

GIBRALTAR

HOUSE OF ASSEMBLY



QUESTIONS AND ANSWERS

12TH NOVEMBER, 1991

NO. 41 TO NO. 108

12.11.91

NO. 41 OF 1991

ORAL

THE HON G MASCARENHAS

What steps, if any, is Government taking to reduce the mounting arrears of revenue in respect of income tax, electricity, potable water and general rates?

Mr Speaker, before I sit down, on a point of order, I would like to ask the Government explain how it is that a Member of this House submitted a question on the 4th November and the answer is injected in the Gibraltar Chronicle of the 6th November? I am referring to Question No. 41 which was submitted by me on the 4th November to the House and there was a virtual answer to the question in the Chronicle on the 6th November. I would like an explanation from the Government.

MR SPEAKER:

I am afraid that I have no knowledge, I would have to find out.

HON G MASCARENHAS:

I am asking for an explanation from the Government benches, Mr Speaker, and not from you.

MR SPEAKER:

But I cannot give a ruling. If there was a leakage I do not know how that happened but perhaps the Minister can answer.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Perhaps I can clarify the matter for the Hon Member, Mr Speaker. The interview that appeared in the Chronicle on the 6th November I gave the previous week and at that stage I can assure the Hon Member absolutely directly that I had no knowledge of his question.

HON CHIEF MINISTER:

Mr Speaker, perhaps we can ask the Hon Member to clarify whether he put the question because the Chronicle leaked to him the interview with the Financial and Development Secretary.

HON G MASCARENHAS:

Mr Speaker, perhaps I should ask whether the Government leaked the Auditor's Report to the Chronicle.

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, I will now answer the question.

In order to diagnose the treatment of the problem it is necessary to define the underlying causes. Part of the problem stems from the fact that there have been a number of transitory companies who have failed to meet the payment for taxes and charges and subsequently went into liquidation or disappeared. Periodically the accumulation of arrears in respect of such companies have been written off and such write-offs are reflected in the audited accounts of the Government.

More recently, however, it has been decided that a more determined effort should be made to collect such arrears before a decision to write off is taken and a number of such old debts are included in the arrears figures.

There also appears to have been a tendency which has been in existence for years for certain companies and individuals to use their debts to the Government as a cheap source of finance which they obtain interest free.

To counter the latter tendency the Government in 1988 reintroduced the 5% penalty per quarter for arrears of rates which had previously existed and which had been discontinued because it had failed in getting people to pay and instead brought about an increase in the value of arrears. This factor has also had such an effect again on its reintroduction in respect of arrears of rates, however, some increase in arrears payments have also taken place. In a further effort to get payment leaseholders who are in arrears are being told that they are in breach of the conditions of their leases, and that these will be terminated unless payment of arrears is made in full. This has been successful in a number of cases recently in obtaining full payment.

In addition, it has been necessary to undertake a radical overhaul of all our systems. Taxation in particular has been computerised and after initial system problems and difficulties in having to run the manual and computerised systems in parallel for a period we are now seeing some benefits from this in terms of catching up with arrears of assessments. Two years of assessments have already been completed in 1991 and it is intended that another two years will be undertaken in 1992 bringing the whole process fully up-to-date.

I have to say that there is likely to be a rather perverse effect of these changes in the short-term because if anything, we are likely to see recorded tax arrears in particular, grow as we rapidly catch up with the process of assessment. Therefore the first effect of this will be to add to the total

in arrears. It will then be a test of our improved collection procedure as to just how quickly we overcome not only this surge in assessments, but also continue to reduce debts outstanding from the past.

We have also sought to provide powers to our debt collectors to discourage the mentality that I referred to earlier of treating Government as a source of a cheap loan. A variety of measures were brought to this House towards the end of last year and early this year to provide for penalties where tax or charge payers fail to discharge their debts or to supply information in relation to those debts. This was further enhanced by such measures as those implemented in recent legislation to enable action to be taken against directors of companies as well as the company itself.

In view of the increasing volume of legal enforcement action now in the pipeline, steps have had to be taken to address the resources constraints of the Attorney-General's Chambers to ensure that a programme of action can be supported as appropriate. Those inclined not to pay their dues must now come to believe that Government will use the tougher powers that it has taken. I do not like resorting to legal action and sincerely hope that the need for such a sustained programme is shortlived.

Further system changes are already in progress and new organisational arrangements with regards to electricity and rate collections are planned for early next year.

There are signs, that this programme of action is having some effect and that the message is sinking home. However, Government is determined to maintain the pressure in this respect.

SUPPLEMENTARY TO QUESTION NO. 41 OF 1991

HON G MASCARENHAS:

Mr Speaker, I am not satisfied with the reply. Is the Government hopeful that the extent of arrears will be reduced by what the Hon Member has just stated?

HON FINANCIAL AND DEVELOPMENT SECRETARY

I think I have indicated in my reply, Mr Speaker, that we are already seeing some effects of this. As a percentage of revenue the arrears did drop at the end of 1990/91, by March 1991 from 22% of the relevant items in terms of measuring arrears against the volume of collections, to something like 20% at the end of March 1991. That, quite frankly, is still too high and we have a long way to go but we are seeing some signs of success and if the Hon Member is going back to his previous point, I have seen some success particularly in the last week in terms of the collections that we have had in.

HON G MASCARENHAS:

Mr Speaker, since I am basing myself on the figures in the Auditor's Report which reflects the period up to the 31st March, 1990, could the Hon Member state an approximate figure of what the situation is today?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In total terms, Mr Speaker, at the 31st March, 1990, the total arrears was of the order of £10.4m for the items in question. This had risen to £11.3m at the 31st March, 1991. As I say, as a percentage of total collection the figure has dropped back slightly. A particular success area we seem to be having is in taxation, the actual volume of tax arrears fell from about £7.6m to £6.9m. Quite frankly, rates and electricity are still growing and this is the particular area we are paying attention to at the present time.

MR SPEAKER:

Next question.

NO. 42 OF 1991

ORAL

THE HON G MASCARENHAS

What steps, if any, is Government taking to recover arrears of telephone charges relating to the period up to the 5th May, 1990?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the accumulated debt to Government at the point of privatisation was a total of some £1.88m. This has now been reduced to £701,000.

Of this remainder, a total of £343,000 is subject to agreements that have been entered into with the individual persons or companies to eliminate the arrears on a phased basis. Further legal action in this respect is in hand.

I think I should emphasise, however, that the residual position at the date of hand over to the private company is the product of accumulated debts over quite a number of years. Indeed, some £242,000 of the residual figure I have mentioned relates to charges raised in 1987/88 or earlier. In some cases, this debt relates to companies which have gone into liquidation and where the chances of significant recovery are very slim indeed.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1991

HON G MASCARENHAS:

Mr Speaker, having regard to the Hon Member's reply and to the situation today that Nynex has the telephone service, if Government does not have the deterrent to cut off a telephone what possibilities are there of recovering the arrears?

HON J C PEREZ:

Mr Speaker, at the time of the signing of the Agreement with Nynex, a clause was inserted whereby Nynex is obliged to cut off the telephone to a subscriber at the request of the Gibraltar Government in the collection of old debts. There has been no such request by Government to do so but if there were because the Hon Financial and Development Secretary thought that it was appropriate, the Company would then be obliged to do so.

HON G MASCARENHAS:

Mr speaker, does the Government envisage that there will be an element of write-offs in the old accounts?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think, for the reasons that I have mentioned, that this is highly likely because of the length of time some of these debts have been outstanding and the fact that some of the companies have gone into liquidation.

MR SPEAKER:

Next question.

12.11.91

NO. 43 OF 1991

ORAL

THE HON P R CARUANA

What is the total potential liability, if any, by monetary value of the Government of Gibraltar for the debts or borrowings of entities other than the Government of Gibraltar itself?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Government has no outstanding guarantees in respect of the specific debts or borrowing of other bodies. It does, however, have a general responsibility for the Government Savings Bank, but in that case deposits in the bank are fully supported by onward investment and the finances of the Bank are further protected by its general reserve.

12.11.92

NO. 44 OF 1991

ORAL

THE HON P R CARUANA

What is currently the total amount of Government borrowing including monies borrowed by the issue of bonds and debentures and commercial borrowings from all sources?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

As at 31st October, the total amount of all public debt was £68.5m.

NO. 45 OF 1991

ORAL

THE HON P R CARUANA

Has the Government exempted, waived, reduced or refunded any income tax, import duty, rates or other monies whatsoever which would otherwise have been payable under statute to Government by any person or companies or by any class or group of persons or companies, and if so, what monies and in whose favour?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, almost all Ordinances with revenue raising provisions allow for some or all of the events referred to in the question to take place. These provisions are in constant use as part of the normal administration of these Ordinances and there are many hundreds of such cases in the course of each financial year which would be impractical to list in their entirety even if I was statutorily able to do so, which in the case of income tax I am not able to do.

Quite clearly, any such exemptions, waivers, reductions or refunds should only be made in accordance with statutory provision and therefore fall outside the terms of the question. Perhaps the Hon Member opposite is suggesting that such events have taken place which go beyond statutory provision. If this is what he thinks and he lets me have details I will be more than happy to investigate such allegations fully.

There is also, however, a statutory procedure providing for the write-off of claims otherwise due, and a detailed analysis of such write-offs is contained in the Annual Accounts of the Government which are, of course, presented to the House.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1991

HON P R CARUANA:

Mr Speaker, just to put the Hon Member's mind at rest, I am not suggesting that there has been any waiver or exemption other than pursuant to a statutory power to do so. What I am asking is for information as to the instances in which those statutory powers have been exercised. I accept the criticism of the question inherent in the Hon Member's answer "That it covers every rebate of import duty that arises". I therefore would ask the Hon Member opposite to comment specifically in relation to import duties and whether there are any waivers of a general nature in favour of any particular company or in favour of any particular type of projects and whether to his knowledge there has been any waiver of import duty with a value in excess of £50,000?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, in terms of a general waiver I am certainly not aware of that. There are specific waivers provided for under the Development Aid Ordinance in relation to approved projects and powers were approved by this House, I believe at its previous sitting, in relation to waivers that might be given in relation to projects that are considered to be for the economic benefit of Gibraltar. Those, however, require specific approval and I am certainly not aware of any general waivers situation.

HON P R CARUANA:

Again, Mr Speaker, I am not concerned with the legal basis for the waiver. I accept that the Government has ample legal powers to waive. Specifically in relation to development projects of a construction nature, is the Hon Member aware of any general waivers in relation to any projects of a general nature, and when the Hon Member says that he is personally not aware, is he speaking for the whole Government?

HON CHIEF MINISTER:

Mr Speaker, I imagine that the position is that all the large investment projects that are taking place have been given waivers from day one to be able to import materials other than construction materials which might have duty. The bulk, Mr Speaker, of the materials in the bulk of the construction projects do not pay duty anyway. I do not think we have a specific and detailed knowledge because, in fact, the way that the question was phrased we were not very sure what information the Member opposite wanted. The Hon Member can certainly be given the information of the Hon the Financial and Development Secretary can dig it up. That is if the Hon Member is interested in specific individual projects. However, from knowledge of twenty years in this House every single big development in Gibraltar has been subjected to waivers of import duty as a result of obtaining Development Aid. That, Mr Speaker, has been going on for the last twenty years. We have never had in this House a detailed breakdown of each piece of equipment and how much duty has been waived on it. I certainly remember one occasion when the matter had been looked at, it was on the basis that equipment, for example, that got a waiver, when GSL was set up, had to have a condition attached to it that lorries etc, could not be used in competition with local people who had paid import duty because they were not involved in a development project. That has been an issue that has been looked at before in this House just to make sure that no one was obtaining an unfair advantage. It is certainly not the intention to give anyone an unfair advantage. The intention is simply to make the cost of the investment attractive enough for the return on the investment. If you therefore have a situation where someone invests in Queensway Quay £80m and as a result of paying duties to the Government that becomes £90m, then the £90m investment might make a difference to return on that capital and the servicing of those loans to the bank. This is therefore part of the initial

negotiations that take place when the companies make the decisions. At a very early stage, I might add, when they decide whether they are or are not going to put their money in. It is then when they want to know all the tax breaks that they are going to get. Whether they will be able to obtain Development Aid, waivers on import duty for certain products. This is all decided at a very early stage. Whether it has happened or not happened, I am afraid we do not have that information readily available. However, I would say that as a general rule we can say that in every big project that is currently taking place in Gibraltar there will be waivers of import duty for specific products.

HON P R CARUANA:

Mr Speaker, I am not sure who is the proper recipient of the next question, but I shall put it to the Hon the Financial and Development Secretary. Does the Hon the Financial and Development Secretary accept the proposition that as the intention of the legislation is not to give an unfair advantage to any particular investor, that such waivers that have been given to particular investors ought to be made available to everybody including Gibraltarians that might invest in Gibraltar?

HON CHIEF MINISTER:

Mr Speaker, it has nothing to do with the nationality of the investor. In some of these investments the Government itself is an investor and the Government happens to be Gibraltarian. Mr Speaker, it has to do with feasibility of the project and if a case is made that the project is marginably not sufficiently attractive unless certain incentives are provided, that is something that is negotiated before the investor decides to put the money in. This happens whether the investor is Gibraltarian or Chinese. That is irrelevant. If a Gibraltarian comes along and says: "I want to do a development but in order to make the development attractive and in order for me to service the finance I am getting from the bank the Government needs to provide me with a certain list of concessions". Then the Government needs to take a policy decision on whether the concessions are worth giving because the project is worth having. That, Mr Speaker, is done irrespective of the nationality of the investor. It is treated on the benefits that the project is supposed to bring to Gibraltar. That, Mr Speaker, has always been the criteria in the Development Aid Ordinance, ie is the project one which is going to create jobs, economic activity and so forth.

HON P R CARUANA:

Mr Speaker, I am obliged to the Hon the Chief Minister. Finally, Mr Speaker, turning to income tax, could I ask the Hon the Financial and Development Secretary if to his knowledge there is anybody employed in Gibraltar who has had income tax waived or reduced by exercise of the Government's power to do that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am not aware of any such instance in terms of the question that has been put. There are, of course, refunds paid throughout the course of the year when assessments are made and the individual has paid more tax than he should have. However, no reductions in the manner the Hon Member has implied.

HON P R CARUANA:

Mr Speaker, can I assume that when the Hon Member says that he is not aware he speaks for the Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Perhaps, Mr Speaker, the Hon Member could clarify his point.

HON CHIEF MINISTER:

Mr Speaker, perhaps if the Hon Member were to continue to ask me the questions I may be able to help since I have been in this House longer than both himself and the Hon Financial and Development Secretary. I am aware, Mr Speaker, of what took place before we were elected. Before we were elected, Mr Speaker, the position was that A & P Appledore Managers in GSL had tax free allowances granted to them which were subsequently disputed by the Commissioner of Income Tax as being outside the statutory provisions. We have assumed, Mr Speaker, something which we think is pertinent to these questions and that is that we thought that the Hon Member would not be referring to anything that had happened before 1988. Because in the case I have just referred to we disagreed violently with it when we were on that side of the House and it has not happened since 1988 when we have been in Government. If the Hon Member looks at the last Accounts of GSL he will find that the Company's Auditors have required the company to make a notional provision for a tax liability on those expatriates that left a very long time ago simply because the Commissioner of Income Tax did not agree with the company that the waiver which they obtained at the time was, in fact, authorised by the Income Tax Ordinance and although GSL is in no position to pay the tax anyway it is still being carried as a liability in the Accounts.

MR SPEAKER:

May I make a point here when a Minister or an ex officio Member is answering he is obviously answering for the Government. Because as Members know of the collective responsibility therefore that question will not be admitted in future.

HON A J CANEPA:

Mr Speaker, with reference to the period prior to 24th March, 1988, that if any such waivers were made or tax free allowances were paid under the Income Tax Ordinance, they did not have political approval because political approval was never sought.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Does the Government have any plans or intentions to wholly or partially privatise all or any part of the functions presently carried out by the Treasury Department or any other Department or section of any Department of the Government and, if so, which functions and of which Department or section?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the Government believes that its various measures to undertake work through joint venture operation or through private companies have demonstrated the potential for combining improvements in service to the public and economies in the use of public funds.

Consequently the potential for further opportunities elsewhere in the public service are kept under continuing review.

No firm decisions have yet been taken on either the context or scope of any such further measures.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1991

HON P R CARUANA:

Mr Speaker, with respect to the Hon Member, my question does not ask whether firm decisions have been taken. My question specifically asks in relation to the Treasury Department. In relation to the functions of the Treasury Department, does Government have any plans or intentions, both of which are concepts which fall far short of firm decisions, which is the only thing to which his answer has referred?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, there is a review going on at the moment to examine whether and, if so, which of the functions of the Treasury might be privatised. Particular areas that might be conveniently considered are something that we discussed this morning, ie electricity billing, where we feel there might be some improvement and efficiency there. The whole range of the Treasury services are under review. Other areas possibly for review might include the Company Registry, another area presently being examined.

HON P R CARUANA:

Mr Speaker, would the Hon Member accept that it would be inappropriate for public monies, in the form of funds presently paid to the Government General Account, to be handled other than by Civil Servants?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I do not think so. However that is a matter of policy. What I do think is important is that there should be someone accountable to this House for the financial affairs of the Government and that person must make whatever arrangements he sees fit to carry out the services under his responsibility as efficiently as possible. In certain circumstances it may well make sense to contract some of those services out. However at the end of the day I do accept the general point that there must be someone responsible in the Civil Service for the conduct of the Government's financial affairs.

HON P R CARUANA:

Mr Speaker, is the Hon Member satisfied that the auditing of Government Departmental Accounts by private sector accountants is preceded by and based on the same degree of meticulous and methodical enquiry that characterises the Audit Department's approach to that task when it was done from within the Civil Service?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Quite frankly, Mr Speaker, I think it is very early days because we are going through the first year of the new procedures by which some of the work is being contracted out. I think quite frankly I would say that the experience is patchy. In certain areas where auditors have been employed in the private sector the efficiency of the audit has been improved. I think we ourselves, or rather the Principal Auditor in particular, requires experience in working in the new mode. The Principal Auditor's handling of the private sector audits that he contracts out means that he is also on a learning curve. However, in general the signs are quite hopeful.

HON P R CARUANA:

Mr Speaker, does the Hon Member agree that the auditing of Government Accounts is not something that would ideally be the subject of experiments and that the suitability of the audit procedures which replace the well proven existing procedures ought to have been established before the function was privatised.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker. I think Government is quite right to constantly search for improvements in efficiency. I think the Hon Member opposite should bear in mind that we are not talking about simply giving the audit's work to anybody. We are talking about giving the work to professional auditors. People who have experience of working in the private sector, of which quite frankly we have none in the Government, so in that way we seek to bring into the audit process, if anything, a greater degree of expertise.

MR SPEAKER:

Next question.

12.11.91

NO. 47 OF 1991

ORAL

THE HON P R CARUANA

Are there any monies belonging to the Government of Gibraltar held by the Bank of Credit and Commerce in Gibraltar or elsewhere and, if so, how much?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, there were no Government deposits in the BCCI.

NO. 48 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Will Government say how much revenue was credited to public funds in the last financial year and how much is estimated for the current financial year as a result of fixed penalties arising from offences connected with -

(a) parking

(b) litter?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, all revenue from fines is credited to the same subhead in Government's accounts and a separate record is not made of actual receipts in respect of fixed penalty parking fines. However, in the time available, a very quick analysis of the detailed records suggests that a total of approximately £35,900 was received in 1990/91 and a similar figure is projected for the current financial year.

As to fixed penalty litter fines, a total of £3,020 was received by the Litter Control Authority in 1990/91 and, on this basis, a total of around £5,000 is projected for 1991/92.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, am I right in saying that these monies are collected using the general infrastructure of the Government and in particular those of the Magistrates' Court?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, what happens to unpaid fines? How are these collected?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The debts in question are progressed by the Court in the normal way. The individuals are progressed by the Courts.

HON LT-COL E M BRITTO:

Mr Speaker, can I then ask the Hon Financial and Development Secretary what happens to these monies? Do they remain public funds indefinitely?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, they remain public funds in the same way and are credited to Government revenue. At least this is in connection with parking fines. With litter fines these fixed penalty fines are slightly different in that the law provides for them to be paid across to the Litter Control Authority.

HON LT-COL E M BRITTO:

Is it not the same, Mr Speaker, with the parking fines where the monies are paid over specifically to GSSL?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker. In the case of parking fines the money in question is paid by statute into the Government's account. The contract with GSSL does take account of the level of revenue Government is collecting but there is no direct transfer.

HON LT-COL E M BRITTO:

Mr Speaker, what does the Hon Financial and Development Secretary mean by "taking account" rather than "direct transfer"? Is money actually paid over? That is what I am asking.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker. The fines in question are collected by Government and treated as Government revenue. However, the contract that Government has with GSSL provides in its detailed provisions for payments to GSSL. The level of those payments takes account of the level of fines that are levied in respect of the activities of GSSL. So it is not a direct relationship although there is nevertheless a relationship.

HON LT-COL E M BRITTO:

So, in fact, Mr Speaker, what we are saying, and can the Hon Financial and Development Secretary confirm this, is that Civil Servants, the Judiciary, and the infrastructure of Government insofar as it affects that area, is being used to collect revenue for a private company, GSSL?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, that is not correct. The money being collected by the Courts with regard to parking fines is being paid into a Government Account as Government revenue. It is a quite separate matter, quite separate, from the money paid to GSSL, although calculated in relation to the level of these fines.

HON LT-COL E M BRITTO:

Mr Speaker, will the Hon Financial and Development Secretary accept, and I do not wish to labour the point, that we are being pedantic? Instead of being paid over directly it is credited into one Fund, the amount is calculated and then subsequently paid over to GSSL. Whether it takes one week, one day or three months, the effect is that funds collected by Government employees are being paid over to a private company.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, that is simply not correct. In terms of contract arrangements that Government has with GSSL it continues to base the payments that it makes to GSSL on any basis it likes. The Government happens to have chosen to relate it to the level of fines that are being collected. That, Mr Speaker, is not the same thing as taking the parking fines that the Government collects and paying it straight to the company in question. It is simply a basis that Government has chosen to adopt for calculating a formula, if you like, for basing its payment to the company.

HON P R CARUANA:

Mr Speaker, does the Hon Financial and Development Secretary feel that the fact that those who dish out parking and litter fines and tickets are remunerated on the basis of the level of fines collected, which presumably depends on the level of tickets issued, lends itself to overzealousness on the part of those exercising those powers and which gives rise to incidents of the sort that have been reported in the local press involving tourists to Gibraltar? Would the Hon Member not feel that there is a need for the Minister with responsibility for Tourism and the Minister for Government Services to get together to make sure that they are not blurring each other's pictures?

HON J C PEREZ:

Mr Speaker, the Hon Member privately told me yesterday that he would try to provoke me with supplementaries since I had very few questions. Mr Speaker, the Hon Member can only provoke me with lies. The first lie that he has told this House is that people in GSSL are remunerated depending on how many tickets they issue or how many clamps are dished out. That, Mr Speaker, is not true and I would like the Hon Member to withdraw that. Secondly, Mr Speaker, the Hon Member has mentioned matters concerning an incident which occurred recently or which has been reported in the press, and is in the hands of the Attorney-General, and on which I would not like to comment at this stage. Because there are serious implications made against Police Officers, who incidentally do not get remunerated on the basis of parking tickets, and as I say, the Attorney-General is dealing with the matter. Quite frankly, Mr Speaker, the Hon Member thinks that the quote in the newspaper had to do with the way that the company was

running the affairs and that is not true. The report, Mr Speaker, and the criticisms in the paper is levelled at the methods of arrest. In any case, both issues raised have nothing to do with the original question.

MR SPEAKER:

I agree that the Hon Member is infringing on the Rules particularly if the case is being dealt with. I think we have exhausted the question.

HON P R CARUANA:

Well, Mr Speaker, with respect, there was a time when to accuse a Member of the House in any civilised Parliament of lying was at least unparliamentary language. I would like the opportunity to defend myself against that rather serious and completely unjustified allegation. The problem with the Member opposite.....

MR SPEAKER:

I take it that this is a point of order. What is the point of order.

HON P R CARUANA:

Mr Speaker, the point of order is that my question was a question and not a statement. A question cannot be a lie. The problem with the Hon Member opposite is that he is far too easily provoked. In fact, Mr Speaker, he provokes himself. I have not accused him of lying.

MR SPEAKER:

Order, order. If the Hon Member has a point of order please let me know what it is and then I will pass a ruling. If on the other hand the Hon Member is complaining of unparliamentary language, let him tell me what is the complaint and what he has found objectionable and, if necessary, the Hon Minister concerned will be asked to withdraw what he is alleged to have said.

HON P R CARUANA:

Is it or is it not, Mr Speaker, unparliamentary language to accuse an Hon Member of lying to this House?

MR SPEAKER:

It all depends as to the language used. If an Hon Member says that another is being economical with the truth, then that is accepted.

HON P R CARUANA:

Mr Speaker, there is to my knowledge, only one word accusing some of lying directly and that is to call him "a liar". That is exactly what the Hon Member has just said.

MR SPEAKER:

Did he use the word "liar"?

HON P R CARUANA:

Yes, Mr Speaker, he did.

MR SPEAKER:

The Hon Minister would perhaps wish to withdraw that word.

HON J C PEREZ:

Mr Speaker, I only used the word in the context of what the Hon Member said. If the Hon Member can provide proof of what he said, I might be willing to do so.

MR SPEAKER:

The Hon Member might perhaps just wish to withdraw the word "lie". The Hon Member can always use another acceptable word.

HON J C PEREZ:

Mr Speaker, I wish to replace the word "lie" with "misleading information which could lead to misjudgement by the general public to the convenience of the Hon Member".

HON LT-COL E M BRITTO:

Mr Speaker,

MR SPEAKER:

No, that is enough on this question.

