON M K FEATHERSTONE:

Is the company still not fully incorporated, Mr Speaker?

HON J C PEREZ:

Mr Speaker, most of the paperwork is ready but not all of it.

HON M K FEATHERSTONE:

What assets does the company have? It is using public service vehicles.

HON J C PEREZ:

Mr Speaker, the company has no assets. The fact that it is using public service vehicles is because as part of the contract the Government loans the vehicles to the public company.

HON M K FEATHERSTONE:

Are the men happy that there is no collection on Sundays, Mr Speaker?

HON J C PEREZ:

Mr Speaker, the men asked not to work on Sundays.

HON K B ANTHONY:

Mr Speaker, the Government has said that the company is not going to collect on Sundays for the moment. Is it the intention to recruit more men and then resume Sunday collections?

HON J C PEREZ:

No Mr Speaker. I said at present because the men are giving it a trial run. If they feel that as a result of the non-collection on Sundays means greater problems on Mondays because of the quantity of rubbish, then they may decide to go back to collecting on Sundays. At present they feel that they are coping alright.

HON K B ANTHONY:

Mr Speaker, if the men have asked for having Sundays off, they must be suffering a reduction of wages? Are they happy with this?

HON J C PEREZ:

The Hon Member assumes wrongly because they are not paid for the refuse they collect.

HON A J CANEPA:

Mr Speaker, has the Minister or the Minister with responsibility for the beaches taken into account what may

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happen during a Sunday at beaches during the summer? With the refuse not being collected. What do they intend to do?

HON J C PERREZ:

Mr Speaker, I found it incredible when I read the AACR's Press Release that they should suggest that beaches will be affected by this new agreement. The collection of refuse at the beaches has never been done by the Refuse Collection Service, they have had separate arrangements.

HON A J CANEPA:

From the beaches themselves who is going to remove the rubbish?

HON J C PEREZ:

Mr Speaker, every summer, for as long as I remember, beaches have had their refuse collected by skips. People were employed on a temporary basis by the previous administration to clean the beaches every summer. Refuse collectors have never been involved in the collection of refuse from the beaches.

HON P C MONTEGRIFFO:

Mr Speaker, will the Government confirm whether it is the intention for the company ever to be able to tender or seek work outside the area of what is now household refuse collection.

HON J C PEREZ:

No, Mr Speaker, it is not the intention for the company to expand further. However if the opportunity arises in the future to be able to expand it in, say by creating employment or revenue we will consider it, but it is not the intention at this stage other than provide the same service that was being provided by the Government.

HON P C MONTEGRIFFO:

Mr Speaker, will the Hon Minister also indicate whether there are any savings in the cost of the service to the Government in what has been done, and if not, what benefits does the commercialisation of the service provide the taxpayer?

HON J C PEREZ:

There are no savings whatsoever, Mr Speaker, but it will not cost the Government more. The benefits are basically that it gives both the Government and the workforce a more flexible system in their remuneration and conditions of service outside the service and free of Civil Service conditions and regulations. It also provides the possibility of improving the service in the future.

HON P C MONTEGRIFFO:

So effectively, and I do not say that I oppose it, it is privatisation in terms of employment?

HON J C PEREZ:

No Mr Speaker, it arises out of negotiations initiated by the workforce.

HON P C MONTEGRIFFO:

That may be so, Mr Speaker, but it has the result, does it not, that what was previously public sector employment is now private sector employment.

HON J C PEREZ:

In other places it might be regarded as a Nationalised Industry, 100% Government owned.

HON P C MONTEGRIFFO:

Mr Speaker, what I am trying to elucidate from the Hon Minister is if he will confirm that the major difference in the new arrangements is in fact the basis of the terms of employment of the workforce other than anything else?

HON J C PEREZ:

Yes Mr Speaker.

HON A J CANEPA:

Mr Speaker, will the Hon Minister say if the company, Gibraltar Industrial Cleaners Ltd, will be able in future to compete in tendering with the Government's friends, Messrs Rock Haulage Ltd?

HON J C PEREZ:

Mr Speaker, the Government has no friends either at Rock Haulage or anywhere else. That system of awarding tenders and contracts ended in March, 1988 when we came into Government. The Hon Member says that they will be able to compete and I have already stated, in case he has not heard me, that the purpose of setting up the company is to do exactly the same as what the Government workers were doing previously. If in the future we see that there are opportunities for the company, we may decide to take them on, but that is not the intention now. The name of the company will probably be changed shortly because the men themselves would like to restrict their activities to the work that they do. They will therefore decide to change the name and I have agreed to let them do so.

HON A J CANEPA:

I am happy to see that there will be no political strings attached to that particular company and that they may be able to compete against people who blackleg.

HON K B ANTHONY:

Mr Speaker, if I may come back to the non collection of refuse on Sundays. Does the Hon Minister really believe that the public will co-operate with their appeal not to place rubbish outside on Sundays? Because last Sunday I counted 17 piles of rubbish in the street within the town area.

HON J C PEREZ:

These are the notices that are being issued. Not only as Press Releases but also to households and businesses shortly. We are asking people to abide by the new situation. I would like to point out that Gibraltar is one of the very few places where rubbish is collected daily. Elsewhere rubbish is collected every two or three days. We are therefore asking people to cooperate and we hope that they will do so.

HON K B ANTHONY:

Nevertheless, Mr Speaker, in summer with the hot weather rubbish will begin to smell very quickly and householders will not wish to keep it in their homes and they will put it out at the nearest corner.

HON J C PEREZ:

We will have to wait and see Mr Speaker. This is why the arrangements are temporary.

HON M K FEATHERSTONE:

Mr Speaker, will the Hon Minister admit that this new company shows a deterioration in the service of refuse collection?

HON J C PEREZ:

No Mr Speaker, I will not admit that it is a deterioration because the refuse left on Sundays is fully collected on the Monday. I think it is only right, Mr Speaker, that the only group of workers that worked every day of the year should have an arrangement so that they have one day free a week.

18 JAN 1990

NO. 18 OF 1990

ORAL

THE HON K B ANTHONY

Have the heat exchange boilers at Waterport designed to transfer heat for use in the adjacent distillery, gone into operation yet?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, each of the three engines at Waterport Power Station are fitted with a heat exchange boiler.

The one on set 3 has been operating since it was first commissioned with the engine in December 1988. It has been available for exporting steam as operationally necessary until last November, when the boiler gas inlet damper suffered mechanical failure.

This installation is under guarantee and the issue was taken up with the suppliers. They are already organised to carry out the necessary work but this requires a shut-down. Given the service requirements of the new plant to generate electricity at this time of the year and the fact that this set is due for servicing at the end of this month, it has been decided to defer the work to that date.

SUPPLEMENTARY TO QUESTION NO. 18 OF 1990

HON K B ANTHONY:

But will they be back on line before the end of this year, Mr Speaker?

HON J C PEREZ:

That is what is expected Mr Speaker.

HON K B ANTHONY:

Mr Speaker, the Hon Minister mentioned Boiler No.1. Surely there are 3. What about the other 2?

HON J C PEREZ:

No Mr Speaker, I mentioned Boiler No.3 but yes there are 3 Boilers. As far as the other two boilers are concerned these were commissioned by the previous Government in 1985 but never used. It has not been possible to use them since we took over because management considers it is essential to have all the systems fully tested but this is not possible without a shut-down of the engines and at present this would lead to interruption in Electricity Supply.

HON K B ANTHONY:

In other words, Mr Speaker, they are not going to be used.

HON P C PEREZ:

No Mr Speaker, at present it is impossible without interruptions in the Electricity Supply. When the Government improves its position on electricity capacity as a result of the coming on stream of Ormrod Generating Station and before the shut-down of King's Bastion Power Station we should have sufficient spare capacity to be able to carry out these works.

18 JAN 1990

NO. 19 OF 1990

ORAL

THE HON K B ANTHONY

Will Government give a firm date when the Ormrod Diesel Company will be coming 'on line' with GibElec?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

No Sir, the Government will not commit itself to a firm date on when the first engines of Ormrod Diesel will be coming into stream.

SUPPLEMENTARY TO QUESTION NO. 19 OF 1990

HON K B ANTHONY:

Can the Hon Minister, Mr Speaker, give an indication of whether it will be in the first six months of this year?

HON J C PEREZ:

Yes Mr Speaker, I expect it to be within the first six months of this year, but I am not prepared to commit myself to a firm date because the starting date of the operation is not a contractual obligation and it is therefore up to the company to deliver.

HON K B ANTHONY:

Is it the intention, Mr Speaker, that each set of engines will come individually in line as are Government's plans to have two stations come into line en masse.

HON J C PEREZ:

Mr Speaker, I was not given notice of that question. I know that there is a programme of when the engines will come into stream. Once the first one is in place at specific periods the other have to come into stream. But I do not have specific information because I was not given notice of the question.

HON K B ANTHONY:

It would appear, Mr Speaker, from the Hon Minister's answer that it is the intention once the first engine is installed they will each come into stream individually.

HON J C PEREZ:

I think that is correct, Mr Speaker.