HON LT-COL E M BRITTO:

Mr Speaker, the Hon Minister has made

MR SPEAKER:

No, I will not allow anything further unless it is on a point of order.

HON LT-COL E M BRITTO:

Mr Speaker, I would like you to rule whether what I wish to say is a point of order. I am not sure. It is certainly on a point of clarification of what the Hon Minister has said on the question of the remuneration of the employees of GSSL.

MR SPEAKER:

Well, what is it that you want to know?

HON LT-COL E M BRITTO:

Mr Speaker, I would like the Hon Minister to clarify that what he has said that the people employed by GSSL are not affected in their remuneration by the number of parking tickets or clamps that they issue or place. Because this might not affect their weekly or monthly salary but there is, as was confirmed by the previous Managing Director of GSSL on television, some sort of bonus scheme, commission, "annual dishing out", was the word used previously, annual distribution of profits or something of the kind by which employees of GSSL are indirectly in benefit at the end of the year or at a given period for the work that they do.

MR SPEAKER:

Perhaps the Hon Minister would like to clarify the matter.

HON J C PEREZ:

Mr Speaker, I can confirm that that is not the case and that is why I corrected the Hon Mr Caruana.

MR SPEAKER:

That, I think, makes the matter very clear. Next question.

12.11.91

NO. 49 OF 1991

ORAL

THE HON P R CARUANA

How much is currently due to Government by Gibraltar Shiprepair Limited in respect of - (1) PAYE, and (2) Social Insurance Contributions deducted from ex-employees' pay packets but not paid by the Company to the Commissioner of Income Tax and the Director of Social Security respectively and will GSL's ex-employees receive full credit for those sums and, if so, how will Government fund those credits?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Answered together with Question No. 50 of 1991.

THE HON P R CARUANA

How much is due to the Government by Gibraltar Shiprepair Limited in respect of arrears of (1) electricity, (2) water and (3) telephone charges?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Government has previously indicated that it is not its practice to divulge details of debts relating to individual companies or persons and, indeed, in the case of income tax I am advised that I am statutorily debarred from giving such information.

However, I can assure the Hon Member in relation to the second part of Question No. 49 that the arrears position of Gibraltar Shiprepair Limited is not such at the present time as to call into question either the entitlements or responsibilities of former GSL employees under either the Income tax or Social Security Ordinances.

SUPPLEMENTARY TO QUESTION NOS. 49 AND 50 OF 1991

HON P R CARUANA:

Mr Speaker, the Hon the Financial and Development Secretary again does not answer the question and perhaps I can ask him by way of supplementary, does he consider that the Government's moral position by chasing tax arrears by private companies and individuals is damaged by the fact that the largest defaulter was a company of which a Minister of the Government was Chairman?

MR SPEAKER:

I must draw attention to the previous rulings of this House, going back to 1980, whereby a Minister who heads a company has a dual responsibility, he has a wide responsibility as a Minister, and a narrow responsibility as Chairman of a company. It has been stated time and again, since 1980, that the Minister need not answer for the company in matters which he believes is the responsibility of the Board collectively. Therefore a question that drifts towards the company I must see in that light and consequently it is out of order to continue on that question on that line. If the Hon Member wishes I will quote the ruling of a previous Speaker. It is not mine.

HON P R CARUANA:

I am aware of the ruling, Mr Speaker. However, with respect, I have not asked the Hon Minister any question, I have asked the Hon the Financial and Development Secretary, as the person responsible, for the collection of arrears, of monies due to Government, whether he considers that he is embarrassed by the fact that amongst the defaulters are companies of which Members of his Government are Directors, indeed Chairmen. Mr Speaker, I do not see how that question, with the greatest respect, falls under the ambit of the ruling just quoted.

MR SPEAKER:

If it is a question about divulging information about the company it does. Because again there is collective responsibility as to the Government and consequently we cannot get out of that capsule. I realise that it is very frustrating for the Hon Member and it has been frustrating for previous Members. That is the ruling of this House and, if I may say so, in the UK as well.

HON P R CARUANA:

Mr Speaker, I seek no information whatsoever about GSL or any other company. I am simply asking the Government whether they think that their position in seeking to recover arrears from ordinary taxpayers is prejudiced by the fact that companies and taxpaying entities which they control are amongst the largest defaulters?

MR SPEAKER:

The Hon Member is saying that it is prejudiced because the Hon Member is making a statement there and he should be asking the Hon Minister whether he thinks it prejudices. The Hon Member is not allowed to make a statement, he is allowed to ask a question.

HON P R CARUANA:

That is the question, Mr Speaker, whether the Hon the Financial and Development Secretary considers that the Government's moral position is damaged?

HON CHIEF MINISTER:

I do not think, Mr Speaker, that the Hon the Financial and Development Secretary is here, in this House, to be asked to pass moral judgement on the elected Government of Gibraltar. So I will answer the Hon Member. Quite simply, Mr Speaker, the Hon Member is making assumptions that are not based on facts. The arrears position that the Government of Gibraltar has, which goes back a considerable number of years, involves debts from GSL, some of which were then in 1987 and 1988, and which have since been paid. The position of the Government of Gibraltar, as a Government, is that it is pursuing the collection of arrears from all the people that have to pay in

exactly the same way irrespective of whether it is a Government-owned company or not a Government-owned company. Therefore the answer is that the Government-owned companies are not being treated any differently from anybody else and will be expected to come to agreements, as other people do, or to pay on the dot. The truth of the matter is that we, in fact, as a matter of policy, are pursuing the oldest debtors first, ie we believe that you cannot simply say that GSL is the biggest person in arrears because if GSL employed five hundred people and has not paid the Social Insurance, for example, for this year, which runs until December, and somebody else employs five persons and has not paid Social Insurance for ten years, then is is a matter of judgement as to whether one is a worse defaulter than the other. It would depend on a lot of things. What I can however tell the Hon Member is that everybody that is serving on a Government company is serving on behalf of the Government and therefore there is no question of embarrassment. Because at the end of the day if it is a Government-owned company that has a debt to the Government, it is self evident that it is the Government owing money to itself which is not a difficult problem to cure, I can assure the Hon Member. Of course, Mr Speaker, what we do not have, since in the GSLP we do not allow elected Members to have private businesses, is any risk of private business debts being owed by any elected Member and therefore the situation, as far as we are concerned, is that we absolutely clear that the morality of the situation is crystal clear, transparent and easy to defend. That is the opinion of the elected Members. I do not know whether we should carry out an opinion poll amongst the Civil Servants to find out if they agree.

MR SPEAKER:

Next question.

NO. 51 OF 1991

ORAL

THE HON K B ANTHONY

Will Government state how many scooter drivers and motorcyclists have been cautioned or summoned for careless or reckless driving and breaking other traffic laws, other than parking offences, during the six month period ending 1st November, 1991?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, I am not able to give figures which differentiate between scooters and motorcycles, as I am informed that statistics only distinguish between those motor vehicles which have two wheels and those which have four or more. Therefore, the figures I am about to give relate collectively to motorcycles and scooters.

In the period 1st May to 31st October, 1991, for traffic offences other than parking offences, a total of 191 persons were cautioned, 81 persons have been summonsed and dealt with by the Courts, and a further 1031 summonses have been issued and are pending. Included in the figures are one case of reckless driving which has been dealt with and eight cases of driving without due care and attention, that is careless driving. There are a further fifteen summonses issued in that period for careless driving and all such cases are pending. As dangerous driving comes under the same section of the Traffic Ordinance and attracts the same penalties as reckless driving, I would add that six summonses for such an offence have been issued and dealt with and a further fourteen have been issued and are pending.

There have been no cautions administered in the period mentioned for dangerous, reckless or careless driving offences.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1991

HON K B ANTHONY:

Mr Speaker, I thank the Hon Attorney-General for his in-depth answer. The figures are impressive but when you look at the low figures for reckless and careless driving I cannot help feeling, Mr Speaker, that this does not reflect really what is one of the biggest problems in our narrow streets. We have many cases of motorcyclists and scooter drivers overtaking on the wrong side, ignoring red traffic lights, going down one way streets the wrong way, driving along pedestrianised streets, etc. Does the Hon Attorney-General feel satisfied that this low figure for reckless and careless driving reflects a true figure for what should really be a matter of great importance?

HON ATTORNEY-GENERAL:

No, Mr Speaker, I am not satisfied. I have seen personally many cases of the type the Hon Member refers to and I share the concern he obviously feels that the standard of driving of some two-wheeled vehicle owners in Gibraltar leaves, to put it as kindly as I can, a great deal to be desired. I have asked the Police, on more than one occasion, to be as vigilant as they possibly can in detecting these offenders and bringing them to justice. But, Mr Speaker, if Government had the resources to greatly increase the volume of members of the Police Force so that we could have two or three Policemen standing two or three yards apart to spot and catch these offenders, then perhaps there would be more prosecutions. No, Mr Speaker, I am not satisfied, I will only be satisfied if and when the day ever comes that I see each and every motorcycle and scooter driver driving as he or she should.

HON K B ANTHONY:

Mr Speaker, I thank again the Hon the Attorney-General for his support of my concern. May I ask the Hon Member whether the Police themselves are as concerned as the Hon Attorney-General and I am?

HON ATTORNEY-GENERAL:

I am told they are, Mr Speaker, and that is all I can say. I have discussed this matter on more than one occasion with the Commissioner of Police and Deputy Commissioner of Police and I am certainly satisfied that they, the Senior Officers in the Police Force, share my concern but I cannot speak personally for every Police Constable. I can only hope that they appreciate what their duty is and when circumstances arise which require them to do their duty that they have no hesitation in doing so.

HON K B ANTHONY:

One final question, Mr Speaker. Does the Government perhaps have any plans to increase the complement of the Police or do they have any contingency plans to try and bring our traffic flow to a good normal standard for our small community?

HON ATTORNEY-GENERAL:

I am told, Mr Speaker, that there are, of course, many constraints on the public purse and it is certainly not for me to suggest how Government revenue should be spent, that is for the elected Members to consider and determine. But I can say that the Government has no plans to increase the complement of the Police Force to the extent that I have indicated. I would like to see it to ensure that all offenders of the nature the Hon Member describes in this question are ascertained and dealt with accordingly.

MR SPEAKER:

Next question.

NO. 52 OF 1991

ORAL

THE HON K B ANTHONY

Will Government explain why no action appears to be taken against motorcyclists and scooter drivers who illegally park on the pavements, especially in the Housing Estates?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, it is certainly not agreed, as the question suggests, that no action is being taken against such offenders. In the period covered by the previous question, namely 1st May to 31st October, 1991, I am informed that in respect of two-wheeled vehicles, namely, motorcycles or scooters, 451 parking tickets have been issued, 4 vehicles have been towed away and 73 such vehicles have been clamped.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1991

HON K B ANTHONY:

I thank the Hon Attorney-General for his answer. Do the Hon Member have any breakdown perhaps for how many were in the streets outside Housing Estates and how many were in Housing Estates?

HON ATTORNEY-GENERAL:

I do not, Mr Speaker, I have explored in the short time available to me, the possibility of obtaining a breakdown from the Police but time and circumstances just did not permit that between my receiving the question and having to deliver this reply. So I cannot say, at this moment in time, Mr Speaker, how many of the 451 parking tickets are attributable to the Estates in Gibraltar but if the Hon Member thinks it is essential that he should have such information, I am willing to undertake to endeavour to obtain it for him.

HON K B ANTHONY:

I thank the Hon Attorney-General and I would like that information because I have been lobbied, Mr Speaker, by people who live in the Estates and are concerned that pavements in many areas are blocked by scooters and motorcycles and their children are forced in the evenings to play on the roadway. Also mothers with prams are forced to walk on the roadway. The Estates, in most cases, are desperately overcrowded anyway with traffic so I will take up the Hon Attorney-General's offer.

HON ATTORNEY-GENERAL:

In that case, Mr Speaker, can I assure the House that I will request the Commissioner of Police to supply the relevant figures to me and I will disclose to the Hon Member, immediately on receipt, whatever information I do receive.

HON A J CANEPA:

Mr Speaker, will the Attorney-General keep in mind that Members of the Opposition have been lobbied on more than one occasion in respect of what would appear to be a particularly bad area St Joseph's Estate? We are getting constant complaints from tenants about such offences to the detriment of pedestrians obviously.

HON ATTORNEY-GENERAL:

Yes, I will certainly bear that in mind, Mr Speaker.

MR SPEAKER:

Next question.

12.11.91

NO. 53 OF 1991

ORAL

THE HON P R CARUANA

Does the Attorney-General agree that the exportation from Gibraltar of tobacco in commercial quantities from any place other than the public quay at Waterport or without an export licence is an offence under the Laws of Gibraltar?

ANSWER

THE HON THE ATTORNEY-GENERAL

Answered together with Question No. 54 of 1991.

NO. 54 OF 1991

ORAL

THE HON A J CANEPA

In view of the Stipendiary Magistrate's recent decision regarding the legal validity of tobacco export licences, will the Attorney-General take the necessary steps to ensure that such export licences will in future be legally valid, if need be, by amending existing legislation?

ANSWERTHE HON THE ATTORNEY-GENERAL

Mr Speaker, Section 91 of the Imports and Exports Ordinance, 1986, provides that it is an offence for anyone, without the approval of the Collector of Customs, to export or attempt to export tobacco from any place in Gibraltar other than the public quay at Waterport.

Various sections of the Ordinance give enabling powers to the Governor to make Regulations controlling the importation and exportation of goods into and out of Gibraltar.

In particular, Section 79(1) of the Ordinance empowers such Regulations generally to be made, and I quote: "to prohibit, restrict or regulate the exportation from Gibraltar of any goods or class of goods". Subsection (2) of the same Section lists examples of the purposes for which such Regulations may be made and paragraph (b) of that subsection in particular, provides for such Regulations, and again I quote: "to prohibit, restrict or regulate the exportation either to all places or to any particular country or place". The Imports and Exports (Control) Regulations, 1987, have been made by the Governor pursuant to such powers. Regulation 9 thereof provides that subject to certain exceptions, namely where goods are freely exportable or where goods are in transit, exportation must take place, and yet again I quote: "under and in accordance with a licence granted by the Collector".

I have assumed the recent decision of the Stipendiary Magistrate referred to in Question No. 54 is that in the case of 'The Crown -v- Garcia and Senior', where he accepted a defence submission that the licensing procedure established by Regulation 9 is ultra vires, that is, beyond the scope of the Governor's enabling powers to make such Regulations pursuant to the provisions in the Ordinance to which I have referred. I do not accept that, and have exercised my right to appeal this decision by way of case stated to the Supreme Court. The appeal is listed for hearing on 20th November, which is very soon, although the decision may well be reserved and given at a future date. If my appeal is successful, the existing legislation can again be enforced subject, of course, to the possibility of the respondents or defendants appealing to the Court of Appeal. If the Supreme Court dismisses my appeal, I shall have to decide whether to mount a further appeal to the Court of Appeal, or advise what changes to the legislation are

necessary. In the latter event, I would point out that I can only offer my advice, and whether I take the "necessary steps" referred to by the Hon Member is dependent on what instructions, if any, are given to me.

SUPPLEMENTARY TO QUESTION NOS. 53 AND 54 OF 1991

HON A J CANEPA:

Mr Speaker, having regard to the fact that the Regulations which we are referring to were enacted in 1987, I am sure that the Hon Attorney-General will understand that as Minister for Trade at the time, I have a very direct personal interest to ensure that these Regulations continue to have legal validity. But apart from that, may I also make it clear to him that what we in the Opposition do not want to see, what we are anxious to ensure is that the measure of control which is, in fact, provided by the system of licensing will not be lost because if it is then that will result in a free for all, which we are very anxious to avoid, that will further exacerbate the detrimental effects of the tobacco export trade. We consider that a proper system of licensing provides a measure of control and that it is important that that be kept in its place and that it should be effective. Will the Hon Attorney-General, therefore, take whatever steps are necessary to ensure that those objectives are achieved?

HON ATTORNEY-GENERAL:

Mr Speaker, it is my duty and my pleasure also to take whatever steps are necessary to implement the lawful policies of the elected Government and the lawful policies of His Excellency the Governor. The power to make the relevant subsidiary legislation we are discussing is, of course, vested in His Excellency the Governor but, naturally, in accordance with the obligations he has, Mr Speaker, he will discuss what Regulations it is appropriate to make and what regulations he thinks should be enforced, from time to time, with the elected Government and, I am sure, with the Chief Minister in particular. If the appeal is successful, as I have said already, Mr Speaker, there is no difficulty in enforcing the legislation which has been in place since 1987 when the Hon Member who posed the question was then sitting on this side of the House. I can fully understand and, indeed, I welcome, if I may say, the personal interest he has in the outcome of the case which is pending in the Court of Appeal. I am personally of the view, Mr Speaker, that the Regulations enacted or promulgated in 1987 are perfectly valid and they have jogged along quite happily until the recent decision of the Stipendiary Magistrate to which the question refers. That is what I think, Mr Speaker, but the Supreme Court may say otherwise. The Supreme Court may say that the Stipendiary Magistrate is correct in the decision which he made and therefore if it does that, Mr Speaker, subject to the possibility of a further appeal to the Court of Appeal, it will be for His Excellency the Governor and for the Government to consider whether they want the policy which was promulgated in the Regulations in 1987 to be continued with by effecting what I will advise to be an appropriate amendment to the

Regulations or whether they wish to promulgate some other form of policy to control tobacco exportation. That is not a matter for me to determine, Mr Speaker, that is a matter for the elected Government in consultation with His Excellency the Governor. If there should be fresh Regulations necessary or if I should be instructed to effect an amendment to the existing Regulations, then of course I will certainly do that because it is my duty to do so.

HON P R CARUANA:

Mr Speaker, in answer to Question No. 51 relating to possible offences committed by scooter drivers, the Learned Attorney-General said that he had asked the Police to be as vigilant as they could be to bring offenders to justice. Could I ask the Learned Attorney-General whether he has asked the Police also to be as vigilant as they can in relation to breaches of the Imports and Exports Ordinance which he now agrees is represented by the exportation of tobacco from other than the public quay at Waterport?

HON ATTORNEY-GENERAL:

Mr Speaker, you have not interrupted the Hon Member so I assume that you are happy to allow this supplementary question even though we passed on from that. I do not know if that is permissible, on a point of order, Mr Speaker. I ask you to rule if it is. I can say that I am prepared to answer it.

MR SPEAKER:

If you are prepared to answer then it is alright.

HON P R CARUANA:

Mr Speaker, with the greatest of respect, it was the Learned Attorney-General who chose to answer my question and the Hon Leader of the Opposition's question together. We cannot both ask supplementaries at the same time. It therefore follows that one of us has to, as a matter of courtesy, give way to the other which is what I did in recognition of the fact that Mr Canepa is the Leader of the Opposition. Therefore it is not really a question of a point of order or anything of the kind, it is my first supplementary.

HON ATTORNEY-GENERAL:

Mr Speaker, if the Hon Member is raising a supplementary to Question Nos. 53 or 54 which I am now dealing with, well of course he is absolutely right. But if he is trying to raise a supplementary question to Question No. 51 which is now history, then I am not so sure he is right. Perhaps I can have clarification of that.

HON P R CARUANA:

Yes, of course. Mr Speaker, it is true that in my question I referred back to Question No. 51 but what I am asking him is a supplementary in relation to Question No. 53 which I will restate for the sake of clarity. Has the Hon Member asked the

Police to be as vigilant as they can be to bring offenders who export tobacco in commercial quantities from places other than the public quay at Waterport to justice?

HON ATTORNEY-GENERAL:

Most certainly, Mr Speaker, it is my job to enforce the law and to do what I can to ensure that people who break any provisions in the Gibraltar law are brought to justice if the evidence justifies a prosecution ensuing. The short answer to the Hon Member's supplementary question is yes, of course, I have and not only in relation to imports and exports offences, I expect and I require the Police, Mr Speaker, to be vigilant in the detection of all offences committed contrary to Gibraltar's laws and to bringing offenders to justice accordingly in respect of all offences whatever they may be.

HON P R CARUANA:

I am obliged.

MR SPEAKER:

Next question.

12.11.91

NO. 55 OF 1991

ORAL

THE HON P R CARUANA

To which individuals or entities has Government made grants in respect of cultural matters during 1991 and in what amounts of money to each such recipient?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, grants to entities and individuals in respect of cultural matters are determined by the Cultural Grants Committee, and not the Government. The Government does not consider that it has a responsibility to provide the information requested. I am, however, prepared to request the Cultural Grants Committee to make the information available to the Hon Member.

SUPPLEMENTARY TO QUESTION NO. 55 OF 1991

HON P R CARUANA:

I am obliged to the Hon Minister. As I indicated to the Chief Minister yesterday this is for information purposes only and I will write to the Hon Minister asking for the information at a later date.

MR SPEAKER:

Next question.

THE HON M K FEATHERSTONE

Will Government give additional assistance to those students placed in need following the UK Government's withdrawal of a rent allowance?

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker

Government has been studying the various implications of the UK Government's decision to prevent students from applying for Housing Benefit. As a result of this we have been able to clarify that certain categories of students are eligible to apply. These are:

- i. Disabled students
- ii. Students with dependent children.

Access Funds have been created in UK for other students to apply to, but it is understood that Gibraltarians are not eligible to apply. This matter is being followed up with the UK authorities but, if this avenue is not successful, Government will consider the creation of a separate Access Fund for local students who experience particular difficulties.

THE HON M K FEATHERSTONE

Will Government make a statement explaining the present position in implementing the National Curriculum? I understand this has actually been overtaken by events.

ANSWERTHE HON THE MINISTER FOR EDUCATION, CULTURE AND YOUTH AFFAIRS

Mr Speaker

- (i) Following upon the deliberations of the Department's "National Curriculum Working Party", whose recommendations received the almost unanimous support of the teaching profession in Gibraltar, Government decided upon the implementation of the National Curriculum in Gibraltar Government Schools in January 1990.
- (ii) A central Advisory Committee on the National Curriculum was set up in February 1990 to advise the Department on matters relating to the National Curriculum and its implementation in Government Schools. This Committee has representation from secondary, middle and first school headteachers, the Educational Advisory Service, the School's Psychological Service and is chaired by the Director of Education.
- (iii) The Advisory Committee has already completed its primary task of drafting the necessary Regulations, under the Education Ordinance, in conjunction with the Attorney General's Chambers, which Government has recently considered and approved and will be placed before the House in due course.
- (iv) Sixteen Working Groups, corresponding each to a National Curriculum subject or discipline, have been set up to:
 - exchange ideas and useful practices
 - safeguard continuity and co-operation
 - advise on planning implementation and evaluation of innovation
 - advise on the co-ordination of assessment procedures within subject areas.

The working Groups each consist of representatives from each Government School, specialists in the particular discipline, and are chaired by experienced serving teachers.

They are already meeting regularly and initiating advice to the Department on the Central Advisory Committee.

- (v) The actual implementation at classroom level is progressing within a framework similar to that of UK - during the school year 1991/92 "National

Curriculum Subject Orders" are operating in the following years:

Year	Pupil Age	
1	5/6	Maths, Science, English, Technology, Geography, History.
2	6/7	Maths, Science, English, Technology.
3	7/8	Maths, Science, English, Technology, Geography, History.
4	8/9	Maths, Science, English, Technology.
7	11/12	Maths, Science, English, Technology, Geography, History.
8	12/13	Maths, Science, English, Technology.
9	13/14	Maths, Science.

All foundation subjects taught in all years - if not specified above, schools are still bound to teach all subjects eg History must be taught in Year 4, but syllabus selected by School not N C order.

- (vi) It is envisaged at this stage that full implementation of all subjects in all years will be completed by 1996/97.
- (vii) It will be appreciated that the position of Spanish is different to UK Schools given the peculiar context of Gibraltar.

Local Study and Attainment Targets are being written locally, by our teachers, in tune with local needs/realities.
- (viii) The Department's In-Service Training Programme for Teachers has been geared towards supporting staff in their implementation of the National Curriculum. 6 Headteachers and the four professional officers, key managers of the change, have already been sponsored through structured attachment programmes to UK Schools to experience matters at first hand. The West Sussex Education Authority and, very particularly, the Kent Education Authority have been very helpful in arranging these attachments. It is envisaged that all of our Headteachers will have gone on these programmes by September 1992.
- (ix) Locally, National Curriculum "awareness courses" have been prepared and delivered by our Education Advisory Service to all First and Middle Schools,

including the Loreto Convent. In the case of the secondary schools, their "awareness course" was jointly prepared and delivered by the Kent and Local Advisory Services.

General information sessions on the National Curriculum were held for parents of First School pupils who had requested such a service. These sessions covered all First Schools, including the Loreto Convent.

In-Service courses prepared and ran by the Department's Advisory Service have been delivered individually to all Primary Schools on how to plan "Programmes of Study"/scheme of work.

Practical Courses on the processes of Science have been carried out for all First School Teachers. Courses on the use of National Curriculum Council materials for Language development have been delivered to language specialist representatives of all schools.

The National Design and Technology Education Foundation, has been sponsored twice by Government to deliver in-service training on "Technology" to both Secondary and Primary Schools. This Foundation is the elite professional UK organisation in terms of promoting "Technology" within the schools' curriculum.

Currently, the Kent Advisory Service and the local Advisory Service are structuring and delivering in-service training towards "School development Plans" in order to identify specific school needs to be met by in-service provision.

The Department is also buying specific National Curriculum resources centrally for evaluation purposes through our schools. All National Curriculum documents are being obtained centrally and distributed to individual teachers or schools as appropriate. We recognise the assistance given by the British Government, through the Foreign & Commonwealth Office in providing substantial numbers of copies of the Maths, Science and English documents.

- (x) In terms of resourcing, aside from improved capitation allowances available to schools, Government has further added £36,000 in 1990/91 and £22,000 in 1991/92 specifically to assist with the implementation of the National Curriculum. An input total of 73 complete computer Units delivered to all Schools, at all levels, over the last two financial years is also a significant contribution towards ensuring our schools are resourced adequately to meet the new demands.

It may be said that during the visit of the National President of the NAS/NUT to Gibraltar she had reason to comment on the excellent levels of resourcing available to Gibraltar Schools compared to many schools in the UK.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1991

HON M K FEATHERSTONE:

May I thank the Minister for that long and detailed information.

HON A J CANEPA:

May I also add, Mr Speaker, that we welcome and support the steps that are being taken by the Government in implementing the National Curriculum in Gibraltar. The Minister has drawn attention to the peculiar position of Spanish. Could he say whether in the case of Religious Education whether we are following in the National Curriculum the steps that are being taken in the United Kingdom or will there be separate arrangements made for that subject?

HON J L MOSS:

To the best of my knowledge, Mr Speaker, I have not been made aware of any differences between the Curriculum in Gibraltar and that which will be operating in the UK and when I say differences I mean tangible differences of substance. Obviously the religious inclinations of people in Gibraltar differ substantially from those of people in the UK and I am sure that the professionals are taking heed of this when formulating any local input which may be required for the Curriculum.

MR SPEAKER:

Next question.

NO. 58 OF 1991

THE HON M K FEATHERSTONE

Will Government be implementing the assessment of pupils at the age of seven?

ANSWER

THE HON THE MINISTER FOR EDUCATION,
CULTURE AND YOUTH AFFAIRS

Mr Speaker

(i) Pupils are continuously being assessed by teachers in all Government Schools at all stages of their schooling. Finding out what pupils know and teaching them accordingly is the essence of effective teaching.

(ii) If the Question is actually referring to SATS (Standard Assessment Tasks) - these were essentially tests prepared for the D.E.S. by educational agents in the UK for schools in England and Wales.

These tests were to be sat by 7 year old children during the first half of the Summer Term in order to establish/identify "national standards".

(iii) There was substantial criticism of these SATs viz: too time-consuming; unmanageable within the recommended time; all teaching/learning stopped for tests for about 6 weeks. The UK Government therefore re-assessed the position and have come up with totally new streamlined version of these tests. In effect, there are now more of the traditional "pencil-and-paper" tests.

(iv) Locally, the Department was aware of the very fluid situation with regard to SATs and the possibility of fundamental changes. It therefore quite logically decided to await a final outcome before arriving at any local decision. This is still the case. We can afford, given the local high standards in our schools, to wait and not repeat UK mistakes.

If the final product, eventually, is considered educationally worthwhile for Gibraltar Schools the Department will then assess whether or not to adopt them in whatever shape or form. However, it is not the intention of Government to publish the results of such tests.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1991

HON M K FEATHERSTONE:

Mr Speaker, have the teachers been consulted on this suggestion?

HON J L MOSS:

Mr Speaker, this is not a suggestion, it is actually the professionals in Gibraltar who are considering the effects which these tests might have had and whether we should adopt it or not once it has been streamlined in the United Kingdom. It is certainly not me, it is the teachers.

HON A J CANEPA:

Mr Speaker, having regard to what the Minister has said about the publication of results, do I take it therefore that neither is it the intention of the Government to publish anything akin, anything similar to the very controversial league tables that have been proposed in the United Kingdom?

HON J L MOSS:

Again, Mr Speaker, I think that the Hon Leader of the Opposition is speaking here from an advantage position to myself because of his educational and professional past. From my point of view, what the Government is doing is taking the advice of the professionals very seriously on this issue. I cannot imagine that locally our teachers would want the results of any such tests to be published anywhere and for the controversial league tables which the Hon Leader of the Opposition is mentioning to be published either. We think that that would be introducing an element of competition into education which would not necessarily benefit the education of students, that it would be an end in itself rather than providing the means towards a better educational system for our children.

HON A J CANEPA:

May I say that I agree with the views of the Hon Minister because, of course, the whole controversy in the United Kingdom is politically loaded and we in Gibraltar, I think, are far wiser in that we do not make these educational matters a political ping pong. I think we are far more mature than all that. May I also add that it is my inside knowledge or my contacts with many members of the teaching profession that it is not that the teaching profession feels that there is anything to hide in Gibraltar because, if anything, our standards, as the Minister has mentioned with reference to the visit of his lady from the National Union of Teachers, as he has said our standards here are comparable, if not higher, to those in the United Kingdom and really we have nothing to hide

insofar as standards of educational attainment are concerned. What it would do, of course, if we published league tables would be to introduce undesirable social aspects of the matter which, I think, would take us back to the dark days of the eleven plus. So again, we agree and we commend the sensible attitude that the Department is taking on this issue.

MR SPEAKER:

Next question.

12.11.91

NO. 59 OF 1991

ORAL

THE HON M K FEATHERSTONE

What is Government's attitude to implementing co-education in the Comprehensive Schools?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE
AND YOUTH AFFAIRS

Mr Speaker, this is not a matter which is under consideration.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1991

HON A J CANEPA:

Does the Government have a policy with regards to co-education?

HON J L MOSS:

No policy decisions have been taken by this Government on co-education. We feel that there are other more pressing matters in the field which need to be tackled like, for example, what we felt was the inadequate state of the physical infrastructure of the buildings the Department controlled and the actual resourcing which was available in the schools in terms of capitation and equipment. So, quite frankly, it is not a matter which we have taken a policy decision on.

HON M K FEATHERSTONE:

Does the Government not agree that the Collister Report said that the matter should be reviewed within fifteen to twenty years and that the Westside School was built with the idea that it might eventually be co-education?

HON J L MOSS:

Mr Speaker, I would not venture to disagree with that. I would merely restate my earlier comment and that is that if we take Bayside, for example, my primary concern upon taking office was to stop the rainwater from leaking in, not to try and get girls in there so that they should get wet as well.

MR SPEAKER:

Next question.

12.11.91

NO. 60 OF 1991

ORAL

THE HON DR R G VALARINO

Will the Minister for Education state what are the results from the information service which he undertook to launch (Question No. 46 of 1990 refers) to look into the problem of drug abuse and what form of rehabilitation or assistance is being contemplated as a consequence?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Answered together with Question Nos. 61 and 62 of 1991.

12.11.91

NO. 61 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Does Government intend to provide separate facilities and professional care independent of the KGV Psychiatric Hospital for the rehabilitation of those unfortunate Gibraltarians who are trying to free themselves from the scourge of drug addiction?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Answered together with Question Nos. 60 and 62 of 1991.

NO. 62 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Will Government say what permanent professional counselling service is available for the benefit of victims of drug abuse?

ANSWER

THE HON THE MINISTER FOR EDUCATION, CULTURE AND
YOUTH AFFAIRS

Mr Speaker, since last year, and as detailed in my answer to Question No. 46 of 1990, we have been looking at ways in which young people seeking counselling on drug problems could be assisted by the Youth Service.

The brief given to the Youth Office did not involve the production of a formalised report as such. Work has been ongoing, with some assistance from volunteers, and has mainly involved talking to individuals and small groups of affected people.

This is an area where it is difficult to collect accurate statistical information. Contacts have been maintained with the Police and Customs to try and keep abreast of 'trends' within our society.

Government has the resources of the social workers, youth workers, and the Health Authority which tackle different aspects of the problem. The rehabilitation unit at KGV is also available to deal with patients having problems related to drug abuse and the ETB assists in looking for jobs to rehabilitate them within society.

SUPPLEMENTARY TO QUESTION NOS. 60, 61 AND 62 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, in answer to Question No. 82 of 1989, the Hon the Chief Minister said: "We are conscious of it" - meaning the drug problem - "we consider that it is an area in our society that the Government has to assume responsibility for and we intend to assume responsibility for that area and not to leave it to voluntary groups as indicated in our manifesto". Mr Speaker, the Minister is now telling us two years later that he is talking to volunteers? Would the Minister not agree that he has done absolutely nothing about it since 1989?

HON J L MOSS:

Mr Speaker, if the Hon Member opposite was not so pathetic I would be very annoyed but, quite frankly, the way in which he is trying to twist my words is incredible even though his new leader may hold his head between his hands. I have said that we are talking to volunteers. I do not know how often the Hon Member mixes with young people or with people who have drug problems, so perhaps he would be surprised to know that the sight possibly of, say, a uniformed Police Officer approaching one of them to make an enquiry about what problems he might have with drugs would not be a sight that would be conducive towards obtaining any information. The very first thing that we said about the drug problem, and I think that I mentioned it in my answer to the questions in 1990, was the fact that we did not have accurate statistical information. I will go further, we may never have accurate statistical information. But if we are going to keep our finger on the pulse then we need to talk to the people out there on the street, Mr Speaker. It is not like opening up a little office somewhere and saying: "This is the office for drugs problems" and expecting everybody in Gibraltar who has a problem to walk in there. If the Hon Member is expecting that then frankly he is living in Cuckooland. So I would be very grateful if he did not misinterpret my words or try to twist them. We are talking to volunteers and they are assisting us in talking to the people with problems. We are getting information and we are trying to put that information to good use. If the Hon Member is not satisfied with that then that is his problem.

HON LT-COL E M BRITTO:

Mr Speaker, no, I am not satisfied and it is not my problem. It is a problem for Gibraltar and for the victims of drug abuse. Will the Minister accept that, in fact, what I said before and which I will repeat. That he has not done anything to provide facilities for the professional care, independent of KGV Psychiatric Hospital, or for rehabilitation of victims of drug abuse. If he does not agree that he has not done anything, then maybe he can tell us what he has done to provide rehabilitation for drug abusers?

HON J L MOSS:

Mr Speaker, the only thing the Hon Member has done is cross the floor to another party but we will leave that.

HON LT-COL E M BRITTO:

That is pathetic, Mr Speaker, that is really pathetic.

HON J L MOSS:

It is nothing more than the Hon Member deserves. I do not know what bias the Hon Member opposite has against the KGV Rehabilitation Unit. Perhaps he can explain it to me here in the House. Perhaps it is something embarrassing, I do not know, but then he can put it in writing or talk to me about it. Is the Hon Member perhaps alleging that the facilities which are available there are not professional enough? Does he want a different professional unit to be set up? Does he still want voluntary organisations to look after these problems as he wanted two years ago? I am not too sure what the Hon Member wants because I get the feeling, Mr Speaker, that all he is doing is asking questions to try and score cheap political points. I do not see the substance of his remarks nor do I see the substance of his concern. I have explained to him as clearly as I can, Government's policy and what the Government is doing. If the Hon Member is not satisfied with that then he is not satisfied and it is well and good and that is why he is sitting over there. But if he wants to ask me concrete questions about concrete things I will give him answers.

HON LT-COL E M BRITTO:

The concrete question has been asked twice, Mr Speaker, and I will ask it again because sarcasm is the lowest form of wit and it suits the Minister very well. I will repeat the question for the third time. What tangible results has the Government obtained in terms of producing rehabilitation professional care independent of the Psychiatric Hospital? And if the Minister wants to know, I have nothing against the KGV Hospital but my information is, and maybe the Minister should find out this information for himself, that drug rehabilitation can be done much more effectively and much more efficiently in circumstances away from hospitals or medical institutions like KGV. I would be saying exactly the same if the rehabilitation was being done in St Bernard's or in any other hospital. I repeat the question, Mr Speaker, what have they done to provide rehabilitation facilities which they promised in their manifesto and which they promised in answer to a question here in April, 1989?

HON J L MOSS:

Mr Speaker, I regret to inform the Hon Member that the Government is not here to act on information which the Hon Member may provide to us in the House of Assembly from unnamed quarters. I have already explained the rehabilitation facilities that exist. He feels that it is necessary to have facilities away from the KGV well that, I repeat, is his idea. The professional advice that we have is that there is nothing against the facilities which exist at present and that is professional advice which is more than can be given to us by the Hon Member opposite.

HON LT-COL E M BRITTO:

Mr Speaker, so the Minister is telling us that he is satisfied that Gibraltar is fully served and there is no need for any further facilities than there are at present? Is that what the Minister is saying?

HON J L MOSS:

What the Minister is saying, and I will speak in English and perhaps if I speak slowly the Hon Member will understand me. Is that the professional medical advice that we have is that medical problems related to drug abuse can be dealt with in a satisfactory basis under the present arrangements. That is what the Minister is saying.

HON LT-COL E M BRITTO:

So now the Minister is telling us he is not fully satisfied, Mr Speaker, it is just on a satisfactory basis. Mr Speaker, coming on to the third question, No. 62, which the Minister has so far made no attempt to answer, on the question of permanent professional counselling services, I would refer him to Question No. 47 of 1990 which he answered himself and I will quote, Mr Speaker, for the sake of clarity, I will quote the question that he was asked: "Will Government confirm what type of counselling service it intends to introduce for victims of drug abuse in Gibraltar?" And the answer that the Hon Minister gave was: "Mr Speaker, it is the Government's intention to create a counselling service aimed specifically at young people under the aegis of the Youth Office. Advice on drug related problems will be included in the terms of reference of this service". And in answer to a supplementary when he was asked when this service was going to be implemented, the Minister answered: "Mr Speaker, within this calendar year", and I remind the Minister that he was speaking in April, 1990. So my question, Mr Speaker, is a repeat of Question No. 62, will the Minister say what professional counselling service is available to the victims of drug abuse?

HON J L MOSS:

Mr Speaker, I remember April, 1990, very well because it was my 28th birthday but I also remember the answer to that question and I will point the Hon Member towards the answer to my question of now, in November 1991 that I have given him. We are already counselling people with problems from the Youth Office.

HON P R CARUANA:

Mr Speaker, will the Hon Minister say whether he would address the victims of drug problems in Gibraltar with the same degree of arrogance and unnecessary rudeness that he chooses to apply to Members of this House and bearing in

mind that there are youngsters in the Strangers Gallery of this House. Also does the Hon Member consider that in his capacity as Minister for Education and Culture that he has set a good example by the attitude that he has shown to an Elected representative of this community in answer to questions put to him?

HON J L MOSS:

Mr Speaker, I thought that the days of patrician politics in Gibraltar had disappeared at least three years ago. Quite frankly, I do not know what sort of example I am setting out with all honesty, I do not know that putting on a phoney Oxford accent is particularly conducive towards our young people's education either.

HON P R CARUANA:

Mr Speaker, I have never been to Oxford in my life but I know the difference between rudeness and politeness.

HON A J CANEPA:

Mr Speaker, just for the record, may I say that I am not aware that in an administration prior to 1988 there were any patrician Members of the community in our ranks. I think for all the sins which the AACR have had in the past, I do not think that it ever committed that particular sin.

HON J L MOSS:

Mr Speaker, I am quite prepared to apologise to the Hon Leader of the Opposition but I will not withdraw those remarks from certain other elements in the past of Gibraltarian politics.

HON A J CANEPA:

That just proves that the Minister can be courteous to older people.

MR SPEAKER:

We have now gone a long way from the question.

NO. 63 OF 1991

ORAL

THE HON P R CARUANA

Insofar as disclosed by statistics or other information available to the Government of Gibraltar, how many Gibraltarians are presently without a full-time job and how many such persons are under the age of 25 years and what were those statistics as at the last day of each calendar quarter of 1990 and 1991?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, from the statistics available to the Department, the following figures refer to unemployed Gibraltarians over the age of 25:

March 1990 - 181	March 1991 - 187
June 1990 - 172	June 1991 - 174
September 1990 - 161	September 1991 - 343
December 1990 - 166	

As will be seen, Mr Speaker, all throughout 1990 and the first six months of 1991, the figures of unemployed Gibraltarians over 25 have not been subjected to significant fluctuations. It is however during the last quarter that I mentioned where an increase in the unemployed has occurred and as the House is aware, this has been due to a significant number of redundancies which took place during that period. These redundancies include those carried out by GSL and joint venture companies as well as some workers made redundant by the MOD. Redundancies as a result of the collapse of Air Europe and the Bank of Credit and Commerce International are also reflected in that period.

The available statistics as regards Gibraltarians under 25 are as follows:

March 1990 - 102	March 1991 - 116
June 1990 - 106	June 1991 - 137
September 1990 - 113	September 1991 - 216
December 1990 - 104	

As in the case of adults over 25, the increase in the final quarter for those under 25 is largely due to the redundancies. Many of these redundancies, but not all, have been on a voluntary basis and have involved payments of up to two years pay.

Clearly an abnormal increase of this nature cannot be immediately absorbed by the labour market particularly as the skills available do not necessarily match the vacancies that exist. For this reason Gibraltar has continued to import construction workers during this same period.

The Government is therefore placing emphasis on retraining as the way forward to bring unemployment back down to the levels that prevailed until June this year.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1991

HON P R CARUANA:

Mr Speaker, just so that I am clear, could the Hon Minister just confirm whether those statistics are separate in the sense that as at September, 1991, there were 343 over 25's unemployed and 216 under 25's so that there is a total of 559 Gibraltarians unemployed as at September, 1991?

HON R MOR:

That is correct, Mr Speaker.

HON P R CARUANA:

Can the Hon Minister say, as presumably he can and will, that he is concerned particularly about the large number of under 25 year olds who are without a job because presumably the Minister will agree that that is a number that is added to every year at the end of each academic year whereas the adult figure is presumably more stable? Is the Hon Member satisfied that the measures being taken by Government are effective in creating job opportunities which are capable of being filled by our young unemployed in Gibraltar?

HON R MOR:

Mr Speaker, let me say that until June this year I think the figures speak for themselves and that our Training Schemes have been successful insofar as the young people are concerned. I think the quarter up to September may give a distorted picture of the number unemployed because it reflects the number of school leavers who leave school at the end of the school year in July. They are reflected in August and even in September when they registered. So in a way, Mr Speaker, the December figures could provide a more accurate picture of what the situation really is.

HON P R CARUANA:

It was for that reason, Mr Speaker, that the question also asked for the present figures which the Hon Minister has not given me. I do not know if it is because he does not have them readily available? It was however specifically in order to show that the September figure although I am sure it would have been influenced by redundancies during the period would reflect school leavers for the first time. Does the Hon Member not think that there is a danger, if radical steps are not taken by Government, that this figure will be added to by next year's outtake of school leavers? And does the Minister agree that that shows an urgent need to make specific provision for the creation of jobs available to youngsters in Gibraltar?

HON R MOR:

Mr Speaker, as I said, the question actually refers insofar as they are disclosed by statistics, and the latest statistics that we have are, in fact, for September, we are now working on the October statistics which should come out quite soon. I accept that urgent measures should be taken but, in fact, they have been taken ever since we came into Government. One of the problems that we found when, Mr Speaker, was precisely that there was alarm at the growing increase in the young unemployed and that is when we introduced our Training Scheme which, in fact, absorbed a considerable number of the unemployed youngsters.

HON P R CARUANA:

Is the Hon Minister satisfied that the Youth Training Scheme is adequate as it presently exists to deal with the problem of this magnitude and potential increase in size?

HON R MOR:

Well, Mr Speaker, I do not think we accept that the problem is of such a magnitude. The only reflection at present is those redundancies which effectively took place in GSL and the joint venture companies and, as I said, in most cases many of these are voluntary redundant workers who have received up to two years pay. Mr Speaker, we are always running the Schemes in a way that we can adapt to whatever changes are needed at any time.

HON A J CANEPA:

Is not the Minister aware of the fact, Mr Speaker, that there are a number of school leavers who formerly would have sought employment, for instance, amongst the clerical grades of the Gibraltar Government and who are unable to do so now. These are not the sort of people who are going to go in for the Cadet Training Scheme and who therefore are not only now unemployed but whose prospects of finding employment in these areas of traditional employment are next to nothing. What does the Hon Minister propose to do in order to create opportunities for such people?

HON CHIEF MINISTER:

Mr Speaker, the policy of the Government is to encourage the creation of real jobs not the creation of artificial jobs in order to keep down the numbers on the dole because we believe that that is not a sound policy. It is a tempting policy for politicians to be able to say: "I expand the Civil Service and take people off the dole". That however does not create new wealth and simply means that you have people in the system who have to be supported by people who are productively employed elsewhere. We have to make it clear to people that, in our view, as I have explained in this House before, the central administration of the activities of the Government could be done with about 200 administrative workers and we have 500 at

present. Although nobody is going to lose their job it will be a long time before the Government needs to recruit. In fact, I believe this year we have recruited two Administrative Assistants and last year three and with a bit of luck next year we will manage with one. Therefore, people who leave school with qualifications must understand that what Gibraltar needs of them is not what Gibraltar can give them but what Gibraltar needs of them is that they should apply their brains and their skills in order to earn money for Gibraltar. The people in the Civil Service necessarily have to be paid out of the wealth created by the people in the private sector. There is no choice, Mr Speaker, there is no easy route. The only route open to the Government, as far as we are concerned, is to create jobs in other spheres. If there is an easier way of doing it we are all ears, Mr Speaker.

HON A J CANEPA:

I am aware, Mr Speaker, of young people who have obtained two or three 'A' levels but who are not going on to study in the UK and who have submitted fifty or sixty applications since June for employment in the private sector and who are not even being shortlisted for interview. When does the Chief Minister think that these people will be able to see the results of the Government policy of providing jobs? I sincerely hope that the Government's long-term policy, over the next years, will have far more success with the creation of a real jobs policy than what Mrs Thatcher had because she was telling us twelve years ago that what the Conservatives were doing was creating real jobs and now we have seen in the United Kingdom another huge rise in unemployment. I hope that that will not be the experience here in Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, I do not think one can say that the Schemes introduced by the Government of Gibraltar are comparable to what Mrs Thatcher was doing in the United Kingdom because, in fact, when the Hon Member was in Government he was giving school leavers £15 a week to waste a year in the Training Centre down at Landport and come out only fit to be labourers. We came into Government and we went from £15 to £60 a week. We quadrupled the rate and therefore that is not something Mrs Thatcher did to create jobs. The situation is that since 1988 something like 350 school leavers have been through the Training Programme and are now in permanent full-time employment in the private sector. I think we have a problem in a way, although it should not be a problem, but we have a problem in the way that the results of our educational system are better than the UK average. We produce more graduates per head of population than the UK does and we produce more people with 'A' levels and more people with 'O' levels. The fact that we produce people with those skills does not mean that at this point in time Gibraltar has a demand for so many people with that level of skill and in order to be able to have as large a proportion of Gibraltarians in white collar employment as we have had in the past, we need to have a much bigger industrial workforce in the private sector. Because if we look at the public sector, both in the Government of Gibraltar and in the

United Kingdom Departments, the ratio of white collar workers to manual workers is not what would be normally the case in a commercial enterprise and, I think, this is part of the problem that we have. If we look at the situation in the Government of Gibraltar, for example, we have a ratio of something like 2,000 white collar workers of which something like 550 are administrative grades as compared to 1,200 manual workers. So we actually have a ratio of 1.7 manual to 1 white collar. If you look at the UK Departments most of the shrinkage, for example, in PSA, which is an area where we are looking at over the next twelve months and which we are not very sure what is going to be left of its functions, there the shrinkage in the last ten years has been that PSA had something like 800 people of which something like 100 were white collar workers and 700 were manual workers and today PSA has got about 400 people and of those 400 people about 70 are white collar workers so in ten years the white collar jobs in PSA went from 100 to 70 and the manual jobs in PSA went from 700 to 350. One can see, because it is the very logic of the situation, if you have, for example, people involved in doing pay packets, in doing the back-up administrative work and you have a shrinking organisation then the headquarters overhead of the shrinking organisation does not necessarily shrink in proportion to the workforce. But when you are creating new businesses then you start off recruiting your workforce and then you put in your back-up. So you do not expect to have a situation where you have 70 white collar workers and 50 manual workers. If you employ 50 manual workers you would employ 10 white collar. So we have a situation where the proportion of jobs in the white collar field which existed in the public sector are not being replaced 1 for 1 in the private sector and will not be replaced 1 for 1 in the private sector unless the private sector gets much, much bigger because - (a) by the very nature of the situation, the situation in the public sector itself was lopsided because it was the result of shrinkage over a ten year period, and (b) because in any case there is a tendency in the private sector to keep a tighter control on overheads and a tighter control on support workers as opposed to production workers. So, for example, we would expect that if the shipyard reopens, as we hope it will, the proportion of white collar workers to manual workers is likely to be less than it was when GSL was Government-controlled which was a reflection of the situation that there was when the Royal Naval Dockyard was in existence. In 1985 what was created with GSL followed much closer to the MOD Dockyard than would be the norm in a purely 100% privately owned commercial shipyard. That is part of the problem. We need to generate many many more jobs in the private sector in the industrial field to be able to compensate for the non-existence of white collar jobs in the public sector that we have traditionally had.

MR SPEAKER:

I think we have really exhausted the question now. In fact, it has drifted as to Government policy regarding employment generally in Gibraltar and, I think, the explanation given by the Hon the Chief Minister, in my view, is sufficient. Next question.

NO. 64 OF 1991

ORAL

THE HON P R CARUANA

Why has the Government not entrusted to the Civil Service and to the Department of Labour and Social Security the administration and enforcement of the Register of Business Trades and Professions Regulations 1991; the employment (Workers Contractual Terms) (Information) Regulations 1991, and the Gibraltar Development Corporation (Employer's Insolvency) Regulations 1991?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, the Employment and Training Unit was created specifically for the purpose of dealing with new additional responsibilities as was reflected in the GSLP manifesto at the 1988 election.

The Department of Labour and Social Security did not have the resources to take on these added responsibilities and the Employment and Training Unit has taken this on with seconded Civil Servants.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1991

HON P R CARUANA:

Would the Hon Minister agree that the logical place for the Employment and Training Unit would be the Department of Labour and Social Security and not the Gibraltar Development Corporation?

HON R MOR:

Mr Speaker, if I agreed with that obviously we would not have gone ahead and set up an Employment and Training Unit.

HON P R CARUANA:

What resources are available to the Employment and Training Unit outside the Minister's Department which were not available to them inside his Department? The Hon Minister has said that he did not have the resources.

HON R MOR:

That is right, Mr Speaker. We do have the resources there which I do not have in my Department to carry out this responsibility.