18 JAN 1990

NO. 20 OF 1990

ORAL

THE HON K B ANTHONY

Will Government make a statement on the present stage of negotiations with the NYNEX Company of the United States?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the negotiations between the Government and the United States Company Nynex, for the setting up of a Joint Venture Company to run the internal telecommunications service is at the stage where legal advisers from both sides are drafting the necessary contracts to enable it to become a reality. Inevitably, these contracts also form part of the negotiations. In parallel to this, Government is now in the process of opening negotiations with the unions and staff associations.

SUPPLEMENTARY TO QUESTION NO. 20 OF 1990

HON K B ANTHONY:

Sir, can the Hon Minister give an indication of when the negotiations will be completed?

HON J C PEREZ:

No Mr Speaker. The negotiations will be completed when agreement is reached on all matters. I cannot give a deadline.

HON A J CANEPA:

Mr Speaker, is the Hon Minister saying that notwithstanding the fact that the legal documentation is being drafted that that does not mean that agreement in principle, has taken place on a sufficiently number of broad areas to enable them to go ahead?

HON J C PEREZ:

Mr Speaker, agreement in principle, was reached when the Government first announced its intention of opening negotiations with NYNEX. Since then there has been a wide range of areas where agreement has been reached. However until all the negotiations has been finalised and the contracts signed I am not prepared to commit myself as to when the negotiations will be finalised.

HON K B ANTHONY:

Mr Speaker, the Hon Minister mentioned NYNEX in terms of negotiations for telephone improvements but does that still include the Cable TV that was part of the deal?

HON J C PEREZ:

Mr Speaker, all these matters are still under negotiation and particularly the question of Cable TV is something which will be a commercial decision taken at the time and given the situation at the time.

HON K B ANTHONY:

But it is presumably going to enter into the current negotiations, the legal considerations?

HON J C PEREZ:

Yes Mr Speaker.

18 JAN 1990

NO. 21 OF 1990

ORAL

THE HON K B ANTHONY

When does Government intend to bring legislation to this House, to legalise the reception of satellite programmes?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the necessary legislation is in the course of preparation and will be brought to the House as soon as it is ready.

SUPPLEMENTARY TO QUESTION NO. 2 OF 1990

HON K B ANTHONY:

Mr Speaker, could I have an indication of time?

HON J C PEREZ:

Mr Speaker, I expect to bring it at the next meeting of the House. However the answer is as long as it takes the legal Draughtsman to prepare it bearing in mind other priorities that the Attorney General's Chambers might have.

HON K B ANTHONY:

Mr Speaker, perhaps the Attorney General may be able to give an indication of how long it is going to take?

HON K W HARRIS:

Mr Speaker, how long is a piece of string.

MR SPEAKER:

I have heard that answer before, in my time.

HON K W HARRIS:

Mr Speaker, we still do not have a full team in the Attorney General's Chambers and the problems that stem from that are obvious. I however give priority to legislation in accordance with Government's requirements. If I am asked to give priority to some particular legislation something else has to go by the board. I cannot give a more accurate answer as to timescales than the one the Minister has just given.

HON K B ANTHONY:

Mr Speaker, I thank the Hon the Attorney General for his honest,

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if not conclusive answer.

HON P C MONTEGRIFFO:

Mr Speaker, does the Minister's reply mean that he accepts that the present regulations of satellite reception is, if not just unregulated, illegal? In that the question posed by the Hon Mr Anthony is that the legislation is to legalise the reception of satellite transmissions.

HON J C PEREZ:

Mr Speaker, there is only one aspect of it that needs a change in legislation, since most of it can be changed by regulation, and I expect that the Hon Member was referring to the regulations as much as the legislation. The only aspect that needs a change in legislation is where there is one receiving installation or one set of equipment and that covers more than one building because it infringes on the GBC Ordinance which only allows GBC to broadcast within Gibraltar. Other than that the receipt of satellite transmissions does not necessitate a change in the legislation as such.

HON P C MONTEGRIFFO:

Mr Speaker, taking that into account, is it the Hon Minister's view, as expressed in this House, not too long after taking office, that in fact current reception of satellite transmissions is outside the law and therefore should not be encouraged until the necessary framework is established.

HON J C PEREZ:

Mr Speaker, the Hon Member will recall that I was not the one that said that, it was the Hon Mr Mascarenhas, when he was in Government. What I said, at the time, was that the advise that was being given to this Government, was the same advise that had been given to the previous Government, that the matter was illegal. Since then, and after numerous meetings, the advise that the Government gets now is that it could not move against those that have dishes because in fact it was not illegal. That is why no action has been taken against those persons that have dishes, Mr Speaker, it would therefore not have been fair to stop those persons wishing to erect them and had been waiting. Therefore in anticipation of this change in legislation we accepted that people who have had dishes erected should continue. The Regulations will regulate how the equipment should be placed. At the end of the day there was no power on our side to be able to tell persons who had erected dishes to remove them.

HON P C MONTEGRIFFO:

Mr Speaker, I am sorry to press the matter further but my clear

understanding from Hansard, and I can quote from it, is that the Minister himself clearly warned people that they should not introduce equipment for the reception of satellite transmissions because they could find that equipment was obsolete and that therefore they should be careful because it was outside the law. That is clear in my mind. However if the Minister has changed his mind because of a different legal opinion I am prepared to hear that now. But that was not the position at the time.

HON J C PEREZ:

Mr Speaker, the Hon Minister has not changed his mind. It is the Hon Member who has not read Hansard well. Mr Speaker I was not at that time referring to the law but to the kind of equipment that could become obsolete, even Government's plans and I can repeat that Mr Speaker. Because if we go ahead with Cable Television then a lot of the equipment that there is today, if people were to take up the offer of Cable, would become obsolete. Therefore at the time GBC was studying the Multi Point Microwave System and I was saying that that satellite equipment which people were buying might become irrelevant and obsolete if GBC introduces the system of microwave distribution and which it might yet do. That was what I was referring to, Mr Speaker, when I warned people. But yes if the Hon Member wants to ask me what my preference is, then my preference is that people should wait until there is Cable. This is basically because of the environment. However if people are not prepared to wait then one has to allow the situation to develop and at the end of the day be able to offer a service which is better and try to get people to this service.

HON P C MONTEGRIFFO:

I am grateful to the Minister for that answer, Mr Speaker. However does he recollect a front page article in the Panorama headlined "Satellite TV illegal says Minister" and under it was a rather humourous cartoon of the Minister.

MR SPEAKER:

I must stop the Hon Member because he cannot quote from newspapers or ask questions on articles appearing in newspapers because Ministers are not expected to be responsible for such articles. Next question please.

18 JAN 1990

NO. 22 OF 1990

ORAL

THE HON M K FEATHERSTONE

What is the percentage of paid up TV licences and what is Government doing to collect the remainder?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, as at 12 January 1990 80.58% of TV licences have been paid. The remainder 19.42% have been sent reminders and given until a particular date by which to make payment. Persons failing to pay by that date will be referred to the Attorney-General's Chambers so that legal action may be taken to secure payment.

SUPPLEMENTARY TO QUESTION NO. 22 OF 1990

HON M K FEATHERSTONE:

Will the Attorney General prosecute these people with the utmost vigour.

HON J C PEREZ:

Mr Speaker, the process of prosecuting people has not changed since the 24 March 1988. People are sent reminders and the process is the same as was before. We cannot expect that because they do not pay their TV licences that that should be given priority over those who are not paying their electricity bills.

HON P C MONTEGRIFFO:

I wonder, Mr Speaker, whether the Minister is prepared to answer the rather broader question that I am going to ask him? Will the Government give considerations to actually facilitating the collection of TV licences by empowering the equivalent of inspectors or whatever to call at peoples' residences rather than go through what must be a cumbersome procedure of litigation for what is after all a very small sum?

HON J C PEREZ:

Mr Speaker, the evidence that the Government has is that when most people get the last reminder threatening legal action the majority pay up. Very few, in fact, turn up in court. I think, Mr Speaker, that the system that the Hon Member is proposing would not be cost effective.

HON G MASCARENHAS:

Mr Speaker, is the Hon Minister aware that, certainly up to

March, 1988, there was an investigating officer in the Post Office who had the powers, in law, to visit homes and to try and find out whether that household had paid their TV licence.

HON J C PEREZ:

Yes Mr Speaker, I am aware of that but he is not solely an investigating officer he has a wide range of duties, one of which is investigating the non-payment of TV licences.

HON G MASCARENHAS:

And the Government has retained that officer with those responsibilities?

HON J C PEREZ:

Yes Sir.

HON P C MONTEGRIFFO:

Should not that officer be empowered by regulation to basically demand payment so that the proceedings would take the nature of his having to attend rather than have long proceedings.....

HON J C PEREZ:

Mr Speaker, he is empowered to do that but apart from that I do not know what the row is about. Last year after going through the Attorney General's Chambers 99% of all licences were collected. So if we are being successful in collecting 99% of all licences I do not know what the problem is.

MR SPEAKER:

Next question.