HON P R CARUANA:

Would the Minister say why the Government found it necessary to create those Regulations? It does comprise important legislation, creating important powers of an administrative nature in favour of persons who are not within the Civil Service and does, I think the Chief Minister is preparing to answer the question and I will therefore redirect the question to him, does the Chief Minister therefore not consider that such powers would have been better created by primary legislation debated in this House?

HON CHIEF MINISTER:

Mr Speaker, the powers to which the Hon Member refers and which was the subject of a Press Release by him at the time, I am surprised to find that even at this stage he has not bothered to check for himself, because if he had he would find that the powers contained in the Regulations are verbatim a copy of the powers contained in primary legislation under the Employment Ordinance dating back to 1954. So no new powers have been created under the new Regulations which were not powers that the Government already had and which were available. The Government happens to be operating, Mr Speaker, through the Employment and Training Unit because that is the policy of the Government. The Hon Member cannot say that because we use as the vehicle a Civil Servant seconded to the Employment and Training Unit we are then taking new powers, no we are not, we are taking exactly the same power as there was in the law and in case the Hon Member does not know it, the law which was the law which allowed the Governor to appoint Labour Inspectors, allowed the Labour Inspector to be somebody necessarily other than a Civil Servant. So, in fact, we could have had throughout the Labour Inspectors we wanted since 1988 without introducing the Regulations. The only reason why the Regulations were required was, in fact, because it was being done not under the Department of Labour and Social Security for which no Regulations were required but it was being done in parallel with the Labour Department. Let me say, Mr Speaker, that of course the powers in the Regulations are powers related to the information that is required to be provided to the Employment and Training Unit obviously. That is to say, it is not that an Inspector in the Employment and Training Unit has got the powers to seek whatever information he wants and whatever subject under the sun, for example, he cannot go in and say: "Are you fiddling your tax returns?" because that is not the function of the Employment and Training Unit although it might be a useful question to ask. But what he can do is to say: "You have submitted information that you have twenty employees" - which is something he is required to do under the Employment and Training Unit - "and we believe that you have more than twenty people and therefore can I see your wage book to make sure that you have twenty which you claim to have". One of the things, of course, that the Regulations allows us to do, which the law since 1954 de facto has not allowed us to do since 1973, is to police employment levels of Community nationals and this is of particular relevance, of course, after December this year

when, I am sure the Hon Member knows, the transition period for frontier workers ends and they no longer require permits or contracts and therefore under the existing powers that we have had since 1954, the Labour Inspector in the Department of Labour and Social Security would not have been able to get the access to the information because, in fact, what the law is in Gibraltar, in keeping with Community law, is that Community nationals are able to take up employment in Gibraltar without the Government or the Labour Department or anybody else having a clue as to who is here and how many people we have, what they are earning and what they are paying. We are reasonably confident that the new machinery we have put in place to supplement the work of the Labour Department would produce the results and it seems to me, Mr Speaker, that the Hon Member opposite ought to be more concerned about how effective we are in eliminating the use of illegal labour in Gibraltar than in whether the Regulations that we passed in 1989 which, as I say, repeats the law approved in the Legco of 1954, is technically, as far as he is concerned, something we should have brought to this House or not. As far as we are concerned the policy of the Government is that we have given ourselves the power to do certain things by Regulations but in this particular case the Regulations simply reproduces the powers we already had.

HON P R CARUANA:

Mr Speaker, I am sure that the Hon Chief Minister is aware that the question relates to three sets of Regulations and certainly the only one to which his answer is capable of relating, in terms of referring back to the law as it was before he took power, is the ones relating to the Employment terms. The other two are new powers created under the Register of Business Names and Professions and the Insolvency Regulations. Mr Speaker, the Hon Chief Minister will recall that when he introduced the Gibraltar Development Corporation Ordinance in this House he said, and it is recorded in Hansard, that the Gibraltar Development Corporation was autonomous from Government and the Employment and Training Board is an organ of the Gibraltar Development Corporation. So what I ask the Hon Chief Minister is how he can stand in this House and say that the Government chooses to operate through the Employment and Training Board when the Employment and Training Board is not an organ of the Government? That is precisely the point of my question. The Hon Chief Minister misinterprets my point, if he thinks that I have any objection whatsoever to the substance of the Regulations. That is a matter of policy and I recognise entirely the Hon Members' opposite right to implement in this community, whilst they are in Government, whatever policy they choose. What I am concerned with, since he told me from across the floor what I should be concerned with or what I should be more or less concerned with, what I am concerned with is to preserve the legislative powers of this House and not to allow important legislation to be made behind closed doors through the process of Regulations which may constitute an abuse of the process of secondary legislation. The powers that are given to the Inspectors and to the Registrar under the Business Trades and

Professions (Registration) Regulations are not powers that existed in the Employment Ordinance before 1988. They are powers given under a new Ordinance brought to this House by the Members opposite.

HON CHIEF MINISTER:

Mr Speaker, the powers under the Employment (Workers Contractual Terms) Regulations are the only powers that were previously entrusted to the Department of Labour and Social Security. The question of the Business Trades and Professions (Registration) Regulations 1991 was something that when the Government introduced the original law in the House in 1988, obviously when the Hon Member was not so interested in politics as he is today, we announced then that this was not going to be done by the DLSS and we announced it in the House and it was intended then to be done by the Department of Trade and Industry.

HON P R CARUANA:

Another Government Department.

HON CHIEF MINISTER:

Yes, and subsequently the Employment and Training Unit was created before it came under the Gibraltar Development Corporation and it was a decision made later on this year but these are not decisions of policy but decisions of mechanics and the most efficient way to do it because at the end of the day if the Employment and Training Board, which operates under the umbrella of the Development Corporation and which happens to be chaired by the Minister for Education, were not doing the job the Government wanted it to do, the Government would simply remove the function from them and give it to some other entity that would produce the results that the Government wants. So the fact that a task has been entrusted to somebody does not mean that the entity or the individual, be they Civil Servants or otherwise, entrusted with that task are entitled to decide for themselves what they do and what they do not do. They may have a certain latitude as to how they do it and as far as we are concerned, Mr Speaker, we are convinced that the flexibility in terms of working methods of the Unit, the fact that we are able more freely to operate with people from different backgrounds which are not necessarily clerical and administrative but people from industrial backgrounds who are able to bring to an inspection of a building site the fact that they have been a PTO in the Government. A number of the people who are involved in the monitoring of this are people who were Instructional Officers in the Government. If we had done it with the traditional system of the DLSS, in our view, from the workload the DLSS was already loaded with in terms of other activities like Social Security and Pensions and so on, we felt that we would not be able to get the results we wanted. Let me say, Mr Speaker, that for us it has been a disappointment that it has taken as long as it has taken. We announced this in 1988 as a priority of the GSLP administration and something which we wanted to tackle at a

very early stage if, for no other reason, because we did not want to bring it in in November or December to be told that we were doing this because of what was going to happen in January, and we know what I am referring to. So therefore we wanted it done three months before so that there would be no question of any challenge on the grounds of discriminatory treatment. It is regrettable that we have taken so long to do it because we have been scratching our heads on what was the most efficient way to set it up. We believe that the machinery we have at the moment will give us the results that we want. But, of course, we have an open mind. We have listened to the representations of the Chamber of Commerce and we have taken on board some of their concerns. We have as a result altered the Regulations to reassure the Chamber about their worries that the confidentiality of the business would not be divulged. Therefore, Mr Speaker, if Hon Members opposite or anybody else have any suggestions to make to us which will make the machinery more effective and produce better results then we would welcome it.

HON P R CARUANA:

Mr Speaker, does the Hon Chief Minister agree that the difference, as far as we on this side of the House are concerned, between his colleague doing it in his capacity as a Minister of the Crown rather than as a Director of the Gibraltar Development Corporation Ordinance is succinctly encapsulated by the ruling that the Speaker has today reminded us of, I think, twice namely that you gentlemen opposite will refuse to answer questions relating to that matter because the Minister has the responsibility not as Minister but as Chairman or Director of a company.

MR SPEAKER:

I must call the Hon Member to order. The ruling of the Speaker has to be abided by and I will not tolerate in this House any reflection on the ruling of the Speaker. The Hon Member has every right, if he wants to, to bring a substantive motion to try and review that ruling but he cannot make any statement which reflects on the ruling of the Speaker.

HON P R CARUANA:

Yes, Mr Speaker, please accept my assurance that there is no aspersions on the ruling of the Speaker. However, the ruling of the Speaker makes it very important that the Opposition resists to its greatest possible extent the transfer of powers from politicians to companies because of the Speaker's ruling. That does not imply a criticism of the Speaker's ruling. It simply justifies and explains why I object to functions being transferred from Ministers to Company Directors.

HON CHIEF MINISTER:

Mr Speaker, with all due respect to the Hon Member opposite, what he has just said is complete nonsense. If we wanted to refuse to answer his questions about the Employment and Training Unit what does he think I have been doing for the last fifteen minutes?

HON P R CARUANA:

Not answering my question, Mr Speaker.

HON CHIEF MINISTER:

The fact of the matter is, of course, that the ruling, Mr Speaker, that has been made indeed not by you, as you pointed out, but by your predecessor, relates to companies engaged in commercial activities where Ministers are Directors or Chairmen of those companies by virtue of the fact that the Government has a shareholding in such a company. This is not what we are talking about. What we are talking about is that the policy which is being carried out by the Employment and Training Board is not the policy of the Employment and Training Board, it is the policy of the Government of Gibraltar and therefore the Government of Gibraltar does answer and is answering questions on it now. That is what I am doing, Mr Speaker. That is no different from the Hon Member saying: "Well, do we have a private firm of auditors engaged to carry out the audit?" Well, of course, the fact that we engaged a private firm of auditors to carry out the audit rather than have an Audit Department does not mean that we then turn round to the Hon Members opposite and say: "We cannot give you any explanation on the audited accounts of the Government because they are not being done by the Principal Auditor". It is irrelevant. So therefore the position is that the Employment and Training Board in carrying out the Regulations that have been published are carrying out the Regulations made by the Government of Gibraltar and obviously the Member opposite is completely free to raise any question about those Regulations. What he is not free to raise is questions like: "Does the Board meet in the morning or does the Board meet in the afternoon?" That is irrelevant. The Board is being given a job to do by us and either the Board is being successful in making sure the Regulations are being complied with or is not being successful. The policy of the Government of Gibraltar is something which the Hon Member can question and he can disagree and he can say that if he ever gets elected into Government he will change it. He can discuss the Regulations but not the machinery used.

MR SPEAKER:

Next question.

12.11.91

NO. 65 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Is it the intention or does Government have any plans to import Vietnamese labour into Gibraltar and, if so, what is the maximum number of workers that it will admit?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 65 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, did this matter feature during the talks held by the Chief Minister during his visit to Vietnam?

HON CHIEF MINISTER:

The Hon Member was not with me in Vietnam but the answer is no.

HON LT-COL E M BRITTO:

Mr Speaker, I assumed that as the Hon Chief Minister announced a policy of keeping his Ministers informed when he first took office that the Hon Minister for Labour and Social Security would be aware of what was discussed. But in any case, I thank the Hon Chief Minister for his reply.

HON CHIEF MINISTER:

Mr Speaker, I keep my Ministers informed of the things I do and not of the things I do not do.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Does Government agree that it is responsible for ensuring the adequate care of its elderly citizens, that this includes the provision, by Government if necessary, of an adequately sized, staffed and funded elderly persons residential home and, if so, does Government believe that it is fully discharging these responsibilities?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Mr Speaker, as I have already said in this House in October last year, it is Government policy to recognise our responsibility towards the welfare and care of our elderly citizens in Gibraltar. I stressed at the time that we categorised our elderly citizens in three groups. The first group being that which remains living within our community adequately housed and surrounded by friends and neighbours in a normal environment and being looked after by our community care and community nursing resources. The second group is that which requires residential home care and the third group are those elderly persons who require constant medical attention and are looked after by the Health Authority. As a matter of Government policy we are continuously investing in all three groups. In respect of residential care the Government has increased the subsidy to Mount Alvernia from £180,000 in 1988 to £305,000 during our term of office and it is the policy to continue with these increases.

The Government believes this policy is the best way of discharging its responsibilities within the resources available.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, I of course welcome the increase that the Government has made in the subvention to Mount Alvernia but is the Government aware that with the present level of subvention the Home is not making ends meet and that unless alternative sources of income are found for Mount Alvernia, because the Trustees are having to eat into capital in order to meet the recurrent expenditure of the Home, the capital available is going to run out within the next five years?

HON R MOR:

Mr Speaker, as we said in this House in October last year, we are in constant contact with the Board of Mount Alvernia and any problems are brought up by them and we discuss them and we see what we can do.

HON LT-COL E M BRITTO:

With respect to the Hon Minister, Mr Speaker, is he aware of the statement that I have made, that the funds are going to run out within the next five years?

HON R MOR:

No, Mr Speaker, we are not aware that that is the situation. As I say, we are constantly in touch with them and we always try to help them in solving problems.

HON LT-COL E M BRITTO:

Well, Mr Speaker, I put it to the Hon Minister that there is a bit of an ostrich attitude in what he has just said. Would the Minister consider it advisable that at his next meeting with the Board of Mount Alvernia he checks what I have just said and, I think, he will find that my statement is accurate and that I am, if anything, erring on the side of optimism and not of pessimism when I mention the figure of five years? Will the Minister also tell me whether his use of words "within the resources available" means that the subvention for Mount Alvernia is decided on what the Minister thinks is suitable and not what the Home needs in order to survive?

HON R MOR:

Mr Speaker, first of all, let me say that it is a matter for the Board of Mount Alvernia to bring the problems to us. The Hon Member made a statement earlier on that the capital would run out in five years, well that is the first I have heard of that. There was, in fact, a recent statement where they said that for the time being there was sufficient resources to carry on their commitment. What we are saying is that we do not have an open ended understanding to increase the subvention to whatever levels they may want. What I am saying is that at the moment we are increasing the subvention by some 15% every year which is exactly twice as much as the rise in the cost of living.

HON LT-COL E M BRITTO:

Mr Speaker, I would like to take the Hon Minister back to the spirit of the original question which is: "Does the Government agree that it has the responsibility for ensuring adequate care and that this includes the provision for the residential home?" If the Government has said that it agrees that there is that responsibility and that responsibility is at present being discharged by another party, the Board of Trustees of the John Mackintosh Trust, that responsibility implies that the Government should not be waiting for the Board to come and tell them that the funds are going to run out but should have a very clear idea of what the financial situation of the Home is. Mr Speaker, will the Minister agree with me that if he carries on increasing the subvention marginally above inflation, as he has said.....

HON R MOR:

Twice as much, Mr Speaker.

HON LT-COL E M BRITTO:

Twice the amount of inflation but still not enough, Mr Speaker. If he does that, due to the ostrich attitude that I mentioned before, instead of having in five years time to increase it by £45,000 he is going to have to find £ $\frac{1}{2}$ m in order to meet the cost of running it' Because it will no longer be able to be met from the capital left by John Mackintosh.

HON CHIEF MINISTER:

Mr Speaker, the Government is not responsible for controlling the costs of Mount Alvernia and no responsible Government anywhere in the world will say to an institution outside its direct control: "You can spend whatever you like and send me the Bill". I do not have an open cheque book with the signature of the Financial and Development Secretary and just need to fill in the sum. That is what we have made clear. That does not mean that we are turning our back on the old people at Mount Alvernia or outside Mount Alvernia for that matter. However, the cost of Mount Alvernia in the last three years has more than doubled and that is not a kind of situation which we can take in our stride. What we have done is, as the Hon Member can see, almost doubled the subvention in three years from £180,000 to £305,00 and what we have said is that we will guarantee that it will go up when we get re-elected and therefore if he expects us to make provision for five years that means that he is very confident that we are going to be re-elected not only in 1992 but also in 1996. I agree with him that we will still be here in 1997, in five years time. What we are saying is that the provision that we are planning for the next financial year is that we go up from £305,000 to £350,000. Therefore the Board in planning for the future knows that we are committed to increasing the subvention at an above average rate. That is to say, the subvention will be taking an increasing proportion of the total cost of Mount Alvernia every year because of the commitment that I have given the Deputy Governor when I have discussed the matter with him. In addition to that, the Board itself is looking at other ways, including comparing the organisation of Mount Alvernia with a typical equivalent institution in the United Kingdom because, in fact, at present the cost per resident is of the order of £10,000. It costs £10,000 to keep one person in Mount Alvernia. You could say because we have a responsibility for elderly people we will pay £10,000 or £20,000 or £50,000 or however many thousand pounds it takes. Well, the truth of the matter is that one cannot make that kind of commitment because that would require, effectively, a source of wealth which we do not have. Mount Alvernia has to compete with resources in other areas but in that competition for resources *prima facie* there is on the part of the Government a commitment that it will be getting a bigger share of the resources than other competing demands being made on Government finance and that is why we

are giving a commitment that irrespective of how well or how badly the budget may be doing, we are committed to increasing it by 15% per annum and therefore closing the gap between their income and their expenditure. But it is not the only thing that we are doing because we are looking at other ways, some of which have already been put into effect of easing the cost of employment by making use of resources available through the Employment and Training Unit which the Hon Member's colleague does not like so much.

HON LT-COL E M BRITTO:

Mr Speaker, I would just like to make the point finally or ask the Hon Chief Minister to accept, firstly that I entirely accept the point about not having a blank cheque available for Mount Alvernia or anybody else. On the other hand, will the Chief Minister also accept the very fundamental point that unless a way is found the 15% increase a year will not stop the financial deterioration? The Chief Minister knows that unless a way is found of stopping this gradual erosion of the capital, Government instead of having to find an extra £300,000 is going to have to find more than twice that amount every year in order to run the Home. Will the Chief Minister further accept that the Home cannot just close because there is a moral responsibility to the elderly therefore will he accept that there is a need for possibly greater liaison or more effective liaison with the Board? It appears at the moment irrespective of what the Chief Minister has said and irrespective of the increase in subventions that the Home is having to economise and is having to run on a shoestring to the possible detriment of future occupants and maybe even of present occupants?

HON CHIEF MINISTER:

No, Mr Speaker, I do not accept that the Home is being run on a shoestring otherwise three years ago it would have been run on half a shoestring because it is now spending double what it was spending three years ago. We believe that the study that is being conducted by the Board, which the Hon Member may know of or may not know of, I do not know, will show that in fact the preliminary information available to the Board of which I have been given some hint although I have not yet seen all the details, will show that in fact the ratio of resources per resident cannot be described as a shoestring because it is better than what is the case in the United Kingdom in the average Local Authority run Residential Home for the Elderly. Of course, you have some very luxurious places in the United Kingdom which are privately financed but that is not what we are comparing with because the institution here is highly dependent on public funds. We believe that the level of commitment, up by £45,000 next year and may be £50,000 or £60,000 the following year, together with other measures will be sufficient to bridge the gap. We must not forget, of course, as the Minister said in his original answer and as was said during the course of the motion, that as far as we are concerned we are not looking exclusively to Mount Alvernia when considering the elderly. We have a commitment which has also been stated in this House by the Minister for Housing

that something like 200 out of the 500 units in the Government Housing Scheme on the reclaimed land consists of one bedroom units because we feel that if we can accommodate elderly people within Housing Estates and within the community and they are sufficiently mobile to look after themselves then they may lead a more fruitful life than being institutionalised, and they prefer it. At the moment we have a situation where we do not have those houses and therefore really there is little alternative to either staying with your children or staying in Mount Alvernia or being hospitalised, if you are unable to really look after yourself. But we believe that the provision of a greater number of houses of one bedroom for the elderly, which will be practically rent free, may be a more economic way of looking after them and which will give them a fuller and more satisfying life. That we believe is a better policy to follow.

12.11.91

NO. 67 OF 1991

ORAL

THE HON DR R G VALARINO

Has Government considered changes in the way in which the present social and probation service and the psychiatric social workers are provided?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Mr Speaker.

12.11.91

NO. 68 OF 1991

ORAL

THE HON LT-COL E M BRITTO

What action does Government intend to take in view of the recent statement from the British Medical Association (Gibraltar Branch) that medical standards at St Bernard's Hospital could drop to third world country standards and will it explain the policy of the Gibraltar Health Authority on the appointment and dismissal of Hospital consultants?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 69 of 1991.

12.11.91

NO. 69 OF 1991

ORAL

THE HON DR R G VALARINO

Will the Minister state when the position of consultant gynaecologist will be filled?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, in view of the motion presented by the Hon Member opposite, I propose to deal with the questions when the motion is debated.

SUPPLEMENTARY TO QUESTION NOS. 68 AND 69 OF 1991

HON DR R G VALARINO:

Sir, I fully understand the position of the Minister yet I feel that anybody with the knowledge of Parliamentary Procedure would have probably waited until the Minister had answered the question before putting the motion which is coming.

NO. 70 OF 1991

ORAL

THE HON DR R G VALARINO

Will the Government consider the appointment of a full-time Consultant Radiologist with experience in ultrasound techniques?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Health Authority has considered this possibility. A study of the position was undertaken as recently as six months ago and the advice received was that on the current workload there was no requirement within the immediate future to appoint a full-time Radiologist.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1991

HON DR R G VALARINO:

Mr Speaker, so the Medical Authorities will continue their referral of cases to Spain for this sort of treatment?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, we are talking about the Consultant Radiologist. With the Consultant Radiologist there is no need to refer the matter to Spain, we are talking about x-rays and ultrasound.

HON DR R G VALARINO:

When ultrasound techniques like TAC, the matter will be referred to Spain?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, the only occasion when the matter is referred to Spain is when we are talking about the CG scanner but when we are talking about the Consultant Radiologist, we are talking about x-rays and ultrasound scanning and with ultrasound scanning we have the available equipment at St Bernard's Hospital.

MR SPEAKER:

Next question.

12.11.91

NO. 71 OF 1991

ORAL

THE HON DR R G VALARINO

Will Government adopt a policy in relation to HIV and Hepatitis B which states that all surgeons (including junior surgical personnel and dental practitioners) and anaesthetists should be tested every six months for HIV antibodies and that they should be vaccinated against Hepatitis B?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Answered together with Question No. 72 of 1991.

THE HON DR R G VALARINO

Will the Minister consider the vaccination of young adults against the Hepatitis B virus as is envisaged in the United Kingdom on the recommendation of senior advisers to the Health Secretary?

ANSWERTHE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, three years ago my Government introduced an immunisation programme by offering the vaccine, not only to the surgeons and anaesthetists, but to all employees of the Health Authority and the Prison Service. Any extension of this programme would take place if and when indicated.

The Health Authority is aware of the proposal in the UK to vaccinate children against the Hepatitis B virus. This proposal is still, however, under consideration in the UK and the matter is being kept under review in Gibraltar and will be considered if and when the UK takes a policy decision in the light of whether there is a similar requirement in Gibraltar.

SUPPLEMENTARY TO QUESTION NOS. 71 AND 72 OF 1991

HON DR R G VALARINO:

Mr Speaker, I thank the Hon Minister for that answer. She has really not answered the previous question, No. 71, which is to do with surgical personnel and dental practitioners.

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, I have answered the question that the Hon Member is referring to by saying that we instigated and we started an immunisation programme three years ago by offering the vaccine to all the different surgeons and the nurses that he has referred to.

HON A J CANEPA:

Is it voluntary then?

HON MISS M I MONTEGRIFFO:

Yes, Mr Speaker, that is precisely the point, that it is voluntary.

HON A J CANEPA:

The thrust of my colleague's question was that it should be a requirement. What does the Hon Minister feel about that?

HON MISS M I MONTEGRIFFO:

Mr Speaker, the reason why it is not a requirement is because we are in constant touch with the UK and they are not suggesting that we should follow the suggestion made by the Hon Member and that it should be offered on a voluntary basis and not made a requirement. If the UK were to suggest otherwise then we would look at the policy.

HON DR R G VALARINO:

Mr Speaker, may I quote from the Medical Defence Union in which it states: "In America a young woman was diagnosed as having AIDS in December, 1989. She claimed that her former dentist, who was by then dead, had infected her with HIV during a tooth extraction two years earlier. The Royal Australasian College of Surgeons has adopted a policy in relation to HIV and Hepatitis B which states 'that all surgeons and anaesthetists should be tested every six months for HIV antibodies and they should be vaccinated against Hepatitis B'". So that Australia is certainly taking a lead from the book. We have, on the other hand as well, on the other side of the world the problems that are now appearing in the States with both sporting idols and people who, again, and I quote: "Earlier this year when Kimberley Berkeley, a young Florida woman, began dying after she contracted the disease from a dentist who was infected, the nation took notice". I feel that this is the most serious epidemic that the world is facing in this decade, Sir, and that like we were the first to introduce the ECU into this world, we should be the first to take steps so as to protect our own people from the possibility of this deadly virus getting hold of the problem in Gibraltar.

HON MISS M I MONTEGRIFFO:

Mr Speaker, as I said in answer to the question, I think that we have gone a long way already to start the immunisation programme by offering it to individuals on a voluntary basis but it is a very difficult decision to take especially when the UK has not taken a policy decision on the matter to force people to be tested or vaccinated. There are in many instances, individuals who do not feel that they want the vaccination and, I think, that having started the vaccination and offered it three years ago, the Government has taken the lead but it is impossible for us to do what the Hon Member is asking when the professionals in the Health Authority are in contact with Authorities in UK and they are telling us that we should not, as a matter of policy, force people to be tested or vaccinated.

HON A J CANEPA:

Mr Speaker, is the Minister able to tell us what has been the response to the offer that the medical staff should be voluntarily vaccinated? What has been the response in the last three years?

HON MISS M I MONTEGRIFFO:

Mr Speaker, I think that I might be corrected but I think that the results have been that about 60% have declined.

HON K B ANTHONY:

Mr Speaker, could the Hon Minister inform me if the same criteria applies to blood donors? Because I am a blood donor and I was asked if I would mind being tested for HIV and I had no objection. Is it again voluntary or is it a case that if somebody does not want to be bloodtested they are not accepted as donors?