THE HON G MASCARENHAS

Will Government state the levels of deposits held in the Post Office Savings Bank as at:

- (a) 31.12.88
- (b) 31.12.89?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the amounts of deposits held in the Government Savings Bank were:

As at 31.12.88	-	£ 2,600,327.91
As at 31.12.89	-	£20,024,566.71

SUPPLEMENTARY TO QUESTION NO. 23 OF 1990

HON G MASCARENHAS:

Mr Speaker, having regard to the rate of interest which the Post Office pays, to what does the Hon Minister attribute the increase to?

HON J C PEREZ:

Mr Speaker, I attribute the increase to new deposits.

HON G MASCARENHAS:

To new deposits, Mr Speaker? A jump from £2m and on a rate which is certainly not a market rate?

HON J C PEREZ:

Mr Speaker, the Hon Member may recall that there were certain changes introduced to the Savings Bank interest rate and new services offered. I am not particularly sure that these are the reasons for the increase but it is certainly due to new deposits, yes.

HON G MASCARENHAS:

Mr Speaker, are they so dramatic that they have attracted an increase, I do not know the exact percentage, but perhaps the Chief Minister can give it, from £2m in one year to £20m in the next twelve months?

HON J C PEREZ:

Mr Speaker, what is the information that the Hon Member wants? Whether I think that it is dramatic or not? Is that what the Hon Member is asking for?

HON G MASCARENHAS:

Mr Speaker, what I find incredible is that given the rate of interest that is paid by the Savings Bank that we should have such a dramatic increase. Does the Hon Minister attribute it to any other reason? Because the improvements in the Post Office Savings Bank surely do not attract an increase from £2m to £20m?

HON J C PEREZ:

Mr Speaker, the increase in deposits at the Post Office Savings Bank can only be attributed to increased deposits, nothing else. I do not know what the Hon Member is driving at.

HON M K FEATHERSTONE:

Mr Speaker, is there any truth in the story circulating around town that one person came in with a deposit of £10m?

HON J C PEREZ:

Mr Speaker, I cannot answer for investors or depositors but I have not heard that rumour.

HON A J CANEPA:

Mr Speaker, is there any truth in the rumour going round town that the Post Office Savings Bank may be being used for the laundering of money?

HON J C PEREZ:

Mr Speaker, what laundering of money?

HON A J CANEPA:

Mr Speaker, is the Government satisfied that this is not the case?

HON J C PEREZ:

Mr Speaker, if the Hon Member has evidence that this is happening I am sure that the Attorney-General will be happy to be provided with whatever information the Hon Member has in order to prosecute. But what the Hon Member cannot do, Mr Speaker, is stand up and make these kind of insinuations and then sit down as if nothing had happened. The Hon Member should substantiate what he has just said, Mr Speaker.

MR SPEAKER:

Order. I must remind Hon Members that they are responsible for the statements that they make in this House and if the Leader of the Opposition is making that statement he should be able to substantiate that.

HON A J CANEPA:

Mr Speaker, I have asked whether the Hon Minister will comment on the rumours circulating in town and whether they are connected with that and if the Government is satisfied that the procedures that they are adopting when they accept deposits are sufficiently stringent to counteract that?

HON CHIEF MINISTER:

Mr Speaker, the rumour has just been started by the Hon Member in this House and if it has not then he has got a political obligation to bring to the notice of the Police and the Attorney-General the source of that rumour. To suggest that a Government owned Savings Bank is being used for laundering money is, in fact, not only to undermine the credibility of the Savings Bank which is doing well, and which he should be happy about, but to undermine the whole credibility of the reputation of Gibraltar as a Finance Centre. Mr Speaker, he either withdraws what he has said because he knows it is not true or he provides the basis upon which he has that information so that we can get to the bottom of it. And let me tell him that if anybody is putting money that was laundered into the Savings Bank, the situation is that we would make a 100% profit on it. Because the law allows us to confiscate it.

HON A J CANEPA:

Mr Speaker, my colleagues were all present and are aware of the fact that the question that my colleague, Mr Featherstone, had asked about, "of someone having deposited £10m" was information that was allegedly given to us.

HON M A FEETHAM:

Mr Speaker, this is like every other rumour that the AACR is famous for circulating throughout Gibraltar. Like every other one that they have circulated.

MR SPEAKER:

Next question.

18 JAN 1990

NO. 24 OF 1990

ORAL

THE HON K B ANTHONY

When does the Government intend to begin the pedestrianisation of Cornwall's Lane, Cornwall's Parade and Horse Barrack Lane area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, it is not the intention of the Government to pedestrianise Cornwall's Lane or Cornwall's Parade. Horse Barrack Lane is already a pedestrianised area.

SUPPLEMENTARY TO QUESTION NO. 24 OF 1990

HON K B ANTHONY:

Surely the original intention was to pedestrianise around Cornwall's Lane and Cornwall's Parade, Mr Speaker.

HON J C PEREZ:

No Mr Speaker, neither the previous Government or this one has had any plans to pedestrianise either Cornwall's Lane or Cornwall's Parade.

18 JAN 1990

NO. 25 OF 1990

ORAL

THE HON K B ANTHONY

Does the Government have any plans for improved drainage of Bell Lane, Cornwall's Lane and Horse Barrack Lane?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, there are no immediate plans for improving the drainage of Bell Lane, Cornwall's Lane and Horse Barrack Lane as it is not thought necessary at this present time, other than the construction of one gully at the top of Bell Lane and the diverting of the outlet of another at Cornwall's Lane.

SUPPLEMENTARY TO QUESTION NO. 25 OF 1990

HON K B ANTHONY:

Mr Speaker, is the Minister not aware that every time it rains, I am not talking of drizzle, I am talking of rain, Cornwall's Lane and Horse Barrack Lane become flooded areas completely because there is no drainage at all there.

HON J C PEREZ:

Mr Speaker, I can only go by what the PWD Sewer Section feel is necessary in the area. If the Hon Member had asked me to check whether I thought that the sewage there was suitable as a result of the recent floodings I might have been able to supply him with an answer. However the Hon Member has not asked that. He has asked whether there are any plans to change the sewers and the answer is that there are no plans to change the sewers. If the Hon Member would like me to check why it is that the area in question is prone to flooding every time it rains then I will do so, Mr Speaker and then provide him with the information.

HON K B ANTHONY:

Mr Speaker, I have just told the Hon Minister that there are no drains in that area. The only drain is outside a shoe shop in Main Street, not 50 yards from where the Hon Minister is seated, and the water comes down Cornwall's Lane, Horse Barrack Lane and only goes into the sewage system at the point I have just mentioned.

HON J C PEREZ:

Mr Speaker, I shall have to check that. I cannot just take the Hon Member's word for it. However as far as the Department

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is concerned they consider the drainage to be satisfactory. I shall however bring to their notice what the Hon Member has just said and the matter will be checked.

18 JAN 1990

NO. 26 OF 1990

ORAL

THE HON K B ANTHONY

Will Government explain why the surface of Scud Hill was scarified last Spring, yet still has not been resurfaced?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, in order to resurface more roads in a year, a cold milling machine was hired for a period of 12 weeks commencing the first week of April 1989. All the roads to be resurfaced in the programme for the financial year 1989/90 had the wearing course planed-off during these weeks. Scud Hill's wearing course was planed off between the 17-22 May 1989.

As part of the water mains replacement programme for the South District the replacement of the main along Scud Hill was included and programmed for the late summer/early autumn period. Therefore, it was decided to delay the resurfacing of the Hill until the replacement works were completed to avoid breaking up newly paid asphalt. The works were completed by mid-October. However, the road gang was at the time engaged in the resurfacing of the footpath at the cemetery and afterwards resurfacing Cooperage Lane, both these works were not part of the resurfacing programme.

From November to date, only the resurfacing of Line Wall Road has been completed due to the inclement weather conditions suffered. In the meantime weather permitting patching up work has been carried out.

Works at Scud Hill commenced last Monday and will continue, weather permitting.

SUPPLEMENTARY TO QUESTION NO. 26 OF 1990

HON K B ANTHONY:

I thank the Hon Minister, Mr Speaker, for that answer. Is it the intention of the Government to hire the Scurrifying Machine again in the next Financial Year?

HON J C PEREZ:

Mr Speaker, that is something that the Government is considering in preparing our estimates for next year. However no firm decision has yet been taken.

18 JAN 1990

NO. 27 OF 1990

ORAL

THE HON M K FEATHERSTONE

When will the traffic lights at Casemates Hill be operational?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, should the weather not impede the road marking of the approaches to the junction of Line Wall Road and Casemates Hill, the traffic lights should become operational very shortly.

SUPPLEMENTARY TO QUESTION NO. 27 OF 1990

HON M K FEATHERSTONE:

Mr Speaker, we were told a little while ago that they would become operational when the road surfacing was complete and now we are told very shortly. Is this a realistic appraisal of the situation or is it just one more euphemism?