HON MISS M I MONTEGRIFFO:

No, Mr Speaker, if you are a blood donor the criteria is completely different and you have to be tested.

MR SPEAKER:

Next question.

12.11.91

NO. 73 OF 1991

ORAL

THE HON DR R G VALARINO

Will the Government consider naming the appropriate wards at St Bernard's Hospital after the late Doctors J J Giraldi, Henry Triay and John Cochrane?

ANSWER

THE HON THE MINISTER FOR MEDICAL SERVICES AND SPORT

Mr Speaker, the Health Authority has also been approached before with similar requests involving names of other prominent persons. Consideration will be given to the suggestion being made by the Hon Member in addition to those which I have referred to. Obviously, the Hon Member must understand that there are more names than wards.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1991

HON DR R G VALARINO:

I thank the Hon Minister for her reply. I feel that these were three doctors who did a lot for Gibraltar in their own time in their own speciality and I think prominence should be given to them and in many ways this is a way of decolonising some of the names that are at present within the Hospital wards.

HON MISS M I MONTEGRIFFO:

Mr Speaker, in my answer to the Hon Member's question I have not said no, what I have said is that it would be considered because the names that he has suggested are not the only ones that have been suggested to the Health Authority.

MR SPEAKER:

Next question.

NO. 74 OF 1991

ORAL

THE HON M K FEATHERSTONE

Has the new traffic scheme between Secretary's Lane and King's Yard Lane been successful?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the Police continues to monitor the situation and, to date, are pleased with the results. The Traffic Commission is also satisfied with the results.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1991

HON M K FEATHERSTONE:

I know the Hon Minister does not drive but does he realise the inordinate distance one has to travel to go north from Secretary's Lane?

HON J C PEREZ:

Yes, Sir, you only have to travel two minutes longer than normal by going to the junction by the Mackintosh Hall and turning left and come back towards Convent Place. That will take you about two minutes.

HON A J CANEPA:

Not now, Mr Speaker, does the Hon Member realise that you now have to go to Prince Edward's Road?

HON J C PEREZ:

Mr Speaker, that is only because there is much needed resurfacing works taking place as a result of how badly the Hon Member planned the resurfacing when he was in Government.

HON LT-COL E M BRITTO:

Mr Speaker, in respect of the distance but that detour also increases the amount of traffic that goes past the school in that area.

HON J C PEREZ:

No, Sir, it does not. Before you had traffic coming up from the Convent and turning right to go towards Prince Edward's Road and now all that traffic does not pass through there anymore. It is only traffic wanting to use that route to come north that uses it and it is far less than the one going south

up Prince Edward's Road. What it does do, Mr Speaker, and the purpose of the exercise is that because there is a no left turn at the Convent now, there is no queue reaching down to Secretary's Lane and Line Wall Road every time there is a car waiting to turn left. We have that turn left available a bit further up where we can have three lanes and traffic turning left can wait in the centre of the road thereby not hindering the traffic flow both south and north in that road.

HON M K FEATHERSTONE:

Is this a permanent innovation or is it really experimental?

HON J C PEREZ:

It is still on its experimental stages. We announced, Mr Speaker, that it would be given a six month trial and it will continue to be monitored. There are other areas in Gibraltar which will be subjected to similar exercises in the hope of improving further the traffic flow.

MR SPEAKER:

Next question.

No. 75 OF 1991

ORAL

THE HON K B ANTHONY

Will Government explain why they have allowed a large rubbish tip to accumulate in the old quarry just past the southern exist from Dudley Ward Way, when we have a local firm contracted to take rubbish to the Los Barrios tip, whenever our own incinerator is out of action?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the accumulation of rubbish which the Hon Member refers to is the site used by the contractor to load and compact the refuse so that it may be transported to Los Barrios. This operation is not carried out at the site of the present incinerator because there are still some people working there and on a previous occasion the staff complained that the accumulation was obnoxious to the point that they were unable to work.

As a result of the constant stream of refuse coming to the site throughout the day and because of difficulties in getting refuse across the frontier there will always be some refuse accumulation whilst this system of disposal is in operation.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1991

HON K B ANTHONY:

I thank the Hon Minister for his reply but I am rather puzzled as to how much backlog the company has to dispose of? Are the delays as bad as that?

HON J C PEREZ:

It depends, Mr Speaker. On occasions there are more delays than others. There are practical problems also because sometimes the company has several vehicles transporting the refuse and sometimes they have breakdowns of vehicles and on other occasions there are delays at the frontier. Therefore for reasons beyond our or their control there are delays. On other occasions the traffic on the road to Algeciras which leads to Los Barrios is very heavily congested and less loads are able to be taken on those days. There are also times when we have more refuse than is normal because we might have had a big influx of tourism that day and our refuse increases and this results in the accumulation of rubbish.

HON K B ANTHONY:

Would it be correct to assume then, Mr Speaker, that this rubbish dump is going to be in position until such time as the new incinerator is commissioned?

HON J C PEREZ:

Mr Speaker, I would not consider it a rubbish dump as such because on occasions the accumulation is nil or very little. But certainly the operation will continue from that site until the new incinerator is in effect, hopefully, according to the contractors, by the beginning of March.

HON K B ANTHONY:

Once the new incinerator is commissioned, who will have the responsibility for clearing the rubbish tip? Will it be the contractor that normally takes it to Los Barrios or will it be our own employees?

HON J C PEREZ:

What rubbish tip, Mr Speaker?

HON K B ANTHONY:

The rubbish at the quarry at the end of Dudley Ward Way. Who will clear that once the incinerator is commissioned?

HON J C PEREZ:

The present contractor will clear it completely once the refuse incinerator starts. We might have a situation where in the space of three or four days we have both operations in force.

HON K B ANTHONY:

So, Mr Speaker, the contractor will actually be taking it not to Los Barrios but to the new incinerator?

HON J C PEREZ:

To the new incinerator if that is feasible, yes, Mr Speaker.

MR SPEAKER:

Next question.

NO. 76 OF 1991

ORAL

THE HON DR R G VALARINO

With regard to GBC, I would be grateful if the Minister could provide information on the following points:-

- (a) will any further subvention be forthcoming
- (b) has a decision been taken on the scaling down of the operation, and if so, whether it involves a move to new premises?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES

Mr Speaker, the answer to part (a) is no.

The answer to part (b) is that already some employees have accepted voluntary redundancy and the restructure is still not complete. Negotiations continue between the parties concerned.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1991

HON K B ANTHONY:

Does the Government have a definitive figure of how far they want to restructuring to go down to?

HON J C PEREZ:

Mr Speaker, the Board of GBC held a meeting with me a couple of hours ago, during the lunch recess, and from a figure of expenditure of £2.2m which was the projected one if we had not done anything, we are now looking at a figure of £1.4m. So really the Board is expecting a decrease in expenditure in the region of £800,000.

HON K B ANTHONY:

Mr Speaker, I thank the Minister for that answer but it is not quite clear to me because he is talking in terms of figures rather than people and I am concerned with people. Has the Hon Minister got a figure of personnel below GBC is not prepared to go?

HON J C PEREZ:

Mr Speaker, X people equals X number of pounds, if the Hon Member were to look at the expenditure. If he is talking only about the question of voluntary redundancies then I can tell him that there have been eight or nine people that already

have accepted voluntary redundancy. The negotiations continue and that I cannot pre-empt the results of those negotiations. The Board is expecting more people to leave and that the saving is not only in manpower but in films as well. As a result of the deal with BBC there will be savings to the tune of £230,000 in films only.

HON K B ANTHONY:

I appreciate that answer, Mr Speaker, but I am still not quite clear in my own mind about one thing and that is that GBC is a television and radio organisation and therefore to maintain the service that they are providing at the moment with local input plus BBC relays, they must have in their own minds a minimum staff below which they cannot afford to go. Does the Minister have details of the minimum figure?

HON J C PEREZ:

No, Mr Speaker, as the House has reminded me on several occasions those responsibilities do not pertain to me. I can only advise the Board on what the position of the Government is in financial terms and then the Board is the one that with Management is trying to arrive at a figure which we can all agree and can live with.

HON K B ANTHONY:

Mr Speaker, can the Minister give this House any indication of how long these negotiations will continue because I know that many members of the staff of GBC - I am not going to say have low morale - but they are a little despondent because they are uncertain about their future?

HON J C PEREZ:

Mr Speaker, the Board expects everything to be ready by the 1st January, 1992. That is to say, the negotiations would have finished well beyond that date so that the decisions that need to take effect would have taken effect by the 1st January, 1992. Let me add that if Members see the supplementary expenditure they will see that money on equipment is being voted in this House and that that figure might increase further before we take it in December. So although the subvention technically will not have changed, that is to say, the policy of the Government continues to be that the subvention should remain the same, we are trying to arrive at a figure so that that continues to be the case and the cost of the restructuring and the cost of the new equipment as a result of the restructuring is being met by the Government and a total of something like £900,000 to £1m will need to be voted for that.

HON K B ANTHONY:

Mr Speaker, the Hon Member has mentioned the grant from the Government for new equipment. I have not raised it so far but having raised it, can I ask the Minister if he can give any indication of what that equipment is for?

HON J C PEREZ:

Mr Speaker, the money that is there already has been for the decoders and the equipment for an encrypted service because the BBC World Service would not have accepted us taking their programmes in any other manner. So in order to save something like between £250,000 and £300,000 on programmes, we had to invest in the first year in capital expenditure to be able to provide that saving on an annual basis.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Will Government say whether -

- (a) it is true that there was no Government Safety Officer on duty for a period of about two weeks this summer
- (b) it is satisfied that it has enough Inspectors to ensure that Building Regulations are being complied with in all Gibraltar's construction projects
- (c) it is satisfied that safety provisions at construction sites and work places are satisfactory and that this can be continuously ensured throughout Gibraltar by only one Safety Officer
- (d) it has any plans to employ more than the one Safety Officer employed at present?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the answer to (a) is no. It is not true that there was no cover for the post of Safety Officer for a period of about two weeks this summer.

As regards (b), the Government believes that there is an adequate resource of five Inspectors assisted by a Building Control Officer to ensure that Building Regulations are complied with in all Gibraltar's construction projects.

As regards (c), safety provisions at construction sites is the responsibility of the contractor. Any construction site which employs in excess of 50 employees requires to appoint a Safety Officer by law. the role of the Government Safety Officer is to police the Ordinance and bring to the attention of contractors any breaches of safety. Most of the current developments employ in excess of 50 employees and each has an appointed Safety Officer.

As far as (d) is concerned, there is currently a second Technical Officer employed on safety duties.

SUPPLEMENTARY TO QUESTION NO. 77 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, according to the Gibraltar Chronicle of the 5th August, during the period 12th July to 29th July when the Safety Officer, Mr Avellano, was on leave there was no Safety Officer in post because the Government were unwilling to pay

the extra charges to Mr Borge, the former GSL Safety Officer who normally covered for him. Is the Minister saying that this article is incorrect?

HON M A FEETHAM:

Mr Speaker, I am not answerable for what the Press says and I have answered the question.

MR SPEAKER:

I must tell the Hon and Gallant Member that the accuracy of a statement in the Press is just not acceptable. Really if the Minister wants he does not have to answer.

HON LT-COL E M BRITTO:

With respect, Mr Speaker, I have not asked the Minister to comment on the accuracy of the report.

HON M A FEETHAM:

Yes, you have.

HON LT-COL E M BRITTO:

Well, I have asked him to comment whether it is true or it is not true that during the period in question there was not a Safety Officer in place? I have referred to the Chronicle but I am not asking him to comment on the accuracy of the Chronicle, I am asking him to say whether it is correct or incorrect that between the 12th and the 29th July, 1991, there was not a Safety Officer in place?

HON M A FEETHAM:

Mr Speaker, I do not understand what the Hon Member is asking because I have already given the answer by saying no, it is not true.

HON LT-COL E M BRITTO:

I accept the answer from the Minister. Would the Minister or the Government care to comment, again, in that same issue of the Gibraltar Chronicle, on the denouncement attributed to the TGWU that denounced Government for, and I quote: "The total negligence and abandonment of safety provisions at building sites and work places"?

HON M A FEETHAM:

Mr Speaker, as far as that is concerned, again, I believe that people are entitled to say whatever they want to say. On the other hand, I do not have to justify somebody else's statement. I have to answer in the House and I have given the Hon Member a perfectly legitimate answer to all the points he has raised and I stand by that.

HON LT-COL E M BRITTO:

Mr Speaker, moving on to Building Regulations, we are told that there are five Inspectors and one Building Control Officer?

HON M A FEETHAM:

Yes, Sir.

HON LT-COL E M BRITTO:

The Hon Minister has said, Mr Speaker, that this is enough for Gibraltar. Has the Hon Minister any information as to how this compares to comparative developments in UK? Mr Speaker, what I am trying to establish is that in terms of the development that is going on in Gibraltar, at this stage, does the Minister have any information on how many Inspectors would be involved in an equivalent situation in UK?

HON M A FEETHAM:

No, Mr Speaker, I do not have such information. However, at the end of the day this is a matter of commonsense. Mr Speaker, most of the major development that is taking place, in the reclamation area, ie Westside, consequently the resources that are available there are adequate since the work is in a particular area. It is therefore quite easy for the Inspectors to move from one site to another to ensure that the Officers in each site are complying with the Building Regulations. It is as simple as that. We do not wish to create something which is not there.

HON LT-COL E M BRITTO:

Mr Speaker, let us proceed on the assumption that the Government is satisfied that it has enough Building Inspectors to do the job in question, would the Hon Minister comment specifically on the work being carried out in the reclamation and if we are building in Gibraltar to British Standards, or in the case of Spanish contractors, to Spanish Standards?

HON M A FEETHAM:

Mr Speaker, I will go further than that, we are building to European Standards.

HON LT-COL E M BRITTO:

Right, Mr Speaker. Is the Hon Minister then satisfied that correct plans are lodged with the Government and that these are approved by the Government before construction starts in all projects?

HON M A FEETHAM:

Yes, Mr Speaker, to my knowledge that is correct.

HON LT-COL E M BRITTO:

I take it from the Hon Minister's answer, Mr Speaker, that this has also happened in the case of Westside I and II?

HON M A FEETHAM:

Yes, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, have the Building Inspectors expressed any concern about any failures to comply with Building Regulations in Westside I or II, or any concern about the materials or products being used in Westside I or II failing to comply with Building regulations?

HON M A FEETHAM:

Not to my knowledge, Mr Speaker. However, if the Hon Member opposite is better informed than I am about something within my Department, then he should come clean and inform me what it is all about.

HON LT-COL E M BRITTO:

No, Mr Speaker, I am basing myself on a visit that I paid to the area.....

HON M A FEETHAM:

The Hon Member paid a visit to the area?

HON LT-COL E M BRITTO:

Yes, Mr Speaker. And as a totally unqualified person, in this field, and simply listening to, and talking to the work people on the spot, as well as on another occasion talking to prospective buyers, there seemed to be some degree of concern about some aspects of the construction. That is why I am asking the Hon Minister those questions, to see whether the concern that was being voiced by unqualified people has indeed been voiced by the Building Inspectors or other qualified people. I however take it that no such concern has been voiced?

HON M A FEETHAM:

No, Mr Speaker, no one has complained to the Government on the lines of what the Hon Member has just said. However, in terms of the purchasers and so on, Mr Speaker, the liaison that exists, as far as I am aware, between the purchasers' Committee and the Developers, and in which my colleague the Minister for Housing is involved, indicate that there is general satisfaction with the type of development that is taking place at Westside I and II. Mr Speaker, for the level of money that is being paid for the flats being built there.

HON LT-COL E M BRITTO:

Mr Speaker, I am referring specifically to the problem of water penetration and the possibility that this could become a serious problem within the first ten years of the life of the buildings especially in Westside I.

HON J L BALDACHINO:

Mr Speaker, I do not understand from where the Hon Member has obtained his information because I am in constant touch with the two Management Companies, which has Purchasers' representatives and I have not heard anything of what the Hon Member has said in the House. I would therefore be grateful, Mr Speaker, for the Hon Member to provide us with his source of information so that this may be clarified. I am now very interested in finding out about what the Hon Member is saying.

HON J E PILCHER:

Has he seen this in his walk arounds as well?

HON LT-COL E M BRITTO:

Mr Speaker, I am referring specifically to things like the quality and the variation in the colouring of facing bricks, the outside of the buildings, and I am referring to the - I have difficulty in choosing my words as an unqualified person - points in the building where the floors meet the outer walls because it is obvious that the joints show from the outside of the buildings and it seems that this could be an entry point for water at some stage. I am also referring to the lack of damp-proof courses in these buildings as well as referring, Mr Speaker, to the way the windows or the glass panes in the windows, appear to react especially at the higher levels, to mildly stronger winds like a normal levanter a couple of weeks ago. That, Mr Speaker, is what I am referring to and what I am asking about. I repeat the question, Mr Speaker, and would ask the Government if they are aware in any way of problems in these areas and if they are not aware, whether they would care to investigate whether problems could arise in the areas that I have mentioned?

HON M A FEETHAM:

Mr Speaker, in view of the alarming statement which the Hon Member has just made, and which has taken us all aback, what I am going to do is obtain a transcript of what the Hon Member has just said and pass it on to the Developers so that they hold an inquiry and get to the bottom of what the Hon Member has just said and find out whether it is true or not. Because, at the end of the day, Mr Speaker, it is the Developer's responsibility to ensure that he gets from the Contractor the type of development which is in keeping with specifications under which the Contractor has gone out to tender. It is not

the Government's responsibility. The Government is there to ensure that it meets the legal responsibilities for which it is liable under the Building Regulations. Therefore, Mr Speaker, I shall pass it on to the Developers.

HON LT-COL E M BRITTO:

Mr Speaker, the Government does have a statutory obligation to ensure that the Building Regulations are being met.

HON M A FEETHAM::

Of course they are being met.

HON LT-COL E M BRITTO:

One final point that I would like to make, Mr Speaker, is to ask the Hon Minister to check, particularly with reference to Westside II, whether Government is satisfied that only one central staircase in these blocks fully meets with the Safety Fire Regulations in the case of a fire in the buildings?

HON M A FEETHAM:

Mr Speaker, when a project is submitted, before it is considered and a decision made to proceed, the plans are submitted to the Fire Brigade, to the Public Health Authorities, etc and they give their views and the project is proceeded with only when they are satisfied with the plans. I am assuming that this has been done and the Chief Fire Officer is satisfied with the plans. If during the course of construction there is a deviation which is not in keeping with the plans, it is brought to the attention of the people involved in the project. Ultimately, if the project is not in keeping with what was originally accepted, it will not get a Final Certification of Fitness and then the houses would never be handed over.

HON LT-COL E M BRITTO:

Mr Speaker, I understand that entirely. However, Mr Speaker, from consultations that I have had with friends in the UK who are involved in the Fire Service, I am informed that buildings of that nature would not meet the standards in the UK with one central staircase and fire escape. That is why I am asking whether this point has indeed been certified as accurate and correct.

HON CHIEF MINISTER:

Mr Speaker, I think that it has to be understood that the political responsibility that we have is to employ qualified professional people who have a job to do and for which they get paid in the Public Service to ensure that the standards that are required in law are met. The fact that the Hon Member, in his ignorance as a layman, just like my judgement as a layman.....

HON LT-COL E M BRITTO:

Which I accept, Mr Speaker.

HON CHIEF MINISTER:

..... may meet friends who think otherwise is not something that we, as a Government, can take on board. As far as we are concerned, everything that the Hon Member has said will be passed on to the relevant authorities. However, from the position of the Government the fact that the building is going up, prima facie, is evidence that either some professional civil servant has done his job properly and the Hon Member's friend has not got a clue about what he is talking about or some professional civil servant is not doing his job properly in which case he should be disciplined for it.

HON LT-COL E M BRITTO:

Mr Speaker, I accept entirely the Hon Chief Minister's point on my technical ignorance but I think that he should also accept that my record in this House shows that I do not normally get up and make points like I have done this afternoon without having done a little bit of homework on them. I am satisfied, Mr Speaker, with the undertaking given by the Hon Minister that he will investigate.

MR SPEAKER:

Next question.

12.11.91

NO. 78 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Has any party political broadcast by any Government Minister used video or audio material belongong to, produced for or with the funds of any company in which the Government has a shareholding?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No, Sir.

NO. 79 OF 1991

ORAL

THE HON P R CARUANA

Does the Government agree with the recommendations of the Price Waterhouse "1992 Gibraltar Business Development Plan" that certain expatriate workers in Gibraltar be given tax concessions and, if so, will the Government give those same concessions to all taxpayers in Gibraltar?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Sir, there is no such recommendation. The Plan is based on providing incentives required to attract new businesses to Gibraltar in the light of the competition we face from other Financial Centres.

The Chief Minister has already said publicly that the Government therefore has been looking at results of an analysis carried out by Price Waterhouse. It is also based on seeing how in the developments leading to the Single Market in 1992 Gibraltar can provide facilities for companies to operate from a Gibraltar base, similar to that already existing in Luxembourg and which are already being planned for Dublin and Funchal. These would not be offshore companies.

It has nothing to do with the present offshore facilities and certainly nothing to do with the expatriate argument. It has to do with creating a real presence in Gibraltar under our economic base and creating jobs for local people.

Since the creation of such facilities everything else is accompanied by incentives to compensate for the cost of the move the proposals need to cater in this respect. It is not put forward as reforms to the Gibraltar Tax System.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1991

HON P R CARUANA:

I do not accept that the Report does not contain such a recommendation, but in any case it is implicit in the Minister's argument, would he accept in answer and does he accept, that the result will be that there will be individuals living and working in Gibraltar who will enjoy the benefit of a tax regime which is not available to other taxpayers in Gibraltar who if they are fortunate enough to enjoy similar income bands? Is that or is that not the result of that recommendation, if accepted?

HON M A FEETHAM:

The answer really is that we do not know what the result will be until we actually see whether the analysis and the objectives are achieved. That is to say, here is a genuine attempt to widen the economic base of Gibraltar by creating new businesses in Gibraltar, by attracting new work into Gibraltar so that we can begin the process of redistribution. Until we have done that we are always going to have the argument about the unemployment or what we are doing about this or what we are doing about that. This is a genuine attempt based on authoritative investigation based on analysis of what is happening elsewhere in the real world that we have to compete with in order to make Gibraltar as self sufficient as possible on its own resources. It is as simple as that. It is purely an economic consideration that has to be pursued as a matter of policy because we do not have any other alternatives and this is the first step in that particular direction. That there is a disparity as a result of this or an overlap process as a result of this, is unavoidable, it cannot be achieved any other way.

HON P R CARUANA:

Mr Speaker, does the Minister accept that for a tax system to be fair it must treat all taxpayers evenhandedly and in accordance with the same Rules? And does the Minister further accept that if we have in Gibraltar a situation where there is one category of expatriate taxpayer and another category of taxpayer which might be Gibraltarian and other expatriates who do not fall within the Rules, that you could end up with a situation like Hong Kong where you have the Europeans in Hong Kong and the Chinese in Hong Kong and you could end up being, in effect, second class citizens in your own homeland?

HON CHIEF MINISTER:

Mr Speaker, as far as the tax system is concerned we have had two classes of citizens in Gibraltar, of course, the working people who cannot avoid paying taxes on their incomes and the fortunate people who are able to determine what they declare. We hope to be able to do away with those two classes of citizens in the future. In order to do that we have to be able to increase the body of taxpayers who cannot escape the net. In looking at the conditions that would prove to be attractive to incoming new businesses and still be fair to existing taxpayers, we have tried to produce a level of incentives which in some respects, from the advise that we have been given as a Government, will represent them paying more taxes that is currently the case from some people who have been working in the offshore business for many years and have been successfully declaring minimal incomes in Gibraltar and being paid outside Gibraltar and not taxed in Gibraltar. We are assured that it is a relatively easy loophole in the system to exploit and that it is not just easy to exploit in Gibraltar, it is easy to exploit in a number of different other tax jurisdictions. I am sure the Hon Member knows much more about this than I do. I only have superficial knowledge of this and

I am depending on the advice of professionals in the field who tell me this. There is therefore no automatic right to being taxed at a particular level for any particular individual or attached to any particular nationality and, certainly, the analogy with Hong Kong is totally irrelevant since the difference in Hong Kong is between white and yellow men and here, in fact, it may be the yellow men who may be bringing in the money and not vice versa. So the situation is, Mr Speaker, if I can finish explaining it to the Hon Member, that we have been advised that in order to attract a certain level of business which may or may not happen, we do not know that it will, but we are certainly prepared to test the market although we have certain doubts ourselves as to whether in fact the package will generate the business that we have been told it could. The most senior people who have to advise, perhaps the owners, whether they should go to Dublin or whether they should go to Luxembourg or whether they should go to Funchal or whether they should come to Gibraltar, will inevitably be affected in that advice by their existing take-home pay and what we have been told is that if there is a Managing Director of a Fund Management Company earning, say, £50,000 a year and that Managing Director is currently paying £10,000 on that £50,000, if the fact that he comes to Gibraltar means he pays more than £10,000 he will then say to his employer: "I want to be reimbursed and therefore you will have to pay me more". That is the analysis that we have been told leads them to this conclusion and, therefore, if we want to attract that Fund Management group to Gibraltar or whatever, the headquarters of an Insurance Company or whatever, then we need to be able for a limited period to make provision for the relocation of that executive temporarily to Gibraltar to set up the operation within a time limit and that would also be subjected to taking up space in the offices in Gibraltar, living in Gibraltar and not up the Coast, creating a number of jobs in Gibraltar for local people. If all those things happened and at the end of the day we had people contributing of the order of £10,000 which, as I have said before in this House, with the present tax structure only a very limited number of people pay, then we believe that the effect of that income generation would be one that would lead us to be able to review the tax structure for others. But we are certainly not in a position to consider what we do with the tax structure for the rest until we are sure we are able to draw in fresh money from sources that we are currently not tapping. That is the position.

HON P R CARUANA:

Mr Speaker, does the Chief Minister not think that the answer to his rather cynical and now growing increasingly worn reference to some taxpayers in Gibraltar that may or may not be paying what they should, is that he should restore to the Income Tax Department the resources that he has deprived them of to investigate defaulters and that I really do not see what the connection is between making Gibraltarians pay whatever taxes they should be paying and giving tax concessions to others. Although I hear the second part of his argument which is that he regards it as an incentive. I would like him to

address, if he would be so kind, the nexus between the defaulting Gibraltar taxpayer and the visiting expatriate. Does he not feel that he has sufficient strength in the law and resources available to him to enforce the tax legislation as it exists?

HON CHIEF MINISTER:

No, Mr Speaker, because the flaw in the system has been there since time immemorial. It is not something that has happened in the last couple of years when the so called 'Investigation Unit' ceased to function. It was not producing results while it was in existence and, secondly, because there are a lot of clever lawyers like him around the place who are able to advise clients on how to get round the letter of the law and therefore tax avoidance is a perfectly legal mechanism and I am assured by people in the same profession as he is, with experience of the same clients, that this is a fairly common practice. If we were able, in fact, to prevent that practice some of those people might not stay here, they might go to the British Virgin Islands or to the Cayman Islands or wherever. It is a catch-22 situation.

MR SPEAKER:

Next question.

NO. 80 OF 1991

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry say what has been the response from the public by way of representations made to the Development and Planning Commission, following the exhibition of the Draft City Plan? Will he also say what is the current situation in the implementation of the final City Plan?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Development Plan Exhibition was attended by over 1,000 visitors in addition to school parties.

Twenty-two formal comments were received in the forms provided. Two submissions were presented by both the Gibraltar Conservation Society and the Gibraltar Ornithological and Natural History Society.

Apart from the objections received by the Gibraltar Conservation Society, it can be reasonably assumed that the vast majority of the public approved the Exhibition since they made no comment and much acclaim was received during their visit.

A report will be completed for discussion by the Development and Planning Commission at their next meeting to decide on the necessary amendments to the Plan to reflect the comments and objections received. The Development Plan is planned to be approved by the end of this year and become a statutory document for its implementation as from 1992.

THE HON LT-COL E M BRITTO

Taking into account the vague and generalised nature of the content of the Gibraltar Development Plan in respect of the development of areas such as the East side and Camp Bay and Little Bay, will Government undertake to allow further public participation and consultation in respect of such areas at the planning stage before final decisions are taken and not after work has actually started as happened in the case of the reclaimed land?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has been more forthcoming and the general public more aware about its development plans than has ever previously been the case.

The Government will therefore continue to press ahead with the development of Gibraltar within those principles embodied in the plan and in keeping with the public participation already taking place.

SUPPLEMENTARY TO QUESTION NO. 81 OF 1991

HON LT-COL E M BRITTO:

In other words, Mr Speaker, what the Minister is saying in answer to my question is no, he will not give the public further consultation?

HON M A FEETHAM:

I am trying to be kinder by providing a more reasonable answer.

HON LT-COL E M BRITTO:

But the Minister then accepts that he is saying no?

HON M A FEETHAM:

I am saying that I am keeping with the participation which has already taken place and the plans have already been approved by the general public.

HON LT-COL E M BRITTO:

Yes, Mr Speaker, but the Hon Member is missing the thrust of the question. Will the Minister accept that in respect of the areas I have mentioned there has been no public participation

because in the case of the East side the policy is that the East side zone will remain as primarily a leisure recreation area. A major land reclamation project for this purpose is proposed which will be centred around Catalan Bay and in respect of Camp Bay I will not read the whole thing but it is on similar lines.

HON M A FEETHAM:

That is right.

HON LT-COL E M BRITTO:

So therefore the public have been informed in very broad terms, Mr Speaker, but I am asking the Minister to accept that they have not been consulted and neither have they been given a chance to put any input into what sort of development actually takes place in those areas.

HON M A FEETHAM:

Mr Speaker, the Government can only go forward with general principles about the development policies it has for Gibraltar. In keeping with those principles the public within Gibraltar or outside Gibraltar can put a proposal for a particular area at any given time as we get virtually hundreds during the course of the year submitted to the Government. It is then up to the Government to accept what it considers to be a proper development for the particular area that is affected in keeping with those which have already been accepted by the public in the City Plan.

HON P R CARUANA:

Does the Hon Member not think that the people of Gibraltar deserve to have the same right to comment on specific development proposals as other citizens enjoy in practically every other country of Europe? I think that is the thrust of what my Hon Friend was asking. We all know what the development plan says, the question is obviously addressed to what it does not say. We are talking about specific development proposals into which Mr Public learns nothing until the building reaches the level where he can see it above the parapet wall around the building sites.

HON M A FEETHAM:

Mr Speaker, I keep being told that but in reality if you examine what the Government has done all the major developments which have taken place in Gibraltar have been announced literally months and months before the project has even been conceived in the sense that it has had final planning approval as part of the Government's information to the public. What happens after that is, of course, that the development goes through the planning process through the Development and Planning Commission which is widely represented today because even today the Government has accepted and there is already in the Development and Planning

Commission members of the Heritage Trust, something which has never been the case before, so generally speaking I am satisfied within the constraints of what Gibraltar has available for development. We are doing as much as we are able to and certainly nothing that should be decried in terms of what happens in the UK.

HON P R CARUANA:

Well, what opportunities, Mr Speaker, do members of the public have to examine plans and proposals in relation to specific programmes and buildings and what opportunities exist to the members of the public to make representations to the Development and Planning Commission before they have made their decision? Is the Minister suggesting that we have in Gibraltar systems such as exist in the United Kingdom and elsewhere where plans are open for public inspection and the public have a statutory period to make representations? Has he deluded himself into believing that that does exist in Gibraltar?

HON M A FEETHAM:

No, what I am saying is that I am satisfied that the policy that we are pursuing takes into account the principles which the Hon Member is trying to defend. There is as much public participation in Gibraltar as there is anywhere else in the United Kingdom, in my opinion.

HON P R CARUANA:

Nonsense, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, it may not satisfy the Hon Member opposite or the Conservation Society, for example, but then if I were to take note of all representations then Gibraltar would never get developed.

HON LT-COL E M BRITTO:

It is not really a question of satisfying the Conservation Society. I really must protest. Will the Hon Minister accept that he is asking us to accept something that just palpably is not so. When you talk about development and you talk about consultation, you talk about consultation at the stage where the public input can make some difference to what is going to happen. But the Minister is quite glibly saying that he is happy and satisfied with the situation where he can announce what is about to be done six months before but the decisions have already been taken and the only participation that is allowed is for people to comment and criticise but not to have any effect or make any changes on what is actually planned. If the Hon Minister is satisfied with that then he has no concept of what city planning is all about. And if he thinks that people like the Heritage Society and the general public are also happy with it then he is wrong.

HON M A FEETHAM:

Mr Speaker, it is a matter of opinion. But what is it that has happened in Gibraltar? We have reclaimed land on which houses have been built and upon which Europort has been built. Is the Hon Member saying that when Westside I and Westside II Schemes were brought forward to the Government that we should have consulted the people of Gibraltar about building those houses? That we should have gone through the process of months and months of consultation to satisfy a small minority of people in Gibraltar that all they are hellbent on is to frustrate the development in Gibraltar and to keep Gibraltar as an ancient museum because that is the argument. Because at the end of the day I am in constant touch with developers, with other representatives and we are all quite generally happy about the pace of development in Gibraltar and how we are going about developments in Gibraltar. What we cannot do is satisfy everybody. If the Hon Member has any specific point that he is not happy with why does he not say so instead of generalising?

HON P R CARUANA:

With the greatest respect to the Hon Minister, Mr Speaker, he is missing the point. The question is not whether any particular development is good, bad or indifferent and I am certainly not holding the brief of the Gibraltar Conservation Society. The fact of the matter is contrary to what the Minister has said, and I will not use the same unparliamentary language as his colleague used against me this morning, it is palpably not true to say that a citizen of the United Kingdom enjoys no more or less rights than a citizen of Gibraltar. The fact of the matter is that in the United Kingdom there is a well established system of town planning that enables citizens to gain access for inspection purposes of development plans and there is a period of time before the Development and Planning Authorities can given building consent during which the public is at liberty to make representations. Whether or not that is going to be abused by individuals or not is neither here nor there. The fact of the matter and, frankly, it is rather cheap and cynical for the Hon Minister to suggest that that system should not be available to Gibraltar because of the wonderful thing that they have done at Westside. Well, yes, they have done a wonderful thing at Westside but I do not think that that means that there is no justification for giving people a say in input albeit for a restricted period of time into what their town and what their city is going to look like in the future and, frankly, I think the Minister confuses one thing with the other, that is all I am saying.

MR SPEAKER:

That is enough now, we are really having lots of debates here today, questions are not being asked but statements are being made and I must draw attention to the House that this is not a debate where the speaker can talk as many times as he likes. It is a question of asking questions of fact not asking for

opinion or giving opinion. That is the basic foundation of Question Time in the House and I have been very liberal so far. I do so because I think it does serve the purpose of ventilating points but I ask Members to use some restriction and some self discipline themselves so that I have not got to intervene. Next question.

12.11.91

NO. 82 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Does Government have any plans or intentions to move any Government Department to Europort and, if so, which Departments and what is the estimated total annual cost in:-

(a) rent

(b) service charges?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 83 of 1991.

12.11.91

NO. 83 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Does the Government have any form of commitment with the developers of Europort to occupy or to procure the occupation by others, of space in that development and, if so, what is that commitment?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, there is no commitment as such. Government, however, considers because of the very nature of the concept of Europort and the part it will play in the future business development of Gibraltar, that the Department of Trade and Industry, which is clearly related with such activities, should be sited in these premises.

Europort along with other schemes, forms part of the basis of a broad marketing strategy for attracting new businesses to Gibraltar. In this respect the Hon Member will accept the importance of the success of these efforts.

The rental arrangements is a matter for the Government and the management of Europort and it considers it necessary to maintain that confidentiality. I am, of course, prepared to give details to the Hon Member opposite in confidence.

SUPPLEMENTARY TO QUESTION NOS. 82 AND 83 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, we will accept the information in confidence, for commercial reasons, obviously.

NO. 84 OF 1991

ORAL

THE HON A J CANEPA

Has Government taken a decision about the use to which - (a) Buena Vista Barracks, and (b) the former Officers' Mess of the Gibraltar Regiment at Buena Vista Road, will be put?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, the Government has not made a decision about the ultimate use of the properties in question.

However, in the short term, Buena Vista Barracks is to house a number of Dockyard related companies to make way for the construction of the Industrial Park and possible takeover of the Yard by a future operator.

SUPPLEMENTARY TO QUESTION NO. 84 OF 1991

HON A J CANEPA:

Mr Speaker, I am glad to see that Buena Vista Barracks is going to be put to some interim use although the dangers there of vandalism and the risk of fire are by no means as great because Buena Vista Barracks is within a security controlled area. But I am very anxious about the Officers' Mess building. I have to declare an interest in that I live nearby, I suppose, but I am very conscious of the fact that already it has been broken into and Land Property Services Limited had to take some steps in order to bar the windows and the danger is (a) that the building will be vandalised, what is a rather valuable building from the point of view of its character, it would be a great pity if it were to be vandalised and (b) there is also the danger of young people playing there and setting the building ablaze. By when does the Minister expect that a decision will have been taken about its use so that it is put to some kind of usage, if only on an interim basis, that will at least prevent vandalism?

HON M A FEETHAM:

I could not agree more with the sentiments of what the Hon Member has stated. We have a problem with things like this and we have the problem of the flats which have been handed over by the MOD that have to be policed and so on and maintained before they are handed over. But we do not have really, at this point in time, any idea as to what we are going to do with that building although we have already asked several departments and to see what we could actually use it for in the initial stages. But the ultimate use or what is going to happen to it we are frankly not quite sure.

HON A J CANEPA:

What is the actual position at the moment, is it still MOD property? Has it or has it not been transferred?

HON M A FEETHAM:

It has been transferred to the Government.

MR SPEAKER:

Next question.

12.11.91

NO. 85 OF 1991

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry make a statement regarding the East Side Reclamation Project?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, I am not in a position to make a statement at present but will endeavour to do so as soon as I am able to.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1991

HON A J CANEPA:

Can the Minister indicate, however, whether there is any reasonable level of interest being shown by prospective developers? Is the Minister in discussions with interested parties?

HON M A FEETHAM:

Mr Speaker, I think we made our policy very clear since we came into office that we are moving forward on reclamation from the point of view of building up a Land Bank for future development. It does not necessarily follow that we are going to do the reclamation today because somebody is interested in development. That is not the reason why at the moment we have not made a final decision, there are other aspects involved.

HON A J CANEPA:

So there is a possibility then that the Government will carry out some extensive reclamation, let us say, between the Caleta Palace Hotel and what used to be Both Worlds?

HON M A FEETHAM:

No, the area in question in what one would classify just for the sake of clarification, the phase I of the East Side reclamation would be between Eastern Beach and the beginning of Catalan Bay where already we have taken a form of reclamation to protect the road and so on.

HON A J CANEPA:

Then I do not think we are on the same wavelength. When I talk about the East Side Reclamation Project I am referring to the Project which he used to ask questions about when he was on this side.

HON M A FEETHAM:

We have looked at what we call the East Side Reclamation in its broadest possible sense and we have certainly gone further than the Hon Member did in his term of office and we are looking at a much more ambitious reclamation and consequently the first phase of that reclamation will be in the area that I have already described and pending on the success of that we will move into the second phase which incidentally is in the area that the Hon Member is talking about.

HON A J CANEPA:

Is the Minister able to give some indication about the sort of uses that would be permitted which that land would be earmarked for, would it be of a tourist orientated nature or residential?

HON M A FEETHAM:

It is already quite clear in the City Plan that what we are talking about there is leisure orientated activity in keeping with the traditional use of that area and the fact that all the beaches are there anyway.

MR SPEAKER:

Next question.

12.11.91

NO. 86 OF 1991

ORAL

THE HON A J CANEPA

Has Government decided to allocate the building known as the Sergeants' Mess in Governor's Parade to the Gibraltar Police Force?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, although no final decision has been taken in this respect the possible allocation of the Sergeant's Mess to house the Gibraltar Police Force is being looked at.

SUPPLEMENTARY TO QUESTION NO. 86 OF 1991

HON A J CANEPA:

But no final decision has been taken?

HON M A FEETHAM:

No final decision has been taken because there are quite a lot of things which need to be looked at, primarily the cost.

HON LT-COL E M BRITTO:

Is that, Mr Speaker, the only site being considered for the Police Force or is one of the reasons for the delay that other sites are being considered?

HON M A FEETHAM:

We have considered other sites but at the moment this would be the preferred option.

HON A J CANEPA:

Is it the preferred option for the Police as well?

HON M A FEETHAM:

Yes.

HON A J CANEPA:

The Minister gave me some undertaking when I raised the matter in the House previously that nothing would be done to that building that would destroy its character. Does that still remain a commitment?

HON M A FEETHAM:

That still remains and I think if we take it from the previous question as regards the Officers' Mess, one wants to look at some of these buildings and see what use we can make of them by converting them into something useful in the interest of the community. One of the things obviously is housing our own people.

MR SPEAKER:

Next question.

12.11.91

NO. 87 OF 1991

ORAL

THE HON A J CANEPA

Will the Minister for Trade and Industry explain why Government has decided to demolish Tower Buildings?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question No. 88 of 1991.

12.11.91

NO. 88 OF 1991

ORAL

THE HON LT-COL E M BRITTO

Will Government explain the decision to demolish Tower Buildings and say whether they could have been used in the short term as low cost Government rented accommodation?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, in December 1990 the Government commissioned a firm of consulting engineers to undertake a structural survey and produce a report on the structural condition of Tower Buildings.

In essence the report concluded that the super structure of the building had sustained considerable structural damage due to numerous factors such as the type of construction and materials used, thermal movement and extensive water penetration leading to severe corrosion of structural members. The order of cost for the refurbishment of this building was substantial with a very limited life.

Now that the building has been gutted and ready for demolition, more evidence of deterioration of the structure has been revealed indicating that the structure was in fact in a far worse condition than what had been indicated by the report and certainly put the building beyond economic repair.

SUPPLEMENTARY TO QUESTION NOS. 87 AND 88 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, is the Hon Minister aware that this is not the opinion of PSA? And that in the opinion of PSA there was a reasonable life left in the building?

HON M A FEETHAM:

No, I do not think that is the case and if that was the case why has the MOD not repaired all these buildings and left them there unused for a number of years, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, with respect, one thing has nothing to do with the other.

HON M A FEETHAM:

Yes, it has a lot to do with it, Mr Speaker, because here we have a situation where the MOD are handing properties to us that unfortunately we have to demolish because they are beyond economic repair. If the PSA behind the Government's back go or indicate to the Hon Member that they could be repaired, certainly it is not what they indicated to us and let me say that even if they were repaired for the limited period of time, the investment involved in the repair - of course, they get their money from the British Government to maintain British civilians on the Rock - but as far as we are concerned the level of cost of maintaining those buildings were higher than purchasing flats at Westside, Mr Speaker.

HON LT-COL E M BRITTO:

Mr Speaker, the Minister has talked about the limited life. Can he define what the limited life was?

HON M A FEETHAM:

Yes, ten years, Mr Speaker.

HON LT-COL E M BRITTO:

My understanding, Mr Speaker, was that the PSA considered there were twenty years left of life in the building and this was as a result of the survey that they carried out. Will the Minister confirm whether this report was made available to the Government or whether they have not seen the report I am talking about?

HON M A FEETHAM:

Mr Speaker, at the end of the day, to satisfy ourselves we contracted consultants paid by the Government to give us a professional advice and nobody would have been happier, I can tell you, than my colleague on my left to have been able to convert those Tower Buildings quickly into accommodation for people that are on the Housing Waiting List and social cases. But he argued for that and as a consequence of his argument we went in further on the consultancy side. The net result is a matter of judgement. It was far too costly and that is now substantiated by the fact that now that we are beginning to prepare it for demolition we have realised to what extent the study has been proved right, Mr Speaker.

HON A J CANEPA:

Will the Government confirm that they would like to have property handed over to them which could be used for people on the Housing Waiting List including social cases, who are never going to be able whether it is 50/50 or what have you to purchase a flat, and I say that because there are people in Gibraltar who think that the Government is demolishing housing units in order to force people into buying because if they do not force people into buying a lot of properties that are now

being developed are not going to be bought and are going to remain unsold. There are people who think as Machiavellian as all that and the fact that one tells them that from one's experience in Government one knows that there are a substantial number of social cases and low income families who will never be able to purchase a flat, does not seem to convince them. In other words, people seem to think that the Government has ulterior motives in what would appear to be a straightforward thing that you demolish a building because of the reasons that the Hon Minister has said.

HON M A FEETHAM:

I agree that that is the sort of comment that one hears, in fact, one has been told personally. For any Government Minister or, indeed, any Government collectively to demolish a building in order to assist a developer to make profit from the sale of houses would be stooping to the lowest level and certainly would indicate that the Government has no social conscience whatsoever. What the Government wants to do, in particular what my colleague, the Minister for Housing wants to do is resolve the housing problem once and for all and he has gone a long way down that road and nothing would have satisfied him more than having been able to allocate the houses to thirty families because, at the end of the day, what we are talking about is thirty housing units.

MR SPEAKER:

Next question.

12.11.91

NO. 89 OF 1991

ORAL

THE HON A J CANEPA

Has Government now taken a decision about the use to which the site that has been cleared as a result of the demolition of Cumberland/Tower Buildings will be put?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, no decision has been taken and neither is it a priority to do so.

SUPPLEMENTARY TO QUESTION NO. 89 OF 1991

HON A J CANEPA:

Can the Minister therefore, in view of the fact that there is no priority and assuming they are back in power after the next General Election, can he give some indication of by when a decision will be taken about the use to which this valuable site will be put and what do they propose to do in the interim?

HON M A FEETHAM:

In the interim, Mr Speaker, it will be used for parking. As a result of the advent of activities in the yard with a possibly new operator coming in and with the industrial park and so on, there will be a need for parking facilities in that area. As far as the development of the land itself other than for car parking, we have not given it any thought because it is too early and there are other priorities and land will be developed in keeping with the general policy of the Government at any given time. We really have not thought about developing that site.

HON A J CANEPA:

Has the Government received any proposals? Because I am aware of the fact that they are receiving proposals for all sorts of things, housing schemes on any piece of land that people can find and this is a very valuable site on which there could be a very substantial development.

HON M A FEETHAM:

we have received one or two proposals about housing development in that area. I question whether the site is as valuable as the Hon Member seems to think in the light of the industrial orientation of the Dockyard in the future.

HON A J CANEPA:

Can the Minister say, off the top of his head, what is it earmarked for in the City Plan? Is it included in the City Plan?

HON M A FEETHAM:

No, obviously once the buildings are there there will be a flat area, I would say to you that the best use we can make of it at the moment and for the foreseeable future will be car parking for that area and for the industrial park of the Dockyard.

MR SPEAKER:

Next question.

12.11.91

NO. 90 OF 1991

ORAL

THE HON M K FEATHERSTONE

When is it envisaged that Queensway will again be open to through traffic?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker, work has progressed steadily along Queensway with the laying of the 4 No. sewage pumping mains and 2 No. gravity water mains which have now reached the Ragged Staff area. On 11th November, 1991, the works will extend themselves to the Ragged Staff junction itself and it is intended that the junction will be completely reinstated by 11th December, 1991. From 11th November, 1991, to 11th December, 1991, Queensway will be opened to two-way traffic but Ragged Staff Hill will be closed thus making Queensway a dead end at Ragged Staff (two-way access to the Naval Base will be maintained).

On 11th December, 1991, all works in Queensway itself should be completed but will then be progressing up Ragged Staff Hill until 20th December, 1991, when all works will be reinstated to open up Queensway and Ragged Staff Hill for the Christmas/New Year's Eve break. On 6th January, 1992, Ragged Staff Hill will again be closed to complete the outstanding works which are scheduled to take some five to six weeks, that is completion on 17th February, 1992.

In parallel with the above, laying of telephones and electrical ducts will start at King's Bastion Generating Station in late November and proceed towards Ragged Staff junction and Ragged Staff Hill for completion by 17th February, 1992. These works will not necessitate the complete closure of Queensway as only half the road width will be closed at any one time.

SUPPLEMENTARY TO QUESTION NO. 90 OF 1992

HON M K FEATHERSTONE:

Do the works at Queensway include the provision of services to Wellington Front?

HON M A FEETHAM:

No, there is no infrastructure being put there for providing infrastructure to Wellington Front but it will be the easiest thing if in the view of the Government we needed to provide infrastructure to Wellington Front to be able to connect quite easily to the new infrastructure that is being made along there. If the Hon Member could be more specific.

HON M K FEATHERSTONE:

So it means that if Wellington Front is developed you will be digging up Queensway once again?

HON M A FEETHAM:

Not necessarily because the result of what we are doing is that we are laying infrastructure, particularly in those areas, in such a way that would quite simply connect to the main sewage and the main cables and that is already there.

HON K B ANTHONY:

Mr Speaker, on a point of clarification, the Hon Member has mentioned Ragged Staff Hill is to be closed. Has consideration been given to the use of this Hill previously by the Defence Fire Services, how will they operate? Will they have to go out through the Southern gate of the Dockyard?

HON M A FEETHAM:

Quite frankly I cannot answer what is going to be the mode of travel by the Fire Brigade at any given time under any particular circumstances. I can tell you that all the infrastructural works which are taking place insofar as it affects the general movement of traffic is done in conjunction with the team that has been set up to work alongside the works on infrastructure which includes the Police, the Fire Brigade, the MOD, and so on, and they are the ones who are responsible for advising and making sure that everybody knows exactly which way to go insofar as the essential services are concerned. But the good news about this is twofold, that we have now finished virtually with the laying of infrastructure along Queensway and it is only the tail end which affects Ragged Staff which is the final bit of the infrastructure works and we will have Queensway opened for Christmas and the whole of the infrastructure works will be completed by the 17th February. So by the 17th February we will be back to normal with all the infrasture works that have been laid out in Gibraltar in conjunction with the reclamation.

HON K B ANTHONY:

My concern, Mr Speaker, was simply that the Defence Fire Service, if my memory serves me right, deal with fires on the Upper Rock and they normally go up through Ragged Staff Road and now they have to go the other way round.

MR SPEAKER:

Next question.

NO. 91 OF 1991

ORAL

THE HON K B ANTHONY

Will Government state how many applicants were on the Housing Waiting List as at 1 November, 1991; how many were on the Waiting List on the 1 November, 1990; and their forecast figure for the number they anticipate on 1 November, 1992?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, the number of applicants on the Housing Waiting List as at 1 November, 1990, was 1,740 and at 1 November, 1991, the number was 1,013.

The Government cannot make a forecast for November, 1992, as this is affected by the release of accommodation by people purchasing new flats and the number of new applicants but it expects the position to be greatly improved by then.

SUPPLEMENTARY TO QUESTION NO. 91 OF 1991

HON K B ANTHONY:

I thank the Hon Minister for that answer and I am not asking for an exact figure but by November, 1992, presumably Westside I will be occupied. Would that be a correct statement?

HON J L BALDACHINO:

Mr Speaker, Phases I and II may be occupied but Phase III may take a bit longer.

HON K B ANTHONY:

Therefore in Phases I and II presumably a large number of the people who have purchased are already on the Housing Waiting List. Could these not be deducted from the current figure to give an indication?

HON J L BALDACHINO:

I have already done that for the Hon Member, Mr Speaker. The figure that is shown, as the Housing Allocation Scheme quite rightly states, is that if anybody has an interest in purchasing a flat. What has not been taken into account is the people who have paid the deposit are already shown in the figure I have given the Hon Member. The people who have paid a reserve fee have not been included in the figure and therefore there might be a difference in figures but they are already shown in the figure that I have given the Hon Member.