HON J C PEREZ:

No Mr Speaker, it could well be that the lights are operational by the end of this week but I cannot guarantee that. Except that the whole of the resurfacing has not been completed in that there are parts of Casemates Hill which are very bad as a result of the recent rains and which need resurfacing. We are however proceeding to get the lights operational. If we later have to put them out for a day or so to resurface Casemates Hill we shall do so. As I have said, Mr Speaker, I hope the lights will be functioning by tomorrow but I would not like to guarantee it.

HON M K FEATHERSTONE:

I hope, Mr Speaker, this is done expeditiously.

MR SPEAKER:

Next question.

18 JAN 1990

NO. 28 OF 1990

ORAL

THE HON A J CANEPA

Has the Government reached any conclusion with the developers of the proposed hotel on the waste ground next to St Martin's School, having regard to the review indicated by the Minister for Trade and Industry, in answer to Question No.30 of 1989?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Yes Sir, the Government has agreed to the developer's request for a change of use from Hotel to Residential which is in keeping with Government's own policy for the area.

SUPPLEMENTARY TO QUESTION NO. 28 OF 1990

HON A J CANEPA:

I thank the Hon Minister for that answer, Mr Speaker.

18 JAN 1990

NO. 29 OF 1990

ORAL

THE HON P C MONTEGRIFFO

Will Government confirm what new arrangements it has sought with the MOD as to the basis upon which land will be released back to the Gibraltar Government as and when this becomes available?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, Government's position on the release of MOD lands is as previously stated in this House, namely, that land no longer required by MOD for a defence purpose automatically reverts to the Gibraltar Government for civil use. Other than this there are no new arrangements.

SUPPLEMENTARY TO QUESTION NO. 29 OF 1990

HON P C MONTEGRIFFO:

Mr Speaker, will it be Government's intention to ensure that any land that is released, certainly as a result of the Battalion's departure, will not be on the basis of the last Lands Memorandum Agreement but will be on fresh, more favourable, terms to Gibraltar.

HON M A FEETHAM:

Mr Speaker, we have put our views to the British Government and our views are as I have just explained. As far as we are concerned any land which is no longer required for Defence purposes reverts to the Government of Gibraltar for civil use.

HON P C MONTEGRIFFO:

Is the Minister therefore prepared to undertake that no price will be paid for any land that is returned to the Gibraltar Government ie that the MOD gives up?

HON M A FEETHAM:

Mr Speaker, as far as this Government is concerned we are not prepared to pay for land for which the constitutional position is that the Gibraltar Government owns the land.

HON P C MONTEGRIFFO:

Mr Speaker, I am most grateful to the Minister for that answer which I welcome and could he extend that position to include buildings that are on any such land?

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HON M A FEETHAM:

Mr Speaker, our position is that we are not prepared to pay for anything at all for the pleasure of the MOD leaving Gibraltar.

18 JAN 1990

ORAL

NO. 30 OF 1990

THE HON LT-COL E M BRITTO

Will the Minister for Housing explain the procedure used to allocate the Queensway Housing Estate?

ANSWER

THE HON THE MINISTER FOR HOUSING

Answered together with Questions 31, 32 and 33 of 1990.

18 JAN 1990

NO. 31 OF 1990

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Housing explain how many persons declined to accept accommodation at the Queensway Housing Estate?

ANSWER

THE HON THE MINISTER FOR HOUSING

Answered together with Question Nos. 30, 32 and 33 of 1990.

18 JAN 1990

NO. 32 OF 1990

ORAL

THE HON LT-COL E M BRITTO

Will the Minister for Housing state how many housing units at the Queensway Estate are suffering from water penetration and/or condensation problems?

ANSWER

THE HON THE MINISTER FOR HOUSING

Answered together with Questions 30, 31 and 33 of 1990.

18 JAN 1990

NO. 33 OF 1990

ORAL

THE HON P C MONTEGRIFFO

Will Government confirm what steps it has taken against the suppliers of the temporary housing units now erected at Queensway, so as to correct the problems that have been identified by tenants on being granted occupation?

ANSWER

THE HON THE MINISTER FOR HOUSING

Sir, the allocation procedure for Queensway was on the basis of my reply in 1988 to a question from the Honourable Member opposite. The offer was made to the following categories: long standing applicants in waiting lists, medically categorised cases and families who have been living in substandard accommodation for a number of years.

A total number of applicants of about 100 were offered allocation and out of this total, 17 rejected the offer and 82 accepted. Included in the 82 were a total of 6 which was not provided for in my answer of 1988 where the offer was made in relation to decanting of Government tenants from existing tenements in areas where the Government is committed to vacating the buildings in question. This was done as a result of some of the initial people on the waiting list declining the offer and the opportunity was taken, therefore, to see whether those people awaiting re-allocation and decanting were interested in the opportunity created as a result of the Queensway housing units. In fact, the level of people who declined the offer to move to Queensway from those requiring decanting was, as is to be expected, much higher than from those on the waiting list as they preferred to wait until they could be decanted somewhere else on a permanent basis.

There are two units suffering from slight water penetration and on Tuesday materials were received from the suppliers to rectify the fault. The work will start as soon as the weather permits.

The problem of condensation, however, is more widespread and is affecting most of the top floor flats. This has already been brought to the attention of the supplying company for a possible solution and also with a view to seeing if they have had the same problem in other Countries where this type of construction has been carried out or if the problem is only particular to Gibraltar, due to our climate. In addition to this my Department is also looking into the problem to see if we can come up with a possible solution ourselves.

The company intends to send one of their Engineers to Gibraltar and we are waiting for confirmation on a date of arrival. The intention is to carry out discussions here with him to see which

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of the possible solutions drawn up by either of us can achieve its objective best.

SUPPLEMENTARY TO QUESTION NOS. 31, 32
AND 33 OF 1990

HON LT-COL E M BRITTO:

Mr Speaker, could I ask first of all to repeat the first figures that he gave which were a bit unclear.

HON J L BALDACHINO:

What I said Mr Speaker, was that out of the total of 100 that were offered under the categories that I mentioned in my answer of 1988, 17 rejected and out of those 17 then it was offered to people who the Government wishes to decant.

HON LT-COL E M BRITTO:

70?

HON J L BALDACHINO:

No 17.

HON LT-COL E M BRITTO:

Is it right then to say, Mr Speaker, that the main reason for rejecting this accommodation was that, or the majority of the people, they were already in temporary accommodation and preferred to stay there?

HON J L BALDACHINO:

That is correct, Sir. People who are living in sub-standard conditions like North Gorge where we had the highest percentage of persons declining.

HON LT-COL E M BRITTO:

Mr Speaker, from the 3 categories mentioned by the Minister, the long standing applications, the medical categorisation and the sub-standard accommodation, was allocation made in order of priority, as indicated by the Minister in his answer to Question No.141 of 1988 or was an equal number of applicants chosen from each category and then applications made in equal numbers from each category.

HON J L BALDACHINO:

No, Mr Speaker, that is not the case. The highest priority was given to people on the waiting list because people who are

medically categorised, as the Hon Member should be aware, is that everytime that there is a new construction 20% goes to that category. As such 60 units out of the total were offered to persons in this category. The bulk of the people accommodated there were from the waiting list and a few were social cases.

HON LT-COL E M BRITTO:

On the question of water penetration is this considered to be serious or should I say that they do not require experts from outside and can be repaired fairly quickly?

HON J L BALDACHINO:

Mr Speaker, the water penetration is not considered serious because what it is is a drop filtering through the limps and the supplier is designing something to cover the limps which will stop the penetration of water. We ourselves, already, have tried something which is called "highband strips" and that to a certain extent stopped the penetration of water in that flat or in those flats, in that block. But suppliers came up with an alternative and we think that the alternative, since it is the suppliers responsibility, is better and we will be installing the alternative which the suppliers are providing.

HON LT-COL E M BRITTO:

Mr Speaker, is it the intention to carry out this remedial work now or wait until the summer months?

HON J L BALDACHINO:

That is a very difficult question to answer, Mr Speaker, because we have to do the work weather permitting. It cannot be done during the time that it is raining and therefore we require a period of good weather. If I were to be sure that we would have a period of three or four days like today we would carry out this remedial work immediately. We could start but I cannot guarantee when the work would be completed.

HON LT-COL E M BRITTO:

I accept that Mr Speaker, but can the Minister confirm that there has not been a deliberate decision taken not to do anything until June or thereabouts. That it will be done as soon as possible.

HON J L BALDACHINO:

That is correct, Mr Speaker.

HON P C MONTEGRIFFO:

Can the Hon Minister confirm that the entire cost of any remedial

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work has been accepted as a responsibility of the supplier.

HON J L BALDACHINO:

The alternative method that I have mentioned is at the supplier's expense. However on the question of condensation I would not like to commit myself until I have discussed the matter with the suppliers and see where the fault lies.

HON P C MONTEGRIFFO:

Mr Speaker, is it a case of payments still being owed to the suppliers either for this project or any other project?

HON J L BALDACHINO:

Mr Speaker, we have what is called retention money in respect of the Queensway Project. With regard to the Devil's Tower Project that is not a Government Project.