HON K B ANTHONY:

In that case, Mr Speaker, could I ask the Minister if he could give an indication, that in a year's time we will be down into the hundreds figure and out of the thousands?

HON J L BALDACHINO:

Mr Speaker, I cannot give him that assurance because it depends on a lot of factors. For example, how many people will be applying from 1 November, 1991, to November, 1992, and how many flats we will be getting back. How many people will be coming out from the Waiting List as a result? It is very difficult for me to judge or make a prediction unless I have a crystal ball. I am just a politician and I can only give the figures I have now. I think that it will be greatly reduced but I cannot say by how much.

MR SPEAKER:

Next question.

NO. 92 OF 1991

ORAL

THE HON K B ANTHONY

Following Government's announcement of the allocation of released MOD housing units on a rental/occupier maintenance scheme, will Government explain the criteria they will apply when deciding who will be allocated these houses; who will decide the maintenance standards, the Government or the tenant, and what will be the position if the maintenance is not carried out?

ANSWERTHE HON THE MINISTER FOR HOUSING

Mr Speaker, as already announced publicly and as stated previously in this House, the applicants for allocation of released MOD housing will be scrutinised by the Housing Allocation Committee and the selection will be decided by the Committee in the manner that will have the greatest impact on the Waiting List taking into account the circumstances of the applicants and the nature of the accommodation that is released for allocation to other applicants. The conditions attached to twenty year self-repairing leases for this property will be the same as the conditions that have applied until now to all other existing Government dwellings which are let out on twenty year leases. No new terms are being introduced.

SUPPLEMENTARY TO QUESTION NO. 92 OF 1991

HON K B ANTHONY:

The criteria is of Waiting List reduction and not on the maintenance to be done. But what will happen if maintenance is not done? Will the tenant be evicted or will Government repossess the house or will Government turn a blind eye?

HON J L BALDACHINO:

Mr Speaker, there have been other twenty-year leases in operation in Gibraltar for years. There are some people who have twenty-year leases and they themselves are owner/occupiers and there are twenty-year leases which private landlords have and then have leased out. If I can remind the Hon Member, one of the buildings is Danino's Ramp where after the lease expired it came back to Government and really should have repaired the property before it reverted back to the Government. Government has the power to have told the landlord that he had to repair it before he returned the property. So therefore properties on twenty-year leases must be in a

habitable condition if returned back to the Government at the end of the lease. Apart from that, Mr Speaker, what is going to happen with Elliott's Battery is that a Management Company will be formed and therefore the Management Company will have certain powers to see that the maintenance of the properties will be a collective matter and therefore I do not think that we will have the problem that the Hon Member is envisaging.

HON K B ANTHONY:

Mr Speaker, maintenance will then no longer be an individual responsibility of the tenant but of the Management Company?

HON J L BALDACHINO:

Mr Speaker, the outside of the building will be a collective responsibility of the Management Company. The inside of the house will be undertaken by the tenants themselves. This is not different to what happens in Government rented accommodation. In Government rented accommodation the tenants themselves are the ones who maintain the inside of their flats.

HON K B ANTHONY:

Mr Speaker, there have been reports that Elliott's Battery, and I have not seen the buildings so I do not know if it is true that they have been vandalised heavily during the year. Will they be brought up to a certain standard before they are handed over to the tenants or are the tenants supposed to rectify all these vandalised houses?

HON J L BALDACHINO:

Mr Speaker, already about a month or two back members of the Housing Maintenance Section have already been working at Elliott's Battery. The internal part of the flats are not in a very bad condition. They have not been vandalised to that extent. What has been vandalised is the inside of the building where furniture left over by the MOD and the external part of the properties. However, members of my Maintenance Section and other Sections like Electricity and Water Sections are now working on these properties because we had to provide certain facilities to those buildings which did not exist before because the MOD had a completely different system to ours. To that extent we are carrying out certain repairs.

HON K B ANTHONY:

One final question, Mr Speaker, amongst the vandalised items mentioned when this was announced were things such as water heaters, is the Minister saying that these were not vandalised and that they are alright?

HON J L BALDACHINO:

No, Mr Speaker, not to my knowledge. I have not seen any water heaters being vandalised. Let me tell the Hon Member that the water heaters that exist now in the buildings will not be able to be used in the future because they are water heaters that work with atmospheric pressure and are atmospheric fed by tanks. These work from tanks and the system once taken over by Government will be direct. So therefore on the question of water heaters, as far as I know no water heaters have been vandalised and in any case if they had been they could not have been used in any event.

MR SPEAKER:

Next question.

12.11.91

NO. 93 OF 1991

ORAL

THE HON G MASCARENHAS

Will the Government take steps to ensure that airlines who wish to fly to Gibraltar should do so all year round and not during the summer only?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

No, Sir.

THE HON G MASCARENHAS

Will the Government take any action regarding unilateral price increases by the scheduled airlines serving Gibraltar?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, the Government does not agree with the statement implied in the question which is that schedule airlines implement unilateral price increases.

SUPPLEMENTARY TO QUESTION NO. 94 OF 1991

HON G MASCARENHAS:

Mr Speaker, is the Hon Member aware that there has been a price increase in the last week and that that price increase is purely on the Gibraltar route at least as far as my information goes?

HON J E PILCHER:

Mr Speaker, I am aware of that, of course, but the question was "Will the Government take action regarding unilateral price increases?" Unilateral price increases means increase in prices across the board without there being a specific system and procedures used. There is a specific procedure which has to be used and which I can explain to the Hon Member opposite although I am sure he knows it already. The procedure particularly on cabotage routes there is a system and a procedure which every airline, particularly those using Gibraltar have to follow so it cannot be a unilateral price increase, Mr Speaker.

HON G MASCARENHAS:

Mr Speaker, is the Government satisfied with the system as the Minister has just explained?

HON J E PILCHER:

Yes, Mr Speaker, we are quite happy with the system as it applies. It is quite a comprehensive system on cabotage routes which gives the Government, the other airlines and various other parties who feel aggrieved, for example, Travel Agents, the right to object to price increases directly to the Government, for onward transmission to the CAA or whatever. The procedure gives specific time factors for this to be done. However, as a matter of policy, Mr Speaker, it is not Government's policy to get involved in price structures unless

we have monopolistic situations in which case we would have to be much more careful. This is not the case, Mr Speaker, with airlines flying to Gibraltar and we do not believe, unless of course it can be proved, that there is a specific need to get involved in price differentials particularly in such a volatile business, particular of late, as is the airline industry, Mr Speaker.

HON G MASCARENHAS:

Mr Speaker, in answer to Question No. 93 the Minister gave a robust 'no'. Therefore without wishing to imply that there is a monopolistic situation but if the situation were different and airlines who did not fly only in the summer travelled through to Gibraltar also during the winter months, might there not then be as many price increases?

HON J E PILCHER:

No, Mr Speaker, although the Hon Member opposite did not ask any supplementaries on Question No. 93, I have no difficulty at all, Mr Speaker. The Hon Member opposite knows, as not only as a member of this House for a very long time, but also as a businessman of his own right, that there is a traffic that can be generated at the airport during the summer months which if we did put a condition, which is what Question No. 93 implies, that they had to fly the whole year round, then the reality is that we would not have those airlines feeding Gibraltar in the summer either. I do not believe that because there is not this necessity for airlines to fly the whole year, that that means that we get a situation in winter where because there is a demise of these charter operations, because they are basically charter operations, the price structure then is increased in winter. They are two different seasons. In most cases, Mr Speaker, the Hon Member opposite knows that during the winter months, particularly, airlines, certainly both airlines feeding Gibraltar today on a scheduled operation, do make specific flexible packages because they wish to attract winter traffic. Although obviously there is not that much traffic in the winter as opposed to summer. So I do not believe that because we do not get all the airlines operating in summer to operate in winter as well, and if we tried we would not possibly have them, that that means that the prices would not have increased in winter, Mr Speaker, I would not agree with that.

HON G MASCARENHAS:

Mr Speaker, after having said all that, is the Hon Minister satisfied that an airfare today between Gibraltar and London should cost £131 and somebody in the United Kingdom coming to Gibraltar should pay £89? Does he consider that there should be that discrimination?

HON J E PILCHER:

Mr Speaker, I do not quite understand the question, perhaps the Hon Member could explain it to me.

HON G MASCARENHAS:

Mr Speaker, the airlines have introduced an £89 return fare from London to Gibraltar whereas that fare is not available from Gibraltar to London. A Gibraltar/London return fare today is £131 at the minimum. Does he consider that that discrimination is fair?

HON J E PILCHER:

No, Mr Speaker, I do not think it is a question of discrimination. The Hon Member obviously is sitting in this House as a Member of the Opposition but wears another hat as a member of the tourist industry and that is quite normal. The fact that airlines have fixed prices and that the airlines do flexible packages, tour operator packages, special incentives for particular times of the year, is quite normal. Mr Speaker, unless, as a Government, and this is Government policy, unless we felt that there was discrimination vis-a-vis not Gibraltar with Gibraltar but Gibraltar being treated by these airlines feeding Gibraltar differently to how they are treating their other destinations, then we would get involved, Mr Speaker. I have no proof at all that this is the case and certainly I do not see that the discrimination element comes into it because these are flexible packages used by airlines not in Gibraltar, Mr Speaker, but by airlines across the board everywhere in the world.

HON G MASCARENHAS:

Mr Speaker, is the Hon Member aware that the increases apply only to Gibraltar and that those airlines have not increased their prices anywhere else on their route?

HON J E PILCHER:

Yes, Mr Speaker, of course, I am. The Hon Member knows that part of the written application that has to be submitted before a price increase is made has to state the reasons. This is made to CAA, and then sent to the territory and therefore since in this territory it is my Department, the Civil Aviation Authority in an advisory capacity. I will repeat what I said to the Hon Member a moment ago. Unless we felt that those airlines were discriminating towards Gibraltar in a way that was counterproductive to Gibraltar then, Mr Speaker, we would make our feelings known. Not necessarily to the CAA, because we have a very good rapport with both operators flying to Gibraltar, both GB Airways and Dan Air, we could resolve our problems locally, Mr Speaker, and therefore I do not believe that they are discriminating towards Gibraltar and certainly the packages and the flexible packages that they are using are quite normal and I do not see anything wrong in them, Mr Speaker.

MR SPEAKER:

Next question.

12.11.91

NO. 95 OF 1991

ORAL

THE HON G MASCARENHAS

What steps, if any, is Government taking to attract more cruise ship arrivals?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question Nos. 96 and 97 of 1991.

12.11.91

NO. 96 OF 1991

ORAL

THE HON G MASCARENHAS

What steps, if any, is Government taking to attract more yacht arrivals?

ANSWER

THE HON THE MINISTER FOR GSL AND TOURISM

Answered together with Question Nos. 95 and 97 of 1991.

NO. 97 OF 1991

ORAL

THE HON G MASCARENHAS

Will the Minister for Tourism state how the Government will promote tourism to Gibraltar during 1992 and what expenditure levels he envisages for this purpose?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

Mr Speaker, I am sure that this House is aware of the four-year plan which was instituted by the Tourism Agency in 1988, since I have explained this in this House on various occasions and to the Member opposite in his private capacity.

This campaign takes into account the activation of specialist markets like yachting and aquatic leisure activities in general, although the overall campaign is one which creates awareness and interest in Gibraltar as a destination. This is then followed up by the Agency directly with the operators interested.

During 1992, the policy will have to be reviewed but this will be done after the next General Election.

SUPPLEMENTARY TO QUESTION NOS. 95, 96 AND 97 OF 1992

HON G MASCARENHAS:

Mr Speaker, at the possibility of accusing the Hon Member again of being the worst Minister for Tourism in the history of Gibraltar, that is not a satisfactory answer. Has the Government anything further than what the Minister has said in terms of promotion, seeing that tourism works in advance, as he well knows, is nothing earmarked promotionally for 1992? Or have I misunderstood his answer?

HON J E PILCHER:

No, Mr Speaker, the Hon Member has not misunderstood my answer at all. My answer is quite clear. There is a four-year advertising plan which ends in 1992. The end of which will be the autumn/winter and winter/spring campaign which is part of the four-year plan which leads us into summer of 1992. So that is the end of the four-year campaign which is what I have explained. What will happen after that, ie for autumn 1992, Mr Speaker, is something which will be reviewed after the next General Election to see what, if any, new plans there will be for the overall advertising of Gibraltar.

HON G MASCARENHAS:

Mr Speaker, it is possible to have a General Election in June 1992, therefore the Government would not be in a position to take decisions as regards promotional activities in tourism until July at the very earliest. Mr Speaker, is the Minister not concerned that having had a disastrous sojourn as Minister for Tourism that he should do a little bit better now?

HON J E PILCHER:

Mr Speaker, the answer is quite clear and I certainly will not allow the Hon Mr Mascarenhas to lead me into advising him when the General Election will be. I think the answer is quite clear. If the scenario painted by Mr Mascarenhas is that we run into June or July next year and we still have not had an election then, obviously, I will have to review the answer that I have just given him and this I will do in the House of Assembly next June.

MR SPEAKER:

Next question.....

NO. 98 OF 1991

ORAL

THE HON A J CANEPA

Will the Minister for GSL make a statement about the state of the negotiations to try to find a new operator for the yard?

ANSWERTHE HON THE MINISTER FOR GSL AND TOURISM

At this stage, Mr Speaker, the Government is not able to make any public statements since negotiations are still proceeding and any comments might be counterproductive. A full public statement will be made when and if a contract is awarded.

Mr Speaker, that is the end of my written answer. I would just like to add that I do not want this to sound as if I am trying to keep the truth away from the House. We are, as the Hon Member I am sure knows because it is public knowledge, in the final stages of negotiations with Kvaerner and we hope that we will have something over the next two or three weeks. But, obviously, I cannot give a public statement because we are in the middle of detailed technical discussions on many aspects which include legal aspects, Mr Speaker.

SUPPLEMENTARY TO QUESTION NO. 98 OF 1991

HON A J CANEPA:

Mr Speaker, one other matter that I am concerned about regarding delays is the possible deterioration of the facilities particularly over the winter months.

HON J E PILCHER:

No, Mr Speaker, because one of the decisions which we took when we agreed to cease operations was to keep behind a maintenance group - the maintenance group was kept behind in July and is still working in GSL and we are spending money to make sure that none of the assets deteriorate. We have a maintenance group employed on a temporary basis, obviously, but looking after all fixed assets and equipment in the yard to make sure that this does not happen, Mr Speaker.

HON A J CANEPA:

Mr Speaker, obviously if the negotiations are successful the Minister will make a public statement to that effect. But recalling that we may be back in the House in December, would the Minister agree if the public statement that he were to make were to be deemed insufficient, would he agree, if asked

to do so, to make a statement here in the House in order to give Members an opportunity to pursue the matter? It may not be necessary because whatever he says in public may be more than enough.

HON J E PILCHER:

Yes, Mr Speaker, if by the time we come back to the House in the early part of December there has been a public statement which is what I have just intimated to the Member opposite, obviously, if that is not enough, for Hon Members of the Opposition then I will be more than happy to answer questions or make a statement on the matter.

HON A J CANEPA:

I am grateful for that, Mr Speaker.

12.11.91

NO. 99 OF 1991

ORAL

THE HON A J CANEPA

Will Government explain what is the current situation on the transfer of MOD lands?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 105 of 1991.

NO. 100 OF 1991THE HON P R CARUANA

Since the Government took office in March 1988 how many official overseas visits have been made by Government Ministers and -

- (a) what has been the total cost to public funds of these visits, and
- (b) how many of these visits have been funded wholly or partly by:-
 - (1) local entities (other than Government) or individuals, and
 - (2) foreign entities or individuals?

ANSWERTHE HON THE CHIEF MINISTER

As I made clear in 1988 the Government gives a high priority to the promotion of Gibraltar externally and provided for the first time in the 1988 budget specific funds for this purpose. The position is therefore that we have tried to limit the cost to Government funds of the external promotion of Gibraltar as much as possible and keep within the amount budgetted in each financial year. The trips that have been undertaken by myself and other elected members of the Government and by the Attorney General and the Financial and Development Secretary have in the main involved the use of these funds and the total cost to public funds for each of the last three years is of the order of £40,000 and is shown in the Estimates of Expenditure. In addition to these funds in most cases part of the cost has been met by the entity that has been involved in arranging the visit and acting as host. We ourselves have got funds for this purpose in the Estimates of Expenditure when we are receiving visitors from abroad and indeed the amount that we spend on visitors to Gibraltar is more than the amount that we have spent on the visits by members of the Government to overseas countries.

There has been practically no involvement at all by local companies or individuals in financing these trips but in future we hope that this will change. At the moment the Government is in discussion with a number of local companies in order to coordinate better the efforts of the Government and the private sector in promoting Gibraltar internationally and we expect that by pooling our resources and coordinating our efforts we will be able to get a better return on the investment we are making in this direction.

The ones that have been wholly met by the Government with no contribution at all from any other source are those

concerned primarily with the United Kingdom or with Commonwealth functions that is to say the visits to London to meet the Government Ministers and Foreign Office officials have been financed entirely by the Gibraltar Government, as has the participation of Gibraltar in the Commonwealth Finance Ministers' conference and in the International World Forum in Crans Montana. Practically all the visits which have been in connection with trade promotion have involved some contribution from the trading partner in the countries that we have visited. The participation of Gibraltar in the Commonwealth Parliamentary Association Plenary and Regional Conferences have been met partly out of public funds and partly out of CPA funds.

It follows from the above that a large share of the average annual budget of £40,000 has gone to meet the cost of wholly financed trips. In each of the last three years I have made an average of four trips to London to meet Ministers, one to attend the Commonwealth Finance Ministers Conference and one in respect of Gibraltar's participation in the International World Forum where Gibraltar takes part as a state in its own right. In addition, I have made a total of ten trips in three years to open Gibraltar Information Bureau Offices in as many different countries.

An average of eleven trips per annum over the past three years have been made altogether by other Government Ministers, including the Financial and Development Secretary and Attorney General, to take part in promotional trips, the opening of Gibraltar Information Bureau offices or participating in professional International Conferences on legal and financial matters.

As the House will appreciate, the picture I have presented, details of which I have given previously in the House, gives an order of cost and average of trips because we do not have a precise and accurate figure for all the trips. Detailed figures are included in Government Accounts and can be extracted if needed but this would involve a considerable amount of work.

SUPPLEMENTARY TO QUESTION NO. 100 OF 1991

HON P R CARUANA:

Mr Speaker, I am grateful to the Chief Minister for the trouble that he has put into compiling that answer and I hasten to add that in principle I have no objection to private entities defraying the cost to the Government of Gibraltar of the promotional work that the Government does. But I do feel equally strongly that such contributions, such funding of overseas visits by Ministers of this Government ought to be declared under the Register of Members' Interests because I think this House and, indeed, the people of Gibraltar, are entitled to know who is providing benefits in kind of whatever kind or financial support to individual Ministers. So, Mr Speaker, the question is not intended to be critical in the sense that any of the practices may be ones with which we disagree but I would ask the Chief Minister by way of supplementary (a) whether he does not consider that those contributions should have been registered under Members' Interests and, (b) forgetting history, whether he does not agree that it would be proper for them to be registered in the future in accordance with existing resolutions of this House, as I have very recently discovered?

HON CHIEF MINISTER:

Well, Mr Speaker, the answer is obviously that we do not think that this involves a declaration of interest because as I explained back in 1988 when the matter was raised in a question, No. 164, the position was that the Government of Gibraltar in seeking to limit the cost to public funds was getting an advantage to the Government budget and not to the individual Ministers. That is to say, it is not that Ministers are going on jollies paid for by private sector investors who in return may or may not get favours from the Government which could conceivably lead to the conclusion that people are getting benefits in kind which they should declare. As I understand it, the Register of Members' Interests is intended to preclude that risk or that suspicion by making sure that, in fact, there is a record of the gifts that Members get which is open for inspection by anybody. That is my understanding, Mr Speaker, if I remember correctly, when we decided in this House many years ago when I was sitting on that side, to introduce the system of having a Register of Members' Interests following the UK practice. As I understand it, when we debated and I am sure we can look back on that debate, the nature of the debate was that that was the purpose for which the Register was and therefore, since as far as we are concerned that is not what we have been doing in the last three years, it has never occurred to us that one should say: "I have just come back from Hanoi and I stayed as the guest of the Vietnamese Government in the Government Guest House where I could have been much more comfortable if the Government of Gibraltar had actually paid for me to stay in a hotel". I do not actually feel that I particularly benefited from being in a room without air conditioning, with a certain utilitarian

aspect but I know that it saved Gibraltar money and therefore I am happy to have done it. I can hardly think that that is something that I must then come back, Mr Speaker, and say to the Clerk: "Will you now please note that I have just saved Gibraltar £x of hotel bills by staying in the Government Hostel in Hanoi which is what I have just done in my last trip". What I am saying is that the nature of the savings to the Government in the main, in the last three years, has been something like the cost that we have met in the vote for visiting delegations. For example, if MEP's come to Gibraltar we actually pick up the hotel bills. Whether those MEP's or those Members of Parliament would then be required in the House of Commons to declare such an interest as "On a Parliamentary visit as the guests of the Government of Gibraltar, the Government of Gibraltar hosted our visit and paid for our meals and our hotel". That, Mr Speaker, is certainly a view of the Register of Members' Interests that I have never come across before. But we would not wish to do anything that was contrary to the spirit or the letter of the law and I will check whether, in fact, the Hon Member's view of the purpose of the Register is more accurate than mine and, if it is, we have no difficulty in doing it because we do not have any inhibitions about it. We are very conscious of the fact that what we are doing is the correct thing to do because we are committed to making these visits and if we did not, frankly, pass some of the cost to somebody else it would just cost the Gibraltar budget more money. Since we are very conscious of the fact that we are saving Gibraltar money by getting the host country to look after us when we are staying abroad we do not think it is a bad thing to give publicity to this fact and we are quite happy to publicise the fact that we are doing it.

HON P R CARUANA:

Nevertheless, Mr Speaker, for whatever it might be worth, I have to say that I disagree with the Chief Minister. I think he has too narrow a view of what a Minister of the Crown should be subsidised by private interest for and what he should not be and I make no aspersion and no allegation of any particular Minister in any particular incident or that there is any such incidence. The fact of the matter is that the existing Regulations of the House require to be registered overseas visits relating to or arising out of membership of the House, whether the cost of any such visit has not been wholly borne by the Member or by public funds. I am not saying that we ought not to try and get the Japanese and the Hong Kongese and everybody else to pay for him. All I am saying is, having done it, the resolutions of the House, as I think they are, clearly subject to intepretation, require that to be registered and I think it is only fair because I think the Members of this House and the general public should know who is entertaining Ministers of this Government and who is not for those purposes. I used the word "entertainment" but not in the sense of jollies but in the sense of paying for the cost.

HON A J CANEPA:

May I say, Mr Speaker, as Chairman of the Select Committee that reported to the House and recommended that we adopt the system and as Chairman for a number of years of the Standing Committee on the registration of members' interests, that we were guided entirely by the practice in the House of Commons of the registration of members' interests which was in abeyance because we adopted it in Gibraltar after recommendations which had been made for the House of Commons had been left in abeyance for a number of years. But that the practice that has been adopted in the House of Commons would not, to my recollection and I have not had much to do with this matter for the last three years, the practice would not be such a wide one as the Hon Member has indicated. In other words, I do not think that the Committee that I chaired would have expected a Member of this House who goes on a private visit abroad partly funded by some private interest to come back and tell the Clerk: "Please put that in the Register". If a Member were to be sponsored on a regular or were to go and visit as part of what could be a quasi consultancy then he would be expected to register that. For instance, in the House of Commons a TWGU sponsored Member of the House who regularly goes on visits abroad which are paid for by the TWGU because it gets some benefit from the visits made by that Member of the House of Commons, then that Member would be required to register those interests. This is my understanding of the practice and therefore not such a narrow view. As I say, I am out of touch with this and I do not know what has happened in the House of Commons in the United Kingdom in the last few years. But the resolutions adopted here were on the basis of a report that had been produced for the House of Commons in the United Kingdom and which we adopted.

HON P R CARUANA:

Mr Speaker, I am mindful of your earlier ruling about putting my statements into question form. The fact of the matter is, would the Chief Minister agree, that the sort of thing that the Hon Leader of the Opposition has just been describing in financial sponsorships, is a separate heading? There is a separate heading for financial sponsorships. As I say, I raise this point but I would be extremely surprised to find that a Japanese company could pay for the overseas visits of the Minister of State for Trade and Industry in the United Kingdom without that being registrable because that is precisely the sort of thing that the Register of Members' Interests is designed to record.

HON CHIEF MINISTER:

I do not agree with the Hon Member. In fact, I have said that we have not registered any such visits with the Clerk because to our knowledge that was not something that was expected should happen. We have no evidence that it had ever happened. From my recollection of being in the Opposition when the Register was set up it was not intended that the Register should operate like that. But, in fact, we will take advise on

the views of the Member opposite and if his views are closer to what is expected than ours and since we have nothing to hide, it will just mean more work for the Clerk. We have no inhibitions about this. Therefore it is not that we are refusing to do it or that we have attempted to avoid such an obligation. I am saying that if either the letter or the spirit of the law requires that we should do this we have no problem in doing it. But I have to point out that the Member's question was: "How many of these visits have been funded wholly or partly" and I have just given him the example that on my last visit partly meant my saving money by staying in a Government Hostel instead of a Hotel. How taking inferior accommodation is then something that needs to be declared as declaring an interest is something that I am rather surprised at? But, certainly, I can assure the Member that the thought that we should be doing it had never crossed the mind of either myself or of any of my Ministers.

MR SPEAKER:

I think I must put a stop to this. If the Hon and Learned Mr Caruana thinks strongly about this the best way is to put a motion and bring it to the House in which the whole matter can be raised.

HON P R CARUANA:

Mr Speaker, I accept what the Hon Chief Minister has said about what he proposes to do.