HON P C MONTEGRIFFO:

Has the Government decided to take a different view on any future contract it might have with these suppliers in the light of this experience. Is there going to be an implication for any future projects of a temporary nature as a result of the experiences had with this project.

HON J L BALDACHINO:

Mr Speaker, I would not like to answer that question until I have my discussions with the suppliers and see what solutions are possible and who is going to pay.

HON P C MONTEGRIFFO:

Finally, Mr Speaker, is it the case that, as far as the Government is concerned, it is not in a position to determine whether the condensation problem which appears to be the biggest one, is a design fault or a fault, perhaps, in the way it has been put together. And until that is assessed the responsibility will not be clearly established.

HON J L BALDACHINO:

That is correct, Mr Speaker.

THE HON LT-COL E M BRITTO

Will Government state what is the current level of rent per square per annum exclusive of rates of housing units at -

(a) Laguna Estate, (b) Glacis Estate, (c) Moorish Castle Estate, (d) Varyl Begg Estate, (e) Rosia Dale Estate, (f) St Joseph's Estate, (g) St Jago's Estate?

ANSWER

THE HON THE MINISTER FOR HOUSING

Mr Speaker, the current level of rent is the same as the level of rent introduced on 2 April 1984 by the AACR Government and made public at the time.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1990

HON LT-COL E M BRITTO:

Mr Speaker, I, as the Minister well knows, was not in the AACR Government at the time and I would appreciate information from that side of the House on the actual figures.

HON J L BALDACHINO:

Mr Speaker, under Standing Orders it is stated that if a document is public I do not have to provide the information in this House. The Hon Member can obtain that information from the public document published at the time.

HON A J CANEPA:

What does the Hon Minister mean by a public document? Does he mean an Ordinance, a Legal Notice in the Gazette, a statement made in this House by the Minister for Housing at the time? What exactly does the Hon Minister mean?

HON CHIEF MINISTER:

We are talking about a situation where the Hon Member was in the Government that raised those rents and I am sure that he can tell the Hon Member, Lt-Col Britto, where the information is. Because he was a member of the Government that published that information.

HON A J CANEPA:

No, Mr Speaker, and I will tell the Hon the Chief Minister why. Because Government Rents are raised administratively

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and the matter could have been the subject of a Council of Ministers Paper I may not have that Council of Ministers paper any longer. However if a statement was made in the House of Assembly.....

HON CHIEF MINISTER:

It was made.

HON A J CANEPA:

Mr Speaker, if the statement was made in this House subsequent to the decisions of Council of Ministers then that is another matter.

MR SPEAKER:

Perhaps I can clear the matter. Are the documents accessible? Because that is what Standing Orders state.

HON CHIEF MINISTER:

Mr Speaker, the position is that the information that the Hon Member is requesting was provided to us in Opposition by the then Government. That is why it is public knowledge and has been public knowledge for 5 years. They may have forgotten but we are being asked "what were the rents introduced by the previous Government". That is what we are being asked, Mr Speaker. Now quite apart from the fact of why we should be asked what rents were introduced by the previous Government, independent of that, what we are saying is that when the previous Government introduced those rents they made a statement in the House and produced a public document which showed the old rent and the new rent. I remember that, Mr Speaker, and I am sure that there must be members opposite who also do.

MR SPEAKER:

The point is is the document accessible?

HON CHIEF MINISTER:

Yes, Mr Speaker.

MR SPEAKER:

Apparently within the papers of this House.

HON CHIEF MINISTER:

I would think so, Mr Speaker.

HON A J CANEPA:

Thank you Mr Speaker.

HON LT-COL E M BRITTO:

The only other point I would like to make, Mr Speaker, is that it would have been a lot easier and saved a lot of our time if the answer could have been "The information is available in such and such a place". I would then have looked it up. The least that Members on that side owe to a new Member like myself is the courtesy of answering and giving the right information, rather than being evasive.

HON CHIEF MINISTER:

Mr Speaker, a new member of the House, like all of us who arrived in this House for the first time, are supposed to familiarise themselves with the Standing Orders of this House and the Standing Orders of the House state that you do not ask questions about matters that are public. I assume that **the new member must have told the** old members on that side what question he intended to put and the old members could have told him what the answer was going to be. They could, in fact, have told him that the information that he was seeking was information that they had made public five years ago when they were in Government. They could have told him that. It is not up to us to tell the Hon Member how to operate in the Opposition.

HON A J CANEPA:

Of course, Mr Speaker, we are aware of the fact that during the sixteen years that we were in Government a number of increases in rent took place. What we are not aware in this era of open Government is whether the Government has taken any steps subsequent to 1984 about which we do not know.

HON CHIEF MINISTER:

Well, Mr Speaker, I am astonished that the Hon Member hears rumours about totally untrue things, like laundering, and he has not heard the rumour that the rents have not been increased. Does he honestly believe that you can raise 5,000 rents in Gibraltar and he would not get to hear about it? He cannot be that isolated from the population, Mr Speaker.

MR SPEAKER:

Next question.

18 JAN 1990

NO. 35 OF 1990

ORAL

THE HON DR R G VALARINO

Has Government now investigated my previous complaint as to the removal of debris and rodents in the area to the back of Harrington Buildings and what action has been taken since my initial question in March, 1989?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, since the initial question in March 1989, the area to the back of Harrington Buildings was investigated. There was debris and overgrown plants but no sign of rodents was found. The Tourist Section was asked to schedule the area into their programme for cleaning of planted areas.

18 JAN 1990

NO. 36 OF 1990

ORAL

THE HON G MASCARENHAS

Will Government state the amount collected in airport departure tax between 1 4 89 and 31 12 89?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, Government has collected the amount of £415,572 from departure tax between 1 4 89 and 31 12 89. This is roughly within the estimated revenue budgetted for in 89/90 which was set at £600,000.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1990

HON G MASCARENHAS:

Mr Speaker, is this the revenue of the Airport Company?

HON J E PILCHER:

Mr Speaker, this is the revenue of the Government.

18 JAN 1990

NO. 37 OF 1990

ORAL

THE HON G MASCARENHAS

Will Government give figures on the numbers of visitors to:

- (a) St Michael's Cave
- (b) Upper Galleries
- (c) Museum

during 1987, 1988 and 1989?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the number of visitors to tourist sites during 1987, 1988 and 1989 are as follows:

	<u>1987</u>	<u>1988</u>	<u>1989</u>
Gibraltar Museum	32700	29742	22377
St Michael's Cave	380290	330285	286310
Upper Galleries	44392	40644	41227

SUPPLEMENTARY TO QUESTION NO. 37 OF 1990

HON G MASCARENHAS:

Mr Speaker, will the Minister confirm that there is a downward trend over the past 3 years in visitors to these three sites.

HON J E PILCHER:

No Mr Speaker. The Minister will not confirm that there has been a down trend for the last 3 years. There has been a down trend in different areas in different aspects of that. For example in the Upper Galleries the down trend started in 1985; in St Michael's Cave it did start in 1986/87; and in the Gibraltar Museum it started in 1985/86.

HON G MASCARENHAS:

Mr Speaker, from the figures that the Hon Minister has just produced, St Michael's Cave has suffered a drop in the last two years of nearly 100,000 people, about 25%.

HON J E PILCHER:

That is correct, Mr Speaker. However what the Hon Member asked me was whether there had been a down trend since 1987 in the

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general context of the overall figures. The down trend started in the Upper Galleries in 1985; in the Museum 1985; and in St Michael's Cave in 1987.

HON G MASCARENHAS:

Mr Speaker, the point that I am making is that the Upper Galleries has maintained the levels except for a very small drop from 1987 to 1988 of 4000. Whilst in St Michael's Cave and the Museum there has been in one a significant drop and in the other more or less the same in percentage terms. To what does the Hon Minister attribute these drops to?

HON J E PILCHER:

Mr Speaker, I attribute the drop, particularly in St Michael's Cave, because I think that is the one that is the most traumatic. There are three areas, I think, on the one hand the fact that there has been a drop in visitors since it peaked in 1986/87 because of less coaches coming to Gibraltar. Secondly, Mr Speaker, during the years 1985 and 1986 there were a lot of people coming to Gibraltar for the first time. Now these repeat visitors do not necessarily want to visit the Cave again. The third element is the question of the operators of Rock Tours wishing to maximise the time and cost of the Tour and therefore as a result they do not include St Michael's Cave in the itinerary.

HON G MASCARENHAS:

Mr Speaker, in view of the fact that the amount of visitors to the sites produce revenue for Government or its company will the Minister undertake something to boost these figures?

HON J E PILCHER:

Mr Speaker, the Minister, and in this particular case the Tourism Agency, is already looking at all aspects of the movement of Day Excursionists to the sites and is in fact at the moment looking at ways and means of being able to get that back on train as it was in 1985/86. Let me add, Mr Speaker, to the extent that one can because if there are less coaches because there are less visitors to the Costa del Sol and also those on repeat visits are not going to go and visit the sites always however bearing in mind what I have said we will do our utmost.

18 JAN 1990

NO. 38 OF 1990

ORAL

THE HON A J CANEPA

Will the Chief Minister say whether he has been consulted about the Attorney-General's proposed initiative on co-operation with Spain about "law and order" and will he say what are his views on this initiative?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question 39 of 1990.

18 JAN 1990

NO. 39 OF 1990

ORAL

THE HON A J CANEPA

Is the Chief Minister aware of the reasons why the Attorney-General dropped charges against the Spanish customs officers and, if so, will he say what these are and whether he agrees with those reasons?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, since the matter is the subject of a motion of which the Honourable Member opposite has already given notice, I am not going to pre-empt that debate and will deal with this issue in my contribution to the motion.

SUPPLEMENTARY TO QUESTION NO. 39 OF 1990

HON A J CANEPA:

Mr Speaker, my motion does not refer to the Chief Minister in any way. My motion refers to the Attorney General.

HON CHIEF MINISTER:

Mr Speaker, I am well aware of that and I have read the motion.

HON A J CANEPA:

Mr Speaker, by refusing to answer questions of which due notice has been given, the Chief Minister is effectively also pre-empting me from following matters up in asking supplementaries on the matter. If he is not going to answer specific questions now, at this stage, is he going to be prepared, if I bring up specific issues during the course of my contribution, to answer those matters when he speaks during the debate or is he just going to avoid the issue altogether?

HON CHIEF MINISTER:

Mr Speaker, whether the Hon Member considers that I am avoiding the issue or whether there is an issue for me to avoid or not is a matter for him to decide. The position is that since I joined this House in 1972 whenever there have been questions and those questions have been followed by notice of motion, the position that was adopted by the Government of the day was that they were not going to provide members on the other side of the House with information in anticipation of a debate.

HON A J CANEPA:

That, Mr Speaker, does not happen to be true because I can give him instances of at least two motions that I recall distinctly,

brought to the House by Mr Gerald Restano, which were prefaced by a number of specific questions in the House and which were duly answered. The Hon the Chief Minister can check Hansard if he wishes.

HON CHIEF MINISTER:

Then maybe, Mr Speaker, they treated Gerald Restano differently than they did me.

HON A J CANEPA:

I think, Mr Speaker, that the Hon the Chief Minister is avoiding the issue because he is afraid to answer.

HON CHIEF MINISTER:

The Hon the Leader of the Opposition has on one occasion before accused me of being afraid and I told him to come behind and sort things out. I have however passed that stage in life so I will not give him that answer this time.

MR SPEAKER:

Next question.

18 JAN 1990

NO. 40 OF 1990

ORAL

THE HON A J CANEPA

What pressure is the Government bringing to bear on the MOD to ensure that they receive information, as promised, about the release of lands, particularly housing, in connection with the proposed Army cuts?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the matter has already been raised with the Foreign Secretary and is constantly raised with the United Kingdom Government on every possible opportunity. It will be raised with Mr Maude when he visits Gibraltar next week. It is a matter of concern to the Government that, almost a year after the announcement of the cuts, no information is available on the release of lands.

SUPPLEMENTARY TO QUESTION NO. 40 OF 1990

HON A J CANEPA:

Mr Speaker, is the Chief Minister expecting something positive from Mr Maude next week or is he just expecting Mr Maude to make excuses on behalf of MOD?

HON CHIEF MINISTER:

Mr Speaker, I am not sure what Mr Maude will say. All I can tell the Hon Member opposite is that I have asked HE the Governor to transmit to London the message that there is widespread expectations in Gibraltar that his visit here will advance the state of knowledge and that he is likely to be faced with that question not just from me but from Members of the Opposition, the Press, the Unions, the Chamber of Commerce and everybody else he meets. So he certainly will not have an excuse for saying that he has not been warned that that is what we are expecting. However I cannot guarantee what he will say.

HON CHIEF MINISTER:

Is the Chief Minister aware of the reasons for these delays? For the MOD dragging their feet? Is there any indication why this is happening?

HON CHIEF MINISTER:

Yes Mr Speaker and I think I indicated it before in answer to a previous question in this House. The situation is that the decision was linked to decisions on the increases in the Gibraltar

Regiment and in the Gibraltar Services Police to compensate for the withdrawal of the Resident Battalion. And until those decisions were taken the MOD in Gibraltar, that is to say the Army people here, could not make bids for what they wanted to keep and that there appear to be, if you like, a conflict of interests between the people who want to get rid of the land in order to get rid of the costs, the maintenance, of the buildings on that land and therefore to be able to cut even more jobs and the Services view, who argue that on security grounds or on military grounds, the amount that is kept, and the size of the force, should be bigger. Until that debate, on the size of the force is resolved, the debate on the volume of resources cannot start. I believe that the volume of resources debate started about the end of October and that the papers are not with the MOD as such but in between the different people, at the London end, that need to put their views on those papers. I am told, here, that the military, here, are as anxious to get an answer as we are although maybe the answer that they are looking for is not the answer that we are looking for. That I do not know, Mr Speaker. However I am informed that the military here are pressing as much for a decision to be taken on what they have proposed. So the stage has not yet been reached where the proposals that have gone from Gibraltar to London have been answered by London yet. It is only after that happens that presumably an agreement is reached, internally, then that will come as a proposal to us. I am hoping that, at least, there will be some advance on that position by next week. I cannot however guarantee it.

18 JAN 1990

NO. 41 OF 1990

ORAL

THE HON A J CANEPA

Has the Government now taken a decision about the future of the Gibraltarian Status Advisory Committee, and will the Chief Minister say what is the Government's policy on the Ordinance and what action does it propose to take on pending applications?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the position is the same as I explained in reply to question No. 158 of 1989.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1990

HON A J CANEPA:

Is the Chief Minister aware, Mr Speaker, that there is concern and some anxiety on the part of applicants who have had their applications pending for many months and who feel a sense of frustration at not being able to air the matter, not being able to see the Chief Minister, is the Chief Minister aware of this?

HON CHIEF MINISTER:

No, Mr Speaker, I am not aware of that.

HON A J CANEPA:

Well, Mr Speaker, I can tell him that I have been approached by a number of people, and I think other of my colleagues including my former colleague on the extreme left...laughter. Let the Hansard show, Mr Speaker, that when speaking about the extreme left, I am not indicating where he stands in the political spectrum. I can assure the Hon the Chief Minister that we on the Opposition have received representations from people who have their applications pending. They genuinely feel anxious about this matter. They do not know what is happening and I think, Mr Speaker, that the Government needs to take a decision about the future of this matter. Mr Speaker, the Gibraltarian Status Ordinance has always been a delicate matter but months have gone by since this subject was last raised here and I would not like to be in a position, six months or a year from now, and get the same answer. Would the Hon the Chief Minister, please deal with it because I am not raising the matter to make political capital but out of genuine concern.

HON CHIEF MINISTER:

All I can tell the Hon Member is, because he has not asked me a question now, he asked the question before he made the statement

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and the answer to the question was that I had not heard these problems that he is talking about.

HON A J CANEPA:

Maybe he has not heard because the people that are trying to get interviews with him are not able to get beyond his Personal Assistant.

HON CHIEF MINISTER:

I doubt that, Mr Speaker, because I see a lot of people every week, on every conceivable issue, even though on many occasions there is nothing I can do other than listen to them. There is a long queue and I am not aware that anybody on that queue wants to see me about the Gibraltarian Status Ordinance. I did however give a full explanation to members opposite, in answer to Question No.158/89 and said what the position was, what the problems were in connection with the British Nationality Act of 1981 and the position has not changed since then. We are still facing the same difficulties now as we had then. Nothing has changed, Mr Speaker, we have still not come up with a solution to those problems.

18 JAN 1990

NO. 42 OF 1990

ORAL

THE HON A J CANEPA

Does the Government propose to take any steps to remedy the deteriorating service to the public which was the subject of a recent press statement by the IPMS/GGCA?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the Government is not responsible for the allegations made by IPMS/GGCA in their press statement.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1990

HON A J CANEPA:

Mr Speaker, in their statement which appeared on the back page of the Gibraltar Chronicle of 5th of January, the GGCA stated, is the Chief Minister aware of the fact, "that they were trying to bring the matter to the attention of the Official Side" but and I quote "we are not getting through to them and they persist in reducing staff without producing any suitable alternative in order to maintain an effective service to public". Is the Chief Minister aware of this Mr Speaker?

HON CHIEF MINISTER:

I am aware, Mr Speaker, that a question shall not be asked of the Government as to whether statements in the press or private individuals or unofficial bodies are accurate. That is what he is asking me to answer. Is it accurate what the GGCA says in the Chronicle. I think, Mr Speaker, he should ask the GGCA not me. I have not said any of that.

MR SPEAKER:

Next question please.

NO. 43 OF 1990

THE HON P C MONTEGRIFFO

Is the Government in a position to give further details of the action it intends to take to redress the problems over manning and conditions of work being suffered by the Police and following meetings recently held with representatives of the Gibraltar Police Association?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1990

HON P C MONTEGRIFFO:

Mr Speaker, the indication was that by the end of January there was a chance that the Government would be in a position to give the Police Force some details. Could the Chief Minister confirm that that timescale is still one which we might all hope to work towards?