MR SPEAKER:

Next question.

THE HON P R CARUANA

What in the opinion of the Government are the detrimental effects of the fast launch tobacco export trade on:-

- (a) the young Gibraltarians involved
- (b) Gibraltar's international image and reputation
- (c) the development of the finance centre
- (d) the development of the tourist industry?

MR SPEAKER:

Before the Chief Minister answers the question I would like to make an observation. It is obvious that this question blatantly infringes on Standing Order 17(vii) which obviously I knew and have allowed. I however have to make the observation that under that Rule, the Government cannot be asked to express an opinion. However, because the subject is topical in Gibraltar, I have allowed it to come to the House and I leave it to the judgement of the Government whether or not they wish to answer it. But if they do not they are acting totally correctly under our Standing Orders.

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, the view of the Government on this is as stated twelve months ago.

SUPPLEMENTARY TO QUESTION NO. 101 OF 1991

HON P R CARUANA:

Mr Speaker, presumably having answered the question I may now ask supplementaries?

MR SPEAKER:

You may wish to ask supplementaries. I have allowed it to come to the House because as you have noticed my policy is to try, if possible, to ventilate, as far as is possible at Question Time, subjects which I think are of great public interest and therefore I have been allowing such things all the way through, not just at this meeting but also before although trespassing the Rules. I think that the ultimate result brightens discussions in this House.

HON P R CARUANA:

Mr Speaker, I would be obliged if the Chief Minister would bear with me. I am not aware of his answer of twelve months ago or where it is recorded. I can take him through the question on the basis of supplementaries. The Hon Chief Minister can humour me by restating his opinions on the matter.

HON CHIEF MINISTER:

No, Mr Speaker, I do not see that I have any obligation to restate my opinions on the matter. The fact that on the 23rd October last year the Hon Member was not leading the Party, although he was a member of the Party, he should know that the then Leader of the Party, Mr Peter Montegriffo, asked me virtually an identical question. I was willing then to express my opinion in this House and therefore I feel the Hon Member is entitled to seek my opinion twelve months later just in case I have changed my opinion in the intervening twelve months. I do not think he is entitled to say to me that because he did not bother to do his homework or because he was not sufficiently interested in either politics or in the tobacco trade twelve months ago to even know that the question had been put that I should now have to repeat it for his benefit. All he has to do is get the Hansard of the 23rd October, 1990, and he can read it for himself.

HON P R CARUANA:

Mr Speaker, if the Chief Minister for one reason or another does not wish to state publicly again his opinions on this matter I may be forced to raise it on the adjournment tomorrow.

HON CHIEF MINISTER:

No, Mr Speaker, it is not that I do not wish to state my opinion. It is that if the Hon Member takes his job seriously in the House then he is expected, as far as I am concerned, to do his homework like I used to do when I was in the Opposition. It is not good enough that he should come and ask for opinions, which the Standing Orders says he is not allowed to do, that on top of that he should expect me to read him last year's Hansard because he cannot be bothered to read it himself. That is not good enough.

MR SPEAKER:

Information which is available in existing documents cannot be the subject of questions. That is also under the Standing Rules. So the Hon Member can, in fact, quite easily read it from the Hansard. According to the Standing Rules, with regard to raising the matter on the adjournment a Member has to give notice before 5 o'clock the previous day so, unfortunately, as far as tomorrow is concerned the Hon Member cannot raise the matter. However, the Hon Member can raise it later on when we meet again.

HON P R CARUANA:

Yes, Mr Speaker, I will raise it at the final adjournment.

HON M A FEETHAM:

Mr Speaker, it is quite ridiculous that the Hon Member should do that.

HON P R CARUANA:

The Minister may think it is ridiculous but it is exactly what I propose to do.

MR SPEAKER:

Next question.

THE HON P R CARUANA

Why has the Government not established a Public Accounts Committee of this House, as existed before this Government took office, so that the finances of the Government can be scrutinised on a current basis by the House as is the practice and function of the House of Commons and Parliaments in other democratic countries?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I am afraid the Hon Member again fails on accuracy. The Public Accounts Committee of this House did not exist before this Government took office, the Public Accounts Committee of this House was discontinued in 1984 by the previous Government because the GSLP, as a matter of party policy, was not prepared to participate in the Public Accounts Committee and therefore the Government of the day, the AACR, discontinued it in the face of the unwillingness of the Opposition to use that machinery.

HON A J CANEPA:

May I add, Mr Speaker, that we were not exactly falling over ourselves with enthusiasm to participate ourselves, having regard to the experience of the very many lengthy sessions between 1980 and 1984.

HON CHIEF MINISTER:

Yes, Mr Speaker, I was going to come to that point. In fact, we came to the conclusion that it did not serve a very practical purpose from my own experience prior to 1984. We still subscribe to that view in Government. We have therefore not reintroduced it in 1988.

SUPPLEMENTARY TO QUESTION NO. 102 OF 1991

HON P R CARUANA:

Does the Chief Minister accept firstly that the question is not inaccurate because it does not specify the date before which that existed? It remains entirely accurate and it did exist in 1984 before the Government took office albeit that the Government did not take office until 1988. Does he also accept that it deprives Members in Opposition, at least those who are interested in wasting their time in dealing with the work of that Committee, of a tool with which to examine the

finances of the Government, indeed, by summoning civil servants and whoever might be necessary to provide information?

HON CHIEF MINISTER:

Mr Speaker, as I pointed out to the Member opposite, it is clear that the inference in the question is that it existed before this Government took office and consequently by implication that this Government brought it to an end. It did not exist before this Government took office because, in fact, it was brought to an end by the previous Government. If the Hon Member also considers that it is a legitimate way to say that everything that existed from 1704 until 1988 is something that this Government is responsible for then I suppose he is entitled to have that view. What I am saying is that we felt, in Opposition, that it was not something that we were prepared to support, in fact, we found, as I said, when I was the sole representative before 1988 when the Committee was in existence, I refused to have anything to do with it and therefore the position is very clear. The GSLP, as a matter of party policy, does not think it serves a useful purpose and we do not accept, in any case, that it is the role of civil servants to be subjected to grilling by Members of the Opposition because as far as we are concerned we answer in this House and to the Opposition. Mr Speaker, even when Civil Servants make mistakes about which we may know nothing about and not agree with, we still feel that the anonymity and the independence of the civil service requires that it should not be subjected to grilling by Members of the Opposition. It was a view that we have consistently held and defended in Opposition and, of course, our party has a record of saying the same thing in Opposition as in Government so the Member should not be surprised.

HON A J CANEPA:

Mr Speaker, does the Chief Minister not agree that the wasting of time on the part of Ministers consists in that, as opposed to the United Kingdom where there are backbenchers, here because we have no backbenchers Ministers would be required to be members and that it is a waste of time because Ministers have to ask civil servants information and therefore what in effect used to happen was that the two Ministers who had to be appointed so that the Committee was not lopsided were just there in attendance whilst the protagonists were Members of the Opposition? That is where the waste of time came in. Does the Chief Minister not agree?

HON CHIEF MINISTER:

Mr Speaker, I find that my own experience of it when I was in the Opposition was that, in fact, it did not prove a fruitful vehicle. It tended to get not only Ministers but even Opposition Members bogged down in interminable lengthy hours consuming debates on trivia and certainly I opted out of it a

very long time ago for that reason and therefore it is a line that we took as an Opposition party that we would say to the Hon Member opposite when he was sitting on this side of the House, that it was up to him to provide us with the answers and the information in public debate in the House. And it was his business to find the information from the civil servants. Certainly, from our experience of the last three years of Government I can tell the Member opposite that we would not have the available free time to get involved to the extent that they were involved in the Public Accounts Committee as a Government without sacrificing a lot of work that needs doing. We are, in fact, hard put to do all the things that need to be done without giving up that time. In fact, even the concept as it was originally set up, which was a concept of a bilateral Committee of both sides of the House, looking at the Accounts is one that would be unacceptable to us purely on the practical grounds of the time that it would take up from our experience of the time it took up of their time when they were in Government.

MR SPEAKER:

May I advise the Hon and Learned Mr Caruana that there is, of course, nothing to stop him of proposing the formation of a Public Accounts Committee in a substantive motion if he so wishes. Of course, the whole matter can be ventilated then in a proper debate. That is entirely up to him. What I do not want him is to feel frustrated that he has not been able to express a view as to why there should be one. We do not want to start a debate.

HON P R CARUANA:

Mr Speaker, I would not wish to waste the time of this House by proposing a motion since it appears that my party will be the minority of two.

MR SPEAKER:

Next question.

12.11.91

NO. 103 OF 1991

ORAL

THE HON A J CANEPA

Will Government -

- (a) say whether the Regulations enacted on Insolvency on the 22nd August, 1991, under the Gibraltar Development Corporation Ordinance are in compliance with EEC legislation or directives, and
- (b) explain why they chose to do this by Regulation instead of by enacting primary legislation?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker,

- (a) I am advised that the provisions contained in the Regulations comply with the EC Directive on Insolvency, and
- (b) the policy of the Government is to give effect to community legislation by Regulation and not by primary legislation.

SUPPLEMENTARY TO QUESTION NO. 103 OF 1991

HON A J CANEPA:

So it could have been by primary legislation but the Government chose to do it by Regulation?

HON CHIEF MINISTER:

We feel, in fact, that particularly in the case of giving effect to Community law in Gibraltar where we have been told on more than one occasion in the past in the House that where there is a conflict between Gibraltar's laws and the Community laws that Community laws, in any case, overrule the local law, that giving effect to Community law by Regulation is simply recognising what is already a legal reality.

HON ATTORNEY-GENERAL:

Mr Speaker, may I also add in an endeavour to assist the question posed by the Hon Mr Canepa, that Section 4 of the European Communities Ordinance applicable in Gibraltar in any event gives the power for Regulations to be made to give effect to any EEC law to which Gibraltar is subject. As far as I am aware, Mr Speaker, that provision has not yet been used in Gibraltar but it is available for Government to use at any time should it so wish.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Does Government intend to enact legislation making jury service compulsory for women?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, is the Government aware of the call from the Womens' Association for this to happen?

HON CHIEF MINISTER:

Yes, Sir.

HON LT-COL E M BRITTO:

Thank you, Mr Speaker.

HON A J CANEPA:

Mr Speaker, will the Chief Minister say whether it is possible for enthusiastic members of the Opposition who have a great deal of time available to devote to matters of this House, to introduce a Private Members' Bill if they seek the leave of the Government?

HON CHIEF MINISTER:

Yes, I think it would be possible if somebody felt very strongly about it to introduce a Private Members' Bill and we would certainly allow the Bill to proceed so that the matter could be debated although we would not necessarily support it because we have strong views as well on this subject.

MR SPEAKER:

Next question.

NO. 105 OF 1991

ORAL

THE HON A J CANEPA

Will Government make a statement about press reports alleging that the MOD will be selling certain properties on the open market, instead of transferring them to the Gibraltar Government?

ANSWERTHE HON THE CHIEF MINISTER

The position of the MOD is that in accordance with the 1983 Lands Memorandum the transfer of freehold land was not modified from the arrangements entered into in the Lands Memorandum of 1968 and the despatch of the 18th March, 1974.

The position of the Gibraltar Government since 1988, has been that independent of such exchanges between Her Majesty's Government and previous administrations, it is not acceptable that land not required for defence purposes should be sold to developers in competition with the Gibraltar Government and private developers.

It is the view of the Government that all land whether leasehold or freehold, continues to belong to the Crown and should automatically be transferred to the Civil Authorities when no longer required for defence purposes.

Discussions continue with the UK Government to attempt to reconcile our differences on this matter and avoid a confrontation on this issue.

SUPPLEMENTARY TO QUESTION NOS. 99 AND 105 OF 1991

HON A J CANEPA:

Is the Government satisfied that those properties which the MOD allege to have been purchased on a freehold basis, that that is the case? That they are freehold?

HON CHIEF MINISTER:

The record that the Government itself has does show them as freehold. For example, in the particular case of Block 'E' there is actually a bill of sale for something like a few hundred pounds going back to the last century between some private businessmen and the MOD for the sale of the land. There seems to be a situation where some of the property can

be demonstrated to have been purchased by the MOD from private owners, as in this case, and some of the properties appear as a Crown freehold for no apparent explanation. But the view that we have been taking consistently is that, in fact, the situation of the ownership by the Crown does not alter from the fact of the transfer of the land from the Ministry of Defence to the Government of Gibraltar. That is, it continues to be Crown Land and therefore our view is that if it is a Crown freehold in the name of the Ministry of Defence, it continues to be a Crown freehold in the name of the Government of Gibraltar because, as everybody knows, even the new buildings in Westside I and Westside II at the end of the day, are Crown leases which His Excellency the Governor signs for the people who have purchased their flats.

HON A J CANEPA:

May I say to the Chief Minister that the Government has the support of the Opposition for the line that it is taking on this matter notwithstanding the fact that back in 1983 we concluded the 1983 Lands Memorandum, which was in many respects, of course, an advancement on previous Lands Memoranda. This is a matter on which we have been progressing and as the circumstances so dictate, as they do now because the MOD are pulling out in a very dramatic fashion, and that if we were in Government we would be taking the same view that the Government is taking. They therefore have our wholehearted support on this matter. In respect of freehold properties which the MOD can show that they were purchased from landlords in return for some payment, is the Government taking the view that it is not prepared to pay at all? I would also like to know if the Government were to be given first option, rather than the MOD compete on the open market of purchasing for a sum that would be in consonance with what the MOD may have paid in the past. Would they be prepared to consider that? Or is it that the Government is saying: "We are not prepared to pay" and are taking the position that if it is no longer required for Ministry of Defence purposes it must be handed over to the Crown in its civil capacity? In any case, I think it is terrible that the MOD should be intending to do business in the open market thereby competing with the Gibraltar Government or competing with owners of land. I think, Mr Speaker, that as a principle that is abominable.

HON CHIEF MINISTER:

Mr Speaker, the position is that we are not prepared to pay. I think as a gesture of goodwill we might be willing to give them back the couple of hundred pounds they paid in the 19th Century in order to avoid a confrontation but I do not think that is what they are looking for. They have made it clear to us that, of course, they are prepared to give us first option to purchase at market value. "Market value" in a market the size of Gibraltar is very difficult to judge and in any case, as we see it there are frankly grounds to challenge that

opinion. The advice that we have for challenging that legal interpretation that the Ministry of Defence adopts in respect of Crown Property, not least of which is the fact that they are talking about land, and they intend selling buildings anyway, so if one analyses the fact that a building is on a plot of land and it is the tenure of the land that is either leasehold or freehold then the question of the building does not arise. Because at the end of the day when they bought the land, in the 19th Century, Block 'E' was not there. So what we have here is a piece of property which is over sixty years old and which therefore if instead of it being on the plot of land that is freehold it had been on the piece of land next door then under the 1983 Lands Memorandum and under the 1974 Declaration and under the 1968 Memorandum it would have to be handed over to the Government of Gibraltar because the building is over sixty years old and that has already been established for a very long time. Therefore, it is only because the ground on which the building is sited is shown on the records as being Freehold land instead of Leasehold land, that they feel that they have the right to put the building on the open market and sell it. And let me add that it would be for a sum of money which, frankly, we feel is a very mean thing on the part of the MOD and the British Government. Because they estimate that it is worth £¼m and £¼m is a significant sum for the Government and the people of Gibraltar but that amount of money is spent by the Ministry of Defence in the United Kingdom simply by somebody putting a fullstop by mistake where a comma should be. Now that cost of £¼m would not get discovered until the National Audit Office discovered it twenty years later. So we feel that not only are we in a strong position as a matter of principle but we also feel that as a matter of fair play we are asking for precious little in exchange from the MOD for the situation of the very rapid rundown being planned and which will create problems of adjustments for our economy. So on top of that to seek to compete with us so that they can take money out of Gibraltar seems to us a bit too much. What we are looking at at the moment, Mr Speaker, is for a formula along the lines of the ones that we were able to conclude with Archie Hamilton over Cumberland Buildings which the MOD also intended to put up for sale because that was not freehold. Unfortunately, although at the time we were congratulating ourselves on what was an ingenious formula which had got us over the problem of the possible conflict with them we now realise that we actually did quite badly out of it because when we had persuaded them to exchange the area of land on which Cumberland Buildings was constructed for an equivalent area of land that they already held on leasehold terms at Europa and therefore we said: "This piece of land at Europa we will now call a freehold and this piece of land we will now call a leasehold and therefore since the building is over sixty years old you do not have to say you are breaking any principles by transferring it to us". Having done all that after many many hours of meetings we finished up with a situation where we then went and surveyed the building and we were told: "It is in a dangerous state and

it needs to be demolished" and it cost us £ $\frac{1}{4}$ m. It would have been better to have slapped a demolition order on the MOD before we negotiated the transfer and had got them to pay for the demolition. It shows that in practical terms what we have is a situation where they were trying to sell us something that when we finally got it it was not even worth keeping. I am very grateful to the Hon Member for the support that he has expressed and I have made it absolutely clear at the highest level to Ministers in UK that this is an issue where I am sure the whole of Gibraltar is united and where I am sure that public opinion will feel very, very resentful of any attempt, frankly, of the MOD to be such a skinflint. I hope that we are able to reach an understanding with them which will avoid us having to have a row.

HON A J CANEPA:

Mr Speaker, if no amicable agreement were to be reached and having regard to the legal advice which the Government has received, is the Government prepared to take the necessary steps to restrain the MOD from going ahead with the sale such as by taking the matter to the Supreme Court to try and get an Order served on the MOD to restrain them from going ahead with the sale? Can that be done?

HON CHIEF MINISTER:

Mr Speaker, I am not sure of the technicalities given that Her Majesty's Attorney-General represents the Crown and I am not sure whether that would mean that he would have to sue himself. I can however tell the Hon Member that the message that I have sent the Minister for Defence in UK is that if we have to go to war with the MOD then we have more than one exocet in our armoury.

HON ATTORNEY-GENERAL:

Mr Speaker, can I just add to what the Chief Minister has said, for clarification purposes, that he is perfectly right when he says that in such circumstances I would effectively have to sue myself. The Crown Proceedings Ordinance provides that all civil proceedings by or against the Crown must be issued by or against the Attorney-General. So Her Majesty's Attorney-General for Gibraltar, myself in my public capacity, is the plaintiff or the defendant nominally, as the case may be, in all proceedings by or against the Crown. To answer the point raised by the Hon Mr Canepa, I do not think it would be possible, Mr Speaker, to take action against the MOD in Gibraltar in such circumstances. Whether it would be possible to do so in London, I would have to investigate but I would hope that the matter can be resolved, certainly if not at a legal level then at a political level. I join forces, for my own personal reasons, with the Hon Member opposite in wishing the Chief Minister every success in his negotiations.

HON A J CANEPA:

Mr Speaker, it might be possible for a non-governmental agency, for instance, such as the Gibraltar Heritage Trust to file a petition against the MOD in the Gibraltar Courts.

HON J C PEREZ:

Mr Speaker, it might even be possible that if the Hon Mr Caruana is in agreement, that he could sue the Attorney-General then the issue would be doubly sub judice and we cannot discuss it here.

HON P R CARUANA:

Mr Speaker, in order that I may put into question form the support of the party that I lead for the broad approach that the Chief Minister has outlined, is to ask if the Government's position in relation to the handover of Crown Land which is a line in which the Gibraltar Social Democrats entirely agree, and whether he would agree that it is a complete red herring as to whether any particular UK Government Ministry paid £300 or any nominal sum of money to acquire the land as opposed to erect a building on a piece of land that was theirs and that the point is, is it not, as the Chief Minister has said, that this is land that in one way or the other, on the basis of some tenure or other, is now Crown Land and no longer required by the Crown in its Military capacity and that it should be handed over to the Crown in its civil capacity. Also that frankly it would be inconceivable to me and the party that I lead, as I am sure it would be to all Members of this House.....

HON A J CANEPA:

And an insult to the people of Gibraltar.

HON P R CARUANA:

And, indeed, an insult to the people of Gibraltar, that the question of litigation should not arise. The fact of the matter is that this is something on which I think the people of Gibraltar can and will speak with one voice.

HON CHIEF MINISTER:

Mr Speaker, I am very grateful for the views of Members opposite and I assure them that I will make sure that the views that they have so clearly and strongly expressed are conveyed to the proper authorities in London so that they will be able to satisfy themselves that, in fact, there is very strong feeling on this matter in Gibraltar. I agree entirely with the Member opposite that to me, looking at it rationally, it seems ridiculous that one should argue that the MOD has more right to sell property which may be one hundred years old

because the land is something which they paid for and yet they accept that they are not entitled to sell property which may be fifty years old because the land was one that they did not pay for even if in the end the building was to be more valuable than the land. We accept that a distinction was drawn in the 1983 Memorandum but, as the Hon Leader of the Opposition has said, before that, a distinction was drawn between reclaimed land and natural land and that there was nothing sacrosanct about reclaimed land because subsequently it was accepted that the reclaimed land should be given to the Government of Gibraltar and presumably the logic of having treated reclaimed land separately was that it cost money to reclaim which is exactly the same logic as that it cost money to buy the freehold. Frankly, we have looked at it in trying to understand their point of view and we simply cannot. We just do not think they are right.

HON A J CANEPA:

May I just add one final thought, Mr Speaker, and that is that the only political party not represented in the House, the Gibraltar National Party, will I am sure feel just as strongly as all of us do.

MR SPEAKER:

Next question.

THE HON LT-COL E M BRITTO

Does the Chief Minister advocate the decolonisation of Gibraltar on the basis of Independence as a Sovereign State?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I am not advocating the decolonisation of Gibraltar on the basis of Independence as a Sovereign State.

SUPPLEMENTARY TO QUESTION NO. 106 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, this by implication then means that the reports on the Chief Minister's words during his recent visit to India are clearly a slight misinterpretation of the word "Independence" since presumably he did not advocate Independence in India?

HON CHIEF MINISTER:

Mr Speaker, if the Hon Member wants an accurate report of what I have said I can actually send him the Hansard of what I said in New Delhi or I can send him the transcript of the interview I had on GBC with Mr Golt if he did not listen to it. If he wants to have my views on press reports then, as far as I am concerned, I do not comment on what the press has said but I can actually give him verbatim what I said. He will find there is no conflict between the answer I have given him today and what I have said in the past.

HON LT-COL E M BRITTO:

I thank the Chief Minister for that. I would be interested in reading the Hansard of what he said in New Delhi.

MR SPEAKER:

Next question.

NO. 107 OF 1991

ORAL

THE HON LT-COL E M BRITTO

What representations has Government made to the British Government in respect of Spain's flagrant disregard of Gibraltar's EEC rights by including Gibraltar among those countries whose nationals require visas to enter Spain?

ANSWERTHE HON THE CHIEF MINISTER

Mr Speaker, I raised this matter on the 2nd October, 1991, directly with the Minister of State at the Foreign and Commonwealth Office, ie on the very day that news reached me in London that Spanish frontier Police had stamped entry permits on Gibraltar passports.

I subsequently received written assurances that the Spanish authorities had issued instructions to all frontier posts in Spain that neither entry nor departure stamps would be affixed on the passports of nationals of EC Member States, including Gibraltarians.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1991

HON LT-COL E M BRITTO:

Mr Speaker, since the Chief Minister indicated in a television interview, I think it was, that the procedure had existed before the 2nd October and despite Spanish assurances to the contrary, is he now satisfied that Gibraltar has been removed from that list of countries?

HON CHIEF MINISTER:

I have, Mr Speaker, been given a copy of the instructions that have gone out and what I indicated in my television interview was that, in fact, when the rumour started circulating in Gibraltar, I think it was in July, that Gibraltarian passports were not going to be accepted at the frontier and we had a few people actually turning up at 6 Convent Place looking for British passports so we knew that the rumour was being taken seriously by some people, we alerted London via the Convent and the message we got back was that this had been raised in Madrid and that Madrid had said the whole thing was complete nonsense and we had that in writing. When it actually transpired that they stopped a coachload of Gibraltarians we went back again to London who said that they had gone back to Madrid and Madrid had said that it had been a misunderstanding and that it was going to be put right. And we said: "This is

not acceptable to us because, first of all, when we first warned you that there were these rumours circulating you simply went and asked in Madrid and they told you it was complete nonsense and you accepted that at face value but it did not stop them doing it so therefore we need something more concrete than this otherwise, as far as we are concerned, we would expect you to raise the matter as a formal complaint to the European Commission and if you do not we will". It was as a follow-up to that that we got the text of the written document that has been circulated confirming what I have told the Hon Member in my original answer.

HON P R CARUANA:

Mr Speaker, will the Chief Minister agree that what is required here is not an agreement by Spain not to require the issue of visas as a matter of concession or agreement but that Gibraltar must be removed from the list forthwith?

HON CHIEF MINISTER:

Well, Mr Speaker, the list that was sent out is a booklet which is not entirely hostile to Gibraltar's interests because it actually includes us in the List of Independent Nations so there are certain advantages that Spain at least has recognised us on one occasion, in an official document, as an independent nation. But what we have from them is that an official document has come out of which I have been sent a copy, which has gone out to every frontier post telling them that they should disregard the reference to Gibraltar because Member States of the Community are not required to have visas and Gibraltar is by virtue of Article 227 part of the European Community. I do not suppose there is a way in which we can actually say to Spain: "You must withdraw all the previous booklets and reprint them". Obviously we are keeping a watchful eye on the situation and if Members on the other side of the House or members of the press or members of the public have any reason to believe that notwithstanding the written assurances we have this is not being adhered to then the Government will be grateful if that information is brought to our attention and we will act on it immediately.

MR SPEAKER:

Next question.

12.11.91

NO. 108 OF 1991

ORAL

THE HON P R CARUANA

Does the Government accept the reliability of the frequently repeated assurances by Her Majesty's Government that the sovereignty of Gibraltar will not be transferred contrary to the freely expressed wishes of the people of Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

Yes, Sir.