HON CHIEF MINISTER:

No, Mr Speaker, this is something which the Police Association claimed and as I have already said in answer to the allegations made by the GGCA, the Government does not answer questions on the accuracy or inaccuracy of statements made to the press by private bodies.

HON P C MONTEGRIFFO:

Mr Speaker, I am not suggesting that the Hon the Chief Minister do that. What I am suggesting is to set the framework. Does the Government accept that there is a problem over manning levels and resources in the Police Force?

HON CHIEF MINISTER:

Mr Speaker, no. What the Government accept is that every organisation believes that there ought to be more people employed and that is something that the Government is aware of. This is true of all organisations in all sections of the Government. The position is that the constitutional responsibility for the Police Force is clearly not that of the Government of Gibraltar, it is clearly stated in the Constitution and therefore when I saw the Police Association I did not see them in order to negotiate manning levels with them, I saw them as a matter of courtesy because I did not

want them to feel that other groups had access to me and were able to inform me of their worries and concerns and they could not because they were not a formally constituted union. Therefore, as far as I am concerned, we did not make any public statements on our meeting where I asked them to come and see me in order to give them an opportunity of making their views directly to me because they felt that their views were not getting through but I have made it clear to them since, and after the statements in the press had appeared, that as far as I am concerned, the fact that I have seen them does not mean that I have any commitment to do anything, other than, of course, the practice which the Government is engaged in and which is basically to reduce public spending, to reduce manning levels and to produce better value for money throughout the Public Service. Let me say, Mr Speaker, that before the Hon Member removed the "of" it read that the problem was one of "over manning" in the service and, of course, if that had been the case then all I can say is that the Hon Member opposite would then have been the only "PC" that thought that the Police Force was "over-manned". Because all the other PC's think it is "under-manned".

HON P C MONTEGRIFFO:

Mr Speaker, do I assume by that answer that the Chief Minister believes that he will see people even if he is not responsible for redressing their problems? I am just interested, Mr Speaker that he is prepared to see the Police Association who have given to understand that the problem is going to be dealt with but the Chief Minister now mentions in this House that he feels he is not responsible for that area. All I am trying to say is that if there is legitimate redress to whom should those representations be made, in the Chief Minister's view?

HON CHIEF MINISTER:

The Police Association has already been told, in writing, to whom they should address themselves, Mr Speaker. It is not up to me to tell the Member opposite here, in public, what I have said in private and in writing to the Police Association.

HON P C MONTEGRIFFO:

I assume it is to the Governor, Mr Speaker.

HON CHIEF MINISTER:

The Hon Member can speculate. All I am telling him is that we, as a Government, are not responsible, either in this House or outside, for the Police or for its manning levels. I would also add, Mr Speaker, that no Government, before, has ever been. In fact as a general practice it has always been the Attorney-General who has answered questions and spoken on the Police. As far as I am concerned, I have already said

in answer to a question from the Leader of the Opposition, that I see lots of people every week even though in many cases the people that I see I can do nothing for. I do not however want them to complain to Members opposite that they are trying to see me but cannot reach me. That, however, does not mean that I am accepting responsibility for something which is not my responsibility.

HON A J CANEPA:

Mr Speaker, the Chief Minister is confirming, is he not, in the House this afternoon, that the answer to the representations made at the meeting between himself and the Police Association is a lemon. That they are getting nothing from him. Is that correct, Mr Speaker?

HON CHIEF MINISTER:

I do not know, Mr Speaker, whether it is a lemon, a basket of lemons or whether the Hon Member now thinks that the percentage of support that he has, has gone up by 0.1%, and which represents the lemons that the Police are going to put in the AACR basket when they come to vote. I do not know whether that is what the Hon Member opposite is trying to achieve? All I am saying is that when the Police Association came to see me, and spent five hours with me, I gave them a detailed explanation of the view of the Government on all the issues that they raised with me. I however did it because I chose to and because I wanted to demonstrate to them that we were prepared to listen to their problems not because I had an obligation ...

HON A J CANEPA:

That is not correct, Mr Speaker.

HON CHIEF MINISTER:

Well, Mr Speaker, that is the view of the Government.

HON A J CANEPA:

The Hon the Chief Minister is wrong, Mr Speaker.

HON CHIEF MINISTER:

That is a matter of judgement, Mr Speaker.

HON A J CANEPA:

If the Hon the Chief Minister will give way I will explain to him why, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, the Hon the Leader of the Opposition is not here to explain things to me ...

HON A J CANEPA:

If he does not give way now, Mr Speaker, I will raise the matter on the adjournment because he is not telling the truth ...

MR SPEAKER:

Order, order. That is not parliamentary language and I will ask the Hon the Leader of the Opposition to withdraw those words.

HON A J CANEPA:

Mr Speaker, the Hon the Chief Minister is being economical with the truth insofar as the presentation of the Estimates of Expenditure is concerned.

MR SPEAKER:

Will the Hon Leader of the Opposition please withdraw the insinuation of lie.

HON A J CANEPA:

Mr Speaker, I withdraw my first remark but not the second "that he is being economical with the truth". That, Mr Speaker, is parliamentary language.

HON CHIEF MINISTER:

I have not given way, Mr Speaker. The Hon Member is entitled, at Question time, to ask me questions in order to obtain information but not go give me lectures. If the Hon Leader of the Opposition wishes to give lectures he should go back to teaching, Mr Speaker. The position of the Government of Gibraltar is that we are prepared, and have been prepared, to listen to the problems that the Police Association wished to bring to our notice. When subsequent to that meeting they made certain statements to the press, in which there were deadlines and industrial measures mentioned, we wrote to them and brought to their attention that the meeting with me was not a "negotiation" between them and me. Because that is not the nature of the constitutional relationship between the Police and me. They do not come to me to negotiate. There are avenues open to them, which are the avenues that they can use if they wish to pursue the matter. The fact that I had been willing to spend five hours and listen to their problems does not mean that I am now in a position where I

can be given a deadline and have to produce something. Now, Mr Speaker, if that answer is considered by the Hon the Leader of the Opposition to be a lemon or a melon or any other kind of fruit, that is a matter for him. I do not care what the Hon Member thinks.

HON A J CANEPA:

Mr Speaker, is it not a fact that if the Commissioner of Police is seeking an increase in the establishment of the Force he would, in the first place, or at least he ought, to put the matter to the Deputy Governor? If the Deputy Governor were to support that view then a paper should then be produced for Ministers to consider. And if increases in manning levels are involved, is it not a fact that it would be a matter for Ministers to decide whether they are prepared to bring to the House of Assembly an Appropriation. In other words, to seek funds from the House of Assembly in order to be able to give effect to an increase in manning levels? Therefore the upshot of the whole, in practice, is in fact that it is Ministers, ultimately, who can give effect to an increase in manning levels or not as far as the Police are concerned?

HON CHIEF MINISTER:

Mr Speaker, if the Commissioner of Police wants to follow that procedure then that is a matter for the Commissioner to follow. It is not a matter for the Police Association to come to me, and put to me, a claim over manning levels. The procedure which the Hon Member has mentioned is not what has happened. Therefore what has happened is not something that I have to do but that I chose to do. And since I am not satisfied with the result of that meeting, from subsequent events, I am not going to put myself in the invidious position when I do not have to, of being willing to listen and then be held responsible for decisions that are not mine to take because the procedure that the Hon Member has mentioned, which is a procedure that has been there since time immemorial, is not the procedure that has taken place. And at the end of the day the policy of the Government is very clear anyway. I have already told the Hon Member opposite, the initiator of the question, that the policy of the Government in looking at the Police and in other areas, is to cut costs and reduce manning. That is the policy of the Government of Gibraltar.

HON A J CANEPA:

Therefore, Mr Speaker, is it not a logical consequence of that, that to do the opposite, namely, to increase manning levels, which means increased costs, is a matter for Ministers to decide? Because only they can ask the House of Assembly to vote the necessary funds and nobody else, unless the Governor of Gibraltar is expected, in the exercise of whatever other powers he has under the Constitution, to impose the matter and which would lead to a constitutional crisis?

HON CHIEF MINISTER:

Mr Speaker, I will tell the Hon Member for the third time, the position is that I do not hold regular meetings with all the representatives of all the different groups employed by the Government in order to discuss manning levels. That is not my job. And if the Commissioner of Police comes to the Government and says "look with the men that I have I can only do X and Y but I cannot do Z" then the same as if the Collector of Customs or the Head of the Fire Brigade or anybody else comes to the Government and says, as a Manager, "I have a problem, these are the resources and these are the requirements which you want me to cover with the resources available", then we decide on balance, since we have limited resources in Gibraltar, whether we should devote more resources or we should reduce commitments of what we want them to do. It is not a question, Mr Speaker, of the Police coming along and saying "we want forty extra Policemen" and I saying "OK you can have 39" and then going into a "Zoco chico" type of situation between me and the Police Association. That is not the way to do business and therefore it is not going to be done like that. If the Hon Member does not agree with what I am saying then he had sixteen years to introduce the system he seems to be advocating now and he never did it.

HON A J CANEPA:

Mr Speaker, the Hon Chief Minister is avoiding my question. Is it not a fact that manning levels generally, not just for the Police but for any Department, cannot be increased unless the Government brings the necessary Appropriation to this House, since Hon Members of the Opposition are not able to ask the House to increase expenditure, it is only the Government that can bring in measures to increase expenditure and therefore it is ultimately Ministers who do that regardless of what the constitutional position is with any Government Department? Be it the Police, the Fire Brigade or what have you, only Ministers can bring an appropriation measure to the House of Assembly. Will the Hon the Chief Minister answer that question?

HON CHIEF MINISTER:

Mr Speaker, Ministers are the only ones who bring Appropriation Bills to the House of Assembly. However, Appropriation Bills are not brought to the House of Assembly as a result of negotiations between Associations and Ministers. What there has been, Mr Speaker, is a meeting between the Police Association and me and what the Hon Member wants me to say is that I could have agreed with the Police Association at the meeting with them as to what the manning levels should be and have brought a Bill to this House to appropriate the necessary funds. That, Mr Speaker, would have been a totally irresponsible thing to do and is totally irresponsible of the Hon Member to suggest that it can be done. I do not recall

anything similar having happened before, either during his brief period as Chief Minister or the very long period of his predecessor, who did not let him through, was there, of a meeting having been held with the Police Association and extra bodies recruited as a result of the negotiations between the Chief Minister and the Policemen. To my knowledge that has never happened before. Why is it that the Hon Member wishes me to do it?

HON A J CANEPA:

Mr Speaker, the ultimate result is exactly the same because to whoever they make their representations through, to the Deputy Governor, to what used to be the Establishment Officer, the ultimate, the net result will be the same, if Ministers do not approve the measure they will not be able to increase manning levels.

MR SPEAKER:

I think we are now talking at cross purposes.

HON CHIEF MINISTER:

I need to answer that, Mr Speaker. It is not a question that the ultimate decision is a question of coming to this House and voting the funds with the support of the Government. Of course, whoever wanted to increase, if for example, the Governor comes tomorrow and says that he wishes to double the strength of the Police Force and we are not prepared to support it the funds would not be voted. There is no question about that, Mr Speaker. But that ultimate decision is reached following a procedure and that procedure is not the procedure to which the question refers. Therefore if that is what is wanted then the procedure that is there will have to be followed. And it may never get to Ministers having to take a decision because it could be killed well before it gets to Ministers.

MR SPEAKER:

I think we will leave the matter at that. Next question.

THE HON A J CANEPA

Did the apology which the Chief Minister received from the Chairman of the British Gibraltar Group include assurances that future expressions of views about Gibraltar by the Group would reflect the interests of the people of Gibraltar as expressed by their elected representatives?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I am not prepared to answer in this House for what Mr Colvin may or may not say in the future. I imagine that what Mr Colvin told me is the same as what he told the Leader of the Opposition when they met. If he is not satisfied with Mr Colvin's apology he should take it up with him.

HON A J CANEPA:

Mr Speaker, I did not receive an apology from Mr Colvin. It is public knowledge that the Hon the Chief Minister received an apology from Mr Colvin. What I am asking the Chief Minister is whether included in the apology that he received was the point made clear that Mr Colvin undertook not to repeat what he had done that had so irked Members of this House.

HON CHIEF MINISTER:

Well, Mr Speaker, I do not know what Mr Colvin said to the Leader of the Opposition when they met. I have not said that Mr Colvin gave me an apology. I know that it was said in the news and I am not sure whether the source was Mr Colvin himself. But certainly I imagine that the conversation I had with Mr Colvin reflected Mr Colvin's regret for the way he handled the situation which already he tried to excuse in public, in an interview on television, by saying that there had not been time to consult Members of the House. I am certainly not prepared, and I am not in the habit, of having meetings with people and then making public statements as to the contents of that conversation. However if Mr Colvin wants to make public what he said to me that is Mr Colvin's prerogative but it is not, as far as I am concerned, the proper way of conducting oneself of my saying here what Mr Colvin said to me. All I can tell the Hon Member is that I have to assume that he was told by Mr Colvin the same as I was told by Mr Colvin. That was why he regretted what had happened and how he saw his behaviour being conducted in the future. I am sorry to hear that Mr Colvin did not include him in the apology because as far as I am concerned the motion which was transmitted to Mr Colvin was the motion moved by the Hon Member opposite and supported by us without amendment.

We transmitted the views that he had put to us.

HON A J CANEPA:

Let me make it clear that I do not care, quite honestly, whether Mr Colvin apologises to me or not. That leaves me cold quite honestly. It is not a case of what it is alleged that the media said about Mr Colvin because I heard myself Mr Colvin both over radio and I saw him on television refer to the apology. The Chief Minister, Mr Speaker, supported a motion brought to this House by me which in fact dealt with the point that the British/Gibraltar Group should not be making statements on behalf of the people of Gibraltar which were not in accordance with our views and did not the Chief Minister support that motion and, if so, and if he was given an apology is it not logical to assume that he should have been satisfied that the basis on which that apology was made would be that there would not be a repetition of these events. Is that not a reasonable supposition to make?

HON CHIEF MINISTER:

It is a supposition, Mr Speaker, on the part of the Hon the Leader of the Opposition and I am not sure that I am here to answer how reasonable or unreasonable the suppositions of the Hon Member are. I am here to provide facts, Mr Speaker. And the facts are that I cannot guarantee Mr Colvin's future behaviour and since I cannot guarantee I am not prepared to guarantee. I supported the motion because I thought Mr Colvin was wrong in acting in the way that he did. I however have no control over Mr Colvin or what he might say in future. Therefore I am not going to say that I have now got a guarantee from Mr Colvin that this will not happen again and I am now able to guarantee to the House that it will not happen again. I have no such guarantee and cannot vouch that it will not happen again. Mr Speaker, I cannot accept the explanation as to why it happened the last time. Obviously Mr Colvin realises that he upset a lot of people by writing the letter that he wrote but let us be clear that that does not mean that he does not think in the way the letter reflected that he thought at the time. Because Mr Colvin has not changed his views and he is still the same person and he still holds the same views. So let us not kid ourselves, Mr Speaker.

HON A J CANEPA:

I am glad, Mr Speaker, that the Hon the Chief Minister has made his latter remarks. I think the Hon Chief Minister was initially evading the question. I do not expect the Chief Minister to control Mr Colvin and we do not want to control Mr Colvin. But precisely, I think, the proof of that is the fact that he then made statements to the media in which he insisted, Mr Colvin insisted did he not? In

statements that he made to the media on the totally independent role of the Group and in the light of that statement and based on what the Chief Minister has said it seems to me, Mr Speaker, that all the public statements about an apology, in reality there has not been an apology made and there has been no indication that there will be no repetition of what has happened. In fact I go further, Mr Speaker, and I predict that we shall be falling out with Mr Colvin sooner or later on that or on some other issue. Does the Hon the Chief Minister agree with my views?

HON CHIEF MINISTER:

Yes, Mr Speaker, I think it may well be that we will fall out with Mr Colvin again. Because as I have said already Mr Colvin has not come back saying "I am sorry I was wrong". Mr Colvin has come back saying "I am sorry I did it". Which are two totally different things, Mr Colvin believes that the views that he put are not so different from our views. I believe that the views that he put are fundamentally different from our views. In fact I am not just saying this here. I have said that in the House of Commons with Mr Colvin sitting beside me and to the whole of the Group. However at the end of the day the point that I have to make is that I do not want to give the impression here that I have now received assurances from Mr Colvin that will guarantee that there will be no repetition. Because there have not been such assurances. All he has told me is that he is sorry that it happened.

HON A J CANEPA:

I think, Mr Speaker, that it was a wise move on my part to table this specific question and to take the line of questioning that I have taken in supplementaries because we are not out of the woods with Mr Colvin by any means on this matter.

MR SPEAKER:

It looks as if the House is still united on that issue. Next question.

18 JAN 1990

NO. 45 OF 1990

ORAL

THE HON P C MONTEGRIFFO

Will the Government confirm its attitude in relation to any proposal for the use of ID cards for cross frontier traffic for Spanish and Gibraltar nationals?

ANSWER

THE HON THE CHIEF MINISTER

Mr. Speaker, no such proposals are under consideration.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1990

HON P C MONTEGRIFFO:

Mr Speaker, would the Government's attitude be one of flexibility in that regard bearing in mind the benefits of such a proposal? Or is it Government's belief that there are dangers implicit in accepting such a proposal?

HON CHIEF MINISTER:

No Mr Speaker, the position is that it is not an issue which is under consideration by the Government. Nobody has made any such proposals and we are not studying the matter. I am not here to speculate about something that is not happening. If and when the issue comes up then we will devote attention to it. At the moment we are not even thinking about it.